

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR THE ANNUAL TOWN MEETING 2007**

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 the Concord-Carlisle Regional High School on Walden Street, in said town, on Monday, the twenty-third day of April, 2007 at 7:00 o'clock in the evening, by posting a printed copy of this Warrant by you attested, in at least one public location in each precinct in Concord, and by mailing or otherwise delivering to every household in Concord, all to be done at least seven days before said twenty-third day of April, 2007, then and there to act upon the following Articles:

CHOOSE TOWN OFFICERS

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

HEAR REPORTS

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

MEETING PROCEDURE

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

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

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

SECRET BALLOT VOTING PROCEDURE

ARTICLE 4. To determine whether the Town will vote to establish a rule for the 2007 Town Meeting which will permit less than a majority of those present to require that a matter shall be voted on by secret ballot, or take any other action relative thereto.

Board of Selectmen recommends affirmative action, 100 voters

INCLUSION OF ADMINISTRATIVE COSTS FOR ADULT EDUCATION IN CONCORD-CARLISLE HIGH SCHOOL BUDGET – By Petition

ARTICLE 5. To determine whether the Town will vote to request the Concord-Carlisle Regional School Committee to consider including the administrative costs of the Adult and Community Education Program in their FY'09 operating budget which costs in the past have amounted to approximately ½ of 1% of that budget.

Furthermore it is requested that the Concord-Carlisle Regional School Committee hold a live, televised Hearing in the Town House at 7:30 PM or later on a Tuesday, Wednesday or Thursday evening in November 2007 to allow the citizens of both Towns to be heard on this matter - said Hearing to be posted

two weeks before the Hearing date and a press release sent to the Concord Journal and the Carlisle Mosquito, or take any other action relative there to.

From 1954 to 2005, through thick and thin, all School Superintendents and all School Committees have allocated funds for the Adult and Community Education Program which had some 4,000 students (from kindergarten on up) and 300 teachers last year. Concord citizens have always given generously to the schools. We hope that the School Committee will give something back the to the community by reinstating the allocation for Community Education

Finance Committee recommendation will be made at Town Meeting
Board of Selectmen recommends affirmative action

SECRET BALLOT FOR SCHOOL BUDGETS – By Petition

ARTICLE 6. To determine whether the Town, to insure that votes relating to school funding be taken free of any real or perceived public pressure sometimes associated with school funding issues, will vote to require that commencing with the 2008 Annual Town Meeting and at all Town Meetings thereafter votes relating to the approval or modification of annual budgets for the Concord Public Schools and the Concord-Carlisle Regional High School be taken by secret ballot or take any other action relative thereto.

In a democracy we have the right to dissent. In Concord, it can happen that people who do not approve the School Budgets are labeled "anti child" or "anti education". A paper ballot would promote an atmosphere of tolerance and safeguard the privacy and dignity of the individual. Maynard has used paper ballots for its School Budgets at Town Meeting for 30 years.

Board of Selectmen recommends no action

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

ARTICLE 7. To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows:

1. Remove the classification title of "Project Planner" from Grade Number MP-3 of the Compensation Plan for Managerial-Professional employees, effective September 1, 2006.
2. Move the classification title of "Field Lister" from Grade Number ACL-5 of the Compensation Plan for Administrative-Clerical-Library employees to Grade Number MP-1 of the Compensation Plan for Managerial-Professional employees, effective October 26, 2006.
3. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 2, 2007 and April 23, 2007.

or take any other action relative thereto.

The Town Manager has authority to create and modify positions throughout the fiscal year; titles and salary ranges are determined using the Town's established classification system. Under the Personnel Bylaw the Personnel Board is authorized to approve temporary changes in the Classification and Compensation Plans pending ratification of such actions at the next Town Meeting. Two actions taken appear in the Warrant; in addition recent actions relating to the Recreation Administrator and Assistant Human Resources Administrator classifications will be presented at Town Meeting.

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

CLASSIFICATION & COMPENSATION PLANS FOR REGULAR-STATUS POSITIONS

ARTICLE 8. To determine whether the Town will vote to amend the Classification and Compensation Plan for all regular-status Town positions by adopting the following schedules to become effective July 1, 2007, or take any other action relative thereto:

CLASSIFICATION AND COMPENSATION PLAN
Effective July 1, 2007

ADMINISTRATIVE-CLERICAL-LIBRARY

Grade Number & Class Title		Minimum	Mid-Point	Maximum
ACL-1 Clerk	Hourly	13.06	15.15	17.24
ACL-2 Library Assistant	Hourly	13.83	16.04	18.25
ACL-3 Account Clerk Circulation Assistant Department Clerk Registration Coordinator Utility Account Clerk	Hourly	15.50	17.98	20.46
ACL-4 Administrative Aide Collections Assistant Senior Account Clerk Senior Department Clerk Senior Library Assistant Treasury Assistant	Hourly	16.42	19.05	21.68
ACL-5 Administrative Assistant Branch Library Assistant CAD Operator Retirement Assistant	Hourly	17.42	20.21	23.00
ACL-6 Administrative Assistant/Sr. Circulation Assistant Assistant Town Clerk Technical Services Assistant	Hourly	18.46	21.42	24.37
ACL-7 Senior Administrative Assistant	Hourly	19.02	22.07	25.11
ACL-8 Executive Assistant to the Town Manager	Hourly	20.73	24.05	27.37

LABORER

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
LA-1 Building Custodian Laborer/Truck Driver	Hourly	13.77	15.98	18.18
LA-2 Meter Reader Building Maintenance Custodian	Hourly	15.92	18.47	21.01
LA-3 Cemetery Specialist Equipment Operator Line Worker, Grade 3 Meter Technician Park & Tree Specialist Water/Sewer System Maintainer	Hourly	16.71	19.39	22.06
LA-4 Mechanic Senior Park & Tree Specialist Treatment Systems Operator	Hourly	17.56	20.37	23.18
LA-5 Crew Leader Master Mechanic	Hourly	19.34	22.44	25.53
LA-6 Cemetery Supervisor Utility Electrician Line Worker, Grade 2	Hourly	20.90	24.25	27.59
LA-7 Fleet Supervisor	Hourly	22.36	25.94	29.52
LA-8 Line Worker, Grade 1 Public Works Supervisor	Hourly	24.24	28.12	32.00
LA-9 Lead Line Worker	Hourly	26.65	30.92	35.18
LA-10 Line Supervisor	Hourly	29.08	33.73	38.38

