

CONCORD-CARLISLE  
TOWN MEETING  
2010  
7:00 PM  
HIGH SCHOOL

DEBT  
RESCISSION  
FRESH PICKED  
CONCORD  
MONDAY, APRIL 26TH  
**The Report**  
of the Finance Committee of the Town of Concord  
NON-PARTISAN  
ORGANIC  
Net Wt.  
70 ARTICLES

ZONING  
BYLAWS

PROPOSED  
BUDGETS

OPTION TAXES

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This section includes a brief explanation of each Warrant article and the recommendations of the Board of Selectmen and the Finance Committee	

# Town Meeting

**MONDAY, APRIL 26, 2010**

**7:00 PM**

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL**

## **PARKING**

Town Meeting attendees should enter the high school parking lot via the Walden Street entrance only. Parking is limited. Carpooling is encouraged. Parking for people with disabilities is available at the flagpole circle at the high school.

## **CHILDCARE**

Childcare will be provided at the high school for children 2 1/2 and older. The Concord Recreation Department is offering the service at a cost of \$5 per child per hour or \$25 for two or more children for the evening. In order to guarantee a space, reservations should be made in advance by calling the Concord Recreation Department at 978/369-6460.

## **SENIORS**

Seniors may arrange transportation with the Council on Aging office @ 978/318-3020. Advance reservations are necessary.

## **CHECK-IN**

All voters who were registered to vote by **March 3, 2010** are eligible to participate at Town Meeting. Voters should check-in at the tables in the main lobby by last name and pick up a Town Meeting ballot on each night of attendance. Only one ballot per voter per evening of attendance. Ballots are not transferrable.

## **SEATING**

Seating is available in either the auditorium or the cafeteria. The auditorium will be the main meeting room.

## **REFRESHMENTS**

Pizza, desserts, water and coffee will be available for purchase in the lobby beginning at 6:30 p.m. Proceeds to benefit the CCHS Class of 2013.

## **ASSISTED LISTENING DEVICES**

Assisted Listening Devices will be available in the lobby.

## **SPECIAL ARRANGEMENTS OR NEEDS**

Anyone with a disability requiring special arrangements for Town Meeting should contact Douglas Meagher, Deputy Town Manager/ADA Coordinator by April 20, 2010 at (978)318-3000. The earlier that special arrangement needs are communicated, the more likely that time will allow for special accommodations, if possible, to be met.

## **TELLERS**

Voters willing to be a teller at Town Meeting are asked to call Abe Fisher, head teller at (978) 371-7350 or Todd Crocker, assistant head teller at (978) 549-1598.

# » THANKS «

*The Finance Committee thanks the town and school administrations, employees and committees for their cooperation and assistance during the past year.*



## TERMS TO EXPIRE IN 2010

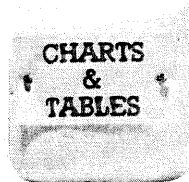
Jill Appel  
Charles R. Blair  
Pamela A. Hill  
David W. Kramer  
Patrick Padden

## TERMS TO EXPIRE IN 2011

Nancy C. Barrett  
Bruce W. Button  
Mark Howell, chair  
Judith Quanrud  
Lynn B. Salinger

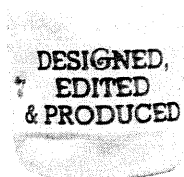
## TERMS TO EXPIRE IN 2012

Walter W. Birge  
John C. Hutchins  
Radha S. Jalan  
Michael E. Lawson, vice chair  
Carol F. Wilson



by the Town of Concord Finance Department

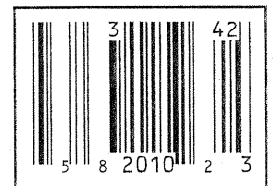
This report of the Concord Finance Committee was



with the assistance of Janet Beyer

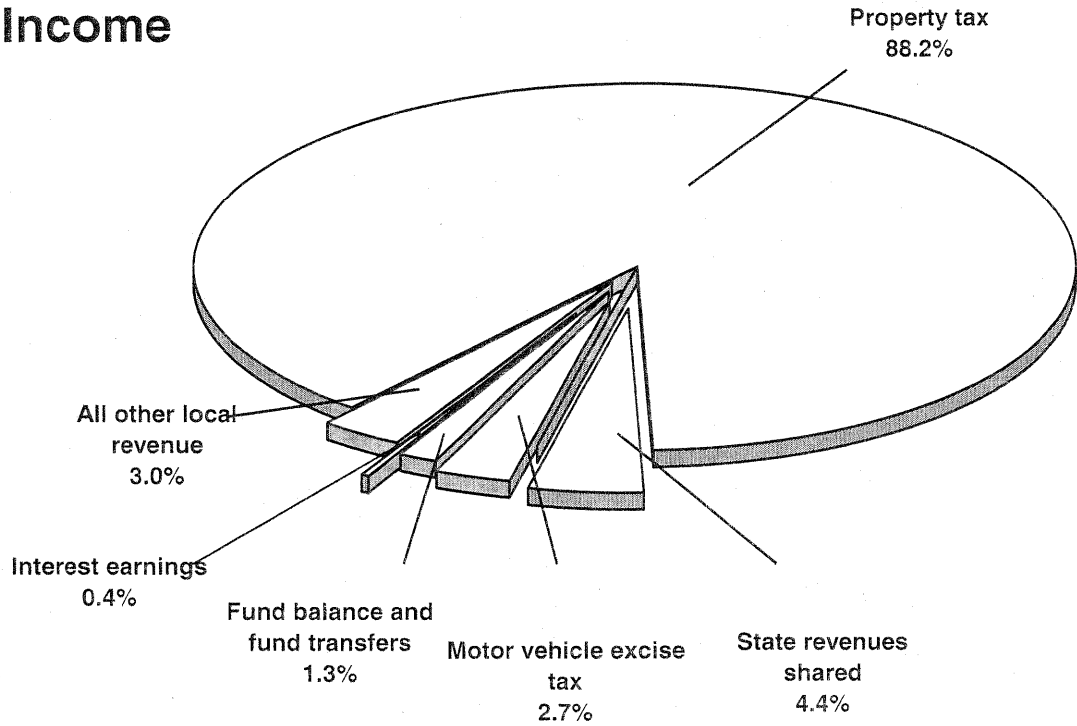


by Donna Thomas

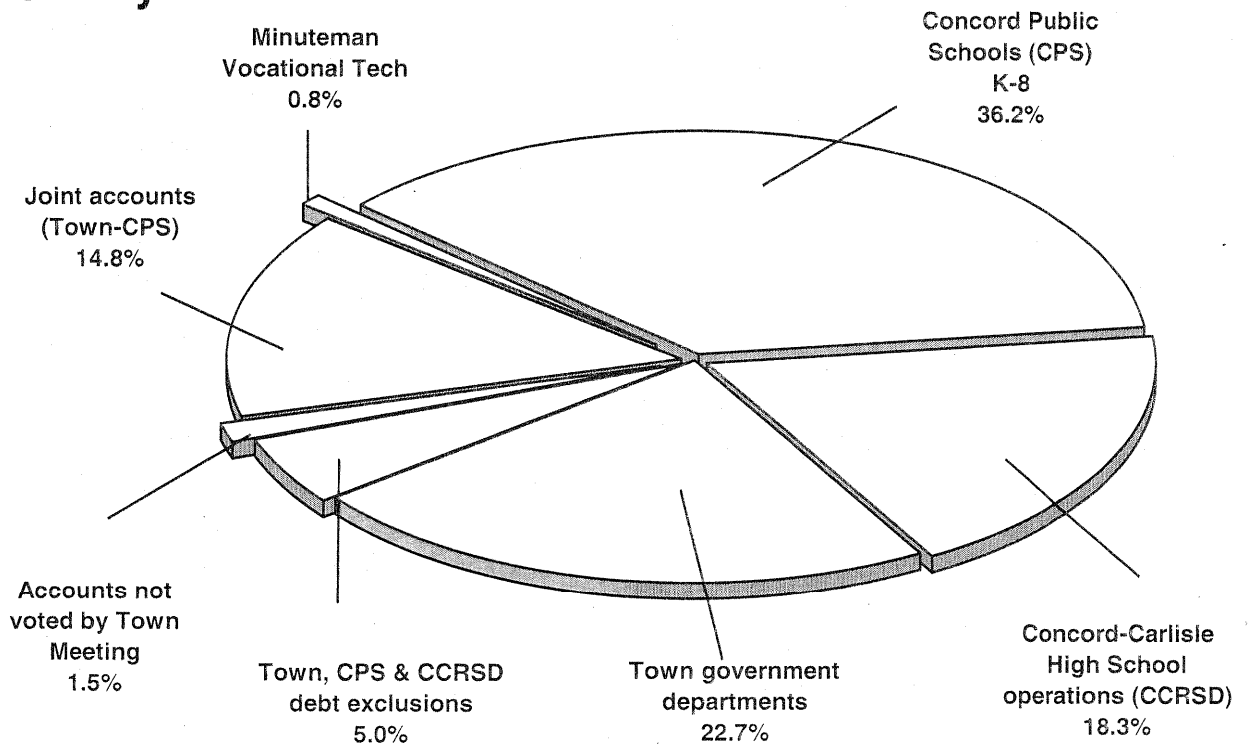


**General Fund**  
**FY11 PROPOSED BUDGET**  
Operating budgets of town and schools  
Total Budget: \$76,568,448 (+1.4%)

**Income**



**Outlays**



# The budget in brief

## Essential information at a glance

### Total Budget: Town Government and Education at Finance Committee recommendations

**The** total proposed FY11 General Fund budget is \$76,568,448. This is \$1,040,503 or 1.4% over FY10. The Town government and education proposed operating budgets total \$59,057,434, which is 1.0% over FY10 operating budgets.

**66%** of the proposed FY11 spending plan is for expenses related to primary and secondary education.

**Total** debt service (principal and interest payments on long and short-term debt) is budgeted at \$7,039,782 (net of \$1,000,000 proposed to be allocated from the Elementary School Debt Stabilization Fund under Article 10). Additionally, the Town's assessed share of debt service for the Concord-Carlisle regional school district is budgeted at \$582,444. The total allocation to debt repayment is \$7,622,226, or 9.95% of the total proposed budget. The amount excluded from the Proposition 2 ½ levy limit, in accordance with previous town-wide ballot votes, is \$3,864,782, 5% of the total proposed budget.

**Long** term bonds have now been issued for the full financing of the new Alcott and Thoreau schools and almost complete financing of the Willard school. The FY11 budgeted debt service costs for the three new elementary schools are:

Alcott	\$ 779,408	
Thoreau	\$ 1,540,065	
Willard	<u>\$ 2,323,693</u>	
	\$ 4,643,166	less \$1,000,000 from Stabilization Fund

### Property taxes

**The** median single family residential tax bill in FY10 is \$8,596; based on an assessed value of \$656,700 at a tax rate of \$13.09 per thousand.

**The** tax rate projected increase is 1.77% (an additional \$152 on the median bill, \$23 per \$100,000 of assessed valuation).

**Each** 1% increase in the tax levy equals \$657,000 in revenue for FY11.

**88%** of the Proposed Budget support is derived from property taxes.

**76%** of property taxes are paid by single family residential property.

### Free Cash Use

**The** Finance Committee recommends allocating \$600,000 from Free Cash to support the FY11 budget plan. Free Cash is a term denoting the available portion of the unreserved General Fund balance. Free Cash is certified as of each June .

## The Proposed General Fund Appropriation for the year beginning July 1, 2010 (FY11)

### Recommendations of the Finance Committee Articles 7, 8 and 9

	Warrant location reference	Appropriated FY10	Proposed FY11	percent change	percent of total
<b>Town Government</b>					
General Government	Art. 7, items 1-6	\$ 2,131,623	\$ 2,037,276	-4.4%	2.7%
Finance & Administration	Art. 7, items 7-10	1,671,991	1,614,062	-3.5%	2.1%
Public Safety (Police & Fire)	Art. 7, items 11-16	7,358,985	7,296,442	-0.8%	9.5%
Public Works	Art. 7, items 17-24	3,467,450	3,419,540	-1.4%	4.5%
Library	Art. 7, item 25	1,781,235	1,711,379	-3.9%	2.2%
Reserve Fund	Art. 7, item 34	225,000	225,000	0.0%	0.3%
Salary Reserve	Art. 7, item 35	4,250	350,000	--	0.5%
Recreation and all other	Art. 7, items 26-33, 36	711,479	698,314	-1.9%	0.9%
<b>Total Town Gov't operations</b>		<b>\$ 17,352,013</b>	<b>\$ 17,352,013</b>	<b>0.0%</b>	<b>22.7%</b>
<b>Concord Public Schools (CPS)</b>	Article 8	\$ 27,699,200	\$ 27,699,200	0.0%	36.2%
<b>Concord-Carlisle Regional HS</b>	Operations	\$ 13,442,936	\$ 14,006,221	4.2%	18.3%
<i>Concord's assessment share</i>	Debt Service	539,239	582,444	8.0%	0.8%
	Article 9, Item 1 - total	\$ 13,982,175	14,588,665	4.3%	19.1%
<b>Town and School (CPS) debt service</b>					
debt repayment within levy limit		\$ 3,150,000	\$ 3,175,000	0.8%	4.1%
debt excluded from levy limit		3,973,397	3,864,782	-2.7%	5.0%
<b>Total debt service</b>	Art. 7, item 41 (A & B)	<b>\$ 7,123,397</b>	<b>\$ 7,039,782</b>	<b>-1.2%</b>	<b>9.2%</b>
<b>Employee Benefits (Town and CPS only):</b>					
Group Insurance	Art. 7, item 37A	\$ 4,152,600	\$ 4,465,000	7.5%	5.8%
Retirement (pension funding)	Art. 7, item 39	2,500,000	2,750,000	10.0%	3.6%
Social Security & Medicare	Art. 7, item 40	545,000	580,000	6.4%	0.8%
<b>Total Employee Benefits</b>		<b>\$ 7,197,600</b>	<b>\$ 7,795,000</b>	<b>8.3%</b>	<b>10.2%</b>
<b>Minuteman Tech Regional HS</b>	Art. 9, item 2	\$ 637,601	\$ 590,682	-7.4%	0.8%
<b>Property &amp; liability insurance</b>	Art. 7, item 37B	200,000	175,000	-12.5%	0.2%
<b>Unemployment/Worker's Comp</b>	Art. 7, item 38	200,000	200,000	0.0%	0.3%
<b>TOTAL Town Meeting appropriations</b>		<b>\$ 74,391,986</b>	<b>75,440,342</b>	<b>1.4%</b>	<b>98.5%</b>
<b>Not Appropriated:</b>					
State assessments (mostly for MBTA)		\$ 389,372	\$ 399,106	2.5%	0.5%
Snow & Ice expense account deficit		239,730	204,000	-14.9%	0.3%
Overlay for tax exemptions and abatements		506,857	525,000	3.6%	0.7%
<b>TOTAL SPENDING PLAN</b>		<b>\$ 75,527,945</b>	<b>\$ 76,568,448</b>	<b>1.4%</b>	

# To the residents of Concord

**This** annual report of the Concord Finance Committee summarizes the operations of Town government, the financial position of the Town, and the articles that appear in the Warrant for the 2010 Annual Town Meeting.

## **Overview**

**Even** as the economic conditions facing the nation, the State and the cities and towns of the Commonwealth remain difficult, the Finance Committee is pleased to report that Concord is in good fiscal condition and continues to address the difficult financial changes and decisions facing all local governments responsibly.

Prudent budgeting and careful spending over the past several years by all Town departments under the direction of the Town Manager, Christopher Whelan, and by the Concord Public Schools and the Concord-Carlisle Regional High School under the direction of Superintendent Diana Rigby has maintained the Town's solid financial position.

Conservative estimates of State assistance and of our own revenue sources for FY10, have largely anticipated the current downturn. Concord is able to approach FY11 without the need for draconian budget cutting that is being observed in some communities. Following the budgeting guidelines that were set by the Finance Committee last November and with additional focus from the Board of Selectmen to the Town Manager to avoid budget increases in Town departments, the Town Manager and Superintendent of schools have been able to propose budgets that avoid significant staff reductions and largely maintain the existing range, scope and quality of Town and school public services within the resources we can prudently forecast.

The picture remains difficult. Indeed, the lengthy duration of the nationwide economic downturn combined with an unprecedented continuing State budget shortfall poses significant problems for all local governments as we plan for the delivery of Town services in the coming year and beyond. Continued vigilance, and careful monitoring of our fiscal facts, and prompt decisive management response to changes in conditions will be required.

In November, the Finance Committee adopted FY11 budget guidelines that provided for a General Fund budget increase of 2.06%, the smallest year-to-year budget increase since the budget adopted at the 1991 Town Meeting, which was the last time we faced a deep multi-year recession. This follows on a 2.8% increase for FY10 demonstrating a continuation of the trend towards reducing the growth in expenditures.

While the current year's reduced levels and the prospects for additional FY11 cuts in State aid to local government from Beacon Hill have garnered the headlines, the economic retrenchment is being felt by Concord in myriad ways. Let's look at the dramatic changes in just a few of the Town's revenue sources financing the General Fund budget:

### **State aid**

**The** FY10 estimate for State aid is the original State budget number. As of this writing, there has not been another mid-year State aid cut as was experienced last year. However, the Finance Committee remains cautious about the outlook. Although the Governor's budget proposal seeks to avoid reductions in aid to cities and towns, there are legislative proposals that will implement cutbacks. Concord also receives payments in lieu of taxes for State-owned land, which could be at risk. The FY11 State aid estimate shown on the next page is based on the assumption that state aid to Concord will decrease about 10% for FY11. The actual cuts in State aid will not be known until after Town Meeting when the FY11 State budget is enacted.

### **Motor Vehicle Excise Tax**

**The** significant decline in new car sales through the second half of 2008 and throughout most of 2009 has

**TABLE 1**  
**Major General Fund revenues**  
**(other than base property tax levy)**

	FY09 Actual	FY10 Budget Est.	FY11 Budget Est.	Peak	
State aid	\$4,087,663	\$3,808,876	\$3,400,000	\$4,280,198	FY07
Motor vehicle excise tax	2,269,633	2,050,000	2,100,000	2,458,012	FY06
Interest earnings	791,358	270,000	300,000	1,322,697	FY07
Building permit fees	385,617	350,000	350,000	719,895	FY07
Property taxes from New Growth	947,751	1,068,881	600,000	1,368,514	FY08
<b>Total, selected revenues</b>	<b>\$8,482,022</b>	<b>\$7,547,757</b>	<b>\$6,750,000</b>		

*These declining revenues can also be viewed in terms of their share of the total Budget plans:*

	FY09 Budget	FY10 Budget	FY11 Proposed
Total General Fund budget	\$73,213,127	\$75,527,945	\$76,571,587
State aid	5.6%	5.0%	4.4%
Motor vehicle excise	3.1	2.7	2.7
Interest earnings	1.1	0.4	0.4
Building permit fees	0.5	0.5	0.5
New Growth property taxes	1.3	1.4	0.8
	11.6%	10.0%	8.8%

leveled off recently, but the impact on this local revenue source will continue to be felt into the next calendar year. The budget forecast for FY10 anticipated about a 10% drop from the average of the past few years, approximately what has been noted thus far. FY11 assumes this lower level going forward, with only a modest improvement.

#### **Interest earnings**

**Local** income from short-term investments is declining as the Federal Reserve Board has driven short-term money market interest rates to nearly zero and kept them there for an extended period. The Town invests temporary cash in its treasury according to State law that prudently restricts us to short-term (under one year) rates. As short-term rates have been lowered, the impact on the Town's budgeted revenue forecast has been dramatic, resulting in a decline of almost \$1 million from FY07 actual results to the FY11 estimate. This equates to approximately 1.5% of the tax levy. Many households have experienced the same drop in earnings on cash investments.

#### **Building Permit Fees and the tax levy from new construction**

**As** the economy contracted, construction activity generally was expected to slow down. We expected to see this impact as a reduction in building permit fees and in the property tax that is generated by new construction, referred to as New Growth. In 2009 Concord had a number of large projects that were ready to proceed, and we have seen some of them be delayed. Permit applications are also at below normal levels. This represents a risk to future budgets as revenue from New Growth has been a reliable source to support past budgets.

### **Spending guidelines**

**The** Finance Committee established General Fund budget guidelines for the school and Town budgets initially last November at about \$430,000 less than our first assumptions of FY11 revenues made last September. In the intervening months, this cushion remains available. Additionally, the Town Manager, at the request of the Board of Selectmen, has proposed a budget that requires no growth in spending for Town operating departments. This further increases the unused levy capacity by \$553,000. The Superintendent has also been able to propose a Concord Public Schools budget with no growth. The Concord-Carlisle Regional School District proposed budget is within the guideline set in November. For the fourth consecutive year, no override request is anticipated to meet the operating budget recommendations.

The budgets as presented will result in a tax levy increase projected at 1.77%, which will keep the levy below the estimated levy limit by approximately \$1.2 million. This tax increase assumes a 0% budget increase in Town operations, a 0% budget increase for the Concord Public Schools, and a 4.2% increase in the Concord-Carlisle High School operating assessment. This will result in a \$23 property tax increase per each \$100,000 of assessed (although some taxpayers may see a higher or lower impact as property assessed value changes, which are required to track the real estate market each year, are not likely to be exactly proportional across all 6,000 taxable parcels).

### **Financing the Willard School Debt**

**At** the 2008 Annual Town Meeting, the Town voted to establish an Elementary School Debt Stabilization Fund. This was funded by a transfer of \$2.5 million from Free Cash. This action was taken in anticipation of an expected long-term bond issuance in the spring of 2010 to permanently finance the construction cost of the new Willard elementary school. The \$27.4 million project was completed and the new building opened on schedule in September 2009. It was also completed under budget, as the 2006 Annual Town Meeting and the November 2007 Special Town Meeting had authorized \$31.2 million for the design and construction.

The intent of the Stabilization Fund creation was to begin drawing it down starting in FY11, the first year that debt repayment would be due on the expected Willard bond. While it is the Town's normal practice to issue short-term notes during construction and to wait until project completion before selling a permanent long-term bond, bond market conditions led to a change in plans. Bonds for the first half of the Willard School construction cost, \$11.9 million, were issued in March 2009, a year earlier than initially planned, due to favorable interest rates and market conditions that favor triple-A credits such as Concord. The second installment of Willard's permanent financing, \$12.9 million, was completed in January 2010. The earlier concern that continued troubles in the national economy might lead to an upturn in interest rates turned out to be premature. The second round of financing was completed at an even better interest rate than the first. About \$500,000 of additional permanent debt financing remains to be completed for the Willard project.

At the 2010 Town Meeting, Article 10 proposes the use of \$1,000,000 from the Stabilization Fund to offset the FY11 debt service cost for Willard. This action avoids what would have been an additional 1.5% increase in the tax levy. The use of this stabilization fund is a significant contributor to the ability to keep tax increases down in these difficult economic times.

### **Other Stabilization Funds proposed**

**The** use of stabilization funds is relatively new in Concord. This year the school administration has proposed the creation of additional stabilization funds which represent initial actions to begin to address anticipated future expenses for technology replacement in the school systems. The Finance Committee is generally supportive of the need to provide for maintenance of the technology that is required to provide educational programs. The modest amounts to be appropriate are intended to seed the development of more concrete plans over time.

### **Local Option taxes**

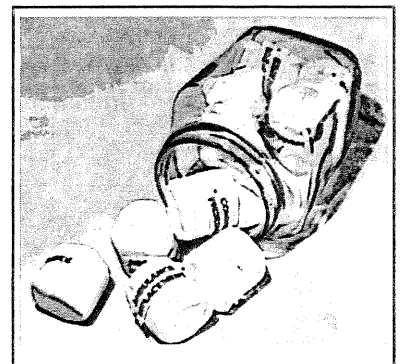
**Articles 31 and 32** on the Warrant seek Town Meeting approval to impose a local meals tax of three quarters of one percent and to raise the existing local room tax from its current 4% rate to 6%. Action by the General Court in 2009 enabled these local options to be determined by Town Meeting. The Finance Committee has estimated that the local meals tax could generate about \$115,000 annually and the room tax increase could generate about \$85,000; combined, these two options would add about \$200,000 to General Fund annual revenue. This amount is not included in our FY11 revenue projection. If enacted, the effective date would be July 1, 2010 and the first year estimate would lower the FY11 tax rate estimate by about three-tenths of a percent (or about \$26 off the median single-family residential tax bill). The Finance Committee is recommending affirmative action on both Article 31 and Article 32.

Article 33 on the Warrant asks Town Meeting to request that the Board of Selectmen petition the General Court to enact legislation which would permit cities and town the option to impose a local income tax on residents. The purpose of the local income tax would be to partially offset and thereby reduce the local property tax. The Finance Committee understands the desire to find ways to diversify the revenue available to the Town. The Finance Committee is supportive of asking the Legislature to explore and provide the authority for towns to implement such options through a local approval process. It is important to understand that Article 33 has no impact on current budgets and does not approve or change any taxation. Understanding that any such proposal, once clearly defined by legislation, would come back to the Town for study, deliberation and ultimately voter approval before any changes could be enacted, the Finance Committee has voted to recommend affirmative action on Article 33.

### **In conclusion**

**The** Finance Committee will review income figures until Town Meeting so as to be able to have the most current figures on which to base its recommendations. In these financially volatile times situations can change for the worse or the better. Flexibility is the key to good fiscal management.

The Finance Committee would like to thank the Town and school administrations, led by Town Manager Christopher Whelan and Superintendent of Schools Diana Rigby for the development and presentation of their budgets and their assistance to the Finance Committee. We also express our thanks to the Town Finance Director Anthony Logalbo, and the Deputy Superintendent John Flaherty, as well as to their staffs, for their dedicated work throughout the year in maintaining the Town's fiscal health and providing wise counsel to the Finance Committee.



# Notes:

The Concord Finance Committee was established by Town bylaw in 1921 and comprises 15 members appointed by the Town Moderator for staggered three-year terms. By tradition, members serve no more than two terms. By this arrangement, there is always a mix of new and experienced members and a mix of new points of view and institutional memory. The appointment process is designed so that the Finance Committee remains independent of the Town's administrative structure and elected boards.

The Finance Committee has the following responsibilities:

Establishing fiscal guidelines for the Town Manager, the Concord Public School Committee, and the Concord-Carlisle Regional School Committee in preparing their budgets. Under Town by-law, these guidelines must be published by the end of November each year.

Conducting public hearings on the budgets and other financial matters expected to come before annual and special Town Meetings.

Preparing this report for distribution to all residents, including recommendations on warrant articles before the Annual Town Meeting and a summary of the Town's financial status.

Conducting special studies and activities to gather and disseminate information about financial issues affecting the Town.

Managing a Reserve Fund account to meet extraordinary and unforeseen expenditures (proposed at \$225,000 for FY11).

Individual committee members are assigned as observers to attend public meetings of other Town boards and committees. Reports from these observers are included in the Observer Reports section of this document.

It is important to emphasize that the role of the Finance Committee is limited to making recommendations. The Finance Committee regularly makes recommendations to Town Meeting, the Town Manager, the Board of Selectmen, the school committees, the Superintendent of Schools, other boards and committees, and the citizens of the Town. Responsibility for making decisions is reserved to the citizens through Town Meeting and Town elections and to staff members, boards, and committees to whom specific responsibilities have been delegated by Town by-law and/or State law.

That being said, the Finance Committees recommendation for the allocation of the limited resources within the Levy Limit has the de facto force of a formal decision. This is because the three major budgetary entities—the Town Manager, Concord Public Schools, and the Concord-Carlisle Regional School District—have constituencies of roughly equal weight. Therefore, as a practical matter, any one entity is rarely able to increase its share at the expense of the others without the Finance Committee's support.

## Finance Committee Policies

For many years, the Finance Committee has had a set of long-range financial policies for prudent financial management of the Town. Starting in FY06, the Town began to document its financial policies in the Town Manager's annual budget in a comprehensive way, following the recommended practices of the Government Finance Officers Association of the United States and Canada. The following is a summary of some of these policies, from the perspective of the Finance Committee:

**Maintain** a minimum fixed percentage of the annual budget in Free Cash. This forms the core of the Town's reserves and its working capital. Since the mid-1990s, the percentage has been 5%, equivalent to about \$3.8 million as we enter FY11.

**Spend** about 7% to 8% of the annual budget on routine recurring capital maintenance and renewal

*Continued*

of the Town's facilities and infrastructure (including schools). Included in this, up to 5% is reserved for debt service for large items and projects funded by borrowing with debt service to be supported within the property tax levy limit and therefore, for this component of the capital program, without resort to debt exclusion ballots.

**Avoid** earmarking of revenues, except as established by statute or local bylaw enacted by Town Meeting. All other revenues go into the General Fund, where they form part of the current year resources and/or contribute to Free Cash for future years.

**Maximize** the efficiency of capital with an aggressive program of repayment of debt principal, thereby minimizing the proportion of debt service paid in interest and making tax dollars go farther.

Adjust these policies only gradually and deliberately, not in response to pressures of the moment.

In general, the Finance Committee's position is that debt service within the Levy Limit should be focused on routine things over which the Town has little discretion, e.g., roofs, roads, equipment, work spaces for employees. Debt exclusion financing should be reserved for community amenities that are direct additions or improvement in basic services and that would otherwise push essential maintenance out of the capital budget.

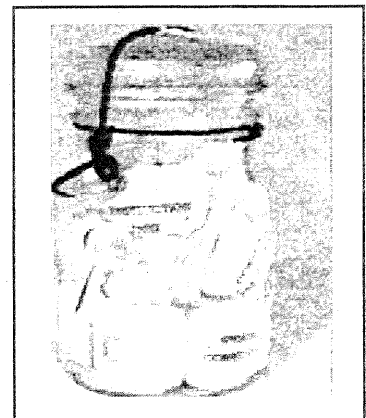
### **Budget Process**

**The** budget process begins each summer when the Finance Committee formulates a series of requests for information from the Town Manager and School Superintendent regarding overall trends and issues. In September, a joint coordination meeting is held, including the Finance Committee, the Board of Selectmen, the school committees, the Carlisle Board of Selectmen, and the Carlisle Finance Committee. During this meeting, the general parameters of revenue, state aid, and fixed costs are laid out, along with matters of coordination between the two towns regarding the Regional School District.

During the fall, the Town Manager and the School Superintendent begin their annual budget process with their own department managers. In October, the Guideline Subcommittee of the Finance Committee meets with each of them to begin to frame the allocation of resources within the Levy Limit and any override for the coming fiscal year. This is presented to the full Finance Committee, which publishes its Tentative Guideline by the end of October

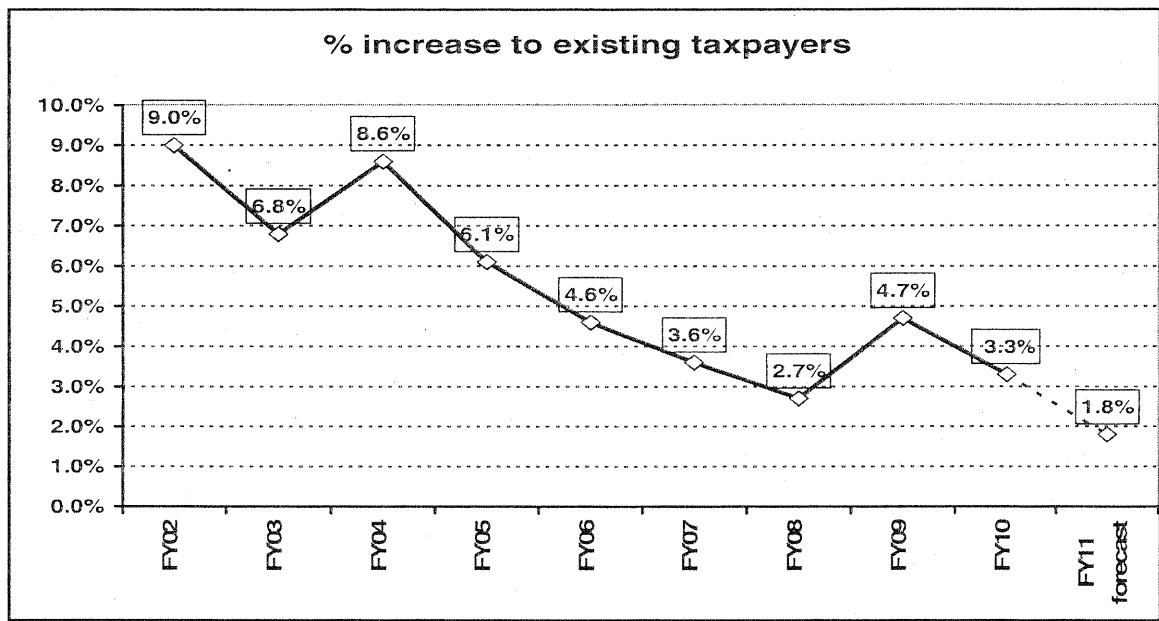
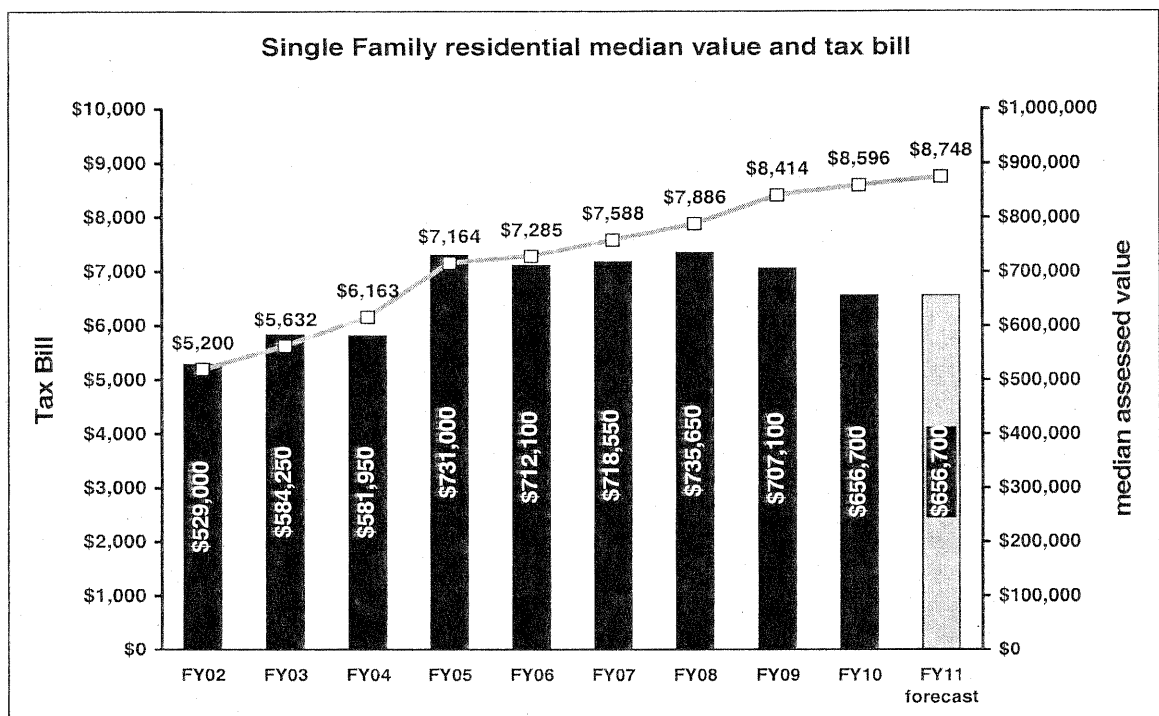
During November, the Guideline Subcommittee again meets with the Town Manager and School Superintendent to finalize the recommended Guideline. This Guideline is published by the Finance Committee no later than the end of November.

School budgets are voted by the School Committees in early January, in time for summarizing in the Town Manager's proposed budget. By Town Charter, the Town Manager's budget proposal must be presented to the Board of Selectmen 90 days before the start of Town Meeting. About two months before Town Meeting, the Town and education budgets are presented for public comment at the Finance Committee's public hearings. The period between these hearings and Town Meeting is for resolving issues, addressing comments and questions, and refining the budgets.



