

2009 ANNUAL TOWN MEETING

April 27, 28, and 29, 2009

NOTE: The 2009 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 9, 2009, Town Moderator Edward N. Perry called the 2009 Annual Town Meeting to order at 7PM on April 27, 2009 at the Concord-Carlisle High School Auditorium, Cafeteria and, if necessary, the Upper Gymnasium. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the meeting to be opened.

Upon a MOTION made by Gregory Howes and duly seconded, the following was Voted:

That this meeting be held in the Concord-Carlisle Regional High School Auditorium, Cafeteria and, if necessary, the Upper Gym, and that the halls be connected by means of a public address system and loudspeakers so that the proceedings in the Auditorium can be heard by all voters present in any hall.

Mr. Perry noted that he had appointed Carolyn C. Flood, Margaret B. Briggs, Gary R. Clayton and John H. Clymer to serve as Assistant Moderators at this Town Meeting, and that they had been duly sworn to the faithful and impartial discharge of their duties. Upon a MOTION made by Gregory Howes and duly seconded, it was VOTED: To elect George M. Dallas as Deputy Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position. Mr. Dallas was duly sworn.

Mr. Perry expressed gratitude to the Regional School Committee, Principal, staff, faculty and students for accommodating us for Town Meeting. He noted the Town's continued Aaa bond rating, thanking Finance Director Anthony Logalbo and staff, Town Manager Chris Whelan, the Selectmen, and School Committees for their continued stewardship of the Town's fiscal affairs. Mr. Perry noted his reappointment of the following Finance Committee members: Walter Birge, Michael Lawson and Carol Wilson. He appointed the following new members to the Finance Committee: Radha Jalan and John Hutchins. He noted the retire-

ments of Susan Bates and Thomas Anzer and thanked them for their six years of service.

Mr. Perry urged everyone to read the Finance Committee Report, the *Moderator's Notes for the 2009 Annual Town Meeting*, and *Concord's Town Meeting Traditions and Procedures*. Mr. Perry noted that Dr. Susan Curtin would be serving as Town Meeting Resource Person. The Town's IT Director David Mickey was introduced as the Technical Resource person, to be assisted by Denise Caruso and Wendy Humphreys.

Fire Chief Mark Cotreau reviewed evacuation procedures in the event of an emergency.

Mr. Perry noted that Abraham Fisher had been appointed Head Teller, to be assisted by Todd Crocker. David Allen was appointed Ballot Supervisor, to be assisted by Mark Myles, in the event of a ballot vote. Mr. Perry administered the oath of office to the Tellers and Ballot Counters.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Perry asked attendees to stand and observe a moment of silence and reflect on how, through this Town Meeting, our neighbors and we provide for our common good. He asked that we be reminded that the passions of the moment are not necessarily the best guide for our conduct in the future, and that if sacrifice by a few is required, the sacrifice should be only where the common goal is worthy of the sacrifice. He asked that we approach each issue, no matter how divisive, with an open heart, an open mind, and a sense of humor.

Mr. Perry acknowledged and thanked Town Meeting Coordinator Laurel Landry for helping to make the meeting go smoothly.

Upon a MOTION made by Gregory Howes and duly seconded, it was VOTED: That the reading of the Warrant and the Return of Service thereon be omitted.

Mr. Perry urged residents to read the Annual Town Report and noted the availability of Green Cards. Mr.

Perry noted that at this time he did not anticipate any motions under Articles 13, 15, 47, 50, 52, 54, 55 and 56. He reviewed the likely schedule for the meeting.

Upon a MOTION made by Gregory Howes and duly seconded, it was VOTED: That the Meeting take up no new business after 10PM, and when we adjourn, we vote to reconvene in these same premises at 7PM tomorrow evening, April 28.

ARTICLE 1. CHOOSE TOWN OFFICERS
Under Article 1, Mr. Perry reported the results of the Town Election held on March 31, 2009.

