

**TOWN OF CONCORD
SELECT BOARD
AGENDA
September 23, 2019 –7:00PM – REGULAR MEETING
Select Board Room – Town House**

1.	Call to Order
2.	<p>Consent Agenda:</p> <ul style="list-style-type: none"> • Town Accountant Warrants • Minutes to approve: June 17, July 1, July 15 • Proclamations <ul style="list-style-type: none"> • Luke Pautler, Eagle Scout • 100th anniversary of The Concord Players - Concord Players Day, October 20, 2019 • Concord-Carlisle Community Chest Month – October 2019 • Gift Acceptance <ul style="list-style-type: none"> · Almgren Family Charitable Fund \$500.00 property tax relief • One Day Special Licenses <ul style="list-style-type: none"> · Saltbox Farm 10/5 11AM-4PM 40 Westford Rd. Wines & Malt Only · Provisors 10/7 12pm-7pm Concord Country Club Wines & Malt Only · Saltbox Farm 10/11 6:30pm-9:30pm 40 Westford Rd. Wines & Malt Only · Saltbox Farm 10/25 6:30pm-9:30pm 40 Westford Rd. Wines & Malt Only · The Umbrella 10/25 6:30PM-11PM 40 Stow St. Wines & Malt Only · Saltbox Farm 11/16 6:30pm-9:30pm 40 Westford Rd. Wines & Malt Only
3.	Town Manager's Report
4.	Chair's Remarks
5.	7:05 p.m. Public Hearing: Change of Manager associated with Section 12 Club All Alcohol License – Papa Razzi Trattoria of Concord, Inc., 768 Elm Street
6.	Director of Finance presentation of Acceptance of Federal Grant money policy
7.	Conservation Restriction from Concord Conservation Land Trust
8.	Tax Fairness Committee – Senior Means Tested Property Tax Exemption update
9.	Minuteman Tech District (Belmont) Update
10.	Municipal Facilities Update – Town Manager
11.	Select Board discussion of municipal FY21 CPA projects
12.	Committee Liaison Reports
13.	Miscellaneous/Correspondence
14.	Committee Nominations: Jane Obbagy of the Concord Chamber of Commerce to the Economic Vitality Committee for a term to expire May 31, 2022; Holly Darzen of 155 Heath's Bridge Road to the Affordable Housing Trust Study Committee for a term to expire March 23, 2020.
15.	Committee Appointments: Keith Bergman of 56 White Avenue, Linda Miller of 300 Main Street, Lee S. Smith of 1836 Main Street, and James B. Terry, Jr. of 368 College Road, to the Affordable Housing Trust Study Committee for terms to expire March 23, 2020.
16.	Public Comments
17.	Adjourn

PENDING

Monday	October 7	7 pm	Select Board Meeting	Town House
Monday	October 21	7 pm	Select Board Meeting	Town House
Monday	November 4	7 pm	Select Board Meeting	Town House
Monday	November 18	7 pm	Select Board Meeting	Town House
Monday	December 2	7 pm	Select Board Meeting	Town House
Monday	December 16	7 pm	Select Board Meeting	Town House
Monday	December 30	7 pm	Select Board Meeting	Town House

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

SELECT BOARD

MINUTES

JUNE 17, 2019

Pursuant to notice duly filed with the Town Clerk, a meeting of the Select Board was held at 7p.m. in the Select Board Room.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, Susan Bates, and Jane Hotchkiss. Also present was Kate Hodges, Acting Town Manager.

The meeting was Called to Order by Chair Michael Lawson who announced it was being recorded.

CONSENT AGENDA:

Consent agenda

Mr. Lawson read the Consent Agenda and asked for a motion to approve.

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the consent agenda as read.

- Town Accountant Warrants
- Minutes – 4/22, 4/27
- Tour Guide license renewals
- Common Victualler renewal – Emerson Hospital
- Gift Acceptance · Nolan Roberts \$3,000 (est.) Bicycle fix-it station for Bruce Freeman Rail Trail
- One Day Special Licenses

• Saltbox Farm	7/20	6pm-9:30pm	40 Westford Rd	Wine & Malt
• Saltbox Farm	7/26	5pm-9pm	40 Westford Rd	Wine & Malt
• Verrill Farm	7/24, 8/23, 10/18	6pm-8pm	11Wheeler Rd	Wine & Malt
• Jay Scheffler	8/101	2pm-4pm	11Wheeler Rd	Wine & Malt
• Charles River Wheelman	9/15	4pm-8pm	11Wheeler Rd	Wine & Malt
• Umbrella	6/27	6:30-8:30PM	40 Stow St.	Wine & Malt

TOWN MANAGER'S REPORT:

TManager's Rept

1. The Building Inspections division will have extended hours on Tuesday until 8 PM. Property owners will be able to review street address files and ask questions of staff. This is a Pilot to test whether there is interest in the opportunity.
2. A Coordination Meeting for all stakeholders of the Bruce Freeman Rail Trail Phase 2 occurred at the State Police Barn Facility in Acton. Final plans for Phase 2B, the bridge over Route 2, are expected to be submitted to MASS DOT for bid by the end of June.
3. Scout Nolan Roberts has proposed the purchase and installation of a Bicycle Fix-it Station for that portion of the rail trail as his Eagle Scout project.
4. Suspected blue algae bloom at the beach and cove affected today's seasonal opening of White Pond. The Town will be coordinating with other local and State entities.
5. CMLP rolled out the SmartHub web portal to help customers manage their electrical accounts and usage. 800 customers have already signed up.

AMEND EXISTING CLASS II USED CAR DEALER'S LICENSE – Nano's Auto, Inc. 1211 Main St.

Class II Nano's

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to Open the Hearing.

Mr. Lawson explained that the owners of Nano's Auto, Inc., which is entitled under the license to have 25 cars on site, is asking that the license be amended to 23 cars so that they can create Second Chance Cars Inc. and allocate the two spots to them. Second Chance Cars will repair and resell donated cars to eligible veterans so they may better access jobs. Ms. Akerman noted that this was an excellent project.

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Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to Close the Hearing.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to amend the existing Class II Used Car Dealer's License of Nano's Auto, Inc. of 1211 Main St. The amended license will allow up to 23 used cars on the premises.

NEW CLASS II USED CAR DEALER'S LICENSE – Second Chance Cars Inc. 1211 Main St.

Class II License.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to open the Hearing.

Dan Holin of Derby St. was present to make the proposal and respond to questions. He stated that the mission of this concept is to break the cycle of poverty and enable less fortunate to more fully participate in the community. Typical recipients would be those coming out of prison, returning from military service, or low-income veterans. There would be two types of car – one that would be inexpensive to own and maintain and the other that may not be so inexpensive, but resale at market value would provide funds for refurbishing the award cars that are given away. The State and federal governments are in process of approving non-profit status.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED to close the Hearing.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the Class II Used Car License for Second Chance Cars Inc. at 1211 Main St. The new license will allow up to two cars on the premises for sale.

7:20PM CONTINUED PUBLIC HEARING:

ABC Hearing
Concord Market

Alteration of Licensed Premise associated with existing Section 15 Retail Package Store Wine & Malt License: to remove entire second floor area (4542 sq. ft.) and portion of first floor (980 sq. ft.) from existing licensed premise — Concord Market 77 Lowell Rd.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED to Open the Hearing.

Mr. Lawson noted that this application is to amend the liquor license at Concord Market. At the same time, there is an application before the Zoning Board of Appeals to allow another business use in the space. In his opinion, it is not appropriate for the Select Board to act until ZBA has completed its work. Therefore, the Board will hear the applicant's presentation, ask questions, listen to public input and then Continue the Hearing until the Board meeting of July 1. A memo was distributed by the applicants.

James White and his daughter Elizabeth Akehurst-Moore were present to update the Board on the changes they are proposing to the premises. He stated that the mezzanine at Concord Market is an open space above the Market in which they plan to host and cater community events at which alcohol could be available, much like a One Day License at the Umbrella. The Alcohol Control regulations prohibit one-day service of alcohol at such events if they occur within a facility that already has a retail license. To make it possible to host events with alcohol sold by the glass, the portion of the Market must no longer have a retail license. Therefore, they seek to amend the retail license to remove entire second floor area from the license and also remove access to 2nd floor. Each time there is a proposed use of the second floor at which alcohol is available, they will need to apply for a One Day License.

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Mr. White indicated that regardless of the action of the ZBA, he believes there is a right to use the second floor for purposes that could bring them back before the Select Board in the future. Mr. White acknowledged that the Alcohol License Board gets the final decision. There were no questions or comments from the Board or the audience.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED to Continue the Hearing until July 1, 2019.

UPDATE ON RFP 396 – PROPERTY LEASE/LICENSE FOR INSTALLATION OF TELECOMMUNICATIONS FACILITIES

RFP 396 telecom

Ms. Hodges stated that the Town issued an RFP in February for two new telecommunications sites – the Keyes Rd campus or the Police/Fire Station on Walden St., or both. Proposals were due in March, but technical issues resulted in rejecting all bids. The RFP was reissued in May with responses due June 7. Three proposals have been received:

US Wireless Inc. Waltham MA, Wireless Edge of Rhineback NY, and Partnership dba Verizon Wireless of NJ. At this time, the Keyes Rd. option seems a better benefit to the Town due to parking and building flow impacts at the Police/Fire Station. It is unlikely that the recommendation will be for two sites. Ms. Hodges stated that the team intends to review proposals and return to the Select Board in July or August with a synopsis of the responses and recommendations for going forward. It will be the role of the Board to decide whether to reject bids or to vote to begin negotiations with the preferred respondent. A tentative draft lease agreement must be in hand before the negotiations are final. The term of the bid is a twenty-five years in five-year increments. In addition to Ms. Hodges, the review team is Police Chief O'Connor, Fire Chief Judge, Planning Director Rasmussen, and Budgeting and Purchasing Administrator Harris.

Shelton Hines of The Valley Rd. had questions about the RFP – specifically whether it likely to be the last facility in Town to be considered.. Please ask the bidders for longer term requirements in Concord. Some applicants are not carriers but tower companies who will then find carriers. Ms. Hodges stated that the long-term carrier plans for the Town were not sought in the RFP.

Diane Proctor of Sudbury Rd. asked for clarification on whether the Keyes Rd campus continues to be a possibility. Ms. Hodges indicated that Keyes stays, and that the Walden St. location is unlikely to remain an option.

Melissa McBride of Stow St. asked whether it has been determined from the Historic Districts Commission what its requirements will be for the eventual telecommunications facility. Ms. Hodges stated height is an issue subject to terms of the permit.

Alisha Boyajian of Stow St. had a question about potential other sites for the future. Ms. Hodges stated that this particular RFP was only for two sites. In the past, other sites such as the landfill, have been considered when carriers attempted to fill gaps in coverage.

UPDATE ON WHITE POND GIFT AND OPERATIONS

White Pond

Carmen Jaquier, Chair of White Pond Advisory Committee, stated that the Pond was clear first thing this morning, but immediately there was a cyano bacteria bloom that closed the pond for the day. The bloom was dispersed down sides and across the bottom of the pond. At Dover Beach there was an odor; at Sachem's Cove there were strings. In 2017, there were 17 blooms that closed the pond for an hour or two. It is not known how long the bloom will persist. Erosion control has improved situations that "feed" bloom conditions. The boat launch is the biggest polluter. The town and state can put funds together to tackle the issue. WPAC believes there is a problem with the selection of the fish in the stocking program. Rainbow trout is by far the largest quantity, but Clean Water Act documentation indicates that Rainbow should not be stocked in ponds that tend to bloom as the fish eats zooplankton that otherwise would be present to eat the cyano bacteria.

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Ms. Jaquier noted that the Pond would be a great place for high school and middle schoolers to get involved in their community. Mr. Lawson stated that the Board would like to continue to hear from the Committee as operations get underway at the pond.

UPDATE ON LONG RANGE PLAN INITIATIVES

LRP

Mr. Lawson stated that the Board has planned to pull together and prioritize recommendations from the Long-Range Plan into initiatives that will be led by Board members. Terri Akerman will take the lead on an action plan for Town-wide capital planning. Susan Bates will introduce the topic of business vitality at an upcoming meeting. Various stakeholders have been invited to discuss and volunteer their views.

This evening the Superintendent of Schools, Finance Committee Chair, Finance Director and Acting Town Manager are present to discuss current capital planning and whether we could get better results in timing, costs, and final product from working together. On July 15, the Superintendent of the National Park and members of the Concord Business Partnership have been invited already. The topic will include economic development, sustainability, tourism and the viability of the retail community.

LONG RANGE TOWN-WIDE CAPITAL PLANNING DISCUSSION

Long Range Plan

Mr. Lawson stated that there is already planning for budgets, capital items such as vehicles, but the impetus for the Finance Committee's Five- Year Plan was the incidence of large ticket items such as a new school that had not been on the horizon. The potential price of the middle school is \$90M. It is likely that there will be significant costs for town facilities. No one is denying the need, just trying to get a handle on phasing the tax burden.

Mr. Banfield, Chair of the Finance Committee, stated that the Finance Committee finds that large cost items are reviewed in separate "silos" and urgency of need causes them to jump the planning queue. The Finance Committee is searching for an integrated solution.

Lori Hunter, Supt. of Schools stated that the school department capital planning has two prongs. The first and most costly is the new middle school. Schools are very grateful that Town Meeting recognized the need and the process is now underway to address feasibility and schematic design. Needs in other buildings are of lesser individual cost, but in total could be more than the Capital Plan funds in the Town Manager's Budget. Rather than bring any to Town Meeting this year, the School Department decided to work with Sustainability Director Kate Handley to find grant funding, subsidies, efficiencies and other options to lessen the impact. She reiterated that the School Department is working with a Five-Year Plan, however, urgencies can shift over time. Now, schools can function within the Five-Year Capital Plan, the paving and parking issue will require further discussion.

Kerri LeFleur, Town Finance Director, stated that her role is not to decide which project to address, but rather, how to fund what Town Meeting decides is the priority. The Town Manager's Capital Plan is not built into the school or town budgets but presented as a separate Warrant Article. It is developed using town debt planning policies of which capital spending is 7-8% of the budget. It is the intention to bump up the school share of the Capital Plan funding from \$900,000 to \$1M by FY 2021. Expenditures exceeding \$100,000 usually trigger Capital Plan exclusion i.e., land and large equipment purchases. Ms. LeFleur noted that town facility planning is ongoing with Public Works needs identified, but no hard data available yet.

Kate Hodges, Acting Town Manager, stated that facility planning has been underway with a consultant for 18 months. It is currently determining need and current conditions. The Town operates under twelve department heads in 26 facilities. She anticipates a report from the consultant at the end of July or August. The report will include data collected as well as recommended options to go forward. Major renovations in place and purchase or building new buildings are likely options. Renovations have added expense from use of alternate spaces during the process; new facilities, although expensive, could result in less overhead, combined administration, and more efficiency. Ms. Hodges stated that the fear is that since the Town began the study later than schools, Town facility conditions will continue to deteriorate over time while

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waiting for the entire school debt to be paid off, before incurring any new debt. Town Meeting will decide.

REVIEW DRAFT CAPITAL PLANNING TEAM CHARGE

Draft Charge

Terri Akerman stated that it sounds like several types of capital planning are underway. Her first thought on being given this task was that there is not enough planning for major expenses like a new school. Secondly, she thought the planning group should be called a “team” and not a committee so that the Finance Committee can participate.

Mr. Banfield stated that the FinCom has been able to participate fully without membership on school committee subcommittees in all but the vote, contributing research and vocal opinions. In his opinion, the purpose of the new entity is to develop a multi-year capital plan and to update it annually, integrating both town and school. Every effort needs to be made to present an integrated picture with broad town benefits to Town Meeting. The hurdle is to plan how to fund the projects that are identified.

Ms. Akerman stated membership of such a committee could include town and schools appointed and elected officials, and citizens at large. The plan should prioritize by need and recommend not only optimal timing but funding sources. The purpose and duties are for tonight’s discussion. Would this be helpful or get in the way of other work. Ms. Hunter stated it would be incredibly helpful, but it must all mesh with two school committees and a building committee. Mr. Banfield stated the FinCom struggle every year to focus on warrant articles.

Ms. LeFleur stated it makes sense, in the context of the middle school discussion how to fit such a big undertaking in without additional tax peaks. It is not possible. Our Aaa bond rating could be impacted over the short term from large capital projects, but that doesn’t mean not to do a costly project, if it is the right thing to do.

Mr. Lawson noted the committee is poised to take information from already extant committees and consultants to integrate and minimize the tax burden on the community without getting in the way. He envisions this as an annual undertaking.

Ms. Hotchkiss noted the historic competition for finances between Town and Schools. While the Town does not get the larger share, it all goes to the quality of life community. In her opinion, this is an opportunity— to find financial benefits, efficiencies, and share in school discoveries.

Members of the community with suggestions and/or comments should send them to the Select Board’s Administrative Assistant. The Board will consider a revised draft at the next meeting.

Ms. Escobedo noted that there is a possible challenge between the school building committee and capital needs already identified in the town facility plan. She asked whether the new capital planning committee would be able to remain neutral in setting priorities or should a third party facilitator or capital planning consultant be hired. She noted that the 2002 Capital Plan was derailed by urgent needs. Mr. Lawson suggested that an at large member with such experience should be appointed to the committee.

Ms. Akerman stated that the primary outcome of the effort should be a collaborative consensus for Town Meeting to consider with confidence.

DISCUSS POSSIBLE DATES FOR 2020 ANNUAL TOWN MEETING

2020 ATM

Mr. Lawson reviewed the events of 2020 and the impact of scheduling Annual Town Meeting. As usual, Holy Days and Holidays are the primary limiting factors. In his opinion, rather than schedule earlier, say in March, we are better able to schedule it in the last week of April. This is better timing for the Finance Committee Report, which provides crucial information. Therefore, he recommends that the Board set the dates of April 27, 28, and 29 for Town Meeting at its next meeting.

PUBLIC COMMENT

Dorrie Kehoe asked whether comments would be accepted on capital planning or should residents only submit letters. She noted a letter from Mr. Tarpey referring to facilities planning and that the discussion this evening was on capital planning. Would that planning be limited to town

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and school buildings or could it include sewer and roads projects? No distinction has been mentioned at this time.

NOTICE OF UNIQUE REAL PROPERTY FOR 18 CAMBRIDGE TURNPIKE

The Ralph Waldo Emerson Memorial Association has agreed to sell and the Town of Concord acting through its Natural Resources Commission has agreed to buy 18 & 28 Cambridge Turnpike. The acquisition is part of the capital plan and is funded in part by the Community Preservation Act. Town Counsel has provided language for a Board vote that would allow the Town to make the acquisition that would otherwise require the 30B procurement process.

Unique Real Prop

Upon a Motion duly made and seconded, it was UNANIMOUSLY

VOTED

with respect to the land known and numbered as 18 and 28 Cambridge Turnpike, Concord, MA 01742, containing 6.3965 acres, more or less, shown as "Lot 2" on a plan entitled "Plan of Land in Concord, Massachusetts, (Middlesex County)" dated February 12, 2019, prepared by Stamski and McNary, Inc., being a portion of the land described in a deed recorded with Middlesex South District Deeds in Book 5478, Page 46 (the "Property"):

That the Board has determined that advertising under General Laws Chapter 30B for the Town's acquisition of the Property will not benefit the governmental body's interest due to the unique qualities of the Property. Specifically, the Property, which contains the former home of Ralph Waldo Emerson, is historically significant, making the Property unique in that it provides the Town with the opportunity to highlight the history of the Town. The Property is also uniquely situated in that it consists of wooded wetland traversed by the Mill Brook and active agricultural land, all of which will be preserved through the Town's acquisition of the Property for conservation purposes.

PUBLIC COMMENTS

1. Sheldon Hines of The Valley Rd. stated that he and his wife had recently sent the Board correspondence and wondered whether it would be addressed. Mr. Lawson stated that Board is aware of the issue but does not know how it will be handling it. Mr. Hines further asked whether the Town employed an engineer with the skills to properly analyze the RFP responses. He hoped that it was not just the department heads mentioned on the team. Ms. Hodges stated that the Town employees a consulting RF engineer out of Littleton. In addition, when the Planning Board or Zoning Board of Appeals needs to address these issues, they also hire consultant engineers.
2. Mark Gailus of Prescott Rd. commended the Board on implementing coordinated capital planning. In addition, he and his wife had been having problems with Hanscom night flights with dramatic increase in frequency since April. Hanscom won't or can't tell what has occurred to make this happen. The Gailus' have no difficulty with military flights, but The Gailus requested help from the Town, perhaps working through HATS or HFAC, to clarify the source of the flights during the 11PM – 6AM closure of the tower and to give them relief.
3. Alisha Boyajian of Stow St. asked further about the telecommunications siting proposal. She stated that one installation at Keyes would seem to provide the coverage needed. She also asked whether height restrictions have been determined. Mr. Lawson reiterated that Walden St. is no longer an option. Ms. Hodges stated that height requirements need to be determined before respondents would agree to proceed.

Public Comment

COMMITTEE LIAISON REPORTS

1. Susan Bates attended West Concord Advisory Committee meeting at which the successful open house was discussed. She attended a MMA seminar on regional shared services. She attended a Tami Gouveia open house and learned more about legislation she intends to support.

Liaison Reports

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The Planning Board meeting discussed the Tree Bylaw. The Historical Commission heard applicants of 317 Garfield Rd. who will need to implement an historical preservation plan in order to implement their plan to divide their lot. The new of the Wheeler Harrington House were also present to discuss conditions.