## PROPERTY TAX IMPACT OF PROPOSED FY11 BUDGET

	<u>FY10</u> <u>Budget</u>	<i>plus</i>	<u>FY11</u> <u>Budget</u>
<i>Single Family residential property</i>			
<b><u>Projected Tax rate Impact</u></b>			<b>+ 1.77%</b>
Tax Bill at median \$656,700 value	\$ 8,596	+ 152 =	\$ 8,748
Tax Bill per \$100,000 a.v.	\$ 1,309	+ 23 =	\$ 1,332



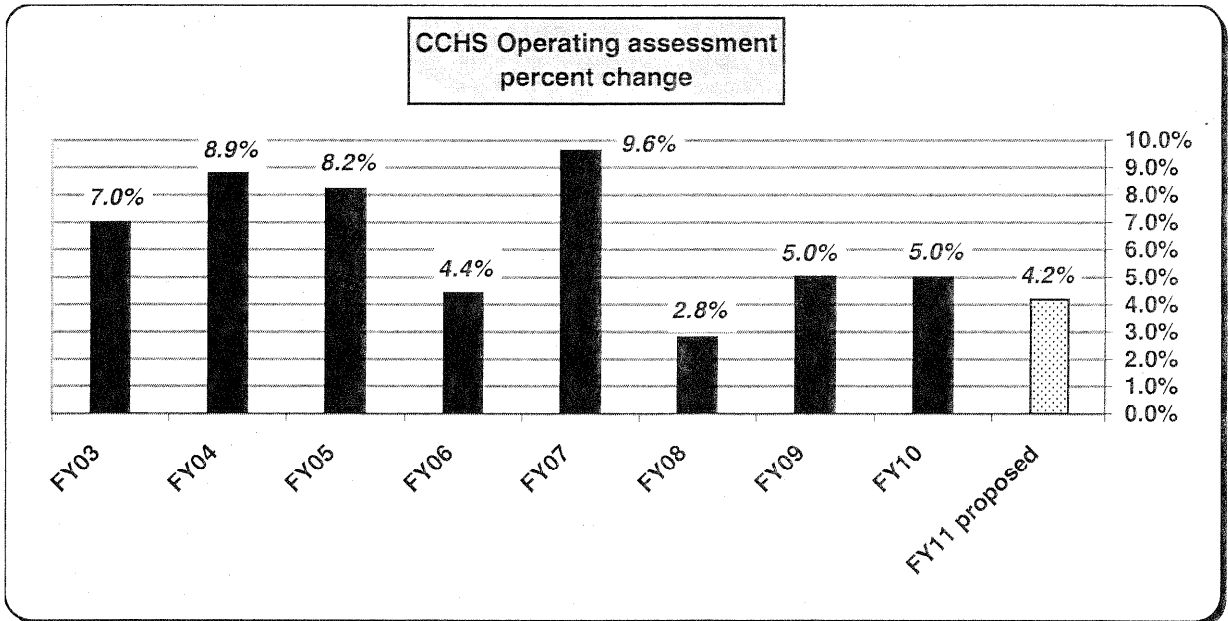
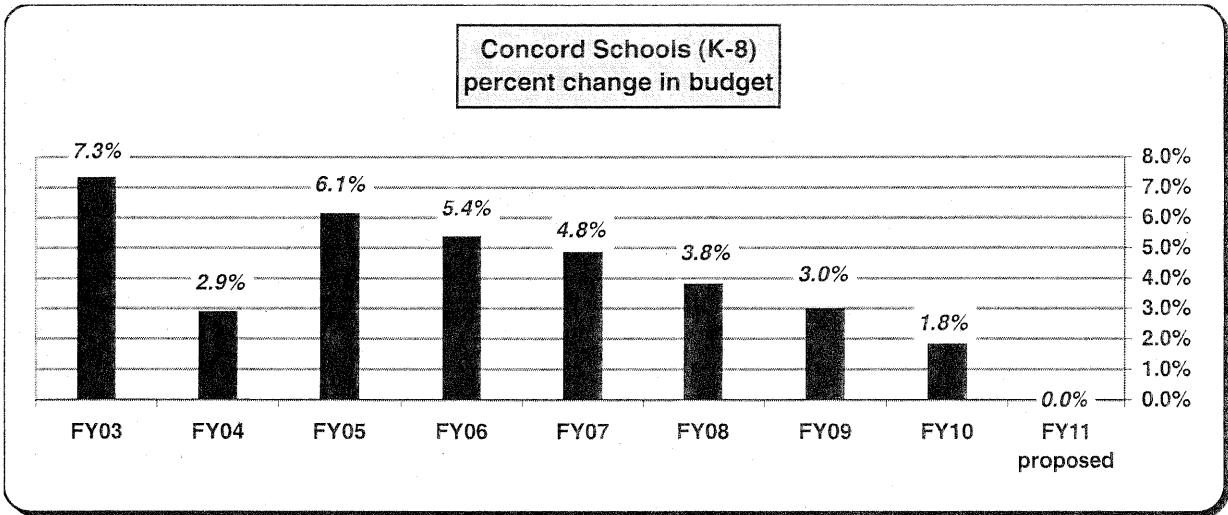
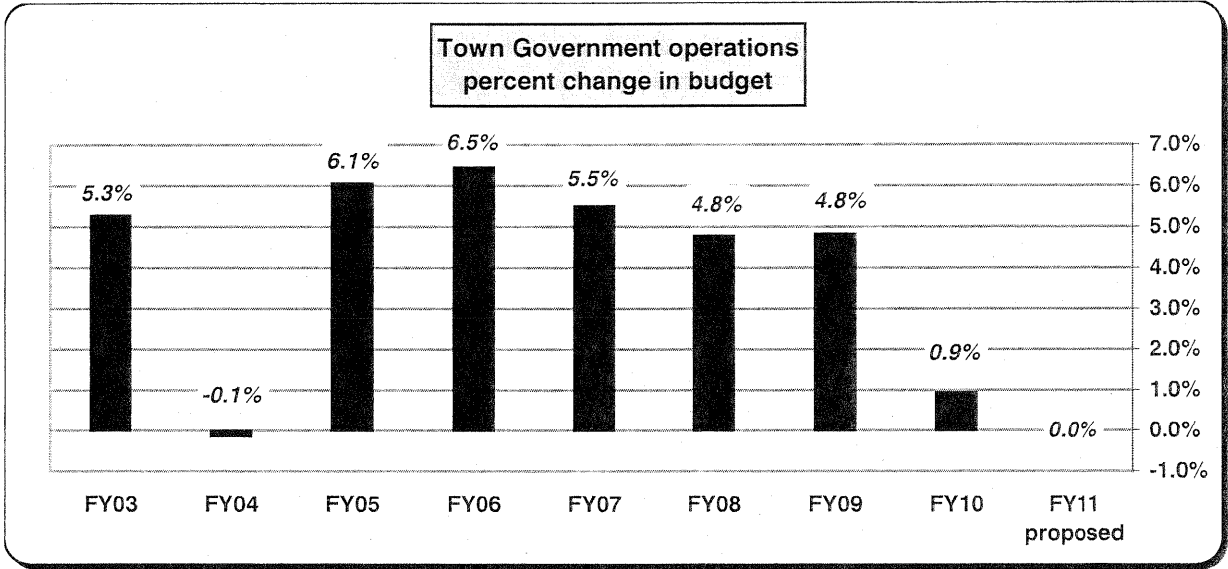
**General Fund Budget - All Accounts  
Five Years: FY07 - FY10 Budgets and FY11 Proposed**

Line #		FY07 Budget	FY08 Budget	FY09 Budget	FY10 Budget	FY11 Proposed	Percent Change	Percent Of Total
<b>Town Government</b>								
1	personal services	\$ 11,335,704	\$ 11,876,664	\$ 12,390,155	\$ 12,713,627	\$ 17,352,013	0.0%	22.7%
2	O & M	2,841,710	2,940,310	3,108,858	3,112,886			
3	capital outlay	1,271,000	1,356,000	1,466,000	1,300,500			
4	Reserve Fund	200,000	225,000	225,000	225,000			
5	<b>Total</b>	<b>\$ 15,648,414</b>	<b>\$ 16,397,974</b>	<b>\$ 17,190,013</b>	<b>\$ 17,352,013</b>	<b>\$ 17,352,013</b>	<b>0.0%</b>	<b>22.7%</b>
6	<b>Concord Public Schools</b>	<b>\$ 25,460,285</b>	<b>\$ 26,423,840</b>	<b>\$ 27,206,200</b>	<b>\$ 27,699,200</b>	<b>\$ 27,699,200</b>	<b>0.0%</b>	<b>36.2%</b>
7	<b>Concord-Carlisle RSD</b>	<b>\$ 11,858,857</b>	<b>\$ 12,191,417</b>	<b>\$ 12,803,885</b>	<b>\$ 13,442,936</b>	<b>\$ 14,006,221</b>	<b>4.2%</b>	<b>18.3%</b>
9	<b>Total Operating Budgets</b>	<b>\$ 52,967,556</b>	<b>\$ 55,013,231</b>	<b>\$ 57,200,098</b>	<b>\$ 58,494,149</b>	<b>\$ 59,057,434</b>	<b>1.0%</b>	<b>77.1%</b>
9	Group Insurance	\$ 3,195,000	\$ 3,600,000	\$ 3,845,000	\$ 4,152,600	\$ 4,465,000	7.5%	
10	Retirement	2,310,000	2,380,000	2,450,000	2,500,000	2,750,000	10.0%	
11	Debt Service	2,750,000	2,909,750	3,100,000	3,150,000	3,175,000	0.8%	
12	Social Security/Medicare	508,000	522,000	510,000	545,000	580,000	6.4%	
13	Other Fixed & Mandated	425,000	425,000	425,000	400,000	375,000	-6.3%	
14	<b>subtotal</b>	<b>\$ 9,188,000</b>	<b>\$ 9,836,750</b>	<b>\$ 10,330,000</b>	<b>\$ 10,747,600</b>	<b>\$ 11,345,000</b>	<b>5.6%</b>	<b>14.8%</b>
15	Minuteman Voc Tech	\$ 502,317	\$ 604,702	\$ 486,660	\$ 637,601	\$ 590,682	-7.4%	0.8%
16	High School Debt Exclusion	477,889	476,557	684,143	539,239	582,444	8.0%	0.8%
17	Town Debt Exclusion	2,219,677	2,550,432	3,247,193	3,973,397	3,864,782	-2.7%	5.0%
		<b>\$ 3,199,883</b>	<b>\$ 3,631,691</b>	<b>\$ 4,417,996</b>	<b>\$ 5,150,237</b>	<b>\$ 5,037,908</b>		
18	<b>TOWN MEETING VOTE</b>	<b>\$ 65,355,439</b>	<b>\$ 68,481,672</b>	<b>\$ 71,948,094</b>	<b>\$ 74,391,986</b>	<b>\$ 75,440,342</b>	<b>1.4%</b>	
19	State assessments	\$ 368,084	\$ 367,696	\$ 382,563	\$ 389,372	\$ 399,106	2.5%	0.5%
20	Snow/Ice & other deficits	111,857	0	358,915	239,730	204,000	-14.9%	0.3%
21	Overlay	453,991	588,461	523,555	506,857	525,000	3.6%	0.7%
22	<b>subtotal</b>	<b>\$ 933,932</b>	<b>\$ 956,157</b>	<b>\$ 1,265,033</b>	<b>\$ 1,135,959</b>	<b>\$ 1,128,106</b>	<b>-0.7%</b>	
23	<b>TOTAL BUDGET PLAN</b>	<b>\$ 66,289,371</b>	<b>\$ 69,437,829</b>	<b>\$ 73,213,127</b>	<b>\$ 75,527,945</b>	<b>\$ 76,568,448</b>	<b>1.4%</b>	

"Concord-Carlisle RSD" is Concord's share of the assessable portion of the High School budget.  
"Other Fixed & Mandated" includes: Property & Liability Insurance, Unemployment and Worker's Compensation.

### Financing the Budget Plan

		FY07 Budget	FY08 Budget	FY09 Budget	FY10 Budget	FY11 Proposed	FY11 Percent Change	FY11 Percent of Total
24	state aid	\$ 4,122,776	\$ 4,234,876	\$ 4,477,986	\$ 3,808,876	\$ 3,400,000	-10.7%	4.4%
25	motor vehicle excise tax	2,350,000	2,300,000	2,150,000	2,050,000	2,100,000	2.4%	2.7%
26	investment earnings	900,000	1,000,000	750,000	270,000	300,000	11.1%	0.4%
27	other local revenue	2,010,875	2,116,500	2,246,500	2,206,500	2,231,500	1.1%	2.9%
28	transfers to General Fund:							
29	from CMLP (Light Fund)	340,000	340,000	340,000	355,000	380,000	7.0%	0.5%
30	"free cash" transfer	500,000	500,000	600,000	1,040,000	600,000	-42.3%	0.8%
31	<b>subtotal</b>	<b>\$ 10,223,651</b>	<b>\$ 10,491,376</b>	<b>\$ 10,564,486</b>	<b>\$ 9,730,376</b>	<b>\$ 9,011,500</b>	<b>-7.4%</b>	<b>11.8%</b>
<b>Property Tax:</b>								
32	property tax base	\$ 51,811,551	\$ 54,550,950	\$ 57,769,554	\$ 60,216,052	\$ 62,509,722		
33	override voted	657,538	0	0	0	0		
34	new growth	894,270	1,368,514	947,751	1,068,881	600,000		
35	<b>total within the Levy Limit</b>	<b>\$ 53,363,359</b>	<b>\$ 55,919,464</b>	<b>\$ 58,717,305</b>	<b>\$ 61,284,933</b>	<b>\$ 63,109,722</b>	<b>3.0%</b>	
36	debt exclusion	2,702,361	3,026,989	3,931,336	4,512,636	4,447,226	-1.4%	
37	<b>total property tax</b>	<b>\$ 56,065,720</b>	<b>\$ 58,946,453</b>	<b>\$ 62,648,641</b>	<b>\$ 65,797,569</b>	<b>\$ 67,556,948</b>	<b>2.7%</b>	<b>88.2%</b>
<b>TOTAL RESOURCES</b>		<b>\$ 66,289,371</b>	<b>\$ 69,437,829</b>	<b>\$ 73,213,127</b>	<b>\$ 75,527,945</b>	<b>\$ 76,568,448</b>	<b>1.4%</b>	



# Budget Summary: Article 7

## Town Government Departments and Joint Town-Concord Public Schools (CPS) Accounts

**Article 7** consists of 41 separate appropriation accounts. Once voted, funds cannot be transferred between these accounts except by Town Meeting action. For Guideline purposes, these accounts are grouped into two categories:

- the Town Operating Budget, Items 1-36 is recommended at \$17,352,013 for FY2011, which is unchanged from the current year budget and is \$553,000

below the Finance Committee's November Guideline;

- the Joint Town-CPS accounts, Items 37-41, recommended at \$15,209,782. This is 3.3% above the current budget and \$184,168 less than the estimates made last fall. The January bond sale was issued at an interest rate lower than expected, permitting a \$25,000 debt service budget reduction in

account 41A and a \$169,168 reduction in account 41B, excluded debt service. The Joint Town-CPS group of accounts includes employee group insurance, the Town's annual required payment to the employee (non-teacher) pension fund, property and liability insurance covering the Town and CPS, and the debt service account covering debt issued

### Article 7 - The Proposed Town Government General Fund Budget for the year beginning July 1, 2010 General Fund appropriations

	Appropriations FY 2010	Proposed FY 2011	percent change
<b>Operations (accounts 1-36)</b>			
General Government	\$1,912,623	\$1,842,276	-3.7%
Finance & Admin	1,541,991	1,476,062	-4.3%
Police & Fire	7,182,985	7,071,442	-1.6%
Public Works	2,709,450	2,679,540	-1.1%
Library	1,771,235	1,701,379	-3.9%
Reserve Fund	225,000	225,000	0.0%
Salary Reserve	4,250 *	350,000	
Recreation & all other	703,979	690,814	-1.9%
<b>subtotal- operations</b>	<b>\$16,051,513</b>	<b>\$16,036,513</b>	<b>-0.1%</b>
<b>Capital Outlays</b>	<b>1,300,500</b>	<b>1,315,500</b>	<b>1.2%</b>
<b>TOTAL subject to Guideline</b>	<b>\$17,352,013</b>	<b>\$17,352,013</b>	<b>0.0%</b>
<b>Town and School debt service (account #41):</b>			
repayment within levy limit	3,150,000	3,175,000	0.8%
excluded from levy limit	3,973,397	3,864,782	-2.7%
<b>TOTAL</b>	<b>\$7,123,397</b>	<b>\$7,039,782</b>	<b>-1.2%</b>
<b>Employee Benefits (Town and CPS):</b>			
Group Insurance (acct. #37A)	4,152,600	4,465,000	7.5%
Retirement (pension funding, acct. #39)	2,500,000	2,750,000	10.0%
Medicare/social security (acct. #40)	545,000	580,000	6.4%
<b>TOTAL</b>	<b>\$7,197,600</b>	<b>\$7,795,000</b>	<b>8.3%</b>
<b>Other Expenses (Town/CPS joint accounts)</b>			
Workers & Unempl. Comp (acct. #38)	200,000	200,000	0.0%
Property & Liability Insr. (acct. #37B)	200,000	175,000	-12.5%
<b>TOTAL, Article 7</b>	<b>\$32,073,010</b>	<b>\$32,561,795</b>	<b>1.5%</b>

\* NOTE: balance of FY10 salary reserve not yet transferred to operating accounts

for both town and CPS capital projects. Management of these accounts is strengthened by consolidating the Town government and Concord Public Schools components rather than budgeting them separately between Town and school appropriations. Elsewhere in this Report, these accounts are allocated to show the overall education and non-education shares of Town spending plans.

**Item 41**, Debt Service, includes \$3,864,782 for principal and interest expense excluded from the levy limit by past votes of the electorate (refer to Excluded Debt, pages xx-xx). This is the net amount to be tax-supported after the proposed allocation of \$1,000,000 from the Elementary School Debt Stabilization Fund (Article 10). \$1,000,000 will be separately appropriated for excluded debt service under that article. Handling the FY11 appropriations in this manner will show that this portion of the FY11 debt service is not supported by property taxes and will not artificially raise the FY11 Levy Limit.

## **Town Government: Items 1-36**

The proposed operating budget for the departments organized under the Town Manager is \$17,352,013. This is unchanged from the FY10 budget. As shown in the accompanying table, it is broken down into two main components: operations, down 0.1% to \$16,036,513; and capital outlay, up 1.2% to \$1,315,500.

## **Article 7 Overview**

**Article 7** shows only the General Fund portion of each budget account, as this is the portion to be voted by Town Meeting. Many budget accounts include resources from other funds, typically involving allocations from the Town's enterprise operations (Water, Sewer, Light, Solid Waste, Swim & Fitness Center) for management services provided.

The Town Manager's Proposed Budget document, published January 26<sup>th</sup> and available on the Town website at concordma.gov, provides detailed discussion of each account. The Finance Committee has reviewed this document with the Town Manager and has conducted a public hearing (February 22) on the submitted plan. The Finance Committee recommends the adoption of the Town Government budget as proposed by the Town Manager.

Highlights of the proposed budget are summarized as follows.

### **Staffing changes**

**Staff** reductions are proposed for seasonal and part-time positions in several departments. There is one full-time position reduction, elimination of a deputy police chief position. A library custodian position is eliminated and replaced by an outside contracted service. Overall, the Town budget proposes a reduction in staffing equivalent to 3.33 full-time equivalent (FTE) positions, a reduction of 1.4% from 237.75 FTE's in the current budget.

## **Budget Changes**

The principal actions recommended in this budget for each appropriation account are as follows:

### **1A Town Manager**

**Elimination** of \$12,000 budgeted to support specific programs of the Adult and Community Education Program: elimination of the Office Project Assistant (250 hours).

### **1B Town-wide building maintenance**

**This** account was established with the FY05 budget in an effort to set up a central pool of funds with which to monitor building conditions, establish renovation priorities, and fund repairs and improvements. Since FY05 when the account was budgeted at \$40,000, the funding level has gradually been increased to \$135,000 in FY10. The recommended level in FY11 is \$150,000.

### **1C Human Resources**

**Reductions** are proposed in Town-wide training and staff training accounts.

## **2 Legal Services**

The proposed reduction of \$25,000 (10%) assumes that no major litigation matters will arise.

### **3A Elections**

**This** budget is dependant on the number of federal, State, and local elections that are held in a given year. There are three scheduled elections during FY11, compared to two in the current budget year.

### **3B Registrars**

**Office** assistant hours are proposed to be reduced, shifting more Town census tasks to the full-time staff.

#### **4 Town Meeting and Reports**

The current budget allows for a four-session Annual Town Meeting in April 2010 and also funds a one-day Special Town Meeting. The amount proposed in FY11 is unchanged.

#### **5C Natural Resources Division, DPLM**

The ranger seasonal position (\$5,000) is proposed to be eliminated.

#### **5D Building Inspections Division, DPLM**

Hours for the part-time plumbing and gas inspector and the electrical inspector are proposed to be reduced.

#### **8A Finance Administration Division, Finance Department**

For the past two years, the Finance Administration Division budget has carried funding to pay rent on office space at 30 Monument Square that is used by the Assessors Division. In April, the Assessors Division will relocate to the renovated Town building at 24 Court Lane, adjacent to Sleepy Hollow Cemetery; funding for the rental payment has been removed from the FY11 budget.

#### **8D Assessing Division, Finance Department**

Due to budget constraints, the amount recommended for contract services has been reduced by about \$29,000. The effect of this reduction will be to slow the pace of property re-inspections.

#### **10 Town House**

The proposed increase in this budget is a result of adding the utility and custodial services costs for the renovated 24 Court Lane Building at the Sleepy Hollow

Cemetery, being occupied by the Finance Department's Assessing Division.

#### **11 Police Department**

The proposed budget eliminates a deputy police chief position.

#### **12 Fire Department**

The proposed budget reduces the overtime budget by 10%. A five-year federal grant that added four new firefighters in May 2007 will be in its fourth year during FY11. The federal share of the cost declines each year. About \$40,000 is added to the Town's cost share for the budget year.

**13 West Concord Fire Station Savings** have been made possible in part due to the installation of a new high-efficiency boiler.

#### **17B Engineering, CPW**

A full-time engineering aide position is proposed to be cut to half-time.

#### **17D Parks & Trees, CPW**

Summer crew positions will be reduced from three to two (saving \$5,280); the amount allocated for planting shade trees is proposed to decrease from \$25,000 in FY10 to \$10,000 in FY11.

#### **17E Cemetery, CPW**

A cemetery specialist position will be left vacant for six months.

#### **18 Snow Removal, CPW**

The snow removal budget is proposed to be increased by \$40,000, to \$495,000, about half of the increase that would be needed to reach the 10-year average expense. This reduces the risk of facing a large deficit that, by law, must be financed in the following year.

#### **19 Street Lights, CPW**

The FY11 proposed budget of \$50,000 is \$14,120 below the amount budgeted in FY10. This reduction will require the elimination of a significant number of street lights and conversion to lower wattage and more energy efficient bulbs, while still maintaining safe and appropriately illuminated streets and intersections.

#### **20 Public Works Equipment, CPW**

The Public Works equipment budget of \$270,000 funds the Town's schedule of equipment replacement. This represents a decrease of \$8,000 from FY10.

#### **21 Drainage, CPW**

The FY11 level funding of \$205,000 for this program will provide for the design and construction of a drainage system replacement for Grant Street, construction of a drainage extension on Whittemore Street, and various drainage rehabilitations related to the roads program including projects at Sudbury Rd., Mildred Circle, and Sarah Way, as well as continuation of the Town-wide culvert inventory.

#### **22 Sidewalk Management, CPW**

The proposed FY11 budget calls for level funding for maintenance of the Town's existing sidewalks program at \$100,000. Although this appropriated budget allocates no funding for sidewalk expansion, Article 31 of the 2009 Annual Town Meeting provided for the borrowing of \$250,000 for sidewalk expansion.

### **23 Road Improvements**

**The** Road Improvement Program is funded by three sources: the Town's General Fund appropriation, the Town's borrowing authorization, and the State's Chapter 90 grant. It is proposed in the FY11 budget that the Town provide \$90,000 in General Fund appropriation for related design and inspection services and \$700 thousand in a borrowing authorization (Article 22). The State Chapter 90 money is expected to be level funded at \$521,600.

The Public Works Department employs a pavement management index system to measure the condition of the Town's roads. The proportion of total road mileage with either no maintenance requirements or routine maintenance requirements has been moving steadily up and is presently at 90%.

### **25 Library**

**The** Trustees of the Concord Free Public Library Corporation, which owns the main library and the Fowler Branch, are responsible for maintenance and capital improvements of the buildings and grounds; the Town covers the operating costs. The proposed budget is a decrease of 3.9% from FY10. Much of the reduction is in the line item for books and materials, from \$150,000 in FY10 to \$105,000 in FY11. A one-time donation of \$50,000 by the Trustees of the Concord Public Library Corporation will make up the difference in the books and materials line item.

### **26 Recreation Administration**

**With** the exception of the Recreation Director's position, the expenses of the Recreation

Department are paid for by fees collected from individual recreation programs. The budget proposes allocating a portion of the Recreation Director's salary cost to the Swim and Fitness Center also administered by the Director.

### **32 Visitors Center**

**The** proposed reduction of this budget results from closing the Visitors' Center restrooms from Jan. 1 through March 15.

### **33 Town Employee Benefits**

**The** proposed budget provides \$80,000 to cover unused sick leave buyback for some employees at retirement. This payment is restricted to non-union employees hired prior to July 1, 1992 and to uniformed Police and Fire personnel subject to the collective bargaining agreements. In all eligible cases, the benefit is capped at 62 days (65 for firefighters). Based upon the accumulated liability and the age and service term of eligible employees, this account likely will need to be increased over the next several years to approximately \$100,000 annually.

### **35 Salary Reserve**

**The** allocation in this account provides for the funding of collective bargaining agreements as well as the provision for a 2.0% adjustment to the salary schedules applicable to non-union employees effective July 1, 2009. Transfers from this account to the individual departmental operating accounts are reported to the Finance Committee and Board of Selectmen in accordance with the vote of Town Meeting adopting the budget article.

### **37A Group Insurance**

**The** budget anticipates a 7.5% increase in FY11 group insurance costs supported from the General Fund. As part of the 17-member Minuteman Nashoba Health Group, the Town is fully self-insured for active employee health coverage and the cost increase directly reflects actual claims experience.

The Town pays about 55% of active employee costs (62% of individual plan cost and 53% of family plan cost, on average), and 50% of retiree cost. State law sets a 50% floor for the municipal share of active employee cost. Retiree coverage was voted by the Town electorate in 1960 and there is no provision in the State law to reverse such a vote. Retiree coverage cost on a current outlay basis represents about 25% of the group health insurance budget.

### **39 Retirement**

**As** a result of the sharp economic downturn in the financial markets during the fall of 2008, resources in the Concord Retirement System declined from \$85.7 million on June 30, 2008 to \$71.1 million Dec. 31, 2008, a drop in value of 17%. The market rebound in 2009 restored system assets to \$82.2 million at the end of 2009. Nevertheless, the next biennial actuarial valuation as of Jan. 1, 2010 will result in a significant extension of the funding schedule and a major increase in the required appropriation level. For FY11, the General Fund required appropriation, set by the State supervisory agency, is \$2.75 million, an increase of 10% from FY10.

### Capital Outlay by Account - Town Government Budget, Article 7

Capital outlay - the investment in vehicles, equipment, buildings and various public infrastructure items financed from current revenue, not by the issuance of new debt - is a significant annual component of the Town Government budget. Differences in allocations from one year to the next account for much of the difference in the appropriation by account. This table highlights the differences between the FY10 adopted budget and the FY11 proposed budget, and identifies the main spending purposes for FY11.

Acct #	Title	Budget		Proposed		Change		FY11 Items
		FY10	FY11	FY10	FY11	FY10	FY11	
1A	Town Manager	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 0	\$ 0	ADA improvements
1B	Town-wide Building Maintenance	135,000	150,000	135,000	150,000	15,000	15,000	Capital maintenance of town buildings
5A	Planning Administration	42,000	0	42,000	0	(42,000)	(42,000)	
5C	Natural Resources	25,000	35,000	25,000	35,000	10,000	10,000	Pond mgmt., Cons. restriction database, vehicle
6	141 Keyes Road	12,000	5,000	12,000	5,000	(7,000)	(7,000)	Routine building repairs
8A	Finance Administration	0	0	0	0	0	0	
9	Information Systems	120,000	128,000	120,000	128,000	8,000	8,000	Technology fund, town departments
10	Town House	10,000	10,000	10,000	10,000	0	0	Routine building repairs
11	Police Department	104,000	161,500	104,000	161,500	57,500	57,500	Vehicle & equipment replacements
12	Fire Department	33,000	45,000	33,000	45,000	12,000	12,000	Vehicle & equipment replacements
13	West Concord Fire Station	13,500	8,500	13,500	8,500	(5,000)	(5,000)	Routine building repairs
14	Police/Fire Station	25,500	10,000	25,500	10,000	(15,500)	(15,500)	Routine building repairs
17B	Engineering	40,000	40,000	40,000	40,000	0	0	GIS system, traffic control devices
17C	Highway Maintenance	15,000	15,000	15,000	15,000	0	0	Guardrail replacement, routine equipment
17D	Parks & Trees	30,000	15,000	30,000	15,000	(15,000)	(15,000)	Tree replacement, routine equipment
20	Public Works Equipment	278,000	270,000	278,000	270,000	(8,000)	(8,000)	Public Works major equipment replacement
21	Drainage Program	205,000	205,000	205,000	205,000	0	0	Drainage & culvert repairs
22	Sidewalk Maintenance	100,000	100,000	100,000	100,000	0	0	Sidewalk repairs
23	133/135 Keyes Road	5,000	5,000	5,000	5,000	0	0	Routine building repairs
24	Library	10,000	10,000	10,000	10,000	0	0	Computer equipment replacement
27	Harvey Wheeler Community Ctr.	5,000	5,000	5,000	5,000	0	0	Routine building repairs
31	Visitors Center Restroom	2,500	2,500	2,500	2,500	0	0	Routine building repairs
36	Road Improvements	85,000	90,000	85,000	90,000	5,000	5,000	Road project engineering
<b>TOTAL</b>		<b>\$ 1,300,500</b>	<b>\$ 1,315,500</b>	<b>\$ 1,300,500</b>	<b>\$ 1,315,500</b>	<b>\$ 15,000</b>	<b>\$ 15,000</b>	

## Article 7 - Town Budget

(Budget = all funds; Appropriation = General Fund only)

Item No.	Department	FY10 Budget	FY11 proposed Budget	% Change	FY11 proposed Appropriation
<b>General Government</b>					
1A	Town Manager	\$ 576,195	\$ 550,541	-4.5%	\$ 286,423
1B	Town-wide building maintenance	135,000	150,000	11.1%	150,000
1C	Human Resources	243,130	242,271	-0.4%	152,539
2	Legal Services	250,000	225,000	-10.0%	225,000
3A	Elections	23,706	37,232	57.1%	33,524
3B	Registrars	12,694	10,805	-14.9%	8,328
4	Town Meeting/Reports	77,800	77,800	0.0%	77,800
5A	Planning	335,764	293,325	-12.6%	230,669
5B	Board of Appeals	46,026	46,026	0.0%	46,026
5C	Natural Resources	236,715	245,623	3.8%	202,013
5E	Inspections	355,133	336,585	-5.2%	336,585
5F	Health	295,894	292,674	-1.1%	225,881
6	141 Keyes Road Building	71,454	62,488	-12.5%	62,488
		<b>\$ 2,659,511</b>	<b>\$ 2,570,370</b>	<b>-3.4%</b>	<b>\$ 2,037,276</b>
<b>Finance and Administration</b>					
7	Finance Committee	\$ 3,100	\$ 3,100	0.0%	\$ 3,100
8A	Finance Administration	436,419	386,788	-11.4%	233,611
8B	Treasurer-Collector	424,576	426,121	0.4%	239,952
8C	Town Accountant	334,333	333,796	-0.2%	125,752
8D	Assessors	381,937	355,655	-6.9%	355,655
8E	Town Clerk	202,016	199,497	-1.2%	196,497
9	Information Systems	377,811	389,246	3.0%	357,089
10	Town House	109,525	125,514	14.6%	102,406
		<b>\$ 2,269,717</b>	<b>\$ 2,219,717</b>	<b>-2.2%</b>	<b>\$ 1,614,062</b>
<b>Public Safety</b>					
11	Police Department	\$ 3,815,508	\$ 3,776,691	-1.0%	\$ 3,702,146
12	Fire Department	3,398,503	3,360,225	-1.1%	3,322,820
13	West Concord Station	47,594	40,443	-15.0%	40,443
14	Police/Fire Station	215,545	200,072	-7.2%	200,072
15	Emergency Prep.	12,810	12,810	0.0%	12,810
16	Dog Officer	18,151	18,151	0.0%	18,151
		<b>\$ 7,508,111</b>	<b>\$ 7,408,392</b>	<b>-1.3%</b>	<b>\$ 7,296,442</b>
<b>Public Works &amp; Facilities</b>					
17A	Administration	\$ 310,924	\$ 310,909	0.0%	\$ 151,695
17B	Engineering	582,761	556,985	-4.4%	286,218
17C	Highway Maintenance	1,123,486	1,116,487	-0.6%	1,084,327
17D	Parks and Trees	647,779	629,350	-2.8%	538,740
17E	Cemetery	232,631	210,064	-9.7%	59,520
18	Snow Removal	455,000	495,000	8.8%	495,000

Item No.	Department	FY10 Budget	FY11 proposed Budget	% Change	FY11 proposed Appropriation
19	Street Lighting	64,500	50,540	-21.6%	50,000
20	DPW Equipment	278,000	270,000	-2.9%	270,000
21	Drainage Program	205,000	205,000	0.0%	205,000
22	Sidewalk Management	100,000	100,000	0.0%	100,000
23	Road Improvements	606,630	611,600	0.8%	90,000
24	133/135 Keyes Road Bldg.	166,324	156,240	-6.1%	89,040
		<b>\$ 4,773,035</b>	<b>\$ 4,712,175</b>	<b>-1.3%</b>	<b>\$ 3,419,540</b>
<b>Human Services</b>					
25	Library	\$ 1,798,544	\$ 1,728,688	-3.9%	\$ 1,711,379
26	Recreation	1,427,907	1,422,853	-0.4%	86,940
27	Hunt Recreation Ctr.	100,981	99,903	-1.1%	75,173
28	Harvey Wheeler Ctr.	132,381	132,144	-0.2%	132,144
29	Council on Aging	266,593	269,541	1.1%	234,534
30	Veterans Services	31,668	30,222	-4.6%	30,222
31	Ceremonies & Celeb.	23,650	23,483	-0.7%	23,483
32	Visitors Center	31,375	25,818	-17.7%	25,818
		<b>\$ 3,813,099</b>	<b>\$ 3,732,652</b>	<b>-2.1%</b>	<b>\$ 2,319,693</b>
<b>Unclassified</b>					
33	Employee Benefits	\$ 72,000	\$ 90,000	25.0%	\$ 90,000
34	Reserve Fund	225,000	225,000	0.0%	225,000
35	Salary Reserve	4,250 *	350,000		350,000
36	Land Fund	15,000	0		0
		<b>\$ 316,250</b>	<b>\$ 665,000</b>	<b>110.3%</b>	<b>\$ 665,000</b>

\* balance of original approp. of \$300,000 not yet transferred as of 3/29/10 to other accounts

	FY10 Budget	FY11 proposed Budget	% Change	FY11 proposed Appropriation	
<b>subtotal, accts 1-36</b>	<b>\$ 21,339,723</b>	<b>\$ 21,308,306</b>	<b>-0.1%</b>	<b>\$ 17,352,013</b>	
<b>Joint (Town-CPS)</b>					
37A	Group Insurance	\$ 4,514,000	\$ 4,924,000	9.1%	\$ 4,465,000
37B	Property & Liability	385,000	355,000	-7.8%	175,000
38	Unempl/ Workers Comp	200,000	200,000	0.0%	200,000
39	Retirement	2,838,767	3,112,000	9.6%	2,750,000
40	Social Security & Medicare	700,000	728,000	4.0%	580,000
41	Debt Service - within limit	3,150,000	3,175,000	0.8%	3,175,000
	Debt Service - debt exclusion	3,973,397	4,864,782	22.4%	3,864,782
		<b>\$ 15,761,164</b>	<b>\$ 17,358,782</b>	<b>10.1%</b>	<b>\$ 15,209,782</b>
<b>Total</b>	<b>\$37,100,887</b>	<b>\$38,667,088</b>	<b>4.2%</b>	<b>\$32,561,795</b>	

# FY11 Budget Summary: Education

## Budget Highlights, Articles 8 and 9

The school committees of the Concord Public Schools (CPS) and Concord-Carlisle Regional School District (CCRSD) approved FY11 Budget requests as shown in the accompanying table.

The CPS (grades K-8) operating budget (Article 8) adopted by the School Committee is within Finance Committee guideline. The CPS operating budget request for FY11 is \$27,699,200, which represents no change in funding from the current FY10 budget level. Reductions in Special Education expenses, attrition, careful use of resources and attention to cost controls has enabled CPS to stay within the proposed budget.

The CCRSD budget request (Article 9 Item 1) for FY11 is \$23,498,427, an increase of 5.1% over FY10. Concord's FY11 assessment share for the CCRSD operating budget is \$ 14,006,221 representing an increase of \$563,285

or 4.2%. Concord's share of CCRSD's debt assessment is \$582,444, resulting in a total FY11 assessment of \$14,588,665 to be appropriated under Article 9, Item 1 of the Warrant.

CPS enrollment at Oct. 1, 2009 was 1,802 students, down 57 students from the prior year and down 5.4% (102 students) from five years earlier. Projected enrollment over the next five years anticipates a 10% decline. Planned residential development in Concord may affect future enrollment numbers, however.

As of Oct. 1, 2009, enrollment at CCRSD was 1,245 students, compared to 1,268 on Oct. 1, 2008, which is a 1.8% decrease. Although the total number of students is less than last year, there has been a 6% increase in the enrollment numbers of Carlisle students compared to the prior year. This shift has contributed to a large increase in Carlisle's FY11 operating as-

essment (+15.8%) while mitigating the impact of the operating budget increase on Concord's assessment (+4.2%).

### Minuteman Regional High School (Article 9, item 2)

Concord is one of 16 member communities of the Minuteman Regional High School District. The school provides a broad range of career and college preparation options to Concord students. The school is recognized as one of the most successful technical high schools in the nation, achieving both a reputation for solid academic preparation and a superior placement record for its graduates.

Concord's enrollment at Minuteman Regional High School as of Oct. 1, 2009 is 23 Full Time Equivalent (FTE) students. Minuteman's proposed budget is a 7% decrease, and Concord's assessment (Article 9 part 2) of \$590,682 for FY11 Article 9, Item 2) is a corresponding decrease from \$637,601 for FY 10.

<i>Enrollment Data:</i>	<i>Concord Public (k-8)</i>			<i>CCHS</i>		
	<u>K-5</u>	<u>6-8</u>	<u>Total CPS</u>	<u>Concord</u>	<u>Carlisle</u>	<u>Total*</u>
Oct. 1, 2004	1260	644	1904	811	337	1242
Oct. 1, 2005	1235	600	1835	840	312	1244
Oct. 1, 2006	1228	581	1809	848	330	1257
Oct. 1, 2007	1233	606	1839	846	332	1259
Oct. 1, 2008	1233	626	1859	850	332	1268
Oct. 1, 2009	1181	621	1802	813	353	1245
<b>Projected:</b>						
<b>Oct. 1, 2010</b>	<b>1147</b>	<b>631</b>	<b>1778</b>	<b>804</b>	<b>337</b>	<b>1220</b>

\* CCHS total includes non-resident students.

