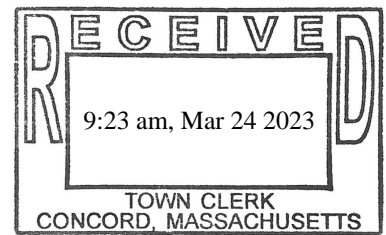


**Town of Concord  
Select Board  
Minutes  
January 30, 2023**



Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both via Zoom and in person at 22 Monument Square on January 30, 2023 at 5:30 PM.

Present were: Matthew Johnson, Chair; Terri Ackerman, Clerk; Henry Dane, Mary Hartman and Linda Escobedo

**Call to Order**

Select Board Chair Matthew Johnson called the meeting to order at 5:30 PM.

**Executive Session pursuant to G.L. c. 30A, § 21(a)(3) to Discuss  
Strategy with Respect to Litigation regarding Estabrook Road**

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to enter an Executive Session pursuant to G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to litigation regarding Estabrook Road (Town of Concord v. Rasmussen et al.), as the chair declares that an open meeting may have a detrimental effect on the litigating position of the Town. The public session meeting will resume at 6:30 PM.

Roll Call Vote:

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

The Select Board resumed public session at 6:30 PM.

**Meet with State Representatives Carmine Gentile and Simon Cataldo**

Representative Simon Cataldo appeared before the Select Board and introduced himself. Rep. Cataldo noted that he is working on many pieces of legislation already and highlighted the home rule petitions that are being refiled for Concord, a bill regarding public safety for the 250<sup>th</sup> Celebration, and a bill regarding standards of renewable energy for municipal light plants. Rep. Cataldo continued and noted of the new precincts that he and Rep. Gentile are working in, as working together has already proved beneficial for the Town as neighboring communities are working closely together, especially with constituent services.

Ms. Ackerman asked a question regarding the bill for public safety for the 250<sup>th</sup> Celebration.

Rep. Cataldo responded that there are two aspects of timing for this bill, first being when the disbursement would occur and the second being when the Town could spend the disbursement. Rep. Cataldo noted that the wording of the bill currently states that it is for events to occur in 2025 and 2026, but can work on including 2024 moving forward too.

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Mr. Dane noted that most of the events that are in need of public safety assistance will be occurring in 2025.

Ms. Escobedo noted that there are two state enabling bills that have been filed in relation to the real estate transfer fee, which the Select Board has typically supported. Ms. Escobedo continued that the Town could use assistance in trying to secure funds to make the MBTA stations accessible. Ms. Escobedo then asked if there has been an update regarding remote participation in public meetings past the March 31, 2023 expiration date of the provision.

Rep. Cataldo responded that he does not yet have an update on the continuance of remote participation in public meetings. Rep. Cataldo did note that legislators are expected to be in person throughout this session, but does not know of the effect that this could have on remote meetings for municipalities.

Representative Carmine Gentile appeared before the Select Board and introduced himself. Rep. Gentile noted that before this provision was enacted in response to COVID-19, the law permitted for hybrid meetings, though not fully remote meetings. Rep. Gentile continued and noted that he is aware of the need for increase funding for the 250<sup>th</sup> Celebration, along with increased public transportation in the region for this.

Ms. Hartman stated that she attended that Annual MMA Conference this month and that the Governor and Lieutenant Governor both spoke in detail about provisions for economic development and affordable housing. Ms. Hartman noted that in relation to these efforts, Concord is constrained by both water and wastewater, so the Town has an application to increase wastewater capacity and asked if the Representatives could advocate for the application.

Rep. Gentile asked for the Town to send its application documents over to him and Rep. Cataldo and he will work to get this application moving.

Rep. Cataldo added to send the application documents to Senator Barrett too.

Chair Johnson noted that the Town voted to reauthorize home rule petition at Special Town Meeting on January 19, 2023 for the Fossil Fuel-Free pilot program, but that there are draft regulations for the program circulating that look like the Town may have to do further updates to the bylaw and that the Town does not want to be left out of the program due to varying terminology. Chair Johnson gave both representatives the opportunity to make closing comments.

Rep. Cataldo asked the Board to continue to bring forth legislation that they wish to be advocated for and when resources are needed for capital projects to try to quantify the resources as much as possible.

Rep. Gentile added for the Board to keep him updated on any grants that the Town applies for.

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Chair Johnson adjourned the meeting for the Town Caucus, taking place in the Public Hearing Room at the Town House, 22 Monument Square at 7:00 PM.

