

**TOWN OF CONCORD
SELECT BOARD
MINUTES
AUGUST 3, 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 August 3, 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; Kerry Lafleur, Finance Director; Kate Hodges, Deputy Town Manager; and Kaari Tari, Town Clerk.

Call to Order

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

Consent Agenda

- Minutes to approve: July 20, 2020
- Gift Acceptance:
 - Concord-Carlisle Community Chest \$3,062.50 Volunteer Coordinator Account
 - Concord-Carlisle Community Chest \$10,335.50 Outreach Worker Account
 - Concord-Carlisle Community Chest \$4,427.00 Social Services Coordinator Account
 - Mrs. Mariann H Goslovich \$4,000.00 Council on Aging Account
 - Concord-Carlisle Youth Baseball \$7,700.00 Ripley Baseball Field Gift Account

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 announced that the Town received a grant from the Mass Trails program for \$135,000, which will be matched by a \$250,000 request from CPA once it is approved at the 2020 Town Meeting. This grant will help with the engineering and permitting process for the pedestrian upgrades to be built at Assabet River.

Concord Police have noticed an uptick in car break-ins in the Revolutionary Road area. Mr. Crane advised residents to please lock their vehicles and not to leave valuables in the car.

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Mr. Crane and Town staff are meeting with the restaurants over Zoom on August 7th to discuss safe dining and how the restaurants and the Town can work together to help assure residents that dining out can be a safe experience with the proper precautions.

The downtown businesses are collaborating again for a sidewalk sale, which is tentatively scheduled for Saturday, August 15.

The Town Clerk's Office has mailed out notices of inactivation to 2,336 Concord residents. The notice is sent out annually to residents who have not responded to the annual census. Voters are kept on the inactive list through two state elections. If a voter does not respond by voting, by returning the census, or by signing a petition or nomination paper, then it is assumed that the voter has moved. The Town Clerk asks residents who received the inactive notice to please fill it out and return it to the Town Clerk's Office. Ms. Tari noted that replying to the application for a mail-in ballot reactivates residents as well.

Mr. Crane noted that the Town continues to receive emails about people not abiding by the rules in outdoor spaces at Estabrook Road trail and White Pond. There are signs posted and rules associated with both locations. Dogs need to be leashed on Estabrook Road. There is no swimming allowed in Sachem's Cove at White Pond.

Chair's Remarks

Mr. Lawson stated that the agendas and supporting materials for the supplementary public hearings ahead of Town Meeting are posted on the Town website.

The Superintendent of Schools Dr. Laurie Hunter will attend next week's Select Board meeting to discuss the schools reopening plan.

Continued Public Hearing – Library Agreement

Mr. Lawson thanked the public for the comments and suggestions received since the board started the discussion of this agreement. Mr. Crane and Mr. Lawson continue to work on behalf of the Town with Mr. Favorito and Ms. Litwack to address the concerns that have been discussed. Mr. Lawson drafted a memo that addresses the concerns that have been raised so far. Mr. Lawson noted that the Select Board will not vote on the agreement today, and the public hearing will be continued at the next meeting of the Select Board on August 10, 2020.

Upon a motion duly made and seconded, it was UNANIMOUSLY

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VOTED: to open the public hearing, which is being continued from the July 27th Select Board meeting

Roll call vote

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

Mr. Lawson read a memorandum that lists the concerns raised by residents at the July 27th public hearing and from letters the Town has received. The responses to each concern are listed below are in red and are reflected in the revised draft agreement as of August 3, 2020.

There were three primary issues raised at the Select Board meeting with regard to the agreement:

1. Concern about a conflict of interest if the director and curator are operating on behalf of the Corporation. I have forwarded Mav Pardee's remark, which I asked her to email to me, along with a copy of the draft agreement to Town Counsel. **We will await the opinion of Counsel.**
2. Concern about the unfinished maintenance MOU. **We have deleted the current language and will replace it with language indicating that maintenance is the responsibility of the Library Corporation and janitorial services are the responsibility of the Town.**
3. Language in Section 10 is not sufficient with respect to the Town's ability to provide funds for renovation and/or expansion of the Library. **We have added, "if appropriated at an Annual or Special Town Meeting."**

We received a letter from the League of Women Voters. The League believes we should be explicit in defining the director's responsibility to include staffing levels and staff supervision. **We have added "Determination of Staffing Levels" to Section 3. However, staff supervision is already included as a responsibility of the Library Director.**

We also received a letter from former members of the Public Private Partnership Committee. Their letter raised process concerns and concerns about signing the maintenance agreement without first completing the MOU and asked the Select Board to postpone a decision until the Library Committee has provided input. **We have dealt with the MOU issue above and the Select Board did postpone its decision until receiving input from the Library Committee.**

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On Friday, the Select Board received written comments from the Library Committee.

