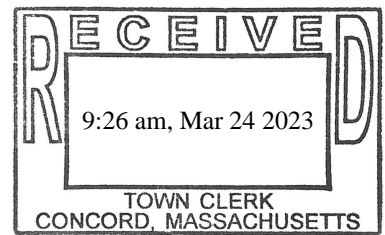


**Town of Concord
Select Board
Minutes
February 13, 2023**



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 and 615 Lowell 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.) and regarding 615 Lowell Road (Archstone Builders LLC v Concord Historic District[s] Commission), as the chair declares that an open meeting may have a detrimental effect on the litigating position of the Town. The public session Select Board 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.

Approve Signs for Estabrook Road

Chair Johnson opened the discussion regarding the approval of Town installed signs for Estabrook Road. Chair Johnson stated that there will be two signs, with the first describing the access to the road, which is a private way subject to right of public access, and the second describing the rules of the road.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the signs for Estabrook Road as presented by Chair Johnson.

Consent Agenda

Meeting Minutes:
- February 28, 2022
- April 4, 2022

**Town of Concord
Select Board
Minutes
February 13, 2023**

- April 11, 2022
- August 29, 2022
- September 19, 2022
- December 3, 2022
- December 5, 2022
- December 19, 2022
- January 30, 2023

Executive Session Meeting Minutes for approval but not to be released:

- January 9, 2023
- January 30, 2023

Town Accountant Warrant: February 2, 2023, February 9, 2023

One Day Liquor Licenses:

- One Day Liquor License for All Alcoholic Beverages for the Concord Museum at Concord Country Club, 246 ORNAC, for the 2023 Golf Tournament on Saturday, June 5, 2023 from 10:30 AM to 9:00 PM
- One Day Liquor License for Wine and Malt Beverages for Emerson Health at 51 Walden Performing Arts Center at 51 Walden Street for a Concert Fund

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Consent Agenda with the exception of the January 30, 2023 meeting minutes.

Town Manager's Report

Town Manager Kerry Lafleur stated that there is a full Weekly Operations Report included in the Select Board meeting packet, but that she intended to use this meeting's time to read a statement regarding the emergency family shelter to be operated by the state Department of Housing and Community Development at the Best Western. The full statement is included in Appendix A of the meeting minutes.

Mr. Dane asked if the staff from Making Opportunities Count (MOC) will be available 24/7 remotely or in-person.

Ms. Lafleur responded that Making Opportunities Count will be the on-site, in-person service provider 24/7 for the residents living in the temporary housing and that some of the rooms at the Best Western will be reserved for the on-site staff.

Chair's Report

Chair Johnson reported that in tonight's Executive Session regarding 615 Lowell Road, the Board voted to defend the appeal against Archstone Builders LLC with the Historic Districts Commission. Chair Johnson continued that there were a number of emails and letters received

**Town of Concord
Select Board
Minutes
February 13, 2023**

this week regarding 615 Lowell Road, the Hanscom Field development, and the emergency shelter, and that a large number of the emails and letters were published in the Select Board meeting packet, but that the Board must uphold its Correspondence Policy. The Correspondence Policy can be viewed [here](#).

**Public Hearing for Grant of Location Requests from
Comcast of Massachusetts**

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

Greg Franks of Comcast of Massachusetts appeared before the Select Board to present two Grant of Location requests for Court Lane and Monument Street.

Chair Johnson noted that there were five requests included in the Select Board meeting packet.

Mr. Franks said that these two requests are the only ones that he is prepared to present at this time.

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to continue the public hearing on March 6, 2023 at 6:50 PM for the Grant of Location requests for Plainfield Road to ORNAC, Pond Street to Laws Brook Road, and Pond Street to Barretts Mill Road and to close the public hearing for the Grant of Location requests for Court Lane and Monument Street.

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to approve the Grant of Location request to install coaxial cable to be over-lashed to the existing network from utility pole #1 Court Lane to utility pole #3 Court Lane and from utility pole #38 Monument Street to utility pole #58 Monument Street.

