

TOWN OF CONCORD
TOWN HOUSE
CONCORD, MA 01742

PRESORT STANDARD
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RESIDENTIAL CUSTOMER
CONCORD, MA 01742

WARRANT FOR ANNUAL TOWN MEETING

SUNDAY, APRIL 30, 2023, 1PM*
CONCORD-CARLISLE REGIONAL HIGH SCHOOL
500 WALDEN STREET

ANNUAL TOWN MEETING PUBLIC HEARING SCHEDULE All at 7:00 P.M. at the Town House and via Zoom

SELECT BOARD	Monday, February 27, 2023 (Snow Date: February 28)
FINANCE COMMITTEE Town Budget & Articles including Capital Community Preservation Committee	Wednesday, March 1, 2023 (Snow Date: March 2)
PLANNING BOARD	Tuesday, March 7, 2023 (Snow Date: March 8)
FINANCE COMMITTEE School Budgets & Articles	Thursday, March 9, 2023 (Snow Date: March 14)
FINANCE COMMITTEE Enterprise Fund Budgets & Articles	Wednesday, March 15, 2023 (Snow Date: March 16)

**And Subsequent Days As Needed*

2023 ANNUAL TOWN MEETING

Article #	Article Name	Sponsor	Public Hearing	Page #
1.	Choose Town Officers	Select Board	N/A	1
2.	Hear Reports	Select Board	N/A	1
3.	Meeting Procedure	Finance Committee	FinCom	1
4.	Ratify Personnel Board Classification Actions	Personnel Board	Select Board	1
5.	New Classification & Compensation Plan for Regular-Status Positions	Personnel Board	Select Board	2
6.	Amended Classification & Compensation Plan for Regular-Status Positions	Personnel Board	Select Board	2
7.	Use of Free Cash	Finance Committee	FinCom	9
8.	FY23 Budget Line Item Adjustments	Finance Director	FinCom	10
9.	FY24 Town Budget	Town Manager	FinCom	10
10.	Citizen Petition: DEI Director	Tanya B. Gailus	Select Board	14
11.	Capital Improvement and Debt Plan	Town Manager	FinCom	14
12.	OPEB Trust Fund Appropriation	Finance Director	FinCom	15
13.	OPEB Trust Fund Expense	Finance Director	FinCom	15
14.	Appropriation of Opioid Settlement Funds Received from the State Settlement Fund	Finance Director	FinCom	16
15.	Minuteman Regional Technical High School District Budget	Minuteman Regional School Committee	FinCom	16
16.	Concord-Carlisle Regional High School Budget	CCRHS School Committee	FinCom	17
17.	Concord Public Schools Budget	CPS School Committee	FinCom	17
18.	Concord Public Schools Capital Projects	CPS School Committee	FinCom	18
19.	Concord Public Schools Capital Projects – Fields & Landscaping	CPS School Committee	FinCom	18

Article #	Article Name	Sponsor	Public Hearing	Page #
20.	Appropriation to Middle School Stabilization Fund	Finance Committee	FinCom	18
21.	Light Plan Solar Expansion – Middle School	Town Manager or Light Board	FinCom	19
22.	Citizen Petition: Municipal In-Town Solar Generation Task Force	Dean Banfield	Select Board	19
23.	Adopt Specialized Stretch Energy Code	Climate Action Advisory Board	Select Board	20
24.	Light Plant Expenditures & Payment in Lieu of Taxes	Town Manager	FinCom	20
25.	Appropriation for 250 th Anniversary Celebration	Select Board	FinCom	20
26.	Community Preservation Committee Appropriation Recommendations	Community Preservation Committee	FinCom	21
27.	Community Preservation Act – Rescind and Reappropriate Funds	Community Preservation Committee	FinCom	22
28.	Community Preservation Committee Appropriation Recommendations – Concord Municipal Affordable Housing Trust	Community Preservation Committee	FinCom	22
29.	Transfer of Housing Funds	Select Board	FinCom	23
30.	162 Plainfield Road Easement	Town Manager	Select Board	23
31.	Beede Swim & Fitness Center Enterprise Fund Expenditures	Town Manager	FinCom	23
32.	Demolition Review General Bylaw	Historical Commission	Select Board	24
33.	Zoning Bylaw Amendment – Restaurant -- Prohibited Uses -- Parking	Planning Board	Planning Board	24
34.	Zoning Bylaw Amendment – Mobile Food Establishment	Planning Board	Planning Board	26
35.	Zoning Bylaw Amendment – Combined Business/Residence	Planning Board	Planning Board	28
36.	Citizen Petition: Update Concord Noise Bylaw	Sven Weber	Select Board	29

Article #	Article Name	Sponsor	Public Hearing	Page #
37.	Citizen Petition: Prohibition of Gas-Powered Leaf Blowers	Sven Weber	Select Board	30
38.	Solid Waste Disposal Fund Expenditures	Town Manager	FinCom	30
39.	Sewer System Expenditures	Town Manager	FinCom	31
40.	Sewer Improvement Fund Expenditures	Town Manager	FinCom	31
41.	Water System Expenditures	Town Manager	FinCom	31
42.	Authorize Expenditure from PEG Access & Cable-Related Fund	Town Manager	FinCom	31
43.	Annual Appropriation of Parking Meter Receipts	Town Manager	FinCom	32
44.	Authorize Expenditure of Revolving Funds Under Mass. Gen. Laws c. 44, § 53E½	Town Manager	FinCom	32
45.	Unpaid Bills	Finance Director	FinCom	33
46.	Debt Rescission	Finance Director	FinCom	33



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OLD NORTH BRIDGE

TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

January 25, 2023

Dear Concord Resident:

We invite you to participate in Concord's proud tradition of direct democracy, culminating in Annual Town Meeting on April 30, 2023. As a Concord citizen, you are empowered to submit proposed legislation, provide feedback at public hearings, approve or seek to amend any new Town bylaw or spending, and cast votes for or against any proposed action at Town Meeting. This is truly government "by the people, for the people," and it depends on you.

Any process that continues hundreds of years of tradition and has significant economic and legal impact can seem intimidating and formal. This brief guide covers the basics, so you can be more at ease contributing if you're new to the process. It's also a good refresher for more experienced participants, as some details change every year.

WARRANT: The publication of the warrant is the first event leading up to Town Meeting. The warrant serves as the agenda for the meeting. It includes proposed pieces of legislation (known as "warrant articles") authored by the Town's committees and professional staff, along with "citizen petition" warrant articles submitted by individual citizens and signed by at least ten registered voters. Each article on the warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action if the article is moved.

Warrant articles are carefully worded so any proponents can address errors, add details, and make improvements between the date of the warrant's publication and Town Meeting. However, any motion made at Town Meeting must fit "within the scope of the article" as presented in the warrant. That means that the motion can reduce spending or suggest less stringent regulations than those documented in the warrant article, but generally cannot increase them. The phrases "**or take any other action relative thereto**" and "**or any other sum**" in warrant articles signify that the motion may vary somewhat in proposed action and dollar amount. The motions presented at Town Meeting replace these phrases with precise spending amounts and actions. Since some aspects of an article's scope may be a judgement call, the Moderator is the final authority for determining whether a motion is within the scope at Town Meeting.

Any article that proposes spending must also indicate a funding mechanism.

- "**Raise and appropriate**" means funding through the property tax levy.
- "**Transfer from available funds**" means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes.
- "**With the approval of the Select Board, to borrow**" authorizes Treasurer to issue debt for which the Town commits its full faith and credit to make future repayment of the loan with interest.

The motion made under a financial article will always specify the financing method from among the possible options. The amount of money in the motion may vary slightly up or down from the amount appearing in the Article text, as long as the Moderator determines that it is still in scope.

Most articles require a majority vote, but some articles require a supermajority in accordance with state law. Most zoning articles fit into this category; however, note that the Commonwealth of Massachusetts recently lowered the quantum of vote threshold for articles related to affordable housing, even if there is a zoning impact, from a supermajority to a simple majority vote.

PUBLIC HEARINGS: Following publication of the warrant, the Select Board, Finance Committee, and Planning Board host public hearings focused on the articles under their jurisdiction. These hearings provide the best opportunity to learn about and make improvements to articles of interest. Dates, times, and article assignments are included in the following table. You can attend these hearings either virtually or in person. Video recordings of each hearing will also be posted on the Town website.

ANNUAL TOWN MEETING – PUBLIC HEARING SCHEDULE			
Location: Town House Public Hearing Room and via Zoom			
(see meeting agenda for Zoom link)			
Board or Committee	Articles	Time	Date
Select Board	4, 5, 6, 10, 22, 23, 30, 32, 36, 37	7:00 PM	Monday, February 27, 2023
Finance Committee <ul style="list-style-type: none"> • Town-budget-related articles • Town capital articles • Community Preservation Act articles 	1, 7, 8, 9, 11, 12, 13, 14, 25, 26, 27, 28, 29, 43, 44, 45, 46	7:00 PM	Wednesday, March 1, 2023
Planning Board	33, 34, 35	7:00 PM	Tuesday, March 7, 2023
Finance Committee: School budgets and articles	15, 16, 17, 18, 19, 20,	7:00 PM	Thursday, March 9, 2023
Finance Committee: Enterprise funds, budgets and articles	21, 24, 31, 38, 39, 40, 41, 42,	7:00 PM	Wednesday, March 15, 2023

The hosting board or committee runs each session. Proponents present their warrant articles one at a time, typically providing more detail than they would have time to give at Town Meeting. First

board and committee members ask questions and make suggestions for improvements; then members of the public are invited to add their questions and comments.

