

**TOWN OF CONCORD  
SELECT BOARD  
AGENDA  
SEPTEMBER 28, 2020  
4:00PM  
VIDEO CONFERENCE CALL**

Join Zoom Meeting

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Meeting ID: 840 9239 5810

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One tap mobile

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1.	Call to Order
2.	Consent Agenda - Minutes to approve: August 10, 2020
3.	Town Manager's Report
4.	Chair's Remarks
5.	September 24 NMI/2229 Main Street Site Visit
6.	2021 Annual Town Meeting Calendar
7.	FY21 Select Board Goals – Continued Discussion
8.	Town Manager's and Department FY21 Goals: Initial Discussion
9.	Committee Nominations: Arthur Rogers of 30 Elsinore Road to the Cultural Council for a term to expire April 30, 2023. Alan Koder of 19 Edgewood Road to the West Concord Advisory Committee for a term to expire on April 30, 2023.
10.	Committee Appointments: Linda Miller of 300 Main Street to the Planning Board for a term to expire on April 30, 2025. Elisabeth Elden of 347 Old Bedford Road to the Hugh Cargill Trust Committee for a term to expire on April 30, 2023. Warren Leon of 613 Annursnac Hill Road, John Bolduc of 58 Stow Street, and Ruthy Bennett of 114 Deer Grass Lane to be reappointed to the Climate Action Advisory Board for terms to expire on April 30, 2023.
11.	Town Manager Appointments with Select Board Approval: Sarah Grimwood of 520 Lexington Road to the Natural Resources Commission for a term to expire on April 30, 2023. Julie Kleyn of 121 Alcott Road and Douglas Sharpe of 401 Silver Hill Road to be reappointed to the Comprehensive Sustainable Energy Committee for terms to expire on April 30, 2023. Hany Teylouni of 55 Crest Street to the Comprehensive Sustainable Energy Committee for a term to expire on April 30, 2023.
12.	Committee Liaison Reports
13.	Miscellaneous Correspondence
14.	Public Comments
15.	Adjourn to Executive Session, not to return to open session, to discuss ongoing litigation regarding Estabrook Road, and to discuss strategy with respect to collective bargaining for union personnel of the Patrol Union. Doing so in Open Session may have a detrimental effect on the Town's litigation and collective bargaining strategy.

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Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on August 10, 2020 at 4:00pm.

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

**Call to Order**

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

**Consent Agenda**

- Town Accountants Warrants
- Gift Acceptance
  - WiFi Hotspot Van for Town Meeting from Comcast

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to approve the consent agenda

**Roll call vote**

Mr. Lawson: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Ms. Escobedo: Aye

Ms. Bates: Aye

**Town Manager Update**

The internet outage recently affecting Concord Broadband users was a result of a squirrel chewing on a wire. The issue was resolved within 24 hours.

There was a water main break on a 12-inch main at the intersection of Throeau and Main Street that CPW was able to promptly resolve.

There is another drive in movie at the high school on August 13<sup>th</sup> at 7:00pm.

There will be a socially distant sidewalk sale on August 15<sup>th</sup> in downtown Concord from 9am-5pm. Ms. Hotchkiss asked how the Town will enforce distancing so there is not a crowd size of over 50 people, per state guidelines. Mr. Crane responded that since it is commercial activity

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for individual businesses, the Town is not considering it an event to enforce crowd size. Residents should continue to wear face coverings and practice social distancing when in public.

**Chair's Remarks**

The Chair's Breakfast will be held over Zoom on August 19<sup>th</sup> at 9am.

Mr. Lawson reminded the community that there are pre-Town Meeting public hearings next week. Each beginning at 7:00pm, the Select Board will hold a joint hearing with the Finance Committee on the 17<sup>th</sup>, Finance Committee on the 18<sup>th</sup>, and the Planning Board on the 19<sup>th</sup>. Mr. Lawson urged that residents planning to attend Town Meeting should review the meeting materials on the Town website beforehand, as there will not be presentations at the meeting.

**Public Hearing: Livery License Application from Home is Best Care Transportation LLC, located at 336 Baker Avenue**

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to open the public hearing

Abu Mugalu, Office Manager at Home is Best Care Transportation LLC, attended the meeting on behalf of the applicant. Mr. Mugalu stated that they are primarily looking to provide medical transportation to individuals in need. The company has one vehicle. Appointments will need to be made a week ahead of time. There will only be one driver at this time.

There were not any questions from the public.