Upon a MOTION made by Gregory Howes and duly seconded, it was VOTED: That Article 1 remain open for such other action there under as may be necessary and that the meeting take up Article 2.

ARTICLE 2. HEAR REPORTS
Upon a MOTION made by Gregory Howes and duly seconded, it was VOTED: To accept the reports of the various Town Officers and Committees.

Following a brief explanation by Mr. Perry of the procedures for the proposed Consent Calendar, Walter Birge made the following MOTION that was duly seconded:

That the 2009 Annual Town Meeting advance for consideration Articles 5, 16, 21, 22, 23, 24, 26, 27 and 51 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 as to whether there was a request to drop any of the articles from the Consent Calendar motion. No requests were made. Upon a show of hands, the Consent Calendar was UNANIMOUSLY VOTED, and so declared by the Moderator, as follows:

CONSENT CALENDAR

(Articles 5, 16, 21, 22, 23, 24, 26, 27, and 51)

ARTICLE 5. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

Upon a MOTION duly made and seconded, it was VOTED: To ratify the Personnel Board's actions to amend the Classification and Compensation Plan.

ARTICLE 16. PROPERTY TAX EXEMPTION
Upon a MOTION duly made and seconded, it was VOTED: To accept the provisions of §4 of CH. 73 of the Acts of 1986 as amended by CH. 126 of the Acts of 1988, and 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 CH. 59 of the MGL.

ARTICLE 21. LIGHT PLANT PAYMENT IN LIEU OF TAXES

Upon a MOTION duly made and seconded, it was VOTED: That the Town vote to authorize a transfer of \$355,000 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for FY 2010.

ARTICLE 22. LIGHT PLANT EXPENDITURES
Upon a MOTION duly made and 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, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant.

ARTICLE 23. ROAD REPAIR REVOLVING FUND EXPENDITURES

Upon a MOTION duly made and seconded, it was VOTED: That the income and fees paid by applicants to the Commissioners of Public Works for permits to dig up, alter or disturb a public way, in an amount not to exceed \$120,000, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways.

ARTICLE 24. SOLID WASTE DISPOSAL FUND EXPENDITURES

Upon a MOTION duly made and 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 under the direction and control of the Town Manager.

ARTICLE 26. SEWER IMPROVEMENT FUND EXPENDITURES

Upon a MOTION duly made and 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 under the direction and control of the Town Manager.

ARTICLE 27. WATER SYSTEM EXPENDITURES

Upon a MOTION duly made and 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 Water Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 51. GRANT OF ACCESS EASEMENT FOR ACCESS TO BEDFORD ST PROPERTY

Upon a MOTION duly made and seconded, it was VOTED: To authorize the Board of Selectmen to grant an access easement to the Concord Housing Authority for access from Old Bedford Rd. over the property owned by the Town at the intersection of Old Bedford Rd. and Bedford St.

END OF CONSENT CALENDAR

ARTICLE 3. MEETING PROCEDURE

Upon a MOTION made by Walter Birge and duly seconded, it was VOTED: To adopt a Rule of the Meeting 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. SECRET BALLOT VOTING PROCEDURE

The following MOTION was made by Patricia Hecht and duly seconded: That the 2009 Annual Town Meeting adopt the following Rule for the conduct of the 2009

Annual Town Meeting: On any vote at this Meeting, the vote shall be taken by secret ballot if 100 voters present at the Meeting so request before the Moderator calls for a vote to be taken.

A Vote was then taken on Ms. Hecht's motion, which FAILED TO PASS on a show of hands.

ARTICLE 5. VOTED PREVIOUSLY UNDER CONSENT CALENDAR

ARTICLE 6. PERSONNEL BYLAW AMENDMENT—EMPLOYMENT STATUS DEFINITIONS

Upon a MOTION made by David Stiffler and duly seconded, it was UNANIMOUSLY VOTED: To amend the Definitions and Employment Status sections of the Personnel Bylaw.

