

SELECT BOARD
MINUTES
JULY 15, 2019

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in the Select Board Room of the Town House on July 15, 2019 at 6:30PM.

CALL TO ORDER

Mr. Lawson called the meeting to order and asked for a motion to enter Executive Session.

EXECUTIVE SESSION TO CONSIDER THE PURPOSE AND VALUE OF REAL

PROPERTY, PARCEL # 2455-3-1, 24 WESTGATE PARK, because discussing in open session would be detrimental to the Town's negotiating position

Upon a motion duly made and seconded, it was

VOTED: to adjourn Open Session and enter into Executive Session to consider the purpose and value of real property, parcel #2455-3-1, 24 Westgate Park to return to Open Session at 7PM. Discussing this matter in Open Session would have a detrimental effect on the Town's negotiating position.

The clerk called for a role-call vote:

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

Mr. Lawson declared that the motion passed 5-0.

The Executive Session adjourned at 6:46PM.

CALL TO ORDER

Mr. Lawson called the meeting to Order at 7:04PM and stated that the meeting was being recorded and broadcast.

CONSENT AGENDA

- Town Accountant Warrants
- Minutes – 5/23, 6/3
- One Day Special Licenses
 - Concord Museum 8/7 6pm-8pm 53 Cambridge Turnpike Wines Only
 - Luke Hill Media Inc. 9/30 12pm—9pm 246 ORNAC All Alcohol

Upon a motion duly made and seconded, it was UNANIMOUSLY

Call to Order

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VOTED: to approve the Consent Agenda as read.

TOWN MANAGER'S REPORT

1. Deputy Town Manager Kate Hodges announced that Christopher Carmody has recently taken the role of Administrative Manager in the Town Manager's Office. He will replace Heather Butler. Mr. Carmody joins the Town after serving as a paralegal for many years at a private non-profit. He is pursuing his master's degree at Northeastern University.
2. The Complete Streets Public Workshop will be Wednesday. Concord Public Works will create a Wiki map available online that will allow people to put specific issues they have encountered on the map.
3. The Public Shade Tree Program for the summer has been completed. 65 trees have been planted in the Right of Way and setbacks.
4. Proposals are due today for a grant to fund a Climate Action Plan consultant. This program will be spearheaded by Sustainability Director Kate Hanley who anticipates a great deal of community and departmental involvement.
5. Director of Planning and Land Management Marsha Rasmussen reports that the ribbon cutting for the Phase 2B portion of the Bruce Freeman Rail Trail is scheduled for early September. Already many people are using the trail. Fencing still needs to be installed at the commuter lot. There are 6 signs still to be installed.
6. Brookside Square has delivered final plans for the curb cuts for the parking lot reconfiguration at Beharrell St. and Commonwealth Ave. The intention is to become more pedestrian friendly.
7. Sadly, Senior Administrative Assistant Andrew Mara who has supported the Board so well, has resigned. Friday will be his last day. He will be missed.

CHAIRS REMARKS

On behalf of the Select Board, Mr. Lawson stated that Andrew has been a dedicated and effective member of the team. He wished him well in the next chapter of what life brings. Mr. Lawson congratulated the National Park Service and Walden Woods Project on the recent successful "Bioblast" event that brought together scientists to traverse the land and make new discoveries of flora and fauna.

7:05 P.M. PUBLIC HEARING: CHANGE OF MANAGER associated with existing Section 12 Restaurant All Alcohol License – 99 Restaurants Inc., 13 Commonwealth Avenue

Upon a Motion duly made and seconded, it was UNANIMOUSLY

VOTED to Open the Hearing

TM Rpt

Chr.

Alcohol Lic

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James Poitras was present to seek approval for a change of Manager at the 99 Restaurant on Commonwealth Ave. He has been promoted to the position from a similar role at the Fitchburg 99. He has worked in the industry for 25 years, and for the 99 for 5 years. He anticipates spending 50-55 hours per week at the restaurant. Along with his staff, he is ServeSafe trained in alcohol service. There was no comment from the public.

On a motion made and duly seconded, it was:

VOTED to Close the Hearing

There was no Board discussion.

On a motion made and duly seconded, it was:

VOTED to approve the application from 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub, located at 13 Commonwealth Avenue, for the Change of Manager associated with existing Section 12 Restaurant All Alcohol License. The application packet of information is complete. The new Manager, James Poitras, must be engaged in the actual management of the Licensed Premises as his 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.

