

**TOWN OF CONCORD  
SELECT BOARD  
AGENDA *revised*  
November 5, 2018**

<b>7 PM – Select Board Room – Town House</b>				
1.	Call to Order			
2.	Consent Agenda:			
	• Town Accountant Warrants			
	• Gift Acceptance			
	· Concord-Carlisle Community Chest, Inc.	\$8,500	School Resource Officer Account	
	• Sunday Entertainment Licenses			
	· Development Strategy Consultants	11/11,18,25	3pm-6pm	57 ORNAC Theater
	• One Day Special Licenses			
	· Mahoney's Garden Center	11/8	3pm-8pm	1625 Sudbury Rd Wine Only
	· Development Strategy Consultants	11/8,9,10,15,16,17	6pm-11pm	57 ORNAC Wine & Malt
		11/11,18	2pm-6pm	57 ORNAC Wine & Malt
3.	Town Manager's Report			
4.	Chair's Report			
5.	Discuss Possible Permanent Municipal Building Committee			
6.	Discuss Hunting on State land at MCI Concord			
7.	Public Comments			
8.	Committee Liaison Reports			
9.	Miscellaneous/Correspondence			
10.	Committee Nominations: Jerry Wedge of 109 Heaths Bridge Road to the Concord Center Cultural District Committee			
11.	Committee Appointments: William Mrachek of 64 Rollingwood Lane and Jim Richardson of 228 Hunters Ridge Road to the Personnel Board for terms to expire May 31, 2021			
12.	Committee Reappointments: Michael Lawson of 1695 Lowell Road and Wally Johnston of 1479 Main Street to the Financial Audit Advisory Committee for terms to expire May 31, 2019			
13.	Confirm Town Manager Appointment: Bob Shatten of 116 Indian Spring Road to the Comprehensive Sustainable Energy Committee for a term to expire May 31, 2021; Cheryl Robertson as Deputy Collector/Treasurer for term to expire May 31, 2019			
14.	Appoint Election Officers			
15.	Adjourn to Executive Session for the purpose of discussing Land Acquisition (White Pond land)			

**PENDING**

Sunday	November 11	<b>All Day</b>	<b>Veterans Day</b>	<b>Town Offices Closed</b>
Monday	November 12	<b>All Day</b>	<b>Veterans Day (observed)</b>	<b>Town Offices Closed</b>
Monday	November 19	7pm	Select Board Meeting	Town House
Thursday	November 22	<b>All Day</b>	<b>Thanksgiving</b>	<b>Town Offices Closed</b>
Friday	November 23	<b>All Day</b>	<b>Thanksgiving (observed)</b>	<b>Town Offices Closed</b>

Supporting materials for agenda items are available online at [www.concordma.gov/sbmtgdocs](http://www.concordma.gov/sbmtgdocs). Materials are uploaded on the Friday before a Select Board meeting

### Gift Acceptance Log – November 5, 2018

<b>Gift Received From:</b>	<b>For Gift Account:</b>	<b>Total Amount:</b>
Concord-Carlisle Community Chest	School Resource Officer account	\$8,500.00

**Weekly One Day License Log – November 5, 2018**

<b>Applicant Name &amp; License Number</b>	<b>Phone Number</b>	<b>Date</b>	<b>Location</b>	<b>Type of Alcohol</b>	<b>Event Details</b>
18-167 Mahoney's Garden Center	617 435-3044	11/8	1625 Sudbury Road	Wine Only	Event Coordinator: Emily Covino Bartenders: Kim Parker Under 21: Yes First License in Concord: Yes
18-168 Development Strategy Consultants	617 733-6633	11/8	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No
18-169 Development Strategy Consultants	617 733-6633	11/9	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No
18-170 Development Strategy Consultants	617 733-6633	11/10	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No
18-171 Development Strategy Consultants	617 733-6633	11/11	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No
18-172 Development Strategy Consultants	617 733-6633	11/15	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No
18-173 Development Strategy Consultants	617 733-6633	11/16	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No
18-174 Development Strategy Consultants	617 733-6633	11/17	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No
18-175 Development Strategy Consultants	617 733-6633	11/18	57 ORNAC	Wine & Malt	Event Coordinator: Wendy Jacobs Bartenders: Brian Boruta, Lara Finn, Michael Lacey Under 21: Yes First License in Concord: No

## Sunday Entertainment Log – November 5, 2018

<b>Applicant Name</b>	<b>Phone Number</b>	<b>Date of Event</b>	<b>Location of Event</b>	<b>Type of Entertainment</b>
Development Strategy Consultants	617 733-6633	11/4, 11/11, 11/18	57 ORNAC	Play