ARTICLE 7. CLASSIFICATION & COMPENSATION PLAN FOR REGULAR STATUS EMPLOYEES

Upon a MOTION made by David Stiffler and duly seconded, it was VOTED: To amend the Classification and Compensation plans for all regular status Town employees, effective July 1, 2009.

ARTICLE 8. TOWN BUDGET

After presentations by Finance Committee Member Mark Howell and Town Manager Christopher Whelan, and upon a MOTION made by Christopher Whelan and duly seconded, it was VOTED: To raise and appropriate the following sums of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2010, and that the same be expended only for such purposes under the direction of the Town Manager:

TOWN BUDGET FISCAL YEAR 2009-2010

No.	Department	Appropriation
GENERAL GOVERNMENT		
1A	Town Manager	\$301,977
1B	Town-wide building maintenance	135,000
1C	Human Resources Department	<u>155,952</u>
	TOTAL Town Manager Acct.#1	\$592,929
2	Legal Services	\$250,000
3A	Elections	\$23,706
3B	Registrars	<u>10,062</u>
	TOTAL Elections & Registrars Acct. #3	\$33,768
4	Town Meeting & Reports	\$77,800
5	Planning and Land Management	
5A	Planning	\$271,652
5B	Board of Appeals	45,149
5C	Natural Resources	191,141
5D	Inspections	349,511
5E	Health	<u>223,732</u>
	TOTAL Planning & Land Management	\$1,081,185
6	141 Keyes Road	<u>70,995</u>
	TOTAL GENERAL GOVERNMENT	\$2,106,677
FINANCE AND ADMINISTRATION		
7	Finance Committee	\$3,100
8	Finance Department	
8A	Administration	\$258,545
8B	Treasurer-Collector	240,255
8C	Town Accountant	124,638
8D	Assessors	377,787
8E	Town Clerk	<u>206,434</u>
	TOTAL Finance Department	\$1,207,659
9	Information Systems	\$349,089
10	Town House	<u>\$93,857</u>
	TOTAL FINANCE AND ADMINISTRATION	\$1,653,705
PUBLIC SAFETY		
11	Police Department	\$3,610,385
12	Fire Department	3,250,394
13	West Concord Fire Station	47,594
14	Police and Fire Station	215,064
15	Emergency Management	12,810
16	Dog Officer	<u>18,151</u>
	TOTAL PUBLIC SAFETY	\$7,154,398

No.	Department	Appropriation
PUBLIC WORKS AND FACILITIES		
17	Public Works Department	
17A	CPW Administration	\$146,060
17B	Engineering	304,373
17C	Highway Maintenance	1,083,487
17D	Parks and Trees	544,733
17E	Cemetery	66,653
	TOTAL Public Works Department	\$2,145,306
18	Snow and Ice Removal	\$455,000
19	Street Lighting	64,120
20	CPW Equipment	278,000
21	Drainage Program	205,000
22	Sidewalk Management	100,000
23	133/135 Keyes Road	94,175
	TOTAL PUBLIC WORKS AND FACILITIES	\$3,341,601
HUMAN SERVICES		
24	Library	\$1,781,235
25	Recreation Administration	94,731
26	Hunt Recreation Center	75,508
27	Harvey Wheeler Community Center	131,456
28	Council on Aging	229,177
29	Veterans Services and Benefits	31,668
30	Ceremonies and Celebrations	23,650
31	Information Center	31,207
	TOTAL HUMAN SERVICES	\$2,398,632
UNCLASSIFIED		
32	Town Employee Benefits	\$72,000
33	Reserve Fund	225,000
34	Salary Reserve	300,000
35	Land Fund	15,000
36	Road Improvements	85,000
	TOTAL UNCLASSIFIED	\$697,000
	Subtotal, accounts 1–36 <i>for reference only</i> (subject to Finance Committee Guideline)	\$17,352,013
JOINT (TOWN-CPS)		
37A	Group Insurance	\$4,152,600
37B	Property and Liability Insurance	<u>200,000</u>
	TOTAL Insurance Acct.#37	\$4,352,600
38	Unemployment & Workers' Comp.	\$200,000
39	Retirement	\$2,500,000
40	Social Security & Medicare	\$545,000
41A	Debt Service – within levy limit	\$3,150,000
41B	Debt Service – excluded from levy limit	<u>\$3,973,397</u>
	TOTAL Debt Service Acct.#47	\$7,123,397
	TOTAL JOINT ACCOUNTS	\$14,720,997