Constructive feedback gathered through these sessions may result in changes to the motions and presentations made at Town Meeting. Sometimes it can even lead proponents to conclude that an article isn't ready, so it will not be moved. In any case, the hearings help voters be better informed, and ensure that Town Meeting deliberates on well-vetted motions.

After the hearings, the Finance Committee prepares its report to the Town. This report summarizes the Town's financial position, reports on various issues pertaining to finances, and includes the Finance Committee recommendations to Town Meeting on each article that has financial impact. The Select Board's recommendations on all articles are also included.

TOWN MEETING: This year's Town Meeting will be held on Sunday, April 30, 2023 at 1:00PM at Concord-Carlisle Regional High School, with subsequent consecutive days as needed. COVID-19 protocols, including masks and social distancing are expected to be in effect and modified as needed. All registered voters are eligible and encouraged to attend and vote. Residents who are not currently registered to vote must register by April 20, 2023 in order to participate. All attendees must check in with the Town Clerk's staff.

The Moderator, who presides at the meeting, is elected annually in the Town Election. The Moderator will be on the stage with the Town Clerk. The Finance Committee, Select Board, Town Counsel, and Town Manager will be seated at the front of the meeting venue.

All speakers must address remarks to the Moderator. Concord Town Meeting has a long tradition of vigorous, civil and respectful debate. This means that we stick strictly to the issue, avoid impugning the motives of any person or group, and avoid any personal attacks or references to other speakers by name. Any speaker who fails to honor this tradition will be ruled out of order.

Civility enables all participants to speak and be heard without interruptions or demonstrations, such as hissing, booing, clapping or cheering. All participants are expected to listen to all speakers carefully. The Moderator has the obligation to ensure that the meeting proceeds in an orderly and respectful manner, so that thoughtful deliberation and decision-making may occur.

Town Meeting is an important democratic institution open to all Concord registered voters and is Concord's legislative body. The procedures are simple, and all have a right to attend and participate. By this process, the decisions made are based on the collective will and wisdom of the Meeting. We encourage your active participation, particularly for those Articles that are of greatest importance to you. For those who cannot attend but wish to follow along from home, Town Meeting proceedings are broadcast live by MMN on local access cable channel 9 and by WIQH Radio at 88.3 FM, and live-streamed at <https://concordma.gov/2335/Minuteman-Media-Network-MMN>.

COMMITTEE MEMBERSHIP: Concord's direct democracy does not end with Town Meeting. Our many volunteer boards and committees lead initiatives, set policy, and provide critical expertise, as well as financial and management oversight. If you would like to serve your community as a volunteer member of a Town Board or Committee, or on a short-term

assignment, fill out a Volunteer Card and submit it to the Town Manager's Office in the Town House. Volunteer Cards can be filled out online. Follow the "Volunteer" choice from the home page www.concordma.gov.

Respectfully,

Matthew Johnson, Chair

Carmin C. Reiss

Terri Ackerman, Clerk

MODERATOR

Henry Dane

Linda Escobedo

Mary Hartman

SELECT BOARD

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR ANNUAL TOWN MEETING 2023
Sunday, April 30, 2023**

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 at 500 Walden Street, in said town, on Sunday, the thirtieth day of April 2023, at 1:00 p.m., by posting a printed copy of this Warrant by you attested, at the Town House and on the Town's website, and mailed to every household at least seven days before the Town Meeting, 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 accept 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 Mass. Gen. 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.

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 "Environmental Services Coordinator" to Grade MP-3 effective July 1, 2022.
2. Add the title "Chief Technology Officer" to Grade MP-9 effective July 1, 2022.

3. Change the title “Telecommunications Manager” in Grade TM-3 to “Broadband Manager” effective July 1, 2022.
4. Add the title “Communications Manager” to Grade MP-3 effective November 9, 2022.
5. Add the title “Economic Vitality Manager” to Grade MP-4 effective November 9, 2022.
6. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 4, 2023, and the date the 2023 Annual Town Meeting concludes.

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 Plan, 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 and before the opening of Annual Town Meeting, notice will be filed with the Town Clerk and details will be presented at Town Meeting.

NEW CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS

ARTICLE 5. To determine whether the Town will vote to adopt a new Classification and Compensation Plan for regular-status Town positions, or take any other action relative thereto:

In 2022, the Town secured the services of GovHR to conduct a comprehensive analysis of job responsibilities and market data for non-union, regular-status benchmark positions. The objective is to develop a new Classification & Compensation Plan that considers internal pay equity and external competitiveness. The employee and stakeholder review process will continue through the early months of 2023. The Personnel Board will recommend a new Plan that includes updated job titles, classification grades, and pay ranges. The proposed Plan is still in development as of the printing of the Warrant, and specific details will be communicated to voters as available via Personnel Board meeting materials, the Personnel Board’s web page, the Select Board public hearing on February 27, 2023, and the Finance Committee Report for FY2024. Any remaining details or amendments not printed in the FinCom Report will be addressed via the Town Meeting motion, and handouts if needed. This article does not determine FY2024 salary increases for individual employees; salary increases are determined after Town Meeting based on the approved budget. In the event that a new Plan effective 7/1/2023 is not moved or not adopted under Article 5, a motion will be made under Article 6 to amend the existing Classification & Compensation Plan.

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

ARTICLE 6. To determine whether the Town will vote to amend the existing Classification and Compensation Plan for regular-status Town positions by adopting the following schedules to become effective July 1, 2023, or take any other action relative thereto:

**CLASSIFICATION AND COMPENSATION PLAN
Effective July 1, 2023**

ADMINISTRATIVE-CLERICAL

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
AC-1	Hourly	19.28	23.19	27.10
Receptionist/Clerk Recreation Clerk				
AC-2	Hourly	21.54	25.90	30.26
Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk				
AC-3	Hourly	24.42	29.36	34.30
Customer Services Representative Senior Account Clerk Senior Department Clerk				
AC-4	Hourly	26.39	31.74	37.08
Administrative Assistant Assistant to the Town Clerk Collections Assistant Retirement Assistant Treasury Assistant				
AC-5	Hourly	28.21	33.90	39.59
Human Resources Assistant Project & Procurement Coordinator Senior Administrative Assistant				
AC-6	Hourly	29.18	35.08	40.98
Executive Assistant to the Town Manager Finance Assistant Senior Human Resources Assistant				

TRADES-CRAFTS-LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
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TCL-1	Hourly	19.03	23.01	26.98
Building Custodian				
TCL-2	Hourly	21.50	25.99	30.47
Building Maintenance Custodian				
TCL-3	Hourly	23.66	28.61	33.55
Facilities/Landscape Maintainer Maintenance & Inventory Coordinator Water/Sewer System Maintainer				
TCL-4	Hourly	26.47	32.02	37.57
Custodial Maintenance Supervisor Equipment/Line Operator Master Craftsperson				
TCL-5	Hourly	29.30	35.44	41.57
Assistant Public Works Supervisor Crew Leader Licensed Electrician/Skilled Carpenter Senior Master Mechanic Treatment Systems Operator				
TCL-6	Hourly	32.92	39.81	46.70
Senior Treatment Systems Operator				
TCL-7	Hourly	36.50	44.17	51.83
HVAC Technician 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	
MP-1	Annual	52,395	65,716	79,036
Associate Engineer Engineering Technician Library Innovation & Communications Specialist Media Technician Recreation Supervisor Station Manager Tourism & Visitor Services Manager				

MP-2	Annual	59,129	74,159	89,188
Administrative & Special Projects Coordinator				
Administrative Manager				
Administrative Projects Manager				
Administrative Systems Analyst				
Assistant Local Inspector				
Assistant Natural Resources Director				
Budget Analyst				
Business Systems Analyst				
Energy Specialist				
Environmental Health Inspector				
Environmental & Regulatory Coordinator				
Facilities Operations Coordinator				
Field Lister				
GIS Technician/Analyst				
Information Systems Technician				
Land Manager				
Office Accountant				
Production Manager				
Public Health Inspector				
Water Conservation Coordinator				

MP-3	Annual	69,768	87,506	105,243
Assistant Assessor				
Assistant Human Resources Director				
Assistant Public Health Director				
Assistant Public Works Engineer				
Assistant Senior Services Director				
Assistant Town Accountant				
Assistant Town Clerk				
Assistant Treasurer				
Associate Financial Manager				
Childcare Services Manager				
Communications Manager				
Customer Service Supervisor				
Economic Vitality & Tourism Manager				
Energy Conservation Coordinator				
Environmental Services Coordinator				
GIS Program Manager				
Local Inspector				
Management Analyst				
Municipal Archivist/Records Manager				
Operations Manager				
Recreation Programs & Events Manager				
Retirement System Administrator				
Senior Budget & Operations Analyst				
Senior Environmental & Regulatory Coordinator				
Senior Information Systems Technician				

Senior Planner

MP-4	Annual	74,588	93,552	112,515
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Assistant Highway & Ground Superintendent
 Assistant Recreation Director
 Customer Service Administrator
 Economic Vitality Manager
 Environmental Services Program Administrator
 GIS & Application Integration Program Manager
 Operations Engineer
 Public Information & Communications Manager
 Public Works Engineer

MP-5	Annual	80,231	100,627	121,022
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Assistant Library Director
 Assistant Town Engineer
 Budget & Purchasing Director
 Deputy Treasurer/Collector
 Director of Sustainability
 IT Operations Manager
 Financial Manager/Accountant
 Natural Resources Director
 Police Lieutenant
 Public Health Director
 Senior Services Director
 Town Clerk
 Town Planner

MP-6	Annual	93,161	116,843	140,525
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Assistant Fire Chief
 Building Commissioner
 Facilities Director
 Highway & Grounds Superintendent
 Police Captain
 Recreation Director
 Town Accountant
 Town Assessor
 Town Engineer
 Water/Sewer Superintendent