**Consent Agenda**

- Meeting Minutes:
  - September 12, 2022
  - January 19, 2023
  
- Executive Session Meeting Minutes for Approval but Not to be Released:
  - December 5, 2022
  
- Terminate the TIF Agreement with Junction Village ALF Limited Partnership
  
- Gift Acceptances:
  - Garden Club of Concord to the Natural Resources Division in the amount of \$523.50
  - Diana and Jack Clymer to the Beede Center of a personalized oil painting to be created by artist Kat O'Connor with an estimated value of \$11,050.00
  
- Town Accountant Warrant: January 19, 2023
  
- One Day Liquor License Application All Alcoholic Beverages for Kerem Shalom for “What Makes Me Tic: Comedy and Storytelling” at Kerem Shalom at 659 Elm Street on Saturday, February 4, 2023 from 7:00 PM to 9:00 PM
  
- Late License Renewals
  - Tour Guide:
    - Abigail Russel
    - Elisabeth Parise
    - Dave Macintosh
    - Douglas Ellis
    - Donna C. White
    - Jeanmarie Williams

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to approve the Consent Agenda.

**Town Manager’s Report**

Town Manager Kerry Lafleur highlighted several personnel updates for the Town, including the hiring of Eileen Blanchette for the second administrative support position in the Town Manager’s Office who is starting on Monday, February 6, 2023. Ms. Lafleur continued that an announcement of the Deputy Town Manager candidate will be issued tomorrow, January 31, 2023. Ms. Lafleur noted that first-round interviews for a new Economic Vitality Director will

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begin this Friday, February 3, 2023. Ms. Lafleur continued and congratulated Captain Curran of the Fire Department on his retirement and thanked him for his dedicated service to the Town. The full Town Manager's Report is included in the Select Board meeting packet.

**Chair's Report**

Chair Johnson congratulated Town Staff on a successful Special Town Meeting and noted that the Annual Town Meeting Warrant has now been published on the Town's website.

**Conceptual Overview of Junction Village with the  
Concord Housing Development Corporation**

Chair Johnson recused himself from the discussion as an abutter of the property.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to elect Terri Ackerman as Chair pro-temp.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to elect Henry Dane as Clerk pro-temp.

Lee Smith, Chair of the Concord Housing Development Corporation, appeared before the Select Board to introduce the discussion on potential developments at the Junction Village site. Also present were resident Todd Benjamin of 333 Sudbury Road and Julie Cramer of Preservation of Affordable Housing (POAH).

Ms. Hartman asked how long the process of community feedback will take.

Mr. Smith responded that the interested team of developers has expressed interest in moving quickly, but that it will still be a competitive process in choosing the developer for the project.

Mr. Dane noted that he has researched the team of developers and is pleased with their background.

Mr. Benjamin introduced himself to the Select Board and noted that he is interested in affordable housing and has professional experience in the field. Mr. Benjamin continued that when the Grantham Corporation decided to no longer move forward with the project at Junction Village, he reached out to Julie Cramer of POAH as a colleague to see if they would be interested in the site.

Julie Cramer of POAH introduced herself to the Select Board and provided background on POAH. Ms. Cramer stated that POAH owns about 13,000 units of affordable housing, which are managed through POAH Communities. Ms. Cramer explained that POAH submitted an RFP years ago when the Junction Village project started, so that they are familiar with the site. Ms. Cramer stated that if chosen as the developer moving forward, the project would be funded through a subsidy from the Town, POAH's own equity, and mortgage and proceeds from the

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operation of the project. Ms. Cramer noted that she is aware of the Town's concerns with wastewater but stated that POAH has experience with unique wastewater situations with units in Cape Cod.

Ms. Hartman asked how far the site from the MBTA stations is.

Mr. Smith responded that he believes it is in close enough proximity to the MBTA station to help with the MBTA Communities quota.

Ms. Hartman asked if there are TIF requirements.

Ms. Cramer responded that POAH primarily uses TIFs for their work in Chicago, but that an assessment based on the rental restrictions at this site would be made, like a real estate tax abatement, rather than a TIF.

Ms. Hartman noted that the proposal currently is for 40 to 50 units at the site and asked how much could POAH scale back the number of units and the project still be attractive for them.

Ms. Cramer responded that 40 to 50 units is a good number for their management group, and if they start lowering the number of units, they cannot support the 24/7 type of management that they recommend..

Mr. Dane asked if 40 to 50 units is too many for the site.

Ms. Cramer responded that septic and wastewater need to be evaluated, which generally dictates how many bedrooms can be built. Ms. Cramer continued that POAH would prefer a sewer line at the site, but that this is not always the most cost-effective option.