2. Linda Escobedo attended a Housing Authority meeting at which it was learned that CHA is considering repositioning its HUD federal properties per HUD's desire to eliminate its financial responsibility for its housing units. Concord has 18 units of federal housing. If the process goes forward, it may trigger a need for a separate 501(c)3 to process. She also reported that The Zoning Board of Appeals is in discussion with the Trustees of Reservations that wants permission to expand events for up to 500 guests, the increased size of which will impact their site, the National Park, and residential neighbors. ZBA also heard comments from residents complaining that the committee always permits requests regarding non-conforming lots.

3. Terri Akerman reported that she attended the Bruce Freeman Rail Trail Meeting and learned more about the Eagle Scot project to install a fix-it station. She attended jazz events, the Melvin Memorial rededication, and a library visioning discussion, as well as a meeting regarding the Assabet River pedestrian bridge.

4. Jane Hotchkiss stated she attended a Natural Resources Commission meeting at which the frustrating discussion focused on Keuka, a paper street between Route 2 and the railroad underpass. She also met with US Rep. Lori Trahan in Acton. The topic was the opioid epidemic, business climate and housing affordability

Michael Lawson attended the Hugh Cargill Trust Committee at which discussion focused on senior tax relief. He thanked Andrew Mara for providing the data that was needed. He and Linda Escobedo met in Boston with Senator Barrett regarding the Town's Home Rule Petition on the real estate transfer tax. Three other towns have proposed something similar and it may result in a state-wide result. He was cautioned to expect opposition. Mr. Lawson met with Kate Hodges and the Chair and Executive Director of the Umbrella to discuss noise issues.

MISCELLANEOUS/CORRESPONDENCE

Misc. Coord.

Mr. Lawson reported that the Board has received correspondence from the US Air Force regarding the need for of-base commercial space within 10 miles of the airfield. He noted that surrounding towns had also received the letter, and it has been discussed at MMA.

The Board also received correspondence referred to in public comment. The airfield tower is closed from 11PM to 6AM and therefore there are no records of flights operating under visual flight rules.

APPOINT INTERIM TOWN MANAGER:

Appt. Interim TM

Mr. Lawson stated that there is a gap between the time Chris Whelan has retired and the new Town Manager begins his duties. During that period, Kate Hodges has agreed to act as Interim Town Manager. The Board expressed its gratitude to Kate.

On a motion duly made and seconded, it was unanimously:

VOTED: To appoint Kate Hodges as Interim Town Manager effective June 29, 2019 through August 11, 2019 under the terms and conditions outlined in the proposed Agreement as presented at the June 17, 2019 Select Board meeting.

COMMITTEE NOMINATIONS:

Nominations

Jim Terry of 368 College Rd. and Linda Miller of 300 Main St. to the Affordable Housing Trust Fund Study Committee; Peter Lowitt of Westvale Drive to Concord Housing Development

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Corporation; James Burns 1515 Main St. and Andrew Boardman of 110 Hillcrest Rd to Nuclear Metals/Starmet Reuse Committee.

COMMITTEE APPOINTMENTS:

Upon a Motion duly made and seconded, it was

Committee
Appointments

VOTED: to appoint Charles Parker of 105 Chestnut Street to the Middle School Building Committee for term to expire upon completion of project; Steven Ledoux of 89 Heath's Bridge Road to Minuteman Regional Technical High School Committee for a term to expire May 31, 2022. (yes-4, Ms. Akerman -abstained)

COMMITTEE REAPPOINTMENTS:

Upon a motion duly made and seconded, it was UNANIMOUSLY (term dates to be provided)

Committee
Reappointments

VOTED: to reappoint Brian Cramer of 820 Monument Street, Sarah Grimwood of 520 Lexington Road, Mark Hanson of 340 Holden Wood Road, Christian Krueger of 85 Alcott Road, Joseph Levine of 29 Temple Road, Stanley Lucks of 165 Indian Spring Road, and Sigmund Roos of 36 Wood Street to the Pollinator Health Advisory Committee for terms to expire May 31, 2020.

ADJOURN

Upon a motion duly made and seconded, it was UNANIMOUSLY

Adjourn

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

Respectfully submitted,

Linda Escobedo, Clerk

Approved:

Standard list of meeting documents and links

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JULY 1, 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 1, 2019 at 7PM.

CALL TO ORDER

Michael Lawson, Chair, called the meeting to order and announced that it was being recorded and broadcast.

CONSENT AGENDA

- Town Accountant Warrants
- Minutes – 5/6, 5/20
- Tour Guide Licenses
- Gift Acceptance

Mariann Goslovich \$2,500 Council on Aging Gift Account

- One Day Special Licenses

Fidelity Investments 9/4,5,9-11,16-18, 23-26,30,10/1-3 5pm-8pm 40 Westford Rd Wine & Malt

Upon a motion made and seconded, it was UNANIMOUSLY

VOTED: to approve the Consent Agenda as read.

CHAIR'S REMARKS

Mr. Lawson reminded everyone of Picnic in the Park on Independence Day. This is always a fun event at Emerson Field for the entire family.

MISCELLANEOUS/CORRESPONDENCE

The Board has received correspondence regarding the Concord Business Partnership, Middle School Building Committee, and Capital Planning Committee that are most appreciated. The Board will include this in their consideration of the topics.

FINALIZE 2020 ANNUAL TOWN MEETING DATES

Mr. Lawson reviewed planning for 2020 Annual Town Meeting and noted that holy days, holidays and school vacation are the primary scheduling factors. He recommends that the Board set the dates of April 27, 28, and 29 and 30 for Town Meeting at its next meeting.

There was a consensus on the proposed dates.

7:05PM PUBLIC HEARING STORAGE OF INFLAMMABLE FLUIDS LICENSE: to amend the existing license for underground storage of liquified petroleum gas – Eastern Propane on behalf of Ziad Fares, 210 Monument Farm Rd.

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

VOTED: to open the Hearing.

Representatives of Ziad Fares were present to explain the request to amend the license. Last year, a license to install three 1000-gallon tanks of liquified propane was approved for the site. The resident would like to amend the license to three 2,000-gallon tanks due to increased usage. The household uses propane to run 2 boilers, melt driveway snow, heat the house, pool and enclosure, provide hot water, run the clothes dryer, and fuel the commercial-sized kitchen. Speaking for Eastern Propane, Mike MacDermott stated that the tanks would be installed off the driveway behind protective bollards and landscaping.

Call to Order

Chair

Misc. Coord.

2020 ATM

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In response to a question about risk, Mr. MacDermott stated that the Fire Chief had done some investigation with the State Fire Marshall and the Chiefs in other towns with similar installations and has signed off on the request. Regarding the options of potential future owners, Mr. MacDermott stated that the tanks can be drained and removed.

Mr. Lawson noted that the Board has received recommended approvals from the Fire Chief and the Natural Resources Commission. There were no questions or comments from the public.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to Close the Hearing.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to approve the application from Eastern Propane on behalf of Ziad Fares, to amend existing license for the underground storage of liquefied petroleum gas at 210 Monument Farm Road. Approval is subject to the standard requirements of the Concord Fire Department.

7:07 PUBLIC HEARING: STORAGE OF INFLAMMABLE FLUIDS license for the underground storage of liquefied petroleum gas – Lorden on behalf of Amy Borner, 360 Great Meadows Road.

Inflamm. Fluid

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to Open the Hearing.

Representatives of the applicant are present to explain the application to install three 1,000-gallon fuel tanks off the driveway and protected. The size of the tanks is to enable fewer, larger deliveries over the long, tight driveway. The house also has a generator for heating and hot water. The primary role of the propane will be to provide power to move sewer effluent uphill to the septic field should the house lose power. The house is under construction and the previous 4,000-gallon underground oil tank has been removed. It is safe and up to code and all approvals have been received.

There were no questions or comments from the public.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to Close the Hearing.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to approve the application from Lorden on behalf of Amy Borner, for underground storage of liquefied petroleum gas license at 360 Great Meadows Road. Approval is subject to the standard requirements of the Concord Fire Department.

7:10PM 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

Alter premises

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to Open the Hearing.

Mr. Lawson reported that the applicant has a requested a Continuance to July 15, 2019.

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Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to Continue the Hearing until July 15, 2019.

7:15 P.M. PUBLIC HEARING: ALTERATION OF LICENSED PREMISES ASSOCIATED WITH EXISTING SECTION 12 RESTAURANT ALL ALCOHOL LICENSE, for outdoor patio seating – Concord Brewery II, Inc. D/b/a RapsCALLION, 208 Fitchburg Turnpike

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to Open the Hearing.

Peter Daniel from Concord Brewery II was present to seek approval for an alteration to his Section 15 license. There is currently a 400 square foot pad behind the restaurant that has been used as tenant lunch and break area. The landlords have indicated that they will support repurposing of the area. What is being sought is the ability to provide up to 30 seats outdoors seasonally with dedicated wait staff, without adding additional seating. Since it cannot be accessed from within the restaurant, patrons would be guided along a thirty-foot path to the location but would be under observation through the glass door into the kitchen. The patio would be limited with plantings. Rather than removing interior seats during the patio season, they would simply not be filled.

There was no public comment.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to close the Hearing.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to approve the application from Concord Brewery II, Inc. d/b/a RapsCALLION, for the alteration of licensed premises associated with existing Section 12 Restaurant All Alcohol License, for up to 30 seats of outdoor patio seating, located at 208 Fitchburg Turnpike. Final approval is subject to ABCC approval.

ACCEPTANCE OF ACCESS EASEMENT – 47 WARNER STREET

Delia Kaye, Natural Resources Director, was present with Alison Aley to seek approval for a pedestrian access easement across the Aley property. The Aleys have received approvals from the Zoning Board of Appeals and the Natural Resources Commission to reconstruct their home on Warner St. As part of the project they have done substantial invasive species removal and replanting. They have become very interested in allowing the public access to view, not entrance to, Warner Pond. To do this they propose a 20-foot wide easement from Warner St, to an area overlooking the pond where they have installed benches fashioned from felled trees. There will eventually be signage noting the limits of the easement and prohibiting movement down the bank which is undergoing restoration.

The Board expressed appreciation for the gift to the community. There was no public comment

Upon a motion duly made and seconded, it was UNANIMOSLY

Alter premises

Easement

SELECT BOARD
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VOTED: to approve the Access Easement between Gordon Thomas Aley III and Allison Y. Aley, of 47 Warner Street, Concord, Massachusetts (together, the "Grantor"), and the Town of Concord, Massachusetts, acting by and through its Natural Resources Commission, acting as a Conservation Commission, pursuant to Massachusetts General Laws, Chapter 40, Section 8c as amended, having an address at 22 Monument Square, Concord, MA 01742 ("Grantee").

REQUEST FOR FUNDS TO CREATE TWO UNITS OF AFFORDABLE HOUSING –
CONCORD HOUSING DEVELOPMENT CORPORATION

CHDC

Mr. Lawson reported that 2019 Town Meeting acted on four articles relating to housing. One created a surcharge, another was a Home Rule Petition to the Legislature for a transfer tax to support affordable housing, the third called for a new housing committee (Affordable Housing Trust Study Committee), and lastly there was an appropriation from Free Cash for affordable housing.

Elizabeth Rust, Regional Housing Director, Jerry Evans of the Concord Housing Development Corporation, Charles Phillips of the Housing Foundation, and Brenda Gore of Habitat for Humanity are present to seek funds for a project that meets the criteria for the use of funds approved by Town Meeting.

Ms. Rust stated the home near the corner of Main St and Route 2 has been offered for sale by the owner who prefers that it remain an affordable home. After some time, it is now under offer. Ms. Rust stated that the project would not be possible without a multiple entity collaboration. It will require the use of \$186,000 of CPC funds, \$75,000 from the Concord Housing Foundation, \$75,000 from Habitat for Humanity, \$25,000 from CHDC, and \$150,000 from the Town. Once purchased, Habitat for Humanity will take over to provide an Owner's Project Manager, manage the permitting process, convert the house into a duplex, sell the house, and ensure that it is included in the LIP program

While no one funding source has sufficient money for the project, CHDC could provide more if it limited its support of the small grants program which it is reluctant to do. It has about \$120,000 for three years of a small grant program. CPC funds have been allocated a bit at a time in 2013, 2014, 2016, and 2019. The Housing Foundation funds come from private fundraising in the community.

Ms. Gore stated that Habitat is pleased to develop a project in Concord. The intention is to retain the current footprint of the building but open up the walk out basement to create a 2-bedroom home downstairs and a 3-bedroom home upstairs, both of which would qualify for inclusion in the 40B calculations. One unit will be for local preference. The time frame generally involves acquiring the project, then getting the interest of sponsors and raising the funds to do construction. If permitting begins upon closing, and construction is underway in the spring, then it will likely be complete in 7-9 months.

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Ms. Escobedo asked what form the legal agreement to collaborate would take, whether Town Counsel had been consulted yet, and how the Town Manager would be involved since the language of Town Meeting funding article indicates the action would be approved by the Town Manager with the approval of the Select Board. Ms. Rust stated the agreement is called a Land Disposition Agreement and it is in process. Should the Board vote to approve, it could all come together in time for closing. Kate Hodges is already aware of the project.

Ms. Gore stated that Habitat intends to use the existing garage and the same footprint. Mr. Lawson noted that the process is very like one used for Concord Junction wherein Town funds were never at risk. Mr. Banfield asked how the process would work to use CPC funds without going back to Town Meeting. It was explained that the requested Article 23 funds for this project (not CPC funds) meets the terms of the language used at Town Meeting. Since no funds will come from the reserve fund they are available now.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to recommend that the Interim Town Manager approve \$150,000 from Town funds allocated by the 2019 Town Meeting for a project at 930 Main St. that will partner with the Concord Housing Development Corporation, Concord Housing Foundation, and Habitat for Humanity to create two units of affordable housing to be included on the Town's SHI.

PRESERVATION PLAN – THOMAS MOTT SHAW ESTATE, 317 GARFIELD ROAD

Mr. Dan Bailey, attorney at Pierce Atwood LLP, is present to represent Joyce Lawrence owner of 317 Garfield Rd. This 8-acre property has two National Historic Registry houses on it and the owner wants to subdivide the parcel in order to sell. The zoning bylaw has a provision that would permit this if the purpose, under a special permit, is to preserve an historic property. The main estate includes a house designed by Thomas Mott Shaw. The other structure is a carriage house across a private road. The owner has worked with the Historical Commission, Planning Board, and Zoning Board of Appeals over the past year and the process is now concluding with the requirement of an executed Historic Preservation Plan to be approved by the Select Board.

Ms. Escobedo noted that approval for a preservation plan rather than a preservation restriction is being requested. (A restriction must be submitted to and approved by the state.) Mr. Bailey stated that he has been working with Town Counsel on the language of the plan and they differ on the nature of the indemnity clause.

Upon a motion duly made and seconded, it was UNANIMOSLY

VOTED: to accept the proposed Preservation Plan for Thomas Mott Shaw estate located at 317 Garfield Road substantially as drafted with the provision that Town Counsel approves the wording of item #19 and any changes will come back to the Board.

REVIEW AND APPROVE CAPITAL PLANNING COMMITTEE CHARGE

Preserv.Plan

Cap Plan Com

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Ms. Ackerman reported that she has received comments and suggestions from the Board, other committees, and residents. Her goal this evening is to share that information and get a sense of the Board's intent. Whether the capital plan function should be a team or a committee has resolved as a committee. Whether it should focus on five years or ten has resolved into 10 as both town and school already do a 5-year plan. There appears to be some public confusion about the current planning process, so she intends to add language to clarify. The next question regards which level of project should be the focus; the consensus seems to be the very large projects only. It is not the intent of this committee to decide which projects to undertake, but discover the projects out there and inform town, schools, and the public of the likely financial impact we are facing so that the responsible agencies can make informed decisions that better protect the taxpayer. Membership on the committee will include named functions or their designee. Citizens at large will be essential. There was the notion that facilities should become part of the title and focus. Duties and timeline were discussed as was the importance of including the Finance Committee viewpoint.

Ms. Ackerman agreed that she had heard enough discussion to allow her to redraft the Charge, circulate it to the Board and include it on the agenda of the next meeting.

LONG RANGE TOWN-WIDE ECONOMIC VITALITY DISCUSSION

Mr. Lawson stated that the Board continues to work on pulling together and prioritizing recommendations from the Long-Range Plan into action plans led by Board members. The Capital Plan Committee Charge reviewed by Terri Akerman is one initiative. Susan Bates is developing a focus on economic vitality. The Board considers vitality to include economic development and diversity, tourism, visitors, and retail sustainability. The Board has invited a range of people who have roles in all of these components to sit down together to share their insights and make suggestions. Guests this evening include BJ Dunn NPS Supt., Jane Obaggy, Executive Director of the Chamber of Commerce; Henry Dane, attorney; Gregg Higgins, President of Concord Business Partnership; and Carole Wilson, Deborah Stark, Stephen Verrill, and Bill Montague, retailers.

LRP

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Mr. Dunn stated that federal data shows the National Park is a major economic driver in the region and state, with the local impact at about \$60M in 2018 with the Park responsible for 790 jobs in the area. The park is anticipating its 60th anniversary and along with that a spike in attendance. Attendance has risen from 5,000 per in 1959 to 900,000 recently. The data does not indicate how many visitors spent time in other aspects of Concord life such as shops, restaurants, or other cultural offerings. There was a spike in attendance tied to the opening of Battle Road Trail branding and marketing in 2000. The year 2025 will be a major celebration of the founding of the nation and the Park is beginning to plan to be a part of that as it did for the Bicentennial. Mr. Dunn stated that parking is a seasonal challenge. He is working with the Planning Director to apply for a study of using a shuttle bus with federal funding. If the application is successful, more will be known in a month with the pilot program next year. Transportation is another of the long-range plan components that the Select Board is focused on.

Ms. Obaggy stated that walkability is a major component of satisfaction with the experience. In her opinion, the paths between Concord Center and the Park and between the West Concord Depot and the shops are not well maintained.

Mr. Dunn stated that a bike share service is being planned by several entities and they have agreed to all use the same so there is less overhead in space and better connectivity. The NPS has a goal to open the Barrett's Farm unit open to the public. Public comment will be sought on the concept plan, a 2-year plan to assess conditions and assess the flow of parking and people. The Park has recently been directed to implement Commercial Use Authorizations (CUA) for road-based tour operators. A fee will be established for access to the park and parking. The fees that will stay with the local park and enable knowledge in advance of arrival and promote better opportunities for visitors.

Mr. Dane reported that at a recent Concord Business Partnership meeting, economic developers from a number of local towns were present to describe what and how they set about improving the local experience. Their role was to facilitate the economic health of the community, not regulate behavior. In Lexington, the officer, under the direction of the Town Manager, acts as an ombudsman to assist residents, owners and developers to grow and prosper. Mr. Lawson stated that an economic officer had been proposed in the annual budget but was withdrawn in the face of other needs. If it is proposed again, he looks forward to the business community's support.

Ms. Wilson stated that the partnership mission has long been to reach across the table to help colleagues; this includes encouraging members to serve on Town Boards to better understand the process and to share perspectives. Ms. Stark noted that she would love to serve on local Boards but is precluded due to not being a resident. She noted parking and the lack of public transportation are difficult aspects of hiring.

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Mr. Verrill noted the call to streamline permitting is a persistent refrain. Mr. Montague shared a memo about parking that shows that metering reduces business by as much as 20%. Snow and clearing is also an issue.

Ms. Obaggy stated that a study on retail mix in similar towns is needed to improve knowledge of what works and what landlords might do to cultivate businesses likely to success. Ms. Wilson agreed and referred to the Park focus on the upcoming celebrations. It will take lots of work to make our commercial centers inviting for tourists and residents alike. Mr. Higgins stated that the Town needed a Tourism Board; he noted the towns who employed economic vitality officers have managed to turn the town centers around to benefit residents, retail, and visitors. This is a regional need; could we cooperate regionally, like we do in housing, to coordinate and sustain economic vitality?

Mr. Dane stated that people come to live in Concord due to the schools and the town character. Once here, residents are resistant to any activities that might change the character. The Town has seasonal buses available now, school buses that are town property and that are idle all summer.

Ms. Ackerman noted walkability, streamlining permits, parking, marketing as ideas mentioned that could all benefit from a vitality officer. Next is to get the position through the budgeting process. For this the Board will need all the help it can get. Is there help to find alternate funding sources? Ms. Hotchkiss stated the need for help in crafting the argument. Meeting monthly to discuss the topic was mentioned. Mr. Lawson stated that the goal is to turn these insights into action without duplication of effort. He thanked everyone for their participation in the conversation.

LIAISON REPORTS

1. Susan Bates reported that she attended the convening session of the Concord Middle School Building Committee. There are still some slots vacant. They have decided to forego leadership selection until the committee is fully staffed. The committee is scheduled to meet every other Thursday at 7:30AM. The first task is to create a subcommittee to draft a Request for Proposals (RFP) for the Owners Project Manager (OPM) who will have a major role in the project. Ms. Bates also attended the Trails Committee, Planning Board, and the meeting in West Concord about a pedestrian bridge.

Liaison Reports

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2. Ms. Escobedo stated that she attended a meeting of the Community Preservation Committee, there was no quorum, but there was a presentation regarding a potential project to restore the clock in the steeple of First Parish, which, to some people's surprise is in fact Town property. She also attended the first meeting of the NMI/Starmet Property Re-use Planning Committee; there will be a website on which you can find the schematics and other information about site restoration. She attended HATS and HFAC and learned that there is a new flight route from Concord to Nantucket at least for the summer, that recent noise complaints were likely due to related traffic for the Stanley Cup events. The new Hanscom Fire Station should be up and running by end of month.

3. Mr. Lawson stated that he wrote to the MassPort Director about noise complaints who did discovery, responded to him, and he has forwarded the letter to the resident who asked for Board assistance. He attended the Finance Committee meeting.

