

**Select Board
May 3 2021
Minutes**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference on May 3, 2021 at 4:00pm.

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

Call to Order

Roll call

Roll call vote

Ms. Escobedo: Present

Ms. Bates: Present

Ms. Ackerman: Present

Ms. Hotchkiss: Not Present (Joined at 4:01pm)

Mr. Johnson: Present

Consent Agenda

- Town Accountant Warrants: April 29, 2021
- Minutes to approve: March 29, 2021
- One Day Special Liquor Licenses:
 - o Gaining Ground Inc 341 Virginia Road 6/13/2021 5:00pm-7:00pm All Alcoholic Beverages

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

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Town Manager's Report

Town Counsel is working with Town staff to prepare draft policies regarding the deployment of 5G networks in Concord. These policies are based, in part, on similar policies that have been drafted for some other area communities. After staff review, the draft policies will be presented to the Select Board at an upcoming meeting.

Office 365 Email migrations began in earnest this week. Twenty accounts have been migrated as a pilot this week, focusing on the Light Plant, Engineering and Town Manager's office. The goal is to complete about 50 next week.

The Town of Concord has partnered with Cloudflare to secure DNS and provide additional security for internet services and websites. DNS is the service that tells devices specifically where to go (which IP

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address) when they have a hostname, like www.concordma.gov. Previously DNS was not directly managed by staff and lacked multiple layers of redundancy. Through the Athenian project, the Town receives this service, which costs about \$5,000 per year, at no cost. The Athenian Project popped up a few years ago and was intended to help municipalities, counties and states help secure election infrastructure that could be susceptible to interference. The concern was that by taking down official election websites, the public could be more easily misinformed about things like polling places, regulations and results.

The 2021 Roadway Improvements Project is primarily for the reconstruction of 1.3 miles of streets in the Peter Spring Rd neighborhood that underwent a water main replacement last year and includes milling and filling of certain sections of roads that need immediate repairs. Five bids were received with costs ranging from \$648,000 to \$974,000. The low bidder, Newport Construction of Nashua, NH that also has the 2020 Roads Project is expected to be awarded the 2021 contract. The engineer's cost estimate was approximately \$1.2 million and these favorable bid results make available additional funding needed for the Complete Streets projects – Hubbard St, Commonwealth Ave and Sudbury Rd crosswalk and the Stowe St municipal parking lot repairs. Remaining funds will potentially allow the adding back of a few streets initially scheduled for 2021 but were cut due to a funding shortage.

The spring water main flushing program has been scheduled to take place the weeks of April 26th and May 3rd. Outreach preparation is underway, and residents have been notified of the schedule and targeted areas to be flushed on the Town's website, in the Concord Journal, and via News & Notice. The northwestern and western portions of Town, as well as the water main in Acton, will be targeted in this flushing program, which will include neighborhoods in the Elm St., Lowell Rd., Barrett's Mill Rd., Baker Ave., Harrington Ave., and Main St. areas.

Chair's Remarks

Ms. Escobedo reported that the Route 2 culvert repair and installation was completed during the prior two weekends.

There is an additional Finance Committee public hearing on May 6 at 7:00pm.

Public Hearing: Grant of Location Petition by National Grid to relay approximately 250 feet of 2-inch Coated Steel gas main with 250 feet of 2-inch Plastic in Warner Street from Pond Street to end

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

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

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Mary Mulronee of National Grid attended the public hearing. Ms. Mulronee stated that National Grid is submitting this application to ensure that the leak prone pipes are repaired simultaneously while the Town is working on the road improvements. Public Works Engineer Steven Dookran attended on behalf of the Town. Mr. Dookran reported that the proposed repairs are consistent with what they expect of National Grid.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to close the public hearing.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the Grant of Location Petition by National Grid to relay approximately 250 feet of 2-inch Coated Steel gas main with 250 feet of 2-inch Plastic in Warner Street from Pond Street to end with the conditions as outlined by the memo from Concord Public Works dated April 22, 2021.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

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Initial Discussion of ATM Warrant Articles Discussed at the April 27 and 29 Public Hearings

The Select Board took positions on 2021 Annual Town Meeting warrant articles as listed in the chart below:

#	Article Name	Sponsor	SB Recommendation	Vote
4.	Finance Committee Guideline Publication	Finance Committee	Affirmative	Unanimous
5.	Ratify Personnel Board Classification Actions	Personnel Board	Affirmative	Unanimous
6.	Classification & Compensation Plan for Regular-Status Positions	Personnel Board	Affirmative	Unanimous
7.	Personnel Bylaw Amendment	Personnel Board	Deferred	No Vote
8.	Use of Free Cash	Finance Committee	Affirmative	Unanimous
9.	FY21 Budget Line Item Adjustments	Chief Financial Officer	Affirmative	Unanimous
10.	FY22 Town Budget	Town Manager	Affirmative	Unanimous
11.	OPEB Trust Fund Appropriation	Chief Financial Officer	Affirmative	Unanimous
12.	OPEB Trust Fund Expense	Chief Financial Officer	Affirmative	Unanimous
13.	Capital Improvement and Debt Plan	Deputy Town Manager	Affirmative	Unanimous
14.	Authorize Expenditure of Revolving Funds Under Mass. Gen. Laws c. 44, § 53E½	Chief Financial Officer	Affirmative	Unanimous
15.	Establishment of Parking Meter Fund and Repeal of the Parking Meter Revolving Fund Bylaw	Chief Financial Officer	Affirmative	Unanimous
16.	Annual Appropriation of Parking Meter Receipts	Chief Financial Officer	Affirmative	4 Aye 1 Nay
17.	Appropriate Funds for Affordable Housing Development	Select Board	Affirmative	Unanimous

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31.	Home Rule Legislation And Bylaw Amendment Regulation of Fossil Fuel Infrastructure	Select Board	Affirmative	Unanimous
33.	Demolition Review Bylaw Amendment	Historical Commission	Affirmative	Unanimous
40.	By Petition: Neonicotinoids Prohibition on New Leases of Town Land	Mark Hanson	Affirmative	3 Aye 2 Nay
41.	By Petition: Fiber/Broadband Study Committee	Gail Hire	No Action	Unanimous

Assign Select Board Narratives on Warrant Articles

The Select Board will be determining who will write their narrative positions for each warrant article in the upcoming meetings.

#	Article Title	Narrative Author
17.	Appropriate Funds for Affordable Housing Development	Mr. Johnson
31.	Home Rule Legislation And Bylaw Amendment Regulation of Fossil Fuel Infrastructure	Ms. Hotchkiss
33.	Demolition Review Bylaw Amendment	Ms. Bates
40.	By Petition: Neonicotinoids Prohibition on New Leases of Town Land	Ms. Escobedo
41.	By Petition: Fiber/Broadband Study Committee	Ms. Ackerman

Update on Middle School Building Discussion

Superintendent Dr. Hunter and Middle School Building Committee co-chairs Pat Nelson and Dawn Guariello attended the meeting.

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At the meeting held on April 15, the Concord Middle School Building Committee (CMSBC) voted to adopt a project delivery method known as Design-Bid-Build for the new middle school building. The vote followed several meetings of dialogue amongst the Committee to determine the best approach for this proposed project and site conditions.

The professionals from Hill International, the owner's project manager, and SMMA, the project architect, both recommended the Design-Bid-Build as the most appropriate approach for the Committee to undertake for this project. Key factors for their recommendations included that the proposed project is straight-forward compared to other projects that would fully realize the value adds of contractor involvement during the design phase and the site logistics are not complicated so construction operations will be easily separated from school operations.

In general, capital projects such as a school building include phases such as planning, design, and construction. With the approach referred to as design-bid-build, the phases run sequentially with a completed design being sent to bid followed by the selection of a contractor based on the public bidding guidelines. Under CM at-risk approach, a general contracting firm is selected early in the design phase and is involved as the design progresses. At an appropriate moment in that process, the municipality and the CM at-risk firm negotiate a guaranteed maximum price (GMP) for the project. CM at-risk is more expensive at the front end of the project with the potential of costs being saved in later phases of the project. Each approach has advantages and challenges and members of the Committee discussed how these related to the specifics of the CMS project, budget, and schedule prior to taking a vote to move forward with design-bid-build.

Total Project Cost and Impervious Surface Caps Approved; Gym and Auditorium Sizes to be Studied

The CMSBC voted to approve a not-to-exceed total project budget of \$108 million as well as a not-to-exceed 15% of impervious surface coverage on the project site. As part of approved motion, the Committee agreed to examine potential increases in the size of the gymnasium and auditorium that would fit within the budget (at or below \$108 million) and impervious surface (15%) caps for the project.

