

**TOWN OF CONCORD
SELECT BOARD
AGENDA
AUGUST 3, 2020
4:00PM
VIDEO CONFERENCE CALL**

Join Zoom Meeting

<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CzdQM0EvWVVFz09>

Meeting ID: 840 9239 5810

Password: 865209

One tap mobile

+16465588656,,84092395810# US (New York)

Dial by your location

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Meeting ID: 840 9239 5810

Find your local number: <https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CzdQM0EvWVVFz09>

1.	Call to Order
2.	Consent Agenda <ul style="list-style-type: none"> • Minutes to approve: July 20, 2020 • Gift Acceptance: <ul style="list-style-type: none"> - Concord-Carlisle Community Chest \$3,062.50 Volunteer Coordinator Account - Concord-Carlisle Community Chest \$10,335.50 Outreach Worker Account - Concord-Carlisle Community Chest \$4,427.00 Social Services Coordinator Account - Mrs. Mariann H Goslovich \$4,000.00 Council on Aging Account - Concord-Carlisle Youth Baseball \$7,700.00 Ripley Baseball Field Gift Account
3.	Town Manager Update
4.	Chair's Remarks
5.	Continued Public Hearing – Library Agreement
6.	Town Budget Presentation
7.	Position on Warrant Articles 45, 46 and 47
8.	Discuss Liquor License Rebates
9.	Annual Election Officer Appointments
10.	Committee Nominations
11.	Committee Liaison Reports
12.	Miscellaneous Correspondence
13.	Public Comments
14.	Adjourn

Town of Concord
Finance Department
memorandum

TO: Stephen Crane, Town Manager
FROM: Kerry A. Lafleur, Chief Financial Officer
SUBJ: Council on Aging Gift
DATE: July 27, 2020

Please place on the Select Board's agenda the following gift to the Council on Aging.

Mrs. Mariann H Goslovich The Carriage House, Unit #225 Wayland, MA 01778	\$4000.00
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Account:
0023-520-541-0623-4850-0
Council on Aging Gift Account

Accepted: _____
Clerk

Date: _____

Town of Concord
Finance Department
memorandum

TO: Stephen Crane, Town Manager
FROM: Kerry Lafleur, Chief Financial Officer
SUBJ: Gift from Concord-Carlisle Youth Baseball
DATE: July 21, 2021

Please place on the Select Board's agenda the following gift to the Ripley Baseball Field gift account, to be used for the purpose of supporting FY2021 Ripley maintenance expenses of the field incurred by the Parks & Trees Division of the Concord Public Works Department:

Concord-Carlisle Youth Baseball \$7,700
Attn: Steven Soares, CCYB/S Baseball Commissioner
P.O. Box 521
Concord, MA 01742

CODE: 23-410-490-208-4850-0

Accepted: _____
Clerk

Date: _____

To: Mike Lawson, Select Board Chairperson

From: Tara Edelman, Library Committee Chairperson, on behalf of the Library Committee

Date: July 31, 2020

Re: Recommendations Regarding Draft Agreement Between the Library Corporation and the Town

Dear Mr. Lawson,

We would like to thank the Select Board for extending the period for Public Comments for the Draft Agreement Between the Library Corporation and the Town and for delaying its vote on the agreement in order to allow the Library Committee to meet and discuss the Agreement in its public meeting. We are grateful to the Library Corporation, the Town Manager, and the Select Board for their significant efforts to update and clarify the agreement in order to preserve the well-being and effectiveness of this this longstanding Public Private Partnership that has served the Town so well for nearly 150 years. The work that the Library Corporation does to steward the Library is consistently exemplary.

Upon discussion of the agreement, we would like to offer the following recommendations:

- In describing the Library Committee's charge, the document states in a footnote that the Committee works with the Library Director "to achieve specific goals on behalf of the Library." In order to ensure clarity regarding the Committee's role and charter, we request that the language be changed to include reference to the Library's Administrative Code which appears on the Town Website and more specifically describes the Committee's longstanding mandate.
- Overall, we recommend the roles of the Library Director and Town Manager be clarified in terms of policy making. For instance, in Section 2, the Town "acting through the Town Manager in coordination with the Library Committee" may make decisions and establish procedures. In their work with the committee, does the Library Director serve as a proxy for the Town Manager?
- In order to ensure continuing improvements in communication between the Library Committee, in its role as representatives of the community, and the Corporation, as stewards of the Library, we suggest that this agreement shall include that the Library Corporation will be offered an invitation to be included in the Agenda for all Library Committee meetings for the purposes of providing updates and participating in policy discussions. We also recommend that the Trustees extend a standing invitation to the Library Committee to appoint a member to attend Trustee meetings in order to stay up-to-date on Corporation activities as they relate to Library services and facilities. This measure will help ensure that members of both bodies are better equipped to support each others' work to sustain and improve the Library and its service to the community.
- In Section 3, describing Town and Corporation responsibilities (page 3), there's a list of five items on which the Town may make decisions and establish procedures, but no mention of

staffing levels and supervision of staff. We suggest that an item 6 be added that includes language to that effect.

- In order to avoid the appearance of conflicts and to ensure compliance with M.G.L. c. 268A, we suggest that the Select Board recommend to the Town Manager and Town Counsel that the draft agreement and the relationship it describes be reviewed by the State Ethics Commission, with particular attention to the items mentioned in the attached statement in which Library employees are directed to support unspecified Library Corporation activities and responsibilities. Details on this recommendation are included as an attachment to this letter in the form of Mav Pardee's comments that were delivered to the Select Board during the Public Comments Session held during their meeting on Monday, July 27th.
- Among the list of items owned by the Town that is included in Section 5, we recommend adding all Intellectual Property, Branding Materials, and Logos developed using Town funds.

In addition, upon discussion of the Library Committee's role on behalf of the community, the committee will be reviewing its Administrative Code, which was adopted 1/19/81 and last revised on 4/14/97 and which appears on the Town Website, to determine whether it might require updating in relation to the agreement or in response to any changes in the community's needs since its last update. An initial review will take place in our August meeting, after which we will update the Select Board on our next steps.

Thanks for your consideration.

Tara Burgess Edelman

Tara Burgess Edelman, Chairperson
on behalf of the Library Committee

encl: Mav Pardee's Comments on the Agreement Between Concord Free Public Library and the Library Corporation

**Comments on the Agreement between Concord Free Public
Library
And the Library Corporation
Public Hearing on July 27, 2020**

My name is Mav Pardee. I live at 87 Stow Street. I've been a member of the Library Committee for six years. I've reviewed the draft agreement between the Town and the Library Corporation and have a few comments. One is relatively minor and the other is more serious.

First, in Section 3 describing Town and Corporation responsibilities (page 3), there's a list of five items on which the Town may make decisions and establish procedures, but no mention of staffing levels and supervision of staff. I suggest that an item 6 be added that includes language to that effect.

The larger issue is more complex. As noted in the draft agreement, the relationship between the Town of Concord and the Library Corporation was established in 1873, and over time, the agreement has been renegotiated as needed, with the last agreement in 2009.

The relationship between the Town and the Corporation has been a successful partnership, but even so, it should comply with current laws, including compliance with the Conflict of Interest Law (MGL c. 268A).

Since 1978, Massachusetts has had a State Ethics Commission designed to ensure integrity in public services and to prevent conflicts of interest between private interests and public duties. Our Library is made up of two separate entities – the private nonprofit Library Corporation and the Town, whose employees — including the Library Director and Curator — must comply with Conflict of Interest laws. Indeed, the draft agreement acknowledges that “all Town Library employees are subject to . . . State Ethics requirements.” (Page 8, Section 6).

Section 17(c) of the Conflict of Interest Law states: “No municipal employee shall, otherwise than in the proper discharge of his official duties, act . . . as agent or attorney for anyone in connection with any

particular matter in which the same city or town is a party or has a direct and substantial interest.” In setting out the duties of the Library Director and the Curator, the draft agreement specifies that the Library Director’s duties include: “Support of the Corporation’s activities and responsibilities” (Page 4, Section 4 (5)). And in the case of the Curator, that employee “serves under the direction of the Library Director in coordination with the Corporation.” (Page 6, Section 6 (2)). The phraseology used in the draft agreement is ambiguous as to areas needing clarity. Does “support of the Corporation’s activities” call for affirmative acts involving third parties to carry out the Corporation’s activities? Is the Library Director under a duty to engage in the Corporation’s fundraising activities? If so, would these activities not constitute “acting as agent” for the Corporation with respect to matters in which, given the close inter-dependent relationship of the Town and the Corporation, the Town will have a “direct and substantial interest?”

It is not my purpose to suggest that there is anything inherently untoward about a close working relationship between the Town and the Corporation that has proved so beneficial to Concord residents for well over a hundred years. Rather, I suggest that greater clarity would put that relationship on a sounder footing under modern legal standards and expectations. The phrase in the language of Section 17(c) of the Conflict of Interest Lawa quoted above — “otherwise than in the proper discharge of his official duties”— suggests one way to mitigate any potential problems.

The Library Director’s official job duties (as well as those of the Curator and other Library staff) could be defined by bylaw or perhaps in the pertinent job descriptions, to include permissible activities that such Town employees may engage in on behalf of the Library Corporation.

In any event, to avoid the appearance of conflicts and to ensure compliance with MGL c. 268A, I suggest that the Select Board

recommend to the Town Manager, or more likely Town Counsel, that the draft agreement and the relationship it describes be reviewed by the State Ethics Commission, with particular attention to the items mentioned earlier in which Library employees are directed to support unspecified Library Corporation activities and responsibilities.

Thank you.

AGREEMENT

The Town of Concord is a Massachusetts municipal corporation chartered in 1635 with its principal place of business at the Town House, 22 Monument Square, Concord, Massachusetts 01742 (the “Town”).

The Concord Free Public Library Corporation is a Massachusetts charitable corporation created by Chapter 99 of the Acts of 1873 which provided that “Ebenezer R. Hoar, Grindall Reynolds, George M. Brooks, George Keyes and Henry F. Smith, and their successors, are made a corporation by the name of the Concord Free Public Library for the statutory purpose of forming and maintaining a public library in Concord. The Town transferred the Town library to the Corporation on October 1, 1873 pursuant to the vote of the Town taken on March 31, 1873...for the use and benefit of the citizens of the town.” The Act also authorized the Town to fund the expense of maintaining and staffing the Library. The Corporation has a principal place of business at 129 Main Street, Concord, Massachusetts 01742 and also owns the property at 151 Main Street, Concord and provides the Fowler Branch Library in West Concord.

The Library Committee appointed by the Select Board in accordance with Section 2 of the Town Charter functions in accordance with its charge¹ as the same may be amended from time to time.

This Agreement sets out the relationship between the Corporation and the Town relating to the Library.

