

2012 ANNUAL TOWN MEETING

April 23, 24, 25 and 26, 2012

The 2012 Annual Town Meeting minutes printed below are excerpted from the official minutes of this Meeting. For the complete text of all votes taken at this Meeting, contact the Town Clerk's Office.

Pursuant to the Warrant signed by the Selectmen on February 6, 2012, Town Moderator Eric E. Van Loon called the 2012 Annual Town Meeting to order at 7:05 pm at the Concord-Carlisle High School Auditorium and Cafeteria. Mr. Van Loon reminded those present of the purpose and significance of Town Meeting, which serves as the legislative body for our Town, approving expenditures and enacting Town policy and bylaws. Individual voters can attend Town Meeting in person, speak their views, and vote their convictions on the financial and policy matters that shape the quality of life in Concord. He thanked those present for taking the time to attend and participate.

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

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

Mr. Van Loon reported that he had appointed the following individuals to serve as Assistant Moderators: Margaret B. Briggs, Gary R. Clayton, Carolyn C. Flood and James A. Smith.

On a Motion made by Elise Woodward and duly seconded, it was voted that this Meeting elect Peggy Briggs as Deputy Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position.

Mr. Van Loon reported that he had appointed Abraham Fisher as Head Teller, to be assisted by Gregory Englund. In the event the Meeting votes to take a written ballot on a motion, the ballot counting procedure and certifica-

tion of the vote will be supervised by David Allen, to be assisted by David Karr. The Tellers and Ballot Counters were duly sworn to faithfully and impartially perform their duties. Johanna R. Glazer was introduced as the Town Meeting Procedures Resource Person.

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

Mr. Van Loon introduced Leslie Koplou as the staff person available to provide technical presentation assistance. Fire Chief Mark Cotreau reviewed evacuation procedures in the event of an emergency. Voters were reminded to check in with Election Officers to pick up a Voting Slip which will be used to identify those present as entitled to vote.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Van Loon asked attendees to stand in a moment of silence to reflect on how, through this Town Meeting, we and our neighbors are gathered to provide for our common good. As we deliberate and vote, may we remember that the passions of the moment are not always the best guide for our conduct in the future. And if a Town Meeting action requires sacrifice by some, may it be only where the common goal is worthy of the sacrifice. Let us approach each issue, no matter how difficult or divisive, with an open heart and with an open mind. And above all, may each of us maintain a saving sense of humor, so that the debates at this Town Meeting will not be a source of division among us when our business here is concluded.

Mr. Van Loon thanked the many citizens and Town and School employees who worked long hours to prepare the reports and background materials which will guide us through the Meeting. He expressed gratitude to CCHS Principal Peter Badalament, the Regional School Com-

mittee, and the faculty, students and staff of CCHS for accommodating us. He noted that the minutes of the Meeting will be kept by Town Clerk Anita Tekle, who was thanked along with Assistant Town Clerk Pat Clifford in the cafeteria, and the Election Officers and staff in the lobby. He noted that the person who is responsible for making Town Meeting run smoothly is Town Meeting Coordinator Laurel Landry.

He brought to the assembly's attention the 2011 Town Report and the presence of Green Cards. Residents were encouraged to participate in the governance of the Town. Mr. Van Loon reviewed the anticipated schedule for the meeting, including a Special Town Meeting scheduled to start at 7:30 pm on Tuesday, April 24. He announced that the meeting was being telecast by CCTV and was being filmed by a private documentary film company.

Mr. Van Loon announced a change to the time limit for speaker presentations, in an effort to keep discussion flowing and facilitate participation by as many as possible. With a few pre-arranged exceptions, initial article presentations will be limited to five minutes and citizen commentary to two minutes each.

On a Motion made by Elise Woodward and duly seconded, it was voted that the reading of the Warrant and the Return of Service thereon be omitted.

On a Motion made by Elise Woodward and duly seconded, it was voted that the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, Tuesday, April 24.

ARTICLE 1. CHOOSE TOWN OFFICERS

Under Article 1, Mr. Van Loon reported the results of the Annual Town Election held on March 6, 2012.

