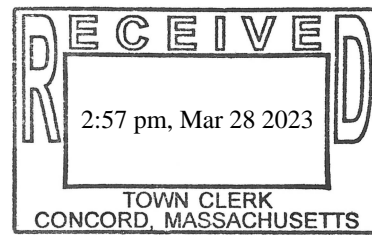


**Town of Concord
Select Board
Minutes
February 27, 2023**



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 February 27, 2023 at 6:30 PM.

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

Call to Order

Select Board Chair Matthew Johnson called the meeting to order at 6:30 PM.

Consent Agenda

- Meeting Minutes:
 - January 30, 2023
- Town Accountant Warrants: February 16, 2023
- Tour Guide License for Lois Suarez
- Sunday Entertainment Licenses for the Concord Orchestra Incorporated on Sunday, March 26, 2023 and Sunday, May 21, 2023 from 2:00 PM to 6:00 PM for a symphonic orchestra concert at 51 Walden Street
- One Day Liquor Licenses for Concord Country Club for All Alcoholic Beverages at 246 ORNAC on:
 - April 28, 2023 from 6:00 PM – 11:00 PM
 - May 5, 2023 from 6:00 PM – 11:00 PM
 - May 9, 2023 from 6:00 PM – 11:00 PM
 - May 12, 2023 from 4:00 PM – 9:00 PM
 - June 2, 2023 from 4:00 PM – 11:00 PM
 - June 3, 2023 from 9:00 AM – 7:00 PM
 - June 13, 2023 from 11:00 AM – 10:00 PM
 - June 16, 2023 from 12:00 PM – 9:00 PM
 - June 23, 2023 from 12:00 PM – 11:00 PM
 - June 24, 2023 from 9:00 AM – 7:00 PM
 - June 25, 2023 from 9:00 AM – 7:00 PM
 - July 7, 2023 from 12:00 PM – 9:00 PM
 - July 20, 2023 from 12:00 PM – 7:00 PM

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

Town Manager's Report

Town Manager Kerry Lafleur reported that the Town is preparing for a winter storm response beginning this evening, Monday, February 27, 2023 into tomorrow, Tuesday, February 28, 2023. Ms. Lafleur continued and reported on the Department of Housing and Community Development's emergency family shelter to open next month at the Best Western. The full Weekly Operations Report is included in the Select Board meeting packet.

Ms. Ackerman asked for clarification regarding the intake center at the emergency shelter.

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Ms. Lafleur responded that this would include working with a case manager, to understand the needs of the family, and determine the resources available. Ms. Lafleur continued that the Department of Elementary and Secondary Education attended the recent meeting between Town stakeholders, state legislators, and DHCD and stated that they do not encourage the placement of school-aged children in the local school district during an emergency housing stay, which is considered 3-5 days.

Chair's Report

Chair Johnson reported that there will be a community meeting on Warner's Pond on Thursday, March 2, 2023 at 7:00 PM to be hosted by the Division of Natural Resources at the Town House in the Public Hearing Room and via Zoom and that there is also a community survey regarding Warner's Pond that can be taken by residents [here](#).

Terminate the TIF Agreement with Junction Village ALF Limited Partnership

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to terminate the Tax Increment Financing (TIF) Agreement dated as of December 2020 (the "TIF Agreement") between the Town of Concord (the "Town") and Junction Village ALF Limited Partnership (the "Developer"), relating to the Christopher Heights Assisted Living Facility proposed to be constructed on land identified as Assessor's Parcel #8D-2013-1 (the "Project").

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to petition the EACC to decertify the TIF Agreement as the Developer has provided notice that it has no intention of meeting its expected completion timeframes in Section B.3. (i.e., expected completion by July 1, 2022, or no later than July 1, 2023 in the event of construction delays).

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to authorize the Town Manager or her designee to do all things necessary effectuate these actions.

