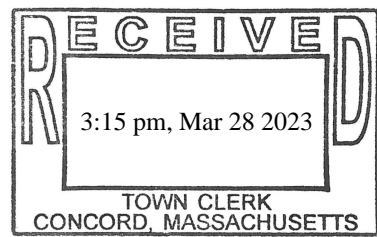


**Town of Concord
Select Board
Minutes
March 6, 2023**



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 March 6, 2023 at 6:30 PM.

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

Call to Order

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

Consent Agenda

- Meeting Minutes:
 - February 13, 2023
- Executive Session Meeting Minutes for approval but not to be released:
 - February 13, 2023
- Town Accountant Warrant: March 2, 2023
- Gift Acceptance from the Alcott School Parent Teacher Group to the Concord Recreation Scholarship Fund in the amount of \$1,181.00
- Extension of Liquor License Hours:
 - Nosh by Concord Market at 97 Lowell Road on Friday, March 17, 2023 to remain open 2 hours longer, from 11:00 PM to 1:00 AM
 - West Village Tavern at 13 Commonwealth Avenue on Saturday, March 18, 2023 to open 2 hours earlier, from 9:00 AM to 11:00 AM
- One Day Liquor Licenses for All Alcoholic Beverages for Concord Country Club at 246 ORNAC:
 - July 21, 2023 from 12:00 PM to 7:00 PM for Ladies Invitational
 - July 28, 2023 from 12:00 PM to 9:00 PM for Member 3 Guest
 - August 4, 2023 from 12:00 PM to 11:00 PM for Dawson Invitational
 - August 5, 2023 from 12:00 PM to 9:00 PM for Dawson Invitational
 - August 18, 2023 from 12:00 PM to 9:00 PM for Member 3 Guest
 - September 7, 2023 from 9:00 AM to 11:00 PM for Men's Fall Member Guest
 - September 8, 2023 from 9:00 AM to 11:00 PM for Men's Fall Member Guest
 - September 9, 2023 from 9:00 AM to 11:00 PM for Men's Fall Member Guest
 - September 22, 2023 from 12:00 PM to 9:00 PM for Member 3 Guest
 - October 5, 2023 from 12:00 PM to 11:00 PM for Closing Harvest Dinner
 - October 26, 2023 from 4:00 PM to 11:00 PM for Wine Dinner
 - October 28, 2023 from 4:00 PM to 12:00 AM for Halloween Party
 - November 3, 2023 from 4:00 PM to 11:00 PM for Closing Cocktail Party
- Annual Weekday Entertainment License for West Village Tavern at 13 Commonwealth Avenue
- Disbandment of Climate Action Advisory Board and Comprehensive Sustainability and Energy Committee

Upon a motion duly made and seconded, it was UNANIMOUSLY

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voted: to approve the Consent Agenda, with the exception of the Annual Entertainment License for West Village Tavern.

Town Manager's Report

Town Manager Kerry Lafleur reported on a meeting with the Department of Housing and Community Development (DHCD) regarding the opening of the emergency family shelter at the Best Western. Ms. Lafleur also noted that the Recreation Department will be holding an Open House on the Recreation Facilities Strategic Plan at the Hunt Recreation Center on March 8, 2023 from 5:00 PM to 7:00 PM and that there will be four Annual Town Meeting Public Hearings in coming weeks for the Finance Committee, Select Board (continuance), and Planning Board. The full Weekly Operations Report for the week ending on March 3, 2023 can be viewed [here](#).

Mr. Dane asked if the building code review of the Best Western is something that the owner of the Best Western prepares or if the Building Commissioner will prepare the building code review.

Ms. Lafleur responded that typically, the owner would submit a building permit to initiate the code review, but DHCD will be doing this on their behalf, so the Building Commissioner is waiting for this process to begin, but he has flagged the issue before he will issue a Certificate of Occupancy.

Ms. Hartman noted that in the slide deck from the Warner's Pond Community Forum held on March 2, 2023, two of the options moving forward at the pond are estimated to cost about \$2,500,000.00 and asked how much funding the Town has already spent on this project.

Ms. Ackerman responded that \$2,500,000.00 has already been allocated at Warner's Pond, but that there are many potential grants that the Town could receive for the option to remove the dam.

Chair Johnson added that there is also a \$550,000.00 request that will be heard by the Community Preservation Committee this year for Warner's Pond.