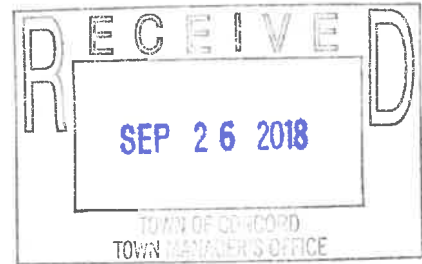


**Town of Concord**  
Finance Committee  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742

To: Thomas McKean, Chair, Concord Select Board

From: Thomas Tarpey, Chair, Concord Finance Committee

cc: Concord Select Board  
Concord Finance Committee  
Christopher Whelan, Town Manager  
Kerry Lafleur, Finance Director



Date: September 24, 2018

Re: Establishment of a Permanent Building Committee

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Dear Tom:

At its meeting on Thursday, June 28, 2018, the Finance Committee voted unanimously to recommend to the Select Board that it consider establishing a permanent Building Committee. This committee would have general responsibility for supervising the design and construction of all significant public buildings, structures, and recreational facilities, including school buildings and facilities, including significant repair or reconstruction projects on existing public buildings.

The committee would consist of experienced town citizens who are current or retired architects, engineers, or contractors, or persons knowledgeable about those matters. The committee could employ professional assistants, obtain bids, and enter into contracts on behalf of the town, subject to the approval of plans and specifications by the appropriate boards or committees.

We think such a committee would be very useful and helpful to the town in developing expertise in building projects, including school and municipal building projects, rather than the current practice of establishing building committees on an ad hoc basis. We believe that the expertise developed would save the town a substantial amount of money in the course of these building projects.

After our meeting, our Recording Secretary, Anita Tekle, did some research and reported that the Town of Concord has already established a General Building Committee, in 1947, but that it became inactive in the early 1980's. According to Anita's research, the General Building Committee was established based upon a vote at the 1947 Annual Town Meeting under Article 36. The vote called for the Selectmen to appoint a five-member committee, with staggered terms. The committee was to "have general supervision over the design and construction of public buildings, including the authority to employ professional assistance and, subject to specific authorization by the Town, to enter into contracts on behalf of the Town for the

preparation of construction plans and specifications and for the construction of buildings and other structures." In fact, Concord was the first community in the Commonwealth to establish a standing committee for public buildings.

The Concord General Building Committee existed on a very active basis until the mid-1970s. So from 1947 to the mid-1970s, they were actively involved with a large number of new construction and renovation projects -- four new elementary schools (Alcott, Thoreau, Willard and Ripley), renovating/constructing the Public Works complex on Lowell Road, renovating the former high school in the late 1940s (this is now the Emerson Umbrella), renovating the former Harvey Wheeler School, planning for and overseeing paving, sidewalks, and landscaping around many buildings, constructing bathrooms at the Old North Bridge (which was then in the hands of the Town, prior to being turned over to the National Park), constructing the new combined Police/Fire Station on Walden Street, Town House renovations in 1960, and in 1963 with providing assistance to the Concord Housing Authority for the design of the first phase of Everett Gardens senior housing. In 1963 the Committee also worked on a preliminary design of a proposed Junior High School (which presumably ended up being Sanborn or Peabody), and an addition to Willard School. According to the town annual reports for the Committee, in most years the Committee had several projects going on at once. The Committee typically worked in conjunction with other groups (the Select Board, Town Manager, School Committee, Public Works Commission, etc.)

The Concord General Building Committee apparently was suspended or became inactive in the 1980's because there was no municipal building activity going on at the time, and was not revived.

Although the Concord General Building Committee was initially appointed by the Board of Selectmen, Ms. Tekle noted that was before Concord adopted a new form of government with a strong Town Manager Charter in 1955, effective 1956. The Charter gives the Town Manager responsibility for the rental, use, maintenance and repair of all town buildings (and upon the request by the School Committee, he is responsible for any buildings under the jurisdiction of the school committee). Because the Town Manager is also "responsible for the preparation of plans and the supervision of work on existing and on new buildings and grounds, unless a special committee of the town is created for such purpose," with the Charter change in 1956, the Town Manager began appointing the General Building Committee. So while our Finance Committee voted last month to ask the Select Board to consider establishing such a Committee, under Concord's Charter it probably would more appropriately come under the jurisdiction of the Town Manager.

