

# ANNUAL TOWN MEETING

*April 25, 26, 27, 2011*

*The 2011 Annual Town Meeting minutes printed below are excerpted from the official minutes of this Meeting. For the complete text of all votes taken at this Meeting, contact the Town Clerk's Office.*

Pursuant to the Warrant signed by the Selectmen on February 7, 2011, Town Moderator Eric E. Van Loon called the 2011 Annual Town Meeting to order at 7:04 pm at the Concord-Carlisle High School Auditorium and Cafeteria. Mr. Van Loon reminded those present of the purpose and significance of Town Meeting, which serves as the legislative body for our Town, approving expenditures and enacting Town policy and bylaws. Individual voters can attend Town Meeting in person, speak their views, and vote their convictions on the financial and policy matters that shape the quality of life in Concord. He thanked those present for taking the time to attend and participate.

Mr. Van Loon declared that he had inspected the Return of Service of the Warrant, finding it to be in order, and that a sufficient number of voters were present to permit the meeting to be opened.

Upon a Motion made by Jeffrey Wieand and duly seconded, it was **Voted**: that this meeting be held in the CCHS Auditorium, Cafeteria, and if necessary the Upper Gymnasium; that the halls be connected by a public address system and speakers so that the proceedings in each can be heard and participated in by all voters present in any hall.

Mr. Van Loon reported that he had appointed Margaret B. Briggs, Gary R. Clayton, John H. Clymer, and George M. Dallas to serve as Assistant Moderators:.

Upon a Motion made by Jeffrey Wieand and duly seconded, it was **Voted** that this Meeting elect Margaret B. Briggs as Deputy Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position.

Mr. Van Loon reported that he had appointed Abraham Fisher as Head Teller, to be assisted by Gregory Englund. In the event the Meeting votes to take a written ballot on a motion, the ballot counting procedure and certification of the vote will be supervised by David Allen, to be assisted by David Karr.

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Johanna R. Glazer was introduced as the Town Meeting Procedures Resource Person.

Mr. Van Loon urged those present to review the key procedural documents available at the entrance to both rooms. He urged voters to review the *Finance Committee Report* and he made note of the chart in the front of the book indicating the recommendations of the Finance Committee and Board of Selectmen.

Mr. Van Loon acknowledged Concord's Aaa credit rating and thanked the Finance Committee, Finance Director Anthony Logalbo and his staff, Town Manager Chris Whelan, the Board of Selectmen and the School Committees of the Town and Regional School District for helping to keep Concord's fiscal affairs in good order and control.

Mr. Van Loon noted the following appointments under the Finance Committee Bylaw: Reappointment for a three-year term: Nancy C. Barrett, Bruce W. Button and Lynn B. Salinger; Appointment for a three-year term: Alexandra Kuchar and Wendy J. Rovelli.

Mr. Van Loon noted the retirement of members Mark Howell and Judith Quanrud and thanked them both for their service to the Town. Anna Trout was introduced as the Town Technical Professional. Fire Chief Mark Cotreau reviewed evacuation procedures. Voters were reminded to check in with the Election Officers and pick up a Voting Slip which will be used to identify those present as entitled to vote.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Van Loon asked attendees to stand in a moment of silence to reflect on how, through this Town Meeting, we and our neighbors are gathered to provide for our common good. As we deliberate and vote, may we remember that the passions of the moment are not always the best guide for our conduct in the future. And if a Town Meeting action requires sacrifice by some, may it be only where the common goal is worthy of the sacrifice. Let us approach each issue, no matter how difficult

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or divisive, with an open heart and with an open mind. And above all, may each of us maintain a saving sense of humor, so that the debates at this Town Meeting will not be a source of division among us when our business here is concluded.

Mr. Van Loon thanked the many citizens and Town and School employees who worked long hours to prepare the reports and background materials which will guide us through the Meeting. He noted that the minutes of the Meeting will be kept by Town Clerk Anita Tekle, who was thanked along with Assistant Town Clerk Pat Clifford in the cafeteria, and the Election Officers and staff in the lobby. He noted that the person who is responsible for making Town Meeting run smoothly is Town Meeting Coordinator Laurel Landry.

He brought to the assembly's attention the *2010 Town Report* and the presence of Green Cards. Residents were encouraged to participate in Town governance.

