

**TOWN OF CONCORD
SELECT BOARD
AGENDA
October 21, 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: August 26th, September 9th, September 23rd • Approve Public Ceremonies and Celebrations Committee Calendar • Gift Acceptance <ul style="list-style-type: none"> -Almgren Family Charitable Fund \$500 Hugh Cargill Trust -Clemens Family \$30 Hugh Cargill Trust -Clemens Family \$25 Hugh Cargill Trust -Thomas Everts \$4,200 Cemetery Trees -Olive Avenue Productions LLC \$7,500 Visitor Center • One Day Special Licenses <ul style="list-style-type: none"> -Acton Boxborough United Way 11/23 7pm-11pm 246 Old Road to 9 Acre Corner All Alcoholic Beverages -Saltbox Farm 11/6 5pm-10pm 40 Westford Road Wine and Malt Only -Saltbox Farm 11/9 5:30-8:30pm 40 Westford Road Wine and Malt Only
3.	Town Manager's Report
4.	Statement Regarding Estabrook Road Litigation
5.	Chair's Remarks
6.	Review Town Board, Committee, and Task Force Appointment Policy (APP #10)
7.	Review Home Rule Petition to Grant Additional Special Liquor Licenses
8.	Committee Liaison Reports
9.	Miscellaneous/Correspondence
10.	Committee Nominations: Hugh Lauer of 100 Keyes Road, and Elise Woodward of 379 Garfield Road to the Capital Planning Task Force for a term to expire April 7, 2020. Cato Anderson of 14 Park Lane, Mark Martines of 66 Alford Circle, Debra Stark of 98 Commonwealth Avenue, John Boynton of 72 Chestnut Street, and Stephen Verrill of 415 Wheeler Road to the Economic Vitality Committee for a term to expire on May 31, 2022.
11.	Committee Appointments: Haley Orvedal of 76 Upland Road to the Planning Board for a term to expire May 31st, 2024. Todd Benjamin of 333 Sudbury Road, Laurie Hunter, Superintendent of Schools (per committee charge), and Jared Stanton, Director of Finance at Concord Public Schools (per committee charge), to the Capital Planning Task Force for a term to expire April 7, 2020. Virginia (Dinny) McIntyre of 26 Simon Willard Road to the Tax Relief Committee for a term to expire May 31, 2022.
12.	Town Manager Appointment with Select Board Approval: Tory Lambert of 149 College Road to the Board of Assessors for a term to expire May 31, 2022. Bill Kemeza of 28 Davis Court to the Trails Committee.
13.	Public Comments
14.	Adjourn

PENDING

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
Monday	January 13	7 pm	Select Board Meeting	Town House
Monday	January 27	7 pm	Select Board Meeting	Town House
Monday	February 10	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
AUGUST 26, 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 August 26, 2019 at 6PM.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, and Susan Bates. Also present was Stephen Crane, Town Manager.

CALL TO ORDER

Mr. Lawson called the meeting to order and asked for a motion to enter Executive Session for purposes of discussing ongoing litigation. Mr. Lawson declared that discussing strategy with respect to collective bargaining or litigation in an open meeting may have a detrimental effect on the bargaining or litigating position of the public body.

Upon a motion duly made and seconded it was

VOTED: to open Executive Session for purposes of discussing litigation and to reconvene in Open Session at 7PM. The Executive Session is to protect strategy discussions on the stated matter.

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

CALL TO ORDER

The meeting was Called to Order at 7PM by Chair Michael Lawson who announced it was being broadcast and recorded.

CONSENT AGENDA

Town Accountant Warrants
Minutes to approve: July 29, 2019
One Day Special Licenses

Gaining Ground, Inc.	9/15	3pm-5pm	341 Virginia Rd	All Alcoholic Beverages
Belmont Hill School	9/23	6pm-8pm	246 ORNAC	Wine & Malt
Concord-Carlisle Youth Hockey	9/28	5:30pm-11pm	246 ORNAC	All Alcoholic Beverages

SWEARING-IN OF NEW TOWN MANAGER, STEPHEN CRANE

Town Clerk Kaari Mai Tari was present to administer the Oath of Office to Stephen Crane:

Do you solemnly affirm that you will faithfully and impartially discharge and perform all the duties incumbent on you as Town Manager of the Town of Concord according to the best of your abilities and understanding, agreeable to the rules and regulations of the Constitution, the laws of the Commonwealth, and the Bylaws of the Town of Concord, keeping uppermost in your mind what is best for the Town of Concord?

Mr. Crane affirmed that he would do so.

TOWN MANAGER'S REPORT

Call to Order

Swearing In
TM

TM Rpt

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1. Mr. Crane thanked those present for the welcome and for his colleagues for attending the ceremony. He noted that he has been on the job for 11 days and he is meeting great people in the community and on the job.
2. Concord is in the running to receive a clean vehicle grant that would enable the Town to retrofit 7 CPW F250 pickup trucks. This is an exciting sustainability opportunity. The grant assumes a 20% local share of the costs.
3. Concord Middle School Building Committee has unanimously recommended Hill International to the Town Manager as Owner Project Manager for the Middle School Feasibility project. Mr. Crane anticipates that he will have completed negotiating the terms and conditions of a contract with Hill International by the end of the week.
4. CPW Engineering Division will undertake a study of cut-through traffic as part of which they will participate in an all-day session in various neighborhoods on September 5 to determine the nature and extent of congestion-caused traffic.
5. Road work on Cambridge Turnpike is ongoing. Commercial and cultural establishments on the street have remained open, although sometimes it has been difficult to access them. Hopefully the community will continue to frequent them. By mid-to-late October the binder course will be applied.
6. The week of September 23 is Climate Preparedness Week. Residents and visitors should check the Town website for more information.
7. The Town Manager commended Police and Concord Public Works employees for their able handling of the water main break on Thursday, August 22. A 16" main installed in 1909 failed and created an enormous flow of water at the Prison Rotary, affecting residents and commuters. All was repaired by late Friday.

CHAIR'S REMARKS

Local merchants staged a very successful Street Fair and Sale on August 10.

Mr. Lawson welcomed Mr. Crane and thanked Deputy Town Manager Kate Hodges for her services as Interim Town Manager since Chris Whelan retired.

WIRELESS FACILITY UPDATE—Kate Hodges, Deputy Town Manager

Wireless Facility
Update

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Ms. Hodges stated that the Town has made presentations to the Select Board six times in the past 18 months regarding wireless facilities to provide downtown connectivity. This time, proposals were received from Verizon Wireless for a monopole at the Police/Fire Station on Walden St.; from tower developers US Wireless Incorporated and Wireless Edge LLC for co-locator poles at the Police Station and at Keyes Rd. An earlier proposal from Verizon Wireless for siting at the CPW and DPLM campus was determined after study to be problematic for current operations at the site as well as HDC impact and was dropped. In this iteration at the Police /Fire station, the proposal was for a monopole in the rear of the building, close to the wetlands, and close to the Fire Department side; equipment would be ground-mounted and placed in a 20' x 20' shed, near the Fire Department parking area and close to the storage shed. This bid was rejected due to the loss of parking and the anticipated disruption to operations.

Both tower companies proposed two locations – at the Police Station and at the Keyes Rd site. Both would entail large co-locator poles capable of hosting 4-5 carriers with a large footprint and increased disruption to ongoing operations. Therefore, the facilities team is inclined to deny the proposals of both companies.

The current situation is to consider three options: the cupola at the Emerson Umbrella for the Arts as a location for wireless facilities and would involve a single carrier within the cupola with an small exterior shed at the rear of the building to house the equipment; anywhere in Concord Center, including the Visitor Information Center; and the gas station at the Crosby Corner interchange, but company has no interest. Ms. Hodges reported that while Lowell Rd. does not meet the height requirement, the high school uplands do; however, that location cannot provide full coverage to the business district. While Ms. Hodges apologized for not being able to report better results, she indicated that the Town is left with three options: do nothing; move ahead with one of the proposals considered unsuitable and know that the impact on site is going to be great and likely costly; and revisit earlier, last resort, sites. Ms. Hodges stated that no one responding to the RFP proposed a Keyes Rd. option.

There was discussion regarding the CPW site. Earlier, Ms. Hodges stated, the providers went through a lengthy and costly process to investigate Keyes and this came to no successful conclusion. They indicated no confidence that trying again would reach any other outcome. However, in the last 8 months, a Verizon Wireless team met with the HDC and asked for a non-binding determination or understanding about continuing to proceed. Nothing has been forthcoming from the committee.

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Ms. Bates stated that she thought the HDC was more willing to consider the site after seeing the smokestack that was on the site when 141 Keyes was a powerplant. Mr. Crane stated that he has had some experience with this issue and offered to come up to speed with the team and provide his knowledge. Mr. Lawson expressed his appreciation to Mr. Crane for and to Ms. Hodges for carrying this issue for the past several months. In his opinion, the lack of coverage in the downtown is a safety issue that cannot be ignored.

7:05 PM PUBLIC HEARING: CHANGE OF MANAGER, ALTERNATE MANAGER, AND OFFICERS ASSOCIATED WITH SECTION 12 CLUB ALL ALCOHOL LICENSE -- Nashawtuc Country Club, 1861 Sudbury Rd.

Alcohol License

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

VOTED: to Open the Hearing

Robert Carpenter was present from Nashawtuc Country Club to seek approval for a change of directors, manager, and alternate manager. He stated that he is a golf pro by profession and has recently been promoted to the general manager of the Club. He is now responsible for all aspects of the organization. He has spent some time becoming knowledgeable about the components of his duties, including becoming TIPS certified. The application is complete. There were no comments or questions from the public or the Select Board.

On a motion made and duly seconded, it was:

VOTED to Close the Hearing.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the application of Nashawtuc Country Club, Inc. located at 1861 Sudbury Rd. for a change of director, change of manager, and change of alternate manager for the Section 12 All Alcoholic Beverages License.

INTRODUCTION TO TOURISM AND VISITOR SERVICES MANAGER BETH WILLIAMS

Tourism and
Visitors

Ms. Hodges introduced Beth Williams who has recently joined the Town as Tourism and Visitors Services Manager. She began her service a week ago after an exhaustive search. Ms. Hodges stated that very soon after the Town took over the responsibility for the Visitors Center on Main St. the search was undertaken for someone who could provide the commitment and passion for visitor services as well as bridge the gap between the local businesses and economic vitality goals. Ms. Williams prior work was at the Peabody Essex Museum.

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Ms. Williams expressed her thanks for the opportunity and stated that she was very grateful for the *Envision Concord* report that demonstrates the great potential of Concord. She stated that in the past week she has visited, walked, eaten, and toured throughout Town. Everyone is eager to work together, and the business community and cultural attractions have a wealth of opportunity. She is eager to take the process further. Mr. Lawson stated that it is a very important town goal to incorporate tourism and business sustainability.

TOWN/LIBRARY AGREEMENT

Mr. Lawson stated that the Town and the Concord Free Public Library Corporation have operated for many years under the terms of a cooperative agreement with which there have not been revisions or problems for many years. However, the Town Public Private Partnership Committee, now dissolved, recommended that the Town should make it a practice to review and refresh the terms of all such agreements. In this instance, the Trustees will meet with the Select Board Chair and the Town Manager to study the agreement and resolve whether changes need to be made.

Sherry Litwack was present with members of the Concord Free Public Library Trustees to indicate their willingness to undertake the project. She noted that the Town is responsible for the operating budget and the Corporation is responsible for capital aspects, building and grounds, and the Special Collections at the Library. Mr. Lawson stated that the Town and Corporation are together responsible for ensuring the treasure that is the Library. He noted that the review teams will report their work and recommendations to the board in draft form.

Dorrie Kehoe of MacArthur Rd and a former member of the Public Private Partnership Committee stated that one important recommendation of the committee was to ensure public involvement in such a review of agreements.