Also, we were able to identify many other towns that have permanent building committees. We note that Carlisle established a Municipal Facilities Committee last year. Most towns call them "permanent" building committees. The 27 towns that we were able to identify that have permanent building committees are: Andover, Arlington, Belmont, Boxborough, Boxford, Chelmsford, Dracut, Groton, Hopkinton, Lexington, Littleton, Medfield, Millis, Needham, Norton, Norwood, Plainville, Reading, Sudbury, Wakefield, Walpole, Wayland, Wellesley, Westford, Weston, Westwood and Wilmington. Some of these involved a Town Meeting vote and adoption of a bylaw. If the Select Board or Town Manager wanted to understand how these

committees operate in other communities, it would be easy enough to find a copy of their charge or bylaw online at each community's web site.

If you have any questions, please feel free to contact me, our immediate past chair, Karle Packard, or Phil Swain, the committee member who proposed the resolution to recommend the establishment of the permanent Building Committee.

Sincerely,

Tom Tarpey, Chair

Concord Finance Committee

Wellesley

## Permanent Building Committee

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### **Purpose**

The Permanent Building Committee is responsible for estimating, designing, and constructing town projects costing over \$500,000. Initially, it gauges whether the funds sought for a project match that of the scope and financial requirements of the project. The Committee remains fully involved in all phases of the design process, overseeing schematic, developmental, and construction document design periods. Together, the Committee and the project proponents collaborate to approve final plans in order to begin the construction process. During the construction stage, the Committee works to effectively oversee the progress of work, approve changes to the project, and to review budget reconciliation, ultimately ensuring the desired project is delivered on time and within budget.

### **Members**

Name	Term Expires
Thomas E. Goemaat. Chair	2019
Matthew L. King, Vice Chair	2018
David L. Grissino	2020
Suzanne G. Littlefield	2019
Laurence D. Shind	2018

### **Composition**

The Permanent Building Committee consists of five residents appointed by the Moderator. At all times the Committee includes an attorney, an architect, an engineer, and an individual who is primarily engaged in the construction business.



No such member shall be an officer, official, a board member, or paid employee of the Town, except that a member of the Committee may be a Town Meeting Member.

In the case of a schoolhouse project, the School Committee shall appoint one of its members to the Permanent Building Committee. This temporary position will be referred to as the School Committee Member, in which said member will enjoy the right to vote and participate fully in the activities of the Committee concerning that project.

### ***History***

Since 1986, the Permanent Building Committee has supervised the completion of over 30 major projects totaling over \$300,000,000. These projects have taken the form of renovations, additions, upgrades, repairs, and new construction. The participation of the Committee has resulted in the execution of high-quality and long lasting projects that are built to a 50-year standard. Today, the Committee remains fully engaged with several major projects, and continues to act as a liaison and resource between proposing boards and the Town.

### ***Meeting***

The Permanent Building Committee meets the second and fourth Thursday of each month at 7:30pm in the Town Hall.

## **Contact Us**

**Stephen Gagosian**

Design and Construction Manager

Email

Phone: 781-489-4256

**Facilities Management**

## **Permanent Building Committee By-law**

### **Article XXII Permanent Building Committee**

#### **Section 1: Purpose**

The purpose of this bylaw is to provide a Permanent Building Committee having continuing responsibility for the execution of major construction and maintenance projects for the Town and for the development of a capital spending plan. Working with the Board of Selectmen, School Committee, Historical Commission, Planning Board, and other Town committees and boards which propose building and renovation projects, the Permanent Building Committee establishes general criteria for Town building projects and guidelines for communication regarding these projects between and among interested committees and the public.

#### **Section 2: Establishment**

There is hereby established a Permanent Building Committee, which shall oversee and supervise the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town buildings, including School Department buildings and municipal buildings, and including any significant installation, renovation or upgrade of service equipment and major systems as provided in this bylaw.

#### **Section 3: Definitions**

For purposes of this Bylaw, the following definitions shall apply:

- 1) "Major maintenance" shall not include routine maintenance and upkeep of a building or other structure, or its service equipment, which is performed on a regular basis and shall include projects that are capital in nature, that is, having a useful life of 5 or more years and an estimated cost of more than \$25,000, or such other amount as may be established from time to time by the Town Manager subject to approval by the Board of Selectmen and School Committee, in writing addressed to the Committee.
- 2) "Construction" and "Demolition" shall include excavation, filling and grading of the building or project site.
- 3) "Service equipment and major systems" shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It shall not include information system technology (computers and computer systems).

4) "Design" includes selection of architects and consultants as needed in compliance with applicable provisions of the General Laws.

5) "Municipal" shall refer to public buildings that are not under the jurisdiction of the School Department.