4. Ms. Ackerman stated that she attended the West Concord meeting regarding a pedestrian bridge over the Assabet. She also attended a Finance Committee meeting about the Aaa bond rating and the guideline process. There were more than 140 volunteers who attended the COA Volunteer luncheon.

5. Ms. Hotchkiss reported that the newly hired station manager has proved to be excellent; the PEG Access Committee spent some time discussing the issue of 5G because it has the potential to affect revenue. She noted that she asked the members with particular expertise to write to the Select Board to provide any input on this emerging issue. Mr. Lawson noted that the Town had earlier drafted a Charge for a Technology Committee which got submerged in providing internet service.

MISCELLANEOUS/CORRESPONDENCE

Mr. Lawson stated there were a number of miscellaneous issues already mentioned such as correspondence, capital planning, and 5G. TBA, the facilities consultant, will attend the August 26 meeting for a report on findings. The August 12 meeting is cancelled.

COMMITTEE NOMINATIONS

Ms. Escobedo nominated Susan Curtin of 169 Holden Wood Road and Krysten Morganti of 136 Baker Avenue 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 Rd and Diane Proctor of 57 Sudbury Rd, to the Community Preservation Committee as Select Board appointees for terms to expire May 31, 2023.

Misc.

Nominate

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Ms. Bates nominated Russell Hughes Facilities Manager of Concord Public School to the Concord Middle School Building for a term to expire upon completion of the project.

COMMITTEE APPOINTMENTS

On a motion made and duly seconded, it was:

VOTED: to appoint Jim Terry of 368 College Road and Linda Miller of 300 Main Street to the Affordable Housing Trust Study Committee for terms to expire May 31, 2021; Andrew Boardman of 110 Hillcrest Road and James Burns of 1515 Main Street to the NMI/Starmet Property Re-use Planning Committee for terms to expire May 31, 2021; Peter Lowitt of 5 Westvale Drive to the Concord Housing Development Corporation for a term to expire May 31, 2022.

Appointments

ADJOURNMENT

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to adjourn the meeting and conclude business for the evening.

adjourn

Respectfully Submitted,

Linda Escobedo, Clerk
Approved:

Meeting Documents list and Other Standard Lines

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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 meeting adjourned to Executive Session 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:

xxx

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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 at with some cost. that 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.

SELECT BOARD
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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

SELECT BOARD
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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

SELECT BOARD
MINUTES
JULY 15, 2019

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.

SELECT BOARD
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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:

Meeting Documents

[Link to Minuteman Media Network coverage](#)

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

WHEREAS, **Luke Pautler** has achieved the award of Eagle Scout, the highest award that may be earned in the Boy Scouts of America,

And WHEREAS, the rank of Eagle Scout is not an end in itself but an honor and a responsibility that mark him as a leader,

And WHEREAS, being awarded Eagle Scout is an indication that he is among the small percentage of young people willing to take the time, give of self and put forth the effort needed to make the most of life,

And WHEREAS much dedication and hard work is necessary to earn this honor, including exceptional leadership ability and a worthy commitment to community service,

And WHEREAS this ability and commitment are the foundation of responsible citizenship,

And WHEREAS the results of **Luke Pautler's** endeavor will surely be reflected throughout his life,

NOW, THEREFORE, We, as the Select Board of the Town of Concord, Massachusetts, congratulate **Luke Pautler**, on his achievement of the goal of Eagle Scout, and commend as well **his parents and family on providing their** sustained support throughout the lengthy and arduous process that he has just completed. The goals of Scouting are noble ones! We wish you Good Luck in the future and urge you to always find a place in your life for Scouting.



9/23/19
CONCORD SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

- WHEREAS,* the Concord Players has its roots in the Concord Dramatic society, founded by Louisa May Alcott, a beloved citizen of the world,
- And WHEREAS,* since 1919, The Concord Players has continuously produced high quality theater for the enjoyment of the Town of Concord and surrounding communities, interrupted only by the second World War, an event of momentous world impact, requiring the patriotism, energy and attention of all Americans,
- And WHEREAS,* The Concord Players has provided opportunities for people of varying skill and talent to participate not only in theater craft, but in creating strong community bonds and lasting friendships,
- And WHEREAS* The Concord Players has entertained, edified and enriched the lives of residents of Concord and surrounding communities with workshops and lectures, and by collaborating with other non-profits in the interest of serving the community,
- And WHEREAS* The Concord Players' work is, and always has been, propelled and supported entirely on the energy and effort and expertise of volunteers,
- And WHEREAS* The Concord Players has made major contributions to the improvement and maintenance of the Town's historic building at 51 Walden,
- And WHEREAS* The Concord Players has contributed to the local economy by drawing 10,000 audience members annually to local retail establishments
- And WHEREAS* The Concord Players is a major and essential element in the Town's historic and cultural character

NOW, THEREFORE, We, as the Select Board of the Town of Concord, Massachusetts, proclaim, upon its 100th anniversary, October 20, 2019 as Concord Players Day.



DATE: September 23, 2019
CONCORD SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

**CONCORD-CARLISLE COMMUNITY CHEST MONTH
OCTOBER 2019**

- WHEREAS** The Concord-Carlisle Community Chest was founded in 1947 to provide support for community human service agencies; and
- WHEREAS** Agencies and programs funded by the Concord-Carlisle Community Chest serve the needs of our neighbors from our youngest to our oldest; and
- WHEREAS** The Concord-Carlisle Community Chest has participated in partnerships with the Town of Concord including Domestic Violence Services, Concord Recreation Scholarships, Communities for Restorative Justice, Council on Aging, the Community Services Coordinator and Youth Coordinator, Concord Public Schools, CCHS and Concord Cares; and
- WHEREAS** The Concord-Carlisle Community Chest, carefully evaluates each funding request to ensure that donations are spent efficiently and effectively; and
- WHEREAS** The Concord-Carlisle Community Chest assists member agencies and the Town at large respond to needs identified by human service professionals and concerned citizens; and
- WHEREAS** The Concord-Carlisle Community Chest and its member agencies depend upon the generous contributions by thousands of individuals and businesses; and
- WHEREAS** The Concord-Carlisle Community Chest's Annual Campaign begins October 1, 2019

NOW THEREFORE, We, the Select Board of the Town of Concord, Massachusetts, do hereby proclaim the month of October 2019 as **CONCORD-CARLISLE COMMUNITY CHEST MONTH** in the Town of Concord to recognize the vital role the Community Chest plays in the life of our town and to wish members of the Community Chest success in their Annual Campaign.

CONCORD SELECT BOARD

TOWN OF CONCORD
APPLICATION FOR ONE DAY SPECIAL LICENSE
FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES

Fee: \$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only **Amount Paid \$** _____

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print) Aaron Furmanek
COMPANY or organization: Saltbox Farm
ADDRESS: 40 Westford Road, Concord MA
TELEPHONE: 978.610.6020
DATE(S) APPLIED FOR: Saturday, October 5th, 2019
EVENT: Field Event : Harvest Fest
HOURS OF OPERATION: 11a-4p
PREMISES TO BE LICENSED: Saltbox Farm
ADDRESS OF PREMISE LICENSED: 40 Westford Road, Concord MA

License is for the Sale of:

All Alcoholic Beverages	<input type="checkbox"/>
Wines & Malt Beverages Only	<input checked="" type="checkbox"/>
Wines Only	<input type="checkbox"/>
Malt Beverages Only	<input type="checkbox"/>

The Licensed Activity or Enterprise is:

For Profit	<input checked="" type="checkbox"/>
Non-Profit	<input type="checkbox"/>

Are the bartenders TIPS or equivalently trained? Yes No

Will there be people in attendance that are under the age of 21? Yes No

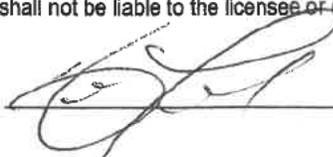
Is this the first one day special license secured by this organization? Yes No

If no, number of consecutive years licensed? _____

Will there be more than 100 people in attendance? Yes No

If yes, the applicant agrees to contact the Police Department to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Board of Selectmen, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant:  **Date:** 9/10/2019

Christopher Carmody

From: noreply@civicplus.com
Sent: Friday, September 13, 2019 5:55 AM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	Provisors
Applicant Name	Richard Briggs
Email Address	[REDACTED]
Applicant Address	[REDACTED]
City	Concord
State	MA
Zip Code	01742
Phone Number	[REDACTED]
Name of Event	Provisors Annual Golf Outing
Activity Is	Non-Profit
Event Type	Private Event in Rented Facility
Event Date & Start Time	10/7/2019 12:00 PM
End Time	7:00 PM
Premises to be Licensed	Concord Country Club
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	No

TOWN OF CONCORD
APPLICATION FOR ONE DAY SPECIAL LICENSE
FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES

Fee: \$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only Amount Paid \$

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print) Aaron Furmanek
COMPANY or organization: Saltbox Farm
ADDRESS: 40 Westford Road, Concord MA
TELEPHONE: 978.610.6020
DATE(S) APPLIED FOR: Friday, October 11, 2019
EVENT: Cooking Class
HOURS OF OPERATION: 6:30p-9:30p
PREMISES TO BE LICENSED: The Little House at Saltbox Farm
ADDRESS OF PREMISE LICENSED: 40 Westford Road, Concord MA

License is for the Sale of:

All Alcoholic Beverages	<input type="checkbox"/>
Wines & Malt Beverages Only	<input checked="" type="checkbox"/>
Wines Only	<input type="checkbox"/>
Malt Beverages Only	<input type="checkbox"/>

The Licensed Activity or Enterprise is:

For Profit	<input checked="" type="checkbox"/>
Non-Profit	<input type="checkbox"/>

Are the bartenders TIPS or equivalently trained? Yes No

Will there be people in attendance that are under the age of 21? Yes No

Is this the first one day special license secured by this organization? Yes No

If no, number of consecutive years licensed? _____

Will there be more than 100 people in attendance? Yes No

If yes, the applicant agrees to contact the Police Department to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Board of Selectmen, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant: _____

Date: _____

8/27/2019

TOWN OF CONCORD
APPLICATION FOR ONE DAY SPECIAL LICENSE
FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES

Fee: \$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only Amount Paid \$

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print) Aaron Furmanek
COMPANY or organization: Saltbox Farm
ADDRESS: 40 Westford Road, Concord MA
TELEPHONE: 978.610.6020
DATE(S) APPLIED FOR: Friday, October 25, 2019
EVENT: Cooking Class
HOURS OF OPERATION: 6:30p-9:30p
PREMISES TO BE LICENSED: The Little House at Saltbox Farm
ADDRESS OF PREMISE LICENSED: 40 Westford Road, Concord MA

License is for the Sale of:

All Alcoholic Beverages	<input type="checkbox"/>
Wines & Malt Beverages Only	<input checked="" type="checkbox"/>
Wines Only	<input type="checkbox"/>
Malt Beverages Only	<input type="checkbox"/>

The Licensed Activity or Enterprise is:

For Profit	<input checked="" type="checkbox"/>
Non-Profit	<input type="checkbox"/>

Are the bartenders TIPS or equivalently trained? Yes No

Will there be people in attendance that are under the age of 21? Yes No

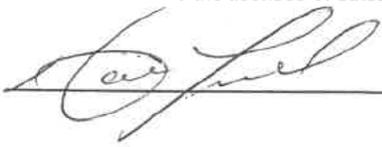
Is this the first one day special license secured by this organization? Yes No

If no, number of consecutive years licensed? _____

Will there be more than 100 people in attendance? Yes No

If yes, the applicant agrees to contact the Police Department to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Board of Selectmen, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant:  Date: 8/27/2019

Christopher Carmody

From: noreply@civicplus.com
Sent: Monday, September 09, 2019 2:11 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Center for the Arts
Applicant Name	Cathie Regan
Email Address	[REDACTED]
Applicant Address	The Umbrella Community Center for the Arts, 40 Stow St.
City	Concord
State	MA
Zip Code	01720
Phone Number	[REDACTED]
Name of Event	Lyle Lovett Benefit Concert
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	10/25/2019 6:30 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Center for the Arts
City	Concord
State	MA
Zip Code	01720
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

TOWN OF CONCORD
APPLICATION FOR ONE DAY SPECIAL LICENSE
FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES

Fee: **\$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only** Amount Paid \$ _____

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print) Aaron Furmanek
COMPANY or organization: Saltbox Farm
ADDRESS: 40 Westford Road, Concord MA
TELEPHONE: 978.610.6020
DATE(S) APPLIED FOR: Saturday, November 16, 2019
EVENT: Cooking Class
HOURS OF OPERATION: 6:30p-9:30p
PREMISES TO BE LICENSED: The Little House at Saltbox Farm
ADDRESS OF PREMISE LICENSED: 40 Westford Road, Concord MA

License is for the Sale of:

All Alcoholic Beverages	<input type="checkbox"/>
Wines & Malt Beverages Only	<input checked="" type="checkbox"/>
Wines Only	<input type="checkbox"/>
Malt Beverages Only	<input type="checkbox"/>

The Licensed Activity or Enterprise is:

For Profit	<input checked="" type="checkbox"/>
Non-Profit	<input type="checkbox"/>

Are the bartenders TIPS or equivalently trained? Yes No

Will there be people in attendance that are under the age of 21? Yes No

Is this the first one day special license secured by this organization? Yes No

If no, number of consecutive years licensed? _____

Will there be more than 100 people in attendance? Yes No

If yes, the applicant agrees to contact the Police Department to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Board of Selectmen, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant: _____

Date: _____

8/27/2019



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Stephen Crane, Town Manager

MEMORANDUM

To: Chairman Lawson and Members of the Board

From: Stephen Crane, Town Manager
Kate Hodges, Deputy Town Manager

Date: September 23, 2019

Re: Town Manager Report

Starmet Reuse Report

Attached for your information is a report from SKEO, a consultant under contract with the EPA, which was developed with the NMI/Starmet Reuse Planning Committee. Although the site will not be ready for redevelopment for a number of years, the Committee will be looking at reuse options so a plan is in place when the site is shovel-ready.

EEE Spraying Update

The Town of Concord has been in close contact with MDPH as the threat of EEE has continued to pepper eastern Massachusetts. As the Town became “low risk” at the first mosquitoes carrying EEE were found in the area, the Health Department began advising people to take necessary precautions, continuing into a more formal advisory campaign when the risk level reached “moderate.”

As nearby towns reached high and critical risk levels, the Town response escalated to closing municipal parks, playgrounds, and playing fields from dusk to dawn when the mosquitoes who carry EEE are most likely to be biting. This was done in conjunction with efforts to encourage the community to take personal protection against mosquitoes when outside. After Sudbury was raised to critical, as a result of a child being diagnosed with EEE, the MDPH recommended localized spraying in certain areas. The Concord Board of Health held an emergency meeting on Friday September 13 and voted to approve waivers for spraying of “Mavrik Perimeter” by the contracted mosquito control vendor, East Middlesex Mosquito Control Program, at designated public spaces. This spraying occurred after sunset on September 19 and 22 around the perimeters of Emerson Field, Rideout Field, and school properties.

Budget and Capital Instructions

Attached for the Board’s information are the FY 2021 Capital and Budget memos that were sent to Town departments. There are a few minor changes to the process that are the products of discussions with the SMT generally and the Finance Department specifically. As noted, the goal of the Town Manager’s budget is: “to provide resources for departments to sustain excellence and manage unforeseen circumstances while exercising fiscal discipline and committing to honor

the will of Town meeting.” The changes, which are mostly administrative, are not expected to materially change the bottom line.

Climate Action Plan Kickoff

In July, Concord received \$100,095 from the Commonwealth’s Municipal Vulnerability Preparedness (MVP) Program to develop a Climate Action and Resilience Plan. This plan is the next step in charting a course toward achieving climate goals and will build upon existing town plans and initiatives to outline key priority actions for reducing emissions and being more resilient to climate change. The Town has contracted with Kim Lundgren Associates (KLA) to help to develop the plan. The Climate Action Advisory Board will take a leadership role in advising the plan development, kicking off with KLA at their September 18th meeting, along with a staff advisory group which will meet in October. There will also be comprehensive and ongoing community engagement over the next several months in the development of the plan’s priorities and actions. The climate action and resilience plan is scheduled to be completed in June 2020.

Library Project Approval

At the September 5 meeting, the Historic Districts Commission approved the Concord Free Public Library Corporation’s application to demolish portions of the Main Library building, construct a single-story addition linking the Heywood-Benjamin House to the Library, renovate existing buildings, and make numerous site improvements. There are several conditions of approval, including the review and approval of final construction drawings, site details, architectural details, and landscaping plans by the HDC prior to the issuance of a building permit. The Commission also included a condition that the Library submit plans to be reviewed by Mass Historical Commission pursuant to 950 CMR 71.00.

At the September 10 meeting, the Planning Board recommended to the Zoning Board of Appeals that they grant the requested Special Permit with 26 conditions for the proposed Main Library project and grant relief from the Zoning Bylaw parking requirements.

At the September 12 meeting, the Zoning Board of Appeals held a public hearing on the Library Corporation’s Special Permit application. The ZBA heard a presentation from the Applicant and public testimony and took into consideration Town staff comments and the Planning Board’s recommendation. The ZBA closed the public hearing, deliberated on the proposed project and requested relief from parking and unanimously voted (3-0) to grant the Special Permit application subject to the Planning Board and HDC conditions. The ZBA has 90 days from the close of the public hearing to file its decision with the Town Clerk. However, it is expected that the Board’s decision will be filed with the Town Clerk by September 27. Once the decision is filed, there is a 20-day appeal period. If no appeal is filed, then the Applicant will begin addressing conditions of approval that need to be met prior to any site work or issuance of a building permit.

REUSE ASSESSMENT

**Suitability and Opportunities
Nuclear Metals, Inc. Superfund Site
September 2019**

Concord, Massachusetts

OVERVIEW

EPA Region 1 and EPA's Superfund Redevelopment Initiative (SRI) are co-sponsoring a reuse assessment for the Nuclear Metals, Inc. (NMI) Superfund site. This reuse support is designed to assist local stakeholders in planning for future land use, redevelopment, property ownership and long-term stewardship at the NMI site. EPA contractor Skeo has partnered with EPA's site team, the project coordinator (de maximis, inc.), town of Concord staff, and the town's NMI/Starmet Reuse Planning Committee on the project.

EPA and the NMI site's potentially responsible party (PRP) group will soon begin to work on plans for the upcoming remedial design and remedial action stages of cleanup at the site. As they work on these plans, they need input from town and local stakeholders regarding future land use goals and priorities and potential redevelopment options. This fact sheet shares site information to help inform outreach and public input coordinated by the town's NMI/Starmet Reuse Planning Committee. It includes site background information, an analysis of the NMI site's suitability for different land uses in the future, a list of preliminary reuse goals from recent town planning documents, and several short case studies highlighting redevelopment at other Superfund sites. The purpose of this fact sheet is to provide information on the NMI site that the committee can use to reach out to other potential stakeholders and committees within Concord.

BACKGROUND

Several defense contractors (Whittaker, Textron, Inc. and Starmet Corporation) operated a specialty metals research and production facility on site from 1958 to 2011. The facility made depleted uranium (DU) ordnance products for the U.S. Department of Defense. During operations, DU handling and disposal practices resulted in contamination of the facility's production building, equipment and site soil, sediment and groundwater. DU production at the facility ceased in 1997.

EPA placed the NMI site on the Superfund program's National Priorities List (NPL) in 2001. Starmet permanently abandoned the facility in 2011. Since then, EPA has overseen the efforts of the site's PRP group to investigate and clean up the site. To date, the PRP group has completed site investigations and two interim removal actions, including demolition of facility buildings and construction and operation of a groundwater treatment facility. EPA selected the NMI site's final cleanup plan in the site's 2015 Record of Decision (ROD).



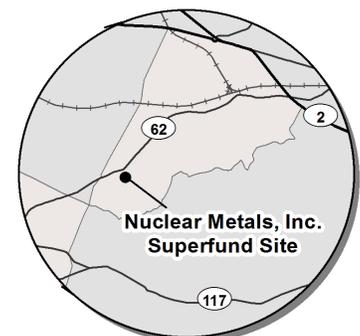
Cooling water recharge pond at the NMI site.



Concord's NMI/Starmet Reuse Planning Committee tours a wooded area of the NMI site.



Concord's NMI/Starmet Reuse Planning Committee orients themselves to the NMI site.



REUSE SUITABILITY

STATUS AND FUTURE SITE ACTIVITIES

EPA has worked with the PRP group and federal agencies to reach a Consent Decree and Administrative Settlement to guide the site's upcoming remedial design and remedial action work. Final approval and sign-off on the Consent Decree from the Department of Justice is anticipated in the near future. Work at the site will consist of:

- Remediation of sitewide soils and sediments to allow for future residential, commercial, and other uses.
- Remediation of the Holding Basin Area resulting in a capped containment area.
- Remediation of DU in on-site groundwater to contain and treat the DU in place.
- Continued off-site groundwater remediation.

Once the Consent Decree is in place, EPA and the PRP group estimate a 5-7 year time line to complete the site work outlined above, which includes approximately 2-4 years for remedial design activities and 2-3 years for construction activities.

REUSE ZONES

Zone A: Potential Development Areas	Four potential development zones provide about 23 acres suitable for a wide range of uses (residential, commercial, light industrial, mixed-use), with flexibility for different building configurations and few use limitations. Reuse plans may inform on-site road locations and surface cover in soil remediation areas. Town water lines are available on Main Street; new on-site water connections are needed. Municipal sewer service is not available at the Site; on-site wastewater management options will likely need to be considered in development plans.
Zone B: Holding Basin Consolidation	Development limitations likely will prevent cap disturbance and new structures. Potentially suitable for paved parking or open space.
Zone C: Open Space - Habitat/Buffer	Suitable for open space, trails and wildlife viewing. Certain areas may have potential for development compatible with adjacent trails and uses. Slopes currently limit access in some areas. Reuse may inform final surface cover in soil remediation areas (cleared area versus revegetation).
Zone D: Open Space - Drainage/ Infrastructure	Remedial design coordination needed to evaluate access options between Zone A and Zone C. Suitable for stormwater and surface water drainage features.