**Public Hearing for the Application of Transfer of License (Transfer of Stock) and
Change of Manager for Artichocq Incorporated, DBA Vintages, Adventures
in Wine, to Ms. Meghan K. Elwell**

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

Ms. Meghan K. Elwell appeared before the Select Board as the applicant for the Transfer of License and Change of Manager for Artichocq Incorporated, DBA Vintages, Adventures in Wine, located at 53-55 Commonwealth Avenue. Ms. Elwell described the transfer of the license as a family transition, as the current owners would like to move onto other projects, but that the store will operate in a very similar manner to how it does presently.

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

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the application of a transfer of license and change of manager for Artichoq Incorporated, DBA Vintages, Adventures in Wine, to Ms. Meghan K. Elwell.

Public Hearing for Annual Town Meeting – Select Board Sponsored Articles

Elizabeth Cobbs, Personnel Board member, appeared before the Select Board to present on Article 4 – Ratify Personnel Board Classification Actions. The full presentation is included in the Select Board meeting packet.

Ms. Ackerman asked that for the presentation on Article 4 at Town Meeting, the slides explain all changes being proposed.

Ms. Cobbs then presented on Article 5 – New Classification and Compensation Plan for Regular-Status Positions and Article 6 – Amend Classification and Compensation Plan for Regular-Status Positions, explaining that only one of these articles will move forward to Town Meeting, as both are regarding the Classification and Compensation Plan that is not yet complete. The full presentations are included in the Select Board meeting packet.

Ms. Escobedo suggested that the Personnel Board created a Frequently Asked Questions webpage and handout regarding the Classification and Compensation Plan for Town Meeting.

Ellen Quackenbush of 206 Prairie Street asked if the Personnel Board is researching market rate positions in comparable communities.

Ms. Cobbs responded that it is her understanding that GovHR has not done this and that it may be too late in the stages of the project to do so.

Dean Banfield of 73 Walden Terrace asked a question regarding the objectives that the Classification and Compensation Plan considered on Slide 4. Mr. Banfield voiced concern that the implementation of the study is going to cost the Town more in salaries, even though the Personnel Board is independent from the salary determination process.

Josh Lee and Rose Cratsley, Co-Chairs of the Diversity, Equity, and Inclusion Commission, appeared before the Select Board to present on Article 10 – DEI Director. The full presentation is included in the Select Board meeting packet.

Ms. Ackerman suggested that a couple of the presentation slides be broken up into several shorter slides so that they can be more easily viewed. Ms. Ackerman also noted that the time limit for the presentation at Town Meeting will be more limited than the window tonight, so to be mindful of this.

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Chair Johnson asked if the cities and towns that have full-time DEI Directors are larger cities or towns than Concord.

Sven Weber of 50 Belknap Street noted that the wording of the article could be clearer.

Rob Meltzer of 30 Jennie Dugan Road asked if the Commission would present a log of the cited discriminatory events that the Commission stated backs the need of the creation of the position.

Joe Palumbo, DEI Commission member, noted that this is part of the reason why the Commission wants to create the position, so that an internal system can be created to track such events.

Tanya Gailus of 62 Prescott Road and citizen petitioner of the article noted that she chose the word “expedite” in the wording of it because she was under the impression that the Select Board and Town Manager already do want to create the DEI Director position.

Dean Banfield of 73 Walden Terrace noted that there is no funding proposed with the article, so Town Meeting could vote to create the position this year, but an additional article will have to be presented at next year’s Town Meeting for the funding of the position.

Nancy Purcella of 140 Walden Street voiced concern regarding the cost of the Middle School and the Town being able to find funding for the creation of the position.

Kristen Hagerty of 95 Revolutionary Road urged the Select Board to lead in ways which they believe represent the values and ideals of the Town, such as finding a way to allocate funding for the position.

Pamela Dritt of 13 Concord Greene stated that she thinks that the goals to increase diversity in Town should be as general as possible to be inclusive, rather than focus on specific issues that may continue to divide residents.