7:10 P.M. CONTINUED PUBLIC HEARING: ALTERATION OF LICENSED PREMISES

associated with existing Section 15 Retail Package Store wine & malt license, to remove entire second floor area (4,542 sq. ft.) and portion of first floor (980 sq. ft.) from existing licensed premises – Concord Market, 77 Lowell Road

On a motion made and duly seconded, it was:

VOTED to Open the Hearing.

James White, owner of the property was present for the 3rd time to complete his presentation. He stated that the Zoning Board of Appeals has approved the request to use the 2nd floor for various events. This was a precondition for the Select Board's decision whether to act on the matter. Mr. Lawson stated that the Board has considered the application at earlier meetings and therefore there is not a full description this evening. Mr. White noted that the ZBA decision limited the events that are possible on the 2nd floor to market-related events, that is: cooking, catering, cookbook authors, and children's events related to food. The space cannot be converted to another use. The Building Commissioner has determined that there is sufficient parking available. There was no public comment.

On a motion made and duly seconded, it was:

VOTED to Close the Hearing

There was no further Board discussion.

On a motion made and duly seconded, it was:

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VOTED Move to approve the application from Concord Market, located at 77 Lowell Road, for the alteration of licensed premises associated with existing Section 15 retail package store Wine & Malt license, to remove entire second floor area (4,542 sq. ft.) and portion of first floor (980 sq. ft.) from the existing licensed premises. Final approval is subject to ABCC approval.

CONSIDER GIFT OF LAND TO THE NRC ASSOCIATED WITH THE BLACK BIRCH 2 DEVELOPMENT

Natural Resources Director Delia Kaye was present with Jack McBride, Managing Partner of Black Birch Development Partners LLC to request Board approval for a gift of 5.4 acres of conservation land conveyed to the Town in accordance with the Special Permit for an Alternative Planned Residential Development in 2017. This is land associated with phase 2 of the Black Birch Development that will add 16 units of housing off of Forest Ridge Rd. Ms. Kaye stated that this gift is a nice addition to other Town land in the area and will add connectivity of trails.

On a motion made and duly seconded, it was:

VOTED: to approve a 5.4 acre gift of land shown as Parcel A on the plan of land entitled "Plan of Land in Concord, Massachusetts, owned by Todd A. Pulis, Trustee of Thoreau Realty Trust", prepared by Perley Engineering LLC, dated March 8, 2017 and recorded at the Middlesex South Registry of Deeds as Plan NO. 646 of 2017. Said gift was granted for conservation purposes in accordance with the Special Permit issued for Alternative Planned Residential Development on June 4th, 2019 by Black Birch Development Partners, LLC, and accepted by the Natural Resources Commission, acting as a Conservation Commission, on June 19th, 2019, pursuant to Massachusetts General Laws Section 8C of Chapter 40.

APPROVAL OF FY19 YEAR END TRANSFERS

Finance Director Kerry LeFleur was present to seek Board approval for year-end transfers in order to close out the FY2019 Budget. She stated that the Town Budget consists of 39 separate line items and the only way to transfer funds between them is at a subsequent Town Meeting or with the approval of the Select Board and Finance Committee within the last 60 days of the fiscal year or the following 15 days. She stated that she presented this information to the Finance Committee at the end of June. The Books should be closed by the end of June, but it is difficult. All known bills have been processed, but there may have been activities that incurred expenses. These are not yet the final numbers. Next week the Department will encumber funds based on outstanding bills yet to be received. That balance will be the beginning of the Free Cash calculation for FY2019.

Black Birch

Yr. end Transf

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Social Security and Medicare has a deficit of \$1,962.35. Funds can be transferred from the Town Employee Benefits account that pays out eligible sick leave buyback at retirement. There was not the demand this year, so available funds are sufficient to transfer. Legal Services has a deficit of \$54,462.47. The original appropriation for this item was for \$350,000. The Finance Committee has already approved a \$225,000 Reserve Fund Transfer for this account. Other funds from the Treasurer Collector Department are available from an unfilled position and can be used to help close this deficit. Generally, the Legal Services line item has been sufficient at the amount appropriated. It has been a difficult year for the legal account with ongoing litigation, three contracts demanding labor counsel, and various issues in the departments that incur legal time.