MP-7	Annual	101,242	126,980	152,717
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Director of Planning & Land Management
 Human Resources Director
 Library Director

MP-8	Annual	112,794	141,469	170,143
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Assistant Town Manager
 Chief Information Officer
 Fire Chief
 Police Chief
 Public Works Director

MP-9	Annual	123,616	155,044	186,471
Chief Financial Officer Chief Technology Officer Deputy Town Manager				

ELECTRICAL LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
EL-1	Hourly	20.97	25.37	29.76
<i>(Reserved for future use)</i>				
EL-2A	Hourly	27.26	32.98	38.69
Meter Technician				
EL-2B	Hourly	28.85	34.90	40.94
Lineworker, Grade 3				
EL-3A	Hourly	34.61	39.12	43.62
Utility Electrician				
EL-3B	Hourly	36.63	41.40	46.16
Lineworker, Grade 2				
EL-4	Hourly	45.45	51.41	57.36
Lineworker, Grade 1				
EL-5	Hourly	47.61	53.83	60.05
Lead Lineworker				
EL-6	Hourly	51.27	57.97	64.66
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.*

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
EM-1	Annual	71,624	85,964	100,304
Meter Supervisor Senior Engineering Technician				
EM-2	Annual	96,873	116,223	135,573
Electrical Engineer				
EM-3	Annual	104,077	124,931	145,784
Lead Electrical Engineer				

EM-4 Power Supply & Rates Administrator	Annual	121,604	145,902	170,199
EM-5 Assistant CMLP Director	Annual	127,685	153,197	178,708
EM-6 CMLP Director	Annual	147,259	176,761	206,263

MEDIA SPECIALISTS

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
MS-1 Education Coordinator Lead Producer	Hourly	19.96	26.62	33.28

SWIM & FITNESS

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
SF-1 Swim/Fitness Specialist	Hourly	15.00	39.97	64.93

HUMAN SERVICES

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
HS-A Human Services Assistant	Hourly	15.00	23.74	32.47
HS-1 Human Services Specialist	Hourly	17.32	33.01	48.70
HS-2 Child Care/Education Specialist	Hourly	17.32	31.39	45.45

TELECOMMUNICATIONS TECHNICIANS

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
TT-1 Telecommunications Technician	Hourly	32.57	38.26	43.95
TT-2 Senior Telecommunications Technician	Hourly	37.22	43.75	50.28
TT-3 Lead Telecommunications Technician	Hourly	39.09	45.95	52.81

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.

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
TM-1 Network Administrator	Annual	81,744	96,012	110,279
TM-2 Network Engineer Telecommunications Coordinator	Annual	93,113	109,427	125,741
TM-3 Broadband Manager	Annual	107,605	126,446	145,286

Article 6 provides for annual adjustments of the Classification & Compensation Plan to help keep Town salaries competitive in the employment market, ensure 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 determine FY2024 salary increases for individual employees; salary increases are determined after Town Meeting based on the approved budget. Article 6 is presented as a contingency plan in the event that a new Plan effective 7/1/2023, based upon the study by GovHR of non-union regular-status positions commissioned by the Town in 2022, is not moved or not adopted under Article 5.

USE OF FREE CASH

ARTICLE 7. 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, 2024, 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 FY2024 budget. The proposed amount is consistent with the Finance Committee's FY2024 Guideline Budget Plan.

FY2023 TOWN BUDGET LINE ITEM ADJUSTMENTS

ARTICLE 8. To determine whether the Town will vote to amend appropriations made under Article 9 of the 2022 Annual Town Meeting, Town Budget, or take any other action relative thereto.

*The Town's budget is appropriated in sixteen (16) line items. Adjustments to these line-item totals may only be made through subsequent Town Meeting action or at the end of the fiscal year with the approval of the Select Board and Finance Committee, under the authority granted in Mass. Gen. Laws c. 44, § 33B. This article seeks approval to make certain line-item adjustments to rebalance the budget to account for actual spending, while maintaining the total appropriation of \$50,889,958. This article does **not** seek a supplemental appropriation and approval of this article will **not** increase total FY2023 spending.*

FY2024 TOWN BUDGET

ARTICLE 9. To determine whether the Town will vote to raise and appropriate or transfer from available funds the sum of \$55,552,181, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2024:

<u>Town Government Operating Budget</u>				
Item No.	Department	Fiscal 2022 Appropriation	Fiscal 2023 Appropriation	Fiscal 2024 Proposal
General Government				
\$5,879,003 is 10.6% of Total				
1	A. Town Manager's Office	\$ 739,926	\$ 686,197	\$ 730,350
	B. Human Resources	573,349	595,606	573,682
	C. Information Systems	1,244,882	1,348,980	1,757,756
	D. Town Meeting and Reports	123,096	117,919	95,400
	E. Facilities Administration	1,003,243	1,026,590	1,930,088
	F. Parks & Playgrounds	150,205	215,776	216,727
	G. Resource Sustainability	162,949	165,203	125,000
	H. Visitor's Center and Restroom	34,342	37,970	-
	Subtotal	4,031,991	4,194,241	5,429,003
2	A. Legal Services	425,000	450,000	450,000
	Department Subtotal	4,456,991	4,644,241	5,879,003
Finance				
\$2,473,813 is 4.5% of Total				
3	A. Finance Administration	\$ 562,252	\$ 555,491	\$ 647,927
	B. Treasurer-Collector	525,485	505,631	466,957
	C. Town Accountant	339,722	340,945	367,594
	D. Assessors	457,391	444,387	434,957
	E. Town Clerk	399,720	439,831	464,499

	F. Elections	53,068	89,374	80,714
	G. Registrars	6,220	10,452	11,165
	Department Subtotal	2,343,858	2,386,111	2,473,813
Planning and Land Management				
\$2,505,856 is 4.5% of Total				
4	A. Planning Administration	\$ 564,214	\$ 583,522	\$ 661,933
	B. Natural Resources	421,751	449,396	449,610
	C. Inspections	480,311	479,288	593,097
	D. Health	466,952	462,035	561,895
	E. Economic Vitality & Tourism	186,697	190,735	235,721
	F. 141 Keyes Road	49,995	48,840	3,600
	Department Subtotal	2,169,920	2,213,816	2,505,856
Human Services				
\$3,451,331 is 6.2% of Total				
5	A. Library	\$ 2,333,663	\$ 2,398,544	\$ 2,490,316
	B. Senior Services			
	B1. Senior Services	609,998	630,527	652,076
	B2. Harvey Wheeler Community Center	99,923	101,276	65,342
	C. Recreation Services			
	C1. Recreation Services	114,569	114,569	-
	C2. Hunt Recreation Center	101,482	93,375	-
	D. Human Services	74,700	74,286	93,350
	E. Veterans Services	77,974	78,734	86,647
	F. Ceremonies and Celebrations	39,628	44,960	60,600
	Department Subtotal	\$ 3,451,937	\$ 3,536,272	3,451,331
Public Safety				
\$11,928,437 is 21.5% of Total				
6	A. Police Department	\$ 5,479,289	\$ 4,864,484	\$ 5,219,135
	B. Animal Control Officer	27,500	28,500	29,260
	C. Police-Fire Station	252,057	278,317	52,918
	D. Fire Department	5,734,791	5,783,853	6,611,011
	E. Emergency Management	16,000	16,000	14,550
	F. West Concord Fire Station	20,059	21,309	1,563
	Department Subtotal	\$ 11,529,696	\$10,992,462	\$11,928,437
Public Works				
\$4,958,795 is 8.9% of Total				
7	A. Public Works Administration	\$ 414,468	\$ 403,332	\$ 422,120
	B. Engineering	507,441	506,999	701,634
	C. Highway Maintenance	1,527,876	1,638,237	1,805,133
	D. Winter Maintenance	640,000	650,000	655,500

	E. Parks and Trees	797,852	901,592	992,220
	F. Cemetery	304,806	312,235	273,790
	G. 133/135 Keyes Road	124,923	183,580	68,088
	I. Street Lighting	27,500	31,625	40,310
	Department Subtotal	\$ 4,344,865	\$ 4,627,600	\$ 4,958,795
Unclassified				
\$1,030,000 is 1.9% of Total				
8	Employee Wellness			
	A. Unused Sick Leave	\$ 65,000	\$ 23,061	0
	B. Public Safety Disability	2,500	887	0
	C. Employee Assistance Program	7,500	2,661	0
	Subtotal	75,000	26,609	75,000
9	Reserve Fund	225,000	225,000	200,000
10	Salary Reserve	(114,374)	1,057,934	755,000
11	Land Fund	10,000	25,000	-
	Total Unclassified	\$ 195,626	\$ 1,334,543	\$ 1,030,000
TOWN GOVERNMENT SUBTOTAL		\$ 28,492,894	\$29,735,046	\$32,227,235
Account 1-10				
Joint (Town - CPS)				
\$23,324,946 is 42.0% of Total				
12	A. Group Insurance	\$ 6,639,042	\$ 7,468,322	\$8,140,471
	B. OPEB	-	-	-
	C. Property/Liability	315,000	378,000	406,350
	Insurance Subtotal	6,954,042	7,846,322	8,546,821
13	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	120,000	120,000	138,000
	B. Workers' Comp.	133,575	142,450	163,818
	Subtotal	253,575	262,450	301,818
14A	Retirement, General Fund	3,412,844	3,381,101	3,399,675
14B	Pension, Reserve	1,338,816	1,501,370	1,650,000
15	Social Security and Medicare	910,207	942,064	989,168
16	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	3,424,300	3,423,349	3,698,148
	CPS Principal and Interest	743,070	741,752	829,552
	Subtotal	4,167,370	4,165,101	4,527,700
	Interest on Notes		70,000	
	Other Debt Expense			
	Subtotal Within Levy Limit	4,167,370	4,235,101	4,527,700
	B. Excluded Debt			
	Town Principal and Interest	335,044	326,294	317,544
	CPS Principal and Interest	2,915,095	2,660,210	3,592,220