6) "Proposing Body" means the Town of Weston appointed or elected board or committee sponsoring or requesting a construction or major maintenance project, or in the case of major maintenance initiated by the Permanent Building Committee itself, the board or committee whose facility would be the recipient thereof. The Proposing Body is responsible for:

- a) Determination of the program for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility's availability, and overall effect on the Town.
- b) Performance of feasibility studies and determination of the estimated size and cost requirements of the project.
- c) Determination of the estimated requirements for equipment and furnishings.
- d) Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction takes place.
- e) Approval of any design change or budget reprioritization having a material impact, as determined by the Proposing Body, on the programmatic design, transitional building plans, or outcome of the project.

#### **Section 4: Membership**

1) Regular Members. The Permanent Building Committee shall consist of 5 (5) regular voting members, all serving without compensation. The composition of the Committee shall include, to the extent possible, 1 registered architect, 1 licensed engineer, 1 licensed builder and 1 attorney. All regular members shall be residents of the Town of Weston. All regular members shall be appointed by the Board of Selectmen and School Committee acting jointly in accordance with the following procedures:

- a) An advertisement shall be published in a newspaper having local circulation and on the Town's website inviting interested residents to submit letters of interest, including a resume setting out their professional credentials and relevant experience. The newspaper advertisement shall be published at least once not less than 2 weeks prior to the deadline stated therein for submission of responses stated. The website notice shall be posted and remain posted for at least 2 weeks prior to the deadline for submission. Letters of interest shall be submitted to the office of the Town Manager.
- b) Interviews of candidates shall be conducted in an open meeting of the Board of Selectmen and School Committee convened in joint session.
- c) Appointment shall be made by majority vote of the combined membership of the Board of Selectmen and School Committee.

2) Temporary Members. For each municipal project, a temporary member who is a member or representative of the Proposing Body shall be appointed by the Board of Selectmen. For each school project, a temporary member shall be a School Committee member or designee. Temporary members shall have the right to vote on the activities of the Permanent Building Committee only with respect to the particular project for which such member was appointed.

3) Ex Officio Members. For each project, the Permanent Building Committee may appoint staff or other Town residents with particular expertise to advise the Committee related to that project. The Permanent Building Committee may also request the designation of Town staff with similar expertise to serve in an advisory capacity for a particular project. Any such request shall be made to the Town Manager for Town employees other than School Department personnel, and to the Superintendent for School Department personnel. The Town Manager and Superintendent shall determine the appropriate staff member in each case. Ex Officio members shall have no voting authority.

4) Term of Appointment.

a) Regular members shall be appointed for a 3 (3) year term. In making the original appointments under this bylaw, the appointing authority shall designate 2 regular members to serve for 3 years, 2 regular members to serve for 2 years and 1 regular member to serve for 1 year. Thereafter, vacancies shall be filled for a 3 year term. Upon expiration of a term, members shall continue to serve until a successor has been appointed and qualified.

b) Temporary members shall be appointed to the Committee for the period of time during which the Committee is exercising its functions with respect to the project for which the original appointment was made.

## **Section 5: Powers & Duties of the Committee**

In carrying out its duties and responsibilities under this Bylaw, the Committee shall:

1) Oversee and supervise the design and construction of all projects within its jurisdiction, including the designer selection process for the solicitation, evaluation and recommendation of a project designer, schematic design, design development, production of construction documents, public construction bidding, contract award recommendation and construction administration in compliance with the General Laws. All projects shall be developed in a manner consistent with the project goals and physical requirements established by the Proposing Body and the applicable provisions of the General Laws. All solicitations for designer services and invitations for bids for construction shall be coordinated with the Town Manager, acting as the Chief Procurement Officer, to assure compliance with the applicable provisions of the General Laws. The Town Manager shall award and execute all designer services contracts and construction contracts.

2) Coordinate with other Town boards and committees:

1. In consultation with the Planning Board, oversee site planning for new construction and additions; such planning to include building location, roadways, parking, lighting, and general landscape design concepts.
2. In consultation with the Public Spaces Committee, oversee plant selection, cost, and installation of landscaping for new, enlarged, or renovated building projects within its jurisdiction.

3. In consultation with the Historical Commission, oversee enlargement, remodeling and/or restoration of Town-owned historic property to insure that work is done in compliance with the Secretary of the Interior's Standards and Guidelines for Historic Preservation.

3) Review and report the financial requirements of all projects within its jurisdiction, or for which it may become responsible, and oversee the expenditure of funds in the course of execution of such projects.

4) Conduct periodic review and audit of the physical condition of all municipal and school buildings, including service equipment and major systems.

5) Develop a rolling 10-year capital property management plan for the major maintenance, construction, enlargement, or replacement of all municipal and school buildings, including service equipment and major systems.