**Concord Finance Committee  
FY11 Guideline  
Proposed Education Budgets**

<b>Concord Public Schools</b>	<b>Adopted FY10 Budget</b>	<b>Proposed FY11 Budget</b>	<b>\$ Change</b>	<b>% Change</b>
<b>Program Area</b>				
Regular Education	\$ 14,602,150	\$ 14,918,391	\$ 316,241	2.17%
Special Education	6,771,767	6,461,261	(310,506)	-4.59%
Administrative Support	1,945,883	2,017,009	71,126	3.66%
Operations	4,275,505	4,212,739	(62,766)	-1.47%
Fixed Costs	103,895	89,800	(14,095)	-13.57%
<b>Total</b>	<b>\$ 27,699,200</b>	<b>\$ 27,699,200</b>	<b>0</b>	<b>0.00%</b>
<b>Concord-Carlisle High School</b>	<b>Adopted FY10 Budget</b>	<b>Proposed FY11 Budget</b>	<b>\$ Change</b>	<b>% Change</b>
<b>Program Area</b>				
Regular Education	\$ 9,449,090	\$ 10,059,606	\$ 610,516	6.46%
Special Education	5,732,897	5,653,106	(79,791)	-1.39%
Administrative Support	1,232,896	1,285,288	52,392	4.25%
Operations	2,557,519	2,814,177	256,658	10.04%
Fixed Costs	2,345,838	2,562,015	216,177	9.22%
<b>Operations</b>	<b>\$ 21,318,240</b>	<b>\$ 22,374,192</b>	<b>\$ 1,055,952</b>	<b>4.95%</b>
<b>Debt Service:</b>				
debt reimbursed by state aid	\$ 288,950	\$ 288,950		
debt exclusion assessed	749,881	835,285		
	<b>\$ 1,038,831</b>	<b>\$ 1,124,235</b>	<b>\$ 85,404</b>	<b>8.2%</b>
<b>Total</b>	<b>\$ 22,357,071</b>	<b>\$ 23,498,427</b>	<b>\$ 1,141,356</b>	<b>5.11%</b>
<b>Financing Sources</b>				
State aid	\$ 2,458,670	\$ 2,151,779	(306,891)	
District funds	454,408	425,000	(29,408)	
Assessments	\$ 19,443,993	\$ 20,921,648	\$ 1,477,655	7.60%
<b>Concord assessment ratio</b>				
without debt exclusion	71.91%	69.73%		
debt exclusion	\$ 13,442,936	\$ 14,006,221	\$ 563,285	4.19%
<b>TOTAL</b>	<b>539,239</b>	<b>582,444</b>	<b>43,205</b>	
	<b>\$ 13,982,175</b>	<b>\$ 14,588,665</b>	<b>\$ 606,490</b>	<b>4.34%</b>
<b>Carlisle assessment ratio</b>				
without debt exclusion	28.09%	30.27%		
debt exclusion	\$ 5,251,176	\$ 6,080,142	\$ 828,966	15.79%
<b>TOTAL</b>	<b>210,642</b>	<b>252,841</b>	<b>42,199</b>	
	<b>\$ 5,461,818</b>	<b>\$ 6,332,983</b>	<b>\$ 871,166</b>	<b>15.95%</b>

### Articles 24, 25, 26 and 27

**These** articles are: Concord Public School Renovations (24); Concord Public Schools Technology Stabilization Fund Creation and Funding (25); Transfer of Funds to Concord Public Schools Capital Needs Stabilization Fund (26); and Concord Carlisle Regional School District Technology Stabilization Fund Creation and Funding (27).

Article 24 is an annual allocation of borrowing capacity for ongoing capital maintenance and improvements of the elementary school facilities. The \$600,000 requested this year is part of the Town Manager's five-year capital plan and the resulting debt service cost will be funded within the levy limit.

Articles 25 and 27 are related to the creation of new Technology Stabilization funds for both CPS, and CCRSD. The Finance Committee recognizes that: 1) significantly more technology is required to provide 21st century educational programs; 2) there is a need to regularly budget for technology replacement; and 3) some technology projects are significant in size and scope; and, consequently the sta-

bilization fund mechanism can be used to smooth spending. Although the proposed amounts are modest, this initiative represents a step toward developing a comprehensive approach. Stabilization funds must be approved by Town Meeting and a two-thirds vote is required both to place funds into and draw funds out of a Stabilization Fund. The CPS Capital Needs Stabilization Fund was originally created by the 2006 Annual Town Meeting with a portion of the proceeds from the sale of the Strawberry Hill Rd. property. Article 26 will transfer an additional \$260,000 to the existing Fund which presently has a balance of approximately \$530,000.

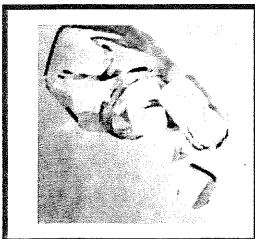
### Articles 28 and 29

**Both** regional high school districts (Concord-Carlisle and Minuteman) have been invited by the Massachusetts School Building Authority (MSBA) to participate in a feasibility study phase for planning of the long-term physical plant improvements at the schools. The communities must authorize the funding of this initial phase of feasibility study and schematic design services. MSBA requires that each

community authorize full funding including the portion that may be reimbursed by the Authority. The actual future cost to Concord will be based on the assessment ratio applicable to each year applied to the annual debt service cost and will be reduced by any MSBA reimbursements. Both schools have been recognized for their excellent programming, and the need for upgrade of their facilities is a significant matter for public decision. The Finance Committee is recommending affirmative action on both Articles.

### Concluding Comments

**Due** to the uncertain economic conditions at the State level, the Finance Committee will continue to monitor all aspects of educational funding needs very closely, particularly the level of state aid resulting from current deliberations on the state's FY11 budget. The spirit of cooperation between the school administration, the school committees and the communities of Concord and Carlisle has been a major part of the success of our process to this point.



# Community Preservation Act

## Historical Background

The Community Preservation Act (CPA) was adopted by the Commonwealth in 2000 to help Massachusetts communities pre-serve open space and historic sites, and to create affordable housing and recreational facilities. Concord's Town Meeting adopted the State enabling legislation in 2004, voting to assess a 1.5% surcharge, which was affirmed by the voters at the polls in November 2004. The surcharge was first collected in FY05 (the tax year ending June 30, 2005).

Community Preservation funds are derived from both local and State sources. Through the FY07 surcharge year, State funds had represented a 100% match with Town surcharge revenues. State funds are disbursed once annually in October, as a match of the prior year's local surcharge. The State share is funded by a surcharge on Registry of Deeds fees on property transactions and mortgage re-financing, with fees deposited into the State Community Preservation Trust Fund. Registry fee income has dropped sharply over the past few years as real estate activity has fallen. Further, many municipalities have joined the program over the past several years, 43 since Concord did so. In October, 2008, the state match of the local surcharge collected in the prior fiscal year was just 67%; the October 2009 state match was 35%, and the Town budget forecasts the October 2010 state match at 25%.

CPA funds can only be used to ac-

quire, create, and preserve open space and land for recreational purposes, to acquire, preserve, rehabilitate and restore historic resources and to acquire, create, preserve and support affordable housing. Under the law, a minimum of 10% of revenues must be appropriated or reserved each year for each of the three interests of open space, community housing and historic preservation.

In 2005, the Board of Selectmen established the Community Preservation Committee (CPC), which by law is charged with the task of "studying the needs, possibilities, and resources of the town regarding community preservation." The Committee prepares a Plan document that is updated annually. The Committee receives comments from the Town's boards, commissions and officials, as well as information from other Town planning documents, including the Comprehensive Long Range Plan. The Plan is available on the Town of Concord website [www.concord-ma.gov](http://www.concord-ma.gov), at the Town libraries, and at the Planning Department, 141 Keyes Rd.

## Recommendations for 2010 Town Meeting

The CPC is proposing \$1,106,100 million of project appropriations, funded from projected revenues of \$1,093,000 as well as about \$13,000 of undesignated fund balance. Through the 2009 Town Meeting, \$7,891,909 has been appropriated for CPA projects. These appropriations have been made in the following categories:

*Community housing*  
\$2,107,150 26.7%

*Historic preservation*  
\$2,467,200 31.3%

*Open space*  
\$1,467,559 18.6%

*Recreation*  
\$1,730,000 21.9%

*Administration*  
\$ 120,000 1.5%

Through Oct. 2009, \$2,899,489 has been received into the fund from State distributions. The fund receives its own interest earnings; through June 30, 2009, \$400,486 has been added to the fund through management of the fund's cash.

At the 2010 Town Meeting, the CPC recommends appropriations for five projects, a reserve for future open space projects, and \$30,000 to cover CPC direct administrative costs. The recommended projects will generate matching revenues derived from town, State, foundation and/or other private funds. Several are multi-year projects, combining funds from earlier years.

For each project recommended by the CPC, Town Meeting may affirm, reject, or reduce the recommended funding level. State law does not allow Town Meeting to increase the recommended funding level of any CPA project.

**Article 34:** The CPC recommends the following appropriations totaling \$1,046,100:

- a) \$500,000: Concord Housing Authority, for renovations

*Continued*

to the Peter Bulkeley Terrace building, converting the existing congregate living facility into 30 studio and one-bedroom units for senior and disabled adults (to be combined with \$500,000 approved last year);

b) \$375,000: Concord Public Library Corporation, for the renovation of the Fowler branch library;

c) \$87,925: Reserve for undesignated open space proposals, to be voted at

subsequent Town Meetings for specific purposes within this category;

d) \$43,175: Town of Concord, Warner's Pond Watershed Management Plan;

e) \$25,000: Concord Scout House, for Historic Structures Report;

f) \$30,000: Community Preservation Committee administrative expenses.

*The Finance Committee recommends affirmative action on Article 34.*

**Article 35:** This Article involves the preservation of the Caesar Robbins House and its relocation from Bedford St. to a Town-owned parcel near the North Bridge. The CPC recommends that \$60,000 be appropriated for the purpose of assisting with the relocation of this historic residential structure  
*The Finance Committee recommends affirmative action on Article 35.*

## Community Preservation Fund *financial status*

	Actual			Revised Estimate	Estimated
	FY07	FY08	FY09	FY10	FY11
<b>Fund Resources</b>					
1.5% surcharge collections	\$ 737,386	\$ 778,840	\$ 821,432	\$850,000	\$875,500
State match of surcharge committed	697,795 <sup>a</sup>	738,132 <sup>a</sup>	525,033 <sup>a</sup>	286,445 <sup>a</sup>	212,500 <sup>a</sup>
Earnings on available cash balance	152,660	135,428	43,537	10,000	5,000
Other financing sources	0	46,526	0	0	
<b>TOTAL FUND REVENUE</b>	<b>\$1,587,841</b>	<b>\$1,698,926</b>	<b>\$1,390,002</b>	<b>\$ 1,146,445</b>	<b>\$ 1,093,000</b>
<b>Fund Disbursements</b>	<b>415,694</b>	<b>2,792,996</b>	<b>1,809,578</b>	<b>2,629,700</b>	<b>1,088,000</b>
Beginning cash balance	\$2,063,995	\$3,236,142	\$2,142,072	\$ 1,722,496	\$239,241
Ending cash balance	\$3,236,142	\$2,142,072	\$1,722,496	\$239,241	\$ 244,241

**Notes**

(a) State match is based upon the net levied surcharge of the prior fiscal year, paid in October. The amount shown in the FY10 column was received October 2009, a 35% match of FY09 surcharge. FY11 assumes a 25% match.

APPROPRIATIONS (by Fund Year):	FY07	FY08	FY09	FY10	Proposed FY11
Housing	\$705,414	\$232,003	\$233,858	\$483,107	\$486,145
Historic Preservation	\$374,000	\$647,062	\$647,500	\$456,700	\$445,000
Open Space	\$425,000	\$151,896	\$558,084	\$125,193	\$109,513
Recreation	\$50,000	\$542,000	\$0	\$100,000	\$21,587
Administration	\$33,427	\$30,000	\$30,000	\$30,000	\$30,000
<b>TOTAL</b>	<b>\$1,587,841</b>	<b>\$1,602,961</b>	<b>\$1,469,441</b>	<b>\$1,195,000</b>	<b>\$1,092,245</b>
10% of surcharge and state match:	\$143,518	\$151,697	\$137,647	\$113,645	\$108,800

*(minimum amount that must be allocated to Housing, Historic Preservation, Open Space)*

**2010 Annual Town Meeting:**

Available for appropriation:	Uncommitted balance of June 30, 2009	\$13,855
	plus estimated Fund Revenue of FY11	\$1,093,000
		<u>\$1,106,855</u>

# Proposition 2 1/2

## The levy limit explained

**Proposition 2 1/2** refers to an initiative statute adopted by the voters of the Commonwealth in November 1980. Its purpose was to stabilize municipal property taxes by limiting the amount by which the taxing capacity of the Town is allowed to increase each year. The allowed growth is 2.5 percent of the prior year's levy limit. For FY11, this allowed increase in the limit will be \$1,554,928 (which is 2.5% of the FY10 levy limit, \$62,197,127).

Added to the levy limit computation is the levy increase attributable to new growth. This represents additions to the base of taxable property, typically as a result of new construction, renovation and minor alterations, or change of use. Permitting the levy limit to be adjusted by new growth recognizes the fact that development creates

pressures on Town services over the long term.

The assessment date for each tax year is Jan. 1. The 2001 Annual Town Meeting adopted a state law allowing the physical improvements existing on property through each June 30 to be assessed with the taxable roll of the preceding Jan. 1. Thus, new growth forecasted for FY11 is based on the activity of the current 12-month fiscal year ending June 30, 2010. The budget estimate is \$600,000, equivalent to about 0.9% of the FY10 total property tax levy.

Total growth of the levy limit is therefore attributable to two factors, one which is fixed (+2.5% per year) and one which is variable and subject to economic conditions. The total increase in the FY11 levy limit is thus projected to be \$2,154,928.

Additionally, the FY11 permitted tax levy will increase due to the added cost of debt service already approved by voters at the ballot box in prior years. The FY11 increase is \$937,729, about a 1.43% levy increase. The FY11 Budget Plan, however, proposes to draw \$1 million from the Elementary School Debt Stabilization Fund to fully offset this increase, in accordance with the vote of the 2008 Town Meeting.

The total increase in the Budget Plan recommended by the Finance Committee amounts to \$1,043,642 (+1.4%). Funding this proposed budget level will be \$1.24 million under the levy limit, based upon current projections of other revenues and available resources.

### Funding the FY11 Guideline Budget

#### Sources of new funds

#### Calculation of Annual Levy Limit

• part of permitted levy limit incr.	\$1,224,789	FY10 Levy Limit	\$ 62,197,127
• decrease in debt exclusion levy	(62,271)	2 1/2 percent	1,554,928
• est. tax levy from new growth	600,000	est. New Growth	<u>600,000</u>
• projected change in state aid	(408,876)	<b>Projected FY11 Limit</b>	<b>\$ 64,352,055</b>
• change in Free Cash use	(440,000)	Excluded Debt levy	<u>4,450,365</u>
• change in other local resources	<u>130,000</u>	<b>Available at Levy Limit</b>	<b>\$ 68,802,420</b>
	<b>\$1,043,642</b>	<b>Projected levy</b>	<b>\$ 67,560,087</b>
		(+1.8% exclusive of New Growth levy)	

# Overriding the Levy Limit

**Once** at the annual levy limit, the Town may exceed this limit only with a majority vote at a Town-wide special or regularly scheduled election. Without changes to current State laws, development of new municipal revenue sources, or significant amounts of new State aid, override votes have in recent years been annual consideration in the budget cycle. Voters approved operating overrides for the Town government accounts and the schools for six consecutive years:

FY02 budget:

\$2,249,022

approved June 10, 2001;

FY03 budget:

\$1,478,773

approved May 14, 2002;

FY04 budget:

\$1,532,364

approved May 13, 2003;

FY05 budget:

\$1,858,160

approved June 8, 2004;

FY06 budget:

\$752,480

approved June 7, 2005;

FY07 budget:

\$657,538

approved June 6, 2006.

Fourteen of 20 debt exclusion ballots have also been approved by the voters (see the section Excluded Debt). The total debt exclusion tax levy for FY11 is budgeted at \$4,450,365 (about 6.6% of the total projected tax bill). This is net of the proposed \$1,000,000 allocation

from the Elementary School Debt Stabilization Fund proposed under Article 10. The major portion of this sum, \$3,643,166, about 5.4% of the projected tax bill, is the financing cost of long-term bonds issued for the Alcott, Thoreau and Willard elementary school projects.

## Forms of overrides

The Town Meeting does not vote on overrides, or specify the ballot questions. By State law, overrides, capital outlay and debt exclusions are voted on only at a Town-wide election and require a simple majority vote for approval. State law gives the Board of Selectmen the sole authority to determine and specify the ballot questions. The Town Meeting's responsibility is to adopt budgets, and, when necessary, to specify whether and how much of an appropriation is to be contingent upon override or exclusion approval by the Town-wide electorate.

Override votes may precede or follow Town Meeting action. A General Override or Capital Exclusion vote will show the amount of the override in the wording of the ballot question. A Debt Exclusion cannot, by State law, show the amount of the debt, but rather can only refer to the debt authorized or to be authorized by a vote of Town Meeting. Authorization of Town debt by the issuance of bonds requires

a two-thirds vote at Town Meeting.

There are several permitted forms of a vote to exceed the annual levy limit:

### *General override*

A majority vote of the Board of Selectmen (3 of 5) is required to place this question on a ballot. The dollar amount of the levy limit increase must be specified and, if approved, the vote permanently increases the limit. The question can be posed with respect to the total budget or by identifying allocations to specific departments.

### *Capital Outlay Exclusion*

A two-thirds vote of the Board of Selectmen (4 of 5) is required to place this question on a ballot. If approved, the dollar amount of the override is effective for one year only. This form of vote can be used to authorize a capital purchase in lieu of a borrowing authorization. It can only be used for an expense that qualifies, under state law, for debt issuance authorization by the Town Meeting.

### *Debt exclusion*

A two-thirds vote of the Board of Selectmen (4 of 5) is required to place this question on a ballot. If approved, the override is effective only for the duration of the specified loan. The annual debt service amount (principal and interest payment) is added to the otherwise permitted annual levy limit.

# Debt management

**Prudent** use of debt financing is an important part of the Town's overall fiscal planning. The central objective of any debt management approach is to borrow at least cost over the term of repayment of the debt. Pursuit of this objective requires clear strategies regarding the purposes of the borrowing, when to schedule debt-financed projects, and how long to stretch out the repayment. Borrowing is a means of distributing part of a current capital cost to future taxpayers, and therefore should be utilized only when such cost allocation is deemed equitable and the long-term interest costs do not outweigh other benefits.

All debt of the Town is issued as general obligation debt. This means that the full faith and credit of the Town—its promise to repay from any source—is pledged to the bondholder. Debt issued on behalf of the Town's enterprise operations (water, sewer, light) is, however, fully supported by the revenues of the respective enterprise when this is stipulated by the authorizing vote of Town Meeting. The basic rules of debt issuance are set forth in the General Laws of the Commonwealth. Municipalities have no independent authority to develop their own rules or innovations.

Capital financing and debt management policy for town debt supported by taxation within the levy limit is subject to the following guidelines:

- the total budget allocation for capital needs should be in the range of 7% to 8% of the total budget (Town and K-8 schools);
- approximately one-third of capital needs should be met from current resources; the repayment of principal and interest, together with related issuance costs and short-term financing costs (i.e., debt service) should be capped at approximately 5% of the total budget;
- a rapid debt repayment schedule should be maintained, with a goal of 60% principal repayment within five years and 90% repayment within 10 years.

These guidelines are modified for major projects supported by debt exclusion votes. For example, the Alcott School bond was issued in September 2004 as a 20-year level-principal maturity schedule. The Thoreau School bond was issued in Sept. 2006 with an 18-year level principal maturity schedule.

The guidelines for debt to be financed within the levy limit serve several important purposes:

- capital needs are not displaced by the fiscal demands of current operations;
- the Town's approach to borrowing decisions is disciplined;
- the amount of debt service dollars expended for interest cost is minimized (about 25% of the total current year debt service will be expended for interest);

- the capacity to address ongoing capital needs is quickly and continuously restored.

Revenue-supported debt (water, sewer, light) is subject to different guidelines that consider the useful life of the project and the current interest rates in the marketplace (generally, debt issued for longer periods bears a higher interest rate).

Jan. 14, 2010, Moody's Investors Service reaffirmed the Town's credit rating of Aaa, its highest rating category. The rating report may be viewed on the Town's website at [www.concordma.gov](http://www.concordma.gov). The Aaa rating had first been obtained in Nov. 1987. The Town's credit rating is a measure of its overall fiscal health. It is, however, only an expression of the relative ease with which the town can be expected to support its debts.

The benefit of a strong credit rating is realized in lower interest costs on the Town's long-term debt issues. Thus, to the extent that the Town plans to borrow in support of its capital needs, a strong credit rating is a benefit to the taxpayers. Over the past six years, the Town has issued more than \$51 million in long-term debt to finance the three elementary school construction projects. Each bond issue has been sold at an interest rate below 4%. Most recently, the \$12.9 million serial bond issue in January for the Willard project was sold at 3.19% interest cost for a 19-year term.

# Excluded Debt

The FY11 tax levy required for the debt service on all excluded debt authorized to date is budgeted at \$5,447,226. Of this total, \$1,000,000 is proposed to be covered by allocation from the Elementary School Debt Stabilization Fund (Article 10). As of March 1, 2010, this fund had a balance of, \$2,737,485 and the Town's plan is to draw down this fund over a five-year period to lessen the tax impact from \$51 million of bonds issued since 2004 for the Alcott, Thoreau and Willard elementary schools.

The net FY11 tax levy for excluded debt will be about 6.6% of the total \$67.56 million projected property tax levy. The major portion of this cost is for the three elementary school projects.

The FY11 budget includes \$3,643,166 for Alcott, Thoreau and Willard School debt expense (net of the Stabilization Fund allocation).

Alcott	\$ 779,408
Thoreau	\$1,540,065
Willard	\$2,323,693
	\$4,643,166

Less (1,000,000) Article 10
Net tax Levy
\$3,643,166

Following is a summary of the debt exclusion authorizations comprising the FY11 budget.

## **Concord-Carlisle High School (CCRS) (1992 & 1995): final assessment share FY12**

At the Town Election March 31, 1992, by a vote of 2,399 to 1,753, voters approved excluding debt authorized by the Regional School

District for the Phase I improvements at the high school. A \$5.8 million bond was issued on November 1, 1992, and a \$1 million bond was issued Oct. 1, 1994.

At the Town Election March 28, 1995, by a vote of 572 to 370, voters approved excluding debt authorized by the Regional School District for the Phase 2 improvements at the high school. A \$3.1 million bond was issued April 15, 1996.

Both of these bond issues were refinanced by CCRSD in April 2003. This nine-year issue, with a final maturity in April 2012, was sold at a 2.71% interest rate.

## **Harvey Wheeler Bldg. (2002): final payment in FY16**

At a Special Election May 14, 2002, voters by a vote of 2,759 to 1,062 approved excluding \$1.2 million of debt for the Harvey Wheeler Building renovations, following authorization at the 2002 Annual Town Meeting. This debt was issued in February 2004 at a 2.87% interest rate and repayment commenced in FY05.

## **Alcott School (2002): final payment in FY25**

June 19, 2002, voters approved excluding the debt for construction of the new Alcott School, a \$16.7 million authorization approved at the 2002 Annual Town Meeting. The ballot vote was 2,208 to 1,477. The design and construction portion of this authorization, about \$14.2 million, was audited by the State in the summer of 2006 and received a lump-sum State grant of \$7.2 million in September 2006. A

20-year bond for \$7 million, representing the major portion of our anticipated local share for the construction phase, was issued in September 2004 at a favorable 3.7% interest rate. The second phase of work, demolition of the original building and site work, began in the summer of 2006 following the relocation of Thoreau students to their new school building after two years in temporary residence at the old Alcott School. No further state grant was earned for Phase 2 of the Alcott project. A 15-year bond for \$2.3 million was issued in February 2007 at a rate of 3.89%.

## **Thoreau School (2004): final payment in FY25**

June 8, 2004, voters approved excluding the debt for new construction and reconstruction (1994 wing) of the Thoreau School, a \$16.8 million authorization approved at the 2004 Annual Town Meeting. The ballot vote was 3,421 to 1,899. An 18-year bond for \$10 million was issued in September 2006 at a favorable 3.85% interest rate. An 18-year bond for \$6.8 million was issued in September 2007 at a 3.99% rate, completing the Thoreau School permanent financing.

## **Concord-Carlisle High School (2004):**

### **final assessment share in FY10**

June 8, 2004, voters approved excluding Concord's share of the debt for \$535,000 of renovations at the regional high school, pursuant to the vote of the 2004 Annual Town Meeting. The ballot vote was 3,515 to 1,782. The regional school dis-

trict issued this debt as a five-year note September 1, 2004 at a 3.9% interest rate.

**Wastewater Management Plan, Phase 1 (2004): final payment FY26**

June 8, 2004, voters approved excluding the debt for construction of sewer system extensions in the West Concord and Elm Brook neighborhoods. The ballot vote was 3,392 to 1,851. A debt authorization of \$4,190,000 was approved by the 2004 Annual Town Meeting, the debt to be issued through the state Water Pollution Abatement Trust at a subsidized interest rate of 2%. The Town meeting voted to allocate this debt among the General Fund, the Sewer Fund and betterments. The property tax share of the debt is approximately \$1,640,000. The debt was executed with the State in November 2005 and principal repayment commenced on a 20-year schedule beginning July 2006.

**Concord-Carlisle High School (2005): final assessment share FY11**

June 7, 2005, voters approved excluding Concord's share of the debt for \$590,000 of renovations at the regional high school, pursuant to the vote of the 2005 Annual Town

Meeting. The ballot vote was 1,781 to 1,552. The regional school district issued this debt as a five-year Note Dec.1, 2005.

**Willard School Design (2006): final payment in FY18**

March 28, 2006, voters approved excluding the debt for design cost of a new Willard elementary school. The ballot vote was 2,080 to 1,747. Town Meeting subsequently authorized \$1,840,000 for this purpose. This amount was financed as part of the April 1, 2008 bond issue, with a 10-year maturity schedule at a 3.11% interest rate.

**Concord-Carlisle High School (2006 and 2007): final payment in FY18**

June 6, 2006, voters approved a debt exclusion for Concord's share of \$1,200,000 for renovations at the regional high school, pursuant to the vote of the 2006 Annual Town Meeting. The ballot vote was 1,209 to 778. March 27, 2007, voters approved a debt exclusion for Concord's share of \$1,245,000 for renovations at the regional high school, by a vote of 959 to 514. This debt was subsequently authorized at the April 2007 Annual Town Meeting. These authorizations were combined and issued by the District as a 10-year \$2.445

million bond Dec. 15, 2007, at a 3.33% interest rate.

**Willard School construction (2007): final payment FY28**

Nov. 14, 2007, voters approved \$29.4 million for construction of a new Willard Elementary School, by a vote of 2,160 to 1,200. The project is scheduled for fall 2009 completion. A 19-year bond was issued for \$11.9 million in March 2009 at a 3.72% interest rate. A second 19-year bond was issued for \$12.9 million in Jan. 2010 at a 3.18% interest rate. A final bond issue of \$500,000 is expected to be issued next year to complete the Willard permanent financing.

**Concord-Carlisle High School (2009): final payment FY13**

March 31, 2009, voters approved a debt exclusion for Concord's share of \$750,000 for various renovations (\$500,000) and for a Master Plan study (\$250,000), in advance of the vote of the 2009 Annual Town Meeting. The ballot vote was 1,705 to 727. February 4, 2010, the school district issued a one-year Bond Anticipation Note at a 1.2% interest rate. The district intends to pay down \$250,000 of principal at the maturity date and either issue another note or permanently finance the balance at that time.

**Tax Levy for Excluded Debt**

Debt Issued:	FY09	FY10	FY11	FY12	FY13	FY14	FY15	Final Fiscal Yr
	Actual	Budget	Proposed	projected				
Concord-Carlisle H.S.	\$ 684,143	\$ 539,239	\$ 582,444	\$ 315,660	\$ 186,713	\$ (3,561)	\$ (10,170)	2018
Mattison Field	104,400							2009
Harvey Wheeler Building	124,309	122,191	119,827	116,994	114,039	110,837	107,389	2016
Alcott School	812,599	811,335	779,408	762,558	740,052	720,995	701,499	2025
Thoreau School	1,570,663	1,578,640	1,540,065	1,492,655	1,416,392	1,381,397	1,344,761	2026
Willard School	583,403	1,359,333	2,323,693	2,398,838	2,359,873	2,321,145	2,274,271	2029
Wastewater Plan, Phase 1	102,005	101,898	101,789	101,678	101,565	101,450	101,332	2026
<b>subtotal</b>	<b>\$ 3,981,522</b>	<b>\$ 4,512,636</b>	<b>\$ 5,447,226</b>	<b>\$ 5,188,383</b>	<b>\$ 4,918,634</b>	<b>\$ 4,632,263</b>	<b>\$ 4,519,082</b>	
<i>less Stabilization Fund</i>			(1,000,000)	(750,000)	(500,000)	(300,000)	(200,000)	
<i>plus authorized, not yet issued (Willard)</i>				120,000	116,000	112,000	108,000	
<b>NET from property tax levy</b>			<b>\$4,447,226</b>	<b>\$4,558,383</b>	<b>\$4,534,634</b>	<b>\$4,444,263</b>	<b>\$4,427,082</b>	

## Debt Service Schedule

### for debt issued through January 15, 2010

Fiscal Year	Total Annual Debt Service		Total Principal Outstanding at June 30th	Tax Supported Annual Debt Service							
				Town (within levy limit)		Town (outside levy limit)		School (within levy limit)		School (outside levy limit)	
				Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment
2010	6,979,349	2,346,173	79,599,889	1,750,000	258,385	171,747	52,675	875,000	96,511	2,325,000	1,339,488
2011	7,692,207	2,561,244	71,907,682	2,025,000	240,517	173,196	48,717	655,000	85,568	2,990,000	1,648,275
2012	7,200,780	2,323,662	64,706,902	1,775,000	176,716	174,675	44,253	475,000	66,716	2,980,000	1,558,738
2013	6,394,410	2,107,191	58,312,492	1,205,000	126,591	176,184	39,631	475,000	53,479	2,935,000	1,469,494
2014	6,128,314	1,913,338	52,184,178	965,000	90,641	177,723	34,726	435,000	40,016	2,935,000	1,380,626
2015	5,642,499	1,726,458	46,541,679	795,000	60,126	179,293	29,539	410,000	26,831	2,930,000	1,286,325
2016	5,311,970	1,547,907	41,229,709	580,000	33,450	180,895	24,067	335,000	14,388	2,930,000	1,189,082
2017	4,456,734	1,370,773	36,772,975	280,000	13,000	82,529	18,560	140,000	4,175	2,930,000	1,088,857
2018	4,111,796	1,232,224	32,661,179	100,000	3,750	84,196	16,767	0	0	2,920,000	990,844
2019	3,772,163	1,098,586	28,889,016	0	0	85,897	14,939	0	0	2,740,000	886,850
2020	3,717,523	975,882	25,171,494	0	0	87,632	13,073	0	0	2,740,000	787,563
2021	3,733,738	852,014	21,437,756	0	0	89,403	11,170	0	0	2,740,000	687,888
2022	3,739,005	724,674	17,698,751	0	0	91,209	9,229	0	0	2,740,000	585,088
2023	3,600,652	594,869	14,098,099	0	0	93,052	7,248	0	0	2,585,000	480,178
2024	3,617,635	470,318	10,480,464	0	0	94,932	5,227	0	0	2,585,000	380,884
2025	3,634,962	342,490	6,845,502	0	0	96,850	3,165	0	0	2,585,000	278,682
2026	2,742,637	231,651	4,102,865	0	0	98,806	1,062	0	0	1,675,000	193,844
2027	2,127,865	157,850	1,975,000	0	0	0	0	0	0	1,300,000	143,657
2028	1,300,000	89,313	675,000	0	0	0	0	0	0	1,300,000	89,313
2029	675,000	27,000	0	0	0	0	0	0	0	675,000	27,000
total	85,904,239	22,666,617		9,475,000	1,003,176	2,138,219	374,048	3,800,000	387,684	49,540,000	16,376,363

Interest expense as % of total debt service, FY11: 25.0%

Interest expense as % of total debt service to final maturity: 20.9%

Projected as of June 30, 2010:

	5 yrs	10 yrs
Debt Retirement - all	41.5%	68.4%
Debt Retirement - tax supported only	41.6%	68.7%

Revenue Supported Annual Debt Service							
Water		Sewer		Betterment (WPAT loans)		Light	
Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment
560,000	199,784	564,684	236,287	192,918	46,961	540,000	116,082
550,000	178,669	574,072	222,445	194,939	44,534	530,000	92,519
550,000	157,869	583,649	208,400	197,456	42,058	465,000	68,912
350,000	136,869	593,420	194,146	199,806	39,532	460,000	47,449
350,000	124,119	603,388	179,931	202,203	36,955	460,000	26,324
350,000	111,269	613,557	165,398	204,649	34,326	160,000	12,644
350,000	98,206	623,932	150,620	207,143	31,644	105,000	6,450
250,000	81,831	534,516	134,242	209,689	28,908	30,000	1,200
250,000	72,113	545,314	122,634	212,286	26,116	0	0
175,000	62,738	556,331	110,791	214,935	23,268	0	0
175,000	56,175	567,570	98,709	147,321	20,362	0	0
175,000	49,175	579,036	86,383	150,299	17,398	0	0
175,000	42,175	590,734	73,808	142,062	14,374	0	0
175,000	35,175	602,668	60,979	144,932	11,289	0	0
175,000	28,175	614,843	47,891	147,860	8,141	0	0
175,000	21,175	627,265	34,538	150,847	4,930	0	0
175,000	14,175	639,936	20,916	153,895	1,654	0	0
175,000	7,175	652,865	7,018	0	0	0	0
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
5,135,000	1,476,867	10,667,780	2,155,136	3,073,240	432,450	2,750,000	371,580

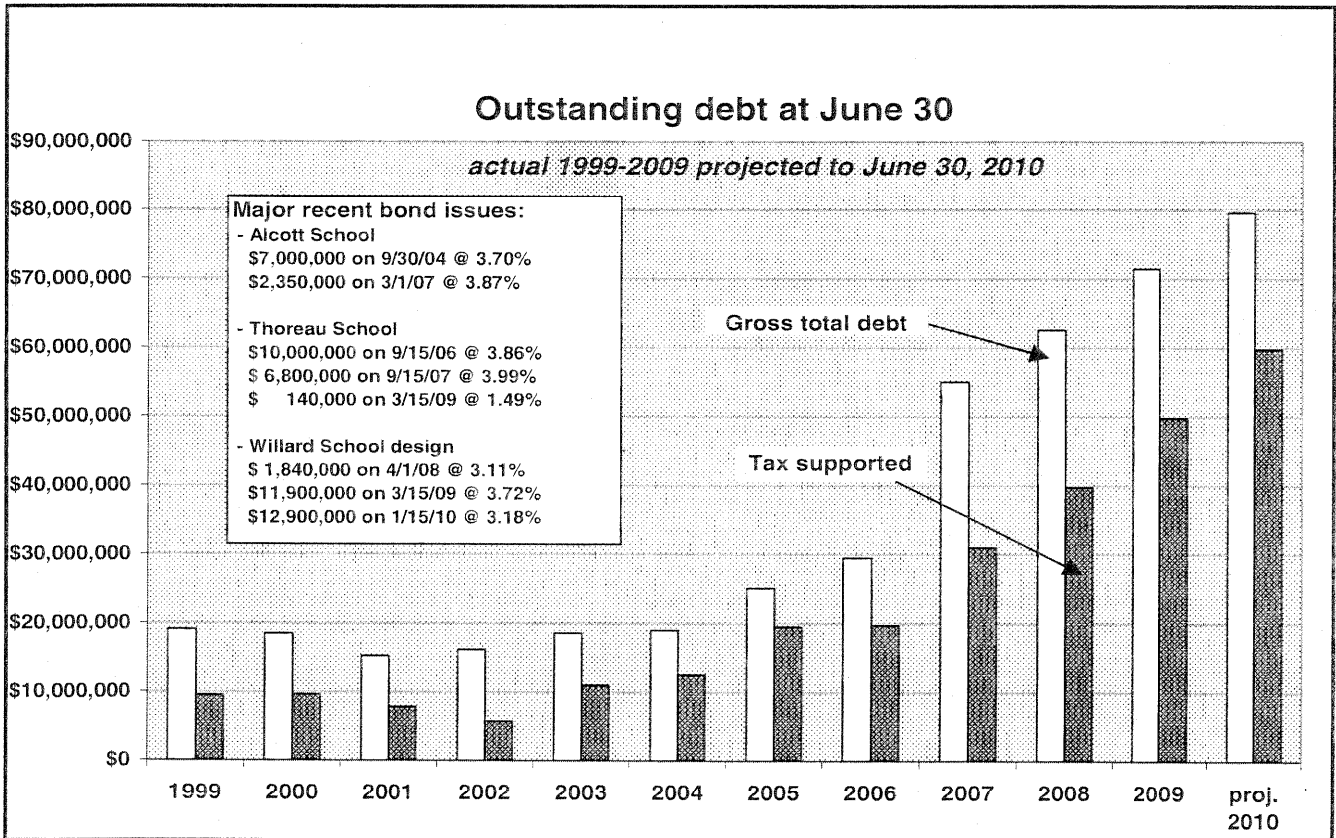
subtotals		
Tax-supported		Revenue-supported
within Limit	Excluded	
2,979,896	3,888,910	2,456,716
3,006,085	4,860,188	2,387,178
2,493,432	4,757,666	2,273,344
1,860,070	4,620,309	2,021,222
1,530,657	4,528,075	1,982,920
1,291,957	4,425,157	1,651,843
962,838	4,324,044	1,572,995
437,175	4,119,946	1,270,386
103,750	4,011,807	1,228,463
0	3,727,686	1,143,063
0	3,628,268	1,065,137
0	3,528,461	1,057,291
0	3,425,526	1,038,153
0	3,165,478	1,030,043
0	3,066,043	1,021,910
0	2,963,697	1,013,755
0	1,968,712	1,005,576
0	1,443,657	842,058
0	1,389,313	0
0	702,000	0
14,665,860	68,428,630	26,062,053

### CONCORD'S LONG-TERM DEBT STATISTICS

June 30, 1999 to June 30, 2009 actual, and projected to June 30, 2010

@ June 30	Assessed Value	Outstanding Long-term Debt		Population decennial census	per capita income decennial census	% of Assessed value		Debt per capita		Debt per capita as % of per capita income	
		Gross	Net			Gross debt	net debt	Gross debt	net debt	Gross debt	net debt
1999	\$2,704,003,171	\$19,120,000	\$9,533,000	17,076	\$31,655	0.71%	0.35%	\$1,120	\$558	3.54%	1.76%
2000	\$2,742,122,055	\$18,500,000	\$9,647,000	16,993	\$51,477	0.67%	0.35%	\$1,089	\$568	2.11%	1.10%
2001	\$2,783,643,972	\$15,260,000	\$7,865,000	16,993	\$51,477	0.55%	0.28%	\$898	\$463	1.74%	0.90%
2002	\$3,974,434,046	\$16,185,000	\$5,770,000	16,993	\$51,477	0.41%	0.15%	\$952	\$340	1.85%	0.66%
2003	\$4,408,301,807	\$18,605,000	\$11,020,000	16,993	\$51,477	0.42%	0.25%	\$1,095	\$649	2.13%	1.26%
2004	\$4,411,852,520	\$19,019,237	\$12,569,237	16,993	\$51,477	0.43%	0.28%	\$1,119	\$740	2.17%	1.44%
2005	\$5,117,100,515	\$25,138,385	\$19,515,000	16,993	\$51,477	0.49%	0.38%	\$1,479	\$1,148	2.87%	2.23%
2006	\$5,207,535,371	\$29,542,533	\$19,758,290	16,993	\$51,477	0.57%	0.38%	\$1,739	\$1,163	3.38%	2.26%
2007	\$5,309,253,833	\$55,091,156	\$31,052,480	16,993	\$51,477	1.04%	0.58%	\$3,242	\$1,827	6.30%	3.55%
2008	\$5,498,736,316	\$62,606,176	\$39,739,546	16,993	\$51,477	1.14%	0.72%	\$3,684	\$2,339	7.16%	4.54%
2009	\$5,264,591,702	\$71,479,238	\$49,853,220	16,993	\$51,477	1.36%	0.95%	\$4,206	\$2,934	8.17%	5.70%
proj. 2010	\$5,026,552,229	\$79,599,889	\$59,831,473	16,993	\$51,177	1.58%	1.19%	\$4,684	\$3,521	9.15%	6.88%

Supporting debt issued for the water, sewer and electric funds.



