

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR THE ANNUAL TOWN MEETING 2018**

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-seventh day of March next, as follows, all in said Concord:

Those residing in Precinct 1 – at the Department of Planning & Land Management, 141 Keyes Road;

Those residing in Precincts 2 and 3 – at the Harvey Wheeler Community Center, 1276 Main Street;

Those residing in Precinct 4 – at the Ripley School Building, 120 Meriam Road;

Those residing in Precinct 5 – at the Hunt Gymnasium, 90 Stow Street;

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 27<sup>th</sup> day of March, then and there to act on the following articles:

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

One for Moderator	for one year
Two for Select Board	for three years
Two for School Committee	for three years
One for Housing Authority	for five years

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 at 500 Walden Street, in said town, on Monday, the ninth day of April 2018, at 7:00 pm 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 Massachusetts General Laws c. 59, § 21C (generally referred to as "Proposition 2½"); 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. Town Meeting has adopted this meeting procedure for a number of years.***

**Finance Committee recommends affirmative action. Select Board recommends affirmative action.**

## **RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS**

**ARTICLE 4.** To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows; or take any other action relative thereto:

1. Add the title "Maintenance & Inventory Coordinator" to Grade TCL-3 effective May 11, 2017.
2. Add the title "Project & Procurement Coordinator" to Grade AC-5 effective May 11, 2017.
3. Move the title "Assistant Town Manager" from Grade MP-7 to Grade MP-8 effective July 1, 2017.
4. Remove the title "Finance Administrator" from Grade MP-4 and replace it by adding the title "Financial Manager/Accountant" to Grade MP-5 effective August 30, 2017.
5. Move the title "Customer Services Administrator" from Grade MP-3 to Grade MP-4 effective August 30, 2017.
6. Add the title "Operations Manager" to Grade MP-3 effective August 30, 2017.
7. Remove the title "Assistant to the Water/Sewer Superintendent" from Grade MP-3 and reassign the position to the title "Management Analyst" in that same grade effective August 30, 2017.
8. Move the title "Highway & Grounds Superintendent" from Grade MP-5 to Grade MP-6 effective August 30, 2017.
9. Add the title "Director of Sustainability" to Grade MP-5 effective August 30, 2017.
10. Remove the title "Executive Assistant to the Town Manager" from Grade AC-7 and replace it by adding the title "Administrative Manager" to Grade MP-2 effective August 30, 2017.
11. Add the title "Network Engineer" to Grade MP-4 effective August 30, 2017.
12. Add the title "IT Services Manager" to Grade MP-5 effective August 30, 2017.
13. Add the title "Senior Human Resources Assistant" to Grade AC-6 effective August 30, 2017.
14. Add the title "Administrative Systems Analyst" to Grade MP-2 effective August 30, 2017.
15. Add the title "Licensed Electrician/Skilled Carpenter" to Grade TCL-5 effective January 3, 2018.
16. Add the title "Custodial Maintenance Supervisor" to Grade TCL-4 effective January 3, 2018.
17. Add the title "Master Craftsperson" to Grade TCL-4 effective January 3, 2018.
18. Move the title "Assistant Town Clerk" from Grade AC-5 to Grade MP-3 effective January 9, 2018.
19. Remove the title "Facilities Maintenance Supervisor" from Grade MP-3 effective February 1, 2018.
20. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 4, 2018, and April 9, 2018.

*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. Actions already taken appear in the Warrant; if additional actions are taken by the Personnel Board after the close of the Warrant, notice will be filed with the Town Clerk and details will be presented at Town Meeting.*

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

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

**ARTICLE 5.** To determine whether the Town will vote to amend the Classification and Compensation Plan for regular-status Town positions by adopting the following schedules to become effective July 1, 2018, or take any other action relative thereto:

CLASSIFICATION AND COMPENSATION PLAN  
Effective July 1, 2018

**ADMINISTRATIVE-CLERICAL**

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>AC-1</b>	Hourly	16.96	20.40	23.83
Receptionist/Clerk Recreation Clerk				
<b>AC-2</b>	Hourly	18.94	22.78	26.61
Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk				
<b>AC-3</b>	Hourly	21.48	25.83	30.18
Customer Services Representative Senior Account Clerk Senior Department Clerk				
<b>AC-4</b>	Hourly	23.21	27.91	32.60
Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant				
<b>AC-5</b>	Hourly	24.81	29.82	34.83
Human Resources Assistant Project & Procurement Coordinator Senior Administrative Assistant				
<b>AC-6</b>	Hourly	25.66	30.86	36.05
Finance Assistant Senior Human Resources Assistant				

**TRADES-CRAFTS-LABOR**

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>TCL-1</b>	Hourly	16.74	20.24	23.73
Building Custodian				
<b>TCL-2</b>	Hourly	18.91	22.86	26.80
Building Maintenance Custodian				
<b>TCL-3</b>	Hourly	20.81	25.16	29.50
Facilities Maintainer				

Maintenance & Inventory Coordinator  
 Water/Sewer System Maintainer

<b>TCL-4</b>	<b>Hourly</b>	<b>23.28</b>	<b>28.17</b>	<b>33.05</b>
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Custodial Maintenance Supervisor  
 Equipment/Line Operator  
 Master Craftsperson

<b>TCL-5</b>	<b>Hourly</b>	<b>25.78</b>	<b>31.17</b>	<b>36.56</b>
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Assistant Public Works Supervisor  
 Crew Leader  
 Licensed Electrician/Skilled Carpenter  
 Senior Master Mechanic  
 Treatment Systems Operator

<b>TCL-6</b>	<b>Hourly</b>	<b>28.96</b>	<b>35.02</b>	<b>41.08</b>
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Senior Treatment Systems Operator

<b>TCL-7</b>	<b>Hourly</b>	<b>32.12</b>	<b>38.85</b>	<b>45.58</b>
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Public Works Supervisor

## MANAGERIAL-PROFESSIONAL

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week;  
 compensation will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
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<b>MP-1</b>	<b>Annual</b>	<b>46,086</b>	<b>57,803</b>	<b>69,519</b>
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Associate Engineer  
 Engineering Technician  
 Public Information Officer  
 Recreation Supervisor

<b>MP-2</b>	<b>Annual</b>	<b>52,009</b>	<b>65,229</b>	<b>78,449</b>
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Administrative & Special Projects Coordinator  
 Administrative Manager  
 Administrative Systems Analyst  
 Assistant Local Inspector  
 Assistant Natural Resources Director  
 Budget Analyst  
 Energy Specialist  
 Environmental Health Inspector  
 Environmental & Regulatory Coordinator  
 Field Lister  
 GIS Technician/Analyst  
 Information Systems Technician  
 Office Accountant  
 Public Health Inspector  
 Senior Engineering Technician  
 Senior Services Programs Supervisor  
 Utility Software Coordinator  
 Water Conservation Coordinator

<b>MP-3</b>	<b>Annual</b>	<b>61,367</b>	<b>76,969</b>	<b>92,571</b>
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Assistant Assessor  
 Assistant Human Resources Director  
 Assistant Public Health Director  
 Assistant Public Works Engineer  
 Assistant Town Accountant  
 Assistant Town Clerk  
 Assistant Treasurer  
 Childcare Services Manager

Civil Engineer  
 Energy Conservation Coordinator  
 Local Inspector  
 Management Analyst  
 Operations Manager  
 Recreation Programs & Events Manager  
 Retirement System Administrator  
 Senior Budget & Operations Analyst  
 Senior Environmental & Regulatory Coordinator  
 Senior Information Systems Technician  
 Senior Planner

<b>MP-4</b>	<b>Annual</b>	<b>65,607</b>	<b>82,287</b>	<b>98,966</b>
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Assistant Highway & Ground Superintendent  
 Assistant Recreation Director  
 Customer Service Administrator  
 Environmental Services Program Administrator  
 GIS & Application Integration Program Manager  
 Operations Engineer  
 Public Works Engineer  
 Senior Services Director

<b>MP-5</b>	<b>Annual</b>	<b>70,570</b>	<b>88,510</b>	<b>106,449</b>
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Assistant Library Director  
 Assistant Town Engineer  
 Budget & Purchasing Director  
 Deputy Treasurer/Collector  
 Director of Sustainability  
 IT Services Manager  
 Facilities Manager  
 Financial Manager/Accountant  
 Natural Resources Director  
 Police Lieutenant  
 Public Health Director  
 Town Clerk  
 Town Planner

<b>MP-6</b>	<b>Annual</b>	<b>77,770</b>	<b>97,540</b>	<b>117,309</b>
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Assistant Fire Chief  
 Building Commissioner  
 Highway & Grounds Superintendent  
 Police Captain  
 Recreation Director  
 Town Accountant  
 Town Assessor  
 Town Engineer  
 Water/Sewer Superintendent

<b>MP-7</b>	<b>Annual</b>	<b>89,051</b>	<b>111,689</b>	<b>134,327</b>
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Director of Planning & Land Management  
 Human Resources Director  
 Library Director

<b>MP-8</b>	<b>Annual</b>	<b>99,212</b>	<b>124,434</b>	<b>149,655</b>
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Assistant Town Manager  
 Chief Information Officer

Fire Chief  
 Police Chief  
 Public Works Director

<b>MP-9</b>	Annual	108,731	136,375	164,018
Finance Director				

### ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>EL-1</b>	Hourly	18.45	22.32	26.18
<i>(Reserved for future use)</i>				
<b>EL-2</b>	Hourly	23.42	28.32	33.22
Lineworker, Grade 3 Meter Technician				
<b>EL-3</b>	Hourly	29.71	33.59	37.46
Lineworker, Grade 2 Utility Electrician				
<b>EL-4</b>	Hourly	36.89	41.72	46.54
Lineworker, Grade 1				
<b>EL-5</b>	Hourly	38.63	43.68	48.72
Lead Lineworker				
<b>EL-6</b>	Hourly	41.60	47.04	52.47
Line Supervisor				

### ELECTRICAL MANAGEMENT

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week; compensation will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>EM-1</b>	Annual	63,000	75,613	88,226
Meter Supervisor				
<b>EM-2</b>	Annual	78,600	94,300	110,000
Electrical Engineer				
<b>EM-3</b>	Annual	82,100	98,550	115,000
Lead Electrical Engineer				
<b>EM-4</b>	Annual	103,600	124,300	145,000
Assistant CMLP Director Power Supply & Rates Administrator				
<b>EM-5</b>	Annual	117,800	141,400	165,000
CMLP Director				

### SWIM & FITNESS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>SF-1</b>	Hourly	11.00	35.50	60.00
Swim/Fitness Specialist				