Mark Martines of 66 Alford Circle asked if the Town has considered if an incident arises between a Town employee and a resident if the Town will be in the middle of a legal situation. Mr. Martines also asked a question regarding the enforcement of the incidents that are reported.

Mr. Lee responded that he is not an attorney, but he does know that other communities have been able to navigate the “grey area” of their incident reporting systems effectively and that he will follow up on this question for Town Meeting.

Mark Howell of 668 Annursnac Hill Road noted that he thinks the article can be clearer on the action that the Select Board and/or the Town Manager would take if it passed.

Dean Banfield of 73 Walden Terrace appeared before the Select Board to present on Article 22 – Municipal In-Town Solar Generation Task Force. The full presentation is included in the Select Board meeting packet.

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Chair Johnson asked if we assume that in 2025, the Middle School solar project has been built, how many megawatts closer to the Town's goal will we be?

Mr. Banfield responded that the Town will need to build 12.5 more megawatts to reach its goal and the Middle School project will be 1.3 megawatts.

Chair Johnson asked if the Town engages in long-term contracts for remote solar.

Mr. Banfield responded yes.

Chair Johnson asked if the other communities that are building solar on their school buildings, etc. are managed by a municipal light plant.

Mr. Banfield responded no, but there are other communities that are not necessarily neighboring to Concord that have municipal light plants.

Chair Johnson noted that in a similar citizen petition article posed by Mr. Banfield at last year's Town Meeting, there was to be an outline of a plan.

Ms. Escobedo noted that she believed that there was to be a draft plan available in March.

Diane Proctor of 57 Sudbury Road asked for clarification on the funding for the article.

Mr. Banfield responded that he does not anticipate that the task force would need a large budget, but that there is language in the article included that should the task force need funding for consultancy, etc. that funding would be provided at the Select Board's discretion. Mr. Banfield continued that to fund the physical solar structures that would be built throughout Town, this is typically done through a debt issue and then revenue is generated from the sale of the energy.

Carmin Reiss, Town Moderator, noted that Town Meeting has the legal authority to form its own committees, so it would be within the power for the committee to be formed and report back to Town Meeting, but Town Meeting does not have the power to direct the Select Board to form the committee.

Mark Martines of 66 Alford Circle asked is there a reason why there is not solar funding already penciled into the budget.

Mr. Banfield responded that the Town chose to not include solar in the capital budget of funding for the Middle School building project, likewise with the High School, but rather it has been separated as a responsibility of the municipal light plant.

Brad Hubbard Nelson, Climate Action Advisory Board member, appeared before the Select Board and presented on Article 23 – Adopting the Specialized Stretch Energy Code. The full presentation is included in the Select Board meeting packet.

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Ms. Escobedo asked if the code applies only to new construction.

Mr. Hubbard Nelson responded that it applies to new construction, but that he is unsure if it also applies to renovations of a certain size and that he will follow up.

Ms. Ackerman suggested that Mr. Hubbard Nelson be prepared to explain some of the opt-in provisions more thoroughly at Town Meeting.

Chair Johnson noted that both questions can be addressed on a handout at Town Meeting.

Ms. Ackerman asked if there is any downside to implementing or not implementing the code.

Mr. Hubbard Nelson noted that the Town is working to reduce its emissions in the most cost-effective way possible and that the new specialized stretch energy code which the Town gets for free without opting into will presumably increase the cost of new buildings slightly. Mr. Hubbard Nelson continued that the downside of not adopting the code would be additional emissions from either fossil fuel constructed buildings that cannot be easily converted to electric and/or worse energy efficiency in buildings.

Sven Weber of 50 Belknap Street noted that the municipal light plant is not providing fossil fuel-free electricity currently and voiced concern regarding affordability in general in Town if new building costs are going to increase more, considering affordable housing.

Pamela Dritt of 13 Concord Greene noted that there is a general misconception that building in more energy efficient ways are always going to be significantly more expensive.