On a Motion made by Elise Woodward and duly seconded, it was voted that Article 1 remain open for such other action thereunder as may be necessary and that the Meeting take up Article 2.

ARTICLE 2. HEAR REPORTS

On a Motion made by Elise Woodward and duly seconded, it was voted to accept the reports of the various Town Officers and Committees.

Carol Wilson made a Motion that was duly seconded that the 2012 Annual Town Meeting advance for consideration Articles 3, 4, 5, 11, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31 and 41, and take action on such Articles without debate on any of such Articles, provided that upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.



Town Moderator Eric E. Van Loon

After reading the motion and giving a brief explanation of each Article, the Moderator inquired as to whether there was a request to drop any of the Articles from the Consent Calendar Motion. Objections were raised for Articles 11 and 17, but neither received the minimum of five votes. The Consent Calendar was accordingly voted by a two-thirds majority as follows:

Consent Calendar

(Articles 3, 4, 5, 11, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31 and 41)

ARTICLE 3. MEETING PROCEDURE

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

ARTICLE 4. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

Upon a Motion made by Judith Walpole and duly seconded, it was voted to ratify the Personnel Board's actions to amend the Classification and Compensation Plan.

ARTICLE 5. CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS EMPLOYEES

Upon a Motion made by Judith Walpole and duly seconded, it was voted to amend the Classification & Compensation Plan for all regular-status Town positions effective July 1, 2012.

ARTICLE 11. CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT TECHNOLOGY STABILIZATION FUND TRANSFER

Upon a Motion made by Fabian Fondriest and duly seconded, it was voted to authorize the Concord-Carlisle Regional School District Treasurer to transfer the sum of \$250,000 into the Regional School District Technology Stabilization Fund.

ARTICLE 14. FREE CASH USE

Upon a Motion made by Carol Wilson and duly seconded, it was voted to authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2013.

ARTICLE 15. ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE

Upon a Motion made by Carol Wilson and duly seconded, it was voted to appropriate the amount of \$475,000 from the Elementary School Debt Stabilization Fund for a portion of the debt service due during fiscal year 2013 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings.

ARTICLE 17. PROPERTY TAX EXEMPTIONS

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

ARTICLE 18. LIGHT PLANT PAYMENT IN LIEU OF TAXES

Upon a Motion made by Christopher Whelan and duly seconded, it was voted to authorize a transfer of \$385,000 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2013.

ARTICLE 19. LIGHT PLANT EXPENDITURES

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

ARTICLE 20. ROAD REPAIR REVOLVING FUND EXPENDITURES

Upon a Motion made by Christopher Whelan and duly seconded, it was voted that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way, in an amount not to exceed \$77,000 be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways.

ARTICLE 21. SOLID WASTE DISPOSAL FUND EXPENDITURES

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

ARTICLE 22. SEWER SYSTEM EXPENDITURES

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

ARTICLE 23. SEWER IMPROVEMENT FUND EXPENDITURES

Upon a Motion made by Christopher Whelan and duly seconded, it was voted that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation.

ARTICLE 24. WATER SYSTEM EXPENDITURES

Upon a Motion made by Christopher Whelan and duly seconded, it was voted that the income from user fees, special services fees, and jobbing services by the Water

and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation.

ARTICLE 25. BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY2013 BUDGET

Upon a Motion made by Christopher Whelan and duly seconded, it was voted to appropriate the amount of \$2,479,524 for the operating expenses and \$151,000 for capital expenditures of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2012; and that to meet this appropriation the amount of \$2,338,763 be appropriated from the estimated fiscal year 2013 revenues of the Community Pool Enterprise Fund and \$291,761 from the certified undesignated fund balance of June 30, 2011.

ARTICLE 29. EMERGENCY RESPONSE STABILIZATION FUND CREATION & FUNDING

Upon a Motion made by Christopher Whelan and duly seconded, it was voted to establish an Emergency Response Stabilization Fund for the purpose of reserving \$1,000,000 to be received in accordance with the Development Agreement entered into between the West Concord Development LLC and the Town of Concord, and to be used to mitigate the impact of the Longview Meadow development project on the Town's emergency response capacity.