### HUMAN SERVICES

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>HS-A</b>	Hourly	11.00	18.00	25.00
Human Services Assistant				
<b>HS-1</b>	Hourly	15.25	25.13	35.00
Human Services Specialist				
<b>HS-2</b>	Hourly	15.25	28.63	42.00
Child Care/Education Specialist				

### TELECOMMUNICATIONS TECHNICIANS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>TT-1</b>	Hourly	28.65	34.00	38.66
Telecommunications Technician				
<b>TT-2</b>	Hourly	32.74	38.00	44.23
Senior Telecommunications Technician				

## TELECOMMUNICATIONS MANAGEMENT

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week; compensation will be prorated for part-time schedules.*

<b>TM-1</b>	Annual	71,900	84,450	97,000
Network Administrator				
<b>TM-2</b>	Annual	81,900	96,250	110,600
Network Engineer Telecommunications Coordinator				
<b>TM-3</b>	Annual	85,100	100,000	114,900
Network Operations Manager				
<b>TM-4</b>	Annual	144,500	169,800	195,100
Chief Information & Technology Officer				

***With annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plan keeps Town 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 FY19. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

### USE OF FREE CASH

**ARTICLE 6.** To determine whether the Town will vote to transfer from free cash, the sum of \$1,000,000, or any other sum, to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2019, 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 FY19 budget. The proposed amount is consistent with the Finance Committee's FY19 Guideline Budget Plan.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

## TOWN BUDGET

**ARTICLE 7.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$43,374,850, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2019, or take any other action relative thereto:

<b><u>General Fund Operating Budget</u></b>				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2017 Expenses</b>	<b>Fiscal 2018 Appropriation</b>	<b>Fiscal 2019 Proposal</b>
<b>General Government</b>				
<b>\$3,074,735 is 7.1% of Total</b>				
1	Town Manager's Office			
	A. Town Manager	382,774	397,167	398,394
	B. Human Resources	235,583	266,710	281,426
	C. Facilities Management	235,108	290,000	290,000
	D. Resource Sustainability Fund	118,276	126,000	151,000
	E. Visitor's Center and Restrooms	32,286	44,028	19,292
	F. 37 Knox Trail	8,187	17,762	13,943
	G. 55 Church Street	-	-	40,796
	<b>Subtotal</b>	<b>1,012,214</b>	<b>1,141,667</b>	<b>1,194,851</b>
2	Legal Services	265,215	225,000	250,000
3	Elections and Registrars			
	A. Elections	45,619	13,627	48,412
	B. Registrars	6,896	8,476	8,666
	<b>Subtotal</b>	<b>52,515</b>	<b>22,103</b>	<b>57,078</b>
4	Town Meeting and Reports	61,156	44,900	100,250
5	Planning			
	A. Planning Administration	476,439	389,012	380,998
	B. Natural Resources	233,392	229,899	219,641
	C. Inspections	467,076	464,669	467,145
	D. Health	323,967	325,905	331,778
	<b>Subtotal</b>	<b>1,500,873</b>	<b>1,409,485</b>	<b>1,399,562</b>
6	141 Keyes Road	50,209	71,027	72,994
	<b>Total General Government</b>	<b>2,942,182</b>	<b>2,914,181</b>	<b>3,074,735</b>
<b>Finance and Administration</b>				
<b>\$2,531,292 is 5.8% of Total</b>				
7	Finance Committee	1,189	3,410	3,410
8	Finance			
	A. Finance Administration	302,629	293,041	337,252
	B. Treasurer-Collector	289,121	297,639	289,615
	C. Town Accountant	162,946	169,270	162,291
	D. Assessors	423,249	439,328	420,468
	E. Town Clerk	243,942	245,912	245,750
	<b>Subtotal</b>	<b>1,421,886</b>	<b>1,445,190</b>	<b>1,455,376</b>
9	Information Systems	898,055	940,718	951,192
10	Town House	108,426	115,150	121,314
	<b>Total Finance and Administration</b>	<b>2,429,556</b>	<b>2,504,469</b>	<b>2,531,292</b>



Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Public Safety</b> <b>\$9,317,901 is 21.5% of Total</b>				
11	Police Department	4,442,491	4,518,636	4,508,392
12	Fire Department	4,311,316	4,462,853	4,445,434
13	West Concord Fire Station	40,040	39,664	36,323
14	Police-Fire Station	274,880	284,816	284,816
15	Emergency Management	13,859	16,937	16,937
16	Animal Control Officer	24,010	26,000	26,000
	<b>Total Public Safety</b>	<b>9,106,596</b>	<b>9,348,906</b>	<b>9,317,901</b>
<b>Public Works and Facilities</b> <b>\$4,249,152 is 9.8% of Total</b>				
17	Public Works			
	A. CPW Administration	195,255	200,636	201,321
	B. Engineering	385,308	408,966	399,107
	C. Highway Maintenance	1,423,784	1,412,870	1,380,563
	D. Parks and Trees	677,285	699,254	702,841
	E. Cemetery	66,561	66,689	70,351
	<b>Subtotal</b>	<b>2,748,193</b>	<b>2,788,414</b>	<b>2,754,182</b>
18	Snow and Ice Removal	587,447	610,000	610,001
19	Street Lighting	60,840	73,463	56,863
20	CPW Equipment	300,000	325,000	325,000
21	Drainage Program	205,000	205,000	205,000
22	Sidewalk Management	100,000	110,000	115,000
23	Road Improvements	90,000	100,000	100,000
24	133/135 Keyes Road	102,237	83,875	83,106
	<b>Total Public Works and Facilities</b>	<b>4,193,717</b>	<b>4,295,753</b>	<b>4,249,152</b>
<b>Human Services</b> <b>\$3,134,538 is 7.2% of Total</b>				
25	Library	1,951,574	2,153,361	2,141,097
26	Human Services			
	A. Human Services	27,149	39,152	53,516
	B. Senior Services	350,759	394,414	483,791
	C. Recreation Services	70,093	76,678	101,761
	<b>Subtotal</b>	<b>448,001</b>	<b>510,244</b>	<b>639,068</b>
27	Harvey Wheeler Community Center	120,424	121,905	124,342
28	Hunt Recreation Center	105,574	111,701	99,438
29	Veterans	99,958	125,310	107,970
30	Ceremonies and Celebrations	24,307	19,228	22,624
	<b>Total Human Services</b>	<b>2,749,838</b>	<b>3,041,749</b>	<b>3,134,538</b>

Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Unclassified</b> <b>\$1,742,895 is 4.0% of Total</b>				
31	Town Employee Benefits			
	A. Unused Sick Leave	90,000	90,000	90,000
	B. Public Safety Disability	157	2,500	2,500
	C. Employee Assistance Program	7,177	7,500	7,500
	<b>Subtotal</b>	<b>97,334</b>	<b>100,000</b>	<b>100,000</b>
32	Reserve Fund*	-	225,000	225,000
*Transfers totaling \$169,117.62 were made to other accounts in FY17.				
33	Salary Reserve**	-	618,954	1,407,895
**Transfers of \$746,594 in FY17 and \$174,969 (to date) in FY18 were made to other accounts.				
34	Land Fund	10,000	15,000	10,000
	<b>Total Unclassified</b>	<b>107,334</b>	<b>958,954</b>	<b>1,742,895</b>
<b>TOWN GOVERNMENT SUBTOTAL</b> <b>Accounts 1-34</b>		<b>21,529,222</b>	<b>23,064,013</b>	<b>24,050,513</b>
<b>Joint (Town - CPS)</b> <b>\$19,324,337 is 44.6% of Total</b>				
35	Insurance			
	A. Group Insurance	4,650,000	4,800,000	5,526,100
	B. OPEB	1,400,000	1,470,000	1,617,000
	C. Property/Liability	250,000	250,000	275,000
	<b>Subtotal</b>	<b>6,300,000</b>	<b>6,520,000</b>	<b>7,418,100</b>
36	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	104,579	100,000	110,000
	B. Workers' Comp.	95,421	100,000	100,000
	<b>Subtotal</b>	<b>200,000</b>	<b>200,000</b>	<b>210,000</b>
37	Retirement	3,317,000	3,667,000	3,777,010
38	Social Security and Medicare	731,944	810,000	814,713
39	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,685,973	3,015,800	3,277,862
	CPS Principal and Interest	939,386	700,350	679,283
	<b>Subtotal</b>	<b>3,625,359</b>	<b>3,716,150</b>	<b>3,957,145</b>
	Interest on Notes	-	135,000	30,000
	Other Debt Expense	1,295	8,850	7,500
	<b>Subtotal Within Levy Limit</b>	<b>3,626,654</b>	<b>3,860,000</b>	<b>3,994,645</b>
	B. Excluded Debt			
	Town Principal and Interest	99,794	99,794	392,294
	CPS Principal and Interest	2,907,470	3,507,713	2,992,575
	Less: Use of Stabilization Funds	(1,000,000)	(785,000)	(275,000)
	<b>Subtotal Excluded Debt</b>	<b>2,007,264</b>	<b>2,822,507</b>	<b>3,109,869</b>
	<b>Total Debt Service</b>	<b>5,633,918</b>	<b>6,682,507</b>	<b>7,104,514</b>
	<b>Total Joint (Town - CPS)</b>	<b>16,182,862</b>	<b>17,879,507</b>	<b>19,324,337</b>
<b>TOTAL APPROPRIATION (Accounts 1-39)</b>		<b>37,712,084</b>	<b>40,943,520</b>	<b>43,374,850</b>

And further, that the Town Manager is authorized to turn in or sell at public auction any surplus equipment, with the amount allowed or received therefore to be applied against the purchase of new equipment; and

That the sum of \$11,000, State Aid to Libraries, be transferred to the use of the Library Committee for the purchase of books, periodicals, and subscriptions; and

That the Town appropriate and transfer the sum of \$750 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health’s Rabies Clinic; and

That the appropriation for Salary Reserve under Line Item 33 shall be transferred by the Town Manager to the various Salary Line Items in accordance with salary levels established on July 1, 2018 and thereafter pursuant to the salary schedules adopted under Article 5, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and Collective Bargaining Agreements. Any such transfer shall be reported periodically by the Town Manager to the Select Board and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year; and

That the Town authorize the following sums to be expended from the Title 5 Septic Loan Betterment Reserve Account to meet the loan payments to the Massachusetts Clean Water Trust due and payable during FY19:

<b>Amount</b>	<b>Loan Number</b>	<b>Original Loan</b>	<b>Date of Issue</b>	<b>Final Maturity</b>	<b>Town Authorization</b>
\$10,828.73	T5-97-1070	\$200,000	12/22/99	FY21	Art. 46 (1997)
\$70,317.00	T5-05-1243	\$703,170	03/18/09	FY19	Art. 50 (2004)
\$29,705.00	T5-05-1243-A	\$296,830	06/13/12	FY23	Art. 50 (2004)
\$32,471.00	T5-05-1243-B	\$324,715	05/22/13	FY23	Art. 42 (2009)
\$19,745.70	T5-05-1243-C	\$197,457	01/07/15	FY15	Art. 42 (2009)

And, that the Town appropriate the sum of \$275,000 from the High School Debt Stabilization Fund, to be expended under the direction of the Town Manager, to pay a portion of Concord’s share of debt service excluded from the Property Tax Levy Limit due and payable during FY19, and that said appropriation shall be in addition to the sum contained in Line Item 39 herein; or take any other action relative thereto.