They raised the following issues. The first issue raised was concern about the clarity of the Library Committee's role and charter. **We added to the footnote: "The Library Committee's Administrative Code defines the role and responsibility of the Library Committee."**

The Committee raised issues about the roles of the Town Manager and Library Director as reflected in Section 2. **We changed the language in the first sentence of Section 2 to better reflect the intent of the Section.**

The Committee also raised the issue of staffing and conflict of interest. **We addressed these concerns above.** The Committee suggested additional items be added to Section 5 Ownership of Property. **We have added "intellectual property, branding materials, logos" to the section for both the Town and the Corporation.**

Finally, the Committee suggested that to improve communication between the Corporation and the community, that the Corporation 'extend a standing invitation to the Library Committee to appoint a member to attend Trustee meetings in order to stay up-to-date on Corporations activities...' Further, that stated that the Corporation will be offered the opportunity to be on the Committee's agenda to provide updates. **We added a paragraph to Section 11, "From time to time during the fiscal year, the Library Corporation shall provide an opportunity for members of the Library Committee to attend Library Corporation meetings."**

We received an email from the Town Clerk indicating that in Section 5, Ownership of Property, that is the paragraph about Town ownership, town records should be included. **We have added, "All Town records, including pre-1870 town records and all proprietors' records, are also owned by the Town."**

Sunday evening we received a memorandum from Ned Perry in which he raised a number of issues. They are:

1. The deletion of the words "easily" and "entire" from the first purpose of the Library. This was raised in concern for the Americans with Disabilities Act.
2. A process concern that earlier drafts were not shared with the public nor with key members of the Town staff, mentioning, specifically the Town Clerk. **We have heard from the Town Clerk and have incorporated her suggestion for revision to the ownership section to include town records.**
3. That the agreement makes no mention of the Library Committee Administrative Code. **This was addressed above.**
4. Concerns about the proposed MOU regarding maintenance. **This too is addressed above.**

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5. Stepping 'back and facilitating a full community review of the draft agreement from the perspective of the relevant Town Committees and Administrative Departments.'
6. Amend Section 4, number 10 to read "Scheduling special events and programs in coordination with the Corporation, the Friends of the Library and the Umbrella Arts Center.'
7. The Draft Agreement does not "contain a single word about our sustainability commitment as part of the policies, practices or obligations of the Corporation – or the Town – moving forward."

Mr. Lawson thanked residents for their feedback so far.

Ms. Litwack of the Library Corporation commented that Section 10 of the agreement references commitment to Town goals, and sustainability would be one of those.

Ms. Ackerman suggested that the agreement should include language that allows the Library Corporation to contract with the Town for maintenance services. Mr. Favorito of the Library Corporation commented that he has no problem with that since it is currently implied in the agreement.

Resident Tanya Gailus commented that the use of the phrase "from time-to-time" in Section 11 of the agreement feels vague for a legal document.

Julie Hirscheler of 81 Main Street recommended that the word 'sustainability' appear in the agreement so it is a salient concept in Town operations.

Tara Edelman of 357 Nashawtuc Road and Chair of the Library Committee thanked the Select Board and Library Corporation for updating the agreement according to the Library Committee's feedback.

Jean Goldsberry of 1832 Main Street and Chair of the Commission on Disabilities asked if the MOU discussed at the July 27th meeting would be approved at a future Select Board meeting. Mr. Lawson responded that the MOU would be an agreement between the Library Corporation and the Town Manager, but that it would be appropriate for that agreement to have public feedback at a Select Board meeting when it is drafted.

Resident Ned Perry asked why there was hesitancy to include the term "easily accessible" in the agreement. Mr. Lawson responded that he is not aware of any hesitancy to include this term, noting that the Select Board received Mr. Perry's feedback to include this term on Sunday night, and didn't have time to incorporate it into the agreement ahead of the Monday afternoon meeting.

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Dorrie Kehoe of 51 McArthur Road commented that she believes the Library Corporation has been responsible for all maintenance in the past, and the new agreement would be a notable change for part of the responsibility for maintenance to be the responsibility of the Town, with the potential to require the Town to add staff.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to continue the public hearing until August 10th.

Roll call vote

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

Town Budget Presentation

Mr. Crane opened the presentation by pointing out that the impact of COVID-19 on revenues is knowable in some ways, but unknown in others. The Town Manager and the Finance Director have been working together on a weekly basis to update the budget that will be reviewed and approved at Town Meeting. The [full budget presentation](#) is available in the meeting materials.

