

**TOWN OF CONCORD
TOWN HOUSE
CONCORD, MA 01742**

**BULK RATE
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**RESIDENTIAL CUSTOMER
LOCAL 01742**

WARRANT FOR SPECIAL TOWN MEETING

TUESDAY, APRIL 14, 2015

7:00 PM

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL
500 WALDEN STREET**

ADJOURNED SESSION IF NECESSARY

WEDNESDAY, APRIL 15, 2015

PUBLIC HEARING

AT 7:00 PM

**JOINT PUBLIC HEARING –
FINANCE COMMITTEE & BOARD OF SELECTMEN**

**TOWN HOUSE
HEARING ROOM**

MONDAY, APRIL 6

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR SPECIAL TOWN MEETING
Tuesday, April 14, 2015**

Middlesex, ss.

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

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 the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Tuesday, the fourteenth day of April, 2015, at 7:00 o'clock in the evening, 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, and by mailing a copy thereof to every household fourteen days, at least, before said 14th of April, 2015, then and there to act upon the following Articles:

LAND ACQUISITION – W.R. GRACE LAND – 214Y MAIN STREET

ARTICLE 1. To determine whether the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain pursuant to M.G.L. c. 79, for municipal purposes, including but not limited to school transportation, solar power generation, waste water treatment, under terms and conditions agreeable to the Selectmen, fee, easement and/or other property interests in, on, over, across all or a portion of a parcel of land in Concord located at 214Y Main Street of approximately 79.9 acres, more or less, together with any structures, improvements, and trees thereon, shown as Map 11B, Parcel 2322, on the Concord Assessors Maps as more particularly identified in deeds recorded in the Middlesex Registry of Deeds in Book 6883, Page 387, and as Land Court Certificate No. 61523, for the fair market price of \$1,200,000, or any other fair market value that may be determined by a certified land appraiser retained by the Town to conduct an independent appraisal of the property, or such lower sum acceptable to the Board of Selectmen, said \$1,200,000 having been previously appropriated under Article 36 of the 2012 Annual Town Meeting, and that to meet the appropriation of any additional sum required to meet a higher fair market value, the Town vote whether to raise and appropriate, 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, such additional sum, to be expended by the Board of Selectmen for such acquisition, and further, to determine whether the Town will vote to authorize the Board of Selectmen to transfer a portion of the property to the School Committee for educational purposes, and to authorize the Selectmen to take all actions necessary and to execute such documents as they deem necessary to accomplish the foregoing, or take any other action relative thereto.

Town Meeting voted under Article 36 of the 2012 Annual Town Meeting to authorize the Selectmen to purchase the property at 214Y Main Street from the W.R. Grace Corporation, primarily for solar power generation and to meet the Town's future wastewater treatment needs, for the sum of \$1,200,000, to be funded through a borrowing to be repaid equally by the Sewer Fund and the Electric Fund. It also voted under Article 37 of the 2012 Annual Town Meeting to authorize the Town Manager to enter into a long-term lease or license for solar power generation on that property. In negotiations with the property owner, agreement had been reached on the price prior to the 2012 Town Meeting vote, but negotiation of other terms of the sale showed limited progress by January of 2015. At that time, the Selectmen concluded that it is unlikely that a negotiated purchase agreement can be reached with the company. The Selectmen and Town Manager believe it may be in the Town's best interests to take the property by eminent domain. State law allows town government to take private property by eminent domain, provided doing so serves a public purpose. In addition to power generation and wastewater uses, the School Committee has also requested use of a portion of the property for school transportation needs. A certified appraiser concluded in 2012 that the property is worth \$1,200,000. A taking by eminent domain requires that a new independent appraisal be conducted. This second appraisal has been commissioned, and the appraisal report is expected to be available in early April.

AUTHORIZE ACQUISITION OF THE 2229 MAIN STREET PROPERTY

ARTICLE 2. To determine whether the Town will vote to authorize the Board of Selectmen to acquire or take by eminent domain, under terms and conditions agreeable to the Selectmen, fee, easement and/or other property interests in, on, over, across, under and along all or any portion of the property at 2229 Main Street in West Concord formerly operated by Nuclear Metals, Inc. and Starmet, Inc., shown on the assessors maps as parcel #2970-1, containing 46.4 acres more or less, to be used for municipal purposes, such use to commence following the completion of all components of the on-going work by the US Environmental Protection Agency to abate the contamination on the site other than groundwater remediation, provided that prior to such acquisition the Selectmen shall hold a public hearing at which time the specific terms and conditions of the acquisition shall be disclosed and discussed publicly, or take any other action relative thereto.