Comcast Contract Renewal Presentation with Sue Buske of the Buske Group, Karlen Reed, Chair of the PEG Access Advisory Committee, and Jason Bulger, Chief Technology Officer

Karlen Reed, Chair of the PEG Access Advisory Committee, called the PEG Access Advisory Committee meeting to order.

Sue Buske of the Buske Group appeared before the Select Board to present on the cable franchise contract renewal process with Comcast. The full presentation is included in the Select Board meeting packet.

Ms. Reed stated that the PEG Access Advisory Committee will be hearing public input on May 10, 2023 and May 11, 2023, and also through an online survey. Ms. Reed clarified that public input is being sought from all residents, not only those that are currently customers of Comcast.

Ms. Hartman asked if the Town could negotiate the franchise fee.

**Town of Concord
Select Board
Minutes
February 13, 2023**

Ms. Reed responded yes, up to 5% and the Town is currently at 4.8%.

Ms. Hartman noted that there are concessions that the Town would like to get from Comcast and what if they do not agree with these concessions.

Ms. Reed responded that this may involve negotiation discussions that should not be spoken of in a public forum.

Ms. Hartman asked if the Town is at an impasse with negotiations if there were a competitor that would offer the same services to the Town.

Ms. Reed responded that there is not a competitor that would offer the same services for cable television.

Ms. Ackerman asked if the Town could do an RFP.

Ms. Reed responded that this is an unusual and if an agreement cannot be reached, the Town can request an extension of their current contract, typically in the length of 3 to 6 months.

Ms. Buske noted that there are also financial penalties if the company does not comply with the contract.

Wireless Communications Update with Jason Bulger, Chief Technology Officer and Chris Carmody, Risk and Compliance Manager

Jason Bulger, Chief Technology Officer appeared before the Select Board to present an update on improved wireless communications in Town. The full presentation is included in the Select Board meeting packet. Mr. Bulger asked if the Board is interested in updating the Bylaw and pursuing the Umbrella Arts Center as a potential site to add additional coverage.

Ms. Ackerman responded that she is interested and asked about the process moving forward.

Mr. Bulger responded that Verizon has some ideas for the property and that he has already consulted with Town Counsel. Mr. Bulger continued that the Board can enter into a lease with Verizon for up to 30 years, and the Town Manager can enter a lease for up to 10 years, but that he is looking to begin with community outreach to discuss the implications for the community.

Mr. Dane asked if the lease would have to be renegotiated with the Umbrella.

Mr. Bulger responded that the Town likely would be able to move forward under the current lease.

Ms. Hartman asked if the Town could apply for a variance, rather than waiting for the amended Bylaw.

**Town of Concord
Select Board
Minutes
February 13, 2023**

Mr. Bulger noted that there is an option for a waiver currently included in the Bylaw so that the Town would not have to wait for the amended Bylaw to pass.

The Select Board concurred for the Town to begin community outreach for the site at the Umbrella Arts Center.

Information Technology Update with Jason Bulger, Chief Technology Officer, Neill Fotheringham, GIS Program Manager, and Dale Hartling, Broadband Manager

Jason Bulger, Chief Technology Officer, Dale Hartling, Broadband Manager, and Neill Fotheringham, GIS Program Manager appeared before the Select Board to provide an update on the Information Technology Department. Mr. Bulger stated that the IT Department is responsible for maintaining all Town technology, end-user training, and cybersecurity and that the department has contracted with a third party for “help desk” support. Mr. Bulger continued and noted that Minuteman Media Network also falls within the IT Department, who has recently been producing more content beyond recording Board/Committee meetings and has reached 1,000 subscribers on its YouTube Channel.

Chair Johnson asked if the department is currently working on any application implementation.

Mr. Bulger responded that the department is currently working on a Microsoft 365 transition and that the department is also transitioning to centralizing the Town’s budget and procurement of technology.

Ms. Escobedo asked if GIS was previously in a different department.

Mr. Bulger responded that the Department of Public Works previously had a GIS Analyst, but that this position has moved to IT.