MANAGERIAL-PROFESSIONAL

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-1	Annual	35,804	43,860	51,916
Assistant Aquatics Coordinator				
Assistant Local Inspector				
COA Program Supervisor				
Engineering Aide				
Field Lister				
Office Accountant				
Recreation Supervisor				
Special Collections Assistant				
Technical Services Associate				
MP-2	Annual	36,908	45,212	53,516
Budget Analyst				
Engineering Technician				
Information Systems Assistant				
Utility Software Coordinator				
MP-3	Annual	39,708	48,642	57,576
Assistant to the Natural Resources Admin.				
Circulation Supervisor				
Environmental Analyst				
Public Health Inspector				
Staff Librarian				
Water Conservation Coordinator				
MP-4	Annual	42,041	51,501	60,960
Assistant Town Accountant				
Meter Supervisor				
Environmental Health Inspector				
Staff Planner				
MP-5	Annual	47,259	57,893	68,526
Asst. to the Water/Sewer Superintendent				
Assistant Public Works Engineer				
Aquatics Coordinator				
Branch Librarian				
Civil Engineer				
Energy Services/Communications Administrator				
Fitness Coordinator				
GIS Program Coordinator				
Management Analyst				
Supervisor of Children's Services				
MP-6	Annual	47,768	58,516	69,264
Budget & Purchasing Administrator				
Curator				
Local Inspector				
Recycling & Disposal Program Administrator				

MP-7	Annual	50,143	61,426	72,708
Assistant CMLP Superintendent				
Assistant Recreation Administrator				
Business Administrator				
Operations Engineer				
Public Services Coordinator				
Technical Services Coordinator				
Telecommunications Coordinator				
MP-8	Annual	50,654	62,051	73,448
Assistant Treasurer/Collector				
Council on Aging Administrator				
Electrical Engineer				
Natural Resources Administrator				
Public Works Engineer				
Technology Administrator				
MP-9	Annual	54,726	67,039	79,352
Highway & Grounds Superintendent				
Police Lieutenant				
Public Health Administrator				
Recreation Administrator				
Town Clerk				
MP-10	Annual	57,275	70,162	83,049
Building Commissioner				
Deputy Fire Chief				
Deputy Police Chief				
Human Resources Administrator				
Town Accountant				
Town Appraiser				
MP-11	Annual	60,749	74,418	88,086
Engineering & Operations Manager				
Town Engineer				
Water/Sewer Superintendent				
MP-12	Annual	67,982	83,278	98,574
Director of Planning & Land Management				
Library Director				
MP-13	Annual	75,026	91,907	108,787
Assistant Town Manager				
CMLP Superintendent				
Fire Chief				
Police Chief				
Public Works Director				
MP-14	Annual	87,023	106,603	126,183
Finance Director				

Article 8, continued:

Effectively, with annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plans keep our salaries competitive in the employment market, maintain internal equity of salary ranges, maintain comparability with salaries of unionized employees, and keep 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 FY08. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget.

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

PERSONNEL BYLAW AMENDMENT – HOURS OF WORK

ARTICLE 9. To determine whether the Town will vote to amend the Personnel Bylaw regarding hours of work as follows:

Section 9. HOURS OF WORK

Delete the words “Administrative/Clerical/Library, Laboring and any other” from the beginning of the first sentence of Section 9.2.1 so Section 9.2 reads as follows:

9.2 Overtime

1. Employees determined to be non-exempt under the Fair Labor Standards Act shall receive one and a half times their hourly rate (including longevity and other special pays as required by federal law) for time worked over 40.0 hours in the work week. In addition, Personnel Policies and Procedures may provide for pay at one and a half times the hourly rate for time worked outside of an employee's regular work schedule. In lieu of overtime pay and with the mutual consent of the employee and his/her department head, these employees may receive compensatory time off at the rate of one and one half times the number of overtime hours worked.
2. Employees whose positions are exempt under the Fair Labor Standards Act shall not receive overtime pay. These employees may receive appropriate compensatory time off for prolonged work hours with the prior approval of the Town Manager.

Delete the words “Administrative/Clerical/Library and Laboring” from the beginning of the first sentence of Section 9.3 and replace with the words “Employees determined to be non-exempt under the Fair Labor Standards Act” so Section 9.3 reads as follows:

9.3 Non-contiguous Work

Employees determined to be non-exempt under the Fair Labor Standards Act who are assigned or recalled to work for periods that are non-contiguous with their regular workday will receive a minimum of four (4) hours pay for such work when the assignment or recall was made less than eight (8) hours prior to the scheduled start time. When eight (8) hours or more notice is given the employee for such work, a minimum of two (2) hours pay will be given.

Or take any other action relative thereto.

This Bylaw amendment does not change how overtime is applied or administered. This change would clarify how overtime eligibility is determined, and ensure that the intent of Section 9 is not inadvertently affected by future changes in the Classification Plan. By referencing the Fair Labor Standards Act, it will be clear that overtime eligibility is determined by Federal Law, not the names of Concord's classification groups.

Board of Selectmen recommends affirmative action

TOWN BUDGET

ARTICLE 10. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2008, or take any other action relative thereto:

SCHEDULE A OPERATING BUDGET				
Item No.	Department	Fiscal 2006 Expenditures	Fiscal 2007 Appropriation	Fiscal 2008 Proposal
GENERAL GOVERNMENT \$1,768,213 is 6.1% of Total				
1	A. Town Manager	257,429	260,606	262,835
	B. Town Wide Building Maintenance	90,000	110,000	120,000
	Total	347,429	370,606	382,835
2	Legal Services	165,323	250,000	250,000
3	A. Elections	19,131	38,458	34,597
	B. Registrars	7,955	9,450	9,602
	Total	27,086	47,908	44,199
4	Town Meeting and Reports	64,131	62,390	79,850
5	Planning & Land Mgmt.			
	A. Planning	207,234	215,760	215,125
	B. Board of Appeals	44,655	45,259	40,750
	C. Natural Resources	150,577	164,791	170,037
	D. Inspections	294,533	279,578	314,592
	E. Health	186,213	203,661	208,662
	Total Planning & Land Mgmt.	883,212	909,049	949,166
6	141 Keyes Road	58,416	62,748	62,163
	TOTAL GENERAL GOVERNMENT	\$1,545,597	\$1,702,701	\$1,768,213
FINANCE AND ADMINISTRATION \$1,622,202 is 5.6% of Total				
7	Finance Committee	1,225	1,275	1,275
8	Personnel Admin.	138,398	138,843	135,501
9	Finance Department			
	A. Administration	160,697	179,558	207,755
	B. Treasurer-Collector	205,497	210,451	212,003