MUNICIPAL FACILITIES UPDATE – TBA Architects

Deputy Town Manager Kate Hodges, Sustainability Director Kate Handley, and Facilities Director Ryan Orr were present with TBA Architects, Inc., a Concord architectural firm, to update the Board on the current status of the Municipal Facilities Masterplan and Assessment. She stated that after an 18-month RFP process the facility team hired TBA Architects, Inc. TBA reviewed all elements, including interior design, mechanical and electrical systems, and roofs of 20 sites throughout Town. They met employees to learn how the various buildings are being used and whether there were any plans for different uses. Out of this work TBA developed a master plan that revealed the pitfalls and options before the Town. The overarching implication of their study is that every Town-owned building is in need of attention.

Town/ CFPL
agreement

Facilities update

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Russell Feldman, of TBA Architects Inc. introduced his colleagues Robert Jefferies, and Justin Humphreys and distributed hard copies of their presentation. He stated that the company found this an opportunity to gather information, assess what was learned, and offer their findings. He stated that the project involved 14 sites, 18 buildings, 245,000 square feet of space, and 35 departments with 260 employees. They made use of condition and life-cycle surveys, departmental organization and occupancy, interviews with department heads to learn about best practices as well as current challenges and created facility condition reports for every building that will remain as is or be expanded upon. Existing layout plans were developed and quantified against current space planning standards. Out of all this, the company worked with the Town facilities team to develop three tiers of response.

“A” would be to repair each building and maintain its current use. “B” would be an expansion of sites. “C” would entail a reconfiguration of all departments. Mr. Feldman stated that TBA’s work is intended to be a working tool able to respond to changing circumstances. This is possible since all the information gathered has been disaggregated to enable review of individual sites, individual buildings, and individual departments. Discussion included conditions, needs, and costs of sample buildings in each tier. To do nothing will have a cost. Costs were identified as what is needed for safety and to catch up on many years of deferred maintenance. In that regard, the information in the facilities report will be very helpful to assist in budget planning.

Ms. Hodges stated that Facility Management is a new role in the Town. Earlier building conditions were managed by the department heads. Mr. Orr has found repairs and maintenance to be underfunded and to require a triage approach. It has been determined that \$7.4M is required to be expended on Town-owned buildings over 5 years. Town Meeting has allocated \$900,000, only 10% of what is needed. Buildings kept in poor condition are more expensive to maintain without an infusion of funds for preventative maintenance.

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6 scenarios were explored for option "C." The options are space and department driven and involve relocating and reorganizing departments. One such would gather all the administrative functions and police and fire in one facility. This could be a new site or a renovated, expanded site. Another would move CPW off the Keyes Rd. lot which is seen as the prime central location with high aesthetic and resource values. Should these options be developed, it is possible that revenue could be generated from surplusings a site. Site acquisition costs are not part of the report analysis. Mr. Feldman stated that the report does not come with recommendations. Rather, it better prepares the Town to understand its options and be prepared to respond target spending to needs and opportunities.

Mr. Feldman stated that the logical next step is for the Town to make an assessment of operational needs and to prioritize based on funding and other issues. Ms. Hodges stated that the Town needs to develop a funding strategy for immediate needs and it is unclear how long it will take to get a handle on those needs. When it comes time to prioritize, there will be a role for both staff as heaviest users and community as owners in reaching a decision. She recommended that a forum should be created to introduce the community to the ongoing issues of the workplace. Ms. Escobedo mentioned that there could be grant funding available for such an event due to the possibility of increasing our sustainability and resilience. Mr. Crane stated that he will take the leadership to learn more about the information in the report and engage with staff regarding their priorities before returning for further Board discussion.

COMMITTEE LIAISON REPORTS

Susan Bates stated that the Trustees of Town Donations and the Planning Board each need one more member. She stated that the Trustees of Town Donations and Planning Board need one more member on the committee, while West Concord Advisory Committee is down two. She noted that she participated with Mr. Lawson in a meeting with the Concord Business Partnership when the topic was the economic vitality goal. The Planning Board held a hearing at the Harvey Wheeler Community Center regarding the development proposal for 1440 Main St. The Historical Commission continues to study and evaluate a possible amendment to the Demolition Delay Bylaw. She participated in the Finance Subcommittee of the Middle School Building Committee.

Linda Escobedo reported that a joint Planning Board and Zoning Board of Appeals meeting to discuss ideas for Town Meeting was very productive.

Terri Ackerman stated that she had attended an Historic Districts Commission meeting at which the library expansion was the focus. A site visit was scheduled.

Liaison reports

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Michael Lawson stated that the affordable housing home rule petition approved at Town Meeting has moved on from the legislative counsel to the Senate.

COMMITTEE NOMINATIONS

Susan Bates nominated Cynthia Rainey of 80 Hunters Ridge Rd to the Capital Plan Task Force.

PUBLIC COMMENT

Brooks Read and Susannah Kaye of Estabrook Rd. complimented Deputy Town Manager Kate Hodges on the provision of sufficient notice regarding Executive Session during her tenure as Interim Town Manager. They stated that she provided incredible transparency that now seems to have disappeared. It is important for citizens and the requirements of Open Meeting Law to know the specific topic under discussion.

Margery Daggett of Deaconess Rd. commended the introduction of the Capital Planning Task Force. However, she stated that it should not be limited to 6 mos. duration; it should be a full committee with the typical three-year term in order to investigate, plan, and balance each project and how it affects not only the Town's bond rating but also the taxpayers.

Nick Pappas of Virginia Rd. stated that a single carrier monopoly is insufficient to provide the expanded public safety that is being sought. It would not improve access for anyone using another carrier.

Stuart Weeks of Newbury Court stated that the Noble Peace Prize continues. Nominations are being accepted until the end of November with the award to an individual in each of three categories in January. The timing will contribute to the anniversary celebrations of the Town.

Lansing Olds of Lowell Rd. stated that the legal bills for the Estabrook Rd lawsuit have reached \$530,000. In his opinion this is destroying the lives of three generous families in Concord. He wondered how long the Town would persist.

ADJOURNMENT

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to adjourn Open Session and conclude business for the evening.

Respectfully Submitted,

Linda Escobedo, Clerk
Approved:

Nominations

Public Comment

Adjourn

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Meeting Documents

<https://concordma.gov/DocumentCenter/View/21177/August-26-2019-Select-Board-packet>

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=kBwFkpgqHww&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8-&index=4&t=0s>

SELECT BOARD
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SEPTEMBER 9, 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 September 9, 2019 at 7PM.

Present were Michael Lawson, Chair, Linda Escobedo, Clerk, and Terri Ackerman. Jane Hotchkiss attended telephonically. Stephen Crane, Town Manager, also attended.

CALL TO ORDER

Mr. Lawson called the meeting to order and announced that it was being broadcast and recorded.

CONSENT AGENDA

- Town Accountants Warrants
- Minutes to approved: June 17, July 1, and July 15 2019
- Climate Preparedness Week Proclamation
- One Day Special Licenses
 - The Umbrella Center 9/14 6:30pm-9:30pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 9/27 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 9/28 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 9/29 3pm-6pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/3 7:30pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/4 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/5 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/6 3pm-6pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/10 7:30pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/11 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/12 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/13 3pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/15 6:30pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/17 7:30pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/18 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/19 8pm-11pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/20 3pm-6pm 50 Stow St. Wines & Malt Only
 - The Umbrella Center 10/25 6:30pm-11PM 50 Stow St. Wines & Malt Only
 - Luke Hill Media 10/21 12pm-9pm Concord Country Club All Alcoholic Beverages

TOWN MANAGER'S REPORT

1. Mr. Crane announced that in consultation with the Board of Health and School Committees, the Town has decided to cancel all outdoor recreational activities after 6PM and to close town-owned recreation facilities between 6PM and 6AM. This is in response to notice of EEE in the towns of Bedford and Sudbury. Updates will be available on the Town website and social media.
2. The Town has been notified that the State Police have completed their investigation at Walden Pond over the weekend and they have re-opened the facility to the public.

Call to Order

Consent Agenda

TM Rpt

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3. The Planning Department has received an MAPC Technical Assistance Grant to study a transit-oriented development zone at the Thoreau Depot.
4. The Senior Management Team has had a thorough discussion of the recently completed TBA Facilities Report. The Town Manager will issue a report regarding additional operational concerns such as response time and surrounding use considerations for Board review.
5. Concord's legislators have submitted the two Home Rule Petitions approved by 2019 Town Meeting to the Legislature. The petitions are a tool to generate funding for affordable housing and will likely take a long time to conclude.
6. Town Planner Elizabeth Hughes has reported that a likely site has been identified for a pedestrian bridge over the Assabet River in West Concord close to the commuter rail bridge. Next steps include design and funding.

CHAIR'S REMARKS

Mr. Lawson noted that activities on September 14 will include Agricultural Day in Concord Center as well as the Reopening of the Emerson Umbrella for the Arts building on Stow St.

Mr. Lawson stated that he has met with representatives of the National Park, Concord Museum, and the Public Ceremonies and Celebrations Committee to begin planning for the 250th celebration of the Revolutionary War. This will be the Semiquincentennial to commemorate the establishment of our country and is likely to occur throughout the country and throughout 2026.

Mr. Lawson also noted that Board went into Executive Session at the August 26th meeting to consider matters of litigation. Residents stated during public comment that more information, i.e. which litigation, should have been specified. Mr. Lawson stated that the litigation referred to was regarding Estabrook Road.

Planning is underway for the annual board and committee education/training event. Likely dates are October 12 or 26. Open Meeting Law, Ethics, and Policies & Procedures will be considered.

DIRECTOR OF FINANCE REQUEST FOR REFUNDING OF GENERAL OBLIGATION MUNICIPAL 2010 BONDS

Chair Remarks

Refund Bonds

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Finance Director Kerry LaFleur was present to seek approval from the Board for refunding/refinancing \$6.1M callable bonds on one of two Willard School bonds. Typically, Concord had considered these opportunities in May or June, but due to a law change must now take up these opportunities whenever they are callable, in this case next month. Analysis has shown that there is \$621,000 (or 9.75%) present value savings; or \$85 on the average tax bill. Generally, the Town would take advantage of opportunities of at least 3% savings before refinancing. Should bids not materialize there is no need to go forward.

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

VOTED: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town's \$15,100,000 General Obligation Municipal Purpose Loan of 2010 Bonds dated January 15, 2010, maturing on and after January 15, 2021 in the aggregate principal amount of \$6,100,000 (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

MINUTEMAN ARC UPDATE – Jean Goldsberry, CEO

Jean Goldsberry of Main St. and CEO of Minuteman ARC of 35 Forest Ridge Rd was present to update the Board on the many and varied activities of the ARC. During her PowerPoint presentation, she noted that the ARC was formed 61 years ago with the mission to improve the lives of children and adults with disabilities by increasing independence, personal choice, and self-advocacy. ARC started as a family nursery school for disabled children and has grown into an organization that supports the life experiences of 850 individuals, both adult and children, in 9 communities along Route 2, and 7 programs including early intervention, outdoor learning, day habitation programs, employment, and residential accommodation.

Ms. Goldsberry reported that ARC is the 4th largest employer in Concord with 240 employees. ARC clients go places in the 32 vans that make 85 round trips per day. ARC is proud to be in Concord and aims to not only fit in, but to make a difference and give back. Local organizations can make use of conference rooms at the headquarters on Forest Ridge Road; ARC clients volunteer at Open Table and Gaining Ground. Recently some folks worked with Bonnie Wilbur, the Concord Community Services Coordinator, on a back to school activity to fit out 17 backpacks with school supplies for less fortunate youngsters using the profits of a dance they planned and hosted.

ARC update

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Mr. Lawson thanked Jean for the update and acknowledged his surprise at the employment statistics. Ms. Goldsberry stated that local employers have been very open, supportive, and adaptable to work with ARC staff to make a good match. In response to a question, Ms. Goldsberry stated that the primary funding sources for the program comes from state and federal programs, private insurance, and private donations. She stated that the Community Chest has been very generous in their support for enhanced staffing and recreation programs. Mr. Lawson expressed his appreciation for the update.

