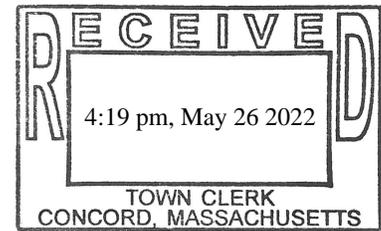


**Town of Concord  
Select Board  
Minutes  
May 16, 2022**



Pursuant to a notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting in the Second Floor Meeting Room and via Zoom on May 16, 2022 at 7:00pm.

Present were Matthew Johnson; Chair, Terri Ackerman; Clerk; Henry Dane, Linda Escobedo, and Mary Hartman. Also present was Kerry Lafleur, Interim Town Manager.

**Call to Order**

Chair Johnson called the meeting to order at 7:00 p.m.

**Consent Agenda**

- Town Accountant Warrant: May 12, 2022
- Minutes: May 9, 2022
- Gift Acceptance:
  - \$1,250 from the Concord Lions Club to the Concord Fire Department
- Proclamations:
  - National Police Week
- One Day Liquor License Applications:
  - The Umbrella Arts Center, 40 Stow Street on May 22, 2022 from 5:00pm to 8:00pm, Wines and Malt Beverages Only
  - The Umbrella Arts Center, 40 Stow Street on May 24, 2022 from 6:30pm to 8:30pm, Wines and Malt Beverages Only
  - The Umbrella Arts Center, 40 Stow Street on June 10, 2022 from 6:30pm to 10:30pm, All Alcoholic Beverages

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to approve the consent agenda with the exclusion of the One Day Liquor License Application of The Umbrella Arts Center, 40 Stow Street on June 10, 2022 from 6:30pm to 10:30pm and amendments made to the meeting minutes of May 9, 2022 as discussed during the meeting.

**Interim Town Manager's Report**

Ms. Lafleur reviewed the Interim Town Manager's report she had prepared and noted that there were 750 drop offs at the Spring 2022 DropOff Day event. Ms. Lafleur also noted that on May 19, 2022 the Senior Management Team would be holding their monthly meeting, and that the topic of discussion would be the review of the Town's fleet electrification and electric vehicle charging stations. Ms. Lafleur further noted that the Light Plant would be making permanent repairs to the switch gear at Emerson Hospital and that there would be two scheduled outages. Ms. Lafleur also stated that there would be open house at the Main Library on May 21, 2022 from 11:00 a.m. to 2:00 p.m. Ms. Lafleur also reviewed a concern raised by a citizen regarding the Town's compost site. Ms. Lafleur noted that a concerned citizen conducted testing of Town compost and raised concerns over lead levels they reported to have found. Ms. Lafleur informed the Board that the Town had reached out to the Department of Environmental Protection and an independent consultant regarding the compost and have been advised that no additional actions were required regarding it. Ms. Escobedo asked about the number of response calls placed in the last week, noting it was more than 1,000. Ms. Lafleur informed the Board that she would inquire about the

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increased call volume and noted that the police chief will be presenting to the Select Board in the coming months as part of her efforts to have staff make regular reports to the Select Board in the future.

**Chair's Report**

Chair Johnson apologized for holding a meeting that evening, contradicting the Select Board meeting schedule that had been recently discussed. Chair Johnson stated that several administrative matters necessitated a meeting that evening, including 8 grant of location applications that would need to be heard at future meetings. Chair Johnson also apologized for that evening's meeting time being pushed to 7:00 p.m. due to a clerical error. Finally, Chair Johnson apologized for the discussion following his nomination of Ms. Ackerman to the position of Clerk at the Board's meeting on May 16, 2022. Chair Johnson noted that a letter had been sent to the Division of Local Government asking if the appointment of Ms. Ackerman to Clerk was in essence forming a subcommittee or would restrict access of other Board members to the Chair. Chair Johnson ensured that the Town would follow all provisions of the Open Meeting Law and that each Board Member would receive equal amounts of his time and attention and would seek not to create a deliberation among a quorum of the Board.

