

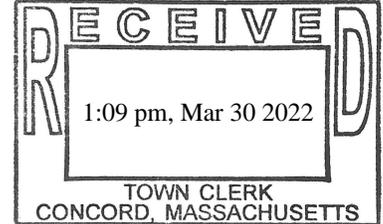
**Town of Concord
Select Board
Minutes
January 3, 2022**

Pursuant to a notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via Zoom on January 3, 2021, at 6:30pm.

Present were Terri Ackerman; Chair, Matthew Johnson; Clerk; Henry Dane, Susan Bates, and Linda Escobedo. Also present was Kerry Lafleur, Interim Town Manager

Call to Order

Chair Ackerman called the meeting to order at 6:30 p.m.



Consent Agenda

- Town Accountant Warrant: January 6, 2022
- Gift Acceptance: Donation by John Fiske of \$14,000.00 to the Council on Aging
- Minutes: October 25, 2021; November 8, 2021; November 15, 2021

Mr. Dane requested an amendment to the minutes of November 8, 2021 to clarify that the Select Board’s rationale for specifying a “not to exceed” number on its Special Town Meeting motion.

Ms. Bates also requested that the spelling of Richard Galper’s name be corrected in the same set of minutes.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the consent agenda with exception of the Town Accountant Warrant of January 6, 2022 and with two amendments to the minutes of November 8, 2021.

Swearing in of Interim Town Manager, Kerry LaFleur

Kaari Tari, the Town Clerk, swore in Kerry LaFleur to serve as the Town of Concord’s Interim Town Manager.

Town Manager’s Report

Ms. Lafleur reviewed the Town Manager’s report. Ms. Lafleur explained the Town’s recent efforts to combat the COVID-19 pandemic, including a recent mask mandate that had been issued. Ms. Lafleur also discussed COVID-19 protocols for the upcoming Special Town Meeting.

Chair’s Remarks

Chair Ackerman welcomed Ms. Lafleur as the Interim Town Manager. Chair Ackerman also stated that Select Board meetings would be held by Zoom until further notice, noting a surge in COVID-19 cases across the state. Next, Chair Ackerman reviewed the upcoming Select Board meeting dates, reminded the Board and public of the Special Town Meeting on January 20, 2022. Finally, in reference to the construction taking place at White Pond, she asked citizens to respect the site and fenced off area.

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Update from Concord Municipal Affordable Housing Trust:

Keith Bergman, of 56 White Avenue and Chair of the Concord Municipal Affordable Housing Trust, stated that he was there to ask the Board for their approval of two items.

1) Vote on CHDC request to decommit \$570,000 for 100 Elm Brook

Mr. Bergman asked the Board to decommit \$570,000 in funds that the Board had previously committed for the purchase of a condominium because the current owner had decided not to sell the unit.

Chair Ackerman asked if the funds would be returned to the Affordable Housing Trust. Elizabeth Rust, the Director of the Regional Housing Services Office (RHSO), stated that the Board had transferred approximately \$1,200,000 to the Trust, and that they were seeking a release of the commitment of the funds.

Mr. Johnson asked if the vote in June was to release the funds from Free Cash at that time. Ms. Lafleur stated that Town Meeting had appropriated the funds for Affordable Housing.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to rescind the Select Board's June 1, 2021 vote to commit \$570,000 to buy down a unit located at 100 Elm Brooke and return the \$570,000 commitment to the Municipal Affordable Housing Trust.

2) Review request to designate \$500,000 of free cash to affordable housing

Mr. Bergman stated that the Concord Municipal Affordable Housing Trust Fund Board had discussed proposing an article at the Annual Town Meeting in 2022. He noted that the Select Board had previously put forward articles at past Town Meetings on behalf of the Trust and requested that they do the same for the 2022 Annual Town Meeting. Mr. Bergman stated that the Trust understood that Free Cash may not always be the best funding source of the Trust, and that the home rule petitions that had been filed had not yet been taken up by the State Legislature, but that the Trust would like to have a larger discussion with the Select Board to determine some of the best funding sources for the Trust.

Ms. Lafleur reviewed the Fiscal Year 2023 budget and potential ways to fund the Trust.

3) Review CMAHT support for Upland Road/Old Marlboro Road land acquisition project

Mr. Bergman reviewed the Upland Road land acquisition project and stated that the Trust had met with the Concord Housing Development Corporation and were focusing on developing five affordable housing units. Mr. Bergman stated that a \$140,000 deposit would be required to move the project forward, and that the Trust would be funding \$50,000 of that sum. Ms. Rust noted that Marcia Rasmussen and Delia Kaye had prepared a plan for the development.

