TOWN OF CONCORD
Annual Town Meeting
Meeting Materials Book

Sunday, September 13th
1:00 PM
CCHS, Doug White Field
500 Walden Street

Rain Date Monday September 14th, 5:00PM

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In Appreciation

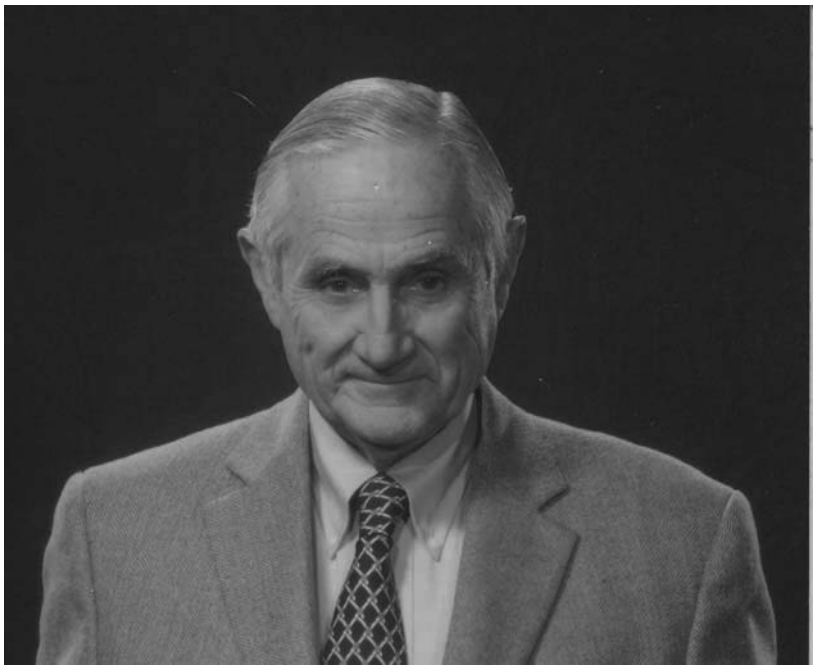
The Town of Concord and its citizens gratefully acknowledge the time, talent, and dedication of all the many volunteers who serve the town in elected and appointed office, forming our strong backbone of citizen government. A special thanks is due to the following citizens who concluded their service in 2020:

Michael Lawson	**Select Board**, two terms, two years as Chair
Wallace Johnston	**School Committee**, two terms, two years as Chair
Yuval Erlich	**School Committee**, one term (partial)
Karle Packard	**Finance Committee**, two terms, one year as Chair
Thomas Tarpey	**Finance Committee**, two terms, one year as Chair

In Memoriam

The Town of Concord and its Citizens, with gratitude and veneration, mark the passing in 2020 of three of its most beloved and dedicated public servants:

Arthur Stevenson	**Select Board, Town Moderator**
Philip Benincasa	**School Committee, Select Board, Alcott School Principal**
Richard W. Wheeler	**Select Board**



Concord's 2020 Honored Citizen, Jonathan M. Keyes

A proud Concord resident for his entire 85 years, Jonathan M. Keyes has served the town and many of its organizations/institutions since leaving his three years of active duty in the Navy as a Lieutenant in 1961. In 1961 he immediately became and continues to be a member of the Independent Battery. In 1972 he began serving on town committees, first on the Future School Sites Committee and the Deferred Tax Plan Study Committee, and then the Local Option Income Tax Committee, the NRC's Trails Committee, and most recently as the chairman of the Tax Fairness Committee (2016-19).

Jonathan has also been a devoted and active supporter of five important Concord organizations/institutions: the Land Conservation Trust, the Concord Museum, the Old Manse, the Ralph Waldo Emerson Memorial Association, and the Fenn School.

In the midst of raising his family and pursuing a career, which included building an investment banking firm, Jonathan served as a Trustee of the Fenn School from 1970 to 1976. He returned to serve on its inaugural Board of Visitors from 2002 to 2006.

His service to and support of the Concord Museum has spanned five decades – specifically serving on the Red House Committee in 1977, the Board of Governors (1986-93), the Investment Committee (1988-98), and the 1979 and 1995 Capital Campaign Committees.
From 1983 to 1991 Jonathan was the chair of the Old Manse Committee and helped establish the Friends of the Old Manse. Since 2000 he has served on the Board of the Emerson Memorial Association, the board that oversees the operations and maintenance of the Emerson House on Lexington Rd. and events at Harvard University.

In 2020 Jonathan enters his 29th year as a trustee of the Concord Land Conservation Trust, where he served as its Secretary for 26 years. Since 1992 he has been involved in every aspect of the Land Trust's efforts to preserve the woods and fields of this community and thereby help preserve Concord's rural look and feel as a traditional New England town. Among the hundreds of acres he has helped to preserve are Soutter's Field and Hubbard Brook Land, Estabrook Woods, the Hallenbeck Land, Saw Mill Brook, the Garth Land, the Poutasse fields, the Gifford Land, the Corey-Bourquin Land, the Thornton and Ferguson Lands, the Tyler Land, the Rogers Land, the Balls Hill Rd. Land, and most recently the Emerson House Land. In 2002 he gave a 13-acre woodlot near Spencer Brook to the Land Trust to support the preservation efforts in the Spencer Brook Valley.

Beyond Concord, Jonathan has devotedly served Mass Eye and Ear, Community Builders, and The Trustees of Reservations, playing a critical role in the passage of the Rivers Protection Act in 1996.

Jonathan and his late wife Judy raised their three children, Philip, Jared, and Herrika, at his Liberty St. home that has been in the Keyes family for 158 years. As a fixture at town meetings, League of Women Voters' breakfasts, and Land Trust meetings, Jonathan continues to be a model citizen. His record of faithful service to the Town and its institutions make him deserving of the Town's highest volunteer honor.

Since 1963 the Town of Concord has recognized a resident individual or couple, who are not a current elected official, for their significant, extensive, extended, and deep commitment of volunteer service to the Town and fellow citizens. The 2019 honoree was Di Clymer.

Public Ceremonies & Celebrations Committee
September 1, 2020

PROCLAMATION IN HONOR OF MICHAEL E. LAWSON
SEPTEMBER 13, 2020

WHEREAS, Michael E. Lawson was elected by the citizens of Concord to the Select Board from 2014 – 2020, having previously served the town on the Finance Committee from 2006-2012 and,

WHEREAS, he has served the Town with distinction for his recognized leadership skills, not once, but twice as Select Board Chair in 2017-2018 and again in 2019-2020; and,

WHEREAS, during his term on the Select Board he also lent his incisive financial analytic skills to the Concord Financial Audit Committee and the Massachusetts Municipal Association Fiscal Policy Committee from 2014-2020 and, will also be remembered as a most memorable host and honorable town delegation member to the Town's sister city Nanae, Japan; and,

WHEREAS, during his Select Board term he served as Chair of the 2018-2019 Town Manager Search Committee, which successfully concluded in the Select Board appointment of a new town manager following the 26 year-tenure of the previous town manager, providing insightful leadership to all in this important transition for the Town; and,

WHEREAS, the Town has greatly benefitted from his strong leadership experience and steady governance hand during this year's Covid-19 pandemic which suddenly upended all business as usual and unprecedently extended his second term as board chair into the early Fall; and,

WHEREAS, he has characteristically tackled complex challenges under the purview of the Select Board and Town, often undaunted by the enormity of the tasks involved, recommending courses of action to his fellow Select Board members and others that also broadly included input from town citizens, town committee members, and town departments in shaping direction or solution to challenging issues; and,

WHEREAS, his leadership has been characterized as dedicated and focused, thoughtful and decisive, while also consistently respectful of others and open to differing points of view; and where it has not gone unnoticed that he has demonstrated abilities to add a touch of levity when needed, and admirably, can separate difficult governance decisions from the many friendships he has with town citizens; and, **SO THEREFORE, LET IT BE**

RESOLVED, on behalf of the Town, that we wish to duly recognize Michael E. Lawson, for his exemplary leadership on the Select Board and gratefully thank him for so ably serving the Concord community with deep commitment, honor, and aplomb.

Linda L. Escobedo, Clerk, Select Board

Terri Ackerman, Select Board Member

Jane Hotchkiss, Select Board Member

Susan Bates, Select Board Member

A Tribute to Wally Johnston

In the words of a fellow School Committee member, "To know Wally Johnston is to know what public service means."

This statement could not be more true. Wally joined the Concord and Concord-Carlisle Regional School Committees in 2014 with a vision of high-performing districts built on trust, transparency, and collaboration; and he has since dedicated himself to ensuring that reality.

Wally is a man of both vision and action. He not only envisions the world according to high standards, but he commits himself to efforts to enabling them. His strength and determination facing adversity help us all to maintain our focus on doing what's right. He is committed to the highest of ideals, respectful in disagreement, and genuine in his willingness to hear alternate sides of an issue. Wally has led by example in listening to the community and leading discussions in an inclusive and collaborative manner. His leadership has been invaluable through the transitions of the past several years. And of course, his humor keeps us smiling.

In the words of colleagues past and present…

- "Wally has devoted countless hours to the students of Concord, Carlisle and Boston, and he was always earnest, hard-working and focused in his approach.
- "What I loved most about working with Wally was his wry sense of humor - he had a way of keeping things in perspective and allowed for us to appreciate each other and the work we were doing."
- "I've been fortunate, as have we all, to enjoy his leadership, seriousness of purpose, humor, and strategic vision."
- "His work has introduced changes that we welcome and that will benefit us for years to come."
- "He was a crucial participant in many significant accomplishments. Most notably, the robust superintendent search process, which resulted in the selection of Dr. Hunter as our current superintendent."
- "His number one priority was what was best for the whole school community and the Town of Concord… The community and town have greatly benefitted from his appreciation of our community and his tireless and large commitment to volunteer."
- "The working and learning environment in all of our schools has dramatically improved over the last six years, and Wally was one of the key leaders in that endeavor."

Wally has accomplished so much during his tenure. He was instrumental in hiring an incredible leader for our districts; contributed to a district-wide Strategic Plan; helped to strengthen School Committee relationships with our teacher unions; negotiated several contracts through a mutually respectful, collaborative process; built and strengthened relationships with other town entities and officials; opened doors and listened attentively to teachers, parents, and any community members who wanted to share thoughts or concerns; supported a myriad of initiatives, including campus improvements, curriculum improvements, budget process improvements, move-in to the new high school building, calendar reviews, later start times, student equity, and the CMS building project; represented the best interests of students and teachers in everything he did; chaired both the Concord and Regional committees for a combined time of more than half his tenure; and even stayed beyond his original term dates to continue to help lead us through the pandemic until we could seat our new committee members.

To say Wally will be missed is an understatement. He has been a leader we look to, trust, and rely on, and it will be up to all of us to step up even further in his absence. From all of us, thank you Wally for the energy, time, dedication, and commitment that you have provided to our community for the past 6½ years.

TOWN OF CONCORD
MODERATOR'S NOTES & PROCEDURES FOR THE 2020 ANNUAL TOWN MEETING

One guiding principle for Concord Town Meeting is "keep it simple." We follow procedures set forth in Town Meeting Time, a book published by the Mass. Moderators Assn. and available at the libraries. "Concord Town Meeting Traditions and Procedures" provides more information and is available at the Town House, online at www.concordma.gov.

PART 1 – IMPORTANT THINGS TO KNOW

CIVILITY IN DEBATE All speakers must address all remarks to the Moderator. Our Concord Town Meeting has a long tradition of vigorous, civil and respectful debate. This means that we stick strictly to the issue, avoid impugning the motives of any person or group, and avoid any personal attacks or references to other speakers by name. Any speaker who fails to honor this tradition will be ruled out of order.

Civility enables all participants to speak and be heard without interruptions or demonstrations, such as hissing, booing, clapping or cheering. All participants are expected to listen to all presentations carefully. The Moderator has the obligation to ensure that the meeting proceeds in an orderly and respectful manner, so that thoughtful deliberation and decision-making may occur.

PARLIAMENTARY PROCEDURE & TIME LIMITS ON SPEAKING All speakers must stick to the announced time limits. This year, due to Meeting streamlining for public health protection from COVID risk, there will be no presentations on main motions or proposed amendments that are included in Meeting Materials distributed at check-in. Narrative summaries of main motions are included in Meeting Materials and it is hoped that voters have reviewed on www.concordma.gov hearing video and materials on all the articles moved. Movers of amendments from the floor will have ***three minutes*** to present their motions and article sponsors will have ***two minutes*** to speak to the amendment. Voters are allowed ***one minute*** for speaking pro or con on a motion. Any extra time must have the Moderator's advance permission.

DOCUMENTS YOU WILL NEED Please be sure you have a copy of Meeting Materials (available at at check-in) and Finance Committee Report, which includes recommendations of the Select Board and Finance Committee, as well as the full text of the Articles to be moved. Note that some motions will be "to take affirmative action on the Article as printed in the Warrant," so you will want to have the language of the Article available.

VOTING SLIP All registered voters receive a Voting Slip when they check in with Election Officials. Please keep your Voting Slip handy, and show when the Moderator calls for a vote. When a standing vote is being counted by the Tellers, you must show your Voting Slip to identify you as a voter to the Tellers who are responsible for counting the section where you are seated. In the event that the Meeting votes to vote on a matter by secret ballot, you will be instructed by the Moderator as to how to detach your ballot. Please note that the ballots are not transferrable, so if you leave the Meeting early, please take your Voting Slip with you. ***A different slip is used during each session of Town Meeting***.

SMOKING Smoking is not permitted in any part of the Meeting venue.

VISITORS: NON-RESIDENTS & RESIDENTS NOT ELIGIBLE TO VOTE Anyone not registered to vote in Concord must check in at the guest check-in table and sign the guest list. Separate seating for Visitors is provided to avoid confusion in counting votes. A resident not registered to vote, or anyone not residing in Concord may speak *only with the prior specific permission of the Moderator*.

TOWN & SCHOOL EMPLOYEES NOT RESIDENTS OF THE TOWN Town or school employees who are not residents of the Town may sit with their respective boards and committees and may be granted permission to speak by the Moderator.

REFRESHMENTS ***Only plain water may be consumed on the Doug White Fields***. Other food and drinks may only be consumed off the fields.

CELL PHONE USE, BROADCASTING & PRIVATE VIDEOTAPING Cell phones may not be used to make or receive calls on the Doug White Fields, and all cell phones must be placed in vibrate only mode. The Meeting is cablecast live by Comcast Channel 9. Private videotaping is not permitted without prior permission of the Moderator.

HEARING ASSISTANCE Hearing assistance devices are available at check-in.

EMERGENCY EVACUATION In the event we need to evacuate the field, attendees will be directed to exit by row from the front of the field facing the stage, maintaining a physical/social distance of at least 6' from persons not in your household and keeping masks on. If you have a car parked in the CCHS or Beede lots, proceed to your car. If you do not have a car parked in those lots, proceed to the CCHS building to shelter-in-place.

RECYCLING Recycling barrels are available for materials you do not wish to take home.

PART 2 – TOWN MEETING PROCEDURES IN A NUTSHELL

TO VOTE Have your Voting Slip handy—you will need it for all votes.

TO MAKE A MOTION

1. Stand at a microphone and wait to be recognized by the Moderator.
2. Give your name and address and wait for acknowledgment by the Moderator.
3. State your motion: "I move that ..."
4. Your motion must be seconded by another voter saying: "I second the motion."

TO AMEND A MOTION

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. Have **two written copies** of your amendment ready to give to the Moderator. The Moderator will not accept an amendment that is not in writing. Please include your name and address on your amendment to help the Town Clerk keep an accurate record of the Meeting.
3. State: "I move to amend the motion as follows: ..." [then read your amendment].
4. Every motion to amend must be seconded by another voter.
5. Every amendment must be within the scope of the article under debate, as determined by the Moderator.
6. Debate will then proceed on your amendment until the Meeting decides whether to accept it and amend the Main Motion, or to reject your amendment.
7. Only two amendments may be "on the floor" (considered by the Meeting) at the same time.

TO END DEBATE AND CALL FOR A VOTE

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. Say: "I move the previous question" or "I move to call the question." YOU MAY NOT MAKE ANY OTHER STATEMENT regarding the merits of the matter being discussed.
3. Your motion must be seconded and is not debatable. It requires a 2/3 vote to pass.
4. If an amendment is being discussed, you must state whether your motion applies to the amendment only, or to the amendment and the Main Motion.
5. Concord tradition allows the Moderator to ask a mover to hold this kind of motion until a reasonable amount of debate pro and con has occurred. Before moving the question, please consider whether you believe that there has been a reasonable amount of debate.

TO QUESTION THE MODERATOR'S DECLARATION (ANNOUNCEMENT) OF A VOTE

1. After the Moderator declares the result of any voice vote or a show of hands, any seven voters may question the announced result. (Mass. Gen. Laws, Ch.39, §15).
2. To do this, stand and say: "I question the Vote." This MUST BE DONE IMMEDIATELY after the declaration of the vote being questioned.
3. If seven voters question a vote, tellers must count a re-vote by a standing, counted vote.
4. Once a standing vote has been counted by tellers, it may not be challenged.

TO CALL FOR A PAPER BALLOT

1. Stand at a microphone until recognized by the Moderator. State your name and address.

2. State your motion: "I move that we vote on this matter by paper ballot."
3. This motion must be seconded and is debatable.
4. The meeting then decides by majority vote whether to vote by paper ballot (unless a different procedure has been adopted by a previous vote of the Meeting).

TO TAKE AN ARTICLE OUT OF ORDER

1. Stand at a microphone until recognized by the Moderator (when no other business is pending on the floor). When recognized, state your name and address.
2. Then say: "I move that the Meeting take up Article__ at __" (time when article is to be taken up).
3. This motion requires a second, is debatable, and may be amended.
4. The Meeting decides this motion by majority vote, unless the Moderator, in her discretion, calls for a 2/3 vote.

TO RAISE A QUESTION OF DECORUM OR A POINT OF ORDER

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. State your point of order, or question, as succinctly as possible.
3. No second is required. The Moderator will respond to, or rule on, the matter you raise.