***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 total appropriation to be presented here for consideration for Town Meeting approval exceeds the spending guidelines set by the Finance Committee in November 2017 by \$203,196 but can still be funded without a Proposition 2-1/2 Override. The text above also makes certain other appropriations from Stabilization Funds and authorizes certain other transfers.***

**Finance Committee recommends affirmative action in the amount of \$43,223,587.  
 Select Board recommends affirmative action in the amount of \$43,223,587.**

**MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET**

**ARTICLE 8.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$752,938, or any other sum, for the following necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2019, or take any other action relative thereto.

<b>MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET</b>			
<b>Department/Description</b>	<b>Fiscal 2017 Adopted</b>	<b>Fiscal 2018 Adopted</b>	<b>Superintendent's Proposed Budget &amp; Fiscal 2019 Assessment</b>
Minuteman Regional High School Budget	\$19,728,097	\$19,449,466	\$21,331,204
Concord's Assessment	\$423,444	\$599,313	\$752,938** (est. @ 1/05/2016)

\*\*Includes \$605,823 assessment for operating budget and \$147,115 assessment for exempt debt.

*This article provides Concord's assessed share of the annual operating budget for the Minuteman Regional Technical High School District. Concord's assessment increase is due primarily to an additional assessment for debt service for costs associated with the new high school building project. Each of the member town assessments is calculated by a formula established pursuant to the regional agreement. Concord's enrollment at Minuteman decreased from 19 regular high school and 2 post graduate students in the fall of 2016 year to 17 regular students and 1 post graduate enrollee in the fall of 2017. The formula for assessments uses a rolling 4-year average of enrollment for member communities, and Concord's figure increased from 13.25 to 15.75.*

Finance Committee recommends affirmative action. Select Board recommends affirmative action in the amount of \$742,649.

**ONCORD PUBLIC SCHOOLS BUDGET**

**ARTICLE 9.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$38,461,880, or any other sum, for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2019; or take any other action relative thereto:

<b>SCHEDULE A - PUBLIC SCHOOL BUDGET</b>			
<b>Department</b>	<b>Fiscal 2017 Adopted</b>	<b>Fiscal 2018 School Committee</b>	<b>Fiscal 2019 School Committee Vote of Dec. 12, 2017</b>
Concord Public Schools Budget/Appropriation	\$35,660,111	\$36,810,111	\$38,461,880

*This article provides the annual operating budget for the Concord Public Schools. The appropriation presented for Town Meeting approval is above the spending guideline set by the Finance Committee in November 2017 in the amount of \$592,367, but can be funded without a Proposition 2-1/2 Override. The appropriation to be presented for Town Meeting approval of \$38,461,880 is at the Concord School Committee Adopted Budget level voted on December 12, 2017.*

Finance Committee will make its recommendation at Town Meeting. Select Board will make its recommendation at Town Meeting.

## **CONCORD PUBLIC SCHOOLS FY18 SUPPLEMENTAL APPROPRIATION**

**ARTICLE 10.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$400,000, or any other sum, to be added to the appropriation voted under Item No. 32 Reserve Fund of Article 7 of the Warrant of the 2017 Annual Town Meeting, for the purposes of meeting extraordinary or unforeseen expenditures in the Concord Public Schools; or take any other action relative thereto.

*This article would amend the current FY18 budget for the purpose of paying unanticipated costs of extraordinary and unforeseen special education services resulting from summer of 2017 enrollments of new students. These enrollments and associated costs were identified after formation of the FY18 budget. The Article proposes a supplemental appropriation to the Reserve Fund account which is subject to the control of the Finance Committee. The School Committee would, if needed, make a request to the Finance Committee, by June 30, 2018, for a transfer from the Reserve Fund appropriation to the extent necessary but not exceeding the amount voted.*

Finance Committee will make its recommendation at Town Meeting. Select Board will make its recommendation at Town Meeting.

## **CONCORD PUBLIC SCHOOLS CAPITAL PROJECTS**

**ARTICLE 11.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow money by the issuance of bonds or notes under the provisions of Massachusetts General Laws c. 44, the sum of \$900,000, or any other sum, to be expended under the direction of the School Committee for remodeling, construction, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School buildings, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

*This article authorizes the Treasurer to borrow \$900,000 for construction, renovations, 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. Select Board recommends affirmative action.

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET**

**ARTICLE 12.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, a sum of \$23,051,352, or any other sum, for the following necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2019; or take any other action relative thereto.

<b>SCHEDULE A – CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET</b>			
<b>Department</b>	<b>Fiscal 2017 Adopted</b>	<b>Fiscal 2018 School Committee</b>	<b>Fiscal 2019 School Committee Vote of Dec. 12, 2017</b>
Concord-Carlisle Regional High School Budget	\$31,741,774	\$31,741,774	\$33,905,081
Concord's Assessment	\$20,783,976	\$21,599,072	\$23,051,352*

\*includes \$19,544,198 assessment for operating budget and \$3,507,154 assessment for debt.

***This article provides Concord's share of the annual operating budget for the Concord-Carlisle Regional High School. The appropriation presented for Town Meeting approval is above the spending guideline set by the Finance Committee in November 2017 but can be funded without a Proposition 2½ Override.***

Finance Committee will make its recommendation at Town Meeting. Select Board will make its recommendation at Town Meeting.

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL CAPITAL PROJECTS**

**ARTICLE 13.** To determine whether the Town will vote to approve \$1,000,000, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for paving campus entrance roads and improving external lighting; provided, however, that this approval shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Massachusetts General Laws c. 59, § 21C(k) to exempt the Town's allocable share of the amounts required for the payment of interest and principal on said borrowing; or take any other action relative thereto.

***This article provides Concord's share of the cost for paving campus entrance roads and improving external lighting on Concord-Carlisle Regional School District land. These costs will be assessed annually over a period of years consistent with the term of bonds to be issued by the District with debt service expected to commence in FY19.***

Finance Committee will make its recommendation at Town Meeting. Select Board will make its recommendation at Town Meeting.

**ESTABLISH REVOLVING FUNDS UNDER  
THE MUNICIPAL MODERATIZATION ACT, MGL c. 44, § 53E½**

**ARTICLE 14.** To determine whether the Town will vote to amend the Town Bylaws by adding a new Section to establish and authorize Revolving Funds for use by certain Town Departments, Boards, Committees, Agencies or Officers, under the direction of the Town Manager, and pursuant to Massachusetts General Laws c. 44, § 53E ½, as follows; or take any other action relative thereto.

**Departmental Revolving Funds**

1. Purpose. This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers, under the direction of the Town Manager, in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws c. 44, § 53E½.
2. Expenditures Limitations. A department manager, board, committee or officer, under the direction of the Town Manager, may incur liabilities against and spend monies from a revolving fund established and authorized by the bylaw without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the General Fund.
4. Procedures and Reports. Except as provided in Massachusetts General Laws c.44, § 53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds. The table below establishes:
  - A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer;
  - B. The department or agency head, board, committee or officer authorized to spend from each fund;
  - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
  - D. The expenses of the program or activity for which each fund may be used;
  - E. Any restrictions or conditions on expenditures from each fund;
  - F. Any reporting or other requirements that apply to each fund; and
  - G. The fiscal years each fund shall operate under this bylaw.

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Restrictions / Conditions on Expenses Payable from Fund	<u>F</u> Other Requirements/ Reports	<u>G</u> Fiscal Years
Tree Preservation	Department of Planning & Land Management, under the direction of the Town Manager	Fees, charges and money received under the Tree Preservation Bylaw	Buying, planting and maintaining trees within residential neighborhoods in the Town			FY19 and subsequent years
Regional Housing Services	Regional Housing Services Office, through the Department of Planning & Land Management, under the direction of the Town Manager	Fees paid by member towns	Expenses associated with continuing the operation of a multi-town consortium set up to assist member communities in managing affordable housing resources			FY19 and subsequent years
Road Repair	Department of Public Works, under the direction of the Town Manager	Fees paid by applicants for permits to dig up, alter, or disturb the public way in accordance with the Motion passed under Article 47 of the 1992 Annual Town Meeting	Repairing, restoring, maintaining and inspecting public ways			FY19 and subsequent years
Senior Services	Division of Human Services, under the direction of the Town Manager	Fees, charges or monies received for programs, events and trips	Expenses associated with Senior Services/COA trips, events and programs			FY19 and subsequent years

***This article establishes a bylaw for various revolving funds in accordance with the provisions of the Municipal Modernization Act of 2016. Previously, Revolving Funds and their respective spending limits were authorized annually at Town Meeting. This change allows the funds to remain authorized, unless revoked via a bylaw change, and only the spending limits will need to be voted by Town Meeting annually from this point forward.***

**Finance Committee recommends affirmative action. Select Board recommends affirmative action.**



**AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER  
THE MUNICIPAL MODERNIZATION ACT, MGL c. 44, § 53E ½**

**ARTICLE 15.** To determine whether the Town will vote to authorize the total expenditures for the following revolving funds pursuant to Massachusetts General Laws c. 44, § 53E½ for the fiscal year ending June 30, 2019, to be expended in accordance with the bylaw previously approved; or take any other action relative thereto.

<b>Revolving Fund</b>	<b>Annual Spending Limit</b>
Regional Housing Services	\$265,000
Road Repair	\$120,000
Senior Services	\$35,000
Tree Preservation	\$100,000

***This article authorizes the annual spending limits for each of the Revolving Funds identified above. Spending from these funds may only occur for the stated purposes identified in the Town's Revolving Fund Bylaw, and only with the approval of the Town Manager.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action in the amount of .