¹ Currently the Library Committee consists of seven members appointed by the Select Board for staggered three-year terms to work with the Library Director to achieve specific goals in support of the Library. [The Library Committee’s Administrative Code defines the role and responsibilities of the Committee.](#)

SECTION 1. LIBRARY MISSION

The Library is a joint resource of the Town and the Corporation herein (the “Library”). The mission of the Library is to serve the Concord Community as a primary source of information and ideas for educational, intellectual, business and recreational pursuits. The Library’s mission is to inspire lifelong learning and to actively promote personal enrichment by connecting community members to information, ideas, culture, unique historical resources, and each other in a tradition of innovation and excellence. The Corporation is responsible for providing the buildings, grounds and facilities to support and assist the Library’s mission and its Strategic Plan as well as the oversight, maintenance, preservation, protection, improvement and expansion of the buildings, grounds, and Special Collections (as hereinafter defined in Section 6 (3)), and other property of the Library owned by the Corporation.

To accomplish the Library’s mission, the Library shall:

1. Provide, in an accessible, efficient and attractive manner, a collection of informational and recreational materials which responds to the needs of the Concord community;
2. Maintain referral capabilities through a knowledge of available interlibrary and interagency resources including internet and on-line databases;
3. Employ persons professionally skilled in supplying information and ideas through books and other media and through special programs and exhibits; and
4. Make the Concord community aware of the services the Library provides.

SECTION 2. LIBRARY POLICIES

To carry out the mission of the Library, the Town in coordination with the Library Committee and the Corporation, may, from time to time, make decisions and establish procedures affecting each entity’s respective area of responsibility.

Decisions and procedures of the Town are those affecting the operation and staffing of the Library and the expenditure of Town resources for Library purposes. Decisions and procedures

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of the Corporation are those affecting (a) the use and availability of buildings, grounds, furnishings, Special Collections and other materials or items owned by or under the care, custody and control of the Corporation and (b) the expenditure of Corporation funds for Library purposes.

The Corporation and the Town may each enact policies relating to each entity's area of responsibility but policies of the Corporation that may affect operation and staffing of the Library and Town policies that may affect those areas of responsibility of the Corporation shall not be inconsistent with one another. Inconsistencies, if any, shall be resolved in a spirit of mutual cooperation and collaboration between the Town and the Corporation.

SECTION 3. TOWN AND CORPORATION RESPONSIBILITY

The Town may make decisions and establish procedures relating to its areas of responsibility including the following:

1. Hours of Library operation;
2. Determination of Staffing Levels
3. Availability of Library services;
4. Setting fines and fees;
4. Acquisition and disposition of Town owned materials; and
5. Setting periods and limitations on circulating materials.

The Corporation may make decisions and establish procedures relating to its areas of responsibility including the following:

1. Budgeting Corporation funds for the maintenance, improvement, insurance, and security of the grounds, buildings, physical plant, equipment, furnishings, Special Collections, and other tangible personal property belonging to or on loan to or controlled by the Corporation;
2. Regulating the use and availability of its buildings, grounds, and Special Collections for events, programs, meetings, and exhibitions;

3. Investment and distribution practices governing the Corporation's endowment, gifts and miscellaneous income;
4. Fund raising in support of Corporation purposes, including annual appeals, capital campaigns, fund-raising events, grants from foundations or government authorities, bequests and planned giving, and such other fundraising tools and support services as the Corporation in its discretion may employ;
5. Awarding scholarships including those required by restricted gifts; and
6. Use of all vault space in Library buildings subject to Section 6.2 (iv) and (v) hereof.

SECTION 4. ADMINISTRATION

The Library Director has primary responsibility for the operations of the Library. The Library Director shall attend the Corporation's monthly meetings and report on Library operations and staff activities. The Library Director shall also support the functions of the Corporation and the policies and procedures related to its areas of responsibility and shall also be responsible for implementing the policies and procedures of the Town and those of the Corporation developed pursuant hereto.

The duties of the Library Director, as delegated by the Town Manager, may include but are not limited to the following:

1. Overall supervision of Town Library staff;
2. Administering Town finance policies relating to Town Library employees;
3. Administering the use of Town funds as budgeted for the Library;
4. Administering the use of Corporation funds as budgeted for Library supplies, materials, equipment and services;
5. Support of the Corporation's activities and responsibilities;
6. Selection and removal of Town owned books and materials;
7. Allocation of space within the Library buildings for Library purposes in coordination with the Corporation;

8. Emergency closing of Library buildings in coordination with the office of the Town Manager;
9. Facilitating communications, as appropriate, between and among Library staff, Town Staff, the Corporation, Library Committee, the Friends of the Library, and Library volunteers and regularly informing the Town Manager and the Corporation as to Library matters;
10. Scheduling special events and programs in coordination with the Corporation and the Friends of the Library;
11. Coordinating the use of the Library rooms by community groups in accordance with Library room use policies as posted on the Library website and the development of community outreach and awareness programs;
12. Establishing new, or terminating existing, services, or programs in coordination with the Corporation;
13. Establishing and administering procedures in coordination with the Town Manager and the Corporation providing for the safety and security of Library employees and patrons; and
14. Coordinating with the Corporation as to the content of the Library web site and inclusion therein of matters related to the Corporation's responsibilities.

SECTION 5. OWNERSHIP OF PROPERTY

Title to property used by the Library is and shall be owned as follows:

Owned by the Corporation

Land and landscaping; buildings; furniture, shelving, fixtures; books, art, musical instruments; computers, printers, software, intellectual property, branding materials, logos and other materials or equipment or systems purchased with funds of the

Corporation or given thereto; Special Collections; materials owned, given to or purchased by the Corporation; and Endowment and other funds given to or held by the Corporation.

Owned by the Town

All books, periodicals, electronic media, shelving, equipment, furniture, electronic and data processing equipment, software, intellectual property, branding materials, logos and other materials or equipment or systems purchased with Town funds. All Town records, including pre-1870 town records and all proprietors' records, are also owned by the Town.

SECTION 6. DIRECTOR, CURATOR, SPECIAL COLLECTIONS, VAULT SPACE

(1) The Library Director is a Town employee appointed by the Town Manager and serves under the direction of the Town Manager. The Town Manager shall appoint and evaluate the Library Director in a manner consistent with Town Personnel policies and procedures. In appointing or terminating a Library Director the Town Manager shall seek the opinion of the Corporation before taking such action. In evaluating the performance of the Library Director, the Town Manager shall annually seek or receive (orally or in writing) the opinion of the Corporation. The Corporation shall appoint a representative to provide input on the Library Director's performance.

(2) The Curator is a Town employee appointed by the Town Manager and serves under the direction of the Library Director in coordination with the Corporation and has the following responsibilities:

(i) To serve along with the Library Director on the Corporation's Special Collections Committee which meets monthly at the discretion of the Corporation for various purposes including developing policies in respect of Special Collections, planning exhibitions, events, and programs; advising on acquisitions, acceptance of gifts and collaboration with other entities including libraries and museums; and advising on budgeting for Special Collections and related activities;

(ii) To manage use of the Main Library Art Gallery, and the Community Meeting room in the Fowler Branch Library and such other space as may be designated from time to time for Special Collections exhibitions (“Exhibition Space”). The Curator will be a member of any committee created to manage the Exhibition Space and shall give priority to Special Collections exhibits in said Exhibition Space:

(iii) To manage Special Collections in accordance with the Corporation’s goal of making it fully available to the public and as a research resource to scholars subject to reasonable regulations consistent with practices of similar institutions;

(iv) To exercise care, custody and control, in concert with the Town Archivist, of Town records deposited by the Town Clerk in the vault of the Main Library building provided that such Town records will be non-current documents of historic value (“Historic Town Records”) and shall not occupy more than 50% of the vault in the Main Library building which will also house Special Collections in vault space not occupied by Historic Town Records; and

(v) To develop security procedures for access to all materials, including Historic Town Records and Special Collections, in all vault space in the Corporation’s Library buildings including such additional vault space that in future may be constructed by the Corporation.

The Curator shall not be responsible to the Corporation for damage or loss to Special Collections when taking the same standard of care as the Curator uses in managing other materials of the Library or Town records. The Corporation shall remain fully responsible for damage or loss to Special Collections in the event that the Corporation does not follow the Curator’s recommended security procedures or the Curator’s recommendations relating to public access to Special Collections.

(3) For the purposes of this Agreement the term “Special Collections” shall mean all those works of art, sculpture, musical instruments, manuscripts, letters, books,

documents, photographs, broadsides, ephemera, or other materials (including without limitation those works described in written appraisals prepared for the Corporation from time to time by Skinner Appraisal Services or in any other qualified appraisal commissioned by the Corporation) and objects such as weather vanes and surveying equipment, at any time owned, given to, purchased by or on loan to or under the care, custody and control of the Corporation.

(4) In appointing or terminating the Curator the Library Director shall seek the opinion of the Corporation President before recommending such action to the Town Manager. In evaluating the performance of the Curator the Library Director shall annually seek or receive (orally or in writing) the opinion of the Corporation or its appointed representative for such purpose.

All Town Library employees are appointed by the Town Manager and are supervised and evaluated by the Library Director except as specifically set forth herein. Library staff shall support the work of the Corporation. In this connection, the Corporation recognizes and agrees that Trustees shall not give orders or instruction to the Town Library staff except as permitted by the Library Director or the Town Manager and that all Town Library employees are subject to Town Administrative Policies and State Ethics requirements and are subject to the terms of a Collective Bargaining Agreement with the Town.

SECTION 7. LIBRARY MAINTENANCE

Responsibility for maintenance of the Library's buildings, structures and grounds shall continue to be the sole responsibility of the Library Corporation and funds therefore shall be included in the Corporation's annual operating budget. Contractors and vendors for maintenance supplies and services shall be selected by and contracted for by the Corporation. Janitorial services shall remain the responsibility of the Town.

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SECTION 8. BUDGETING

The Director shall initiate the Library portion of the annual Town budget, which shall provide for the staffing and operating expenses of the Library as herein set forth.

The Corporation shall annually prepare a budget, which shall provide for the expenses of the Library that are its responsibility as herein set forth and shall annually provide a copy of its budget and five year capital plan on or before December 31 and its audited financial statement to the Town Manager as soon as practicable.

SECTION 9. LIBRARY REVENUE SOURCES

Library expenses to be paid for by the Town shall be funded in accordance with the Town Manager's Budget as approved by Town Meeting. Library expenses to be paid for by the Corporation shall be funded out of gifts and bequests made to the Corporation, investment income, annual giving or capital contributions as determined by the Corporation. Gifts including bequests made to the Concord Free Public Library or to the Concord Free Public Library Corporation shall be deemed to be gifts to the Corporation. Gifts to the Town of Concord for the benefit of the Library shall be deemed gifts to the Town. Any ambiguity shall be resolved in a spirit of mutual cooperation and collaboration between the Town and the Corporation. Income accruing from fines and fees shall belong to the Town so long as fines and fees are assessed. Income from copy machines or other equipment or services paid for by the Corporation shall belong to the Corporation. Gifts made to the Corporation shall be treated as items of income or increase in capital in accordance with applicable accounting principles, and used as determined by the Corporation subject to applicable gifting conditions and applicable statutory requirements. Such gifts and other income of the Corporation in no way shall relieve the Town's obligation to fund the operation and staffing of the Library.