**Debrief on Town Meeting with Town Moderator Carmin Reiss**

Ms. Reiss informed the Board that she would be presenting them with a brief recap of the events of Town Meeting, held on May 1 and May 2, 2022. Ms. Reiss informed the Board that on May 1 there were 644 voters at Town Meeting and on May 2 there were 725 voters. Ms. Reiss also noted that there were 910 voters represented between the two nights of Town Meeting and that the COVID-19 measures were well accepted and observed. Ms. Reiss added that the use of the auditorium and gym went smoothly.

Ms. Reiss highlighted several problems that arose at the Annual Town Meeting which included:

- The Town ran out of time with a company providing printing services resulting in the Finance Committee Report not being printed, and unfortunately that resulted in there not being enough extra warrants at Town Meeting
- The microphones were not numbered
- There was a slight delay in getting the PowerPoint slides displayed
- The timer was displayed over the "Total" figure on some slides
- Hearing distribution devices were not tuned to the correct room, on Sunday, which was corrected on Monday.
- Some residents attended on Sunday hoping to vote on an article that was not taken up until Monday
- Parents with small children stated they would prefer to have Town Meeting start in the afternoon, as opposed to weeknight evenings
- Some presenters ran over their time limits, significantly

Ms. Reiss also discussed steps the Board could take to better prepare for Town Meeting next year including:

- Better communicating scheduling timelines
- Limit the time each speaker receives

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- Better communicate the availability of childcare, which should be printed in the warrant for the next Town Meeting
- Consider an earlier start time on Sunday, to better accommodate families
- Consider the use of electronic voting, as she noted that each hand counted vote took over a half hour

Ms. Reiss stated that she had forwarded a memo to the Board with a potential schedule for the next Annual Town Meeting and would be able to attend a future Board meeting to discuss it.

Ms. Reiss offered three final suggestions for the Board to consider for future Town Meetings including:

1. Research the purchase of equipment to provide closed captioning for Town Meeting on both local access channels and at Town Meeting. Ms. Reiss noted that the Minuteman Media was looking into the cost of such equipment
2. Look to install permanent infrastructure at the school to better facilitate Town Meeting like conduit for wires, two drop down projector screens, and a projector. Ms. Reiss suggested the Town research the cost of such items as a possible inclusion in the capital plan.
3. Research creating a mechanism designating certain Town Meeting Warrant Articles for a subsequent vote following Town Meeting. Ms. Reiss noted questions she had received asking whether the 750 residents who attended Town Meeting are truly representative of the entire Town.

The Board thanked Ms. Reiss for her dedication to Town Meeting and the year-round work she puts into ensuring Town Meeting runs smoothly. The Board also thanked Ms. Reiss for the memo she had forwarded to the Board regarding the calendar for next year's Annual Town Meeting. Ms. Ackerman and Ms. Hartman shared their opinion that Town Meeting is not obligated to provide specific dates or times for the consideration of certain articles. Ms. Hartman also thanked Ms. Reiss for her statement regarding rules of conduct at Town Meeting. The Board discussed potential remote participation at meetings, including Town Meeting, and it was noted that all 351 communities in the Commonwealth were lobbying the state to continue the use of remote participation for public meetings. The Board also discussed past practices of Town Meeting, and their hopes for their future inclusion at future Town Meetings, including Board Members sitting together and the presence of a Color Guard.

Mr. Dane also stated that he expected the evenings discussion to be around what the Town learned from which articles passed and which failed at Town Meeting. Chair Johnson reminded the Board that articles that were focused and worked on by the Town often did not pass at Town Meeting.