**ACCEPT PROVISIONS OF THE MUNICIPAL MODERNIZATION ACT  
CONCERNING BOND ISSUANCE PREMIUMS**

**ARTICLE 16.** To determine whether the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Massachusetts General Laws c. 44, § 20, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

***This warrant article seeks the authorization required to automatically re-size a bond issue, at the time of issuance, to account for receipt of a bond premium. All borrowings as of the 2017 Town Meeting include additional language to allow for this to happen, however, the Town still has "Authorized, but Unissued Debt" for which it would like to apply bond premium to re-size the bond at the time of issuance, for the benefit of the Town and its taxpayers.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

**APPROPRIATE FUNDS IN PREMIUM RESERVE FUND**

**ARTICLE 17.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$324,000, or any other sum, from the Bond Premium Reserve Fund, representing a net premium paid to the Town upon the sale of \$10,035,000 General Obligation Municipal Purpose Loan of 2017 Bonds on June 5, 2017, to the Capital Project Fund in the amount of \$277,000 and to the Water Enterprise Fund in the amount of \$47,000, to pay project costs authorized by the following Town Meeting Articles, and to reduce the amount authorized to be borrowed for such projects by a like amount, as follows; or take any other action relative thereto.

<b>Article #</b>	<b>Town Meeting</b>	<b>Project</b>	<b>Amount</b>	<b>To</b>
33	2014 ATM	West Concord Infrastructure Improvements	\$5,500	Capital Project Fund
52	2015 ATM	Rideout & Emerson Playground Improvements	\$35,000	Capital Project Fund
53	2015 ATM	Parking Management Plan Implementation	\$5,500	Capital Project Fund
54	2015 ATM	Town House Interior Improvements	\$20,500	Capital Project Fund
12	2016 ATM	Concord Public Schools Building Improvements	\$33,300	Capital Project Fund
26	2016 ATM	2016 Roads Program	\$113,700	Capital Project Fund
23	2016 ATM	Land Acquisition, Ball's Hill	\$47,000	Capital Project Fund
23	2016 ATM	Land Acquisition, Ball's Hill	\$47,000	Water Enterprise Fund
25	2016 ATM	Cemetery Improvements	\$2,500	Capital Project Fund
57	2016 ATM	Rail Trail Design & Engineering	\$14,000	Capital Project Fund
		<b>Total:</b>	<b>\$324,000</b>	

***The Municipal Modernization Act of 2016 requires that premiums received upon the sale of any bonds or notes either be used to pay project costs and reduce the amount of borrowing authorization by the same amount when the borrowing vote so authorizes; or premiums may be reserved for appropriation for capital projects for which a loan has been, or may be authorized for an equal or longer period of time than the loan for which the premiums were received. In this case, the borrowing vote authorizing the debt associated with the items above did not include language to allow for the automatic re-sizing of this issue, therefore, the premium received was reserved. This request is to appropriate the premium received to reduce the amount of the borrowing authorization.***

**Finance Committee recommends affirmative action. Select Board recommends affirmative action.**

**BY PETITION ALLOWING 17 YEAR OLDS TO VOTE IN TOWN ELECTIONS & TOWN MEETINGS**

**ARTICLE 18.** To see if the Town will petition the Massachusetts General Court for permission to adopt a Town Bylaw to define a “qualified voter” as follows, or take any action thereon: Any citizen seventeen years of age or older, so long as they are a resident of Concord at the time they register to vote and are otherwise eligible under all provisions beside age set for voters in M.G.L. Chapter 51, Section 1, is a qualified voter of the town and is entitled to vote in all Town elections, participate and vote in all Town Meetings, participate in Town Caucus and sign all nominating, warrant and other petitions authorized by Town bylaws. Persons wishing to serve in elected positions must be registered voters of at least 18 years of age; or act in relation thereto.

***Petitioner’s Explanation: Approval of this article by Town Meeting would start the process to allow 17-year-olds to vote in Town elections, at Town Meeting and at the Town caucus. Specifically, this article asks our Select Board to petition the Massachusetts General Court for permission to adopt a Town Bylaw to define a “qualified voter” to allow 17-year-old Concord residents to vote.***

Select Board recommends affirmative action.

**AUTHORIZE EXPENDITURE FROM PEG ACCESS & CABLE-RELATED FUND**

**ARTICLE 19.** To determine whether the Town will vote to raise and appropriate, or transfer from the PEG Access and Cable-Related Fund the sum of \$600,000, or any other sum, said funds to be expended during the fiscal year ending June 30, 2019 under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the license agreement, of which the sum of \$400,000 is the estimated license revenue to be received during FY19 in accordance with the license agreement and the sum of \$200,000 shall be allocated from the available fund balance; or take any other action relative thereto.

***The Town currently receives 4.8% of all revenue generated by Comcast from the company’s Concord customers. This amounts to about \$100,000 per quarter or \$400,000 per year. This article proposes that the revenue from Comcast received during calendar year 2017 be appropriated, to be used only for cable-related purposes in accordance with the ten-year license agreement, and that an additional \$200,000 available in the PEG Access and Cable-Related Fund be appropriated for capital improvements needed to enhance PEG access services. PEG Access services are Public, Educational and Governmental local cable television channels. The fund balance as of January 1, 2018 is \$1,093,508.92.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

**BY PETITION INDEPENDENCE OF THE PRESS**

**ARTICLE 20.** To determine whether the Town will vote to reverse the Town Manager’s decision to acquire the CCTV (Concord Carlisle Television) Organization and make Town Department; or take any other action relative thereto.

***Our Town Manager has exercised his prerogative to not renew the contract of the existing independent, non-profit 501(c)(3) CCTV organization and has decided to make CCTV into a Town Division. The proposed citizen advisory committee cannot have sufficient authority over, and involvement in, the day-to-day operation of a Town Television Division to fully guarantee the full equal access rights of the public. As long as such a committee would be functioning alongside or under the umbrella of a Town Department, the independence of the press would be vulnerable to government interference, if not under this administration, potentially under future administrations.***

**APPROPRIATE FUNDS FOR MUNICIPAL CAPITAL PROJECTS**

**ARTICLE 21.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Massachusetts General Laws c. 44, § 7 the sums of money specified below in the FY19 Debt Plan, or any other sum, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

**FY19 Debt Plan**

<b>Item No.</b>	<b>Department</b>	<b>Project</b>	<b>Amount</b>	<b>Authorization Clause</b>
1	Town Manager	Renovation/ Construction/ Acquisition of Town Buildings	\$510,000	1
2	Planning	Trail Improvements	\$75,000	1
3	Public Safety	New truck replacing Engine #5 (1989) & Engine #7 (2007)	\$365,000	1
4	Public Works	Road and Parking Lot Reconstruction	\$1,400,000	1
5	Human Services	Library, Efficient Energy Systems	\$150,000	1
6	Human Services	Parking Lot, Harvey Wheeler Building	\$100,000	1
		<b>Total:</b>	<b>\$2,600,000</b>	

***This article authorizes the FY19 Debt Plan, all of which will be funded within the existing Levy Limit. Item 1 authorizes the Treasurer to borrow \$510,000 to be used to repair various town buildings. Item 2 authorizes the Treasurer to borrow \$75,000 for Trail Improvements. The funding for Trail Improvements is to plan for the installation of trails around the community that will connect neighborhoods with village centers, schools and recreational facilities for bicyclists and pedestrians. This project encompasses three activities: 1) public outreach and mapping; 2) assessment of selected trails and, 3) design and construction/installation of selected trails. Additional matching funds will be sought. Item 3 authorizes the Treasurer to borrow \$365,000 to purchase one new Fire Engine to replace existing Engine #5 (1989) and Engine #7 (2007). Item 4 authorizes the Treasurer to borrow \$1,400,000 for the repair, reconstruction or renovation of Concord’s roads and public parking areas. Combined with Chapter 90 funding (State Road Aid), funds will be used to protect and replace Concord’s 107 miles of public roads, including drainage and sidewalk construction and renovation. Item 5 will authorize the Treasurer to borrow \$150,000 to fund efficient energy systems at the Main Library. Item 6 will authorize the Treasurer to borrow \$100,000 to resurface the parking lot at the Harvey Wheeler Community Center. In past warrants, each item in the Annual Debt Plan would be authorized in a separate article.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

## **ALCOHOLIC BEVERAGE BYLAW AMENDMENT**

**ARTICLE 22.** To determine whether the Town will vote to amend the Town's Alcoholic Beverage Bylaw to add a new section 2 such that the Bylaw reads as follows:

### **TOWN OF CONCORD, MASSACHUSETTS – ALCOHOLIC BEVERAGE BYLAW**

**Section 1.** No person shall drink any alcoholic beverage, or possess an open container of any alcoholic beverage, as defined in Massachusetts General Laws, c. 138, § 1, while in or upon any public way or any way to which the public has a right of access, whether in or upon a vehicle, or on foot, or while in or upon any public place or public building or playground, or while in or upon a private parking lot, or a private way to which the public has access as invitees or licensees, or in or upon any private land or place without the consent of the owner or authorized person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this bylaw in the officer's presence. All alcoholic beverages being used or possessed in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person arrested or summonsed before the court.

**Section 2.** Notwithstanding the provisions of Section 1 of this Bylaw, the Select Board may, to the extent permitted by State law, issue a one-day special license for the sale or service of alcohol on property owned by the Town, and which is subject to the control of the Select Board or the Town Manager, in connection with a community event or celebration being held on such Town property; or take any other action relative thereto.

*The service and consumption of alcoholic beverages has been allowed in recent years for properties owned by the Town but leased to third parties, such as 51 Walden Street and the Emerson Umbrella building on Stow Street. This bylaw amendment would expressly permit such authorized consumption of alcohol on town premises and would also permit the Select Board to authorize the service of alcohol at community celebrations such as the JazzFest that took place in June of 2017 in the Keyes Road parking lot.*

Select Board recommends affirmative action.

## **BY PETITION COMMUNITY RESILIENCE GOALS**

**ARTICLE 23.** To determine whether the Town, recognizing the Fourth National Climate Assessment Report (NCA4) released by 13 Federal agencies in fall 2017, will take action to maintain and regenerate our natural environment in order to protect our community and mitigate and build resilience to climate disruption by:

- a) urging the Select Board to designate the identification and implementation of cost effective solutions to mitigate future weather event impacts a top priority; and
- b) urging that a new committee be formed (or an existing committee be directed) by fall 2018 to address town resilience to future climate events;

and further; to determine whether the town will urge that the designated committee

- a) be multidisciplinary and include members with expertise in such areas as restoration ecology, green water / transportation / waste management, regenerative land management and agriculture, toxic substance reduction, and green architecture; and
- b) serve as an advisory committee to town departments, committees, and boards, and interface with groups such as the MAGIC Climate Working Group, conservation groups, and other pertinent organizations and committees; and

- c) review and recommend modifications of town bylaws, policies and codes, including zoning and other proceedings to formalize improvements pertaining to climate resilience; and
- d) educate and raise awareness among Concord residents regarding resilience; or take any other action relative thereto.