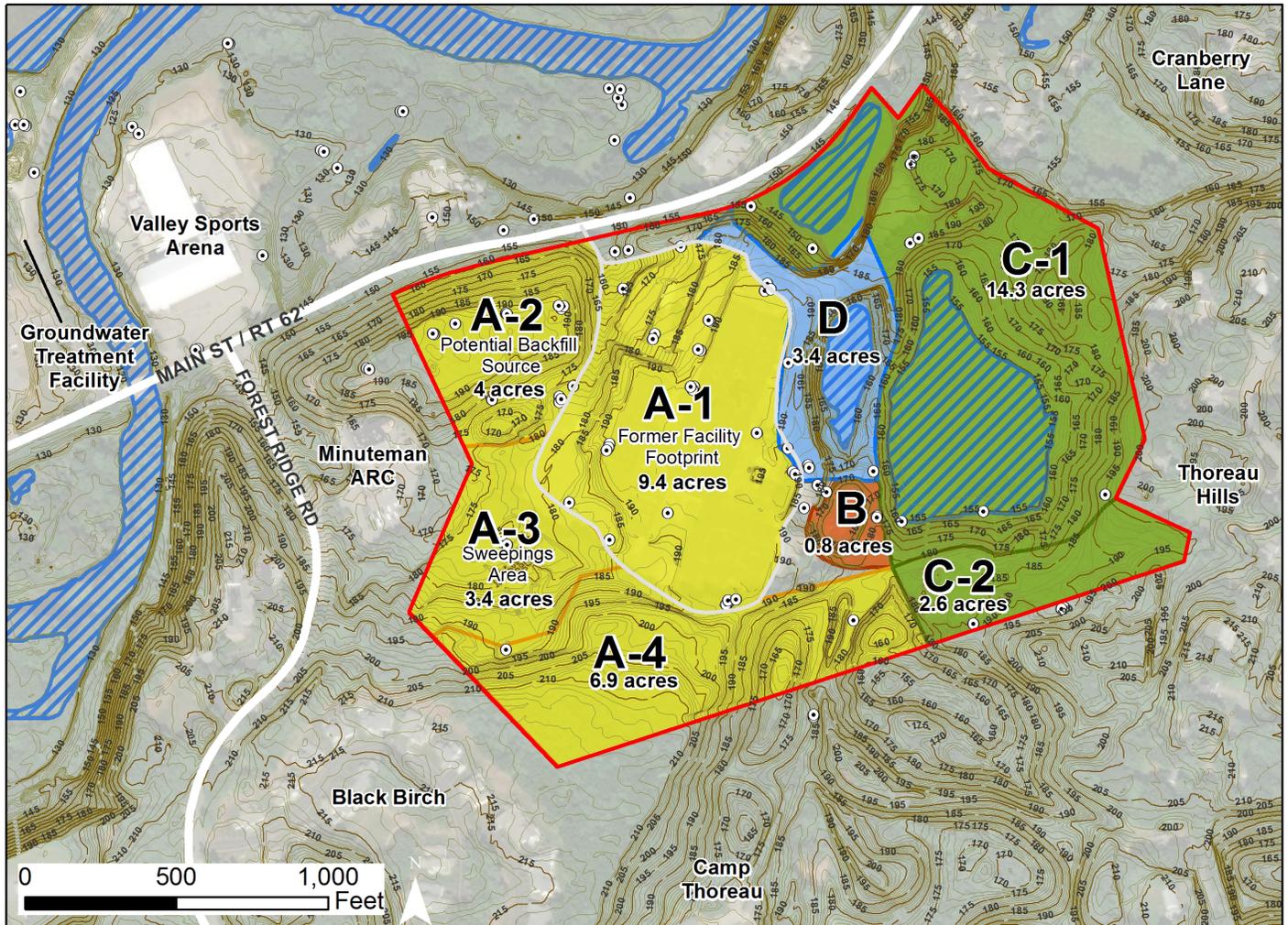
POTENTIAL USES AND LIMITATIONS

The NMI site could offer up 16 to 23 acres of developable land across three different areas. As the site will be cleaned up to residential standards, these development areas could host residential, commercial, light-industrial and mixed-use projects. Certain limitations, established as part of the site's remedy, prohibit excavation or development activities within the Holding Basin Containment Area (Zone B) and restrict on-site groundwater use. An additional 16+ acres of open space could support trails, site access, forest, wetlands and wildlife habitat. These areas could also support stormwater drainage features and help meet open space and wetland buffer requirements. Because of the variety of uses that are possible at this site, stakeholder input may inform remedial design considerations, including site backfill, regrading and surface cover for future development areas, drainage features and open space access.

The site property, owned by Starmet, is tax delinquent. Because of previous response actions, outstanding mortgage debts and unpaid taxes, significant financial encumbrances need to be addressed prior to the property's ownership transfer and redevelopment. Federal enforcement liens will also need to be considered in a future settlement agreement. In addition, title encumbrances will need to be resolved as part of any future ownership transfer. These efforts will likely require the involvement of the PRP group, government agencies and town of Concord as well as the site's future owners. The town's role in site property transfer and future ownership may vary depending on the property's anticipated future use and municipal priorities. Additionally, groundwater use at the site will be prohibited for the foreseeable future. This will likely have little bearing on the site's reuse, as it is

REUSE CONSIDERATIONS

already connected to Concord's water utilities.



Potential Reuse Zones Map



OUTREACH PLAN

The NMI/Starmet Reuse Planning Committee and EPA are coordinating to gather stakeholder input regarding the future use of the site. The activities below are intended to help refine the site reuse goals on the following page.

- NMI/Starmet Reuse Planning Committee will reach out to community stakeholders about reuse at the NMI site. Committee representatives plan to attend the meetings of other community groups, boards, committees and commissions, share site and project information, and report back to the Reuse Planning Committee.
- EPA will coordinate with the Committee to convene a community reuse workshop and ask for public input. This workshop, which will take place in the hearing room of the Town House (22 Monument Square, Concord, MA) on Thursday, October 17th from 5-8:30 pm, will identify additional reuse ideas in the community and provide information to further refine potential reuse scenarios for the NMI site.
- EPA will then summarize the reuse planning process to date and develop reuse planning recommendations to inform the upcoming remedial design and remedial action stages of cleanup at the site.

Skeo Solutions developed this map using base map information provided by CDM Smith. Shapefile source: HDR Engineering, Inc. - OU5 Remedial Investigation. Aerial: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community.

POTENTIAL GOALS FOR SITE REUSE



Nature viewing area/
outdoor classroom



Revenue generating
retail/office/industrial



Seasonal workforce
housing



Senior center



Emergency shelter



Combined solar & grid
storage



Indoor track & field
house/rec center



Cluster or co-housing



Co-work/start-up office
space



Open space/landscape
resilience



Group home

PRINCIPLES

- **Multiple Integrated Uses:** Redevelopment should address multiple needs identified by the community.
- **Environmental Stewardship:** Redevelopment should be sustainable and preserve environmental assets, be carbon neutral, and improve landscape resilience.
- **Fiscal Sustainability:** Find creative ways to fund reuse.
- **Community Synergy:** Strengthen community and our relationship with neighboring towns. Provide opportunities for people from diverse social groups to interact as they access services at the site, and support accessibility to local neighborhoods and surrounding communities.



Artisan incubator space



Regional/community
transit hub

 Transit, mobility, infrastructure
  Enhance housing choice
  Enhance economic vitality
  Enhance educational/recreational opportunities

CONTACT INFORMATION

For questions or input on Concord's reuse goals

Town of Concord - Marcia Rasmussen, Director of Planning & Land Management | NMIStarmetReuse@concordma.gov | 978-318-3290

For questions about EPA Superfund

U.S. EPA - Sarah White, Community Involvement Coordinator
white.sarah@epa.gov | 617-918-1026

U.S. EPA - Christopher Smith, Remedial Project Manager
smith.christopher@epa.gov | 617-918-1339

ADDITIONAL INFORMATION

Town of Concord NMI/Starmet Reuse Planning Committee web page: <https://concordma.gov/2446/NMI-Starmet-Re-use-Planning-Committee>

EPA Nuclear Metals, Inc. Superfund Site Profile: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0100550>

EPA Superfund Redevelopment Initiative Program: <https://www.epa.gov/superfund-redevelopment-initiative>



Town of Concord EEE FAQ's

The threat of Eastern Equine Encephalitis (EEE) is in the news and its presence is increasing throughout Massachusetts. In order to ensure the safety of our community members, the Town of Concord is taking precautionary measures to help citizens avoid unnecessary contact with mosquitoes in public outdoor facilities by canceling recreational activities between dusk to dawn, the time when mosquitoes that carry the EEE virus are biting.

Eastern Equine Encephalitis (EEE) is a rare but serious disease caused by a virus, which is spread by infected mosquitoes. The EEE virus can cause inflammation or swelling of the brain (encephalitis). There have been seven human and nine veterinary reported cases in Massachusetts, one of which is in the neighboring community of Sudbury.

1. Why isn't Concord being aerially sprayed?

The threat or risk of EEE in Concord is currently at "moderate" according to the Massachusetts Department of Public Health (MDPH), which does not warrant aerial spraying. The risk level is determined by results of mosquito surveillance conducted by East Middlesex Mosquito Control Project (EMMCP), who traps and tests for EEE-positive mosquitos. Concord has a contract with EMMCP that conducts surveillance of mosquito populations carrying EEE (and West Nile Virus) as part of its services. Past Board of Health (BOH) and Town Meeting decisions have noted that aerial spraying is not the most effective response to mosquito-borne illness; that implementing personal protection and limiting exposure to mosquitoes from dawn to dusk is more efficient and effective.

The response plan is determined based on the public health Risk Level that MDPH assigns to each town based on current information. Please find below the Town of Concord's responses based on recommendations from these agencies.

- On September 9, MDPH advised the Town that it should cancel evening activities after 6:00 pm. The Town announced all public outdoor facilities would be closed from dusk to dawn until further notice.
- On September 12, EMMCP recommended that Concord conduct localized spraying at public schools and Town playgrounds. The Town, on behalf of the School Department and BOH, will be contracting with EMMCP to perform localized spraying at outdoor public facilities including parks and schools as soon as possible.

The pesticide that EMMCP plans to use is: trade name - Mavrik Perimeter; active ingredient - tau-fluvalinate; EPA# 2724-478.

Can I spray my own property?

Yes, you can ground spray your own property. Residents can hire private contractors to spray their own properties. All pesticide applications should be done by a licensed pesticide applicator in accordance with label directions for that pesticide.

2. **How is the risk level determined?**

The Massachusetts Department of Public Health uses data from arbovirus surveillance to assess human risk levels.

Risk levels are defined for "focal areas". Focal areas frequently, but not always, incorporate multiple communities, towns, or cities. Factors considered in the assessment of human risk and the outlining of a particular focal area include: mosquito habitat, virus isolations in surveillance specimens from previous years, human population densities, type and timing of recent isolations of virus in mosquitoes, occurrence of human case(s) in the current or previous years, current and predicted weather patterns, and seasonality of conditions needed to present risk of human disease.

MDPH has a detailed Arbovirus Surveillance and Response plan for EEE and West Nile Virus (WNV). This plan outlines a tiered public health response based on the results of mosquito surveillance and veterinary and human cases of EEE or WNV. The response plan is available at <https://www.mass.gov/lists/arbovirus-surveillance-plan-and-historical-data>.

There is a science and methodology in the control of mosquitos that begins with trapping and identifying species, evaluating quantities, and testing for diseases, most commonly EEE and West Nile Virus. There are multiple traps set in locations that are determined by an entomologist based on prime mosquito breeding habitats (in this case, mosquitoes that breed in red maple and white cedar swamps). Testing is conducted weekly and continues until the first deep hard frost.

For more in depth information on how EEE spreads to humans, please see [the additional information below](#).

3. **How will the decision to aerial spray or not aerial spray be made?**

If the threat level in Concord reaches high or critical, the Massachusetts Department of Public Health (MDPH) may mandate aerial spraying. As noted above, localized ground spraying will be implemented by the Town in consultation with the MDPH and EMMCP.

4. **I have mosquitos in my yard all day. Why only limit activity from dusk until dawn?**

Several mosquito species that are known to transmit EEE to humans are most actively biting during early evening hours. Other mosquito species that can transmit EEE are active daytime biters, especially in shady areas out of bright sunlight.

At times of high EEE risk, residents are reminded to avoid activity from dusk to dawn, and to wear insect repellants during outside activities, especially when in shady, wooded areas.

5. **How can I protect myself and loved ones?**

The localized ground spraying does not provide total protection and is not a substitute for the best practices everyone should be observing. Personal protection to prevent mosquito bites is critical. There is no vaccine or preventive drug. We encourage the community to take the following precautions:

- a. Use insect repellent containing DEET, picaridin, IR3535 or oil of lemon eucalyptus on exposed skin and/or clothing. The repellent/insecticide permethrin can be used on clothing to protect through several washes. Always follow the directions on the package.
- b. Avoid areas with mosquito activity.
- c. Avoid spending time outdoors between dusk and dawn when mosquitoes are most active.
- d. Wear long sleeves and pants when weather permits.
- e. Have secure, intact screens on windows and doors to keep mosquitoes out.
- f. Eliminate mosquito breeding sites by emptying standing water from flower pots, buckets, barrels and other containers. Drill holes in tire swings so water drains out. Keep children's wading pools empty and on their sides when they are being used.

Please understand that this is a developing situation which will continue to change as risk levels in both Concord and our neighboring communities continue to evolve over time. The Town is in close communications with the Massachusetts Department of Public Health and is monitoring the situation very closely. If you continue to have questions, please send them to srask@concordma.gov or call (978) 318-3275.

Additional information about EEE:

Eastern equine encephalitis virus is native to the Massachusetts environment and is naturally found in some bird species living in and around fresh-water swamp habitats. These habitats also support populations of the primary mosquito vector, *Culiseta melanura*, which feeds predominantly on birds. The swamp habitats, which support large populations of *Cs. melanura* and are the initial source of EEE, are known as enzootic foci. The virus has a cycle of natural infection among bird populations with occasional "incidental" symptomatic infections in susceptible species, including humans.

The appearance of EEE in late June or early July coincides with the hatching of highly susceptible bird populations. The virus is circulated among the bird populations by *Cs. Melanura*. Initially, a relatively smaller proportion of birds and mosquitoes carry the virus; throughout the mosquito season, continuous transmission between mosquito vectors and bird reservoir hosts increases the proportion of infected birds and mosquitoes leading to an overall greater amount of virus present in the environment. This is called the virus amplification cycle. Depending on when virus circulation begins, the size of the *Culiseta* populations, weather conditions, and other factors, this virus amplification cycle may eventually spill over and involve secondary, or "bridge", mosquito vectors that feed on both birds and mammals. In the Northeast, these bridge vectors are mosquito species, such as *Coquillettidia perturbans*, *Ochlerotatus* (formerly *Aedes*) *canadensis*, and *Aedes vexans*. These bridge vectors are presumed to be responsible for the transfer of EEE to incidental hosts, including mammals such as humans, and horses.

Human cases are more likely when multiple factors indicate that risk is increasing in a given place at a given time. Identification of EEE in the enzootic mosquito vector, *Cs melanura*, is useful for determining areas of virus amplification and as a proxy measure of the amount of EEE virus in the environment.

MEMORANDUM

To: All Town Department Managers
Jared Stanton, Director of Finance & Operations, CPS, CCRSD

From: Stephen Crane, Town Manager

Date: September 17, 2019

Subject: FY21 – 25 Capital Improvement Plan

Each year, the Town Manager is responsible for presenting a Five Year Capital Improvement Plan (CIP). This plan is separate and distinct from the Operating Budget and must meet the Town's Capital Spending Policy Target which seeks to allocate 7 – 8% of the Town's budget to capital replacement and acquisition. Of this amount, no more than 5% shall be allocated to debt service. The remaining 2 – 3% of capital expense is paid from cash. The restriction on the total debt service allocation from the budget establishes the "within levy limit" amount of new debt that can be issued during the program years.

The **debt portion** of the CIP is intended for the replacement and acquisition of items costing \$100,000 or more and having a useful life of five (5) or more years, while the **cash portion** is intended for items costing less than \$100,000 and having a useful life of one (1) or more years. The plan is prepared after careful review of all requests submitted, and keeping within the spending targets.

Major projects, i.e. those in excess of \$2,000,000, are not likely to fit within this framework. Requests for items such as new buildings, major renovations or remodels, or significant land purchases likely need to be presented as a project requiring a **debt exclusion** and should be discussed with the Finance Director and Town Manager as soon as possible. Approval of a debt exclusion requires affirmative votes both at Town Meeting (by a 2/3rd majority) and as a ballot question at a Town election, and therefore requires an additional planning process.

At this time, we are accepting requests for items to be included in the FY21 – 25 CIP. If you intend to submit items for consideration, please follow the process set forth in the FY21 – 25 CIP Instructions. Please note that all requests must be submitted electronically to Brandon Roberts, broberts@concordma.gov on by **5:00PM on Tuesday, October 8, 2019**.

If you have any questions regarding the FY21 – 25 Capital Improvement Plan process, please contact Jon Harris, jharris@concordma.gov (x 3039), Brandon Roberts, broberts@concordma.gov (x 3094) or Kerry Lafleur, klafleur@concordma.gov (x 3095).

FY21 – 25 CIP Instructions

New for FY21: Please note that the goal is to present the full Capital Improvement Plan to Town Meeting in one warrant article. The vote will seek two authorization, one for a cash appropriation to fund the “cash capital” or “pay-go” and the other for a borrowing authorization to fund the “debt plan.” By approving the capital plan in this manner, appropriations will not be tied to a specific fiscal year, eliminating the need to encumber unused funds at the end of the fiscal year to prevent them from closing to Fund Balance. This change in appropriation will ensure that our capital expenditure targets are consistently met.

The FY21 – 25 CIP package contains the following documents:

- Approved FY20 – 24 Capital Outlay Plan
- Approved FY20 – 24 Debt Plan
- Form 1: Land Acquisition Request
- Form 2: Capital Equipment Request
- Form 3: Capital Equipment Request Inventory
- Form 4: Capital Project Request
- Form 5: Capital Item Withdrawal Request

Step 1- Review Approved FY20 – 24 Capital Outlay Plan: This is the summary of all items included in the portion of the CIP funded through cash. While a 5-year plan is prepared and presented, only the first year of the plan is appropriated and funded by Town Meeting; years 2 – 5 serve as a guide for future capital spending. Please review the items included for your department in years 2 (FY21) through 5 (FY24). Your review should focus on explaining any changes in the timing, scope or cost of items included. Please make any notations necessary to convey any changes on this form. Please submit any supplementary information that would be helpful in understanding your existing Capital Plan items.

Step 2- Review Approved FY20 – 24 Debt Plan: This is the summary of all items included in the portion of the CIP funded through the issuance of debt. While a 5-year plan is prepared and presented, only the first year of the plan is appropriated and funded by Town meeting; years 2 – 5 serve as a guide for future capital spending. Please review the items included for your department in years 2 (FY21) through 5 (FY24). Your review should focus on explaining any changes in the timing, scope or cost of items included. Please make any notations necessary to convey any changes on this form. Please submit any supplementary information that would be helpful in understanding your existing Debt Plan items.

Forms 1, 2 and 4 are required for all additions to the Capital Improvement Plan, regardless of the year in which funding is requested. Please provide as much detail as is possible at this time. When assigning a Purchase Priority Value, please keep the following standard in mind. A capital item is considered “urgent” if it is required within the next fiscal year. A purchase is deemed “necessary” if the item is an integral part of the department’s long-term plan. All other capital items that a department considers important for its success are considered “desirable.”

Step 3- Form 1, Land Acquisition Request: If you intend to request consideration of a land acquisition, you should complete Form 1. Special attention should be paid to the funding source section, particularly if you believe other matching sources of revenue are available.

Step 4 – Form 2, Capital Equipment Request: Complete Form 2 for all capital equipment requests, providing as much detail as possible. The cost identified in Section 3 should be the current year cost. A uniform methodology will be used to quantify future costs. If you have a specific formula you believe should be used, please document that in your request.

Step 5- Form 3, Capital Equipment Request Inventory: Provide a full inventory of your capital equipment requests, specifically noting estimated trade-in value where appropriate.

Step 6 – Form 4, Capital Project Request: Complete this form for any non-equipment capital requests, including any special projects or studies costing \$10,000 or more and not to be included in your Operating Budget request.

Step 6- Form 5, Capital Item Withdrawal Request: Complete this form for any item currently showing in the CIP which you wish to withdraw. Note your reason for withdrawal and whether you expect to resubmit the same or similar item at a future time.

Step 7 – Submit all forms: electronically to Brandon Roberts, broberts@concordma.gov , on or before the deadline of **5:00PM on Tuesday, October 8, 2019.**



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Stephen Crane, Town Manager

MEMORANDUM

To: Committee and Board Chairs
Department Heads

From: Stephen Crane, Town Manager
Kate Hodges, Deputy Town Manager

Date: September 17, 2019

Re: FY 2021 Budget Instructions

All town boards, committees and departments are requested to prepare and submit proposed budgets to the Town Manager for the fiscal year which will begin July 1, 2020, in accordance with the accompanying instructions.