SECTION 10. LIBRARY EXPENSES AND RENOVATIONS

All operating expenses of the Library, (e.g., staff and custodial salaries, books, periodicals and electronic media purchases, utilities, office supplies and janitorial, interior cleaning ~~services~~)

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shall be borne by the Town. All capital expenses (e.g., building maintenance and repairs; improvements, renovation, and expansion; equipment, furniture, fixtures, and shelving purchases; and grounds maintenance) and Corporation expenses (e.g., building, contents and fine arts insurance; fundraising; funds management; administration; accounting; and other support services retained by the Corporation) shall be borne by the Corporation. The Corporation also shall make available to the Library annually at least \$75,000 for the purchase of books and media.

No renovations or expansion of library facilities that may increase Library staffing or materially impact the Town's operating costs shall be undertaken by the Corporation without consultation among the Library Committee, the Library Director, and the Town Manager in a spirit of mutual cooperation and collaboration and mindful of community goals as set forth in the Town Long Range Plan. The Town may if appropriated at an Annual or Special Town Meeting, subject to applicable law and the approval of the Corporation, provide funds for any proposed Library renovation or expansion.

SECTION 11. COMMUNICATIONS

- (a) The Library shall develop a Strategic Plan for the Library that shall be initiated by the Library Director and the Library Committee and shall seek input from the Corporation, the Friends of the Library and include public participation.
- (b) The Library Director shall propose programs for professional development as well as events for annual recognition of Town Library staff employees and volunteers. Recognition events shall include participation of the Corporation, the Library Committee, and the Friends of the Library. The Corporation may contribute, as appropriate, to the cost of such programs and events.

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(c) From time to time during each year the Library Director shall provide opportunities for Library staff department heads to attend regularly scheduled Board meetings of the Corporation's Trustees to acquaint the Trustees with their current Library activities.

(d) From time to time during the fiscal year, the Library Corporation shall provide an opportunity for the members of the Library Committee to attend Library Corporation meetings.

(e) The President of the Corporation and the Town Manager shall meet at least twice annually to discuss the status of library operations and the efficacy of this Agreement.

SECTION 12. GENERAL PROVISIONS

This document contains the entire agreement of the parties in respect of the subject matter hereof and supersedes in its entirety the agreement between the parties executed on June 22, 2009.

This Agreement may be amended or terminated only by mutual written agreement of the parties specifically referencing this document and executed by an authorized representative thereof.

Each part hereby warrants and represents to the other that the individual who is signing this agreement has been duly authorized to execute this document and to agree to the matters set forth herein.

IN WITNESS WHEREOF the parties hereto have executed this agreement this _____ day of _____, 2020.

TOWN OF CONCORD

By: _____

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Town Manager

CONCORD FREE PUBLIC LIBRARY CORPORATION

By: _____

President

AGREEMENT

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The Concord Free Public Library Corporation is a Massachusetts charitable corporation created by Chapter 99 of the Acts of 1873 which provided that “Ebenezer R. Hoar, Grindall Reynolds, George M. Brooks, George Keyes and Henry F. Smith, and their successors, are made a corporation by the name of the Concord Free Public Library for the statutory purpose of forming and maintaining a public library in Concord. The Town transferred the Town library to the Corporation on October 1, 1873 pursuant to the vote of the Town taken on March 31, 1873...for the use and benefit of the citizens of the town.” The Act also authorized the Town to fund the expense of maintaining and staffing the Library. The Corporation has a principal place of business at 129 Main Street, Concord, Massachusetts 01742 and also owns the property at 151 Main Street, Concord and provides the Fowler Branch Library in West Concord.

The Library Committee appointed by the Select Board in accordance with Section 2 of the Town Charter functions in accordance with its charge¹ as the same may be amended from time to time.

This Agreement sets out the relationship between the Corporation and the Town relating to the Library.

¹ Currently the Library Committee consists of seven members appointed by the Select Board for staggered three-year terms to work with the Library Director to achieve specific goals in support of the Library. The Library Committee’s Administrative Code defines the role and responsibilities of the Committee.

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To accomplish the Library’s mission, the Library shall:

1. Provide, in an accessible, efficient and attractive manner, a collection of informational and recreational materials which responds to the needs of the Concord community;
2. Maintain referral capabilities through a knowledge of available interlibrary and interagency resources including internet and on-line databases;
3. Employ persons professionally skilled in supplying information and ideas through books and other media and through special programs and exhibits; and
4. Make the Concord community aware of the services the Library provides.

SECTION 2. LIBRARY POLICIES

To carry out the mission of the Library, the Town in coordination with the Library Committee and the Corporation may, from time to time, make decisions and establish procedures affecting each entity’s respective area of responsibility.

Decisions and procedures of the Town are those affecting the operation and staffing of the Library and the expenditure of Town resources for Library purposes. Decisions and procedures

of the Corporation are those affecting (a) the use and availability of buildings, grounds, furnishings, Special Collections and other materials or items owned by or under the care, custody and control of the Corporation and (b) the expenditure of Corporation funds for Library purposes.

The Corporation and the Town may each enact policies relating to each entity's area of responsibility but policies of the Corporation that may affect operation and staffing of the Library and Town policies that may affect those areas of responsibility of the Corporation shall not be inconsistent with one another. Inconsistencies, if any, shall be resolved in a spirit of mutual cooperation and collaboration between the Town and the Corporation.

SECTION 3. TOWN AND CORPORATION RESPONSIBILITY

The Town may make decisions and establish procedures relating to its areas of responsibility including the following:

1. Hours of Library operation;
2. Determination of Staffing Levels
3. Availability of Library services;
4. Setting fines and fees;
4. Acquisition and disposition of Town owned materials; and
5. Setting periods and limitations on circulating materials.

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1. Budgeting Corporation funds for the maintenance, improvement, insurance, and security of the grounds, buildings, physical plant, equipment, furnishings, Special Collections, and other tangible personal property belonging to or on loan to or controlled by the Corporation;
2. Regulating the use and availability of its buildings, grounds, and Special Collections for events, programs, meetings, and exhibitions;

3. Investment and distribution practices governing the Corporation's endowment, gifts and miscellaneous income;
4. Fund raising in support of Corporation purposes, including annual appeals, capital campaigns, fund-raising events, grants from foundations or government authorities, bequests and planned giving, and such other fundraising tools and support services as the Corporation in its discretion may employ;
5. Awarding scholarships including those required by restricted gifts; and
6. Use of all vault space in Library buildings subject to Section 6.2 (iv) and (v) hereof.

SECTION 4. ADMINISTRATION

The Library Director has primary responsibility for the operations of the Library. The Library Director shall attend the Corporation's monthly meetings and report on Library operations and staff activities. The Library Director shall also support the functions of the Corporation and the policies and procedures related to its areas of responsibility and shall also be responsible for implementing the policies and procedures of the Town and those of the Corporation developed pursuant hereto.

The duties of the Library Director, as delegated by the Town Manager, may include but are not limited to the following:

1. Overall supervision of Town Library staff;
2. Administering Town finance policies relating to Town Library employees;
3. Administering the use of Town funds as budgeted for the Library;
4. Administering the use of Corporation funds as budgeted for Library supplies, materials, equipment and services;
5. Support of the Corporation's activities and responsibilities;
6. Selection and removal of Town owned books and materials;
7. Allocation of space within the Library buildings for Library purposes in coordination with the Corporation;

8. Emergency closing of Library buildings in coordination with the office of the Town Manager;
9. Facilitating communications, as appropriate, between and among Library staff, Town Staff, the Corporation, Library Committee, the Friends of the Library, and Library volunteers and regularly informing the Town Manager and the Corporation as to Library matters;
10. Scheduling special events and programs in coordination with the Corporation and the Friends of the Library;
11. Coordinating the use of the Library rooms by community groups in accordance with Library room use policies as posted on the Library website and the development of community outreach and awareness programs;
12. Establishing new, or terminating existing, services, or programs in coordination with the Corporation;
13. Establishing and administering procedures in coordination with the Town Manager and the Corporation providing for the safety and security of Library employees and patrons; and
14. Coordinating with the Corporation as to the content of the Library web site and inclusion therein of matters related to the Corporation's responsibilities.

SECTION 5. OWNERSHIP OF PROPERTY

Title to property used by the Library is and shall be owned as follows:

Owned by the Corporation

Land and landscaping; buildings; furniture, shelving, fixtures; books, art, musical instruments; computers, printers, software, intellectual property, branding materials, logos and other materials or equipment or systems purchased with funds of the

Corporation or given thereto; Special Collections; materials owned, given to or purchased by the Corporation; and Endowment and other funds given to or held by the Corporation.

Owned by the Town

All books, periodicals, electronic media, shelving, equipment, furniture, electronic and data processing equipment, software, intellectual property, branding materials, logos and other materials or equipment or systems purchased with Town funds. All Town records, including pre-1870 town records and all proprietors' records, are also owned by the Town.

SECTION 6. DIRECTOR, CURATOR, SPECIAL COLLECTIONS, VAULT SPACE

(1) The Library Director is a Town employee appointed by the Town Manager and serves under the direction of the Town Manager. The Town Manager shall appoint and evaluate the Library Director in a manner consistent with Town Personnel policies and procedures. In appointing or terminating a Library Director the Town Manager shall seek the opinion of the Corporation before taking such action. In evaluating the performance of the Library Director, the Town Manager shall annually seek or receive (orally or in writing) the opinion of the Corporation. The Corporation shall appoint a representative to provide input on the Library Director's performance.

(2) The Curator is a Town employee appointed by the Town Manager and serves under the direction of the Library Director in coordination with the Corporation and has the following responsibilities:

- (i) To serve along with the Library Director on the Corporation's Special Collections Committee which meets monthly at the discretion of the Corporation for various purposes including developing policies in respect of Special Collections, planning exhibitions, events, and programs; advising on acquisitions, acceptance of gifts and collaboration with other entities including libraries and museums; and advising on budgeting for Special Collections and related activities;

(ii) To manage use of the Main Library Art Gallery, and the Community Meeting room in the Fowler Branch Library and such other space as may be designated from time to time for Special Collections exhibitions (“Exhibition Space”). The Curator will be a member of any committee created to manage the Exhibition Space and shall give priority to Special Collections exhibits in said Exhibition Space:

(iii) To manage Special Collections in accordance with the Corporation’s goal of making it fully available to the public and as a research resource to scholars subject to reasonable regulations consistent with practices of similar institutions;

(iv) To exercise care, custody and control, in concert with the Town Archivist, of Town records deposited by the Town Clerk in the vault of the Main Library building provided that such Town records will be non-current documents of historic value (“Historic Town Records”) and shall not occupy more than 50% of the vault in the Main Library building which will also house Special Collections in vault space not occupied by Historic Town Records; and

(v) To develop security procedures for access to all materials, including Historic Town Records and Special Collections, in all vault space in the Corporation’s Library buildings including such additional vault space that in future may be constructed by the Corporation.

