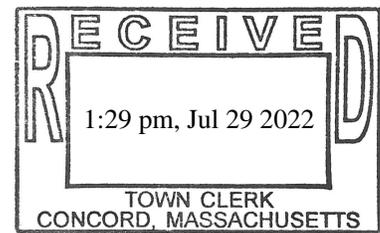


**Town of Concord
Select Board
Minutes
June 27, 2022**



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 June 27, 2022 at 6:00pm.

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 6:00 p.m.

**Site Visit at 22 Monument Square, Civil War Monument, with
Members of the Civil War Monument Task Force**

Board members performed a site visit at the Civil War Monument, located at 22 Monument Square, to discuss the new plaque and cleaning of the Civil War Monument.

Consent Agenda

- Town Accountant Warrant: June 23, 2022
- Minutes: June 13, 2022; Executive Session Meeting Minutes of June 6, 2022 (not to be released); Executive Session Meeting Minutes of June 13, 2022 (not to be released); Executive Session Minutes of June 16, 2022 (not to be released)
- One Day Special Liquor License Applications
 - The Umbrella Arts Center/Sustainable Solutions Artist Reception, 40 Stow Street, on July 8, 2022, from 6:00pm—8:00pm, Wine and Malt Beverages Only
- Letter of Support for Two Revolutions Pathway

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda, excluding the meeting minutes of June 13, 2022.

Roll Call Vote

Mr. Dane: Aye

Ms. Escobedo: Aye

Ms. Hartman: Aye

Mr. Johnson: Aye

Ms. Ackerman: Aye

Interim Town Manager's Report

Ms. Lafleur reviewed the Town Manager's report included in the Select Board meeting packet. The Board asked Ms. Lafleur if the Bruce Freeman Rail Trail Advisory Committee's Junction Park report had been added to the Town's website, which she confirmed. Mr. Dane asked if the COVID-19 statistics detailed in the Town Manager's report included cases at the Prison or Emerson Hospital which Ms. Lafleur stated she would investigate. Ms. Ackerman and Ms. Escobedo congratulated the Police Department on the accreditation highlighted in the Town Manager's Report and asked when the Police Department would be giving their departmental update report to the Board. Chair Johnson informed the Board that the Police Department would be presenting to

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the Board in the July.

Chair's Report

Chair Johnson informed the Board that the Interim Town Manager had provided a Select Board Goals document with proposed timelines for their consideration. Chair Johnson stated that he had made some revisions to the document and added a value and visions statement to the document. Mr. Dane suggested the Board reformat the document with a quarterly timeline. The Board discussed placing the goals document on the next agenda for discussion.

Chair Johnson also stated that an updated cost estimate had been submitted by the Middle School Building Committee, for the middle school building project. He noted that the latest estimate was for approximately \$86,000,000, which was \$5,300,000 over the budget. He added that the Committee would be meeting Thursday morning to discuss the newest estimate.

Vote on Town Manager Employment Agreement

Chair Johnson stated that a copy of the agreement was included as part of the Select Board meeting packet, and that he and Ms. Lafleur had negotiated the document

Upon a motion duly made and seconded, it was

VOTED: to approve the Town Manager's Employment Agreement between the Town of Concord and Kerry A. Lafleur as included in the Select Board's meeting packet.

Roll Call Vote

Mr. Dane: Aye

Ms. Escobedo: Aye

Ms. Hartman: Aye

Mr. Johnson: Aye

Ms. Ackerman: Aye

**Vote on Appropriation of Excess & Deficiency Funds for the
Minuteman Regional Vocational Technical School**

Steven Ledoux, the Town's Representative on the Minuteman School Committee, introduced Ms. Andrade, the Business Manager for Minuteman Regional Vocational Technical School. He stated that the Minuteman Regional Vocational Technical School had transferred approximately \$500,000 to their stabilization fund, for capital projects, from the Excess & Deficiency Funds. Mr. Ledoux stated that the Department of Elementary and Secondary Education (DESE) had returned the funds back to Excess and Deficiency following findings by the school's auditors. DESE informed the School Committee that rather than calling a Town Meeting, the Committee ask each Select Board in the district to endorse the transfer included as part of the Select Board's meeting packet.

Chair Johnson stated that the strategy for raising capital funds had been discussed with the Board in the past. Ms. Hartman asked if the \$500,000 was removed from the Excess & Deficiency Funds what the percentage E&D would be, which Ms. Andrade stated the E&D percentage would be 3.7%.

