

Select Board  
February 24 2020  
Minutes

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in the Select Board Room of the Town House on February 24, 2020 at 5:30PM.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, and Susan Bates. Also present was Stephen Crane, Town Manager. Not present: Jane Hotchkiss.

**1. Call to order**

**2. Executive Session for the purpose of discussing ongoing litigation regarding Nagog Pond. To discuss strategy with respect to litigation in an open meeting would have a detrimental effect on the litigating position of the town and the chair so declares.**

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to enter into Executive Session for the purpose of discussing ongoing litigation regarding Nagog Pond. To discuss strategy with respect to litigation in an open meeting would have a detrimental effect on the litigating position of the town and the chair so declares. The Executive Session is needed to protect strategy discussions affecting litigation on the stated matter.

**Roll call vote**

Susan Bates: Aye

Linda Escobedo: Aye

Mike Lawson: Aye

Terri Ackerman: Aye

Mr. Lawson noted the motion passed unanimously, and that the regular session of the Select Board meeting would resume at 6:00pm in the same room.

**3. Consent Agenda**

- Town Accountant Warrants
- Gift Acceptance
- Friends of the Concord Free Public Library \$3,000 Library Staff Gift Account
  - Minutes to approve: January 13, 2020; January 13, 2020 Executive Session (not to be released); December 17, 2018 Executive Session (not to be released); February 1, 2016 Executive Session (to be released); February 3, 2016 Executive Session (not to be released); February 4, 2016 Executive Session (to be released); July 25, 2016 Executive Session (to be released); September 20, 2016 Executive Session (to be released); November 29, 2016 Executive Session (not to be released) June 19, 2017 #1 Executive Session (not to be released); June 19 2017 #2 Executive Session (to be released); July 2, 2018 Executive Session (to be released); July 16, 2018 Executive Session (to be released); November 13, 2018 Executive Session (to be released); November 19, 2018 Executive Session (to be released); October 10, 2018 #1 Executive Session (to be released); October 10, 2018 #2 Executive Session (to be released)
  - One Day Special Licenses

Supporting materials for agenda items are available online at [www.concordma.gov/sbmtgdocs](http://www.concordma.gov/sbmtgdocs). Materials are uploaded on the Friday before a Select Board meeting.

Select Board  
February 24 2020  
Minutes

- Trails End Café 40 Stow St 2/27/20 6:00-9:00pm Wines Only
- Trails End Café 129 Main St 3/8/20 5:00-8:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/13/20 7:00-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/14/20 7:00-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/15/20 2:00-6:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/19/20 6:30-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/20/20 7:00-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/21/20 7:00-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/22/20 2:00-6:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/26/20 6:30-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/27/20 7:00-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/28/20 7:00-11:00pm Wines & Malt Beverages
- Umbrella Community Arts Center 40 Stow Street 3/29/20 2:00-6:00pm Wines & Malt Beverages

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the consent agenda as read

#### **4. Town Manager's Report**

Town Manager Stephen Crane noted that early voting would be taking place in the Hearing Room at the Town House this week during normal business hours of 8:30am-4:30pm.

There will be paving on Hawthorne Avenue on Thursday, February 27 if the weather permits.

The Hearing Room and Select Board Room of the Town House have been recently painted, and the floors in the hallway of the 2<sup>nd</sup> floor have recently been redone. Mr. Crane commended the Facilities Department staff for their hard work, and encouraged residents to come by and take a look.

#### **5. Chairs Remarks**

Mr. Lawson noted that the first of several public hearings will be taking place tonight in order to review the 2020 Town Meeting Warrant Articles. The Select Board articles will be reviewed tonight, the Planning Board articles will be reviewed on February 25<sup>th</sup>, and the Finance Committee articles will be reviewed on March 9, March 16, and March 23.

#### **6. Review Middle School Approval**

Concord Public Schools Superintendent Laurie Hunter was in attendance. Mr. Lawson stated that this item is before the Select Board tonight in order to determine when a Special Town Meeting will take place on a warrant article regarding funding for the construction of the new Middle School.

Ms. Hunter explained that the Middle School Building Committee has been reviewing options for when to recommend a Special Town Meeting to take place. The Middle School Building Committee ultimately came to the conclusion that a Special Town Meeting on September 16<sup>th</sup>, and a Town Election on September 30<sup>th</sup> would allow accommodate the current construction schedule, which is just enough time for the school to open for the fall of 2023.

Supporting materials for agenda items are available online at [www.concordma.gov/sbmtgdocs](http://www.concordma.gov/sbmtgdocs). Materials are uploaded on the Friday before a Select Board meeting.