Ms. Ackerman noted that the rough price estimates per unit at this time are \$485,000.00.

Ms. Cramer added that this price would include a Title V septic system for the units.

Mr. Dane asked if there is any preference in demographics for the rental candidates.

Ms. Cramer responded that POAH will look at the Town's Housing Production Plan and likely build a mix of 1-, 2-, and 3-bedroom units.

Mr. Dane noted that he would have a preference of family housing at the site, which helps promote a diverse community.

Ms. Escobedo asked if Mr. Benjamin has a financial interest in the project. Ms. Escobedo also asked if Ms. Cramer could speak more about the relationship between POAH and the Town moving forward with the project.

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Mr. Benjamin responded that he would have both a professional/financial and community interest in the project.

Ms. Cramer noted that POAH typically either owns the property that their units are on or joins a 99-year lease with the host community of their units.

Ms. Escobedo noted that the conceptual plan includes guidelines between 80% to 150% and asked if there will be a lottery placement for 80% units.

Ms. Cramer responded that there will be a lottery for these units but noted that the Town can request a local preference as part of the lottery process.

Ms. Ackerman noted that the project would likely require a \$4,000,000.00 to \$5,000,000.00 contribution from the Town and asked what would happen if the Town could not make this entire contribution.

Ms. Cramer responded that there would be many conversations that would take place before a decision would be made and that there is also a potential for state funding for the project.

Ms. Ackerman asked if this project would enable the Town to remain in compliance with the SHI within the required timeframe.

Ms. Cramer explained that the Project Eligibility Application is due mid-April, and once the application is received, the Department of Housing and Community Development issues the Project Eligibility Letter. Ms. Cramer continued that the Town only needs a Chapter 40 B permit for the units to show up on the SHI and as long as the building permits are secured for the units within the year, the units could be counted on the SHI.

Rich Feeley of 347 Lexington Road and a member of the Concord Housing Foundation appeared before the Select Board and asked if all units needed to be 100% of AMI.

Ms. Hartman responded that they do not need to be 100% of AMI.

Mr. Bergman noted that the level of affordability was up to up to CHDC.

Mr. Feeley asked if CHDC has the staff available to work on the project and asked what the Town can do to get the community input moving.

Liz Rust, Director of the Regional Housing Services Office, noted that their staff is able to support the proposed time frame. Ms. Rust continued and noted that 25% of the units must be at 80% for all of the units to count toward the SHI.

Marcia Rasmussen, Director of Planning and Land Management, noted that Town staff mostly serves as a reviewing entity, such as supporting the Zoning Board of Appeals in the process.

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Diane Proctor of 57 Sudbury Road asked if the Town requests proposals, then what would happen if only 1 bid were received.

Mr. Smith explained that this would not be a sole source procurement and that the RFP would likely include provisions for CHDC to accept or reject all bids. Mr. Smith noted that the Select Board should also be prepared for an upcoming funding request for the Assabet River Bluff project, creating a total of 5 units.

Peter Fulton of 31 Winthrop Street raised concerns that the property could potentially be a hazmat site. Mr. Fulton continued that as an abutter, the neighborhood felt that they had a bad experience with the Grantham Corporation and would like to avoid the same situation moving forward. Mr. Fulton also requested that the developer chosen to move forward considers alternative access to the property, such as from the Bruce Freeman Rail Trail.

Chair Johnson rejoined the meeting.

**Beede Center – Fiscal Year 2022 Unaudited Results;  
Fiscal Year 2023 Budget Status**

Anna McKeown, Recreation Director, appeared before the Select Board to present on the Beede Center. The full presentation is included in the Select Board meeting packet. Ms. McKeown highlighted that Fiscal Year 2022 was the first net positive year since Fiscal Year 2018, which is a result of a small amount of investment income, membership and program enrollment up by 45%, and non-operating expenses down by 22%. Ms. McKeown noted that with operating costs down, the Beede Center was struggling with staffing shortages, especially with lifeguards and front-desk staff, so the Recreation Department has been working on creative ways to attract new applicants.

Ms. Hartman noted that the Beede Center has been working to attract members of all ages and asked if they have been marketing more toward younger age groups.

Ms. McKeown responded that other age groups are not being neglected, but it has been beneficial to attract younger members for group programming and updating Beede Center policies. Ms. McKeown noted that the Center does not have much in-house capacity to increase marketing, but the Center is working to add special events for all ages.

Chair Johnson noted that group exercise classes seem to be lagging.