TO RECONSIDER A VOTE

1. Concord Town Meeting has traditionally limited reconsideration to situations where new information, not previously available, becomes available to be considered by the Meeting.
2. A motion to reconsider must be seconded, is debatable, and requires a majority vote.
3. The Concord Town Meeting Bylaw on Reconsideration of a Vote at the Same Town Meeting governs the limited timing when a motion for reconsideration may be brought:
   [A] To move reconsideration of a motion at the same session where the original motion passed, a motion to reconsider must be made within 20 minutes of the declaration of the vote to be reconsidered.
   [B] To move reconsideration of a motion passed at a previous session, notice must be given to the Moderator before adjournment of that previous session at which the vote to be reconsidered was taken.
   [C] Apart from the above two timing and notice requirements, the Selectmen or Finance Committee may consent to reconsideration of a motion at any time before a meeting dissolves. However, Town Meeting itself must still vote on the merits of whether to reconsider. (See also: Concord Town Meeting Traditions and Procedures).

TO ADJOURN

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. State: "I move that the Meeting adjourn (to a specific time, if one has not been set)."
3. A motion to adjourn must be seconded, and is debatable and amendable. A majority vote is required. A motion to adjourn may be made at any time and takes precedence over all other pending business on the floor at the time.
4. If the time and place to which to adjourn has not been fixed by a previous vote at the Meeting, the Moderator will ask that this be done before the Meeting votes on the Motion.
5. A motion to "dissolve" (end Annual Town Meeting altogether) is not in order if there are any undisposed warrant articles remaining.

TO LAY ON THE TABLE

Concord Town Meeting does not use this kind of motion as a means of terminating debate.

LEAGUE OF WOMEN VOTERS®
OF CONCORD-CARLISLE
Making Democracy Work

Concord Annual Town Meeting 2020

The Board of the League of Women Voters of Concord-Carlisle makes the following recommendations on the Articles listed below. These recommendations are based on the general positions achieved by the League through its process of study and consensus and on the applicability of those positions to the Articles presented here.

Article	Recommended Action
Article 10 – Town Budget	A Yes vote is recommended. Revised budget meets Finance Committee revised guidelines.
Article 11 Capital Improvement & Debt Plan	A Yes vote is recommended.
Article 13 – General Bylaw Amendment – Vote to Adopt Municipal Affordable Housing Trust Bylaw	A Yes vote is recommended.
Article 14 – Appropriate Funds for Affordable Housing Development	A Yes vote is recommended.
Article 15 – Authorize Special Legislation—Senior Means-Tested Property Tax Exemption	A Yes vote is recommended.
Article 16 – Approval of Tax Increment Financing Agreement	Recommendation TBD.
Article 22– Authorize Expenditure from PEG Access & Cable-Related Fund	A Yes vote is recommended. The League commends MMN for the coverage it has provided during this unusual period, allowing citizens to remain in touch with Concord's committee & board proceedings and actions.
Article 25 – Concord Public Schools Budget	A Yes vote is recommended. Revised budget meets Finance Committee revised guidelines.
Article 26 – Concord Public Schools Capital Projects	A Yes vote is recommended.
Article 27 – Concord-Carlisle Regional School Budget	A Yes vote is recommended. Revised budget meets Finance Committee revised guidelines.
Article 29 – Middle School Stabilization Fund	A Yes vote is recommended.
Article 30 – Healthy School Buses for Students	A Yes vote is recommended.
Article 32 – Zoning Bylaw Amendment—Additional Dwelling Unit	A Yes vote is recommended.
Article 34 – Zoning Bylaw Amendment—Planned Residential Development & Table I Principal Use Regulations	A Yes vote is recommended.
Article 41 – Zoning Bylaw Amendment—On-Site Community Notice of PRD Application	A Yes vote is recommended.
Article 42 – Zoning Bylaw Amendment—Amend Sign Bylaw to Allow On-Site Posting of Notice of PRD Application	A Yes vote is recommended.

The League of Women Voters is a nonpartisan grassroots political organization of women and men founded in 1920. The League encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

LWV of Concord-Carlisle, P.O. Box 34, Concord, MA 01742, www.lwvcc.org (9.1.2020)

Article 46 – Public Posting of Open Meeting Law (OML) Complaints	The LWVCC takes no position on Article 46. While the article addresses openness in government, we are not confident that this proposal solves the problem as delineated by the proponents. The League believes that compliance with the OML by all public boards is essential to open government. Once received, OML complaints are required to be discussed by the receiving board at a posted meeting, and both the complaint and the board's response are public documents. If the decision is appealed, then the Attorney General's response is also a public document. We urge that once resolved, all related documents be posted on the board's web site.

The League of Women Voters is a nonpartisan grassroots political organization of women and men founded in 1920. The League encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

PROVISIONAL SUNDAY MOTION TO ADJOURN TO RAIN DATE

Mr. Lawson moves: Upon notification to the Moderator by the Fire Chief that lightning in the area may present physical danger to the participants at the September 13, 2020 session of Annual Town Meeting, we will adjourn forthwith, to resume the Meeting on the rain date of September 14, 2020 at 5:00 pm on the Doug White Fields at the Concord Carlisle Regional High School.

MOTION TO ADVANCE FOR CONSIDERATION AND TAKE ACTION UPON CERTAIN ARTICLES WITHOUT DEBATE [CONSENT CALENDAR]

Mr. Banfield moves: that the 2020 Annual Town Meeting advance for consideration the articles in the table below: and take action on such Articles without debate on any such Articles, provided, that upon the request of ten (10) voters at this Meeting, made before the vote is taken on this motion, an Article, or, in the Moderator's discretion, a portion thereof, shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

Note to Moderator: 2/3 Vote Required

Article 2	**HEAR REPORTS** **Motion**: that the Town receive the 2019 Annual Town Report. **Reason:** Routine annual action by the Meeting
Article 3	**MEETING PROCEDURE** **Affirmative Action Recommended By:** Finance Committee, Select Board **Motion:** That in order to assure compliance with the requirements of the Mass. Gen. Laws c. 59, § 21C, the Meeting adopt the following Rule of the Meeting: RULE OF THE MEETING 1. Articles for appropriations supported from current taxation and/ or available funds. Any motion made under a warrant article or a motion to amend that would increase the appropriation amount over the amount recommended by the Finance Committee and designated by it as the "allocation at Levy Limit," or that would provide for an appropriation where the Finance Committee is recommending NO ACTION, must specify the following: a. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and the source of funding- whether from available funds, taxation within the levy limit, or contingent upon approval of an override ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law; b. if the proposed increased appropriation is proposed to be funded from taxation within the levy limit, the original motion or motion to amend shall specify the source of funding as: o a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or o a maximum amount that may be appropriated within the Levy Limit under a subsequent article in the warrant. 2. Articles for appropriations supported from borrowing. The Finance Committee shall report to the Meeting summarizing its recommendations for new tax-supported borrowing authority to be offered at this Meeting and for which the debt service is proposed to be funded within the Levy Limit.Any motion made under a warrant article or a motion to amend that would increase the appropriation amount to be met by a borrowing authorization over the amount recommended by the Finance Committee or that would provide for an appropriation to be met by a borrowing authorization where the Finance Committee is recommending NO ACTION, must specify the following: a. The original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and shall make the increase contingent upon approval of a debt exclusion or capital outlay exclusion

	ballot vote following the conclusion of Town Meeting if such ballot is voted by the Select Board in accordance with state law; OR b. The original motion or motion to amend shall include a corresponding and offsetting reduction in another borrowing authorization from among those listed by the Finance Committee, either by a reduction in the amount already voted under a previous article or by setting a maximum amount of debt that may be authorized within the Levy Limit under a subsequent article in the warrant. 3. Articles making appropriations to be kept open. Any Article making appropriations shall be kept open until the final adjournment of the Meeting. **Reason:** Routine and non-controversial at hearing; the motion is identical to Meeting Procedure motions passed annually and unanimously for more than fifteen years.
Article 4	**RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS** **Affirmative Action Recommended By:** Finance Committee, Select Board **Motion:** That the Town take affirmative action on Article 4 as printed in the Warrant. **Reason:** Routine annual ratification action; non-controversial at hearing.
Article 5	**CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS** **Affirmative Action Recommended By:** Finance Committee, Select Board **Motion:** That the Town take affirmative action on Article 5 as printed in the Warrant. **Reason:** Routine and non-controversial at hearing
Article 7	**ACCEPTING PROVISIONS OF MASS. GEN. LAWS C. 32, § 103(J), AS AMENDED BY SECTION 19 OF CHAPTER 188, TO INCREASE THE COST OF LIVING ADJUSTMENT (COLA) BASE** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town take affirmative action on Article 7 as printed in the Warrant. **Reason:** Non-controversial. Adopts local option to increase the base upon which cost of living increases may be granted to Town retirees, last adjusted in 1997, bringing the Town into line with the over 74% of Massachusetts County, Regional and Municipal legislative authorities that have adopted the option to increase the COLA base.
Article 8	**USE OF FREE CASH** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town authorize and direct the Assessors to transfer $1,000,000 from the Certified Free Cash Balance as of July 1, 2019 to reduce the tax levy for the fiscal year ending June 30, 2021. **Reason:** Routine transfer of surplus funds to reduce tax levy; non-controversial at hearing. Surplus results from revenue collection exceeding estimates and/or actual expenditures being less than appropriations.
Article 12	**AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER MASS. GEN. LAWS. C. 44, § 53E1/2** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion**: That the Town take affirmative action on Article 12 as printed in the Warrant. **Reason:** Routine authorization of annual spending limits for Revolving Funds, expenditures made pursuant to the Town's Revolving Fund Bylaw with the approval of the Town Manager. Non-controversial.

Article 13	**AFFORDABLE HOUSING TRUST BYLAW** **Affirmative Action Recommended by:** Select Board **Motion:** That the Town take affirmative action on Article 13 as printed in the Warrant. **Reason:** Non-controversial. Carries out the vote of 2019 Annual Town Meeting to

	establish a Municipal Affordable Housing Trust Fund pursuant to Mass. Gen. Laws c. 44, § 55C by adopting a bylaw to establish the Trust.
Article 14	**FUNDS FOR AFFORDABLE HOUSING** **Affirmative Action Recommended by:** Select Board, Finance Committee **Motion:** That the Town transfer from the Certified Free Cash Balance as of July 1, 2019 the sum of $500,000 for the purpose of developing or supporting affordable housing within the Town, to be expended under the direction of the Town Manager on such terms and conditions as the Select Board may determine, including transferring the funds to the Municipal Affordable Housing Trust Fund. **Reason:** Non-controversial. The proposed transfer follows the 2018 recommendation of the Affordable Housing Funding Committee that the Town appropriate sums from free cash to support affordable housing when the free cash balance is higher than five percent of the annual operating budget, until such time as other means of generating funds to support affordable housing are in place.
Article 17	**LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES** **Affirmative Action Recommended by:** Select Board, Finance Committee **Motion:** That the Town authorize the income from sales of electricity and from servicing and jobbing during the fiscal year ending June 30, 2021, together with the balance of operating cash in the Light Plant Fund, to be expended under the direction and control of the Town Manager, without further appropriation, for the expenses of the Light Plant for the fiscal year, as defined in Mass. Gen. Laws c. 164, § 57, and/or for other plant extension, enlargements, additions, renewals, and reconstruction. **Reason:** Routine annual action; non-controversial at hearing. Authorizes the Light Plant to expend its income for operations and provides for the transfer of $474,500 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, 2021.
Article 18	**SOLID WASTE DISPOSAL FUND EXPENDITURES** **Affirmative Action Recommended by:** Select Board, Finance Committee **Motion:** That the Town take affirmative action on Article 18 as printed in the Warrant. **Reason:** Routine annual authorization; non-controversial at hearing. Authorizes the Town Manager to expend user fee revenue from the fiscal year ending June 30, 2021 and cash on hand in the Solid Waste Disposal Fund to operate the Town's curbside solid waste and recycling collection and disposal program.
Article 19	**SEWER SYSTEM EXPENDITURES** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town take affirmative action on Article 19 as printed in the Warrant. **Reason:** Routine annual enterprise fund authorization; non-controversial at hearing. Authorizes the Town Manager to expend user fee revenue for the fiscal year ending June 30, 2021 and cash on hand in the Sewer Fund for the operation, maintenance, and improvement of the Town's sewer system.

Article 20	**SEWER IMPROVEMENT FUND EXPENDITURES** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town take affirmative action on Article 20 as printed in the Warrant. **Reason:** Routine annual action; non-controversial at hearing. The Sewer Improvement Fund is a sub-fund of the Sewer Fund consisting of fees paid by certain properties connecting to the sewer system; the Article authorizes expenditure from the Fund for construction and expansion of sewer lines and treatment facility capacity.
Article 21	**WATER SYSTEM EXPENDITURES** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town take affirmative action on Article 21 as printed in the Warrant. **Reason:** Routine annual action; non-controversial at hearing. Authorizes the Town

	Manager to expend user fee revenue for the fiscal year ending June 30, 2021 and cash on hand in the Water Fund for the operation, maintenance, and improvement of the Town's water system.
Article 22	**AUTHORIZE EXPENDITURE FROM PEG ACCESS AND CABLE-RELATED FUND** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town transfer from the PEG Access and Cable-Related Fund the amount of $376,934 to be expended under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the Comcast licensing agreement. **Reason:** Routine transfer; non-controversial at hearing.
Article 23	**BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town appropriate from the Community Pool Enterprise Revenues the sum of $1,575,000 and appropriate from Retained Earnings the sum of $772,043 for a total appropriation of $2,347,043, the amount required for the total operating and capital expenses of the Community Pool Enterprise Fund for the fiscal year ending June 30, 2021, in accordance Mass. Gen. Laws c. 44, § 53F½ , to be expended under the direction of the Town Manager. **Reason:** Routine annual enterprise fund authorization; non-controversial at hearing.
Article 24	**MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town raise and appropriate the sum of $1,258,898 for the necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2021. **Reason:** Non-controversial. Routine ratification of assessment of Concord's share of the annual operating budget for the Minuteman Regional Technical High School District, pursuant to formula set forth in governing regional agreement.
Article 29	**MIDDLE SCHOOL STABILIZATION FUND** **Affirmative Action Recommended by:** Finance Committee, Select Board **Motion:** That the Town establish a Middle School Building Stabilization Fund as authorized by Mass. Gen. Laws c. 40, § 5B, and transfer from the Certified Free Cash Balance of July 1, 2019 the sum of $2,000,000 to the fund so established. **Reason**: Non-controversial. Concord Middle School buildings will require substantial renovation or replacement in the near future at a significant cost. The stabilization fund created and funded under this article will be used to reduce the annual property tax impact of borrowing necessary for the project.
Article 35	**ZONING BYLAW AMENDMENT - HAMMERHEAD LOT** **Affirmative Action Recommended by:** Planning Board, Zoning Board of Appeals, Select Board **Motion:** That the Town take affirmative action on Article 35 as printed in the Warrant. **Reason**: Non-controversial. Transfers permit granting authority for Hammerhead Lot Special Permit applications from Zoning Board of Appeals to Planning Board, consistent with the views of both boards that the Planning Board is better suited to review and decide upon such applications.

Article 36	**ZONING BYLAW AMENDMENT- RELIEF FROM PARKING REQUIREMENTS** **Affirmative Action Recommended by:** Planning Board, Zoning Board of Appeals, Select Board **Motion:** That the Town take affirmative action on Article 36 as printed in the Warrant, with the inclusion of the words ",if applicable" at the end of Item (a).

	Reason: Non-controversial. Amends the zoning bylaw to add the six criteria that the Planning Board, in its current practice, considers when evaluating requests for relief from parking requirements.
Article 38	**ZONING BYLAW AMENDMENT – FAIRS, BAZAARS, ANTIQUE SHOWS, SUPPERS AND DANCES** **Affirmative Action Recommended by:** Planning Board, Select Board **Motion:** That the Town take affirmative action on Article 38 as printed in the Warrant. **Reason**: Non-controversial. Amends the zoning bylaw to allow philanthropic organizations seeking to hold fairs, bazaars, suppers, dances and similar events to follow the same review process through which other organizations seeking to hold such events are reviewed.
Article 39	**ZONING BYLAW AMENDMENT – PROHIBITED USES** **Affirmative Action Recommended by:** Planning Board, Select Board **Motion:** That the Town take affirmative action on Article 39 as printed in the Warrant. **Reason**: Non-controversial. Amends the zoning bylaw to clarify that the bylaw is not intended to preclude the keeping of a registered, non-residential trailer on the property.
Article 44	**COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS** **Affirmative Action Recommended by:** Community Preservation Committee, Finance Committee, Select Board **Motion:** That the Town appropriate the sum of $1,960,000 from the Concord Community Preservation Fund, of which $244,233 shall be appropriated from the Undesignated Fund Balance as of June 30, 2019 and up to $1,715,777 shall be appropriated from the projected Fiscal Year 2021 Fund Revenues, in accordance with Mass. Gen. Laws c. 44B, to be expended under the direction of the Town Manager, for the ten appropriation recommendations as shown in the Warrant. **Reason:** History of community support; numerous prior public hearings**.** Appropriates Community Preservation Fund funds to projects recommended by the Community Preservation Committee following a series of public hearings on funding applications by the projects, allocating $320,000 for Community Housing, $250,000 for Historic Preservation, $619,223 for Open Space, $730,000 for Recreation, and $40,000 for Administration.