	Less: Use of Stabilization Funds			
	Subtotal Excluded Debt	3,375,867	2,986,504	3,909,764
	Total Debt Service	7,374,879	7,221,605	8,437,464
	Total Joint (Town - CPS)	\$20,710,671	\$21,154,912	\$23,324,946
	Total Appropriation	\$47,660,481	\$50,889,958	\$55,552,181

And, in addition:

That the Town Manager is authorized to turn in or sell at public auction surplus equipment, the amount allowed or received therefore to be applied against the purchase of new equipment;

That the Town appropriate and transfer the sum of \$1,000 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health’s Rabies Clinic;

That the Town appropriate \$29,851 from the National Opioid Settlement payment for the Board of Health to be reserved for state-specified uses;

That the appropriation for Salary Reserve under Line Item 10 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established effective July 1, 2023 and thereafter pursuant to the salary schedules adopted under Article 5 or 6, 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 funds 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 FY2024 as detailed in the following chart;

<u>Amount</u>	<u>Loan Number</u>	<u>Original Loan</u>	<u>Date of Issue</u>	<u>Final Maturity</u>	<u>Town Authorization</u>
\$ 14,787.00	T5-05-1243-E	\$ 300,000	12/14/22	FY43	Art. 42 (2009)
\$ 33,275.00	T5-05-1243-D	\$ 665,490	10/24/19	FY40	Art. 42 (2009)
\$ 19,745.70	T5-05-1243-C	\$ 197,457	01/07/15	FY25	Art. 42 (2009)

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 presented here for consideration for Town Meeting approval meets the Finance Committee’s guideline set for FY2024, but does include a \$600,000 carry-forward of unspent FY2022 budget appropriation. The text above also makes certain other appropriation from Stabilization and Enterprise Funds, as well as authorizes certain other transfers.

CITIZEN PETITION: DEI DIRECTOR

ARTICLE 10. To determine whether the Town will urge the Select Board to ask the Town Manager to expedite the hiring of a fulltime Director of Diversity, Equity, and Inclusion, as requested by the DEI Commission, or take any other action relative thereto.

The purpose of this Article is to support the DEI Commission's request that the Town hire a full time Director of Diversity, Equity, and Inclusion.

CAPITAL IMPROVEMENT AND DEBT PLAN

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 by the issuance of bonds or notes under the provisions of Mass. Gen. Laws c. 44, § 7, the sums of money specified in the FY2024 Capital Improvement Plan, or any other sum, to be expended under the direction of the Town Manager, or take any other action relative thereto.

Capital Outlay ('pay-go')

Details by Town departments are as follows for the capital outlay (so-called 'pay-go' (or cash)) portion of the Capital Plan, summarized below in Table 1:

TABLE 1		
General Government		
1A Town Manager's office	Energy Sustainability	\$ 35,000
1C Technology	Computers & Equipment	\$ 120,000
1E Facilities	Building Improvements	\$ 335,000
1E Facilities	Equipment	\$ 20,000
Planning & Land Management		
4A Planning	Bridge repairs	\$ 10,000
4B Natural Resources	Tractor; land improvements	\$ 45,000
Human Services		
5A Library	Computer Equipment	\$ 15,000
Public Safety		
6A Police	Vehicles, equipment	\$ 195,000
6D Fire	Vehicles, equipment	\$ 155,000
Public Works		
7A Engineering	Road safety; culvert/bridge; MS4 compliance; landfill well replacement	\$ 285,000
7C Highway Maintenance	Equipment	\$ 450,000
7E Parks & Trees	Equipment & Shade Trees	\$ 60,000
Capital Outlay Total		\$ 1,725,000

Borrowed Funds ('debt')

Details by Town and School departments are as follows for the new debt (Tier II, inside tax levy) portion of the Capital Plan are shown in Table 2 below.

TABLE 2		
Public Safety		
6d Fire	refurbish 2016 Engine 8	\$ 210,000
Public Works		
7H Heavy Equipment	replace 2008 GVWR	\$ 300,000
7H Road Improvements	Parking Lot Rehabilitation	\$ 425,000
7H Road Improvements	Traffic Signals & Signage	\$ 515,000
7H Road Improvements	Pavement Management	\$ 2,650,000
Borrowed Funds Total		\$ 4,100,000

FY2024 Capital Outlay and Borrowed Funds Total **\$5,825,000**

This article authorizes the FY2024 Capital Improvement and Debt Plan, all of which will be funded within the existing Levy Limit. The FY2024 Capital Improvement and Debt Plan is proposed to be funded through cash outlay, the issuance of debt, and transferring remaining balances in previously authorized debt articles where these balances are no longer needed for their original intended purpose. Items included in this plan include both Tier One (single item, up to \$250,000) and Tier Two (single item, \$250,000 - \$2,000,000) capital purchases.

OPEB TRUST FUND APPROPRIATION

ARTICLE 12. To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,467,851 to the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) established under Mass. Gen. Laws c. 32B, § 20, or take any other action relative thereto.

Best practice suggests that both the General Fund and Enterprise Fund contributions to the OPEB Trust Fund should be appropriated by Town Meeting. Based upon the results of the June 30, 2021 OPEB Liability Valuation Report (GASB Statements No. 74 and 75), the following contributions will be made to the OPEB Trust Fund in FY2024: General Fund, \$1,364,608; Light Fund, \$85,275; and Broadband Fund, \$17,968. Again, based upon the results of the June 30, 2021 valuation, no annual contributions are required from the Water, Sewer or Swim & Fitness Enterprise Funds.

OPEB TRUST FUND EXPENSE

ARTICLE 13. To determine whether the Town will vote to appropriate a sum of money from the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) established under Mass. Gen. Laws c. 32B, § 20, for OPEB Fund expenses, and further to authorize the Trustee of the OPEB fund to employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the OPEB Fund, or take any other action relative thereto.

Similar to the previous article, best practice is that all Trust Fund expenses should be appropriated and paid directly from the fund rather than deducting them from earnings. Further under Mass. Gen. Laws c. 32B, § 20, Town Meeting must specifically authorize the Trustee's employment of any and all investment consultants.

APPROPRIATION OF OPIOID SETTLEMENT FUNDS RECEIVED FROM THE STATE SETTLEMENT FUND

ARTICLE 14. To determine whether the Town will vote to appropriate the sum of \$77,362.88 for the purpose of the funding of substance use disorder prevention, harm reduction, treatment and recovery programs, as further detailed in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements, to be spent under the direction of the Town Manager and with input from local stakeholders including people with lived experience of the opioid epidemic; and that to meet this appropriation, \$77,362.88 be appropriated from Free Cash reflecting the amount allocated by the Commonwealth to the Town of Concord in the Fiscal Year ending June 30, 2022 from the Commonwealth of Massachusetts' Opioid Settlement Fund; or take any other action relative thereto.

The Select Board voted to authorize the Town Manager to sign on to the Statewide Opioid Settlement between the Massachusetts Attorney General and non-bankrupt opioid industry participants. The Town was notified on August 1, 2022 that funds had been distributed from that settlement fund to the Town in the amount of \$77,362.88 during fiscal year 2023. State guidance provides that municipalities cannot set up special revenue accounts, and must instead appropriate the funds in order to spend them for the purposes set forth in the settlement agreement and described in the Article language above. The guidance further provides that any funds received prior to March 2023 become part of free cash and may be appropriated from there. In future years, opioid settlement funds will be appropriated as part of Concord's annual budget.

MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET

Article 15. To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,643,006, or any other sum, for the necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2024, or take any other action relative thereto.

MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET			
Department/ Description	Fiscal 2022 Adopted	Fiscal 2023 Adopted	Superintendent's Proposed Budget & Fiscal 2024 Assessment
Minuteman Regional High School Budget	\$ 27,640,588	\$ 29,010,622	\$ 30,316,325
Concord's Assessment	\$ 1,289,284	\$ 1,508,544	\$ 1,643,006

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 generally due to a shift in enrollment moving towards fully in-district students, resulting in a dramatic drop in non-member tuition

and capital fee revenue. The FY2024 Assessment includes an operating assessment of \$1,154,162 and a capital/ debt service assessment of \$488,844. Each of the member town assessments is calculated by a formula established pursuant to the regional agreement. Concord's enrollment at Minuteman is currently 33 students. The formula for assessments relies in part upon a rolling 4-year average of enrollment for member communities.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

ARTICLE 16. To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$25,357,846, or any other sum, for the necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2024, or take any other action relative thereto.

SCHEDULE A – CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT BUDGET			
Department	Fiscal 2022 Adopted	Fiscal 2023 Adopted	Fiscal 2024 School Committee
Concord-Carlisle Regional School District - Budget	\$35,759,374	\$36,541,181	\$37,811,098
Concord's Assessment	\$24,376,779	\$24,962,356	\$25,357,846

*Includes \$22,302,834 assessment for operating budget and \$3,055,012 assessment for debt service.

This article provides Concord's share ("assessment") of the annual operating budget for the Concord-Carlisle Regional School District. The appropriation presented for Town Meeting approval is below the guideline established by the Finance Committee in November 2022.