**Vote on Annual Town Meeting Warrant Article 23 Citizen Petition: Ranked Choice Voting for Concord Election, approved by voters at Annual Town Meeting; Vote on Annual Town Meeting Warrant Article 37, Citizen Petition: Authorize Select Board to Petition to Impose a Checkout Bag Charge, approved by voters at Annual Town Meeting**

Chair Johnson stated that there were two citizen petitions that were passed by Town Meeting regarding Ranked Choice Voting and a Checkout Bag Charge. Chair Johnson informed the Board that they would need to make their petitions to the General Court. Mr. Dane stated that he was not

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in favor of Article 23 and believed the Article was so poorly drafted that he was not inclined to submit it to the legislature. Chair Johnson stated that he believed it was important for the Select Board to act as a voice of Town Meeting, and to carry out its will. Ms. Escobedo agreed with Chair Johnson and noted that as the article moved through the legislature the Town would likely be asked to review the language presented.

Upon a motion duly made and seconded, it was 4-1

**VOTED:** to petition the General Court to enact Home Rule legislation to implement a Ranked Choice Voting system for local elections substantially in the form as printed in the “Article 23 Handout” and included in this board packet, which Article 23 was passed by a majority of voters at annual town meeting on May 1, 2022, as certified by the Town Clerk.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to petition the General Court to adopt legislation to implement a minimum charge of \$0.10 for all new checkout bags distributed in the Town of Concord, as set forth in the “Article 37 Handout” and included in this board packet, which Article 37 was passed by a clear majority vote at annual town meeting on May 2, 2022, as certified by the Town Clerk.

Ms. Ackerman asked if, as Clerk, she would need to take any further action regarding the two motions. Ms. Lafleur stated that Town staff would likely take any further necessary steps to move the Articles to the General Court, but should Ms. Ackerman need to be involved she would notify her.

Ms. Reiss added that the Board may need to take further action on Article 47 regarding the Citizen Petition asking the Board to make recommendations with respect to the Reformatory Branch Trail. Ms. Reiss suggested the Board may draft a letter to carry out that vote of Town Meeting and may add the item to the agenda going forward.

### **Outdoor Dining Policy and Review Submitted Applications**

Chair Johnson stated that the Town had recently rewritten its Outdoor Dining Policy considering recent changes in the ongoing COVID-19 pandemic to better support the restaurant industry in Concord. Mr. Dane stated that he would not be discussing the application from Fiorella’s, as he had a long-standing relationship with the business. Mr. Dane also stated his disdain for the application process, stating his belief that it was long and burdensome. Christopher Carmody, Administrative Projects Manager in the Town Manager’s Office, reviewed the process of drafting the new Outdoor Dining Policy. Mr. Carmody noted that the ABCC held a public hearing and issued guidance on outdoor seating and the Governor had also signed legislation to extend this ability to municipalities. Mr. Carmody stated that the proposed Outdoor Dining Policy had been drafted over three months and that a working group met a few weeks ago and suggested substantial revisions to the application. Elizabeth Hughes, Concord’s Town Planner, stated that the policy would allow certain zoning items to be taken into different consideration to allow local restaurants to facilitate outdoor seating. Mr. Carmody added that four items listed on the original application were struck in the new proposed policy. There were comments submitted from public safety, public works, and public health departments which were taken into consideration when drafting the new policy.

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Ms. Ackerman asked if the proposed policy had an applicant presenting to the Select Board prior to having the application reviewed by Town departments. Mr. Carmody stated that the Select Board could condition approvals on certain department approvals. Ms. Ackerman suggested the policy be amended to reflect the Select Board considering applications only after Town departments have submitted their comments.

Upon a motion duly made and seconded, it was 4-0, with Mr. Dane abstaining  
**VOTED:** to approve the updated Outdoor Dining Application as included in the Select Board meeting packet with the Select Board being the last group to consider an application.

