

4/22/11

2011

ANNUAL TOWN MEETING

MOTIONS

**2011 ANNUAL TOWN MEETING MOTIONS
MAJORITY VOTE REQUIRED
UNLESS OTHERWISE SPECIFIED**

PRELIMINARIES

Mr. Wieand moves: to take up no new business after 10:00 PM and that when we adjourn, we adjourn and reconvene at 7:00 PM on April 26th in this hall.

CHOOSE TOWN OFFICERS

ARTICLE 1. Mr. Wieand moves: that Article 1 be left open for such other action thereunder as may be necessary and that the meeting take up Article 2.

HEAR REPORTS

ARTICLE 2. Mr. Wieand moves: that the Town accept the reports of the various Town Officers and Committees.

CONSENT CALENDAR

Mr. Lawson moves: that the 2011 Annual Town Meeting advance for consideration Articles 3, 4, 11, 13, 14, 15, 16, 17, 18, 19, 20, 28, 29, 30, 45, 46, 48, 49 and 58, and take action on such Articles without debate on any of such Articles, provided, that upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

- Article 3** **Meeting Procedure**
Affirmative Action Recommended By:
Finance Committee, Board of Selectmen
Motion: That the Town take affirmative action on Article 3 as printed in the Handout applicable to the Article.
Reason: routine and noncontroversial; the motion will be identical to a motion passed annually and unanimously for more than ten years.
- Article 4** **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 4 as printed in the Warrant, acknowledging that, under clause 8, the Personnel board voted on February 8, 2011 to add the title "Chief Information Officer" to Grade MP-7 and delete the title "Technology Director" from Grade MP-4.
Reason: routine and noncontroversial.
- Article 11** **Free Cash Use**
Affirmative Action Recommended By:
Finance Committee, Board of Selectmen
Motion: That the Town take affirmative action on Article 11 authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2012.
Reason: routine and noncontroversial; the amount is the recommendation of the citizen Finance Committee and is well-explained and supported in the Committee's Report.
- 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 and noncontroversial (voted last year on consent calendar, passed unanimously annually since 2001).

- 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 and noncontroversial (on consent calendar past two years)
- Article 15** **Light Plant Expenditures**
Affirmative Action Recommended By:
Finance Committee, Board of Selectmen and Light Board
Motion: That the Town take affirmative action on Article 15 as printed in the Warrant.
Reason: routine and noncontroversial (voted in previous years 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 (motion at Town Meeting may specify a lower limit, pursuant to a handout).
Reason: routine and noncontroversial (revolving fund, voted last three years 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 and noncontroversial (enterprise fund, voted last three years 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 and noncontroversial (enterprise fund, voted last three years 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 and noncontroversial (enterprise fund, voted last three years 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 and noncontroversial (enterprise fund, voted last three years on consent calendar).
- Article 28** **Transfer of funds to the Concord Public Schools Technology Stabilization Fund**
Affirmative Action Recommended By:
Finance Committee, Board of Selectmen, and School Committee
Motion: That the Town take affirmative action on Article 28 as printed in the Warrant, in the amount of \$50,000.
Reason: creation of the fund voted by Town Meeting last year; noncontroversial at Public Hearing.

- Article 29** **Transfer of funds to the Concord Public Schools Capital Needs Stabilization Fund**
Affirmative Action Recommended By:
Finance Committee, Board of Selectmen, and School Committee
Motion: That the Town take affirmative action on Article 29 as printed in the Warrant, in the amount of \$100,000.
Reason: routine, noncontroversial at Public Hearing.
- Article 30** **Transfer of funds to the Concord-Carlisle Regional School District Technology Stabilization Fund**
Affirmative Action Recommended by:
Finance Committee, Board of Selectmen and School Committee
Motion: That the Town take affirmative action on Article 30 as printed in the Warrant, in the amount of \$37,587.
Reason: creation of the fund voted by Town Meeting last year; noncontroversial at Public Hearing.
- Article 45** **Zoning Bylaw Amendment – Table of Principal Uses (Corrections)**
Affirmative Action Recommended By:
Board of Selectmen and Planning Board
Motion: That the Town take affirmative action on Article 45 as printed in the Warrant.
Reason: noncontroversial.
- Article 46** **Zoning Bylaw Amendment – Table III – Dimensional Regulations**
Affirmative Action Recommended By:
Board of Selectmen and Planning Board
Motion: That the Town take affirmative action on Article 46 as printed in the Warrant.
Reason: noncontroversial.
- Article 48** **Zoning Bylaw Amendment – Special Home Occupation**
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: noncontroversial.
- Article 49** **Zoning Bylaw Amendment – Spelling Correction**
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: noncontroversial.
- Article 58** **Debt Rescission**
Affirmative Action Recommended By:
Finance Committee and Board of Selectmen
Motion: That the Town take affirmative action on Article 58 in the amount of \$2,800,000.
Reason: noncontroversial; Town Meeting has voted for similar debt rescission articles on previous consent calendars.