ARTICLE 30. RETIREMENT BOARD, LOCAL OPTION ACCEPTANCE, INCREASED ALLOWANCE FOR SURVIVING SPOUSE OF CERTAIN DISABILITY RETIREES

Upon a Motion made by Peter Fulton and duly seconded, it was voted to accept the provisions of Chapter 32, §101 of the MGL which grants a supplemental annual retirement allowance to a surviving spouse of a former employee who had been retired for accidental disability or ordinary disability, but who dies from a cause other than the cause of retirement.

ARTICLE 31. CONSTRUCTION NOISE BYLAW

Upon a Motion made by Christopher Whelan and duly seconded, it was voted to amend the Construction Noise Bylaw to add a new Section 3.

ARTICLE 41. ZONING BYLAW AMENDMENT—MOBILE MEDICAL FACILITY

Upon a Motion made by Coleman Hoyt and duly seconded, it was voted to amend Zoning Bylaw Section 1.3 by inserting a new definition for mobile medical facility, and by adding a new Section 5.4.1.4 to allow the Board of Appeals to grant a special permit for a mobile medical facility.

End of Consent Calendar

ARTICLE 6. TOWN BUDGET

Finance Committee Chair Carol Wilson provided an overview of the Town's financial climate and the budget guidelines. After a Motion was made by Christopher Whelan, the highlights of the Town budget were reviewed. Mr. Van Loon asked if there were any "holds" on the budget line items, and there were none. A vote was taken on Mr. Whelan's motion that voted to raise and appropriate the amounts of money shown in the chart on the next page for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2013, and that the same be expended only for such purposes under the direction of the Town Manager.

ARTICLE 7. PUBLIC SCHOOL BUDGET

Upon a Motion made by Pamela Gannon and duly seconded, it was voted to raise from the tax levy and appropriate the amount of \$29,755,538 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2013.

ARTICLE 8. CONCORD PUBLIC SCHOOL RENOVATIONS

Upon a Motion made by Maureen Spada and duly seconded, it was voted by a two-thirds majority to appropriate the sum of \$675,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord Public School facilities; and to authorize the Treasurer, with the approval of the Selectmen, to borrow \$675,000 for this purpose.

ARTICLE 9. CONCORD PUBLIC SCHOOLS—SUPPLEMENTAL APPROPRIATION FOR CURRENT YEAR

There was no Motion made under this article.

TOWN BUDGET FISCAL YEAR 2012–2013

No.	Department	Appropriation
GENERAL GOVERNMENT		
1A	Town Manager	\$306,623
1B	Human Resources Department	188,855
1C	Town-wide Building Maintenance	170,000
1D	Resource Sustainability	<u>25,000</u>
	TOTAL Town Manager Acct. #1	<u>\$690,478</u>
2	Legal Services	\$225,000
3A	Elections	\$37,168
3B	Registrars	<u>8,078</u>
	TOTAL Elections & Registrars Acct. #3	<u>\$45,246</u>
4	Town Meeting & Reports Planning and Land Management	\$77,800
5A	Planning Administration	\$244,286
5B	Board of Appeals	52,389
5C	Natural Resources	205,267
5D	Inspections	357,335
5E	Health	<u>244,188</u>
	TOTAL Planning & Land Management	\$1,103,465
6	141 Keyes Road	71,413
	TOTAL GENERAL GOVERNMENT	<u>\$2,213,402</u>
FINANCE AND ADMINISTRATION		
7	Finance Committee Finance Department	\$3,100
8A	Finance Administration	\$244,169
8B	Treasurer-Collector	252,888
8C	Town Accountant	133,514
8D	Assessors	377,697
8E	Town Clerk	<u>210,800</u>
	TOTAL Finance Department	\$1,219,068
9	Information Systems	\$503,986
10	Town House	\$101,023
	TOTAL FINANCE AND ADMINISTRATION	<u>\$1,827,177</u>
PUBLIC SAFETY		
11	Police Department	\$3,876,859
12	Fire Department	3,533,608
13	West Concord Fire Station	35,515
14	Police and Fire Station	218,007
15	Emergency Management	12,810
16	Dog Officer	19,065
	TOTAL PUBLIC SAFETY	<u>\$7,695,864</u>
PUBLIC WORKS AND FACILITIES		
17	Public Works Department	
17A	CPW Administration	\$162,802
17B	Engineering	339,000
17C	Highway Maintenance	1,167,769
17D	Parks and Trees	586,843
17E	Cemetery	<u>59,954</u>
	TOTAL Public Works Department	\$2,316,368