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Upon a motion duly made and seconded, it was

VOTED: to positively endorse the Minuteman Regional Vocational Technical School committee to appropriate \$500,000 from certified excess and deficiency to be transferred to the Capital Stabilization Fund.

Roll Call Vote

Mr. Dane: Aye

Ms. Escobedo: Aye

Ms. Hartman: Aye

Mr. Johnson: Aye

Ms. Ackerman: Aye

de Maximus Inc. 2229 Main Street Presentation and Discussion

Chair Johnson explained that this agenda item was added to preview a discussion in July or August to review options for the 2229 Main Street site, as it related to the Town's potential acquisition of the property. Chair Johnson stated that he felt it would be helpful to have the consultant who is leading the clean up process to give a brief presentation to the Board. Mr. Dane asked if the consultant worked for the Town or the company that owned the parcel, and Mr. Johnson stated that Bruce Thompson, of de Maximus Inc., could provide more detail on that.

Bruce Thompson, the project coordinator for the NMI-Starmet Site, explained that he had been working at the site since 2003. Mr. Thompson reviewed the presentation that was included in the Select Board meeting packet including the site's background/regulatory history, remedy framework, components of the Nuclear Metals Inc remedy, and the post-remedy considerations/effect of institutional controls on reuse scenarios.

The Board and Mr. Thompson discussed some of the remediation efforts highlighted in his presentation including a pilot test to analyze total and dissolved metals in groundwater. The Board and Mr. Thompson reviewed the finances of the site, including several liens on the property, and the possibility of the Town taking ownership of the site. The Board also discussed organizing another site visit for Board members who were interested, or that had not yet visited the site. Chair Johnson reiterated that the Board would be discussing this item again at a future meeting.

Diane Proctor, of 57 Sudbury Road, asked Mr. Thompson how citizens, or groups of citizens, could attend a site visit. Mr. Thompson stated that citizens could reach out to, and get involved with, the 2229 Main Street Committee. He also stated that if there was a group of citizens who were interested in touring the site, they could reach out to him, and he'd be happy to organize a tour.

**Vote on Language for the Ballot Question for a Debt Exclusion for the
September 6, 2022 Special Election**

Ms. Lafleur explained that at the Annual Town Meeting the Town voted a project for the regional school district, as excluded debt. She stated that the vote was scheduled to be concurrent with the State primary, and that the language for the question was included in the meeting packet. Ms. Lafleur stated that the wording of the question does not include the specific dollar amount, but only

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describes the project. Ms. Hartman asked when the construction would take place, to which Ms. Lafleur stated her belief that construction would begin in the spring of 2023, if approved. Ms. Escobedo asked if the ballot language would be affected by having a pro and con statement represented with it, following the passage of Article 36 at Town Meeting. Kaari Tari, the Town Clerk, stated that if there is not a group to write a “con” statement, Town Counsel would be required to draft one. Mr. Dane asked if a vote was one to endorse the statement, or just to include the language on the ballot. Chair Johnson stated that the vote was only to include the language proposed in the meeting packet on the ballot and was not one of endorsement.

Upon a motion duly made and seconded, it was

VOTED: to approve the language for the ballot question for the September 6, 2022 Special Election as presented in the Select Board meeting packet.

Roll Call Vote

Mr. Dane: Aye

Ms. Escobedo: Aye

Ms. Hartman: Aye

Mr. Johnson: Aye

Ms. Ackerman: Aye

Checkpoint Discussion on the Volunteer Database/Minutes Plan

Michael Gibbons, Senior Administrative Assistant in the Town Manager’s Office, informed the Board that town staff had been working on the volunteer database diligently in 2022. He explained that following feedback from the Select Board, Town staff, and other Board and Committee Chairs, it was clear that the database needed to be overhauled. Mr. Gibbons explained that the Town contracted with LL Data Designs to create a new database, utilizing Microsoft Access, and that they had completed the initial build of the system. Mr. Gibbons stated that Laurie Austin, in the Town Clerk’s Office, had been instrumental in the review of information in the database, but also explained that the database had been built using information from the previous database. He further noted that the review would take some time, and that Ms. Austin had taken an approach based on compliance with Open Meeting Laws, state Ethics trainings, and the acknowledgements that all Board and Committee members must make, in her review. Mr. Gibbons also stated that cooperation with the Select Board, Town staff, and Board and Committee chairs would be essential, and asked that Board and Committee Chairs have an open line of communication with Town staff to make them aware of any resignations and new Chairs/Clerks for the board or committee. Mr. Gibbons reiterated that Town staff were committed to having a clean and functional database within the next several months and would be happy to provide a future update. Ms. Ackerman asked Ms. Austin to forward a report she referenced and asked Mr. Gibbons and Ms. Austin to follow up on an auto generated message to be sent to all volunteer applicants.

