

CONCORD SELECT BOARD
MINUTES
JUNE 3, 2019

Pursuant to notice duly filed with the Town Clerk, a meeting of the Concord Select Board was held at 5:15 p.m. in the Select Board Room at the Town House. Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Jane Hotchkiss, Terri Ackerman, and Susan Bates. Also in attendance was Kate Hodges, Deputy/Acting Town Manager.

CALL TO ORDER

Mr. Lawson called the meeting to order at 5:15 p.m.

EXECUTIVE SESSION FOR THE PURPOSES OF DISCUSSING EMPLOYEE CONTRACTS (TOWN MANAGER) AND OPEN MEETING LAW COMPLAINT DATED MAY 16, 2019 FROM R. NISLICK

Melissa Allison, of Anderson & Kreiger LLP, appeared before the Town Board.

Upon a motion duly made and seconded the Board

VOTED: To enter executive session to discuss strategy with respect to the Open Meeting Law complaint dated May 16, 2019 filed with the Attorney General's Office by Attorney Robert Nislick; and to discuss employee contracts in respect to the negotiation of an employment agreement with the new Town Manager.

Mr. Lawson stated that in the executive session, the Select Board will discuss with Town Counsel its response to the Open Meeting Law complaint dated May 16, 2019 filed with the Attorney General's Office by Mr. Nislick. Discussing this matter in an open meeting may have a detrimental effect on the litigating position of the Town. The Board will also discuss employee contracts in respect to the negotiation of an employment agreement with the new Town Manager, and doing so in an open meeting may have a detrimental effect on the negotiating position of the Town.

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. The Board will reconvene in Open Session for Open Meeting Law training at 6 p.m.

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 6 p.m.

OPEN MEETING LAW TRAINING – ANDERSON & KREIGER LLP, TOWN COUNSEL

Mina Makarious and Christina Marshall, of Anderson & Kreiger LLP, appeared before the Board. Mr. Makarious noted that the training was not required to be conducted in an Open Meeting but was being done so at the request of the Board.

Attorney Makarious and Marshall provided training on the basics and key definitions of Open Meeting Law. Attorney Marshall reviewed the definition of the public body. Mr. Lawson and Attorney Makarious discussed the definition of a subcommittee. Attorney Marshall reviewed what constitutes a meeting. She reviewed what qualifies and what doesn't qualify as a meeting. Attorney Marshall discussed the definition of deliberations. Town Counsel provided training on the distribution of documents for meetings. Attorney Marshall summarized the requirements for the notice and posting of agendas. Town Counsel reviewed how to operate meetings. Town Counsel discussed the electronic recording of meetings and the remote participation of board members. Attorney Makarious

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reviewed the requirements for minutes. Attorney Makarious explained the purposes and procedure for conducting executive sessions. He outlined the procedure for executive session minutes. Town Counsel discussed the complaint process. Attorney Makarious reviewed the types of violations and the Attorney General's remedies.

REVIEW & APPROVE TOWN MANAGER CONTRACT

Upon a motion duly made and seconded the Board

VOTED: To approve the contract for employment for the position of Town Manager, entered into this 3rd day of June 2019, between Stephen J. Crane of Longmeadow, Massachusetts, and the Town of Concord, Massachusetts, a municipal corporation acting by and through its Select Board.

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.

CONSENT AGENDA

- Town Accountant Warrants
- Gift Acceptance
 - The Friends of Sleepy Hollow Cemetery \$2,350 Sleepy Hollow Cemetery Gift Account
- One Day Special Licenses
 - Concord Rotary Club 6/20 6pm-8pm 11 Wheeler Road Wine & Malt
 - Natalya Flatley 6/23 1pm-4pm 11 Wheeler Road Wine & Malt
- Tour Guide license renewals

Upon a motion duly made and seconded the Board

VOTED: To approve the Consent Agenda.

TOWN MANAGER'S REPORT

- The Baker Avenue road closure is still in effect.
- Public Works will install a crosswalk near Concord Greene.
- On June 26, the State dive rescue team will conduct their training at White Pond.
- Two new Police Officers were sworn in today.
- Mark Paulie has been hired as the full-time media technician for Minuteman Media Network.
- Plantings were installed along the Bruce Freeman Rail Trail.
- The Special Municipal Election is scheduled for tomorrow.
- The Summer Reading program has begun.
- The Friends of the Free Public Library book sale was held over the weekend and was a great success.
- Jazzfest is scheduled for Saturday.

CHAIR'S REMARKS

- Mr. Lawson congratulated the recent graduates of Concord-Carlisle High School.

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- The Town's Memorial Day ceremonies were well attended.

