

**TOWN OF CONCORD
SELECT BOARD
MARCH 9, 2020
MINUTES**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in the Select Board Room of the Town House on March 9, 2020 at 5:30PM.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, Jane Hotchkiss, and Susan Bates. Also present was Stephen Crane, Town Manager.

Call to Order

Select Board Chair Michael Lawson called the meeting to order at 5:30pm.

Consent Agenda:

- Town Accountant Warrants
- Minutes to approve: January 27, 2020; February 27, 2020; October 15, 2019 Executive Session (not to be released); February 10, 2020 Executive Session (not to be released); February 24, 2020 Executive Session (not to be released); November 14, 2016 Executive Session (to be released); January 9, 2017 Executive Session (not to be released); July 17, 2017 Executive Session (not to be released); February 5, 2018 Executive Session (to be released); February 9, 2018 Executive Session #1 (to be released); February 9, 2018 Executive Session #2 (to be released); March 26, 2018 Executive Session #1 (to be released); March 26, 2018 Executive Session #2 (to be released)
- One Day Special Licenses
- Concord Museum 53 Cambridge Turnpike 3/14/20 7:30-10:00pm Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 3/17/20 6:30-9:30pm
Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 3/18/20 5:00-11:00pm
Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 3/25/20 6:30-11:00pm
Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 4/3/20 7:00-10:30pm
Wines & Malt Beverages Only

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- Concord Film Project 40 Stow Street 4/21/20 6:30-9:30pm
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- Concord Film Project 40 Stow Street 4/24/20 7:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 4/25/20 7:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 4/26/20 2:00-6:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 4/30/20 6:30-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/1/20 7:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/2/20 7:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/3/20 2:00-6:00pm
& Malt Beverages Only
- Concord Film Project 40 Stow Street 5/7/20 6:30-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/8/20 7:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/9/20 7:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/10/20 2:00-6:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/12/20 6:30-9:30pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/14/20 6:30-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/15/20 7:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 5/16/20 7:00-11:00pm
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- Concord Film Project 40 Stow Street 5/29/20 6:00-11:00pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 6/16/20 6:30-9:30pm
 Wines & Malt Beverages Only
- Concord Film Project 40 Stow Street 6/19/20 6:30-11:00pm
 Wines & Malt Beverages Only
- Pappas & Pappas 40 Westford Rd 4/9/20 4:00-10:00pm
 Wines & Malt Beverages Only
- Concord Country Club 246 Old Rd to Nine Acre Corner 5/2/20 5:00-
11:00pm All Alcoholic Beverages

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda.

Town Manager's Report

Town Manager Stephen Crane noted that Town departments are actively monitoring the COVID-19 issue and consistently receiving guidance and information from the Department of Public Health and the CDC. If residents have questions about this, they should reach out to the Town Manager or Health Director Susan Rask. The Town is trying to determine actions to take as an employer to mitigate exposure to employees, and also as a service provider to the community and how we get residents the information we need. Mr. Crane noted that the Town website will be populated with information as it becomes available.

Chair's Remarks

Chair Michael Lawson noted that the first Finance Committee Public Hearing meeting will be taking place after this meeting adjourns. The next two Finance Committee Public Hearings will be on March 16, and March 23.

After consulting with the Town Moderator, the Town will not be using electronic voting during Town Meeting due to COVID-19 concerns. The Town Moderator has put together an Emergency Protocol in case Town Meeting needs to be postponed due to COVID-19.

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A Select Board discussion of the TIF warrant article along, with the normal review of all warrant articles, will be included on the March 23 agenda.

Sadly, an announcement was also made recognizing the passing of Phil Benincasa, who served as Principal of Alcott School for many years, Interim School Superintendent, and as a former Selectmen.

APP 10 Announcement

Mr. Lawson noted that there are some questions from committee members about when committee terms end. Ms. Ackerman stated that as long as we have Town meeting in April, committee terms, unless otherwise prescribed by statute, will end immediately following Town Meeting at the end of April.

Capital Planning Task Force – Extension of Charge

The Capital Planning Task Force would like their term extended in order to conduct their business through Town Meeting. Additionally, the Task Force has a public hearing on March 18 in the Town House.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to extend the terms of the members of the Capital Planning Task Force until June 15, 2020.

Nomination of Financial Audit Advisory Committee representative

Mr. Lawson explained that he is currently the Select Board representative on the Financial Audit Advisory Committee, and his term is coming to a close soon. Therefore, the Select Board needs to choose a new representative.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to nominate Linda Escobedo as the Chair of the Financial Audit Advisory Committee.

Discussion of Affordable Housing Home Rule Petitions – Charles Phillips and Frank Feely

There are currently two home rule petitions in the Massachusetts Legislature related to affordable housing that were approved at the April 2019 Town Meeting.

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The purpose of these petitions is to provide a continuous revenue stream for affordable housing.

One of the petitions would add fees to building permits, which would then be allocated to a fund for affordable housing. The petition is currently being debated in the Massachusetts Senate. Mr. Phillips noted that the building permit fee has been utilized in California. Mr. Phillips stated that in Concord, building is occurring mostly as larger houses are replacing smaller ones, and that is driving up housing costs, in conjunction with other factors. Mr. Phillips noted there are 14,000 people more or less who work in Concord and many of them cannot afford to live in town but might like to, and this petition would help increase the amount of workforce housing in the community.