**Roll call vote**

Mr. Lawson: Aye  
Ms. Ackerman: Aye  
Ms. Hotchkiss: Aye  
Ms. Escobedo: Aye  
Ms. Bates: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to close the public hearing

**Roll call vote**

Mr. Lawson: Aye  
Ms. Ackerman: Aye

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Ms. Hotchkiss: Aye  
Ms. Escobedo: Aye  
Ms. Bates: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to approve the livery license application from Home is Best Care Transportation LLC

**Roll call vote**

Mr. Lawson: Aye  
Ms. Ackerman: Aye  
Ms. Hotchkiss: Aye  
Ms. Escobedo: Aye  
Ms. Bates: Aye

**Schools' Reopening Plans – Superintendent Hunter**

Mr. Lawson introduced and congratulated Superintendent Laurie Hunter and her staff for their hard work in getting the schools in town up and running for the fall.

Dr. Hunter presented, in great detail, the schools' reopening plans for the fall. These details can be found in the PowerPoint presentation located in the [meeting materials](#).

**Continued Public Hearing – Library Agreement**

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to open the public hearing on the Library Agreement that was continued at the meeting on August 3<sup>rd</sup>.

**Roll call vote**

Mr. Lawson: Aye  
Ms. Ackerman: Aye  
Ms. Hotchkiss: Aye  
Ms. Escobedo: Aye  
Ms. Bates: Aye

Mr. Lawson noted that at the last public hearing, the Select Board heard a number of proposed changes and the board continues to make additional changes. The one issue that was

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outstanding was the ethics concern surrounding the potential for the Curator and the Library Director to be doing fundraising on behalf of the Library Corporation, which has been reviewed by Town Counsel. Town Counsel responded that the Library employees may engage in fundraising activities only to the extent of their general responsibilities as established by the Town. Town Counsel's comments have not been incorporated into the agreement yet, as Mr. Lawson wanted to wait until the Library Corporation had a chance to review Town Counsel's comments. Mr. Lawson will work with Mario Favorito and Sherry Litwick of the Library Corporation, and the Town Manager in order to incorporate all the changes discussed previously and at this public hearing. Town Counsel will then review this draft before this agreement is brought to a future board meeting for a vote.

Jean Goldsberry of the Commission on Disability asked if the previously discussed MOU would be completed before the agreement is signed. Mr. Crane responded that he did not think that was possible. Ms. Goldsberry stated that the future Select Board should hold a public hearing to discuss the MOU according to Town policy.

Ned Perry of 362 Bedford Street commented that present agreement has not been vetted according to the Select Board's Public Private Partnership Policy from 2017. Mr. Perry expressed disappointment that the Town has allowed the Library Corporation to have an outsized impact on the formation of the agreement. Mr. Perry stated that the present agreement confuses who Library staff are working for.

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to close the public hearing

**Roll call vote**

Mr. Lawson: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Ms. Escobedo: Aye

Ms. Bates: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to approve the changes to the Library Agreement as outlined in the memo dated August 7, 2020.

**Roll call vote**

Mr. Lawson: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

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Ms. Escobedo: Aye  
Ms. Bates: Aye

**White Pond Advisory Committee Recommendations**

The White Pond Advisory Committee Chair Carmen Jacquier attended to make the following recommendations to the Select Board on behalf of their committee:

**Boat Launch Road**

- That an engineering study be completed to address the boat ramp drainage and runoff into the pond. The steepness of the slope, the size and placement of adequate drains, the sides of the blacktop all need to be addressed. The Committee is aware that the Town is working with the State on a Land Management Agreement for this area which ESS cited as the area having the greatest amount of land- based runoff.
- Any new development in the beach/boat launch area – new stairs, ADA compliant paths or walkways - be designed to encourage absorption and avoid any runoff.
- Existing basins on the black topped boat launch are regularly cleaned

**Monitoring and Testing**

- Continuing to engage with the nationwide EPA Cyanobacteria Work Group monitoring program headed by Hilary Snook at the EPA lab in N. Chelmsford, MA - a program that volunteers have been working on for the last 4 years.
- The longtime White Pond monitoring work of Dr. Bill Walker and his team that have provided valuable data over decades regarding the changing conditions of the Pond.

**Facilities**

- Trash receptacles should be maintained in different locations around the pond through three seasons.
- There should be a review, before and during the summer season, of the surrounding streets with regard to parking. Additional parking restrictions may be needed now that the Beach is under Town supervision and the Bruce Freeman Rail Trail is open.
- The current open and closing dates and the hours of use for the beach be maintained.

**People Management**

- Continue to restrict swimming from Town land other than the Town beach.
- A plan be created for people management through effective enforcement of town policies and regulations.