Note to Moderator: 2/3 vote required.

MEETING PROCEDURE – Consent Calendar

ARTICLE 3. Mr. Lawson moves: that the Town adopt a “Rule of the Meeting” Resolution as follows:

Resolved: That in order to assure compliance with the requirements of Massachusetts General Laws Chapter 59, Section 21C, this Meeting hereby adopts the following Rule of the Meeting:

RULE OF THE MEETING

1. Articles for appropriations supported from current taxation and/or available funds

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount over the amount recommended by the Finance Committee and designated by it as the "allocation at Levy Limit", or that would provide for an appropriation where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and the source of funding – whether from available funds, taxation within the levy limit, or contingent upon approval of an override ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;
- B. If the proposed increased appropriation is proposed to be funded from taxation within the levy limit, the original motion or motion to amend shall specify the source of funding as:
 - 1. a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or
 - 2. a maximum amount that may be appropriated within the Levy Limit under a subsequent article in the warrant.

2. Articles for appropriations supported from borrowing

The Finance Committee shall report to the Meeting summarizing its recommendations for new tax-supported borrowing authority to be offered at this Meeting and for which the debt service is proposed to be funded within the Levy Limit.

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount to be met by a borrowing authorization over the amount recommended by the Finance Committee or that would provide for an appropriation to be met by a borrowing authorization where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and shall make the increase contingent upon approval of a debt exclusion or capital outlay exclusion ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;

OR

- B. the original motion or motion to amend shall include a corresponding and offsetting reduction in another borrowing authorization from among those listed by the Finance Committee, either by a reduction in the amount already voted under a previous article or by setting a maximum amount of debt that may be authorized within the Levy Limit under a subsequent article in the warrant.

3. Appropriation article kept open.

Any article making an appropriation shall remain open for further action until the final adjournment of the Meeting.

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS – Consent Calendar

ARTICLE 4. Mrs. Terry moves: that the Town take affirmative action on Article 4, as printed in the Warrant, acknowledging that, under clause 8, the Personnel Board voted on February 8, 2011 to add the title "Chief Information Officer" to Grade MP-7 and delete the title "Technology Director" from Grade MP-4.

CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS

ARTICLE 5. Mrs. Terry moves: that the Town take affirmative action on Article 5 as printed in the Warrant with the following amendment:

Delete the title of "Technology Director" from Grade Number MP-4 and add the title of "Chief Information Officer" to Grade Number MP-7.

TOWN BUDGET

ARTICLE 6. Mr. Wieand moves: that the Town raise and appropriate the following sums of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2012, and that the same be expended only for such purposes under the direction of the Town Manager:

Item No.	Department	FY12 Appropriation
General Government		
1A	Town Manager	\$ 294,318
1B	Town-wide building maintenance	159,000
1C	Human Resources Department	<u>167,853</u>
	TOTAL Town Manager Acct. #1	\$ 621,171
2	Legal Services	\$ 225,000
3A	Elections	\$ 27,134
3B	Registrars	<u>8,206</u>
	TOTAL Elections & Registrars Acct. #3	\$ 35,340
4	Town Meeting & Reports	\$ 77,800
5	<u>Planning and Land Management</u>	
5A	Planning	\$ 236,682
5B	Board of Appeals	46,924
5C	Natural Resources	189,737
5D	Inspections	342,495
5E	Health	<u>236,315</u>
	TOTAL Planning & Land Management	\$ 1,052,153
6	141 Keyes Road	65,383
	Total General Government	<u>\$ 2,076,847</u>
Finance and Administration		
7	Finance Committee	\$ 3,100
8	<u>Finance Department</u>	
8A	Administration	\$ 245,844
8B	Treasurer-Collector	246,563
8C	Town Accountant	123,354
8D	Assessors	370,852
8E	Town Clerk	<u>202,458</u>
	TOTAL Finance Department	\$ 1,189,071