ARTICLE 9. PUBLIC SCHOOL BUDGET

After a presentation by CPS Chair Peter Fischelis, upon a MOTION made by Mr. Fischelis and duly seconded, the following was VOTED: That the Town raise from the tax levy and appropriate the sum of \$27,699,200 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2010; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

ARTICLE 10. REGIONAL SCHOOL BUDGETS

Motion 1. Concord-Carlisle Regional School

Following a presentation by CCRSD Chair Jerry Wedge, and upon a MOTION made by Mr. Wedge that was duly seconded, the following was VOTED: That the Town raise from the tax levy and appropriate the Town's apportioned share of \$13,982,175 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2010; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle School Committee.

Motion 2. Minuteman Regional Vocational Technical School District

Following a presentation made by Superintendent Edward Bouquillon and upon a MOTION made by John Lang and duly seconded, it was VOTED: To raise from the tax levy and appropriate the Town's apportioned share of \$637,601 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2010.

ARTICLE 11. CONCORD PUBLIC SCHOOLS RENOVATIONS

Upon a MOTION made by Fabian Fondriest and duly seconded, it was VOTED BY A DECLARED TWO-THIRDS MAJORITY: To appropriate the sum of \$600,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord Public School facilities; and that the Selectmen be authorized to borrow \$600,000 for this purpose.

ARTICLE 12. CCRSD IMPROVEMENTS

Upon a MOTION made by Jan McGinn and duly seconded, it was VOTED: To approve \$750,000 of debt

authorized by the Concord-Carlisle Regional School District for the purposes of repair and renovation to the school, improvements to safety systems, and to address and plan remediation of space constraints provided that the amounts required to pay the Town's assessable share of the bonds to be issued by the Concord-Carlisle Regional School District are voted by the Town to be exempt from the limitation of taxes imposed by Proposition 2½.

At 8:58PM, the assembly took a two-minute stretch while Mr. Perry reviewed his projections of how to proceed for the evening.

ARTICLE 13. APPROPRIATION FROM FREE CASH TO STABILIZATION FUND

There was NO MOTION under this Article.

ARTICLE 14. FREE CASH USE

Upon a MOTION made by Walter Birge and duly seconded, it was VOTED: To authorize and direct the Assessors to take \$1,040,000 from Free Cash to reduce the tax levy for the fiscal year ending June 30, 2010.

ARTICLE 15. UNPAID BILLS

There was NO MOTION under this Article.

ARTICLE 16. VOTED PREVIOUSLY UNDER CONSENT CALENDAR

ARTICLE 17. TAX DEFERRAL INCOME LIMITS USING STATE CIRCUIT BREAKER CRITERIA

Upon a MOTION made by Bruce MacAlpine and duly seconded, it was UNANIMOUSLY VOTED: To increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under MGL CH. 59, §5, CLAUSE 41A.

ARTICLE 18. CLAUSE 17D TAX EXEMPTION COST OF LIVING ADJUSTMENT

Upon a MOTION made by Bruce MacAlpine and duly seconded, it was UNANIMOUSLY VOTED: To accept the provisions of MGL CH. 59, §5, CLAUSE 17E, effective with the fiscal year beginning July 1, 2009, which would adjust the "whole estate" eligibility condition for a property tax exemption under CLAUSE 17D.