Ms. Ackerman noted that it could be helpful to implement end-user training for board and committee members.

Mr. Bulger responded that he would work to put some onboarding materials together for boards and committees.

Munis Implementation Update with Gail Dowd, Chief Financial Officer and Jason Bulger, Chief Technology Officer

Gail Dowd, Chief Financial Officer, appeared before the Select Board to provide an update on the transition from Admins to Munis as the Town’s accounting software. Ms. Dowd stated that there are two phases of implementation, with the financials expected to launch in April of 2023 and the revenues expected to launch in May of 2024. Ms. Dowd added that there are many other modules available in Munis that the Town will also look into in the future, such as payroll.

**Town of Concord
Select Board
Minutes
February 13, 2023
Approve Letter regarding Hanscom Field Development**

Marcia Rasmussen, Director of Planning and Land Management, appeared before the Select Board and explained that the memorandum that is included in the Select Board meeting packet on her behalf is almost identical to the letter that has been drafted for the Select Board to submit to MEPA for public comment on the Hanscom North Airfield development.

Chair Johnson suggested that the Board delegate a member to review and sign the letter to be submitted to MEPA for public comment. Chair Johnson suggested Ms. Escobedo as the Select Board Liaison to Hanscom Area Town Selectmen.

Ms. Ackerman asked that a statement regarding the potential of increased air traffic be added to the letter and asked a question regarding the MEPA process.

Chair Johnson voiced concern that the applicant for the development has claimed that the development decreases the number of flights, so if they are going to make this claim, it needs to be backed up so that the surrounding towns can ensure that air traffic will not increase now or in the future.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve and submit the letter regarding Hanscom North Airfield Development with the discussed amendments to MEPA for public comment and delegate Ms. Escobedo to sign the letter on behalf of the Board.

Committee Nominations

Ms. Ackerman confirmed the following nomination:

- Kate Chartener of 888 Sudbury Road as a Full Member to represent the Concord Museum on the Historic Districts Commission for a term to expire January 1, 2027

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to appoint Joe Palumbo of 90 Black Horse Place for a term to expire April 30, 2025 to the Diversity, Equity, and Inclusion Commission and to appoint Timothy Whitney of 315 Lexington Road as an Associate Member to represent the Concord Museum on the Historic Districts Commission for a term to expire January 1, 2027.

Correspondence

Chair Johnson acknowledged the correspondence included in the Select Board meeting packet.

Select Board Liaison Reports

Chair Johnson reported on:

**Town of Concord
Select Board
Minutes
February 13, 2023**

- School Committee – Concord Public Schools ratified the reduction in its budget, though in a meeting with the Superintendent, Dr. Hunter explained why the budget cannot be reduced any further. There will be a joint meeting between the School Committee and Finance Committee this week, Wednesday, February 15, 2023 at 4:00 PM.

Ms. Ackerman reported on:

- Hanscom Field – Attended a site visit and there were about 50 people in attendance. Also attended a zoom presentation with hundreds of people attending.
- Hugh Cargill Trust Committee – Looking to update the application requirements for tax relief.
- Transportation Advisory Committee – There are a number of projects asking for relief from Town parking regulations, so Erin Stevens, Transportation Planner is working on drafting an updated parking policy that could be adopted in the Zoning Bylaw. There was a public forum on the Shared Streets project to take place at Main Street and Walden Street with the goal of ADA compliance and to be completed by 2025.
- Bruce Freeman Rail Trail Advisory Committee – The rail trail is entering a new phase of work, with a greater emphasis on maintenance. The committee may need to update their charge soon.
- 2229 Main Street Committee – Discussing the addition of a task force.

Mr. Dane reported on:

- Historic Districts Commission – Recent appointees to the commission began their membership but did not participate in the discussion pertaining to the 615 Lowell Road decision. Will be meeting with a Concord Museum representative nominee tomorrow.
- Civil War Monument Task Force – Acknowledged the passing of member Mr. McGrath and his work on the task force. Noted that the task force received a grant for \$12,000.00 for part of their work, \$16,500.00 in CPA funds, and are applying for an additional grant for historical preservation with the goal to unveil the monument in 2024.
- Public Ceremonies and Celebrations Committee – Recent appointees to the committee began their membership and there is a new chair of the committee. The committee received 5 honored citizen applications, which is an increase from previous years.
- Noted that there is the Special Town Election on Thursday, February 16, 2023 regarding the Middle School.