Ms. Bates noted the updated numbers from the earlier approach to the Finance Committee; Ms. LeFleur stated that she would go back to the Finance Committee for an updated vote. Ms. Hodges stated that the usual process is that Town Counsel is only accessed with the approval of the Town Manager. In this cycle, there are several issues that are ongoing for which that process was not adhered to. Ms. Ackerman stated that, in her opinion, legal services should be tracked by the Board.

On a motion made and duly seconded, it was:

VOTED: to approve the FY19 Transfers as presented.

REVIEW CALENDAR FOR 2020 ANNUAL TOWN MEETING

Mr. Lawson noted that the Board had earlier approved the dates in April for the 2020 Annual Town Meeting. (Town Meeting is scheduled for April 27-30, 2020.) The Town Clerk developed a detailed calendar that includes the Warrant opening and closing, elections, and caucus, hearings, and publishing and mailing dates from that information.

On a motion made and duly seconded, it was:

VOTED: to approve calendar for 2020 Annual Town Meeting as presented.

UPDATE ON LONG RANGE PLAN INITIATIVES

Mr. Lawson briefly reviewed the Select Board goal to review and set priorities for action on the Long-Range Plan recommendations. The Board identified three areas: Affordable Housing, Long Range Capital Planning, and Economic Vitality. Those discussions are already underway. Additionally, Terri Ackerman is drafting a Charge for Capital Planning and Susan Bates is taking the lead on Economic Vitality.

REVIEW & APPROVE CAPITAL PLANNING TEAM CHARGE

2020 ATM

LRP

Cap Plan

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Terri Ackerman noted that she has redrafted the Charge to reflect Board deliberation and citizen input. There are three issues that need to be resolved before the Charge is ready. 1) in 2002 there was a committee charged with doing similar work. The recommendations of the committee were not followed through. Why, and how can that be avoided in the structure of the Capital Plan? 2) Should this committee be a standing committee or something more temporary such as a task force? 3) Should the new committee simply compile information from town and schools, or should it be empowered to make recommendations regarding timing and scope.

Discussion included: the 2002 committee did valuable work, but not in a vacuum. Events such as the recession intervened. There is no way to prevent outside circumstances from impacting any committee. The new committee may not usurp any responsibilities of elected boards. Its job should be to gather enough information from both town and schools to make it clear what kind of information is needed for good decision-making, create an instrument to record that information in such a way as to assist elected boards and the Finance Committee to go forward to do their jobs. A spreadsheet of all the integrated data will provide more information to everyone and could encourage affected interests to sit together to reach consensus. The new committee is not charged with advocacy for projects, scope, timing etc. The financial policies of the Town should be the basis of recommendations regarding large capital expenditures to Town Meeting: borrowing capacity, debt service spikes, annual levy limit and guidelines. The new committee would not be staffed to create data; that would come from town and school departments in enough detail about costs and timing to enable the Finance Committee to manage the tax burdens over time. Recent town and school history have taken actions to make do, and undertake short term solutions with some cost. The School decided that a patchwork approach is no longer effective and decided to undertake a feasibility study of options, scope, costs, and timing. 2019 Town Meeting approved a Feasibility study for the Middle School. Additionally, the Town expects delivery of a Municipal Facility Study in August. The report will provide three options to address critical facility needs, one of which is to do nothing.

A Task Force is immediate, short term, more nimble than a standing committee, but can be changed once underway if a need is determined. It is too easy to plan in isolation and find yourselves in conflict with circumstances that were unknown to you. The task force purpose should be to develop a framework or template for the ongoing use of Town and Schools so that all bodies know the information required for good decision-making. This fits with the Town's sustainability goals of considering the whole.

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Ms. Ackerman stated that she saw a consensus that the new body would be a short term, perhaps 6 months, task force. She will update the Charge for the next meeting. Mr. Lawson suggested that all interested volunteers should begin to submit green cards.