***Nature keeps our climate in balance and creates the conditions that support life. Degradation of our natural environment and ecosystems, as well as factors such as the release of toxic substances into the environment, threaten our quality of life, increase the likelihood of harm to people and property, and add unnecessary costs for our town. Taking steps, such as maintaining and expanding biodiversity and ecosystems and building soil health, to sequester CO2 and increase water storage capacity, are key to preparing for the increasingly strong and frequent weather events and other associated problems predicted by 2017 federal Fourth National Climate Assessment Report. Prioritizing and addressing these issues by commissioning a committee now, will help implement solutions that require long lead times for maximum effectiveness. The committee would examine solutions provided by newly evolving areas of research and others not already covered by existing committees. The approach will help align the objectives of the town to ensure a healthy, resilient community.***

### **COMMUNITY PRESERVATION ACT COMMUNITY HOUSING FUND**

**ARTICLE 24.** To determine whether the Town will vote to re-appropriate the sum of \$247,000.00 from the Community Preservation Fund, originally allocated at the 2015 Annual Town Meeting for Phase II of the Peter Bulkeley Terrace renovation, to the General CPA Fund, in accordance with Massachusetts General Laws c. 44B to be appropriated for Community Housing projects; or take any other action relative thereto.

***Condition 10 of the Grant Agreement for the Peter Bulkeley Terrace Phase II project signed on June 5, 2015 states that "In the event that the total cost of the project is less than the budgeted amount, or if the project is terminated prior to completion, any unexpended portion of the Funds that have been allocated to the Grantee shall be refunded to the Town and returned to the general CPA fund. Funds shall be returned in the proportion that they were used to make up the entire project budget. The Grantee may also ask to use the excess funds to complete additional Project work so long as that work is within the scope of the project as approved at Town Meeting. This use of excess funds must be approved in advance and in writing by the CPC." This Article proposes to re-appropriate funds that were appropriated, but not used, pursuant to this condition.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

**AUTHORIZE ACQUISITION OF 369 COMMONWEALTH AVENUE &  
ADJACENT PROPERTIES ON WARNER'S POND**

**ARTICLE 25.** To determine whether the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, fee, easement and/or other property interests in, on, over, across, under and along all or any portion of the property at 369 Commonwealth Avenue and adjacent land, including the buildings and appurtenances thereon, shown on the assessors maps as parcels #2157, #2158 and #2159, containing a total of 7.0 acres more or less, for municipal purposes, including active recreation purposes, under such terms and conditions as the Select Board may determine, and further, that to meet such appropriation the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Massachusetts General Laws, c. 44, the sum of \$2,500,000, or any other sum, for the purpose of acquiring said property, including any necessary improvements to the property and incidental related expenses, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with the Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.



***This article would authorize the purchase of three parcels of land totaling 7.0 acres along the northern shore of Warner's Pond. The property includes a three-bedroom Cape Cod-style dwelling. The property abuts the future Bruce Freeman Rail Trail and has access from Commonwealth Avenue. The Town owns a substantial amount of the shoreline of Warner's Pond as conservation land, and considerable State-owned open space is located nearby. This property has significant potential to be developed into a community recreation facility. The funds authorized under this article will be combined with \$500,000 authorized under Article 26, for a combined budget of \$3,000,000, to purchase the property and make minor improvements to allow for public access.***

**Finance Committee recommends affirmative action. Select Board recommends affirmative action in the amount of \$2,500,000.**

**COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS**

**ARTICLE 26.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,861,038, or any other sum, from the Concord Community Preservation Fund, of which up to \$10,000 shall be appropriated from the undesignated fund balance as of June 30, 2017; \$247,000 shall be appropriated from the Community Housing Reserve Fund; \$120,000 shall be appropriated from the Open Space Reserve Fund; and up to \$1,484,038 shall be appropriated from projected FY19 Fund Revenues, in accordance with Massachusetts General Laws c. 44B, to be expended under the direction of the Town Manager as follows; or take any other action relative thereto.

Item	Project/Description	Category	Sources				Total Amount Recommended
			Community Housing Reserve Fund	Open Space Reserve Fund	Prior Year Fund Balance	FY19 CPA Fund Revenues	
A	Town of Concord – Regional Housing Services Program	Community Housing	\$12,000			\$6,000	\$18,000
B	Concord Housing Authority – Bedford Court Unit Renovations	Community Housing				\$123,838	\$123,838
C	Town of Concord – Junction Village Assisted Living	Community Housing	\$235,000			\$115,000	\$350,000
D	51 Walden Inc. – Access 51	Historic Preservation				\$100,000	\$100,000
E	Concord Masonic Corporation – Corinthian Lodge Restoration	Historic Preservation				\$150,000	\$150,000
F	Concord Museum – Systems Replacement Project	Historic Preservation			\$10,000	\$130,000	\$140,000
G	Town of Concord Natural Resources Division – White Pond Slope Restoration	Open Space				\$87,100	\$174,200
		Recreation				\$87,100	
H	Town of Concord – Assabet River Pedestrian Bridge Design & Permitting	Open Space				\$17,500	\$35,000
		Recreation				\$17,500	
I	Town of Concord – Land Acquisition (369 Commonwealth Ave.)	Open Space		\$120,000			\$500,000
		Recreation				\$380,000	
J	Town of Concord – Bruce Freeman Rail Trail Phase 2C and 2B	Open Space				\$20,000	\$40,000
		Recreation				\$20,000	
K	Town of Concord Public Works – Emerson Field Improvements	Recreation				\$200,000	\$200,000
L	Staff and Technical Support	Administration				\$30,000	\$30,000
			<b>\$247,000</b>	<b>\$120,000</b>	<b>\$10,000</b>	<b>\$1,484,038</b>	<b>\$1,861,038</b>

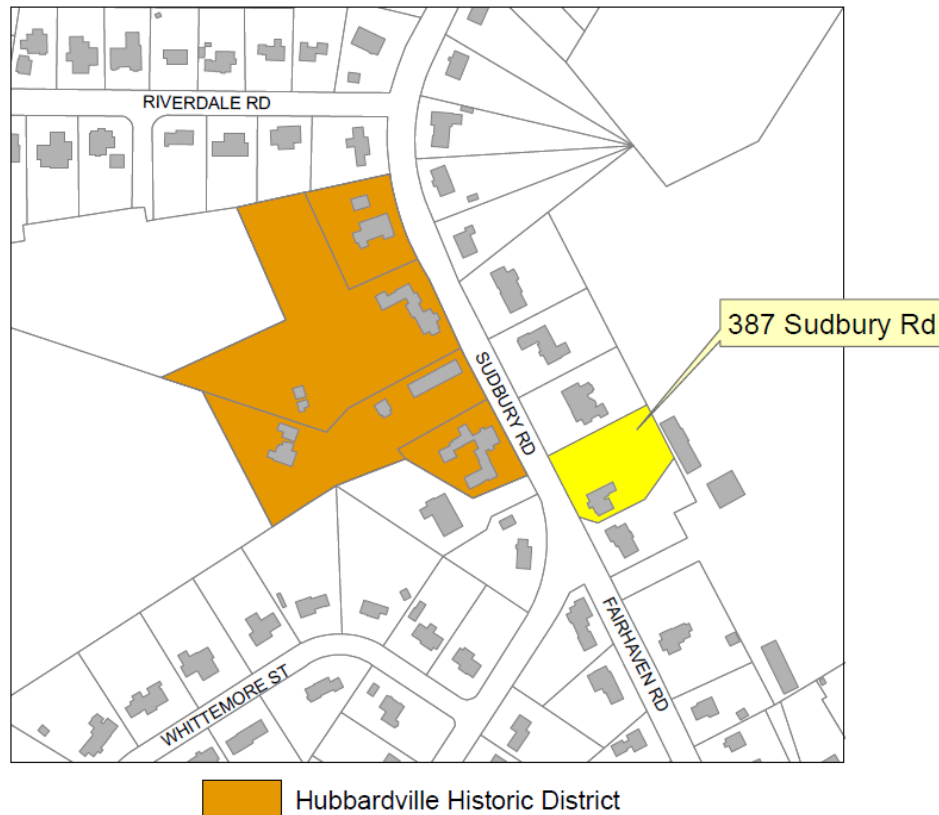
*This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$491,838 for Community Housing, \$390,000 for Historic Preservation, \$244,600 for Open Space, \$704,600 for Recreation, and \$30,000 for Administration. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.*

**Finance Committee recommends affirmative action. Select Board recommends affirmative action.**



## **HISTORIC DISTRICTS MAP AMENDMENT – HUBBARDVILLE EXTENSION**

**ARTICLE 27.** To determine whether the Town will vote to extend the Hubbardville District southward to add the property comprised of 30,700 square feet, more or less, and the building located upon it at 387 Sudbury Road, known as Assessor Parcel #0386 and being shown as Lot 7 on the plan entitled “Plan of Land in Concord Massachusetts (Middlesex County) 387 Sudbury Road” dated March 8, 2017 by Stamski and McNary, Inc. and recorded with the Middlesex South Registry of Deeds as Plan No. 4678G of 2017, effective July 1, 2018; or take any other action relative thereto.



***At a public hearing, held on Thursday, September 14, 2017, the Concord Historical Commission unanimously determined that the structure known as the Abiel Wheeler House, located at 387 Sudbury Road, is “Preferably Preserved”. The one year demolition delay will expire on July 31, 2018. The house is associated with a number of historical figures from Concord’s history, and is a contributing element of the historic streetscape of Hubbardville. The expansion of the Hubbardville District to include the property at 387 Sudbury Road will stipulate that future exterior alterations will be reviewed by the Historic District Commission; which will serve to protect this important historical resource. The Historic Districts Commission and the Concord Historical Commission unanimously support this warrant article.***

**Select Board will make its recommendation at Town Meeting.**

**APPROPRIATE FUNDS FOR 2229 MAIN STREET  
(NMI/STARMET SUPERFUND SITE) REDEVELOPMENT PLAN**

**ARTICLE 28.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$25,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of creating a redevelopment plan for the property at 2229 Main Street; or take any other action relative thereto.

*The property at 2229 Main Street was formerly owned by the Starmet Corporation. In 2001, the site was added to the US Environmental Protection Agency National Priorities List. In the years since it became a Superfund site, risks at the site have been significantly reduced by numerous cleanup actions. In 2015, Special Town Meeting authorized the Concord Select Board to take ownership of the property under certain conditions. Since 2015, the EPA has published a Record of Decision that specifies that the site will be cleaned up to an extremely protective level, has removed contaminated buildings on the property, has initiated a groundwater cleanup, and has begun negotiating a consent decree to fund the remediation of the remaining contamination at the site. The site-wide remediation plan includes clean-up of the soil and protection of the groundwater by encapsulating depleted uranium contamination in-place deep below ground. It is expected that it will be possible to reuse the site for commercial enterprise, recreation, solar power generation, and perhaps housing as well. This article would fund a Town redevelopment plan so that specific features of reuse of the site can be incorporated proactively into the remediation plans.*

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

**ACCEPT MGL c. 90, § 17C LIMITING TRAFFIC SPEED**

**ARTICLE 29.** To determine whether the Town will vote to accept the provisions of Massachusetts General Laws c. 90, § 17C: Establishment of 25-miles-per-hour speed limit in thickly settled areas or business district in a city or town; or take any other action relative thereto.

