

**TOWN OF CONCORD
SELECT BOARD
MINUTES
July 27, 2020
4:00PM
VIDEO CONFERENCE CALL**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on July 27, 2020 at 4:00pm.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, Susan Bates, and Jane Hotchkiss. Also present were Stephen Crane, Town Manager; and Kerry Lafleur, Finance Director.

Call to Order

Select Board Chair Michael Lawson called the meeting to order at 4:00pm.

Consent Agenda

- Town Accountants Warrants
- Minutes to approve: June 29, 2020

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

Roll call vote

Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

Town Manager Update

Mr. Crane reported that this week CMLP expected peak electricity demand due to the heatwave. There are materials on the [CMLP website](#) on how to limit electricity consumption during peak demand periods.

There is a water main project beginning in the Peter Springs Road area. Concord Public Works will be conducting socially-distant field meetings in preparation for the project.

There is still a water restriction in place. Mr. Crane noted that residents should not be watering their lawns more than once a week.

The Town has received a COVID-19 Community Development Block Grant (CDBG). Mr. Crane noted that the Town is still waiting on documentation from the Town of Ashland who is leading on this effort.

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Both nights of the drive-in movie are fully sold out. The first one is Thursday, July 30th at 8:00pm, and the second one is on August 13th.

Chair's Remarks

Mr. Lawson reported that there will be a supplementary public hearings on warrant articles ahead of Town Meeting. The public hearings will be as follows:

August 17th – Select Board & Finance Committee Joint Public Hearing

August 18th – Finance Committee Public Hearing

August 19th – Planning Board Public Hearing

Mr. Lawson read [the attached statement](#) regarding the Estabrook Road litigation.

Public Hearing: Agreement between the Town and Library Corporation

Mr. Lawson noted that the Library Committee was scheduled to meet last week to review the Library agreement but did not. Therefore, the Select Board will not vote on agreement this evening. Mr. Lawson expects to get their comments on the agreement before the Select Board's August 3rd meeting, and the board will take the Library Committee's feedback into consideration when amending the agreement.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to open the public hearing

Roll call vote

Mike Lawson: Aye

Terri Ackerman: Aye

Jane Hotchkiss: Aye

Linda Escobedo: Aye

Susan Bates: Aye

Sherry Litwack and Mario Favorito of the Concord Library Corporation attended in order to discuss the agreement, which they worked with Mr. Crane and Mr. Lawson of the Town to develop. Mr. Favorito provided a memo in the meeting materials that summarized the proposed changes in each section of the agreement. Mr. Lawson outlined some of the changes detailed in the memo, which is available in the [meeting materials](#).

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Ms. Escobedo asked if there were any concerns over space in the vault for Town archives. Ms. Litwack responded that there weren't immediate concerns, but in the future there could be.

Ms. Bates asked what the downside would be to not approving the agreement until a memorandum of understanding is put into place. Mr. Lawson responded that the downside would be that there are a lot of improvements in the agreements, and the Town would like to see them put into place.

Ned Perry of 362 Bedford Street commented that he doesn't believe the draft agreement moves the Town government away from a silo approach. Mr. Perry stated that he hopes the agreement isn't finalized until an MOU has been negotiated and completed.

Mav Pardee of 87 Stow Street and member of the Library Committee commented that the Library Director and the Curator's position duties in the agreement include supporting the Library Corporation, which Ms. Pardee believes may be a conflict of interest given that the Library Corporation is a private organization. Ms. Pardee suggests that the Select Board and Town Manager follow up with either Town Counsel or the State Ethics Commission on Library employees supporting the Library Corporation in unspecified ways in the agreement.

Diane Proctor of 57 Sudbury Road asked what the limits of the funding from the Town would be for any potential renovations or expansions to the Library. Mr. Crane explained that the intent was to allow for expenditures for furnishing and fixtures such as computers and desks. Mr. Lawson added that the flexible language in this part of the agreement allows for community preservation fund appropriations.

Jean Goldsberry of 1832 Main Street stated that it is important to have the MOU completed and included in the agreement, given that this is the first public-private partnership that the Town has engaged in since the Select Board accepted the Public Private Partnership Study Committee's recommendations in 2017. Ms. Goldsberry believes that not having the completed MOU in the agreement is contrary to the recommendations of this committee that the Select Board adopted in 2017.

Dorrie Kehoe of 51 McArthur Road commented that MOU should be included in the agreement the Select Board eventually votes on. Ms. Kehoe also commented that she believes there is no reason for the Select Board to vote on the agreement before there has been additional time for public input and review.

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The Select Board determined that they would continue to public hearing on the agreement at their next scheduled meeting on August 3rd, 2020.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to continue the public hearing on the library agreement currently in discussion on August 3rd, 2020.

Roll call vote

Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

Approve New Tour Guide Applications

The Select Board voted to accept the new Tour Guide Licensees, who completed their Concord History courses in the spring.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the new Tour Guide license applications, per the memo from the Town Manager's Office sent to the Select Board dated July 24, 2020.