REVIEW & APPROVE RHSO INTER-MUNICIPAL AGREEMENT AMENDMENT – LIZ RUST, RHSO

At the request of Mr. Lawson, discussion was moved to later on the agenda.

7:05 P.M. PUBLIC HEARING – CHANGE OF MANAGER: COLWEN MANAGEMENT, INC. D/B/A RESIDENCE INN BY MARRIOTT CONCORD, LOCATED AT 320 BAKER AVENUE

On a motion duly made and seconded, it was:

MOVED: to open the Public Hearing.

Marc S. Cohn, proposed Manager of Record for the Residence Inn by Marriott Concord, and, Meaghan Smith of McDermott, Quilty, and Miller LLP, appeared before the Board. Attorney Smith discussed the application and reviewed the qualifications of the proposed manager. Mr. Cohn summarized his background and managerial history.

Town staff confirmed that the application was in order. Board members reviewed the amount of hours the proposed manager would be present on the premises.

There were no Public Comments.

On a motion duly made and seconded, it was:

MOVED: to close the Public Hearing.

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: to approve the Change of Manager application from Colwen Management, Inc. d/b/a Residence Inn by Marriott Concord, located at 320 Baker Avenue. The new manager, Marc S. Cohn, must be engaged in the actual management of the Licensed Premises as their main occupation and must be present on the Licensed Premises for not less than thirty (30) hours per week during the hours when Alcoholic Beverages are sold. Approval is contingent upon ABCC approval.

REVIEW & APPROVE 2019 GENERAL OBLIGATION BOND AND NOTE ISSUE

Kerry Lafleur, Finance Director, appeared before the Board and reviewed her memo dated May 30, 2019 regarding the 2019 Bond Sale/ BAN Sale. On May 30, 2019, the Town received competitive bids from bond underwriters for a \$6,435,000, ten-year new money bond issue and a one-year \$3,000,000 General Obligation Note issue. The Town received a total of ten bids on the Bonds. Bids were ranked by lowest True Interest Cost, with the winning bid received from UBS Financial Services. Five bids were received on the Notes, with the winning bid coming from Jeffries, LLC, with a Net Interest Cost of 1.7089% and a pro-rata premium of \$10,175. Prior to the sale, Moody's Investors Service, a municipal bond credit rating agency, affirmed the Town's Aaa underlying rating, the highest rating attainable. Both the bid from UBS Financial Services, Inc. for the bonds and the bid from Jeffries, LLC for the notes were accepted by the Treasurer on behalf of the Town, subject to approval of the Select Board.

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: that the sale of the \$5,625,000 General Obligation Municipal Purpose Loan of 2019 Bonds of the Town dated June 20, 2019 (the "Bonds"), to UBS Financial Services Inc. at the price of \$6,509,341.27 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on June 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

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Year	Amount	Interest Rate	Year	Amount	Interest Rate
2020	\$775,000	5.00%	2025	\$500,000	5.00%
2021	730,000	5.00	2026	500,000	5.00
2022	730,000	5.00	2027	325,000	5.00
2023	720,000	5.00	2028	325,000	5.00
2024	695,000	5.00	2029	325,000	5.00

VOTED: to approve the sale of \$3,000,000 2.05 percent General Obligation Bond Anticipation Notes of the Town dated June 21, 2019, and payable June 19, 2020 (the “Notes”), to Jefferies LLC at par and accrued interest, if any, plus a premium of \$10,175.

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 20, 2019, and a final Official Statement dated May 30, 2019, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

VOTED: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 20, 2019, and a final Official Statement dated May 30, 2019, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

VOTED: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

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 Notes and to comply with relevant securities laws.

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.

Ms. Escobedo further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time

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of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

LONG RANGE PLAN NEXT STEPS

Mr. Lawson reviewed Board's action items for the Envision Concord Long-Range Plan. Mr. Lawson noted that at the Board's next meeting, Ms. Ackerman will present an initial draft for a committee tasked to addressing capital planning. On July 1, the Board will conduct a discussion on economic vitality. Members of Concord's business and cultural community will be invited to the economic vitality discussion. Ms. Hotchkiss noted that the topic of transportation related to several of the priorities identified by the Board. After a brief discussion, Board members agreed to tackle the transportation item once the other priorities have been articulated further. Acting Town Manager Hodges reviewed existing transportation systems in place.

REVIEW & APPROVE RHSO INTER-MUNICIPAL AGREEMENT AMENDMENT – LIZ RUST, RHSO

Liz Rust, of the Regional Housing Services Office, appeared before the Board. Ms. Rust provided a general update on the RHSO program. She reviewed the background of the program. Currently the program consists of eight communities. The purpose of the RHSO is to provide administrative support for already built affordable housing. Ms. Rust reviewed the RHSO work plan. Each year, the RHSO appears before the Board to request approval to update the existing IMA. Ms. Hotchkiss and Ms. Rust discussed whether potential large-scale affordable housing developments in neighboring communities would impact the services provided to Concord. Board members agreed to the proposed amendment.