6) On or about November 15 of each calendar year, prepare and present to the Board of Selectmen and to the School Committee a recommendation of major construction and/or maintenance project(s) to be undertaken by the Town in the ensuing fiscal year.

7) Make an annual report of its activities and recommendations to be published in the Annual Town Report.

8) The Committee shall act by majority of the regular membership except for those projects for which a temporary member has been appointed, in which case, action on such project shall be by a majority of the regular membership plus the temporary member.

9) The Committee shall, subject to agreement by the Proposing Body, waive its duties and responsibilities and relinquish them to the Proposing Body in connection with projects for which design funding had been approved at Town Meeting prior to the adoption of this Bylaw.

10) The Committee may, subject to agreement by the Proposing Body, waive its duties and responsibilities with respect to any project for which it would otherwise be responsible and relinquish them to the Proposing Body.

## **Section 6: Policies and Procedures**

1) The Committee shall adopt local designer selection procedures consistent with the requirements of G. L. c. 7, §38A½ - 38O.

2) The Committee shall in consultation with the Board of Selectmen and School Committee adopt and make available to all boards, officers, and officials policies and procedures implementing the provisions of this Article. Said policies and procedures shall address at least the following subjects:

- a) Financial requirements and notification for each project within its jurisdiction, including the time period(s) within which information must be available for presentation to the voters at Town Meeting, if necessary.
- b) General criteria the Committee will use in reviewing project designs, including but not limited to “green” considerations such as energy conservation.
- c) Guidelines to be utilized by Proposing Bodies in developing the structure and content of project documentation to be utilized by the Committee in carrying out its responsibilities under this Bylaw.
- d) Guidelines for the review and discussion of project progress with the Proposing Body during the design and construction thereof.
- e) Guidelines for communication with Town boards and committees, including the Finance Committee, in connection with the Committee’s periodic review and audit of building facilities.
- f) Guidelines for presentation of projects at Town Meeting, including designation of responsibilities as between the Committee and the Proposing Body.

3) Staff support for the Committee shall be provided by the Director of Facilities.

Adopted at Annual Town Meeting - May 8, 2006

THE TOWN OF WESTON

11 Town House Road | P.O. Box 378 | Weston, MA 02493 | Phone: 781-786-5000

# Lexington

## **ARTICLE VI      Permanent Building Committee (§ 29-21 — § 29-22)**

[Added 3-30-1970 ATM by Art. 109; amended 4-24-1974 ATM by Art. 89]

### **§ 29-21              Membership; terms of office.**

[Amended 4-4-1973 ATM by Art. 83; 4-8-1974 ATM by Art. 70; 5-3-1982 ATM by Art. 48; 3-21-2011 ATM by Art. 29]

The Town shall have a Permanent Building Committee consisting of seven full members and two associate members, who shall be registered voters of the Town appointed for terms of three years each, the terms of no more than three of which shall expire in any one year. No full or associate member of the Committee shall be a Town officer or Town employee. The Chairman shall designate an associate member to sit on the Committee for specific projects, in case of the absence, inability to act, conflict of interest, or at the request of a full member. When designated by the Chair to sit on the Committee for a specific project, the associate member shall have the same voting rights as a full member.

#### A.

On or before the first day of July in each year the Town Manager shall appoint to the Committee two full members and one associate member, or three full members (as the case may be) to serve until June 30 in the third year thereafter and until his successor is appointed and qualified. The adoption of this by-law shall not affect the term of any member of the Permanent Building Committee as constituted and existing on the effective date of this by-law. Any vacancy in the Committee shall be filled by appointment by the manager and the member so appointed shall serve for the unexpired term of his predecessor. If any regular member of the Committee ceases to be a resident of the Town, or accepts any position that would have made him ineligible for appointment to the Committee, he shall forthwith cease to be a member of the Committee. The Committee shall choose its own officers.

#### B.

The board or committee for which a structure, recreational facility, or building is being planned or constructed shall appoint not more than two representatives to the Committee who shall be entitled to participate in the activities of the Committee and vote on matters affecting the particular project for which they are so appointed. Such appointed members shall be voters of the Town and shall serve only for the time during which the Committee is exercising its function with respect to such project. No such appointed member of the Committee shall be a Town employee.