CONCORD PUBLIC SCHOOLS BUDGET

ARTICLE 17. To determine whether the Town will vote to appropriate the sum of \$45,197,176 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2024; and that the same be expended only for such purposes and under the direction of the Concord School Committee, or take any other action relative thereto.

SCHEDULE A – PUBLIC SCHOOL BUDGET			
Department	Fiscal 2022 Adopted	Fiscal 2023 Adopted	Fiscal 2024 School Committee
Concord Public Schools – Budget Appropriation	\$41,708,424	\$43,010,486	\$45,197,176

This article provides for the annual operating budget for Concord Public Schools, which serves students in pre-school, kindergarten, and grades 1 to 8. As of January 20, 2023, the appropriation to be presented for Town Meeting approval of \$45,197,176 is at the Concord Public School Committee Adopted Budget level voted on December 20, 2022. The appropriation presented for Town Meeting approval is \$733,695 above the spending guideline established by the Finance Committee in November 2022, but can be funded without a Proposition 2-1/2 override.

CONCORD PUBLIC SCHOOLS CAPITAL PROJECTS

ARTICLE 18. 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 Mass. Gen. Laws c. 44, the sum of \$900,000.00, 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, or take any other action relative thereto.

This article provides for a capital appropriation for Concord Public Schools, which serves students in pre-school, kindergarten, and grades 1 to 8. The funding will support the installation of air supply heat pumps in the pre-school areas of the Ripley building, consistent with the Town's sustainability goals; the funding will also support a Campus Master Plan for Thoreau School, structural repairs to the Thoreau Loading Dock, 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.

CONCORD PUBLIC SCHOOLS CAPITAL PROJECTS – FIELDS AND LANDSCAPING

ARTICLE 19. To see if the Town will vote to appropriate a sum not to exceed \$1,802,000 to be expended under the direction of the Town Manager, in consultation with the Concord Middle School Building Committee appointed by the Select Board in compliance with Mass. Gen. Laws c. 71 § 68, for the purpose of installing new natural grass athletic turf fields, landscaping and any expenses related thereto, including without limitation the costs of engineering, design, site preparation, excavation, subsurface materials, and all other costs incidental or related thereto at the new middle school, to be located at 835 Old Marlboro Road, Concord, Massachusetts (the present site of the Sanborn Middle School); to determine whether this appropriation shall be raised by borrowing or otherwise; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow the appropriated amount pursuant to Mass. Gen. Laws c. 44, § 7(1), or any other enabling authority; provided, however, that this approval shall be contingent upon passage of a Proposition 2 ½ debt exclusion referendum under Mass. Gen. Laws. c. 59 § 21C(k), or take any other action relative thereto.

This article is included here in the event that athletic fields and landscaping are removed from the scope of work on the Concord Middle School Project. This may occur if bids are in excess of budget, and the "deduct/alternate" process is used to modify scope for the purpose of causing the lowest bid to be acceptable. The funding will support the installation of new natural grass athletic turf fields and landscaping, and all related costs of this project at the new Concord Middle School.

APPROPRIATION TO MIDDLE SCHOOL STABILIZATION FUND

ARTICLE 20. To determine whether the Town will vote to transfer from Overlay Surplus the sum of \$750,000, and from Free Cash the sum of \$250,000, for a total transfer of \$1,000,000, or any other sum, to the Middle School Stabilization Fund, or take any other action relative thereto.

This article seeks Town Meeting approval to transfer the amount in the Overlay account declared as surplus by the Board of Assessors. Further, this article seeks Town Meeting approval to transfer

\$250,000 from free cash. These amounts will be transferred into the Middle School Stabilization Fund to be used in the future to smooth the tax impact of the Middle School Construction project.

LIGHT PLANT SOLAR EXPANSION – MIDDLE SCHOOL

ARTICLE 21. To determine whether the Town will authorize the Town Treasurer with the approval of the Select Board, to borrow by the issuance of general obligation bonds or notes under the provisions of Mass. Gen. Laws c. 44 or any other authority, a sum not to exceed \$13,000,000 for the design and construction of a solar system with battery storage at the Concord Middle School, the funds so borrowed to be expended for engineering design and legal services; hearings; permits and other approvals; material, construction, and installation specifications; bid preparation; materials purchase; construction and installation services; and distribution and expansions, upgrades and improvements, and to be repaid in the first instance from revenues of the Concord Municipal Light Plant, or take any other action relative thereto.

This article authorizes the Concord Municipal Light Plant to borrow money to pay for the design and construction of a utility scale solar array with battery storage at the new Concord Middle School. While the project costs are still being developed, it is anticipated that additional monies from various federal and state incentive programs will be made available to help defray some of the costs of construction.

The addition of a solar system at the middle school advances Concord voters' intent for reducing total greenhouse gas emissions and that the new middle school be net zero. This project also contributes to the goals of Concord's Climate Action and Resiliency Plan. Net zero means that the school will produce enough renewable energy to meet the electric, heating and cooling needs of the school building.

CITIZEN PETITION – MUNICIPAL IN-TOWN SOLAR GENERATION TASK FORCE

ARTICLE 22. To see if the Town will vote to urge the Select Board to establish a limited duration task force for the purpose of creating a Development Plan for Municipal, In-Town Solar Generation, consistent with the goals of the 2020 Climate Action Plan. The task force shall be five in number, with one member being the Light Plant Director or his assignee, one liaison member from the Climate Action Advisory Board ("CAAB"), chosen by that board, and three at large citizen members, appointed by the Select Board. The duration of the task force shall be at the discretion of the Select Board, but updates on progress shall be provided to CAAB no less frequently than every 2 months. CAAB shall present the final plan to the Town and to the Light Plant. At its discretion, the Select Board may provide a limited budget for consulting services requested by the task force. The Plan shall address the following areas:

- Reaffirmation of rationale for municipal, in-town solar goals;
- Siting opportunities, consistent with 2022 Article 38 and its limits on tree removal;
- Technical challenges on the local distribution network, and means to overcome them, including battery storage, if warranted;
- Financial analysis of cash flows and assessment of the various business models for development and deployment; and
- Projected schedule to meet the 2030 solar capacity targets along with assessment of feasibility.

Last year, Article 38 urged the Light Plant to develop a strategic plan to achieve Concord's Climate Action targets for municipal electricity generation. Concord needs to develop renewable energy locally rather

than asking others in New England to do this for us. Our numerous municipal rooftops and parking lots provide excellent opportunities for solar generation, and by generating electricity locally we can save on the cost of our imported electricity by eliminating transmission charges and mitigating capacity charges. CMLP has not made sufficient progress in creating a plan. This article requests that the Select Board appoint a task force to finish the strategic plan that the Light Plant has not completed.

ADOPT SPECIALIZED STRETCH ENERGY CODE

ARTICLE 23. To determine whether the Town will vote to adopt the Department of Energy Resources (DOER) Municipal Opt-in Specialized Stretch Code of 2022 as the building code applicable for new construction of residential, commercial and mixed-use structures, effective January 1, 2024, or take any other action relative thereto.

In 2022, the State created a Municipal Opt-In Specialized Stretch Energy Code for both residential and commercial properties. It includes pathways for all-electric, zero energy, and mixed-fuel use, the latter allowing fossil fuel use with higher efficiency standards when accompanied by pre-wiring for conversion to all-electric. This article adopts the Specialized Stretch Energy Code, which means that new homes over 4,000 sf conditioned floor area and certain commercial and mixed-use projects must follow the all-electric or zero energy pathways. The Town voted in 2021 Article 31 to disallow fossil fuel use in new construction, dependent on approval at the state level. While legislation passed in 2022 allows municipalities to apply to join a fossil-fuel free infrastructure demonstration project, the state may or may not approve the Town's application; in either case, the Specialized Stretch Code would remain in effect as it defines more comprehensive building standards that improve energy standards and lower greenhouse gas emissions.

LIGHT PLANT EXPENDITURES AND PAYMENT IN LIEU OF TAXES

ARTICLE 24. To determine whether the Town will authorize expenditure without further appropriation of 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, under the direction and control of the Town Manager for the expenses of the Light Plant for that fiscal year, as defined in Mass. Gen. Laws c. 164, § 57; or for other plant extensions, enlargements, additions, renewals and reconstruction; and further, to authorize a transfer of \$459,000 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, 2024; 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 long with other departmental income to be used for the purposes of operating the department for the fiscal year ending June 30, 2024. This is a routine annual action. Further, this article authorizes the transfer of \$459,000 from the operating fund of the Light Plant to the General Fund and amount consistent with past years and designed to represent what a private utility would pay in property taxes.

APPROPRIATION FOR 250TH ANNIVERSARY CELEBRATION

ARTICLE 25. To determine whether the Town will vote to raise and appropriate, or transfer from available funds, a sum not to exceed \$600,000 to pay for expenses of the 250th Anniversary Celebration, commemorating the historic battles of Concord and Lexington, to be

expended under the direction of the Town Manager, in consultation with the Concord 2025 Executive Committee, or take any other action relative thereto.

