

CONCORD SELECT BOARD  
MINUTES  
MAY 6, 2019

APPROVED: JULY 1, 2019

Pursuant to notice duly filed with the Town Clerk, a meeting of the Concord Select Board was held at 6:30 p.m. in the Select Board Room at the Town House. Present were Michael Lawson, Linda Escobedo, Jane Hotchkiss, Terri Ackerman, and Susan Bates. Also in attendance was Christopher Whelan, Town Manager.

**CALL TO ORDER**

Mr. Lawson called the meeting to order at 6:30 p.m.

**EXECUTIVE SESSION FOR THE PURPOSES OF DISCUSSING EMPLOYEE CONTRACTS (TOWN MANAGER), LITIGATION (ESTABROOK ROAD), OPEN MEETING LAW COMPLAINT DATED APRIL 23 FROM R. NISLICK, AND TO REVIEW DRAFT EXECUTIVE SESSION MINUTES**

Mr. Lawson noted that the Board will not discuss matter the matter of litigation (Estabrook Road) as originally intended. The Board will reconvene in Open Session at 7 p.m. If necessary, the Board will reconvene in Executive Session at the conclusion of scheduled business.

On a motion duly made and seconded, it was:

**VOTED:** to enter into Executive Session for the purposes of discussing employee contracts (Town Manager), the Open Meeting Law Complaint dated April 23 from R. Nislick, and to review draft executive session minutes, and doing so in an open meeting may have a detrimental effect on the positions of the Town on the stated matters.

The Clerk called for a roll-call vote:

Michael Lawson	Aye
Linda Escobedo	Aye
Jane Hotchkiss	Aye
Terri Ackerman	Aye
Susan Bates	Aye

The Chair declared the motion passed 5-0.

**7 P.M. – RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 7:01 p.m. Mr. Lawson announced that the meeting was being broadcasted on Minuteman Media Network.

**CONSENT AGENDA**

- Town Accountant Warrants
- Minutes – 4/1, 4/8
- Proclamations
  - Public Works Week
- Gift Acceptance
  - Rotary Club of Concord    \$10,000            Bicycle Program Gift Account (Recreation Department)
  - Anonymous                \$1,000                Middlesex Jazz Festival Gift Account
- One Day Special Licenses
  - Chamber of Commerce    5/14                    6pm-9pm            200 Strawberry Hill Rd    All Alcohol
  - Alice Kaufman              5/16                    5pm-9pm            54 Walden Street        Wine & Malt
  - Verrill Farm                5/12                    10am-1pm          11 Wheeler Road        Wine Only
  - Concord Orchestra        5/17-18-19            7pm-11pm          51 Walden Street        All Alcohol

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· The Umbrella	5/9-10-11, 5/16-17-18	6pm-11pm	57 ORNAC	Wine & Malt
· The Umbrella	5/12, 5/19	2pm-6pm	57 ORNAC	Wine & Malt
· Concord Country Club	5/10, 5/17, 5/31, 6/1 6/14, 6/22, 6/23	12pm-8pm	246 ORNAC	All Alcohol

• Sunday Entertainment Licenses

· Concord Country Club	6/23, 9/8	1pm-5pm	246 ORNAC	Golf tournament
· Concord Orchestra	5/19	1pm-5pm	51 Walden Street	Pops concert

• Silent Fund Camp Scholarships

Ms. Escobedo reviewed the details of the Rotary Club's gift of \$10,000 to the Bicycle Program gift account.

Upon a motion duly made and seconded the Board

**VOTED:** To approve the consent agenda. Ms. Ackerman and Ms. Bates abstained from approving the Minutes for 4/1 and 4/8.

**APPROVE EXECUTIVE SESSION MINUTES**

None.