REVIEW ECONOMIC VITALITY COMMITTEE DRAFT CHARGE

Susan Bates stated that she has been calling the new committee the Economic Vitality Advisory Group. It is intended to tie to the Long-Range Plan recommendation to strengthen and connect business to cultural and historic resources with a goal to keep Concord storefronts healthy, keep and encourage tourism, and give visitors a Concord experience. The Advisory Group could combine efforts with the several cultural and historic organizations to reduce duplication of effort. The Charge lays out the **Purpose** as: 1, define economic vitality and understand how it applies to the three retail districts; 2) develop strategies to sustain the character of each retail district; 3) suggests ways to enhance the visitor experience and tourism; 4) explore and recommend revenue sources such a public/private partnerships and grants; 5) make recommendations as to how transportation can support business districts with existing resources; and, 6) explore the benefit of what is being done regionally that we could learn from.

The **Membership** of the Advisory Group will be broad and include a commercial property owner, an owner/manager of a local retail business, a cultural organization, Planning Division or former Planning Board representative, the Tourism and Visitor Manager, and citizens at large. There would be the standard parts of the Charge dealing with leadership, meeting, Open Meeting Law. The **Duties** of the Advisory Group would be to analyze Long Range Plan goals and report to the Select Board with specific recommendations that could be implemented to support those goals.

Discussion included: regarding membership, there is a great variety of retail in the commercial centers, more than one member could provide a more diverse view. More membership from cultural institutions was also suggested. An important intention is to keep storefronts vibrant and tie to cultural and historic values. Ms. Bates recognized the need to add more members to include a range of large and small cultural and historic sites. The composition of the stakeholders will predict the outcome. A broad-based organization will bring more to the table that will assist in resolutions and finding victories. Identifying funding sources will be an important task of the Advisory Group.

Eco Vital

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As an example, Ms. Escobedo summarized a ZBA application for the Trustee of Reservations' Old Manse property that highlights the realities of the tensions when one institution makes a plan to support its mission and profitability to expand its program attendance without consulting the impact on neighbors and in this case, another abutting large non-profit tourist destination, namely the Minuteman National Park. This could occur any number of times for other entities by working in isolation.

Transportation is an additional tension in the tourism vitality mix. Parking, shuttles, and valets all have space requirements and add to the pressure. It was suggested to add the following language: examine the role of transportation in accomplishing the economic vitality goal. Fritz Kussin, retailer and resident, was present to share insights in his long-time efforts to accomplish what the Board intends. He stated that the group was too small and needed to expand to include all 4 commercial centers, multiple cultural organizations, and there could be subcommittees to address issues in each district and include the Chamber of Commerce. He stated that the elephant in the room was the Concord Center District. Solutions will not benefit all equally if at all. Regarding the underlying format of the Charge he noted that the group is advisory, with no real power, why should it need to adhere to all the committee-based laws that only slow progress. He offered to sit down with Ms. Bates to have more discussions. Ms. Bates agreed to continue to work on the draft Charge and bring it to the next meeting.

CONSIDER LETTER OF SUPPORT FOR H.663 AN ACT ALLOWING 17-YEAR-OLDS TO VOTE IN TOWN ELECTIONS & TOWN MEETINGS

17 yr.old

Mr. Lawson stated that he has received a draft response to H.663 to allow 17-year olds to vote in local elections and Town Meeting. This was approved locally at Town Meeting. Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the Chair to sign and transmit the letter of support for H.663, an Act allowing 17-year-olds to vote in Town Elections & Town Meetings, substantially as drafted.

CONSIDER RESPONSE TO HANSCOM AFB SCOPING LETTER FOR OFF BASE OFFICE SPACE LEASING

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Mr. Lawson referred to correspondence from Hanscom Base in which HATS towns were notified about a need for off-base commercial space. Mr. Lawson stated that the base has not focused on a flying mission but on technology. Recently the nature of that has brought in more personnel, including Army and Navy. They are seeking space for about 189 personnel at a location within 10 miles of the Base. Mr. Lawson offered to reply letting them know that we will cooperate by connecting them to commercial owners if any and asking whether there would be a similar need for additional housing. Members also suggested that requesting an estimated number of children expected to attend Concord's schools would also be helpful. Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the Chair to sign and transmit a response letter to Hanscom AFB letter regarding off-base space leasing substantially as discussed.

PUBLIC COMMENT

1. Lansing Olds of Lowell Rd. commended Andrew Mara as an exceptional person. He also commented on legal services. Mr. Olds stated that the majority of the bills were due to Estabrook Rd. litigation that is likely to continue this year as well. He stated the risk the Town is facing if it loses is that land owners can shut down their property, providing no access. If the Town wins, it is still subject to private property rules and regulations. The Town won't win either way. If it decides to go the route of eminent domain, it will deal with the State and Harvard University all over again.