Select Board  
February 24 2020  
Minutes

Ms. Hotchkiss was not in attendance, but sent in a letter of support for the timeline laid out by the Middle School Building Committee. Ms. Bates stated that she felt conflicted but wanted to ensure that the school would open for fall 2023. Ms. Escobedo found the financial argument for the September 16/30 dates compelling, but also pointed out that incorporating the Middle School vote into the Presidential Election would likely increase voter participation on this important ballot question. Mr. Crane spoke in support of the timeline the Middle School Building Committee suggested, and noted that the town could ask for an additional \$100,000 appropriation if the later dates were selected. Ms. Ackerman stated that she could see the benefit to both suggested approaches.

**7. Review Trails End Café Violations: Serving an intoxicated person (M.G.L. c.138 s 69), Improper management (M.G.L. c. 138 s 23)**

Mr. Lawson explained that the Select Board received a memo from Chief of Police Joseph O'Connor stating that Trail's End Café had served an intoxicated individual who ended up getting into a car accident. Chief O'Connor wrote to the board asking that they issue a written warning to Trail's End Café. Mr. Lawson noted that the management of Trails End Café has already taken steps to correct this issue and to ensure future compliance.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to authorize the Select Board Chair to issue a written warning to Trail's End Café, pursuant to the memo dated February 6, 2020 from Chief of Police Joseph O'Connor

**8. Review Concord 250 Committee Draft Charge**

Mr. Lawson drafted a charge for a committee to commemorate the 250<sup>th</sup> anniversary of the Town of Concord. Mr. Lawson stated that any comments on the committee charge should go to Jeremy Romanul in the Town Manager's Office and he will incorporate them before the next meeting, where we will review the charge again.

**9. Committee Liaison Reports**

Ms. Bates attended the Middle School Building Committee meeting on Thursday, February 13 regarding the timelines that were discussed for the potential Special Town Meeting. She attended the Thoreau Depot Plan forum on February 11, which was well attended. The Historical Commission is considering their 2020 Preservation Awards, and there will be a ceremony on May 20<sup>th</sup> to present the award. There was an open meeting law complaint against the Historical Commission, and the Attorney General recently ruled that there was no violation that took place.

Ms. Escobedo attended the Thoreau Depot Plan forum as well. The NMI Reuse Planning Committee reviewed its next steps for redeveloping the property at 2229 Main Street following their presentation to the Select Board. The Affordable Housing Trust Study Committee met and discussed their presentation for their warrant article at the public hearing.

Ms. Ackerman also attended the Thoreau Depot Plan forum. The Disability Committee met and noted their interest in the potential Transportation Advisory Committee that is forming. Ms. Ackerman was Supporting materials for agenda items are available online at [www.concordma.gov/sbmtgdocs](http://www.concordma.gov/sbmtgdocs). Materials are uploaded on the Friday before a Select Board meeting.

Select Board  
February 24 2020  
Minutes

appointed to the MMA Fiscal Policy Committee. The Capital Planning Task Force will be holding a public forum on March 18<sup>th</sup>.

Mr. Lawson noted that at the Chair's Breakfast, there was a lot of conversation about reforming the Green Card process. The Municipal Light Plant met and discussed rate design, how to handle rate adjustments, and a strategy as it relates to renewable energy credits.

## **10. Miscellaneous/Correspondence**

### **11. Committee Nominations**

There were no committee nominations

### **13. Public Comments**

Courtney Whelan of 65 Dover Street attended to request that the Select Board consider the 5G small cell policy that the Town of Burlington has adopted. Without adopting this policy, Ms. Whelan stated that Concord will be vulnerable to the exclusive interest of telecommunications companies.

Shelly Morse stated that residents will never accept the idea that they cannot participate in a discussion of issues about Estabrook Road. Ms. Morse stated that the idea that aspects of the case are secret and kept from residents will not be accepted.

## **14. Adjourn to Select Board Public Hearing on Warrant Articles 1, 2, 13, 15, 16, 31, 40, 45, 46, 47, 48, 49, 50**

Respectfully Submitted,

Linda Escobedo, Clerk

### **Meeting Documents:**

<https://concordma.gov/DocumentCenter/View/23987/2-24-20-Packet>

### **Minuteman Media Network Coverage:**

<https://www.youtube.com/watch?v=o69qmwPZXps&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=4&t=0s>

Supporting materials for agenda items are available online at [www.concordma.gov/sbmtgdocs](http://www.concordma.gov/sbmtgdocs). Materials are uploaded on the Friday before a Select Board meeting.