**TOWN MANAGER'S REPORT**

- The Town received a Right of First Refusal request for the parcel of land located at 68A Monument Street.
- The Stow Street Block Party is scheduled for May 8 and the Concord Bike Fest is scheduled for May 18. Both events are sponsored by the Recreation Department.
- The second White Pond beach forum is scheduled for May 21.
- The Division of Natural Resources is working on a slope restoration project at Sachems Cove on White Pond.
- The Deputy Town Manager is working on a management plan for the Umbrella and Library parking lot on Stow Street.
- There was a water leak at the Department of Planning and Land Management and Town staff will be relocated while repairs are made.
- The Public Works Commission's annual Water and Sewer rate hearing is May 8.
- The West Concord Advisory Committee's annual open house is May 8.
- An unmarked gas main was on struck during construction on Baker Avenue. Road closures will be enacted as necessary.
- Town employees will take conflict of interest training as required by the Commonwealth.
- The Special Municipal Election is scheduled for June 4.
- The Board of Health has received a \$25,000 grant for teen anti-vaping initiatives.
- The Bruce Freeman Rail Trail is not officially open yet.
- The Light Plant hopes to conduct a PILOT program on battery storage.
- Concord Public Library Special Collections Curator Leslie Wilson is retiring in July.

**CHAIR'S REMARKS**

Mr. Lawson noted that the Middlesex Jazz Fest is scheduled for June 8.

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**REVIEW AND APPROVE WHITE POND ASSOCIATES GIFT AGREEMENT**

At the request of the Board, Town Manager Whelan reviewed the background and details of the gift agreement with the White Pond Associates.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To authorize the Town Manager to sign the donation agreement for the White Pond parcels as drafted by Town Counsel Anderson & Krieger on behalf of the Town with input from the White Pond Association. Subject to minor edits as deemed necessary by the Select Board Chair, Town Manager, and/or Town Counsel.

**REVIEW DRAFT LETTERS TO LEGISLATORS RE: AFFORDABLE HOUSING ARTICLES**

As a result of actions taken at the 2019 Annual Town Meeting, the Board needs to request that Concord's state legislators file two pieces of legislation in support of Concord's efforts to promote affordable housing in the community. The first request for legislation was authorized by a vote under Article 25. The second request for legislation was authorized by a majority vote under Article 26.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To authorize the Chair to sign and transmit letters of support for Concord's affordable housing articles to Senator Barrett and Representative Gouveia.

**DISCUSS AFFORDABLE HOUSING TRUST**

Mr. Lawson reviewed the draft charge for a proposed affordable housing trust study committee. He noted that this would be a short-term committee with a specific task. He asked that Board members review the draft, send any comments to Town staff, and prepare to review a revised draft charge at their next meeting. He noted that the State Legislature has to approve the articles approved at the 2019 Annual Town Meeting related to this subject.

**REVIEW & APPROVE CMS BUILDING COMMITTEE CHARGE AND NOMINATE MEMBERS**

Board members reviewed the revised draft charge for the Middle School Building Committee. The Board requested that the Warrant Article and Vote from the 2019 Town Meeting for Article 14 - Concord Middle School Feasibility Study and the Key Design Principles Middle School - School Feasibility and Design Study be included as attachments to the final charge. The membership of the proposed committee was increased to seventeen members. Ms. Ackerman noted that this topic is part of the greater capital planning process that the Board hopes to review at an upcoming meeting. Board members agreed that the term length should be until completion of project.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To approve the Concord Middle School Building Committee charge as revised.

The Board discussed nominations and appointments of Town/School officials to the Committee. Finance Director Kerry Lafleur, Superintendent of Schools Laurie Hunter, School Director of Finance & Operations Jared Stanton, Concord Middle School Principal Justin Cameron, and Sustainability Director Kate Hanley were nominated to the Committee.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To appoint Susan Bates to the Concord Middle School Building Committee.

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**LONG RANGE PLAN UPDATE**

Mr. Lawson reviewed his summary of potential action items from the Envision Concord Long Range Plan. Ms. Ackerman noted that there were many overlapping goals identified in the Long Range Plan. Board members agreed that housing and land management, economic vitality, transportation, and capital planning were the four areas that the Board should focus on. Mr. Lawson suggested that Board members each focus on one issue in particular and prepare for a dedicated discussion on that issue at a future meeting. Ms. Hotchkiss will work on transportation, Ms. Bates will focus on economic vitality, Ms. Ackerman will review capital planning, and Ms. Escobedo will review housing and land management.

