

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 19, 2020**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a video conference call on March 19, 2020 at 4:00pm.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, Jane Hotchkiss, and Susan Bates. Also present was Stephen Crane, Town Manager; Mina Makarious, Town Counsel; Christina Marshall, of Anderson & Kreiger LLP; and Carmin Reiss, Town Moderator.

1. Call to Order

Select Board Chair Michael Lawson called the meeting to order at 4:00pm.

2. Declaring a State of Emergency

Town Manager Stephen Crane pointed out that a Local State of Emergency does not preempt the declarations from the state and federal government. Several surrounding communities have declared a state of emergency. Mr. Crane noted that at the moment, declaring a state of emergency does not do much, but moving forward given the changing nature of the situation, it may provide the Town with additional flexibility in taking necessary action. The declaration will stay in effect until further notice. Mr. Crane noted that gatherings of larger than 10 people are currently prohibited, per the Governor's Order, with exception of certain essential services. Mr. Crane thanked resident Curt Schwartz, who previously worked for the Massachusetts Emergency Management Agency, and was instrumental in preparing the declaration.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the declaration of emergency as provided and to have the declaration posted on the Town website following it's adoption

Roll call vote

Susan Bates: Aye
Linda Escobedo: Aye
Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye

3. Discussion of the Town Meeting Protocol

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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Town Moderator Carmin Reiss stated that Town Counsel pointed out that having a written protocol for communication and posting in the event that the Town needs to use the provisions of Section 10A Chapter 39 of Massachusetts General Law to postpone Town Meeting. This protocol defines what the Town Moderator will communicate with public safety officials and the Select Board, what will be in the declaration to postpone Town Meeting, and how that will be communicated with residents. Ms. Reiss stated that she believes that a public health emergency qualifies as a public safety emergency, as is described in Section 10A Chapter 39 of Massachusetts General Law, which would give the Town the authority to postpone Town Meeting due to COVID-19 under this section of MGL.

The legislation as it is currently written does not allow for Town Meeting to be postponed for any more than 30 days at a time. Ms. Reiss notes that the Town will likely need to postpone Town Meeting further than that due to public health concerns, and will need to do so in a manner that is allowable under the legislation, and that also allows the Town staff adequate time and advance to prepare to execute Town Meeting. Town Counsel Mina Makarious stated that he does not see any reason that the Town could not postpone Town Meeting 30 days out more than once if necessary, in accordance with the legislation. The legislation requires that a date, time, and place is listed for the new Town Meeting. Town Counsel advises that although the Town likely will have to postpone Town Meeting 30 days out not knowing if it will be able to actually happen then, there should be additional notice that the Town fully expects that there will need to be additional postponement.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to adopt the Town Meeting Weather and Public Safety Emergency Protocol as presented and amended by the Town Moderator

Roll call vote

Susan Bates: Aye
Linda Escobedo: Aye
Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye

4. Postponement of Town Election

Select Board Chair Michael Lawson stated that there are one of three approaches to postponing the Town Election: an act of the Massachusetts Legislature, a bill that is submitted by the Governor, or a town petitioning the General Court to postpone the Town Election. The election is scheduled for March 30. Town Counsel has prepared

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a letter for the legislature about local elections, and prepared a document to submit to the courts giving the Town the right to postpone the election.

Town Counsel stated that there is a bill in the legislature at the moment that would allow municipalities to postpone local elections, and they are hoping for it to be on the Governor's desk by March 23. Christina Marshall of Anderson & Kreiger noted they have an order prepared to be send to the courts in case it is necessary, and noted that other communities in Massachusetts have been successful in getting an order for postponement approved by the courts.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the verified complaint for injunctive relief to the Superior Court, and authorize Town Counsel to file this complaint if necessary.

Roll call vote

Susan Bates: Aye
Linda Escobedo: Aye
Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye

5. Formally cancel the Patriot's Day Parade, the Meriam Corner Event, the Dawn Salute, the Honored Citizens Event, and the Ceremony at the Old North Bridge

Town Manager Stephen Crane noted that the stakeholders for these events have formally canceled them at this time, and that the Select Board taking this action as well would put them in alignment with the other event partners and would help notify the community that these events are cancelled.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to formally cancel Patriot's Day events, including the Patriot's Day Parade, the Meriam Corner Event, the Dawn Salute, the Ceremony at the Old North Bridge, and the Honored Citizens Event.

Roll call vote

Susan Bates: Aye
Linda Escobedo: Aye
Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye

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6. Adjourn

Motion made and seconded, with a unanimous vote to **adjourn**.

Respectfully Submitted,

Linda Escobedo, Clerk

Meeting Documents:

<https://concordma.gov/DocumentCenter/View/24321/31920-Packet>

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=mJJsG4fwigw>