On a Motion made by Jeffrey Wieand and duly seconded, it was **Voted**: that the reading of the Warrant and the Return of Service thereon be omitted.

On a Motion made by Jeffrey Wieand and duly seconded, it was **Voted**: that the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm, Tuesday, April 26.

#### *Article 1. Choose Town Officers*

Under Article 1, Mr. Van Loon reported the results of the Annual Town Election held on March 29, 2011.

On a Motion made by Stanly Black and duly seconded, it was **Voted**: that Article 1 remain open for such other action thereunder as may be necessary and that the Meeting take up Article 2.

#### *Article 2. Hear Reports*

On a Motion made by Jeffrey Wieand and duly seconded, it was **Voted**: to accept the reports of the various Town Officers and Committees.

Michael Lawson made the following Motion that was duly seconded: that the 2011 Annual Town Meeting advance for consideration Articles 3, 4, 11, 13, 14, 15, 16, 17, 18, 19, 20, 28, 29, 30, 45, 46, 48, 49 and 58, and take action on such Articles without debate on any of

such Articles, provided that upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

After reading the motion and giving a brief explanation of each Article, the Moderator inquired whether there was a request to drop any of the Articles from the Consent Calendar Motion. No such objections were raised. The Consent Calendar was accordingly **Voted** as follows:

### CONSENT CALENDAR

(Articles 3, 4, 11, 13, 14, 15, 16, 17, 18, 19, 20, 28, 29, 30, 45, 46, 48, 49 and 58)

#### *Article 3. Meeting Procedure*

Upon a Motion made by Michael Lawson and duly seconded, it was **Voted**: that the Town adopt a "Rule of the Meeting" Resolution governing requirements on motions and amendments to motions made under articles concerning expenditures, in order to assure compliance with the requirements of Proposition 2½.

#### *Article 4. Ratify Personnel Board Classification Actions*

Upon a Motion made by Judith Terry and duly seconded, it was **Voted**: To ratify the Personnel Board's actions to amend the Classification and Compensation Plan.

#### *Article 11. Free Cash Use*

Upon a Motion made by Michael Lawson and duly seconded, it was **Voted**: to authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2012.

#### *Article 13. Property Tax Exemptions*

Upon a Motion made by Barron Lambert and duly seconded, it was **Voted**: to accept the provisions of §4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, and 41C of §5 of Chapter 59 of the MGL.

***Article 14. Light Plant Payment in Lieu of Taxes***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** to authorize a transfer of \$380,000 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2012.

***Article 15. Light Plant Expenditures***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** that the income from sales of electricity and from servicing and jobbing during the ensuing fiscal year together with the balance of operating cash in the Light Plant Fund, be expended without further appropriation for the expenses of the Light Plant.

***Article 16. Road Repair Revolving Fund Expenditures***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way, in an amount not to exceed \$50,000 be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways.

***Article 17. Solid Waste Disposal Fund Expenditures***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation.

***Article 18. Sewer System Expenditures***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** that the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund be expended without further appropriation.

***Article 19. Sewer Improvement Fund Expenditures***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** that the income from sewer improvement fees during the ensuing fiscal year, together

with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation.

***Article 20. Water System Expenditures***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** that the income from user fees, special services fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation

***Article 29. Transfer of Funds to the Concord Public Schools Capital Needs Stabilization Fund***

Upon a Motion made by Peter Fischelis and duly seconded, it was **Voted:** to transfer the amount of \$100,000 from available funds originally appropriated for the operation of the Concord Public Schools of the Town for the fiscal year ending June 30, 2010 and encumbered at that year end, said amount to be transferred into the CPS Capital Needs Stabilization Fund.

***Article 30. Transfer of Funds to the Concord-Carlisle Regional School District Technology Stabilization Fund***

Upon a Motion made by Peter Fischelis and duly seconded, it was **Voted:** to authorize the Concord-Carlisle Regional School District treasurer to transfer into the Concord-Carlisle Regional School District Technology Stabilization Fund the amount of \$37,587 from available funds encumbered by the District at June 30, 2010.

***Article 45. Zoning Bylaw Amendment—Table of Principal Uses(Corrections)***

Upon a Motion made by Mark Bobrowski and duly seconded, it was **Voted:** to amend the Zoning Bylaw §2.1 Classification of Districts, and §4 Classification of Principal Uses, Table I.