The other petition would be to assess a real estate transfer tax on the sale of real estate, which would then be allocated to an affordable housing fund. Mr. Feely wondered what the plan to move forward with a second Town Meeting vote would be if this passes the legislature. Mr. Lawson stated that the issue for the transfer tax is whether or not they act on Concord's home rule petition, or if it is going to become statewide legislation. Mr. Lawson noted that the Planning Department will put together a fee schedule for both the local building permit and real estate surcharge if both home-rule petitions are passed by the legislature and as we move forward and have it prepared for Town Meeting.

6:05 Public Hearing: Review Application by Suburban Propane for the Storage of Inflammable Fluids at 1400 Lowell Road (Middlesex School)

Upon a motion duly made and seconded, it was UNANIMOUSLY
Voted: to open the public hearing

Tim McGinn of Suburban Propane explained that the Middlesex School's new faculty housing units on the main campus required two 1000-gallon propane tanks. The application with details of the project is attached to the meeting materials on the Town website. The Board noted that since this isn't new construction, the article pending before 2020 Town Meeting banning fossil fuel usage at new construction would not prohibit this from moving forward. Mr. McGinn noted that there is crash protection in the form of boulders surrounding the above ground tanks.

Mr. Lawson asked if there were any public comments. Resident Alex Wang expressed concern that Middlesex School was seeking propane instead of natural gas. Mr. McGinn stated that as the utility provider for the project, he couldn't speak to the decision-making process of Middlesex School. Ms. Ackerman expressed concern that there wasn't a representative from Middlesex School in attendance. Supporting materials for agenda items are available online at www.concordma.gov/sbmtgdocs. Materials are uploaded on the Friday before a Select Board meeting.

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Upon a motion duly made and seconded, it was UNANIMOUSLY

Voted: To approve the application by Suburban Propane for the Storage of inflammable Fluids at 1400 Lowell Road (Middlesex School), and to authorize the Chair to write to Middlesex School about the concern on the time of completion, submission of the application, and lack of representation at the meeting.

Amend the Middle School Building Committee membership

Ms. Bates noted there is no builder or general contractor in the Middle School Building Committee Charge, and would increase the number of members from 17 to 18.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to accept the amendment to the Middle School Building Charge

Review Transportation Advisory Committee Draft Charge

Ms. Hotchkiss stated that with Spring on the way, resident interest has peaked on this topic and the Select Board should move forward in approving this committee charge as soon as possible. The committee will be appointed by the Town Manager, but will report regular updates to the Select Board. The committee will include a public safety representative, public works representative, and a flex slot for another member of the Town Staff Traffic Management Group. The committee charge is attached in the meeting materials.

Diane Proctor of 57 Sudbury Road stated it may make more sense for the Select Board to nominate residents. Mr. Lawson noted that the Select Board will be reviewing and approving the Town Manager's appointments on the committee.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to accept the Transportation Advisory Charge as amended.

Review Concord 250 Committee Draft Charge

Mr. Lawson noted he has yet to receive feedback on this item, but the Select Board does need to get this put together along sometime soon.

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Town Counsel Bylaw Directive

Mr. Lawson stated that there is an article on the warrant that raises concern about the Town's compliance with the Town Counsel Bylaw. Mr. Lawson would like the Select Board to direct the Town Manager to review the bylaw and then return to the Select Board with recommendations for changes to the bylaw or changes to make to the Select Board's actions in order to be in compliance.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to direct the Town Manager to review the Town Counsel Bylaw for compliance and report to the Select Board any changes that need to be made if we are not compliant.

Committee Liaison Reports

Susan Bates: The Conservation Stewardship Restriction Committee is looking for a member. The Trail's Committee and the Cemetery Committee are working together on ensuring that there are appropriate recreational uses at the cemeteries relating to bicyclists. The Economic Vitality Committee is putting together a process for how to assess Town needs and address them. Ms. Bates noted that Bedford will be continuing their bike trail up to the Concord line

Linda Escobedo: Lexington has developed an integrated building design policy, incorporating a similar fossil fuel use exclusion that Concord will be reviewing at Town Meeting. Lexington did note that the Attorney General's Office did not review this yet, and may wait to proceed until the AG makes their ruling on Brookline's similar policy. The Housing Authority is seeking a new Director.

Jane Hotchkiss: the White Pond Advisory Board is recommending that the fields along Plainfield Road now under Town ownership be maintained as passive meadows due to their historical uses, and the migration of pesticides into the pond. The Climate Action Advisory Board is determining their position on Article 30, Article 31, Article 34, Article 40, and Article 44 for Town Meeting. The committee is waiting to see the Select Board's position on Article 30, and Article 31. They are taking the position of supporting Article 44. The Natural Resource Commission reviewed DEP File #137-1517 after-the-fact removal of trees and earthwork disturbance associated with the construction of an irrigation pond within the 200-foot Riverfront Area of Jennie Dugan Brook. Abutters also attended with legal counsel.

Terri Ackerman: the Council on Aging is seeking volunteers to be navigators for older adults and help them obtain the information they need to manage their health and improve their quality of life. The Bruce Freeman Rail Trail is looking for

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members. Phase 2C of the Bruce Freeman Rail Trail is being nominated for the American Public Works Association's Small Cities and Rural Communities 2020 Project of the Year award.

Michael Lawson: the Town is negotiating with the Library Corporation and will have a public hearing on this issue on a future meeting.

Public Comments

There were no public comments.

Adjourn to Finance Committee Public Hearing at 7:00pm

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to adjourn to the Finance Committee Public Hearing

Meeting Documents: <https://concordma.gov/DocumentCenter/View/24237/March-9-2020-Packet>

Minuteman Media Network Coverage:
https://www.youtube.com/watch?v=Ykwee0r_v2c

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