- The Town is estimating a reduction in revenue of \$1,882,779 (as of August 3, 2020)
- As of July 31, 2020, state aid will be level funded
 - The state is still projecting reductions of 20-25% in minor accounts
- The Town is assuming there will be significant reductions in local excise taxes and licenses and permits
 - The Town expects the biggest losses in this area to be from room occupancy and meals taxes
 - This is slightly offset by the projected increases in investment income
- The new growth estimate from property taxes was about \$1,100,000 previously, and is now estimated at approximately \$900,000
- There is was an estimated deficit from expenditures in the amount of \$1,515,565 that has become evident since the last draft budget, so the Town made the following expense reductions to close the gap:
 - Town FY20 carry-forward (\$712,094)
 - Reduce FY21 Salary Reserve (\$250,000)
 - Reduction in FY21 Capital Outlay (\$475,671)
 - Additional Reduction, FY21 Cap. (\$229,670)

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- Vacant Positions (\$125,206)
- Energy Efficient Street Lighting (\$17,500)
- CPS Revised Budget (\$5,681)
- There was \$1,693,790 earmarked for Concord in the CARES Act for expenditures incurred due to the pandemic response

Position on Warrant Articles 45, 46 and 47

The Select Board unanimously voted to recommend 'no action' on 2020 Town Meeting Warrant Articles 45, 46, and 47.

Article #	Article Name	Affirmative Action	No Action
45.	By Petition: Electronic Recording of Select Board Executive Sessions		X
46.	By Petition: Public Posting of Open Meeting Law Complaints		X
47.	By Petition: Investigation and Amendment to the Town Counsel ByLaw		X

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to take no action on Article 45: By Petition: Electronic Recording of Select Board Executive Sessions

Roll call vote

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

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to take no action on Article 46: By Petition: Public Posting of Open Meeting Law Complaints

Roll call vote

Mike Lawson: Aye
Terri Ackerman: Aye
Jane Hotchkiss: Aye

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Linda Escobedo: Aye
Susan Bates: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to take no action on Article 47: By Petition: Investigation and Amendment to the Town Counsel ByLaw.

Roll call vote

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

Discuss Liquor License Rebates

The Select Board and the Town Manager's Office have received correspondence from restaurants that serve alcohol on-premise requesting partial refunds for their 2020 liquor licenses, since they were not able to use them for several months. Mr. Crane noted that other communities have granted refunds to these licensees.

The Select Board members voiced their support for providing some sort of relief to the liquor licensees.

Mr. Lawson concluded the discussion by saying he would work with the Finance Director and Town Counsel to prepare the dollar amount for the rebate and the appropriate motion for the next Select Board meeting on August 10th.

Annual Election Officer Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to appoint the Election Officers as listed in the memo from Town Clerk, Kaari Tari, dated July 31, 2020.

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

Mr. Lawson attended the School Committee meeting, where they discussed the reopening plan for the schools. Mr. Lawson reiterated that the Superintendent would be in attendance for the next Select Board meeting to present this plan.

Ms. Hotchkiss attended the White Pond Advisory Committee. The committee members are concerned about the lack of rangers at the pond this summer, as well as the volume and type of usage occurring at the pond this summer. The committee voted to forward their recommendations to the Select Board to be discussed at the next Select Board meeting on August 10th. Ms. Hotchkiss attended the Ag Committee, where they discussed whether or not they would move forward with Ag Day.

Ms. Escobedo attended the Gerow Plan Update Forum, where Deputy Town Manager Kate Hodges presented on the key changes in the park plan and their budgetary impacts.

Ms. Bates attended the Board of Registrars, where they discussed the evolving guidance coming from the Secretary of State's Office about the elections. The Town Clerk notably stated that there have been more requests for mail-in ballots in Concord than people who turned out for the last state election in 2016. Ms. Bates attended the Personnel Board, where they voted to recommend that Warrant Article 6 in 2020 Town Meeting should be considered non-essential.

Ms. Ackerman attended the Library Committee, where they discussed the agreement between the Town and Library Corporation.

Miscellaneous Correspondence

There was no correspondence reported on at the meeting.

Public Comments

Tanya Gailus, 62 Prescott Road, asked that private email addresses be removed from a letter she had earlier sent and was posted. She also inquired about the new policy on posting citizen correspondence in general. Ms. Gailus also added that she wished there was more discussion regarding the three warrant articles the Select Board took a position on at the meeting.

Matt Johnson, 21 Winthrop Street, noted the importance of citizen letters being posted in the interest of transparency.

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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

Meeting Materials: <https://concordma.gov/DocumentCenter/View/25606/August-3-SB-Packet>

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=v-yF2b4Ahxl>