Ms. Escobedo reported on:

- Housing groups – Interplay between the Concord Housing Authority, Affordable Housing Trust, and Concord Housing Development Corporation, shifting priorities between Assabet River Bluff and the development at Junction Village. Affordable Housing Trust and the Regional Housing Services Office are working together to ensure that momentum is not lost following the approval of the Housing Production Plan. There will be a roundtable discussion for all housing groups and relevant stakeholders on Wednesday, April 12, 2023 at 7:00 PM.
- Hanscom Field Development Proposal – One week to file comment with MEPA on the development was too short of notice.

**Town of Concord
Select Board
Minutes
February 13, 2023**

Ms. Hartman reported on:

- Municipal Light Board – Laura Scott gave a presentation on the proposed solar panel project at the Middle School, which would cost \$7,500,000.00, resulting in a \$27.00 per year increase on average for rate payers over 20 years, if the Town does not receive any grants or ARPA funds. If a grant or ARPA funds are allocated, the rate increase could be as low as \$14.00 per year on average for rate payers. There will be a public forum on Tuesday, February 28, 2023 at 6:30 PM at the Town House in the Public Hearing Room and via Zoom. The project will also be discussed at the Finance Committee’s third Annual Town Meeting Public Hearing on Wednesday, March 15, 2023 at 7:00 PM at the Town House in the Public Hearing Room and via Zoom.
- Economic Vitality Committee – Looking forward to the Town welcoming a new Economic Vitality Director and discussed the economic impact of wireless communication coverage in the downtown.
- Recreation Commission – Discussed discounts at Recreation facilities for Town employees and working on the Recreation Strategic Plan. There will be an open house on the Recreation Facilities Strategic Plan on Wednesday, March 8, 2023 at 5:00 PM at 90 Stow Street and via Zoom. The Recreation Department is also facilitating a survey for the Strategic Plan, which can be taken [here](#).

Public Comment

Victoria Klimkiewicz of 7 Nimrod Drive appeared before the Select Board and voiced concern regarding the Department of Housing and Community Development’s emergency family shelter to open at the Best Western, especially regarding public safety with the hotel’s proximity to Route 2. Ms. Klimkiewicz also voiced concern regarding the zoning of the hotel, transportation to and from the hotel for the residents, and the capacity of the hotel.

Victoria Wyslouch of 10 Nimrod Drive appeared before the Select Board and reiterated Ms. Klimkiewicz concerns regarding the emergency family shelter. Ms. Wyslouch continued that the families are going to be isolated in small rooms at the hotel with not many resources in walking distance of the hotel.

State Representative Simon Cataldo of 40 Hosmer Road appeared before the Select Board and thanked the Board for their engagement and collaboration with other town’s regarding the proposed development at Hanscom North Airfield. Representative Cataldo continued that his office has received many questions regarding the emergency family shelter and noted that this was not a Town or legislative decision, but from the Department of Housing and Community Development. Representative Cataldo stated that he understands there are long-term residents currently living at the Best Western hotel and that his office is closely monitoring this situation to ensure that they are not displaced. Representative Cataldo added that he will visit a similar facility in Devens to get a better understanding of the operations.

Diane Proctor of 57 Sudbury Road appeared before the Select Board to recap a recent discussion of the Concord-Carlisle League of Women’s Voters, trying to understand who is behind the

**Town of Concord
Select Board
Minutes
February 13, 2023**

proposed expansion at Hanscom North Airfield. Ms. Proctor urged the Board to try contact the Governor's Office to prevent the expansion.

Tanya Gailus of 62 Prescott Road appeared before the Select Board and echoed Ms. Proctor's comments to appeal to the Governor's Office and noted that Massport should be providing greater transparency during the discussion and meetings for the proposed expansion.