REVIEW MUNICIPAL FY21 COMMUNITY PRESERVATION ACT GRANT APPLICATIONS

Town Manager Crane summarized information from Deputy Town Manager Kate Hodges, Planning Director Marcia Rasmussen, Natural Resources Director Delia Kaye, and Public Works Director Rich Reine who have been reviewing municipal needs that are eligible for funding from the annual Community Preservation appropriation. Proposed recommendations include projects at White Pond Beach, the Gerow land, Warner Pond, affordable housing, Regional Housing Services, Assabet River Pedestrian Bridge, Wheeler/Harrington House, Chamberlin Park Bridge, and Emerson Field improvements. In total this would cost more than \$2.5M, much more than the appropriation is likely to be.

Discussion included: The items have not been prioritized; all are laudable; past practice by the CPC calls for matching funds, hopefully appropriate organizations will be contacted to participate; there is some money left in Article 23 that can be expended on Gerow; Regional Housing Director will be meeting with the Board in October to discuss housing issues; earlier funding for Assabet Bridge was spent on a feasibility study and site selection. It was the consensus of the Board that the Town Manager develop priorities for Board consideration.

DRAFT BUDGET CALENDAR REVIEW

Town Manager Stephen Crane and Finance Director Kerry LaFleur were present to update the Board on the draft budget planning calendar to alert the Board that the process is underway and will include meetings to discuss pressure points and benchmarks for submission with the goal of being ready for Town Meeting on April 27. Mr. Lawson asked that the Board see a draft proposal before it goes to the Finance Committee so that it is in a better position to be supportive and offer input. At this time, the Finance Committee anticipates receiving the budget in November. That indicates that Mr. Crane should present the budget to the Board on November 4.

LIAISON REPORTS

CPA

Draft Budget
Calendar

Liaison Reports

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Ms. Escobedo reported that the Recreation Commission needs one member and is hoping for a parent of a youngster using the programs. The Commission reviewed the first year of the White Pond program. 650 household passes were sold but daily attendance was less, probably due to the 7 days of algae bloom. The Commission intends to make improvements to the site to reduce and prevent run-off as well as improvements to Rideout and Emerson. The annual Tree-Lighting is scheduled for December 1.

The Concord Housing Authority continues to work on gathering information on repositioning HUD properties. The meeting of the four Housing groups approved new 5-year HOME grant for Junction Village. The Starmet Reuse Committee has scheduled a public forum on October 17 to consider the repurposing of the 44-acre property in West Concord. Ms. Escobedo reported that the Junction Village project did not received the grant it was hoped for. They have begun to apply for the next round of funding.

Ms. Hotchkiss stated that she attended the Natural Resources Commission meeting at which the Planned Residential Development, Concord Culinary Cottages on 430 Old Bedford Rd was approved. This would entail 4 single family residences and 2 two-family residences. The Commission denied the Lot 2A Keuka Rd subdivision.

She also reported that the Historic Districts Commission informally approved with conditions the application for the Concord Free Public Library addition. Ms. Hotchkiss reported that she has received numerous contacts from residents who expressed appreciation for the Town's proactive policy regarding EEE.

Ms. Ackerman reported that she attended the West Concord Cultural Council meeting where she learned that the council will request to the Select Board approve four signs to mark the boundaries of the district. In addition, there will be a Porchfest in West Concord on September 21 where 24 acts are expected. The Bruce Freeman Rail Trail Advisory Committee is inviting the community to the ribbon cutting of the 2C phase of the trail on September 27 at 2PM in West Concord.

Ms. Ackerman attended a meeting of interested folk from MAPC MAGIC communities to develop a transportation services pilot program called Making the Connection. This is envisioned similar to the Regional Housing Services Program. In this case, Sudbury intends to take the lead. Cooperating towns could apply for transportation grants and perhaps Concord could tie in the Depot Development Grant. One main purchase of the grant is to gather data regarding the demographics of potential users.

SELECT BOARD
MINUTES
SEPTEMBER 9, 2019

Mr. Lawson attended a meeting of the Tax Fairness Committee and learned that they are engaged in reworking the Senior Tax Exemption program that has a three-year life before needing to renew it. They hope to amend it in such a way as to not be required to go through the entire legislative process.

COMMITTEE NOMINATIONS

Ms. Escobedo nominated Brian Davidson of 86 Peter Bulkeley Rd to the Cemetery Committee

ADJOURNMENT

Upon a motion duly made and seconded, it was UNANIMOUSLY

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

Respectfully Submitted,

Linda Escobedo, Clerk
Approved:

Meeting Documents

<https://concordma.gov/DocumentCenter/View/21446/Sept-9-2019-Select-Board-supporting-materials>

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=a1OjKSF4IRU&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=3&t=2265s>

Nominate

Exec Sess.

SELECT BOARD
MINUTES
SEPTEMBER 23, 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 September 23, 2019 at 7PM.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, and Susan Bates. Absent: Jane Hotchkiss. Also present was Stephen Crane, Town Manager.

CALL TO ORDER

Mr. Lawson called the meeting to order and announced that it was being broadcast and recorded.

CONSENT AGENDA

- Town Accountant Warrants
- Minutes – June 17, July 1, and July 15, 2019
- Proclamations
 - 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
 - Almgren Family Charitable Fund \$500.00 property tax relief
- One Day Special Licenses
 - Saltbox Farm 10/5 11AM-4PM 40 Westford Rd. Wines & Malt Only
 - Provisors 10/7 12pm-7pm Concord Country 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

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to Approve the Consent Agenda.

TOWN MANAGER'S REPORT

1. Town Manager Stephen Crane announced that the Nuclear Metals/Starmet Reuse Planning Committee is working with consultants and the EPA to review and develop future reuse options for the parcel at 2229 Main St. when the Superfund site has been fully rehabilitated to a residential standard. More information is available online.
2. Working with MA Dept. Public Health, the Town has closed recreation areas from dusk to dawn and undertaken ground spraying of playing fields and around school buildings in response to the threat of EEE. The Town and MDPH will continue to monitor risk levels.
3. The Town Manager stated that he has distributed background documents to Department Heads for developing budget and capital planning by municipal departments.

Call to Order

Consent Agenda

TM Rpt

SELECT BOARD
MINUTES
SEPTEMBER 23, 2019

4. This is Climate Action Plan Week. The Town is participating in a Municipal Vulnerability Program (MVP) grant to help develop a plan for resilience in a time of climate change.
5. The Library has received all of the local approvals needed for its planned renovation and expansion. Next is a 20-day appeal period.
6. The Ribbon Cutting ceremony for the Bruce Freeman Rail Trail will be on Friday at 2PM.

CHAIR'S REMARKS

Mr. Lawson stated that there will a reception on September 27 in the Hearing Room at 5PM to welcome the new Town Manager. The First Annual West Concord Porch Fest occurred on Saturday, September 21 from 1-5PM and was a great success. There were 25 bands performing on stages at the Harvey Wheeler and 9 homes.

Mr. Lawson stated that he heard a presentation regarding the 2229 Main St. reuse planning while attending a School Committee meeting. The Committee intends to seek input from various stakeholders before making a presentation to the Select Board regarding ownership and liability as well as potential reuse options.

ACCEPTANCE OF FEDERAL GRANT MONEY POLICY – Kerry LaFleur, Director of Finance.

Kerry LaFleur was present to seek approval for a policy regarding acceptance of federal grant money. She stated that this step is a requirement based on the amount of funds the Town and Schools receive. In response to a question, she stated that the bulk of federal funding is for public school programs such as free/reduced lunch and special education. From time to time, the Town will receive FEMA funds, which together with schools, require the policy to cover cash management, procurement, allowable costs, travel, and sub-recipient monitoring.
Ms. LaFleur

The Board reviewed the policy memo and had no questions.

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

VOTED: to approve the acceptance of the Federal Grant Money Policy as discussed.

CONSERVATION RESTRICTION HARTWELL MEADOW– Joan Ferguson, President Concord Land Conservation Trust

Mr. Lawson stated that he would recuse himself and not participate in this matter as his wife is a Director on the Concord Open Land Foundation and their home closely abuts the parcel in question. Ms. Escobedo chaired *pro tem*.

Chr. Remarks

Federal Policy

CR

SELECT BOARD
MINUTES
SEPTEMBER 23, 2019

Joan Ferguson, President of the Concord Conservation Land Trust was present with member Jay Keyes and Director of Natural Resources Delia Kaye, to seek approval for a Conservation Restriction on a 5-acre parcel of land at 1767 Lowell Rd. Ms. Ferguson stated that the parcel had been in the Town Chapter 61A land program that creates tax benefits for land owners who keep property in agriculture or open space. One component of the program is to allow the Town to have first right of refusal on the parcel should the owner decide to change its use or sell. The Town is allowed to assign its rights to another entity, in this case CCLT, which has fulfilled the purchase and sale agreement with the owner and spent some time to develop a Conservation Restriction that keeps the land in agriculture and open space connecting with Carlisle and the Spencer Brook Valley.

There was discussion regarding the long fruitful working relationship of the Town and CLCT, but no questions regarding the proposed restriction.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve a Conservation Restriction, pursuant to Massachusetts General Laws, Sections 31 through 33 of Chapter 184, at 1767 Lowell Road granted by the Concord Land Conservation Trust on September 9, 2019 and accepted by the Natural Resources Commission on September 18, 2019. The CR is 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.

TAX FAIRNESS COMMITTEE – SENIOR MEANS TESTED PROPERTY TAX EXEMPTION UPDATE

David Karr, Chair of the Tax Fairness Committee, was present with member Jay Keyes and Assessor Lane Partridge to update the Board on implementation of the program and alert the Board to the need to submit a Warrant Article to Town Meeting to renew the program. Mr. Karr stated that FY19 was the first year that applications were accepted for local property tax exemptions. 49 applications were granted with a value of \$191,000. Each exemption was valued between \$1,700 and \$5,800. This amounts to 0.23% of the residential levy, much less than the 0.5% that was anticipated in the committee proposal to Town Meeting. The Committee anticipates that the program will continue to be implemented for the next two years.

Tax Fairness

SELECT BOARD
MINUTES
SEPTEMBER 23, 2019

However, the home rule legislation approved by the Great and General Court that enables the program has a three-year life and expires in 2021. This means that it is time to develop a new petition for Town Meeting to send to the Legislature in time for its action before returning to both Town Meeting and the polls in 2021. If all goes as it did when Sudbury proposed such a renewed program, the Legislature will not attach the short duration the next time.

Mr. Lawson stated that he contacted Senator Barrett in hopes that the original home rule petition might be amended and renewed and was disappointed to learn that it must go through the entire legislative cycle with no shortcuts. Therefore, he will send the new text to Senator Barrett to get the earliest input from Senate Counsel before the Town acts on it at 2020 Town Meeting.

7:05PM PUBLIC HEARING: CHANGE OF MANAGER associated with Section 12 Restaurant All Alcohol License—Papa Razzi Trattoria of Concord, Inc., 768 Elm Street

ABCC

On a motion made and duly seconded, it was:

VOTED: to Open the Hearing.

Julian Maria was present from Papa Razzi to seek approval for a Change of Manager of Record. He stated that he is currently employed by the parent company in Boston and before that worked elsewhere in the food and alcohol industry. The application is complete, and Mr. Maria stated that he is aware of and ready to comply with Concord requirements.

In response to a question, Mr. Maria summarized the corporate history of Papa Razzi and Newport Harbor Corporation. He stated that there have been no operational changes. There were no public questions or comments.

On a motion made and duly seconded, it was:

VOTED: to Close the Hearing.