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: to approve RHSO Inter-municipal Agreement Amendment as presented.

AMEND NUCLEAR METALS/STARMET PROPERTY RE-USE PLANNING COMMITTEE CHARGE

Mr. Lawson reviewed proposed changes to the charge for the NMI/Starmet Property Re-use Planning Committee. The first proposed change was to change the expected consent decree date to the fall of 2019. The second proposed change was to change the date expected for a draft report to be ready from September 1, 2019 to November 1, 2019. Minor changes were made to the language in the first paragraph of the charge.

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: to amend Nuclear Metals/Starmet Property Re-use Planning Committee charge as discussed.

PUBLIC COMMENTS

Susannah Kaye and Brooks Read, 366 Estabrook Road, appeared before the Board and thanked the Board for taking public comments. Ms. Kaye disagreed with statements made by Town Counsel during the training session in regards to allowing public comments. She said Town Counsel was making things less transparent. She stated that they have submitted documents specifically for public records requests and the Board has repeatedly ignored them. Mr. Read said that he could not locate any of the Open Meeting Law complaints on the Town's website.

COMMITTEE LIAISON REPORTS

Ms. Bates updated the Board on the ongoing works of the Trails Committee and Cemetery Committee. She attended the Mass Audubon Society event at October Farm.

Ms. Escobedo reported that NMI/Starmet Property Re-use Planning Committee is looking for members.

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Ms. Hotchkiss also attended the Mass Audubon event and also was present at the recent Concord-Carlisle League of Women Voters meeting.

Mr. Lawson attended the recent Tax Fairness Committee meeting. He attended the MMA Fiscal Policy meeting and also the joint School Committees joint meeting.

MISCELLANEOUS/CORRESPONDENCE

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: to authorize the Chair to sign and transmit letter of congratulations to Concord resident Miles Inman for attaining the rank of Eagle Scout.

COMMITTEE NOMINATIONS

Charles Parker of 105 Chestnut Street to the Middle School Building Committee; Steven Ledoux of 89 Heath's Bridge Road to Minuteman Regional Technical High School Committee

COMMITTEE APPOINTMENTS

Upon a motion duly made and seconded the Board UNANMOUSLY

VOTED: To appoint David Bell of 1657 Monument Street to the Public Ceremonies and Celebrations Committee for a term to expire May 31, 2024; Geoffrey Walton of 42 Buckmaster Drive to the West Concord Advisory Committee (associate member) for a term to expire May 31, 2022; Pam Rockwell of 1810 Main Street, Paul Boehm of 11 Ridgewood Road, Gary Kleiman of 57 Central Street, Steve Ng of 12 Dalton Road, and Karl Seidman of 93 Wright Road to the Nuclear Metals/Starmet Property Re-use Planning Committee for terms to expire May 31, 2021; Frank Cannon of 147 Prairie Street, Pat Nelson of 52 Cottage Lane, Matt Root of 139 Belknap Street, Dawn Guarriello of 57 Bristers Hill Road, Chris Popov of 35 Pleasant Street, Timothy Hult of 20 South Meadow Ridge, Heather Bout of 33 Alden Road (School Committee rep.), and Court Booth of 144 Wright Road (School Committee rep.) to the Middle School Building Committee for terms to expire upon completion of project; Vince Carlson of 34 Everett Street to the PEG Access Advisory Committee for a term to expire May 31, 2022

TOWN MANAGER REAPPOINTMENTS WITH SELECT BOARD APPROVAL

Upon a motion duly made and seconded the Board UNANMOUSLY

VOTED: To confirm Town Manager reappointments of Marybeth Barker of 51 Birch Drive and Meryl Schwartz of 1471 Main Street to the Commission on Disability for terms to expire May 31, 2022

APPOINT ELECTION OFFICERS

Upon a motion duly made and seconded the Board UNANMOUSLY

VOTED: To appoint Election Officers as listed on Town Clerk's memo dated June 3, 2019

ADJOURN

At 8:20 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

- Open Meeting Law Training presentation
- Town Manager Contract
- RHSO PowerPoint presentation
- 2019 Bond Sale/BAN Sale memo from Finance Director dated May 30, 2019
- Select Board priorities for Envision Concord Long-Range Plan
- RHSO IMA
- NMI/Starmet Property Re-use Planning Committee charge

Link to Minuteman Media Network coverage:

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

Link to Select Board meeting documents:

<http://concordma.gov/sbmtgdocs>