***Article 46. Zoning Bylaw Amendment—Table III—Dimensional Regs***

Upon a Motion made by Mark Bobrowski and duly seconded, it was **Voted:** to amend the Zoning Bylaw Table III – Dimensional Regulations.

**Article 48. Zoning Bylaw Amendment–Special Home Occupation**

Upon a Motion made by Coleman Hoyt and duly seconded, it was **Voted:** to amend Zoning Bylaw Section 5.3.6.2 Special Home Occupation.

**Article 49. Zoning Bylaw Amendment– Spelling Correction**

On a Motion made by Coleman Hoyt and duly seconded, it was **Voted:** to amend the title of Zoning Bylaw subsection 10.3.4.3.

**Article 58. Debt Recission**

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** to rescind the following unused borrowing authorization: Article 5 of 2007 Special Town Meeting Willard School construction \$2,800,000.

**END OF CONSENT CALENDAR**

**Article 5. Classification and Compensation Plan for Regular-Status Positions**

Upon a Motion made by Judith Terry and duly seconded, it was **Voted:** to amend the Classification and Compensation Plan for all regular-status Town positions effective July 1, 2011.

**Article 6. Town Budget**

Finance Committee Chair Michael Lawson provided an overview of the Town’s financial climate and the budget guidelines. After a Motion was made by Christopher Whelan, the highlights of the Town budget were reviewed. Mr. Van Loon asked if there were any “holds” on the budget line items, and there were holds for Lines 1A, 41A and 41B. The questions were addressed, and a **Vote** was taken on Mr. Whelan’s Motion, which was **Voted:** to raise and appropriate the following amounts of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2012, and that the same be expended only for such purposes under the direction of the Town Manager:

**TOWN BUDGET FISCAL YEAR 2011-2012**

No.	Department	Appropriation
<b>GENERAL GOVERNMENT</b>		
1A	Town Manager	\$294,318
1B	Town-wide building maintenance	159,000
1C	Human Resources Department	<u>167,853</u>
	TOTAL Town Manager Acct.#1	\$621,171
2	Legal Services	\$225,000
3A	Elections	\$27,134
3B	Registrars	<u>8,206</u>
	TOTAL Elections & Registrars Acct. #3	\$35,340
4	Town Meeting & Reports	\$77,800
5	Planning and Land Management	
5A	Planning	\$236,682
5B	Board of Appeals	46,924
5C	Natural Resources	189,737
5D	Inspections	342,495
5E	Health	<u>236,315</u>
	TOTAL Planning & Land Management	\$1,052,153
6	141 Keyes Road	<u>65,383</u>
	<b>TOTAL GENERAL GOVERNMENT</b>	<b>\$2,076,847</b>

No.	Department	Appropriation
<b>FINANCE AND ADMINISTRATION</b>		
7	Finance Committee	\$3,100
8	Finance Department	
8A	Administration	\$245,844
8B	Treasurer-Collector	246,563
8C	Town Accountant	123,354
8D	Assessors	370,852
8E	Town Clerk	202,458
	<b>TOTAL Finance Department</b>	<b>\$1,189,071</b>
9	Information Systems	\$386,338
10	Town House	\$102,835
	<b>TOTAL FINANCE AND ADMINISTRATION</b>	<b>\$1,681,344</b>
<b>PUBLIC SAFETY</b>		
11	Police Department	\$3,825,111
12	Fire Department	3,506,738
13	West Concord Fire Station	36,779
14	Police and Fire Station	200,444
15	Emergency Management	12,810
16	Dog Officer	18,693
	<b>TOTAL PUBLIC SAFETY</b>	<b>\$7,600,575</b>
<b>PUBLIC WORKS AND FACILITIES</b>		
17	Public Works Department	
17A	CPW Administration	\$155,875
17B	Engineering	361,968
17C	Highway Maintenance	1,116,388
17D	Parks and Trees	583,688
17E	Cemetery	68,089
	<b>TOTAL PUBLIC WORKS DEPARTMENT</b>	<b>\$2,286,008</b>
18	Snow and Ice Removal	\$513,000
19	Street Lighting	50,000
20	CPW Equipment	210,000
21	Drainage Program	215,000
22	Sidewalk Management	100,000
23	Road Improvements	90,000
24	133/135 Keyes Road	87,981
	<b>TOTAL PUBLIC WORKS AND FACILITIES</b>	<b>\$3,551,989</b>
<b>HUMAN SERVICES</b>		
25	Library	\$1,771,924
26	Recreation Administration	88,644
27	Hunt Recreation Center	82,945
28	Harvey Wheeler Community Center	134,076
29	Council on Aging	242,053
30	Veterans Services and Benefits	30,222
31	Ceremonies and Celebrations	23,540
32	Visitors' Information Center and Restrooms	22,854
	<b>TOTAL HUMAN SERVICES</b>	<b>\$2,396,258</b>
<b>UNCLASSIFIED</b>		
33	Town Employee Benefits	\$100,000
34	Reserve Fund	225,000
35	Salary Reserve	470,000
36	Land Fund	0
	<b>TOTAL UNCLASSIFIED</b>	<b>\$795,000</b>