The Curator shall not be responsible to the Corporation for damage or loss to Special Collections when taking the same standard of care as the Curator uses in managing other materials of the Library or Town records. The Corporation shall remain fully responsible for damage or loss to Special Collections in the event that the Corporation does not follow the Curator’s recommended security procedures or the Curator’s recommendations relating to public access to Special Collections.

(3) For the purposes of this Agreement the term “Special Collections” shall mean all those works of art, sculpture, musical instruments, manuscripts, letters, books,

documents, photographs, broadsides, ephemera, or other materials (including without limitation those works described in written appraisals prepared for the Corporation from time to time by Skinner Appraisal Services or in any other qualified appraisal commissioned by the Corporation) and objects such as weather vanes and surveying equipment, at any time owned, given to, purchased by or on loan to or under the care, custody and control of the Corporation.

(4) In appointing or terminating the Curator the Library Director shall seek the opinion of the Corporation President before recommending such action to the Town Manager. In evaluating the performance of the Curator the Library Director shall annually seek or receive (orally or in writing) the opinion of the Corporation or its appointed representative for such purpose.

All Town Library employees are appointed by the Town Manager and are supervised and evaluated by the Library Director except as specifically set forth herein. Library staff shall support the work of the Corporation. In this connection, the Corporation recognizes and agrees that Trustees shall not give orders or instruction to the Town Library staff except as permitted by the Library Director or the Town Manager and that all Town Library employees are subject to Town Administrative Policies and State Ethics requirements and are subject to the terms of a Collective Bargaining Agreement with the Town.

SECTION 7. LIBRARY MAINTENANCE

_____ Responsibility for maintenance of the Library's buildings, structures and grounds shall continue to be the sole responsibility of the Library Corporation and funds therefore shall be included in the Corporation's annual operating budget. Contractors and vendors for maintenance supplies and services shall be selected by and contracted for by the Corporation. Janitorial services shall remain the responsibility of the Town.

SECTION 8. BUDGETING

The Director shall initiate the Library portion of the annual Town budget, which shall provide for the staffing and operating expenses of the Library as herein set forth.

The Corporation shall annually prepare a budget, which shall provide for the expenses of the Library that are its responsibility as herein set forth and shall annually provide a copy of its budget and five year capital plan on or before December 31 and its audited financial statement to the Town Manager as soon as practicable.

SECTION 9. LIBRARY REVENUE SOURCES

Library expenses to be paid for by the Town shall be funded in accordance with the Town Manager's Budget as approved by Town Meeting. Library expenses to be paid for by the Corporation shall be funded out of gifts and bequests made to the Corporation, investment income, annual giving or capital contributions as determined by the Corporation. Gifts including bequests made to the Concord Free Public Library or to the Concord Free Public Library Corporation shall be deemed to be gifts to the Corporation. Gifts to the Town of Concord for the benefit of the Library shall be deemed gifts to the Town. Any ambiguity shall be resolved in a spirit of mutual cooperation and collaboration between the Town and the Corporation. Income accruing from fines and fees shall belong to the Town so long as fines and fees are assessed. Income from copy machines or other equipment or services paid for by the Corporation shall belong to the Corporation. Gifts made to the Corporation shall be treated as items of income or increase in capital in accordance with applicable accounting principles, and used as determined by the Corporation subject to applicable gifting conditions and applicable statutory requirements. Such gifts and other income of the Corporation in no way shall relieve the Town's obligation to fund the operation and staffing of the Library.

SECTION 10. LIBRARY EXPENSES AND RENOVATIONS

All operating expenses of the Library, (e.g., staff and custodial salaries, books, periodicals and electronic media purchases, utilities, office supplies and janitorial, interior cleaning services)

shall be borne by the Town. All capital expenses (e.g., building maintenance and repairs; improvements, renovation, and expansion; equipment, furniture, fixtures, and shelving purchases; and grounds maintenance) and Corporation expenses (e.g., building, contents and fine arts insurance; fundraising; funds management; administration; accounting; and other support services retained by the Corporation) shall be borne by the Corporation. The Corporation also shall make available to the Library annually at least \$75,000 for the purchase of books and media.

No renovations or expansion of library facilities that may increase Library staffing or materially impact the Town's operating costs shall be undertaken by the Corporation without consultation among the Library Committee, the Library Director, and the Town Manager in a spirit of mutual cooperation and collaboration and mindful of community goals as set forth in the Town Long Range Plan. The Town may if appropriated at an Annual or Special Town Meeting, subject to applicable law and the approval of the Corporation, provide funds for any proposed Library renovation or expansion.

SECTION 11. COMMUNICATIONS

- (a) The Library shall develop a Strategic Plan for the Library that shall be initiated by the Library Director and the Library Committee and shall seek input from the Corporation, the Friends of the Library and include public participation.
- (b) The Library Director shall propose programs for professional development as well as events for annual recognition of Town Library staff employees and volunteers. Recognition events shall include participation of the Corporation, the Library Committee, and the Friends of the Library. The Corporation may contribute, as appropriate, to the cost of such programs and events.

- (c) From time to time during each year the Library Director shall provide opportunities for Library staff department heads to attend regularly scheduled Board meetings of the Corporation's Trustees to acquaint the Trustees with their current Library activities.
- (d) From time to time during the fiscal year, the Library Corporation shall provide an opportunity for the members of the Library Committee to attend Library Corporation meetings.
- (e) The President of the Corporation and the Town Manager shall meet at least twice annually to discuss the status of library operations and the efficacy of this Agreement.

SECTION 12. GENERAL PROVISIONS

This document contains the entire agreement of the parties in respect of the subject matter hereof and supersedes in its entirety the agreement between the parties executed on June 22, 2009.

This Agreement may be amended or terminated only by mutual written agreement of the parties specifically referencing this document and executed by an authorized representative thereof.

Each part hereby warrants and represents to the other that the individual who is signing this agreement has been duly authorized to execute this document and to agree to the matters set forth herein.

IN WITNESS WHEREOF the parties hereto have executed this agreement this _____ day of _____, 2020.

TOWN OF CONCORD

By: _____

Town Manager

CONCORD FREE PUBLIC LIBRARY CORPORATION

By: _____

President

Proposed Changes to the Library Agreement Following the Select Board
Public Hearing held on July 27, 2020

This memorandum lists the concerns raised at the Public Hearing and from letters with received. The responses are in red and are reflected in the revised Draft Agreement.

There were three primary issues raised at the Select Board meeting with regard to the agreement:

1. Concern about a conflict of interest if the director and curator are operating on behalf of the Corporation. I have forwarded Mav Pardee's remark, which I asked her to email to me, along with a copy of the draft agreement to Town Counsel. **We will await the opinion of Counsel.**
2. Concern about the unfinished maintenance MOU. **We have deleted the current language and will replace it with language indicating that maintenance is the responsibility of the Library Corporation and janitorial services are the responsibility of the Town.**
3. Language in Section 10 is not sufficient with respect to the Town's ability to provide funds for renovation and/or expansion of the Library. **We have added, "if appropriated at an Annual or Special Town Meeting."**

We received a letter from the League of Women Voters. The League believes we should be explicit in defining the director's responsibility to include staffing levels and staff supervision. **We have added "Determination of Staffing Levels" to Section 3. However, staff supervision is already included as a responsibility of the Library Director.**

We also received a letter from former members of the Public Private Partnership Committee. Their letter raised process concerns and concerns about signing the maintenance agreement without first completing the MOU and asked the Select Board to postpone a decision until the Library Committee has provided input. **We have dealt with the MOU issue above and the Select Board did postpone its decision until receiving input from the Library Committee.**

On Friday, the Select Board received written comments from the Library Committee.

They raised the following issues. The first issue raised was concern about the clarity of the Library Committee's role and charter. **We added to the footnote: "The Library Committee's Administrative Code defines the role and responsibility of the Library Committee."**

The Committee raised issues about the roles of the Town Manager and Library Director as reflected in Section 2. **We change the language in the first sentence of Section 2 to better reflect the intent of the Section.**

The Committee also raised the issue of staffing and conflict of interest. **We addressed these concerns above.** The Committee suggested additional items be added to Section 5 Ownership of Property. **We have added "intellectual property, branding materials, logos" to the section for both the Town and the Corporation.**

Finally, the Committee suggested that to improve communication between the Corporation and the community, that the Corporation 'extend a standing invitation to the Library Committee to appoint a member to attend Trustee meetings in order to stay up-to-date on Corporations activities...' Further, that stated that the Corporation will be offered the opportunity to be on the Committee's agenda to provide updates. **We added a paragraph to Section 11, "From time to time during the fiscal year, the Library Corporation shall provide an opportunity for members of the Library Committee to attend Library Corporation meetings."**

We received an email from the Town Clerk indicating that in Section 5, Ownership of Property, that is the paragraph about Town ownership, town records should be included. **We have added, "All Town records, including pre-1870 town records and all proprietors' records, are also owned by the Town."**

Sunday evening we received a memorandum from Ned Perry in which he raised a number of issues. They are:

1. The deletion of the words "easily" and "entire" from the first purpose of the Library. This was raised in concern for the Americans with Disabilities Act.
2. A process concern that earlier drafts were not shared with the public nor with key members of the Town staff, mentioning, specifically the Town

Clerk. We have heard from the Town Clerk and have incorporated her suggestion for revision to the ownership section to include town records.

3. That the agreement makes no mention of the Library Committee Administrative Code. This was addressed above.
4. Concerns about the proposed MOU regarding maintenance. This too is addressed above.
5. Stepping 'back and facilitating a full community review of the draft agreement from the perspective of the relevant Town Committees and Administrative Departments.'
6. Amend Section 4, number 10 to read "Scheduling special events and programs in coordination with the Corporation, the Friends of the Library and the Umbrella Arts Center.'
7. The Draft Agreement does not "contain a single word about our sustainability commitment as part of the policies, practices or obligations of the Corporation – or the Town – moving forward."

The Select Board is grateful for the input.

REBALANCING THE FY21 BUDGET

August 1, 2020

Magnitude of the problem- \$1.883M est.