No.	Department	Appropriation
18	Snow and Ice Removal	\$525,000
19	Street Lighting	64,624
20	CPW Equipment	296,500
21	Drainage Program	205,000
22	Sidewalk Management	100,000
23	Road Improvements	90,000
24	133/135 Keyes Road	94,982
TOTAL PUBLIC WORKS AND FACILITIES		\$3,692,474
HUMAN SERVICES		
25	Library	\$1,854,082
26	Recreation Administration	92,555
27	Hunt Recreation Center	82,119
28	Harvey Wheeler Community Center	137,934
29	Council on Aging	255,932
30	Veterans Services and Benefits	30,468
31	Ceremonies and Celebrations	23,800
32	Visitors' Center and Restroom	23,206
TOTAL HUMAN SERVICES		\$2,500,096
UNCLASSIFIED		
33	Town Employee Benefits	\$100,000
34	Reserve Fund	225,000
35	Salary Reserve	460,000
36	Land Fund	10,000
TOTAL UNCLASSIFIED		\$795,000
JOINT (TOWN-CPS)		
37A	Group Insurance	\$4,650,000
37B	OPEB Trust Fund	400,000
37C	Property and Liability Insurance	175,000
TOTAL Acct. #37		\$5,225,000
38A	Unemployment Compensation	\$100,000
38B	Workers Compensation	100,000
TOTAL Acct. #38		\$200,000
39	Retirement	\$2,945,000
40	Social Security & Medicare	\$625,000
41A	Debt Service – within levy limit	\$3,300,000
41B	Debt Service – excluded from levy limit	\$4,244,471
TOTAL Debt Service Acct. #47		\$7,544,471
TOTAL JOINT ACCOUNTS		\$16,539,471
TOTAL ARTICLE 6		\$35,263,484

ARTICLE 10. CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

Upon a Motion made by Peter Fischelis and duly seconded, it was voted unanimously to raise from the tax levy and appropriate the Town's apportioned share of \$15,320,349 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2013.

ARTICLE 11. VOTED UNDER CONSENT CALENDAR ON APRIL 23

ARTICLE 12. MINUTEMAN CAREER & TECHNICAL HIGH SCHOOL BUDGET

Upon a Motion made by Carrie Flood and duly seconded, it was voted unanimously to raise from the tax levy and appropriate the Town's apportioned share of \$437,910 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2013.

ARTICLE 13. MINUTEMAN REGIONAL HIGH SCHOOL STABILIZATION FUND

Upon a Motion made by Carrie Flood and duly seconded, it was voted unanimously to approve the establishment of a Stabilization Fund by the Minuteman Career & Technical School District to pay costs of capital repairs, renovations and improvements to the regional district school and its associated facilities.

ARTICLES 14 AND 15 WERE VOTED UNDER CONSENT CALENDAR ON APRIL 23

ARTICLE 16. UNPAID BILLS

There was no Motion made under this article.

ARTICLES 17 THROUGH 25. VOTED UNDER CONSENT CALENDAR ON APRIL 23

ARTICLE 26. 2013 ROAD PROGRAM

Upon a Motion made by Philip Swain and duly seconded, it was voted by a declared two-thirds majority to appropriate the amount of \$950,000 for the reconstruction or renovation of roads and streets within the Town; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$950,000.

ARTICLE 27. POLICE/FIRE STATION 1 RENOVATIONS

On a Motion made by Christopher Whelan and duly seconded, it was voted by a declared two-thirds majority

to appropriate the amount of \$700,000 for the purpose of remodeling, reconstructing and making extraordinary repairs to the Walden Street Police/Fire Station; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow \$700,000.