On a motion made and duly seconded, it was:

VOTED: To approve the application from the application from Papa Razzi Trattoria of Concord, Inc., located at 768 Elm Street, for the change of manager associated with existing Section 12 Restaurant All Alcohol License. The new manager, Julian Maria, 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.

MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT-- UPDATE

MMRVT

SELECT BOARD
MINUTES
SEPTEMBER 23, 2019

Steven Ledoux, recently appointed Concord Representative to the Minuteman Regional School Committee, was present to inform the Board about school matters. The new high school recently has been completed one year early and on budget, a most uncommon experience. There will be a ribbon-cutting ceremony on October 4 at 9:30AM and an Open House on Sunday, November 17 from 1PM –4PM.

About five years ago, the sixteen towns in the Minuteman Regional District reviewed and amended the regional agreement, in the process of which reducing the number of participating towns from 16 to 10. In 2016, Belmont, which had remained in the district, had second thoughts and voted to withdraw effective June 2020. In the circumstances, their School Superintendent charged a committee to determine the best option for providing vocational technical education to Belmont residents and concluded that Minuteman Regional District was the best option. Belmont has scheduled a Special Town Meeting for November 18 to determine whether to rescind its earlier vote to withdraw.

If Belmont continues to wish to withdraw, there is no further impact on the District. If it decides to rescind that vote there are two things that happen. First of all, the Minuteman Regional School Committee will consider and vote UNANIMOUSLY whether to admit or deny Belmont (which they are empowered to do for any new or returning Town). Secondly, if Belmont is admitted, then a plan must be developed to repay its share of the capital cost of the new school. Belmont's share to date is a lump sum of \$472,000, Belmont would like to do this over time.

Mr. Ledoux is looking for insight into what steps to take going forward. He will update the Finance Committee as well. In his opinion, it is better for the students to stay where they will get access to the best services. He has no opinion regarding how to handle the funding. Discussion amongst the Board saw a similar "no opinion" perspective. Mr. Ledoux was thanked and encouraged to keep the Board informed.

MUNICIPAL FACILITIES -- UPDATE

Stephen Crane stated that after the TBA consultant report on municipal facilities, the Senior Management Team (SMT) considered the report and developed priorities for municipal facilities with department operations in mind. First of all, all agreed that the Middle School was priority 1 for the Town.

Facilities update

SELECT BOARD
MINUTES
SEPTEMBER 23, 2019

After that, being mindful that priorities do not exist in a vacuum and without speculating on future circumstances, SMT decided that 2) construction of a new public safety facility in a new location is its highest priority. A satellite fire house would still need to be maintained in order to maintain reasonable response times throughout Town. 3) Building a new Public Works campus off the Keyes Rd location would be ideal, but costly. 4) Phased renovations of Public Works administration and storage are next identified needs. 5) Storage of the Public Works vehicle fleet and 6) renovating the existing Public Safety facility on Walden St. for other uses complete the list.

Mr. Crane noted that there has been an appropriation of funds to “mine” space at the Town House, likely to move divisions within the building or to other sites. Mr. Crane stated that debt service peaks provide context for facilities planning. There will be some relief in 2025 when the debt on the elementary schools is paid off and in 2029 when all elementary school debt is gone. Mr. Lawson suggested an interactive graphic to show current debt as well as forecasted debt and the impact of prioritized projects when more financial information is available. Mr. Crane announced that SMT has agreed to work with TBA to develop more information from their groundwork so that planning and awareness of external factors can make projects ready to go with shorter lead time when opportunity arises.

Mr. Lawson thanked Mr. Crane for this important step in facilities planning. Ms. Ackerman suggested that overrides would likely be required to address these needs and surprises such as a surplus school building or the 2229 site could come available.

MUNICIPAL FY21 CPA PROJECTS -- DISCUSSION

Mr. Crane stated that department heads have reviewed municipal projects that are eligible for Community Preservation funding and have ranked seven projects as priorities; two of these are ongoing—the administrative costs and Regional Housing Services. The purpose of the agenda item is to allow the Board to indicate its own priorities.

Discussion included: why does dredging Warner’s Pond continue on the list when both White Pond and the Gerow Land continue to be developed; can dredging be phased; do all the projects “fit” within the CPA budget; can the Emerson Field be phased; is there not funding available for Chamberlin Park from a trust. Delia Kay, Kerry LaFleur, and Stephen Crane provided information helpful information: dredging Warner’s Pond is for the health of the pond, not for recreational values and cannot be phased. However, funding is being sought in multiple years until enough is “banked” to accomplish the task in one season. Emerson cannot be phased because of the impact on the rest of the playground.

CPA

SELECT BOARD
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There is sufficient money available for Chamberlin Park bridge in the care of the Trustees of Town Donations. However, there is some uncertainty about how the trust may be expended. While there is likely to be \$1.5 to \$2M available to be expended, the municipal projects are not the only applications submitted. There were 13 applications for \$2.6M in CPA funding submitted. In addition, Mr. Crane stated that two non-municipal projects were referred to Counsel for an opinion on whether they were eligible for CPA funding.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the Chair to draft and transmit correspondence to the Community Preservation Committee indicating the Board's priorities as discussed.

LIAISON REPORTS

Ms. Bates reported that the successful Porch Fest was a project of the West Concord Cultural District Committee. She attended the Historical Commission at which there was discussion regarding amending the demolition delay bylaw, an Historic Preservation Award ceremony, a report on the First Parish Clock Tower, and the need for an associate member. She attended the Hanscom Field Advisory Committee (HFAC) at which there was a discussion of noise and capital projects. The Middle School Building Committee will now be meeting every other Thursday at 7:30AM in Conference Room 4 at Ripley Building. On the alternate Thursdays the subcommittees will be meeting. The Owners Project Manager (OPM) presented two potential timelines for the project.

Ms. Escobedo attended the Emerson Umbrella ribbon cutting ceremony as well as Ag Day. She attended Planning Board at which the Library received needed approvals for its renovation, but the 430 Bedford Rd project is still under review.

Ms. Ackerman attended the Public Works Commission (PWC) meeting at which there was a discussion of the Complete Streets Program. Once the State provides approvals, the Town will be eligible for \$400,000 per year in grants to address conditions identified by public and professional input. This matter will come before the Board in the future. Work is proceeding well on Cambridge Turnpike. Drop Off/Swap Off will occur on October 19. The Council on Aging Flu Clinic will occur on October 8. The Concord Center Cultural Council believes there has been a difference in visitors' experience since the hiring of the tourism manager. It hopes to consider expanding the district once Cambridge Turnpike construction is complete. *Little Women* will likely be released to theaters for Christmas. The Board of Assessors will appear before the Board on November 18 to set the annual tax classification. Ms. Ackerman attended a multi-town group meeting in Arlington on gas leaks.

Liaison Reports

SELECT BOARD
MINUTES
SEPTEMBER 23, 2019

Mr. Lawson stated that he has met with the Tax Fairness Committee as well as the Hugh Cargill Trust Committee. The 2229 Main St. Reuse Planning Committee made an appearance before the School Committee and intends to make a presentation to the Board as well. The Municipal Light Board heard a report on its Reserves. The Financial Audit Committee heard the Auditor report on the Concord Municipal Light Plant (Concord Light). There were no concerns. The Annual education meeting for board and committee members will occur on November 2 from 9—12 in the Hearing Room.

MISCELLANEOUS/CORRESPONDENCE

1. There have been questions over the years regarding policy dealing with prohibitions on non-residents serving on committees and residents serving on multiple committees simultaneously. This is addressed in Administrative Policy and Procedure #10. Mr. Lawson volunteered to work with the Town Manager on the question and return to the Board for discussion.

COMMITTEE NOMINATIONS

Linda Escobedo nominated Jane Obbagy of the Concord Chamber of Commerce to the Economic Vitality Committee for a term to expire 5/31/22; Holly Darzen of 155 Heath's Bridge Rd to the Affordable Housing Trust Study Committee for a term to expire 3/23/20

COMMITTEE APPOINTMENTS

On a motion made and duly seconded, it was:

VOTED: to appoint 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.

PUBLIC COMMENT

Diane Proctor of Sudbury Road, commenting on behalf of the League of Women Voters, noted that from time to time, the public turnout to a meeting overflows the space available and citizens are turned away. She recommended that committees be sensitive to these issues and be prepared to relocate to avoid discouraging the public.

ADJOURNMENT

Upon a motion duly made and seconded, it was UNANIMOUSLY

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

Respectfully Submitted,

Linda Escobedo, Clerk
Approved:

Misc.

Nominate

Appointments

Public Comment

Adjourn

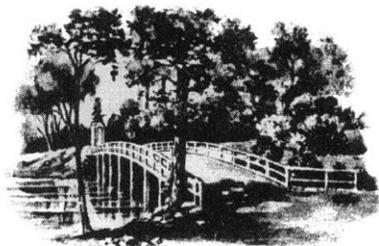
SELECT BOARD
MINUTES
SEPTEMBER 23, 2019

Meeting Documents

<https://concordma.gov/DocumentCenter/View/21624/September-23rd-Select-Board-Packet>

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=q5PSRnLT8LU&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=2&t=1734s>



OLD NORTH BRIDGE

TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

Public Ceremonies and Celebrations Committee

Proposed 2019-2020 Calendar of Events

Veteran's Day Flag Retirement at Sleepy Hollow Cemetery
Monday, November 11, 2019 at 8:00 am

Concord Tree Lighting at Monument Square
Sunday, December 1, 2019
Parade steps off just prior to 5 pm, Lighting at approx. 5:15 pm

Honored Citizen Ceremony at Harvey Wheeler Center
Sunday, March 22, 2020 at 2:00 pm

Meriam's Corner Parade/Exercise
Saturday, April 4, 2020 at 1:00 pm

Dawn Salute at Buttrick Hillside
Sunday, April 19, 2020 at 6:00 am

Patriot's Day
Monday, April 20, 2020 at 9:00 am

Memorial Day
Monday, May 25, 2020 at
9:00 am – Rideout Field
11:00 am – Monument Square

Active Committee Members

John Arena III, Chair

Tom Valle

Trish Ng

Julissica Navarro-Norton

David Bell



Town of Concord

Finance Department
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742
Tel: (978) 318-3090
Fax: (978) 318-3093

October 18, 2019

Olive Avenue Productions LLC
"Castle Rock 19/20 Series"
400 Warner Blvd., Bldg. 137, Room 2115
Burbank, A 91522

Re: Visitor's Center

This will acknowledge your gift of \$7500 made to the Visitor's Center Account as a thank you to the Town for help with the production. Thank you for your generous contribution.

Sincerely,

Kerry A. Lafleur
Town Treasurer

cc: Town Manager
cc: COA Director

This gift is deductible for federal income tax purposes to the extent allowed by law. No goods or services were provided in return for this gift. The Town's Tax Exempt ID number is 04-6001121. Gifts made to the Town are deductible in accordance with IRC section 170(c)(1).



Town of Concord
Finance Department
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742
Tel: (978) 318-3090
Fax: (978) 318-3093

October 18, 2019

Thomas Everts
18 Windmill Hill Rd,
Concord, MA 01742

Re: Sleepy Hollow Tree Service Work Gift

This will acknowledge your gift in kind valued at \$4,200 made to the Town of Concord in the form of removal and pruning of trees within the Sleepy Hollow Cemetery.

Sincerely,

Kerry A. Lafleur
Town Treasurer

cc: Town Manager

This gift is deductible for federal income tax purposes to the extent allowed by law. No goods or services were provided in return for this gift. The Town's Tax Exempt ID number is 04-6001121. Gifts made to the Town are deductible in accordance with IRC section 170(c)(1).