Revenue	Final Appropriated FY2020	FY21			FY21 Rev #2 vs 12/6		Rev #2 vs 12/6		FY21	
		AFTER Guideline 12/06/19	Dollar Change	Percent Change	Pandemic Rev #2 7/31/2020	Dollar Change	Percent Change	Pandemic Rev #2 versus FY20	Percent Change	
Property Tax	\$ 95,040,945	\$ 98,755,298	\$ 3,714,353	3.91%	\$ 98,911,465	\$ 156,167	0.16%	\$ 3,870,520	4.07%	
State Aid	\$ 5,465,567	\$ 5,561,986	\$ 96,419	1.76%	\$ 5,486,167	\$ (75,819)	-1.36%	\$ 20,600	0.38%	
Local Receipts	\$ 8,562,050	\$ 8,643,550	\$ 81,500	0.95%	\$ 6,969,250	\$ (1,674,300)	-19.37%	\$ (1,592,800)	-18.60%	
Available Funds	\$ 4,948,859	\$ 4,590,531	\$ (358,328)	-7.24%	\$ 4,301,705	\$ (288,826)	-6.29%	\$ (647,154)	-13.08%	
total: Revenue	\$ 114,017,421	\$ 117,551,365	\$ 3,533,945	3.10%	\$ 115,668,587	\$ (1,882,779)	-1.60%	\$ 1,651,166	1.45%	

- Property Tax increase is net change of:
 - Increase in Exempt Debt because MS Feasibility Study was permanently financed to take advantage of favorable rates
- State Aid- on 7/31/20 announcement that Ch. 70 & UGGA will be level funded!
 - Still projecting a 20 - 25% reductions in minor accounts
- Local Receipts- assume significant reductions in Local Excise taxes & Licenses and permits
- Additional consideration: ability of certain enterprise operations to support internal charges from General Fund to cover the cost of services provided (payroll, banking, HR, general management, etc.)

Note: for the purpose of this slide negative numbers represent a decrease in revenue

State Aid- Ch.70 & UGGA level funded!

	Appropriated FY2020	FY21			FY21 Rev #2 vs 12/6			FY21	
		AFTER Guideline 12/6/2019	Dollar Change	Percent Change	Pandemic Rev #2 7/31/2020	Dollar Change	Rev #2 vs 12/6 Percent Change	Pandemic Rev #2 versus FY20	Percent Change
B. State Aid									
Chapter 70 (Education Aid)	\$ 3,552,455	\$ 3,623,504	\$ 71,049	2.00%	\$ 3,737,831	\$ 114,327	3.16%	\$ 185,376	5.22%
Charter Tuition Reimbursement	\$ 1,876	\$ 1,914	\$ 38	2.00%	\$ 1,501	\$ (413)	-21.56%	\$ (375)	-19.99%
Early Voting	\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%	\$ -	0.00%
School Lunch, offset item	\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%	\$ -	0.00%
School Choice Receiving Tuition	\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%	\$ -	0.00%
Unrestricted General Government Aid (Lottery)	\$ 1,231,888	\$ 1,256,526	\$ 24,638	2.00%	\$ 1,231,888	\$ (24,638)	-1.96%	\$ -	0.00%
Veteran's Benefits	\$ 48,952	\$ 49,000	\$ 48	0.10%	\$ 39,162	\$ (9,838)	-20.08%	\$ (9,790)	-20.00%
Exemptions: Vets, Elderly, Surviving Spouse & Blind	\$ 32,333	\$ 32,980	\$ 647	2.00%	\$ 25,866	\$ (7,114)	-21.57%	\$ (6,467)	-20.00%
State Owned Land	\$ 570,619	\$ 570,619	\$ -	0.00%	\$ 427,964	\$ (142,655)	-25.00%	\$ (142,655)	-25.00%
State Owned Land, Correctional Facilities	\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%	\$ -	0.00%
Libraries, offset item	\$ 27,444	\$ 27,444	\$ -	0.00%	\$ 21,955	\$ (5,489)	-20.00%	\$ (5,489)	-20.00%
total: State Aid	\$ 5,465,567	\$ 5,561,986	\$ 96,419	1.76%	\$ 5,486,167	\$ (75,819)	-1.36%	\$ 20,600	0.38%

- Original assumption (budget printed in warrant) for State Aid was +2%
- Current estimate includes DOR provided amounts for Ch. 70 & UGGA, plus assumed reductions (20 - 25%) in all other accounts, net = about level funding

Note: for the purpose of this slide negative numbers represent a decrease in revenue

Local Receipts - reduction of \$1.675M from original FY21 est.

	Appropriated FY2020	FY21			FY21 Rev #2 vs 12/6			FY21	
		AFTER Guideline 12/6/2019	Dollar Change	Percent Change	Pandemic Rev #2 7/31/2020	Dollar Change	Percent Change	Pandemic Rev #2 versus FY20	Percent Change
C. Local Receipts									
sub-total: Local Excise Taxes	\$ 4,871,800	\$ 4,929,300	\$ 57,500	1.18%	\$ 3,400,000	\$ (1,529,300)	-31.02%	\$ (1,471,800)	-30.21%
sub-total: Fines and Forfeitures	\$ 225,000	\$ 225,000	\$ -	0.00%	\$ 225,000	\$ -	0.00%	\$ -	0.00%
sub-total: Uses of Money & Property	\$ 985,250	\$ 1,054,250	\$ 69,000	0.00%	\$ 1,154,250	\$ 100,000	9.49%	\$ 169,000	17.15%
sub-total: Licenses & Permits	\$ 1,240,000	\$ 1,245,000	\$ 5,000	0.00%	\$ 1,000,000	\$ (245,000)	-19.68%	\$ (240,000)	-19.35%
sub-total: Departmental Fees	\$ 1,040,000	\$ 1,005,000	\$ (35,000)	0.00%	\$ 1,005,000	\$ -	0.00%	\$ (35,000)	-3.37%
total: Local Receipts	\$ 8,562,050	\$ 8,643,550	\$ 81,500	0.00%	\$ 6,969,250	\$ (1,674,300)	-19.37%	\$ (1,592,800)	-18.60%

- Significant reductions projected in Local Excise Taxes and Licenses & Permits
- Slightly offset by projected increases in investment income

Note: for the purpose of this slide negative numbers represent a decrease in revenue

Historical View of Local Excises

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY21 est.	% difference
Room Occupancy	\$ 297,885.70	\$ 334,372.08	\$ 472,778.67	\$ 667,461.85	\$ 865,598.33	\$ 530,213.84	\$ 300,000.00	-43.42%
Jet Fuel	\$ 328,986.25	\$ 203,899.33	\$ 115,667.94	\$ 166,260.13	\$ 240,085.10	\$ 263,161.18	\$ 175,000.00	-33.50%
Meals	\$ 333,073.29	\$ 360,184.69	\$ 353,567.82	\$ 380,082.91	\$ 423,880.94	\$ 393,522.50	\$ 225,000.00	-42.82%
total:	\$ 959,945.24	\$ 898,456.10	\$ 942,014.43	\$ 1,213,804.89	\$ 1,529,564.37	\$ 1,186,897.52	\$ 700,000.00	-41.02%

	Q1 (June, July, August)			Q2 (September, October, November)		
	FY18	FY19	FY20	FY18	FY19	FY20
Room Occupancy	\$ 191,434	\$ 257,934	\$ 218,287	\$ 181,943	\$ 269,921	\$ 169,803
Jet Fuel	\$ 39,960	\$ 51,599	\$ 69,356	\$ 38,612	\$ 56,015	\$ 68,895
Meals	\$ 109,630	\$ 104,324	\$ 122,231	\$ 97,445	\$ 117,755	\$ 119,267
	Q3 (December, January, February)			Q4 (March, April, May)		
	FY18	FY19	FY20	FY18	FY19	FY20
Room Occupancy	\$ 135,572	\$ 168,382	\$ 105,489	\$ 158,512	\$ 169,361	\$ 36,635
Jet Fuel	\$ 43,018	\$ 62,661	\$ 74,655	\$ 44,669	\$ 69,809	\$ 50,255
Meals	\$ 86,933	\$ 101,864	\$ 109,437	\$ 86,074	\$ 99,937	\$ 42,588

- Original FY21 projection included a slight increase; revised projection assumes a 55% reduction

Expenditure Adjustments:

Non-Guidelines Adjustments:					
Group Insurance	(238,643)			based upon renewal and June 1 enrollment	
Retirement Assessment	(20,102)			revision in amount taken from Pension Reserve	
Retirement COLA base	(309,000)			no impact in FY21 even if approved at Sept. ATM	
Debt Service, Non-Excluded	(138,258)			based upon actual schedules, all issues (no est. for 2020 issue)	
Debt Service, Excluded	338,789			Middle School Feasibility Study	
	(367,214)				
Balance of Adj. Needed, Guidelines:	(1,515,565)				

- Non-Guidelines estimates are put together in the fall, long before premium renewals are known & the annual bond issue is sold
- Delay in Annual Town Meeting has given us the opportunity to substitute these early estimates with better estimates and/ or actual costs
- Reduced budget assumption almost certainly will result in less Free Cash (fund balance) at the end of FY21

Note: for the purpose of this slide negative numbers represent a decrease in expenditures

Closing the Gap- **\$1,515,565**

to close the gap:		1,515,565		
1. Town FY20 carry-forward	(712,094)	expense reduction	unused FY20 appropriation, Town	
2. Reduce FY21 Salary Reserve	(250,000)	expense reduction	use existing encumbrances	
3. Reduction in FY21 Capital Outlay	(475,671)	expense reduction	reduce FY21 outlay by unspent amount in FY20	
Additional Reduction, FY21 Cap.	(229,670)	expense reduction	reduce FY21 outlay due to limited capacity & time	
4. vacant positions	(125,206)	expense reduction	vacant, budgeted positions put on hold	
5. Reduce Street Lighting	(17,500)	expense reduction	energy efficient lighting	
6. CPS Revised Budget	(5,681)	expense reduction	School Committee approved vs. revised 7/27/20	
	sub-total:	(1,815,822)		
	Balance:	300,257	available to reduce property taxes	

Note: for the purpose of this slide a reduction in expenditure is shown as a negative number

Step 1. Town FY20 Carry Forward

as of 7/30/20						
				Notes:		
FY20, after Roll Over		755,304				
Covid-19		256,790		transferred to special revenue/ awaiting grant reimbursement		
Revenue Deficit		(400,000)		amount under FY20 revenue estimate		
Release PY encumbrances		100,000		assumption; still confirming		
available to Carry Forward to FY21		712,094				