Item No.	Department	Fiscal 2006 Expenditures	Fiscal 2007 Appropriation	Fiscal 2008 Proposal
	C. Town Accountant	105,745	115,621	116,481
	D. Assessors	232,189	342,900	347,092
	E. Town Clerk	167,779	176,702	177,849
	Total Finance Dept.	871,907	1,025,232	1,061,180
10	Information Systems	295,066	308,001	328,570
11	Town House	90,256	95,667	95,676
	TOTAL FINANCE AND ADMINISTRATION	\$1,396,852	\$1,569,018	\$1,622,202
PUBLIC SAFETY \$6,683,427 is 23.2% of Total				
12	Police Department	3,180,637	3,296,699	3,296,412
13	Fire Department	2,835,071	3,033,477	3,036,967
14	W. Concord Fire Station	36,843	60,043	45,433
15	Police/Fire Station	193,077	182,454	249,829
16	Emergency Management	7,240	8,360	37,160
17	Animal Control	16,292	17,116	17,626
	TOTAL PUBLIC SAFETY	\$6,269,160	\$6,598,149	\$6,683,427
PUBLIC WORKS AND FACILITIES \$3,182,564 is 11.1% of Total				
18	CPW Administration	138,735	137,154	138,412
19	Engineering	204,077	306,958	328,949
20	Highway Maintenance	975,000	1,013,027	1,016,005
21	Snow & Ice Removal	516,858	430,000	444,750
22	Parks & Trees	454,529	482,602	516,402
23	Cemetery	54,279	57,938	57,676
24	Street Lighting	63,701	66,700	69,640
25	CPW Equipment	249,000	258,000	265,000

Item No.	Department	Fiscal 2006 Expenditures	Fiscal 2007 Appropriation	Fiscal 2008 Proposal
26	Drainage Program	140,000	155,000	160,000
27	Sidewalk Management	80,000	90,000	90,000
28	133/135 Keyes Road	81,064	118,825	95,730
	TOTAL PUBLIC WORKS AND FACILITIES	\$2,957,243	\$3,116,204	\$3,182,564
HUMAN SERVICES \$2,214,568 is 7.7% of Total				
29	Library	1,506,138	1,561,795	1,621,324
30	Recreation Admin.	76,765	82,308	82,308
31	Hunt Recreation Center	68,435	84,009	104,241
32	The Swim & Fitness Center	100,000	-	-
33	Harvey Wheeler Community Center	102,771	119,899	119,212
34	Council on Aging	180,969	199,989	206,119
35	Veterans	35,010	38,989	29,440
36	Ceremonies and Celebrations	22,646	22,650	23,850
37	Visitors Center Restroom	28,100	29,752	28,074
	TOTAL HUMAN SERVICES	\$2,120,834	\$2,139,391	\$2,214,568
UNCLASSIFIED \$927,000 is 3.2% of Total				
38	Town Employee Benefits			
	Unused Sick Leave at retirement	17,610	50,000	60,000
	Public Safety Medical Disability	3,170	4,000	4,000
	Employee Assistance Program	7,500	8,000	8,000
	Total	28,280	62,000	72,000

Item No.	Department	Fiscal 2006 Expenditures	Fiscal 2007 Appropriation	Fiscal 2008 Proposal
39	Reserve Fund*	0	200,000	225,000
*Transfers totaling \$51,284.86 were made to other accounts in fiscal year 2007.				
40	Salary Reserve**	0	180,951	550,000
** Transfers totaling \$310,670 and \$369,049 were made to other accounts in Fiscal Years 2006 and 2007 (to date) respectively.				
41	Land Fund	-	-	-
42	Road Improvements	80,000	80,000	80,000
	TOTAL UNCLASSIFIED	\$108,280	\$522,951	\$927,000
SUBTOTAL FOR REFERENCE ONLY ACCOUNTS 1-42		-	\$15,648,414	\$16,397,974
Finance Committee Guideline				
JOINT (TOWN – CPS) \$12,387,182 is 43.0% of Total				
43	Insurance			
	A. Group Insurance	2,768,459	3,195,000	3,600,000
	B. Property/Liability	164,849	225,000	225,000
	Total	2,933,308	3,420,000	3,825,000
44	Unemployment Comp.	88,839	100,000	100,000
	Workers' Compensation	78,242	100,000	100,000
	Total	167,081	200,000	200,000
45	Retirement			
	Contributory	595	0	0
	Non-Contributory	2,240,000	2,310,000	2,380,000
	Total	2,240,595	2,310,000	2,380,000
46	Social Security/Medicare	448,391	508,000	522,000

Item No.	Department	Fiscal 2006 Expenditures	Fiscal 2007 Appropriation	Fiscal 2008 Proposal
47	Debt Service			
	Long Term Debt:			
	Town Prin. & Int.	1,765,997	1,788,442	1,816,152
	School Prin. & Int.	769,768	784,473	830,271
	Subtotal	2,535,765	2,572,915	2,646,423
	Interest on Notes	6,656	142,085	193,577
	Other Debt Expense	16,491	35,000	35,000
	Subtotal within Levy Limit	2,558,912	2,750,000	2,875,000
	Excluded Debt			
	Town	275,190	380,170	363,227
	School	1,830,761	1,839,507	2,221,955
	Subtotal	2,105,951	2,219,677	2,585,182
	Total Debt Service	4,664,863	4,969,677	5,460,182
TOTAL JOINT (TOWN-CPS)		\$10,454,238	\$11,407,677	\$12,387,182
TOTAL APPROPRIATION		\$24,852,204	\$27,056,091	\$28,785,156

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

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

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

That the appropriation for salary reserve under line item 40 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2007 and thereafter pursuant to the salary schedules adopted under Article 8, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town Manager is authorized to enter into inter-municipal agreements for joint provision of public services with one or more cities, towns, or districts pursuant to Chapter 40, Section 4A of the Massachusetts General Laws and Acts and amendments thereof or additions thereto; and report such agreements to the Board of Selectmen and Finance Committee:

That the Town authorize the sum of \$10,852.24 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #T5-1070 due and payable during FY 2008, pursuant to Article 46 of 1997 and the loan totaling \$200,000 executed on December 22, 1999.

The Town Budget Article provides for all General Fund (tax-supported) town operations and activities organized by Town Charter under the direction of the Town Manager. The appropriations to be presented for Town Meeting approval conform to the spending guideline set by the Finance Committee in November 2006.

Finance Committee recommends affirmative action in the amount of \$28,785,156

Board of Selectmen recommends affirmative action in the amount of \$28,785,156

PUBLIC SCHOOL BUDGET

ARTICLE 11. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2008, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
Item No.	Department	Fiscal 2006 Adopted	Fiscal 2007 Adopted	Fiscal 2008 School Committee 12/12/06
1	Concord Public Schools Budget/Appropriation	\$24,285,000	\$25,460,285	\$26,423,840

This article provides the annual operating budget for the Concord Public Schools (K-8). The appropriation to be presented for Town Meeting approval conforms to the spending guideline set by the Finance Committee in November 2006.