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) Cheryl Witty
 COMPANY or organization: Acton Boxborough United way
 ADDRESS: 537 Massachusetts Ave #101 Acton MA 01720
 TELEPHONE: 978-502-4177
 DATE(S) APPLIED FOR: November 23, 2019
 EVENT: Acton Boxborough United way Casino Royale
 HOURS OF OPERATION: 7pm - 11pm
 PREMISES TO BE LICENSED: Concord Country Club
 ADDRESS OF PREMISE LICENSED: 246 Old Road to 9 Acre Corner Concord, MA

License is for the Sale of:

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

The Licensed Activity or Enterprise is:

For Profit	<input type="checkbox"/>
Non-Profit	<input checked="" 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: Cheryl Witty Date: 9/5/19

**TOWN OF CONCORD
Board of Selectmen**

One Day Special Licenses

Under 21 Policy

The Town of Concord Board of Selectmen assumes that there may be guests or attendees under 21 at any event. Therefore this policy must be adhered to for all events.

Applicant Name:	Acton Boxborough United Way
Location of Event:	Concord Country Club, Concord
Date of Event:	November 23, 2019

Applicants agree to check the ages of all guests at the door. If a person is under the age of twenty-one, his/her hand will be stamped to indicate that the person is underage to the bartender.

I certify that Concord's Under 21 policy requirement for the event stated in this application will be followed.

Signature of Applicant:	<i>Chris [unclear]</i>
-------------------------	------------------------

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) Megan Hawkes
COMPANY or organization: Saltbox Farm
ADDRESS: 40 Westford Road, Concord MA
TELEPHONE: 978.610.6020
DATE(S) APPLIED FOR: Wednesday, November 6, 2019
EVENT: Cooking Class
HOURS OF OPERATION: 5p-10p
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: Megan Hawkes Date: 10/10/19

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) Megan Hawkes
 COMPANY or organization: Saltbox Farm
 ADDRESS: 40 Westford Road, Concord MA
 TELEPHONE: 978.610.6020
 DATE(S) APPLIED FOR: Saturday, November 9, 2019
 EVENT: Cooking Class
 HOURS OF OPERATION: 5:30p-8:30p
 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?
 If no, number of consecutive years licensed? Yes No

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: Megan Hawkes Date: 10/10/19



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: October 21, 2019

Re: Town Manager Report

Nagog Pond Litigation

Attached are documents associated with the recent decision regarding water rights at Nagog Pond. Fortunately, the Town prevailed in the litigation and the Judge's decision is unambiguous about Concord's water rights codified in the Water Management Act. The decision, notwithstanding any appeal that may be filed, clears the way for a new water treatment plant to be constructed.

Library FY 2019 Statistics

Attached are updated statistics from the Concord Free Public Library, including the Fowler Branch, comparing FY19 to FY18. The growth in the Library's social media profile and efforts to promote literacy among teens and children have yielded excellent results.

TM Guidelines Summary

Attached is the packet of information that was presented to the Finance Committee in response to its budget guidelines questionnaire.

Housing Initiatives Summary

Attached is a "one-pager" that Liz Rust prepared to summarize the affordable housing programs that are currently underway. The information consolidates and briefly explains the many efforts to create affordable housing in Concord and can be used as a tool to create program linkages.

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

18 MISC 000596 (JSDR)

MIDDLESEX, ss.

TOWN OF CONCORD,

Plaintiff,

v.

LITTLETON WATER DEPARTMENT,

Defendant,

And

TOWN OF ACTON,

Intervenor-Defendant.

JUDGMENT

This action was commenced by plaintiff Town of Concord (“Concord”) with the filing of a complaint on November 8, 2018 against the defendant Littleton Water Department (“LWD”) seeking a declaration as to the extent to which LWD’s claimed right to withdraw water from Nagog Pond pursuant to Chapter 201 of the Acts of 1884 (“the 1884 Act”), § 10, has been superseded by the Water Management Act, G.L. c. 21G (“WMA”), and, more particularly, the extent to which Concord’s registration of rights under the WMA negates LWD’s rights under the 1884 Act. On January 8, 2019, the Town of Acton (“Acton”) filed a motion to intervene on the grounds that it, too, had rights under the 1884 Act comparable to those of the Town of Littleton (“Littleton”), which motion was allowed by the court on March 14, 2019.

Cross-motions for summary judgment and supporting papers were filed and a hearing was held on July 11, 2019. Thereafter, the parties filed supplemental memoranda and affidavits

addressing issues raised at that hearing. The court has determined in a decision of even date that summary judgment shall issue declaring that the 1884 Act was impliedly repealed by the WMA, as a result of which any rights granted to Littleton and Acton under the 1884 Act were extinguished.

In accordance with the court's decision, it is hereby

ORDERED that Plaintiff's Motion For Summary Judgment is **ALLOWED** and The Littleton Water Department's Cross-Motion For Summary Judgment Pursuant to Mass. R. Civ. P. 56 and Acton's Cross-Motion For Summary Judgment are **DENIED**.

It is further

ORDERED, **ADJUDGED**, and **DECLARED** on Concord's complaint that the WMA impliedly repealed the 1884 Act and extinguished any rights granted to Littleton and to Acton thereunder.

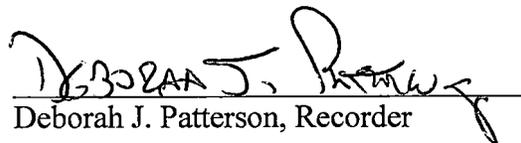
It is further

ORDERED and **ADJUDGED** that this Judgment is a full adjudication of the parties' claims in this case, and all prayers for relief by any party to this action that are not granted in the preceding paragraphs are denied.

SO ORDERED.

By the court (Roberts, J.)

Attest:


Deborah J. Patterson, Recorder

Dated: October 11, 2019



COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

MIDDLESEX, ss.

18 MISC 000596 (JSDR)

TOWN OF CONCORD,

Plaintiff,

v.

LITTLETON WATER DEPARTMENT,

Defendant

And

TOWN OF ACTON,

Intervenor-Defendant.

**MEMORANDUM OF DECISION
GRANTING PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT AND
DENYING DEFENDANTS’ CROSS-
MOTIONS FOR SUMMARY
JUDGMENT**

INTRODUCTION

This action was commenced by plaintiff Town of Concord (“Concord”) with the filing of a complaint on November 8, 2018 against the defendant Littleton Water Department (“LWD”)¹ seeking a declaration as to the extent to which LWD’s claimed right to withdraw water from Nagog Pond pursuant to Chapter 201 of the Acts of 1884 (“the 1884 Act”), § 10, has been superseded by the Water Management Act, G.L. c. 21G (“WMA”), and, more particularly, the extent to which Concord’s registration of rights under the WMA negates LWD’s rights under the 1884 Act. On January 8, 2019, the Town of Acton (“Acton”) filed a motion to intervene on the

¹ In an earlier decision in this matter, the court noted that Concord had named LWD, not the Town of Littleton (“Littleton”), as a defendant and requested that Concord determine whether LWD was the proper party to these proceedings. No motion to substitute was made thereafter, and so, for purposes of this memorandum of decision, the court treats LWD as representing Littleton’s interests herein.

grounds that it, too, had rights under the 1884 Act comparable to those of Littleton, which motion was allowed by the court on March 14, 2019.²

At a hearing on March 14, 2019 on LWD's motion to dismiss this action, the parties agreed that the action should be transferred to the Superior Court, rather than dismissed, if LWD's motion was granted and that a briefing schedule for cross-motions for summary judgment should be established, to be filed and heard in this court if the motion to dismiss was denied, and to be transferred and heard in the Superior Court if the motion to dismiss was granted. A schedule was set, the motion to dismiss was denied by order dated March 19, 2019, motions and cross-motions for summary judgment and supporting papers were filed and a hearing was held on July 11, 2019. The parties thereafter filed supplemental memoranda and affidavits addressing issues raised at that hearing.

For the reasons set forth below, this court concludes that the 1884 Act was impliedly repealed by the WMA, as a result of which any rights granted to LWD and Acton under the 1884 Act were extinguished.

THE UNDISPUTED MATERIAL FACTS³

Concord petitioned the state legislature in the late 19th Century for authorization to withdraw water from Nagog Pond, a fresh water pond located along the border of the towns of Littleton and Acton. PSUMF ¶ 1. In 1884, the General Court passed *An Act to Authorize the*

² A motion to intervene was also brought on behalf of the Acton Water Department and was denied as to that entity by order dated March 19, 2019.

³ These are taken from Plaintiff's Statement Of Undisputed Material Facts ("PSUMF"), and were either admitted by LWD and Acton or were objected to by LWD on the grounds that the statements were irrelevant, that LWD had not undertaken discovery in this case, and that it should not be required to expend resources to investigate the accuracy of an immaterial statement. To the extent that the court disagrees with LWD's assessment of the relevance of these statements, it is noted that LWD did not seek relief pursuant to Mass. R. Civ. P. Rule 56(f) and did not file a motion to strike those statements. For purposes of these cross-motions only, the court accepts those statements as true. To the extent that LWD objected on the grounds that the statements were not based on admissible evidence, and the court agreed, those statements have been omitted.

Town of Concord to Increase its Water Supply, which gave Concord authorization to withdraw water from Nagog Pond and to undertake acquisitions by eminent domain to support its water withdrawal efforts. PSUMF ¶¶ 2-3.

In 1909, Concord recorded an instrument of taking in the Middlesex Registry of Deeds, Book 3457, Page 221. PSUMF ¶ 4. Since 1909, Concord has periodically obtained other parcels abutting Nagog Pond, installed an intake pipe and a dam to hold the water in Nagog Pond, and constructed a pump house, water mains, and an ozone treatment facility. PSUMF ¶¶ 5, 10, 22. Concord completed a major renovation of the dam at Nagog Pond in 2012. PSUMF ¶ 23. Presently, Concord owns approximately 40 acres of land in Littleton and 60 acres of land in Acton abutting Nagog Pond, which it acquired pursuant to the 1884 Act. PSUMF ¶ 7. Concord is presently in the process of replacing the intake pipe and constructing a new water treatment plant. Supplemental Affidavit of Alan H. Cathcart, sworn to on September 27, 2019, at ¶¶ 30-35.

In 1985, Massachusetts adopted the WMA. PSUMF ¶ 11. Pursuant to the WMA, the Massachusetts Department Of Environmental Protection (“the DEP”) adopted the regulations it deemed necessary to establish a “mechanism for managing ground and surface water in the commonwealth in a single hydrologic system ...” M.G.L. c. 21G, § 3. PSUMF ¶ 12. The DEP published regulations pursuant to the WMA at 310 CMR 36.00. PSUMF ¶ 13.

Prior to the January 1, 1988 deadline established in G.L. c. 21G, § 5, Concord filed with the DEP its registration statement documenting its historic use of Nagog Pond. PSUMF ¶ 14. In its registration statement, Concord sought registration for an aggregate of 2.1 million gallons per day (“MGD”) for its six historic water withdrawal resources, including surface and groundwater resources. PSUMF ¶ 15. Based on the underlying withdrawal volumes recorded by Concord

during the WMA Registration Eligibility Period, the volume attributable to Nagog Pond was 0.89 MGD. PSUMF ¶ 16.

DEP issued Concord a registration for Nagog Pond on May 30, 1991 and Concord has timely renewed its registration since then. PSUMF ¶¶ 20-21. LWD did not comment on any of Concord's registration renewals. PSUMF ¶ 34.

LWD did not seek to exercise any water withdrawal rights to Nagog Pond under the 1884 Act prior to the enactment of the WMA. PSUMF ¶ 30. LWD did not attempt to exercise any water withdrawal rights to Nagog Pond during the period from 1981 to 1985. PSUMF ¶ 31. LWD did not submit any comments on Concord's WMA registration statement to limit or condition Concord's registration in an effort to preserve rights that Littleton may have claimed to withdraw water from Nagog Pond under the 1884 Act. PSUMF ¶ 32. LWD registered four groundwater wells in Littleton, but did not establish or assert any active use of Nagog Pond in its registration statement. PSUMF ¶ 33.