The property at 2229 Main Street was formerly owned by the Starmet Corporation and its predecessors and is contaminated with a variety of hazardous materials, including depleted uranium, Volatile Organic Compounds (VOCs) and 1, 4 dioxane. In 2001, the site was declared a US Superfund Site, and the US Environmental Protection Agency is currently engaged in a clean-up process including the removal of existing structures on the property. This effort will be followed by a clean-up of the soil, which is expected to leave some contamination encapsulated in-place below ground. When the clean-up is completed, it is expected that it will be possible to reuse the site for various activities, including commercial enterprise, recreation and solar power generation. Having the property in public ownership could speed the completion of the clean-up and the planning for re-use of the property. This article gives the community an opportunity to consider the future use of a large parcel of property in West Concord.

PROPERTY TAX EXEMPTION

ARTICLE 3. To determine whether the Town will vote to accept the provisions of M.G.L., Chapter 59, Section 5C ½, in order to allow an additional property tax exemption of 100% of the exemption for which the taxpayer qualifies, beginning in FY2016, pursuant to any clause listed in the first paragraph of M.G.L., Chapter 59, Section 5 applicable in the Town of Concord, or take any other action relative thereto.

State Law establishes property tax exemptions, reimbursed by the State, for disabled veterans, blind persons, elderly citizens, and other individuals who meet income and asset limitation requirements. State law also allows towns to increase state-set exemption amounts up to 100%, although without state reimbursement. Since 2001, Concord Town Meeting has voted this under a prior version of the state law, for example, increasing the \$500 state-set senior exemption to \$1,000 each year since 2005. The General Court recently amended the general laws to replace the prior statute under which the Town took these actions, making two substantive changes in the process. First, as amended, state law now only requires the Town to accept this provision of state law once, rather than annually. Second, the state law now applies this provision to a wider number of tax exemptions under G.L. c. 59, § 5, including the following clauses applicable in the Town of Concord: 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, and 41C.

BY PETITION RESOLUTION TO BAN ARTIFICIAL TURF USE ON PUBLICLY OWNED LANDS IN CONCORD

ARTICLE 4. To determine if the Town will adopt a policy that only natural grass be used in the installation of new athletic fields and recreational spaces on publicly owned land beginning April 14, 2015 or take any other action relative thereto.

PETITIONER'S EXPLANATION If adopted, this resolution would convey the view of Town Meeting that, beginning on April 14, 2015, all Town and School departments, boards, and committees would comply with the policy that all new athletic and recreational fields or renovated grass fields on publicly-owned land within the borders of Concord would only be constructed of natural grass and not artificial turf. This is consistent with the Town's sustainability principles.

NOTICE TO VOTERS: The Town Manager and Superintendent of Schools intend to propose that the motion made under Article 36 concerning leasing of municipal rooftop space for solar power generation, include the Thoreau, Alcott and Willard Elementary Schools, the Peabody and Sanborn Middle School buildings, and the Ripley Administrative Building.

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of said meeting aforesaid.

Given under our hands this 23rd day of March in the year two thousand-fifteen.

Steven Ng

Alice Kaufman

Michael E. Lawson

Carmin C. Reiss

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

SPECIAL TOWN MEETING VOTER REGISTRATION INFORMATION

THE DEADLINE FOR UNREGISTERED RESIDENTS TO REGISTER TO VOTE AT THE SPECIAL TOWN MEETING IS:

FRIDAY, APRIL 3, 2015

IN ADDITION TO REGULAR OFFICE HOURS, A SPECIAL EVENING REGISTRATION SESSION WILL BE HELD ON FRIDAY, APRIL 3, 2015 UNTIL 8:00 PM AT THE TOWN CLERK'S OFFICE, 22 MONUMENT SQUARE FOR RESIDENTS WHO ARE CURRENTLY NOT REGISTERED VOTERS IN CONCORD.

VOTER REGISTRATION MAY BE DONE EITHER BY MAIL OR IN PERSON. A MAIL-IN REGISTRATION FORM MAY BE DOWNLOADED FROM THE TOWN'S WEB SITE OR CALL THE TOWN CLERK'S OFFICE AT (978) 318-3080. FOR REGISTRATION IN PERSON, THE TOWN CLERK'S OFFICE AT THE TOWN HOUSE, 22 MONUMENT SQUARE, IS OPEN MONDAY – FRIDAY 8:30 AM - 4:30 PM. WEB SITE: WWW.CONCORDMA.GOV – CLICK "ELECTIONS & VOTING."