<b>JOINT (TOWN-CPS)</b>		
37A	Group Insurance	\$4,800,000
37B	Property and Liability Insurance	<u>175,000</u>
	TOTAL Acct.#37	\$4,975,000
38A	Unemployment compensation	\$100,000
38B	Workers' Compensation	<u>100,000</u>
	TOTAL Acct. #38	200,000
39	Retirement	\$2,860,000
40	Social Security & Medicare	\$610,000
41A	Debt Service – within levy limit	\$3,275,000
41B	Debt Service – excluded from levy limit	<u>\$4,174,334</u>
	TOTAL Debt Service Acct.#47	\$7,449,334
	<b>TOTAL JOINT ACCOUNTS</b>	<b>\$16,094,334</b>
	<b>TOTAL ARTICLE 6</b>	<b>\$34,196,347</b>

***Article 7. FY11 Transfer from Insurance Reserve Fund to OPEB Trust***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** to transfer the sum of \$700,000 from the Insurance Reserve Fund to the Post-Retirement Group Health Insurance Trust Fund.

***Article 8. Public School Budget***

Upon a Motion made by Pamela Gannon and duly seconded, it was **Voted:** to raise from the tax levy and appropriate the amount of \$28,474,200 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2012.

***Article 9. Concord-Carlisle Regional High School Budget***

Upon a Motion made by Peter Fischelis and duly seconded, it was **Voted:** to raise from the tax levy and appropriate the Town's apportioned share of \$15,089,162 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2012.

***Article 10. Minuteman Career and Technical High School Budget***

Upon a Motion made by David Bearg and duly seconded, it was **Voted:** to raise from the tax levy and appropriate the Town's apportioned share of \$531,008 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2012.

Article 11. Voted under Consent Calendar on April 25th.

***Article 12. Unpaid Bills***

There was NO Motion made under this Article.

Articles 13 through 20. **Voted** under Consent Calendar on April 25.

***Article 21. Beede Swim & Fitness Center Enterprise Fund: FY12 Budget***

Upon a Motion made by Christopher Whelan and duly seconded, it was **Voted:** to appropriate the amount of \$2,476,694 for the operating expenses of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2011, and that to meet this appropriation the amount of \$2,383,618 be appropriated from the estimated fiscal year 2012 revenues of the Community Pool Enterprise Fund and \$93,076 from the certified undesignated fund balance of June 30, 2010.

***Article 22. 2012 Road Program***

Upon a Motion made by James Smith and duly seconded, it was **Voted:** to appropriate the amount of \$750,000 for the reconstruction or renovation of roads and streets within the Town; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow the amount of \$750,000.

***Article 23. Contract for Water/Wastewater and Electric Utility Ownership/Operation at Hanscom Air Force Base***

There was NO Motion made under this article.

*Article 24. Municipal Outdoor Lighting (by petition)*

There was NO Motion made under this article.

Article 25. Pre-scheduled to be taken up beginning at 7:30 pm on April 26.

*Article 26. Elementary School Debt Stabilization Fund Use*

On a Motion made by Michael Lawson and duly seconded, it was **Unanimously Voted**: to appropriate the amount of \$700,000 from the Elementary School Debt Stabilization Fund for the portion of the debt service due during fiscal year 2012 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings.

*Article 27. Concord Public School Renovations*

On a Motion made by Maureen Spada and duly seconded, it was **Voted**: to appropriate the amount of \$825,000 to be expended for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord Public School facilities.