Kati Winchell of Save Our Heritage appeared before the Select Board and echoed Ms. Proctor and Ms. Gailus' comments and urged the Town to also send Marcia Rasmussen's memorandum included in the Select Board meeting packet to MEPA's public comment on the proposed expansion.

Pamela Dritt of 13 Concord Greene appeared before the Select Board and asked that all letters received by the Board be posted on the Select Board's webpage.

Gerry Polucci of 70 Seven Star Lane appeared before the Select Board and noted that the lack of notice regarding the emergency family shelter seems non-coincidental. Mr. Polucci added that he does not understand how the proposal of additional hangers at Hanscom North Airfield will not add more air traffic.

Adjournment

Chair Johnson adjourned the meeting.

Appendix A

Town Manager's Statement on the Emergency Family Shelter:

As you are aware, the Department of Housing and Community Development (DHCD) contracted with the Best Western at 740 Elm Street (Concord) to lease all 105 rooms for the purpose of a temporary emergency housing. This service will start on March 1, 2023 and will be managed by Making Opportunities Count (MOC). MOC is a well-established nonprofit based in Fitchburg, MA devoted to breaking the cycles of poverty in Massachusetts. DHCD's rush to set up this program has understandably led to questions and concerns from our community. I hope to address these concerns in this memo, with the information we have to this date.

On January 23, 2023 DHCD notified town officials of its plan to establish an emergency shelter at the Best Western. At the time of notification, there had been no previous consultation or coordination with the town regarding the shelter. Town administration and staff first heard directly from DHCD representatives in a Zoom meeting on January 31. At that meeting, DHCD representatives explained the need to return to hotel and motel temporary placements, which had largely been phased out, to address the critical volume of Massachusetts families that need emergency housing assistance. The DHCD "emergency shelter" program has exceeded capacity; stand-alone facilities dispersed throughout the state will help to address capacity issues and provide rapid response capabilities for families in transition. This is a problem directly

**Town of Concord
Select Board
Minutes
February 13, 2023**

affecting members of our community, with Concord families among others, located at the temporary shelter facility at Devens, awaiting more permanent housing, in a barracks setting, sleeping on cots.

To address this critical state-wide need, Governor Healy requested an additional \$65M in aid to support the emergency shelter system and an additional \$20M in aid for schools to assist with the costs associated with additional enrollment. The aid funds an additional 1,100 in emergency shelter beds.

The following addresses some of the frequently asked questions we have received regarding the family shelter, and which were provided in the form of an FAQ on the town's official website and directed to from official town social media channels.

- Massachusetts is a “right to shelter” state, which requires families with children and pregnant women access to emergency shelter.
- The Best Western entered into a voluntary agreement with DHCD to lease the rooms.
- DHCD does not require local approval to stand up a shelter.
- The Emergency Assistance program is fully funded by the state.
- The site at the Best Western provides temporary housing for families with children and pregnant women, who meet DHCD requirements, as they await more permanent housing.
- DHCD has contracted with Making Opportunities Count (MOC) to provide “wrap-around services” including case management, housing assistance, connections to resources, security, and coordination of direct care.
- DHCD is working with local vendors to provide food service for family shelter residents. Snacks and other necessities will be provided on-site.
- DHCD and Best Western management are working with current long-term residents at the Best Western to resolve housing issues. If a mutually satisfactory arrangement can't be met, they will be directed to the town social worker for assistance.
- To ensure the safety of any occupants at the Best Western; building, health and fire codes are being reviewed for relevance to long-term occupancy.
- The Town is discussing with DHCD the most impactful help to be provided to those families in need, in a well-coordinated way that meets their direct needs and respects their dignity.

We will continue to encourage communication and work with state officials; including the DHCD, the Lieutenant Governor's office, and our legislative delegation to be prepared to support and welcome these vulnerable families, as well as to seek ways to address the larger issue of affordable housing. We will also continue to provide information through our communication channels to the community to inform their understanding of the issue.