There are a few changes to the process that readers should be aware of:

- The goal for the Town Manager's FY21 Town Budget is to provide resources for departments to sustain excellence and manage unforeseen circumstances while exercising fiscal discipline and committing to honor the will of Town meeting.
- Cash capital will be carried and appropriated in the (capital) debt plan warrant article, rather than the FY Budget article, to ensure that the expenditures are obligated for the purposes approved by Town Meeting.
- At the close of FY20, funds for positions that have been unfilled for at least one fiscal year will be closed to Fund Balance and budgeted in the FY21 Salary Reserve Account.
- No funds approved as part of the FY21 Town Budget will be allowed to be encumbered unless permitted by MGL ch. 44 §56 and/ or other Department of Revenue regulation. Pursuant to the budget directive issued for FY20, existing encumbrances must be used or returned to the treasury within three years of the date of approval.

In addition to the provisions above, the FY21 Town Manager's budget will be drafted with a target increase of no more than 2.5% in accordance with Proposition 2 ½, and keeping in mind the Finance Committee's Sustainable Growth Rate target increase of 2.16%, which will help slow the trend in diminishing unused levy capacity.

FY2021 General Fund budget proposals are due in the Finance Director's office by **Tuesday, October 15, 2019**. Budgets for the FY2021 operation of Town Enterprises are to be submitted by **Monday, February 17, 2020**.

Please complete the attached detail sheets for the General Fund Budget Book and email them back to Brandon Roberts at broberts@concordma.gov by the above date.

The Town Charter requires that the Town Manager's detailed budget recommendations for the accounts subject to Town Meeting appropriation be established at least 90 days prior to Town Meeting. This year, the publication deadline will be **February 28, 2020** with a public hearing scheduled for **March 9, 2020**. The Budget Calendar provides, however, for a preliminary draft of the Town Manager's expenditure/appropriation recommendations to be submitted to the Select Board on **November 4, 2019**. The budgets for Enterprise operations will be published on **March 16, 2020**, with a public hearing scheduled for **March 23, 2020**.

Attached with this email is a detailed calendar leading to the Annual Town Meeting which will begin on **April 27, 2020**.

This document sets forth detailed instructions for completing the various budget forms. Your attention is directed particularly to the General Submittal Requirements. Careful and thorough compliance with these requirements will be of great assistance.

We will be requesting budget narratives later on in this process. To avoid repeated rewrites, these will be developed as it becomes clearer what the final recommendations will be. Departments should, however, begin to plan for the content of the budget book pages, with special attention paid to performance data. Supplemental data, particularly presentations with graphs and charts, should also be developed and submitted for inclusion in the budget book as appropriate.

Over the past several years, the efforts of all Departments, Boards and Committees have been successful in maintaining standards of service despite limited resources and an ever-increasing workload. While the Town's fiscal and operational performance has continued to be strong, the tight fiscal situation remains unchanged. Property taxes represent about 85% of the Town's projected FY2021 General Fund revenue. Further growth from this revenue source is limited by the constraints of Proposition 2 ½.

The Finance Committee will vote its Final FY21 Budget Guideline on December 5, 2019. Our initial projection of resources requires, however, that I set a target for all budget requests to be submitted with **non-personnel expenditures no higher than the FY2020 expenditure amount** shown on your budget worksheets (**exclusive of capital outlay**). Nevertheless, the budget request should reflect actual needs. If these needs exceed the amount budgeted for FY2020 non-personnel expenditures, Department Heads should request the amounts that properly fund the Department's programs and services.

Budget submittals will not include the cost of any general salary structure movement, step / merit adjustment, or negotiated salary increment that may take effect on or after July 1, 2020; these increases will be funded by the Salary Reserve Account.

Department Heads are encouraged to review their budgets and identify those programs or services that could be scaled back or eliminated. If there is a need to reduce the budget from the

amount suggested above, a careful review of these programs and services will be undertaken to determine if appropriate savings can be found to arrive at the necessary budgetary level.

In addition, you are requested to identify and present any revenue-generating initiatives proposed for your department.

Please review the instructions carefully. Committees and boards will be assisted in the preparation of budget proposals by department heads or assigned staff members. Questions about the instructions or other aspects of the budget preparation process may be directed to Jon Harris at x3039 or jharris@concordma.gov or Brandon Roberts at x3094 or broberts@concordma.gov

I look forward to working with each of you in this process of developing a sound and affordable financial and service plan for FY2021.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

Print Form

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) \$15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
 P. O. BOX 3396
 BOSTON, MA 02241-3396



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

AMENDMENT APPLICATION FOR A CHANGE OF MANAGER

The following documentation is required as a part of your retail license application.

ABCC investigators reserve the right to request additional documents as a part of their investigation.

- Monetary Transmittal Form with \$200 fee
You can **PAY ONLINE** or include a \$200 check made out to the ABCC
- Change of Manager Amendment Application (this packet)
- CORI Authorization Form
For the manager of record AND any individual with direct or indirect interest in the proposed licensee. **This form must be notarized with a stamp***
- Proof of Citizenship for proposed manager of record
Passport, US Birth Certificate, Naturalization Papers, Voter Registration
- Vote of the Corporate Board
A corporate vote appointing the manager of record, signed by an authorized signatory for the proposed licensed entity
- Additional Documents Required by the Local Licensing Authority



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 www.mass.gov/abcc

AMENDEMENT APPLICATION FOR A CHANGE OF MANAGER

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

1. NAME OF LICENSEE (Business Contact)

ABCC License Number **City/Town of Licensee**

2. APPLICATION CONTACT

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: Middle: Last Name:

Title: Primary Phone:

Email:

3. BUSINESS CONTACT

Please complete this section **ONLY** if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.

Entity Name:

Primary Phone: Fax Number:

Alternative Phone: Email:

Business Address (Corporate Headquarters)

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

Mailing Address Check here if your Mailing Address is the same as your Business Address

Street Number: Street Name:

City/Town: State:

Zip Code: Country:

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

4. MANAGER CONTACT

The Manager Contact is required and is the individual who will have day-to-day, operational control over the liquor license.

Salutation First Name Middle Name Last Name Suffix

Social Security Number Date of Birth

Primary Phone: Email:

Mobile Phone: Place of Employment

Alternative Phone: Fax Number

Citizenship / Residency / Background Information of Proposed Manager

Are you a U.S. Citizen? Yes No

Do you have direct, indirect, or financial interest in this license? Yes No

Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, attach an affidavit that lists your convictions with an explanation for each

If yes, percentage of interest

Have you ever been Manager of Record of a license to sell alcoholic beverages? Yes No

If yes, please indicate type of Interest (check all that apply):

Officer Sole Proprietor
 Stockholder LLC Manager
 LLC Member Director
 Partner Landlord
 Contractual Revenue Sharing
 Management Agreement Other

If yes, please list the licenses for which you are the current or proposed manager:

Please indicate how many hours per week you intend to be on the licensed premises

Employment Information of Proposed Manager

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
4/2013-Present	General Manager	NHC d/b/a Papa Razzi	300 Metro Center Blvd. Warwick, RI	401-889-5100
4/2011-3/2013	Manager	Pasta Beach	30 Rowes Wharf, Boston, MA	401-439-6900
9/2008-1/2011	General Manager	Resto Concepts dba Rudi's	811 Mass Ave, Boston, MA	617-345-5432

Prior Disciplinary Action of Proposed Manager

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
2010	Rudi's	MA	Boston	Patron discharged a firearm in parking garage-license reinstated

ADDITIONAL SPACE

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

APPLICANT'S STATEMENT

I, Michael J. Lamond the: sole proprietor; partner; corporate principal; LLC/LLP member
Authorized Signatory

of Papa Razzi Trattoria of Concord, INC., hereby submit this application for change of manager
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

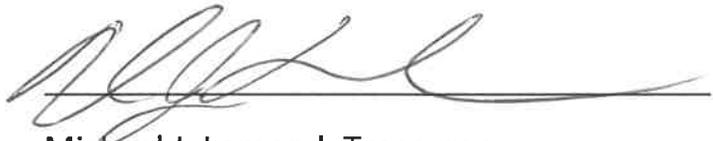
- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: 
MICHAEL J. LAMOND
Title: Treasurer

Date: 8/7/19

CERTIFICATION

I, Michael J. Lamond, Treasurer of Papa Razzi Trattoria of Concord, Inc. hereby certify that on the 30th day of July, 2019 at a meeting of the Board of Directors of Papa Razzi Trattoria of Concord, Inc., it was resolved to appoint Julian G. Maria as manager.

A handwritten signature in black ink, appearing to read "Michael J. Lamond", written over a horizontal line.

Michael J. Lamond, Treasurer
Papa Razzi Trattoria of Concord, Inc.

Town of Concord
Finance Department
Memorandum

TO: Stephen J. Crane Town Manager

FROM: Kerry A. Lafleur, Finance Director
Mary Barrett, Town Accountant

SUBJ: Seeking Approval of Federal Grant Policies & Procedures

DATE: September 20, 2019

The Office of Management and Budget- the federal agency responsible for the oversight and performance, issued new guidelines a few years ago with respect to the management and audit of federal grants. These guidelines, known as "Uniform Guidance" (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,) were aimed to reduce the administrative burden on award recipients and guard against the risk of waste and misuse of federal monies.

In order to be in compliance, municipalities receiving federal monies in excess of \$750,000 are required to maintain a separate federal grant audit and must have written policies that meet the Uniform Guidance criteria. Concord meets this threshold primarily due to funds received from the federal government by the Concord Public Schools.

Attached for your review and eventual adoption by the Select Board is the Town's Federal Grant policy.

CPS has also put together a separate Federal Grant policy which will be reviewed and adopted by the School Committee.

At this time, I am requesting that you add this item to a future Select Board agenda so that we may seek approval of the policy to be in compliance with auditing requirements. Please let me know if you have any questions.

/kal



TOWN OF CONCORD
FEDERAL GRANT
POLICIES & PROCEDURES

Draft

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Federal Cash Management

The Town of Concord maintains the following procedures for cash management:

All federal contracts the Town of Concord enters into (directly or indirectly) must include the following:

1. Requirements for sub-awards if allowed;
2. Requirements for cost analysis, match requirements, record keeping and billing procedures;
3. Specifics for suspension or extension options of contract; and
4. Any and all appropriate federal requirements and regulations that pertain to the award.
5. CFDA title and number
6. Federal award identification number and year
7. Name of Federal Agency
8. Name of pass-through entity and identification number, if any
9. Federal Award Date
10. Total amount of Federal Award
11. Period of Performance – start and end date

Each department applying for a federal grant shall designate a staff member as the grant administrator responsible for managing the grant process under the supervision of the Department Head and Town Manager.

The grant administrator shall submit copies of the grant award letters, signed grant contracts, grant applications, and any additional documentation containing the above information to the Town Accountant. Once paperwork is received by Accounting, GL account numbers will be assigned.

All grant transactions (receipts and expenditures) will be tracked within the Town's financial software system.

All federal requirements pertaining to the specific contract and award shall be followed. Reimbursement request for costs previously incurred shall follow stated guidelines and rules within the contract or award. The Town Accountant shall be notified of all reimbursement requests submitted. The grant administrator shall monitor each contract's costs and expenditures closely to ensure that they do not go over budget and that the cash is available for spending. All efforts shall be taken to avoid spending monies that are unavailable or incurring costs not expected to be reimbursed.

Responsibility for determining how required match amounts or limits for matching, levels of effort, or earmarking will be secured, are those of the grant administrator and accomplished in the preparation and collaboration of contract proposal and preparation with said federal agency or agencies.

Methods of valuing matching requirements and in-kind contributions of property and/or services, calculations of effort, etc. are maintained by the grant administrator and overseen by the Department Head in the management of the contract over the duration of the contract. These methods are to be

based on federal requirements specific to that award as stated in the award contract, or based on accepted federal policies for that program. Day to day accounting of match, level of effort, or earmarking are monitored and documented by the grant administrator during the course of the awarded contract.

Subcontracts between Town of Concord and another entity will be established consistent with federal requirements governing the award. Payments will be on a monthly basis and invoices must be received by Town of Concord in a timely manner, unless otherwise specified in the contract with the sub-grantee. Unless explicitly forbidden by the granting agency, the Town of Concord is not obliged to make a payment disbursement under a sub-agreement for grant funds which are not first made available by the federal granting agency.

The Town of Concord uses the following federal requirements in establishing its procedures for administering all awards for federally funded program agreements:

- OMB Uniform Guidance, Subpart E (Cost Principles)

Additionally, the allow-ability of costs is further determined by any additional federal requirements pertaining to the specific contract and award.

Subsequent to the identification of any instances of non-compliance, the Town of Concord shall take prompt action to remedy the situation. All such action shall be documented in writing and brought to the attention of the Department Head, Town Manager, and Town Accountant.

Equipment Purchase and Disposition

The grant administrator shall maintain all records for acquisitions and disposition of property acquired with federal awards by retaining purchase receipts and confirmation of purchase and attaching them to expense vouchers for review and approval. Such documentation is to be maintained for equipment with a useful life greater than one-year and acquisition cost equal to or greater than \$5,000. This information as well as any updates should also be given to the Town Accountant.

The grant administrator shall maintain and record equipment purchases on a spreadsheet showing date of purchase, model, status and location of equipment, and price and contract award information.

Property tags are placed on each item that corresponds with the spreadsheet.

Upon receipt, all inadequate or broken equipment received shall be returned to the vendor with a request for full refund or replacement. If refund is given, the federal award shall be credited for the refund amount that was originally requested of the contract.

Support contracts and warranty paperwork items will be kept by the Grant administrator.

There are risks from vendor inadequacy, quality of goods, or services and delivery, warranty assurances, user support, etc. The Town of Concord shall scrutinize each situation and purchase choice and attempt to make intelligent and responsible choices. Some monetary risks may be avoided by using known previously reliable vendors.

Disposition instructions from the federal awarding agency will be requested if required by the terms and condition of the award.

Equipment items with a FMV of \$5,000 or less will be retained or disposed of pursuant to MGL Chapter 30 Section 15 and the Town's Disposal of Surplus Property By-Law with no further obligation of the Federal awarding agency.

Reference Quick Links for More Information:

- [2 CFR §200.303 Internal Controls](#)
- [2 CFR §200.327 Financial reporting](#)
- [2 CFR §200.328 Monitoring and reporting program performance](#)
- [2 CFR §200.305 Payment](#)
- [Subpart E—Cost Principles of 2 CFR §200](#)

Procedures for Determining Allowable Costs

All costs incurred are reviewed monthly to determine that the cost is an allowable cost under the federal award. (200.403)

All costs must:

- Be necessary and reasonable
- Be consistent with policies and procedures that apply to both federal and nonfederal funding
- Be consistent
- Be adequately documented
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period

<i>Selected Cost Item</i>	<i>Uniform Guidance General Reference</i>	<i>Allowable/Unallowable</i>
Advertising and public relations costs	§200.421	Allowable with restrictions
Advisory councils	§200.422	Allowable with restrictions
Alcoholic beverages	§200.423	Unallowable
Audit services	§200.425	Allowable with restrictions
Compensation – fringe benefits	§200.431	Allowable with restrictions
Conferences	§200.432	Allowable with restrictions
Depreciation	§200.436	Allowable with qualifications
Employee health and welfare costs	§200.437	Allowable with restrictions
Entertainment costs	§200.438	Unallowable with exceptions
Equipment and other capital expenditures	§200.439	based on specific requirements
Fines, penalties, damages and other settlements	§200.441	Unallowable with exception
Gains and losses on disposition of depreciable assets	§200.443	Allowable with restrictions
Goods or services for personal use	§200.445	Unallowable (goods/services); allowable (housing) with restrictions
Insurance and indemnification	§200.447	Allowable with restrictions
Interest	§200.449	Allowable with restrictions

<i>Selected Cost Item</i>	<i>Uniform Guidance General Reference</i>	<i>Allowable/Unallowable</i>
Lobbying	§200.450	Unallowable
Losses on other awards or contracts	§200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	§200.452	Allowable with restrictions
Materials and supplies costs, including computing devices	§200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	§200.454	Allowable with restrictions; unallowable for lobbying organizations.
Organization costs	§200.455	Unallowable except Federal prior approval
Plant and security costs	§200.457	Allowable ; capital expenditures are subject to §200.439
Professional service costs	§200.459	Allowable with restrictions
Proposal costs	§200.460	Allowable with restrictions
Publication and printing costs	§200.461	Allowable with restrictions
Recruiting costs	§200.463	Allowable with restrictions
Rental costs of real property and equipment	§200.465	Allowable with restrictions
Selling and marketing costs	§200.467	Unallowable with exceptions
Training and education costs	§200.472	Allowable for employee development
Transportation costs	§200.473	Allowable with restrictions
Travel costs	§200.474	Allowable with restrictions

Travel

Employees will be reimbursed for expenses incurred on behalf of the Town of Concord or in fulfilling the requirements of their positions. Employees who must use their personal automobiles in the conduct of their duties will be reimbursed for such costs as tolls and parking fees; and a mileage allowance will be granted in an amount to be determined by the Town Manager which is currently 50.5 cents per mile. Mileage is computed between the destination and Town of Concord office or employee residence if leaving from the residence, whichever is less. Out-of-State travel, meals and/or lodging expenses incurred by an employee on Town of Concord business must have prior approval of the Town Manager.

The policy of reimbursing between the destination and the Town of Concord or employee residence if leaving from the residence, whichever is less, applies to all trips conducted weekdays, weekends, and evenings.

Commute miles are not reimbursable. The default on travel sheets should be Town of Concord > DESTINATION > Town of Concord. The only exceptions would be when the trip is one-way or travel to/from home is less miles. Reimbursement will be limited to the cost of travel by a *direct route* or on *an uninterrupted basis*. Employees will be responsible for any additional costs.

Town of Concord will not pay for excess costs resulting from circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business.

Examples

The following is to assist employees compute mileage for trips other than the standard Town of Concord > Destination > Town of Concord:

HOME > DESTINATION > HOME:

Employee A lives in Town A and travels to Pelham on a Saturday. Round trip travel from home is 78.6 miles but roundtrip mileage from Town of Concord to Pelham is only 33.6 miles. Because mileage computed from Town of Concord is less, the expense request should be Town of Concord >Pelham>Town of Concord, 33.6 miles.

Employee B lives in Town B and travels to Pelham for the same event. Roundtrip mileage from home is 23 miles and mileage between Town of Concord and Pelham is 33.6 miles. Because mileage computed from HOME is less, Employee B's travel request sheet should be HOME>Pelham>HOME, 23 miles, and note in the "Description" column that "travel from home is less mileage."

Town of Concord > DESTINATION > HOME (or similar for the reverse, HOME > DESTINATION > Town of Concord):

Employee C lives in Town C and attends an evening meeting in Litchfield departing directly from Town of Concord. After the meeting the employee drives directly home, not stopping at the office. The mileage from Town of Concord to Litchfield, 12.7 miles, is fully reimbursable. However, mileage from Litchfield to home exceeds that amount. Employee C's travel request should be for 25.4 miles for Town of Concord >Litchfield>Town of Concord.

Submitting Travel and Expense Reimbursements

A reimbursement form is to be filled out by each employee and must be submitted before reimbursement is made for any eligible expense. Detailed receipts for expenses incurred and proof of payment should be submitted along with reimbursement form. Use of MapQuest or Google Map tools should be used when calculating mileage and should be attached to the reimbursement form.

Travel reimbursement forms SHALL be submitted no less frequently than monthly. For example all November mileage must be submitted before the end of December. The travel form should ONLY include expenses for the 1 month period. Travel items from 2 different months should not be combined on a single expense sheet.

Overnight Travel

Employees must estimate costs ahead of time to identify the least cost solution to travel, particularly for multi-day events. Hotel stays are limited to situations where the combined costs justify an overnight stay and are at the discretion of the Town Manager. Employees must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

Out of State Travel

Employees must follow the Town of Concord's policies with respect to out of state travel. Employees must receive prior approval by the Town Manager before out of state travel is permitted. When requesting reimbursement, the out of state approval form must be attached to the reimbursement form.

Airlines

All air-travel is to be via coach-class. If a carrier denies a confirmed reserved seat on a plane or an employee is compensated for voluntarily vacating their reserved seat, the employee must remit any payment you receive for liquidated damages to the Town of Concord.

Sub-recipient Monitoring and Management

The Town of Concord must determine whether the recipient of each sub-agreement it makes is a “contractor” or “sub-recipient” for the disbursement of Federal funds. In making such a determination, Town of Concord will utilize the following definitions: §200.23 Contractor and §200.93 Sub-recipient along with the guidance found in §200.330. Generally, “sub-recipients” are instrumental in implementing the applicable work program whereas a “contractor” provides goods and services for the Town of Concord’s own use. Contractors will be subject to the Town of Concord’s Procurement Policies. Sub-recipients are subject to the Town of Concord’s Sub-recipient Monitoring and Management Policies.

The Town of Concord in its administration of Federal funds will monitor any sub-recipients in accordance with 2 CFR §200.330 to §200.332 Sub-recipient Monitoring and Management.

The Town of Concord is considered a "pass-through entity" in relation to its sub-recipients, and as such requires that its consultants and sub-recipients comply with applicable terms and conditions (flow-down provisions). All sub-recipients of Federal or State funds received through the Town of Concord are subject to the same Federal and State statutes, regulations, and award terms and conditions as the Town of Concord.

Sub-award Contents and Communication

In the execution of every sub-award, the Town of Concord will communicate the following information to the sub-recipient and include the same information in the sub-award agreement.

1. Every sub-award will be clearly identified and include the following Federal award identification:
 - a. Sub-recipient name
 - b. Sub-recipient’s unique ID number (DUNS)
 - c. Federal Award ID Number (FAIN)
 - d. Federal award date
 - e. Period of performance start and end date
 - f. Amount of federal funds obligated
 - g. Amount of federal funds obligated to the sub-recipient
 - h. Total amount of Federal award
 - i. Total approved cost sharing or match required where applicable
 - j. Project description responsive to FFATA
 - k. Name of Federal awarding agency, pass through entity and contact information
 - l. CFDA number and name
 - m. Identification of the award is R&D
 - n. Indirect cost rate for the Federal award
2. Requirements imposed by the Town of Concord including statutes, regulations, and the terms and conditions of the Federal award.
3. Any additional requirements the Town of Concord deems necessary for financial or performance reporting of sub-recipients as necessary.