9	Information Systems	\$ 386,338
10	Town House	\$ 102,835
Total Finance and Administration		\$ 1,681,344

Public Safety

11	Police Department	\$ 3,825,111
12	Fire Department	3,506,738
13	West Concord Fire Station	36,779
14	Police and Fire Station	200,444
15	Emergency Management	12,810
16	Dog Officer	18,693
Total Public Safety		\$ 7,600,575

Public Works and Facilities

<u>17</u>	<u>Public Works Department</u>	
17A	CPW Administration	\$ 155,875
17B	Engineering	361,968
17C	Highway Maintenance	1,116,388
17D	Parks and Trees	583,688
17E	Cemetery	<u>68,089</u>
Total Public Works Department		\$ 2,286,008

18	Snow and Ice Removal	\$ 513,000
19	Street Lighting	50,000
20	CPW Equipment	210,000
21	Drainage Program	215,000
22	Sidewalk Management	100,000
23	Road Improvements	90,000
24	133/135 Keyes Road	87,981
Total Public Works and Facilities		\$ 3,551,989

Human Services

25	Library	\$ 1,771,924
26	Recreation Administration	88,644
27	Hunt Recreation Center	82,945
28	Harvey Wheeler Community Center	134,076
29	Council on Aging	242,053
30	Veterans Services and Benefits	30,222
31	Ceremonies and Celebrations	23,540
32	Visitors' Center and Restroom	22,854
Total Human Services		\$ 2,396,258

Unclassified

33	Town Employee Benefits	\$ 100,000
34	Reserve Fund	225,000
35	Salary Reserve	470,000
36	Land Fund	0
Total Unclassified		\$ 795,000

Joint (Town-CPS)

37A	Group Insurance	\$ 4,800,000
37B	Property and Liability Insurance	<u>175,000</u>
	TOTAL Acct. #37	\$ 4,975,000
38A	Unemployment Compensation	\$ 100,000
38B	Workers Compensation	<u>100,000</u>
	TOTAL Acct. #38	\$ 200,000
39	Retirement	\$ 2,860,000
40	Social Security & Medicare	\$ 610,000
41A	Debt Service – within levy limit	\$ 3,275,000
41B	Debt Service – excluded from levy limit	<u>\$ 4,174,334</u>
	TOTAL Debt Service Acct. #47	\$ 7,449,334
	Total Joint Accounts	<u><u>\$16,094,334</u></u>

TOTAL ARTICLE 6 \$ 34,196,347

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 amount 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 amount 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, 2011 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 amount of \$10,828.73 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 2012, 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 amount 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 2012, 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.

FY11 TRANSFER FROM INSURANCE RESERVE FUND TO OPEB TRUST

ARTICLE 7. Mr. Whelan moves: that the Town take affirmative action on Article 7 as printed in the Warrant in the amount of \$700,000 and further to instruct the Treasurer to carry out the transfer of funds by June 30, 2011.

PUBLIC SCHOOL BUDGET

ARTICLE 8. Ms. Gannon moves: that the Town raise from the tax levy and appropriate the sum of \$28,474,200 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2012; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

REGIONAL SCHOOL BUDGET

ARTICLE 9. Mr. Fischelis moves: that the Town raise from the tax levy and appropriate the Town's apportioned share of \$15,089,162 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2012; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT

ARTICLE 10. Mr. Bearg moves: that the Town raise from the tax levy and appropriate the Town's apportioned share of \$531,008 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2012.

FREE CASH USE – Consent Calendar

ARTICLE 11. Mr. Lawson moves: that the Town authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2012.

UNPAID BILLS

ARTICLE 12. No motion is expected.

Note to Moderator: 4/5 vote required.

PROPERTY TAX EXEMPTION – Consent Calendar

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

LIGHT PLANT PAYMENT IN LIEU OF TAXES – Consent Calendar

ARTICLE 14. Mr. Whelan moves: that the Town take affirmative action on Article 14 as printed in the Warrant in the amount of \$380,000.