Town Manager Kerry Lafleur appeared before the Select Board and presented on Article 30 – 162 Plainfield Road Easement. The full presentation is included in the Select Board meeting packet.

Nancy Fresella-Lee, Historical Commission member, appeared before the Select Board to present on Article 32 – Demolition Review General Bylaw. The full presentation is included in the Select Board meeting packet.

Sven Weber of 50 Belknap Street appeared before the Select Board to present on Article 36 – Update Noise Bylaw. The full presentation is included in the Select Board meeting packet.

Ms. Ackerman asked how the updated bylaw would be enforced.

Mr. Weber responded that it would continue to be enforced the way it is now, which is no enforcement mechanism.

Chair Johnson voiced concern regarding exemptions from the bylaw.

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Carmin Reiss, Town Moderator, noted that a bylaw can only be amended at Town Meeting, so there could be an addition in the bylaw that allows the Select Board to issue special permits in certain circumstances, but that the article would not pass through the Attorney General's Office if there was a provision included that allowed the Select Board to amend the bylaw.

Ms. Escobedo asked how the petitioner will address situations such as Sundays being some residents' only day to perform home maintenance, recreational activities, etc. that may produce noise.

Joe Palumbo of 90 Black Horse Place voiced concern on behalf of the farmers in Town, as a lot of their work is performed on Sundays and also voiced concern for residents that work 7-days per week, and do not have the ability to designate these certain activities to a specific day and time.

Marianne Maurer of 45 Bruce Road voiced similar concerns as a landscape excavation business owner.

Richard Monahan of 158 Hubbard Street stated that he feels this article is a solution in search of a problem and that noise disturbances have always been handled in a reasonable manner during his residency in Town.

Dean Banfield of 73 Walden Terrace noted that there may be tension between the farm bylaw and the updated noise bylaw if it were to pass at Town Meeting.

Jim Terry of 368 College Road voiced concern that the article is addressing a problem that the Town is not currently experiencing. Mr. Terry noted of several neighboring communities that do not have a noise bylaw.

Tanya Gailus of 62 Prescott Road voice concern regarding the language of the article that there may be holidays not listed in the bylaw that residents may want included. Ms. Gailus stated that she understands that construction noise is disruptive at times but that she also understands that neighbors have different situations.

Mark Martines of 66 Alford Circle noted that this article is going to increase division between residents.

Sven Weber of 50 Belknap Street appeared before the Select Board to present on Article 37 – Prohibition of Gas-Powered Leaf Blowers. The full presentation is included in the Select Board meeting packet.

Chair Johnson noted that the prohibition applies to two periods throughout the year, which are the summer and winter, but that the devices are permitted during the peak time of year that they are used, which are the spring and fall. Chair Johnson voiced concern regarding exemptions from the prohibition.

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Richard Monahan of 158 Hubbard Street voiced concern that the language of the article does not address all forms of leaf blowers and continued that the technological differences between gas and electric-powered leaf blowers may be challenging at this time.

Marianne Maurer of 45 Bruce Road voiced similar concerns regarding the technological differences between gas and electric-powered leaf blowers as a landscape excavation business owner.

Mark Martines of 66 Alford Circle voiced concern regarding the facts that are referenced throughout the article language.

Tanya Gailus of 62 Prescott Road noted that as a community, it is a good idea to move away from gas-powered leaf blowers and that the community should be open to having a more biodiversity friendly lawn, which would mean less upkeep.

Peter Rappoccio, Concord Country Club Course Superintendent, noted that the course is working to transition its carts to electric vehicles, etc., but that this is something that takes time and could not be realistically implemented quickly.

Breht Feigh of 149 Spenser Brook Road voiced concern that the article is mirroring other neighboring communities actions and that the Town may not understand the implications of the article.