Item	Project/Description	Category	Sources		
			Prior Year Undesig-nated Fund Balance	FY21 CPA Fund Revenues	Total Amount Recom-mended
A	Concord Housing Authority – Commonwealth Avenue Project	Community Housing		$300,000	$300,000
B	Town of Concord Regional Housing Services Program	Community Housing		$20,000	$20,000
C	First Parish in Concord – Restoration and Repaint and Gild Belfry	Historic Preservation		$75,000	$75,000

	D	Holy Family Parish – Holy Family Parish Rectory Renovation	Historic Preservation		$75,000	$75,000
	E	Friends of Minute Man National Park – Buttrick House Gardens Hardscape Rehabilitation	Historic Preservation		$100,000	$100,000
	F	Town of Concord – Gerow park Improvements Phase I	Open Space	$244,223		$500,000
			Recreation		$255,777	
	G	Town of Concord – Warner's Pond Dredging Project	Open Space		$250,000	$500,000
			Recreation		$250,000	
	H	Town of Concord – Assabet River Pedestrian Bridge Construction Drawings and Permitting	Open Space		$125,000	$250,000
			Recreation		$125,000	
	I	Minute Man Arc for Human Services, Inc. – Accessible Outdoor Oasis Recreation Park for People with Disabilities	Recreation		$100,000	$100,000
	J	Staff and Technical Support	Administratio n		$40,000	$40,000
		Total All Projects		**$244,223**	**$1,715,777**	**$1,960,000**

Article 50	**AUTHORIZE SPECIAL LEGISLATION - ADDITIONAL LIQUOR LICENSES** **Affirmative Action Recommended by:** Select Board **Motion:** That the Town take affirmative action on Article 50 as printed in the Warrant. **Reason:** Non-controversial. Authorizes Select Board to request special legislation to ease the Board's administrative burden in processing the over 100 requests for one-day liquor licenses received annually by authorizing the issuance of "general licenses" to be used by locations that regularly host special events, but do not hold an on-premises liquor license.

MOTION TO POSTPONE INDEFINITELY CERTAIN ARTICLES

Mr. Lawson moves: that the Town advance for consideration and postpone indefinitely the following articles:

Article 1	**CHOOSE TOWN OFFICERS** **Description:** Choose town officers **Reason**: No motion is necessary under the article as town officers have been elected at the polls. A Motion to Postpone Indefinitely has the same effect as no motion.
Article 6	**PERSONNEL BYLAW AMENDMENT** **Description**: Proposed comprehensive amendment to Personnel Bylaw transferring to the Town Manager full authority for the Town's personnel systems. **Reason**: Select Board and Personnel Board wish to postpone consideration of the article to a future Town Meeting.
Article 9	**FY20 BUDGET ADJUSTMENT** **Description:** Transfer of funds to cover additional legal expenses incurred by the Town in FY20 **Reason:** No motion will be offered under the article because surplus funds in underspent accounts as of June 30, 2020 were transferred to cover the additional legal expenses and the article no longer is necessary. A Motion to Postpone Indefinitely has the same effect as no motion.
Article 28	**CONCORD-CARLISLE REGIONAL HIGH SCHOOL CAPITAL PROJECTS** **Description:** Proposed approval of $848,000 of debt authorized by Concord-Carlisle Regional School Committee for new parking lot. **Reason:** Concord-Carlisle Regional School Committee wishes to postpone consideration of the article to a future Town Meeting.
Article 31	**BY PETITION: MUNICIPAL FLEET ELECTRIFICATION REPORT** **Description:** Urging the Select Board to appoint a committee to study and report on potential electrification of municipal vehicle fleet, addressing several aspects. **Reason**: Petitioner intends to offer no motion under the article in view of work by the Town on vehicle electrification already in progress. A Motion to Postpone Indefinitely has the same effect as no motion.
Article 33	**ZONING BYLAW AMENDMENT – TWO-FAMILY DWELLING UNIT** **Description:** Amendment to allow two-family dwelling by Special permit in Residence C Zoning District, in furtherance of 2018 Comprehensive Long Range Plan goals. **Reason**: Planning Board wishes to postpone consideration of the article to a future Town Meeting.
Article 40	**GENERAL BYLAW AMENDMENT – FOSSIL FUEL INFRASTRUCTURE** **Description:** Proposal for requirement that new construction and large additions to existing structures be fossil fuel free. **Reason:** The Select Board wishes to postpone consideration of the proposal to a future Town Meeting.
Article 48	**BY PETITION- HISTORIC ISTRICTS BYLAW NOMINATING ORGANIZATIONS** **Description:** Authorize the Select Board to petition the General Court for home rule legislation for specified changes to the composition of the Historic Districts Commission.

	Reason: Petitioner wishes to postpone consideration of the article to a future Town Meeting.
Article 49	**NEONICOTINOIDS PROHIBITION ON TOWN AGRICULTURAL LAND** **Description:** Proposal that the Town include a prohibition in new leases and licensing agreements on use of neonicotinoids **Reason**: Select Board wishes to postpone consideration of the article to a future Town Meeting
Article 51	**UNPAID BILLS** **Description:** Town Meeting authorization of payment of unpaid bills from prior fiscal years. **Reason**: No motion necessary as there are no unpaid bills. A Motion to Postpone Indefinitely has the same effect as no motion.
Article 52	**DEBT RESCISSION** **Description:** Town meeting authorization to rescind unused borrowing authorization. **Reason**: No motion necessary as no rescissions necessary. A Motion to Postpone Indefinitely has the same effect as no motion.

MOTION TO REFER TO THE PLANNING BOARD
ARTICLE 43 – BY PETITION: ONE-YEAR MORATORIUM ON ZONING BYLAW SECTION 10 PRDs

Mr. Madigan moves: that Article 43 be referred to the Planning Board for further study.

Article 4: Ratify Personnel Board Classification Actions
(Consent Calendar)

Motion:
Ms. Quackenbush moves: that the Town take affirmative action on Article 4 as printed in the Warrant.

Narrative Explanation:
Article 4 requests Town Meeting approval of classification actions taken by the Personnel Board during the past year. A classification action is an amendment to the Town's Classification and Compensation Plan which adds or deletes a job title, assigns a job title to a salary range, or reassigns a title from one salary range to another within the Plan. Existence of a title on the Plan does not determine whether the position will be funded. Funding for positions is subject to the limitations of the approved General Fund and Enterprise Fund budgets.

Classification actions become necessary throughout the year when the Town Manager creates a new position, when the duties of an existing position change in a significant manner, or when it is determined that a position title needs to be updated.

In accordance with the Personnel Bylaw, the Personnel Board assigns titles and salary ranges as needed throughout the year and puts them into immediate effect. Salary grade assignments are determined by using the Town's standardized classification system, which groups positions by assigning weighted points to common occupational features and distinguishing characteristics such as the nature of the work, the level of the work, job requirements, job qualifications, and working conditions.

In the event the Personnel Board determines that a new or changed position requires an amendment to the Classification and Compensation Plan, the Board temporarily authorizes the change, pending ratification at the next Town Meeting.

Since the 2019 Town Meeting, the Personnel Board authorized the 3 changes to the Classification Plan that are printed in the Warrant and subject to ratification. No additional changes were voted by the Personnel Board between January 10, 2020, and April 27, 2020. Two of the actions taken are title changes with no impact on grade and salary range assignments. The titles "Facilities/Landscape Maintainer" and "Chief Financial Officer" were recommended to better reflect current responsibilities of the positions. The third action adds a title to the plan. Due to increased responsibility and complexity, an existing position was reassigned from a lower salary grade to the AC-4 grade with the new title of "Assistant to the Town Clerk."

These actions, as intended by the Personnel Bylaw, maintain appropriate job titles and salary ranges in order to attract and retain competent employees, comply with pay equity laws, and prolong the life of the Classification & Compensation Plan, thereby reducing the need for comprehensive studies that are both costly and labor intensive. Accordingly, they are presented to Town Meeting for ratification.

Article 5: Classification & Compensation Plan for Regular-Status Positions (Consent Calendar)

Motion:
Ms. Quackenbush moves: That the Town take affirmative action on Article 5 as printed in the Warrant.

Narrative Explanation:
The purpose of Article 5 is to amend, in accordance with the Personnel Bylaw, the Classification and Compensation Plan for non-union, regular-status, Town positions effective July 1, 2020. *(This action impacts approximately 60% of the Town's regular workforce, and less than 15% of the total workforce when School and non-regular employees are considered.)* Article 5 approves job titles, groupings of positions into grades, and salary ranges.

It is important to note that Article 5 does not control how much money will be allocated to employee salaries and salary increases in Fiscal Year 2021. Actual salary increases are set by the Town Manager and Personnel Board after Town Meeting within the limits of the approved General Fund and Enterprise Fund budgets.

Adoption of the Classification and Compensation Plan printed in the Warrant would:

1. incorporate the classification actions set forth in Article 4;
2. increase all salary range margins by 2.5%, except for the Swim & Fitness and Human Services ranges where no increase to the maximum is recommended; and
3. further increase the minimums of the SF-1 and HS-A ranges to the new Massachusetts minimum wage.

The Town Manager and Human Resources Director recommended these amendments to the Plan based on:

- current and anticipated workforce needs;
- continuing review of the compensation provided by similar municipalities, light plants, fitness facilities, and other employers with comparable positions to Concord's; and
- continuing review of equal pay for comparable positions.

Since Article 5 does not control the amount of the actual salary increases to be received by employees in Fiscal Year 2021, there is not a direct cost associated with adoption of this Plan. Actual salary increases are set by the Town Manager and Personnel Board after Town Meeting within the limits of the approved budgets for the fiscal year.

Therefore, if Article 5 is approved by Town Meeting, but funding for salary increases is not available in the approved budgets, the salary range limits will increase while each employee's actual pay will not.

Likewise, if Article 5 is not approved by Town Meeting, employees may still receive salary increases within the existing range limits, provided that funds for those increases are available within the approved budgets.

The Personnel Board recommends adoption of these updates to the Classification & Compensation Plan with the understanding that maintaining fair and competitive salary ranges for the Town's non-union positions is an important factor in attracting and retaining competent employees.

Article 10: Town Budget

Motion:
Mr. Lawson moves: that the Town take affirmative action on Article 10 as printed in the materials presented at the Joint Select Board/Finance Committee Public Hearing on August 17, 2020, and reprinted in the table below entitled FY21 Town Budget and that the Town:

1. raise and appropriate the sum of $44,122,095,
2. transfer $145,587 from the Parking Meter Fund,
3. transfer $184,565 from the Cemetery Fund,
4. transfer $262,165 from the Sewer Fund,
5. transfer $728,557 from the Water Fund,
6. transfer $584,136 from the Light Fund,
7. transfer $148,560 from the Solid Waste Fund,
8. transfer $38,613 from the Telecom Fund,
9. transfer $170,880 from the Emergency Services Stabilization Fund,
10. transfer $3,500 from Transportation Network Fees,
11. transfer $1,802 from PEG Access Fund,
12. transfer a total of $555,020 from accounts requiring no further appropriation, and
13. transfer $715,000 from the Certified Free Cash as of July 1, 2019

for a total appropriation under Article 10, Items 1 – 16, of $47,660,480, for the necessary and expedient purposes of the Town for the Fiscal Year ending June 30, 2021, and that the same be expended only for such purposes under the direction of the Town Manager; and further, that the Town Manager is authorized to turn in or sell at public auction surplus equipment, the amount allowed or received therefore to be applied against the purchase of new equipment; and that the Town appropriate and transfer the sum of $1,000 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health's Rabies Clinic; and further that the Town appropriate $126,334.42 from the Title 5 Septic Loan Betterment Reserve Account to meet the loan payments to the Massachusetts Clean Water Trust due and payable during FY2021.

FY21 Town Budget – Insert on next page

Note to Moderator: 2/3 Vote Required

Narrative Explanation:
The proposed FY2021 Town Budget in Article 10 has been revised due to the impacts of the COVID19 pandemic since the Warrant was published. The Budget proposed by Article 10 represents a 2.35% decrease from FY2020; the original Budget in the Warrant proposed an increase of 2.5% over FY2020. The decrease in spending is a result of several factors: a reduction in the budget for salary reserve, eliminating funding for certain nonessential, vacant positions, a significant reduction in Capital Outlay requests, and attrition savings from employee turnover. Additionally, the Commonwealth enacted a new COVID19 relief law that allows towns, for the first time, to carry forward prior year unexpended appropriation into the new fiscal year as a budget offset. The offset is in the form of a Free Cash appropriation (generated by the prior year under-expenditure). In this case, the $715,000 carryover offset the need for additional levy in FY2021. The proposed Budget, like the version published in the Warrant, consolidates line items, includes a change in the Fire Department command structure, and an increase in the legal services budget.

Town Government Operating Budget

Item No.	Department	Fiscal 2019 Expenses	Fiscal 2020 Appropriation	Fiscal 2021 Proposal
	General Government			
	$4,026,648 is 8.4% of Total			
1	A. Town Manager's Office	$ 663,080	$ 707,891	$ 707,457
	B. Human Resources	443,069	480,780	474,854
	C. Information Systems	872,727	1,047,888	1,088,066
	D. Town Meeting and Reports	85,247	100,250	101,225
	E. Economic Vitality & Tourism	4,519	89,238	112,400
	F. Facilities Management			
	F1. Facilities Administration	544,483	230,424	623,700
	F2. Parks & Playgrounds	-	125,294	127,560
	F3. Resource Sustainability	112,024	91,085	160,995
	F4. Town House	119,489	127,919	126,675
	F5. Visitor's Center and Restroom	7,245	18,114	29,765
	F6. 55 Church Street	56,128	104,859	109,376
	F7. 37 Knox Trail	16,261	19,581	19,991
	Subtotal	2,924,273	3,143,321	3,682,063
2	A. Legal Services	629,462	250,000	344,585
	Department Subtotal	**3,553,736**	**3,393,321**	**4,026,648**
	Finance			
	$2,373,592 is 5.0% of Total			
3	A. Finance Administration	$ 579,739	$ 725,917	$ 610,697
	B. Treasurer-Collector	469,238	513,859	507,240
	C. Town Accountant	351,927	338,596	347,020
	D. Assessors	431,296	451,355	452,553
	E. Town Clerk	252,698	336,878	371,934
	F. Elections	56,017	42,653	76,176
	G. Registrars	7,421	7,374	7,971
	Department Subtotal	**2,148,336**	**2,416,632**	**2,373,592**

Planning and Land Management				
$1,858,940 is 3.9% of Total				
4	A. Planning Administration	$ 467,446	$ 525,818	$ 562,302
	B. Natural Resources	285,527	293,518	345,173
	C. Inspections	456,122	490,298	459,084
	D. Health	419,877	439,014	444,182
	E. 141 Keyes Road	38,699	56,583	48,199
	Department Subtotal	**1,667,671**	**1,805,231**	**1,858,940**

Item No.	Department	Fiscal 2019 Expenses	Fiscal 2020 Appropriation	Fiscal 2021 Proposal
Human Services				
$3,445,273 is 7.2% of Tota				
5	A. Library	$ 2,181,874	$ 2,401,494	$ 2,290,638
	B. Senior Services			
	B1. Senior Services	410,989	624,470	663,216
	B2. Harvey Wheeler Community Center	82,935	89,787	93,548
	C. Recreation Services			
	C1. Recreation Services	108,376	121,260	118,882
	C2. Hunt Recreation Center	104,683	100,805	103,628
	D. Human Services	44,526	71,535	71,084
	E. Veterans Services	96,778	88,758	74,646
	F. Ceremonies and Celebrations	22,426	19,030	29,631
	Department Subtotal	**$ 3,052,588**	**$ 3,517,139**	**$ 3,445,273**
Public Safety				
$10,212,263 is 21.4% of Total				
6	A. Police Department	$ 4,453,500	$ 4,875,035	$ 4,624,613
	B. Animal Control Officer	25,734	27,236	27,500
	C. Police-Fire Station	224,990	226,773	231,869
	D. Fire Department	4,692,276	5,323,470	5,291,544
	E. Emergency Management	1,884	16,060	16,000
	F. West Concord Fire Station	16,949	24,898	20,738
	Department Subtotal	**$ 9,415,333**	**$ 10,493,472**	**$ 10,212,263**

	Public Works			
	$4,4,473,093 is 9.4% of Total			
7	A. Public Works Administration	$ 423,951	$ 446,181	$ 446,983
	B. Engineering	572,668	696,029	684,215
	C. Highway Maintenance	1,181,219	1,521,160	1,517,682
	D. Winter Maintenance	610,001	625,000	640,000
	E. Parks and Trees	599,668	777,045	774,001
	F. Cemetery	198,268	250,286	257,789
	G. 133/135 Keyes Road	108,824	120,490	124,923
	H. Capital Assets			
	H1. Road Improvements	-	-	-
	H2. Drainage Program	-	-	-
	H3. Sidewalk Management	-	-	-
	H4. Heavy Equipment	-	-	-
	I. Street Lighting	41,250	57,400	27,500
	Department Subtotal	**$ 3,735,849**	**$ 4,493,591**	**$ 4,473,093**

Item No.	Department	Fiscal 2019 Expenses	Fiscal 2020 Appropriation	Fiscal 2021 Proposal
	Unclassified			
	$560,000 is 1.2% of Total			
8	Employee Wellness			
	A. Unused Sick Leave	$ 90,000	$ 90,000	$ 65,000
	B. Public Safety Disability	-	2,500	2,500
	C. Employee Assistance Program	7,477	7,500	7,500
	Subtotal	**97,477**	**100,000**	**75,000**
9	Reserve Fund*	-	225,000	225,000
* Transfers totaling $225,000.00 were made to other accounts in Fiscal Year 2019.				
10	Salary Reserve**	262,500	307,262	250,000
** Transfers totaling $1,145,395 in Fiscal Year 2019 and $861,726 in Fiscal Year 2020 were made to other accounts.				
11	Land Fund	10,000	10,000	10,000
	Total Unclassified	**$ 369,977**	**$ 642,262**	**$ 560,000**
	TOWN GOVERNMENT SUBTOTAL Account 1-10	**$ 23,943,489**	**$ 26,761,649**	**$ 26,949,809**

	Joint (Town - CPS)			
	$20,401,671 is 43.5% of Total			
12	A. Group Insurance	$ 5,374,837	$ 5,966,069	$ 6,383,694
	B. OPEB	1,617,000	1,697,850	1,500,000
	C. Property/Liability	275,000	288,750	300,000
	Insurance Subtotal	**7,266,837**	**7,952,669**	**8,183,694**
13	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	83,185	110,000	110,000
	B. Workers' Comp.	126,711	100,000	110,500
	Subtotal	**209,896**	**210,000**	**220,500**
14	Retirement	3,777,010	3,965,861	4,064,734
15	Social Security and Medicare	816,675	800,000	866,864
16	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	3,069,031	3,450,625	
	CPS Principal and Interest	660,594	715,520	
	Subtotal	**3,729,625**	**4,166,145**	
	Interest on Notes		25,000	
	Other Debt Expense	3,915	5,000	
	Subtotal Within Levy Limit	**3,733,540**	**4,196,145**	**3,999,012**
	B. Excluded Debt			
	Town Principal and Interest	99,794	350,794	
	CPS Principal and Interest	3,254,356	2,870,387	
	Less: Use of Stabilization Funds	(275,000)		
	Subtotal Excluded Debt	**3,079,150**	**3,221,181**	**3,375,867**
	Total Debt Service	**6,812,690**	**7,417,326**	**7,374,879**
	Total Joint (Town - CPS)	**$ 18,883,108**	**$ 20,345,856**	**$ 20,710,671**
	Total Appropriation	**$ 42,826,597**	**$ 47,107,505**	**$ 47,660,480**

Article 11: Capital Improvement and Debt Plan

Motion:
Mr. Lawson moves: that the Town raise and appropriate the sum of $1,081,855, transfer the sum of $150,000 representing unexpended bond proceeds and premium originally borrowed to fund public safety equipment authorized under Article 24 of the 2016 Annual Town Meeting to fund a portion of the costs of the Fire Department Ambulance #2 Replacement (2011) project, and to authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Massachusetts General Laws c.44, § 7 or §8, or any other enabling authority, the sum of $2,675,000 for a total appropriation of $3,906,855 to fund the FY21 Capital Improvement Plan, as shown in the table below, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Mass. Gen. Laws c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Capital Improvement and Debt Plan Insert on next page*

Note to Moderator: 2/3 Vote Required

Narrative Explanation: This article authorizes the FY21 *Revised* Capital Outlay and Debt Plan, all of which will be funded within the existing Levy Limit. Capital Outlay was originally budgeted for $1,787,195, but has been reduced to $1,081,855 in response to the COVID pandemic. Outlay funding will be used towards projects and improvements, valued at over $10,000, within several Town departments. The revised Debt Plan totals $2,825,000, a decrease from the original $4,350,000 request. Item 1 authorizes the Treasurer to borrow $200,000 to be used to replace the playground safety surfacing at Emerson Field in order to comply with new Americans with Disabilities Act and Massachusetts Architectural Access Board requirements. Item 2 authorizes the Treasurer to borrow $500,000 to be used for the multi-year dredging project of Warner's Pond. Item 3 authorizes the Treasurer to borrow $600,000 for Park and Open Space improvements specific to the newly acquired White Pond Beach area. Item 4 authorizes the Treasurer to borrow $275,000 for the replacement of a 2011 Fire Ambulance. Item 5 authorizes the Treasurer to borrow $1.25 M for Public Works' roads and parking area improvement plan; this amount, combined with Chapter 90 funding (State Road Aid), will be used to protect and replace Concord's 107 miles of public roads, including drainage and sidewalk construction and renovation.