LIGHT PLANT EXPENDITURES – Consent Calendar

ARTICLE 15. Mr. Whelan moves: that the Town take affirmative action on Article 15 as printed in the Warrant.

ROAD REPAIR REVOLVING FUND EXPENDITURES – Consent Calendar

ARTICLE 16. Mr. Whelan moves: that the Town take affirmative action on Article 16 as printed in the Warrant in an amount not to exceed \$50,000.

SOLID WASTE DISPOSAL FUND EXPENDITURES – Consent Calendar

ARTICLE 17. Mr. Whelan moves: that the Town take affirmative action on Article 17 as printed in the Warrant.

SEWER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 18. Mr. Whelan moves: that the Town take affirmative action on Article 18 as printed in the Warrant.

SEWER IMPROVEMENT FUND EXPENDITURES – Consent Calendar

ARTICLE 19. Mr. Whelan moves: that the Town take affirmative action on Article 19 as printed in the Warrant.

WATER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 20. Mr. Whelan moves: that the Town take affirmative action on Article 20 as printed in the Warrant.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY 2012 BUDGET

ARTICLE 21. Mr. Whelan moves: that the Town appropriate the amount of \$2,476,694 to be expended under the direction of the Town Manager for the operating expenses of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2011, and that to meet this appropriation the amount of \$2,383,618 be appropriated from the estimated fiscal year 2012 revenues of the Community Pool Enterprise Fund and \$93,076 from the certified undesignated fund balance of June 30, 2010; and further that the amount of \$122,000 be appropriated from the certified undesignated fund balance of June 30, 2010 to be expended under the direction of the Town Manager for capital expenditures including building improvements and equipment replacements; in accordance with Chapter 44, Section 53F ½ of the Massachusetts General Laws.

2012 ROAD PROGRAM

ARTICLE 22. Mr. Smith moves: that the Town appropriate the amount of \$750,000 for the reconstruction or renovation of roads and streets within the town, including costs incidental or related thereto; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow the amount of \$750,000 under the provisions of Chapter 44, Sections 7(5) and/or 7(6) of the Massachusetts General Laws, or any other enabling authority, said funds to be expended under the direction of the Town Manager; to authorize the Town Manager to apply for, accept and expend state grants as may be available for the same purpose and to authorize the Treasurer, with the approval of the Board of Selectmen, 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 such amount; and that the Board of Selectmen and Town Manager are authorized to take any actions necessary or convenient to carry out this vote.

Note to Moderator: 2/3 vote required.

**CONTRACT FOR WATER/WASTEWATER AND ELECTRIC UTILITY OWNERSHIP/OPERATION AT
HANSCOM AIR FORCE BASE**

ARTICLE 23. No motion is expected.

MUNICIPAL OUTDOOR LIGHTING – By Petition

ARTICLE 24. No motion is expected.

RESTORATION OF STREETLIGHTS ON CONCORD’S PUBLIC ROADWAYS – By Petition

ARTICLE 25. Mrs. Kehoe moves that the Town raise and appropriate the sum of \$22,000, to be expended under the direction of the Town Manager for the same purpose and in addition to the amount appropriated in Article 6, line item #19, Street Lighting, and further that the Town Manager is authorized, in the interest of public safety and convenience, to restore by October 30, 2011, approximately 500 streetlights in an equitable and energy efficient manner at locations to be determined by him or his designee.

ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE

ARTICLE 26. Mr. Lawson moves: that the town appropriate the amount of \$700,000 from the Elementary School Debt Stabilization Fund established by vote under Article 10 of the 2008 Annual Town Meeting, to be expended under the direction of the Town Manager for a portion of the debt service due during fiscal year 2012 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings.

Note to Moderator: 2/3 vote required.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 27. Ms. Spada moves: that the Town appropriate the amount of \$825,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord Public School facilities; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$825,000 under the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws.

Note to Moderator: 2/3 vote required.

**TRANSFER OF FUNDS TO THE CONCORD PUBLIC SCHOOLS TECHNOLOGY
STABILIZATION FUND – *Consent Calendar***

ARTICLE 28. Mr. Fischelis moves: that the Town take affirmative action on Article 28 as printed in the Warrant, in the amount of \$50,000.

Note to Moderator: 2/3 vote required.

