

**TOWN OF CONCORD
SELECT BOARD
MAY 17 2021
MINUTES**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference on May 17, 2021 at 4:00pm.

Present were Linda Escobedo, Chair; Susan Bates, Clerk; Jane Hotchkiss, Terri Ackerman, and Matthew Johnson. Also present was Stephen Crane, Town Manager.

Call to Order

Roll call vote

Ms. Escobedo: Present
Ms. Bates: Present
Ms. Ackerman: Present
Ms. Hotchkiss: Present
Mr. Johnson: Present

Consent Agenda

- Town Accountant Warrants: May 13, 2021
- National Public Works Week Proclamation: May 16 – May 22, 2021
- One Day Special Liquor Licenses
 - o Verrill Farm 11 Wheeler Road May 17, 2021 5:30pm-7:30pm Wines & Malt Beverages Only
 - o Verrill Farm 11 Wheeler Road June 6, 2021 12:00pm-4:00pm Wines & Malt Beverages Only
 - o Verrill Farm 11 Wheeler Road June 12, 2021 12:00pm-4:00pm Wines & Malt Beverages Only
 - o Verrill Farm 11 Wheeler Road June 24, 2021 5:00pm-9:00pm Wines & Malt Beverages Only
 - o Verrill Farm 11 Wheeler Road August 7, 2021 11:00am-3:00pm Wines & Malt Beverages Only

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Town Manager's Report

The Town is working with a private pharmacy, PelMed to schedule a vaccine clinic for Concord Middle School (CMS) and Concord Carlisle High School (CCHS). The clinic will be held after

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school hours at the temporary facility in the CCHS parking lot. The vaccine doses will be provided by the pharmacy. The clinic will be open to families from CMS, CCHS, Carlisle Middle School, and local private schools. Registration will be coordinated by PelMed.

On 5/13/2021, shortly after noon, the Town experienced an outage from one of the three Internet Service Providers that cascaded into a failure of traffic routing on Concord's Broadband and Town network data.

The Town has engaged Concord Resident Ed Hurley-Wales of EHW Consulting to provide Diversity, Equity, and Inclusion services with the expressed goals and aims of increasing inclusion amongst leadership and staff, to better address barriers that limit belonging and full equity, and to create a system and clear roadmap, and increased capabilities.

Seasonal water use restrictions have been imposed for outdoor watering. Whereas, ongoing work associated with the Nagog Pond Intake Replacement project will render this source inoperable into June – compliance with the one-day per week lawn watering restriction is critical. Should customers not abide by these mandatory restriction demand will exceed supply.

The Town has received the attached hearing packet for the Joint Committee on Consumer Protection and Professional Licensure, which will hold a hearing on Thursday, May 20, 2021 on a number of bills including H. 3712. The bill was filed by Rep. Gouveia in accordance with the home rule petition approved at the 2020 Annual Town Meeting (Article 50). The current legislation differs slightly from the Article in that it identifies the four locations that would be eligible for the special licenses; this change was made at the request of legislative counsel.

Chair's Remarks

Ms. Escobedo noted the Moody's AAA Bond Rating that was included in the meeting materials, and thanked the Town Manager, Chief Financial Officer and her entire department, the Deputy Town Manager and all the Town's senior management team for providing excellent budgetary guidance to achieve this rating.

Update on 911 Regional Dispatch Governance Agreement

The Police Chiefs, Fire Chiefs, and Town Managers of both Concord and Acton attended to present this item. The draft agreement and governance model to establish an independent regional dispatch center for Acton and Concord was included in the [meeting materials](#).

The Select Board questioned the employee composition of the oversight for this agreement, and about outreach to the dispatchers to get their input on the agreement. Mr. Crane stated that this would be sorted out in the next phase, but emphasized a commitment to ensure the same or better working conditions for dispatchers, and that dispatchers from both communities would be represented by the same bargaining unit.

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The Select Board also questioned the financial impact of adding an Executive Director, Supervisor, and Treasurer. Mr. Crane stated that this would be covered through the state's subsidy for regional centers. The grant application to the state is due on May 31st, 2021.

The Police Chiefs and Fire Chiefs of both Acton and Concord responded to community concerns that converting to a regional center would not disrupt any institutional knowledge that existing dispatchers have, emphasizing that modern day dispatchers rely on technology for their roles and are usually not Concord or Acton residents.

The representatives from Concord and Acton both agreed that entering into a regional agreement would result in less cost to both municipalities, and the proposal is supported by the public safety officials of both communities.

The Acton Select Board also will be reviewing this item at their meeting. The Concord Select Board will revisit this item at their May 24th meeting.

Discussion of ATM Warrant Articles Discussed at the May 11 and May 13 Public Hearing

The Select Board continued their process of taking positions on warrant articles ahead of the 2021 Town Meeting.