LWD commissioned a water capacity analysis, the results of which are contained in a report entitled Water System Capacity Analysis Prepared For: Littleton Water Department Littleton MA dated July 31, 2017 ("Littleton Water Analysis"). Affidavit Of Nick Lawler In Support Of Defendant Town Of Littleton's Supplemental Memorandum In Support Of Its Motion For Summary Judgment, sworn to September 26, 2019 ("Lawler Aff."), at ¶ 8 and Ex. A. The Littleton Water Analysis projects that LWD will need additional capacity to meet expected demand on its water resources. *Id.* at ¶ 10. According to the General Manager of Littleton's Electric, Light & Water Department, Mr. Nick Lawler, any use of Nagog Pond by LWD will require a substantial commitment of time and money, as a result of which "it is imperative that Littleton and [LWD] extinguish, prior to commencing that process, the Town of Concord's

incorrect claims that Littleton lacks legal right and authority to exercise its rights to take, hold and use Nagog Pond's waters." *Id.* at 14.

On or about February 20, 2018, LWD gave notice to Concord of LWD's intent to exercise its rights under Section 10 of the 1884 Act. LWD Statement of Material Facts ("DSUMF"). Through correspondence and in meetings at various times in 2018, LWD and Concord discussed that notice of intent. DSUMF ¶ 37. LWD and Concord were unable to resolve their differences concerning the rights, interests and priorities to use the water from Nagog Pond. DSUMF ¶ 38.

Littleton is currently engaged in permitting new groundwater wells, known as "Cobbs Wells," at a site not far from Nagog Pond. Lawler Aff. ¶ 15. In proceedings before DEP, Concord has questioned the issuance of a permit for the Cobbs Wells because of a groundwater connection between those proposed wells and Nagog Pong. *Id.* at ¶ 16.

DISCUSSION

The central issue raised by these cross-motions for summary judgment is whether the WMA impliedly repealed the 1884 Act, such that LWD's and Acton's rights under the 1884 Act were thereby extinguished. There is, however, a threshold issue: whether this case presents an actual controversy ripe for resolution pursuant to G.L. c. 231A, § *et seq.*, because neither LWD nor Acton has yet applied to use the waters of Nagog Pond under the WMA, a statute to which both entities agree they are subject and under which they may be denied permits for reasons having nothing to do with the 1884 Act. As is set forth below, this court concludes that this action presents an actual controversy, and that the WMA impliedly repealed the 1884 Act.

Actual Controversy

As described in *Town of Hingham v. Dep't of Hous. & Cmty. Dev.*, 451 Mass. 501, 505 (2008), quoting *Massachusetts Ass'n of Indep. Ins. Agents & Brokers, Inc. v. Commissioner of Ins.*, 373 Mass. 290, 291 (1977) and G.L. c. 231A, § 9, “[t]he purpose of declaratory judgment is ‘to afford relief from uncertainty and insecurity with respect to rights, duties, status and other legal relations.’” “However, in order for a court to provide declaratory relief, an actual controversy – that is, a controversy appropriate for judicial resolution – must exist.” *Id.*

An actual controversy arises “where there is ‘a real dispute caused by the assertion by one party of a legal relation, status or right in which he has a definite interest, and the denial of such assertion by another party also having a definite interest in the subject matter, where the circumstances attending the dispute plainly indicate that unless the matter is adjusted such antagonistic claims will almost immediately and inevitably lead to litigation.’” *Libertarian Ass'n of Mass. v. Sec'y of the Commonwealth*, 462 Mass. 538, 546-547 (2012) quoting *School Comm. Of Cambridge v. Superintendent of Sch. Of Cambridge*, 320 Mass. 516, 518 (1946). “The phrase ‘actual controversy’ is, however, to be ‘liberally construed.’” *Wells Fargo Fin. Massachusetts, Inc. v. Mulvey*, 93 Mass. App. Ct. 768, 771 (2018), quoting *Boston v. Keene Corp.*, 406 Mass. 301, 304 (1989).

Here, all parties contend that there is an actual controversy between them that is ripe for resolution. While their consensus is not determinative, see *Perini Corp. v. Building Inspector of North Andover*, 7 Mass. App. Ct. 72, 76-77 (1979) (declining to issue declaration of rights despite request of both parties), the supplemental briefs and affidavits filed by the parties satisfy this court that there is a real dispute between them as to their respective rights under the 1884 Act and the WMA having immediate consequences. Concord continues to expend significant

time and resources preparing for the replacement of the original intake pipe at Nagog Pond and the construction of a new water treatment facility based on its right to draw water from Nagog Pond under the WMA, efforts that may be worthless if Littleton and Acton have superior rights to the waters of Nagog Pond. Littleton is currently engaged in permitting new groundwater wells in the vicinity of Nagog Pond with the DEP, and Concord has questioned that permitting in view of the impact of the proposed wells on Nagog Pond, a position that loses its merit if Concord's rights in Nagog Pond are subsidiary to Littleton's rights. Littleton also has longer range water needs that it must address, and having clarity as to its rights in Nagog Pond is important as Littleton expends significant time and money pursuing additional water resources. An actual controversy exists here.

Implied Repeal

In determining whether one statute repeals another, "it is the duty of the court to ascertain the legislative intent and to effectuate it." *Doherty v. Commissioner of Administration*, 349 Mass. 687, 690 (1965). "[T]he touchstone is 'the intent of the Legislature ascertained from all its words construed by the ordinary and approved usage of the language, considered in connection with the cause of its enactment, the mischief or imperfection to be remedied, and the main object to be accomplished, to the end that the purpose of its framers may be effectuated.'" *Skawski v. Greenfield Investors Property Development LLC*, 473 Mass. 580, 586-587 (2016), quoting *Weems v. Citigroup, Inc.*, 453 Mass. 147, 153 (2009), quoting *Boston Police Patrolmen's Ass'n v. Boston*, 435 Mass. 718, 720 (2002).

Generally speaking, more recent statutes do not repeal earlier statutes absent express language to that effect or clear implication. *Skawski*, 473 Mass. at 586, quoting *Commonwealth v. Palmer*, 464 Mass. 773, 777 (2013) ("It is well established that '[a] statute is not to be deemed

to repeal or supersede a prior statute in whole or in part in the absence of express words to that effect or of clear implication.”). Repeal by implication is not favored. *Doherty*, 349 Mass. at 690 (principle of implied repeal “is one which the court, in deference to the Legislature, does not regard with favor and applies with caution”); *Homer v. Fall River*, 326 Mass. 673, 676 (1951) (“ordinarily the repeal of a statute by implication is not favored by the law”). Implied repeal must be by an “implication so clear that it overcomes our ‘strong presumption against implied repeal of a prior law.’” *Skawski*, 473 Mass. at 586, quoting *Dartmouth v. Greater New Bedford Reg’l Vocational Tech. Sch. Dist.*, 461 Mass. 366, 374 (2012).

However, “[i]mplied repeal is clear where ‘the earlier statute is so repugnant to and inconsistent with the later enactment covering the subject matter that both cannot stand.’” *Skawski*, 473 Mass. at 586, quoting *Dartmouth*, 461 Mass. at 374-375, and *Doherty*, 349 Mass. at 690. Accord *Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 457 Mass. 663, 673 (2010), quoting *Dedham Water Co., v. Dedham*, 395 Mass. 510, 518 (1985) (“The longstanding test for the principle of implied repeal is whether the prior statute is so repugnant to, and inconsistent with, the later enactment that both cannot stand. Only then is the former statute repealed.”); *Boston Housing Authority v. Labor Relations Com.*, 398 Mass. 715, 718 (1986). “Repugnancy and inconsistency may exist when the Legislature enacts a law covering a particular field but leaves conflicting prior prescriptions unrepealed.” *Town of Dartmouth*, 461 Mass. at 375, quoting *Doherty, supra* and citing *Homer*, 326 Mass. at 676. See also 1A Sutherland Statutory Construction § 23.9 (7th ed.) (“It has been held that courts will infer the repeal of a statute only when: (1) it is clear that a subsequent legislative act conflicts with a prior act; or (2) a subsequent act of the legislature clearly is intended to occupy the entire field covered by a prior enactment.”).

The issue of conflicts between a comprehensive statute and prior laws was addressed at some length in *Town of Dartmouth*:

“Where such a conflict does appear it is the court’s duty to give effect to the Legislature’s intention in such a way that the later legislative action may not be futile. The earlier enactment must give way.” *Doherty v. Commissioner of Admin., supra*. In such circumstances, “the legislative intent to supersede local enactments need not be expressly stated for the State law to be given preemptive effect.” *Boston Teachers Union, Local 66 v. Boston, supra*. “Where legislation deals with a subject comprehensively, it ‘may reasonable by inferred as intended to preclude the exercise of any local power or function on the same subject because otherwise the legislative purpose of the statute would be frustrated.’” *Id.*, quoting *Bloom v. Worcester*, 363 Mass. 136, 155, 293 N.E.2d 268 (1973). See *Warr v. Hodges*, 234 Mass. 279, 281-282, 125 N.E. 557 (1920). “Thus, a statute designed to deal uniformly with a Statewide problem ‘displays on its face an intent to supersede local and special laws and to repeal inconsistent special statutes.’” *Boston Teachers Union, Local 66 v. Boston, supra*, quoting *McDonald v. Superior Court*, 299 Mass. 321, 324, 13 N.E.2d 16 (1938).

461 Mass. at 375-376.

In *Town of Dartmouth*, the Education Reform Act of 1993 was found to be a comprehensive statute governing school funding that impliedly repealed St. 1971, c. 428, which authorized the formation of a vocational regional school district and provided for an agreement between the municipalities in that district as to, among other things, the apportioning of school district expenses. In *McDonald v. Superior Court*, 299 Mass. 321 (1938), the dispute was over whether a member of the licensing board of Pittsfield could only be removed under the provisions of the special act creating the city charter, St. 1932, c. 280, § 30, which required action by the mayor and city council, or whether the act regulating alcoholic beverages passed in 1933 as St. 1933, c. 376, G.L. c. 138, providing for removal by the mayor acting alone, governed. According to the *McDonald* court:

The circumstances attendant upon the enactment of the new c. 138 show that it was the legislative purpose to deal with the whole liquor problem for the entire Commonwealth. It was enacted to take effect upon the repeal of the Eighteenth Amendment to the Constitution of the United States. Its manifest design was to deal with the problem of the control of intoxicating liquor as an entirety. That problem was State-wide. There was

importance to the uniformity in the law to govern the administration of the subject. A statute of that nature displays on its face an intent to supersede local and special laws and to repeal inconsistent special statutes. *Brown v. Lowell*, 8 Met. 172, 174. *Copeland v. Mayor & Aldermen of Springfield*, 166 Mass. 498, 504, 44 N.E. 605. *O'Connor v. Boyden*, 268 Mass. 111, 114, 167 N.E. 268.

299 Mass. at 324.

For other cases of similar import, see *Bond Liquor Store, Inc. v. Alcoholic Beverages Control Com.*, 336 Mass. 70 (1957) (“The scope of the new section 25C, which is constitutional, is such as to suggest strongly an intention ‘to cover the whole subject to which it relates.’”) (citations omitted) (holding that G.L. c. 138, § 23A, was impliedly repealed by G.L. c. 138, § 25C); *Doherty*, 349 Mass. at 690-691 (“We think that by St. 1962, c. 757, the Legislature, establishing the Executive Office for Administration and Finance, intended to cover comprehensively its structure, methods of operation and procurement of personnel) (holding that G.L. c. 7, § 4D, impliedly repealed G.L. c. 8, § 4); *Boston Housing Authority*, 398 Mass. at 719 (“the comprehensive nature of G.L. c. 150E must prevail over any limitations which might be read into G.L. c. 121B, § 29”). See also *Skawski*, 473 Mass. at 588 (“The comprehensive scope of the act ... suggests that the Legislature intended to be equally comprehensive in declaring which court departments would have original jurisdiction to adjudicate major development permit appeals.”) (holding that the 2006 enactment of G.L. c. 185, § 3A, establishing a permit session in the Land Court, impliedly repealed G.L. c. 40A, § 17, insofar as the latter statute gave jurisdiction to the Housing court to hear permit appeals).