Recreation Commission Recommendation:

The Concord Town Recreation Department is a leader in providing activities that enhance personal development, promote healthy life styles, and encourage greater community involvement. As a dedicated group of professionals, we strive to promote lasting experiences, while creating fun, unique, inclusive, opportunities in excellent facilities. Concord Recreation is a self-supporting operation that strives to keep pace with a growing community to deliver the highest quality customer focus programs, events and services.

The Recreation Commission and the Concord Recreation Department fully support the proposal for the development of the Gerow Park parcel off Commonwealth Avenue, which would receive funding under Article 11, subject to further diligence by the town to review all aspects of operation, including operating expenses, and the risks involved. The Gerow property is unique in that it would offer programming opportunities to include outdoor education, boating, fishing, and family outings. It is clear that the community use of Public Park spaces are seeing increased usage during these times of COVID-19 and the addition of Gerow and the proposed park features will be a real asset for the community in the future.

The 2014 *Recreation Facilities Strategic Plan* calls for many recommendations that few parcels of land in Concord can match. Referencing the Strategic Plan, residents requested "an outdoor recreation and environmental program based on trends and Market Potential Index, including kayaking, canoeing, etc. This includes the need for boating access and rentals." Additionally, the Recreation Facilities Strategic Plan shows a need for "outdoor volleyball (12%), as well as nature programs (51%)". The Gerow parcel is uniquely well-suited to provide the space to potentially meet these needs and more.

Additionally, the acquisition of this unique land would assure that the Town "continue(s) to protect rivers, wetlands, ponds, vernal pools, upland habitats and other natural resources to preserve and enhance biodiversity", as cited in the *Envision Concord Plan* Open Space and Natural Resources section, 4.6. By using this land for purposes of recreation, conservation, agriculture, and open space, the Town would also be supporting the Land Use goal of "preserve(ing) Concord's current mix of land uses…" also as stated in the *Envision Concord Plan*.

The Commission and Department fully support the vision for the Gerow Park property development and its ability to meet the needs of the community. We hope you will consider providing support to this initiative.

Recreation Commission 09/01/2020

FY21 Capital Improvement and Debt Plan

Capital Outlay		**FY21 Revised**
General Government		
1C. Information Systems	Technology Upgrades	$0
1F1. Facilities Admin.	Building Improvements	$3,830
1F3. Resource Sustain.	Conservation Improvements	$105,000
Human Services		
5A. Library	Technology Upgrades	$5,000
Public Safety		
6A. Police Department	Vehicles and Equipment	$165,000
6D. Fire Department	Vehicles and Equipment	$202,363
Public Works		
7B. Engineering	System Improvements	$22,436
7C. Highway Maintenance	Highway Improvements	$20,000
7E. Park and Trees	Park Improvements	$18,226
7H1. Road Improvements	Road Improvements	$100,000
7H2. Drainage Program	Drainage Improvements	$130,000
7H3. Sidewalk Mgt.	Sidewalk Improvements	$25,000
7H4. Heavy Equipment	Vehicles and Equipment	$285,000
Capital Outlay Total		**$1,081,855**

Borrowed Funds		**FY21 Revised**
General Government		
1F2. Parks & Playgrounds	Emerson Playground Improvements	$200,000
	Gerow Improvements	$0
	Rideout Park Improvements	$0
	Warner's Pond Dredging	$500,000
	White Pond Improvements	$600,000
Public Safety		
6D. Fire Department	Ambulance #2 Replacement (2011)	$275,000
	Ladder #1 Refurbishment (2012)	$0
Public Works		
7A. Public Works Admin.	Road and Parking Lot Reconstruction	$1,250,000
Borrowed Funds Total		**$2,825,000**
Total Capital Outlay and Borrowed Funds		**$3,906,855**

Article 13: General Bylaw Amendment –
Vote to Adopt Municipal Affordable Housing Trust Bylaw
(Consent Calendar)

Motion:
Mr. Lawson moves: that the Town take affirmative action on Article 13 as printed in the Warrant.

Narrative Explanation:
The 2019 Town Meeting voted to accept Mass. Gen. Laws c. 44, § 55C, which authorizes creation of a Municipal Affordable Housing Trust to promote preservation, creation of affordable housing for benefit of low and moderate income households, and funding of community housing. Article 13 would implement that prior vote by adopting the Town of Concord Municipal Affordable Housing Trust Bylaw. The Trust's Board of Trustees-- appointed by the Select Board-- would have the ability to receive and disburse funds and real property dedicated to affordable housing, subject to guidelines approved by the Select Board and consistent with the Town's adopted housing goals. In its message to 2019 Town Meeting voters, the Affordable Housing Funding Committee then said, "Concord needs predictable, sustainable revenue sources so that funds are readily available when affordable home opportunities arise . . . Without the necessary funds to act quickly, valuable opportunities could be missed." The Affordable Housing Funding Committee's package of articles approved by 2019 Town Meeting were as follows:

- Art. 23 appropriated $500,000 from Free Cash for affordable housing;
- Art. 24 accepted MGL Chapter 44, Section 55C to authorize creation of an Affordable Housing Trust Fund; and
- Art. 25 & 26 authorized filing of home rule petitions to establish a building permit surcharge and a real estate transfer fee to be deposited into Concord's Affordable Housing Trust Fund.

Following last year's town meeting, the Select Board appointed a 5-member Affordable Housing Trust Study Committee to develop a proposed affordable housing trust bylaw for consideration by 2020 Town Meeting. Article 13 is that proposed bylaw, and it is recommended by the Select Board. The bylaw's text is derived principally from the language of the authorizing statute—Mass. Gen. Laws c.44, § 55C—and proposes the following:

- The Concord Select Board would appoint five to seven Trustees, one of whom would be a member of the Select Board.
- The Select Board would approve the Trust's policy goals and guidelines, consistent with the Town of Concord's adopted housing goals.
- Select Board approval would be needed for Trust to borrow money; mortgage or pledge trust assets; purchase, accept, sell, lease, exchange, transfer, abandon, convey interest in real, personal, or mixed property; or to amend the Trust.
- The Town Treasurer serves as custodian of the Trust's funds.

Affordable Housing Trust Study Committee Recommendation:
The Concord Municipal Affordable Housing Trust complements the Town's existing affordable housing efforts, entities and programs, and the Trust could act quickly when affordable housing opportunities arise. The Affordable Housing Trust Study Committee urges passage of Article 13.

Select Board Recommendation:
The Select Board recommends affirmative action on Article 13: General Bylaw Amendment-Vote to Adopt Municipal Housing Trust Bylaws. This article will establish the bylaws for the Concord Municipal Affordable Housing Trust which was approved by the 2019 Town Meeting as authorized by State statute to "promote the preservation and creation of affordable housing for the benefit of low- and moderate-income households, and funding of community housing".

Subsequent to last year's town meeting, the Select Board appointed a five-member Affordable Housing Trust Study Committee charged with the task of developing a proposed trust bylaw to be brought back to this year's town

meeting for ratification. Mass. Gen. Laws c. 44, § 55c, provides the basic guidance for the content of this bylaw and is generally followed by other towns that have a municipal affordable housing trust.

As written and presented in this article, this bylaw will authorize the Select Board to appoint five to seven members as Trustees of the Concord Municipal Affordable Housing Trust, with one member representing the Select Board, to carry out the duties of the Trust. The bylaw further stipulates that the Select Board will approve the Trust's policy goals and guidelines, consistent with the Town's adopted housing goals. Any actions of the Trust to borrow money; mortgage or pledge trust assets; or purchase, accept, sell, lease, exchange, transfer, abandon, convey interest in real, personal, or mixed property will also include the approval of the Select Board. These bylaws further identify the Town Treasurer as the custodian of town funds. All these provisions strengthen the cooperation between the many town entities and programs that work together to implement the Town's housing affordable housing goals.

During the last two years the Select Board has worked to implement key recommendations from the reports of the Affordable Housing Funding Committee and the Affordable Housing Trust Study Committee which have been presented in previous town forums. This has translated into both this Affordable Housing Trust Bylaw (Article 13) and the article to Appropriate Funds for Affordable Housing Development (Article 14) for positive action to be taken by the town. Both articles strengthen the necessary available mechanisms to assist the town in addressing its affordable housing goals.

Article 14 -- Appropriate Funds for Affordable Housing Development

Motion:
Mr. Banfield moves: that the Town transfer from the Certified Free Cash Balance as of July 1, 2019 the sum of $500,000 for the purpose of developing or supporting affordable housing within the Town, to be expended under the direction of the Town Manager on such terms and conditions as the Select Board may determine, including transferring the funds to the Municipal Affordable Housing Trust Fund.

Narrative Explanation and Select Board Recommendation:
The Select Board recommends affirmative action on Article 14: Appropriate Funds for Affordable Housing Development. This article will provide the town with accessible funds during the year to act on affordable housing opportunities as they might arise.

Building on the recommendations of the Town's long-range plan *Envision Concord a Bridge to 2030* and the recommendations of the former Affordable Housing Funding Committee, the 2019 Town Meeting passed four articles related to establishing funding sources to support the Town's affordable housing goals. Two of those articles involved home rule petitions which require State Legislature approval, and they are still in play during this COVID-19 extended legislative session. The Select Board continues to advocate for and monitor their status, and as anticipated, knew that it might take a couple of years before local funding sources for affordable housing could be realized from these actions.

Additionally, the 2019 Town Meeting approved the establishment of an Affordable Housing Trust, the final bylaws for which have been brought before this town meeting for final approval.

Simultaneously, the 2019 Town Meeting also approved an appropriation of $500,000 for affordable housing. The availability of these funds during the year was essential for immediate Town action which resulted in leveraging multiple sources of town and non-town funds for 930 Main Street (which is being completed as a Habitat for Humanity Project) that will provide two additional units of affordable housing toward the town's SHI (State Housing Inventory). Initial development costs for the planned Commonwealth Avenue affordable housing unit also came from this fund, allowing the Concord Housing Authority to proceed to work on an additional unit of affordable housing on the approximate ¼ acre of Gerow land that the 2019 Town Meeting approved and set aside for this purpose.

As we await the outcome of the State Legislature's action on our two home rule petitions before them, it was anticipated that the Select Board would also request an appropriation for affordable housing at this year's town meeting. The ability to access funds between town meeting sessions and leverage them to the town's advantage have already resulted in four planned additional units that will count toward the town's SHI. Collectively, all of the efforts that the Select Board and Town have taken are illustrative of the multiple strategies and actions that are necessary to support the town's affordable housing goals.

Article 15: Authorize Special Legislation – Senior Means Tested Property Tax Exemption

Motion:

Mr. Karr moves: that the Town authorize the Select Board to petition the Massachusetts General Court to enact home rule legislation for the town of Concord to continue the town's senior means-tested property tax exemption in substantially the same form previously enacted in Chapter 374 of the Acts of 2016, except that Section 8 (the sunset clause) would be eliminated, and Sections 1 and 2 would be amended to ease the administrative burden of eligibility calculations, so that the legislation shall be in substantially the form provided below, and further to authorize the Select Board to approve amendments to said act before its enactment that are within the scope of the general objectives of the petition:

SECTION 1. With respect to each qualifying parcel of real property classified as Class 1, residential, in the town of Concord there shall be an exemption from the property tax equal to the total amount of tax that would be assessed if no part of the tax were exempted (the "total tax") less 10 per cent of gross income, except that this exemption shall not be more than 50 per cent of the total tax, nor shall this exemption cause more than 90 per cent of the total tax to be exempted when combined with other exemptions. The percentage of total annual qualifying income may be raised by section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, a "parcel" shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application for the exemption in section 1 if the board finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if the following criteria are met:

(i) the qualifying real property is owned and occupied by a person whose prior year's gross income is no greater than the published income limit of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(ii) the qualifying real property is owned by a single applicant who is 65 years of age or older at the close of the previous year or owned jointly if 1 of the joint applicants is 65 years of age or older at the close of the previous year and the other joint applicant is 60 years of age or older;

(iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(iv) the applicant or not less than 1 of the joint applicants has been domiciled in the town of Concord for not less than 10 consecutive years before filing an application for the exemption;

(v) the maximum assessed value of the domicile is not more than the town's median single-family residential assessed value of the prior fiscal year; and

(vi) the board of assessors has approved the application for the exemption.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on the total exemptions granted pursuant to this act equal to 0.5 per cent of the fiscal year's total residential property tax levy for the town of Concord, including the levy for the regional high school if not included in the town's tax levy at some subsequent date with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of the exemption, the total cap on the exemptions granted pursuant to this act shall be set annually by the select board within a range of 0.5 to 1 per cent of the residential property tax levy for the town. If benefits to the applicants may be limited because the percentage established annually by the select board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. If the cap exceeds the need for the exemption, the total cap on the exemptions granted pursuant to this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the town of Concord shall be first by vote of approval at an annual town meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote of the town to revoke those sections.

SECTION 7. An exemption shall not be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

Narrative Explanation:
The Means-Tested Senior Tax Exemption authorized by Chapter 374 of the Acts of 2016 went into its third year of implementation in Fiscal Year 2021. Persons age 65 or older who have been residents of the town for at least ten years, whose property is valued at or below the town's median single-family house value ($925,200 in FY 2021), whose income would qualify for the state's Circuit Breaker income-tax credit ($60,000 for an individual and $90,000 for joint owners), and whose other assets are below a threshold set by the Board of Assessors were eligible for this exemption. The exemption can reduce the applicant's property tax by as much as 50 per cent or until the net tax burden is 10 per cent of the applicant's income. In FY 2020 (the latest results available at printing time), 44 applications were approved for exemptions totaling $144,028, the total amount of exemptions continued to be capped at ½ of one percent of the total residential property tax, and the actual total continued to be well under this cap, enabling the full amount of the exemption to be given to all eligible applicants.

The act authorizing this exemption expires three years after implementation, so unless further action is taken, Fiscal Year 2021 would be the last year in which the exemption would be available. The Tax Fairness Committee therefore drafted a new Home Rule Petition in order to continue the exemption after the expiration of Chapter 374. The committee learned that this petition would need to pass through all the steps of any new legislative Home Rule Petition, which is a multi-year process. Hence, in order to avoid a gap in the availability of the exemption, the committee submitted the petition as a warrant article to be voted by the 2020 Annual Town Meeting.

With the advice of the Town Assessor, in order to reduce the expense of administering the exemption while maintaining the intent of the income limit, the new Home Rule Petition is based on gross income rather than the Circuit Breaker worksheet. The new petition also modifies the calculation of the exemption to ensure that applicants who are eligible for another exemption in addition to the Means-Tested Senior Tax Exemption receive the full benefit of both exemptions. It is expected that with these changes, the net tax burden on eligible individuals will be the same or less than it would have been under the old rules. The Home Rule Petition makes the exemption permanent, as the Legislature did with the Town of Sudbury's similar exemption.

The Select Board and the Finance Committee both recommend approval of this motion.

Select Board Recommendation:
The Select Board recommends affirmative action on Article 15: Authorize Special Legislation Senior Means-Tested Property Tax Exemption. In 2017, Town Meeting adopted the Senior Means-Tested Property Tax Exemption via Special Legislation. The adopted legislation was to be in effect for a three-year period and it has been very successful in providing property tax relief for over 40 families in Concord. This article proposes two changes to the current law. First it seeks to continue the program indefinitely by eliminating the 'sunset' clause. Second, the article proposes to revise the technical calculations of income using a more straightforward measure of 'gross income' thereby making the program easier to administer.

If this article is approved by the 2020 Annual Town Meeting, it will then be submitted to the Legislature as a home-rule petition. If adopted by the Legislature, the bill with come back to the Town. It will then need to be approved at a subsequent Annual or Special Town Meeting and also approved by a ballot referendum.