*Chapter 218 of the Acts of 2016 was adopted by the Massachusetts legislature and is known as Municipal Modernization Act. Section 193 of the Act allows municipalities to “opt-in” to Massachusetts General Laws c.90, § 17C by vote of Town Meeting and thereby authorize the Select Board to reduce the statutory speed limit on all town-owned roadways in thickly-settled areas and business districts from 30 m.p.h. to 25 m.p.h. This legislation only affects streets that are currently governed by a statutory speed limit. If an existing special speed regulation is in place, it will continue to govern. Other communities in Massachusetts that have adopted this section of Chapter 90 include: Boston, Belmont, Lexington, Winchester and Arlington. The Massachusetts Department of Transportation has prepared a Frequently Asked Questions document that can be viewed on the web at:*  
<http://www.massdot.state.ma.us/highway/Departments/TrafficandSafetyEngineering/SpeedLimits/FrequentlyAskedQuestions.aspx>

Select Board recommends affirmative action.

**BYLAW AMENDMENT – TO PROHIBIT ALL TYPES OF NON-MEDICAL  
“MARIJUANA ESTABLISHMENTS” AS DEFINED IN MGL c. 94G, § 1**

**ARTICLE 30.** To see whether the Town will vote to amend the Town’s General Bylaw by adding the following section: provided, however, that this section shall only be adopted if approved by a vote of the voters at a Town election.

**MARIJUANA ESTABLISHMENTS**

The operation within the Town of Concord of any marijuana establishment, as defined in Massachusetts General Laws c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined in Section 4.3.9 of the Zoning Bylaw; or take any other action relative thereto.

*In November 2016, Concord voters approved Massachusetts Ballot Question 4 to legalize marijuana. The Cannabis Control Commission will begin accepting licenses for marijuana establishments on April 1, 2018, with the first licenses to be issued July 1, 2018. Towns that approved Question 4 must vote to “opt-out” of allowing marijuana establishments by both a ballot vote and Town Meeting vote if the Town does not wish to have businesses of this type. The Board of Health believes allowing non-medical marijuana establishments is not in the best interest of the Town, particularly its youth. The proposed bylaw prohibits all types of non-medical marijuana establishments (which includes all businesses that require a license issued by the Cannabis Control Commission to grow, process, handle or sell non-medical marijuana). The bylaw does not prohibit home cultivation of marijuana, which is allowed by State Law. Because Concord voters approved Ballot Question 4 in 2016, this bylaw must also be submitted to the voters of the Town at an annual or special election. It cannot be adopted, and will not be effective, until that vote takes place and the bylaw is approved.*

Select Board recommends affirmative action.

**ACCEPT MGL c. 64N, §3 AND ADOPT A  
3% LOCAL SALES TAX ON MARIJUANA PRODUCTS**

**ARTICLE 31.** To determine whether the Town will vote to accept Massachusetts General Laws c. 64N, § 3 and impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of 3 percent of the total sales price received by the marijuana retailer, said sales tax to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of the Town Meeting; or take any other action relative thereto.

*This article asks Town Meeting to vote to impose a local sales tax on marijuana at the rate of 3%, the maximum allowed under the statute, in the event that a retail recreational marijuana establishment locates in Concord.*

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

**ZONING BYLAW AMENDMENT – MARIJUANA ESTABLISHMENT TEMPORARY  
MORATORIUM EXTENSION**

**ARTICLE 32.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.8.3 Marijuana Establishment Temporary Moratorium** to delete the date July 31, 2018 and insert in its place the date December 31, 2018 (changes are shown in bold for emphasis only) so that the Section reads as follows:

4.8.3 *Temporary Moratorium*

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for “Marijuana Establishments”. The moratorium shall be in effect through **December 31, 2018**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding “Marijuana Establishments” and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses; or take any other action relative thereto.

*In 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the “Act”), regulating the control and production and distribution of marijuana under a system of licenses and regulations. At the 2017 Annual Town Meeting, a temporary moratorium on marijuana establishments was adopted until July 31, 2018 to allow the Town time to study and consider the regulation of Marijuana Retail or Distribution centers. Due to recent amendments to the Act by the Legislature, the Cannabis Control Commission (CCC) is now required to adopt rules and regulations regarding the permitting of marijuana establishments by March 15, 2018. The Planning Board believes the Town should not decide how to regulate marijuana establishments until the CCC issues their rules and regulations. The Attorney General has denied moratorium bylaws in other communities with a date beyond December 31, 2018.*

Select Board recommends affirmative action.

**ZONING BYLAW AMENDMENT - DEFINITION OF A DWELLING UNIT**

**ARTICLE 33.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 1.3.8 Dwelling unit** to add the phrase “, and private” after the word independent (changes are shown in bold for emphasis only) so that the Section reads as follows:

1.3.8 *Dwelling unit:* A structure or portion thereof providing complete, independent, **and private** living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; or take any other action relative thereto.

*The Building Inspections Division often reviews building plans for large dwellings that have recreational rooms which contain small kitchens and bathrooms. These areas are typically open and easily accessible to many other parts of the dwelling, are often connected to outdoor spaces, such as patios areas and/or pools and do not have a distinct and separate entrance. In these cases, building permits have been issued. However, there are other cases where a separate living area is proposed in a main dwelling that has a kitchen, bathroom and small “office” and this area can simply be closed off from the main dwelling through a doorway and easily accessible by a separate outside entrance. The Building Inspections Division staff believes adding the word “private” to the definition helps to clarify the meaning and intent and will help residents understand what they can include in accessory structures, basements and home offices without those areas becoming separate dwelling units.*

Select Board recommends affirmative action.

## **ZONING BYLAW AMENDMENT – HEIGHT OF ACCESSORY BUILDINGS**

**ARTICLE 34.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 6.2.11 Height** to (i) Add after the third paragraph the sentence “In the Residence AA, Residence A, Residence C and Residence B Districts, any accessory structure located within the required minimum side or rear yard shall be limited in height to not more than twenty-four (24) feet to the peak of a pitched roof or eighteen (18) feet to the highest point of the exterior in the case of a flat roof.” (changes are shown in bold for emphasis only) so that the Section 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 one (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 AA, Residence A, Residence C and Residence B Districts, 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.

**In the Residence AA, Residence A, Residence C and Residence B Districts, any accessory structure located within the required minimum side or rear yard shall be limited in height to not more than twenty-four (24) feet to the peak of a pitched roof or eighteen (18) feet to the highest point of the exterior in the case of a flat roof.**

The Board may grant relief from the above definition for the height of a building in the Residence AA, Residence A, Residence C and Residence B Districts 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 and Residence B Districts 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.

In the West Concord Business and West Concord Village Districts, the minimum height of the side and rear portions of a principal building shall be fifteen (15) feet; the front façade shall have a minimum height of eighteen (18) feet; or take any other action relative thereto.

***Zoning Bylaw Section 6.2.7 Side Yard and Section 6.2.8 Rear Yard allows accessory structures that are located behind the most rear portion of the principal structure to be located as close as 5 feet to the side and rear property line. Recently, property owners have built accessory structures that are 35 feet in height (e.g., a garage with a full story second habitable space and a peak roof) that are as close as 5 feet to the property line. These structures overshadow adjacent properties and may become a source of conflict between adjacent property owners. The proposed bylaw would limit the height of accessory structures within the required side and rear yard in all residential districts to 24 feet for a pitched roof and 18 feet for a flat roof. This height limit would still allow for an accessory structure with a first floor and partial habitable second floor. The 35-foot height limit would still be allowed for accessory structures that are not in the required rear or side yard. If a property owner wishes to have an accessory structure located within the required rear or side yard with a height exceeding the applicable maximum, Section 6.2.11 already contains a waiver provision by where a property owner can seek a special permit from the Zoning Board of Appeals if the Board finds that a literal application of the applicable height 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.***

Select Board recommends affirmative action.

### **ZONING BYLAW AMENDMENT - COMBINED BUSINESS/RESIDENCE**

**ARTICLE 35.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.2.3.3 Combined business/residence** to (i) replace the semicolon at the end of Section 4.2.3.3 with a period, (ii) add the sentence “The Board may grant a special permit to allow less than the required amount of open space if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place;” at the end of Section 4.2.3.3; (iii) delete the phrase “a decrease in the” after the word allow in Section 4.2.3.4; and (iv) add the phrase “less than the required” after the word allow in Section 4.2.3.4 (changes are shown in bold for emphasis only) so that the Section reads as follows:

4.2.3 Combined business/residence: A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor;

4.2.3.2 For development of four (4) or more units, at least twenty percent of the dwelling units (and no less than one unit) are available as affordable housing;

4.2.3.3 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet. **The Board may grant a special permit to allow less than the required amount of open space if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place;**

4.2.3.4 Except in Limited Business District #2, in a combined business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow **less than the required** amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place; or take any other action relative thereto.

*The Combined business/residence use is allowed by right only in the business/commercial districts and in three of the Limited Business Districts (#2 – 59 Walden Street, #3 – Monument Square, and #7 – 106 Main Street). The use is also allowed by special permit in the Medical Professional District. The Combined business/residence use is one that is more applicable or useable when a property is being redeveloped (e.g., Concord Crossing behind the Thoreau Depot). Many of the existing buildings in the business/commercial districts already occupy most of the lot area. The open space provision has hindered several other property owners from considering combined business/residential use for their existing buildings in these districts. One option currently available to property owners is to seek relief from parking requirements to reduce the number of parking spaces and eliminate pavement, thereby increasing the amount of open space. In addition, in many locations where combined business/residence would be ideal, there are alternative open space opportunities available within walking distance. Allowing a waiver to the open space requirement in those cases promotes mixed use development in the denser commercial districts. The amendment to Section 4.2.3.4 makes the language consistent in both paragraphs.*

Select Board recommends affirmative action.