**ARTICLE 19. CLAUSE 41C TAX EXEMPTION
COST OF LIVING ADJUSTMENT**

Upon a MOTION made by Bruce MacAlpine and duly seconded, it was UNANIMOUSLY VOTED: To accept the provisions of MGL CH. 59, §5, CLAUSE 41D, effective with the fiscal year beginning July 1, 2009, which would adjust the “gross receipts” and “whole estate” eligibility conditions for a property tax exemption under Clause 41C.

**ARTICLE 20. LIGHT PLANT DEPLOYMENT OF
SMART GRID**

The following MOTION was made by Arthur Fulman and duly seconded: To appropriate the sum of \$4,500,000 to be repaid from revenues of the Light Plant to be expended under the direction of the Town Manager for the purposes of designing, purchasing and installing a Smart Grid system; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$4,500,000.

At 9:24PM, David Allen made the following MOTION TO AMEND Mr. Fulman’s motion (to be added to the end of the previous motion): CMLP shall issue an annual report, which shall include details of the expenditures and savings related to the Smart Grid, for its first ten years.

After discussion, and on a show of hands, Mr. Allen’s amendment PASSED. The assembly then returned to a discussion of the main motion as amended. A MOTION TO CALL THE QUESTION was made by Steven Ng, and FAILED TO PASS, with 156 voting in favor and 90 opposed (2/3 vote required). After further discussion, a VOTE was taken on Mr. Fulman’s motion as amended, which PASSED, with 200 voting in favor and 55 opposed (2/3 vote required).

At 10:20PM a MOTION To Adjourn was duly made, seconded, and VOTED.

ADJOURNED SESSION – APRIL 28, 2009

Mr. Perry called the second night of Town Meeting to order at 7:00PM. Mr. Perry thanked the Concord-Carlisle Adult & Community Education program for suspending its program of courses during Town Meeting. Selectman Stanly Black recognized and thanked Anne Shapiro for her six years of service as a member

of the Board of Selectmen. Selectman Gregory Howes recognized retiring Town employees and those with 25 or more years of service. CPS Committee Chair Peter Fischelis recognized retiring Public School employees and those with 25 or more years of service. CCHS Committee Chair Jerry Wedge recognized retiring Regional School employees and those with 25 or more years of service.

On a MOTION made by Gregory Howes and duly seconded, it was VOTED: To take up no new business after 10:00PM, and that when we adjourn, we adjourn and reconvene at 7:00PM on April 29.

**ARTICLES 21-24. VOTED PREVIOUSLY UNDER
CONSENT CALENDAR**

ARTICLE 25. 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 an ensuing fiscal year, together with the balance of operating cash in the Sewer Fund be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLES 26-27. VOTED PREVIOUSLY UNDER
CONSENT CALENDAR**

**ARTICLE 28. BEEDE SWIM & FITNESS CENTER
ENTERPRISE FUND; FY2010 BUDGET**
Upon a MOTION made by Christopher Whelan and duly seconded, the following was VOTED: To appropriate the sum of \$2,294,400 from the estimated revenues of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2009 to be expended under the direction of the Town Manager for the operating expenses of the Beede Swim & Fitness Center; and further that the sum of \$140,000 be appropriated from the certified undesignated fund balance of June 30, 2008 to be expended under the direction of the Town Manager for capital expenditures.

ARTICLE 29. 2009 ROAD PROGRAM
Upon a MOTION made by Nicholas Pappas and duly seconded, the following was UNANIMOUSLY VOTED, and so declared by the Moderator: To appropriate the sum of \$700,000 for the reconstruction or

renovation of roads and streets within the town; and that to meet said appropriation, the Town authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$700,000; and that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose.