Article 16: Approval of Tax Increment Financing Agreement

Motion:

Mr. Lawson moves: that, pursuant to Mass. Gen. Laws, c. 40, § 59 and c. 23A, and the applicable regulations thereunder, the Town take affirmative action on Article 16 to:

1. Approve a Tax Increment Financing Agreement between the Town and Concord and Junction Village ALF Limited Partnership (the "TIF Agreement"), substantially in the form approved by the Select Board on September 3, 2020 and included in the Meeting Materials, for property located at 6X Winthrop Street, (Assessor Parcel ID#1022672), which TIF Agreement provides for real estate tax exemptions and personal property tax exemptions at the exemption rate schedule set forth therein;
2. Approve an Economic Development Incentive Program ("EDIP") Local Incentive-Only Application submission to the Massachusetts Economic Assistances Coordinating Council (the "EACC") substantially in the form on file with the Town Clerk, for the same property as described in TIF Agreement;
3. Authorize the Select Board to execute the TIF Agreement, and any documents related thereto, and to approve submission of the TIF Agreement and the EDIP Local Incentive-Only Application, and any associated documents, to the EACC, all relating to the project as described in the TIF Agreement, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and the EDIP Local Incentive-Only Application, implement those documents, and carry out the purposes of this Article 16.

[COPY OF AGREEMENT FOLLOWS:]

TAX INCREMENT FINANCING AGREEMENT
BY AND BETWEEN
THE TOWN OF CONCORD
AND
JUNCTION VILLAGE ALF LIMITED PARTNERSHIP

THIS TAX INCREMENT FINANCING AGREEMENT (the "Agreement") is made this _____ of _____, 2020, by and among the TOWN OF CONCORD (the "Town"), acting by its Select Board as authorized by vote of the 2020 Annual Town Meeting, and Junction Village ALF Limited Partnership (the "Company").

RECITALS

WHEREAS, the Town is a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts having a principal place of business at 22 Monument Square, Concord, MA 01742; and

WHEREAS, the Company is a Limited Partnership duly organized under the laws of in the Commonwealth of Massachusetts with a principal place of Business at 99 Pleasant Street, Marlborough, MA 01752; and

WHEREAS, the Company plans to commence construction of an approximately 54,000 square foot affordable assisted living located at 6X Winthrop Street, Concord, Massachusetts on property owned by Concord Housing Development Corporation – JV, LLC and shown on the attached Concord Assessors Map 8D Parcel 2013-1 (the "Property"); and

WHEREAS, the Company plans to invest approximately $19,998,525 dollars to develop and operate the Christopher Heights of Concord at Junction Village (the "Project") at the Property. The Project will consist of

an affordable assisted living facility featuring 83-units of low- and moderate-income housing 100% of which will contribute to the Town of Concord's Subsidized Housing Inventory; and

WHEREAS, the Company, as a result of the Project, intends to create 30 new permanent full-time jobs at the facility on Winthrop Street; and

WHEREAS, the Company intends to apply for status as a Local Incentives-Only Project under the Massachusetts Economic Development Incentive Program ("EDIP); and

WHEREAS, on August 31, 2020 the Select Board recommended approval of this Agreement to the Concord Town Meeting; and

WHEREAS, on September 13, 2020 the Concord Town Meeting voted to approve this Agreement; and

WHEREAS, the Town strongly supports increased economic development to provide additional jobs and increase the Town's Subsidized Housing Inventory with the additional affordable housing units to be created by the Project.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration each to the other paid, receipt of which is hereby acknowledged, the parties hereby agree as follows:

A. THE TOWN'S OBLIGATIONS

1. A Tax Increment Financing ("TIF") exemption (the "Exemption") is hereby granted to the Company by the Town in accordance with Chapter 23A, Sections 3A to 3F; Chapter 40, Section 59, and Chapter 59, Section 5, Clause Fifty-first of the Massachusetts General Laws and the applicable regulations thereto. The Exemption for real estate taxes shall be for a period of fifteen (15) years (the "Exemption Term"), commencing in the fiscal year for which the Town has increased the assessed value at the Property to the full assessed value of the Project at the Property (the first day of such fiscal year in which said full assessed valuation occurs is hereinafter referred to as the "Start Date"); and shall provide an exemption from taxation of the new incremental value of the Property resulting from the Project, as determined by the Town of Concord Assessor, as follows:

Fiscal Year	Exemption Percentage
1	69.21%
2	69.21%
3	69.21%
4	69.21%
5	69.21%
6	69.21%
7	69.21%
8	69.21%
9	69.21%
10	69.21%
11	69.21%
12	69.21%

13	69.21%
14	69.21%
15	69.21%

2. The Base Valuation shall be the assessed value of the Property for Fiscal Year 2021 in the amount of $1,444,200.

3. The Base Valuation shall be adjusted annually by an adjustment factor, which reflects the increased values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws.

4. Notwithstanding the foregoing Exemption Schedule or anything in this Agreement to the contrary, the total amount of the Exemption authorized by this Agreement commencing on the date hereof, shall not exceed an aggregate of $2,000,000 for the entire Exemption Term (the "Total Exemption"). Once the Total Exemption has been granted to the Company, the Company shall not be entitled to any further Exemption, even if the Exemption Term has not expired.

5. The Company agrees that whether it is acting as Junction Village ALF Limited Partnership or as Grantham Group LLC, or as Christopher Heights of Concord at Junction Village, or any other entity that owns or manages the Project, it shall not seek any type of additional direct or indirect financial support of any kind from the Town for this Project. Further, the Total Exemption shall not be increased without approval of both the Select Board and Town Meeting.

6.. The Assessor shall remit to the Company annually, by December 31st, a statement of the amount of the Exemption for each fiscal year of this TIF Agreement and the amount of Exemption remaining until the Total Exemption is met.

7. The Company is also subject to Personal Property tax, which will be exempted at the same percentages as the Real Estate Exemption.

B. THE COMPANY'S OBLIGATIONS

The Exemption granted to the Company by the Town hereby is in consideration of, and conditioned upn the Company's compliance with the following commitments:

1. Company shall create thirty (30) new permanent full-time jobs over a three (3) year period commencing upon the issuance of a certificate of occupancy for the Project at 6X Winthrop Street in Concord. The Company's job retention and creation plans shall be outlined in the Employment & Job Creation section of the EDIP Local Incentive-Only Application to be submitted to the State in connection with the Company's request for a TIF exemption.

2. Provided the Company receives the necessary and appropriate governmental and regulatory approvals to do so, it shall construct an approximately 54,000 square foot 83-unit, affordable assisted living facility at the Property.

3. The Company plans to invest in the Project approximately $19,998,525 dollars. The Company expects to complete the Project by April 1, 2022, and in the event of construction delays no later than April 1, 2023.

4. Subject to applicable law, the Company will use reasonable efforts, including, but not limited to, cooperating with the Massachusetts Executive Office of Labor and Workforce Development in order to identify and to hire qualified residents within the region to fill vacancies within the Company for Concord-based jobs as they develop.

5. The Company shall submit an annual report pursuant to General Laws Chapter 23A, Section3F to the Massachusetts Economic Assistance Coordinating Council ("EACC") through the Commonwealth's on-line portal for each year of the Application designation. The annual report shall include the number of jobs created, and value of the Property capital investments and other related items with respect to the Property annually and on a cumulative basis. The Company shall submit a report as required by General Laws Chapter 40, Section 59(viii) to the Town Clerk and EACC.

6. Subject to the provisions of this Agreement, the Company shall pay all real estate taxes owed to the Town relating to the Property in a timely fashion. The Company shall also pay the real estate taxes as assessed by the Town on any partial construction completion in full and in a timely manner.

7. In the event of any de-certification by the EACC, the Town shall discontinue the Exemption benefits described above, commencing with the fiscal year immediately following the year in which the Company was decertified by EACC and the Company shall pay any taxes due as if no Exemption applied.

8. The Company agrees that the Town has the right to petition the EACC to decertify the Certified Project and to revoke this Agreement if the Town, acting through Select Board, determines that the Company has failed in a material way to meet any particular obligations as set forth in this Agreement, subject to the provisions of this Section B.8 and the further provisions below. Prior to taking any action to request decertification of the Project by the EACC, the Town shall give written notice of the alleged default to the Company and provide them an opportunity to meet with the Town officials to discuss a remedy for the alleged default. The Company shall have thirty (30) days from the receipt of such written notice to respond to the Town regarding any alleged default and one hundred twenty (120) days from the receipt of such written notice to remedy such alleged default.

   Prior to filing any such petition for decertification the Select Board shall schedule a hearing and at said hearing, the Select Board shall consider general economic conditions, regional or industry issues affecting the Company directly or indirectly, the Company's potential ability to meet hiring projections, and any other relevant factors. If the Select Board is satisfied that the Company has made a good faith effort to meet its obligations under this Agreement, the parties will attempt to negotiate a mutually acceptable and reasonable resolution, which may result in amendments to the terms of the Agreement, prior to the Town filing a de-certification petition.

9. In addition to discontinuance of benefits as set forth in Paragraph B.8 above, if the Agreement is decertified because the Company has failed to create and maintain the thirty (30) permanent jobs at the 6X Winthrop Street location during the term of this Agreement, as required in Paragraph B.1 hereof, then pursuant to Massachusetts General Laws Chapter 23A, Section 3F(e), the Town may recapture the value of the real estate taxes not paid due to the Exemptions provided herein. Said recapture shall be made through a special assessment on the Company in the municipal fiscal year that follows the EACC's decision to revoke project certification. The assessment, payment, and collection of said special assessment shall be governed by procedures provided for the taxation of omitted property pursuant to Massachusetts General Laws Chapter 59, Section 75, notwithstanding the time period set forth in said Chapter 59 for which omitted property assessments may be imposed for each of the fiscal years included in the special assessment.

10. The matters described above as obligations of the Company are only conditions to the eligibility for tax

exemptions under this agreement and do not create any enforceable obligations or covenants of the Company. The Town's sole remedies for failure by the Company to satisfy any of its obligations and conditions are the procedures set forth in paragraphs B.8 through B.9 above.

C. ADDITIONAL PROVISIONS

1. Pursuant to the provisions of Chapter 40, Section 59 of the Massachusetts General Laws and applicable regulations, this Agreement shall be binding upon the Company, its successors, assigns, and subsequent owners of the Property, so long as the Project has not been decertified by the EACC. The Company shall not convey, assign or transfer this TIF, or its rights hereunder to any third party without the express and advance written consent of the Town, which consent may not be unreasonably withheld by the Town, provided the proposed assignee provides reasonable assurances to the Town regarding the continuing operation of the Project and compliance with the terms of this Agreement. The transfer of any general or limited partnership interest in the Company, or the admission of any additional general or limited partners shall not be considered an assignment or transfer of this Agreement and shall be permitted as a matter of right.

2. The Town and the Company acknowledge and agree that there is no public construction contemplated by this Agreement and, therefore, no betterment schedule referred to in Massachusetts General Laws Chapter 40, Section 59 is required. This Agreement and the Tax Increment Financing Exemption provided for hereunder shall apply only to the Property. No other building shall be eligible for a Tax Increment Financing Exemption unless specifically approved by Concord Town Meeting.

3. This Agreement is governed by the laws of the Commonwealth of Massachusetts. If any provision of this Agreement shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of this Agreement shall be deemed to be amended to the minimum extent necessary to provide to the Town and the Company substantially the benefits set forth in this Agreement.

4. This agreement is subject to Massachusetts General Laws Chapter 23A, Sections 3A to 3F, Chapter 40, Section 59, and Chapter 59, Section5, Clause Fifty-first and the applicable regulations thereto.

5. The time within which the Company shall be required to perform any of its obligations under this agreement shall be extended to the extent the performance of such obligation is delayed by a force majeure event such as an act of God, earthquake, fire, act of terrorism, war, labor dispute, delay or restriction by a government body, or any other cause beyond the reasonable control of the Company.

6. All notices permitted or required under the provisions of the Agreement shall be in writing, and shall be sent by registered or certified mail, postage prepaid, or shall be delivered by private express carrier to the addresses listed below or at such other address as may be specified by a party in writing and served upon the other in accordance with this section. Such notices shall be deemed given when delivered or when delivery is refused.

   If intended for the Town, addressed to:
   Town of Concord
   Office of the Town Manager
   24 Monument Square

Concord, MA 01742
Attention: Stephen Crane

with copies concurrently delivered to:

Town of Concord
Board of Assessors
24 Court Lane
Concord, MA 01742

If intended for the Company, addressed to:

Junction Village ALF Limited Partnership
99 Pleasant Street
Marlborough, MA 01752

7. The Company agrees to allow the Town to monitor compliance with this Agreement. The Company shall provide to the Town, upon reasonable request, access to such information as the Town may deem necessary to monitor the Company's compliance including, but not limited to, income and expense information.

8. This Agreement shall not be binding and shall not go into effect until fully executed by the parties thereto, and until such time as this Agreement has been approved by the Massachusetts Economic Assistance Coordinating Council.

WITNESSETH the execution and delivery of this Agreement by the parties hereto as of the date first above written.

TOWN OF CONCORD SELECT BOARD

_____ _____

_____ _____

_____

Date _____

JUNCTION VILLAGE ALF LIMITED PARTNERSHIP

By:_____

Name:_____

Title:_____

Date: _____

ATTACHMEN

T Property Map

Map 8D Parcel1301

Narrative Explanation and Concord Housing Development Corporation Recommendation:

The Concord Housing Development Corporation (CHDC) urges your support for Article 16 as it is the last Town Meeting approval needed to enable the 83-Unit Affordable Assisted Living facility at Junction Village to proceed towards development. Approval of the Tax Increment Financing Agreement (TIF) is required to enable the project to proceed.

Because of the income and asset limitations required in order to qualify for residency, and the overall financing structure of the project, the developer is requesting a temporary (15 years) real estate property tax discount in order to make the project financially viable.

Town Meeting has voted to support this project SIX TIMES beginning in 2011 and such votes have resulted in the Town making a total of $200,000 available for pre-development feasibility and $2,000,000 available to support the construction of the project. This local support was a significant factor in the State recently awarding the project $10,875,000 in financial support, which, on a percentage basis, is substantially more than has historically been awarded to similar projects. The developer's successful track record for very similar projects around the state was also a big reason for the significant State financial support.

The land is owned by CHDC, a non-profit corporation established by the Town to create and support affordable housing in Concord. As such, the land presently generates no revenue to the Town from property taxes or otherwise. The result of the approval of Article 16 will be the generation of approximately $1,200,000 in new tax revenue to the Town over the term of the TIF, which is $80,000 per year in property taxes for 15 years, plus at least $10,000 in revenue to CHDC as rent from a lease of the land to the developer. After 15 years, the real estate tax discount will end and tax revenues to the Town will be at full fair market value.

The current TIF Agreement, posted on the Town website, has been revised twice since its initial version. As the result of much public debate and discussion among Town bodies and residents, the developer has agreed to reduce the number of years of the exemption from 17 to 15 years, and most recently, to reduce the amount of the exemption percentage from 77% to 69.21%. The 15-year TIF period is important because of the rules related to low income housing tax credit investor requirements. If the term of the TIF is reduced to less than 15 years, the financing of the project could be in jeopardy.

The TIF is the culmination of a project that began in 2013 when the State gave the land to CHDC exclusively for affordable housing and open space uses. Since then, CHDC solicited competitive proposals from developers and vetted the various proposals through the Planning Board, Select Board, West Concord Advisory Council, League of Women Voters and public information forums. The CHDC selected the present developer in 2016 with support for an assisted living housing development from these town groups.

Throughout the entire process, real property tax relief was anticipated either through a TIF agreement, a payment in lieu of taxes (PILOT), or other relief. In fact, in April 2016, the Junction Village Funding Advisory Committee's Final Report stated that a TIF should be considered. After consultation with the Town Assessor last year, it was determined that a TIF agreement was the way to go. Again, this results in additional revenue to the Town over what it receives now ($0). Additionally, at least 30 jobs will be created in Concord, which, in addition to the residents and families visiting the facility, will result in a substantial economic development benefit to the Town.

From an affordable housing perspective, this project will add 83 units to the subsidized housing inventory (SHI) and will serve our own aging population. It will also keep Concord over the 10% 40B affordable housing threshold for another ten years, enabling the Town to have more control of future development in town.

There is no "Plan B". If Article 16 does not pass, there is no alternate development project for the site and the revenue generated to Town will continue to be zero and the future unknown.

The Concord Housing Foundation and the Affordable Housing Trust Study Committee have voted to support this article, and the CHDC urges you to join them in supporting Article 16 to provide new units of affordable housing for local seniors.

Concord Housing Development Corp. 09/01/2020

Finance Committee Recommendation:
The Finance Committee Recommends "No Action" on Article 16 – Tax Incentive Financing Agreement (TIF)

The committee recognizes the town's commitment to affordable housing and the committee's deeply divided vote on this article recognizes that commitment. However, through its final vote tally, the Finance Committee concluded that this 11th hour request is a "bridge too far" for the town to achieve its affordable housing objectives and that, if this multi-year tax relief is required to make the project viable, then it is the wrong project for our town. Our reasons include:

- The Developer (The Grantham Corp.) is now asking for a property tax exemption in the amount of $2,650,000. This is in addition to the $2,000,000 appropriation from Free Cash ($1,000,000) and Community Preservation Funds ($1,000,000) that was approved by voters at prior town meetings.

- The Developer and the Concord Housing Development Corporation (CHDC) were aware that they would seek a significant property tax exemption when they came to the town for the free cash and CPC funds (2017, 2018 and 2019 town meetings) yet they did not explicitly disclose this to voters.

- The Developer has, on several occasions, affirmed that the project was in jeopardy unless the town agreed to their demands. For example, the Developer originally required $3,000,000 in free cash and CPC. Nonetheless, when the town agreed to $2,000,000, the project continued. Likewise, the Developer implied that the TIF was required by the state in order to gain state tax credits. Yet, the state awarded tax credits to the developer in July, well ahead of our delayed town meeting and while the TIF was still in question.

- It is unlikely that the property tax they intend to pay after the $2,650,000 exemption will reimburse the town for services they will use (fire, ambulance, police, etc.).