At this point in the proceedings at 9:15 pm, the assembly took a brief stretch break. The meeting resumed at 9:23 pm.

Articles 28 through 30. Voted under Consent Calendar on April 25.

*Article 31. Condemnation of Depraved Play and Defamation of Jews (by petition)*

Lee Ann Kay made a Motion to condemn the production of the play “Falsettos” by Concord-Carlisle High School in 2009. After a presentation made by Ms. Kay, and statements from the Board of Selectmen and School Committee, James Smith made the following Amendment to Ms. Kay’s Motion: to replace Ms. Kay’s motion in its entirety with the following: that Town Meeting applauds the production of the play “Falsettos” with public funds by Concord-Carlisle High School in 2009, and urges the Regional School Committee to commend the employees of the School District responsible for this play and further urges the Regional School Committee to continue to foster positive role models and responsible citizenship through actions such as the production of plays like “Falsettos” that are meant to create opportunities for critical thought, rather than simply to entertain.

After discussion, there a **Motion to Call the Question** on the amendment. A Vote was taken by a show of hands on the Motion, which **Passed**. A Vote was then taken on the amendment, which **Passed**. There was a **Motion to Call the Question Under Article 31 as Amended**, which **Passed**. A Vote was then taken on Article 31 as amended by Mr. Smith, which **Passed**.

The meeting adjourned at 10:15 pm.

**ADJOURNED SESSION**

**ANNUAL TOWN MEETING APRIL 26, 2011**

Town Moderator Eric Van Loon called the second session of the 2011 Annual Town Meeting to order at 7:05 pm on April 26, 2011.

On a Motion made by Jeffrey Wieand and duly seconded, it was **Unanimously Voted**: that the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, Wednesday, April 27.

Elise Woodward, speaking on behalf of the Board of Selectmen, recognized Town Employees who had retired during the year and Town Employees with 25 or more years of service. Pam Gannon, speaking on behalf of the School Committee, recognized Concord Public School and Concord-Carlisle Regional School Employees who had retired during the year, and those with 25 or more years of service. All were thanked for their service to the community.

*Article 32. Emergency Medical Services Revolving Fund– Creation & Expenditures*

Upon a Motion made by Christopher Whelan and duly seconded, it was **Unanimously Voted**: to authorize the Board of Selectmen to establish an Emergency Medical Services Revolving Fund, effective on or after July 1, 2011, into which the Treasurer shall deposit the revenue from ambulance charges and other fees paid by insurance companies, individuals and others for Emergency Medical Services, and authorize an amount not to exceed \$400,000 be expended without further appropriation for the purpose of providing such Emergency Medical Services.

The following article was pre-scheduled by the Moderator.

*Article 25. Restoration of Streetlights on Concord's Public Roadways* (by petition)

The following Motion was made by Dorrie Kehoe and duly seconded: to raise and appropriate the sum of \$22,000 for the same purpose and in addition to the amount appropriated in Article 6, line item #19, Street Lighting, and further that the Town Manager is authorized, in the interest of public safety and convenience, to restore by October 30, 2011, approximately 500 streetlights in an equitable and energy efficient manner at locations to be determined by him or his designee.

After a lengthy discussion, at 8:50 pm there was a **Motion to Call the Question**, which was **Voted**. A standing counted Vote was then taken on the Motion, which **Passed** (with 435 voting in favor and 331 opposed).

*Article 33. Aerial Ladder Truck Replacement*

On a Motion made by Christopher Whelan and duly seconded, it was **Voted**: to appropriate the amount of \$900,000 to be expended under the direction of the Town Manager for the purchase of a Fire Department aerial ladder truck; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$900,000.

*Article 34. Radio Frequency Identification System -- Concord Public Library*

The following Motion was made by Christopher Whelan and duly seconded: to appropriate the amount of \$140,000 for the purchase and installation of a Radio Frequency Identification System (RFID) for the Concord Public Library; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$140,000.

After discussion, at 9:15 pm there was a **Motion to Call the Question**, which was **Voted**. A Vote was then taken on Mr. Whelan's motion, which **Passed**.