**REVIEW DRAFT 2019-2020 BOARD MEETING SCHEDULE**

Board members reviewed the draft 2019-2020 meeting schedule. Mr. Lawson requested that Board members notify Town staff of any scheduling conflicts by May 15 so they can approve the meeting calendar at their next meeting.

**REVIEW DRAFT 2019-2020 BOARD LIAISON ASSIGNMENTS**

Board members discussed potential liaison assignments for 2019-2020. They reviewed the draft liaison assignments. Ms. Hotchkiss agreed to serve as the Board's liaison to the Agricultural Committee and Climate Action Advisory Board. Board members agreed that they would assist various subcommittees of committees that they will be liaisons to. Ms. Ackerman will serve as liaison to the Concord Local Cultural Council.

**REVIEW DRAFT 2019-2020 BOARD GOALS**

Board members reviewed their draft goals for 2019-2020. Several Board members noted that the goals would need to be revised to incorporate goals that arose from the Envision Concord Long Range Plan. It was mentioned that improvements to Minuteman Media Network should be goal for the next year. Mr. Lawson said that it would be helpful to have another Town meeting room equipped with the ability to broadcast/record committee meetings. Changes to the way that the Select Board organizes its agenda were mentioned. Several of the draft goals were confirmed as long-term/ongoing projects. The Board will review a revised draft at an upcoming meeting.

**APPROVE HOME CONSORTIUM SUB-RECIPIENT AGREEMENT FOR CONCORD CONCERNING AFFORDABLE HOUSING**

Liz Rust appeared before the Board and summarized the WestMetro Home Consortium cover letter that was included in the Board's meeting packet. The agreements set forth the terms and conditions under which each member community becomes the sub-recipient of HOME funds, as well as outline the general provisions and processes by which funds may be sub-awarded. Town Manager Whelan and Ms. Rust reviewed how funds are spent/shared between the communities and groups involved in the consortium. Ms. Rust discussed the topic of housing development.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To authorize the Town Manager to sign the HOME Sub-recipient Agreement, Contract #M1908

**PUBLIC COMMENTS**

Brooks Read, 366 Estabrook Road, inquired if the Board has considered recording their Executive Sessions. He has noticed that Executive Session minutes from years ago were recently approved. He found it difficult to believe that what was discussed during those Executive Sessions could be accurately reflected in the Executive Session minutes. He said that recording the Executive Sessions

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could be serve as an independent accurate record of those meetings. He reviewed a violation that occurred during an Executive Session held by Sudbury's Board of Selectmen.

Susannah Kay, 366 Estabrook Road, said that since the current Town Manager is retiring and one of the goals of the Envision Concord Long Range Plan is for the Town to connect open land with trails, will the Town and their lawyers continue to sue private landowners to allow public use over their private lands. She asked if the Town will continue to be hostile to private landowners who have historically given permission to the public to use their land to access open space and cited Great Meadows and Powder Mill Road as potential issues. She inquired if this was the policy going forward and if the Town intended to continue to conduct this policy in secret.

Diane Procter, 57 Sudbury Road, noted that it was difficult to follow in-person the meeting documents discussed by the Board. She reviewed how the School Committee displays their meeting documents during those meetings.

**COMMITTEE LIAISON REPORTS**

Ms. Escobedo discussed the ongoing work of the Planning Board as they grapple with potential changes to the Zoning Bylaw. She noted that the Affordable Housing Funding Committee submitted their final report. She attended a Hanscom Area Town Selectmen (HATS) meeting where the unknown risks of 5G networks was a topic of discussion. She attended the Concord-Carlisle Human Rights' Council Holocaust Memorial event on behalf of the Board. She briefly reviewed Concord Housing Authority meetings and Recreation Commission meetings.

Ms. Hotchkiss reviewed the recent Natural Resources Commission meeting.

Mr. Ackerman discussed the ArtWeek program hosted by the West Concord Junction Cultural District Committee. She reviewed the Cut-Through Traffic Study public forum held by Concord Public Works.