Mr. Gibbons also explained to the Board that prior to his appointment to his position a number of Select Board meeting minutes were not completed. He stated that he believed approximately 18 sets of minutes were outstanding and that he would work to have them completed as soon as possible. Chair Johnson stated his belief that the minutes should simply capture the basics of the meeting and the Select Board votes. Chair Johnson also noted that all meetings are available for viewing online. Mr. Gibbons stated that he believed he could complete two sets of meeting minutes per week, and Chair Johnson suggested assigning two sets of meeting minutes to each Board

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member. Ms. Escobedo suggested that a template be created for the Board members to use as reference and reiterated that the Board follow the regulatory process for producing minutes. Ms. Ackerman commended Mr. Gibbons for his timely completion of meeting minutes and agreed with Chair Johnson's suggestion that each Board member complete two sets of meeting minutes. Mr. Gibbons agreed to work with Ms. Ackerman to assign meeting minutes to each Board member and to create a template for the Board to work from

Discussion of the ARPA Funding Plan

Ms. Lafleur reviewed the ARPA funding the Town had received and the two forums held in September 2021 and January 2022. Ms. Lafleur also reviewed the ARPA Funding Plan she had included in the Select Board meeting packet and noted that the federal government had encouraged communities of less than 50,000 in population and that had received less than \$10,000,000, to consider the ARPA funds as lost revenue. Ms. Lafleur also noted that the Board had strongly encouraged that ARPA funds be allocated inside of the budget process, but as the Fiscal Year 2023 budget process had already been completed, that they would consider allocating funds to some projects outside of the budget process for the upcoming fiscal year.

Ms. Lafleur reviewed the spending plan for Fiscal Year 2022 included in the meeting packet and highlighted the hazard pay, as it had not been previously discussed in depth. The Board discussed the concept and felt that it was important to compensate those eligible for hazard pay as close to the event as is feasible. The Board and Ms. Lafleur also discussed employee eligibility for hazard pay, and that the Town was making efforts to fairly compensate each employee. Ms. Hartman suggested that Fiscal Year 2023 appropriations be discussed with the Finance Committee. The possible Fiscal Year 2022 Allocations of ARPA funds included:

- \$400,000 for Lost Revenue/Parking Meter Receipts
- \$100,000 for the Trolley Demonstration Project
- \$300,000 for Premium/Hazard Pay

Sergeant Luke Rennie, of the Concord Police Department and Vice President of the Police Union, presented the E-Board for the Police Union, Officer Greg Mailloux, Officer John O'Connor, and Officer Joshua Bordenca. Sergeant Rennie explained the strains placed on the Police Department throughout the pandemic, noting that their positions were not ones where they could work from home. Sergeant Rennie stated that many officers, and their family members, were infected with COVID-19, that they worked many overtime shifts to ensure that the Town was kept safe, and that they would continue to serve the Town with distinction. Sergeant Rennie thanked the Board for their consideration of the hazard pay outlined in the memo provided by Ms. Lafleur.

Brett Mills, Firefighter and President of the Local 1942 Concord Professional Firefighters, introduced his E-Board, Jimmy Foley, Eric Kempf, and Brendan Lyons, and James Mazzola. Firefighter Mills explained the added responsibilities placed on the Fire Department including testing and vaccinating residents and Town staff. Firefighter Mills reiterated Sergeant Rennie's sentiment that many members of Fire Department were infected with COVID-19 and brought that home to their families. Firefighter Mills thanked the Board for their consideration of the hazard pay included as part of Ms. Lafleur's funding plan.

The Board thanked the members of the Police and Fire Departments for their service, and for coming to the meeting to seek the Board's approval.

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The Board and Ms. Lafleur reviewed the proposed ARPA spending for fiscal year 2023, including:

- \$200,000 for transportation initiatives
- \$125,000 for economic development initiatives
- \$30,000 for Affordable housing
- 25,000 for a cell service study
- \$20,000 for cultural arts

The Board had several questions regarding the \$30,000 funding for Affordable Housing, noting that the item description included in the Select Board meeting packet was very similar to the Housing Production Plan.