Roll call vote

Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

Approve Tour Guide Renewal Applications

The Select Board previously extended the validity of the Tour Guide Licenses from May 31, 2020 to July 31, 2020 in light of the COVID-19 Pandemic.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the new Tour Guide renewal applications, per the memo from the Town Manager's Office sent to the Select Board dated July 24, 2020.

Roll call vote

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Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

FY20 Year End Transfer

Finance Director Kerry Lafleur attended to explain that this transfer was presented to the Finance Committee and approved at their last meeting. The transfer is a request to move \$39,000.00 from the Snow Removal Account to the Social Security & Medicare Account. The need for this transfer is new part time employees, who the Town pays into Social Security and Medicare, but not pensions.

As you will recall, the Town's fiscal year budget is appropriated by Town Meeting in thirty-nine (39) distinct line items. Transfers are allowed between line items either by:

- Further Town Meeting action; or
- Under the procedure outlined in MGL Chapter 44, Section 33B.

At this time, I am seeking approval of **one final** transfer under MGL Ch. 44, Section 33B. Under this law, line item transfers are allowed between May 1 and July 15, with the approval of the Select Board and Finance Committee, the purpose being to close the year without line item deficits.

The following is the final request to close FY20:

Chapter 44, Section 33B Transfers Needed to Close FY20				
number	to/ from	line item	line description	amount
1	from	18	Snow Removal	\$ 39,000.00
2	to	38	Social Security & Medicare	\$ 39,000.00

The deficit in Line Item 38, Social Security & Medicare, is generally the result of an increase in the number of part-time employees for which the Town pays into Social Security, as these employees are not pension-eligible. As proposed, this deficit will be funded from Line 18, Snow Removal. A total of \$625,000 was budgeted for this activity, but only \$538,433 was expended, leaving an available balance of \$86,567.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: as authorized by MGL Chapter 44 Section 33b, move to approve a year end budget transfer in the amount of \$39,000.00 from Line Item 18 Snow Removal to Line Item 38 Social Security & Medicare, which is needed to close FY20.

Roll call vote

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Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

Letter of Support for Concord's Transfer Fee Home Rule Petition

Mr. Lawson noted that Concord's home rule petition bill is in the Massachusetts Senate, but a number of our sister city bills are in the House. Additionally, there are amendments being proposed that would enable home rule petitions for transfer fees in support of affordable housing. The item on the agenda would allow the Chair of the Select Board to develop letters of support to go to our representatives and the chairs of various committees in support of our home rule petition legislation, as well as any amendments to the House bills that would allow home rule petitions to be part of the legislative package.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the chair to send a letter in support of Concord's Transfer Fee Home Rule Petition to the House chair of the Steering Committee and the chair of the Policy and Scheduling Committee.

Roll call vote

Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

Committee Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Dennis Fiori of 309 Strawberry Hill Road to the Historic Districts Commission for a term to expire on April 30, 2023.

Roll call vote

Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

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Committee Liaison Reports

Ms. Escobedo attended the Finance Committee, where they discussed sustainable growth rate and five year projections for the Finance Committee report. They also took affirmative action on Article 12, which is the authorization for the revolving fund. Ms. Escobedo attended the Housing Development Corporation, where they accepted a gift of \$20,000.00 from the Middlesex Bank Foundation. They also discussed the Junction Village Project, where they noted the award letter and the twenty years of work it has taken to get to this point. They also noted that the TIF agreement is a key part of this and will be discussed on the August 17th joint Select Board and Finance Committee public hearing.

Ms. Ackerman stated that there is a vacancy in the Capital Planning Task Force. Ms. Ackerman attended the Public Works Commission meeting, where they provided updates on Cambridge Turnpike. Ms. Ackerman reiterated the Town's water restriction, stating that residents should only be watering one day a week, and it should be the same day as your trash collection between 4:00am-9:00am, or after 5:00pm.

Ms. Bates attended the Planning Board, where they had hearings on an application from Middlesex School to construct an 11-bedroom modular student housing project on an existing parking lot. The purposed would be to house students who become sick with COVID-19. The Planning Board also discussed the MAPC draft Thoreau Development Plan. The plan references four-story buildings that are 38 feet high, but the drawings did not indicate that. The Economic Vitality Committee met and discussed the movie events and the micro-enterprise funds that the Town has received from the state.

Ms. Hotchkiss attended the Natural Resources Commission, where they discussed three forthcoming applications. The Gerow project has a public information session coming up on July 28th. The NRC reviewed that newly changed Gerow proposal for the first time. The second project discussed was Chase moving into the Citizen's Bank building. The final project discussed was a notice of intent from the Fenn School, where they plan to apply for a canoe launch dock and a permanent building to store 22 canoes.

Miscellaneous Correspondence

Mr. Lawson noted that this week's correspondence is posted, and is mostly regarding the Town and Library Corporation agreement.

Public Comments

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There were no public comments.

Adjourn

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

Roll call vote

Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye
Linda Escobedo: Aye
Susan Bates: Aye

Minuteman Media Network Coverage: https://www.youtube.com/watch?v=Qm_gDLzDoI4

Meeting Materials: <https://concordma.gov/DocumentCenter/View/25580/July-27-SB-Packet>