Mr. Lawson mentioned that the Hugh Cargill Trust Committee had met to prepare for the annual Silent Fund camp scholarship program. He also attended the recent School Committee meeting.

**MISCELLANEOUS/CORRESPONDENCE**

Board members briefly reviewed the status for the implementation of Town-wide speed limit signs.

Mr. Lawson noted that Director of Sustainability Kate Hanley sought the Board's support to urge the Massachusetts Board of Building Regulations and Standards to update the current Massachusetts stretch energy code to a Net Zero stretch code. Board members agreed to the request.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To authorize the Chair to sign and transmit letter of support to the Board of Building Regulations and Standards re: Net Zero Stretch Code. Town staff will assist with the electronic submittal.

**COMMITTEE NOMINATIONS**

Melissa Maxwell of 449 Barrett's Mill Road to the Agriculture Committee as associate member; Ravi Faiia of 169 Plainfield Road to the Zoning Board of Appeals as associate member; Karl Seidman of 93 Wright Road to the West Concord Advisory Committee

**COMMITTEE APPOINTMENTS**

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

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**VOTED:** To appoint Eugene Chang of 3 Concord Greene #6 to the PEG Access Advisory Committee to fill an unexpired term to expire May 31, 2020; Amy Kaiser of 294 Commonwealth Avenue to the West Concord Advisory Committee as full member to fill an unexpired term to expire May 31, 2021; Susan Mlodozeniec of 392 Border Road to the West Concord Advisory Committee as full member for term to expire May 31, 2022

**COMMITTEE REAPPOINTMENTS**

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To reappoint Lucy Rosborough of 56 Elm Street and Judy Terry of 368 College Road to the Hugh Cargill Trust Committee for terms to expire May 31, 2022; Michael Lawson of 1695 Lowell Road to the Financial Audit Advisory Committee for a term to expire May 31, 2020

**ADMINISTRATIVE APPOINTMENTS**

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To appoint Mary Barrett as Town Accountant for a term to expire May 31, 2020

**TOWN MANAGER COMMITTEE REAPPOINTMENTS WITH SELECT BOARD APPROVAL**

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To confirm Town Manager reappointments of Janet Miller of 1647 Main Street to the Comprehensive Sustainable Energy Committee for a term to expire May 31, 2022; Jerry Frenkil of 132 Jennie Dugan Road to the Comprehensive Sustainable Energy Committee for a term to expire May 31, 2022; Greg Higgins of 228 Park Lane to the Natural Resources Commission for a term to expire May 31, 2022

**TOWN MANAGER ADMINISTRATIVE APPOINTMENTS WITH SELECT BOARD APPROVAL**

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** To confirm Town Manager administrative appointments of Gabrielle White as Inspector of Animals for a term to expire May 31, 2020; Patricia Clifford as Assistant Town Clerk for a term to expire May 31, 2020; Kaari Tari as Town Clerk for a term to expire May 31, 2020; Kerry Lafleur as Town Treasurer/Town Collector for a term to expire May 31, 2020; Kerry Lafleur as Finance Director for a term to expire May 31, 2020; Cheryl Robertson as Deputy Town Treasurer/Deputy Town Collector for a term to expire May 31, 2020; Mina Makarios, Anderson & Krieger LLP as Town Counsel for a term to expire May 31, 2020

**ADJOURN**

At 8:32 p.m. upon a motion duly made and seconded the Board UNANIMOUSLY

**VOTED:** to adjourn the meeting for the evening.

Respectfully submitted,

Linda Escobedo, Clerk

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**MEETING DOCUMENTS**

- White Pond Gift Agreement
- WestMetro Home Consortium agreement
- Request for letter of support re: NetZero stretch code
- CMS Building Committee draft charge
- 2019-2020 draft Board Goals
- 2019-2020 draft liaison assignments
- 2019-2020 draft meeting schedule
- Board Summary of LRP

Link to Minuteman Media Network coverage:

<https://concordma.gov/2259/Government>

Link to Select Board meeting documents:

<http://concordma.gov/sbmtgdocs>