**TRANSFER OF FUNDS TO CONCORD PUBLIC SCHOOLS CAPITAL NEEDS
STABILIZATION FUND – *Consent Calendar***

ARTICLE 29. Mr. Fischelis moves: that the Town take affirmative action on Article 29 as printed in the Warrant, in the amount of \$100,000.

Note to Moderator: 2/3 vote required.

TRANSFER OF FUNDS TO CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT TECHNOLOGY STABILIZATION FUND – Consent Calendar

ARTICLE 30. Mr. Fischelis moves: that the Town take affirmative action on Article 30 as printed in the Warrant in the amount of \$37,587.

Note to Moderator: 2/3 vote required.

CONDEMNATION OF DEPRAVED PLAY AND DEFAMATION OF JEWS – By Petition

ARTICLE 31. Mrs. Kay moves: that the Town condemn the production of the play "Falsettos" by Concord-Carlisle High School in 2009, which used public funds to defame the Jewish people and religion, in addition to celebrating irresponsible, destructive behavior, and urge the regional school committee to discipline the employees of the school district responsible for this play, urge the regional school committee to issue a public letter of apology to the Rabbinical Alliance of America, and urge the regional school committee to take action to insure the curricula, activities, and hallway displays of Concord-Carlisle High School conform to Massachusetts General Laws, Chapter 71, Section 30.

PROPOSED AMENDMENT TO THE MAIN MOTION UNDER ARTICLE 31

ARTICLE 31. Mr. Smith moves that the motion under Article 31 be amended by replacing such motion in its entirety with the following:

That Town Meeting applauds the production of the play "Falsettos" with public funds by Concord-Carlisle High School in 2009, and urges the regional school committee to commend the employees of the school district responsible for this play and further urges the regional school committee to continue to foster positive role models and responsible citizenship through actions such as the production of plays like "Falsettos" that are meant to create opportunities for critical thought, rather than simply to entertain.

EMERGENCY MEDICAL SERVICES REVOLVING FUND – CREATION AND EXPENDITURE

ARTICLE 32. Mr. Whelan moves: that the Town authorize the Board of Selectmen to establish an Emergency Medical Services Revolving Fund, effective on or after July 1, 2011 on a date established by the Board of Selectmen, pursuant to Chapter 44, Section 53 ½ of the Massachusetts General Laws, into which the Treasurer shall deposit the revenue from ambulance charges and other fees paid by insurance companies, individuals and others for Emergency Medical Services, including Basic Life Support and Advanced Life Support and related services, provided by the Town **and** authorize an amount not to exceed \$400,000 be expended without further appropriation for the purpose of providing such Emergency Medical Services, to be managed and expended by the Town Manager for the costs related thereto.

AERIAL LADDER TRUCK REPLACEMENT

ARTICLE 33. Mr. Whelan moves: that the Town appropriate the amount of \$900,000 to be expended under the direction of the Town Manager for the purchase of a Fire Department aerial ladder truck and any necessary related equipment and other costs incidental and related thereto; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$900,000 under the provisions of Massachusetts General Laws, Chapter 44, Section 7(9).

Note to Moderator: 2/3 vote required.

RADIO FREQUENCY IDENTIFICATION SYSTEM – CONCORD PUBLIC LIBRARY

ARTICLE 34. Mr. Whelan moves: that the Town appropriate the amount of \$140,000 to be expended under the direction of the Town Manager for the purchase and installation of a Radio Frequency Identification System (RFID) for the Concord Public Library, including any other costs incidental or related thereto; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$140,000 under the provisions of Massachusetts General Laws, Chapter 44, Section 7(9).

Note to Moderator: 2/3 vote required.

RIDEOUT PLAYGROUND EQUIPMENT REPLACEMENT

ARTICLE 35. Mr. Whelan moves: that the Town appropriate the amount of \$250,000 to be expended under the direction of the Town Manager for the replacement, renovation, and any other work related to improvement of the playground equipment and facilities at Rideout Playground; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$250,000 under the provisions of Massachusetts General Laws, Chapter 44, Section 7(9) and (25).

Note to Moderator: 2/3 vote required.