### **§ 29-22              Powers and duties.**

When authorized by the Town, the Permanent Building Committee shall have general supervision over the design and construction of public structures, recreational facilities and buildings including the authority to employ professional assistants, to obtain bids, and to enter into contracts on behalf of the Town for preparation of plans and specifications, and for the construction, remodeling, alteration or renovation, including equipping and furnishing, of buildings and other structures and recreational facilities. The plans and specifications for all such construction, equipping and furnishing shall in each instance be subject to the approval of the board or committee for which such building or recreational facility is being planned or constructed. The Committee may make recommendations and reports to the Town from time to time and shall make an annual report of its activities and recommendations to be published in the Annual Town Report.

# TOWN OF CONCORD MASSACHUSETTS

## HUNTING BYLAW

**VOTED:** that the Town repeal the bylaw relating to hunting in the Town of Concord adopted at the Annual Town Meeting on March 3, 1952 as approved by the Attorney General, and substitute therefor the following bylaw.

### **Section 1.**

No person shall fire or discharge any firearm within the limits of any park, playground or other public property or within 500 feet of the boundaries of that portion of the Great Meadows National Wildlife Refuge located within the Town of Concord, or within 500 feet of the pedestrian pathways used by the public as access to and from the Great Meadows National Wildlife Refuge except with the written consent of the Board of Selectmen, or hunt or fire or discharge any firearm on any private property except with the written consent of the owner or legal occupant thereof, said written permission to be presented on demand.

### **Section 2.**

This bylaw shall not apply to the lawful defense of life or property, nor to any law enforcement officer acting in the discharge of his duties.

### **Section 3.**

Any person violating any of the provisions of this bylaw shall be punished by a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.

Article 29, Town Meeting, March 1953  
(replaced bylaw adopted under Article 41, Town Meeting, March 1952)  
Article 30, Town Meeting, March 1972  
Article 25, Town Meeting, March 1973  
Article 64, Town Meeting, April 2006



**Andrew Mara**

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**From:** Chris Whelan  
**Sent:** Friday, November 02, 2018 12:09 PM  
**To:** Alice Kaufman; Jane Hotchkiss; Linda Escobedo; Michael Lawson; Thomas McKean  
**Cc:** Joseph O'Connor; Delia Kaye; Andrew Mara  
**Subject:** FW: Hunting at the Prison  
**Attachments:** Pat Huckery.vcf

Select Board,

Tom has included a discussion of the issue of hunting on DOC land on the agenda for next Monday night. Pat Huckery from the State Division of Fisheries and Wildlife has agreed to attend the meeting. Several neighbors in the Wright Road area have indicated they plan to attend as well.

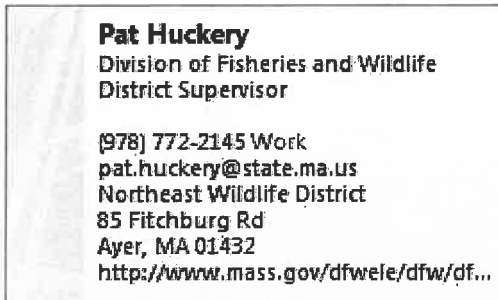
Chris

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**From:** Delia Kaye  
**Sent:** Thursday, November 01, 2018 2:50 PM  
**To:** Chris Whelan  
**Subject:** Hunting at the Prison

Chris – Joe called and said you would like Pat Huckery of MassWildlife's number. Her contact info is attached. Let me know if you need any additional information.

Thanks,  
Delia



**From:** Arthur Yaghjian [mailto:[a.yaghjian@comcast.net](mailto:a.yaghjian@comcast.net)]  
**Sent:** Monday, October 22, 2018 1:01 PM  
**To:** Chris Whelan  
**Cc:** Lori Capone  
**Subject:** Hunting on Concord prison land

Dear Christopher,

I just spoke with Lori Capone about hunting on the prison farmland and she said that she would be talking with you and the Chief of Police about this. In the meantime, she suggested that I write an email to you explaining the situation as I explained it to her.

For the last couple of years, many of us on Wright Road and others living near Warner's Pond have been trying to stop the hunting on the nearby Concord Conservation Land and Prison farmland. Even though some of the land is more than 500 feet from any house (and more than 150 feet from Rt. 2), it is worrisome that many of us adults walk and children play in the woods closer than 500 feet from the land where there is hunting. Also, soon the Rail Trail will go down the middle of the prison

farmland, although a bike trail has no legal consideration with regards to hunting. Lori had "No Hunting" signs posted around Warner's Pond and the nearby Concord Conservation land last Spring and this seems to have stopped the hunting there.