Keith Bergman, of 56 White Avenue and Chair of the Concord Municipal Affordable Housing Trust, thanked Ms. Lafleur for including Affordable housing initiatives in her funding proposal. Mr. Bergman voiced concerns that the Junction Village building permits may not be issued by next spring, which would bring the cause the Town to lose Safe Harbor from future 40B development. Mr. Bergman stated that the Town may be 8-20 units short of the 10% Safe Harbor threshold. Mr. Bergman and the Board also discussed the Housing Production Plan.

Discussion of FY23 Town Manager Goals

Chair Johnson stated that the recently signed Town Manager contract called for finalizing the Town Manager goals for the fiscal year by July 15. Chair Johnson added that, by mutual agreement, the deadline for that finalization could be extended. Chair Johnson stated that he would prefer the goals to be crafted in a SMART fashion, which stands for Specific, Measurable, Achievable, Relevant, and Time-Bound. Mr. Johnson reviewed the goals document included as part of the meeting packet. Mr. Dane suggested that the document be no more than 2-3 pages. The Board discussed the need to have the Town Manager Goals be aligned with the Select Board Goals, as much as possible. Chair Johnson encouraged the Board to review the goals document and to provide feedback directly to the Town Manager, for consideration at their next meeting.

Committee Nominations

Joshua Lee, of 65 Everett Street, to the Diversity, Equity, & Inclusion Commission; Anita Tekle, of 260 Virginia Road, to the Concord Local Cultural Council; Pauline C. Reeve of 429 Williams Road to the Concord 2025 Executive Committee; Frederick Ryan of 211 Park Lane to the Concord 2025 Executive Committee

Committee Appointments

Upon a motion duly made and seconded, it was

VOTED: to appoint Lois Suarez, of 34 Everett Street Apt. 10B, to the Pollinator Health Advisory Board for a term to expire April 30, 2025; Rebecca Lemaitre, of 3 Abbott Lane Unit 7, to the Concord Historical Commission for a term to expire April 30, 2025; Mary-Wren Vanderwilden, of 158 Simon Willard Road, to the Library Committee for a term to expire April 30, 2025; and to extend Steven Ledoux's recent reappointment as the Minuteman Regional High School Representative from a term ending 4/30/2025 to a term ending 6/30/2025 to be consistent with the terms of the Minuteman Regional High School Agreement

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Roll Call Vote

Mr. Dane: Aye
Ms. Escobedo: Aye
Ms. Hartman: Aye
Mr. Johnson: Aye
Ms. Ackerman: Aye

Select Board Liaison Reports

Ms. Hartman reported that the Municipal Light Board voted to adopt a power cost adjustment, citing the price of natural gas prices rising due to the war in Ukraine.

Chair Johnson reported that the Financial Audit Advisory met and reviewed the management letters for the Town and School district. He added that the Town would be engaging the same audit firm to conduct the financial audits for the next three years. Chair Johnson also reported on a School Committee meeting where the group discussed the assessment process for students in grades K-12, and noted they voted to change the Superintendents evaluation process from annually to bi-annually. Chair Johnson further reported that the DEI Commission had approved their letter to the schools regarding the concerns of METCO parents.

Ms. Escobedo reported that the MMA webinar on insurance risk and found it helpful as it relates to employee issues. Ms. Escobedo also reported that the Concord Municipal Affordable Housing Trust would be meeting later that week. She added that the Community Preservation Committee held their first information meeting and noted that there were no applicants in attendance and stated that there would be another information meeting in August.

Mr. Dane reported that he and Ms. Hartman were following up on litigation in another community that could have ramifications for residents of White Pond and the White Pond Advisory Committee in relation to septic systems that pollute bodies of water. Mr. Dane also reported that the Concord 2025 Executive Committee had met, had coordinated with surrounding communities and organizations, and had over 50 volunteers for various subcommittees.

Mr. Hartman reported that she had brought up changing the charge of the White Pond Advisory Committee at their last meeting.

Ms. Ackerman reported that she attended the Board of Health meeting where they discussed the 2229 Main Street report presented to the Select Board that evening.

Correspondence

There was none.

Public Comment

There was none.

Adjourn

Upon a motion duly made and seconded, it was UNANIMOUSLY

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VOTED: to adjourn.

Meeting Materials: <https://concordma.gov/DocumentCenter/View/37218/Select-Board-Meeting-Packet-June-27-2022>

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=z9as9Muuzq0&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8-&index=1>