WEST CONCORD CENTER ROADWAY – RELATED IMPROVEMENTS

ARTICLE 36. Mr. Whelan moves: that the Town appropriate the sum of \$50,000 to be expended under the direction of the Town Manager for engineering, design and survey services related to the renovation and improvement of Main Street in West Concord Center; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$50,000 under the provisions of Massachusetts General Laws, Chapter 44, Section 7(22).

Note to Moderator: 2/3 vote required.

GUIDELINES FOR SUSTAINABLE CONCORD – By Petition

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

DRINKING WATER IN SINGLE-SERVING PET BOTTLES BYLAW – By Petition

ARTICLE 38. Ms. Hill moves: that the Town take affirmative action on Article 38 as printed in the Warrant.

RESOLUTION TO DISCOURAGE THE SALE OR USE OF DISPOSABLE SINGLE SERVING BOTTLED DRINKING WATER – By Petition

ARTICLE 39. Ms. Lawson moves: that the Town take affirmative action on Article 39 as printed in the Warrant, except that the word “Expended” be corrected to read “Expanded” in the second to last line.

FARMING BYLAW

ARTICLE 40. Mr. Guirleo moves: that the Town take affirmative action on Article 40 as printed in the Warrant.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 41. Ms. Huggins moves: that pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the sum of \$974,320 from the Concord Community Preservation Fund, of which up to \$45,286 shall be appropriated from the undesignated fund balance as of June 30, 2010, and up to \$929,034 shall be appropriated from projected Fiscal Year 2012 Fund Revenues, 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 Recommended	Category	Source of Funds	
				Prior Year Fund Balance	FY12 CPA Fund Revenues
A	Town of Concord – White Pond Watershed Management Plan	64,403	50% Open Space, 50% Recreation		64,403
B	Town of Concord –Open Space, Community Housing, and Recreation Property Acquisition Fund	80,000	None		80,000
C	Drinking Gourd Project – Caesar Robbins Historical Center	300,000	Historic Preservation	45,286	254,714
D	Concord Housing Dev. Corp. – Junction Village Predevelopment	75,000	Community Housing		75,000
E	Louisa May Alcott Memorial Assoc. – Concord School of Philosophy Restoration	158,600	Historic Preservation		158,600
F	Town of Concord – Heywood Meadow Restoration and Preservation Project	95,000	Historic Preservation and Open Space		95,000
G	Concord Scout House, Inc. – Phase I Rehabilitation	100,000	Historic Preservation		100,000
H	Town of Concord – Regional Housing Services Program	16,000	Community Housing		16,000
I	Town of Concord – Administrative Expenses	30,000	Administrative		30,000
J	CPA Open Space Reserve Fund	35,317	Open Space		35,317
K	CPA Community Housing Reserve Fund	20,000	Community Housing		20,000
		\$974,320		\$45,286	\$929,034

or take any other action relative thereto.

LAND ACQUISITION – 6A HARRINGTON AVENUE

ARTICLE 42. Mr. Whelan moves: that the Town

(a) authorize the Natural Resources Commission, in the name of the Town of Concord, to

(i) acquire, by purchase or gift, fee, easement and/or other real property interests in, on, over, across, under and along all or any portion of the property at 6A Harrington Avenue, identified on the Assessors Maps as parcel #2702, comprised of approximately 4.72 acres, said property to be acquired for conservation purposes, including without limitation open space and/or agriculture and/or community gardening, on such terms and conditions as the Natural Resources Commission and the Board of Selectmen may determine and appropriate therefor a sum of \$450,000; and

(ii) appropriate an additional sum of up to \$50,000, to be expended under the direction of the Town Manager, for the restoration of said property, including any necessary slope stabilization, erosion control, site clean-up, environmental testing and remediation, and soil and related improvements; and

(b) authorize the Board of Selectmen to take by eminent domain upon the written request of the Natural Resources Commission the fee, easement and/or other real property interests in, on, over, across, under and along all or any portion of said property; and

(c) that to meet this appropriation,

(i) the sum of \$60,000, for the purchase of the property and an additional \$50,000, for the restoration of the property, be appropriated from the Concord Community Preservation Fund's Fiscal Year 2012 Fund Revenues and from funds previously allocated to the Open Space Reserve Fund, in accordance with Chapter 44B of the Massachusetts General Laws; and

(ii) and that the Treasurer be authorized with the approval of the Selectmen to borrow in accordance with Massachusetts General Laws Chapter 44 a sum not to exceed \$450,000, a portion of which to be offset or reimbursed by the aforesaid \$60,000 in Community Preservation Funds; and