Turning, then, to the language of the WMA,⁴ § 3 requires that DEP and the water resources commission of the Executive Office of Environmental Affairs (“the Commission”)

⁴ There have been only minor modifications to the statute since its enactment, the most notable of which are a 1990 amendment to § 5 adding provision allowing for the registration of water withdrawals of 10,000 to 99,999 gallons per day and a 2009 addition to the statute, G.L. c. 21G, § 20, requiring that well diggers and drillers be certified by DEP.

“cooperate in the planning, establishment and management of programs to assess the uses of water in the commonwealth and to plan for future water needs.” The Commission is required to “adopt principles, policies and guidelines necessary for the effective planning and management of water use and conservation in the commonwealth . . . as necessary and proper to ensure an adequate volume and quality of water for all citizens of the commonwealth, both present and future.” Those principles, policies and guidelines “shall be designed . . . to assure comprehensive and systematic planning and management of water withdrawals and use in the commonwealth.” DEP “shall adopt such regulations as it deems necessary to carry out the purposes of this chapter, **establishing a mechanism for managing ground and surface water in the commonwealth as a single hydrological system and ensuring, where necessary, a balance among competing water withdrawals and uses**” (emphasis added). With reference to this language, the Supreme Judicial Court stated: “In short, water management, including water conservation, is an important purpose of the Act.” *Water Dep’t of Fairhaven v. Dep’t of Envtl. Prot.*, 455 Mass. 740, 747 (2010).

Section 4 sets a withdrawal volume threshold of 100,000 gallons per day (“GPD”). Section 5 requires that any “person”⁵ making an existing withdrawal in excess of the threshold volume file a registration statement with DEP on or before January 1, 1988 and bars any person from continuing an existing withdrawal in excess of the threshold volume after that deadline, unless the person has complied with the requirements of the WMA and the regulations promulgated thereunder. Section 5 further requires DEP to specify a schedule of expiration dates applicable to each water source from which there are existing withdrawals for which registration

⁵ A “Person” is defined in § 2 of the act as “any agency or political subdivision of the federal government or the commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, or any officer, employee or agent of said person, or any group of said persons.”

statements can be filed, and further provides that registration statements filed for existing withdrawals from the water source shall authorize withdrawals until the next applicable expiration date, not to exceed a term of ten years. “Upon the expiration of any initial or renewal registration statement under this section, the registrant shall be entitled, upon the filing of a renewal registration statement, to continue existing withdrawals specified in the registration statement for a period of ten years.” *Id.* With reference to this language, the *Fairhaven* court stated that “[t]he Act thereby guarantees that any registrant that registered before January 1, 1988, and timely renewed its registration statement may continue forever to withdraw water at the rate of its existing withdrawal,” 455 Mass. at 742, and that “the Act ‘grandfathered’ a registrant’s entitlement to existing withdrawals, provided the registrant timely filed a registration statement and renewals.” 455 Mass. at 747.

In contrast to the grandfathered status granted to persons who registered their existing withdrawals, new users of more than the threshold volume of water were barred from making those withdrawals “unless such person obtains a permit in accordance with the regulations adopted by the department.” WMA, § 7. The WMA sets forth a number of criteria and standards for obtaining permits, including “[t]he impact of the proposed withdrawal on other water sources which are hydrologically interconnected with the water source from which the withdrawal is to be made” *id.* at § 7 (1), “[t]he water available within the safe yield of the water source from which the withdrawal is to be made,” *id.* at § 7(3), and “[t]he use to be made of the water proposed to be withdrawn and other existing, presently permitted or projected uses of the water source from which the withdrawal is to be made.” *Id.* at § 7(5). As noted in *Fairhaven*,

[t]he department, in its sound discretion, “may issue permits for any new withdrawal of water if it determines that the withdrawal will conform to the regulatory standards established,” but it must deny a permit if the proposed withdrawal would exceed the water source’s safe yield. G.L. c. 21G, § 11. In granting a permit, the department may

attach any conditions it deems necessary to further the Act's purposes or to assure compliance with its regulations. *Id.*

455 Mass. at 478.

Section 14 of the WMA authorizes DEP to issue such enforcement orders "as are reasonably necessary to aid in the enforcement provisions of this chapter." Those orders include, but are not limited to "orders modifying, suspending or revoking permits, well driller certifications under section 20 of this chapter, and orders requiring persons to cease any activity which is in violation of the provisions of this chapter or any regulations adopted hereunder." While this provision does not purport to be exhaustive, the absence of any order modifying, suspending or revoking a registration is notable.

The history behind the WMA was described by the Supreme Judicial Court in *Fairhaven*:

The Act was a direct response to call for action issued by two separate studies, one commissioned by the executive branch and the other by the Legislature, that reviewed the Commonwealth's water supply and related policies in the late 1970's and early 1980's. . . . While acknowledging that "conflicts in water use are inevitable," the 1978 Water Supply Policy Statement [commissioned by the Executive Office of Environmental Affairs] expressed dismay over the lack of a comprehensive approach to water conservation in the Commonwealth, as well as "the lack of public awareness of the limitations of the water supply and the compromises necessary to assure continued supply. The study recommended the implementation of a centralized Statewide water conservation program.

In 1977, the Legislature established a Special Legislative Commission on Water Supply (special commission), that contracted with an independent law firm with expertise in environmental law "to research existing Massachusetts and federal groundwater law to identify gaps which needed to be filled in the Commonwealth, to look at laws of other states, and to **make recommendations concerning legislation which would provide a suitable water resources management framework for Massachusetts with regard to identification of water use, protection of existing users, allocation of water among competing demands, and the integration of ground and surface water as a single hydrologic system.**" The resulting report found the existing legal framework to be inadequate to promote water conservation in the Commonwealth. To rectify the inadequacy, it proposed legislative adoption of the Act, which the Legislature in 1985 enacted essentially as proposed.

455 Mass. at 745-746 (citations omitted) (emphasis added).

The referenced report⁶ (“the 1983 Report”) includes other statements relevant to the present controversy. In its description of the WMA in its introduction, the 1983 Report states that “[t]he Act’s requirement of water withdrawal permits for subsequent new users above the threshold amount would not apply to existing withdrawals of water at the time of its effective date.” 1983 Report at 7. Furthermore, “DEQE [now DEP] regulations under this Act will establish a mechanism for managing ground and surface waters as a single hydrologic unit, in order to ensure, where necessary, an appropriate balance among competing interests.” *Id.* at 8.

“Institutional and legal inadequacies” were among the “groundwater problems” identified by the 1983 Report:

Despite the many state, regional and local authorities whose activities are focused on pieces of water management process, no coherent overall management program exists in Massachusetts. Two shortcomings of particular concern are the failure to manage ground and surface water as a single interconnected system, and the lack of a program for the management of water allocation and use in the areas where aquifer stress may make this necessary. Although some local authority exists to deal with allocation and demand management problems, particularly during water shortage emergencies, local authority is geographically limited and often does not match the regional span of underground aquifers and other water sources.

1983 Report at 12. According to the 1983 Report, “[f]or Massachusetts to develop a coherent water management program,” the Commonwealth needed to address the problem areas identified in the 1983 Report and, more particularly, “address four essential management problems,” one of which was “how to assure that water is allocated properly among those users.” *Id.* at 13.

In addition, the 1983 Report included, as “a key finding of this report,” that ground and surface water are part of a single hydrological system and “whatever restrictions are imposed on surface water withdrawals and use should be applied equally to groundwater.” 1983 Report at

⁶ Report of the Special Commission Established (Under Chapter 13 of the Resolves of 1977 and Most Recently Revived and Continued by Chapter 9 of the Resolves of 1982) To Make Investigation and Study Relative to Determining the Adequacy of the Water Supply of the Commonwealth. Senate, January 27, 1983.

17. After canvassing the available mechanisms for protecting groundwater, including the Zoning Act and the Wetlands Protection Act, the 1983 Report concluded that “[l]ocal zoning and non-zoning controls exist and their use to promote water management goals can be supervised by the state, but state regulation of the groundwater system, fully integrated with other state regulatory programs, appears to be called for.” *Id.* at 27.

The 1983 Report also considered existing methods of groundwater allocation under the common law with respect to private land owners, and under specific statutory enactments allowing public entities to withdraw or alter the flow of water, and found them to be inadequate. The authors of the 1983 Report described the WMA, with its limited requirement of a water withdrawal permit only for new withdrawals and not existing withdrawals, as “the minimum level of allocation regulation consistent with its management objectives. The resulting data gathering, registration and permitting system would enable comprehensive regulation of ground and surface water withdrawals in Massachusetts.” 1983 Report at 50.

In addition to the 1983 Report, the record in this proceeding also contains documents from the State Library of Massachusetts-Special Collections Department, Special Collection of Senator Carol C. Amick, including materials maintained by Sen. Amick as Senate Chair of the Special Commission that authored the 1983 Report. A review of those documents indicates that members of the Special Commission were aware of pre-existing water rights in Massachusetts, aware that New Jersey had done away with such rights in its statute and was expecting “massive litigation” as a result,⁷ and informed by their consultant, Mr. Miyares, that the proposed

⁷ Affidavit of Gail E. Magenau Hire, Esq., in Support of Plaintiff’s Motion for Summary Judgment dated April 17, 2019 (“Hire Aff.”), Ex. C, Memorandum from Lee Dane to Special Legislative Commission on Water Supply dated September 24, 1982.

legislation (what would become the WMA) would grandfather existing withdrawals except under emergency conditions.⁸

Based on the language of the WMA and its history, this court concludes both that the 1884 Act is repugnant to and inconsistent with the WMA and that the WMA is a comprehensive statute that was designed to address a state-wide problem—the preservation and allocation of water resources—for a resource that does not respect municipal or other political boundaries. Regarding the conflict between the two statutes, a grant to Littleton and Acton of the right to take the waters of Nagog Pond “whenever said towns or either of them require the same” and authorizing them to “take the waters of Nagog Pond or any part thereof which the town of Concord may have taken under this act” cannot be reconciled with either the WMA’s registration of Concord’s existing water withdrawal, described in *Fairhaven* as a right that “continue[s] forever” so long as the registration is timely renewed, or the WMA’s imposition of permitting requirements on Littleton and Acton, under the terms of which Littleton and Acton may, or may not, be permitted to take waters from Nagog Pond.

Regarding the comprehensive nature of the WMA and the state-wide issue—water management—that it was intended to address, the language of the statute and the history of the Act are replete with references to both. Of particular note are § 3’s requirement that the Commission adopt principles, policies and guidelines designed “to assure comprehensive and systematic planning and management of water withdrawals and use in the commonwealth,” and the WMA’s regulation of all water withdrawals by any “person” above the threshold within the Commonwealth, whether by way of registration or permit. The WMA “displays on its face an

⁸ Hire Aff. Ex. F, Memorandum from Lee Dane to Special Legislative Commission on Water Supply dated November 8, 1982.

intent to supersede local and special laws and to repeal inconsistent special statutes.” *McDonald*, 299 Mass. at 324.

The history of the WMA further supports this conclusion. The 1983 Report identified the lack of a comprehensive water management program as a key problem: “no coherent overall management program exists.” The 1983 Report described what the authors saw as necessary “to develop a coherent water management program” and recommended, among other things, that “state regulation of the groundwater system, fully integrated with other state regulatory programs, appears to be called for.”

Part of that history also includes a concern for pre-existing rights created by special acts of the Legislature, such as the 1884 Act here. The General Court chose to address that concern by registering existing water withdrawals and continuing those registrations, upon timely renewal, “forever,” presumably to avoid the “massive litigation” expected by New Jersey. The decision to grandfather pre-existing withdrawals appears to have had the desired effect: in the 34 years since the WMA was enacted, and with the exception of this case, research has not revealed any other case in the courts of Massachusetts where a party has relied on water rights granted by a special act, as opposed to the WMA, as the source of their right to take water.