The Finance Committee supports the town's commitment to affordable housing and asserts that there are other projects that could bring more value to the town: more diversity and more inclusion and can be accomplished with a transparent and forthcoming business partner.

Article 16 – Approval of Tax Incentive Financing Agreement

Select Board Recommendation:
The Select Board voted 4 to 1 to recommend affirmative action on Article 16 – Approval of a Tax Incentive Financing (TIF) Agreement as printed in the Warrant. This agreement between the Town and the developer that would reduce the valuation of the property in order to reduce tax payment for the first 15 year of operations.

This is the final Town Meeting action necessary to finish our work in is helping to create an 83-unit affordable housing assisted living facility in Concord. Located behind MCI on land given to the Concord Housing Development Corporation and restricted to be used only for affordable housing and open space, the project is being developed and will be managed by the Grantham Group. The project, formerly known as Junction Village, upon completion will be known as Christopher Heights – Concord.

In 2016 after the land was first given to the CHDC, a town study committee (Junction Village Funding Advisory Committee) was organized to help the town understand how this project might be funded. Support would be necessary for both the physical development of the project and for its operations. Because all units are affordable, operational support would be necessary to help off-set interest on the loan the developer would incur and in recognition that rents, and thereby revenues, are regulated; and, support would need to come from multiple sources.

The proposal to the Town from the Junction Village Funding Advisory Committee recommended that the Town allocate $1,000,000 from Free Cash and $1,000,000 in CPC allocations to support the development of the project. That's what the Town did through articles at our Annual Town Meetings in 2017, 2018 and 2019. Additionally, funds were sought and would be forthcoming from the Concord Housing Foundation and the HOME Consortium. All of these contributions were to support the capital development costs of the project. Finally, the developer would apply to the State for Tax Credits which could then be sold to tax credit investors to supply additional funds to support the development of the project. The State awarded the project $7,500,000 in tax credits -- $2,500,000 more than is usually in recognition of the construction cost increases. This was an important statement by the State of both the value of the project, the local contribution from the Town, and a recognition of the cost pressures associated with the development of affordable housing in Massachusetts.

These articles, presented at our ATMs, were reviewed and supported by the Select Board, the Finance Committee and the Community Preservation Committee. The developer provided numerous documents including financial statements and development plans in support of these actions. Additionally, in the financial statements and at the presentation at Town Meeting, it was indicated that the developer would be able to pay, annually, a total of $75,000 in taxes and a ground lease rent (the ground lease rent to be paid to the CHDC). The Junction Village Funding Advisory Committee also recommended other sources financial assistance to help offset operational costs. One of those recommendations was the use of a TIF to reduce the valuation of the property to lower operational costs of tax payment.

There have been a number of claims made in opposition to this proposed TIF.

1. In an MOA between the Town and the developer, the developer stated that they would not ask for any additional financial support. Opponents believe the TIF is an additional ask. **It isn't.** It is the same ground lease rent and tax payment always proposed by the developer. The TIF simply provides the mechanism for this action, and, as stated above, it was an action recommended by the Junction Village Funding Advisory Committee in 2016. Further, the TIF generates tax revenue to the Town above what is received on the land presently -- zero.

2. That the length of the TIF can be reduced, thereby creating more tax revenue for the Town. **It can't.** The Tax Credit Investor must be involved with the project for 15 years – 10 years of disbursements of the tax credit and a required additional five years of involvement --the length of the TIF. A TIF less than 15 years would be very difficult for the tax credit syndicator to sell the credits.

3. Reducing the valuation through a TIF means the Town is 'leaving money of the table.' **It isn't.** The implication is that there is some other project – only affordable housing or open space -- that would yield more tax revenue for the town. There was a process for soliciting proposals for the land. Projects with more units and projects aimed at family developments were rejected as creating too much traffic and for other reasons.

The Town has done a lot over the last few years to help us meet our affordable housing goals – the creation of an Affordable Housing Trust Committee (Article 13 on this year's Warrant), a property tax transfer bill, a building permit surcharge bill, allocation of $500,000 at last year's Town Meeting and an additional $500,000 allocation on this year's Warrant (Article 14). We need to enact this TIF to finalize Town Meeting action on this important affordable housing project. The Select Board urges Affirmative Action on Article 16.

Article 25: Concord Public Schools Budget

Motion:
Ms. Bout moves: that the that the Town raise and appropriate the sum of $40,777,193 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2021; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

Narrative Explanation:
The Concord Public Schools is requesting $40,777,193 in FY21. This is $1,387,030 or 3.52% higher than FY20's School Committee approved budget.

Article 26: Concord Public Schools Capital Budget

Motion:
Ms. Bout moves: that the Town appropriate the sum of $830,000 to be expended under the direction of the Concord School Committee for remodeling, construction, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School buildings; and further, to meet this appropriation, authorize the Town Treasurer with the approval of the Select Board to borrow $830,000 and to issue bond or notes under the provisions of Mass. Gen. Laws c. 44, § 7, or any other enabling authority; and further that, in accordance with Mass. Gen. Laws c. 44, § 20, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed under this Article 26 shall be reduced by the amount of any such premium so applied.

Note to Moderator: 2/3 Vote Required

Narrative Explanation:
The Concord Public Schools is requesting $830,000 in FY21 as part of its five-year capital plan. Capital needs to be addressed in FY21 include Energy Recovery Unit replacements at Alcott and Thoreau, AC chiller replacement at Willard, and a contingency amount for unexpected capital costs associated with the aging Middle Schools.

Article 27: Concord-Carlisle Regional High School Budget

Motion:
Mr. Johnston moves: that the Town raise and appropriate a sum of $23,747,968 as the Town's apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2021; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

Narrative Explanation:
The Concord Carlisle Regional Schools is requesting $34,958,922 which is $271,189 or .78% higher than FY20's budget. The total assessment for Concord is $23,747,968; this includes $20,436,322 for the operating budget and $3,311,646 for debt.

Article 30: CITIZEN PETITION: Healthy School Buses for students

Motion:
Mr. Foulds moves: that the Town transfer from the Certified Free Cash Balance as of July 1, 2019 the sum of $200,000 to be expended under the direction of the Town Manager, to supplement the cost of two electric school buses and fueling infrastructure.

Narrative Explanation:
Passage of this article will install the fundamental fueling infrastructure needed for electric school buses at the bus depot and avoid diverting education funds to cover the funding gap created by the Volkswagen settlement program's $500,000 cap, enabling Concord Public Schools to apply for two electric school buses and maximizing this program's long term financial value for Concord.

Brian Foulds, 33 Riverdale Road
September 1, 2020

Comprehensive Sustainability and Energy Committee Recommendation:
The Comprehensive Sustainability and Energy Committee (CSEC) has voted to support Article 30 at Town Meeting. We understand that the availability of the Volkswagen settlement funds means that it is wise to take advantage of this time to purchase electric school buses. Not only will this dramatically reduce the burning of diesel fuels, but it will also reduce exhaust emissions that are dangerous for children to breathe. These buses will require new infrastructure to charge the buses at the bus depot. We understand that electric buses will also benefit the town as their batteries can be used as energy storage and can supply energy to the town grid during peak times, which will lower electricity costs for all CMLP customers. For this reason, it will be beneficial to install the necessary charging infrastructure at the bus depot, using the Town's free cash fund.

Select Board Recommendation:
The Select Board recommends affirmative action on Article 30: Healthy School Buses for Students.
To appreciate Article 30 fully, a voter could place it into context as the continuation a of patient process toward an end goal for a fully electrified Concord School bus fleet, part of our town wide long-term greenhouse gas reduction plan.

Concord is at the second milestone in this roadmap, the first realized when after a year of study and analysis Concord was awarded one of the four electric bus pilots in the state. This award was an end result of joint town and schools Alternative Transportation Committee's (ATC) work, and we welcomed it to a new transportation depot sited intentionally adjacent to our then new solar site, a harbinger of our longer-term commitment to a carbon free municipal grid.

Our community's commitment to sustainability and a zero carbon footprint can be seen over the past decade in the work of committees, from the Comprehensive Sustainable Energy Committee to the aforementioned joint school and town ATC, the Energy Futures Task Force, to Climate Action Advisory Committee; and our promotion of solar roof and building efficiency/heat pump campaigns; the hiring of a Sustainability Director, articles 51 and 23, our solar sites at the landfill and Knox trail; our recent MVP grant supported *Climate Action and Resiliency Plan* report; and our multiple electric car events and municipal charging stations.

Our initial electric bus pilot in 2016 allowed the students in Concord and CMLP to benefit from an emissions free, quiet new electric bus technology, while the town and schools adapted, and the technology evolved. Now four years later, we have a new opportunity to match state funds as part of the 2020 VW settlement program and begin the slow expansion of our fleet of buses to clean electric motor technology.

A Matching commitment of $200,000 from Concord this year will add another one or two electric buses to our fleet.

The Select Board supports this article because:

- it supports the town's goals for sustainability and greenhouse gas reduction, goals which the town affirmed with passage of Article 51, at 2018 Town Meeting and echoed throughout *Envision Concord a Bridge to 2030*, our 2018 Long Range Plan;
- it builds on the Town and State partnerships toward fleet electrification;
- and, it supports our commitment to public health articulated in our Board of Health's mission statement: to assess and address the needs of the Concord community, in order to protect and improve the health and quality of life of its residents and work force. It does so by increasing the benefits of emission and noise-free rides to a greater number of Concord Students, especially important in a time of pandemic and climate change.

Article 32: Zoning Bylaw Amendment – Additional Dwelling Unit

Motion:

Mr. Flint moves that the Town take affirmative action on Article 32 as printed in the Warrant, with the substitution of the word "accessory" for the word "additional" in Section 4.2.2.2(h).

Note to Moderator: 2/3 Vote Required

Narrative Explanation:
The 2018 Envision Concord Comprehensive Long Range Plan Housing Goal #5 states: "Encourage renovation of existing single family homes (in all zoning districts), and identify the opportunities to create accessory dwelling units within existing structures in all zoning districts, and allow cluster development and cohousing in designated areas." and the subsequent Action Item to achieve this goal is to look at amending the two-family or additional dwelling unit bylaw.

This proposed amendment is intended to provide a wider range of housing choices, in response to resident survey results and in accordance with the Envision Concord Plan vision to broaden the diversity of Concord's population and housing stock. The proposed new Bylaw would allow for the development of smaller and more affordable living spaces to meet the needs of Concord residents. During the long range planning process, housing for down-sizing seniors was mentioned as a high priority as well as "workforce" housing for those of moderate incomes.

The Planning Board believes this Bylaw amendment will encourage development that offers more housing choice for our current and future residents, while preserving the appearance of the town.

Due to the number of amendments required throughout the entire Bylaw, the Bylaw is being replaced in its entirety for ease of reading. The change of the word "accessory," as printed in the Warrant, to "additional," corrects a typographical error in the Warrant.

Select Board Recommendation:
The Select Board recommends affirmative action on Article 32: Zoning Bylaws Amendment – Additional Dwelling Unit. This bylaw replaces the current accessory dwelling unit bylaw with terms that simplify the process and allow the addition of a small (750 sq. ft.) dwelling unit on an existing lot "by right". It addresses *Envision Concord a Bridge to 2030*'s goal of developing a more diverse housing stock, particularly allowing for smaller residential units as demographics change. During the many meetings and hearings throughout the year there was nearly universal citizen support for this bylaw change.

Article 34: Zoning Bylaw Amendment - Planned Residential Development & Table 1 Principal Use Regulations

Motion:
Mr. Johnson moves that Town Meeting take affirmative action on Article 34 to amend the **Table I Principal Use Regulations 4.2.7 Planned Residential Development** to change Site Plan Approval from NR (Not Required) to R (Required) and to amend **Zoning Bylaw Section 10 Planned Residential Development** so that the following Sections read as follows (*changes are shown in bold italics and strikeout for emphasis only*):

Table I – Principal Use Regulations

		Residential Districts				Commercial Districts					Industrial Districts					
	Principal Use	RAA	RA	RB	RC	WCV	B CCB TDB NACB	WCB	LB	MP	WCI	I	IPA	IPB	LIP#1 LIP#2	Site Plan Approval
4.2.7	Planned Residential Development	SP	SP	SP	SP	no	SP	no	no	no	no	no	no	no	no[SP♦♦]	***R***~~NR~~

10.1 Purpose

Planned Residential Development allows by special permit from the Board an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters that are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area ***and incorporate Low Impact Development for stormwater design and green building practices***. The overall site design and amenities should enhance the quality of living for the residents of the development, the immediate neighborhood and the Town generally. Attention, however, shall be given by the Board as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.

10.2.2.1 Basic density: The basic density of the PRD shall not exceed the number of units obtained by applying the following calculation:

The number of dwelling units obtained by dividing the sum of (1) the area of the tract exclusive of land situated within the Flood Plain ~~or Wetlands~~ Conservancy district~~s~~ ***or Federal, State or local regulated wetlands***, and (2) twenty-five percent (25%) of the area of land situated within the Flood Plain ~~or Wetlands~~ Conservancy district~~s~~ ***or Federal, State or local regulated wetlands*** by the minimum lot size permitted in the zoning district(s) within which the tract is located. In the Limited Industrial Park #1 district the maximum permissible density shall be obtained by dividing the aforesaid sum by 40,000 square feet.

10.2.3 Diversity of Dwelling Units: A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity shall consist of the following mix:

(a) the number of bedrooms available;

(b) the price or rental rates of the units; and

(c) two of the three styles of units: single-family, two-family or multi-family.

~~If all the units proposed in the Planned Residential Development are market rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development~~

~~may be authorized by the Board only if at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.~~ ***(Relocated to Section 10.2.3.6)***

10.2.3.1 Low income dwelling units are those units made available to the Concord Housing Authority, or other entity as the Board may direct, either for purchase within the cost limits allowed by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or for lease under federal or state rental-assistance programs, or through a long-term contractual agreement; which can be counted toward the DHCD's Subsidized Housing Inventory.

10.2.3.5 Long-term availability: The Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the Board may direct.

10.2.3.6 Density Bonus: Increases beyond the basic density within the Planned Residential Development may be authorized by the Board based upon one or more of the following:

a) If at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1.

b) If 50% of the units are less than 2,500 gross square feet with a one car garage;

c) If 50% of the units are zero step entry with master bedroom and full bathroom on the first floor;

Any increases in density permitted by the Planning Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.

10.2.7 Height: The maximum permitted height of any structure within a PRD shall be thirty-five (35) feet. ***The Board may grant relief from the maximum height of a building provided the Board finds that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.***

10.2.9 Common Open Space: All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The area of the common open space shall equal at least ***thirty-five*** ~~twenty-five~~ (***35***~~25~~) percent of the total area of the PRD tract. At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under ***the Clean Water Act or*** ~~the Wetlands Protection Act~~ and the Town's Wetlands Bylaw).

10.2.9.1 The common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Planned Residential Development. In determining whether the intent of this section has been satisfied, the Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:

(a) Land abutting the Concord, Assabet or Sudbury Rivers, their tributaries, Elm Brook, or ponds of significant public interest, which enhance or protect wetlands or flood plain, or which provide public access to the water body, or which enhance or provide significant scenic vistas or views, or which provide water-related recreational opportunities;

(b) Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;

(c) Land which provides a significant wildlife habitat or which is a unique natural area;

(d) Land which provides recharge to Concord's current or future municipal wells and highly favored aquifer areas;

(e) Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;

(f) Land which preserves existing trail networks or land on which new trails will be developed as part of the PRD for integration into an existing trail network;

(g) Land which enhances scenic views;

(h) Land providing desirable public access to existing Town or State recreational or conservation land.

10.2.9.2 Provision shall be made so that the common open space shall be readily accessible to at least all of the owners and occupants of the units in the Planned Residential Development, and owned by:

(a) a membership corporation, trust or association whose members are all the owners and occupants of the units;

(b) by the Town; or

(c) otherwise as the Board may direct.

10.2.9.3 In all cases, a perpetual restriction of the type described in G.L. c. 184, sec. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the common open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Such restriction shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the common open space as the Board may deem appropriate.

10.2.11 Sustainable Design Requirement

The proposal for the built environment should reflect thoughtful consideration of a broad range of sustainability goals. Such design should be consistent with and further the goals of the Town. In determining whether the intent of this Section has been satisfied, the Board shall consider the extent to which the design plan incorporates the following:

(a) Low Impact Development for Stormwater Design. Low impact development relies on natural features (indigenous to the site or bio-designed) to protect water quality and encourage on-site infiltration of stormwater. Such measures may include use of natural drainage flow paths, minimization of land clearance, incorporation of bioretention features/raingardens, and minimization of the creation of impervious surfaces (through building clustering, minimizing size and footprint of buildings and paved areas, use of pervious surfaces where practical).

(b) Energy Efficiency and Clean Energy Usage. Use of energy efficient appliances and HVAC systems is desired. All-electric buildings, with no fossil-fuel usage, and the use of more sustainable forms of energy production, such as geothermal and solar, are encouraged.

(c) Energy Efficient Building Design. The building envelope and components (Building framing, insulation, windows, HVAC systems) should be designed to maximize energy conservation.

(d) Building Layout. The arrangement of building on the site and the accompanying infrastructure minimizes impervious surface area and maximizes contiguous open space for both residents and wildlife.

(e) Ways to Minimize Greenhouse Gas Emissions. Maintaining or proposing new vegetation to maximize carbon sequestration on site. Selection of HVAC systems and appliances to encourage use of renewable energy sources. Construction design to minimize emissions from construction vehicles.

(f) Other green building, energy efficiency, sustainability measures. The applicant may propose other measures that fit within the broad rubric of sustainable site planning, design and construction.

10.3.1 Special Provisions for the Concord Housing Authority and Town of Concord Projects: Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by the Concord Housing Authority or to a PRD application submitted by the Concord Board of Selectmen in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw and with Town of Concord Housing Partnership Guidelines and Procedures as in effect from time to time.

10.3.2 Special Provisions for Non-profit entity: Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by a Non-profit entity in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw.