(d) authorize the Natural Resources Commission to grant a conservation restriction pursuant to Chapter 184, Sections 31, 32 and 33 of the Massachusetts General Laws, on all or any portion of said property, on such terms and conditions as the Natural Resources Commission may determine, to the Concord Land Conservation Trust or a similar conservation organization, in exchange for payment equal to all or any portion of the purchase price.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – SIDE YARDS

ARTICLE 43. Ms. Stone moves: that the Town amend the Zoning Bylaw as follows:

In subsection 6.2.7, insert the following paragraph at the end of the subsection:

“In the Residence C District, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.”

So that the subsection reads as follows:

6.2.7 Side yards: Side yards shall be measured from the nearest point of any dwelling or structure to each side lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the residential districts or for single-family dwellings in the Business or Medical-Professional districts, the width of one side yard may be reduced by an amount not to exceed three (3) feet if the width of the other side is correspondingly increased. Notwithstanding the foregoing, a building of accessory use may be placed not less than five (5) feet from a sideline so long as such building is not to be located nearer the sideline of the right-of-way than the rearmost point of the dwelling or any structure attached thereto.

In the Residence C District, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

And, in Table III – Dimensional Regulations, add footnote 1 as follows:

Zoning Districts	Min. Lot Area in Sq. Ft.	Min. Lot Frontage In Feet	Frontage Exception In Feet	Min. Lot Width In Feet	Min. Front Yard In Feet	Min. Side Yard In Feet	Min. Rear Yard In Feet	Corner Clearance In Feet	Min. Height In Feet	Max. Lot Coverage %	Max. Floor Area Ratio
Residence C	10,000	80	80	64	20	15 ¹	Lesser of: 30' or 25% of lot depth	10	35	_____	_____

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C District.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – DEFINITION OF HEIGHT

ARTICLE 44. Ms. Stone moves: that the Town amend the Zoning Bylaw as printed in the handout and as follows:

In subsection 6.2.11, after the first two paragraphs, add the following paragraphs at the end of the subsection:

“In the Residence C District, the height of a building shall be measured as the vertical distance from the ‘base elevation’ to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The ‘base elevation’ is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

The Board may grant relief from the above definition for the height of a building in the Residence C District provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the Residence C District any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.”

So that the subsection reads as follows:

6.2.11 Height: The height of a building shall be measured as the vertical distance from the mean ground level of each side of the building to either the highest point of the exterior in the case of a flat roof or to the mean average finished grade between the plate and the ridge in the case of a pitched roof. Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities, which can only exceed the maximum height requirement by special permit granted by the Board.

In the Medical-Professional District south of Route 2, no portion of a building shall exceed thirty-five (35) feet in height unless such portion sets back from each street and such Medical-Professional District boundary line an amount equal to the sum of (1) the applicable minimum yard requirement and two (2) feet for each foot of height in excess of thirty-five (35) feet, provided that in no case shall any portion of a building exceed one hundred ten (110) feet in height.

In the Residence C District, the height of a building shall be measured as the vertical distance from the 'base elevation' to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The 'base elevation' is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

The Board may grant relief from the above definition for the height of a building in the Residence C District provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the Residence C District any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.

And, in Table III – Dimensional Regulations, add footnote 2 immediately following footnote 1, as follows:

<i>Zoning Districts</i>	<i>Min. Lot Area in Sq. Ft.</i>	<i>Min. Lot Frontage In Feet</i>	<i>Frontage Exception In Feet</i>	<i>Min. Lot Width In Feet</i>	<i>Min. Front Yard In Feet</i>	<i>Min. Side Yard In Feet</i>	<i>Min. Rear Yard In Feet</i>	<i>Corner Clearance In Feet</i>	<i>Max. Height In Feet</i>	<i>Max. Lot Coverage %</i>	<i>Max. Floor Area Ratio</i>
Residence C	10,000	80	80	64	20	15 ¹	Lesser of: 30' or 25% of lot depth	10	35 ²	_____	_____

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C District.