- Why is there remaining FY20 appropriation? buildings closed, lower utilities, reduction in purchase of supplies & services; salary saving from part-time staff not working
- Why won't this remainder close to fund balance (Free Cash)? Legislature granted special authority under Chapter 53 of the Acts of 2020 to municipalities to re-capture unspent prior year appropriation to aid in the offset of significant, anticipated loss of revenue
- What's the downside of re-capture? Assumed reduction in remainder available at end of FY21 to close to Free Cash.
- What is the process to re-capture? Notify DOR of intent to reserve FY20 remainder from FY21 Free Cash calculation for the purposes of re-appropriation. This amount will need to be re-appropriated by Town Meeting (revenue source = Free Cash)

Step 2. Reduce FY21 Salary Reserve

- Each year the Town Manager's budget includes an amount in Salary Reserve to provide employee salary increases + an amount to settle collective bargaining agreements
- Original budget included FY21 Salary Reserve of \$500k, which would have been combined with other remaining amounts from prior years to provide an inflationary increase based upon comps; amounts remaining due to:
 - accumulation over time (FY19 & 20) of favorable contract settlements;
 - Significant attrition in recent years has lowered the salary base, meaning it will cost less to provide an increase
- In recognition of significant anticipated reductions in revenue, reduce new request (-\$250k) and design a compensation adjustment in FY21 that fits within reduced budget
- Pay Equity Act requirements prompting review of compensation plan

Step 3. Reduction in FY21 Capital Outlay

FY21 Capital Outlay Plan (General Fund) - Revised

Ref #	CODE	Item	FY2021 Revisions			Net New Appropriation
			FY21 Recommended	FY2020 Carry Forward	additional adjustments	
1C		Town-wide Technology Fund	195,000	70,330	-124,670	0
1G1		Facilities Administration	79,832	76,002	0	3,830
1G3		Resource Sustainability	155,000	0	-50,000	105,000
4A		Library Computer Equipment	10,000	0	-5,000	5,000
5A		Police Department	165,000	0	0	165,000
5D		Fire Department	202,363	0	0	202,363
6B		Engineering	85,000	62,564	0	22,436
6C		Highway Maintenance	40,000	20,000	0	20,000
6E		Park & Trees	90,000	71,774	0	18,226
6H1		Road Improvements	100,000	0	0	100,000
6H2		Drainage Improvements	205,000	75,000	0	130,000
6H3		Sidewalk Improvements	125,000	100,000	0	25,000
6H4		Vehicles and Heavy Equipment	335,000	0	-50,000	285,000
		GENERAL FUND TOTAL	1,787,195	475,670	-229,670	1,081,855

- Carry forward of unspent FY20 due to limited ability to advance projects in Q 3 & 4
 - Carry forward amounts will be expended (shown as positive number), but do not need additional town meeting appropriation (subtracted from new appropriation total)
- Reduced capacity in FY21 to advance projects due to pandemic & late ATM (authorizations)
 - Amounts appearing in the “additional adjustments” column have been eliminated & reduced from the total appropriation

Reduction in debt plan

FY	Original	Revised	Difference	est. Debt Service Savings	Adjustments
FY21	\$ 5,250,000	\$ 3,725,000	\$ (1,525,000)	\$ (205,000)	Gerow reduced & deferred to FY23, approved funding to be expended; Rideout deferred to FY22; Ladder #1 refurbishment deferred to FY22; PMS reduced by \$480k
FY22	\$ 5,700,000	\$ 6,195,000	\$ 495,000	\$ 106,000	Town House funding eliminated; Rideout included; Ladder #1 refurbishment included
FY23	\$ 5,400,000	\$ 5,050,000	\$ (350,000)	\$ (31,000)	Gerow & White Pond funding reduced by 50%
FY24	\$ 4,600,000	\$ 4,020,000	\$ (580,000)	\$ (63,000)	Gerow & White Pond funding eliminated
FY25	\$ 4,750,000	\$ 4,750,000	\$ -	\$ -	No changes proposed
Note: Debt Service savings does not occur until the year following the authorization, at which time the plan, in its entirety is typically permanently financed					

- In recognition that the effects of the pandemic will be felt for a period of years, reductions in the debt plan are also being proposed

Step 4. Vacant Positions

- All vacant positions categorized:
 - Green – ok to fill
 - Yellow – requires additional analysis before filling
 - Red – on hold
- Dollar value savings of positions on hold is \$125,206

Step 5. Other Reductions/ Consolidations

- Street lighting – installation of energy efficient fixtures results in \$17,500 savings
- Custodial services- new model currently in design; savings anticipated in FY21, but too early to quantify

Estimated Property Tax Increase

	FY21 Final Guideline	FY21 Guideline + SC Budget + other adjustments	FY21 Pandemic Revision #2 + Revised CPS	Description
Estimate of FY21 Property Tax Increase				
Base	2.92% \$ 2,572,309	3.16% \$ 2,785,689	3.18% \$ 2,803,067	(FY21 Base - FY21 New Growth) - FY20 Base
Debt Exclusion	-0.11% \$ (104,443)	-0.19% \$ (171,336)	0.19% \$ 167,453	FY21 Debt Exclusion - FY20 Debt Exclusion
sub-total:	2.80% \$ 2,467,866	2.97% \$ 2,614,353	3.37% \$ 2,970,520	Change in Tax Levy coming from Existing Taxpayer
New Growth	1.25% \$ 1,100,000	1.25% \$ 1,100,000	1.02% \$ 900,000	FY21 New Growth
total:	4.05% \$ 3,567,866	4.22% \$ 3,714,353	4.39% \$ 3,870,520	Change in Total Tax Levy

- **FY21 Final Guideline (December 2019)**
 - New Growth at \$1.1M
 - permanent financing of Middle School Feasibility Study not included
 - Estimated Minuteman Vo Tech assessment (operating + debt)
- **FY21 Final Guideline + School Committee Budget (December 2019)**
 - New Growth at \$1.1M
 - Permanent financing of Middle School Feasibility Study not included
 - Final Minuteman Vo Tech assessment (operating + debt)
 - Other minor adjustments (liability insurance, Retirement COLA base)
- **FY21 Pandemic Revision #2 (July 2020)**
 - New Growth at \$900k
 - Includes permanent financing of Middle School Feasibility Study
 - **\$303,257 available to reduce estimated property tax increase to 3.08% (for existing taxpayer)**

CARES Act

- \$1,693,790 earmarked for Concord
- Necessary expenditures incurred due to pandemic response
- Expenditures not budgeted as of 03/27/20 (adoption)
- Costs incurred March 1 – December 30, 2020
 - May be available for technology upgrades



*Town Clerk's Office
22 Monument Square
Concord, MA 01742*

Memo

To: Select Board
Cc: Stephen Crane, Town Manager
Kerry Lafleur, Finance Director
From: Kaari Mai Tari, Town Clerk
Date: July 31, 2020
Re: Election Officer Appointments

Pursuant to MGL Chapter 54: Section 12, I would like to request, on behalf of the Board of Registrars, appointment of the following **43** voters (list of appointees follows) as Election Officers for terms to expire July 31, 2021.

Reappointments: 34
New Appointments: 9

Party distribution among 43 Election Workers
Democrat: 21 (49%)
Republican: 3 (7%)
Unenrolled: 19 (44%)

Thank you for your consideration.

Kaari

Appointment List

Party	Name	Address	Precinct
D	Stephan Bader	7 River Street	1
D	Carol Bearse	127 Nashoba Rd	1
R	Gerard Boyle	164 Central Street	2
U	Susan Boyle	78 Forest Ridge Road # 101	2
U	Joanne Cormier	28 Sorrel Road	2
D	Christine Diaz	1341 Main Street	2
U	Josephine A Dinardo	1320. Old Marlboro rd concord ma	3
U	Cosette Dunn	131 Ministerial Dr	3
U	Joan Eagan	1544 Main St	2
D	Kristen Ferguson	218 Thoreau St	4
D	Devra Feshbach-Meriney	208 Old Marlboro Road	3
D	Barbara Finan	21 Bedford Ct	4
U	Brian Foulds	33 Riverdale Road	1
D	Colleen Giddings	474 Barretts Mill Road	5
R	Mark Giddings	474 Barretts Mill Road	5
U	Lisa Girolimetti	895 Old Rd to 9 Acre Cor	3
D	Robert Hartman	16 Concord Greene, Unit 6	3
R	Faye Hayes	1450 Main Street PO Box 1262	2
D	Robert Hilsinger	102 Central St	2
D	Susan Jancourtz	30 Court Lane	1
U	Patricia Kane	62 Lexington Rd	4
D	Nancy Kerr	25 Upland Rd	3
U	Suzanne Knight	64 Bayberry Rd	2
D	Betsy Levinson	124 Nashoba Road	1
U	Abby Marsh	707 Barretts Mill Rd	5
U	Dorcas Miller	75 White Ave	3
D	Murray Nicolson	226 Peter Spring Road	
D	Peter Nobile	73 Coburn Hill Rd	1

Party	Name	Address	Precinct
D	Donna Peterson	355 Lexington Rd	4
U	James Phelps	256 Hunters Ridge Road	2
D	Kevin Plodzic	98 Baker Ave	1
D	Carrie Rankin	95 Upland Rd	3
D	Karlen Reed	83 Whits End Road	5
U	Jill Robitaille	190 Prairie St	2
U	Robert Robitaille	190 Prairie St	2
D	Jill M Sandeen	232 Virginia Rd	4
D	Karen G Silver	164 Thoreau St	4
U	Dean Sullender	64 Bayberry Rd	2
U	Sally Williams	113 Hillside Ave	2
U	Abigail Wine	106 Alden Rd	3
U	Judith Zaunbrecher	402 Border Rd	2
D	Nicholas Zavalas	10 Crest St	3
U	Dale M. Zippin	188 Border Road	2

From: RICHARD LOYND <rnloynd@comcast.net>
Date: Saturday, July 25, 2020 at 5:05 PM
To: Michael Lawson <mlawson@concordma.gov>
Cc: Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, "jhotchkis@concordma.gov" <jhotchkis@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>
Subject: Fwd: J.P. Chase Morgan Bank

I write to you in order to express my strong disapproval of J.P. Morgan Chase's plans to construct a new bank building at 1134 Main Street in West Concord. Such a move would be detrimental to our residential properties. I'm a 62 year resident of Crest Street, and grew up in West Concord. As you know, there has been unprecedented growth here these last few years. Many of us in this community are now asking -- at what point do our leaders and regulatory boards understand that enough is enough with these big banks? Bank of America, TD North Bank, and now JP Morgan Chase are surrounding Middlesex Savings Bank like bullies on a tiny playground they only recently have taken an interest in.

The intention of Chase Bank to double the size of the existing building will have an enormous impact on our environment at that location and across West Concord in general. Presently motor vehicle traffic at the corner of Main Street and Baker avenue is a nightmare, speed and signal controls are often ignored, and pedestrian crossing are already putting people in Danger.

As for the issue of noise pollution, might I suggest that it seems as if our town officials are not hearing us?