## **ZONING BYLAW AMENDMENT – RECONSTRUCTION OF NONCONFORMING STRUCTURES**

**ARTICLE 36.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 7.1.5 Nonconforming Single and Two Family Structures** to (i) add the phrase “, reconstruction, alteration or structural change” to the second sentence following the word “extension”; (ii) replace the word “alteration” wherever it appears in Section 7.1.5(a), (b), or (c) with the phrase “extension, reconstruction, alteration or structural change;” (iii) add the word “a” before “structure” in Section 7.1.5(a); and (iv) add the word “structural” before the word “change” in the final paragraph of Section 7.1.5 (changes are shown in bold for emphasis only) 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, **reconstruction, alteration or structural change** does not increase the gross floor area 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:

- (a) **extension, reconstruction, alteration or structural change** to a structure located on a lot with insufficient area which **extension, reconstruction, alteration or structural change** complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.
- (b) **extension, reconstruction, alteration or structural change** to a structure located on a lot with insufficient frontage which **extension, reconstruction, alteration or structural change** complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.
- (c) **extension, reconstruction, alteration or structural change** to a structure which encroaches upon one or more required yard or setback areas, where the **extension, reconstruction, alteration or structural change** will comply with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.

In all other cases, the Board may, by special permit, allow such **extension, reconstruction, alteration, or structural** change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood; or take any other action relative thereto.

*The words “reconstruction, alteration or structural change” appear in the first and third sentences of Section 7.1.5, but not in the second sentence. Since 2009 (the year Section 7.1 was substantially amended), the second sentence of Section 7.1.5 has been applied to projects involving reconstruction or alteration of, and structural changes to, nonconforming residential structures. Building permits have been issued for the reconstruction or alteration of, and structural change to, nonconforming structures by less than 50%. The Planning Board is recommending clarifying Section 7.1.5 to eliminate any ambiguity in the meaning and intent of the section.*

Select Board recommends affirmative action.

**ZONING BYLAW AMENDMENT - OFF-STREET PARKING, LOADING,  
AND DESIGN STANDARDS; TABLE IV MINIMUM PARKING**

**ARTICLE 37.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 7.7.2.1**

**Table IV Minimum Parking** to delete the phrase “& real estate agency” from the definition of “Financial and business office” in said table, so that the definition reads as follows:

Financial and business office: bank, loan agency, travel or other consumer services offices; or take any other action relative thereto.

*The 2017 Annual Town Meeting voted to amend the Zoning Bylaw to classify a real estate agency as a professional office. Previously, it was classified as a business office. However, this 2017 amendment did not include an amendment to the parking requirement under Section 7.7.2.1, which still references a real estate agency as a business office. Deleting the reference to real estate agency from Financial and Business Office parking requirement will not change the parking requirement for a professional office and a financial and business office since they are the same; one space per 250 square feet of gross floor area.*

Select Board recommends affirmative action.

**ZONING BYLAW AMENDMENT - SITE PLAN REVIEW**

**ARTICLE 38.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 11.8.5 Site Plan Review** to (i) replace the word “, and” at the end of subsection (f) with a semicolon, (ii) delete the period and insert the word “; and,” at the end of subsection (g), and (iii) add a new subsection “(h) Incorporation of sustainability principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community.” at the end (changes are shown in bold for emphasis only) so that the Section reads as follows:

11.8.5 Site Plan Review: In reviewing the site plan submittal, the following matters shall be considered:

- (a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of views, light and air;
- (b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;
- (c) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- (d) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;



- (e) Adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;
- (f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw;
- (g) Impact on the Town's resources including the effect of the Town's water supply and distribution system, sewage collection and treatment, fire protection, and streets; and,
- (h) **Incorporation of sustainability principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community;** or take any other action relative thereto.

*The Town has made sustainability a priority for the community with the adoption of APP#30 Sustainable Municipal Practices in 2011 and the passage of Article 51 at the 2017 Annual Town Meeting to achieve a minimum 25% town-wide reduction in Green House Gas emissions by 2020, an 80% reduction by 2050 and have CMLP reduce GHG emissions of its power supply portfolio and to offset any residual GHG emissions of its electricity supply through the purchase of RECs by 2030. To further these goals, the Planning Board seeks to amend Zoning Bylaw Section 11.8.5 Site Plan Review to include an additional review criterion that incorporates sustainability principles.*

*Sustainable landscapes are designed to be responsive to the environment and actively contribute to the development of sustainable communities. Sustainable landscapes can sequester carbon, clean the air and water, increase energy efficiency, restore habitats, and create value through significant economic, social and, environmental benefits. Adding a criterion that allows the Board to consider such aspects of the landscape will require designers and owners to consider these features as they prepare site plans for review.*

Select Board recommends affirmative action.

**ZONING BYLAW AMENDMENT - SITE PLAN REVIEW FOR RELIGIOUS USES,  
EDUCATIONAL USES AND CHILD CARE FACILITIES**

**ARTICLE 39.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 11.8.7.1 Site Plan Review for religious uses, educational uses and child care facilities** to (i) delete the word “and” at the end of subsection (f), (ii) delete the period and insert the word “; and,” at the end of subsection (g), and (iii) add a new subsection “(h) Incorporation of sustainability principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community.” at the end (changes are shown in bold for emphasis only) so that the Section reads as follows:

11.8.7.1 In reviewing the site plan submittal for religious uses, educational uses and child care facilities, the following issues shall be considered:

- (a) Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks;
- (b) Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;
- (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;

- (d) Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;
- (e) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage;
- (f) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- (g) Adequacy of fire protection measures, and;
- (h) Incorporation of sustainability principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community; or take any other action relative thereto.**

***The Town has made sustainability a priority for the community with the adoption of APP#30 Sustainable Municipal Practices in 2011 and the passage of Article 51 at the 2017 Annual Town Meeting to achieve a minimum 25% town-wide reduction in Green House Gas emissions by 2020, an 80% reduction by 2050 and have CMLP reduce GHG emissions of its power supply portfolio and to offset any residual GHG emissions of its electricity supply through the purchase of RECs by 2030. To further these goals, the Planning Board seeks to amend Zoning Bylaw Section 11.8.7.1 Site Plan Review for religious uses, educational uses and child care facilities to include an additional review criterion that incorporates sustainability principles.***

***Sustainable landscapes are designed to be responsive to the environment and actively contribute to the development of sustainable communities. Sustainable landscapes can sequester carbon, clean the air and water, increase energy efficiency, restore habitats, and create value through significant economic, social and, environmental benefits. Adding a criterion that allows the Board to consider such aspects of the landscape will require these types of uses to consider these features as they prepare site plans for review.***

Select Board recommends affirmative action.

**BY PETITION ZONING BYLAW AMENDMENT – PERSONAL WIRELESS COMMUNICATIONS FACILITY**

**ARTICLE 40.** To determine whether the Town will vote to expand the Wireless Communications Facility District as follows: Amend the Wireless Communication Facility(s) Overlay District map to include additional property on the Middlesex School campus (Parcel #1533 excluding 1,000-foot setback along the northwest border with Parcel #1535-15 which is not currently included in the overlay district) as shown on the revised map of The Wireless Communication Facility(s) Overlay District, dated April 30, 2018.

And revise the date in Section 2.2 Zoning Map for the Wireless Communication Facility(s) Overlay District map to read as follows: The Wireless Communications Facility(s) Overlay District, Town of Concord, April 30, 2018 (Scale 1" = 1000' consisting of a single sheet); or take any other action relative thereto.

***This article amends the Section 2.2 Zoning Map to revise the northernmost Wireless Communications Facility Overlay District to include additional property on the Middlesex School campus. This expansion of the Overlay District will provide more well-suited options with high elevations and sufficient setbacks from homes and day care centers for public safety and telecommunications infrastructure.***

Select Board will make its recommendation at Town Meeting.

## GENERAL BYLAW AMENDMENT - TREE PRESERVATION BYLAW

**ARTICLE 41.** To determine whether the Town will vote to amend the **Tree Preservation Bylaw** to (i) add a new definition “Protected Tree Impact and Removal Permit” as shown below, and renumber the remaining definitions accordingly, (ii) add to the first sentence of Section 5.1 after the words “Protected Tree” the phrase “without a Protected Tree Impact and Removal Permit”, (iii) add to the second sentence of Section 5.3 after the words “Protected Tree” the phrase “(a) without a Protected Tree Impact and Removal Permit or (b)”, and add a comma after the word “Plan” in that sentence, (iv) add to the first sentence of Section 5.4(a) after the phrase “Prior to the issuance of a” the phrase “Protected Tree Impact and Removal”, (v) replace the words “any applicable” in the first sentence of Section 5.4(d) after the phrase “Reviewing Agent may issue” with the phrase “a Protected Tree Impact and Removal”, (vi) replace the word “may” with the word “shall” and the word “and” with the word “or” in the first sentence of Section 5.4(d), (vii) replace the word “Department” at the end of the first sentence of Section 5.4(d) with the phrase “Departments of such issuance”, and (viii) replace the phrase “the appropriate Town Department that all applicable permits shall not be issued” in the second sentence of Section 5.4(d) with the phrase “withhold the Protected Tree Impact and Removal Permit” so that these Sections read as follows (*changes are shown in bold for emphasis only*):

**2.9 Protected Tree Impact and Removal Permit: A permit issued by the Reviewing Agent prior to the commencement of demolition or construction on a property on which a Protected Tree is located.**

5.3 Unauthorized Removals: The removal of any Protected Tree **without a Protected Tree Impact and Removal Permit** not identified on the Tree Protection & Mitigation Plan shall require mitigation at the rate specified in Section 5.2. In addition, any person removing any Protected Tree **(a) without a Protected Tree Impact and Removal Permit or (b)** not identified on the Tree Protection & Mitigation Plan, in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under Massachusetts General Laws c. 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Concord.

5.4 Plan Review and Permit Issuance:

- (a) Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a **Protected Tree Impact and Removal Permit** in connection with one or more of the circumstances set forth in Section 4.1 on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Reviewing Agent along with the applicable application and fee.
- (d) Reviewing Agent Action: If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established Rules and Regulations, and applicable Tree Fund contributions have been submitted, the Reviewing Agent **shall issue a Protected Tree Impact and Removal Permit** and notify the appropriate Town Department(s) **of such issuance**. If the proposal does not meet or satisfy these requirements, the Reviewing Agent shall notify the applicant and **withhold the Protected Tree Impact and Removal Permit** until the requirements are met. If the Reviewing Agent fails to act on an application within thirty (30) days after the application has been made, it shall be deemed to be approved; or take any other action relative thereto.

***Town Meeting approved a residential Tree Preservation Bylaw in 2016. As the Planning Board developed Rules and Regulations for implementing the Bylaw, Planning Board members and the Planning Division identified a number of ways to better align the Bylaw language with the Rules and Regulations. This amendment to the Tree Preservation Bylaw provides specific reference to the Protected Tree Impact and Removal Permit that the Planning Department will use to administer the Bylaw.***

Select Board recommends affirmative action.