# State Aid

**State** aid is received for general town purposes and is not restricted in use, although it is often discussed as if earmarked for school aid and general or non-school aid. Chapter 70 school aid and the distribution of the net lottery proceeds are the major components of Concord's aid. Concord receives a minimum statutory Chapter 70 allocation, due to its income and property wealth measures.

## State Aid and the State's fiscal position

**State** Aid is a significant component of the State budget, historically almost one-fourth of total state spending. Aid is distributed to the cities and towns through a variety of formulas, most of which provide aid to communities based upon relative need as measured by property and income characteristics. On average, about 20% of all local spending is supported from State aid. Funding received by Concord in recent years prior to

FY09 had represented about 6% of the Town's total budget. Some municipalities receive more than half of their local budget funding from State aid.

Due to the State's precarious budget situation that has persisted since the summer of 2008, the Governor and State legislature have taken a series of actions to scale back aid to cities and towns. In Jan. 2009, the Governor announced a mid-year cut, withholding \$128 million Statewide, which included \$140,000 withheld from Concord. The response of the Town Manager and Superintendent of Schools was to take immediate steps to reduce current spending by an equal amount below the enacted town budget.

The final FY09 quarterly State aid payment due June 30, 2009 was reduced by \$412 million statewide, and federal ARRA (stimulus) funds were substituted. Each municipality and regional school district had

to apply for a share of the federal grant. Concord received \$226,608 of its June 30, 2009 State aid payment as a federal grant.

The final State budget for FY10 reduced aid to cities and towns by more than \$500 million, about 9% of total State aid. Concord's reduction was \$670,000, almost 15%. State aid as a percentage of the total town budget fell to 5%.

The Governor's January proposals for the FY11 state budget sought to hold State aid level for the coming year. The state's deficit projections are not improving, however, and the legislature has conveyed the message to expect a cut of at least 4% and possibly more. The financial plan being presented for Concord's Town Meeting incorporates an estimated FY11 State aid cut of 10%.

The present status of FY10 and FY11 estimates for the Town is shown below.

<b>State Aid</b>						
<b>FY07 and FY08 actual, FY09 budget and actual,</b>						
<b>FY10 budget (July "cherry sheet estimate") and FY11 forecast</b>						
Account	Actual FY07	Actual FY08	FY09		FY10 Budget	FY11 Forecast
			Budget	Actual		
1 Chapter 70 school aid	\$1,788,314	\$1,975,049	\$2,154,784	\$1,928,178 (a)	\$2,111,688	
2 Additional assistance	383,959	383,959	383,959	346,544	0	
3 Lottery	1,045,180	1,059,887	1,059,887	956,605	0	
4 Unrestricted general gov't aid					1,022,124	
5 School construction	288,045	0	0	0	0	
6 Police career incentive	158,496	158,314	163,855	160,094	30,496	
7 State-owned land	546,166	610,209	654,273	654,273	589,412	
8 all other	70,038	55,108	61,228	41,969	55,156	
<b>TOTAL</b>	<b>\$4,280,198</b>	<b>\$4,242,526</b>	<b>\$4,477,986</b>	<b>\$4,087,663</b>	<b>\$3,808,876</b>	<b>\$3,400,000</b>
FY09 mid-year reduction			(140,697)			
FY09 Net			\$4,337,289			

NOTE: (a) \$226,606 was received on June 30, 2009 as a federal ARRA ("stimulus") grant

# Article 10: Elementary School Debt Stabilization Fund and Article 11: Free Cash Use

The accumulation and use of Free Cash, which is available undesignated fund balance of the General Fund, is an important component of the Town's overall financial management policies. These policies maintain the Town's ability to respond to emergencies, promote the stability of service levels and control the rate of tax levy change.

The undesignated fund balance may be appropriated in either of two forms: 1) for specific expenditures or 2) to reduce the tax levy that otherwise would be required. The available amount is calculated and certified each year by the Commonwealth's Department of Revenue based upon the balance sheet submitted by the Town.

The General Fund Balance, sometimes referred to as surplus or surplus revenue, is the amount by which cash and receivables exceed current liabilities and

commitments. In a business sense, this might be thought of as liquidity. In a personal sense, it can be thought of as available savings—at least the portion of savings that cannot be claimed by any other creditor and that is available without requiring the sale of property or other fixed assets.

It is customary for the Annual Town Meeting to allocate some portion of the General Fund Balance to the support of the ensuing year's expenditure plan. In some years these savings used are more than replenished from operations, while in other years the year-end return from unexpended appropriations and from revenues over estimates, if any, is insufficient to fully restore the Town's accumulated reserves. The sums voted by each annual Town Meeting for use in the ensuing fiscal period are deducted and reserved prior to each June 30 certification.

## Elementary School Debt Stabilization Fund

The 2008 Town Meeting had acted upon the recommendation of the Finance Committee to establish a debt service stabilization fund, with an initial transfer of \$2.5 million from Free Cash, effective July 1, 2008, in anticipation of significant debt service costs projected to begin in FY11 for debt service on the Willard School project. Article 10 initiates the use of this fund, recommending the FY11 allocation of \$1,000,000 to support elementary school debt service. This avoids a 1.5% tax rate increase that otherwise would be needed. The current plan is to draw upon the Debt Stabilization Fund over the ensuing four years as follows: FY12, \$750,000; FY13, \$500,000; FY14, \$300,000; FY15, \$200,000. This plan will keep total excluded debt service essentially level during the five-year time span. Since a Stabilization Fund can be invested with greater flexibility (but still

Free Cash					
Undesignated Fund Balance					
BALANCE			USED		
As of June 30	Certified	As % of next budget	Fiscal Year	To reduce tax rate	As percent of levy
2004	3,994,445	6.8%	2006	500,000	0.9%
2005	4,880,193	7.8%	2007	500,000	0.9%
2006	5,730,609	8.6%	2008	500,000	0.8%
2007	8,003,063	11.5%	2009	600,000	1.0%
2008	7,371,061	9.8%	2010	1,040,000	1.6%
			<i>proposed</i>		
2009	\$ 8,471,337	11.1%	2011	\$ 600,000	0.9%

safely) than other operating funds and retains interest earnings, the total planned outlay of \$2,750,000 over five years is more than the Town started with. At this writing, the Fund has earned \$237,000.

**Free Cash allocated to FY11 budget support**

**The** Finance Committee's Budget Guideline plans issued November 2009 provided for an allocation of \$600,000 to support the FY11 operating budgets. The Committee annually reviews the Free Cash policy and has reaffirmed the commitment to keep the unused Free

Cash balance at or above 5% of the total ensuing budget, a level deemed essential to enable the Town to cope with unexpected circumstances. The Town's actual Free Cash level has been above this minimal level in recent years and has been an important factor in the maintenance of the Town's TripleA credit rating.

Any favorable budget variances from current year operations (actual revenues in excess of the FY10

budget estimate, and/or any FY10 appropriations that remain unspent at year end) will become part of the June 30, 2010 Free Cash balance. This balance will be available to the next Annual Town Meeting in 2011 for allocation in support of future budgets. The results of FY10 operations are presently expected to restore all or most of the Free Cash balance proposed for allocation at the 2010 Town Meeting. The Committee is recommending allocation of \$600,000 (Article 11).

# Reserve Fund Transfers

The transfers to Town budget accounts authorized by the Finance Committee during FY09 are shown in the accompanying table. Requests amounted to \$78,168, with \$146,832 being returned unexpended June 30, 2009.

The Reserve Fund is an appropriated contingency account. It is part of the Town Government budget (item 34 of Article 7, proposed at \$225,000) and is counted within the Finance Committee's budget guideline for Town Government operations (Article 7, items 1-36). It is allocated during the budget year by vote of the Finance Committee pursuant to the request of the Town Manager. Legally, its use is restricted to "extraordinary or unforeseen expenditures".

The Town budget is adopted as a series of separate appropriations (Ar-

ticle 7, items 1-41). Funds are not transferred from one appropriation account to another except by Town Meeting action. Only the Reserve Fund appropriation may be used during the fiscal year to supplement other appropriation accounts, except that in the final three months of the budget year any appropriation balance may be transferred by joint approval of the Finance Committee and the Board of Selectmen. This latter provision was added by state law in 2003 as a safety valve for communities that exhaust their Reserve Fund account. Concord has not used this provision of law.

This budget contingency process works differently for the Concord Public Schools budget (Article 8). State law gives the School Committee the power to authorize trans-

fers within its appropriation total voted by Town Meeting.

At the end of each fiscal year, funds in appropriation accounts that are not spent are returned to the General Fund balance.

The FY11 Reserve Fund appropriation recommendation, \$225,000, is less than one percent of the total Article 7 recommendation. State law allows the Reserve Fund appropriation to be as much as 5% of the previous tax levy; this would permit a Reserve Fund appropriation of \$3.3 million. The Concord Finance Committee has not felt that such a large contingency account would be consistent with the objective of fostering tight expenditure control by Town and School administrations.

<i>Reserve Fund Uses, FY2009</i>		
<b>Town Account</b>	<b>Amount</b>	<b>Purpose</b>
Finance Committee	\$ 1,600	recording secretary services
Concord Schools bus repair	25,680	appropriation of insurance claim
Snow & Ice removal	48,255	supplement of original \$452,000 budget
Social Security/Medicare taxes	2,633	actual costs in excess of original \$510,000
<b>TOTAL</b>	<b>\$ 78,168</b>	

# Observer reports

## Board of Assessors

**The** Board of Assessors is responsible for the valuation of residential and commercial properties for local tax purposes. The Board also decides on applications for 1) abatement owing to property overvaluation and 2) property tax or Community Preservation Fund surcharge exemptions filed by residents who are eligible by reason of age, income status, veterans disability status or blind, as defined by State law and fully described on the assessor's web page ([www.concordma.gov](http://www.concordma.gov)).

The Board of Assessors is a citizens' body appointed by the Town Manager with the approval of the Board of Selectmen. It is comprised of five members plus an additional three associate members. Full members have voting rights and can sign documents as members of the Board. State law requires that properties be valued at their full and fair cash value every year. Once every three years, valuations must be certified with on-site reviews by the State Department of Revenue's (DOR) Bureau of Local Assessment. In the intervening years, the valuation is subject to statistical review, overseen by the Board of Assessors and approved by the DOR. Concord's last property valuation certification was conducted in FY08.

The assessment calendar runs from January to December and is summarized in the table below. Valuations are established for assessment on January 1, based on town property sales data from the preceding calendar year. Analysis of sales from the preceding year occurs during the spring and summer of the actual assessment year. In addition, in accordance with State law, the assessors value new construction completed or in progress as of June 30. All proposed valuations are published in the fall. The tax rate is set in December, midway through the fiscal year beginning July 1, and the new assessed value appears on the 3rd quarter tax bill mailed each January 1, a full year after the assessment date.

For Fiscal Year 2010 (July 1, 2009-June 30, 2010)	
Assessment Date	January 1, 2009
Calendar year sales analysis	Sales occurring in 2008
New construction valuation	Status as of June 30, 2009
Property valuations set	Fall 2009
Property tax rates set	December 2009
New property tax rates applied	3rd Quarter property tax bill, January 1, 2010

One warrant article is being sponsored by the Board of Assessors at the 2010 Annual Town Meeting.

**Article 13** is proposed every year by the Board of Assessors to determine whether the Town will accept State law provisions that allow cities and towns to increase by 100% the State-set limits on certain statutory property tax exemptions. Concord Town Meeting has approved this option every year since 2001, thereby doubling the amount of money that may be deducted from the tax

*Continued*

bills of qualified applicants. Eligible citizens include disabled veterans, blind persons, and citizens age 70 years or older (or joint owner with a spouse 70 years or older) as of July 1 of the tax year, have owned and occupied the Concord property for five years, and meet other asset requirements. The Commonwealth reimburses cities and towns for a portion of the state-set limits but does not provide reimbursement for the locally adopted increase above the state limits. In FY09, 114 eligible taxpayers were granted property tax bill reductions totaling about \$95,000. The Finance Committee recommends affirmative action on Article 13. The article is expected to be on the Consent Calendar. Details on tax exemption eligibility requirements are available on the Town's Board of Assessor's website ([http://www.concordma.gov/Pages/ConcordMA\\_Assessor/exemption\\_information](http://www.concordma.gov/Pages/ConcordMA_Assessor/exemption_information)). exemption\_information).

## Concord Municipal Light Plant

### Overview of CMLP

**The** Concord Municipal Light Plant (CMLP), established in 1898, is one of 40 municipally owned electric utilities within Massachusetts. CMLP purchases power from outside suppliers and distributes it to approximately 7,600 residential, commercial, and industrial customers and public agencies in Town. CMLP's municipal ownership is important to Concord residents because it provides the Town with more stable rates and better service at a lower cost than neighboring towns. In CMLP's 2008 Residential Customer Survey, 96.4% of responding customers provided a strong overall positive rating for "their electric company".

CMLP is a Town department overseen by the Concord Municipal Light Board. The Town Manager, pursuant to the provisions of the Town Charter, serves as the General Manager of CMLP, hires the director and appoints the Light Board members. CMLP stewardship with oversight by the Light Board ranges from department operations to holding rate-setting hearings. CMLP's financial results for the previous calendar year are included in the Town's financial statements for the Town's June 30 fiscal year. All administrative financial and human resources functions are performed by the Town Finance and personnel offices, with cost allocated to CMLP.

CMLP owns and maintains all buildings and infrastructure within the Town borders having to do with delivering electricity: headquarters, substations, wires and cables. Coordinating with other Town departments and as required by Town By-laws, CMLP is installing conduit for underground wiring to replace older above-ground facilities.

### *Power Supply*

CMLP's power consists of a mix of conventional sources (primarily natural gas-fueled power plants) and renewable energy sources. CMLP's power contract with Constellation Energy Commodities Group, its primary supplier since 2002, ended Sept. 30, 2009. A three-year power purchase contract with Morgan Stanley be-

came effective Oct. 1, 2009, and is projected to supply a major part of the Town's electricity needs until Dec. 2012. A contract with the Braintree Electric Light Department for natural gas-fueled peaking power from the Thomas A. Watson Power Plant supplies an additional 15% of capacity needs and contributes to energy needs when the unit is dispatched by the ISO (Independent Service Operator, the manager of the electricity grid in New England) to run.

CMLP is adding renewable energy-based sources to Concord's power supply. Hydroelectric power is purchased through the New York Power Authority, and a three-year contract with Miller Hydro in Lisbon, Maine began March 1, 2010. Power under these two contracts will supply roughly 6% of energy needs in the coming years. CMLP is in conversations with wind energy suppliers in Western Massachusetts and Maine and hopes to add wind-generated energy to its portfolio as soon as these facilities are up and running. CMLP also hopes to add some capacity (2%) and energy (3%) from a landfill methane gas project in Granby, MA at a very competitive price.

Given decreases in the price of solar photovoltaic panels, the State and Federal financial incentives available, and solar's ability to reduce the peak during summer high usage times, CMLP is also evaluating the potential for a third-party power purchase contract for a solar facility in Concord. Town Meeting approval is sought under Article 64 for the Town Manager to enter into a long-term lease for selected parcels of Town land should CMLP determine that a solar facility is both cost-effective and advantageous to the Town.

#### *Financial Overview*

CMLP is structured as an Enterprise Fund. It is self-supporting and requires no tax money. CMLP pays its allocated share of central administrative services, including services of the Town Finance Department and the Human Resources Department. CMLP also makes an annual transfer to the General Fund as a Payment in Lieu of Taxes (PILOT). This payment is based on the same formula as is used to calculate the property tax for investor-owned utilities in the state, and is based on net plant value times the property tax rate. The Town's FY2011 budgeted PILOT from CMLP is \$380,000 (Article 14).

CMLP capital expenses may be bonded by the issuance of Town bonds, which are supported by the Town's credit rating and backed by the Town, but dependent on CMLP revenues for interest and principal retirement payments. CMLP maintains its own budget and set of accounts, but all receipts and disbursements as well as the issuance of utility bills are handled by the Town Finance Department. There is a separate Finance Committee public hearing for this and all other enterprise funds prior to Town Meeting.

CMLP bonds outstanding at Dec. 31, 2009 totaled \$2,450,000. Town Meeting in April 2009 authorized an additional bond issue of \$4,500,000 for Smart Grid infrastructure development. This additional long-term debt is expected to be issued in 2011.

#### *Overview of Calendar Year 2009*

Financial Results: Audited financial reports of CMLP are filed with the Massachusetts Department of Public Utilities on a calendar-year basis. The audit of 2009 financial results is in process at this time; therefore, note that the results for 2009 are preliminary and exclude the effect of unbilled sales and audit adjustments.

Electricity sales for 2009 were 177,580 megawatt hours (MWH) compared to 179,579

MWH in 2008. This is a decrease of about 1.1 percent. Power supply charges from suppliers are passed through at actual cost to CMLP customers. Additionally, CMLP bills customers for the cost of electricity distribution, which includes operating, maintenance, capital and administrative costs. CMLP's revenues increased from \$20,250,144 in 2008 to \$21,048,169 in 2009, representing an increase of about 4%. However, Income from Operations declined from \$1,681,961 in 2008 to \$1,388,118 in 2009 and Net Income declined from \$468,471 in 2008 to \$95,943 in 2009. A major component of this decline was the non-budgeted recording of certain post-employment benefit expenses.

*Pricing:* Effective for bills rendered on or after Aug. 1, CMLP instituted a surcharge for commercial customers whose capacity usage, as measured by Power Factor, does not meet an efficiency target. Effective Oct. 1, 2009, CMLP implemented a tiered pricing program for residential electricity. The rate for usage up to 1,400 kilowatt hours (kWh) per month is 14.36 cents per kWh, increasing to 15.36 cents for usage from 1,401 to 2,200 kWh, and 16.36 cents per kWh for usage greater than 2,200 kWh/month. Usage for approximately 80% of residential customers presently falls in the lowest tier. Power factor surcharges and tiered residential pricing are expected to improve energy conservation and efficiency, and adjustments to these programs will be made over time.

*Rate Stabilization Fund:* In 2006, CMLP established a rate stabilization fund to buffer future rate increases after the Constellation contract expired Sept. 2009. About \$542,000 from the Rate Stabilization Fund was used to offset increased power supply expenses in 2009.

*Rate Relief Funds:*

CMLP provides support for low-income customers who qualify for a discount electricity rate of 50% on the first 500 kilowatt-hours per month. Currently, about 105 customers qualify for discounts totaling about \$32,000 for 2009. CMLP also increased its annual contribution to the Hugh Cargill Trust from \$16,000 to \$26,000 for 2009.

*Energy Conservation:* In CMLP's 2008 Residential Customer Satisfaction Survey, 70% of respondents rated the following as equally important: keep rates low, maintain reliable service, and minimize the environmental impact of energy. During 2009, CMLP hired a new Energy Conservation Coordinator to focus on enhancing the effectiveness of its energy efficiency and conservation programs. Buildings account for approximately 40% of energy consumption in the US annually and Concord's single-family residences and older homes present significant opportunity to improve resident comfort, reduce resident energy costs and reduce carbon dioxide emissions. Enhancements to the home energy audit program are planned for 2010.

CMLP's 2009 budget for energy services and conservation was \$262,000. Energy services include the following: energy conservation promotions, rebates and audits, light bulb rebates, funding of weatherization efforts led by Concord Conserves, electro-thermal storage heat rebates, key account energy audits, residential conservation services, electric safety school programs, and a web site aimed at energy conservation and electric safety.

*Solar Energy:*

CMLP sponsored two residential solar demonstration projects during 2008 and is further developing residential solar programs to be offered in 2010. In 2009, CMLP applied for a \$150,000 federal grant for a solar photovoltaic (electricity) system on the roof of the Willard elementary school. CMLP was notified in Feb. 2010 that it was

awarded the grant. The \$150,000 will be matched with \$100,000 from the Sawyer Trust and \$60,000 from CMLP renewable energy funds. This will allow Concord to install a system in the range of 45 kilowatts to provide a source of renewable electricity at Willard.

Smart Grid: Citizens attending April 2009 Town Meeting approved debt financing for the design and implementation of a Smart Grid system. The Smart Grid being installed consists of three basic parts: 1) a communications network of fiber optic lines from the Light Plant to the 1,600 or so transformers spread throughout town; 2) energy management devices such as smart thermostats in homes and businesses; and 3) software that runs on the computers at the Light Plant. The communications network carries information back and forth, collecting data about electricity usage from homes and businesses and sending instructions from the Light Plant to help customers manage their electricity usage. Other tools, such as software to allow customers to view their electricity usage online, real-time, can be part of a Smart Grid.



The following are expected benefits of the Smart Grid system: quicker response to power outages, reduced use during peak periods

to decrease the total amount of electricity CMLP will need to buy, and postponing the purchase of another large transformer if peak energy needs can be reduced. The Smart Grid will also support energy conservation and help incorporate renewable sources of energy such as solar photovoltaic into the electricity grid.

During 2009, CMLP conducted a successful equipment pilot at 5 locations in West Concord, completed the design of the overall system, and prepared Requests for Proposal for the remaining components of the Smart Grid (fiber optic cables, other devices, construction). Construction of the system infrastructure is expected to be completed in 2010, and rollout of home-based devices to customers will begin in 2011.

### **Warrant Articles for Town Meeting**

#### *Article 14 Light Plant Payment In Lieu Of Taxes*

To determine whether the Town will vote to authorize a transfer of \$380,000, or any other sum, 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, 2011, or take any other action relative thereto.

#### *Article 15 Light Plant Expenditures*

To determine whether the Town will vote 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 under the direction and control of the Town Manager for the expenses of the Light Plant for said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; and/or for other plant extensions, enlargements, additions, renewals and reconstruction, or take any other action relative thereto.

#### *Article 64 Authorization of Long-Term Lease for Solar Energy*

To determine whether the Town will vote to authorize the Town Manager to enter into a long-term license, lease and/or contractual agreements, subject to terms and conditions approved by the Board of Selectmen, involving the property at 509 Bedford Street, ~~Concord~~ <sup>continued</sup>

Wastewater Treatment Plant site (Assessors Parcels 1195, 1196, 1197, 1198, 1199, 1200, 1201, and 1213), the property at 1175 Elm St., the Light Plant headquarters (Assessors Parcel 1999-1), the property at 133/135/141 Keyes Rd. (Assessors Parcel 1682), and/or the property at 33X Old Bedford Road, the former Ammendolia land (Assessors Parcels 4209 and 4210-2), for the purposes of installing solar energy facilities and supplying solar energy, and further to authorize the Selectmen and Town

## Public Works Commission

**The** Public Works Commission consists of five members appointed by the Town Manager for staggered three-year terms. The Commission advises the Town Manager, the director of Concord Public Works (CPW), the Planning Board, and other Town boards on matters that concern Town water, sewerage, solid waste, drainage and roads. The Commission is responsible for setting policy and rates schedules for water, sewer, and solid waste services, and approves minimum standards for, and the final layout of town roads. The annual budget for operating CPW is contained in the Town Manager's budget (items 17 to 24 of Article 7). The FY11 recommendation of \$3,419,540, which is 10.5% of the Town Budget represents no significant increase over FY10. The highlights of the FY11 recommendations include:

*Administration (Item 17a) a budget of \$310,909 unchanged from last year.*

The Solid Waste Fund: 50% of one of the division's administration assistant's position and 13.5% of all other expenditures. The water fund supports 25% and the sewer fund supports 10% of most division expenses.

*Engineering (Item 17B) a 4.7% decrease in operating cost*

Major elements in purchased services are \$16,000 for ground water and soil gas monitoring expenses at the landfill site (this was formerly in the Solid Waste Fund budget) and \$24,000 for computer software maintenance and training related to the Geographic Information System (GIS). The Capital Outlay budget includes \$20,000 for traffic signal replacement, and \$20,000 for continued GIS application development. Increased costs in other purchased services are offset by a delay of six months in filling a vacant engineering aide position.

*Highway Maintenance (Item 17C) a .6% decrease in operating cost.*

Expected increases in the wages for fulltime employees have been offset by the elimination of temporary help and reduction in overtime and police details. A reduction in estimates for crack sealing and landfill hauling cost avoided additional budget increases.

Other support is provided by the Water & Sewer Fund for fleet maintenance and trenching activities (\$19,621) and by the Solid Waste Fund for Drop-Off Day assistance and for partial funding of Composting Site expenses (\$5,000). The catch basin cleaning budget remains the same as last year but fewer are cleaned because of an increase in the cost of disposal. The Cemetery Fund is budgeted to contribute \$7,539 to Highway Maintenance to compensate for staff time spent on cemetery-related activities. Capital outlay includes \$10,000 for guardrail replacement and \$5,000 for small equipment.

*Parks & Trees- (Item 17D) a .6% decrease in operating cost.*

The FY11 budget reduces the number of summer crew positions from 3 to 2 and decreases the hours for seasonal help from 2500 to 2280. The Light Fund provides funding (\$5,310) for trimming around power lines.

A private sports organization, The Friends of Concord Fields provides \$50,000 to cover the maintenance of the multi-purpose fields. Concord Carlisle Youth Baseball will provide \$5,300 for the development of the Ripley Field baseball facility. Other expenses are partially supported by \$30,000 from the Recreation Fund and the School budget.

*Cemetery (Item 17E) an 11.7% decreases in operating cost.*

The General Fund covers 35% of the operating cost. The Cemetery Fund provides 65% of the operating cost and 100% of the capital costs. The Capital Outlay consists of \$10,000 for the continuing grave marker preservation project and \$30,000 for Cemetery master plan improvements.

*Snow & Ice Removal (Item 18) an 8.8% increase in operating cost.*

The recommended appropriation based on a 10-year average of actual expenditures would be of \$535,625. But due to budget constraints only \$495,000 is recommended. The cost of salt has remained level for FY 09 and FY 10 but is expected to be volatile in future years due to the unpredictable transportation costs. Salt is about 30% of the total winter maintenance expenditures.

*Street Lighting (Item 19) an 21.6% decreases in operating cost.*

The number of streetlights has been reduced from 1636 in FY 03 to 1353 at the end of FY 09. This has saved 270,000kWhs of electricity. Even though rates have gone up nearly 30% the Town expects to reduce cost by eliminating over 500 streetlights.

*CPW Equipment (Item 20) represents a 2.9% decrease in operating cost.*

All of the costs are capital costs. Despite the decrease, the recommended FY11 appropriation together with any remaining FY10 funds will be consistent with the annual reinvestment needed to maintain vehicle inventory in good condition

Thus year we will add a 10-ton multiple-use dump truck and two multiple-purpose sidewalk machines.

*Sidewalk Management (Item 22) no increase over FY10*

An updated evaluation in FY09 indicated that the overall sidewalk condition index (SCI) appears to have decreased slightly below the target 80-85 SCI. A limited number of sidewalk extension projects will be completed through a \$250,000 borrowing authorization from FY10.

*Road Improvements (Item 23) a 34.6% decrease in expenses*

This decrease is compared to the FY10 budget, which included additional borrowing for special road-related projects. Total funding from all sources for the Roads Program is \$1,311,600, assuming state aid remains at the same level authorized for FY10. The proposed borrowing authorization for road rehabilitation remains at \$700,000 per year.

*133/135 Keyes Road (Item 24) a 6.3% decreases in operating cost.*

A decrease of \$10,055 in electricity and natural gas estimates account for most of the reductions reflecting the lower price of gas and the installation of a new gas-fired HVAC system at 135 Keyes Rd.

## Recreation Commission

**The** Recreation Commission is appointed by the Town Manager and is responsible for setting policy directions for the Concord Recreation Department. The Recreation Department operates a number of programs to provide year-round recreational opportunities for members of the community. Major services include preschool and after-school care serving children between the ages of three and 11, summer activities including day camp that last summer served over 800 children, a wide variety of sports programs for children and adults, and swim and fitness programs at the Beede Swim and Fitness Center.

### *The Beede Center*

The Beede Center is operated as the Swim and Fitness Enterprise Fund, established by a Town Meeting vote in 2005. Located on the campus of the Concord Carlisle Regional High School, the facility opened in April 2006. As an enterprise fund, the Beede Center has an accounting structure under which membership and user fees and other revenues are used to meet its expenses, including certain costs allocated from the Town. The enterprise fund structure allows the Center to depreciate its assets and build up capital reserves for maintenance and future capital expenses. This allows the Town to operate the facility as a financially self-supporting enterprise without a need for tax revenues.

Now in its fourth year, the Center continues to be a vital and popular community resource. While the fiscal year that ended June 30, 2009 was a financial success, the economic downturn and competition from other health and fitness facilities in the vicinity have resulted in a decline in total membership during the past year. Nonetheless membership remains strong with a high percentage of renewals. New members continue to join and guest visits are popular. The Center offers a number of swim and fitness programs and a youth swim team program that have generated additional revenues. The management of the Recreation Department monitors the operation of the Center closely and adjusts its programming and staffing to address customer demand and to operate in a fiscally responsible manner. The Center has managed to accumulate a significant amount in its depreciation reserve. The community is fortunate to have this resource and the Finance Committee is grateful to all who have made it possible.

The Enterprise Fund budget for the Beede Center is Article 21 on the Warrant for Town Meeting.

### *Child and Adult Recreation Programs*

Child care services sponsored by the Recreation Department include the Carousel Preschool operated at the Harvey Wheeler Center and after-school and school-vacation care operated at the Harvey Wheeler and at the Hunt Gum. In addition, the Recreation Department runs a summer day-camp program at the Hunt Gym and Emerson Field. User fees support these services and the Department offers scholarships to families in need. Funding for the scholarships is raised annually from individuals, businesses and organizations including the Concord Carlisle Community Chest, the Concord Parents League, First Parish Church, the Lions Club and the DiGiovanni Family Trust. The Concord Open Golf Tournament, held at Nashawtuc County Club, raised over \$12,000

for the scholarship fund. Other community events such as the very popular Shamrock Ball and the sixth Grade Halloween Party also contribute to the scholarship funds. Last summer the Department awarded approximately \$106,000 worth of summer scholarships. Although economic conditions have resulted in a decline in enrollments for some programs, the Recreation Department has been able to adjust its staffing so that most programs have operated in the black.

The Recreation Department organizes and supports several popular community-wide events including the Fourth of July Picnic in the Park and the Minuteman Classic Road Race, and it staffs the Concord Carlisle Community Chest Triathlon. In addition to its own programming the Recreation Department works with other sports organizations in Concord to provide and coordinate the use of time and space on the playing fields, including the new turf playing fields behind Concord-Carlisle Regional High School. The Recreation Department works with the Friends of Concord Carlisle Playing Fields with respect to certain field maintenance and operating expense matters for the new turf fields. Recent projects completed by the Recreation Department include the resurfacing of the track at Emerson Field and the installation of new playground equipment there. It is presently working with the Friends of Concord Carlisle Youth Soccer and others on the construction of a new baseball field at the Ripley School site that is expected to be ready for use in the spring of 2011.

The proposed budget for administration and maintenance of the Hunt Gym and 105 Everett Street are included in the Town Manager's budget. Recreation programs are self-supporting and are funded through user fees.



48 **Consent calendar**  
**Article 2**

**Article 5**

*Ratify Personnel Board Classification Actions*

**Affirmative Action Recommended By:**

Finance Committee, Board of Selectmen and Personnel Board

**Motion:** That the Town take affirmative action on Article 5(1)-(4) as printed in the Warrant, based on (5) there having been no other changes voted by the Personnel Board between January 4, 2010 and April 26, 2010.

**Reason:** routine and non-controversial

**Article 13**

*Property Tax Exemption*

**Affirmative Action Recommended By:**

Finance Committee, Board of Selectmen and Board of Assessors

**Motion:** That the Town take affirmative action on Article 13 as printed in the Warrant.

**Reason:** routine (voted last year on consent calendar)

**Article 14**

*Light Plant Payment in Lieu of Taxes*

**Affirmative Action Recommended by:**

Finance Committee, Board of Selectmen and Light Board

**Motion:** That the Town take affirmative action on Article 14 as printed in the Warrant in the amount of \$380,000.

**Reason:** routine (voted last year on consent calendar)

**Article 16**

*Road Repair Revolving Fund Expenditures*

**Affirmative Action Recommended By:**

Finance Committee, Board of Selectmen, and Public Works Commission

**Motion:** That the Town take affirmative action on Article 16 as printed in the Warrant, in an amount not to exceed \$120,000.

**Reason:** routine (revolving fund, voted last year on consent calendar)

**Article 17**

*Solid Waste Disposal Fund Expenditures*

**Affirmative Action Recommended by:**

Finance Committee, Board of Selectmen, and Public Works Commission

**Motion:** That the Town take affirmative action on Article 17 as printed in the Warrant.

**Reason:** Routine (enterprise fund, voted last year on consent calendar)

**Article 18**

*Sewer System Expenditures*

**Affirmative Action Recommended by:**

Finance Committee, Board of Selectmen, and Public Works Commission

**Motion:** That the Town take affirmative action on Article 18 as printed in the Warrant.

**Reason:** Routine (enterprise fund, voted previously on consent calendar)

## Article 19

### *Sewer Improvement Fund Expenditures*

#### **Affirmative Action Recommended by:**

Finance Committee, Board of Selectmen, and Public Works Commission

**Motion:** That the Town take affirmative action on Article 19 as printed in the Warrant.

**Reason:** routine (enterprise fund, voted last year on consent calendar)

## Article 20

### *Water System Expenditures*

#### **Affirmative Action Recommended by:**

Finance Committee, Board of Selectmen, and Public Works Commission

**Motion:** That the Town take affirmative action on Article 20 as printed in the Warrant.

**Reason:** routine (enterprise fund, voted last year on consent calendar)

## Article 30

### *Ambulance Replacement*

#### **Affirmative Action Recommended by:**

Finance Committee and Board of Selectmen

**Motion:** That the Town take affirmative action on Article 30 as printed in the Warrant in the amount of \$200,000 from borrowing.

**Reason:** This Article is non-controversial and Town Meeting voted for similar emergency vehicles on previous consent calendars.

## Article 41

### *Zoning Bylaw Amendment : Nonconforming Uses and Structures*

#### **Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 41 as printed in the Warrant.

**Reason:** non-controversial.

## Article 42

### *Zoning Bylaw Amendment – Planned Residential Development*

#### **Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 42 as printed in the Warrant.

**Reason:** non-controversial.

## Article 43

### *Zoning Bylaw Amendment: Groundwater Conservancy District*

#### **Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 43 as printed in the Warrant.

**Reason:** non-controversial.

## Article 48

### *Zoning Bylaw Amendment: Flood Plain Conservancy District*

#### **Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 48 as printed in the Warrant.

**Reason:** non-controversial.

## Article 49

*Zoning Bylaw Amendment: Definition—Ceiling Height*

**Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 49 as printed in the Warrant.

**Reason:** non-controversial.

## Article 50

*Zoning Bylaw Amendment: Table I—Principal Use Regulations*

**Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 50 as printed in the Warrant.

**Reason:** non-controversial.

## Article 51

*Zoning Bylaw Amendment – Table II – Accessory Use Regulations*

**Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 51 as printed in the Warrant.

**Reason:** non-controversial.

## Article 54

*Zoning Bylaw Amendment : Spelling Corrections*

**Affirmative Action Recommended By:**

Board of Selectmen and Planning Board

**Motion:** That the Town take affirmative action on Article 54 as printed in the Warrant.

**Reason:** non-controversial.

## Article 66

*Revisions to Sale of Tobacco to Minors Bylaw*

**Affirmative Action Recommended By:**

Board of Selectmen and Board of Health

**Motion:** That the Town take affirmative action on Article 66 as printed in the Warrant.

**Reason:** non-controversial.

## Article 67

*Revisions to Smoking in Food Establishments Bylaw*

**Affirmative Action Recommended By:**

Board of Selectmen and Board of Health

**Motion:** That the Town take affirmative action on Article 67 as printed in the Warrant.

**Reason:** non-controversial.

## Article 69

*Debt Rescission*

**Affirmative Action Recommended By:**

Finance Committee and Board of Selectmen

**Motion:** That the Town take affirmative action on Article 69 as printed in the Warrant.

**Reason:** non-controversial, Town Meeting has voted for similar debt rescission articles on previous consent calendars.

## Article 70

*Amendments to Historic Districts Commission Special Act*

**Affirmative Action Recommended By:**

Board of Selectmen and Historic Districts Commission

**Motion:** That the Town take affirmative action on Article 70 as printed in the Warrant.

**Reason:** non-controversial (voted favorably by 2007 Town Meeting).

February 2010

Dear Concord Voter:

We encourage you to read these articles carefully and to participate in our Town Meeting process.