I tell you now there is a simmering discontent with the further financialization of this community. These opportunistic banks are hijacking the very soul of West Concord, holding us hostage as they did the country at large during the Great Financial Crises of the late 2000s. The negative impact of this plan will be lasting.

As you probably know the Town of Concord Division of Natural Resources has invested hard work in developing a public boat landing and picnic area with wooden tables and benches leading steps to our historic Assabet river. This conservation land and open space is a gem for West Concord and must be preserved. To allow JP Morgan Chase Bank to encroach and overshadow this beautiful public park would be a disaster for West Concord and our neighborhood.

Sincerely,

**Richard Loynd
20 Crest Street
Concord, Ma.**

From: RICHARD LOYND <rnloynd@comcast.net>

Date: Friday, July 31, 2020 at 1:25 PM

To: Michael Lawson <mlawson@concordma.gov>

Cc: Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, "jhotchkis@concordma.gov" <jhotchkis@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>, Stephen Crane <scrane@concordma.gov>

Subject: Main Street & Baker Avenue

Several days ago I wrote to the board expressing my strong disapproval of JP Morgan Chase's plan to construct a new bank building at the corner of Main Street and Baker Avenue in West Concord. In my letter I pointed out especially the dangerous conditions at that location.

Unfortunately, this morning a serious two car accident involving a town vehicle at that location startled close residents again. We who witness and experience the out of control behavior of drivers in West Concord on a daily basis are now very concerned with plans by JP Morgan Chase to demolish and enlarge another brick and mortar bank at 1134 Main Street.

**Richard Loynd
20 Crest Street**

On 8/2/20, 7:01 PM, "Gifford Peter" <plgiffwin@gmail.com> wrote:

Dear board members and Town Manager Steven Crane,

I just begrudgingly paid my quarterly real estate tax last week for the amount \$5438.90 - I say begrudgingly as a reasonable portion of that tax bill is going towards the Estabrook Litigation matter which has completely spiraled out of control due to irresponsible management by town officials. We as tax payers have had virtually no requested input in association with the right to vote on any aspect of that litigation. The only time we were asked our opinion and able to vote was at the special town meeting that asked for an increase in funding towards the matter. Other than that, the town has many times simply gone ahead with decisions without alerting the general public with respect to how they desire to move forward with the matter.

At the January 23, 2020 FC meeting, manager Crane asked for a transfer from the reserve fund to cover anticipated costs. The FC voted to deny that request.

Manager Crane also stated at that meeting that he felt the Estabrook matter was nearing its end. That sure is not the case!

Now the town has filed for an injunction, again engaging the town's law firm to write up the injunction at a another major expense to the taxpayers.

Many of Concord taxpayers are not members of the "bottomless pit" bank accounts club. But the FC and Selectboard see it otherwise.

Now the town and FC have decided to take money from the Library Fund to supplement the cost of the suit! Yet at the 1/23/20 meeting funding was denied. But now it seems to be just fine to get it from somewhere else. The Library Fund was money appropriated for the Library- nothing else! The town justifies the "stealing" of the money from the Library Fund due to the fact that the Covid 19 challenge has lowered the cost of operating the library. That money should have been left in the library's account to be used when they will eventually need it. Robbing Peter to pay Paul is simply not correct. We taxpayers, again, had no say in this transfer.

I also find it most disturbing and extremely disrespectful towards the defendants that the town would move to file an injunction. I understand that it is within every legal right to file the injunction, but the town should have simply sat back and waited for the legal decision to be handed down by the court as to who has control over the right to pass over the already acknowledged private property. Who gives the town the liberty to just ask for a temporary order to allow passage over that land by the general public. The defendants own the property and they are waiting for a legal decision, but they are the owners and should at least be able to control passage over their property until that decision is made. How would you feel if your property had been vandalized, never mind with the recent most disgusting act of vandalism? How would you feel if subjected to such a level of disrespect as has been presented to the defendants, defendants who for years allowed people to walk the trail because then they were respectful. The public attitude has changed, and not for the better. The town is simply rubbing salt into a very unfortunate matter. The town officials are acting in a manner that says "after me, you come first"! Shame.

I sincerely hope that members from the selectboard, the FC and that Manager Crane will respond to my concerns with a respectful return correspondence.

Respectfully submitted,
Peter Gifford
1171 Monument Street

From: kdblair46 <kdblair46@aol.com>
Reply-To: kdblair46 <kdblair46@aol.com>
Date: Monday, August 3, 2020 at 10:40 AM
To: Jane Hotchkiss <jhotchkiss@concordma.gov>, Stephen Crane <scrane@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>
Cc: "talaage@massmed.org" <talaage@massmed.org>, "dover-street-property-owners-association@googlegroups.com" <dover-street-property-owners-association@googlegroups.com>, "jfrenkil@frenkil.com" <jfrenkil@frenkil.com>, "jlyon@icl-imaging.com" <jlyon@icl-imaging.com>, "rogers999@comcast.net" <rogers999@comcast.net>, "waslattebo@gmail.com" <waslattebo@gmail.com>, "alanaronie@gmail.com" <alanaronie@gmail.com>, "bill@wwwalker.net" <bill@wwwalker.net>
Subject: White Pond

Dear Town Manager and Members of the Selectboard,

In 2012, I wrote a guest commentary for the Concord Journal about the White Pond Reservation. At the time, it was town reservation land. It is now town conservation land, subject to town conservation land rules, and, one would think, Covid 19 rules. But still, not much has changed:

It is a hot Saturday morning in July. In White Pond's Sachem's Cove, twenty unmasked people and three unleashed dogs climb up and down the banks and play in the water. One dog marks his territory by the shoreline; his owner relieves himself on the bank above. All are oblivious to the soil and nutrients spraying into the pond as they cavort.

Along the shore, the Division of Natural Resources' new fence is festooned with towels. Families have set up campsites. None are wearing masks. A roll of toilet paper sits atop a cooler, but a little boy can't wait to get his mother's attention and

relieves himself on the sand. She scolds him but leaves the evidence to be found later by a neighbor picking up diapers, condoms, cigarette butts, broken glass bottles, and cans.

As the day warms, many more people from communities near and far join the fray. Seeking parking, they speed through the Dover Street neighborhood, barely avoiding hitting small children. Other swimmers and boaters enter the water from the boat ramp and swim or paddle across to conservation land bought by the citizens of Concord to protect the pond.

In this time of Covid 19, the DNR has discontinued the ranger program. The Town House and Keyes Road are closed to the public, and emails from the neighborhood have gone unanswered. The police do not enforce the speed limit, parking, mask, or conservation rules so clearly posted on the town website.

The town recreation department has done a very responsible job in keeping their beach members socially distant, masked, and safe. Yet the town has ignored the dangers posed by the unmasked, packed, unregulated crowds at the Cove. E Coli is not the only pathogen that can be transmitted by human feces.

The neighborhood does not begrudge our fellow citizens the right to responsibly recreate. But we need your help to keep us and the pond safe and healthy. Reduced tax revenue from decreased property values due to eutrophication of the pond is a threat to us all.

Thank you for your help in this matter.

Sincerely,

Kate Blair

20 Darton Street

From: christina <cdtruter@gmail.com>

Date: Monday, August 3, 2020 at 4:27 PM

To: Terri Ackerman <tackerman@concordma.gov>

Cc: Susan Bates <sbates@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Stephen Crane <scrane@concordma.gov>, Jane Hotchkiss <jhotchkiss@concordma.gov>

Subject: White Pond fake news?

I am a resident of the Dover street community at White Pond. I walk along the Sachem's Cove area and the adjoining beaches every single day, and have since moving here years ago. I am taken aback by the misinformation and growing hysteria that I am seeing in our community letters.

There are not "1000's" of people daily at the cove area of the pond, nor are there even "over 200" people as a number of residents have claimed. I would say less than 50 visit the entire cove area and the adjoining beaches every day. And fewer still are actually swimming. Many are simply fishing. On one or two hot holidays the numbers were higher, but these were rare occasions. I am baffled by the exaggeration of the numbers, and I have to believe the few people citing these numbers do not walk this portion of the pond daily, if at all. The police have been truly great about giving tickets. Because of this, I believe there is awareness of the lack of legal parking and this has limited the numbers.

As for comments about feces, I have never, ever seen human feces around the pond. And dog feces are exceedingly rare. The garbage at the beach is minimal, and it seems the vast majority of people pack out what they bring in.

I, for one, love seeing people sitting on the beach or swimming in the water. It's great that people have free access to something so wonderful. Of course, we need to protect this wonderful resource. If the influx of people climbs significantly, or if people are less inclined to take their garbage, we need to act. But I truly don't see that much of a problem at this point.

I walk the cove area and adjoining beaches every day in every season. I even go in the winter if the snow is passable. Consequently, I believe I have good insight on the human burden on the Sachem's cove area. My vote for now is to share our pond and to let people enjoy themselves, particularly in these difficult times.

Christine Truter
11Shore Drive
Concord

From: Howard Loewinger <hloewinger@gmail.com>

Date: Monday, August 3, 2020 at 4:32 PM

To: Jane Hotchkiss <jhotchkiss@concordma.gov>, Stephen Crane <scrane@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>

Subject: White Pond

To: Concord Town Manager & Select Board

As a resident of the White Pond neighborhood of West Concord I am writing to you to let you know of my concerns about the use of the pond this summer.

Following state and CDC guidelines related to the COVID-19 pandemic the town has carefully regulated access to the public beach. But with this restricted access has come surprisingly light use of that beach. I have noticed even on the hottest of days there have been few people on the beach. But this summer recreational use of the pond appears to have moved to the Sachem Cove area. I understand that the "No Swimming" signs are posted there because the cove is not a semi-public swimming area and does not fall under the State Beach Code. But whatever the status of the cove as a public swimming area, this summer that prohibition has been ignored en masse with groups large and small, some wearing face masks and some not, swimming in the area. Although I sympathize with folks who are just trying to escape the heat, the problems of garbage, illegal parking, dogs and even human and animal excrement have reached a point where the town must address these issues.

Thank you for your consideration.

Howard Loewinger
27 Hemlock St
Concord

From: Diana Haring Billipp <dbillipp@gmail.com>

Date: Aug 3, 2020 at 4:46 PM

To: Jane Hotchkiss <jhotchkiss@concordma.gov>, Stephen Crane <scrane@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>, Dover-Street-Property-Owners-Association <dover-street-property-owners-association@googlegroups.com>

Subject: A Tragedy in the Making: What Happens When the Town of Concord Continues to Ignore the Crowds at White Pond's Sachem Cove?

To All Those Concerned for the Health and Welfare of White Pond, re: Sachem Cove Crowds:

It is irresponsible for the Town of Concord to willfully disregard the degradation of Sachem Cove by turning a blind eye to the crowds of unlawful, unmasked swimmers, left behind dirty diapers and trash, unleashed dogs running, peeing and pooping at will.