ARTICLE 28. LIGHT PLANT EXPANSION—SUBSTATION & WAREHOUSE

On a Motion made by Christopher Whelan and duly seconded, it was voted by a declared two-thirds majority to appropriate the amount of \$4,400,000 to be expended under the direction of the Town Manager for the purpose of enlarging the capacity of the Forest Ridge Substation and increasing warehouse space at the Concord Municipal Light Plant Operations Center; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow \$4,400,000, with the debt service to be repaid from revenues of the Light Plant.

At 9:02 pm the Meeting took a brief break, resuming business at 9:10 pm.

ARTICLES 29 THROUGH 31 WERE VOTED UNDER CONSENT CALENDAR ON APRIL 23

ARTICLE 32. PRESCHEDULED FOR APRIL 24.

ARTICLE 33. TOWN SUSTAINABLE ELECTRICITY ACQUISITION PROCESS (BY PETITION)

David Allen made a Motion which was duly seconded, urging Town Officials to give priority to technologies and practices that maximize the environmental benefits relative to the total economic, social and environmental costs when planning, contracting for, or participating in the construction of new utility-scale electric power sources. After discussion, and on a show of hands, the Motion failed to pass.

ARTICLE 34. ZONING BYLAW AMENDMENT—LARGE-SCALE SOLAR FACILITY

A Motion was made by Elisabeth Elden and duly seconded. Reine Beeuwkes offered an amendment, which was duly seconded. After discussion, a vote was taken on the amendment, which passed on a show of hands. At 10:41 pm, a Motion to call the question was made by David Karr and duly seconded. This passed by a two-thirds majority on a show of hands. A vote was

then taken on the main motion as amended, which passed by a two-thirds majority, and was so declared by the Moderator.

**THE MEETING ADJOURNED AT 10:45 PM.
ADJOURNED SESSION—ANNUAL TOWN MEETING
APRIL 24, 2012**

Town Moderator Eric Van Loon called the second session of the 2012 Annual Town Meeting to order at 7:04 pm on April 24, 2012. He introduced Town Officials and staff. The Tellers and Ballot Counters were duly sworn to the faithful performance of their duties.

On a Motion made by Elise Woodward and duly seconded, it was voted unanimously that the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm, Wednesday, April 25.

School Committee members Pam Gannon and Peter Fischelis recognized retiring Concord Public School and Concord-Carlisle Regional School employees and those employees with 25 or more years of service. Selectman Carmin Reiss recognized retiring Town employees and those with 25 or more years of service. Mr. Van Loon recognized retiring Finance Committee members and announced his reappointment of John Hutchins, Radha Jalan and Thomas Piper and the appointment of Triveni Upadhyay to new three-year terms to the Finance Committee. Selectman Jeff Wieand recognized outgoing Selectmen Gregory Howes for his years of service to the Board of Selectmen and Housing Authority. Pam Gannon recognized outgoing School Committee and Building Committee member Jerry Wedge, thanking him for his years of service. School Committee member Maureen Spada recognized outgoing School Committee member Peter Fischelis, thanking him for his years of service.

Mr. Van Loon reminded those present of the Town's motto on the Town Seal: "Quam Firma Res Concordia," which roughly translates to "How Strong is Harmony." As we deliberate and vote tonight, let us be reminded that the passions of the moment are not always the best guide for our conduct in the future and that, if sacrifice by a few is required, the sacrifice should be only where the common goal is worthy of the sacrifice.

At 7:43 pm, on a Motion made by Elise Woodward that was duly seconded, it was voted to suspend the Annual Town Meeting until after the conclusion of the Special Town Meeting. The Special Town Meeting concluded at 10:30 pm, so the Annual Town Meeting was adjourned until 7:00 pm on Wednesday, April 25.

**ADJOURNED SESSION—ANNUAL TOWN MEETING
APRIL 25, 2012**

Mr. Van Loon called the meeting to order at 7:00 pm. He offered a special tribute to D. Elliott Wilbur, a former member of the Concord Housing Authority and the Board of Selectmen, who died unexpectedly last evening. The Meeting paused for a moment of silent remembrance in appreciation of Mr. Wilbur's long years of service to the community. Mr. Van Loon reviewed the schedule for the evening.