Finance Committee recommends affirmative action in the amount of \$26,423,840

Board of Selectmen recommends affirmative action in the amount of \$26,423,840

REGIONAL SCHOOL BUDGETS

ARTICLE 12. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Concord-Carlisle Regional School District and for the Minuteman Vocational Technical Regional School District for the fiscal year ending June 30, 2008, or take any other action relative thereto:

SCHEDULE A - CONCORD-CARLISLE REGIONAL HIGH SCHOOL AND MINUTEMAN REGIONAL HIGH SCHOOL OPERATING BUDGETS				
Item No.	Department	Fiscal 2006 Adopted	Fiscal 2007 Adopted	Fiscal 2008 School Committee 12/12/06
1	Concord-Carlisle Regional High School Budget	\$17,953,832	\$19,189,282	\$20,365,127
	Assessment	\$10,817,878	\$12,336,746	\$12,667,974
FY08 total assessment includes \$12,191,417 assessment for operating budget and \$476,557 assessment for debt exclusion.				
FY07 total assessment shown above is a correction of the amount shown in the Warrant issued in January.				
Item No.	Department	Fiscal 2006 Adopted	Fiscal 2007 Adopted	Superintendent's Proposed Budget & Fiscal 2008 Assessment
2	Minuteman Regional High School			
	Budget	15,699,156	16,193,498	16,745,769
	Assessment	431,529	502,317	525,000

Note: The Warrant issued in January showed the preliminary assessment estimate of \$525,000 made by the Concord Finance Committee. The Regional School District has subsequently notified the Town that the FY08 assessment will be \$604,702.

This article provides Concord's share of the annual operating budgets for the Concord-Carlisle Regional High School and the Minuteman Regional High School. The Minuteman assessment number has been revised to \$604,702.

Item #1:

Finance Committee recommends affirmative action on an assessment of \$12,667,974

Board of Selectmen recommendation affirmative action on an assessment of \$12,667,974

Item #2:

Finance Committee recommends affirmative action on an assessment of \$604,702

Board of Selectmen recommends affirmative action on an assessment of \$604,702

FREE CASH USE

ARTICLE 13. To determine whether the Town will vote to authorize and direct the Assessors to take \$500,000, or any other sum, from free cash to reduce the tax levy for the fiscal year ending June 30, 2008, 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 next budget.

Finance Committee recommends affirmative action in the amount of \$500,000

Board of Selectmen recommends affirmative action in the amount of \$500,000

UNPAID BILLS

ARTICLE 14. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, monies to pay the unpaid bills of prior years, or take any other action relative thereto.

No motion is expected under this Article. If there were an unpaid bill of a prior year, state law requires that it be presented to the Town Meeting and that 90% approval be obtained to authorize payment.

PROPERTY TAX EXEMPTION

ARTICLE 15. To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, and 41C of Section 5 of Chapter 59 of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, or take any other action relative thereto.

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

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

LIGHT PLANT PAYMENT IN LIEU OF TAXES

ARTICLE 16. To determine whether the Town will vote to authorize a transfer of \$340,000, 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, 2008, or take any other action relative thereto.

This article authorizes the transfer of \$340,000 from the Operating Fund of the Light Plant to the Town as a payment in lieu of taxes, or PILOT. The PILOT is equivalent to the amount an investor owned utility with the same physical plant would pay in property taxes. This is a routine annual action.

Finance Committee recommends affirmative action in the amount of \$340,000

Board of Selectmen recommends affirmative action in the amount of \$340,000

LIGHT PLANT EXPENDITURES

ARTICLE 17. To determine whether the Town will vote that the income from sales of electricity, and from servicing and jobbing during the ensuing fiscal year together with the balance of operating cash in the Light Plant Fund, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant for said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; and/or for other plant extensions, enlargements, additions, renewals and reconstruction, or take any other action relative thereto.

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

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

ROAD REPAIR REVOLVING FUND EXPENDITURES

ARTICLE 18. To determine whether the Town will vote that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way in accordance with the Motion passed under Article 47 of the 1992 Annual Town Meeting, in an amount not to exceed \$120,000, or any other sum, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways, to be managed and expended by the Town Manager in accordance with Chapter 44, Section 53 E ½ of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, or take any other action relative thereto.

Consistent with Article 47 of the 1992 Annual Town Meeting, this Article authorizes the use up to \$120,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in FY08 for repairing, restoring, maintaining and inspecting the Town's public ways. This is a routine annual action, with the amount of the authorization dependent upon the available unreserved balance of the Fund at the time of the vote.

Finance Committee recommends affirmative action in the amount of \$120,000

Board of Selectmen recommends affirmative action in the amount of \$120,000

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 19. To determine whether the Town will vote that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager in

accordance with the Motion passed under Article 27 of the 1989 Annual Town Meeting, or take any other action relative thereto.

Consistent with Article 27 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Solid Waste Disposal Fund and user fee revenue in fiscal year 2008 to be used to operate the Town's "pay-as-you-throw" curbside solid waste and recycling collection and disposal program. The Program consists of two major components: Curbside collection and disposal including recycling and Drop-Off Days; and the operation and maintenance of the Town's Composting Site including the former landfill. This is a routine annual action.

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

SEWER SYSTEM EXPENDITURES

ARTICLE 20. To determine whether the Town will vote that the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 37 of the 1976 Annual Town Meeting, or take any other action relative thereto.

Consistent with Article 37 of the 1976 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Fund and fiscal year 2008 revenue for the operation and maintenance and improvement of the Town's sewer system. Similar to the Town's Water and Electric 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/institutions are connected to the Town's municipal sewer system. This is a routine annual action.

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

SEWER IMPROVEMENT FUND EXPENDITURES

ARTICLE 21. To determine whether the Town will vote that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 25 of the 1989 Annual Town Meeting and applicable state enabling statutes, or take any other action relative thereto.

Consistent with Article 25 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund (a sub-fund within the Sewer Enterprise) and fiscal year 2008 fees for constructing and expanding the Town's sewer lines and treatment facility capacities. Sewer improvement fees are charged to certain properties connecting to the sewer system or for expansion. This is a routine annual action.

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

WATER SYSTEM EXPENDITURES

ARTICLE 22. To determine whether the Town will vote that the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 38 of the 1974 Annual Town Meeting, or take any other action relative thereto.