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- Clear signage be maintained notifying visitors of such policies and regulations (relating to restricted swimming, dogs, horses, fishing, and fires) and that fines be implemented and enforced for noncompliance with such policies and regulations.
- The Town includes in their regulations/policies that inflatable devices are not considered boats.
- Resources for the ranger program and for police patrols be continued.

**FISH STOCKING**

- The Committee recommends that the Town work with Natural Resources and the State to ensure that the fish-stocking program is appropriate for the current conditions of the pond which can change year to year.

**Discuss Liquor License Rebates**

Mr. Lawson noted that the Finance Director prepared a chart outlining how much it would cost to offer a 25% rebate to on-premise liquor licenses that were not able to serve alcohol for three months during this year. After discussion, the Select Board thought it was best to give the licensees the ability to request either a rebate or credit.

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to authorize the Town Manager to rebate 25% of the on-premise liquor license fee for 2020, or to provide a 25% credit towards the 2021 on-premise liquor license fee.

**Roll call vote**

Mr. Lawson: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Ms. Escobedo: Aye

Ms. Bates: Aye

**Town Counsel Review of Local Business Assistance Proposal**

Resident Henry Dane requested the Town consider a proposal to help small businesses in Town through the Pandemic. The proposal asks the Town to provide low or no interest loans to local small businesses to help local business owners work their way through financial challenges during the pandemic. The proposal suggests raising funds by levying taxes under the Civil Defense Act and then expending those funds pursuant to the emergency expenditures exception in G.L. c. 44, § 31. Town Counsel provided the following review of the proposal:

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The proposal to provide financial assistance to small businesses affected by COVID-19, if accepted by the Select Board, would likely be impermissible with regards to the Anti-Aid Amendment and municipal appropriations laws, and will likely not meet exemption qualifications under the CDA, allowable emergency appropriations expenditures, nor DOR guidance. First, without more structure and clarity, the financial assistance proposal may not comply with the Anti-Aid Amendment due to the assistance appearing economically and politically abusive or unfair. Second, municipalities cannot expend funds without prior appropriation, nor would the financial assistance proposal be considered as an allowable emergency expenditure. Furthermore, the CDA likely does not suspend appropriation laws during declared states of emergency. Lastly, the DOR recently rejected a request for a similar proposal to provide assistance to small businesses using CARES funds, and likely will reach a similar conclusion with this proposal.

### **Committee Nominations**

There were no committee nominations.

### **Committee Liaison Reports**

Ms. Hotchkiss attended the Ag Committee, which voted to hold Ag Week instead of Ag Day. This would allow activities and farm stands to be held throughout the week in coordination with the Economic Vitality Committee. The Historic Districts Commission met, where they voted to separate the Certificate of Appropriateness to demolish portions of the building and construct a single story addition linking the Haywood Benjamin house to the Free Public Library, and to make other site improvements with respect to the footprint of the story craft room including the windows. The HDC also withdrew their amendment on parking, separating parking from the rest of the application.

Ms. Bates attended the Economic Vitality Committee, where they are looking to hone in on access for businesses in the holiday season and how to promote commerce safely given the restrictions businesses need to follow. The fund through the Community Chest is getting close to their \$100,000 match for grants.

Ms. Escobedo attended the NMI Reuse Planning Committee, where they discussed responses to the survey. Responses were mixed between residents who wanted to see housing at the site, and residents who were in favor of having the land available for recreation and open space. They also heard an additional suggestion for development which included a cloud computing center and a related institute that would work with other universities and businesses. The committee has invited someone from Fort Devens to attend their next meeting.

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Mr. Lawson attended the School Committee, where they approved the reopening plan. They also discussed budgets. Mr. Lawson attended the Finance Committee, where they discussed the FY21 tax impact analysis, and the School budget. The Finance Committee recommended that the School Department try to come up with additional savings.

**Miscellaneous Correspondence**

Mr. Lawson noted that correspondence was distributed with the packet.

**Public Comments**

There were no public comments.

**Adjourn**

Upon a motion duly made and seconded, it was UNANIMOUSLY:

**VOTED:** to adjourn

**Roll call vote**

Mr. Lawson: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Ms. Escobedo: Aye

Ms. Bates: Aye

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=p0hJzxK3K0Q>

Meeting Materials: <https://concordma.gov/DocumentCenter/View/25683/August-10-SB-Packet>

## 2019-2020 Select Board Goals

### Process

The Concord Select Board annually affirms its values and guiding principles to align its goals and objectives for improving government as it interacts with the Town Manager, committees, task forces, citizens and other units of government. In so doing, the Board aims to lead and establish strategic priorities, to provide support and guidance and encouragement where appropriate and to be collaborative, open and inclusive at all times.