**ARTICLE 35. AUTHORIZATION OF LEASE OF FORMER
LANDFILL SITE FOR SOLAR POWER GENERATION**

On a Motion made by Christopher Whelan and duly seconded, it was voted to authorize the Town Manager to enter into a long-term lease, license, agreement for payment in lieu of taxes and/or other contractual agreements for all or part of the property at 759 Walden Street, the former Sanitary Landfill site, for the purposes of installing and operating solar energy generating facilities and supplying solar energy.

The following article was pre-scheduled by the Moderator, with discussion beginning at 7:50 pm. Pro and con microphones were used for the following article.

**ARTICLE 32. DRINKING WATER IN SINGLE-SERVING
PET BOTTLES BYLAW (BY PETITION)**

The following Motion was made by Jean Hill and duly seconded: to adopt a bylaw restricting the sale of drinking water in single-serving PET bottles in the Town of Concord, including an exemption for emergencies, an enforcement process, a clause allowing for the suspension of the bylaw if the cost of implementation or enforcement becomes unreasonable, and a fine schedule for violations.

After discussion, Edward Perry offered an amendment that was duly seconded. Eric Haartz offered an amendment to Mr. Perry's amendment, which was duly seconded. A vote was taken on Mr. Haartz' amendment, which failed to pass on a show of hands. A vote was then

taken on Mr. Perry's amendment, which failed to pass on a show of hands. Discussion then resumed on the main motion. At 8:55 pm, Gwen Acton made a Motion to call the question, which was duly seconded. Mr. Van Loon noted that there were a number of voters still waiting to be heard and he suggested that the discussion continue for a while longer, which is in his discretion. Nelson Powers, Jr. urged the Moderator to assess the mood of the meeting by asking the voters whether the discussion should continue. At 9:04 pm, Mr. Van Loon asked for a show of hands for calling the question, which failed to pass, so the discussion resumed until 9:27 pm when Mr. Van Loon asked for a show of hands to call the question. This passed by a two-thirds majority.

A vote was then taken on the main motion, which after a floor challenge of the outcome, was counted. The Motion passed on a counted vote of 403 voting in favor and 364 opposed, and was so declared by the Moderator at 9:53 pm.

There was a brief procedural discussion about Concord's reconsideration bylaw, and when the vote taken under Article 32 could be reconsidered. Mr. Van Loon suggested that the meeting continue to take up two more articles tonight. At 9:57 pm, David Stephens made a Motion to reconsider the action taken under Article 32, which was duly seconded. At 10:07 pm, Mr. Van Loon asked for a show of hands to call the question on Mr. Stephens' motion, with no further debate. This passed by a two-thirds majority and was so declared by the Moderator. At 10:14 pm a vote was taken on Mr. Stephens' Motion to reconsider the vote taken under Article 32, which failed to pass.

ARTICLE 36. LAND ACQUISITION—W.R. GRACE LAND—214Y MAIN STREET

On a Motion made by Christopher Whelan and duly seconded, it was voted by a declared two-thirds majority to authorize the Selectmen to purchase the property at 214Y Main Street, comprised of approximately 79.5 acres, for municipal purposes, including public works activities and solar electric generation, and to appropriate the sum of \$1,200,000 to effect said purchase; and that to meet this appropriation the Treasurer, with the approval of the Selectmen, be authorized to borrow \$1,200,000.

ARTICLE 37. LAND ACQUISITION—W.R. GRACE LAND—214Y MAIN STREET

On a Motion made by Christopher Whelan and duly seconded, the following was voted by a declared two-thirds majority to authorize the Town Manager to enter into or approve a long-term lease or license for all or part of the parcel of land at 214Y Main Street (Parcel #2322 on Assessors' maps), and to enter into an agreement for payment in lieu of taxes and/or other contractual agreements for the purpose of development of solar electrical generation and accessory activities.

At 10:53 pm a motion was made to adjourn the meeting and to reconvene on Thursday, April 26 at 7:00 pm, which was duly seconded and voted.