Consistent with Article 38 of the 1974 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2008 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Electric Funds, the Water Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. Almost all of Concord's residences and businesses/institutions are connected to the Town's municipal water system. This is a routine annual action.

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND: FY 2008 BUDGET

ARTICLE 23. To determine whether the Town will vote to appropriate the amount required for the total expenses of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2007 (FY2008) for the operation of the Community Pool, in accordance with Chapter 44, section 53F ½ of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

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

Finance Committee recommends affirmative action in the amount of \$2,300,000

Board of Selectmen recommends affirmative action

2007 ROAD PROGRAM

ARTICLE 24. To determine whether the Town will vote to appropriate the sum of \$300,000, or any other sum, for the reconstruction or renovation of roads and streets within the town and for traffic signals; and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow the sum of \$300,000, or any other sum, under the provisions of Chapter 44, Sections 7(5), 7(6), and/or 7(14) of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; said funds to be expended under the direction of the Town Manager; and further that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose, and that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, Section 6A, of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, in anticipation of reimbursement of this amount, or take any other action relative thereto.

This Article authorizes the Treasurer to borrow \$300,000 for the repair, reconstruction or renovation of Concord's roads. Combined with expected state road aid and \$80,000 requested under Article 10, funds will be used to protect and replace Concord's 103 miles of public roads. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the levy limit.

Finance Committee recommends affirmative action in the amount of \$300,000 from borrowing

Board of Selectmen recommends affirmative action in the amount of \$300,000 from borrowing

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 25. To determine whether the Town will vote to raise and appropriate the sum of \$860,000, or any other sum, for renovations, extraordinary repairs, computer software, and related work at various Concord Public School facilities; and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen be authorized to borrow the sum of \$860,000, or any other sum under

the provisions of Chapter 44 of the Massachusetts General Laws and Acts, and amendment thereof and addition thereto, or take any other action relative thereto.

This article authorizes the Treasurer to borrow \$860,000 for renovations, repairs, computer software, and related work at various Concord Public School facilities. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the Levy Limit.

Finance Committee recommends affirmative action in the amount of \$860,000 from borrowing
Board of Selectmen recommends affirmative action in the amount of \$860,000 from borrowing

CCHS IMPROVEMENTS

ARTICLE 26: To determine whether the Town will vote to approve \$1,245,000, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for the purposes of financing replacement of the transportation building, the human resource and financial management system, the repair and renovation to heating systems, cafeteria renovations, science lab improvements, fire alarm detection system(s), lighting, and modular classrooms or office units provided that the amounts required to pay the town's assessable share of the bonds to be issued by the Concord-Carlisle Regional School District are voted by the Town to be exempt from the limitation of taxes imposed by Chapter 59, Section 21C (Proposition ½) Massachusetts General Laws and Acts, and amendment thereof and addition thereto; in accordance with clause (k) of said section, or take any other action relative thereto.

This article seeks approval of the vote of the Regional School Committee to borrow \$1,245,000 for repairs, renovation, equipment, and improvements at the high school. A simple majority vote of Town Meeting is required, as this is not the Town of Concord's debt. At the March 26th Town election, voters approved the tax limit exemption referenced in the Article.

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

WARNER'S POND DAM

ARTICLE 27. To determine whether the Town will vote to raise and appropriate the sum of \$400,000, or any other sum, for the reconstruction of the Warner's Pond Dam including embankments, spillways, piping, hydraulic controls and associated appurtenances and structures, and for other associated costs including construction oversight, engineering, permitting, testing, hydrogeologic/environmental services, mitigation enhancements, legal and other associated costs thereof; and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow the sum of \$400,000, or any other sum under Chapter 44, Section 7 (7) of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; said funds, in addition to previously approved funding from Motions passed under the 2006 Town Meeting Articles 28 and 29, are to be expended under the direction of the Town Manager, or take any action relative thereto.

This Article provides supplemental funding, through a borrowing authorization, in the amount of \$400,000 to be added to \$500,000 authorized at the 2006 Annual Town Meeting (\$250,000 from borrowing, \$250,000 from the Community Preservation Fund) for reconstruction of the dam. Construction bids have been received and approval of this Article will enable the project to commence by early June. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the Levy Limit.

Finance Committee recommends affirmative action in the amount of \$400,000 from borrowing
Board of Selectmen recommends affirmative action in the amount of \$400,000 from borrowing

AMBULANCE REPLACEMENT

ARTICLE 28. To determine whether the Town will vote to raise and appropriate the sum of \$195,000 or any other sum, for the acquisition of a replacement ambulance, and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$195,000, or any other sum, by the issuance of bonds or notes under the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

This Article provides for the scheduled replacement of one of the Town's ambulances. The vehicle to be replaced is a 1997 ambulance with 69,000 miles and more than 5,700 operating hours. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the Levy Limit.

Finance Committee recommends affirmative action in the amount of \$195,000 from borrowing
Board of Selectmen recommends affirmative action in the amount of \$195,000 from borrowing

LOCAL OPTION ACCEPTANCE, CHAPTER 32B, SECTION 18 RELATING TO HEALTH PLAN COVERAGE FOR RETIREES

ARTICLE 29. To determine whether the Town will vote to accept the provisions of Chapter 32B, Section 18 of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, which would require Medicare-eligible retirees to be covered by a Medicare extension plan provided that benefits under said plan and Medicare part A and part B together shall be of comparable actuarial value to those under the retirees existing coverage, or take any other action relative thereto.

The Town provides group health insurance coverage to its retirees, paying 50% of the cost. This Article will not alter that benefit but will require that Medicare-eligible retirees enroll in the federal Medicare program at age 65 and choose from among the Town's several Medicare-supplement group insurance plan options rather than remain enrolled in an active-employee plan. This requirement would shift claims costs to the federal Medicare program. Since the Town's group health insurance for both active and retired employees is predominantly self-insured rather than premium based, any claims cost that can properly be transferred to the federal government as payer will favorably affect the plan cost to the Town and its employees and retirees.

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

PLAYING FIELDS FUNDING

ARTICLE 30. To determine whether the Town will vote to raise and appropriate the sum of \$1,500,000 or any other sum, for the construction of recreational and athletic fields on the campus of the Concord-Carlisle Regional High School and at other locations including Walden Street, the Wastewater Treatment Plant on Bedford Street and land at 33X Old Bedford Road (Parcel # 4209), including the costs of design, engineering, permitting, testing and other associated costs thereof, and to meet said appropriation, Treasurer with the approval of the Board of Selectmen be authorized borrow \$1,500,000, or any other sum, by the issuance of bonds or notes under the provision of Chapter 44, Sections 7 (22) and (25) of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; said funds to be expended under the direction of the Town Manager, or take any action relative thereto.