Ms. Escobedo noted that there will be a second Warner's Pond Community Forum as well.

Chair's Report – Tax Relief Programs and Alternatives

Chair Johnson reported that the Select Board is going to meet with the Board of Assessors in early April to discuss the implementation of a residential tax exemption for Fiscal Year 2025. Chair Johnson then presented a slide, which contained information regarding tax relief programs and alternatives available to Concord residents. The slide is included in the Select Board meeting packet. Chair Johnson noted for residents to be aware that many programs offered by the Board of Assessors have a deadline of April 1.

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**Public Hearing Continued from February 13, 2023 – Grant of Location Requests from
Comcast of Massachusetts with Greg Franks**

Chair Johnson resumed the public hearing.

Greg Franks of Comcast was not in attendance of the meeting.

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to continue the public hearing to March 20, 2023 at 6:45 PM.

Opioid Settlement “Fund 2” Authorization

Town Manager Kerry Lafleur presented a memorandum on the authorization of the Town Manager to enter into a settlement agreement regarding the opioid crisis in the Commonwealth with Allergan, Teva, CVS, Walgreens, and Walmart.

Mr. Dane asked for information regarding how Concord has been impacted by the opioid crisis.

Ms. Hartman asked how the funds from the settlement agreements will be spent.

Chair Johnson noted that there are specific categories of uses for how the funds will be spent.

Ms. Hartman noted that she feels that there is an intersection between services provided by healthcare providers and services provided by the Town in these categories and does not want the Town to provide services that could be provided by healthcare providers. Ms. Hartman continued that she would like to see more details on how the Town intends to spend the funds from the settlement in the permitted categories.

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to authorize the Town Manager to enter into the Subdivision and Special District Settlement Participation Forms with each of Allergan, Teva, CVS, Walgreens, and Walmart, copies of which are included in the Select Board meeting packet.

Transportation Advisory Committee Update

Laura Davis, Chair of the Transportation Advisory Committee, appeared before the Select Board and provided an update on the committee’s goals of improving transportation, planning for the 250th Anniversary Celebration, and their guidance by Envision Concord. Ms. Davis continued that the committee and Transportation Planner, Erin Stevens, are working on a Comprehensive Transportation Study, to assess what the Town currently has to offer and suggest improvements. Ms. Davis continued that it has been brought to the committee’s attention that there are pedestrian safety concerns at the crosswalk at Sudbury Road and Stow Street near the Concord Free Public Library and that there will be a site visit in late March or early April to observe the safety concerns. Ms. Davis noted that the Bike Share program is set to launch on April 1st and there is funding available and lastly that there has been a new state law adopted that defines

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vulnerable road users and designates a safe passing distance of 4-feet, which now enables the Select Board to petition the state to change the speed limit on any state-owned road in order to effectively implement this law. Ms. Davis stated that moving forward, the committee is going to work on parking minimums, maintenance of the roads in winter, and bicycle parking best practices.

Ms. Escobedo asked how the committee is identifying priorities.

Ms. Davis responded that the committee is working from the recommendations in Envision Concord and that the committee also made a road map last year that it is working from, but that other timely issues have been brought to the committee's attention simultaneously.

Ms. Hartman asked if the Trolley will be operating again this year for cross-town transportation.

Erin Stevens, Transportation Planner, responded that grant funding for the Trolley was not received this year, so there are no plans for cross-town transportation at this time, but that the focus right now is for safe pedestrian and cyclist crossings across town from Route 2.

Ms. Davis added that the committee is hoping to receive funds from the Transportation Bond Bill that would fund the Trolley.

Mr. Dane asked if the MBTA Commuter Rail is a viable option of transportation between downtown Concord and West Concord.

Ms. Davis responded that many people do this, but the commuter rail runs infrequently with once an hour during peak hours and over the weekend it can be 2-3 hours, and it costs \$2.75 per ride, which is not the most cost effective.

Chair Johnson asked a question regarding pedestrian crossing of Route 2 and the upcoming emergency family shelter to be located at the Best Western.

Ms. Stevens responded that this is a concern of theirs, but that the committee already began working with the consultants on the Comprehensive Transportation Study before they were made aware of the shelter opening.