Over the next several months, you will have numerous opportunities to participate actively in the democratic process of Town Government by electing Town Officials, attending hearings and taking action at Town Meeting on the wide range of subjects described in the accompanying Warrant. This brief introduction summarizes the activities leading up to the elections and to the Town Meeting.

**TOWN CAUCUS:** Nominations of candidates for election are made at the Town Caucus (which was held on Monday, January 25, 2010, at 7:30 PM at the Town House in the Hearing Room). The Caucus is a non-partisan meeting which is open to all registered voters. It may nominate two candidates for each elective office. Caucus nominees will be on the ballot for the Town Election which will be held on Tuesday, March 23, 2010. The deadline for unregistered residents to register to vote at the Town Election is Wednesday, March 3, 2010.

**WARRANT:** The publication of the Warrant is the first event leading up to Town Meeting. The Warrant serves as the agenda for the Meeting; it is a combination of proposals by the Town's committees and professional staff, and those brought by petitions signed by at least 10 registered voters. Each Article on the Warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action. Any Motion made under an Article at Town Meeting must fit within the scope of that Article as presented in the Warrant. The Motion will often be more specific, however. For example, estimated amounts may be replaced by more precise figures in appropriation Articles, or the details of a zoning Article may be refined to make the intended action more workable as a result of discussion during the hearing process.

Some Articles provide for various funding methods. The phrase, "**raise and appropriate**" means funding through the property tax levy. The phrase "**transfer from available funds**" means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes. Finally, the Treasurer may be authorized "**with the approval of the Board of Selectmen, to borrow ...**". This means the issuance of debt for which the Town commits its credit to make future repayment of the loan with interest. The Motion made under a financial Article will always specify the financing method from among the possible options. The amount of money in the Motion may vary up or down from the amount appearing in the Article text.

**Does the majority always rule?** Some votes require super majority votes in accordance with State Law. These include Articles authorizing the issuance of debt and zoning bylaws. You will be informed by the Moderator when a Motion is made under an Article whether a 2/3rds or other super majority vote is required for passage.

**PUBLIC HEARINGS:** Following publication of the Warrant, a series of public hearings will be held in the Town House Hearing Room and the Willard School Auditorium as shown on the schedule at the end of this section. All are welcome and encouraged to attend the hearings which provide an opportunity to gain an in-depth understanding of the background and issues and serve three distinct purposes:

- Following a presentation by the sponsor of an Article, citizens have the opportunity to ask questions and obtain information and may provide their own input.

- The hearings aid various Boards and Committees in deciding what recommendations they will make to the voters at Town Meeting on those Articles.
- Sponsors of an Article hear the same input and may decide to modify or withdraw their proposal before final presentation at Town Meeting.

After the hearings, the Finance Committee, which consists of fifteen (15) citizens appointed by the Moderator, will prepare its report to the Town. This report summarizes the Town's financial position, reports on various issues, and makes recommendations to Town Meeting on each Article with financial impact. The recommendations of the Selectmen on all Articles are also included in the report.

<b>SCHEDULE OF PUBLIC HEARINGS</b> <b>Held at the Town House in the Hearing Room</b>			
<b>Committee</b>	<b>Articles</b>	<b>Time</b>	<b>Date</b>
Finance Committee: Town Budget, related Articles and Town Capital Articles	3, 5-7, 10-13, 16, 22, 23, 30-33, 38-40, 57, 58, 69	7:30 PM	Monday, February 22
Finance Committee: School Budgets & Articles Community Preservation Committee Articles	8, 9, 24-29, 34-37	7:30 PM	Wednesday, February 24
Board of Selectmen	1, 2, 4, 59-68, 70	7:30 PM	Monday, March 1
Finance Committee: Enterprise Funds Budgets & Articles	14, 15, 17-21	7:30 PM	Monday, March 22
<b>Held at the Willard School Auditorium</b>			
Planning Board	41-56	7:30 PM	Wednesday, March 3

**SPECIAL ARRANGEMENTS OR NEEDS:** Anyone with a disability requiring special arrangements for the Public Hearings or Town Meeting should contact Douglas Meagher, Deputy Town Manager/ADA Coordinator at (978) 318-3000.

**TOWN MEETING:** On Monday, April 26, 2010 at 7:00 PM, Town Meeting will convene at the Concord-Carlisle Regional High School. All registered voters are eligible to attend and vote.

The deadline for unregistered residents to register to vote at the Town Meeting is Wednesday, March 3, 2010. Attendees must check in with the Town Clerk's staff in the lobby. (The section letters along the aisles are used by the Tellers in counting standing votes, but do not relate in any way to the precinct in which a voter resides).

The Moderator, who presides at the Meeting, is elected each year at the Annual Town Election. The Moderator will be on the stage, as will the Town Clerk. The Finance Committee and Selectmen, along with the Town Manager, will be seated at tables at the front of the Auditorium.

The Moderator will call each Article and its sponsor will make a Motion. After the Motion has been seconded, debate will start according to Town Meeting Rules of Order as set forth in the book, Town Meeting Time. The Moderator will recognize the speakers, rule on Motions and amendments with respect to conformance to parliamentary procedure, and call for votes. The recommendations of Town Committees may be made on each Article. For additional information on the conduct of the Meeting, refer to the pamphlet "Concord Town Meeting Traditions and Procedures" which is available from the Town Clerk's office in the Town House or in the lobby as you enter Town Meeting.

Article Three, "Meeting Procedure," has been submitted by the Finance Committee to address the special constraints placed on Town Meeting by "Proposition 2½." Additional information on the Town's status relative to Proposition 2½ will be presented in the Report and Recommendations of the Concord Finance Committee to be published and mailed to all residents in April.

We will again use a Consent Calendar, which is intended to expedite action on Articles that are expected to be non-controversial. (A full explanation will appear in the Finance Committee Report which will be mailed to residents in April.) Also consistent with our recent procedures, certain Articles that attract a high level of community interest may be scheduled for specific dates and times. (Please watch for advance notice in the local media.) Other Articles will be taken up in accordance with the order of the Warrant until the conclusion of the Warrant.

Town Meeting is an important democratic institution open to all Concord registered voters. The procedures are simple, and all have a right to attend and be heard. On each Article you will hear a formal presentation and recommendations from citizen committees. You may speak on the issues if you wish, and then cast your vote. By this process, the decisions made are based on the collective will and wisdom of the Meeting. We encourage your active participation, particularly for those Articles that are of greatest importance to you.

If you would like to serve your community as a volunteer member of a Town Board or Committee, or on a short-term assignment, bring yourself to the attention of the appointing authorities by filling out a "Green Card" and submitting it to the Secretary to the Board of Selectmen in the Town House. See pages 63-65 of this Warrant for further information and a tear-out copy of the "Green Card."

Respectfully,

Stanly E. Black

Gregory P. Howes

Virginia McIntyre

Jeffrey S. Wieand

Edward N. Perry

MODERATOR

Elise F. Woodward

BOARD OF SELECTMEN

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR THE ANNUAL TOWN MEETING 2010**

Middlesex, ss.

To any of the Constables of the Town of Concord, in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at 7:00 AM, on Tuesday, the twenty-third day of March next, as follows, all in said Concord

Those residing in Precinct No. 1 – at 141 Keyes Road, Dept. of Planning & Land Management;

Those residing in Precinct No. 2 - at the Harvey Wheeler Community Center;

Those residing in Precinct No. 3 - at the Harvey Wheeler Community Center;

Those residing in Precinct No. 4 - at the Ripley School;

Those residing in Precinct No. 5 - at the Hunt Gymnasium;

by posting a printed copy of this Warrant, by you attested, at the Town House and in at least one public location in each precinct in Concord, at least seven days before the said twenty-third day of March, then and there to act on the following articles:

ARTICLE 1. To bring in their votes on one ballot for the following Town Officers:

One Moderator	for one year
Two for Board of Selectmen	for three years
Two for School Committee	for three years

The polls will be open at 7:00 AM, and will be closed at 8:00 PM.

You are further required in the name of the Commonwealth of Massachusetts to notify the legal voters of said Town of Concord, as aforesaid, to meet at the Concord-Carlisle Regional High School, 500 Walden Street, in said town, on Monday, the twenty-sixth day of April next, at seven o'clock in the evening, then and there to act upon the following articles:

**CHOOSE TOWN OFFICERS**

ARTICLE 1. To choose all necessary Town Officers and Committees.

**HEAR REPORTS**

ARTICLE 2. To hear and act upon the reports of Town Officers and Committees.

**MEETING PROCEDURE**

ARTICLE 3. To determine whether the Town will adopt a rule of the meeting governing requirements on Motions and amendments to Motions made at this meeting under Articles concerned with expenditures, in order to assure compliance with the requirements of Chapter 59, Section 21C of the Massachusetts General Laws (generally referred to as "Proposition 2 ½"), or take any other action relative thereto.

*The motion to be made by the Finance Committee will specify that every motion to appropriate funds will be required to identify the source of funding. This meeting procedure has been adopted by Town Meeting for a number of years.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommendation will be made at Town Meeting**

**SECRET BALLOT VOTING PROCEDURE**

**ARTICLE 4.** To determine whether the Town will vote to establish a rule for the 2010 Annual Town Meeting which will permit less than a majority of those present to require that a matter shall be voted on by secret ballot, or take any other action relative thereto.

**No motion is expected**

**RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS**

**ARTICLE 5.** To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows:

1. Remove the classification title of "Energy Services/Communications Administrator" from Grade Number MP-3 of the Compensation Plan for Managerial-Professional employees, effective December 10, 2009.
2. Add the classification title of "Energy Conservation Coordinator" to Grade Number MP-3 of the Compensation Plan for Managerial-Professional employees, effective December 10, 2009.
3. Add the classification title of "Customer Service Administrator" to Grade Number MP-3 of the Compensation Plan for Managerial-Professional employees, effective December 10, 2009.
4. Add the classification title of "Senior Budget & Operations Analyst" to Grade Number MP-3 of the Compensation Plan for Managerial-Professional employees, effective December 10, 2009.
5. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 4, 2010, and April 26, 2010.

or take any other action relative thereto.

*The Town Manager has authority to create and modify positions throughout the fiscal year; titles and salary ranges are determined using the Town's established classification system. Under the Personnel Bylaw, the Personnel Board is authorized to approve temporary changes in the Classification and Compensation Plans, pending ratification of such actions at the next Town Meeting. Four actions taken appear in the Warrant; if additional actions are taken, notice will be filed with the Town Clerk and details will be presented at Town Meeting.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

**CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS**

**ARTICLE 6.** To determine whether the Town will vote to amend the Classification and Compensation Plan for all regular-status Town positions by adopting the following schedules to become effective July 1, 2010, or take any other action relative thereto:

**CLASSIFICATION AND COMPENSATION PLAN**  
Effective July 1, 2010

**ADMINISTRATIVE-CLERICAL-LIBRARY**

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>ACL-1</b> Recreation Clerk	<b>Hourly</b>	14.92	17.84	20.75
<b>ACL-2</b> Account Clerk Department Clerk Library Assistant Senior Recreation Clerk Utility Account Clerk	<b>Hourly</b>	16.66	19.91	23.16
<b>ACL-3</b> Branch Library Assistant Circulation Assistant Senior Account Clerk Senior Department Clerk Senior Library Assistant	<b>Hourly</b>	18.89	22.58	26.27
<b>ACL-4</b> Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant	<b>Hourly</b>	20.40	24.39	28.37
<b>ACL-5</b> Assistant Town Clerk Human Resources Assistant Senior Administrative Assistant Senior Circulation/Administrative Assistant Technical Services Assistant	<b>Hourly</b>	21.81	26.07	30.32
<b>ACL-6</b> Finance Assistant	<b>Hourly</b>	22.56	26.97	31.38
<b>ACL-7</b> Executive Assistant to the Town Manager	<b>Hourly</b>	24.93	29.80	34.67

**TRADES-CRAFTS-LABOR**

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>TCL-1</b> Building Custodian	<b>Hourly</b>	14.72	17.59	20.46
<b>TCL-2</b> Building Maintenance Custodian Laborer/Truck Driver	<b>Hourly</b>	16.63	19.87	23.11

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>TCL-3</b>	<b>Hourly</b>	<b>18.29</b>	<b>21.86</b>	<b>25.43</b>

Building Systems Custodian  
Cemetery Specialist  
Equipment Operator  
Park & Tree Specialist  
Water/Sewer System Maintainer

<b>TCL-4</b>	<b>Hourly</b>	<b>20.47</b>	<b>24.47</b>	<b>28.47</b>
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Equipment/Line Operator  
Master Mechanic  
Park & Tree Specialist (Aerial)  
Senior Park & Tree Specialist

<b>TCL-5</b>	<b>Hourly</b>	<b>22.66</b>	<b>27.09</b>	<b>31.52</b>
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Cemetery Supervisor  
Crew Leader  
Senior Master Mechanic  
Treatment Systems Operator

<b>TCL-6</b>	<b>Hourly</b>	<b>25.46</b>	<b>30.43</b>	<b>35.40</b>
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Fleet Supervisor

<b>TCL-7</b>	<b>Hourly</b>	<b>28.25</b>	<b>33.77</b>	<b>39.29</b>
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Public Works Supervisor

#### MANAGERIAL-PROFESSIONAL

*Annual rates are based on 40 hour base week and will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>MP-1</b>	<b>Annual</b>	<b>40,518</b>	<b>50,517</b>	<b>60,515</b>

Aquatics Supervisor  
Engineering Aide  
Engineering Technician  
Recreation Supervisor  
Special Collections Assistant

<b>MP-2</b>	<b>Annual</b>	<b>45,725</b>	<b>57,007</b>	<b>68,289</b>
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Assistant Aquatics Coordinator  
Assistant Local Inspector  
Assistant Natural Resources Director  
Budget Analyst  
COA Program Supervisor  
Environmental Health Inspector  
Field Lister  
Information Systems Assistant  
Office Accountant  
Public Health Inspector  
Senior Engineering Technician  
Staff Librarian  
Utility Software Coordinator  
Water Conservation Coordinator

Grade Number & Class Title	Minimum	Mid-Point	Maximum
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<b>MP-3</b>	<b>Annual</b>	<b>53,955</b>	<b>67,268</b>	<b>80,581</b>
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Assistant Human Resources Director  
 Assistant Public Works Engineer  
 Assistant to the Water/Sewer Superintendent  
 Assistant Town  
 Accountant/Retirement  
 System Administrator  
 Aquatics Coordinator  
 Branch Librarian  
 Circulation Supervisor  
 Civil Engineer  
 Customer Service Administrator  
 Energy Conservation Coordinator  
 Environmental & Regulatory Coordinator  
 Fitness Coordinator  
 GIS Program Coordinator  
 Local Inspector  
 Management Analyst  
 Recreation Coordinator  
 Senior Budget & Operations Analyst  
 Senior Planner  
 Supervisor of Children's Services

<b>MP-4</b>	<b>Annual</b>	<b>57,683</b>	<b>71,916</b>	<b>86,149</b>
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Assistant Recreation Director  
 Budget & Purchasing Administrator  
 Financial Administrator  
 Council on Aging Director  
 Curator  
 Environmental Services Program Administrator  
 Natural Resources Director  
 Operations Engineer  
 Public Services Coordinator  
 Public Works Engineer  
 Technical Services Coordinator  
 Technology Director  
 Telecommunications Coordinator

<b>MP-5</b>	<b>Annual</b>	<b>62,045</b>	<b>77,354</b>	<b>92,663</b>
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Assistant Library Director  
 Deputy Fire Chief  
 Deputy Treasurer/Collector  
 Highway & Grounds Superintendent  
 Police Lieutenant  
 Public Health Director  
 Town Clerk

<b>MP-6</b>	<b>Annual</b>	<b>68,375</b>	<b>85,247</b>	<b>102,118</b>
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Building Commissioner  
 Deputy Police Chief  
 Human Resources Director  
 Town Accountant  
 Town Appraiser

Grade Number & Class Title	Minimum	Mid-Point	Maximum
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<b>MP-7</b>	<b>Annual</b>	<b>78,294</b>	<b>97,613</b>	<b>116,932</b>
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Director of Planning & Land Management  
 Library Director  
 Recreation Director

<b>MP-8</b>	<b>Annual</b>	<b>87,227</b>	<b>108,751</b>	<b>130,274</b>
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Deputy Town Manager  
 Fire Chief  
 Police Chief  
 Public Works Director

<b>MP-9</b>	<b>Annual</b>	<b>95,598</b>	<b>119,188</b>	<b>142,777</b>
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Finance Director

**ELECTRICAL LABOR**

Grade Number & Class Title	Minimum	Mid-Point	Maximum
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<b>EL-1</b>	<b>Hourly</b>	<b>16.47</b>	<b>19.69</b>	<b>22.90</b>
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Meter Reader

<b>EL-2</b>	<b>Hourly</b>	<b>20.09</b>	<b>24.02</b>	<b>27.95</b>
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Lineworker, Grade 3  
 Meter Technician

<b>EL-3</b>	<b>Hourly</b>	<b>25.50</b>	<b>28.51</b>	<b>31.52</b>
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Lineworker, Grade 2  
 Utility Electrician

<b>EL-4</b>	<b>Hourly</b>	<b>31.66</b>	<b>35.40</b>	<b>39.14</b>
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Lineworker, Grade 1

<b>EL-5</b>	<b>Hourly</b>	<b>33.15</b>	<b>37.06</b>	<b>40.97</b>
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Lead Lineworker

<b>EL-6</b>	<b>Hourly</b>	<b>35.70</b>	<b>39.92</b>	<b>44.13</b>
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Line Supervisor

**ELECTRICAL MANAGEMENT**

*Annual rates are based on 40 hour base week and will be prorated for part-time schedules.*

Grade Number & Class Title	Minimum	Mid-Point	Maximum
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<b>EM-1</b>	<b>Annual</b>	<b>55,231</b>	<b>66,015</b>	<b>76,799</b>
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Meter Supervisor

	Minimum	Mid-Point	Maximum
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## Grade Number &amp; Class Title

<b>EM-2</b> Electrical Engineer	<b>Annual</b>	<b>63,391</b>	<b>75,768</b>	<b>88,145</b>
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<b>EM-3</b> Assistant CMLP Director Engineering & Operations Manager	<b>Annual</b>	<b>75,405</b>	<b>90,128</b>	<b>104,850</b>
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<b>EM-4</b> CMLP Director	<b>Annual</b>	<b>101,925</b>	<b>121,826</b>	<b>141,726</b>
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**SWIM & FITNESS**

## Grade Number &amp; Class Title

Minimum

Mid-Point

Maximum

<b>SF-1</b> Swim/Fitness Specialist	<b>Hourly</b>	<b>8.00</b>	<b>34.00</b>	<b>60.00</b>
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*Effectively, with annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plan keeps our salaries competitive in the employment market, maintains internal equity of salary ranges, maintains comparability with salaries of unionized employees, and keeps pace with changes in the cost of living. This Article does not control the amount of the actual salary increases to be received by employees in FY11. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

**TOWN BUDGET**

**ARTICLE 7.** To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2011, or take any other action relative thereto:

<b>General Fund Operating Budget</b>				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2009 Expenses</b>	<b>Fiscal 2010 Appropriation</b>	<b>Fiscal 2011 Proposal</b>
<b>General Government</b>				
<b>\$ 2,037,276 is 6.3% of Total</b>				
1	Town Manager's Office			
	A. Town Manager	\$ 299,204	\$ 308,507	\$ 286,423
	B. Town-Wide Building Maintenance	135,000	135,000	150,000
	C. Human Resources	156,857	158,141	152,539
	<b>Total</b>	<b>591,060</b>	<b>601,648</b>	<b>588,962</b>
2	Legal Services	219,565	250,000	225,000
3	Elections and Registrars			
	A. Elections	29,175	23,706	33,524
	B. Registrars	10,539	10,062	8,328
	<b>Total</b>	<b>39,714</b>	<b>33,768</b>	<b>41,852</b>
4	Town Meeting and Reports	50,124	77,800	77,800
5	Planning			
	A. Planning Administration	225,526	273,103	230,669
	B. Board of Appeals	43,745	46,026	46,026
	C. Natural Resources	185,418	193,913	202,013
	D. Inspections	328,709	355,133	336,585
	E. Health	225,771	228,778	225,881
	<b>Total</b>	<b>1,009,169</b>	<b>1,096,953</b>	<b>1,041,174</b>
6	141 Keyes Road	62,400	71,454	62,488
	<b>Total General Government</b>	<b>\$ 1,972,033</b>	<b>\$ 2,131,623</b>	<b>\$ 2,037,276</b>
<b>Finance and Administration</b>				
<b>\$1,614,062 is 4.9% of Total</b>				
7	Finance Committee	2,615	3,100	3,100
8	Finance			
	A. Finance Administration	261,997	267,785	233,611
	B. Treasurer-Collector	228,889	243,115	239,952
	C. Town Accountant	121,811	125,940	125,752
	D. Assessors	371,512	381,937	355,655
	E. Town Clerk	189,766	206,434	196,497
	<b>Total</b>	<b>1,173,975</b>	<b>1,225,211</b>	<b>1,151,467</b>
9	Information Systems	307,912	349,089	357,089
10	Town House	91,988	94,591	102,406
	<b>Total Finance and Administration</b>	<b>\$ 1,576,490</b>	<b>\$ 1,671,991</b>	<b>\$ 1,614,062</b>

<b>General Fund Operating Budget</b>				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2009 Expenses</b>	<b>Fiscal 2010 Appropriation</b>	<b>Fiscal 2011 Proposal</b>
<b>Public Safety</b> <b>\$7,296,442 is 22.3% of Total</b>				
11	Police Department	3,644,407	3,741,748	3,702,146
12	Fire Department	3,257,520	3,323,137	3,322,820
13	West Concord Fire Station	40,675	47,594	40,443
14	Police-Fire Station	253,656	215,545	200,072
15	Emergency Management	15,494	12,810	12,810
16	Dog Officer	17,607	18,151	18,151
	<b>Total Public Safety</b>	<b>\$ 7,229,358</b>	<b>\$ 7,358,985</b>	<b>\$ 7,296,442</b>
<b>Public Works and Facilities</b> <b>3,419,540 is 10.4% of Total</b>				
17	Public Works			
	A. CPW Administration	143,229	151,702	151,695
	B. Engineering	411,602	313,123	286,218
	C. Highway Maintenance	1,079,367	1,098,245	1,084,327
	D. Parks and Trees	516,261	555,077	538,740
	E. Cemetery	57,940	67,420	59,520
	<b>Total</b>	<b>2,208,398</b>	<b>2,185,567</b>	<b>2,120,500</b>
18	Snow and Ice Removal	739,985	455,000	495,000
19	Street Lighting	57,186	64,120	50,000
20	CPW Equipment	278,000	278,000	270,000
21	Drainage Program	105,000	205,000	205,000
22	Sidewalk Management	90,000	100,000	100,000
23	Road Improvements	85,000	85,000	90,000
24	133/135 Keyes Road	94,758	94,763	89,040
	<b>Total Public Works and Facilities</b>	<b>\$ 3,658,327</b>	<b>\$ 3,467,450</b>	<b>\$ 3,419,540</b>
<b>Human Services</b> <b>\$2,319,693 is 7.1% of Total</b>				
25	Library	1,757,070	1,781,235	1,711,379
26	Recreation Administration	95,219	97,538	86,940
27	Hunt Recreation Center	112,553	76,281	75,173
28	Harvey Wheeler Community Ctr.	125,921	132,381	132,144
29	Council on Aging	217,932	231,586	234,534
30	Veterans	29,476	31,668	30,222
31	Ceremonies and Celebrations	23,855	23,650	23,483
32	Visitors' Center and Restroom	25,601	31,375	25,818
	<b>Total Human Services</b>	<b>\$ 2,387,627</b>	<b>\$ 2,405,714</b>	<b>\$ 2,319,693</b>

General Fund Operating Budget				
Item No.	Department	Fiscal 2009 Expenses	Fiscal 2010 Appropriation	Fiscal 2011 Proposal
<b>Unclassified</b> \$665,000 is 2.0% of Total				
33	Town Employee Benefits			
	A. Unused Sick Leave	62,500	60,000	80,000
	B. Public Safety Disability	978	4,000	2,500
	C. Employee Assistance Program	8,370	8,000	7,500
	<b>Total</b>	<b>71,848</b>	<b>72,000</b>	<b>90,000</b>
34	Reserve Fund*	-	225,000	225,000
*Transfers totaling \$78,168 were made to other accounts in Fiscal Year 2009				
35	Salary Reserve**	10,000	4,250	350,000
**Transfers totaling \$550,013 in Fiscal Year 2009 and \$295,750 in Fiscal Year 2010 (to date) were made to other accounts.				
36	Land Fund	-	15,000	-
	<b>Total Unclassified</b>	<b>81,848</b>	<b>316,250</b>	<b>665,000</b>
<b>SUBTOTAL FOR REFERENCE ONLY</b> Account 1-36		<b>\$ 16,905,684</b>	<b>\$ 17,352,013</b>	<b>\$ 17,352,013</b>
<b>Joint (Town - CPS)</b> \$15,393,950 is 47.0% of Total				
37	Insurance			
	A. Group Insurance	3,666,048	4,152,600	4,465,000
	B. Property/Liability	133,487	200,000	175,000
	<b>Total</b>	<b>3,799,535</b>	<b>4,352,600</b>	<b>4,640,000</b>
38	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	56,781	100,000	100,000
	B. Workers' Comp.	60,703	100,000	100,000
	<b>Total</b>	<b>117,484</b>	<b>200,000</b>	<b>200,000</b>
39	Retirement	2,450,000	2,500,000	2,750,000
40	Social Security and Medicare	512,633	545,000	580,000
41	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,051,184	2,008,385	2,284,000
	School Principal and Interest	773,270	971,511	748,000
	<b>Subtotal</b>	<b>2,824,454</b>	<b>2,979,896</b>	<b>3,032,000</b>
	Interest on Notes	99,444	140,104	138,000
	Other Debt Expense	6,744	30,000	30,000
	<b>Subtotal Within Levy Limit</b>	<b>2,930,642</b>	<b>3,150,000</b>	<b>3,200,000</b>
	B. Excluded Debt	3,295,166	3,973,397	4,023,950
	<b>Total Debt Service</b>	<b>6,225,808</b>	<b>7,123,397</b>	<b>7,223,950</b>
	<b>Total Joint (Town - CPS)</b>	<b>\$ 13,105,460</b>	<b>\$ 14,720,997</b>	<b>\$ 15,209,782</b>
	<b>Total Appropriation</b>	<b>\$ 30,011,144</b>	<b>\$ 32,073,010</b>	<b>\$ 32,745,963</b>

That the appropriation for equipment under these various line items is to be expended by the Town Manager. The Town Manager is authorized to turn in or sell at public auction the surplus equipment, the amount allowed or received therefor to be applied against the purchase of new equipment;

That the sum of \$14,000, state aid to libraries, be transferred to the use of the Library Committee for the purchase of books, periodicals, and subscriptions;

That the Town appropriate and transfer the sum of \$500 from the dog inoculation fees reserve account for the cost of the Board of Health's rabies clinic;

That the appropriation for salary reserve under line item 35 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2010 and thereafter pursuant to the salary schedules adopted under Article 7, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town authorize the sum of \$10,614.98 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #T5-1070 due and payable during FY 2011, pursuant to Article 46 of 1997 and the loan totaling \$200,000 executed on December 22, 1999 and having a final payment due February 1, 2021.

That the Town authorize the sum of \$70,317 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment of the Massachusetts Pollution Abatement Trust #T5-05-1234 due and payable during FY 2011, pursuant to Article 50 of 2004 and the loan totaling \$703,170 executed on March 18, 2009 and having a final payment date of July 15, 2018.

*The Town Budget Article provides for all General Fund (tax-supported) town operations and activities organized by Town Charter under the direction of the Town Manager. The appropriations to be presented for Town Meeting approval are within the spending guideline set by the Finance Committee in November 2009.*

**Finance Committee recommends affirmative action in the amount of \$32,561,795**

**Board of Selectmen recommends affirmative action in the amount of \$32,561,795**

**PUBLIC SCHOOL BUDGET**

**ARTICLE 8.** To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2011, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
Item No.	Department	Fiscal 2009 Adopted	Fiscal 2010 Adopted	Fiscal 2011 School Committee
1	Concord Public Schools Budget/Appropriation	\$27,206,200	\$27,699,200	\$27,699,200

*This article provides the annual operating budget for the Concord Public Schools. The proposed budget conforms to the spending guidelines set by the Finance Committee in November 2009.*

**Finance Committee recommends affirmative action in the amount of \$27,699,200**

**Board of Selectmen recommends affirmative action in the amount of \$27,699,200**

**REGIONAL SCHOOL BUDGETS**

**ARTICLE 9.** To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Concord-Carlisle Regional School District and for the Minuteman Vocational Technical Regional School District for the fiscal year ending June 30, 2011, or take any other action relative thereto.

<b>SCHEDULE A - CONCORD-CARLISLE REGIONAL HIGH SCHOOL AND MINUTEMAN REGIONAL HIGH SCHOOL BUDGETS</b>				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2009 Adopted</b>	<b>Fiscal 2010 Adopted</b>	<b>Fiscal 2011 School Committee</b>
1	Concord-Carlisle Regional High School Budget Assessment	\$21,381,332 \$13,488,028	\$22,494,531 \$14,082,173	\$23,502,927 \$14,591,803*
*(includes \$14,006,221 assessment for operating budget and \$585,582 assessment for debt exclusion)				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2009 Adopted</b>	<b>Fiscal 2010 Adopted</b>	<b>Superintendent's Proposed Budget &amp; Fiscal 2011 Assessment</b>
2	Minuteman Regional High School Budget Assessment	17,001,622 486,660	17,496,001 637,601	16,238,679 591,000 (est.)

*This article provides Concord's share of the annual operating budgets for the Concord-Carlisle Regional High School and the Minuteman Regional High School.*

**Finance Committee** recommends affirmative action, Item 1: \$14,588,665; Item 2: \$590,682  
**Board of Selectmen** recommends affirmative action, Item 1: \$14,588,665; Item 2: \$590,682

**ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE**

**ARTICLE 10.** To determine whether the Town will vote to authorize and direct the Assessors to take \$1,000,000, or any other sum, from the Elementary School Debt Stabilization Fund, established by vote under Article 10 of the 2008 Annual Town Meeting, to reduce the tax levy for the fiscal year ending June 30, 2011, or take any other action relative thereto.

*The 2008 Annual Town Meeting established this Stabilization Fund and transferred \$2.5 million from Free Cash effective July 1, 2009. Together with interest earned and added to the Fund, the current plan is to use the Fund over a five-year period, beginning in FY2011 and in declining annual amounts, to partially offset the debt service cost of the Alcott, Thoreau and Willard elementary school financing.*

**Finance Committee** recommends affirmative action in the amount of \$1,000,000 appropriated for debt service  
**Board of Selectmen** recommends affirmative action in the amount of \$1,000,000

### FREE CASH USE

**ARTICLE 11.** To determine whether the Town will vote to authorize and direct the Assessors to take \$600,000, or any other sum, from free cash to reduce the tax levy for the fiscal year ending June 30, 2011, or take any other action relative thereto.

*This article seeks Town Meeting approval to allocate a portion of the available General Fund balance to support the 2011 budget.*

**Finance Committee recommends affirmative action in the amount of \$600,000**

**Board of Selectmen recommends affirmative action in the amount of \$600,000**

### UNPAID BILLS

**ARTICLE 12.** To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, monies to pay the unpaid bills of prior years, or take any other action relative thereto.

*If there are unpaid bills of a prior year, state law requires that such bills be presented to the Town Meeting.*

**No motion is expected**

### PROPERTY TAX EXEMPTION

**ARTICLE 13.** To determine whether the Town will vote to accept the provisions of Section 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 Section 5 of Chapter 59 of the Massachusetts General Laws, or take any other action relative thereto.

*State law establishes property tax exemptions for disabled veterans, blind persons, and elderly citizens who meet certain income and asset limitation requirements. A portion of the foregone taxes resulting from these exemptions is reimbursed by the state. Another provision of state law allows municipalities the option of increasing the state-set exemption amounts by up to 100%, without further state sharing of the cost. This option must be voted annually; the Concord Town Meeting has done so since 2001. For example, the senior exemption is set by the state at \$500 and has been increased to \$1,000 by annual votes since 2005.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

### LIGHT PLANT PAYMENT IN LIEU OF TAXES

**ARTICLE 14.** To determine whether the Town will vote to authorize a transfer of \$380,000, or any other sum, 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, 2011, or take any other action relative thereto.

*This article authorizes the transfer of \$380,000 from the Operating Fund of the Light Plant to the General Fund as a Payment In Lieu Of Taxes (or PILOT) for fiscal year 2011. The amount is determined as the product of the net plant investment of the Light Plant on June 30 and the tax rate at the end of the year. This makes the PILOT equivalent to the amount an investor-owned utility with the same physical plant would pay in property taxes thus avoiding a subsidy from taxpayers to the Light Plant.*

**Finance Committee recommends affirmative action in the amount of \$380,000**

**Board of Selectmen recommends affirmative action in the amount of \$380,000**

### LIGHT PLANT EXPENDITURES

**ARTICLE 15.** To determine whether the Town will vote 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 under the direction and control of the Town Manager for the expenses of the Light Plant for said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws; and/or for other plant extensions, enlargements, additions, renewals and reconstruction, or take any other action relative thereto.

*This article authorizes the Town Manager, as Manager of the Light Plant, to expend the income received by the Light Plant from the sale of electricity along with other departmental income to be used for the purposes of operating the department for the Fiscal Year. This is a routine annual action.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

### ROAD REPAIR REVOLVING FUND EXPENDITURES

**ARTICLE 16.** To determine whether the Town will vote that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way in accordance with the Motion passed under Article 47 of the 1992 Annual Town Meeting, in an amount not to exceed the sum of \$120,000, or any other sum, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways, to be managed and expended by the Town Manager in accordance with Chapter 44, Section 53E½ of the Massachusetts General Laws, or take any other action relative thereto.

*Consistent with Article 47 of the 1992 Annual Town Meeting, this Article authorizes up to \$120,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in fiscal year 2011 for repairing, restoring, maintaining and inspecting the Town's public ways. This is a routine annual action, with the amount of the authorization dependent upon the available unreserved balance of the Fund at the time of the vote.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

### SOLID WASTE DISPOSAL FUND EXPENDITURES

**ARTICLE 17.** To determine whether the Town will vote that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 27 of the 1989 Annual Town Meeting, or take any other action relative thereto.

*Consistent with Article 27 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Solid Waste Disposal Fund and user fee revenue in fiscal year 2011 to be used to operate the Town's "pay-as-you-throw" curbside solid waste and recycling collection and disposal program. The Program consists of two major components: curbside collection and disposal including recycling and Drop-Off Days; and the operation and maintenance of the Town's Composting Site including the former landfill. This is a routine annual action.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

### SEWER SYSTEM EXPENDITURES

**ARTICLE 18.** To determine whether the Town will vote 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 under the direction and control of the Town Manager in accordance with the Motion passed under Article 37 of the 1976 Annual Town Meeting, or take any other action relative thereto.

*Consistent with Article 37 of the 1976 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Fund and fiscal year 2011 revenue for the operation and maintenance and improvement of the Town's sewer system. Similar to the Town's Water and Light Plant Funds, the Sewer Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. At the present time approximately one-third of Concord's residences and many businesses and institutions are connected to the Town's municipal sewer system. This is a routine annual action.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

#### SEWER IMPROVEMENT FUND EXPENDITURES

**ARTICLE 19.** To determine whether the Town will vote that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 25 of the 1989 Annual Town Meeting and applicable state enabling statutes, or take any other action relative thereto.

*Consistent with Article 25 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund (a sub-fund within the Sewer Enterprise) and fiscal year 2011 fees for constructing and expanding the Town's sewer lines and treatment facility capacities. Sewer improvement fees are charged to certain properties connecting to the sewer system or for expansion. This is a routine annual action.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

#### WATER SYSTEM EXPENDITURES

**ARTICLE 20.** To determine whether the Town will vote that the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 38 of the 1974 Annual Town Meeting, or take any other action relative thereto.

*Consistent with Article 38 of the 1974 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2011 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Light Plant Funds, the Water Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. Almost all of Concord's residences and businesses/institutions are connected to the Town's municipal water system. This is a routine annual action.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

#### BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND: FY 2011 BUDGET

**ARTICLE 21.** To determine whether the Town will vote to appropriate the amount required for the total expenses of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2010 (FY2011) for the operation of the Community Pool, in accordance with Chapter 44, section 53F ½ of the Massachusetts General Laws and Acts, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

*This Article enacts the operating budget for the Community Swim and Fitness Center. The facility is self-supporting from its own revenues. State law applicable to this enterprise fund, adopted by the 2005 Town Meeting, requires that a budget be enacted by Town Meeting. No tax funds are involved. In 2009, Town Meeting appropriated \$2,434,400 for this purpose.*

**Finance Committee** recommends affirmative action in the amount of \$2,436,409 from fund revenues for FY11 operations and \$120,000 from the unrestricted fund balance of June 30, 2009 for capital equipment.

**Board of Selectmen** recommends affirmative action in accordance with the Finance Committee

#### 2011 ROAD PROGRAM

**ARTICLE 22.** To determine whether the Town will vote to appropriate the sum of \$700,000, or any other sum, for the reconstruction or renovation of roads and streets within the town; and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow the sum of \$700,000, or any other sum, under the provisions of Chapter 44, Sections 7(5) and/or 7(6) of the Massachusetts General Laws, said funds to be expended under the direction of the Town Manager; and further that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose, and that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, Sections 6 and/or 6A, of the Massachusetts General Laws, in anticipation of reimbursement of this amount, or take any other action relative thereto.

