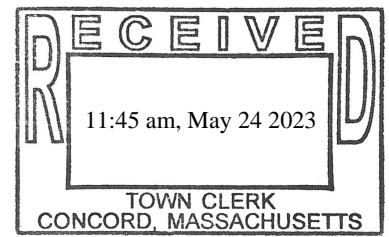


**Town of Concord
Select Board
Minutes
April 3, 2023**



Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both in-person at 22 Monument Square on the 2nd floor in the Select Board Room and via Zoom at 6:00 PM on April 3, 2023.

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

*All votes reflect a Roll Call Vote due to the members attending in a hybrid meeting format

Call to Order

Select Board Chair Matthew Johnson called the meeting to order at 6:00 PM.

Executive Session

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to enter an Executive Session under G.L. c. 30A, § 21(3) to discuss threatened litigation regarding the Town's Diversity, Equity, and Inclusion Commission where meeting in an open meeting may have a detrimental effect on the litigating positions of the Town (as the Chair so declares) and to resume Open Session at 6:30 PM.

Roll Call Vote:

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

Consent Agenda

- Meeting Minutes: March 27, 2023
- One Day Liquor License for Military Friends Foundation for Wine & Malt Beverages Only for the Tough Ruck Marathon on April 16, 2023 from 12:00 PM to 7:00 PM at the Fenn School, 580 Monument Street
- Town Accountant Warrant: March 30, 2023
- Proclamation for Ellen Garrison Day on April 14, 2023

Chair Johnson proposed an amendment to the meeting minutes for March 27, 2023 on page 6.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Consent Agenda with the amendment to the March 27, 2023 meeting minutes.

Roll Call Vote:

Chair Johnson – Aye

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

Town Manager’s Report

Town Manager Kerry Lafleur presented the Weekly Operations Report for the week ending March 31, 2023, which can be viewed [here](#). Ms. Lafleur highlighted the 2023 Town Election results, the Minuteman Bike Share that is to resume this April in partnership with Acton, and that the Visitor Center resumed a 7-day per week operation schedule on April 1st. Ms. Lafleur also announced that Megan Zammuto began her position as Deputy Town Manager and Mimi Graney began her position as Economic Vitality Manager today, April 3rd.

Ms. Ackerman noted that the Minuteman Bike Share partnership with Acton could be a good pilot program for planning transportation for the 250th American Revolution Anniversary Celebration.

Chair’s Report

Chair Johnson reported that he attended an event at the Concord-Carlisle High School on Sunday, April 2nd that featured a discussion with author Bill McKibben and that there was a compelling discussion about how Concord is a great town, but that residents could do more to push out of their comfort zones.

Concord Independent Battery – 2023 Approvals

Philip Kenney, President, Peter Myette, Captain, and John Thompson, Secretary of the Concord Independent Battery appeared before the Select Board to request permission to fire the Town of Concord cannons at 2023 celebrations and ceremonies. The full request and supplementary materials are included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Concord Independent Battery 2023 requests as included in the Select Board meeting packet.

Roll Call Vote:

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

Application for a Change of Manager for Concord Market at 77 Lowell Road

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Attorney Jim White, representing Concord Market and Steve Collins, proposed General Manager for Concord Market appeared before the Select Board to present the application for a Change of Manager. The full application is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the application for a Change of Manager for Concord Market at 77 Lowell Road as included in the Select Board meeting packet.

Roll Call Vote:

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

**Joint Meeting with the Board of Assessors to Discuss Residential Exemption and
Review of Clause 41 C ½**

David Karr of 82 Laws Brook Road, Chair of the Board of Assessors and Meredith Stone, Town Assessor appeared before the Select Board to discuss the implementation of a residential exemption and to discuss Clause 41 C ½. The full presentation is included in the Select Board meeting packet.

Chair Johnson asked about the impact to residents who do not qualify for the residential exemption.

Mr. Karr responded that mainly absentee owners and renters are the residents who do not qualify.

Mr. Dane asked if residents can be pre-qualified by using available data, rather than residents being required to complete an application.

Mr. Karr responded that this would have to be confirmed with the Department of Revenue.

Ms. Ackerman noted that there is a claim that the town has chosen not to move forward with a residential exemption in the past because it creates a large amount of work for town staff.

Mr. Karr responded that the implementation would likely be time consuming to review for town staff, but that perhaps the town could hire some additional staff in anticipation of the increased work. Mr. Karr added that towns can implement their own regulations regarding how frequently residents' applications must be reviewed.

Mr. Karr then shifted the discussion to Clause 41 C ½, which he noted has stricter restrictions.

Mr. Dane asked if the clause is a deferral or an exemption.

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Mr. Karr responded that it is an exemption. Mr. Karr noted that Clause 41 C ½ would replace Clause 41 C, which could no longer be granted. Mr. Karr continued by noting that Ashland is the only other town to have adopted Clause 41C ½.

Karlen Reed of 83 Whitts End Road noted that she does not think that now is the right time for the town to implement a residential exemption and urges there to be a closer look on data for how many seniors own property versus how many seniors rent property.