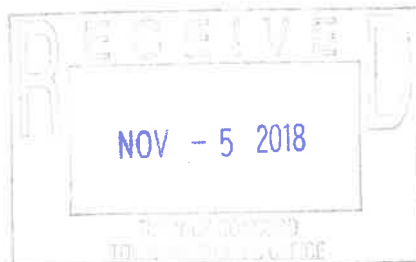
However, hunters have continued hunting (the latest a few days ago) on the prison farmland where the Concord police have no authority to stop hunting. We learned from the Environmental Police that they can enforce no hunting on the prison land but only if the Superintendent posts No Hunting signs. Mike MacDonald, a neighbor on Wright Road call the Prison Superintendent, Michael Rodriguez, several months ago and Mr. Rodriguez said that, especially with the Rail Trail planned, he thought it was no longer safe to allow hunting on the prison land. However, when Mike called Mr. Rodriguez last week, Rodriguez said that he had found out that the prison land was some kind of State conservation land and that he (Rodrigues) didn't have the jurisdiction to post No Hunting signs. Rodriguez said that he was meeting with the Concord Town Manager this coming Wednesday and that the Town Manager could discuss the no hunting issue with him.

In the meantime, I called Massachusetts Wild Life, who sets the rules for the Environmental Police. They looked up the prison land in question on both their maps and on the Concord Assessors maps. They said that the Northeast Correction Center is the owner of the prison farmland and thus Mr. Rodriguez definitely has the authority (and is the only one who has the authority) to have No Hunting signs posted.

I think that Mr. Rodriguez is a reasonable person and if you are willing to plead our case, I think he could be persuaded to post No Hunting signs. Of course, many of us on Wright Road would be willing to meet with Mr. Rodriguez but I think your official capacity as Concord Town Manager would have more influence. It seems to me and most of my neighbors that with the present use of the nearby woodland and the planned Rail Trail, safety considerations dictate that hunting no longer be allowed on the prison property.

Sincerely,  
Arthur

Arthur D. Yaghjian  
115 Wright Road  
Concord, MA 01742  
Tel: 978-369-4136 Home



## DIVISION OF FISHERIES & WILDLIFE

85 Fitchburg Road, Ayer, MA 01432  
p: (978) 772-2145 | f: (978) 772-2147  
[MASS.GOV/MASSWILDLIFE](http://MASS.GOV/MASSWILDLIFE)

### Information on Hunting Incidents--2017

There are over 71,000 licensed hunters in the state. (Total FY 2016 hunting/sporting license sales – 71,226—includes non-resident hunters)

Massachusetts has an excellent record of hunter safety. There are typically 4 - 5 hunting incidents per year and incidents are typically non-fatal. Of all hunting accidents -- any injury or death occurring as the result of the discharge of a firearm or the release of an arrow while the victim and/or shooter were legally hunting -- injuries were either self-inflicted by a hunter or occurred between hunters (often in the same hunting group).

In over 30 years of reported accidents there have only been three incidents involving injuries to non-hunters. In 2010, the first hunting accident involving injury to a non-hunter occurred in Mattapoisett and involved a runner. The second case was in Norton in 2011 where a dog walker was injured. The third case in 2014 involved a jogger in Hyannis.

Fatal incidents are very rare; the last hunting-related fatality in Massachusetts was in 2005. (Hampden)

All 50 states and 10 Canadian provinces require successful completion of a hunter education course for first time or youth hunters. The Hunter Education curriculum is standardized across North America, allowing state and provincial reciprocity for hunter education graduates. Courses are offered across Massachusetts and range from 12-18 hours in length.

Hunting regulations requiring the use of blaze orange and as well as mandatory hunter education in 49 states and 10 Canadian provinces are cited by the International Hunter Education Association (IHEA) as contributing factors in the decline of hunter accidents over the past few decades.

**Be Safe, Be Seen--Get Your Orange On!** To be easily seen, MassWildlife encourages all outdoor users to wear a blaze orange cap or vest during fall hunting seasons. An excellent video showing how blaze orange makes wearers highly visible can be viewed at <https://player.vimeo.com/video/47113670>.

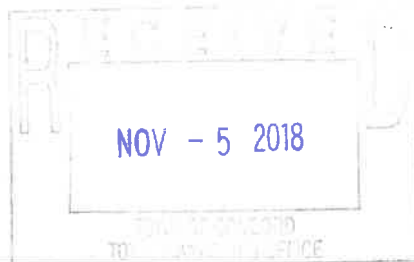
**Follow Safe Gun Handling Habits** Hunters should follow the basic rules of safe gun handling:

- Treat every gun as if it were loaded.
- Keep the muzzle pointed in a safe direction at all times.
- Keep your finger off the trigger until you are ready to fire.
- Before shooting, correctly identify your game and know what is behind it.

**More Outdoor Recreation Safety Tips** Outdoor activities including hunting are among the safest recreational pursuits available. By using a little common sense, they'll stay that way.