The budget cap level is based on the presentation of the warrant at the 2019 Town Meeting and subsequent approval while the 15% lot coverage is consistent with sustainability goals for the project and Town of Concord.

Currently, the approved space program meets the educational plan and includes a 7,000 square foot gymnasium that supports one MIAA regulation basketball court with 150 bleacher seats, two teaching stations and one alternative teaching station. It could also be divided to support two 55' by 39' cross courts for practices. The space program contains a 270-person auditorium which is currently sized to accommodate one grade level and staff. As part of their community engagement process, the Committee has heard significant feedback from residents seeking to expand both the gym and auditorium.

Concord Middle School Building Committee Contact Information

Interested individuals can find all relevant materials regarding the Concord Middle School Building Committee including meeting dates, agendas and minutes as well as reports that led to the Town Meeting Warrant Article at www.concordps.org/cms-building-project. For questions and comments, individuals can email the Committee at msbc@concordps.org or utilize the form on the aforementioned

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web page, <https://www.concordps.org/cms-building-project/email-the-cms-building-committee/>.

Select Board members broadly supported planning for a building that meets the educational needs and expectation of the community, and if possible want to limit the projected cost to not exceed \$100,000,000. The Select Board is encouraging the Middle School Building Committee to explore alternative methods of funding, particularly if they want the total project cost to exceed \$100,000,000.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the chair to draft a letter to the Middle School Building Committee affirming our support of excellence in education in the middle school to the extent possible keeping the budget at \$100,000,000 million, and to have the School Committee, the Select Board, and the School Building Committee collaborate on alternate funding mechanisms for the project.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Committee Nominations

There were no committee nominations.

Committee Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED to appoint Jennifer Hurley-Wales of 66 Old Marlboro Road to the West Concord Junction Cultural District Committee for a term to expire on April 30, 2024. Karlen Reed of 83 Whits End Road to the PEG Access Advisory Committee for a term to expire on April 30, 2024. Town Manager Stephen Crane, Keith Bergman of 56 White Avenue, and Michael Lawson of 1695 Lowell Road to the Concord Municipal Affordable Housing Trust for terms to expire April 30, 2023. Anne Fortier of 150 Old Pickard Road to the Board of Registrars for a term to expire on April 30, 2024.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

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Committee Liaison Reports

Ms. Bates attended the Trails Committee, where they continued reviewing the condition of trails in the community. They are also discussing making 8.5x11 trail maps to distribute, and the possibility of connecting the Thoreau Farm and Battle Road Trails. Conservation Restriction Stewardship Committee received clarification from the Assistant Attorney General regarding Open Meeting Law as it related to their site visits.

Ms. Ackerman attended the Capital Planning Task Force, where they are in the process of writing their draft report. The Capital Planning Task Force is expecting to have a final report in front of the Select Board in June.

Mr. Johnson attended the Housing Authority Board, where they reopened the Executive Director hiring process. The Housing Authority Board authorized the chair to negotiate a contract with one of the finalists, Jennifer Polito.

Ms. Hotchkiss attended the Climate Action Advisory Board, where they discussed Article 31, and home energy scorecard programs intended to improve the energy efficiency of residential buildings. There was also a discussion of priority actions to improve energy efficiency in the commercial building sector as outlined in [Sustainable Concord](#).

Ms. Escobedo attended the Middle School Building Committee-School Committee joint meeting, where they discussed funding mechanisms for the projected budget for the middle school project.

Miscellaneous Correspondence

Correspondence was included in the [meeting materials](#).

Public Comments

John Hickling of 111 Monument Street commended the board on the discussion of the middle school project. Mr. Hickling commented that in order to achieve the needs of the new middle school building project, the monetization of the Peabody School should be a priority.

Dianne Proctor of 57 Sudbury Road announced that the League of Women Voters is holding a First Friday on May 7 from 9:30am-11:00am to discuss the Open Meeting Law.

Pamela Dritt of 13 Concord Greene thanked the board for the weighing of the options for the middle school. Ms. Dritt stated that the building should benefit to the entire community by designating as a refuge in the instance of extreme weather events. Ms. Dritt stated that having an auditorium that could not accommodate the entire school population would be a lost opportunity.

Adjourn

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to adjourn.

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Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=7GmazrKo1P8&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=5>

Meeting Materials: <https://concordma.gov/DocumentCenter/View/29299/May-3-SB-Packet>