### **AUTHORIZE CAMBRIDGE TURNPIKE EASEMENTS**

**ARTICLE 42.** To determine whether the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, easements associated with the Cambridge Turnpike Improvement Project in the locations shown on the following easement plans prepared by GCG Associates, Inc.: (1) "Easement Plan 18 Cambridge Turnpike & 200 Lexington Road," dated December 22, 2017, for the construction and maintenance of parking and sidewalk and perpetual public access over 18 Cambridge Turnpike by motor vehicle, foot or bicycle; (2) "Easement Plan 22B Cambridge Turnpike," dated December 22, 2017, for the construction and maintenance of parking, sidewalk and a retaining wall including perpetual public access over the same by motor vehicle, foot or bicycle; as the same are on file with the Town Clerk; or take any other action relative thereto.

***The Cambridge Turnpike Improvement Project (CTIP) provides construction improvements to address the many issues affecting this approximately 7,000 foot roadway from Lexington Road to Route 2 (Crosby's Corner). The primary focus of the project is to address the existing drainage conditions that result in frequent road closures and flooding. The project currently scheduled to commence in 2018 and continue through 2019 will also address traffic calming, pedestrian and cyclist safety. This article provides to the Town the necessary easements on private property to construct and maintain sidewalks, retaining walls and parking in the areas noted, which are outside of the Town's existing right of way.***

Select Board recommends affirmative action.

### **MONSEN ROAD STREET ACCEPTANCE**

**ARTICLE 43.** To determine whether the Town will vote to (a) accept as a Town way the laying out by the Commissioners of Public Works of an extension of Monsen Road of approximately 746 feet+/- and terminating in a cul-de-sac turnaround over land formerly owned by Bentley Building Corp., as shown on plan sheet 2 of 8 filed with the Town Clerk and recorded at the Middlesex South District Registry of Deeds on August 06, 2013 as Plan No. 592 of 2013, entitled "Monsen Farm, Definitive Subdivision Plan, Concord Massachusetts", dated October 23, 2012 and last revised on February 22, 2013 prepared by Stamski and McNary, Inc., containing eight (8) sheets; (b) name said street Monsen Road; (c) authorize the Commissioners to acquire on behalf of the Town, by purchase, eminent domain or otherwise, such interests in land as may be necessary and related thereto, including the fee interest in Monsen Road, a Drainage Easement and an Emergency Access, Pedestrian and Utility Easement as shown on sheet 2 of 8 of said plan set, on such terms and conditions as the Commissioners may determine; and (d) raise and appropriate, transfer from available funds or accept a grant of a sum of money therefor; or take any other action relative thereto.

***At its November 8, 2017 meeting, the Public Works Commission voted its intention to lay out Monsen Road. This Article asks Town Meeting to accept the laying out of Monsen Road as a public way.***

Select Board recommends affirmative action.

**BY PETITION MORATORIUM ON IMPLEMENTATION OF NATURAL RESOURCES COMMISSION  
DOG RESTRICTIONS ON CONSERVATION LAND**

**ARTICLE 44.** To determine whether the Town will vote to urge the Natural Resources Commission to adopt a two-year moratorium on implementing any new (2018) NRC dog restrictions on Conservation Land; or take any other action relative thereto.

*Any additional dog restrictions should be based on quantitative evidence. The NRC would use the moratorium period to collect quantitative data on if, what, where and how damage is occurring, and to see if the corrective measures taken by Concord citizens are effective. Since May 2017 Concord citizens have worked hard to improve dog etiquette for the community. The NRC has never provided quantitative data that defines the problems they are trying to solve. Instead, they focused on what damage could be done to the conservation land.*

**BY PETITION RECOGNIZING DOG WALKING AS A PASSIVE-RECREATION ACTIVITY**

**ARTICLE 45.** To determine whether the Town will vote to urge an addendum to the 2015 Open Space and Recreation Plan Concord Massachusetts recognizing that dog walking (on-leash or off-leash) is a passive recreation activity; or take any other action relative thereto.

*We want the NRC to recognize the value of dog walking as a recreational activity and allocate resources accordingly. The Open Space and Recreation Plan acknowledges the value of other activities, but only has negative comments about dogs. The NRC is considering restrictions only on dog walking, even though other recreation activities can also create conservation issues. The impact of having the Open Space and Recreation Plan recognize this activity is that it would give dog owners, who are 25% of the community, a voice.*

No Motion is Anticipated.

**BY PETITION BYLAW PROHIBITING USE OF GASOLINE-POWERED LEAF BLOWERS**

**ARTICLE 46.** To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw to prohibit the use of gasoline-powered leaf blowers, as follows:

**Section 1. PURPOSE AND INTENT**

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, in July 2011 the Select Board adopted sustainability principles to be used by the Town for municipal decision-making; those principles being: 1) reduce dependence upon fossil fuels, underground metals, and minerals; 2) reduce dependence upon synthetic chemicals and other manufactured substances; 3) reduce encroachment upon nature; and 4) meet human needs fairly and efficiently; and

WHEREAS, gasoline-powered leaf blowers require gasoline and oil which are fossil fuels, non-renewable resources; and

WHEREAS, gasoline-powered leaf blowers produce significant emissions when operated, including non-methane hydrocarbons (NMHC), oxides of nitrogen (NOx), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>); these emissions contributing to ground-level pollution, air pollution, smog, acid rain, climate change, and adverse health effects for humans and animals exposed to them; and

WHEREAS, gasoline-powered leaf blowers produce significant amounts of airborne particulates when operated, which are irritants to human bronchial and pulmonary systems; and

WHEREAS, gasoline-powered leaf blowers generate loud noise when operated, and are identified by the Center for Disease Control as a common noise that can contribute to permanent hearing loss; and

WHEREAS, affordable and effective alternatives to gasoline-powered leaf blowers exist including electric and battery-powered leaf blowers; and

WHEREAS, other suburban and urban municipalities throughout the United States and Canada have eliminated or restricted the use of gasoline-powered leaf blowers;

NOW THEREFORE, the Town of Concord hereby enacts this bylaw to prohibit the use of gasoline-powered leaf blowers by all parties within the boundaries of the Town of Concord.

## **Section 2: DEFINITIONS**

The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

Gasoline-powered leaf blower refers to any portable, or pushed or pulled wheeled machine with a two- or four-cycle gasoline-powered engine that is used to blow leaves, clippings, dirt or other debris off lawns, sidewalks, driveways, fields, and other surfaces.

## **Section 3. PROHIBITED USE OF GASOLINE-POWERED LEAF BLOWERS**

- (a) In 2019 and 2020, parties within the boundaries of the Town of Concord shall not use gasoline-powered leaf blowers except between April 1 and June 1, and between October 1 and December 1.
- (b) As of January 1, 2021, parties within the boundaries of the Town of Concord shall not use gasoline-powered leaf blowers.

## **Section 4. EXEMPTIONS**

The Concord Public Works Department and their contractors are exempt from the provisions of this bylaw for their work on public property.

## **Section 5. TEMPORARY WAIVING OF BYLAW**

The Town Manager or his/her designee may waive any prohibited use identified in this bylaw in the event of emergency operations and cleanup associated with severe storms or natural disasters.

## **Section 6. ENFORCEMENT: VIOLATIONS AND PENALTIES**

Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the enforcement process to be followed, incorporating the process into other town duties as appropriate. Any party found to be in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under Massachusetts General Laws c. 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Concord.

## **Section 7. SEVERABILITY: EFFECTIVE DATE**

(a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.

b) This Bylaw shall take effect January 1, 2019.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following; or take any other action relative thereto.

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
BYLAW PROHIBITING USE OF GASOLINE-POWERED LEAF BLOWERS	1 <sup>st</sup> offense 2 <sup>nd</sup> offense 3 <sup>rd</sup> offense 4 <sup>th</sup> & each subsequent offense	Warning \$100.00 \$200.00 \$300.00	Town Manager's Designee

***The citizens of Concord have a long history of environmental awareness, activism, and protection. Today we are committed to using sustainability principles to guide our decision-making. Gasoline-powered leaf blowers are not consistent with environmental protection or sustainable living. They burn fossil fuels which are non-renewable resources; they emit significant volumes of pollutants; they produce airborne particulates; and they generate loud noise that can contribute to permanent hearing loss. This Bylaw limits the use of gasoline-powered leaf blowers for two years, and thereafter prohibits their use in Concord. The Town Manager will determine the enforcement agent for this Bylaw.***

**No Motion is Anticipated.**

**LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES**

**ARTICLE 47.** 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 Massachusetts General Laws c. 164, §57; and/or for other plant extensions, enlargements, additions, renewals and reconstruction; and further, to authorize a transfer of \$461,000 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, 2019; 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 ending June 30, 2019. This is a routine annual action. Further, this article authorizes the transfer of \$461,000 from the operating fund of the Light Plant to the General Fund, an amount consistent with past years and designed to represent what a private utility would pay in property taxes. The amount is based on the Light Plant's sales revenue.***

**Finance Committee recommends affirmative action. Select Board recommends affirmative action.**

## **SOLID WASTE DISPOSAL FUND EXPENDITURES**

**ARTICLE 48.** 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.

***Pursuant to 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 FY18 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 has been a routine annual action.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

## **SEWER SYSTEM EXPENDITURES**

**ARTICLE 49.** 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.

***Pursuant to Article 37 of the 1976 Annual Town Meeting, this article authorizes the Town Manager to use cash on hand in the Sewer Fund and FY19 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 has been a routine annual action.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

## **SEWER IMPROVEMENT FUND EXPENDITURES**

**ARTICLE 50.** 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.

***Pursuant to 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 Fund) and FY19 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. This has been a routine annual action.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.



## **WATER SYSTEM EXPENDITURES**

**ARTICLE 51.** 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.

***Pursuant to Article 38 of the 1974 Annual Town Meeting, this article authorizes the Town Manager to use cash on hand in the Water Fund and FY19 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 has been a routine annual action.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

## **BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES**

**ARTICLE 52.** 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 ending June 30, 2019 for the operation of the Community Pool, in accordance with Massachusetts General Laws, c. 44, § 53F½, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

***The 2017 Annual Town Meeting appropriated an FY18 Beede Center operating budget of \$2,518,183 (\$2,363,345 from estimated revenues, \$412,720 from the undesignated Fund Balance) and a capital budget of \$273,882 (funded from the undesignated fund balance). The FY19 budget will be submitted by the Town Manager and reviewed at a public hearing on March 12, 2018.***

Finance Committee recommends affirmative action. Select Board recommends affirmative action.

## **UNPAID BILLS**

**ARTICLE 53.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to pay the unpaid bills of prior fiscal years, or take any other action relative thereto.

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

No Motion is Anticipated.