Leslie Palola, the General Manager of Fiorella's Restaurant, introduced herself to the Board. Mr. Johnson stated that the Board had reviewed the materials provided and apologized for Fiorella's having had to complete the previous, more detailed, application. Mr. Johnson remarked that he was surprised by the extent of the outdoor dining, noting it was quite an expansion of the restaurants overall size. Ms. Palola stated that the restaurant is still not at full capacity inside as a result of voluntary COVID-19 precautions. Ms. Hughes noted that the Zoning Bylaws were amended to exclude outdoor seating from parking requirements, and part of that discussion had to do with allowing restaurants to regulate themselves. Marcia Rasmussen, Director of Planning and Land Management, informed the Board that she was not aware of any additional restrictions that would be imposed by the Health Department, and felt that Fiorella's proposed program for staff handled all public health issues very well. Ms. Escobedo asked how oversight would work with the direct site line of the restaurant. Ms. Palola explained the layout of the restaurant and how it allowed the restaurant to monitor the outdoor dining area. Ms. Palola also added that the outdoor dining area was only set up for dinner service, beginning at 4:00 p.m.

Upon a motion duly made and seconded, it was 4-0, with Mr. Dane abstaining,  
**VOTED:** to approve the outdoor restaurant seating application of Fiorellamore LLC d/b/a Fiorella's Cucina located at 24 Walden Street as included in this Board Packet.

Julian Maria, the General Manager of Papparazzi's, and Gary Morrison, the Regional Manager of Papparazzi's, explained that the proposed outdoor dining area was in the same area as the previous year, but noted that they would not be erecting a tent to cover the area this year.

Upon a motion duly made and seconded, it UNANIMOUSLY  
**VOTED:** to approve the outdoor restaurant seating application of Papparazzi Trattoria of Concord d/b/a Papparazzi located at 768 Elm Street as included in this board packet.

**Trolley/Shuttle Pilot Update**

Erin Stevens, Concord's Public Information and Communications Manager, and Marcia Rasmussen presented the proposed Trolley/Shuttle Pilot to the Board. Ms. Rasmussen stated that this project was focused on serving visitors to Concord and that the trolley program would follow the MBTA schedule. It was further noted that the pilot was great for certain transportation initiatives, including sustainability efforts and the reduction in vehicle traffic. Ms. Stevens explained that the program was proposed to run seven days a week, from June through October, with a cost to riders of \$4.00 per day. Ms. Stevens also explained that the pilot would be able to provide data that could be used to apply for a Federal Land Access Program (FLAP) grant. Ms. Stevens noted that the grant application would be a collaborative effort between Concord,

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Lexington, Lincoln, and the National Park Service. Ms. Stevens added that the trolley program would also be beneficial consider the upcoming Rev 250 celebrations.

Ms. Rasmussen explained that previous studies done in conjunction with the National Park Service, had given way to the proposal. Ms. Rasmussen noted that the FLAP grant application was due in August, and it was her hope that the Town could gather two months' worth of data through the pilot program. Ms. Stevens added that estimated cost of the project was \$100,000 and had recently gone out to bid. Ms. Stevens also noted that the project had the support of the Minute Man National Historical Park, the Concord Business Partnership, the Concord Chamber of Commerce, and the Town's Transportation Advisory Committee. Ms. Hughes added that prior to onset of the COVID-19 pandemic the Town had been awarded a grant for a workforce shuttle pilot, however the money had been rescinded in response to the ongoing pandemic. Ms. Hughes stated her hopes that the shuttle program could be expanded yearly, to include West Concord, and a workforce component. Beth Williams, the Town's Tourism Manager, added that the hope was that visitors would be better able to visit cultural sites and economic centers in Concord. Ms. Williams also stated that the shuttle service could better serve visitors with disabilities.