²Refer to Zoning Bylaw Subsection 6.2.11 for Residence C District.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – TABLE OF PRINCIPAL USES (CORRECTIONS)
– Consent Calendar

ARTICLE 45. Mr. Bobrowski moves that the Town take affirmative action on Article 45 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – TABLE III – DIMENSIONAL REGULATIONS – Consent Calendar

ARTICLE 46. Mr. Bobrowski moves that the Town take affirmative action on Article 46 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – COMMERCIAL VEHICLE WHEEL BASE

ARTICLE 47. Mr. Hoyt moves that the Town take affirmative action on Article 47 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – SPECIAL HOME OCCUPATION – *Consent Calendar*

ARTICLE 48. Mr. Hoyt moves that the Town take affirmative action on Article 48 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – SPELLING CORRECTIONS – Consent Calendar

ARTICLE 49. Mr. Hoyt moves that the Town take affirmative action on Article 49 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – TABLE OF USE REGULATIONS (WEST CONCORD BUSINESS DISTRICT)

ARTICLE 50. Mr. Sgarzi moves that the Town take affirmative action on Article 50 as printed in the Warrant but deleting the phrase “and to amend the related subsection 7.5.3 Removal of earth subject to Board approval” from the opening paragraph.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – ESTABLISH THE WEST CONCORD VILLAGE DISTRICT

ARTICLE 51. Mr. Sgarzi moves that the Town take affirmative action on Article 51 as printed in the warrant with the following changes:

In the second line of the tenth paragraph of Article 51, delete the phrase “4.1.4 Earth Removal”, so that the beginning of the paragraph reads as follows:

“In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word “no” next to the following sub-categories of uses: ~~4.1.4 Earth removal~~, 4.2.1 Single-family dwelling, 4.2.2 Two-family or additional dwelling unit,” [...]

and add a new paragraph between the twelfth and thirteenth paragraphs of Article 51 that reads as follows:

“In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the letters “SP” next to subsection: 4.1.4 Earth removal.”

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – GROCERY STORE, RETAIL STORE AND RESTAURANT

ARTICLE 52. Mr. Sgarzi moves that the Town take affirmative action on Article 52 as printed in the Handout applicable to the article.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – TABLE III – DIMENSIONAL REGULATIONS

ARTICLE 53. Mr. Sgarzi moves that the Town take affirmative action on Article 53 as printed in the warrant with the following changes to Table III (handout) as follows:

Revise the column labeled as “Height In Feet” in Table III to add the language “minimum height side and rear 15; minimum height front façade 18” for the West Concord Business and West Concord Village as shown below:

TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	Min. Lot Area in Sq. Ft.	Min. Lot Frontage In Feet	Frontage Exception In Feet	Min. Lot Width In Feet	Min. Front Yard In Feet	Min. Side Yard In Feet	Minimum Rear Yard in Feet	Corner Clearance In Feet	Height In Feet	Max. Lot Coverage %	Max. Floor Area Ratio
West Concord Business	_____	_____	_____	_____	0		Where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.	10	Maximum height 35; minimum height side and rear 15; minimum height front facade 18		_____
West Concord Village	_____	_____	_____	_____	0		Where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.	10	Maximum height 35; minimum height side and rear 15; minimum height front facade 18		_____

¹ In the West Concord Business and West Concord Village Districts, the maximum front yard is ten (10) feet unless a special permit is granted for a greater front yard depth.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – FORMULA BUSINESS WITH A CAP

ARTICLE 54. No motion will be made by the Planning Board.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – FORMULA BUSINESS WITHOUT A CAP

ARTICLE 55. Ms. Elden moves: that the Town take affirmative action on Article 55 as printed in the warrant with a correction in the numbering of section 3.4 to 3.3 Formula Business and corresponding change to the following two subsections to 3.3.1 and 3.3.2.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – EXTENDED STAY HOTEL – By Petition

ARTICLE 56. Mr. Holmes moves: that the Town take affirmative action on Article 56 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

LEXINGTON AND CONCORD 1775: SPECIAL MA LICENSE PLATE – By Petition

ARTICLE 57. Mr. Andrews moved: that the Town take affirmative action on Article 57 as printed in the Warrant.

DEBT RESCISSION – Consent Calendar

ARTICLE 58. Mr. Whelan moves: that the Town rescind the following unused borrowing authorization:

Article 5 of 2007 Special Town Meeting Willard School construction (original authorization \$30,025,000)	\$ 2,800,000
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