#	Article Name	SB Recommendation	Vote
18	Senior Means-Tested Property Tax Exemption	Affirmative Action	Unanimous
19	Appropriation for Senior Means-Tested Tax Exemption	Affirmative Action	Unanimous
20	Light Plant Expenditures & Payment In Lieu of Taxes	Affirmative Action	Unanimous
21	Solid Waste Disposal Fund Expenditures	Affirmative Action	Unanimous
22	Sewer System Expenditures	Affirmative Action	Unanimous
23	Sewer Improvement Fund Expenditures	Affirmative Action	Unanimous
24	Water System Expenditures	Affirmative Action	Unanimous
25	Authorize Expenditure from PEG Access & Cable-Related Fund	Affirmative Action	Unanimous

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26	Beede Swim & Fitness Center Enterprise Fund Expenditures	Affirmative Action	Unanimous
32	Historic District Map Amendment	Affirmative Action	Unanimous
35	General Bylaw Amendment – Tree Preservation Bylaw	Affirmative Action	Unanimous
36	Zoning Bylaw Amendment – Floodplain Conservancy District	Affirmative Action	Unanimous
37	Zoning Bylaw Amendment – Table IV Minimum Parking	Affirmative Action	Unanimous
38	Zoning Bylaw Amendment – Two-Family or Additional Dwelling Unit	Affirmative Action	Unanimous
39	Zoning Bylaw Amendment – Earth Removal	Affirmative Action	Unanimous

Review Consent Calendar for 2021 Annual Town Meeting

Town Moderator Carmin Reiss drafted a consent agenda for the 2021 Annual Town Meeting, which was included in the [meeting materials](#).

The Select Board advised that the Moderator remove Article 38 from the consent calendar, and add Article 32.

There was no vote taken on this matter.

Article 7 Personnel Bylaw Amendment

Since the Select Board last discussed Article 7, the Personnel Board met and prepared a proposed amendment to the article. The Town Moderator consulted with Town Counsel and has ruled that the changes proposed were outside the scope of the initial article and were not submitted in time to be included on the warrant.

The Personnel Board will be holding a follow up meeting to consider next steps on Article 7. The Select Board will take a position on Article 7 at a future meeting.

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Review 2021 Bond Sale

Chief Financial Officer Kerry Lafleur reported that the Town received competitive bids from bond underwriters for a \$7,755,000, 10-year new money bond issue and a 5-year, \$1,205,000 General Obligation Refunding issue. The Town received a total of eleven bids on the Bonds. Bids were ranked by lowest True Interest Cost (TIC), with the winning bid received from J. P. Morgan Securities LLC. This original bid provided a True Interest Cost of 0.681177%, including a premium of \$1,672,581.60. The bid from J. P. Morgan Securities LLC was accepted by the Treasurer on behalf of the Town, subject to approval of the Select Board.

Ms. Lafleur is seeking approval from the Select Board to approve the bond award and execute all required documents. The Select Board did not have any objections.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town's \$8,750,000 General Obligation Municipal Purpose Loan of 2011 Bonds dated May 17, 2011 maturing on May 15 in the years 2022 through 2026, inclusive (the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: that the sale of the \$7,680,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated May 20, 2021 (the "Bonds") to J.P. Morgan LLC at the price of \$9,146,732.09 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on February 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	<u>Interest Rate</u>
2022	\$1,000,000	5.00%
2023	965,000	5.00
2024	975,000	5.00
2025	990,000	5.00

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2026	1,005,000	5.00
2027	535,000	5.00
2028	545,000	5.00
2029	540,000	5.00
2030	555,000	5.00
2031	570,000	5.00

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 4, 2021 and a final Official Statement dated May 12, 2021, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated May 20, 2021, between the Town and U.S. Bank National Association, as Refunding Escrow Agent.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders

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of the Bonds from time to time.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Committee Nominations

There were no committee nominations.

Committee Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to appoint Chief Financial Officer Kerry Lafleur to the Retirement Board for a term to begin on June 1, 2021, set to expire on April 30, 2024.

Roll call vote

Ms. Escobedo: Aye
Ms. Bates: Aye
Ms. Ackerman: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Committee Liaison Reports

Ms. Bates attended the Planning Board public hearing, where there was very little public feedback on the proposed articles for the 2021 Town Meeting. The Board of Assessors voted to release the overlay funds related to Article 19. The Board of Assessors is also looking for a new member. The Personnel Board met and developed the proposed amendment to Article 7.

Ms. Ackerman attended the CMLP Board meeting, where they discussed Article 31 and potential amendments. The CMLP Board supported Article 31. The CMLP Board deferred their vote on Article 41. The School Committee introduced the new Director of Diversity, Equity, and Inclusion. The Public Works Commission held a water rates hearing, where they discussed this year's rate increase of 10%.

Mr. Johnson reported that the Public Ceremonies and Celebrations Committee is moving ahead with their Memorial Day commemoration.

Miscellaneous Correspondence

Correspondence was included in the [meeting materials](#).

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Public Comments**

There were no public comments.

Adjourn

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to adjourn.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Meeting Materials: <https://concordma.gov/DocumentCenter/View/29702/May-17-SB-Packet>

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=vwlzUc4AqA8>