4. An approved indirect cost rate negotiated between sub-recipient and the Federal government or between the pass through entity and sub-recipient.
5. Requirements that the Town of Concord and its auditors have access to the sub-recipient records and financial statements.
6. Terms and conditions for closeout of the sub-award.

Sub-recipient Monitoring Procedures

All Town of Concord grant administrators are responsible for sub-recipient monitoring under the supervision of the Department Head and Town Manager. The Town of Concord will monitor the activities of the sub-recipient to ensure the sub-award is used for authorized purposes. The frequency of monitoring reviews will be specified in the sub-award and conducted concurrently with all invoice submissions. A copy of the sub-recipient agreement must be sent to the Town Accountant along with the completed W9 form (use most recent version of the IRS W9 form – currently Nov 2017.)

Sub-recipient monitoring procedures include:

- At the time of proposal, assess the potential of the sub-recipient for programmatic, financial, and administrative suitability.
- Evaluate each sub-recipient's risk of noncompliance prior to executing a sub-award. In doing so, the Town of Concord will assess the sub-recipient's:
 - Prior experience with the same or similar sub-awards.
 - Results of previous audits and single audit (if applicable).
 - New personnel or new or substantially changed systems.
 - The extent and results of Federal awarding agency monitoring.
- Confirm the statement of work and review any non-standard terms and conditions of the sub-award during the negotiation process.
- Monitor financial and programmatic progress and ability of the sub-recipient to meet objectives of the sub-award. To facilitate this review, sub-recipients are required to submit sufficient invoice detail and a progress report. The Town of Concord Grant administrators will encourage sub-recipients to submit regular invoices.
- Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
- In conducting regular oversight and monitoring, the grant administrators will:
 - Verify invoices include progress reports.
 - Review progress reports to ensure project is progressing appropriately and on schedule.
 - Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
 - Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.

- Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the sub-recipient.
 - Review sub-recipient match tasks for eligibility.
 - Initial the progress report and invoice confirming review and approval prior to payment.
 - Raise any concerns to the Department Head, Town Manager and Town Accountant.
- The Department Head, upon recommendation from the grant administrator, will approve invoice payment and will initial invoices confirming review and approval prior to payment. Paperwork will be submitted to Accounting for release of funds to the sub-recipients.
 - Payments will be withheld from sub-recipients for the following reasons:
 - Insufficient detail to support the costs billed;
 - Unallowable costs;
 - Ineligible costs; and/or
 - Incomplete work or work not completed in accordance with required specifications.
 - Verify every sub-recipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements

Sub-recipient project files will contain, at a minimum, the following:

- Project proposal
- Project scope
- Progress reports
- Interim and final products
- Copies of other applicable project documents as required, such as copies of contracts or MOUs

Audit Requirements

All sub-recipients are required to annually submit their audit and Single Audit report to the Town of Concord for review to ensure the sub-recipient has complied with good accounting practices and federal regulations. This information should also be provided to the Town Accountant. If a deficiency is identified, the Town of Concord will:

- Issue a management decision on audit findings pertaining to the Federal award
- Consider whether the results of audits or reviews indicate conditions that necessitate adjustments to pass through entity's own records

Methodology for Resolving Findings

The Town of Concord will work with sub-recipients to resolve any findings and deficiencies. To do so, the Town of Concord may follow up on deficiencies identified through on-site reviews, provision of basic technical assistance, and other means of assistance as appropriate.

The Town of Concord will only consider taking enforcement action against non-compliant sub-recipients in accordance with 2 CFR 200.338 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

- Temporarily withhold cash payments pending correction of the deficiency
- Disallow all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the sub-award.
- Initiate suspension or debarment proceedings.
- Withhold further Federal awards for the project or program.
- Take other remedies that may be legally available.

Information pertaining to the above should be provided to the Town Accountant as well.

DRAFT

Procurement Policies

The following Procurement Policies shall apply to all Contracts for and Purchases of goods and services:

All procurements made with Federal funds will be consistent with 2 CFR §200.317 through §200.326 Procurement Standards. These policies are to ensure that goods and services are procured at the best available price consistent with high quality, that sound business and ethical practices are adhered to in all the Town of Concord business transactions and that all transactions are completed in a manner that provides for open and free competition.

The Town Manager has primary responsibility and oversight for purchasing activities of Town of Concord and has the authority to delegate purchasing responsibilities as appropriate. The Town Manager will periodically review and evaluate these procedures to ensure the best internal controls possible.

All purchases shall comply with appropriate and relevant federal, state and local laws as well as with the Town of Concord's policies. In the event that federal, state or local laws, regulations, grants or requirements are more restrictive than this policy, such laws, regulations, grants or requirements shall be followed.

Procurement Standards

To ensure open and free competition:

- Unreasonable requirements shall not be placed on firms and/or individuals in order for them to qualify to do business.
- No geographical preferences shall be used in the evaluation of bids or proposals unless State/Federal statutes expressly mandate or encourage a geographic preference.
- Contract specifications or statements of work may not unduly restrict competition and must identify the requirements that proposing firms or individuals must fulfill and the factors to be used in evaluating bids or proposals.
- Splitting purchases or contracts to avoid competition is prohibited.

Goods and Services (Uniform Guidance)

Dollar Amount Categories

POs for the purchase of goods and services are classified by the following groups:

- **Between \$0 - \$10,000**, you can use sound business practices with the signed approval from the Town Manager. In addition, you will need evidence of obtaining/evaluating more than one qualified source. To be sent along with the purchase order and vendor quotes, you should include a request memo to the Town Manager via the Budget and Purchasing Administrator.

- **Between \$10,000 and \$49,999**, you should get three quotes. All you have to do is solicit quotes from 3 vendors; you don't actually have to obtain 3 quotes.
- At **\$50,000 and above**, you need to go through the Bid or RFP process.
- **Under Uniform Guidance**, no exemptions allowed.

Sole Source

If there are no other vendors which can provide the good or service, the purchase can be considered to be sole source procurement. When the vendor is determined to be the sole source for the good or service, you do not need to get 3 quotes.

Sole source procurement rules only apply to items under \$35,000; you cannot designate a purchase as being sole source procurement for items costing \$35,000 or more. To make a sole source request, you need to write a memo explaining the reason for the sole source designation including documentation on how sole source designation was determined and send it along with the purchase order.

State Bid List

Under Uniform Guidance, the Town of Concord is PROHIBITED in procuring goods and services through the State Bid List when using federal grant monies.

Quotation Process

We recommend that when you are soliciting 3 quotes, you write down the specifications and email or fax the specifications sheet to prospective vendors. In this way, each vendor has the same information. It is allowable to give the prospective vendors a deadline of 2-3 days to respond. After the deadline has passed and a vendor has not responded, the vendor can be deemed non-responsive.

A Quote Sheet should be prepared with the following information: vendor name, contact person, contact phone number, and quote amount or non-responsive notation.

Bid Process

With a bid, the main criterion for determining which vendor is awarded the contract is the bid price. You can disqualify vendors who are not responsive to the requirements and specifications or who are not responsible in terms of references and ability to do the work.

Notice: You must send a notice to the Town Clerk so that the notice can be posted for two weeks before the bid opening deadline. You also have to advertise in a newspaper that has general circulation in Concord two weeks before the bid opening. The Concord Journal publishes on Thursdays and the submission deadline is usually the previous Friday at 5PM. The Concord Journal phone number is (781) 433-6930, the fax number 781-433-7951, and the email address is legals@wickedlocal.com. Another newspaper that can be used is the Lowell Sun with the phone number of 978-970-4754, fax number of 978-970-4723 and email address of rudranath@mediaonene.com, which publishes daily and has a three day lead time. For bids with a contract value over \$100,000, you need to put a notice in the Goods and Services Bulletin published by the Secretary of the Commonwealth. The deadline for the Goods and Services Bulletin is 4:00PM on Wednesday for publication on the following Monday.

RFP Process

The RFP process allows you to use evaluation criteria and price to determine who you select as the winning vendor. You do NOT have to select the lowest price proposal. It is a two-step process. First, you analyze the responses to the evaluation questions and rank the proposers. Then you open the price proposals and use the rankings and price proposals to determine who you want to select.

Notice: As with bids, you need to provide the Town Clerk with a notice two weeks before the RFP opening deadline. In addition, you should advertise in a local paper two weeks prior to the opening. For RFPs over \$100,000, you need to place a notice in the Goods and Services Bulletin.

Building Related Repairs / Construction (M.G.L. Chapter 149)

For almost everything related to a building, you should follow Chapter 149. The dollar amount categories are shown on the following pages. These are also called vertical construction projects.

Public Works Construction (M.G.L. Chapter 30 Section 39M)

Public Works Construction is defined as all construction that is not related to a building. Also known as horizontal construction, these projects relate to roads, bridges, water and sewer systems, parking lots, and public parks. The following page presents the dollar amount categories for horizontal construction projects.

Documentation Required by Finance Administration

For Bids and RFPs, we would like to ask you to provide us with all documentation related to the Bid or RFP. These materials include legal notices, Bids and RFP documents, results sheets, and award memos.

Procurement Process

1. Determine the applicable purchase type and requirements based upon the anticipated total cost. Costs shall not be divided in an attempt to create a lower total cost to avoid a procurement method or competition requirements. If one item being purchased requires another item to be complete or make a whole, the total cost of the two items together should be considered to determine the procurement method, unless the two items cannot be acquired from a single supplier. Total quantity, taxes, freight, and installation costs, as well as the total costs expected for all phases of a multi-phase project are to be included when estimating the anticipated total costs.
2. Complete and document all requirements for the applicable purchase type.
3. Have materials reviewed and approved by the Finance Department. No payments may be made prior to receipt of goods or services unless approval is obtained from the Finance Department.
4. After steps 1-3 are complete, purchase or execute the contract for the goods and/or services.
5. Promptly submit all purchase requests and other commitment documentation to the Finance Department.

Contracts

All contracts entered into by the Town should be reviewed by Finance Administration. You should consult with Finance Administration during contract preparations and negotiations and send final document to the Town Manager via the Budget and Purchasing Administrator.

Contract Oversight

The Town of Concord Grant administrators will be responsible for day to day contract administration and will report any aberrations to the Finance Department and/or Town Manager.

The Town of Concord will ensure that contractors meet their responsibilities by making certain that contracts:

- know and understand applicable federal requirements.
- have adequate project delivery systems.
- have sufficient accounting controls to manage Federal funds properly.

The Town of Concord will provide adequate monitoring of the contracts administrative actions to assure compliance with Federal and/or agreement requirements.

In the event that a contractor is unable to satisfactorily complete the work, and after unsuccessful attempts to remedy the situation, a contract may be terminated. The Town of Concord will reimburse the contractor for all costs incurred, but not those in excess of the contract, in the performance of the project up to and including the effective date of termination.

Conflicts of Interest

No employee, commissioner or agent of the Town of Concord shall participate in the selection, award or administration of a contract or authorization of a purchase if a conflict of interest, real or perceived, would be involved.

Such a conflict could arise when:

- The employee, officer or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization which employs or is about to employ any of the above

...has:

- a financial or other interest in the firm selected for award,
- directly or indirectly given his/her opinion on the matter,
- has formed an opinion on the matter, or
- has prejudged the matter to any degree.

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Period of Performance of Federal Funds

All obligations must occur on or between the beginning and ending dates of the grant project. 2 C.F.R. § 200.309. This period of time is known as the period of performance. 2 C.F.R. § 200.77. The period of performance is dictated by statute and will be indicated in the grant contract. Further, certain grants have specific requirements for carryover funds that must be adhered to.

For both state-administered and direct grants, regardless of the period of availability, the Town must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period unless an extension is authorized. 2 C.F.R. § 200.343(b). Any funds not obligated within the period of availability or liquidated within the appropriate timeframe are said to lapse and must be returned to the awarding agency. 2 C.F.R. § 200.343(d). Consequently, the Town of Concord closely monitors grant spending throughout the grant cycle.

For reference only

**COMPARISON OF UNIFORM GUIDANCE PROCUREMENT GUIDELINES TO MGL CHAPTER 30B - UG
PROCUREMENT RULES ARE EFFECTIVE 7/1/18 (1/1/18 for 12/31 YEs)**

Dollar Amount	Uniform Guidance	MGL - Chapter 30B (supplies and services)	Change Needed?	Which to Follow?
Exemptions	Not allowable	See exemptions list	Yes	UG
\$0 - \$10,000	Micro purchase - no quotes, but equitable distribution between vendors	Sound business practices - ensuring favorable price by periodically soliciting price lists / quotes	No	MGL
\$10,000 - \$49,999	Small purchases - price or rate quotes - written, verbal, public price lists, or online searches AND must be from more than one qualified source	Seek price quotes from at least three vendors and award contract to vendor for best price	No	MGL
\$50,000 - \$149,999	Small purchases - price or rate quotes - written, verbal, public price lists, or online searches AND must be from more than one qualified source	Conduct formal, advertised IFB or RFP and award contract to qualified bidder who meets specifications and best price	No	MGL
> \$150,000 (option 1)	Sealed bids - (preferred method for construction projects) Firm fixed price contract - lowest price and bids need to be publicly solicited	Conduct formal, advertised IFB or RFP and award contract to qualified bidder who meets specifications and best price	No	MGL
> \$150,000 (option 2)	Competitive proposals - fixed price or cost reimbursement - RFP with evaluation methods with more than one qualified source	Conduct formal, advertised IFB or RFP and award contract to qualified bidder who meets specifications and best price	No	MGL

**COMPARISON OF UNIFORM GUIDANCE PROCUREMENT GUIDELINES TO MGL CHAPTER 30B - UG
PROCUREMENT RULES ARE EFFECTIVE 7/1/18 (1/1/18 for 12/31 YES)**

Dollar Amount	Uniform Guidance	MGL - Chapter 30B (supplies and services)	Change Needed?	Which to Follow?
No competition / Sole source / Emergency	<p>Noncompetitive proposals are only allowed when one or more of the following circumstances apply:</p> <ol style="list-style-type: none"> 1) sole source; 2) public emergency for the requirement will not permit delay resulting from competitive solicitation; 3) Federal awarding agency approves in response to a written request; 4) after solicitation from a number of sources, competition is determined inadequate 	<p>Determination MUST be in writing</p> <hr/> <p>Under \$35,000 - reasonable investigation shows that there is only one practicable source</p> <hr/> <p>Over \$35,000 - only allowed for the following: 1) Software maintenance, library books and education materials and 2) Utilities</p> <hr/> <p>Emergency - If time required to comply would endanger health or safety, must comply to the extent possible; submit to <i>Goods and Services Bulletin</i></p>	No	MGL

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CONCORD LAND
CONSERVATION TRUST
Joan D. Ferguson, *Chairman*
Pauline Cross Reeve, *Vice Chairman*
Lynn G. Huggins
Frederic H. Mulligan
Jonathan M. Keyes
John M. Stevens, Jr.
Jeff Wieand
Gordon H. Shaw, *Trustee Emeritus*

Post Office Box 141
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CONCORD OPEN
LAND FOUNDATION
Thomas C. Tremblay, *President*
John Bemis
Lynn G. Huggins
Nancy A. Nelson
F. Robert Parker

Gregory Higgins, Chair
Concord Natural Resources Commission
141 Keyes Road
Concord, MA 01742

September 18, 2019

Michael Lawson, Chair
Town of Concord Select Board
22 Monument Street
Concord, MA 01742

Re: Conservation Restriction on Hartwell Meadow
1767 Lowell Road, Concord, MA
CR Reference No.: 16654; CR Number: Concord #157

Dear Greg and Mike,

Attached please find the Conservation Restriction (CR) for the Concord Land Conservation Trust's Hartwell Meadow property for your acceptance and signatures.

Hartwell Meadow was purchased by the Land Trust in 2017 through the right of first refusal, assigned to us by the Select Board under MGL Chapter 61A, Section 14. As a condition of assignment, the Land Trust is granting this CR to ensure that the entire 5.36 acres remains in agricultural and open space uses.

The CR is written to protect agricultural uses (the field is currently hayed), to provide a connection to recreational trails to the south, and to add to the natural and scenic character of northwest Concord and the Spencer Brook valley.

The Mass. Executive Office of Energy and Environmental Affairs has cleared this CR for local signatures and our Board has approved and signed the document. Once your two boards have reviewed, approved and signed the CR, it will be transmitted to the Secretary of the EEA for signing and then will be recorded by us.

Thank you for your consideration.

Sincerely,

Joan D. Ferguson, Chair



GRANTOR: Concord Land Conservation Trust
GRANTEE: Town of Concord Natural Resources
Commission
ADDRESS OF PREMISES: 1767 Lowell Road
FOR GRANTOR’S TITLE SEE: Middlesex South
Registry of Deeds, Bk. 70100 Pg. 226

CONSERVATION RESTRICTION

JOAN D. FERGUSON, JONATHAN M. KEYES, PAULINE C. REEVE, JOHN M. STEVENS, JR., LYNN G. HUGGINS, JEFFREY S. WIEAND, AND FREDERIC H. MULLIGAN, as they are Trustees of the Concord Land Conservation Trust, recorded with Middlesex South District Registry of Deeds in Book 9526, Page 429 as amended, and as amended and restated in a Trust Amendment Restating Concord Land Conservation Trust recorded with said Registry of Deeds at Book 29633, Page 315, with an address of PO Box 141, Concord, MA 01742 being the sole owner constituting all of the owners, for our successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant with QUITCLAIM COVENANTS to the Town of Concord acting by and through its Natural Resources Commission, acting as its Conservation Commission, by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, with an address at 141 Keyes Road, Concord, MA 01742, and its permitted successors and assigns (“Grantee”), for less than one hundred dollars, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in Concord, MA containing the entirety of a 5.36-acre parcel of land located at 1767 Lowell Road (“Premises”), which Premises is more particularly described in Exhibit A and shown on a reduced copy of a recorded survey plan in Exhibit B, both of which are attached hereto and incorporated herein. For Grantor’s title see the deed from Richard W. Irwin and Robert J. Irwin to the Trustees of the Concord Land Conservation Trust recorded in Middlesex County Registry of Deeds Book 70100 Page 226.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values (“conservation values”).

The Premises was acquired through the assignment of the right of first refusal from the Town of Concord to the Concord Land Conservation Trust on July 17, 2017 under the provisions of M.G.L. c.61A and recorded in the Middlesex South Registry of Deeds at Book 69680 Page 64.

The conservation values include the following:

The Premises are located on the westerly side of Lowell Road and are predominantly an open agricultural field. The westerly portion of the Premises is a wooded wetland that is part of an extensive wetland area running down to the Spencer Brook.

Agricultural Value. The Premises have been assessed and taxed on the basis of their agricultural use under Chapter 61A at least since 1985. The soils are classified as having “statewide importance for farmland” by the USDA Natural Resources Conservation Service.

Consistency with Clearly Delineated Government Policy. Concord’s 2015 Open Space and Recreation Plan established as one of its four overarching goals the protection of “agricultural land, including fields, meadows and orchards” (page 80). The Premises are included in the proposed Agricultural Overlay District in northwest Concord.

Historic Preservation. The agricultural use of the Premises began in 1654 when the Town of Concord gave 351 acres to a farmer named John Jones. Subsequent land divisions and sales later in the 17th century can be traced to the Hartwell family in what became Carlisle, and ultimately to the Hayes family, who raised corn, hay and farm animals and whose descendants sold the land to CLCT.

Open Space Preservation. The Premises contribute to the protection of the scenic and natural character of the upper Spencer Brook Valley, an area of Concord that the Concord Land Conservation Trust has been working to preserve for over 40 years. Nearby agricultural fields and meadows include the Tyler Conservation Restriction on 15 acres of hayfield conserved in 2007 and 2009; the Jones Conservation Restriction on 3.3 acres in 1997; and the Hogan Conservation Restriction on 2.4 acres in 1995. In total, approximately 170 acres of fields and woodland have been permanently protected by the Concord Land Conservation Trust (CLCT) through fee ownership and conservation restrictions in the upper Spencer Brook Valley; thus, protection of the Premises will enhance the open-space value of these and nearby lands.

The Premises are part of a scenic rural area that is rapidly being subjected to housing development. In fact, the acquisition of the Premises by CLCT was the result of exercising the right of first refusal under Chapter 61A and matching a bona fide offer to purchase the Premises for a residence. This Conservation Restriction, placed as a requirement of the Town’s assignment to exercise its right of first refusal, ensures that the Premises will remain undeveloped in perpetuity.

Public Access for Passive Recreation. The Premises is accessible from both Lowell Road to the east and Hartwell Road to the south. Nearby residents walk, ski, run and bike on the low-trafficked Hartwell Road and they and the public will now be able to walk on the Premises as desired.

A small portion of the Premises – Parcel B – is located south of Hartwell Road and abuts the Tyler Conservation Restriction (Tyler CR). There already exists a publicly-accessible path on the Tyler CR; the protection of the Premises ensures that the Tyler path will be accessible to the public from Hartwell Road and that users of the Premises can extend their recreational experience to CLCT’s extensive trail system in the Upper Spencer Brook valley.

Concord’s 2015 Open Space and Recreation Plan established as one of its four overarching goals the improvement of “recreational access and connectivity” (page 80) including the development of “the local/regional trail network for transportation and nature-based recreation” (page 97). The preservation of the Premises enhances both access and connectivity.