MASSWILDLIFE



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### November 11, 2018 – MCI Concord Huntible Lands General Information:

1. Complaint received by MassWildlife – Arthur Yaghjian called about closing MCI Concord lands to hunting. Reported pellets landing on 3 houses sometime in the last 30 years. Mr. Yaghjian reported that a few hunters harvest Canada geese in the MCI Concord corn fields. He expressed concern about rail trail and hunting.
2. MCI Concord supports hunting on lands under their control.
3. The farmer who grows corn in these fields is in favor of goose hunting to reduce crop damage. Farmer called MassWildlife for help with Canada geese damaging crops.
4. The Canada goose season is a total of 94 days, 25% of the year:
  - a. 9/4 -9/21 early Canada goose statewide, 10/9-11/24 central waterfowl season, 12/11-1/1 central waterfowl season, 1/15-2/15 late Canada goose season.
  - b. Hunting hours ½ hour before sunrise to sunset.
5. There are 40 acres of huntible land at MCI Concord based on 500 and 150 foot safety set-backs. The 500 foot safety set-back can be waived by homeowners.
6. Wildlife habitat includes fields, shrublands, forests floodplain wetlands, waterways and a pond.
7. The Town of Concord property abutting MCI Concord lands is open to hunting with written consent of Selectmen.
8. Please see the attached “Information on Hunting Incidents – 2017” compiled by MassWildlife’s Hunter Education section.
9. Hunting and rail trails coexist throughout the state without incident. In general, rail trails are designed/constructed using state funds meaning they are open to passive recreational use, including hunting access. Signs can be posted regarding hunting seasons to notify users.
10. Deer and black bear management would be affected if MCI lands were closed to hunting. Black bear management in eastern MA is an emerging wildlife issue for MassWildlife.
11. There currently is an overabundant deer population in Concord and surrounding towns. There are an estimated 30+ deer per square mile in Concord. At 20 deer per square mile there are ecological impacts, especially to species inhabiting the forest understory (e.g. birds, small and meso-mammals, turtles, snakes, amphibians, insects). Hunting deer is the only viable means of managing the herd. Deer hunting is heavily regulated.
12. Numerous towns and conservation organizations are opening conservation lands to manage the burgeoning deer population: Weston, Dover, North Andover, Sudbury, MassAudubon, MA Department of Conservation and Recreation, The Trustees of Reservations, Sudbury Valley Trustees.
13. MassWildlife works with non-profit organizations, and town, state and federal agencies in eastern Massachusetts to keep lands open to hunting which preserves our ability to manage the social and biological carrying capacities of multiple wildlife species.
14. More people are hunting their own game, within their neighborhoods in eastern MA – part of the locavore movement.

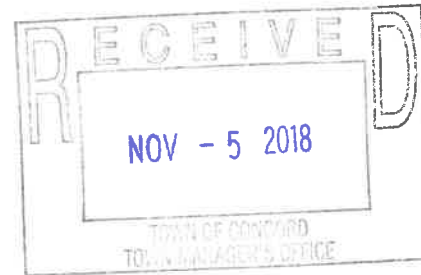
MASSWILDLIFE



Town Clerk's Office  
22 Monument Square  
Concord, MA 01742

## Memo

**To:** Select Board  
**Cc:** Chris Whelan, Town Manager  
Kerry Lafleur, Finance Director  
**From:** Kaari Mai Tari, Town Clerk  
**Date:** November 5, 2018-update 3  
**Re:** Election Officer Appointments



Pursuant to MGL Chapter 54: Section 12, I would like to request, on behalf of the Board of Registrars, appointment of the following **10** voters and one 17 year old resident as Election Officers for terms to expire July 31, 2019.

Reappointments: 0  
New appointments: 11

Thank you for your consideration.

Kaari

Party	Name	Address	Precinct
D	Nancy Beeuwkes	1360 Monument St	5
D	Rochelle Steinberg	70 Beharrell St, 215	2
U	Barbara J. Tarlow	63 Tanglewood Dr	4
D	Anita Tekle	260 Virginia Rd	4
n/a*	Bigail Gordy	1479 Main Street	2
D	Diane Proctor	57 Sudbury Rd	1
D	Dorothy Kehoe	51 MacArthur Rd	3
D	Karlen Reed	83 Whits End Rd	5
D	Robert Hilsinger	102 Central St	2
U	Julie Hirschler	1381 Main St	2
U	Susan Brinner	95 Conant St, 102	2

\*Up to two 16 or 17 year olds are allowed by law to work at each precinct, with permission from a parent.