*Article 35. Rideout Playground Equipment Replacement*

On a Motion made by Christopher Whelan and duly seconded, it was **Voted**: to appropriate the amount of \$250,000 for the replacement, renovation, and any other work related to improvement of the playground equipment and facilities at Rideout Playground; and that to meet this appropriation the Treasurer with the

approval of the Board of Selectmen be authorized to borrow \$250,000.

*Article 36. West Concord Center Roadway-Related Improvements*

On a Motion made by Christopher Whelan and duly seconded, it was **Voted**: to appropriate the amount of \$50,000 to be expended for engineering, design and survey services related to the renovation and improvement of Main Street in West Concord Center; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$50,000.

*Article 37. Guidelines for a Sustainable Concord* (by petition)

The following Motion was made by Hasso Ewing and duly seconded: to urge the Town Manager and the Board of Selectmen to establish sustainability principles or guidelines designed to promote the conservation of resources and sustainable practices in the activities of Town government.

After discussion, there was a **Motion to Call the Question**, which was **Voted**. A Vote was then taken on Ms. Ewing's Motion, which **Passed by Majority Vote**.

At 9:45 pm the assembly took a brief stretch break. At 9:48 pm, Mr. Van Loon asked for guidance from the group as to whether we should stay and take up Articles 38 and 39 tonight, or take up 38 tonight and 39 tomorrow. Michael Lawson made a Motion to take up both questions tonight, and then adjourn, which was duly seconded. A Vote was taken, and Mr. Lawson's **Motion Passed** by a show of hands.

*Article 38. Drinking Water in Single-Serving PET Bottles Bylaw* (by petition)

A Motion was made by Jean Hill and duly seconded to adopt a bylaw banning the sale of water in single-serving PET bottles. The **Motion failed to Pass** (with 265 voting in favor and 272 opposed).

*Article 39. Resolution to Discourage the Sale or use of Disposable Single-Serving Bottled Drinking Water* (by petition)

Upon a Motion made by Janet Lawson and duly seconded, it was resolution was **Voted**: Town Meeting 2011 urges the citizens of Concord to voluntarily stop buying

drinking water in single-serving bottles, and Concord municipal departments, schools, businesses and non-profit institutions to take action as appropriate to reduce or eliminate the consumption of single-serving bottled water, and further charges the Board of Selectmen, Town Manager and Concord Public Schools to initiate a comprehensive educational campaign to achieve this goal and to urge the State legislature to pass an Expanded Bottle Bill which includes single-serving water bottles.

After a discussion, at 11:10 pm, there was a **Motion to Call the Question**, which was duly seconded. Ms. Lawson was allowed to respond to one outstanding question, and then a Vote was taken on the motion, which **Passed**. At 11:12 pm a Vote was taken on Ms. Lawson’s motion, which **Passed**.

The meeting adjourned at 11:15 pm.

**ADJOURNED SESSION**

**ANNUAL TOWN MEETING APRIL 27, 2011**

Town Moderator Eric Van Loon called the third session of the 2011 Annual Town Meeting to order at 7:07.

**Article 40. Farming Bylaw**

On a Motion made by Jennifer Hashley and duly seconded, it was **Voted**: to adopt a Farming Bylaw for the Town of Concord.

**Article 41. Community Preservation Committee Appropriation Recommendations**

On a Motion made by Lynn Huggins and duly seconded, it was **Voted**: to appropriate the amount of \$974,320 from the Concord Community Preservation Fund, of which up to \$45,286 shall be appropriated from the undesignated fund balance as of June 30, 2010, and up to \$929,034 shall be appropriated from projected Fiscal Year 2012 Fund Revenues.

At 7:37 pm the Annual Town Meeting was suspended so that the Special Town Meeting could be called to order. At 9:35 pm, after conclusion and adjournment of the Special Town Meeting, the Annual Town Meeting was resumed.

**Article 42. Land Acquisition—6A Harrington Avenue**

On a Motion made by Christopher Whelan and duly seconded, it was **Voted**: to authorize the Natural Resources Commission to acquire real property interests in the property at 6A Harrington Avenue for conservation purposes.

**Article 43. Zoning Bylaw Amendment—Side Yards**

On a Motion made by Elise Stone and duly seconded, it was **Voted**: to amend §6.2.7 and Table III of the Zoning Bylaw relating to side yards.