2022 Hazard Mitigation Plan

Walter Latta, Assistant Fire Chief appeared before the Select Board and presented the 2022 Hazard Mitigation Plan for approval. The full 2022 Hazard mitigation Plan is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted:

WHEREAS the SELECT BOARD recognizes the threat that natural hazards pose to people and property within the Town of Concord; and

WHEREAS the Town of Concord has prepared a multi-hazard mitigation plan, hereby known as TOWN OF CONCORD HAZARD MITIGATION PLAN – UPDATED 2022 in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the TOWN OF CONCORD HAZARD MITIGATION PLAN – UPDATED 2022 identifies mitigation goals and actions to reduce or eliminate long term risk to people and property in the Town of Concord from the impacts of future hazards and disasters; and

WHEREAS adoption by the Select Board demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the TOWN OF CONCORD HAZARD MITIGATION PLAN – UPDATED 2022.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF CONCORD, MA, THAT:
Section 1. In accordance with (local rule for adopting resolutions), the Select Board adopts the TOWN OF CONCORD HAZARD MITIGATION PLAN – UPDATED 2022.

Roll Call Vote:

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

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**Continued Discussion and Vote Recommendations of Annual Town Meeting Warrant
Articles and Assign Speakers for Various Articles**

Town Manager Kerry Lafleur presented a memorandum on behalf of Melanie Dineen, Health Director regarding Warrant Article 14 – Appropriation of Opioid Settlement Funds Received from the State Settlement Fund. The full memorandum is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to recommend affirmative action on Article 14 – Appropriation of Opioid Settlement Funds Received from the State Settlement Fund.

Roll Call Vote:

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

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to recommend affirmative action on Article 18 – Concord Public Schools Capital Budget.

Roll Call Vote:

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

Upon a motion duly made and seconded, it was
voted: to recommend affirmative action on Article 23 – Adopt Specialized Stretch Energy Code. The motion passed 4-1-0.

Roll Call Vote:

Chair Johnson – Aye
Ms. Ackerman – Aye
Mr. Dane – No
Ms. Escobedo – Aye
Ms. Hartman – Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to recommend affirmative action on Article 30 – 162 Plainfield Road Easement.

Roll Call Vote:

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

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to recommend affirmative action on Article 31 – Beede Swim & Fitness Center
Enterprise Fund Expenditures.

Roll Call Vote:

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

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to recommend affirmative action on Article 33 – Zoning Bylaw Amendment –
Restaurant – Prohibited Uses – Parking.

Roll Call Vote:

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

Upon a motion duly made and seconded, it was
voted: to recommend affirmative action on Article 35 – Zoning Bylaw Amendment –
Combined Business/Residence. The motion passed 4-0-1.

Roll Call Vote:

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

Upon a motion duly made and seconded, it was
voted: to recommend affirmative action on Article 37 – Citizen Petition – Prohibition of
Gas-Powered Leaf Blowers. The motion passed 3-2-0.

Roll Call Vote:

Chair Johnson – Aye

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Ms. Ackerman – No
Mr. Dane – No
Ms. Escobedo – Aye
Ms. Hartman – Aye

The assignment of speakers for Warrant Articles was tabled to the next Select Board meeting.

Committee Nominations

Ms. Ackerman confirmed the following nominations:

- Brian Crouse of 49 Indian Pipe Lane for a term to expire May 31, 2026 to the Bruce Freeman Rail Trail Advisory Committee
- Bernice Fousek of 115 Stow Street at Peter Bulkeley Terrace for a first term as the Tenant Member from May 1, 2023 to May 31, 2028 to the Concord Housing Authority

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to appoint Nancy Nelson of 1695 Lowell Road for a second term from May 1, 2023 to May 31, 2026 to the Battle Road Scenic Byway Committee, Brendan O'Neill Kemeza of 30 Davis Court for a second term from May 1, 2023 to May 31, 2026 to the Board of Assessors, Adrienne Boardman of 110 Hillcrest Road for a second term from May 1, 2023 to May 31, 2026, Dorcas Miller of 75 White Avenue for a second term from May 1, 2023 to May 31, 2026, and Nathaniel Welch of 1141 Stow Street for a second term from May 1, 2023 to May 31, 2026 to the Bruce Freeman Rail Trail Advisory Committee, Arthur Rogers of 30 Elsinore Street for a second term from May 1, 2023 to May 31, 2026 to the Concord Cultural Council, Lee Smith of 1836 Main Street for a second term from May 1, 2023 to May 31, 2026 to the Concord Housing Development Corporation, and Annemarie Altman of 247 Laws Brook Road for a second term from May 1, 2023 to May 31, 2026 to the Conservation Restriction Stewardship Committee.

Roll Call Vote:

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

Correspondence

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

Select Board Liaison Reports

Agenda item tabled to the next Select Board meeting.

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Public Comment**

Mari Weinberg of 26 Hillside Avenue appeared before the Select Board and voiced concern regarding the Middle School building project. Ms. Weinberg continued and asked that the town research a tax stabilization plan.

Marianne Mauer of 45 Bruce Road appeared before the Select Board and voiced concern regarding Annual Town Meeting Warrant Article 37 and noted that not enough research has been performed on the cost of the ban that the implementation would pose.

Janet Rothrock of 618 Annursnac Hill Road appeared before the Select Board and voiced concern regarding the Public Ceremonies and Celebration Committee's parade criteria.

Mark Howell of 668 Annursnac Hill Road appeared before the Select Board and commented on flooding and the removal of the dam at Warner's Pond in connection with the 2022 Hazard Mitigation Plan.

Pamela Dritt of 13 Concord Greene appeared before the Select Board and urged the Board to support Annual Town Meeting Warrant Article 22 for the Municipal In-Town Solar Generation Task Force.

Adjournment

Chair Johnson adjourned the meeting.

Meeting Packet: <https://concordma.gov/3311/April-3-2023>

Meeting Recording:

<https://www.youtube.com/watch?v=vFuWAFxSLC4&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=3>