Greg Cincotta, General Manager of the Concord Country Club, noted that the course would face challenges in maintenance if gas-powered leaf blowers were banned for certain parts of the year.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to continue the public hearing for Article 5 – New Classification and Compensation Plan for Regular-Status Positions and Article 6 – Amend Classification and Compensation Plan for Regular-Status Positions to March 27, 2023 at 7:00 PM and to close the public hearing for the remaining articles.

Review Annual Town Meeting Warrant Articles and Vote Recommendations

Upon a motion duly made and seconded, it was **voted:** to recommend affirmative action on Article 4 – Ratify Personnel Board Classification Actions. The motion passed 3-0-1, with Ms. Escobedo abstaining.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to recommend affirmative action on Article 32 – Demolition Review General Bylaw.

Fiscal Year 2023 Review of Legal Budget

Agenda item was tabled until the next Select Board meeting on March 6, 2023.

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Committee Nominations**

Ms. Ackerman confirmed the following committee nominations:

- Catherine McGrath of 134 Belknap Street to complete an unexpired term to conclude at the completion of the project to the Civil War Monument Task Force
- Karen Gibson of 1641 Main Street for a term to expire May 30, 2024, Jerry Frenkil of 132 Jennie Dugan Road for a term to expire April 30, 2025, Janet Miller of 1647 Main Street for a term to expire April 30, 2025, Michael McDonald of 208 Wright Road for a term to expire May 30, 2024, Cheryl Baggen of 3 Bolton Street for a term to expire April 30, 2025, Ben Slayden of 135 Hillside Avenue for a term to expire April 30, 2025, Gavin Colbert of 88 Old Marlboro Road for a term to expire April 30, 2025, Jake Swenson of 140 Nut Meadow Crossing for a term to expire May 30, 2024, Paul Kirshen of 38 Longfellow Road for a term to expire May 31, 2024, John Bolduc of 58 Stow Road, Unit 9, for a term to expire April 30, 2023, Brian Crouse of 49 Indian Pipe Lane for a term to expire May 31, 2024, Brad Hubbard-Nelson of 221 Nashawtuc Road for a term to expire April 30, 2025, Courtney Eaton of 141 Mosen Road for a term to expire May 31, 2024 to the Climate Action Committee
- Roberto Almeida of 28 Commerford Road to complete an unexpired term to conclude on May 31, 2024 to the Planning Board

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to appoint Kate Chartener of 888 Sudbury Road as a Full Member representative for the Concord Museum for a term to expire January 1, 2027 to the Historic Districts Commission; to appoint Kathleen Reidy of 125 Paul Revere Road for a second term to expire May 31, 2026 to the Library Committee; to appoint Rick Miller of 300 Main Street for a retroactive appointment for a second term from June 1, 2021 to May 31, 2024, Gavin Morrissey of 38 Aurora Lane for a retroactive appointment for a second term from June 1, 2022 to May 31, 2025, Jennifer Ubaldino of 38 Crabtree Road for a second term to expire May 31, 2026 to the Trustee of Town Donations; and to appoint Susan Mlodozieniec of 392 Border Road for retroactive appointment for a second term from June 1, 2022 to May 31, 2025 to the West Concord Advisory Committee.

Correspondence

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

Public Comment

Ellen Quackenbush of 206 Prairie Street and of Concord for Ukraine stated that the public is invested in how Town events are managed, such as parades. Ms. Quackenbush continued by stating that Concord for Ukraine wishes to participate in the Patriots Day Parade.

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Victoria Wyslouch of 10 Nimrod Drive voiced concern regarding the Department of Housing and Community Development's emergency family shelter to open at the Best Western and that Making Opportunities Count (MOC) may not have all of the resources necessary to serve the families appropriately at this location.

Adjournment

Chair Johnson adjourned the meeting.

Meeting Recording: <https://www.youtube.com/watch?v=4GBgZtXnVyE>

Public Hearing Recording: <https://www.youtube.com/watch?v=J5NJSBFggx8>

Meeting Packet: <https://concordma.gov/DocumentCenter/View/41086/Select-Board-Meeting-Packet-February-27-2023>