Category	amount	prior year balance	FY12 CPA Fund Revenues
<b>Open Space, Recreation</b>	0		
White Pond Watershed Management Plan	64,403		64,403
Heywood Meadow Restoration and Preservation	95,000		95,000
CPA Open Space Reserve Fund	35,317		35,317
<b>Historic Preservation</b>	0		
Caesar Robbins Historical Center	300,000	45,286	254,714
Concord Scout House, Inc. – Phase I Rehab.	100,000		100,000
School of Philosophy Restoration	158,600		158,600
<b>Community Housing</b>	0		
Regional Housing Services	16,000		16,000
Junction Village Predevelopment	75,000		75,000
CPA Housing Reserve Fund	20,000		20,000
<b>Property acquisition fund</b>	80,000		80,000
<b>Administrative Expense</b>	0		
Town of Concord	30,000		30,000
	974,320	45,286	\$929,034

***Article 44. Zoning Bylaw Amendment–Definition of Height***

On a Motion made by Elise Stone and duly seconded, it was **Voted:** to amend § 6.2.11 and Table III of the Zoning Bylaw relating to definition of height.

Articles 45 & 46. Voted on Consent Calendar on April 25th.

***Article 47. Zoning Bylaw Amendment-Commercial Vehicle Wheel Base***

On a Motion made by Coleman Hoyt and duly seconded, it was **Voted:** to amend Zoning Bylaw §4.5.14 Auto repair shop and §5.3.5 Garaging or parking of commercial motor vehicles to increase the allowed size of a commercial vehicle.

Articles 48 & 49. Voted on Consent Calendar on April 25th.

***Article 50. Zoning Bylaw Amendment-Table of Use Regulations (West Concord Business District)***

On a Motion made by Christopher Sgarzi and duly seconded, it was **Voted:** to amend Zoning Bylaw § 4 Classification of Principal Uses, Table 1 – Principal Use Regulations to modify the uses in the West Concord Business (WCB) District.

***Article 51. Zoning Bylaw Amendment-Establish the West Concord Business District***

There was NO Motion made under this article.

***Article 52. Zoning Bylaw Amendment-Grocery Store, Retail Store and Restaurant***

On a Motion made by Christopher Sgarzi and duly seconded, it was **Voted:** to amend the Zoning Bylaw to add a definition of grocery store and add a size limitation to the definitions of retail store and restaurant uses when located in the West Concord Business (WCB) District and the proposed West Concord Village (WCV) District.

***Article 53. Zoning Bylaw Amendment-Table III-Dimensional Regulations***

On a Motion made by Christopher Sgarzi and duly seconded, it was **Voted:** to amend the Zoning Bylaw to add references for maximum front yard and minimum building height to §6.2.6 and 6.2.11 and Table III.

***Article 54. Zoning Bylaw Amendment-Formula Business with a Cap***

On a Motion made by Gary Kleiman and duly seconded, it was **Voted:** to amend the Zoning Bylaw, §1 by adding a definition for “Formula Business” and define the number, location and visual features of such businesses in the West Concord Business (WCB) District and the West Concord Village (WCV) District.

***Article 55. Zoning Bylaw-Formula Business without a Cap***

There was NO Motion made under this article.

***Article 56. Zoning Bylaw Amendment-Extended Stay Hotel (by petition)***

A Motion made by Dan Holmes to amend the Zoning Bylaw to allow hotel and motel use in the Industrial Park District to allow extended stay hotel use in the Limited Business District 1 and in the Industrial Park District **Failed to Pass** (84 in favor and 72 opposed—did not meet the required 2/3 vote).

***Article 57. Lexington & Concord 1775: Special MA License Plate (by petition)***

On a Motion made by Joseph L. Andrews, Jr. and duly seconded, it was **Voted:** to support the efforts of Massachusetts citizens, in cooperation with the Registry of Motor Vehicles, to create a new special automobile license plate: “Lexington and Concord 1775.”

Article 58. Voted under the Consent Calendar on April 25.

There being no further business to come before the assembly, the Annual Town Meeting was dissolved at 11:47 pm.

Respectfully submitted,

Anita S. Tekle

Town Clerk

Attendance: There were 547 registered voters in attendance on the first night of Town Meeting, April 25; 843 registered voters on April 26; and 514 registered voters on the final night, April 27. This represents an unduplicated voter count of 1,147 (9.5% of the registered voters in Concord).