The year 2025 will mark the 250th anniversary of the historic battles of Concord and Lexington and 2026 will mark the 250th anniversary of the signing of the Declaration of Independence. The 200th celebration in 1975 was a grand enterprise attended by President Gerald Ford, along with other local, national, and international dignitaries. To mark these significant anniversaries in 2025 and 2026, the Select Board established the Concord 2025 Executive Committee who has been hard at work coordinating Town events with our sister communities of Lincoln, Bedford, Lexington and Arlington (Battle Road 2025); Minuteman National Historical Park; Hanscom Air Force Base, the Massachusetts National Guard, local, state, regional, and federal agencies, as well as with musical, performing and historical re-enactment groups.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 26. To determine whether the Town will vote to appropriate the sum of \$1,839,680, or any other sum, from the Concord Community Preservation Fund, of which up to \$1,839,680 shall be appropriated from projected Fiscal Year 2024 Fund Reserves, in accordance with Mass. Gen. 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	Prior Year Fund	FY2024 CPA Fund Revenues	Total Amount Recommended
A	Town of Concord – Regional Housing Services Office	Community Housing		\$33,000	\$33,000
B	Concord Housing Development Corp. – Assabet River Bluff Housing Development	Community Housing		\$500,000	\$500,000
C	Town of Concord – Bruce Freeman Rail Trail	Open Space		\$25,000	\$50,000
		Recreation		\$25,000	
D	Town of Concord – Open Space and Recreation Plan Update	Open Space		\$47,725	\$95,450
		Recreation		\$47,725	
E	Town of Concord – Warner’s Pond Restoration Project	Open Space		\$275,000	\$550,000
		Recreation		\$275,000	
F	Town of Concord – Cemetery Restoration	Historic Preservation		\$340,000	\$340,000
G	Town of Concord – Civil War Soldier’s Monument	Historic Preservation		\$165,000	\$165,000
H	Town of Concord – Historic Preservation Plan	Historic Preservation		\$50,000	\$50,000

I	Town of Concord – Preservation of Historic Plans	Historic Preservation		\$16,230	\$16,230
J	Staff and Technical Support	Administration		\$40,000	\$40,000
				\$1,839,680	\$1,839,680

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 \$1,839,680 (with \$533,000 for Community Housing, \$347,725 for Open Space, \$347,725 for Recreation, \$571,230 for Historic Preservation, and \$40,000 for Administration). The estimated total available for appropriation at 2023 Annual Town Meeting is \$1,847,153. Therefore, \$7,473 will remain in CPC Undesignated Funds. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.

**COMMUNITY PRESERVATION ACT –
RESCIND AND REAPPROPRIATE FUNDS**

ARTICLE 27. To determine whether the Town will vote to rescind prior appropriations in the total amount of \$250,000 from the Community Preservation Fund, appropriated at the 2022 Annual Town Meeting for the Junction Village Open Space project, and to transfer that amount to the CPC Open Space Reserve Fund; or take any other action relative thereto.

This article proposes to rescind and transfer a total of \$250,000 in Community Preservation Act (CPA) funds that had previously been appropriated for Open Space (\$125,000) and Recreation (\$125,000) purposes in support of the Junction Village Assisted Living project in Warrant Article 26 from the May 1, 2022 Annual Town Meeting. One condition in the Memorandum of Understanding stated, “The CPA funding is contingent on final state approval of the Junction Village/Christopher Heights community housing project.” Because that project is no longer moving forward, the funds are available for transfer to reserve fund to be held for later appropriation. Pursuant to this Article, CPA funds will be transferred from the Junction Village Project to the Open Space Reserve Fund. Town Meeting may reduce or reject but may not increase this appropriation from the Community Preservation Fund.

**COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATION –
CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST**

ARTICLE 28. To determine whether the Town will vote to appropriate the sum of \$1,044,255.76, or any other sum, from the Community Preservation Act Community Housing Reserve Fund, in accordance with Mass. Gen. Laws c. 44B, to be expended under the direction of the Concord Municipal Affordable Housing Trust for the purpose of assisting with the development of affordable community housing; or take any other action relative thereto.

This article proposes to appropriate a total of \$1,044,255.76 from the Community Preservation Act Community Housing Reserve Fund. These funds are the same amount that had previously been appropriated for affordable housing purposes in support of the Junction Village Assisted Living project. Because that project is no longer moving forward, the funds are available for re-appropriation to assist with the development of affordable community housing. Town Meeting may reduce or reject but may not increase this appropriation from the Community Preservation Fund.

TRANSFER OF HOUSING FUNDS

ARTICLE 29. To determine whether the Town will vote to transfer the sum of \$1,000,000 appropriated under the 2017 Annual Town Meeting Warrant Article 30 for the Christopher Heights at Junction Village senior assisted living project to the Concord Municipal Affordable Housing Trust for the purpose of assisting with the development of affordable housing; or take any other action relative thereto.

This article seeks to transfer Free Cash previously appropriated in 2017 for the Christopher Heights at Junction Village senior assisted living project to the Concord Municipal Affordable Housing Trust (CMAHT) for affordable housing and community housing purposes. In the fall of 2022, the Town was notified by The Grantham Group, proposed developer of Christopher Heights, that the project would not be moving forward. As this funding has already been set aside for affordable housing, the request is being made to transfer it to CMAHT to be held for a future affordable housing project. If no action is taken on this article, the \$1,000,000 will remain in 30-ATM-2017 until such time as Town Meeting votes to transfer it to another article or to return it to Free Cash.

162 PLAINFIELD ROAD EASEMENT

ARTICLE 30. To determine whether the Town will vote to authorize the Select Board and Natural Resources Commission to grant or deed fee title, easements, or other property interests in or over land owned by the Town abutting 162 Plainfield Road, and acquired in connection with the Town's acquisition of White Pond, which land contains 258 square feet, more or less, and is shown as Parcel "B" on the plan of land prepared by Scott M. Cerrato dated November 14, 2022, on file with the Town Clerk, under such terms and conditions as the Select Board and Natural Resources Commission determine; or take any other action relative thereto.

When the Town acquired the White Pond property in 2018, the driveway on the property abutting the land, 162 Plainfield Road, encroached on the acquired property in an area amounting to 258 square feet. Since then, the owner of 162 Plainfield Road has approached the Town asserting that the property owner and its predecessors in interest had actually acquired that portion of the White Pond property by adverse possession from the White Pond Associates prior to the Town's acquisition of the land. To resolve the issue, the property owner has asked that the Select Board and Natural Resources Commission convey fee title or an easement to the 258 square foot area of encroachment. Such a conveyance requires Town Meeting approval.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES

ARTICLE 31. 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, 2024 for the operation of the Community Pool, in accordance with Mass. Gen. Laws c. 44, § 53F ½, to be expended under the direction of the Town Manager; or take any other action relative thereto.

The FY2024 budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance Committee on March 15, 2023.

DEMOLITION REVIEW GENERAL BYLAW

ARTICLE 32. To determine whether the Town will vote to amend Sections 3.4 and 3.6 of the **Demolition Review Bylaw** so that the following sections read as follows (*changes are shown in bold italics and strikethrough for emphasis only*), or take any action relative thereto:

Section 3. Procedure

3.4 If a building is found to Historically Significant and possibly Preferably Preserved, and following public notice as set forth below in section 3.7, the CHC shall hold a public hearing within **sixty (60)** ~~forty-five (45)~~ days of the submission date to determine whether the building or structure should be Preferably Preserved and therefore demolition delayed for up to one year. If the CHC by a majority vote finds that the proposed demolition would result in the loss of a historically significant building or structure which would be detrimental to the architectural or historical heritage of the Town of Concord, then the CHC shall find that the building or structure is Preferably Preserved.

3.6 Should the CHC fail to make any determination concerning preferable preservation within **sixty (60)** ~~forty-five (45)~~ days of the submission date of a Demolition Review Application, the Building Commissioner may grant a demolition permit for the subject building or structure.

The proposed Amendment will extend the length of time between receipt of a Demolition Review Application and the determination regarding preferable preservation at a Concord Historical Commission public hearing. This longer time frame is necessary in part because the Concord Historical Commission meets only once a month, and also because the new local newspaper, The Concord Bridge, has an earlier deadline for posting legal ads than the prior local newspaper.

ZONING BYLAW AMENDMENT **RESTAURANT -- PROHIBITED USES -- PARKING**

ARTICLE 33. To determine whether the Town will vote to amend Zoning Bylaw Section 4.5.4, Restaurant, and Section 4.7.1, Prohibited Uses, to remove the prohibition on fast-food restaurants, and amend Table IV, Minimum Parking, to add a parking requirement for a fast-food restaurant that lacks seating, so that the Zoning Bylaw reads as follows (*changes shown in bold italics and strikethrough for emphasis only*); or take any other action relative thereto:

4.5.4. Restaurant: Restaurant, cafeteria, lunchroom or similar establishment whose principal business is the sale of prepared foods or beverages and whose principal method of operation includes either (1) service by a restaurant employee to a table or counter where the food or beverage is consumed, ~~or~~ (2) a cafeteria-type operation where foods and beverages are consumed within the restaurant building, **or (3) a fast-food operation whose principal method of food service includes the sale of foods and beverages in paper or other disposable containers for consumption off-premises.** Provided, however, in the West Concord Business District a restaurant shall not occupy more than 5,000 square feet of gross floor area; and, provided further, in the West Concord Village District a restaurant shall not occupy more than 4,000 square feet of gross floor area, unless a special permit is granted to allow a larger restaurant in the West Concord Village District by up to thirty percent (30%), in which case a maximum of 4,800 square feet may be located on the ground/first floor. A special

permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger restaurant serves a public purpose or has a public benefit.

4.7.1 Prohibited uses: Salvage yard, junk yard, and all open-air storage of junk, waste products and salvage materials (including non-operable automobiles) are expressly prohibited in all zoning districts of the Town as are trailer without a valid registration, trailer used for habitation on the property, mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity are expressly prohibited in all zoning districts in the Town as are all uses not specifically permitted by this Bylaw.

Drive-in or **drive-through fast food** restaurants are expressly prohibited. A drive-in or **drive-through fast food** restaurant is defined as any establishment whose principal business is the sale of foods or beverages in a ready-to-consume state, for consumption within the building or off-premises, and whose principal method of operation includes: (1) sale of foods and beverages in paper, plastic or other disposable containers; or (2) **includes the** service of food and beverages directly to a customer in a motor vehicle.