These and other conservation values of the Premises, as well as its current uses, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of Grantor, consisting of maps, photographs, and other documents and on file with Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line, playing field, sanitary facility or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;

- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for commercial, industrial, or residential purposes;
- (9) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
- (10) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions

Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or Purposes of this Conservation Restriction.

- (1) Vegetation Management. In accordance with generally accepted forest or meadow management practices, selectively removing, pruning and cutting of brush, trees or other vegetation to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas as documented in the Baseline Report, and to maintain the existing open fields for the continued agricultural or open space use of the Premises.
- (2) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of non-native or invasive species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (3) Composting. The stockpiling and composting of stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the conservation values (including scenic values) of this Conservation Restriction. All exercise of this reserved right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
- (4) Wildlife Habitat Improvement. With the prior written permission of Grantee, measures (including selective planting of native trees, shrubs and plant species) designed to restore

native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species;

- (5) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
- (6) Trails. The marking, clearing and maintenance of existing footpaths as shown in the Baseline Report. With prior approval of Grantee, the construction of new trails, boardwalks and bridges or the relocation or alteration of existing trails, provided that any construction, relocation, or alteration results in trails that are no wider than six feet;
- (7) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of Grantor, Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, and the protected conservation values;
- (8) Outdoor Passive Recreational Activities. Hiking, cross-country skiing and other non-motorized outdoor recreational activities that do not materially alter the landscape, do not degrade environmental quality, and do not involve more than minimal use for commercial recreational activities;
- (9) Forestry and Cutting. Conducting or permitting others to conduct sound silvicultural uses of the Premises, including the right to commercially harvest forest products (as such term may be defined from time to time in General Laws, Ch. 61, Sec. 1, or successor law) and the establishment of new woods roads in accordance with prudent and sound silvicultural practices that conform at least to the minimum standards set forth in the Massachusetts Forest Cutting Practices Act (General Laws, Ch. 132, or its successor) and carried out pursuant to a Forest Management Plan.

Before any harvest of forest products occurs on the Premises, Grantor shall submit a Forest Management Plan to Grantee, the Massachusetts Department of Conservation and Recreation (or appropriate successor agency) and to any other required state agencies for their approval. The Forest Management Plan shall be prepared by a forester licensed through the Massachusetts Department of Conservation and Recreation in conformance with the "Directions for the Preparation of the Chapter 61 Forest Management Plans and Forest Stewardship Plans" and such statutes, regulations and directions in effect at the time of the approval of said Forest Management Plan. The Forest Management Plan shall include provisions designed to minimize soil erosion, conserve surface and groundwater quality, scenic views, wildlife habitat, and to protect the conservation values of this Conservation Restriction.

The Forest Management Plan shall be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional timber harvests occur. All cutting plans and designated access routes shall avoid any stone structures or

historical and cultural resources and shall be reasonably required to prevent any damage thereto. All cutting operations shall be supervised by a licensed forester.

- (10) Parking. The construction, replacement, maintenance and use of a small parking area, located on Lot A of the Premises as far east along Hartwell Road as possible but outside of Drainage Easement A, accommodating no more than four standard-size automobiles plus one handicapped parking space; and surfaced in packed earth, gravel, crushed stone or similar natural pervious material.
- (11) Agriculture. On the portion of the Premises shown as Lot A on the Plan, the use of the Premises for agricultural, horticultural and farming purposes, including:
- a) The cultivation and harvesting of crops, fruit trees and berry bushes and hay; the planting of woody and herbaceous plants for horticultural purposes and the sowing of grass; and the grazing of livestock;
 - b) Constructing, maintaining, repairing, replacing and allowing the use of sight-pervious fencing for agricultural or horticultural activities and uses;
 - c) With the approval of Grantee, the construction of one or more feeding, watering, and/or sheltering structures on the Premises expressly for animal husbandry on the Premises. Any such structures shall be located outside of Drainage Easement A as shown on the Plan and shall not exceed 500 square feet in size singularly, or 1000 square feet in size in the aggregate. Such structures shall not include temporary or permanent structures for residential use, for retail sales, or for horseback riding. If any foundation is required for any structures permitted herein, such foundation shall be limited to temporary footings such as cement "sono tubes" that do not alter the topography or soil profile of the Premises.
 - d) Any animal husbandry conducted on the Premises shall be restricted to sheep, goats, cattle, horses, and other farm animals typical of those found on New England farms, excepting pigs, and within the natural capacity of the Premises as determined by best practices and recommendations for sustainable animal husbandry promulgated by the Massachusetts Department of Agricultural Resources. There shall be no outdoor riding rings.
 - e) Temporary or moveable covered structures for the production of food or horticultural crops, such as high or low tunnels, hoop houses, or other such structures without permanent foundations, which structures shall not exceed 1000 square feet, in aggregate, at any one time;
 - f) Only to the extent necessary to engage in the activities permitted in this Section II(B)(11), the construction of utilities such as water lines, one (1) driven (but not dug) well; irrigation lines; or utility lines, provided that any utility lines permitted herein are above ground and underground only to the extent necessary.
 - g) Management of wildlife through hunting for the benefit of agricultural management.

- (12) Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph II.B shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph II.B, any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report.
- (13) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that Grantee or the Commonwealth takes any position whether such permit should be issued.
- (14) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph B shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Subject to any applicable law or regulation, failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this conservation restriction, Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by Grantee or its agents.

D. Acts Beyond Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any actions against Grantor for any injury to or change in the Premises resulting from causes beyond Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

1. Access of the Grantee. Grantor hereby grants to Grantee, or its duly authorized agents or representatives, the right to enter the Premises for the following purposes:

- a. Upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.
 - b. After notice of a violation and failure of Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.
 - c. In furtherance of preserving the open condition of the Premises as shown in the Baseline Report, Grantor and Grantee agree that if at any time in the opinion of Grantee it is desirable to have the open areas of Premises mowed, upon thirty (30) days written notice to Grantor, and provided that such proposed mowing will not interfere with any use under Section II(B), Grantee shall have the right, at Grantee's expense, to have the open areas of the Premises mowed.
2. Access of the General Public. Grantor also grants to the general public the right to enter onto the Premises for passive outdoor recreational activities as described in Section II(B)(8); however, such access shall be subject to the right of Grantor to limit such public access and use if, with the concurrence of Grantee, such access and use is detrimental or injurious to the Reserved Rights of Grantor or otherwise to the natural, open and scenic condition of the Premises.

V. EXTINGUISHMENT

- A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs.
- B. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to an interest in the land in Grantee, including, without limitation, the right to enforce the terms of this Conservation Restriction, but (except as set forth herein) does not entitle Grantee, upon the extinguishment or other release of the Conservation Restriction under applicable law, to any proceeds received by Grantor from the subsequent sale, exchange or involuntary conversion of the Premises.
- C. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then Grantor and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by Grantor and Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed to the Grantor.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (60) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within 60 days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee

agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General laws of Massachusetts. Any amendments to this conservation restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Art. 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex South Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Middlesex South Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Concord Land Conservation Trust
PO Box 141
Concord, MA 01742

To Grantee: Town of Concord Natural Resources Commission
141 Keyes Road
Concord, MA 01742

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Chapter 184, Sections 31, 32, and 33 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Chapter 184, Section 32 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination. The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. At the time of this Conservation Restriction's recording, the Premises was subject to easements as described in Exhibit C.

D. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor

Grantee Acceptance

Approval by Town of Concord Select Board
Approval of the Secretary of Energy and Environmental Affairs.

Exhibits:

- Exhibit A: Description of the Premises
- Exhibit B: Reduced copy of recorded survey plan
- Exhibit C: Existing Easements on the Premises

WITNESS my hand and seal this ____ day of _____, 20____,

By _____
Joan D. Ferguson, Concord Land Conservation Trust

Its _____, duly authorized.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**ACCEPTANCE OF GRANT BY TOWN OF CONCORD NATURAL RESOURCES
COMMISSION**

We, the undersigned, being a majority of the Natural Resources Commission of the Town of Concord, Massachusetts, hereby certify that at a public meeting duly held on _____, the Natural Resources Commission voted to approve and accept the foregoing Conservation Restriction from the Concord Land Conservation Trust pursuant to M.G.L. Chapter 184 Section 32 and Chapter 40 Section 8C and do hereby accept the foregoing Conservation Restriction.

TOWN OF CONCORD NATURAL RESOURCES
COMMISSION:

Gregory Higgins

Nick Pappas

Judith Zaunbrecher

Lynn G. Huggins

Edward Nardi

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF SELECT BOARD

We, the undersigned, being a majority of the Select Board of the Town of Concord, hereby certify that at a public meeting duly held on _____, 20__, the Select Board voted to approve the foregoing Conservation Restriction from the Concord Land Conservation Trust to the Town of Concord acting by and through its Natural Resources Commission in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

SELECT BOARD:

Michael Lawson

Linda Escobedo

Jane Hotchkiss

Susan Bates

Terri Ackerman

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Concord Land Conservation Trust to the Town of Concord acting by and through its Natural Resources Commission has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 2019

KATHLEEN A. THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A
DESCRIPTION OF THE PREMISES

The land subject to this Conservation Restriction is located at 1767 Lowell Road, Concord, Middlesex County, Massachusetts being shown as Lot A and Parcel B and consisting collectively of approximately 5.36 acres as shown on the following plan:

“Hayes Farm Concord, Mass. Lot Layout Plan for Hayes Farm Partnership” dated May 24, 1989” Prepared by Stamski and McNary, Inc., recorded in the Middlesex South Registry of Deeds as Plan No. 630 of 1992, together with the rights of Grantor (in common with others entitled thereto) in and to Hartwell Road as shown on said Plan.

The area shown as “Building Envelope” on Lot A of the Plan was created previously, is not to be construed as a building lot and is subject to the provisions of this Conservation Restriction.

EXHIBIT C – EXISTING EASEMENTS ON THE PREMISES

At the time of this Conservation Restriction's recording, the Premises was subject to the following easements:

1. Drainage, Utility, View Easement and Restriction recorded in the Middlesex South Registry of Deeds in Book 22264, Page 397.

memo

To: Concord Select Board
From: Steven Ledoux, Concord Representative, Minuteman Vocational School District
CC:
Date: September 18, 2019
Re: Belmont Membership Discussion

On September 17, The Minuteman School Committee received an update on the Belmont situation in regards to its membership in the District.

Belmont has voted to hold a Special Town Meeting in November to decide whether the Town should seek to rescind its notice of withdrawal from the District. Belmont had given notice in 2016 to withdraw, effective June 30, 2020.

The Belmont Select Board voted 3-0 to add the Minuteman rescission question to the November STM warrant when the warrant is opened in a couple of weeks. The Select Board will take a vote much closer to the STM about whether or not to favor rescission, but they acknowledge that the situation has changed enough from 2016 to justify a reconsideration by Town Meeting.

The circumstances that have changed for Belmont are:

- * the new high school is now in service, one year ahead of schedule and on budget, and with a new dual academy learning model; and,
- * there is a waiting list for seats in the 9th grade class.

This is the result of many years of hard work by the entire Minuteman community — administration and staff, students and families, school committee and building committee, and others.

The Process for Remaining in the District

The first step would be for the Belmont STM to approve a motion to rescind the notice of withdrawal that Belmont sent to the Minuteman District in October 2016. Belmont Town Counsel has ruled this will be a majority (not 2/3) vote.

The second step would be for the Minuteman School Committee (MMSC) to accept the request to rescind the withdrawal unanimously. This requirement is part of the Regional Agreement.

If Belmont remains in the District, it will be assessed a capital make-up payment of \$472,667, which represents the total amount that Belmont was not assessed in fiscal years 2018, 2019, and 2020 as a result of submitting its notice of withdrawal. The attached spreadsheet shows how that payment would be allocated to the remaining District Towns.

The other key item, raised in particularly by the Belmont Select Board, is about the timing of the make-up capital payment. The Select Board members have asked whether this payment could be spread over three years.

My Request

I bring this update to you for your review and reflection. The MMSC will be discussing this at their October 22 meeting and may be taking a straw vote at that time.

While there may have been hard feelings in the past between the District and Town officials, we must keep in mind that we are talking about the kids, not petty politics. I feel there is a great positive in keeping the 48 Belmont students part of the school.

In terms of the allocation of back capital costs, I really don't have a strong feeling about it. Belmont has a budget of \$110 million and one could say they could easily absorb the onetime payment. I have no real insight into what the financial situation is in Belmont, but given that the positive impact on Concord would be \$34,691, or \$11,563 a year for three years, I have no problem with allocating the payback over three years if it keeps the school and programs moving forward.

I look forward to your thoughts on this matter.

Minuteman Regional High School District
FY18 - FY20 New School Debt Service
Reallocation of Debt Service supported by 10 Towns (including Belmont)

School Building Debt Service from FY18 to FY20										
Purpose	FY18			FY19			FY20			
	Sch. Proj. Debt 9 Towns	Sch. Proj. Debt 10 Towns		Sch. Proj. Debt 9 Towns	Sch. Proj. Debt 10 Towns		Sch. Proj. Debt 9 Towns	Sch. Proj. Debt 10 Towns		
Bldg. Const. - BAN Interest Due 9/27/17	61,556	61,556								
Const. Bond - Semi-Int. Pmt. Due 3/15/18	464,491	464,491								
Bldg Proj-BAN Interest Due (Proj -2nd Bond)				840,000	840,000					
\$36M Bond - Prin & Int Pmts Due FY19				1,216,606	1,216,606					
\$36M Const. Bond - Debt Service Due							1,216,356	1,216,356		
\$46M Const. Bond - Debt Service Due							1,892,144	1,892,144		
Total - Debt & Capital	526,047	526,047		2,056,606	2,056,606		3,108,500	3,108,500		

Allocation of School Building Debt Service by Town										
	FY18			FY19			FY20			3 Year
	9 Towns	10 Towns	Difference	9 Towns	10 Towns	Difference	9 Towns	10 Towns	Difference	Variance
Member Towns:										
Acton	43,534	39,905	3,629	182,318	168,022	14,296	291,735	268,717	23,018	40,943
Arlington	214,571	194,048	20,523	783,495	714,018	69,477	1,112,960	1,014,762	98,198	188,198
Bolton	19,117	17,790	1,327	74,991	70,141	4,850	115,026	107,580	7,446	13,623
Concord	31,257	28,616	2,641	143,137	131,591	11,546	249,278	228,774	20,504	34,691
Dover	9,600	9,147	453	36,214	34,716	1,498	44,744	43,432	1,312	3,264
Lancaster	47,870	43,863	4,007	221,350	203,698	17,652	361,093	332,267	28,826	50,485
Lexington	82,159	74,588	7,571	336,826	307,862	28,964	523,210	478,378	44,832	81,367
Needham	49,117	44,741	4,376	172,145	158,076	14,069	250,471	230,215	20,256	38,701
Stow	28,822	26,565	2,257	106,129	98,461	7,668	159,984	148,515	11,469	21,394
Towns Withdrawal effective July 1, 2020										
Belmont	-	46,783	(46,783)	-	170,022	(170,022)	-	255,861	(255,861)	(472,667)
Total Debt-Capital	526,047	526,047	-	2,056,605	2,056,606	(1)	3,108,501	3,108,500	1	(0)

NOTE: The amounts in grey are excluded from Prop 2 1/2 limitations



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Stephen Crane, Town Manager

MEMORANDUM

To: Chairman Lawson and Members of the Board

From: Stephen Crane, Town Manager
Kate Hodges, Deputy Town Manager
Senior Management Team

Date: September 23, 2019

Re: Facilities Assessment & Master Plan – Municipal Priorities

Members of the Town's Senior Management Team (SMT) met on Thursday, August 29 to discuss the presentation made by TBA Architects to the Select Board on Monday, August 26, 2019. The focus of SMT's meeting was to prioritize our specific facility needs and to create consensus among the group regarding next steps and funding recommendations as the initial planning phases for the FY21 budget season begins.

The TBA assessment identified significant deficiencies in many of the Town's municipal administrative and operational facilities. Outdated and inefficient heating and cooling systems are abundant within several buildings and efforts to expand administrative and work spaces within building envelopes have fallen short. TBA detailed concepts related to the renovation of each existing facility and included the possibility of moving certain operations to new locations and buildings. TBA estimates that renovations of this scale could cost between \$100,000,000 to \$133,615,000 depending on whether the Town chose to renovate certain facilities in-place or to relocate them completely.

In thinking about this as a group, the SMT recognized that the potential costs cited above are not sustainable given the other capital needs that must be addressed. The Team decided to rank and prioritize a series of realistic and manageable facilities projects that will help alleviate some Town-wide space constraints while being mindful of the current and projected debt service obligations. The goal is to increase the Town's overall efficiency while allowing for more energy efficient and sustainable building solutions within the majority of municipal buildings.

MUNICIPAL BUILDING PROJECT PRIORITIES

1. New construction Concord Middle School. The deficiencies in the existing middle school buildings have been detailed in the Statement of Interest (SOIs) that have been submitted to the Massachusetts School Building Authority (MSBA). Town Meeting has appropriated funds to advance this project and a building committee is already working to bring it to the town for approval in 2020.

2. New Construction Public Safety Building in a new location for Police & Fire Depts. A new site is recommended because the existing facility is effectively landlocked, in the floodplain, and renovation is not an efficient option. Potential sites will be limited by projected response times to all areas of town. Ideally, a suitable site near one of the current stations will be identified and the station that is not replaced will be maintained as a sub-station.
3. Replacement of the existing salt shed at Concord Public Works. The current shed stores approximately 900-1,000 tons; the goal would be to create a structure that could store between 2,000-2,500 tons. Renovation of that area, both for emergency services and storm management, is CPW's current highest priority.
4. Major Phased Renovations of the Public Works Dept. at their existing Keyes Rd. Campus Renovation and/or redesign of CPW Administrative and Water-Sewer spaces is noted as CPW's second-highest priority. Modest renovations are needed in some spaces where others will likely require more in-depth construction and design work in order to ensure accessibility compliance and overall functionality. CPW has a strong interest in working on office plans and layouts which also add storage areas.
5. CPW's third priority surrounds the need for a comprehensive plan to construct new covered storage bays for CPW's vehicles and fleet maintenance in order to reduce equipment weatherization, erosion and the need to keep trucks idling during inclement weather.
6. Renovations to the existing Walden St. Public Safety Building (when/if a new Public Safety Bld. is complete) with a goal of maintaining fast public safety response times while creating additional administrative and storage space that could alleviate constraints in other facilities.

RELOCATION OF PUBLIC SAFETY BUILDING - ADVANTAGES

- Police and Fire benefit from being in the same facility as it builds trust and teamwork between the units and helps with more consistent responses and operational procedures for the community and members of the general public.
- Streamlined HVAC and operational systems which are energy-efficient, sustainable and in-line with the community's goals for GHG reductions.
- Increased parking for both members of the public and staff; ability to host and offer larger and regional training sessions for staff and members of the community.
- Safer conditions for both officers, detectives and evidence storage by creating individual sections which can be locked and accessed only by authorized personnel.
- Creation of a code-compliant sally port where prisoner exchange and/or suspect bookings are completed in secure and confidential manners.
- Compliant holding facilities for those who are being detained.
- Compliant storage creation to replace existing exterior storage areas for seized property, cars and auto body parts.
- Sustainable and self-contained decontamination areas for fire vehicles and gear after usage and exposure.
- Training room and large meeting areas for roll-call, incident briefing and debriefing and community forums.

The Police Department would like to begin the formal process of becoming an accredited agency. It is likely that the state of their facility would prove a hindrance in their efforts. A modern, complaint and fully sustainable building would substantially increase their ability to achieve accreditation.

RENOVATION OF CPW AT KEYES RD. CAMPUS

The existing Keyes Rd. site is not ideal; however, constructing a central CPW in a new location was estimated to cost approximately \$46,164,000 (*not including the cost of land and/or building acquisition; numbers are based on 2019 construction dollars*). Additionally, the current site is central to the overall community and moving CPW to a different and less desirable location that comes with a nearly \$50M price-tag seemed both unreasonable and inconsistent with the Town's sustainability principles. With this in mind, the SMT reviewed the scope and estimates relative to TBA's renovation recommendations. To accomplish the number of projects outlined by TBA, CPW would be forced to move to another location during their site's construction and the overall cost estimate for a total renovation on their existing campus was estimated to cost a total of nearly \$30M.

CPW received \$150,000 to conduct a feasibility study regarding improvements to and on their campus. SMT's recommendation is the CPW be permitted to begin the process of soliciting firms to conduct additional feasibility and/or design analysis expanding upon TBA's site analysis. The goal would be to create a phase-specific cost analysis and project planning timeline for the DPW site which CPW leadership could incorporate into the Town-wide Capital Planning budget. Absent the study referenced above, the salt shed replacement should proceed as a standalone project.

RENOVATION OF WALDEN ST. PUBLIC SAFETY BUILDING

If the public safety complex is located to a new site, the existing Walden Street facility could be repurposed for both continued public safety and other municipal uses. This could include moving a number of other Departments and/or Divisions into renovated spaces of the building. Interior changes may be made to retrofit the building for a number of municipal uses.

Proposed uses and improvements could include:

- Renovation of the fire-side of the building for use as a smaller sub-station to replace the West Concord facility (1.5 bays)
- Retro-fitting former fire department garage bays for use by the Facilities Department for vehicle and equipment storage and workshop areas (2 bays).
- Increasing temperature-controlled storage areas in the building's interior for fire, police and facilities storage.
- Retro-fitting existing police garage for use as vehicle storage for other departments.
- Renovating the second and third floor office areas in order to aide in the possible relocation of other town departments which may include: Facilities, Sustainability, Public Information and/or PEG-Cable Services.
- Demolishing certain areas of the existing building envelope to allow additional parking spaces for staff, citizens and deliveries.