ARTICLE 30. FUNDING PUBLIC WORKS PROJECTS PUBLICLY (BY PETITION)

The following MOTION was made by Stuart Weeks and duly seconded: That the Town petition its Congressional representatives to submit legislation to establish a process whereby Concord and other local governments will be able to fund public works projects publicly.

After discussion and upon a Vote, Mr. Weeks' motion FAILED TO PASS.

ARTICLE 31. SIDEWALK EXTENSIONS—NEW CONSTRUCTION

Upon a MOTION made by James Smith that was duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To appropriate the sum of \$250,000 to be expended under the direction of the Town Manager for the construction, reconstruction and extension of sidewalks; and that to meet this appropriation the Treasurer with the approval of the Selectmen be authorized to borrow \$250,000.

ARTICLE 32. TRAFFIC SIGNALIZATION & INTERSECTION IMPROVEMENTS

Upon a MOTION made by James Smith that was duly seconded, the following was VOTED BY A COUNTED TWO-THIRDS MAJORITY, with 306 voting in favor and 124 opposed: To appropriate the sum of \$150,000 to be expended under the direction of the Town Manager for the installation of traffic signals and controls of the intersection of Sudbury Rd. and Thoreau St.; and that to meet this appropriation the Treasurer with the approval of the Selectmen be authorized to borrow \$150,000.

ARTICLE 33. CAMBRIDGE TURNPIKE DESIGN—ROADWAY & DRAINAGE IMPROVEMENTS

Upon a MOTION made by Philip Swain and duly seconded, the following was VOTED BY A TWO THIRDS MAJORITY, and so declared by the Moderator: To appropriate the sum of \$300,000 to be expended under

the direction of the Town Manager for the engineering services in connection with the State's Cambridge Turnpike-Crosby's Corner project; and that to meet this appropriation, the Treasurer with the approval of the Selectmen be authorized to borrow \$300,000.

ARTICLE 34. CPA COMMITTEE APPROPRIATION RECOMMENDATIONS

Upon a MOTION made by John Clymer that was duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: Pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate \$1,352,892.54 from the Concord Community Preservation Fund, of which \$84,000 shall come from the undesignated fund balance at June 30, 2008, \$103,892.54 from funds previously allocated to the Housing Reserve funds, and \$1,165,000 from projected FY2010 Fund Revenues, to be expended under the direction of the Town Manager, for the projects listed in the table on the following page.

ARTICLE 35. AUTHORIZATION OF LONG-TERM LEASE OF FORMER EMERSON HIGH SCHOOL

Upon a MOTION made by Gregory Howes that was duly seconded, the following was VOTED BY AN OVERWHELMING MAJORITY VOTE, and so declared by the Moderator: To authorize the Town Manager to enter into a long-term lease agreement, for a term not to exceed 30 years, for the property at 40 Stow St., the former Emerson High School Building, for the purpose of continuing the use of the facility as a center for artists and art programs.

ARTICLE 36. ZONING BYLAW AMENDMENT—NON-CONFORMING USES & STRUCTURES

Upon a MOTION made by Mark Bobrowski that was duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY VOTE, and so declared by the Moderator: To amend the Zoning Bylaw §7.1 Non-conforming Uses.

At 10:15PM a MOTION TO ADJOURN was duly made, seconded, and Voted.