*This Article authorizes the Treasurer to borrow \$700,000 for the repair, reconstruction or renovation of Concord's roads. Combined with expected state road aid and \$90,000 requested under Article 7, item 23, funds will be used to protect and replace Concord's 103 miles of public roads. This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.*

**Finance Committee** recommends affirmative action in the sum of \$700,000 from borrowing

**Board of Selectmen** recommends affirmative action

#### NAGOG POND WATER SUPPLY SYSTEM IMPROVEMENTS

**ARTICLE 23.** To determine whether the Town will vote to appropriate the sum of \$1,900,000, or any other sum, for the construction of water supply and water treatment facilities and improvements associated with Nagog Pond reservoir, Nagog dam and the Route 2A pump station including engineering, permitting and other related services and costs necessary for said facilities and improvements; and that to meet this appropriation the Treasurer with the approval of the Board of Selectman be authorized to borrow the sum of \$1,900,000, or any other sum, under the provisions of Section 8 of Chapter 44 of the Massachusetts General Laws, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

*This \$1,900,000 debt authorization will provide for the rehabilitation of the 60 year old Route 2A pump station including the addition of a new ultraviolet disinfection process to achieve regulatory compliance as required by the Long-term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) scheduled to go into effect in October 2013. In addition, based on needs identified in the Phase 2 Nagog dam investigation currently underway, engineering design and/or construction will be initiated for the Nagog Dam which was originally constructed in 1909 and, following a 2009 Phase I dam investigation, has been determined to be in poor condition and rated as a significant hazard by the Department of Conservation and Recreation, Office of Dam Safety. Engineering design of the 1,800 foot Nagog Pond water intake line and 6,000 foot suction line are also included within this budget.*

**Finance Committee** recommends affirmative action in the sum of \$1.9 million from borrowing supported by the Water Fund

**Board of Selectmen** recommendation will be made at Town Meeting

### CONCORD PUBLIC SCHOOLS RENOVATIONS

**ARTICLE 24.** To determine whether the Town will vote to raise and appropriate or transfer available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$600,000, or any other sum, under provisions of Section 7 of Chapter 44 of the Massachusetts General Laws, for the purpose of remodeling, reconstructing or making extraordinary repairs for equipment, and for related work at various Concord Public School facilities, or take any other action relative thereto.

*This article authorizes the Treasurer to borrow \$600,000 for remodeling, reconstruction and extraordinary repairs, and related work at various Concord Public School facilities. This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the Levy Limit.*

**Finance Committee recommends affirmative action in the sum of \$600,000 from borrowing**  
**Board of Selectmen recommends affirmative action**

### CONCORD PUBLIC SCHOOLS TECHNOLOGY STABILIZATION FUND CREATION AND FUNDING

**ARTICLE 25.** To determine whether the Town will vote to establish a Stabilization Fund, pursuant to Section 5B of Chapter 40 of the Massachusetts General Laws, for the purpose of reserving funds to lower future tax levy impacts of operating budgets for Concord Public Schools technology equipment replacements and networking service upgrades, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law; and further, that the sum of \$25,000, or any other sum, be transferred from available funds originally appropriated for the operation of the public schools of the town for the fiscal year ending June 30, 2009 and encumbered at that year end for capital equipment purposes, said sum to be transferred into the Concord Public Schools Technology Stabilization Fund effective July 1, 2010, or take any other action relative thereto.

*This Article seeks Town Meeting approval to create a Technology Stabilization Fund and authorization to transfer into the newly created fund monies encumbered from prior year school budgets for technology expenses. The Technology Stabilization Fund is invested by the Town Treasurer.*

**Finance Committee recommends affirmative action**  
**Board of Selectmen recommends affirmative action**

### TRANSFER OF FUNDS TO CONCORD PUBLIC SCHOOLS CAPITAL NEEDS STABILIZATION FUND

**ARTICLE 26.** To determine whether the Town will vote to transfer the sum of \$130,000, or any other sum, from available funds originally appropriated for the operation of the public schools of the town for the fiscal year ending June 30, 2008 and encumbered at that year end for capital purposes, and to transfer the sum of \$130,000, or any other sum, from available funds originally appropriated for the operation of the public schools of the town for the fiscal year ending June 30, 2009 and encumbered at that year end for capital purposes, said sums to be transferred to the Concord Public Schools Capital Needs Stabilization Fund established by vote under Article 32 of the 2006 Annual Town Meeting, or take any other action relative thereto.

*This Article seeks Town Meeting approval to transfer into the existing Capital Needs Stabilization Fund monies encumbered from prior year school budgets for capital expenses. The Stabilization Fund is invested by the Town Treasurer.*

**Finance Committee recommends affirmative action**  
**Board of Selectmen recommends affirmative action**

**CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT TECHNOLOGY STABILIZATION FUND  
CREATION AND FUNDING**

**ARTICLE 27.** To determine whether the Town will vote to authorize the Concord-Carlisle Regional School District Treasurer to establish a Stabilization Fund, pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws, for the purpose of reserving funds to lower future tax levy impacts of operating budgets for Concord-Carlisle Regional School District technology equipment replacements and networking service upgrades, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law; and further, that the sum of \$5,800 be transferred from the available year end balance reserved at June 30, 2009 and transferred into said Stabilization Fund effective July 1, 2010, or take any other action relative thereto.

*This Article seeks Town Meeting approval for the Regional School District to create a Technology Stabilization Fund and authorization to transfer into the newly created fund monies encumbered from prior year school budgets for technology expenses. The Technology Stabilization Fund is invested by the Concord-Carlisle Regional School District Treasurer. As with any Stabilization Fund, a two-thirds vote of the Town Meeting is required to put money into such fund or to take money out for a specific technology purpose.*

**Finance Committee recommends affirmative action**  
**Board of Selectmen recommends affirmative action**

**CONCORD-CARLISLE HIGH SCHOOL/MSBA FEASIBILITY STUDY**

**ARTICLE 28.** To determine whether the Town will vote to approve the sum of \$1,300,000, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee to be expended, as advised and recommended by the Regional School Building Committee, and as approved by the Concord-Carlisle Regional School District's appointed Chief Procurement Officer, for the CCHS Feasibility Study & Schematic Design, Concord-Carlisle High School, 500 Walden Street, Concord, MA, for which feasibility study the Concord-Carlisle Regional School District may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Concord-Carlisle Regional School District incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Concord-Carlisle Regional School District, or take any other action relative thereto.

*This Article seeks Town Meeting approval to authorize the Concord-Carlisle Regional School District Treasurer to borrow funds for procuring feasibility study and schematic design services. The Massachusetts School Building Authority requires that the Regional School District be authorized to borrow the full amount of the appropriation, including such portion that may be reimbursed by the Authority.*

**Finance Committee recommends affirmative action contingent upon approval by a debt exclusion ballot vote.**  
**Board of Selectmen recommends affirmative action**

**MINUTEMAN CAREER & TECHNICAL HIGH SCHOOL FEASIBILITY STUDY**

**ARTICLE 29.** To determine whether the Town will vote to approve the sum of \$1,100,000, or any other sum of debt authorized by the Minuteman Regional Vocational Technical School District for the purpose of paying costs of a Feasibility Study to consider options for making improvements to the District's High School Building located at 758 Marrett Road, Lexington, MA, which options shall include but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District High School, or any combination of the foregoing, said sum to be expended at the direction of the School Building Committee, for which feasibility study the Minuteman Regional Vocational Technical School District may be eligible for a grant from the Massachusetts School Building Authority.. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Minuteman Regional Vocational Technical School District incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA, shall be the sole responsibility of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

**Finance Committee recommends affirmative action in the sum of \$725,000**

**Board of Selectmen recommends affirmative action**

**AMBULANCE REPLACEMENT**

**ARTICLE 30.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Section 7(9) Chapter 44, of the Massachusetts General Laws, the sum of \$200,000, or any other sum, for the purchase of a Fire Department front line ambulance, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

*This Article authorizes the Treasurer to borrow \$200,000 for the replacement of a front line ambulance. This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.*

**Finance Committee recommends affirmative action in the sum of \$200,000 from borrowing**

**Board of Selectmen recommends affirmative action in the sum of \$200,000 from borrowing**

**LOCAL OPTION MEALS EXCISE**

**ARTICLE 31.** To determine whether the Town will vote to accept Section 2(a) of Chapter 64L of the Massachusetts General Laws, to impose a local meals excise of 0.75% (three quarters of one percent) on the sales of restaurant meals originating within Concord, effective July 1, 2010, or take any other action relative thereto.

*This General Law enacted in 2009 permits all municipalities, by local option, to adopt a local meals tax. Such tax would be added to the state meals tax and collected by the state for distribution back to the locality.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

**LOCAL OPTION ROOM OCCUPANCY TAX**

**ARTICLE 32.** To determine whether the Town will vote to amend its local room occupancy excise under Section 3A of Chapter 64G of the Massachusetts General Laws, presently set at 4%, to the rate of 6% effective July 1, 2010, or take any other action relative thereto.

*This General Law enacted in 2009 permits the Town to add up to an additional 2% to its existing 4% local room occupancy tax originally enacted in 1986. This tax is collected by the State for distribution back to the locality.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

**LOCAL OPTION LOCAL INCOME TAX**

**ARTICLE 33.** To determine whether the Town will vote to request the Board of Selectmen to ask our legislative representatives to file and seek passage of legislation that would permit cities and towns the option of adopting a local income tax on residents which would be collected by the state and returned to the municipality to reduce the local residential property tax rate, or take any other action relative thereto.

*This article is proposed by the Local Option Local Income Tax Committee which was appointed by the Board of Selectmen to "secure enabling legislation to permit Massachusetts cities and towns to adopt a local income tax." a recommendation of the 2005 Comprehensive Long Range Plan. The article seeks to give municipalities an option to relieve the growing property tax burden on middle and lower income homeowners. Another goal of this article is to attempt to preserve the historical diversity of our community which is threatened by*

*ongoing increases in the property tax. Eighteen (18) other states have adopted this funding mechanism. In Massachusetts such action would require state legislative action and potentially a state constitutional amendment.*

*Approval of this article does not institute such a tax, nor does it bind the Selectmen to request enabling legislation. The motion is intended to support the Selectmen in further pursuing this funding option. No personal financial information would be released to the Town by the State. The revenue collected would be returned to the Town by the State.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

**COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS**

**ARTICLE 34.** To determine whether the Town will vote to appropriate the sum of \$1,046,100, or any other sum, from the Concord Community Preservation Fund, of which up to \$13,855 shall be appropriated from the undesignated fund balance as of June 30, 2009 and up to \$1,032,245 shall be appropriated from projected Fiscal Year 2011 Fund Revenues, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Amount	Category	Source of Funds	
				Prior Year Fund Balance	FY10 CPA Fund Revenues
A	Concord Housing Authority – Peter Bulkeley Terrace	\$500,000	Community Housing		\$500,000
B	Concord Public Library Corporation – Fowler Library Renovations	\$375,000	Historic Preservation		375,000
C	Open Space Reserve Fund	87,925	Open Space	\$13,855	74,070
D	Town of Concord – Warner’s Pond Watershed Management Plan	43,175	50% Open Space, 50% Recreation		43,175
E	Concord Scout House, Inc. – Historic Structures Report	10,000	Historic Preservation		10,000
F	Town of Concord – Administrative Expenses	30,000	Administration		30,000
<b>Total</b>		<b>\$1,046,100.00</b>		<b>\$13,855</b>	<b>\$1,032,245</b>

or take any other action relative thereto.

*This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$500,000 for Community Housing, \$385,000 for Historic Preservation, \$109,512.50 for Open Space, \$21,587.50 for Recreation and \$30,000 for Administration pursuant to the recommendation of the Community Preservation Committee. Town Meeting may reduce or reject but may not increase the appropriation for any item proposed by the Committee.*

**Finance Committee recommends affirmative action in the amount of \$1,046,100**

**Board of Selectmen recommends affirmative action in the amount of \$1,046,100**

**COMMUNITY PRESERVATION COMMITTEE –  
PRESERVATION AND ACQUISITION OF THE CAESAR ROBBINS/PETER HUTCHINSON HOUSE**

**ARTICLE 35.** To determine whether the Town will vote to authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$300,000, or any other sum, under the provisions of Chapter 44, Section 7 and/or Chapter 44B of the Massachusetts General Laws, with the debt service on said borrowing to be paid from the Community Preservation Act Fund annual revenues, or by raising and appropriating, or by transfer from available funds, for the restoration, preservation, acquisition and/or relocation of the Caesar Robbins House and/or the property upon which it is currently situated at 324 Bedford Street and to authorize such restoration, preservation, acquisition and/or relocation on terms that are

acceptable to the Board of Selectmen, said funds to be expended under the direction of the Town Manager, and further to: (a) authorize the Selectmen and/or Town Manager to use the land at 324 Bedford Street for open space and/or the development of community housing, and/or to convey the land for community housing subject to an affordable housing restriction, or as surplus municipal property, on terms acceptable to the Board of Selectmen, (b) authorize the Selectmen and/or Town Manager to place a historic preservation restriction on the house, whether it remains at 324 Bedford Street or is relocated, and/or (c) authorize the Town Manager with the approval of the Board of Selectmen to lease the house to a non-profit organization, and/or (d) authorize the Selectmen and Town Manager to take such actions as may be necessary under State law or otherwise to effectuate the foregoing, or determine whether the Town will vote to take any other action relative thereto.

*This Warrant Article proposes to support the preservation of the Caesar Robbins/Peter Hutchinson House at 324 Bedford Street through the use of funds to acquire, relocate, or restore the historic ca. 1780s structure which was built by one of Concord's first freed slaves. The Drinking Gourd Project, a division of the Concord Carlisle Human Rights Council, has applied for \$300,000 to save the building and ultimately convert it into a Civil Liberties Museum which will be open to the public. The CPC proposes that the Treasurer be authorized to borrow \$300,000 for this purpose. Debt service would be paid from CPA Fund local surcharge revenues for the life of the bonds.*

**Finance Committee** recommends affirmative action in the amount of \$60,000 from FY11 CPA fund revenues

**Board of Selectmen** recommends affirmative action in the amount of \$60,000

**AUTHORIZATION OF LONG TERM LEASE ON TOWN PROPERTY AT 34B MONUMENT STREET FOR THE RELOCATION OF THE CAESAR ROBBINS/PETER HUTCHINSON HOUSE**

**ARTICLE 36.** To determine whether the Town will vote to authorize the Town Manager to enter into or approve a long-term lease or sublease agreement, subject to terms and conditions approved by the Board of Selectmen, for the purposes of relocating the Caesar Robbins House to the municipal property at 34B Monument Street, shown on the Assessors maps as parcel # 1261, which lease shall be granted to a non-profit organization that has as one of its goals the preservation of historic properties, for the purpose of preserving the Caesar Robbins House and operating it as a civil liberties museum, and further to: (a) authorize the Selectmen and/or Town Manager to amend or terminate any existing lease or sublease for the property to allow for the long-term lease mentioned above, (b) authorize the Board of Selectmen to accept a confirmatory deed to the property if the Board determines it to be necessary, and (c) authorize the Selectmen and Town Manager to take such actions as may be necessary under State law or otherwise to effectuate the foregoing, or determine whether the Town will vote to take any other action relative thereto.

*The purpose of this article is for the Town to enter into a long-term lease on property located at 34B Monument Street for the relocation of the Caesar Robbins House.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

**CONSERVATION RESTRICTION CONVEYANCE – 335 WALDEN STREET**

**ARTICLE 37.** To determine whether the Town will vote to authorize the Board of Selectmen to transfer the open space land behind 335 Walden Street (a portion of parcel #0249) to the Natural Resources Commission, acting as the Town's Conservation Commission, and thereafter grant a conservation restriction governed by Sections 31, 32, and 33 of Chapter 184 of the General Laws of Massachusetts to the Concord Land Conservation Trust, on terms acceptable to the Board of Selectmen, or take any other action relative thereto.

*The open space parcel of land behind 335 Walden Street was purchased with CPA funds approved by Town Meeting in 2008, the use of CPA funds requires that a conservation restriction be placed on land purchased for open space. The 2008 Town Meeting vote approved purchase of the land for open space purposes with a conservation restriction conveyed from the Board of Selectmen to the Natural Resources Commission. The State no longer recognizes the Board of Selectmen and the Natural Resources Commission as separate entities and requires that the conservation restriction be held by a third party.*

**Board of Selectmen recommends affirmative action****REVOKE THE COMMUNITY PRESERVATION ACT – (By Petition)**

**ARTICLE 38.** To determine whether the town will vote to revoke (effective Fiscal Year 2011) Article 37 of the Concord Town Meeting held on April 28, 2004 and reject sections 3 to 7, inclusive, of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, that established a dedicated funding source to acquire, create and preserve open space, historic resources, land for recreational use and community housing; thereby (1) removing the surcharge of 1.5% on the annual real estate tax levy on real property which has been utilized in Concord, together with matching funds from the Massachusetts Community Preservation Trust Fund, to fund the Community Preservation Act projects – which surcharge excluded (a) the first \$100,000.00 of value of each taxable parcel of residential real property and (b) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing - and (2) removing the need for the Community Preservation Committee that makes recommendations on the use of the Community Preservation Act funds to Town Meeting, or take any other action relative thereto.

*Passage of this article both at Town Meeting and by Town Election ballot would change the way that Concord obtains and allocates funds to acquire, create and preserve open space, historic resources, land for recreational use and community housing.*

**Finance Committee recommends no action**

**Board of Selectmen recommends no action**

**LAND ACQUISITION – MARSHALL FARM**

**ARTICLE 39.** To determine whether the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain or otherwise for agriculture, open space and/or affordable housing purposes, all or a portion of the property located at 169 Harrington Avenue, as shown on the assessors maps as parcel 2710, containing 1.8 acres, more or less, together with the structures thereon, and further, to determine whether the Town will authorize the Board of Selectmen to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts, the sum of \$725,000, or any other sum, to be expended by the Board of Selectmen to effect this acquisition, and further to determine whether the Town will vote to authorize the Town Manager to grant a lease or license for all or a portion of this property, under terms and conditions agreeable to the Board of Selectmen to an individual or family actively engaged in farming said property, at a rent at or below market rate, in accordance with applicable law, or take any other action relative thereto.

*This article would authorize the Selectmen to acquire the remainder of the Marshall Farms property on Harrington Avenue, including the farm stand, two dwellings, several greenhouses, and approximately 2 acres of land with frontage on Harrington Avenue and frontage on the Assabet River. The Town currently owns 4.6 acres immediately to the west of this property, as well as the 15-acre Harrington House property to the east, of which approximately 6 acres is currently in active agriculture. This acquisition would enable the Town to preserve a long-standing family farm operation, with all of the structures and land necessary to maintain a viable farmstead in the future. It is expected that the entire farm property would be leased to a family or individual willing to continue actively farming the land.*

**Finance Committee recommends affirmative action in the sum of \$725,000 from borrowing**

**Board of Selectmen recommends affirmative action in the sum of \$725,000 from borrowing**

**LAND ACQUISITION – SCIMONE FARM ON OLD BEDFORD ROAD**

**ARTICLE 40.** To determine whether the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain or otherwise for agriculture, open space and/or affordable housing purposes, all or a portion of the property located at 505 and 515 Old Bedford Road, as shown on assessors parcels 1040, 1041, 1059, 1059-1, and 1187, containing 27.5 acres, more or less, together with the structures thereon, and further, to determine whether the Town will authorize the Board of Selectmen to raise and

appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$2,300,000, or any other sum, to be expended by the Board of Selectmen to effect this acquisition, and further to determine whether the Town will vote to authorize the Board of Selectmen to sell or lease not more than 27.5 ± acres of the property to be used for community housing, on terms acceptable to the Board of Selectmen, any proceeds, donations or revenues allocated from any other source, to be applied to reduce the debt authorization, or take any other action relative thereto.

*This article would authorize the Selectmen to acquire all or a portion of the Scimone family land located on Old Bedford Road, most of which is currently in agricultural use. A proposal to purchase the family's approximately 27.5 acres, as well as two dwellings, the farm stand, and several outbuildings, was submitted to the family in December. This land acquisition, if approved, would advance several town goals including the preservation of farmland, open space protection, a modest creation affordable housing, and protection of endangered species habitat. Negotiations with the family are continuing regarding this preservation of one of the last remaining large parcels of land in active agriculture in Concord.*

**No motion is expected**

**ZONING BYLAW AMENDMENT – NONCONFORMING USES AND STRUCTURES**

**ARTICLE 41.** To determine whether the Town will vote to amend Zoning Bylaw Section 7.1 **Nonconforming Uses**, by changing the method of calculating building extensions to one that is already defined by the bylaw – gross floor area, as follows:

In subsection 7.1.5, delete the words “square feet” and replace them with the words “gross floor area” so that the section reads as follows:

*7.1.5 Nonconforming single and two family residential structures.* Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. Where the proposed extension does not increase the gross floor area ~~square feet~~ contained within the existing structure by more than fifty percent (50%), the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

And, in subsection 7.1.7, delete the word “involuntary” before the word “demolition”, which appears in three locations (the title of the subsection, the opening paragraph and item (a)); and delete the words “volume and area” and replace them with the words “gross floor area” in items (b) and (c), so that the subsection reads as follows:

*7.1.7 Reconstruction after catastrophe or ~~involuntary~~ demolition.* A nonconforming structure may be reconstructed after a catastrophe or after ~~involuntary~~ demolition in accordance with the following provisions:

- (a) Reconstruction of said premises shall commence within two years after such catastrophe or ~~involuntary~~ demolition.
- (b) Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, and shall be only as great in gross floor area ~~volume or area~~ as the original nonconforming structure.
- (c) In the event that the proposed reconstruction would (i) cause the structure to exceed the gross floor area ~~volume or area~~ of the original nonconforming structure or (ii) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board.

or take any other action relative thereto.

*Changes above are shown as strike-through and underline for the warrant only. The amendment to subsection 7.1.5 is necessary to provide clear definition of how to measure existing and proposed floor areas within a building. The term “gross floor area” is already defined within the bylaw. The amendment to subsection 7.1.7 is to address all demolition of nonconforming structures, not just involuntary demolition of such structures. Substituting the phrase “gross floor area” for “volume and area” applies a defined method of calculation and clarifies the interpretation for the Building Inspector. A special permit is still required to build any structure that is larger in gross floor area than the original nonconforming structure.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT – PLANNED RESIDENTIAL DEVELOPMENT**

**ARTICLE 42.** To determine whether the Town will vote to amend **Section 10. Planned Residential Development**, as follows:

In subsection *10.2.2 Maximum Permissible Density*, delete the words “in the Residence C and Business districts and shall not exceed three times the basic density in all other” and insert the words “all residential districts and in the Business district”, so that the subsection reads as follows:

*10.2.2 Maximum Permissible Density:* Maximum permissible density within a PRD tract shall not exceed two times the total number of dwelling units obtained through application of subsection 10.2.2.1 (basic density) in all residential districts and in the Business district. In the Limited Industrial Park #1 district

the maximum permissible density shall not exceed three times the total amount allowed by application of Section 10.2.2.1. In no case shall that portion of a PRD which lies outside the Flood Plain and Wetlands Conservancy districts contain less than five thousand (5,000) square feet of upland area for each dwelling unit.

And, in subsection *10.2.3 Diversity of Dwelling Units*, delete the words “one or more” and replace them with “at least ten percent (10%) of the”, so that the subsection reads as follows:

*10.2.3 Diversity of Dwelling Units:* A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity may consist of: a mix in the number of bedrooms available or the gross floor area of the units, a mix of single-family, two-family and multi-family units or a mix of the price or rental rates of the units. 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. 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.

And, in subsection *10.2.3.1 Low income dwelling units*, delete the words “Executive Office” and replace them with the word “Department”, insert the acronym “(DHCD)”, as shown below, and insert a semi-colon and the phrase “; which can be counted toward the DHCD’s Subsidized Housing Inventory” at the end of the paragraph, so that the subsection reads as follows:

*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 ~~Executive Office~~ 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.

And, in subsection *10.2.9 Common Open Space*, add the sentence “At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or wetlands as defined under the Wetlands Protection Act or the Rivers Protection Act)” at the end of the paragraph as shown below:

*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 twenty-five (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 wetlands as defined under the Wetlands Protection Act or the Rivers Protection Act).

or take any other action relative thereto.

***Changes above are shown as strike-through and underline for the warrant only. These amendments to Section 10 Planned Residential Development are intended to address concerns raised by the public and the Planning Board when reviewing recent development***

*proposals. The amendments reduce the number of units that can be built, provide clear language that ten percent of the units must be affordable as defined by the State in order to increase the density, and require upland area in the open space calculation.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT  
GROUNDWATER CONSERVANCY DISTRICT**

**ARTICLE 43.** To determine whether the Town will vote to amend Zoning Bylaw Section 2.2 Zoning Map by adding the delineated Zone II recharge area of the Acton Water District's Assabet well field that extends into the Town of Concord and overlaps in part with Concord's Second Division well to the Groundwater Conservancy District by adopting a new map of said district as follows:

"2.2 Zoning Map

Groundwater Conservancy District, Town of Concord, January 4, 2010 (Scale 1" = 1000' consisting of a single sheet).

or take any other action relative thereto.

*The State's Department of Environmental Protection, under the Water Management Act Permitting authority, is asking water suppliers across the state to extend groundwater protection of the Zone II water resources to neighboring communities. This amendment will extend Concord's zoning protection to Acton Water District's Assabet well field.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT  
WEST CONCORD BUSINESS DISTRICT AND WEST CONCORD INDUSTRIAL DISTRICT**

**ARTICLE 44.** To determine whether the Town will vote to amend Zoning Bylaw Section 2.2 Zoning Map by changing those parcels located in West Concord along Main Street, Commonwealth Ave. and Church Street that are currently zoned as "Business" to "West Concord Business" and by changing those parcels located in West Concord on Bradford Street and Beharrell Street that are currently zoned as "Industrial" to "West Concord Industrial" as shown on the "Zoning Map" as follows:

Zoning Districts, Town of Concord, 2010 (Scale 1" = 100' consisting of 122 sheets).

And, to amend Zoning Bylaw Section 4. Classification of Principal Uses, TABLE I – PRINCIPAL USE REGULATIONS to insert the West Concord Business District and the West Concord Industrial District as provided in the table below:

**TABLE I – PRINCIPAL USE REGULATIONS**

Principal Uses		Commercial Districts			Industrial Districts	
		B	WCB	Ltd B	WCI	I
<b>4.1</b>	<b>Extensive Uses</b>					
4.1.1	Forestry	yes	yes	yes	yes	yes
4.1.2	Agriculture, horticulture, floriculture, and viticulture	yes	yes	yes	yes	yes
4.1.3	Greenhouse	yes	yes	no	yes	yes
4.1.4	Earth Removal	SP	SP	SP	SP	SP
4.1.5	Conservation use	yes	yes	yes	yes	yes
4.1.6	Private recreation	yes	yes	yes	yes	yes
<b>4.2</b>	<b>Residential Uses</b>					
4.2.1	Single-family dwelling	yes	no	no	no	no
4.2.2	Two-family or additional dwelling unit	SP	no	no	no	no

Principal Uses		Commercial Districts			Industrial Districts	
		B	WCB	Ltd B	WCI	I
4.2.3	Combined business/residence	yes	yes	yes <sup>3</sup>	no	no
4.2.4	Combined industrial/business/residence	no	no	no	SP	SP
4.2.5	Residential Compound	SP	no	no	no	no
4.2.6	Residential Cluster Development	SP	no	no	no	no
4.2.7	Planned Residential Development	SP	no	no	no	no
4.2.8	Boarding house	yes	no	no	no	no
4.2.9	Hotel and motel	yes	SP	yes <sup>1</sup>	no	no
<b>4.3</b>	<b>Institutional Uses</b>					
4.3.1	Educational	yes	yes	yes	yes	yes
4.3.2	Child care facility	yes	yes	yes	yes	yes
4.3.3	Religious	yes	yes	yes	yes	yes
4.3.4	Philanthropic	yes	yes	SP <sup>b</sup>	yes	yes
4.3.5	Hospital and nursing home	yes	no	SP <sup>b</sup>	no	no
4.3.6	Assisted living residence	yes	no	SP <sup>b</sup>	no	no
4.3.7	Cemetery	yes	no	no	no	no
4.3.8	Lodge and club	yes	SP	no	yes	yes
<b>4.4</b>	<b>Government and Utility Uses</b>					
4.4.1	Municipal use	yes	yes	yes	yes	yes
4.4.2	Underground utility	yes	yes	yes	yes	yes
4.4.3	Above ground utility	yes	yes	SP	yes	yes
<b>4.5</b>	<b>Business Uses</b>					
4.5.1	Retail store	yes	yes	no	no**	no**
4.5.2	Personal service shop	yes	yes	no	no	no
4.5.3	Craft shop	yes	yes	yes	yes	yes
4.5.4	Restaurant	yes	yes	yes	yes	yes
4.5.5	Indoor amusement	yes	yes	SP	yes	yes
4.5.6	Outdoor amusement	yes	yes	yes <sup>1</sup>	yes	yes
4.5.7	Funeral home	yes	SP	yes <sup>3</sup>	yes	yes
4.5.8	Repair shop and building trade	yes	yes	no	yes	yes
4.5.9	Veterinary and kennel	no	no	no	yes	yes
4.5.10	Financial and business office	yes	yes	yes*	yes	yes
4.5.11	Professional office	yes	yes	yes*	yes	yes
4.5.12	Medical center and laboratory	yes	no	SP <sup>b</sup>	yes	yes
4.5.13	Auto service station	yes	SP	yes <sup>1</sup>	yes	yes
4.5.14	Auto repair shop	yes	SP	no	yes	yes
4.5.15	Vehicular dealerships	no	no	no	yes	yes
4.5.16	Boat sales and rental	yes	no	yes <sup>5</sup>	yes	yes
4.5.17	Parking facility	yes	no	no	SP	SP
4.5.18	Transportation services	SP	SP	no	SP	SP
<b>4.6</b>	<b>Industrial Uses</b>					
4.6.1	Warehouse	yes	no	no	yes	yes
4.6.2	Storage yard, open-air sales	yes	no	yes <sup>5</sup>	SP	SP
4.6.3	R&D and Light Manufacturing	yes	SP	no	SP	SP
4.6.4	Manufacturing, packaging, processing, and testing	yes	no	no	SP	SP
<b>4.7</b>	<b>Restricted and Prohibited Uses</b>					
4.7.1	Prohibited Uses	no	no	no	no	no

or take any other action relative thereto.

*Additions above are shown as shaded for the warrant only. This amendment will separate out the West Concord Business district from other areas of town that are zoned as business districts (Concord Center, Thoreau Street/Depot area, Nine Acre Corner and a small area opposite the Damon Mill are the other areas zoned as business districts) and the West Concord Industrial district from other areas of town that are zoned as industrial districts (Damon Mill area, Domino Drive/Conant Street area and Winthrop Street area). The existing Business district, Limited Business district and Industrial district uses are shown for comparison.*

**Board of Selectmen recommendation will be made at Town Meeting**

**ZONING BYLAW AMENDMENT – CONCORD BUSINESS AND INDUSTRIAL DISTRICTS (By Petition)**

**ARTICLE 45.** To determine whether the Town will vote to amend Zoning Bylaw Section 2.2 Zoning Map by

- 1) changing those parcels located in West Concord along Main Street, Commonwealth Ave. and Church Street that are currently zoned as “Business” to “West Concord Business,” and
- 2) changing those parcels located in West Concord on Bradford Street and Beharrell Street that are currently zoned as “Industrial” to “West Concord Industrial,” and
- 3) changing those parcels located in Concord Center (a. contiguous with the intersection of Main Street and Walden Street, b. contiguous with the intersection of Keyes Road and Lowell Road, and c. contiguous with Monument Street) that are currently zoned as “Business” to “Concord Center Business,” and
- 4) changing those parcels located in Concord contiguous with the intersection of Thoreau Street and Sudbury Road that is currently zoned as “Business” to “Thoreau Depot Business,” and
- 5) changing those parcels located in Concord contiguous with the intersection of Fitchburg Turnpike (Rt. 117) and Sudbury Road that is currently zoned as “Business” to “Nine Acre Corner Business”

as shown on the “Zoning Map” as follows:

Zoning Districts, Town of Concord, 2010 (Scale 1” = 100’ consisting of 122 sheets),

And, to amend Zoning Bylaw Section 4. Classification of Principal Uses, TABLE I – PRINCIPAL USE REGULATIONS to add the Concord Center Business District (CCB), Thoreau Depot Business District (TDB), Nine Acre Corner Business District (NACB), West Concord Business District (WCB) and the West Concord Industrial District (WCI) as provided in the table below:

**TABLE I – PRINCIPAL USE REGULATIONS**

Principal Uses		Commercial Districts			Industrial Districts	
		B, CCB, TDB, NACB	WCB	Ltd B	WCI	I
<b>4.1</b>	<b>Extensive Uses</b>					
4.1.1	Forestry	yes	yes	yes	yes	yes
4.1.2	Agriculture, horticulture, floriculture, and viticulture	yes	yes	yes	yes	yes
4.1.3	Greenhouse	yes	yes	no	yes	yes
4.1.4	Earth Removal	SP	SP	SP	SP	SP
4.1.5	Conservation use	yes	yes	yes	yes	yes
4.1.6	Private recreation	yes	yes	yes <sup>1</sup>	yes	yes
<b>4.2</b>	<b>Residential Uses</b>					
4.2.1	Single-family dwelling	yes	no	no	no	no
4.2.2	Two-family or additional dwelling unit	SP	no	no	no	no
4.2.3	Combined business/residence	yes	yes	yes <sup>3</sup>	no	no
4.2.4	Combined industrial/business/residence	no	no	no	SP	SP
4.2.5	Residential Compound	SP	no	no	no	no

Principal Uses		Commercial Districts			Industrial Districts	
		B, CCB, TDB, NACB	WCB	Ltd B	WCI	I
4.2.6	Residential Cluster Development	SP	no	no	no	no
4.2.7	Planned Residential Development	SP	no	no	no	no
4.2.8	Boarding house	yes	no	no	no	no
4.2.9	Hotel and motel	yes	SP	yes <sup>1</sup>	no	no
<b>4.3</b>	<b>Institutional Uses</b>					
4.3.1	Educational	yes	yes	yes	yes	yes
4.3.2	Child care facility	yes	yes	yes	yes	yes
4.3.3	Religious	yes	yes	yes	yes	yes
4.3.4	Philanthropic	yes	yes	SP <sup>b</sup>	yes	yes
4.3.5	Hospital and nursing home	yes	no	SP <sup>b</sup>	no	no
4.3.6	Assisted living residence	yes	no	SP <sup>b</sup>	no	no
4.3.7	Cemetery	yes	no	no	no	no
4.3.8	Lodge and club	yes	SP	no	yes	yes
<b>4.4</b>	<b>Government and Utility Uses</b>					
4.4.1	Municipal use	yes	yes	yes	yes	yes
4.4.2	Underground utility	yes	yes	yes	yes	yes
4.4.3	Above ground utility	yes	yes	SP	yes	yes
<b>4.5</b>	<b>Business Uses</b>					
4.5.1	Retail store	yes	yes	no	no**	no**
4.5.2	Personal service shop	yes	yes	no	no	no
4.5.3	Craft shop	yes	yes	yes	yes	yes
4.5.4	Restaurant	yes	yes	yes	yes	yes
4.5.5	Indoor amusement	yes	yes	SP	yes	yes
4.5.6	Outdoor amusement	yes	yes	yes <sup>1</sup>	yes	yes
4.5.7	Funeral home	yes	SP	yes <sup>3</sup>	yes	yes
4.5.8	Repair shop and building trade	yes	yes	no	yes	yes
4.5.9	Veterinary and kennel	no	no	no	yes	yes
4.5.10	Financial and business office	yes	yes	yes*	yes	yes
4.5.11	Professional office	yes	yes	yes*	yes	yes
4.5.12	Medical center and laboratory	yes	no	SP <sup>b</sup>	yes	yes
4.5.13	Auto service station	yes	SP	yes <sup>1</sup>	yes	yes
4.5.14	Auto repair shop	yes	SP	no	yes	yes
4.5.15	Vehicular dealerships	no	no	no	yes	yes
4.5.16	Boat sales and rental	yes	no	yes <sup>5</sup>	yes	yes
4.5.17	Parking facility	yes	no	no	SP	SP
4.5.18	Transportation services	SP	SP	no	SP	SP
<b>4.6</b>	<b>Industrial Uses</b>					
4.6.1	Warehouse	yes	no	no	yes	yes
4.6.2	Storage yard, open-air sales	yes	no	yes <sup>5</sup>	SP	SP
4.6.3	R&D and Light Manufacturing	yes	SP	no	SP	SP
4.6.4	Manufacturing, packaging, processing, and testing	yes	no	no	SP	SP
<b>4.7</b>	<b>Restricted and Prohibited Uses</b>					
4.7.1	Prohibited Uses	no	no	no	no	no

or take any other action relative thereto.

*Additions above are shown as shaded for the warrant only. This amendment will separate out the West Concord Business district, Concord Center Business district, Thoreau Depot Business district and Nine Acre Corner district from any other area of town that is zoned as business, and separate the West Concord Industrial district from other areas of town that are zoned as industrial districts (Damon Mill area, Domino Drive/Conant Street area and Winthrop Street area). Only the West Concord Business and Industrial uses are revised. The existing Business district, Limited Business district and Industrial district uses are shown for comparison.*

**Board of Selectmen recommendation will be made at Town Meeting**

### ZONING BYLAW AMENDMENT – FORMULA BUSINESS

**ARTICLE 46.** To determine whether the Town will vote to amend Zoning Bylaw Section 1 by adding a new definition 1.3.10 Formula Business as follows, and renumbering subsequent paragraphs 1.3.11 Frontage, 1.3.12 Gross floor area and so forth:

*1.3.10 Formula business:* A type of business activity that maintains a standardized array of services and/or merchandise, name, trademark, logo, service mark, symbol, sign, décor, architecture, layout, uniform, color scheme, menus or similar standardized feature and is substantially the same as seven or more such establishments, regardless of ownership or location. Formula businesses shall not include post offices, churches, schools or government facilities.

And, amend Zoning Bylaw Section 3. USE REGULATIONS by adding a new subsection 3.3 Formula Business, as follows:

#### **3.3 Formula Business**

*3.3.1 Purpose.* The purpose of regulating the number, location and establishment of formula businesses in the West Concord Business district and the West Concord Industrial district is to maintain a) the unique village character, b) the diversity and economic vitality of the district, and c) the quality of life for residents. The preservation of unique architecture, signage, graphic and other design elements maintains a distinctive visual appearance and small-scale eclectic ambiance that will promote the long-term viability of the community's businesses. Preserving a balanced mix of local, regional, and national-based businesses and small- and medium-sized businesses will maintain and promote the long-term economic health of businesses and the community as a whole. These goals are evidenced in the Comprehensive Long Range Plan of 2005, the Village Centers Study of 2007, the Call to Action of 2008, the West Concord Task Force Public Survey of 2009, in committee and public comment in public meetings and public forums of the West Concord Task Force and in the West Concord Master Plan (draft) of 2009.