The Board discussed the potential development with Ms. Rust, who was encouraged by the possibility of creating five new units of affordable housing. They asked about the mix of owner and residential units and the refundability of the deposit. Ms. Rust said that the existing duplex

would be rented, but that no decision had been made yet on the other units. She also described

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the conditions under which the deposit could be returned.

Mr. Johnson expressed concern that the project was creating fewer units of affordable housing than could be built by right in a commercial residential development. Mr. Dane added his concern that the cost for the land could yield a prohibitive cost per affordable unit.

Marcia Rasmussen, the Town's Director of Planning, stated that the proposed project was like other affordable housing developments in Town. There are a number of potential development alternatives, including Habitat for Humanity, with lower construction costs than were projected for the unit that had been recently proposed at the Gerow site on Commonwealth Ave.

Diane Proctor, Chair of the Community Preservation Committee, spoke on her own behalf to clarify how the Community Preservation Act funding for the project would be presented at Annual Town Meeting.

4) Discuss CMAHT Trust Guidelines

Mr. Bergman stated that the Trust had been working on written guidelines for the Trust, which would be subject to the Select Board's approval. Mr. Bergman stated that the guidelines the Trust would present would be updated following the completion of the Housing Production Plan. Ms. Rasmussen added that a consultant had been retained, and that the RHSO had also been engaged to work on the Housing Production Plan. A draft charge for the Housing Production Plan Steering Committee will be presented to the Board in the coming weeks.

Review Finance Department Plans

Ms. Lafleur reviewed the memo included as part of the Select Board's meeting packet. She stated that she would like to split the role of Finance Director into two positions: Interim Finance Director and Interim Treasurer-Collector. Ms. Lafleur requested that the Select Board appoint Colleen Rhinhart, the Acting Treasurer-Collector, as Interim Treasurer-Collector at their meeting on January 24, 2022. Ms. Lafleur further added that the position of Interim Finance Director had been advertised extensively and was open until filled. Ms. From the period of January 1-24, 2022, she had appointed Jon Harris as Acting Finance Director. Mr. Harris is currently the Town's Budget and Purchasing Director. Additionally, Ms. Lafleur stated that the Town was reviewing how to proceed with filling the position of Principal Assessor, noting that the Town had retained an Interim Assessor since the departure of Lane Partridge in October.

Discuss Committee/Citizen Requests and SMT Input

Chair Ackerman stated that she and Mr. Johnson had met with members of the Senior Management Team earlier in the day to discuss Committee/Citizen Requests and for the Senior Management Team to provide input.

Ms. Lafleur reviewed a spreadsheet, which was included in the Select Board's meeting packet. Ms. Lafleur highlighted what she believed were the four major areas of focus discussed at the meeting. They were Select Board/Staff Communications, Boards & Committees/Staff Liaison, Boards & Committees/Staff (where no liaison has been assigned), and Residents/Staff.

Chair Ackerman reviewed a document that she and Mr. Johnson had compiled with their

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thoughts on the meeting with the Senior Management Team, which was included in the Select Board's meeting packet. Both Chair Ackerman and Mr. Johnson called on residents, board/committee members, Select Board members, and Town staff to maintain civil discourse when conducting Town business. Additionally, Chair Ackerman and Mr. Johnson discussed the possible development of a Code of Conduct. Chair Ackerman thanked Ms. Lafleur and the Senior Management Team for taking the time to discuss this matter with the Select Board and hoped to hold another meeting with them in the future.

Review of Select Board Goals Accomplished in FY22

The Board reviewed the 2021-2022 Select Board Goals, which was included in the Select Board meeting packet. The Board reviewed the progress that they had made on the items included in the document, and highlighted areas that they should continue to make progress on in the future.

Vote on Additional Select Board License Renewals for Calendar Year 2022

Chair Ackerman stated that while most licenses had been granted at the Select Board meeting on December 20, 2021, there were some applicants that had not submitted all necessary paperwork in time for consideration at that meeting. Christopher Carmody, Administrative Manager in the Town Managers Office, informed the Board that all applicants listed in the Select Board's meeting packet had submitted all the necessary documents to be considered for a license.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve all listed license applications as detailed in the Administrative Manager's memo dated December 31, 2021 and included in the Board packet for this meeting.

Discuss Possible Annual Town Meeting Articles

Ms. Lafleur reviewed a memo included in the Select Board's meeting packet, dated December 30, 2021, regarding Potential Annual Town Meeting Articles. Ms. Lafleur explained that the first article, if approved, would allow the Town to hire an Investment Advisor to aid the Treasurer-Collector in the management of the OPEB Trust fund, which had a balance of approximately \$33,600,000.