**ADJOURNED SESSION—ANNUAL TOWN MEETING
APRIL 26, 2012**

Town Moderator Eric Van Loon called the fourth session of the 2012 Annual Town Meeting to order at 7:00 pm. He reviewed procedural issues for the evening. As a follow-up to the work taken under Article 4 of the Special Town Meeting creating a Citizens School Transportation Advisory Committee, with four appointments to be made by the Moderator, Mr. Van Loon invited interested residents to complete a green card.

ARTICLE 38. COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

On a Motion made by Toby Kramer and duly seconded, it was voted as noted in the table on the following page.

ARTICLE 39. LAND ACQUISITION—BRUCE FREEMAN RAIL TRAIL RIGHT-OF-WAY

On a Motion made by Christopher Whelan and duly seconded, it was voted by a declared two-thirds majority to authorize the Board of Selectmen to acquire for a nominal sum by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license and/or other real property interests in Concord comprising the former Lowell Secondary Track railroad right-of-way for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth.

ARTICLE 40. ZONING BYLAW AMENDMENT—EXTENDED STAY HOTEL

On a Motion made by Elisabeth Elden and duly seconded, it was voted by a declared two-thirds majority to

amend the Zoning Bylaw to divide the Industrial Park District into two separate and distinct districts and add the category of extended-day hotel use to the definition for hotel and motel use.

ARTICLE 41. VOTED UNDER CONSENT CALENDAR ON APRIL 23

ARTICLE 42. ZONING BYLAW AMENDMENT—SPECIAL DIMENSIONAL EXCEPTIONS

On a Motion made by Chris Sgarzi and duly seconded, it was voted by a declared two-thirds majority to amend § 6.3 of the Zoning Bylaw to clarify that the historically significant structure may remain on any of the lots being created.

ARTICLE 43. ZONING BYLAW AMENDMENT—RESIDENTIAL CLUSTER DEVELOPMENT

On a Motion made by Chris Sgarzi and duly seconded, it was voted by a declared two-thirds majority to amend § 9.2.3 of the Zoning Bylaw to clarify that the maximum additional setbacks from the tract boundaries that the Planning Board may require in a Residential Cluster Development is 50 feet.

ARTICLE 44. HIRING OF A CONCORD ANIMAL CONTROL OFFICER (BY PETITION)

A Motion made by Lydia Lodynsky and duly seconded to appropriate the sum of \$20,000 to provide a Town Animal Control Officer for the Town failed to pass on a show of hands.

COMMUNITY PRESERVATION COMMITTEE RECOMMENDATIONS		Amt. Rec	Prior Yr. Fund Balance	FY13 CPA Fund Revenues
COMMUNITY HOUSING				
Town of Concord	Regional Housing Services Program	25,000		25,000
Concord Housing Development Corp.	Bringing Affordable Housing Home	80,000		80,000
HISTORIC PRESERVATION				
Town of Concord	Monument Street Wall Reconstruction	122,500	54,076	68,424
	Town House Brownstone Repairs & Report	50,000		50,000
	Memories of Antietam Painting Conservation	43,000		43,000
	West Concord Historic Resource Survey Update	22,000		22,000
Concord Museum	Slate Roof Replacement & Exterior Renovations	123,000		123,000
Concord Scout House, Inc.	Phase II Structural Rehabilitation of Roof & Walls	175,000		175,000
Drinking Gourd Project	Caesar Robbins Interpretive Center	100,000		100,000
Emerson Umbrella	Historic Structure Report & Master Plan	50,000		50,000
Save Our Heritage	Barrett Farm Site Drainage	60,000		60,000
Thoreau Farm Trust	Thoreau Birthplace Historic Structure Report	15,000		15,000
Friends of the Performing Arts in Concord	Historic Structure Report	18,000		18,000
OPEN SPACE				
Town of Concord	Granite Post and Chain Fence at Sleepy Hollow Cemetery	40,000		40,000
	Open Space Reserve Fund	53,900		53,900
OPEN SPACE/RECREATION				
Concord Children's Center	Woodland Trail & Play Area	48,000		12,100 35,900
OPEN SPACE ADMINISTRATION				
Town of Concord	Recreation Facilities Plan	30,000		7,500 22,500
NONE				
Town of Concord	Land Acquisition Project Fund	19,826		19,826
ADMINISTRATIVE				
Town of Concord	Staff & Technical Support	30,000		30,000
TOTAL		\$1,105,226	\$54,076	\$1,051,150

ARTICLE 45. CAT BYLAW (BY PETITION)

A Motion made by Lydia Lodynsky and duly seconded to adopt a Cat Bylaw for the Town failed to pass on a show of hands.