### Values and Guiding Principles

Governance: Effective, Responsive and Transparent Governance

Financial Stability: Fiscal Responsibility and Financial Stability/Sustainability

Infrastructure: Sufficient, Well-maintained and Reliable Infrastructure

Natural Resources: Protection and Enhancement of Natural Resources

Sustainability and Resilience: Sustainable Management of Energy and Resources and taking actions to regenerate our natural environment

Quality of Life: Maintaining a high level of Town services to Concord citizens

Historic and Cultural Heritage: Preservation and Promotion of Historic and Cultural Heritage

Diversity: Economic and Social Diversity

Balance and Equity: Balance and Equity among divergent individual, Neighborhood and Town-wide interests

Regional and State Interests: Advancement of Concord's Interest in the Region and the Commonwealth

### Goals and Objectives

Specifically, the Board supports short and long-term goals and objectives in the following categories:

#### *Effective Governance, Board Organization, and Communication*

1. Encourage and support the new Town Manager and establish a positive working relationship between the new Town Manager and the Select Board.
2. Continue to support the Town Manager, town departments and town committees to begin to incorporate goals and implementation action steps from the 2030 *Envision Concord* Comprehensive Long-Range Plan in their current year goals. Similarly, oversee the implementation of goals identified by the Select Board.
3. Seat the Middle School Building Committee and Nuclear Metals/Starmet Property Re-use Planning Committee.
4. Provide guidance and resources for all Town volunteers serving on boards and committees to improve consistency and efficiency of public meetings and hearings. Continue training for residents serving on boards and committees.
5. Promote open and transparent government through enhanced use of technology and increased public access television, and the work of the PEG Access Committee among other means; and work to continuously improve citizen communications.
6. Streamline the Green Card process to encourage new citizen volunteers. And, ensure that all volunteers are acknowledged for their willingness to serve.
7. Complete an updated review of the Town/Library Agreement.

### *Financial Stability*

1. Instill integrated fiscal policies among the Select Board, the Finance Committee, and the School Committee to manage Concord citizen's tax burden.
2. Support management of Town services and budgets to maintain Concord's Aaa bond rating and to avoid Proposition 2-1/2 Overrides.
3. Develop a more effective longer-run method for understanding the Capital and Facilities needs of the Town and the Schools, to include timetables, cost estimates, and environmental impacts.

### *Balance, Equity and Diversity*

1. Work to implement the affordable housing initiatives passed at Town Meeting including work with our legislative representative to enact articles 25 and 26 and to establish the Town Committee and supporting documents contained in article 24.
2. Prepare a warrant article for town meeting based on recommendations from the Affordable Housing Funding Committee final report to the Select Board.
3. Continue to work with business sector to establish retail diversity support systems including intra and inter-town transportation.
4. Work with Police Department and other enforcement departments to demonstrate Concord's commitment to its Welcoming Community status.
5. Support proactive planning for wastewater infrastructure, water, telecommunications, energy, parking, traffic, and outdoor lighting.
6. Continue to apply Concord's Sustainability Principles in town decision-making, where appropriate, and seek economic, social and environmental resiliency in both public and private sector development.

### *Maintaining Concord's Unique Character, Historic and Cultural Heritage, Agriculture and Natural Resources*

1. Encourage collaboration among town departments on planning priorities, conservation and acquisition of land to preserve Concord's rural and agricultural culture.
2. Enhance accessibility to recreation and conservation resources in Concord for all citizens.
3. Review and implement recommendations for the recreational use and long-term protection of White Pond and the Gerow land and their ecosystems.
4. Work with the Natural Resources Committee on balancing dog friendly access and ecosystem protection on conservation lands.
5. Continue to monitor progress on Nagog Pond litigation.
6. Work with Harvard University to implement our agreement and Continue to seek resolution to access and use of the Estabrook Woods.

*Regional and State Interests*

1. Meet regularly with state legislators.
2. Participate in regional organization of which Concord is a member such as HATS, HFAC, MPO, MAPC, BRSB, MAGIC, and Cross-Town Connect.
3. Maintain active relationship with Hanscom AFB.
4. Actively participate in MMA Fiscal Policy Committee.
5. Continue representation on the Minuteman High School Building project and ongoing involvement with the Minuteman High School.
6. Identify opportunities for Concord's two cultural districts and coordinate efforts across sectors and locations.