Ms. Lafleur reviewed the possible second Warrant Article detailed in her memo to the Board, the establishment of an Electrification Fund. Ms. Lafleur explained that the Town had been approached by a resident who would like to make a sizable donation to the Town to aid in the electrification of the Town's fleet. Ms. Lafleur explained the benefits of setting up a trust fund for the purpose of helping the Town sustain its sustainability initiatives, and that it would be both beneficial to the Town and residents who also wished to donate to this fund in the future.

Chair Ackerman asked the Board if they would be interested in submitting a warrant article that would allow the Town to include explanatory information on a ballot during future debt exclusion votes. Ms. Lafleur provided further clarification, noting that it would allow the Town to provide more information on future ballots. The Board voiced support for including a warrant article like the one Chair Ackerman described.

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Mr. Johnson proposed discussing free cash appropriations at the preview meeting on January 8, 2022, as a possible warrant article. Mr. Johnson cited the discussion regarding Affordable Housing as a possible reason to take up the issue as a warrant article.

Vote to Authorize MWPAT Interim Note Loan

Ms. Lafleur recalled the vote the Board made in September which authorized the submission of a loan application to the Massachusetts Clean Water Trust (MWPAT) seeking \$512,337 which would be used to finance septic systems for Concord residents, who otherwise may not be able to afford to install them. Ms. Lafleur stated that the loan from the MWPAT would be a 0% interest loan.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$512,337 (the “Bonds”) pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed April 29, 2009 (Article 42), which authorized a total borrowing of \$2,000,000, for a community septic management loan program (the “Project”); and (2) That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$512,337; and (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the “Trust”) at a price determined pursuant to the Financing Agreement; and (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement or Agreements with the Trust with respect to the sale of the Bonds or Notes to approved by a majority of the members of the Select Board and the Treasurer and evidenced by their execution of the Bonds or Notes; and (5) that any certificates or documents relating to each Bond and Note (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures; and (6) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan agreement by the Treasurer, are hereby ratified, approved and confirmed; and (7) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement or Agreements and the Project Approval Certificate and Regulatory Agreement or Agreements relating to the Project.

Select Board Member Liaison Reports

Ms. Bates reported that she had attended the Personnel Board meeting and that they had discussed several potential Town Meeting warrant articles they were considering submitting to

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Town Meeting. Ms. Bates also reported on her attendance of a Personnel Study Task Force meeting.

Ms. Escobedo reported that she had attended a recent Planning Board meeting where they discussed several potential warrant articles they were considering submitting to Town Meeting.

Mr. Dane reported that he had attended a recent Board of Health meeting where a mask mandate was discussed and adopted. Mr. Dane also reported on the Library Committee, and the recent hiring of a new Library Director. Mr. Dane also attended and reported on the Civil War Monument Task Force.

Mr. Johnson reported that the Climate Action Advisory Board elected a new chair, and the Municipal Light Board held their rate hearing.

Chair Ackerman reported on the Hugh Cargill Trust Committee and the School Committee.

Committee Nominations

There were none.

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to appoint Frank G. Feeley of 347 Lexington Road to the Concord Municipal Affordable Housing Trust for a two year term set to expire April 30, 2023

Miscellaneous Correspondence

Chair Ackerman stated that there was none.

Public Comment

Karlen Reed, of 83 Whits End Road, voiced her support of the potential OPEB Trust Fund warrant article discussed by the Board and Ms. Lafleur. Ms. Reed also recommended that, should the article be approved, any advisor make periodic updates on the performance of the Trust Fund.

Diane Proctor, of 57 Sudbury Road, stated that on January 6, 2022, there would be a standout to celebrate democracy, where Senators Barrett and Eldridge would be speaking. Ms. Proctor also informed the Board that the League of Women Voters would be hosting Town Clerk Kaari Tari to explain the changes to voting districts and precincts to better inform the public on how and where to vote on Friday, January 7, 2022.

Pamela Dritt, of 13 Concord Greene, asked the Board if a rule existed that would prohibit the Town from investing in fossil fuels with Town funds and investments. Ms. Lafleur stated that the Town did adhere to such a principal. Ms. Dritt voiced concerns over the Envision Concord plan and its lack of sustainability measures. Ms. Dritt also asked how a resident could bring a warrant article to Town Meeting. Ms. Escobedo recommended Ms. Dritt reach out to the Town

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Moderator, Carmin Reiss.

Adjournment

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

Meeting Materials: <https://concordma.gov/DocumentCenter/View/34094/January-3-2022-Select-Board-Packet-v2>

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=mltr30miINA&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8-&index=7>