ARTICLE 46. GUIDELINES FOR RESPONSIBLE PET OWNERSHIP (BY PETITION)

A Motion was made by Lydia Lodynsky and duly seconded to urge the Town Manager and Board of Selectmen to develop and establish Responsible Pet Ownership principles and guidelines and to appoint a Responsible Pet Ownership Committee. After discussion, at 9:38 pm Ron Armstrong made a Motion to call the question, which was duly seconded and passed by a two-thirds majority. A counted vote was then taken on Ms. Lodynsky's motion, which motion failed to pass by a vote of 171 in favor and 171 opposed.

ARTICLE 47. REQUEST FOR HOME RULE LEGISLATION ALLOWING CONCORD TO REDUCE PROPERTY TAX WITH A LOCAL OPTION LOCAL INCOME TAX

A Motion was made by Jonathan Keyes and duly seconded to request the Board of Selectmen to seek passage of legislation or a special act authorizing the Town of Concord to adopt a local income tax on residents, which would be collected by the State and returned to the Town, the proceeds being applied solely for the purpose of reducing the local residential property tax.

After discussion, Christine Paulsen made a Motion to call the question, which was duly seconded and passed by a two-thirds majority. A vote was then taken on the main motion, which passed on a counted vote of 168 in favor and 151 opposed.

ARTICLE 48. PEOPLE'S RIGHTS RESOLUTION—FREE SPEECH

At 10:36 pm a Motion was made by Becky Shannon and duly seconded to adopt a resolution calling upon the Congress of the United States to pass and send to the States for ratification a constitutional amendment to reverse the decision of the U.S. Supreme Court in Citizens United v. Federal Election Commission to declare that corporations are not "persons" under the First Amendment to the U.S. Constitution, and to restore to the people their right to regulate the expenditures of corporations to ensure fair elections.

At 10:53 pm, after discussion on Ms. Shannon's motion, Richard Robertson made a motion to call the question, which was duly seconded and passed by a two-thirds majority. A vote was then taken on Ms. Shannon's motion, which passed.

David Stephens made a Motion to reconsider Article 47, which was duly seconded. He indicated that his reason for the reconsideration was what he considered an irregularity in the announcement of the vote under Article 47. After a brief discussion, Dick Quanrud made a motion to call the question under Mr. Stephens' motion, which was duly seconded and passed by a two-thirds majority. A vote was then taken on Mr. Stephens' motion to reconsider Article #47, which failed to pass.

At 11:01 pm Lee Ann Kay made a motion to reconsider Article 48, which was duly seconded. She indicated that her reason for reconsideration was that there was no opportunity for opposing views to be heard on Article #48 before the question was called. Rudd Coffey made a motion to call the question under Ms. Kay's motion, which was duly seconded. David Stephens stood up to object to calling the question without debate. Mr. Van Loon ruled Mr. Stephens comment out of order, since absent a local bylaw to the contrary, the Moderator's ruling on calling a question cannot be appealed.

Therefore, at 11:05 pm a Vote was taken on Mr. Coffey's motion to end the debate, which passed by a two-thirds majority, and was so declared by the Moderator. A vote was then taken on Ms. Kay's motion to reconsider, which failed to pass.

There being no further business to come before the assembly, and upon a motion that was duly made and seconded, the 2012 Annual Town Meeting was dissolved at 11:06 pm.

Respectfully submitted,
Anita S. Tekle
Town Clerk

Attendance: There were 300 registered voters in attendance on the first night of Town Meeting, April 23; 650 registered voters in attendance on the second night, April 24; 831 registered voters in attendance on the third night, April 25; and 440 in attendance on the fourth and final night. This represents an unduplicated voter count of 1,183.