Ms. McKeown responded that the Center is still working to pinpoint the problem with the lagging return to group exercise classes since COVID-19, but it is also challenging with virtual group exercise classes having expanded so greatly since the pandemic.

Chair Johnson asked which area of the Center is the most popular.

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Ms. McKeown stated that memberships at the Center allow for use of all spaces, so it is hard to track which areas are the most popular at which times, but that the natatorium is most popular overall.

Chair Johnson asked about energy costs at the Center.

Ms. McKeown responded that with the facilities running for 24 hours per day for 7 days a week, the energy costs are very high. Ms. McKeown noted that the Center is to perform a solar feasibility study, which will be funded by operating revenues and that the Center is also looking to replace the roof in coming years which will improve energy efficiency. Ms. McKeown continued her presentation, noting that for Fiscal Year 2023, the Center is preparing for a small loss, as staffing costs and energy costs increased.

Ms. Escobedo asked a question regarding swimming lessons that take place at White Pond throughout the summer.

Ms. McKeown responded that the Beede Center lifeguards perform the lessons at White Pond, and should the pond need to close, there is always back-up time reserved for the lessons at Emerson Pool or at the Beede Center so that the lessons do not have to be fully cancelled.

Ms. Hartman noted that it would be beneficial to see a Capital Plan for the Beede Center in the future.

Ms. McKeown agreed and noted that the Recreation Department would also like to produce a Capital Plan in the near future.

**Sustainability Committee Charge**

Chair Johnson opened the discussion on the new proposed Sustainability Committee charge. Chair Johnson continued that both the Climate Action Advisory Board and the Comprehensive Sustainability and Energy Committee have unanimously voted to condense their committees into one sustainability-focused committee with the proposed charge. The full proposed committee charge is included in the Select Board meeting packet.

Mr. Dane and Ms. Ackerman noted that some of the wording and paragraph structure could flow better.

Ms. Escobedo noted that the charge should include the template for an approval date.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to approve the Sustainability Committee charge with the discussed amendments.

**Vote to Refile Home Rule Petitions Approved at Special Town Meeting**

Upon a motion duly made and seconded, it was UNANIMOUSLY



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**voted:** to refile requests for Special Legislation with the Massachusetts State Legislature: Article 1: Fossil Fuel Infrastructure – Confirm Authorization to Apply for Participation in Fossil Fuel-Free Demonstration Project, Article 2: Reauthorize Special Legislation Petition – Real Estate Transfer Fee for Affordable Housing, and Article 3: Reauthorize Special Legislation Petition – Building Permit Fee Surcharge for Affordable Housing approved at Special Town Meeting on Thursday, January 19, 2023.

**Committee Nominations**

Ms. Ackerman read the following nominations:

- Joe Palumbo of 90 Black Horse Place to the Diversity, Equity, and Inclusion Commission for a term to expire April 30, 2025
- Timothy Whitney of 315 Lexington Road as an Associate Member to the Historic Districts Commission for the Concord Museum for a term to expire January 1, 2027

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the appointment of Ryan Hanley of 77 Lexington Road to complete an unexpired term to expire May 31, 2025 and Nancy Fresella-Lee of 140 Walden Street as an Associate Member to complete an unexpired term to expire May 31, 2023 to the Historical Commission; to correctively appoint John Cratsley of 10 Edmonds Road for a term to expire June 1, 2025, correctively appoint Burton Flint of 1643 Main Street for a term to expire June 1, 2026, appoint Diane Proctor of 57 Sudbury Road for a second term to expire June 1, 2027, and appoint Eve Isenberg of 833 ORNAC for a term to expire June 1, 2028 to the Community Preservation Committee; to correctively appoint Nicole Hammond of 76 Prairie Street for a term to expire May 31, 2026 to the West Concord Advisory Committee; to appoint Julie McClure of 2128 Main Street for a term to expire May 31, 2026 to the Concord Housing Development Corporation.

**Correspondence**

Chair Johnson acknowledged two pieces of correspondence regarding 615 Lowell Road included in the Select Board meeting packet.

**Select Board Liaison Reports**

Select Board Liaison Reports were tabled until the next meeting.

**Public Comment**

Virginia McIntyre of 26 Simon Willard Road appeared before the Select Board and encouraged the Select Board to work toward solutions to relieve low and moderate income taxpayers from some of the anticipated increase in taxes, should the Middle School Building Project funding increase pass at the Special Town Election scheduled for Thursday, February 16, 2023.

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Adjournment**

Chair Johnson adjourned the meeting.