Ms. Hartman shared her view that supporting businesses in Concord was very important to her and noted that the proposal was very different than the commuter shuttle that the Board had discussed previously. Ms. Hartman was concerned that the Economic Vitality Committee (EVC) was not included in the discussion of the proposal. Ms. Rasmussen stated that this was brought up recently and there was not time to be placed on the EVC's agenda and reiterated the business organizations that had indicated their support. Ms. Hartman shared concerns about the use of ARPA funds for the proposal and noted that the business community has been very supportive of the hiring of an Economic Development Director. Ms. Hartman also stated her concerns regarding the use of ARPA funds and the criteria for their allocation.

Ms. Escobedo asked why the shuttle had to be tourism focused versus workforce. Ms. Rasmussen stated that it was limited by funding. Ms. Rasmussen explained that the cost of the program was what restricted the shuttle service and noted that there were not Town funds or grants available to expand the service to be workforce focused at this time. Ms. Escobedo asked if it would be possible to expand service to Emerson Hospital. Ms. Rasmussen explained that the proposal only featured one vehicle that would run on a half hour loop. Ms. Escobedo also asked if the driver would have a CORI check done. Ms. Stevens stated that the project came as a full-service package, including the driver compensation, the vehicle, and maintenance on the vehicle. Ms. Escobedo recommended that the contract be reviewed with Town Counsel in conjunction with the Town Manager. Ms. Hughes added that the success of a shuttle program hinges on convenience and noted that the workforce transportation grant the Town had previously received was for \$250,000, which would have funded one shuttle with 8 workforce stops on a one-hour loop from 7:00 a.m. to 5:00 p.m. Ms. Hughes also added that Emerson Hospital has a transportation program, and to include a workforce element in the pilot would be significantly more expensive.

Ms. Ackerman stated that she would like to see the pilot approved and shared her belief that the Town would be better served with a permanent shuttle program in the future. Ms. Ackerman stated that the data received through the pilot would be very valuable to the Town.

Mr. Dane stated that the program was anchored on tourists arriving by railroad and asked whether there was data showing how many tourists arrived by rail. He also noted the need for marketing to

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be done for the proposal and that the project may take several months to get up and running. Mr. Dane also remarked that the Concord Business Partnership stated that they had not taken a vote on the issue as of that afternoon. Finally, Mr. Dane shared concerns regarding handicap access to the shuttle.

Mr. Johnson noted the expected revenue of the pilot was \$16,000 and that when compared to the cost of the program, the true cost per ride was \$20. Mr. Johnson stated that, if approved by the Board, he would encourage offering the service for free the first summer. Mr. Johnson also shared his concerns about the quality of the service, with only one bus and the proposed seven-mile route. Mr. Johnson suggested that a shorter, higher frequency route may be beneficial to the pilot. Ms. Stevens also explained that there would be an app available to track arrivals and departures of the shuttle.

The Board also discussed marketing efforts and tracking visitors who may use the proposed shuttle with Ms. Williams.

Mr. Johnson stated that he felt the Board had a good understanding of the program and proposed taking up this item for a vote at their meeting on June 6, 2022.

Pamela Dritt, of 13 Concord Greene Unit 4, asked if the vehicle being proposed was going to be an electric vehicle. Ms. Stevens stated that the group had looked at various electric vehicles but that there was not a viable option available. Ms. Stevens added that the lack of an electric vehicle option was why the group was not proposing to purchase a vehicle.

Lois Suarez, of 34 Everett Street, asked if a survey had been done to ask people getting off the train why they were visiting Concord. Ms. Suarez also voiced concern over the lack of signs directing visitors at the train station.

Marie Foley, owner of Revolutionary Concord and President of the Concord Chamber of Commerce, shared her belief that a trolley program would be a benefit to the business community. Ms. Foley also stated that she believed a greater number of people are coming to Concord by train and noted that visitors are not renting cars. Ms. Foley stated that she would like to see the pilot undertaken, with the hope for expansion in the future.

**Tour Guide License Application Update**

The Board reviewed the memo dated May 13, 2022, regarding the applications for Tour Guide licenses.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the tour guide licenses as listed in the memo included as part of the Select Board meeting packet.