This article authorizes the Treasurer to borrow \$1,500,000 for the construction of new playing fields. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the Levy Limit.

Finance Committee recommends affirmative action in the amount of \$1.5 million from borrowing
Board of Selectmen recommends affirmative action in the amount of \$1.5 million from borrowing

WALDEN WOODS AT CCHS - CONSERVATION RESTRICTION – By Petition

ARTICLE 31. To determine whether the Town Meeting will vote to instruct the Town of Concord and the Concord-Carlisle Regional School District in the Town of Concord to place a conservation restriction on the Walden Woods at Concord-Carlisle Regional High School; and to instruct Town Officials to evaluate alternative sites, other than Walden Woods, for the location of recreational playing fields, or take any other action relative thereto.

The purpose and intent of Warrant Article #31 is to have the Town of Concord preserve and protect in perpetuity in its predominately natural state the portion of the historic Walden Woods that is located adjacent to the Concord-Carlisle Regional High School along Route 2, and to have the Town consider and evaluate other locations within Concord to locate playing fields, which the Board of Selectmen, in Warrant Articles #30 and #32, have proposed to place in the Walden Woods. Siting playing fields in the Walden Woods would require the clear cutting and permanent destruction of about 8½ acres of this unique 15-acre natural resource and wildlife corridor. The National Trust for Historic Preservation ranks Walden Woods as the third most endangered resource in the nation.

Finance Committee recommends no action

Board of Selectmen recommends no action

**COMMUNITY PRESERVATION COMMITTEE
RECREATIONAL PLAYING FIELDS APPROPRIATION RECOMMENDATION**

ARTICLE 32. To determine whether the Town will vote to appropriate the sum of \$1,500,000 from the Concord Community Preservation Fund, of which \$958,000 shall be appropriated from the undesignated fund balance at June 30, 2006 and \$542,000 from the projected 2008 Fund Revenues, for the purpose of creating recreational and athletic fields on land of the Concord-Carlisle Regional School District in the Town of Concord in accordance with the provisions of Massachusetts General Laws Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager; and further to authorize the Town Manager to enter into an inter-municipal agreement with the Concord Carlisle Regional School District, or take any other action relative thereto.

This article proposes to allocate Community Preservation funds to create additional improved recreational playing fields at the high school on lands owned by the Concord-Carlisle Regional School District. These funds are derived from a combination of local and matching state resources that will also be supplemented with an appropriation from the Town Capital budget (Article 30) as well as privately raised revenues. With the support of the Board of Selectmen, the Regional School District and the Recreation Commission, this jointly funded project addresses a longstanding community goal of enhancing recreational opportunities for Concord youth.

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 33. To determine whether the Town will vote to appropriate the sum of \$1,431,383 from the Concord Community Preservation Fund, of which \$454,422 shall be appropriated from the undesignated Fund balance at June 30, 2006 and \$976,961 from the projected Fiscal Year 2008 Fund Revenues, in accordance with Massachusetts General Laws, Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Amount	Category	Source of Funds	
				Prior Year Fund Balance	FY08 CPA Fund Revenues
A	Concord Housing Authority Elderly Housing, Ammendolia Land	\$60,000	Housing		\$60,000
B	Town of Concord Harvey Wheeler Clock Tower	40,000	Historic Preservation		40,000
C	Concord Housing Development Corp. Feasibility Studies and Land Acquisition	100,000	Housing		100,000
D	FOPAC, 51 Walden Stage renovation	60,000	Historic Preservation		60,000
E	Scout House Structural repairs	15,000	Historic Preservation		15,000
F	Friends West Concord Depot Railroad Station exterior renovation	220,000	Historic Preservation		220,000
G	Thoreau Farm Trust Renovation Thoreau birthplace	200,000	Historic Preservation		200,000
H	Save Our Heritage Barrett Farm House	200,000	Historic Preservation	141,938	58,062
I	Town of Concord Administrative Expenses	30,000	Administrative	30,000	
J	Housing Reserve	213,245	Housing	141,242	72,003
K	Open Space Reserve	293,138	Open Space	141,242	151,896
Totals		\$1,431,383		454,422	976,961

or take any other action related thereto.

In its second year of implementation, the Community Preservation Committee recommends allocating Community Preservation funds for ten projects or fund reserves that will create, restore and/or preserve community housing, historic resources and open space throughout Concord. These funds are derived from a combination of local and matching state resources that will be supplemented, in most cases, with other public and private funds.

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

REDESIGNATING 2006 TOWN MEETING COMMUNITY PRESERVATION FUNDS APPROPRIATED FOR AFFORDABLE HOUSING COMMITTEE TO CONCORD HOUSING DEVELOPMENT CORPORATION

ARTICLE 34. To determine whether the Town will vote to transfer \$79,000, originally designated for the Affordable Housing Committee, as appropriated under Item A of Article 28 at the Concord 2006 Annual Town Meeting, and re-designate this sum to the Concord Housing Development Corporation, or take any other action relative thereto.

Last year, Town Meeting appropriated Community Preservation Act (CPA) funds to the Concord Affordable Housing Committee for the purpose of preserving and enhancing affordable housing throughout the town. Subsequently, the state legislature established the Concord Housing Development Corporation which now supplants the role of the Affordable Housing Committee. This article proposes to transfer previously designated and appropriated CPA funds in the amount of \$79,000 from the Affordable Housing Committee to the newly created Concord Housing Development Corporation.

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

HUGH CARGILL FARM MANAGEMENT PLAN – By Petition

ARTICLE 35. To determine whether the Town will vote to prepare and adopt:

A conservation management plan for the remaining portions of the Hugh Cargill Farm, totaling approximately 20 acres located on Walden and Thoreau Streets. The plan will be prepared by the Agricultural Committee and the Natural Resources Commission for submission to the Selectmen and School Committee. The plan will insure the continuation of current and traditional uses of the land, which include agriculture, drinking water production, water quality protection, community gardens and landscape preservation for a major gateway to Concord.

Or take any other steps relevant thereto.

Hugh Cargill's farm was left to the Town two hundred years ago and the Town has enjoyed many benefits from this bequest over the years. The Town well, Alcott School, the Police/Fire station and the Hugh Cargill Community Gardens all lie on Cargill land. Fragmented Town ownership, changing Town personnel and a lack of coordination have interfered with farming the remaining land in recent years. The Town has a great opportunity to restore a beautiful and currently neglected agricultural corner of Concord in a manner consistent with water production and water quality protection, and the Agricultural Committee would be glad to work with the Selectmen and Town departments to bring this about.