LIAISON REPORTS

1. Ms. Bates reported that the Planning Board is short one member. It intends to appear before the Select Board soon to report on Town Meeting plans that support a range of affordable housing options. The Cemetery Committee also needs another member. The Concord Middle School Building Committee has met, selected leadership and decided to create a subcommittee to develop a Request for Services (RFS) for hiring the Owners Project Manager (OPM). They will meet Thursdays at 7:30AM every other week. They are in need of a Clerk. The Historical Commission is set to begin work on another iteration of the Demolition Delay Bylaw.
2. Ms. Ackerman attended Picnic in the Park where a good time was had by all. She attended a Board of Assessors meeting which began to consider the implications of the recent land gift to Mass Audubon. Under State rules, the entire property becomes tax-exempt if owned by a non-profit and all buildings are occupied. They will inform MAA Audubon of the details and seek compliance. Concord Sustainable Energy Committee announced a new CMLP program for residential solar rebates.

Public
Comment

Liaison Reports

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3. Ms. Hotchkiss stated that the Historic Districts Committee is grappling with the addition to the Concord Free Public Library as it relates to the connectivity of the building and the visual impact on an historic street. They are considering windows, skylights, paint color and parking. The Natural Resources Commission has announced the canoe launch in West Concord at Baker Ave. is complete with the great assistance of a grant from the National Park Service Foundation. Funds for the White Pond restoration project are having a significant impact. The concrete staircase has been converted to wood with handrail and fencing. Erosion seems to be abated
4. Mr. Lawson stated that the Light Board is in discussion regarding power agreements. They are making updates to the CMLP strategic plan. The Hugh Cargill Trust continues to reconcile funding from Trusts versus private donations. They received a request for funds to support drivers' education training and need to decide how that fits in its mission.

MISCELLANEOUS/CORRESPONDENCE

1. Mr. Lawson stated that he has received correspondence and comment from residents interested in a 5G discussion. He will schedule this on the agenda.

COMMITTEE NOMINATIONS

Ms. Escobedo nominated Diana Clymer of 13 River Street and Robert Munro of 1400 Lowell Road to the Concord Center Cultural District Committee; Jon Harris, Budget & Purchasing Administrator, to the Concord Middle School Building Committee. Eve Isenberg of 833 Old Road to Nine Acre Corner to the Zoning Board of Appeals as associate member. Todd Benjamin of 333 Sudbury Road to the Affordable Housing Trust Study Committee

COMMITTEE APPOINTMENTS

On a motion made and duly seconded, it was:

VOTED: to appoint Susan Curtin of 169 Holden Wood Road, Krysten Morganti of 136 Baker Avenue, and Tara Edelman of 357 Nashawtuc Road to the Library Committee for terms to expire May 31, 2022; Lee Smith of 1836 Main Street and Keith Bergman of 56 White Avenue to the Affordable Housing Trust Study Committee for terms to expire May 31,, 2021; Peter Ward of 29 Pilgrim Road and Diane Proctor of 57 Sudbury Road to the Community Preservation Committee for terms to expire May 31, 2023; Theo Kindermans of 252 Fairhaven Road to the Zoning Board of Appeals as full member for a term to expire May 31, 2022 (effective August 9, 2019); Russell Hughes, Schools Facilities Director to the Middle School Building Committee for a term to expire upon completion of project. John Brady of 105 Lexington Road to the Zoning Board of Appeals for term to expire August 8, 2019.

TOWN MANAGER APPOINTMENT WITH SELECT BOARD APPROVAL

Misc.

Nominate

Appointments

TM Appt,

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Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to confirm Town Manager appointment of Karen Young of 49 Crest Street
to the Commission on Disability for a term to expire May 31, 2022

ADJOURNMENT

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED to adjourn the Open Session and conclude business for the evening.

Respectfully Submitted,

Linda Escobedo, Clerk

Approved: 9/23

Meeting Documents

<https://www.concordma.gov/2470/ 2020>

<https://www.concordma.gov/1067/Comprehensive-Long-Range-Plan-Comm>

<https://www.concordma.gov/DocumentCenter/View/15432/Section-42-Economic-Vitality-Plan-Element>

<https://malegislature.gov/Bills/191/H663>

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=KBC96INM9T4>