**Committee Nominations, Appointed by the Town Manager with Select Board Approval**

Arry Charles of 654 Old Bedford Road to the Board of Assessors for a term to expire in 2025;  
David Karr of 82 Laws Brook Road to the Board of Assessors for a term to expire in 2024;  
William Kemeza of 28 Davis Court to the Natural Resources Commission for a term to expire in

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2025; Joshua Lee of 65 Everett Street to the Transportation Advisory Committee

Mr. Dane remarked that he was pleased to see that Mr. Karr was willing to serve on the Board of Assessors, following the dissolution of the Tax Fairness Committee at the Select Board's prior meeting. He hoped that Mr. Karr's membership on the Board would prompt continued discussion regarding the Residential Exemption that the Select Board considers annually at the Classification Hearing each fall.

**Committee Nominations, Appointed by the Select Board**

Kristen Hagerty to the Diversity, Equity, and Inclusion Commission.

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to appoint Sue Felshin of 19 Sunnyside Lane to the Planning Board, term expiring April 30, 2027.

**Select Board Liaison Reports**

Ms. Hartman reported that the Public Works Commission voted to increase the water fee by 4% and the sewerage fee by 2%. She noted that the water fee was increasing by 4% to fund future capital projects. Ms. Hartman also reported that the Concord Municipal Light Board elected a new Chair, Brian Foulds.

Ms. Escobedo reported that the CHCD expects that they will be moving towards a closing for the Assabet River Bluffs on June 29, noting that soil testing and home inspection had been done at the property. She further added that the Concord Housing Authority had completed the repositioning of their units from Federal to local. Ms. Escobedo also reported that the Commission on Disability has asked that there be a closer relationship between them and the ADA Coordinator.

Ms. Ackerman reported that she attended the Acton/Concord Regional Emergency Center meeting, the Transportation Advisory Committee, and the 2229 Main Street Committee meeting. Ms. Ackerman added that the 2229 Main Street Committee would be sending a letter to the Select Board to follow up on some of the Board's questions regarding risk and scientific analysis. Chair Johnson stated that he had tentatively scheduled June 13 for a discussion of the 2229 Main Street letter.

Mr. Dane reported that the Executive Committee for the 250<sup>th</sup> met on Thursday May 12, 2022.

Mr. Johnson reported Alexa Anderson is now chair of Concord Public Schools with Carrie Rankin elected Vice Chair, he also noted that there was an extensive discussion of adding a non-voting MetCo School Committee member to the Regional School Committee. Chair Johnson also reported that there would be a new budget estimate for the middle school project provided to the Board soon. He added that the Concord Carlisle Regional School District elected Tracy Marano as Chair and Sharon Whitt as Vice Chair, with Ms. Whitt also being appointed the DEI Strategic Plan Subcommittee. Finally, Chair Johnson reported that contract negotiations with the tutors had concluded, amicably.

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Ms. Escobedo encouraged residents to fill out the Housing Production Plan survey which is available online. Ms. Ackerman put forward having a liaison to the Housing Production Plan Steering Committee and volunteered to serve as the liaison.

**Correspondence**

There was a letter included as part of the meeting packet from the Concord Business Partnership, encouraging the hiring of an Economic Development Director.

**Public Comment**

There was none.

**Executive Session**

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED**: to enter into Executive Session in accordance with M.G.L. 30A, Section 21(a)(6), to consider the purchase, exchange, lease or value of real property, as the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town, not to return to regular session.

**Roll Call Vote**

Mr. Dane: Aye

Ms. Escobedo: Aye

Ms. Hartman: Aye

Mr. Johnson: Aye

Ms. Ackerman: Aye

**Meeting Materials:** <https://concordma.gov/DocumentCenter/View/36662/May-16-2022>

**Minuteman Media Network Coverage:**

<https://www.youtube.com/watch?v=aoojoyqbWb8&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8-&index=1>