Board of Selectmen recommendation will be made at Town Meeting

BILL TO PROHIBIT DRIVING IN MASSACHUSETTS WHILE USING HAND HELD CELL PHONES – By Petition

ARTICLE 36. To determine whether the Town will vote to request that the Board of Selectmen ask our Legislative representatives to file and seek passage of legislation to amend Massachusetts General Laws Chapter 90 Section 18, or any other statute or regulation, to prohibit hand held cellular phone use by drivers of moving vehicles on the roads and highways of Massachusetts, or take any other action relative thereto.

To encourage the State legislature to create appropriate legislation to curb handheld cell phone use to enhance driving safety.

Board of Selectmen recommends affirmative action

TOWN SUSTAINABLE ENERGY COMMISSION

ARTICLE 37. To determine whether the Town will vote to authorize the Selectmen to appoint a committee to oversee and coordinate the design, implementation and reporting of programs to promote energy conservation, energy efficiency and renewable energy in the Town; to request that the Light Board authorize a charge of \$.0025, or any other sum, on each kilowatt-hour (kwh) sold by the Light Plant in the Town to fund these programs; to hold the revenues from such charge in reserve in a distinct Light Plant account to be expended solely for the purposes described herein; and to authorize revenues from said charge be expended without further appropriation under the direction of the Town Manager for administration and expenses of programs to provide to ratepayers education, technical assistance and incentives to offset the cost of investment in energy conservation, energy efficiency, renewable energy or sustainable energy projects, or take any other action relative thereto.

The purpose of the vote is to determine if there is broad Community support for the creation of a permanent committee and a fund to promote sustainable energy practices. These measures, if approved, would bring the Town's sustainable energy practices to the level of State requirements for investor owned utilities. This is a non-binding vote as the Selectmen must appoint the Committee and only the CMLB can legally make an electric rate change (surcharge). These are two of the top five recommendations in the Town of Concord Comprehensive Sustainable Energy Plan (CSEP) developed by the CSEP Committee. The recommendations in the CSEP are based upon a common sense approach to a sustainable energy future. The Committee believes that the best way to achieve this end is to first focus on energy conservation, then energy efficiency, and finally on renewable energy. Choosing not to use energy (energy conservation) offers the best return on the investment as it requires the least investment. Energy efficiency offers the next best return on investment; it is also easy to quantify savings. Finally, renewable energy purchases and projects offer reliable, sustainable, and affordable energy when properly implemented.

Finance Committee recommendation will be made at Town Meeting
Board of Selectmen recommendation will be made at Town Meeting

AMENDMENTS TO HISTORIC DISTRICTS SPECIAL ACT

ARTICLE 38. To determine whether the Town will petition the General Court to further amend Chapter 345 of the Acts of 1960, and amendments and additions thereto, as follows:

By substituting in Section 4, "Concord Antiquarian Society, doing business as The Concord Museum" for "Concord Antiquarian Society", substituting "Trustees of the Concord Public Library Corporation" for "Trustees of the Concord Public Library", and substituting "Concord Natural Resources Commission" for "Concord Conservation Commission"; and,

By inserting in Section 4, the following sentence at the end of the second paragraph,: "If the Trustees of the Concord Public Library Corporation, the Planning Board, the Natural Resources Commission, or the Concord Antiquarian Society, doing business as the Concord Museum, fail to nominate candidates in accordance with this section within ninety days of a written request by the Board of Selectmen for nominees, the Board of Selectmen may proceed with an appointment to fill the vacancy."; and

By substituting in the third paragraph of Section 8 the words "sixty days" for the words "forty-five days"; and,

By inserting in Section 10 immediately after the first sentence the following: "Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within such twenty days."

or take any other action relative thereto.

The article corrects the names of the entities that provide nominees for HDC vacancies. It also provides a time-frame by which nominees are to be provided to the Board of Selectmen. The article also extends the length of time by which the HDC must hold a hearing on an application. Finally, the article ensures that a Town official will be notified whenever an appeal of an HDC decision is filed in court.

Board of Selectmen recommends affirmative action

EXTENSION OF MAIN STREET HISTORIC DISTRICT – By Petition

ARTICLE 39. To determine whether the Town will vote to authorize the Historic Districts Commission to extend the Main Street Historic District westward to include the property located at 616 Main Street, shown on Assessor's Map F09, Parcel 3859, Deed Book and Page references 37951 and 0484, respectively, and the property located at 631 Main Street, shown on Assessor's Map F09, Parcel

3973, Deed Book and Page references 21050 and 0156, respectively, for the purpose of enhancing and protecting the historic nature of the area, or take any other action relative thereto.

This Article authorizes the Historic Districts Commission to extend the Main Street Historic District by adding two properties, 631 and 616 Main Street. This Article is brought by the owners of 631 and 616 Main Street and the Petitioners.

Board of Selectmen recommends affirmative action

ZONING BYLAW AMENDMENT – ADDED USES IN A LIMITED INDUSTRIAL PARK DISTRICT – By Petition

ARTICLE 40. To determine whether the Town will vote to amend the Zoning Bylaw by creating a new Limited Industrial Park District consisting at a minimum of Parcel 2970-1 on the Town Assessors' map (the NMI/Starmet Superfund Site) in which are permitted the same uses with the same dimensional regulations and special provisions as those of the existing Limited Industrial Park District and, by special permit, the added uses of Planned Residential Development and Combined industrial business/residence, or take any other action relative thereto.

Article 40 would improve the cleanup of the Nuclear Metals/Starmet Superfund Site by adding residential use on the site property to the industrial use now allowed under the bylaw. Without this change, the Environmental Protection Agency will not require a cleanup to a residential standard, opting instead for an industrial cleanup standard. A cleanup to a residential standard leaves the least amount of long lasting, radioactive and toxic material at the site, and will result in the least health risk from cancer and other disease to future generations living in Concord. This new district will occupy a part of the existing Limited Industrial Park district.

Board of Selectmen recommendation will be made at Town Meeting

IMPROVEMENT AND MAINTENANCE OF OFF HARRINGTON AVENUE – By Petition

ARTICLE 41. To determine whether the Town will vote to accept as a Town way the laying out by the Commissioners of Public Work of a street located on the southerly side of Harrington Avenue as shown and labeled as Right Of Way on a plan filed and recorded at the Middlesex South Registry of Deeds on April 12, 1948 entitled "Land in West Concord" surveyed for Waldo P. Lapham by Horace F. Tuttle and recorded as Plan No. 337 of 1948 in Book 7268, Page End, and the name of such street is Off Harrington Avenue as it has been called and has been open to public use for a term of not less than 50 years, or take any other action relative thereto;

Or

Adopt a bylaw pursuant to M.G.L. Chapter 40, § 6N, similar to the PRIVATE WAYS IN WHITE POND WATERSHED: TEMPORARY REPAIRS BYLAW that was accepted by the Town, Article 18, Town Meeting, April 1996, allowing the Town of Concord Public Works Department to make repairs to the way, upon the receipt of a petition signed by the owner(s) of not less than sixty (60) percent of the lots which abut Off Harrington Avenue. The improvement would take into consideration the character of the area. The proposed bylaw would allow for the costs to be apportioned upon benefited parcels.