10.3.3.3 Not later than twenty-four (24) months from the date of Town Meeting approval, an application for a special permit shall be submitted to the Board for the PRD Conversion in accordance with the procedures for approval set forth in Subsection 10.4 below. A special permit shall be issued only if the Board shall find that the plans submitted to it for the PRD Conversion conform substantially to the terms of the approval granted by the Town Meeting and provided further that such permit shall be issued in conformance with the provisions of Subsection 10.4.4. The Board may, in its discretion, permit minor deviations from the Application as approved by the Town Meeting, so long as it finds that such deviations are not substantially inconsistent with the Town Meeting approval.

10.3.4 Special Provisions for an Alternative PRD to be submitted to and approved by a two-thirds (2/3) vote of Town Meeting – In the Limited Industrial Park (LIP) District, the limitations contained in Subsection 10.2 above shall not apply to any PRD submitted to and approved by a two-thirds (2/3) vote of Town Meeting prior to application for a special permit from the Board all in accordance with the following procedures (herein an "Alternative PRD"):

10.3.4.1 Purpose: The provisions applicable to an Alternative PRD are intended to:

(a) Permit an applicant to propose and for the Town to vote on a Preliminary Site

Development and Use Proposal unique to a particular location;

(b) Permit flexibility in the development of specific site by requiring few predetermined standards;

(c) Encourage proposals responsive to the Town's housing goals including housing types which increase diversity and affordability; and

(d) Enable the Board to require adherence to the Primary Site Development and Use Proposal approved by Town Meeting in the granting of a special permit.

10.3.4.4 Alternative PRD Application for Special Permit; Reports and Recommendations; and Issuance of a Special Permit by the Board: Generally, the application of a special permit, the Planning Board's and Natural Resources Commission's report and recommendations and issuance of a special permit by the Board shall follow the requirements of Section 10.3 provided however that in addition to the provisions contained in Section 10.3.4 the Board shall find:

(a) The proposed Alternative PRD is substantially consistent with the Preliminary Site

Development and Use Proposal approved by Town Meeting;

(b) The minimum frontage, front yard, side yard and rear yard shall not be less than the minimum permitted in the Zoning District in which the Alternative PRD is located;

(c) The maximum permitted height of any structure shall not exceed the height permitted in the Zoning District in which the Alternative PRD is located.

(d) The maximum gross floor area permitted shall not exceed the gross floor area permitted in the Zoning District in which the Alternative PRD is located provided however that the gross floor area of any (i) low income or affordable dwelling units (ii) enclosed parking (iii) enclosed trash/recycling area and (iv) any basement area and unfinished attic area shall not be included in determining the maximum gross floor area as defined and permitted in accordance with this Bylaw

(e) The minimum Common Open Space shall be equal to at least fifty (50) percent of the total area of the PRD Tract; the Common Open Space shall be subject to a perpetual restriction of the type described in G.L.C. 184 Section 31 and the Common Open Space shall be owned by a membership corporation, trust or association whose members are all the owners of the units or owned by the Town or otherwise owned as the Board may direct;

(f) The special permit shall be granted within two (2) years of the date of the Town Meeting vote which approved the Preliminary Site Development Use Proposal. Said two (2) years shall not include any time required to pursue or await determination of any appeal applicable to the Alternative PRD.

10.4.1 Application: Any person who desires a special permit for a PRD shall submit an application in writing in such form as the Board may require which shall include the following:

10.4.1.2 Development plans consisting of:

(a) Site plans meeting, to the extent applicable, the requirements set forth for a

Definitive Plan in the Subdivision Rules and Regulations of the Planning Board;

(b) Building elevations;

(c) Floor plans;

(d) Detailed plans for disposal of sanitary sewage; ~~and~~

(e) Landscape plan and details;

(f) Low Impact Design for stormwater drainage;

(g) Energy calculation for the proposed project, and;

(h) A Tree Protection and Mitigation Plan as required under the Tree Preservation Bylaw.

10.4.1.3 Low income and affordable dwelling unit marketing program including anticipated:

(a) Income range (using ranges established by the appropriate state or federal agencies as acceptable to the Board) of family households or single individual residing in each low income or affordable dwelling unit;

(b) Methods for attracting residents of diverse income and ethnic backgrounds.

(c) Pre- and post-construction management methods concerning the maintenance of the low income and affordable dwelling units including supporting documents and contracts; and

(d) Proposed methods of ensuring long-term availability for the low-income and affordable dwelling units, including supporting documents and restrictions.

10.4.1.4 Such additional information as the Board may determine.

10.4.2 Planning Board Report and Recommendations: The Town Planner shall distribute to various applicable Town Departments the development statement and plans for review and comment. Planning Board shall review the development statement and plans and shall submit in writing to the Board a report and recommendations upon the technical quality of the proposed development, and at least the following:

10.4.2.3 An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted by the Board.

10.4.2.5 Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is located.

10.4.2.6 An evaluation and opinion upon the degree to which the proposed PRD meets the Sustainability Design Requirements.

10.4.2.~~6~~7 Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

10.4.3 Natural Resources Commission's Report and Recommendations: The Natural Resources Commission shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the degree to which the proposed development enhances the protection of environmental qualities including at least:

10.4.4 Board Issuance of Special Permit: A special permit shall be issued under this section only if the Board shall find that the PRD is in harmony with the general purpose and intent of this section and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this Bylaw otherwise applicable to the district(s) in which the PRD tract is located. If a special permit is granted the Board shall impose as a condition thereof that the installation of municipal services and construction of interior drives within the PRD shall comply with the Subdivision Rules and Regulations of the Planning Board to the extent applicable, shall require sufficient security to insure such compliance and the completion of planned recreational facilities and site amenities, and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board and Natural Resources Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Natural Resources Commission and where the decision of the Board differs from the recommendations of the Planning Board or Natural Resources Commission, the reasons therefor shall be stated in writing.

Note to Moderator: 2/3 Vote Required

Planning Board Report & Recommendation:

The provision of the existing zoning bylaw allows for Planned Residential Development (PRD) as an alternative pattern of residential land development, by special permit, from that which is allowed as-of-right. The Planning Board recommends certain updates to the bylaw. The proposed amendments accomplish a variety of goals:

1. The amended Article as printed in the September 13, 2020 meeting material will keep the permit granting authority as the Zoning Board of Appeals (ZBA) and not the Planning Board.
2. The Bylaw amendment will make PRDs subject to Site Plan Review by the ZBA. This will require the ZBA to more formally consider such factors as impacts on adjacent properties, impact on traffic and to town infrastructure, and natural resource preservation and enhancement.
3. The Bylaw amendment will increase housing diversity proposed on PRDs by providing incentives for creation of diverse housing including: (1) affordable units, (2) smaller sized units (less than 2500 square feet), and (3) units for those of limited mobility (zero-step entry, master bedroom and full bathroom on first floor).
4. The Bylaw amendment will facilitate the alignment of PRD developments with Town goals by adding a "sustainable design criterion" in the site design criteria listed in the PRD provisions of the Bylaw to encourage such measures as energy efficiency, green building and low impact design (LID) for stormwater drainage. It also requires applicants to provide calculations of energy efficiency.
5. The Bylaw amendment will clarify the definition of "wetlands" for the purposes of the calculation of open space requirements and density allowance.
6. The Bylaw amendment will increase the required Common Open Space from 25% to 35%.
7. The Bylaw amendment will require an applicant to submit a Tree Protection & Mitigation Plan as required under the Tree Preservation Bylaw.

The Planning Board recommends Town Meeting take affirmative action on Article 34 as printed in the September 13, 2020 Town Meeting Material.

Select Board Recommendation:
The Select Board recommends affirmative action on Article 34: Zoning Bylaw Amendment – Planned Residential Development and Table I Use Regulations. This bylaw is amended to incorporate *Envision Concord a Bridge to 2030* principles including sustainability, diversity of housing stock, increase in required open space requirements and also adds a site plan review by the Planning Board. The recommendation that the granting authority be changed from the Zoning Board of Appeals to the Planning Board has been removed from the Article. The Planning Board believes that more discussion needs to take place on this point before it can be considered for incorporation into Article 34. The Select Board recommends Affirmative Action on Article 34 as amended.

Article 37: Zoning Bylaw Amendment – Thoreau Depot Business & Residence C Zoning District Boundary

Motion:
Ms. Ferguson moves that the Town take affirmative action on Article 37 as printed in the Warrant.

Note to Moderator: 2/3 Vote Required

Narrative Explanation:
The property owner of 159 Sudbury Road and 148-150 Thoreau Street has acquired an easement from the MBTA to allow for a change in the traffic pattern for the site at 159 Sudbury Rd. (aka Starbucks) that would create a one-way driveway into the site, which is now a two-way, a single traffic lane "behind" the building over a 835 sf area of the MBTA property via an easement area, and a new one-way only exit to be located 113 feet further south on Thoreau Street. This "one way" flow would substantially improve traffic and safety and is supported by the Fire Chief and Police Chief. However, for the property owner to move forward with the filing of a special permit application, the existing Thoreau Depot Business Zoning District boundary line needs to be shifted to the east. The existing TDB Zoning District boundary was laid out as Business District as an offset from the road right-of-way in 1928. It was not established based on property lines or existing uses. As part of this proposed Zoning Map amendment to the TDB Zoning District boundary, the Board is also amending the TDB Zoning District boundary line at 143 Sudbury Road (Mobil gas station) so that is coincides with the existing property line, which simplifies the permitting process for any future improvements to the properties.

Select Board Recommendation:
The Select Board recommends affirmative action on Article 37: Zoning Map Amendment – Thoreau Depot Business & Residence C Zoning District Boundary. This bylaw amendment proposes shifting the Thoreau Depot Business District boundary to the east onto the property at 148-150 Thoreau Street and moving the Thoreau Business District boundary line at 143 Sudbury Road (Mobil Station) east to the property line. The owner of the property at 159 Sudbury Road and 148-150 Thoreau Street has been granted an easement by the MBTA to reconfigure the entrance and exit to 159 Sudbury Road (Starbucks). The Police and Fire Departments agree that safety at this intersection will be improved by this change in traffic pattern. This Article changes the boundaries but does not allow for any changes to the property. These would need to go before the appropriate Town boards, e.g. Planning Board and Zoning Board of Appeals. The Select Board has heard concerns expressed by the public but supports the position of the Planning Board and the Town's Public Safety Departments.

CITIZEN PETITION: Article 41: Onsite Notice of PRD

Motion:
Ms. Gailus moves that the Town take Affirmative Action on Article 41 as printed in the Warrant, except that the word "legally" in the proposed Zoning Bylaw amendment should be replaced with the word "legibly".

Note to Moderator: 2/3 Vote Required

Narrative Explanation:
The purpose of Article 41 is to make sure that any Planned Residential Development (PRD) proposal that has been submitted has a sign announcing it to the public at the site of the proposed development. The sign is to be placed within 5 days of submission of application.

During late 2018 through early 2020 there were PRD proposals that were being heard by the Planning Board, Natural Resources Commission, and the Zoning Board of Appeals. One of these, in West Concord, was larger in scope, though a smaller one in the eastern end of the town was just as controversial for its neighborhood.

In both cases, neighbors of the proposed project sites expressed surprise during Planning Board deliberations, stating that they had heard nothing about the proposals in question in a timely manner.

Currently, notification requirements are for direct abutters only - a very limited number of neighbors - who are to be notified at the point of upcoming formal Public Hearings by the Zoning Board of Appeals, and in some cases, by the Natural Resources Commission. Also, developers will sometimes meet with abutters during the planning stages and tell the Boards that they are working to accommodate those abutters.

However, a PRD involves an entire neighborhood and the entire town. It is important for everyone in the area, as well as anyone else passing by, to know that there is a proposal being heard by Boards and Committees. A sign helps towards this end. A sign also encourages members of the public to submit comments and engage in the discussions with the Boards and Committees.

Finally, we were pleased that some members of the Real Estate community were also not un-supportive of such signage because it would announce that new homes may be on the market in the near future.

Article 41 is independent of the proposed amendment to the PRD Bylaw by the Planning Board (Article 34.) However, it is intended as a complement to that proposal.

If passed, Article 41 would depend on the passage of Article 42, which would amend the Sign Bylaw to allow the required signage.

Please note: In the motion the word “legibly” replaces “legally,” to correct a misprint in the Warrant.

We thank the Select Board and the Planning Board for their support of Article 41.

Tanya & Mark Gailus, 62 Prescott Road, September 1, 2020

Select Board Recommendation:

The Select Board recommends affirmative action on Article 41: On-Site Community Notice of PRD Application. This is an article which proposes to amend the community notification process surrounding a Planned Residential Development (PRD), in a manner and physical layout that will increase public notice of an impending Special Permit Application, hence at the start of the public process.

This article acknowledges the larger community impact of a dense development, by outlining a description of the detail of the sign to be posted and its visibility of to the neighborhood which is planned for development.

The PRD at 1440 Main Street, is the most recent to capture public debate. Given the already dense nature of the neighborhood of West Concord and the impact of many single-family home, teardowns and redevelopments, as well as several other PRDs throughout town, there is concern about public input into process adding the context of village scale and character; the same sentiment which was initially discussed in the West Concord Master Plan and has resulted into community support for several successful PRDs.

As with all proposed PRDs, the Select Board is also aware of the impact of residential development on our tax base, the diversity of our housing stock and student population.

The Select Board supports this petition:

- it supports our goals for transparency and public input, goals which the town has affirmed in *Envision Concord a Bridge to 2030*;
- it highlights the importance of appropriate signage in a town who's sign By-laws are prescriptive;
- and it reminds us all of the importance and impact of neighborhood growth.

Article 42: CITIZEN PETITION: Amend Sign Bylaw to Allow Onsite Positing of Notice of PRD Application

Motion:
Ms. Gailus moves that the Town amend the Sign Bylaw by adding to Section 5 thereof an item 5.j. as follows:

"Notice of Proposed Planned Residential Development. A temporary sign notifying the public that an Application for a Planned Residential Development Special Permit has been submitted for a site may be placed at that site."

Narrative Explanation:

Article 42 amends the Sign Bylaw to allow the signage required by Article 41.

We thank the Select Board and the Planning Board for their support of Article 42.

Tanya & Mark Gailus, 62 Prescott Road, September 1, 2020

Select Board Recommendation:
The Select Board recommends affirmative action on Article 42: Amend Sign Bylaw to allow On-Site Posting of Notice of PRD Application. This is an article which amends the Town's Sign By-Law Section 5, to allow the physical on-site and off-site postings of Planned Residential Development (PRD) Special Permit Applications. This compliments the previous Citizen Petition, Article 41, and also acts as a stand-alone amendment to our sign By-Law's locational directions.

As in our discussion on Article 41, this petition attends to placement of notice of development on the site and within public right of ways nearest the site, thereby increasing public awareness of the permitting process at its beginning.

The Select Board supports this petition:

- it supports our goals for transparency and public input, goals which the town has affirmed in *Envision Concord a Bridge to 2030*;
- it highlights the importance of appropriate signage in a town who's sign By-laws are prescriptive;
- and it reminds us all of the importance and impact of neighborhood growth.

Article 44: Community Preservation Committee Appropriation Recommendations (Consent Calendar)

Motion:
Mr. Cratsley moves: that the Town appropriate the sum of $1,960,000 from the Concord Community Preservation Fund, of which $244,233 shall be appropriated from the Undesignated Fund Balance as of June 30, 2019 and up to $1,715,777 shall be appropriated from the projected Fiscal Year 2021 Fund Revenues, in accordance with Mass. Gen. Laws c. 44B, to be expended under the direction of the Town Manager, for the ten appropriation recommendations as shown in the Warrant.

Article 44

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS
Affirmative Action Recommended by: Community Preservation Committee, Finance Committee, Select Board

Item	Project/Description	Category	Sources		Total Amount Recom-mended
			Prior Year Undesig-nated Fund Balance	FY21 CPA Fund Revenues	
A	Concord Housing Authority – Commonwealth Avenue Project	Community Housing		$300,000	$300,000
B	Town of Concord Regional Housing Services Program	Community Housing		$20,000	$20,000
C	First Parish in Concord – Restoration and Repaint and Gild Belfry	Historic Preservation		$75,000	$75,000
D	Holy Family Parish – Holy Family Parish Rectory Renovation	Historic Preservation		$75,000	$75,000
E	Friends of Minute Man National Park – Buttrick House Gardens Hardscape Rehabilitation	Historic Preservation		$100,000	$100,000
F	Town of Concord – Gerow park Improvements Phase I	Open Space	$244,223		$500,000
		Recreation		$255,777	
G	Town of Concord – Warner's Pond Dredging Project	Open Space		$250,000	$500,000
		Recreation		$250,000	
H	Town of Concord – Assabet River Pedestrian Bridge	Open Space		$125,000	$250,000
		Recreation		$125,000	

		Construction Drawings and Permitting				
	I	Minute Man Arc for Human Services, Inc. – Accessible Outdoor Oasis Recreation Park for People with Disabilities	Recreation		$100,000	$100,000
	J	Staff and Technical Support	Administratio n		$40,000	$40,000
		Total All Projects		**$244,223**	**$1,715,777**	**$1,960,000**

Narrative Explanation:
The total amount originally requested in the 2019 CPA Funding Applications was $2,596,282.
The total amount recommended for appropriation in FY21 is $1,960,000. Three applications were not recommended for funding

A. **Commonwealth Avenue Project, Concord Housing Authority**
Category: Community Housing

The Concord Housing Authority requests funding for the construction of a two-bedroom, single family home for the purposes of affordable housing. The project's goal is to design and construct a small energy efficient two-bedroom home that is consistent with the design and scale of the neighborhood; as well as assisting the Town with their efforts and commitment to include an affordable housing opportunity as part of the overall development of the Gerow parcel.

Requested Funding: $300,000
Recommended Funding: $300,000
Amount from Other Funding Sources: $50,000
Total Project Budget: $350,000

B. **Regional Housing Services Program, Town of Concord**
Category: Community Housing

The Town of Concord requests funding for the Town's participation in the Regional Housing Services Office, an inter-municipal organization which provides professional housing staff for the administration of the affordable housing programs in Concord and seven neighboring communities.

Requested Funding: $20,000
Recommended Funding: $20,000
Amount from Other Funding Sources: $20,000
Total Project Budget: $40,000

C. **Restoration and Repaint and Gild Belfry, First Parish in Concord**
Category: Historic Preservation

The First Parish in Concord requests funding for the restoration and repainting of the belfry that holds the Town clock; repair the gilding on the dome; and restoration of the four clock faces and weathervane.