TABLE IV MINIMUM PARKING

Principal Use	Required Spaces
BUSINESS USES:	
Restaurant	One (1) space per three (3) seats rated capacity (excluding seasonal outdoor seating) or one (1) space per three hundred (300) square feet of gross floor area, whichever is greater , plus one (1) space per employee on the largest shift.

In 1981, Town Meeting adopted a prohibition on drive-through and fast-food restaurants as a primary use. The explanation for this amendment in 1981 stated:

“As of now, Concord has no special restrictions pertaining to take-out businesses, although there are certain problems connected with such operations. For example, fast-food restaurants generate significantly more traffic than other types of commercial uses, creating congestion and safety hazards. Usually, fast-food operations are connected with franchisers who promote standardized, highly recognizable building and sign designs. These operations generate noise, smells, lights and litter and often attract loiterers. The primary intent of Article 44 is to prohibit such fast-food operations. Take-out operations would only be allowed as accessory uses (e.g., Brigham’s, Friendly’s, the deli counters at Star Market and Stop & Shop). Operations such as the Walden Sandwich Shop, Café Parasol and New London Style Pizza would no longer be allowed under the by-law although the existing businesses could continue as legally nonconforming uses. The primary intent of this article is to prohibit “attractive nuisances” such as national chain fast-food operations.”

A fast-food restaurant is defined as any establishment whose principal business is the sale of foods or beverages in a ready-to-consume state, for consumption within the building or off-premises, and whose principal method of operation includes the sale of foods and beverages in paper, plastic or other disposable containers. As noted in the 1981 Warrant Article explanation, this does not just mean a

national fast-food chain restaurant, but also small local restaurant owners, such as New London Style Pizza and Bedford Farm Ice Cream shop.

Many things have happened since 1981 that make the previous prohibition on fast-food restaurants unwarranted and a hindrance to the economic vitality of the Town's commercial centers:

- 1) In 1981, a drive-in was a term used for a restaurant where a person was able to get food in their vehicle. Now the term drive-in has evolved to include a fast-food restaurant where a person parks in the lot, orders, the food is brought to the vehicle and the person sits in the vehicle to eat. A drive-through is where a person drives up to the building, orders, picks up the food at a window and drives away. This warrant article proposes to continue to prohibit both types of service.
- 2) A number of American Planning Association studies have found that a fast-food restaurant does not generate more or less traffic than a sit-down restaurant. The traffic generated by a restaurant has to do more with the size of the restaurant, adequate parking and site circulation, and in particular, how the restaurant is run and people's desire to eat there. There is evidence that a drive-through creates parking and circulation issues that can significantly impact adjacent roadways. Drive-through and drive-in restaurants will still be prohibited.
- 3) Adoption of the Town's Polystyrene Prohibition in Food Service Wares Bylaw and education of the public on the significant issues associated with littering has mitigated many of the concerns with trash generated by Fast Food restaurants.
- 4) Introduction of Lighting Bylaw requirements as part of Site Plan Review, a requirement for dark-sky fixtures, and prohibition of light spillover onto adjacent properties mitigate other impacts of Fast-Food restaurants.
- 5) There has been no evidence that the existing fast-food restaurants in Concord attract loiterers or that a franchised fast-food restaurant creates more noise or smells than any other restaurant.

ZONING BYLAW AMENDMENT **MOBILE FOOD ESTABLISHMENT**

ARTICLE 34. To determine whether the Town will vote to amend the Zoning Bylaw to: 1) Add a new definition, Section 1.3.16: Mobile food establishment, and renumber subsequent sections; 2) Add a new Section 5.4.6: Mobile Food Establishment to allow mobile food trucks in all districts on a temporary basis; and 3) Amend Section 4.5.4 Restaurant to allow a mobile food establishment as an accessory use to a restaurant so that the Zoning Bylaw reads as follows (*changes shown in bold italics and strikethrough for emphasis only*); or take any other action relative thereto:

- 1) Add a new Section 1.3.16 as follows:

Section 1.3.16 Mobile food establishment: A food establishment permitted under the State's Retail Food Code, 105 CMR 590, that is operated from a movable or portable structure that can change location.

- 2) Add a new Section 5.4.6 as follows:

5.4.6 Mobile Food Establishment: In all districts, mobile food establishments are permitted on a temporary basis subject to the following requirements:

(a) A mobile food establishment may conduct business on private property, on municipal property when previously authorized by the Town Manager, or on public roadways when previously authorized by the Select Board.

(b) A mobile food establishment shall have all required permits and licenses from the Health Division and the Police Department, and any other permit or license required by law.

(c) A property may have mobile food establishments in operation thereon for a maximum of 52 days per calendar year.

(d) No more than two mobile food establishments shall be located on a property at the same time. The Board may permit additional mobile food establishments on a private property provided the Board finds that the desired relief may be granted without substantial detriment to the neighborhood and without jeopardizing public safety. The Select Board may permit additional mobile food establishments on municipal property.

(e) A mobile food establishment that is an accessory use to a restaurant and has a valid Base of Operation License from the Health Division shall be exempt from Section 5.4.6(c) and permitted to park on the property on which the restaurant is located.

(f) An ice cream mobile food establishment that only sells, displays, or offers ice cream or other pre-packaged frozen dessert products shall be exempt from Sections 5.4.6(a) and (c) and shall be permitted to travel public roads vending said products but shall not park for extended periods of time on a public road except to the extent otherwise permitted by law.

3) Amend Section 4.5.4 as follows:

4.5.4 Restaurant: Restaurant, cafeteria, lunchroom or similar establishment whose principal business is the sale of prepared foods or beverages and whose principal method of operation includes either (1) service by a restaurant employee to a table or counter where the food or beverage is consumed, or (2) a cafeteria-type operation where foods and beverages are consumed within the restaurant building. Provided, however, in the West Concord Business District a restaurant shall not occupy more than 5,000 square feet of gross floor area; and, provided further, in the West Concord Village District a restaurant shall not occupy more than 4,000 square feet of gross floor area, unless a special permit is granted to allow a larger restaurant in the West Concord Village District by up to thirty percent (30%), in which case a maximum of 4,800 square feet may be located on the ground/first floor. A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger restaurant serves a public purpose or has a public benefit. **A mobile food establishment permitted pursuant to Section 5.4.6 shall be considered an accessory use to a restaurant.**

Pursuant to Zoning Bylaw Section 3.1, any use that is not specifically permitted in the Zoning Bylaw is prohibited. There has been ambiguity regarding mobile food establishments operating in Concord because they have not been specifically addressed in the Zoning Bylaw. Many citizens have expressed a desire to have additional food service options, including mobile food establishments.

With input from the Public Health Director, the Police Department, and the Building Commissioner, this Zoning Bylaw amendment looks to remove ambiguity regarding mobile food establishments by formalizing an allowed temporary use that finds a balance between encouraging economic vitality, options for residents and visitors, but maintains public safety.

To operate in Concord, each mobile food establishment must have a separate permit from the Health Division for each mobile facility that is for a period of time that includes the date(s), location(s) and any restrictions on the operation.

There are certain functions and events in the community, such as the Holiday Tree Lighting Celebration (estimate of 5,000 people in attendance in 2022), West Concord Porchfest (estimate of 2,000 people in attendance in 2022), or the 2025 Revolution Celebration (estimate of 200,000 visitors between April and July), where allowing more than two mobile food establishments on a property by special permit or on a public road with Select Board authorization may be desired.

If an existing restaurant in Concord wishes to have a mobile food establishment as part of the business, under the State's Retail Food Code, the owner needs a Base of Operation License from the Health Division, and the Health Division needs to approve the use of the restaurant as a "Commissary" which allows things such as the daily cleaning of the mobile food establishment cookware and utensils in the restaurant and disposal of garbage and draining of the holding tank water. The amendment to Section 4.5.4 would allow a mobile food establishment as an accessory use to a restaurant, so that the Health Division can issue a Base of Operation License.

ZONING BYLAW AMENDMENT **COMBINED BUSINESS/RESIDENCE**

ARTICLE 35. To determine whether the Town will vote to delete Zoning Bylaw Section 4.2.3.2 and replace it with the following to amend the affordable housing requirements therein so that the Zoning Bylaw reads as follows (*changes shown in bold italics and strikethrough for emphasis only*); or take any other action relative thereto:

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;~~ ***For a development including fewer than five (5) dwelling units, a payment equal to at least 10% of the average market sales price for all market rate dwelling units in the subject development shall be made to the Concord Municipal Affordable Housing Trust or provide at least one affordable unit. For a development including between five (5) and ten (10) dwelling units, at least one of the dwelling units shall be available as an affordable housing unit at 80% area median income (AMI) or lower and shall be included on the Town's Subsidized Housing Inventory (SHI). For developments including more than ten (10) dwelling units: (1) 20% of the dwelling units shall be available as affordable housing units; (2) at least 50% of the affordable units shall be made available at 80% AMI (or lower) and included on the Town's SHI, and (3) the remaining affordable units shall be made available in an equal proportion to households with 100% and 120% AMI. If, based on the foregoing, a fraction of a unit above 0.5 is required, the unit requirement shall be rounded up to require an additional whole unit. If, based on the foregoing, a fraction of a unit below 0.5 is required, a payment equal to the average market sales price for all market rate dwelling units in the subject development may instead be made to the Concord Municipal Affordable Housing Trust in lieu of providing an additional affordable housing unit.***

A mix of diverse housing opportunities shall be provided, such that:

- (a) the mix of bedrooms in any affordable housing units (studio, one-bedroom, two-bedroom & three or more bedrooms) shall be the same as the mix of bedrooms in the market rate units in the development, and;*
- (b) there is a mix in the sales price or rental rates of the market rate units.*

This Zoning Bylaw amendment reduces the required affordable housing percentage for smaller combined business/residence projects but incorporates the ability for the Town to receive funds for the Concord Municipal Affordable Housing Trust (CMAHT) for fractional units below .5 and specifies a range of affordability, mix in the number of bedrooms and price for the market rate units. The CMAHT collects funds that the Town can use to build or buy down affordable housing units.