CPA Awards by category	Total Amount	Source of Funds		
		FY10 Revenue	Prior Balance	Prior Reserve
Community Housing				
Peter Bulkeley Renovations	\$500,000	\$396,107.46		\$103,892.54
1245 Elm St Housing	\$75,000	\$75,000		
Planning Document Update	\$12,000	\$12,000		
Open Space				
Thoreau Farm Landscape Restoration	\$10,000	\$10,000		
Open Space Reserve Fund	\$90,192.54	\$90,192.54		
Open Space/ Recreation				
Bruce Freeman Rail Trail	\$125,000	\$125,000		
Historic Preservation				
Monument St/Hutchins Farm Retaining Wall Restoration	\$112,500	\$112,500		
Concord Free Public Library Thoreau Books Collection	\$22,500	\$22,500		
Concord Art Association Access Project	\$122,000	\$122,000		
Town House—Accessible Entrance	\$47,700	\$47,700		
Friends of the Performing Arts Window Restoration	\$8,000	\$4,000	\$4,000	
Concord Scout House Roof Eaves and Wall Restoration	\$25,000	\$25,000		
Save Our Heritage Barrett Farmhouse Restoration	\$100,000	\$100,000		
Orchard House Restoration Phase III	\$50,000		\$50,000	
West Concord Fire Station Exterior Restoration	\$23,000	\$23,000		
Administrative Expenses				
Town of Concord	\$30,000		\$30,000	
	\$1,352,892.54	\$1,165,000	\$84,000	\$103,892.54

ADJOURNED SESSION—APRIL 29, 2009

ARTICLE 37. ZONING BYLAW AMENDMENT—FLEXIBLE DEVELOPMENT

There was NO MOTION under this article.

ARTICLE 38. ZONING BYLAW AMENDMENT—WEST CONCORD IPOD

Upon a MOTION made by Christopher Sgarzi that was duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To amend the Zoning Bylaw by adopting a new zoning district and adding a new §7.9 West Concord Interim Planning Overlay District (WC-IPOD).

ARTICLE 39. ZONING BYLAW AMENDMENT—SITE PLAN REVIEW

Upon a MOTION made by Jeffrey Adams and duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To

amend the Zoning Bylaw §7.7 Off-Street Parking, Loading, and Site Plan Requirements and §11 Administration and Enforcement.

ARTICLE 40. ZONING BYLAW AMENDMENT—RESIDENTIAL COMPOUND

Upon a MOTION made by Jeffrey Adams and duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To amend the Zoning Bylaw §8 Residential Compound.

ARTICLE 41. WASTEWATER PLANNING CAPACITY STUDY

Upon a MOTION made by Paul Mahoney and duly seconded, the following was VOTED: To adopt a resolution supporting the Town Manager’s allocation of \$142,000 of Sewer Improvement Funds to investigate wastewater treatment and capacity management alternatives.

ARTICLE 42. SEPTIC BETTERMENT LOAN PROGRAM

Upon a MOTION made by Ann Snow and duly seconded, the following was UNANIMOUSLY VOTED, and so declared by the Moderator: To raise and appropriate the sum of \$2,000,000 for the purpose of financing water pollution abatement facility projects; and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$2,000,000; and that project and financing costs shall be repaid by the property owners.

ARTICLE 43. WETLANDS BYLAW

The following MOTION was made by Alexander Easterday and duly seconded: To adopt a Non-Zoning Wetlands Bylaw for the Town of Concord.

After discussion, Ian Gillespie made a MOTION TO AMEND the first sentence of the proposed Bylaw, that was duly seconded. Mr. Easterday made a further MOTION TO AMEND Mr. Gillespie's amendment by striking one phrase. Both amendments PASSED on a show of hands.

After further discussion, at 9:17PM Kim Smith made a MOTION TO CALL THE QUESTION, which was duly seconded. A counted vote was taken, and the MOTION FAILED TO PASS, with 217 voting in favor and 178 opposed (2/3 vote needed). After further discussion, a Scribner's Amendment was made and duly seconded to authorize the Town Clerk to renumber the subsections for consistency, which PASSED on a show of hands.

At 10:10PM a counted vote was taken, and Mr. Easterday's MOTION AS AMENDED PASSED, with 227 voting in favor and 192 opposed.

**ARTICLE 44. ZONING BYLAW AMENDMENT—
WETLANDS CONSERVANCY DISTRICT**

Upon a MOTION made by Stephen Carr and duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To amend the zoning Bylaw §7.3 Wetlands Conservancy District; and to delete the references to the Wetlands Conservancy District in §7.2.3.5 and §7.5.2.3.