It is also shameful to allow this behavior to wreck what the Town has already paid to repair and righteously preserve.

For several years the Town Dept Natural Resources employed a park ranger to gently but firmly enforce the rules. The result was almost immediate and lasting.

But this year? As one young interloper said defiantly, last week, "Everyone knows that you can swim there. No one does anything."

Afterwards I discovered my absent neighbor's empty trash and recycle bins filled with beer cans and pizza boxes! My own recycle bin has been used by others in a similar fashion. This is not a big deal, but another indication of transgressive and irresponsible behavior.

I quote from my letter of June 15,2020, to Delia Kaye, of **Natural Resources**, Officer Holsinger, Concord Police, and Michael Lawson, Ch. Board of **Selectmen:**

"These days the cars again zoom loudly down Dover St, engines and sound systems blaring, then roar up the hill from the cove and down Dover St., as though enraged at not finding a parking place. It is dangerous to drive this way. Children play here, older people walk these streets.

With cars parked elsewhere, big groups of people walk down Dover St., loud voices, without masks, heard as though crossing a public parking lot and not a quiet neighborhood of small homes. Babies and children are toted along with large coolers, boom boxes, umbrellas and flotation toys; a parade that looks like an all day and into the night party.

With no life guard, and only one trash can, I fear for them. I also fear for the delicate pond environment we have all worked so hard to preserve."

Will it take a tragedy?

Will we wait until a small child is killed, run over by an out of town motorist speeding to get one of the three parking spaces at the Cove end of the pond? Or drowned with no lifeguard to save her?

Do we wait until the pond is rendered non-swimmable and dangerous to those who swim at the White Pond Town Beach? Of course you must know that whatever happens in any part of the pond, will eventually happen in the whole pond, the Town-managed beach end.

My neighbors have written eloquently with scientific data, articulation and experience on the specifics on that scenario. I just see the evidence most everyday.

The Town is urged to listen to the “better angels of our nature” and once again provide enforcement to protect White Pond and make our neighborhood safe again.

Diana Billipp
108 Dover Street
Concord, MA 01742
dbillipp@gmail.com

From: Catherine Clairmont <catherineclairmont@yahoo.com>

Reply-To: Catherine Clairmont <catherineclairmont@yahoo.com>

Date: Monday, August 3, 2020 at 6:55 PM

To: Jane Hotchkiss <jhotchkiss@concordma.gov>, Stephen Crane <scrane@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>

Cc: Dover Property Owners Association <dover-street-property-owners-association@googlegroups.com>

Subject: Concerns with White Pond

Dear Select Board and Town Manager,

Let me share my perspective, observations and experiences as a member of the White Pond neighborhood, Dover Property Owners Associations and as a daily swimmer at the pond for over two decades.

As you know a few years ago measures were taken to stop the trespassers using and abusing the pond at Sachem Cove. I am sure you know the concerns and risks related to this and will summarize it below. However, of note: this has been the first year without a blue/green algae outbreak (cyanobacteria) so let's try to keep it this way. Perhaps due to COVID or for other reasons, the ball was dropped this year after a few years of close pond monitoring, which was very successful in limiting Sachem's abuse. With the rangers program dropped this has led to the use/abuse problem at Sachem coming back. The issue: there seems to be lack of town awareness of this problem at Sachem, not only did the lack of monitoring of our pond result in a repeat of the abuse we currently see, which could have been easily predicted, when requesting e-coli testing and bringing the issue of un-monitored use of Sachem to the town's attention, this was the a response from the BOH to one neighbor:

Sachem's Cove is not a semipublic swimming area and therefor does not fall under the State Beach Code. We do not test anywhere in town that is not considered a public or semi- public swimming area as defined by 105 CMR 445.00. Sachems cove is currently posted as no-swimming and enforcement of that policy does not fall under The Health Department.

Summary of Real Problems at Sachem NOW:

1. lack of proper bathroom facilities (I have seen the alternative and it is not pretty)
- 2) un-monitored dog swimming (it has become an unregulated and abused dog swim hole for families with pets)
- 3) litter and trash
- 4) leaving stuff for re-use: for regulars
- 5) party place: drinking alcohol on beach and while in water floating, standing or sitting on chairs in water
- 6) walking, parking and trespassing in our neighborhoods
- 7) erosion to the embankment at the regular cove area
- 8) un-monitored numbers of people using the pond on any one day
- 9) COVID concerns: lack of masks worn at Sachem and little social distancing

It is urgent for the town to act now and take short term measures and pro active steps to monitor our pond because the increase of abuse of the pond at Sachem is a reality that is tangible and needs a fix today. The response about this at the BOH is a real serious concern. Who is enforcing no swimming now? Police could stop by a few times a day too. I suggest use of temporary 'no parking' signs in and around our neighborhood, as was done before to curtail

the use of Sachem, as a stop cap measure until a long term sustainable plan can be developed. Who is monitoring the health at the pond given use and abuse vis-a-vis lack of proper sanitation?

Most likely the health of the pond has a multifaceted cause and needs a similar approach to solve and includes more diagnoses of issues like, for one, old septic systems on the pond-- a real issue. Long term plans to keep our pond safe on all levels takes time.

One solution: regulate Sachem, charge a fee and provide bathrooms and proper etiquette etc., etc.. The free for all is a no-go as we learned people do not monitor their behaviors enough (nor their dogs) etc., etc.. We need less chaos and a solution to this problem.

However, I hope the community pulls together before the problems grows and is out-of-control once again at Sachem for the White Pond's health sake. If town official do not act or look the other way while pretending this is not a real problem, then this will result in serious long term health issues for White Pond. The town needs to take responsible stewardship of our pond as promised today and come up with a short term plan and response to Sachems abuse now.

Thanks for considering this critical; matter. Please see my anecdotal views, with facts and observations below.

Catherine Clairmont
26 Hemlock Street
Concord, MA
978 505-5745

Summary of issues and concerns with anecdote

Lack of Monitoring: What does a mom do when their kid needs to poop when at Sachem Cove today? How about drunk adults- what do you think they do with no bathrooms in sight? Once again in 2020, Sachem Cove has become a free swim spot for humans and *dogs*- without monitoring, rules, supervision, proper trails or bathrooms, etc., etc.. which lends itself to abuse of our resource with no accountability, and it creates significant potentially irreversible health risks to own pond.

Cyanobacteria: this is serious. I spoke to rangers at Nickerson State Park who are baffled by the inability to reverse this problem. I also spoke to scientists monitoring a pond and trying to use oxygenation with huge machines to fix this problem. Sparing details WE ARE LUCKY this problem reversed itself. Let's not play with fire. See this picture-- we do not want to wait and pretend we do not have a problem brewing.



1000's of Swimmers Daily at Times a few years ago: Networking brought 1000's, perhaps this many on one day, to our pond at the peak of misuse a few years ago. This culminated in a never-seen-before barrage of trespassers through our neighborhood with disgusting abuse of the pond. People parked everywhere and the stream of people were constant-- with 20-30 at anytime on our small streets coming and going. Poop, real evidence, is now on the rise at the shore once again. I count the amount of visitors in the Cove and it has been increasing since June. It will not take long before on hot summer days we shall see our neighborhood streets become a long parade of people strolling through as though it is a well marked busy tourist trail to our pond un-monitored pond once again.

DOG PROBLEMS-- Sachem a Dog Swim Spot: Regularly people bringing dogs, while letting their dogs swim deep into the cove. Dogs become agitated when swimmers go by barking while running about to protect their owners' and turf. Feces have been an ongoing problem and I've witnesses this in action to my chagrin and disgust all too often. Perhaps Sachem Cove is on a swim with your dog web site. The lack of regulations of dogs and dog poop at Sachem is an ongoing real and huge health problem. We need e-coli testing at minimal now.

Once I had to take refuge behind a canoe as a dog sought me for help after swimming too long and deep into the cove and the owner was NOT in control of their pet. I called for the owner to get his pet to shore-- but the dog made ground towards me and the owner was perhaps drinking-- and minimally responsive. This anecdote could make a funny scene in a movie perhaps, but I was scared and learned a lab can swim faster than me, which was a lesson I did not appreciate at the time.

Other Abuses: The lack of supervision or rules results in abuse of the pond in many other ways including people drinking alcohol in the water on floats, trash left about (are bottles and cans in the bottom too) and damage to the environment with off trail walking down the slopes. One person left his camper style hammock between trees a while-- kind of fun but.. it was so obviously out-of-control. I've seen young couples getting very intimate, but the lack of monitoring makes for all kinds of not so family friendly party fun.

Took a few Years BUT it WILL happen again: When the word first started to get out about White Pond as a great free and un-monitored swim spot for families and pets and fun parties, when walking my dog daily, yes daily people would ask me how to access the pond after driving back and forth down Plainfield and Powdermill. This has not happened to me yet this year, but it will not take long for this use and abuse to ramp up. The hundred we see now at Sachem will double and triple...

Sachem Numbers Today: Even on weekdays now there are sometimes 50- 100 people in the evening on hot days and rarely less than 30. I swim into the cove and see all sides. On weekends I estimate 200 plus visit a day and it could be much more on hot days. The number of visitors is simply unknown, but I easily count 100-200 at any one moment now on any day of the week.

The 'Cove' length' : if you include all the areas people sit and hang it is huge length compared to the White Pond beach. The area people sit is much longer than the U shaped Cove itself. See my maps, the blue line shows the length I calculated using Oliver maps, the MA GIS.

http://maps.massgis.state.ma.us/map_ol/oliver.php

Sachem Cove: The blue line represents OVER a 1/4 of a mile stretch of land (1320 feet) showing the area people hang. People at property 260 are typically not there even in summer and it looks to me trespassers encroach onto that property. The larger Cove area is 1000 feet longer than White Pond beach.

White Pond: *The blue line is the beach* and is very small in contrast being only .06 miles (316 feet at most) in length.

When you start counting 100- 200 plus people it can be shocking as it does not look that crowded. People group between 2 and 20 with groups being typically between 5-10. A lot of people sit on the embankment on the long stretch just right of the Cove (looking down on this map) not actually in the U shaped Cove near property indicated as 260-- going down towards the Cove. They use the steep embankment for access. The whole embankment length of the larger Cove is used for access and sitting, swimming etc., by the shore. A hammock was up in the hill on that embankment and hard to see being camouflaged by the trees and its campy color as a permanent fixture for one visitor a few years ago.

One has to almost be in the Cove to see everyone, given its shape, topography and the shallow depth of the shore area, which means people are set back a bit too. These maps are proportional-- showing land areas on the same scale.

Sachem Cove Area were trespassers hang is indicated by the blue line (1320 feet)-- which I used to calculate length.



The White Pond beach is actually a small stripe of land (316 feet at most) indicated by the blue line used to calculate length.