The reduction in the affordability percentage requirement for smaller projects is key. The Town cannot require property owners and builders to construct combined business/residence projects, and while meeting the State's 10% affordable housing mandate (M.G.L Chapter 40B) is important, creating a total number of affordable units (whether or not they qualify for inclusion in the Town's subsidized housing inventory) is more important. To promote affordable housing, the Town must balance zoning requirements with financial feasibility for developers. Small development projects have higher per-unit costs due to the lack of economies of scale. The practical effect of the 20% affordability requirement has been that projects with small numbers of housing units have not been built at all, or projects have been built without any housing.

Concord's 2022 Housing Production Plan shows a great need for small units at every price point, especially near Town centers, as well as all kinds of affordable housing. The proposed reduction in affordability percentage will promote the inclusion of housing units, both affordable and market-rate, in small commercial developments. It will also promote the creation of affordable units, whether directly or by collecting funds in the CMAHT.

CITIZEN PETITION: UPDATE CONCORD NOISE BYLAW

ARTICLE 36. That the Concord "Construction Noise Bylaw" shall be renamed Concord "Noise Bylaw" and Section 1 shall be replaced as follows:

Section 1. Noise. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose or the health and safety of others within the Town prior to 7:00 A.M. and after 8:00 P.M. on weekdays, prior to 9:00 A.M. and after 5:00 P.M. on Saturdays and anytime on Sundays and the following holidays: New Year's, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas. The Select Board may issue a special permit for any activity otherwise forbidden by the provisions of this bylaw or may amend this bylaw, including but not limited to exemptions or enforcement.

Except for construction noise, Concord is currently not limiting or prohibiting noise at any time or day of the week. Even construction noise is currently allowed any day of the week, including weekends and holidays. While surrounding towns have extensive noise bylaws, providing quiet days and hours for its citizens, Concord's citizens must live with unregulated noise in its neighborhoods.

Article 36 proposes to change Concord's current "Construction Noise Bylaw" to:

- a general noise bylaw
- reasonably limit hours and days for excessive noise
- establish Sundays and major holidays as quiet days

Existing exceptions for public safety, police, and emergency work stay in place. In addition, the proposed language provides a flexible mechanism for the town to issue permits, define additional exceptions, and amend the bylaw to address potentially needed clarifications.

CITIZEN PETITION: PROHIBITION OF GAS-POWERED LEAF BLOWERS

ARTICLE 37. That the following Section be added to the Concord Noise Bylaw:

Section [X]. Landscaping Equipment. The use of gas-powered hand-held leaf blowers is only allowed in the periods of March 15 to May 31 and September 15 to December 30 and is prohibited at all other times. Effective March 15, 2025, the use of gas-powered hand-held leaf blowers by commercial landscapers shall be prohibited. Effective March 15, 2026, the use of gas-powered hand-held leaf blowers by residents on their own property shall be prohibited.

Gas-powered handheld leaf blowers are one of the noisiest landscape equipment used. With some models producing noise levels of 95 dB or more, their acoustic pressure is 1,000 times higher than electric leaf blowers operating at 65 dB. Consequently, noise from gas-powered leaf blowers travels through walls and windows easily and carries farther distances causing high in-door noise levels and affecting more neighbors.

In addition, the gas engines used by leaf blowers are highly inefficient. About 30 percent of the fuel the engine uses fails to undergo complete combustion; as a result, the engine emits a high amount of unhealthy carbon monoxide, nitrous oxides, and hydrocarbons. Besides the negative impact on the environment and neighborhoods from noise and pollution, health impacts for workers operating gas-powered leaf blowers are significant, leading to respiratory issues and hearing loss.

Today electric hand-held leaf blowers can produce an equivalent blowing power to gas-powered blowers at much lower noise levels and zero local emission. Taking advantage of these technological improvements, more than 100 towns nationwide and one state have already issued limitations and prohibitions on leaf blowers.

Article 37 proposes to mirror the existing rules of neighboring towns. In a first step, the use of gas-powered hand-held leaf blowers will be limited to spring and fall, followed by implementing a prohibition in two stages until 2026.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 38. To determine whether the Town will authorize expenditure without further appropriation of 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, 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 from fiscal year ending June 30, 2024 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.

SEWER SYSTEM EXPENDITURES

ARTICLE 39. To determine whether the Town will authorize the expenditure without further appropriation of 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, 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 fiscal year 2024 revenue for the operation and maintenance and improvement to the Town's sewer system. The Sewer Fund is an enterprise fund similar to the Town's Water and Light Plant Funds. 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.

SEWER IMPROVEMENT FUND EXPENDITURES

ARTICLE 40. To determine whether the Town will authorize the expenditure without further appropriation of the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, 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 fiscal year 2024 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.

WATER SYSTEM EXPENDITURES

ARTICLE 41. To determine whether the Town authorize the expenditure without further appropriation of 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, 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, the article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2024 revenue for the operation and maintenance and improvement of the Ton'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.

AUTHORIZE EXPENDITURE FROM PEG ACCESS & CABLE RELATED FUND

ARTICLE 42. To determine whether the Town will appropriate the amount required for the total expenses of the PEG Access and Cable-Related Fund, to be expended during the fiscal year ending June 30, 2024 under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the Town’s license agreement with Comcast; or take any other action relative thereto.

The FY2024 budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance Committee on March 15, 2023.

ANNUAL APPROPRIATION OF PARKING METER RECEIPTS

ARTICLE 43. To determine whether the Town will vote to appropriate the sum of \$400,000 from Parking Meter Receipts to fund expenses related to parking enforcement or public transportation initiatives for the fiscal year ending June 30, 2024, or take any other action relative thereto.

This article authorizes the Town Manager to use parking meter receipts to fund any and all expenses related to parking enforcement and/ or public transportation initiatives arising in FY2024.

AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER MASS.GEN.LAWS 44 § 53 E1/2

ARTICLE 44. To determine whether the Town will vote to authorize the total expenditures for the following revolving funds pursuant to Mass. Gen. Laws c. 44, § 53E ½ for the fiscal year ending June 30, 2024, to be expended in accordance with the Town’s Revolving Fund Bylaw, or take any other action relative thereto.

Revolving Fund	Annual Spending Limit
Regional Housing Services	\$ 375,000
Road Repair	\$ 120,000
Senior Services	\$ 50,000
Tree Preservation	\$ 50,000
Visitor's Center & Tourism	\$ 70,000

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.

UNPAID BILLS

ARTICLE 45. 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.

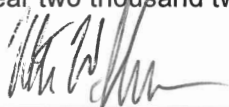
If there are unpaid bills of a prior fiscal year, State Law requires that such bills be presented to the Town Meeting. No unpaid bills are anticipated.

DEBT RESCISSION


ARTICLE 46. 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 needed, this action would authorize the rescission of debt authorizations made in prior years that are no longer needed. Any borrowing authorizations identified as no longer necessary will be presented to Town Meeting.


Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 26 day of January in the year two thousand twenty-three.



Matthew Johnson, Chair



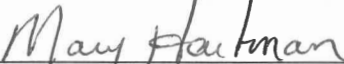
Terri Ackerman, Clerk



Henry Dane



Linda Escobedo




Mary Hartman

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord January 26, 2023
Date

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed.



Constable of Concord

GET INVOLVED!
FILL OUT YOUR VOLUNTEER CARD TODAY

The Town of Concord depends upon the immense talent pool of our residents and we are always seeking interested townspeople to serve on boards and committees, and also to carry out short-term projects. If you are willing to serve your Town on a voluntary basis and desire to participate in shaping the Town's future, please indicate your interest by filling out a "Volunteer Card." Volunteer cards are short forms for listing your areas of interest and any skills relevant to committee or project participation. Copies of the form are available at the Town House, or on our website <https://concordma.gov/1125/Volunteer>.

You will find the Town Report useful for information on specific activities and responsibilities of the various boards and committees. For further information or to discuss your participation in town government in more detail, please feel free to talk with any member of the Select Board.

For a list of committees please contact the Town Manager's Office at (978) 318-3000.

NEED A HELPING HAND?
We want to make town meeting accessible to you!



Do you need a ride to the meeting? Concord's Council on Aging will provide Seniors pick up and drop off service during Town Meeting. Call ahead and reserve a seat. Please call (978) 318-3020 to book your ride.

Do you need accessible seating or a headset for better listening? Headsets will be available from the tellers at check in but please let us know if you have other accessibility concerns by calling the Town Manager's Office at 978-318-3000 and let us know what services you might need.

Do you want to follow Town Meeting from home? Town Meeting proceedings are broadcast live by MMN on cable through channel 9 and on WIQH Radio 88.3 FM.

The Town of Concord is an equal opportunity provider.

TOWN MEETING

Sunday, April 30, 2023

1:00 PM

**Concord-Carlisle Regional High School
500 Walden Street**

The deadline for unregistered residents to register to vote at the Annual Town Meeting is April 20, 2023.



Town Meeting can be viewed LIVE on TV through Minuteman Media Network (MMN) on the Government Channel, channel 9.

You can also watch online by visiting minuteman.media or concordma.gov

Follow the proceedings through social media!

@TownofConcordMA