Ms. Davis added that the committee will add an agenda item to a future meeting to discuss the safety of pedestrian crossings at the emergency shelter. Ms. Davis noted that the consultants working on the Comprehensive Transportation Study should be able to help the committee engage all stakeholders for improving transportation and safety of vulnerable road users.

Town Manager Kerry Lafleur noted that beginning in Fiscal Year 2026, there will be funding included on an annual basis for transportation improvement projects in the capital budget and that grant funding will continue to be an option.

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Ms. Davis noted that the committee currently has two openings and urge residents that want to take a wholistic view at the improvement of transportation in Concord to volunteer.

2229 Main Street Advisory Committee Update

Ms. Ackerman opened the discussion regarding the 2229 Main Street Advisory Committee, in which the committee discussed the potential formation of a task force. Ms. Ackerman presented the proposed charge for the 2229 Main Street Advisory Task Force. Ms. Ackerman noted that the task force would be charged with getting the Select Board and the public more information on the liability, risk, and timing of the potential acquisition of the 2229 Main Street property and the Board would then be able to make a decision from the task force's report.

Mr. Dane asked a question regarding the vote taken in 2015 in relation to the 2229 Main Street property.

Chair Johnson responded that this vote was very open-ended and that funding for the acquisition would be a different issue.

Mr. Dane noted that he believes the main issues to be liability and risk and that these issues need to be resolved before the Board considers the potential uses of the property. Mr. Dane added that there needs to be a high level of confidence that the risk is low and that the Town will not be in legal jeopardy.

Paul Boehm of 11 Ridgewood Road and members of the Recreation Commission and Community Preservation Committee appeared before the Select Board and stated that the task force would advise the Select Board's decision through investigating the opportunity at the property, how to develop the property legally, and how to communicate to the public that it is safe.

Ms. Hartman stated that she would like the task force to really focus on the analysis of the risks of acquiring or not acquiring and developing the property.

Ms. Escobedo asked what are the steps and costs involved with the liens, and further what liabilities are associated with the liens. Ms. Escobedo continued that the Board needs to be schooled on these specifics and recommends that a member of the task force have communications expertise.

Mr. Boehm responded that there are two types of risk—risk associated with financials and liability and risk associated with the perceived health risks to the public.

Pamela Rockwell of 1810 Main Street and member of the 2229 Main Street Advisory Committee appeared before the Select Board and noted that it may be hard to determine the uses of the property if the Town is unsure if they are going to acquire it.

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Mr. Boehm added that it will be hard for the task force to consider the risks without considering the uses of the property, as the site is not equally contaminated. Mr. Boehm continued that there are risks with legal liability across the whole site, versus the public health issue is only at certain parts of the site.

Ms. Ackerman noted that the Town should meet with Town Counsel to discuss how acquisition of the site would work.

Ms. Hartman noted that the task force charge should identify the skills that members should have rather than membership drawing from other Town boards or committees.

Ms. Ackerman confirmed that she will remove this requirement from the charge but add an exemption from APP #10, so that residents that potentially serve on another Town board or committee can still volunteer for the task force.

**Identification of Additional Information Needed Prior to Making
Annual Town Meeting Recommendations**

Chair Johnson opened the discussion regarding Annual Town Meeting articles that Select Board members would like more information on before voting recommendations.

Mr. Dane asked for clarification on Article 10 – DEI Director, such as more information about the job description, who the position would report to in the organization.

Ms. Ackerman noted that Town Manager Kerry Lafleur had identified money in the budget to hire a DEI consultant.

Chair Johnson agreed that the \$75,000.00 identified is a step in the right direction while the Town works on creating a full-time position.

Ms. Hartman asked what about other studies regarding potential sites for solar energy in Town in relation to Article 22 – Municipal In-Town Solar Generation Task Force.

Ms. Escobedo asked for clarification on where the Concord Municipal Light Plant stands on Article 22.

Ms. Hartman noted that she will get the Municipal Light Board's position on Article 22 at their next meeting.

Ms. Escobedo asked if the citizen petitioner of Article 36 – Update Concord Noise Bylaw and Article 37 – Prohibition of Gas-Powered Leaf Blowers received feedback from the Town Moderator and/or Town Counsel regarding the wording of the articles and if the petitioner received significant feedback from the community regarding Article 37.

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Chair Johnson responded that he will follow-up with the petitioner regarding community feedback on Article 37.