ARTICLE 45. STATION 1 POLICE/FIRE RENOVATIONS

Upon a MOTION made by Christopher Whelan and duly seconded, the following was UNANIMOUSLY VOTED, and so declared by the Moderator: To appropriate the sum of \$900,000 to be expended under the direction of the Town Manager for the purposes of funding renovations at the Walden Street Police/Fire Station; and that to meet this appropriation the Treasurer with the approval of the Selectmen be authorized to borrow \$900,000.

ARTICLE 46. FIRE ENGINE FOR STATION 2

Upon a MOTION made by Christopher Whelan and duly seconded, the following was VOTED BY A TWO-THIRDS MAJORITY, and so declared by the Moderator: To appropriate the sum of \$450,000 to be expended under the direction of the Town Manager to replace the front line Engine at West Concord Station 2; and that to meet this appropriation the Treasurer with the approval of the Selectmen be authorized to borrow \$450,000.

ARTICLE 47. AMENDMENT TO SIGN BYLAW (BY PETITION)

There was NO MOTION under this article.

At 10:33PM Mr. Perry asked for a show of hands to determine whether the assembly wanted to continue the meeting this evening. The consensus was to continue and was so declared.

George Dallas assumed the position of Deputy Moderator at this point in the meeting.

**ARTICLE 48. BILL TO IMPOSE AN EXCISE ON
USE OF PLASTIC CARRYOUT BAGS (BY PETITION)**

Upon a MOTION made by Rebecca Shannon that was duly seconded, the following was VOTED: To request that the Selectmen ask our Legislative Representatives to support or file legislation that would place an excise on plastic carryout bags in certain stores.

ARTICLE 49. EXPAND MASSACHUSETTS BOTTLE BILL (BY PETITION)

Upon a MOTION made by Jean Hill and duly seconded, the following was VOTED: To request that the Selectmen ask our Legislative Representatives to file and/or

support the filing of legislation to amend MGL to order to expand the Massachusetts Bottle Bill to include all non-carbonated plastic beverage containers.

Mr. Perry returned as Moderator.

ARTICLE 50. ACCEPTANCE OF PROPERTY BY DEED IN LIEU OF FORECLOSURE

There was NO MOTION under this article.

ARTICLE 51. VOTED PREVIOUSLY UNDER CONSENT CALENDAR

ARTICLE 52. HEYWOOD MEADOW LAND USE CHANGE

There was NO MOTION under this article.

ARTICLE 53. WRITTEN DEMAND—TAX COLLECTOR FEE

Upon a MOTION made by Christopher Whelan and duly seconded, the following was VOTED: To charge for each written demand issued by the tax collector a fee of \$10.00 to be added to and collected as part of the tax.

ARTICLE 54. MARIJUANA BYLAW

There was NO MOTION under this article.

ARTICLE 55. AMENDMENT TO NON-CRIMINAL DISPOSITION OF VIOLATIONS OF TOWN BYLAWS

There was NO MOTION under this article.

ARTICLE 56. PUBLIC AWARENESS CAMPAIGN FOR ANTI-IDLING LAW (BY PETITION)

There was NO MOTION under this article.

ARTICLE 57. DEBT RESCISSION

Upon a MOTION made by Christopher Whelan and duly seconded, it was VOTED: To rescind four unused borrowing authorizations from 2002 (\$1,095,000); 2004 (\$500,000); and 2006 (\$210,000 and \$30,000).

The meeting concluded with the business of the Warrant, and upon a MOTION duly made and seconded, the 2009 Annual Town Meeting ADJOURNED AND DISSOLVED at 10:58PM.

Respectfully submitted,

Anita S. Tekle

Town Clerk

There were 361 registered voters in attendance on April 27; 539 in attendance on April 28; and 482 in attendance on April 29. Over the course of the three nights, there were 802 individuals who attended one or more sessions (unduplicated count).