*3.3.2 Limitation on the number of formula businesses in the West Concord Business district and the West Concord Industrial district, combined:* The total number of formula businesses in the West Concord Business district and the West Concord Industrial district is limited to not more than ten and no new formula businesses can be established until and unless the Board grants a special permit and an existing formula business closes or relocates outside of the West Concord Business district or the West Concord Industrial district. No existing formula business as of January 1, 2010 can be expanded until and unless the Board grants a special permit.

*3.3.3 Criteria for establishment or relocation of a formula business:*

- a) The formula business is compatible with existing surrounding uses, and designed and operated in a non-obtrusive manner to preserve the community's distinctive character and ambiance;
- b) The formula business will promote diversity and variety to assure a balanced mix of uses available to serve residents and visitors;
- c) The formula business does not result in an over-concentration of formula businesses in its immediate vicinity;
- d) The formula business contributes to a diverse and appropriate blend of businesses in the community;
- e) The formula business is mutually beneficial to and enhances the economic health of the surrounding uses;
- f) The proposed use, together with the design and improvement, is consistent with the unique character of the district and preserves the distinctive visual appearance of the district. Any permitted

- formula business shall create a unique visual appearance that is not homogenous with similar businesses in other communities and reflects or complements the distinctive character of the town;
- g) The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare.
- h) The formula business shall not exceed 3,000 sq. ft. gross floor area; and
- i) No drive-through facilities are allowed.

or take any other action relative thereto.

*This amendment addresses concerns about formula businesses and the potential negative impact on the West Concord Business district and the West Concord Industrial district that have been raised by the community during the master planning process for West Concord. The word "Board" references the Zoning Board of Appeals, which is defined in another part of the Zoning Bylaw.*

**Board of Selectmen recommendation will be made at Town Meeting**

**ZONING BYLAW AMENDMENT – FORMULA BUSINESS (By Petition)**

**ARTICLE 47.** To determine whether the Town will vote to amend Zoning Bylaw Section 1 by adding a new definition 1.3.10 Formula Business as follows, and renumbering subsequent paragraphs 1.3.11 Frontage, 1.3.12 Gross floor area and so forth:

*1.3.10 Formula business:* A type of business activity that maintains a standardized array of services and/or merchandise, name, trademark, logo, service mark, symbol, sign, décor, architecture, layout, uniform, color scheme, menus or similar standardized feature and is substantially the same as seven or more such establishments, regardless of ownership or location. Formula businesses shall not include post offices, churches, schools or government facilities.

And, amend Zoning Bylaw Section 3. USE REGULATIONS by adding a new subsection 3.3 Formula Business, as follows:

**3.4 Formula Business**

*3.3.1 Purpose.* The purpose of regulating the number, location and establishment of formula businesses in the village centers of Concord is to maintain a) the unique town character, b) economic diversity and vitality, and c) the quality of life for residents. The preservation of unique architecture, signage, graphic and other design elements maintains a distinctive visual appearance and small-scale eclectic ambiance that will promote the long-term viability of the community's businesses. Preserving a balanced mix of local, regional, and national-based businesses and small- and medium-sized businesses will maintain and promote the long-term economic health of businesses and the community as a whole. These goals are evidenced in the Comprehensive Long Range Plan of 2005, the Village Centers Study of 2007, the Call to Action of 2008, the West Concord Task Force Public Survey of 2009, the West Concord Master Plan (draft) of 2009, and in committee and public comment in public meetings and public forums of the West Concord Task Force.

*3.3.2 Limitation on the number of formula businesses:* The number of formula businesses within specified areas shall be limited according to the following table. No new formula business can be established in said areas until and unless an existing formula business closes or relocates outside of the area such that the limit is not exceeded through establishment of said business. No new formula business can be established in said areas unless and until the Board grants a special permit. No existing formula business as of January 4, 2010 can be expanded in said areas until and unless the Board grants a special permit.

Limit	Area
13	Concord Center Business District
12	Thoreau Depot Business District
1	Nine Acre Corner Business District
8	West Concord Business District and West Concord Industrial District, combined

3.3.3 *Criteria for establishment or relocation of a formula business:*

- a) The formula business is compatible with existing surrounding uses, and designed and operated in a non-obtrusive manner to preserve the community's distinctive character and ambiance;
- b) The formula business will promote diversity and variety to assure a balanced mix of uses available to serve residents and visitors;
- c) The formula business does not result in an over-concentration of formula businesses in its immediate vicinity;
- d) The formula business contributes to a diverse and appropriate blend of businesses in the community;
- e) The formula business is mutually beneficial to and enhances the economic health of the surrounding uses;
- f) The proposed use, together with the design and improvement, is consistent with the unique character of the district and preserves the distinctive visual appearance of the district. Any permitted formula business shall create a unique visual appearance that is not homogenous with similar businesses in other communities and reflects or complements the distinctive character of the town;
- g) The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare.
- h) The formula business shall not exceed 3,000 sq. ft. gross floor area; and
- i) No drive-through facilities are allowed,

or take any other action relative thereto.

*This amendment seeks to address concerns about formula businesses and their potential negative impact on Concord's village center business and industrial districts that have been raised by the community during the development of the Comprehensive Long Range Plan, the Village Centers Study and the master planning process for West Concord. The word "Board" references the Zoning Board of Appeals, which is defined in another part of the Zoning Bylaw.*

**Board of Selectmen recommendation will be made at Town Meeting**

**ZONING BYLAW AMENDMENT – FLOOD PLAIN CONSERVANCY DISTRICT**

**ARTICLE 48.** To determine whether the Town will vote to amend **Zoning Bylaw Section 2.2 Zoning Map** by deleting the third paragraph that references the "Flood Plain Conservancy District" in its entirety and inserting the following paragraph in its place:

Flood Plain Conservancy District, Town of Concord, January 1, 2010 (Scale 1"=1000' consisting of a single sheet). The general boundaries of the Flood Plain Conservancy District includes all special flood hazard areas within the Town of Concord designated as Zone A, AE and AH, on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Concord are panel numbers 25017C0244E, 25017C0263E, 25017C0264E, 25017C0356E, 25017C0357E, 25017C0358E, 25017C0359E, 25017C0366E, 25017C0367E, 25017C0376E, 25017C0377E, 25017C0378E, 25017C0379E, 25017C0381E, 25017C0383E, 25017C0386E and 25017C0387E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

And, by amending **Zoning Bylaw Section 2.3.5** to insert a reference to the new Flood Insurance Rate Maps (FIRMs) as follows:

2.3.5 The exact boundaries of the Flood Plain Conservancy District shall be the location on the ground of the 100-year flood contours shown on the FPCD maps or the Middlesex County FIRMs, and as determined by an actual field survey. Supplementary information concerning flood elevations and the limits of the floodway may be found in the Middlesex County "Flood Insurance Study" booklet dated June 4, 2010 ~~June 3, 1988~~ and published by the Federal Emergency Management Agency.

And, by amending **Zoning Bylaw Section 7.2 Flood Plain Conservancy District** by making the following insertions and deletions:

*7.2.1 Definitions*

*7.2.1.1 Flood plain:* All flood storage areas along the Concord, Sudbury and Assabet Rivers and their tributaries as designated on the "Flood Plain Conservancy District" Map and all special flood hazard areas designated on the Middlesex County Flood Insurance Rate Maps as Zone A, AE, AH, ~~A1-30~~ and the 100-year flood boundary and floodway of the FEMA Flood Boundary and Floodway Map dated June 3, 1988 as the foregoing have been amended by the Letter of Map Revision for the Mill Brook effective November 22, 2002.

*7.2.1.3 Floodway data:* In Zone A, AE, AH, ~~A1-30~~ and along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local and other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

*7.2.1.7 Water surface elevation:* The height in relation to the National Geodetic Vertical Datum (NGVD) of 1988 of floods of various magnitudes and frequencies in the flood plains of riverine areas.

*7.2.5.1 (c)* In the case of any proposed alteration or relocation of a watercourse, the following agencies shall also be notified:

- Town of Sudbury: Town Manager, 278 Old Sudbury Road, Sudbury MA 01776
- Town of Acton: Town Manager, 472 Main Street, Acton MA 01720
- Town of Maynard: Town Administrator, 195 Main Street, Maynard MA 01754
- Town of Bedford: Town Manager, 10 Mudge Way, Bedford MA 01730
- Town of Lincoln: Town Administrator, 16 Lincoln Road, Lincoln MA 01773
- Town of Wayland: Town Administrator, 41 Cochituate Road, Wayland MA 01778
  
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
  
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

or take any other action relative thereto.

*Changes above are shown as strike-through (language to be deleted) and underline (language to be added) for the warrant only. This Zoning Bylaw amendment addresses changes to the Federal Emergency Management Agency and National Flood Insurance Program mapping prepared by FEMA in 2009 and keeps the Town in compliance with requirements of the National Flood Insurance Program. Failure to adopt these revisions will result in Concord's suspension from the National Flood Insurance Program.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT – DEFINITION – CEILING HEIGHT**

**ARTICLE 49.** To determine whether the Town will vote to amend the definition of "Gross floor area", in **Zoning Bylaw subsection 1.3.11** by changing the ceiling height measurement as follows:

Delete the words "seven feet, three inches (7'3") and replace them with the words "six feet, eight inches (6'8")", so that the subsection reads as follows:

*1.3.11 Gross floor area:* The sum of the horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, not including any space where

the floor to ceiling height is less than six feet, eight inches (6'8") ~~seven feet, three inches (7'3")~~.

or take any other action relative thereto.

*Changes above are shown as strike-through and/or underline for the warrant only. This wording change is needed to reflect a change in the State Building Code which now allows spaces to be considered habitable down to a 6 foot 8 inch ceiling height.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT – TABLE I – PRINCIPAL USE REGULATIONS**

**ARTICLE 50.** To determine whether the Town will vote to amend **TABLE I – Principal Use Regulations** to allow Transportation services by-right in the Industrial Park and Limited Industrial Park districts by changing “SP” to “Y” and to remain a use by special permit in the Business and Industrial districts, per the definition provided below:

*4.5.18 Transportation services:* The parking or storage of ground transportation vehicles, including but not limited to buses, ambulances, limousines, taxis, liveries, wagons, carriages, or other ground transportation vehicles. The primary purpose of the business must be to provide transportation services to passengers, whether the vehicle be motorized or animal drawn. All vehicles stored or parked upon the premises must be registered or licensed.

<b>4.5</b>	<b>Business Uses</b>	<b>B</b>	<b>I</b>	<b>IP</b>	<b>LIP</b>
4.5.18	Transportation services	SP	SP	Y	Y

or take any other action relative thereto.

*This change will allow Transportation services to be a “by-right” use in the Industrial Park and Limited Industrial Park zoning districts. Site plan review continues to be required.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT – TABLE II – ACCESSORY USE REGULATIONS**

**ARTICLE 51.** To determine whether the Town will vote to amend **TABLE II – Accessory Use Regulations** by changing “Y5” to “SP5” to correct TABLE II and reflect the existing zoning bylaw that allows seasonal catering use by special permit in Limited Business District #5, as shown below,

<b>Uses</b>	<b>Residential Districts</b>				<b>Commercial Districts</b>			<b>Industrial Districts</b>		
	AA	A	B	C	B	LB	MP	I	IP	LIP
5.3.18 Seasonal Catering	N	N	N	N	N	<u>SP<sup>5</sup></u>	N	N	N	N

And, in subsection 5.3.17, to insert the phrase “to the extent that it is a” in the second sentence, as shown below:

*“5.3.17 Seasonal catering:* The Board by special permit may authorize the use of a portion of the premises for seasonal catering to customers off-premises. Such seasonal catering shall be limited to the preparation and packaging of food, with delivery and set-up to the extent that it is a customary function of the caterer. Pick-up of food by customers may be permitted if suitable parking is available.”

or take any other action relative thereto.

*Changes above are shown as strike-through and/or underline for the warrant only. This proposed change is a correction to the Zoning Bylaw Table II Accessory Use Regulations, to reflect the definition of seasonal catering in the Limited Business District #5 (the South Bridge Boathouse) which requires a special permit.*

**Board of Selectmen recommends affirmative action**

### ZONING BYLAW AMENDMENT – HOME RECREATIONAL FACILITIES

**ARTICLE 52.** To determine whether the Town will vote to amend **subsection 5.3.1 Home recreational facilities** to add language that related pool buildings and equipment must also comply with the minimum yard setback requirements for a principal structure as follows:

In subsection 5.3.1, insert the words “and any related pool buildings or equipment” after the words “a swimming pool”, insert the word “setback” between the words “yard” and “requirements” and insert the words “for a principal structure in whatever zoning district it is located” at the end of the paragraph, so that the subsection reads as follows:

*5.3.1 Home recreational facilities:* In the residential districts or for dwellings in the Business or Medical-Professional districts, a swimming pool and any related pool buildings or equipment, tennis court or similar home recreational facility shall be permitted, provided that such facility is used only by the residents of the premises and their guests and shall conform to the minimum yard setback requirements for a principal structure in whatever zoning district it is located.

or take any other action relative thereto.

*Changes above are shown as strike-through and/or underline for the warrant only. This amendment is needed to clarify that the intent of the bylaw was to require that not only the home recreational facility but the associated equipment and support structures (e.g. pool houses, filter equipment, etc.) be compliant with the principal structure setbacks for the zoning district in which it lies.*

**Board of Selectmen recommends affirmative action**

### ZONING BYLAW AMENDMENT – MINIMUM LOT AREA

**ARTICLE 53.** To determine whether the Town will vote to amend **subsection 6.2.2 Minimum lot area** as follows:

In subsection 6.2.2.1,

Insert the words “a minimum of” between the words “1991,” and “fifty (50)”; and

Insert the words “of such lot area required in that zoning district” between the word “percent” and “shall be provided”; and

Insert the words “outside of” between the words “land located” and “the Flood Plain”, so that the subsection reads as follows:

*6.2.2 Minimum lot area:*

*6.2.2.1* When computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with Chapter 41 of the General Laws, after September 1, 1991, not a minimum of fifty (50) percent of such lot area required in that zoning district shall be provided by land located outside of the Flood Plain Conservancy District and Wetlands Conservancy District.

or take any other action relative thereto.

*Changes above are shown as strike-through and/or underline for the warrant only. There has been some question about the interpretation of this subsection and a desire to clarify the language for consistency. The intent of the original bylaw was to require that each new lot have at least 50% of the required minimum lot area of the underlying zoning.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT – SPELLING CORRECTIONS**

**ARTICLE 54.** To determine whether the Town will vote to amend **Zoning Bylaw Section 7.7 Off-street Parking, Loading and Design Standards** to correct the spelling of the following words: nurse practitioner, dental hygienist, phlebotomist as listed in Table IV Minimum Parking under Business Uses – Medical center and laboratory, so the section reads as follows:

Three (3) spaces per staff doctor, dentist or other professional [e.g., nurse practitioner, dental hygienist, phlebotomist] plus one (1) space per other employee on the largest shift.

or take any other action relative thereto.

*Changes above are shown as strike-through and underline for the warrant only. This amendment will correct spelling errors found in the Zoning Bylaw.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT**  
**SOUTHFIELD NEIGHBORHOOD - INTERIM PLANNING OVERLAY DISTRICT**

**ARTICLE 55.** To determine whether the Town will vote to amend the Zoning Bylaw by adopting a new zoning map titled “Southfield Neighborhood - Interim Planning Overlay District” and dated January 1, 2010, listing said map and inserting the following paragraph at the end of ZBL **Section 2.2 Zoning Map**:

“The “Southfield Neighborhood - Interim Planning Overlay District” is an overlay district whose boundaries are superimposed on the Residence C Zoning District in the Southfield Neighborhood, which comprises Southfield Road, Riverdale Road, Pilgrim Road, Dana Road, Garden Road, Southfield Circle and Riverdale Circle, and established by this Bylaw. The Southfield Neighborhood - Interim Planning Overlay District is an interim measure to allow certain activities to continue while the Town undertakes a study of the Residence C Zoning District, and shall remain in effect until final adjournment of the 2011 Annual Town Meeting. Said Southfield Neighborhood - Interim Planning Overlay District map, dated January 1, 2010, is hereby made part of this Bylaw and shall be filed in the Office of the Town Clerk”.

AND, adding a new Section 7.10, as follows:

**SECTION 7.10 Southfield Neighborhood - INTERIM PLANNING OVERLAY DISTRICT**

**7.10.1 Purpose.** The purpose of the Southfield Neighborhood - Interim Planning Overlay District (SN-IPOD) is to provide a temporary zoning and regulatory system for the development of land within the district while the Town engages in planning for the area. The Southfield Neighborhood has been the subject of significant residential construction and reconstruction. Such activities could have an adverse impact on neighborhood character as it pertains to bulk and scale. The SN-IPOD provides a mechanism to allow for growth that promotes sound land use planning goals and objectives during the course of the Town's comprehensive planning studies.

**7.10.2 Applicability.** The SN-IPOD shall be construed as an overlay district. All requirements of the underlying zoning district (Residential C) shall remain in full force and effect, except where the requirements of the SN-IPOD are more restrictive; in such cases, the requirements of the SN-IPOD shall supersede the underlying zoning regulations.

**7.10.3 Building Permit.** No building permit shall be issued for the construction, alteration, extension, or reconstruction of a new or existing single family structure unless in conformance with the requirements of the SN – IPOD.

**7.10.4 Special Permit Required.** The construction, alteration, extension, or reconstruction of a new or existing single family structure with more than 2.5 stories OR more than 4,200 square feet of gross floor area on a lot with less than 30,000 sq. ft. of area shall require a special permit from the Planning Board. The construction, alteration, extension, or reconstruction of a new or existing single family structure

with more than 2.5 stories OR more than 5,000 square feet of gross floor area on a lot with 30,000 sq. ft. or more of area shall require a special permit from the Planning Board. For the purposes of this SN – IPOD only, the term “gross floor area” shall mean “the sum of the horizontal areas of the floors of a building measured from the exterior face of exterior walls, not including any space where the floor to ceiling height is less than six feet, eight inches (6’8”) and including garages and carports, whether attached or unattached, and any covered porches, whether open, screened or enclosed, but excluding basements, under-garages, decks and patios.” In the case of unfinished attic space, height shall be measured from floor, or floor joist, to the collar tie or similar structural element.

**7.10.5 Special Permit Criteria.** In interpreting the term “neighborhood character” as set forth in Section 11.6, the Planning Board shall review the suitability and compatibility of the proposed construction or reconstruction with regard to:

1. Height and width proportions;
2. Bulk and general massing (footprint, shape, articulation or detail);
3. Façade features, avoiding blank walls;
4. Setbacks in relation to neighboring properties and open space.

**7.10.6 Decision.** The Planning Board may grant a special permit upon a determination, after consideration of all of the criteria set forth in this Section 7.10 and in Section 11.6, that the proposed construction or reconstruction will not adversely impact the SN-IPOD during the term of this Section 7.10, as set forth below. The Planning Board may impose greater setback requirements than those otherwise required as a condition of any special permit.

**7.10.7 Time Limitation.** The provisions of this Section 7.10 shall expire upon final adjournment of the 2011 Annual Town Meeting.

**7.10.8 Separability.** The provisions of this Section 7.10 are hereby declared separable and if any provision shall be held invalid or unconstitutional, it shall not be construed to affect the validity or constitutionality of any of the remaining provisions of this Section 7.10.

or take any other action relative thereto.

*The Interim Planning Overlay District proposed for this neighborhood is intended to address concerns on the rate of change and the size of new houses being constructed as raised by residents in the neighborhood. New houses can be constructed if the size of the house is less than 4,200 sq. ft. or 5,000 sq. ft. if the lot is greater than 30,000 sq. ft.; larger houses would need to seek a special permit prior to issuance of a building permit. The Planning Board intends to take the coming year to consider various zoning options to address the concerns for all properties located in the Residence C and Residence B zoning districts.*

**Board of Selectmen recommendation will be made at Town Meeting**

### SIGN BYLAW AMENDMENT

**ARTICLE 56.** To determine whether the Town will vote to amend and restate the Town of Concord Sign Bylaw in its entirety as follows, or take any other action relative thereto.

#### Town of Concord Sign Bylaw

Town Meeting adopted, pursuant to any and all authority, including M.G.L. Chapter 93, Section 29, and Article II of the Amendments to the Mass. Constitution, as amended by Article 89 (the Home Rule Amendment), the following general bylaw:

## 1. PURPOSE AND INTENT

The purpose and intent of this bylaw shall be to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will (a) be appropriate to the land, building or use to which they are appurtenant; (b) be protective of property values and the safety of the public; and (c) not unnecessarily detract from the historic qualities and characteristics of the Town of Concord.

## 2. PERMIT REQUIREMENTS

- a) **General.** No sign shall be erected, altered or relocated without a permit issued by the Building Inspector. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Building Inspector at the time the permit is issued, unless the sign is located in the Historic Districts or unless the sign permit is being issued pursuant to a decision of the Board of Appeals.
- b) **Signs in Historic Districts.** Each application with respect to a sign within an Historic District must be accompanied by a certificate of appropriateness from the Historic Districts Commission, unless such sign is exempt from the requirement of such certificate under Section 6 of Statute 1960, Chapter 345.
- c) **Applications.** The applicant must submit to the Building Inspector a completed sign permit application, together with all supporting materials specifying building and sign dimensions, colors, attachment methods, position of the sign, and any other such pertinent information the Building Inspector may require to insure compliance with this bylaw and any other applicable laws. A permit shall be issued only if the sign conforms to the provisions of this bylaw and all other applicable laws.
- d) **Fees.** Fees for sign permits shall be paid in accordance with the schedule of fees for permits set forth in the Building Code.
- e) **Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Building Inspector may, in his or her discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.
- f) **Inspection.** Any sign may be inspected periodically by the Building Inspector for compliance with this bylaw and other requirements of law.
- g) **Existing Signs.** Existing signs are defined as those erected before April 9, 1987, and are classified into one of four separate categories. These are:
- (1) Conforming signs which comply with all provisions of this bylaw in its most recently amended form.
  - (2) Prohibited signs, as specified in Section 6.
  - (3) Non-conforming signs, which do not comply with one or more provisions of this bylaw in its form, prior to the April 1987 Annual Town Meeting, but which are not described as prohibited signs in Section 6.
  - (4) Non-conforming protected signs, which fully complied with this bylaw prior to the amendments approved by the April 1987 Annual Town Meeting.
- h) **Removal of Existing Signs.**
- (1) Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or relettering, shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.

- (2) Non-conforming protected signs may remain, and may be altered with the exception of increasing their size, unless the cost of any such alteration shall exceed 50% of the replacement cost for a new conforming sign.

i) **Removal of Signs.** The Building Inspector shall order the removal of any new sign erected or maintained in violation of this bylaw. Fourteen days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

### 3. ADMINISTRATION AND PENALTIES

a) **Enforcement.** The Building Inspector is hereby authorized and directed to enforce all of the provisions of this bylaw.

b) **Failure to Act on Permit.** If no sign permit has been issued within 30 days after the application therefor has been made, it shall be deemed to be denied.

c) **Board of Appeals.**

(1) **Right of Appeal.** Any applicant for a permit, any person who has been ordered by the Building Inspector to incur expense in connection with a sign, and any person dissatisfied with any refusal, order, or decision of the Building Inspector, may appeal to the Board of Appeals within 20 days from the date of such refusal, order, or decision. After notice given to such parties as the Board shall order, the Board of Appeals shall hold a public hearing. Applying the standards in clause (2) below, where applicable, and interpreting this bylaw, the Board shall affirm, annul or modify such refusal, order, or decision. The action of the Building Inspector may be annulled or modified only by a unanimous decision of the Board. If the action of the Inspector is modified or annulled, the Building Inspector shall issue a permit or order in accordance with the decision of the Board.

(2) **Variances in Specific Cases.** The Board of Appeals may vary the provisions of this bylaw in specific cases which appear to them not to have been contemplated by this bylaw, and in cases wherein its enforcement would involve practical difficulties or unnecessary hardship, if, in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this bylaw but not otherwise. Any decision to vary the provisions of this bylaw shall be unanimous and shall specify any variance allowed and the reasons therefor. Each decision of the Board of Appeals shall be filed in the office of the Town Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall not be deemed to be approval of any variance sought.

(3) **Conditions and Safeguards.** The Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

d) **Penalties.** Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, shall be subject to fines as established under the Non-Criminal Disposition Bylaw, said fine to begin after the later of (1) the date of issuance of any written notice given by the Building Inspector or (2) the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

### 4. ILLUMINATION

a) Exterior illumination of signs shall be so shaded, shielded or directed that it shall not reflect or shine on or into neighboring premises or into any public street.

b) The intensity of such light shall be deemed acceptable if it does not exceed a factor of 3 above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:

(1) The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.

(2) With the sign turned off, the same measurement is repeated.

(3) The ratio of the measurement in (1) to that in (2) shall not exceed 3.

c) No sign shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M. except in those cases where the premises are open for business during such time or unless authorized by the Board of Appeals.

## 5. SIGNS PERMITTED IN ALL DISTRICTS

a) **Street Banners.** Street banners which are placed within the Town right-of-way at 100-200 Main Street, 1200-1300 Main Street, or Thoreau Street providing notice of a public entertainment or advertising a charitable, religious or educational event, as may be specifically approved by the Town Manager, may be displayed in locations designated by the Town Manager for a period of time not to exceed 8 consecutive days, the first of which shall occur not more than 7 days prior to such entertainment or event. All said banners shall be removed within 24 hours after such entertainment or event.

b) **Temporary Signs.** Permits for temporary signs located on the premises may be issued by the Building Inspector. These signs shall be appropriate to the use being made of the premises (e.g., construction and real estate subdivision signs) and shall conform to the requirements for freestanding signs in the district in which the temporary sign is located.

c) **Form Signs.** Permits for a sign consisting exclusively of a human, animal or product form with or without lettering of any kind may be issued by the Building Inspector only with the approval of the Board of Appeals, if a majority of said Board, after notice and a public hearing, shall find and rule that maintenance of such a sign will not be detrimental or injurious to the neighborhood and that granting of such a permit will not substantially derogate from the purposes of this bylaw. Any such permit may be revoked by a majority of said Board of Appeals at any time, after notice and a public hearing, whenever any condition attached to the granting of such permit shall be violated or whenever, in the opinion of a majority of said Board, maintenance of the sign would be detrimental or injurious to the neighborhood or would substantially derogate from the purpose of this bylaw.

d) **Churches.** One bulletin or announcement board, identification sign, or entrance marker for each public entrance to the premises upon which the church, synagogue, or other religious institution is located, not exceeding 12 square feet in area, provided that there shall be no more than three such signs for each church or synagogue or other religious institution.

e) **Restaurants.** In addition to other signs permitted by this bylaw, restaurants and other food service establishments may post an actual menu on the building where the premises are located near the main entrance door of the establishment.

## 6. PROHIBITED SIGNS

a) Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited. No such sign shall remain in place or on vacated premises for more than ninety days from the date the vacancy commenced.

b) Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices are prohibited.

c) Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, are prohibited.

d) Signs illuminated by other than a stationary white or off-white steady light are prohibited.

e) Signs which are pasted or attached to utility poles, trees, fences, or structures such as overpasses and bridges are prohibited. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.

f) Mechanically activated signs, other than rotating barber poles, are prohibited.

g) No free standing sign or part thereof shall be more than twenty (20) feet above ground level except that signs may be placed upon a Mansard roof or the roof of a porch provided the twenty (20) foot height limit is complied with. No projecting or wall sign or part thereof may be higher than the wall to which it is attached. Roof mounted signs are prohibited.

h) Signs which are not permanently affixed to a building, structure, or the ground including, but not limited to those used in conjunction with gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs (except when permitted under 8(i)), and signs mounted on a truck or trailer chassis with or without wheels whose primary functions a sign and not for the transport of goods or merchandise, are prohibited.

i) Any new or existing sign not erected pursuant to and in accordance with the requirements of this bylaw, is prohibited.<sup>1</sup>

j) Signs on a marquee or canopy are prohibited.<sup>2</sup>

k) A sign advertising businesses, services or activities located at different premises from the premises on which the sign is located, is prohibited, except street banners pursuant to Section 5a.

## 7. RESIDENCE DISTRICTS.

In a residence district the following signs only are permitted:

a) A sign of not more than two square feet in area, displaying the street number and/or the name of the occupant of the property. Such sign may include identification of an accessory professional office or other accessory use approved by the Board of Appeals.

b) Signs pertaining to the lease, or sale of a lot or building, provided that such signs do not exceed a total area of nine square feet nor more than 3-½ feet in any dimension, until such time as all lots, apartments or houses have been rented or sold.

c) One contractor's sign, not exceeding 12 square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall be removed promptly after completion of construction.

d) One sign identifying each public entrance to a subdivision or multi-family development such as apartments or town houses, of not more than nine square feet in area, nor more than 3-½ feet in any dimension. In addition, each family unit may carry a single sign of not more than one square foot, without time limit.

e) One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to the premises of a church, synagogue, or other religious institution, or school, museum, library, gallery, or other not-for-profit organization, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is also allowed to provide information to users on the site, provided that no single sign exceeds three (3) square feet.

f) For gasoline service stations and farm stands, one identification sign not to exceed twelve (12) square feet in area except when the establishment fronts on Route 2, then twenty-five (25) square feet.

In addition, product identification signs for gas stations and farm stands may be maintained, provided the total of said signs does not exceed nine (9) square feet in area with no single sign to exceed three (3) square feet in area.

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<sup>1</sup> See Section 2-G for guidelines pertaining to nonconforming signs.

<sup>2</sup> See Section 8-E for exception to lettering on awnings.

In addition, farm stands will be allowed to have additional signage for the specific purpose of advertising products grown on their property. These additional product signs may not exceed twenty-five (25) square feet each, except for farm stands on Route 2, which may have signs of fifty (50) square feet each. There shall not be more than two (2) such product signs per farm stand .

## 8. BUSINESS, LIMITED BUSINESS AND INDUSTRIAL DISTRICTS

a) **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.

b) **Principal Signs.** No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

(1) The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

(2) A projecting sign shall not extend beyond the curb line or more than 50 inches, exclusive of any supporting structure, from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (½) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.

(3) A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

c) **Secondary Signs.** If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be in addition to the allowed total sign area for each building under Section 8A, but the size of the sign shall not exceed the maximum size allowed under Section B.

d) **Directories.** Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

e) **Awnings.** Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curb line.

f) **Unimproved Property.** The area of all signs for business conducted on unimproved lots or lots with a small business office shall not exceed fifty (50) square feet.

g) **Temporary Sale Signs.** In a business district, signs of a temporary nature, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door, and shall not be considered in calculating the total permitted sign area for the lot.

h) **Signs Painted on Windows.** In a business district, script describing a product or theme and not including the name of the business are permitted. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height.

i) **Sandwich Boards.** One "A" frame Sandwich Board sign per business premises shall be permitted within the public right-of-way (sidewalk), except in conditions of snow or ice, in addition to the other signs permitted under this Section 8, subject to the following conditions:

(1) The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.

(2) The sign shall not exceed 24" in width and 48" in height.

(3) The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic or reduce the open sidewalk width to less than four feet.

(4) The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.

(5) Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Inspector. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance coverage shall be extended to include the Town of Concord as an additional insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) per occurrence for any and all claims which may arise, for any reason, as a result of the placement of such sign. The business shall also require the insurer to give at least thirty (30) days written notice of termination, reduction or cancellation of the policies to the Town.

(6) In response to specific safety concerns, the Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days when sidewalk congestion is excessive.

(7) The sign may be displayed only during normal business hours and must be removed from the sidewalk thereafter.

## 9. BYPASS DISTRICTS

In the Bypass District, the same restrictions on signs shall apply as in Business Districts. In addition, any nonconforming or prohibited sign, not authorized by the Massachusetts Highway Department under the provisions of Section 29 of Chapter 93 of the General Laws shall be removed.

## 10. INDUSTRIAL PARKS DISTRICTS

In Industrial Parks the same restrictions on signs shall apply as in Business Districts except that a directory sign not to exceed 50 square feet in area may be placed at each public entrance to such park and more than one freestanding sign for the purpose of traffic direction and control may be erected, and shall not be included in the total permissible sign area calculations for the lot(s) within the Park.

## 11. MEDICAL PROFESSIONAL DISTRICTS

a) **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.

b) **Principal Signs.** No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

(1) The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located

anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

(2) A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

c) **Directories.** Where there are three (3) or more professional businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

## 12. SPECIAL PROVISIONS

a) **Gasoline Station Signs.** In addition to the signs permitted in the foregoing sections, gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet.

The standard type gasoline pump bearing the name or type of gasoline and the price in usual size and form shall not be deemed a sign within the meaning of this Bylaw.

b) **Public Interest Signs.** Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing" shall be exempt from the permit requirements of this bylaw, provided they do not exceed two (2) square feet in area.

c) **Directional and Traffic Safety Signs.** Signs indicating "entrance", "exit", "parking", or similar traffic directional information, shall not exceed three (3) square feet in area per sign. Provided these signs are erected on the lot pursuant to a Town or State regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot.

d) **Political, Ideological, Charitable Purposes or Religious or other Personal, Non-commercial Message.** Permanent (longer than 60 days) displays or notices of events for charitable purposes require a permit from the Building Inspector and shall not exceed the maximum dimensional limitations for the district in which they are located. Except as provided in this Section 5(d), temporary display of notices for charitable purposes or expressions of political, religious, ideological or other personal, non-commercial message shall be exempt from the provisions of this bylaw, subject to the following

- 1) No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way, and no such sign shall be erected for longer than sixty (60) days.
- 2) Signs may be erected in the Town's right of way by a homeowner in front of his or her own home, provided: a) there is no protrusion into the public walkway or roadway; b) placement will not damage any plantings that are in the area; c) placement does not pose a hazard to passersby; d) posted signs include the contact information of the sign owner attached in a visible manner to the sign; and e) signs may not be posted for more than two weeks without approval in writing of the Town Manager.
- 3) Signs may be erected on other Town property only with the approval of the Town Manager consistent with the Town's APP #48 policy statement.

Temporary signs erected on Town property or right of way or other disapproved locations not meeting all of the foregoing conditions may be removed and stored at a Town facility awaiting the owner's retrieval for a period not to exceed 30 days, after which they may be discarded.

## 13. DEFINITIONS

a) "**Sign**" means any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location

by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include national or state flags, athletic scoreboards, official announcements or signs of U.S., Massachusetts or Town government (including any signs on Town property or the Town right-of-way) approved by the Board of Selectmen, or temporary holiday decorations customarily associated with any national, local or religious holiday.

b) "**Area of Sign**" - The area of a freestanding or attached sign shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing. The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted.

The area of a sign consisting of individual letters or symbols attached to, or painted directly on, a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols.

A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

c) "**Business Establishment**" means as independent economic unit, in a single physical location, where a business is conducted.

d) "Ghost sign" means an advertisement that was installed prior to 1960. Such "ghost sign" shall be allowed by sign permit from the Board of Appeals to remain, to be stabilized or restored to the original condition when such sign is considered an important reflection of the everyday social and economic life of years past. Such signs shall not count toward the allowable square footage or allowable number of signs of a business or parcel of land.

e) Other terms shall, where applicable, have the meanings given to them in the Concord Zoning Bylaw.

#### 14. INTERPRETATION AND CONFLICT CLAUSE

These regulations are not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

#### 15. SEVERABILITY CLAUSE

The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section or provision, or application of this bylaw.

*The amendments are designed to update the bylaw, conform it to current law, and provide some flexibility to Concord businesses without derogating from the general purpose and intent of the Bylaw.*

#### **Board of Selectmen recommends affirmative action**

#### APPROPRIATION OF FUNDS FOR CONCORD'S 375<sup>th</sup> ANNIVERSARY (By Petition)

**ARTICLE 57.** To determine whether the Town will vote to appropriate the sum of \$25,000 or any other sum from available funds to be expended under the direction of the Town Manager for the purposes of partially funding celebrations in September 2010 to commemorate the Town's 375<sup>th</sup> Anniversary of its incorporation, or take any other action relative thereto.

*The purpose of this Article is to help fund the planned celebrations for the Town's 375<sup>th</sup> Anniversary in September 2010.*

**Finance Committee recommendation will be made at Town Meeting**

**Board of Selectmen recommendation will be made at Town Meeting**

## OLD CALF PASTURE RESTORATION PLAN

**ARTICLE 58.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury the sum of \$14,430 representing the sum paid into the treasury on March 27, 2009 as the result of a Settlement Agreement concerning the unauthorized removal of trees from conservation land known as the Old Calf Pasture executed on behalf of the Town by the Town Manager, or any other sum, to be expended under the direction of the Town Manager upon the request of the Natural Resources Commission for the mowing and other conservation purposes at the Old Calf Pasture; or take any other action relative thereto.

*This Article proposes a transfer from Free Cash to fund an appropriation for the maintenance and restoration of the Old Calf Pasture pursuant to an agreement between the Town, the Natural Resources Commission, and Sandra R. Folk utilizing payment received into the General Fund during fiscal year 2009.*

**Finance Committee recommends affirmative action in the amount of \$14,430 from Free Cash**  
**Board of Selectmen recommends affirmative action in the amount of \$14,430 from Free Cash**

## WETLANDS BYLAW REGULATIONS

**ARTICLE 59.** To determine whether the Town will vote to adopt regulations under the approved non-zoning Wetlands Bylaw, as follows:

### **SECTION 1: GENERAL PROVISIONS**

These Regulations are promulgated by the Concord Natural Resources Commission (the Commission) under the authority of the Town of Concord Wetlands Bylaw, Article 43 of 2009 Town Meeting, effective September 10, 2009 (the Bylaw).

The purpose of these Regulations is to effectuate the purpose of the Bylaw and provide guidance for work in sensitive areas. The failure of these Regulations to address all aspects of the Bylaw, or a legal declaration of their invalidity, shall not act to suspend or invalidate the effect of the Bylaw. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Definitions and terms as defined in the Bylaw are used consistently herein.