Ms. Ackerman stated that she would like greater clarification regarding how the \$600,000.00 requested in Article 25 – Appropriation for 250th Anniversary Celebration will be spent.

Chair Johnson stated that he would like greater clarification on Article 43 – Annual Appropriation of Parking Meter Receipts, such as better revenue projections.

Fiscal Year 2023 Legal Budget Discussion

Town Manager Kerry Lafleur presented a memorandum to the Select Board regarding the Fiscal Year 2023 legal budget. A full copy of the memorandum is included in the Select Board meeting packet.

Ms. Ackerman noted that while she is generally pleased with the Town’s legal services, she thinks that it is appropriate to publish a request for proposal for legal services every 5-10 years.

Ms. Hartman suggested publishing a request for proposal for Labor Counsel but not Town Counsel.

Ms. Lafleur responded that she feels that Town staff are generally pleased with Labor Counsel. Ms. Lafleur noted that Labor Counsel mostly works with Human Resources and Department Heads throughout union negotiations.

Committee Nominations

There were no committee nominations.

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to appoint 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; to appoint 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 Monsen Road for a term to expire May 31,

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2024 to the Climate Action Committee; to appoint Roberto Almeida of 28 Commerford Road to complete an unexpired term to conclude on May 31, 2024.

Correspondence

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

Select Board Liaison Reports

Chair Johnson reported on:

- Concord-Carlisle Regional School Committee – Discussed the form of the Superintendent’s evaluation, which will be done this year and also discussed a new position being created, which will be the Dean of Students at the High School, to focus on the wellbeing of students and programming
- Public School Committee – Discussed the status of the Middle School building project and the budget for this year
- Middle School Building Committee – Working to prepare for the next phase of the project where the committee will be receiving and issuing bids leading up to Town Meeting

Ms. Ackerman reported on:

- Concord-Carlisle League of Women’s Voters Candidate Forum – Recurring theme throughout the meeting that the Town previously was able to use Free Cash to reduce the tax rate, allocate funds for affordable housing, etc., but that this may be coming to an end so the Town should consider other ways to generate revenue and continue to apply for grants.
- Attended the Municipal Light Board Public Forum – Middle School Solar/Storage Project
- Personnel Board – Continuing work on the Classification and Compensation Study, GovHR presented the preliminary results of the study to employees on Tuesday, February 21, 2023 and employees were given a two-week period to ask for reconsiderations regarding their positions
- Hanscom Field Zoom Meeting – Highly attended meeting with two main themes either calling for the project to be halted altogether or noting that the project cannot be halted but negotiate and mitigate the plans of the project. Discussion on how Hanscom Area Town Select Board should resume meeting.

Mr. Dane reported on:

- Finance Committee Public Hearing for Article 25 – Appropriation for 250th Anniversary Celebration – Ran into an issue regarding maintaining the level of Free Cash at the 5-10% level, so spoke with the Town Manager about \$500,000.00 allocated in ARPA funds to the Middle School solar project which is not going to be spent this year, and apply that funding to the budget request for the 250th Anniversary Celebration
- Discussion with the Chair of the Historic Districts Commission regarding challenges with the statute for appointments and membership

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- Public Ceremonies and Celebrations Committee – New Chair of the committee

Ms. Escobedo reported on:

- MEPA response to the Hanscom North Airfield Development has been released so there is now 30 days for the proponents to respond to this, so the Board should be ready to comment again in the future. Hanscom Area Town Select Board is going to work to revitalize itself while this development is on the table.

Ms. Hartman reported on:

- Had a conversation with Liz Rust, Director of the Regional Housing Services Office and Ms. Ackerman regarding the development at Junction Village. Next steps for this project would be to conduct public input and then a request for proposals.
- Finance Committee and School Committee Joint Meeting – Both committees did a good job describing their points regarding the budget discrepancy. Dr. Hunter explained why the School Department needs increased funding for the Special Education Program and the Finance Committee explained that they must be mindful of tax increases that will be a direct result of building the new Middle School. Should discuss more ways that the Town and School Committee can generate revenue.

Public Comment

Adjournment

Chair Johnson adjourned the meeting.

Meeting Packet: <https://concordma.gov/DocumentCenter/View/41191/Select-Board-Meeting-Packet-March-6-2023->

Meeting Recording:

<https://www.youtube.com/watch?v=MdrHOLoQwZw&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8-&index=1>