No planning or formal conversations have taken place surrounding who may occupy the vacated Walden Street space. Additional feasibility studies and organizational analysis would have to

occur in order to allow for an informed decision making process to take place. The above proposals are meant for illustrative purposes only.

‘SPACE-MINING’ OF THE EXISTING TOWN HOUSE

Several years ago, the Town was allocated a sum of \$700,000 for interior renovations to the Town House. The plan, at that time, was to extend the elevator to the unfinished third floor in order to allow unfettered access to the Town’s files. It was thought that use of the third floor for additional offices could be feasible and expansion could be budgeted over time. However, after hiring a firm in 2017 to conduct a feasibility study relative to the elevator project, it was determined that altering the existing elevator would require structural changes within the historic Town House roofline and would also cost several hundred thousand dollars. The plan was abandoned in lieu of more cost-effective reconfiguring of existing finished areas, or space-mining, which would increase office security and functionality without requiring large sums of money.

The team discussed this during the 8/29 meeting and determined that the best course of action at this time would be to solicit TBA Architects, who are currently in the process of completing the town-wide comprehensive facilities study, to create an architecturally sound construction plan that could be used to procure construction services for a first floor renovation project for the Finance Department. The team determined that moving ahead with a smaller remodeling project in the Town House could be accomplished in conjunction with CPW’s feasibility study during this fiscal year as the Town House is currently funded.

DEBT SERVICE PROJECTIONS

In reviewing the projects cited above, the SMT was shown the current level of debt service as well as projections that contemplate the cost of the new middle school. The SMT agreed that the priorities would need to be sequenced to minimize the impact on taxpayers and spikes in debt service payments. In FY25, the first of the elementary school projects will be paid off, and by the end of FY29, all existing exempt debt for school buildings will have been satisfied, potentially creating opportunities to fund these projects.



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Stephen Crane, Town Manager

MEMORANDUM

To: Chairman Lawson and Members of the Board

From: Stephen Crane, Town Manager
Kate Hodges, Deputy Town Manager

Date: September 23, 2019

Re: CPA Priorities list

Attached for your review is an updated memorandum from Marcia Rasmussen regarding the 2020 Community Preservation Act (CPA) projects as well as the CPA request memo from CPW Director Rich Reine. Some of the projects previously reported have changed status based on feedback from the CPA, project readiness, and other factors. The list below is the Town Manager's recommended order. The blank lines are for the Select Board to indicate its priority ranking.

Town Manager Rank	Select Board Rank	Project
1		Further development of Gerow Recreation Area adjacent to Warners Pond and the Bruce Freeman Rail Trail (\$500,000) (Open Space and Recreation)
2		Warner's Pond dredging project (\$500,000) (Open Space and Recreation)
3		Emerson Field Improvements (\$500,000) (Open Space and Recreation)
4		Assabet River Pedestrian Bridge (\$250,000) (Open Space and Recreation)
5		Regional Housing Services Office (\$20,000) (Community Housing)--recurring
6		Community Preservation Administrative funds for staff and technical support (\$40,000)--recurring
7		White Pond improvements (\$20,000)



TOWN OF CONCORD
Department of Planning & Land Management
141 Keyes Road ~ Concord MA ~ 01742
Phone: 978-318-3290

To: Stephen Crane, Town Manager
From: Marcia Rasmussen, Director of Planning and Land Management
Re: Potential Town Projects for Community Preservation Funds 2020
Date: September 17, 2019

Town staff from Planning & Land Management and Recreation met earlier this week to reprioritize the list of potential Town projects that could be eligible for Community Preservation funding. We had initially identified 10 potential projects from the perspective of the Concord Recreation and Planning & Land Management (Natural Resources and Planning), out of a list of fourteen known projects, due to the limited CPA funds available, and have further winnowed down the number of projects given the importance of the project, additional or alternative funds available, and our view of priorities for the community. The five projects outlined below fall within one of four categories or multiple categories including: Open Space (acquisition, creation, preservation, rehabilitation, restoration); Historic Preservation (acquisition, preservation, rehabilitation, restoration); Community Housing (creation, preservation, support, rehabilitation, restoration); and Public Recreation (passive and active recreation including: trails, community gardens, parks, playgrounds and athletic fields). This list represents how I would prioritize the importance of the projects for the community.

1. **Further development of Gerow Recreation Area adjacent to Warners Pond and the Bruce Freeman Rail Trail (\$500,000) (Open Space and Recreation)** – acquisition of the Gerow land in July 2018 included the concept of developing the property with a community park for picnics, concerts and other outdoor activities. These funds would be combined with additional funds that may be available through the Town’s Capital Improvement funding and/ or grants.
2. **Warner’s Pond dredging project (\$500,000) (Open Space and Recreation)** – Prior CPA funds have been used to study Warner’s Pond and ways to improve the ecological health of the pond. After the initial study that determined limited dredging to be the most effective way to control weeds and resulting eutrophication, with costs ranging from \$1,800,000 to \$2,200,000 in 2017 dollars, the Town obtained 2019 CPA funds for permitting. An additional \$250,000 will be sought in the future for boat launch improvements off Commonwealth Avenue. The Town has already allocated the first \$500,000 for Warner’s Pond dredging in its Capital Improvement Plan for 2020. This application seeks the first half of funds as a match to the Town’s capital funds (additional funds will be requested through the Town’s Capital Improvement program).
3. **Assabet River Pedestrian Bridge (\$250,000) (Open Space and Recreation)** – Design and permitting for a pedestrian bridge over the Assabet River in West Concord that would connect existing trails and paths in West Concord Village to other trails/ paths in the Baker Ave. area. Planning Division staff continues to seek additional funding support for the design and permitting aspect of this project as well as potential grants for construction.

4. **Regional Housing Services Office (\$20,000) (Community Housing)** – the RHSO has been funded in part by the Town and by the CPC over the past 8 years; this request once again represents half of the funds needed. The RHSO provides critical support to the Town’s affordable housing initiatives. The RHSO provides professional staff support to eight communities in meeting the administrative and monitoring needs of their existing affordable housing programs, while also working with each community to develop additional programs and further regional housing efforts and goals.
5. **Community Preservation Administrative funds for staff and technical support (\$40,000)** –the Act allows a municipality to use a portion of its funds for support of the Community Preservation Committee. These funds allow for support to the Committee, to applicants, legal services and signage

The five projects that we have decided to delay or to not submit an application for at this time include:

6. **Affordable house on a portion of the Gerow land (\$300,000) (Community Housing)** – The Concord Housing Authority, rather than the Town, will be submitting an application this year seeking funds to construct a new small single family home for affordable housing adjacent to 365 Commonwealth Ave.
7. **White Pond beach front (\$400,000) (Open Space and Recreation)** – providing improved and enhanced public access to White Pond beach is very important; however, the property has not yet been transferred to the Town and there are remaining funds previously allocated to improve public access. An application for this project will likely be submitted for next year’s consideration.
8. **Ralph Waldo Emerson Memorial Association (\$75,000) (Open Space)** – The Town has been in ongoing discussions with the RWEMA about purchasing a Conservation Restriction on a potentially buildable lot located between the existing RWEMA House and Heywood Meadow; however, given the higher priorities stated above, DPLM will plan to submit an application for next year’s consideration when more funds may be available.
9. **Chamberlin Bridge Survey and Permitting (\$35,000) (Open Space and Recreation)** - The Natural Resources Division is requesting CPA funding for survey and permitting services to reconstruct the 180-foot long pedestrian footbridge and walkway between Chamberlin Park and the Keyes Road municipal parking lot which is over 40 years old and nearing the end of its functional lifespan. Prior CPA funding has been used to develop bridge plans and cost estimates; we’ll use this information to explore the potential of doing the work in-house.
10. **Wheeler Harrington House and Land (\$20,000) (Open Space, Historic Preservation and potentially Recreation)** – Initial research and survey of the property has been completed regarding potential uses/ reuses for this property. Rather than funding an outside consultant, Planning Division staff could assist the Historical Commission and Natural Resources Commission in compiling the historic information available, current reports and studies and facilitating a public discussion about the use/ reuse of this property as it relates to the agricultural history of the existing house and the relationship of the property with the adjacent farmland and Assabet River.



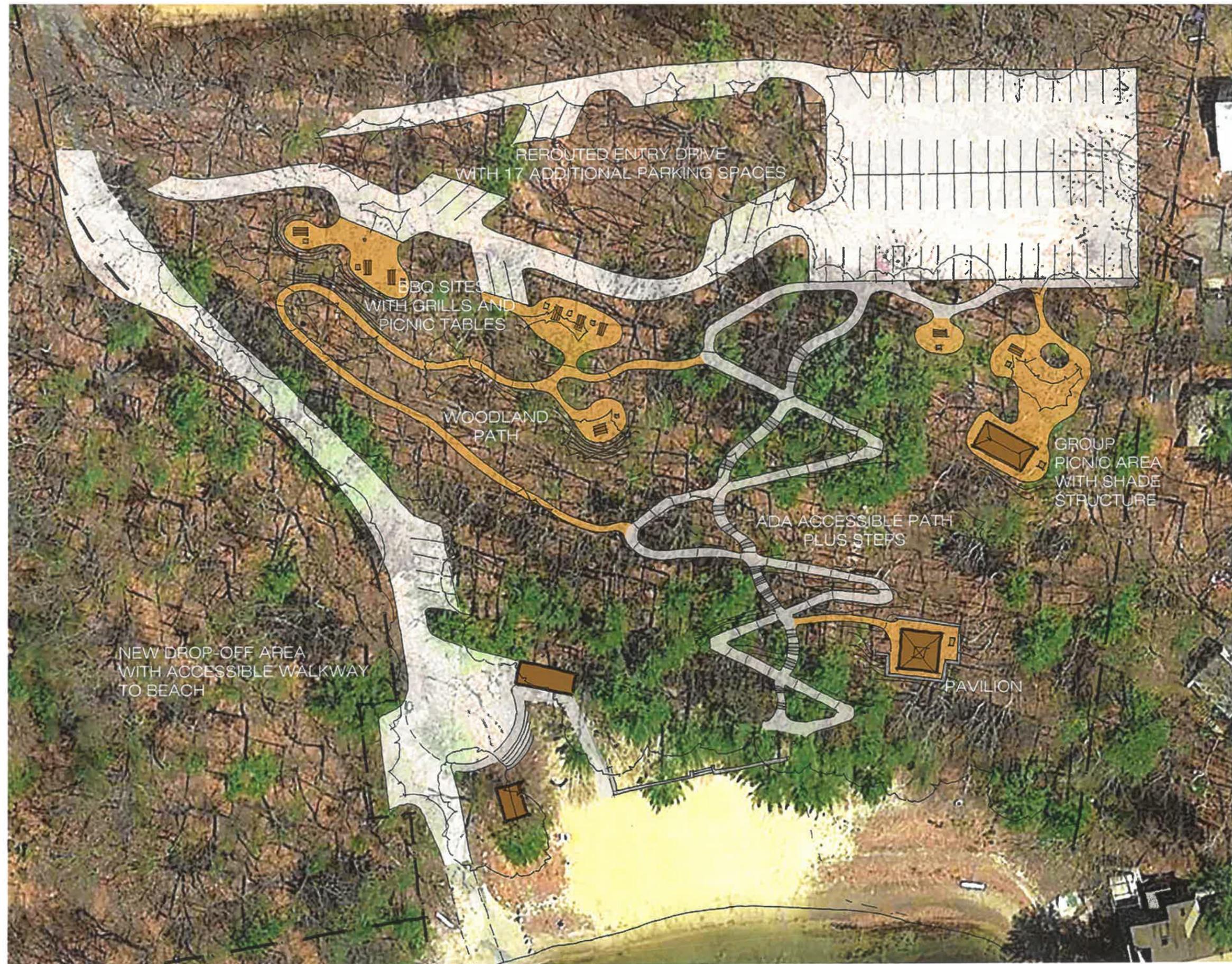
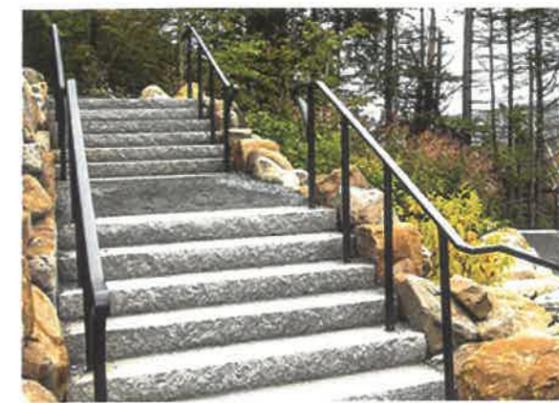
TOWN OF CONCORD
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MEMORANDUM

To: Stephen Crane, Town Manager
From: Kate Hodges, Deputy Town Manager
Date: September 20, 2019
Re: White Pond site improvements

The Town commissioned Weston and Sampson to complete a survey of the White Pond beach area and adjacent woodlands and they subsequently developed a phased conceptual plan for better usage and maintenance of the property. The CPC grant approving White Pond accessibility improvements requires site preparation in advance of the improvements. The cost for the site improvements is estimated to be \$20,000. This work is in addition (and prior to) the work approved in the CPC grant. The attached map shows an initial rendering of some of the phased site improvements. In light of information received today (and contained in this memo), I recommend this be approved at the September 23, 2019 Select Board meeting.



WHITE POND CONCEPTUAL MASTER PLAN- DRAFT
 CONCORD, MA
 SEPTEMBER . 2019



CONCORD PUBLIC WORKS
DIRECTOR'S OFFICE
133 Keyes Road
Concord, MA 01742

Tel: (978) 318 - 3201
Fax: (978) 287 - 4762



DATE: September 4, 2019

MEMORANDUM

TO: Stephen Crane, Town Manager

FROM: Richard Reine, Director of Public Works and Engineering 

SUBJECT: FY 2021 Community Preservation Act (CPA) Grant Application – Emerson Field Improvements

Background

In November of 2010 CPW retained playing field design and engineering consultant, JJA Sports to assist in the evaluation and assessment of the existing baseball and recreational fields at the Emerson Field Facility. The objective of this evaluation was to determine the general quality of turf and soil conditions, inspect and assess the general condition of the facility, including team areas, backstops, skinned infield and outfield playing areas, warning tracks, irrigation systems, water supply, ADA accessibility, spectator areas, fencing and access. The report was completed in October of 2012 and included preliminary cost estimates which served to provide a planning level budget to identify the substantial funding requirements to accomplish these field improvements. Based on the level of this funding requirement it was apparent that a prioritized and phased approach over time would be necessary to accomplish these renovations and overall improvements. Furthermore it was evident that identifying a supplemental funding source to augment any general fund investments, would be necessary to expedite these improvements and bring these fields up to current standards.

Master Planning Process

Over the last two fiscal years CPW was successful in obtaining Community Preservation Act grant funding in the amount of \$500,000 (*\$200,000 in FY 19 and \$300,000 in FY 20*). With this funding in place a master planning process was undertaken to prioritize improvements at Emerson Field. This process involved meetings with various stakeholders including Recreation, Disability Commission representatives, youth baseball and soccer representatives, CPS Athletic Director and the public. The master planning process is nearing completion and now provides CPW with updated costs and further details the required improvements to the Emerson Field complex.



DATE: September 4, 2019

MEMORANDUM

These improvements include:

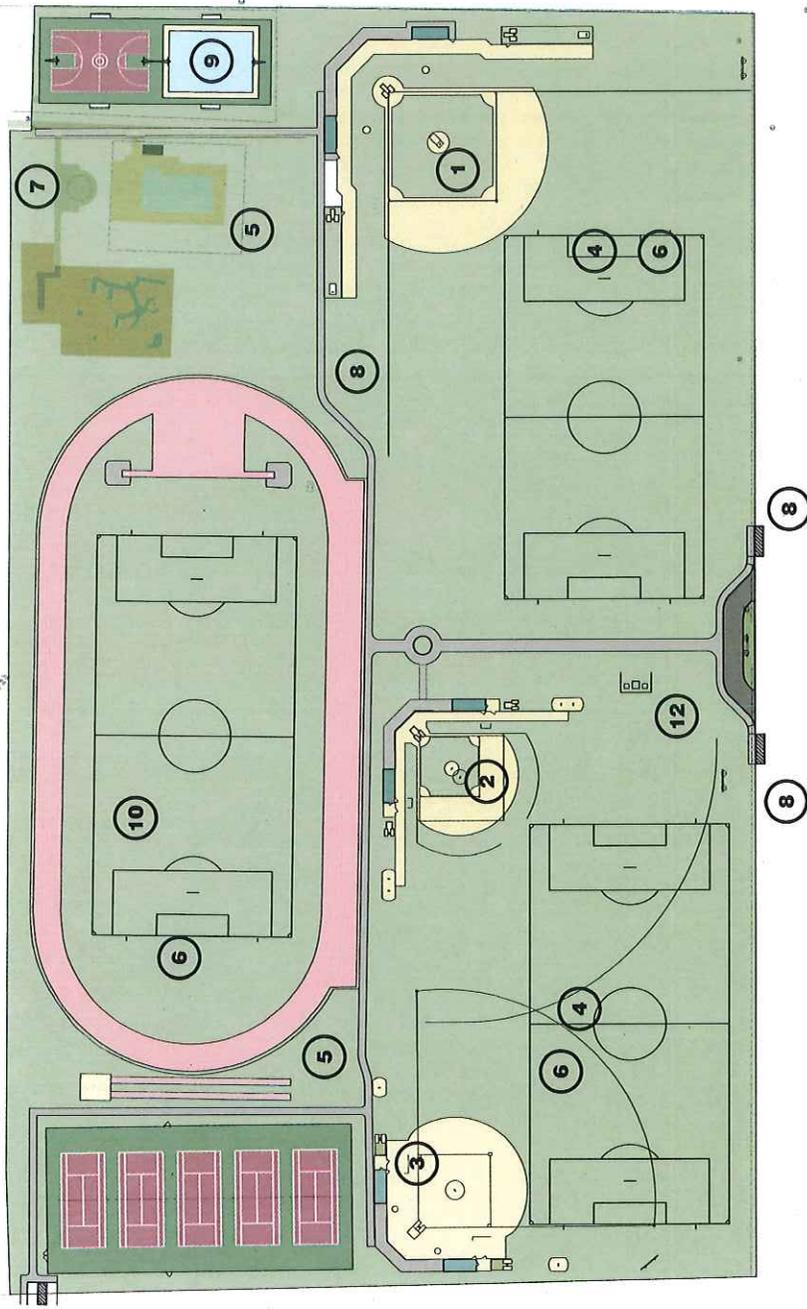
- Upgrades to the 3 baseball diamonds and outfields, which also serve as seasonal soccer fields along with soccer field within the track oval including backstops and player bench areas, bull pen areas, bleacher seating, ball control netting
- Irrigation system and well system improvements
- Overall turf improvements
- Improvements to the existing children's spray deck with a recirculation system
- ADA access and ADA parking improvements
- Seasonal installation of a portable ice rink system
- Drinking fountains, accessible tables, benches, tree planting and signage
- A portable restroom corral with accessible restroom unit
- Limited drainage and water sustainable stormwater management improvements

Funding

The total project budget to complete the improvements, as depicted in the attached figure, is approximately \$2 million dollars. Additional funding currently in place includes \$200,000 in existing capital funding and a proposed \$200,000 debt authorization planned for FY2021 specifically for the Emerson field facility. CPW is also exploring potential ADA grant opportunities and coordinating with sports groups in an effort to further bridge the current funding gap.

CPA Submittal

CPW proposes to submit an application for supplemental FY2021 Community Preservation Act grant funding in the amount of \$500,000. This CPA funding along with modifications to the scope and sequence of construction, including the deferral of certain project components such as dugout construction, renovation of the turf within the track oval, bull pens, scoreboards and potential phasing of baseball diamond improvements would allow for major construction improvements to occur beginning in spring of 2020.



PARK MASTER PLAN KEY IMPROVEMENTS:

1. 90 FOOT BASEBALL DIAMOND IMPROVEMENTS:
 - METAL BACKSTOP AND DUGOUTS WITH METAL ROOF
 - BLEACHER SEATING PAD AND ADA ACCESS
 - LOW PROFILE SCOREBOARD
2. 50/70 FOOT BASEBALL DIAMOND IMPROVEMENTS:
 - METAL BACKSTOP AND DUGOUTS WITH METAL ROOF
 - CHAIN LINK BACKSTOP AND DUGOUTS WITH METAL ROOF
 - BLEACHER SEATING PAD AND ADA ACCESS
 - LOW PROFILE SCOREBOARD
3. SOFTBALL FIELD IMPROVEMENTS:
 - REBUILT INFIELD
 - METAL BACKSTOP AND DUGOUTS WITH METAL ROOF
 - BLEACHER SEATING PAD AND ADA ACCESS
 - LOW PROFILE SCOREBOARD
4. SOCCER FIELD AND BALL-FIELD NATURAL TURF AREA ABATEMENT, TOP DRESSING AND OVER SEEDING IMPROVEMENTS
5. IRRIGATION WELL SYSTEM IMPROVEMENTS
6. IRRIGATION SYSTEM UPGRADE
7. CHILDRENS SPRAY DECK IMPROVEMENTS WITH RE-CIRCULATION SYSTEM
8. PARK ADA ACCESS AND ADA PARKING IMPROVEMENTS
9. PORTABLE SEASONAL ICE RINK SYSTEM 50' x 70' ICE SHEET
10. RENOVATION OF THE NATURAL TURF GRASS FIELD WITHIN THE TRACK CORRAL
11. DRINKING FOUNTAINS, ACCESSIBLE TABLES, BENCHES, AND SIGNAGE
12. PORTABLE RESTROOM CORRAL WITH ACCESSIBLE RESTROOM UNIT
13. LIMITED DRAINAGE WATER QUALITY IMPROVEMENTS