Proposed Bylaw:

**TEMPORARY REPAIRS BYLAW
OFF HARRINGTON AVENUE**

The Department of Public Works is authorized to make temporary repairs to the publicly-traveled, currently unimproved private way laid out or created prior to April 12, 1948 in the Mill Pond area, said publicly-traveled, currently unimproved private way being named Off Harrington Avenue.

Temporary repairs may be undertaken on a way subject to this bylaw, or to a contiguous portion of such a way which begins or ends at an intersection or conjunction with another way, only following the delivery to

the Department of Public Works of a petition signed by the owner(s) of not less than sixty (60%) percent of the lots which abut such ways. The petition shall identify the requested repairs with reasonable specificity and may suggest an allocation of any associated betterment assessments among benefited parcels.

The specific type and extent of repairs to be made to any of the ways subject to this bylaw and the maximum cost of such repairs shall be proposed by the Department of Public Works and approved by the Public Works Commission at or following a public hearing. The Department of Public Works is authorized to include in its work proposal such repairs as may be reasonably necessary to improve the drainage of the ways and to mitigate storm water runoff into White Pond. Repairs undertaken pursuant to this bylaw shall be planned and made with due regard for the special character of the neighborhood and the character of the way in question, particularly the proximity of homes, driveways and landscaping to the road within the way. Repairs shall be undertaken at the earliest convenience of the Department of Public Works.

The Town of Concord is authorized to apportion, divide, reassess, abate and collect betterment assessments upon benefited parcels within a limited and determinable area based on a proportionate share of the cost of such repairs, all in accordance with Chapter 80 of the Massachusetts General Laws or in any other equitable manner provided by law. A cash deposit shall not be required for such repairs.

The repairs are required by public necessity, including but not limited to:

- (i) the necessity of providing an adequately drained way so as to reduce ecologically harmful runoff into Mill Pond and adjacent stream which are part of a Wetlands Conservancy District that flows into the Assabet River, an important natural resource to the Town of Concord ;
- (ii) the necessity of providing adequate, passable way from public ways to residences, to other public ways and other resources including nearby Town conservation land;
- (iii) the relative ease of administration of the repair program given that the private way subject to this bylaw serves approximately five (5) owners as well as residents of Stacey Circle located in a distinct, densely populated neighborhood; and
- (iv) the lack of reasonably achievable alternative means of accomplishing such repairs given the fact that the way subject to this bylaw was laid out or created before the enactment of a subdivision control bylaw in the Town of Concord.

The liability limit of the Town of Concord on account of damages caused by such repairs shall be the same liability limit as may be provided from time to time under the law applicable to Town ways.

The way subject to this bylaw is called Off Harrington Avenue which starts at Harrington Avenue and ends at Stacey Circle and is described as a 40.8 foot Right Of Way and approximately 462.7 feet long located on the southerly side of Harrington Avenue as shown and labeled as Right Of Way on a plan filed and recorded at the Middlesex South Registry of Deeds on April 12, 1948 entitled "Land in West Concord" surveyed for Waldo P. Lapham by Horace F. Tuttle and recorded as Plan No. 337 of 1948 in Book 7268, Page End. The right of way has been open to public use for a term of not less than 50 years.

- (i) unless and until it is repealed; or
- (ii) unless and until the Town of Concord adopts a bylaw governing repairs made by the Town of Concord to the private ways subject to this bylaw as well as to additional private ways in the Town of Concord, provided that any such successor bylaw shall by its terms specifically refer to and repeal or supersede this bylaw.

This motion requests the Department of Public Works make repairs to the publicly-traveled private way named Off Harrington Avenue in accordance with Chapter 40, § 6N of the Massachusetts General Laws and as previously approved by the town at White's Pond. Runoff goes directly from the dirt road into Mill Pond, hence proper engineering and grading are required to ensure proper consideration for the wetlands. Assessing the abutters as a "betterment" provides equal participation in the improvement. Concord Department of Public works participation ensures fair and proper concern for both abutters and wetlands. If approved, no costs would be incurred by the town. The statutory requirement to provide a petition approving this request and signed by 60% of the abutters is already available.

Article 41, continued:

Finance Committee recommends no action

Board of Selectmen recommends no action

DOG BYLAW AMENDMENT

ARTICLE 42. To determine whether the Town will vote to amend Section 4 of the "Dogs" Bylaw to clarify the Town's authority to issue additional fines for continuing or recurring offenses by inserting at the end of Section 4 the following:

"The Dog Officer may issue a separate and additional fine each day for a continuing or recurring violation."

or take any other action relative thereto.

This is a housekeeping Article, which will allow the Dog Officer to assess additional fines for the same offense if a dog owner continues to be in violation of the bylaw.

Board of Selectmen recommends affirmative action

MOTOR VEHICLE SURVEILLANCE BYLAW

ARTICLE 43. To determine whether the Town will vote that Town Officials be authorized to implement systems for enforcing the local traffic rules, ordinances, and bylaws with the use of automated photographic traffic control devices that will record photographic images as prima facie evidence of traffic violations and will authorize the Police Department of Concord to issue civil citations and warning notices, or an agent thereof to perform ministerial functions with respect to the issuance of civil citations and warning notices for the violations, or take any other action relative thereto.

This is a proposed bylaw that will authorize Town Officials to introduce the use of automated traffic control devices that record photographic images of traffic violations which could then be used as evidence for enforcement proceedings.

Board of Selectmen recommends affirmative action

MOTOR BOAT BYLAW AMENDMENT

ARTICLE 44. To determine whether the Town will vote to amend Section 2 of the "Motor Boat" Bylaw, adopted under Article 62 of the March 1962 Town Meeting, by deleting the phrase "...or any speed in excess of ten miles per hour" and inserting in its place the phrase "or any speed in excess of 'no wake' speed", or take any other action relative thereto.

The current Motor Boat Bylaw restricts the speed of motor boats on any rivers, ponds or lakes in Concord to ten MPH or less. The proposed revision will change the threshold to a "no wake" speed, which will be easier for both boaters and enforcement agents to monitor.

Board of Selectmen recommends affirmative action