### **SECTION 2: PROTECTION OF BUFFER ZONES**

The first 25 feet of a Buffer Zone defines the Buffer Zone's inner edge and is designated a No Disturbance Zone. The remaining 75 feet of the Buffer Zone is designated a Limited Disturbance Zone.

#### **2.1 No Disturbance Zone**

##### *2.1.1 Presumption of Significance*

In accordance with §7.4e of the Bylaw, the Commission shall presume that any activity or alteration within the No Disturbance Zone has a negative impact on the resource area values and thus is prohibited. This presumption may be rebutted where an applicant provides clear and convincing evidence that the resource area values would not be adversely affected, whether individually or cumulatively by the proposed activity. This may be achieved through a qualitative analysis examining each resource area value as it currently exists and as it is projected to exist with and without the proposed activity going forward. In the event that the Commission finds that the presumption has been overcome, it shall make a written determination to this effect, stating its grounds.

Activities listed in §7.4.e.(ii) are not subject to this presumption.

##### *2.1.2 Performance Standards*

- (i) Alterations, including but not limited to grading, landscaping, removing of vegetation, filling, excavating, operation of vehicles or machinery, and paving, shall not be permitted in a No Disturbance Zone, except as allowed under the Bylaw.

- (ii) Structures, including but not limited to buildings, porches, decks, pools, sheds, fences, and driveways, shall not be constructed or placed within a No Disturbance Zone. Lawfully located structures in existence before this Bylaw are permitted to remain. Expansions and additions are not permitted. Reconstruction of lawfully located structures may be permitted when no other practicable alternative exists.
- (iii) Notwithstanding any of the foregoing prohibitions, the Commission may allow certain activities or structures in the 25-foot No Disturbance Zone by waiver, as provided in paragraph 4.1.1 of these Regulations, when no other practicable alternative exists. Petitions for a waiver shall be included in writing in the Notice of Intent filed under the Bylaw.

## **2.2 Limited Disturbance Zone**

In accordance with §7.4.a of the Bylaw, the Commission shall presume the protection of the Limited Disturbance Zone is significant to preserving the resource area values protected by the Bylaw. This presumption is rebuttable and may be overcome upon a clear showing that the Buffer Zone does not play a role in the protection of those interests. In the event that the Commission finds that the presumption has been overcome, it shall make a written determination to this effect, stating its grounds.

Alternatively, applicants can demonstrate by a preponderance of the evidence that any activity or alteration within the Limited Disturbance Zone, when considered with proposed mitigation measures, will have no adverse effect upon the resource area values identified in the Bylaw.

## **SECTION 3: PROTECTION OF CERTIFIED VERNAL POOLS AND VERNAL POOL HABITAT**

In accordance with §7.4.d of the Bylaw, an applicant may rebut the presumption that certified vernal pools and vernal pool habitat provide essential habitat functions. Any formal evaluation should be conducted by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act Regulations (310 CMR 10.00). The Commission shall allow limited alterations to areas that, in their existing condition and use, do not serve a significant habitat function, or the Commission may allow limited alterations along with certain prescribed performance standards that protect the resource area values. In the event that the Commission finds that the presumption has been overcome, it shall make a written determination to this effect, stating its grounds.

Alternatively, if an applicant can show by a preponderance of the evidence that the certified vernal pool and its habitat does not and cannot provide habitat for vernal pool species, then the presumption is rebutted. Within areas of lawfully existing lawns, landscaped area, or driveways as of September 10, 2009, this presumption may be overcome by evidence that the lawns, landscaped area, or driveways were lawfully existing prior to September 10, 2009. Such evidence may include, but is not limited to, aerial photographs or land based photographs that clearly show the area in question. In the event that the Commission finds that the presumption has been overcome, it shall make a written determination to this effect, stating its grounds.

## **SECTION 4: WAIVERS AND MITIGATION**

### **4.1 Waivers**

The performance standards for work in wetland resource areas are defined to ensure that the interests protected by the Bylaw are adequately protected. The Commission recognizes that, in certain situations, a waiver of a specific performance standard may be appropriate for a particular project when the waiver is consistent with the intent and purpose of the Bylaw and Regulations.

Upon a written request for a waiver, the Commission shall consider whether the waiver is consistent with the intent and purpose of the Bylaw and these Regulations. The Commission shall act on the request for a waiver and shall provide to the applicant its written decision. A request for a waiver shall be made in writing and be included in a request for approval (e.g. Notice of Intent), and shall include the information outlined in the sections below. The issuance of a waiver is discretionary.

#### **4.1.1 *Waivers for 25-Foot No Disturbance Zone***

The Commission may grant a waiver from these Regulations for an alteration of a 25-foot No Disturbance Zone in situations where no practicable alternative exists that provides less impact to the resource area values. The Commission may grant a waiver of a performance standard and

impose such additional or substituted mitigation requirements, commensurate with the scope of the project's impacts, as it deems necessary.

The applicant shall provide information to the satisfaction of the Commission that:

- (i) there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with these Regulations;
- (ii) avoidance, minimization, and mitigation have been employed to the maximum extent feasible; and
- (iii) the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

#### 4.1.2 *Waivers for Certified Vernal Pools and Vernal Pool Habitat*

The Commission may grant a waiver from these Regulations for an alteration of a portion of a certified vernal pool or vernal pool habitat where no practicable alternative exists that would have less impact to the habitat values and where the functioning of the vernal pool as breeding area for species dependent on vernal pools is not impaired.

In addition to the waiver requirements under §4.1.1 of the Regulation, the applicant shall provide information to the satisfaction of the Commission that:

- (i) there are no alternatives to the proposed project with less harmful effects on vernal pool habitat;
- (ii) evidence that sufficient vernal pool habitat will remain; and
- (iii) evidence that likely use and maintenance of the altered area will have no detrimental effect on water quality of the certified vernal pool or quality of the vernal pool habitat.

#### 4.2 **Mitigation**

In cases where a waiver is granted, the Commission may require mitigation measures. These mitigation measures shall be commensurate with the scope of the project's impacts and shall be implemented to offset potential impacts to wetland resource area(s). The mitigation must maintain or improve the natural capacity of a resource area to achieve the interests protected by the Bylaw.

The Commission may require that mitigation be implemented before permitted alterations are initiated.

### **SECTION 5: PROCEDURES:**

#### 5.1 **Application For Permits**

##### 5.1.1 *Application Forms*

Applications under the Bylaw may be combined with applications under the Wetlands Protection Act using the DEP forms current at the time of filing with a supplemental local form maintained by the Division of Natural Resources.

##### 5.1.2 *Checklists*

The Division of Natural Resources shall maintain submission checklists for each application type to guide applicants in submittal requirements. These checklists identify administrative details for submittals including, but not limited to, plan scale and size requirements, number of copies required, and submission deadlines.

##### 5.1.3 *Completeness*

A permit application is not complete until all required application materials have been received by the Commission as listed on the appropriate submission checklist, and specified in the applicable permit application instructions. No hearing or meeting for the proposed project will be scheduled

until all required application materials have been received. The Commission may, at any time during the review process, require the submission of extra copies of the application and/or plans.

#### 5.1.4 *Revisions, amendments, and supplemental information*

All revisions, amendments, or supplemented information introduced or referred to by the applicant during the course of the public hearings on the application shall be provided in a form that is consistent with the checklist requirements, including updated application pages as necessary and number of copies.

## 5.2 **Administrative Approvals**

For projects that are considered minor in scope and that would predictably have no measurable or cumulative impact upon the resource areas protected by the Bylaw in accordance with §7.1 of the Bylaw, the applicant shall submit a written request for an administrative approval to the Natural Resources Director. Such a request shall include, at a minimum, a plan sufficient to show the location of the proposed activity, and a narrative describing the activity. Such requests shall include information as necessary to demonstrate that a proposed activity meets the criteria identified in §3 or §7.1 of the Bylaw. The Natural Resources Director shall determine on a case by case basis what additional information is necessary to administratively approve a project. Administrative approval requests may also be made by applicants that wish to confirm that an activity is exempt under the Bylaw. The Natural Resources Director shall issue a decision in writing. With the exception of hazard tree removal, or other projects requiring immediate action, the Natural Resources Director shall provide the Natural Resources Commission with a list of pending administrative approvals prior to issuing approval.

Without limiting the generality of the above paragraph, an appeal may be taken to the Commission by any person including an officer or Board in the Town of Concord aggrieved by reason of inability to obtain, or by issuance of, an administrative approval from any administrative officer of the Town of Concord in violation of Article 43 of Town Meeting 2009 or any Bylaw of the Town of Concord adopted thereunder.

or take any other action relative thereto.

*In 2009, Town Meeting approved a non-zoning wetlands bylaw to better protect wetland resource areas and the functions they provide. The bylaw went into effect after being approved by the Attorney General this past September. While regulations are typically adopted by the agency that implements the law, in this case the Natural Resources Commission, Town Meeting 2009 added language to the bylaw that requires any regulations adopted by the NRC under the bylaw to be voted and approved by Town Meeting. This Regulation provides guidance how projects may be permitted in sensitive areas including the 25-foot No Disturbance Zone and near Certified Vernal Pools.*

## **Board of Selectmen recommends affirmative action**

### **RIGHT TO FARM BYLAW**

**ARTICLE 60.** To determine whether the Town will vote to adopt a Right to Farm Bylaw as follows:

#### **Section 1 Legislative Purpose and Intent**

The purpose and intent of the bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Concord restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

The General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Concord by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. The bylaw shall apply to all jurisdictional areas within the Town.

## Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to the following:

- operation and transportation of slowing-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agritourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

## Section 3 Right to Farm Declaration

The right to Farm is hereby recognized to exist within the Town of Concord. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, local zoning, or other local bylaws.

## Section 4 Disclosure Notification

In order to help promote understanding between farmers and their neighbors, the Town of Concord will from time to time notify residents as follows:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to remind Concord Residents that they will live in a town where farming activities occur. Such farming activities (which may occur on holidays, weekdays, and weekends by night or day) may include, but are not limited to, activities that cause noise, dust and odors. Residents of Concord should expect and accept such conditions from time to time as a normal and necessary aspect of living in a town with farms."

A copy of the disclosure notification shall be posted in the Town House and be available for distribution from the Planning Board or its designee and may be published on brochures or town websites.

### **Section 5 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have.

The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Committee or its agent which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Committee or its agent, which shall review and facilitate the resolution of the grievance, and reports its recommendations to the Board of Health within an agreed upon time frame.

### **Section 6 Severability Clause**

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such determination shall not affect the remainder of this Bylaw. The Town of Concord hereby declares the provisions of this Bylaw to be severable.

or take any other action relative thereto.

*This bylaw will highlight the importance of farming to the Town of Concord, will reiterate that farming is a valued and accepted activity here, and is intended to help promote understanding between farmers and their neighbors.*

### **Board of Selectmen recommends affirmative action**

## **CONSTRUCTION NOISE BYLAW**

**ARTICLE 61.** To determine whether the Town will vote to amend the Town Bylaws by adding a provision for Construction Noise, as follows:

### **Section 1. Construction Noise**

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any loud noise related to non-public construction activities as outlined below between the hours of 8:00 p.m. to 7:00 a.m. on weekdays and Saturdays which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health and safety of others within the Town. Additionally, it shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary or unusually loud noise related to non-public construction activities as outlined below on Sundays and the following holidays: New Year's, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

Construction shall mean those activities requiring a building permit, and shall also include any site preparation, earth removal, grading, assembly, erection, substantial repair, alteration or similar action, including demolition, for or of private streets, structures, utilities or similar non-public property. Construction noise shall be that noise generated by manual or mechanical activities associated with construction.

### **Section 2. Exemptions**

Noise associated with Emergency Work or Emergency Vehicles is exempt from the provisions of this Bylaw. Emergency Work shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service. Emergency Vehicles shall mean any vehicle operated in an effort to protect, provide or restore public safety including, but not limited to, ambulances, police vehicles and fire vehicles.

Noise associated with construction activities undertaken with authorization of the Police Chief in order to complete a project, which is in the public interest, in a timely and expeditious manner shall be exempt from the provisions of this Bylaw.

### Section 3. Enforcement

Violations under this bylaw shall be enforced under the Town's Non-criminal Disposition Bylaw and fines shall be in accordance with Appendix A of the Town's Non-Criminal Disposition Bylaw.

or take any other action relative thereto.

*This new bylaw is proposed in response to neighborhood complaints about construction activities on private property that generate noise prior to 7:00 a.m. or after 8:00 p.m. and will allow the responding Police Officers and Building Inspectors to take enforcement action.*

### Board of Selectmen recommends affirmative action

#### ADOPTION OF MASSACHUSETTS BUILDING CODE APPENDIX 120.AA, "STRETCH" ENERGY CODE

**ARTICLE 62.** To determine whether the Town will vote to adopt, or authorize the Board of Selectmen to adopt, the portion of the State of Massachusetts Energy Code (780 CMR Appendix 120AA), known as the Massachusetts Stretch Energy Code, in the Town of Concord, as required by State regulation, (the provisions of which are summarized below), or take any other action relative thereto.

#### 1. Purpose

1.1. The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings. A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

#### 2. Background and definitions

2.1. In 2008 the State of Massachusetts adopted the Green Communities Act (Senate Bill No. 2768) the purpose of which is to provide for renewable and alternative energy and energy efficiency in the Commonwealth.

2.2. The "base building energy code in Massachusetts will be updated in 2010 to the recently published IECC (International Energy Conservation Code) 2009 energy code (this update will happen every year subsequently, with the State adopting the previous years' IECC codes). The "stretch code is similarly based on the IECC 2009 energy code, but with approximately 20% greater building efficiency requirements, and a move towards 3rd party testing and rating of building energy performance.

#### 3. Stretch Code Provisions

##### Residential - New Construction

New residential buildings 3 stories or less will be required to meet an energy performance standard using the Home Energy Rating System (HERS). The HERS index scores a home on a scale where 0 is a zero-net-energy home, and 100 is a code compliant new home (currently based on the IECC 2006 code). The HERS index has been in use for many years by programs such as Energy Star Homes, and LEED for Homes, and by the Federal IRS for tax credits and energy efficient mortgages. HERS ratings are performed by an independent HERS rater, working with the home builder, and then submitted to the local building code official.

The Massachusetts stretch code requires a HERS index of 65 or less for new homes of 3,000 square feet or above, and 70 or less for new homes below 3,000 square feet (this includes multi-family units in buildings of 3 stories or less).

A HERS index of 65 means that the home is estimated to use 65% as much energy as the same home built to the 2006 energy code, or a 35% annual energy savings.

##### Residential – Home renovations

Home additions and renovations have two options to meet the stretch code:

- i) The same "performance" approach as new construction but requiring a HERS index of 80 or less for significant changes to homes over 2,000 square feet, or 85 or less for homes below 2,000 square feet.
- ii) A "prescriptive" approach, where specific efficiency measures are required rather than a HERS index number. This utilizes the Energy Star for Homes program prescriptive requirements, and insulation at least equal to IECC 2009.

### **Commercial –New Construction**

The stretch code also applies a performance-based code to commercial buildings, with the option of a prescriptive code for small and medium-sized commercial buildings. Buildings smaller than 5,000 square feet are exempt, as are building renovations, and “specialty” buildings – supermarkets, laboratories, and warehouses– below 40,000 square feet in size, due to their widely differing energy needs. These exempt buildings remain subject to the “base” Massachusetts energy code (IECC 2009 and ASHRAE 90.1-2007). Large buildings of any type over 100,000 square feet, and “specialty” buildings over 40,000 square feet are required to meet a performance standard set at 20% below the energy usage of the commonly used ASHRAE 90.1-2007 code4, demonstrated through modeling by methods and software approved by the BBRS.

Medium-sized commercial buildings, which include residential buildings of 4 stories or more, but that are less than 100,000 square feet, have the option of meeting the same 20% better than ASHRAE 90.1-2007 performance standard, or using a simplified, prescriptive energy code.

The prescriptive code is based on Chapter 5 of the IECC 2009 energy code, and adds incremental efficiency improvements primarily through:

- a. Building envelope elements (walls, roofs, windows, insulation, etc.)
- b. Commissioning requirements to ensure that the energy system of a building operates as designed.
- c. More efficient lighting power densities and improved lighting controls.
- d. A choice of one of three compliance paths: high efficiency HVAC equipment, further lighting energy reductions, or on-site renewable energy.

This prescriptive option for commercial buildings between 5,000 and 100,000 sq. ft. was developed from the Core Performance program of the New Buildings Institute. This program has been developed and used for utility incentive programs in Massachusetts for the past couple of years. The Core Performance program used over 30,000 energy modeling runs to evaluate and rank the most cost effective modifications to the ASHRAE 90.1 code, and has been run specifically with Boston climate data to represent Massachusetts. Certain areas of this prescriptive option were also updated to reflect recent energy code development for future iterations of ASHRAE and IECC codes and refined for specific application in Massachusetts where they are cost-effective.

*Appendix 120.AA, known as the “Stretch Code” was adopted by the Massachusetts Board of Building Regulations and Standards in May of 2009 as an optional appendix to the Massachusetts State Building Code. This optional “Stretch Code” was developed in response to a call for improved energy efficiency in the Commonwealth. Cities and towns may adopt the stretch code in place of the “base” building energy code and thereby require approximately 20% greater energy efficiency in new construction. The optional Stretch Code also applies to renovation of existing structures, and may be adopted by any city or town acting through its governing body, following a public hearing.*

### **Board of Selectmen recommends affirmative action**

#### **RIGHT TO DRY BYLAW – (By Petition)**

**ARTICLE 63.** To determine whether the Town will vote to adopt a bylaw prohibiting real estate contracts, agreements or rules from precluding the use of clotheslines on residential properties within the Town of Concord or to take any other action relative thereto.

*To enable homeowners to make efficient use of renewable energy services – the sun and wind – to dry clothing.*

### **Board of Selectmen recommendation will be made at Town Meeting**

#### **AUTHORIZATION OF LONG TERM LEASE FOR SOLAR ENERGY**

**ARTICLE 64.** To determine whether the Town will vote to authorize the Town Manager to enter into a long-term license, lease and/or contractual agreements, subject to terms and conditions approved by the Board of Selectmen, involving the property at 509 Bedford Street, the Wastewater Treatment Plant site (Assessors Parcels 1195, 1196, 1197, 1198, 1199, 1200, 1201, and 1213), the property at 1175 Elm Street, the Light Plant headquarters (Assessors Parcel 1999-1), the property at 133/135/141 Keyes Road (Assessors

Parcel 1682), and/or the property at 33X Old Bedford Road, the former "Ammendolia land" (Assessors Parcels 4209 and 4210-2), for the purposes of installing solar energy facilities and supplying solar energy, and further to authorize the Selectmen and Town Manager to take such action as may be necessary under State law to effectuate said agreements, or take any other action relative thereto.

*The purpose of this article is for the Town to enter into a long term lease and/or purchase power agreement for the purposes of supplying solar energy in Concord.*

**Board of Selectmen recommendation will be made at Town Meeting**

**BAN THE SALE OF WATER IN PLASTIC BOTTLES IN CONCORD (By Petition)**

**ARTICLE 65.** To determine whether the Town will vote to ban the sale of water in plastic bottles in Concord starting January 1, 2011, or take any other action relative thereto.

**Board of Selectmen recommends no action**

**REVISIONS TO SALE OF TOBACCO TO MINORS BYLAW**

**ARTICLE 66.** To determine whether the Town will vote to amend the Sale of Tobacco to Minors Bylaw as follows:

**Section 1 – DECLARATION OF POLICY AND PURPOSE** (no changes)

**Section 2 – DEFINITIONS** (Delete in its entirety and replace as follows):

**Section 2 - DEFINITIONS**

For the purpose of this bylaw, the following words shall have the following meanings:

- A. **BUSINESS AGENT:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.
- B. **EMPLOYEE:** Any individual who performs services for an employer.
- C. **EMPLOYER:** Any individual, partnership, association, corporation, trust or other organized group of individuals, including Concord or any agency thereof, which uses the services of one (1) or more employees.
- D. **MINOR:** Any individual who is under the age of eighteen (18).
- E. **PERMIT HOLDER:** Any person engaged in the sale or distribution of tobacco products directly to consumers who applies for and receives a tobacco sales permit or any person who is required to apply for a tobacco sales permit pursuant to this bylaw, or his or her business agent.
- F. **PERSON:** An individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.
- G. **SELF SERVICE DISPLAY:** Any display from which customers may select a tobacco product without assistance from an employee or store personnel, excluding vending machines.
- H. **TOBACCO PRODUCT:** Cigarettes, cigars, chewing tobacco, pipe tobacco bidis, snuff or tobacco in any forms.
- I. **VENDING MACHINE:** Any automated or mechanical self service device, which upon insertion of money, tokens or any other form or payment, dispenses cigarettes or any other tobacco product.

**Section 3 – PERMITS (Delete in its entirety and replace as follows)**

**Section 3 – PERMITS**

- A. No person shall sell or otherwise distribute tobacco at retail within the Town of Concord without first obtaining a tobacco sales permit issued annually by the Concord Board of Health. Only owners of establishments with a permanent, non-mobile location in the Town of Concord are eligible to apply for a permit and sell tobacco products in the specified location in Concord.
- B. As part of the tobacco sales permit application process, the applicant will be provided with this bylaw. Each applicant is required to sign a statement declaring that the applicant has read said bylaw and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding both state laws regarding the sale of tobacco and this bylaw.
- C. Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco sales permit can be issued.
- D. The fee for a tobacco sales permit shall be determined by the Concord Board of Health annually. All such permits shall be renewed annually by June 1<sup>st</sup>.
- E. A separate permit is required for each retail establishment selling tobacco.
- F. Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.
- G. No tobacco sales permit holder shall allow any employees to sell cigarettes or other tobacco products until such employee reads this bylaw and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the bylaw and applicable state laws.
- H. A tobacco sales permit is non-transferable. A new owner of an establishment that sells tobacco must apply for a new tobacco sales permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
- I. Issuance of a tobacco sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this bylaw.
- J. A tobacco sales permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired.

**Section 4 – PROHIBITED ACTS (Delete in its entirety and replace as follows)**

**Section 4 – PROHIBITED ACTS**

- A. No person shall sell tobacco products or permit tobacco products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco products to a minor. Each person selling or distributing tobacco products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.
- B. All tobacco vending machines are prohibited.
- C. No person shall distribute, or cause to be distributed, any free samples of tobacco products
- D. No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
- E. All self service displays of tobacco products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. The only exception is self service displays that

are located in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

**Section 5 – POSTING (Delete Section A1, A2, A3, A4 and replace as follows)**

**Section 5 – POSTING**

In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Concord Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

**Section 6 – VIOLATIONS AND PENALTIES**

- A. (no changes)
- B. (After the first sentence, as reprinted here in, add the second sentence as shown here in bold and underlined). Except when otherwise provided by law, prosecutions for offenses under this bylaw shall be made by a constable, Police Officer, the Board of Health or their Agent(s). **(Any citizen who desires to register a complaint pursuant to the bylaw may do so by contacting the Concord Board of Health or its designated agent(s) and the Board shall investigate.**
- C. Fines for violations shall be in accordance with Appendix A of the Town's Non-Criminal Disposition Bylaw.

(Delete subsection D in its entirety and replace as follows)

- D. It shall be the responsibility of the permit holder and/or his or her business agent to ensure compliance with Section 4A of this bylaw pertaining to his or her distribution of tobacco. The violator shall receive:
  1. In the case of a first violation, a fine of one hundred dollars (\$100)
  2. In the case of a second violation within 24 months of the date of the current violation, a fine of two hundred dollars (\$200) shall be assessed and the tobacco sales permit shall be suspended for seven (7) consecutive business days.
  3. In the case of three or more violations within a 24 month period, a fine of three hundred (\$300) shall be assessed and the tobacco sales permit shall be suspended for thirty (30) consecutive business days.

(Delete subsection E in its entirety and replace as follows).

- E. Refusal to cooperate with inspections pursuant to this bylaw shall result in the suspension of the tobacco sales permit for thirty (30) consecutive business days.

(Add subsection F as follows)

- F. The Concord Board of Health shall provide notice of the intent to suspend a tobacco sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore in writing. After the hearing, the Concord Board of Health will suspend the tobacco sales permit if the Board finds that a sale to a minor occurred. For purposes of such suspensions, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products shall be

removed from the retail establishment upon suspension of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this bylaw.

(Add subsection G as follows)

G. All other violations of this bylaw will be subjected to fines of fifty (\$50) dollars per violation.

**Section 7 – VARIANCE** (Delete section in its entirety)

**Section 8 – SEPARABILITY** (No changes to text renumber as Section 7).

or take any other action relative thereto.

*The Sale of Tobacco to Minors Bylaw was adopted in 1995 as a mechanism for the Concord Board of Health to further restrict the sale, vending, and distribution of tobacco products to minors as it relates to the protection of the public health. Since that time, statewide regulations governing this area have changed, along with industry practices and public health research about the dangers of tobacco use by adolescents. Changes to our proposed bylaw include but are not limited to, incorporating a broader scope of definitions, permitting restrictions for establishments that sell tobacco products, and additional fines for non-compliance.*

**Board of Selectmen recommends affirmative action**

**REVISIONS TO SMOKING IN FOOD ESTABLISHMENTS BYLAW**

**ARTICLE 67.** To determine whether the Town will vote to amend the Smoking in Food Establishments Local Bylaw as follows:

Smoking in Food Establishments Local Bylaw  
(Delete Title in its entirety and replace as follows)

**Smoke Free Workplace Bylaw**

- Section 1: Purpose (unchanged)**
- Section 2: Authority (unchanged)**
- Section 3: Severability (unchanged)**

**Section 4: Definitions** (Delete in its entirety and replace as follows):

Section 4: Definitions

As used in this bylaw, the following words shall have the following meanings, unless the context requires otherwise:

- 4.1 "Compensation" – money, gratuity, privilege, or benefit received from an employer in return for work performed or services rendered.
- 4.2 "Employee" – an individual or person who performs a service for compensation for an employer's workplace, including a contract employee, temporary employee, and independent contractor who performs a service in the employer's workplace for more than a de minimus amount of time.
- 4.3 "Employer" – an individual, person, partnership, association, corporation, trust, organization, school, college, university or other educational institution or other legal entity whether public, quasi-public, private, or non-profit which uses the services of one (1) or more employees at one (1) or more workplaces, at any one (1) time, including the Town of Concord.
- 4.4 "Enclosed" – a space bounded by walls, with or without windows or fenestrations, continuous from floor to ceiling and enclosed by one (1) or more doors, including but not limited to an office, function room or hallway.

- 4.5 "Outdoor space" – an outdoor area, open to the air at all times and cannot be enclosed by a wall or side covering.
- 4.6 "Retail Tobacco Store" – an establishment which is required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Concord Board of Health.
- 4.7 "Smoking" – or "Smoke" – the lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.
- 4.8 "Smoking Bar" – an establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by Mass General Law Ch., 270, Section 22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking Bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars".
- 4.9 "Workplace" – an indoor area, structure or facility or a portion thereof, at which one (1) or more employees perform a service for compensation for an employer, other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space.
- 4.10 "Work space or work spaces" – an enclosed area occupied by an employee during the course of his employment.

Terms not defined herein shall be defined as set forth in MGL, Ch. 270, Section 22 and/or 105 CMR 661. To the extent any of the definitions herein conflict with MGL, Ch. 270, Section 22 and 105 CMR 661, the definition contained in this bylaw shall control.

**Section 5: Prohibitions (Delete in its entirety and replace as follows):**

Section 5: Prohibitions

- 5.1 It shall be the responsibility of the employer to provide a smoke free environment for all employees working in an enclosed workplace.
- 5.2 Smoking is hereby prohibited in Concord in accordance with MGL, Ch. 270, Section 22 (commonly known as the "Smoke-free Workplace Law).
- 5.3 Pursuant to MGL, Ch. 270, Section 22(j), smoking is also hereby prohibited in Tobacconist Shops ("Smoke Shops"), Smoking Bars, and Nursing Homes.

**Section 6: Enforcement (Delete in its entirety and replace as follows):**

Section 6: Enforcement

- 6.1 This bylaw shall be enforced by the Board of Health and its designees.
- 6.2 Any person may register a complaint to initiate an investigation and enforcement with the Board of Health, the local inspection department or the equivalent.
- 6.3 The Board of Health shall have the authority to enforce this bylaw through the use of violation notices, administrative orders, or civil and criminal court actions. Violations may result in fines and other lawful penalties listed in this bylaw.

Section 7: Hearings (delete section in its entirety)

Section 8: Variances (delete section in its entirety)

**Section 9: Penalties and Remedies (Delete in its entirety and replace as follows)**

Section 9: Penalties and Remedies

- 9.1 Violations are subject to a fine in accordance with Appendix A of the Town's Non-Criminal Disposition Bylaw
- 9.2 Each calendar day on which violation occurs shall be considered a separate offense.
- 9.3 Violations of Section 5.2 shall be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21 D of Chapter 40 of Massachusetts General without an enabling ordinance or bylaw. The disposition of fines assessed shall be subject to Section 188 of Chapter 111.
- 9.4 Violations of Section 5.3 may be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law.
- 9.5 If an owner, manager or other person in control of a building, vehicle, or vessel violates this bylaw repeatedly, demonstrating egregious noncompliance as defined by regulation of the Department of Public Health, the Board of Health may revoke or suspend the license to operate and shall send notice of the revocation or suspension to the Department of Public Health.

**Section 10: (Delete in its entirety and replace as follows)**

**Section 10: Severability**

Each part of these regulations are constructed to be separate, such that if any section, sentence, item, clause, or phrase is held invalid for any reason, the remainder of the regulations shall continue in full force and effect.

Add Sections 11 & 12 as follows:

Section 11: Conflict with other Laws and Regulations

Notwithstanding the provisions of Section 4 of this bylaw, nothing in this bylaw shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health, or other regulations.

**Section 12: Effective Date**

This bylaw shall take effect on January 2, 1996.

Amended at the Town of Concord Annual Town Meeting on May 8, 2003.

or take any other action relative thereto.

*The Smoking in Food Establishments Bylaw was adopted at a time prior to the Commonwealth of Massachusetts' prohibition to smoking in restaurants. Since that time, Massachusetts General Law, Chapter 270, Section 22, commonly known as the Massachusetts Smoke-Free Workplace Law, was enacted. The changes proposed to the Local Bylaw include: changing the name, increasing fines for non-compliance, prohibiting the sale of tobacco products in vending machines or by mobile vendors, and prohibiting smoking in Tobacconist Shops ("Smoke Shops"), Hookah Bars, and Nursing Homes.*

**Board of Selectmen recommends affirmative action**

**PUBLIC CONSUMPTION OF MARIJUANA BYLAW**

**ARTICLE 68.** To determine whether the Town will vote to adopt the following bylaw for the Town of Concord:

**PUBLIC CONSUMPTION OF MARIJUANA BYLAW**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. Ch. 94C, §1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any motor vehicle in or on a public way, whether or not the user is operating the vehicle or whether the vehicle is in operation at all; or in any place accessible to the public.

Whoever violates this bylaw shall be subject to a fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under G.L. Ch. 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Enforcement shall be carried out by the Police Chief and duly sworn Police Officers who shall have full enforcement powers. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. Ch. 94C, §32L. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

or take any other action relevant thereto.

*At the November 2008 State Election, voters approved Question 2, which decriminalized the possession of small quantities of marijuana. The civil penalty for offenses is \$100. Adopting a local bylaw will provide the Town with a mechanism to collect the fines in the event the offender fails to pay the \$100 civil penalty in a timely manner. Bylaw offenses carry additional fines of \$100 to \$300 and can be collected through non-criminal procedures.*

**Board of Selectmen recommends affirmative action**

**DEBT RESCISSION**

**ARTICLE 69 .** To determine whether the Town will vote to rescind the following unused borrowing authorization:

Article 32 of 2005 – Burke Land Acquisition (original authorization \$2,750,000)	\$250,000
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or take any other action relative thereto.

*This article will remove from the Town's accounting records a debt authorization that was not required to accomplish the purpose of the original article and that was not issued as bonds or notes. This is routine proper fiscal practice.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

**AMENDMENTS TO HISTORIC DISTRICTS COMMISSION SPECIAL ACT**

**ARTICLE 70.** To determine whether the Town will vote to petition the General Court to further amend Chapter 345 of the Acts 1960, as follows:

By substituting in Section 4, "Concord Antiquarian Society, doing business as The Concord Museum" for "Concord Antiquarian Society", substituting "Trustees of the Concord Free Public Library Corporation" for "Trustees of the Concord Public Library", and substituting "Concord Natural Resources Commission" for "Concord Conservation Commission"; and,

By inserting in Section 4, the following sentence at the end of the second paragraph,: "If the Trustees of the Concord Free Public Library Corporation, the Planning Board, the Natural Resources Commission, or the Concord Antiquarian Society, doing business as the Concord Museum, fail to nominate candidates in accordance with this section within ninety days of a written request by the Board of Selectmen for nominees, the Board of Selectmen may proceed with an appointment to fill the vacancy."; and

By substituting in the third paragraph of Section 8 the words "sixty days" for the words "forty-five days"; and

By inserting in Section 10 immediately after the first sentence the following: "Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within such twenty days."

or take any other action relative thereto.

*Our State legislators have requested an update of the 2007 Town Meeting vote to reaffirm that the Town wants to implement changes in the Historic Districts Act that will correct the names of the entities that provide nominees for Historic District Commission (HDC) vacancies; provide a time-frame by which nominees are to be provided to the Board of Selectmen; extends the length of time by which the HDC must hold a hearing on an application; and, ensures that a Town official is notified whenever an appeal of an HDC decision is filed in court*

#### **Board of Selectmen recommends affirmative action**

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid.

Given under our hands this 8<sup>th</sup> day of February in the year two thousand-ten.

Stanly E. Black

Gregory P. Howes

Virginia McIntyre

Jeffrey S. Wieand

Elise F. Woodward

BOARD OF SELECTMEN

Commonwealth of Massachusetts  
Middlesex, ss.  
Concord (date) \_\_\_\_\_

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed.

\_\_\_\_\_  
Constable of Concord

**ATTENTION CITIZENS**

The Town of Concord depends upon the immense talent pool possessed by our citizens and we are always seeking interested townspeople to serve on citizen boards and committees, and also to carry out short-term projects. If you are willing to serve your Town on a voluntary basis and desire to participate in shaping the Town's future, please indicate your interest by filling out a "Green Card". Green cards are short forms for listing your areas of interest and any skills relevant to committee or project participation. The form is reproduced on the following page. You may fill it out, and return it to the Administrative Assistant to the Board of Selectmen in the Town House. Additional copies of the form are also available at the Town House, or will be mailed upon request (call 978-318-3001 or 978-318-3000).

You will find the Town Report useful for information on specific activities and responsibilities of the various boards and committees. For further information or to discuss your participation in town government in more detail, please feel free to talk with any member of the Board of Selectmen.

Please understand that, happily, we often have more interested citizens than vacancies on particular committees. For that reason, you may find that you may not be matched up immediately or matched up with a committee that is your top priority. Nonetheless, your indication of interest is strongly encouraged and appreciated.

LAST NAME:	FIRST NAME:	PRECINCT #:	TOWN OF CONCORD COMMITTEE INTEREST		
STREET ADDRESS:			INDICATE COMMITTEE PREFERENCE		
E-MAIL ADDRESS:			1.		
PHONE - HOME:		OFFICE:	2.		
FAX #:		CELL#:	3.		
PLACE OF EMPLOYMENT:			DATE APP'T	COMMITTEE	TERM EXPIRED
PROFESSION/TITLE:					
RELEVANT EXPERIENCE, EDUCATION:					
RELEVANT DEGREES, PROFESSIONAL CERTIFICATES:					

PLEASE CHECK THE ANNUAL TOWN REPORT FOR A COMPLETE LISTING OF COMMITTEES AND COMMITTEE REPORTS, THEIR APPOINTIVE AUTHORITIES, AND TERMS OF OFFICE.

ADDITIONAL COMMENTS:

CARDS WILL BE IN ACTIVE FILE FOR 5 YEARS.

MAIL COMPLETED CARD TO: ADMINISTRATIVE ASSISTANT  
BOARD OF SELECTMEN  
TOWN HOUSE  
PO Box 535  
CONCORD, MA 01742

**COMMITTEE LISTING**

**Key:** + APPOINTED BY MODERATOR  
 = APPOINTED BY BOARD OF SELECTMEN  
 # APPOINTED BY TOWN MANAGER WITH APPROVAL OF THE BOARD OF SELECTMEN  
 \* APPOINTED BY TOWN MANAGER

=	AFFORDABLE HOUSING COMMITTEE
=	BOARD OF APPEALS
#	BOARD OF ASSESSORS
=	CABLE TV COMMITTEE
*	CEMETERY COMMITTEE
=	COMMUNITY PRESERVATION ACT COMMITTEE
=	CONCORD CULTURAL COUNCIL
*	CONCORD MUNICIPAL LIGHT BOARD
*	COUNCIL ON AGING BOARD
+	FINANCE COMMITTEE
=	HANSCOM FIELD ADVISORY COMMISSION REPRESENTATIVE & ALTERNATE
*	BOARD OF HEALTH
#	HISTORICAL COMMISSION
=	HISTORIC DISTRICTS COMMISSION
=	HUGH CARGILL TRUST COMMITTEE
=	LIBRARY COMMITTEE
*	MAPC REPRESENTATIVE
=	MBTA REPRESENTATIVE
+	MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL REPRESENTATIVE
#	NATURAL RESOURCES COMMISSION
=	PERSONNEL BOARD
=	PLANNING BOARD
=	PUBLIC CEREMONIES & CELEBRATIONS COMMITTEE
*	PUBLIC WORKS COMMISSION
=	RECORDS & ARCHIVES COMMITTEE
*	RECREATION COMMISSION
=	BOARD OF REGISTRARS
*	RETIREMENT BOARD
=	TRUSTEES OF TOWN DONATIONS
=	WHITE POND ADVISORY COMMITTEE

# NOTES

Town of Concord  
Town House  
Concord, MA 01742

PRSR STD  
U.S. Postage Paid  
Permit No. 51

RESIDENTIAL CUSTOMER  
CONCORD, MASSACHUSETTS  
01742

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## **TOWN MEETING**

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MONDAY, APRIL 26, 2010  
CONCORD-CARLISLE REGIONAL HIGH SCHOOL  
7 PM