Requested Funding: $75,000
Recommended Funding: $75,000
Amount from Other Funding Sources: $29,500
Total Project Budget: $104,500

On October 4, 2019, Town Counsel offered the following legal opinion regarding this project:

> "Applying the three factors outlined in Caplan [the 2018 decision of the MA Supreme Judicial Court regarding CPC grants to religious organizations]:
>
> [1]"the purpose of the CPA funding is not to aid the Church, but rather to protect and restore Town-owned property used for Town purposes";
>
> [2] "the CPA funding may provide some aid to the Church, but the Church itself is also contributing a share of the project cost, and the CPA funding does not appear to be supplanting funds that the church would otherwise have to provide itself";
>
> [3] "the bell, clock and tower belfry are all deployed for secular , as well as religious purposes and funding for their restoration would not likely offend the religious sensibilities of local taxpayers , unlike restoration of stained glass windows with religious imagery [as in Caplan]"; and
>
> [4] government is to some degree entangled with the Church in how it proceeds to restore the tower, clock and bell, not because of CPA funding, but because of other neutral legal requirements in addressing lead abatement and historic district requirements".
>
> "Accordingly, we believe this project is likely eligible for CPA funding without running afoul of the Anti-Aid Amendment [to the MA Constitution].

On November 25, 2019, Town Counsel added, "We have previously provided a memorandum dated October 4, 2019 with our opinion approving the eligibility of this project."

In addition to Town Counsel's legal analysis, 2020 Town Meeting should be aware that on June 7, 1900, the year before the current First Parish Church was completed in 1901, 1900 Town Meeting voted "to purchase a new clock to be placed in the restored meeting house of the First Parish in Concord." The current First Parish structure sits next to the Wright Tavern (1747) and is the fourth meeting house on this site. The prior three served as the public meeting house of the Town of Concord. It was the site of the First Provincial Congress in 1774. Its historic preservation will be part of Concord's presentation to the world in 2025, the 250th anniversary of the "shot heard round the world". The First Parish is located within the American Mile Historic District.

D. **<u>Holy Family Parish Rectory Renovation, Holy Family Parish</u>**
Category: Historic Preservation

The Holy Family Parish requests funding for the removal of the existing roof, and replacement of the roofing materials in-kind with Ludowici Ceramic roofing shingles in four colors to match the existing.

Requested Funding: $150,000
Recommended Funding: $75,000
Amount from Other Funding Sources: $3,850,000
Total Project Budget: $4,000,000

On November 25, 2019, Town Counsel offered the following legal opinion regarding this project:

> "With the clarification provided by the [Holy Family Parish] supplement, this project likely falls within the constitutional protection for government grants required to be given on an equal basis to churches as to other non-denominational organizations, as recently addressed by the [U.S.] Supreme Court in Trinity Lutheran Church of Columbia v. Comer. Like [the] grant for playground resurfacing in Trinity Lutheran and unlike the stained glass windows at issue in the [MA] Supreme Judicial Court decision in Caplan v. Town of Acton, the roof replacement proposed has no denominational or sectarian significance. The grant funding does not appear to supplant other church funds used for religious purposes, but instead serves a public purpose both by enhancing funding needed for accurate historic preservation in accordance with Historic District requirements and by opening up more public meeting space. Thus, we think that funding this project could survive a Caplan challenge under the Massachusetts Anti-Aid Amendment."

In addition to Town Counsel's legal analysis, Town Meeting members should be aware that the building itself at 70 Monument Square dates back into the 1800's when it was located next to the Middlesex Hotel and served as the County Townhouse. In 1868 the Archbishop of Boston purchased the building. It is located in Monument Square, which is included in the National Register of Historic Places. It is also located in the North Bridge-Monument Square Historic District and thus the roof renovation project requires compliance with strict HDC requirements utilizing sustainable and historically accurate materials.

E. **Buttrick House Gardens Hardscape Rehabilitation, Friends of Minute Man National Park**
Category: Historic Preservation

The Friends of Minute Man National Park requests funding for the rehabilitation of the hardscaping in the Buttrick House Garden; including resetting and stabilizing brick and bluestone pathways, rehabilitating stone steps, installing a hand rail, and repairing cobble steps.

Requested Funding: $100,000
Recommended Funding: $100,000
Amount from Other Funding Sources: $5,600
Total Project Budget: $105,600

F. **Gerow Park Improvements Phase I, Town of Concord**
Category: Open Space and Recreation

The Town of Concord requests funding for Phase I of the Gerow Park Improvements project, which includes further development and construction of an accessible year-round composting toilet facility, and the construction of additional access paths along the elevated ridge adjacent to the pond.

Requested Funding: $500,000
Recommended Funding: $500,000

Past CPA Funding:
2018 - $500,000 (land acquisition)

Other Funding Sources: $600,000 in Capital Funding 2019-$200,000 (area improvements) Total Project Budget: Approx. $1,700,000 (Phase I)

G. **Warner's Pond Dredging Project, Town of Concord – Division of Natural Resources**
Category: Open Space and Recreation

The Town of Concord Division of Natural Resources requests funding towards the Warner's Pond Dredging Project, which seeks to improve the ecological health and recreational opportunities at Warner's Pond through a limited dredging operation. The project also includes improvements to the existing Commonwealth Ave. boat launch area to better serve the public.

Requested Funding: $500,000 Past CPA Funding:
Recommended Funding: $500,000 2019 - $75,000 (permitting)
Other Funding Sources: $1,750,000 in Capital Funding (FY21 & FY22)
Total Project Budget: $2.5 Million

H. **Assabet River Pedestrian Bridge Construction Drawings and Permitting, Town of Concord**
Category: Open Space and Recreation

The Town of Concord requests funding to develop final construction drawings and documents and to conduct the permitting needed to apply for various grant funds to advance the Assabet River Pedestrian Bridge to construction. The Assabet River Pedestrian Bridge will connect West Concord to Baker Avenue.

Requested Funding: $250,000 Past CPA Funding:
Recommended Funding: $250,000 2018 - $35,000 (design and permitting)
Amount from Other Funding Sources: $135,000 Mass Trails
Total Project Budget: $385,000

I. **Accessible Outdoor Oasis Recreation Park for People with Disabilities, Minute Man Arc for Human Services, Inc.**
Category: Recreation

Minute Man Arc for Human Services, Inc. requests funding for the creation of an accessible recreation park that will include ADA-compliant walking paths that connect to the established Concord Trail System off of Forest Ridge Road; a pair of vestibular therapeutic swings; a music garden and a multi-purpose sport court will provide many choices for recreation and therapeutic stimulation. Accessible picnic tables with seating for wheelchair users and granite benches will facilitate greater social interaction and inclusion within the Concord community.

Requested Funding: $100,000
Recommended Funding: $100,000
Other Funding Sources: $189,500
Total Project Cost: $289,500

J. **Staff and Technical Support, Town of Concord**
Category: Administration

The Town of Concord requests funds to support the CPA in Concord by providing staff support from the Dept. of Planning and Land Management; legal, technical, and consulting assistance for the Town's CPA funded projects; supplies and associated administrative requirements including legal ads, copying, etc.; funding to purchase CPA signage; and other administrative expenses.

Requested Funding: $40,000
Recommended Funding: $40,000
Other Funding Sources: $0
Total Project Cost: $40,000

Select Board Recommendation:
The Select Board recommends affirmative action on Article 44: Community Preservation Committee Appropriation Recommendations. This article represents significant due diligence work and committee review of the applications received from both Town projects and non-profit organizations requesting this year's cycle of Community Preservation Funds.

The Community Preservation Committee (CPC) received 13 applications, 10 of which were recommended for funding to be approved at this year's Town Meeting, for a total amount of $1,960,000 to be appropriated from the Concord Community Preservation Fund. CC funding recommendations are made for the categories of community housing, historic preservation, open space, recreation and administration. Each application was thoroughly reviewed and analyzed at committee deliberations after site visits and interviews with application sponsors. Applications were available online for public viewing, and there was opportunity for public comment throughout the year at the committee's regularly scheduled public meetings and public hearing presentation.

Applications received this year included submissions from two different local faith groups requesting funds for historic preservation which is one of the qualifying categories for the CPC funding recommendations as defined by its bylaws and the State's Community Preservation Act (CPA). Cognizant of the Anti-Aid Amendment of the Massachusetts Constitution which prohibits the use of public funds for ostensibly religious purposes, the Committee requested a legal opinion from Town Counsel regarding these applications' eligibility to be considered for CPA funding.

Specific to the CPC's recommendation to partially fund roof replacement as part of the Holy Family Parish Rectory Renovation request for historic preservation funding, Town Counsel concluded that based on the legal definition of the Anti-Aid Amendment and existing case law related to public funding for other court-reviewed projects on this issue, that this project ". . . likely falls within the constitutional protection for government grants required to be given on an equal basis to churches as to other non-denominational organizations. . . ". Specific to the CPC's recommendation for the Holy Family Parish application, town counsel further commented that "The grant funding does not appear to supplant other church funds used for religious purposes, but instead serves a public purpose both by enhancing funding needed for accurate historic preservation in accordance with Historic District requirements and by opening up more public meeting space. Thus, we think that funding of this project could survive a legal challenge under the Massachusetts Anti-Aid Amendment."

Similarly, Town Counsel concluded that the CPC's recommendation to fund First Parish's request for CPA historic preservation funding to restore the church clock tower/belfry and the Town-owned clock and bell housed within the tower is eligible for CPA funds and stated: "Accordingly, we believe this project is eligible for CPA funding without running afoul of the Anti-Aid Amendment".

Given the thorough due diligence in reviewing all of the CPC recommended projects, the Select Board recommends affirmative action on Article 44: Community Preservation Committee Appropriation Recommendations.

Article 45: CITIZEN PETITION: Electronic Recording of Select Board Executive Sessions

Motion:
Mr. Read moves: that the Town urge the Select Board to audio record or audio-visually record its executive sessions, and retain and make publicly available the unredacted portions of these recordings for at least three years after the minutes of the recorded meetings are released to the public.

Narrative Explanation:
Between the beginning of 2016 and the end of 2018, at least 20 Select Board executive (closed door) sessions had gone at least one year without the minutes being finalized and approved - a fact acknowledged by the Select Board. Some executive sessions have gone more than three years without the minutes being finalized and approved. The Attorney General's office recommends approving minutes within 30 days, or within the next three meetings, whichever is later.

Due to the delays in finalizing minutes, many or most of the Select Board members involved in these meetings had left the board prior to the finalization of minutes, calling into question the quality of information which will ultimately be retained by the Town for these meetings.

A vote in favor of this article will urge the Select Board to audio and/or video record executive session meetings to insure a high quality record remains for executive sessions even if the Select Board continues to be unable to promptly finalize and approve executive session minutes as recommended by the Attorney General.

Brooks Read, 366 Estabrook Road, September 1, 2020

Select Board Recommendation:
The Select Board recommends no action on Article 45: Electronic Recording of Select Board Executive Sessions. As a practical matter, if this article is approved, it will be difficult and costly to implement, while likely providing little value to citizens and exposing the Town to potential risk.

The Town would first need to determine a technologically reliable method to review, or delegate to Town staff to review, those recordings to redact information that should not be publicly disclosed. For example, information regarding an employee's character or reputation, or a grant recipient's need with respect to a Silent Fund application, and all attorney-client privileged discussions, should not be released to the public even when the remainder of those minutes are published. That information would also need to be redacted from any recordings. As a practical matter, redacting protected information from audio and visual recordings will be much more time consuming – and more susceptible to error – than redacting such information from written minutes. The Town should not commit to a policy that will create a difficult administrative burden and heighten the risk of improper disclosure, which could compromise the Town's position in confidential matters, violate individual privacy rights, and expose the Town to increased liability.

It is also important to note that minutes of Executive Sessions are released only after the matter at hand is resolved. At that point, it is unclear what value would be added by producing the recording in addition to the official minutes of the meeting.

Finally, we note that the Select Board is now keeping current with all Open session and Executive Session minutes; there is no backlog at this time, and we intend to stay current going forward.

Article 46: CITIZEN PETITION: Public Posting of Open Meeting Law Complaints

Motion:

Mr. Read moves: that the Town urge the Town Manager and Select Board to post Open Meeting Law complaints on the Town's webpage for the committee or board to which the complaint refers when such posting is requested by the complainant, and to leave complaints posted until they are resolved to the satisfaction of the complainant, or the complainant reaches the end of the complaint appeal process.

Narrative Explanation:

It is common practice in many surrounding towns (e.g. Acton) to post OML (Open Meeting Law) complaints prominently on the town's website for review by interested citizens.

In contrast, Concord has a policy of minimizing public access to OML complaints. For example, of four OML complaints which have been filed against the Concord Select Board over the last two years, none are available on the Town's website, nor have they been included in the document packet distributed before the Select Board meeting in which they were discussed, as required by OML.

Concord's OML complaint policy has led to high costs. For example, the Town spent more than $41,000 in legal fees related to the four Select Board complaints. Town counsel initially characterized some of the complaints as "*frivolous*" and "*harassing*," but the Massachusetts Attorney General's office found all four complaints to contain bona fide violations of the OML.

A policy of openness with OML complaints, facilitated by prominent posting of complaints on the town's website, will lead to greater transparency, improved public participation, and reduced costs for Concord citizens.

A vote in favor of this Article would urge the Select Board to post OML complaints prominently on the Town's website when such posting is requested by the complainant.

Brooks Read, 366 Estabrook Road, September 1, 2020

Select Board Recommendation:

The Select Board recommends no action on Article 46: Public Posting of Open Meeting Laws Complaints.

The Town's current general practice regarding Open Meeting Law complaints is that once the Attorney General has responded to a complaint, the Town posts both the complaint and the Attorney General's decision together on the web site. The Select Board believes this policy is working well and sees no reason to change it.

If the Town instead posted all Open Meeting Law complaints, including complaints that have not yet been decided by the Attorney General, those postings could lead to the misleading impression that a Town Board has violated the Open Meeting Law during the often months-long period when a decision is still pending with the Attorney General's Office.

Article 47: CITIZEN PETITION: Investigation and Amendment to the Town Counsel Bylaw

Motion:
Mr. Read moves: that the Town urge the Select Board to appoint a committee whose purpose will be to investigate the reasons for numerous recent violations of the Town Counsel Bylaw, and then recommend amendments to the bylaw which will allow the Town to return to compliance with it.

Narrative Explanation:
The current version of the Town Counsel Bylaw was formulated by the ***Legal Services Review Committee*** in 1991 in order to better match the evolving legal services requirements of the Town at that time, and was adopted as Article 45 at 1992 Annual Town Meeting.

Now, 28 years later, evolving town needs make the bylaw ripe for another review and revision to match up with the Town's changing legal needs.

For example, the current bylaw requires the appointment of *"some competent lawyer"* to serve as town counsel, but the Select Board recently appointed an entire law firm (Anderson & Kreiger LLP, in 2017) to the position of town counsel. This and other changing needs should be reflected in updated language for the bylaw.

A vote in favor of this article would urge the Select Board to again form a committee to investigate the extensive deviations from the currently adopted bylaw, and recommend updated Town Counsel Bylaw language for adoption by Town Meeting vote.

TOWN OF CONCORD
MASSACHUSETTS

TOWN COUNSEL BYLAW

VOTED: to repeal the 1988 "Town Counsel Residency" bylaw in its entirety and adopt the following bylaw.

Section 1.
The Town Manager, subject to the approval of the Board of Selectmen, shall annually in May, and whenever a vacancy shall exist, appoint some competent lawyer who shall be admitted to the Massachusetts Bar to act as the Town Counsel. The term of office shall begin on the first day of June of each year and shall continue until a successor is appointed and qualified. Town Counsel may be removed by the Town Manager, subject to the approval of the Board of Selectmen, at the pleasure of the Town Manager.

Section 2.
With the approval of the Town Manager and the Board of Selectmen, the Town Counsel shall act as legal adviser to the Town and to all Town officers, boards and committees in connection with the performance of their public duties. Town Counsel shall prosecute, defend and compromise any and all suits, claims, actions and proceedings on behalf of or against the Town, its officers, boards and committees or in which the interest of the Town are or may be involved. Town Counsel when requested by the Town Manager, may represent the Town at any hearing in which it is or may become interested before any committee of the General Court. Nothing herein shall preclude the Town Manager, with the approval of the Board of Selectmen, from retaining special counsel whenever in the opinion of the Town Manager it is for the best interest of the Town, provided that the retention of special counsel is not prohibited by law and an appropriation when necessary is made or funds are otherwise available for such purpose.

Article 45, Town Meeting, April 1992

Brooks Read, 366 Estabrook Road, September 1, 2020

Select Board Recommendation:
The Select Board recommends no action on Article 47: Investigation and Amendment to the Town Counsel Bylaw. This article proposes a committee to ensure compliance with the Town Charter and the Town Counsel Bylaw. If the proposed committee were formed, it would find no violation of the Charter or the Bylaw.

The Town Counsel Bylaw, adopted in 1992, states that "The Town Manager, subject to the approval of the [Select Board], shall annually in May, and whenever a vacancy shall exist, appoint some competent lawyer who shall be admitted to the Massachusetts Bar to act as the Town Counsel." The Town has been following this bylaw by appointing a law firm, rather than "some competent lawyer". From 2006-2017, William Lahey of Anderson & Krieger served as Town Counsel, and beginning in 2018, Mina Makarious of Anderson Krieger has served as Town Counsel.

By appointing Town Counsel within a firm, the Town benefits from having the skill and expertise of a team of lawyers at its disposal. In addition, the Town has been able to reduce its legal expenses as Town Counsel has delegated work to colleagues that either charge a lower rate than Town Counsel (e.g., mid-level associates on routine zoning litigation) or are more familiar with a particular body of law (e.g., senior counsel with decades of construction litigation experience).

However, the Select Board agrees with the petitioner that an update to the Town Counsel bylaw may be warranted to recognize the reality that in 2020 most towns of Concord's size employ firms, not individuals, to serve as Town Counsel. We will consider proposing an amendment to this bylaw to provide clarity to the Board, the public, and Town Counsel regarding this issue.