A review of the special acts provides further support for the Legislature’s choice. Research has revealed approximately 650 special acts enacted between 1840 and 1984 granting the right to take and hold waters in the Commonwealth.⁹ The subjects of these acts are various: permitting municipalities to take waters within their own borders; permitting one municipality to take waters situated within another municipality’s borders; permitting one or more municipalities to take water from a particularly identified body of water; and acts incorporating water

⁹ These special acts are compiled in an appendix attached to this memorandum of decision.

companies so that they might do the same. To the extent that the recipients of those water rights were actually using them and, upon enactment of the WMA, registered their water withdrawals pursuant to them, the special acts and the WMA are consistent. Because of this grandfathering, there was no need to repeal the special acts, and the prospect of litigation over pre-existing rights was substantially diminished.

Of the approximately 650 special acts identified, this court found only four where one town was granted the right to take water from a source located in another or other towns and where those other towns were granted a priority if the water supply proved insufficient: the 1884 Act at issue here; St. 1872, c. 188, *An Act To Supply The Towns Of Concord And Lincoln With Pure Water*; St. 1911, c. 438, *An Act to Regulate The Drawing Of Water From Sandy Pond By The Towns Of Concord And Lincoln*; and St. 1910, c. 450, *An Act To Authorize The Town Of Sudbury To Supply Itself And Its Inhabitants With Water*. In another four special acts, the Legislature specified priorities between municipalities for withdrawals from a source located within or partially within the municipality's borders.¹⁰ And, in two other special acts, a water company was granted the right to take waters located within the borders of its municipality and to supply other municipalities, with the other municipalities being granted priority.¹¹

¹⁰ St. 1872, c. 335, *An Act To Supply The Towns Of Wakefield And Stoneham With Water* (granting Wakefield priority over Stoneham for waters located in Wakefield); St. 1879, c. 139, *An Act To Incorporate The Hingham Water Company* (also authorized to supply part of Hull but Hingham granted priority for waters located partially in Hingham); St. 1881, c. 59, *An Act In Addition To "An Act To Incorporate The Hingham Water Company"* (authorizing extension of service into Hull and Cohasset, but Hingham and then Hull granted priority); and St. 1912, c. 361, *An Act To Authorize The Town Of Paxton to Supply Itself And Its Inhabitants With Water* (granting Paxton authority to take the waters of Asnebumskit Pond located within its borders, but reserving sufficient water from Leicester to supply itself).

¹¹ St. 1883 c. 160, *An Act To Incorporate The East Weymouth Water Company* (granted the right to take waters from Weymouth Great Pond and to connect to the Hingham Water Company, with the Hingham, Hull and Cohasset granted priority); St. 1884, c. 108, *An Act To Incorporate The Lancaster Water Company* (granted the right to take waters from Spectacle Pond in Lancaster and can connect to the Clinton water supply, with Clinton granted priority).

In sum, out of the 650 special acts identified, only ten establish priorities between municipalities with regard to water resources. Leaving aside the 1884 Act, there is no evidence in the record as to whether any of the municipalities granted priority withdrawal rights under the other nine acts registered those rights under the WMA, thus obviating any conflict between those special acts and the WMA insofar as the allocation of water is concerned. Only one special act, the 1884 Act, has been the subject of litigation over how the grant of water rights contained therein exists within the construct of the WMA.

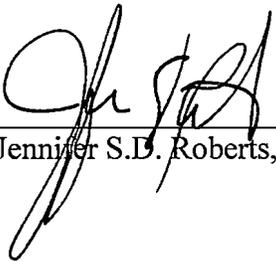
LWD argues, among other things, that the lack of express language repealing the special acts indicates a legislative intent not to repeal them and that the Legislature's concern about litigation if the special acts were terminated "provides a practical reason for the General Court's being in no rush to tinker with hundreds of prior Special Acts."¹² To the contrary, it appears that the Legislature concluded that, with the grandfathering of existing withdrawals, repeal was unnecessary and litigation would be avoided. It is reasonable to infer, instead, that the Legislature impliedly repealed the 1884 Act to the extent that it grants priority to LWD and Acton over Concord to the waters of Nagog Pond in derogation of the requirements of the WMA.

CONCLUSION

For the foregoing reasons, Plaintiff's Motion For Summary Judgment is **ALLOWED** and The Littleton Water Department's Cross-Motion For Summary Judgment Pursuant to Mass. R. Civ. P. 56 and Acton's Cross-Motion For Summary Judgment are **DENIED**. Judgment shall

¹² The Littleton Water Department's Brief In Support Of Its Cross-Motion For Summary Judgment And In Opposition To The Town Of Concord's Motion For Summary Judgment at pp. 8, 10, 14.

enter on Concord's complaint declaring that the WMA impliedly repealed the 1884 Act and any rights granted to Littleton and Acton thereunder.



Jennifer S.D. Roberts, Associate Justice

Dated: October 11, 2019

APPENDIX

St. 1845, c. 220 An Act for supplying the City of Boston with Pure Water; St. 1846, c. 167 An Act for supplying the City of Boston with Pure Water; St. 1848, c. 265 An Act to incorporate the North Adams Water Company; St. 1848, c. 281 An Act in addition to “An Act to incorporate the Williamstown Water Company”; St. 1849, c. 187 An Act in addition to “An Act for supplying the City of Boston with Pure Water”; St. 1850, c. 273 An Act in further addition to “An Act to incorporate William Gray, junior, and others, for the purpose of bringing Fresh Water into the towns of Salem and Danvers, by subterranean pipes”; St. 1850, c. 285 An Act authorizing George W. Otis and Benjamin Iresan, Jr., to Conduct Water from an Artificial Pond to their Factory in Lynn; St. 1851, c. 210 An Act to incorporate the Stockbridge Water Company; St. 1852, c. 210 An Act for supplying the Town of Pittsfield with Pure Water; St. 1854, c. 338 An Act for supplying the City of Worcester with Pure Water; St. 1854, c. 351 An Act to authorize the Town of Plymouth to procure a supply of Water; St. 1855, c. 61 An Act in addition to an Act to Authorize the Town of Plymouth to procure a supply of Water; St. 1855, c. 435 An Act for supplying the City of Lowell with Water; St. 1856, c. 189 An Act in addition to an Act to supply the City of Worcester with Pure Water; St. 1856, c. 194 An Act authorizing the Fitchburg Gas Company to supply the Inhabitants of Fitchburg with Water; St. 1857, c. 204 An Act to incorporate the Lenox Water Company; St. 1858, c. 86 An Act in further addition to “An Act for supplying the City of Boston with Pure Water”; St. 1861, c. 105 An Act for supplying the City of Charlestown with Pure Water; St. 1861, c. 118 An Act in addition to an Act for supplying the City of Worcester with Water; St. 1861, c. 205 An Act to incorporate the Brookline Water Company; St. 1863, c. 72 An Act in addition to an Act for supplying the City of Worcester with Water; St. 1863, c. 163 An Act for supplying the City of New Bedford with Pure Water; St. 1864, c. 104 An Act for supplying the City of Worcester with Pure Water; St. 1864, c. 165 An Act to provide an additional supply of Pure Water for the City of Springfield; St. 1864, c. 268 An Act for supplying the City of Salem with Pure Water; St. 1864, c. 271 An Act in further addition to “An Act for supplying the City of Boston with Pure Water”; St. 1865, c. 57 An Act authorizing the City of Roxbury to divert the waters of Stony Brook; St. 1865, c. 177 An Act for supplying the Town of Fitchburg with Pure Water; St. 1865, c. 190 An Act for supplying the Town of Adams with Pure Water; St. 1865, c. 198 An Act for supplying the Town of Great Barrington with Pure Water; St. 1866, c. 175 An Act to supply the City of Newburyport with Pure Water; St. 1867, c. 84 An Act to supply the Town of Easthampton with Pure Water; St. 1867, c. 118 An Act to incorporate the Lenox Water Company; St. 1867, c. 208 An Act to incorporate the Spot Pond Water Company; St. 1867, c. 343 An Act to authorize the City of Roxbury to procure a supply of Water; St. 1868, c. 300 An Act to incorporate the Great Barrington Water Company; St. 1869, c. 351 An Act in addition to “An Act for supplying the City of Lowell with Water”; St. 1869, c. 462 An Act for supplying the City of Lynn with Pure Water; St. 1870, c. 95 An Act for supplying the Town of Fitchburg with Pure Water; St. 1870, c. 160 An Act in addition to an Act to incorporate the Spot Pond Water Company; St. 1870, c. 216 An Act in addition to “An Act for supplying the City of Charlestown with Pure Water”; St. 1870, c. 222 An Act for supplying the Town of Greenfield with Water; St. 1870, c. 321 An Act to amend Chapter Three Hundred and Fifty-one of the Acts of the Year Eighteen Hundred and Sixty-nine, for supplying the City of Lowell with Water; St. 1871, c. 16 An Act for supplying the Town of Northampton with Pure Water; St. 1871, c. 95 An Act to incorporate the Westfield Water Works; St. 1871, c. 133 An Act for supplying the City of Fall River with Pure Water; St.

1871, c. 218 An Act to supply the City of Lynn with Pure Water; St. 1871, c. 245 An Act relating to the Arlington Lake Water Company; St. 1871, c. 249 An Act for supplying the Town of Leominster with Pure Water; St. 1871, c. 307 An Act to supply the Town of Woburn with Pure Water; St. 1871, c. 361 An Act in addition to an Act for supplying the City of Worcester with Pure Water; St. 1871, c. 377 An Act to incorporate the Ashburnham Water Company; St. 1872, c. 62 An Act to supply the Town of Holyoke with Pure Water; St. 1872, c. 79 An Act to supply the City of Lawrence with Water; St. 1872, c. 95 An Act to authorize the Town of Milford to take and convey Water to Vernon Grove Cemetery; St. 1872, c. 177 An Act to authorize the City of Boston to obtain an additional supply of Pure Water; St. 1872, c. 188 An Act to supply the Towns of Concord and Lincoln with Pure Water; St. 1872, c. 198 An Act to authorize the Collins Paper Company to take Water from Nine-Mile Pond; St. 1872, c. 256 An Act to provide a further supply of Water for the City of Lynn; St. 1872, c. 265 An Act to supply the Town of Winchester with Pure Water; St. 1872, c. 335 An Act to supply the Towns of Wakefield and Stoneham with Water; St. 1872, c. 336 An Act to supply the Town of West Roxbury with Water; St. 1872, c. 337 An Act to supply the Town of Waltham with Water; St. 1872, c. 343 An Act to authorize the Town of Brookline to take Water from Charles River; St. 1872, c. 344 An Act to supply the Town of Newton with Water; St. 1872, c. 345 An Act to supply the City of Springfield with Water; St. 1873, c. 75 An Act to amend an Act to supply the City of Springfield with Water; St. 1873, c. 76 An Act to supply the Town of Natick with Pure Water; St. 1873, c. 77 An Act to supply the Town of Westborough with Pure Water; St. 1873, c. 184 An Act to supply the Town of West Stockbridge with Pure Water; St. 1873, c. 197 An Act for supplying South Adams with Pure Water; St. 1873, c. 271 An Act to supply the Village of Attleborough with Water for the extinguishment of fires and for other purposes; St. 1873, c. 274 An Act to establish the Lexington Water Company; St. 1873, c. 277 An Act in addition to an Act to supply the Town of Winchester with Pure Water; St. 1873, c. 322 An Act to supply the Town of Westfield with Pure Water; St. 1874, c. 125 An Act to supply the City of Newton with Water; St. 1874, c. 134 An Act to supply the Town of Orange with Pure Water; St. 1874, c. 163 An Act in addition to an Act for supplying the Town of Pittsfield with Pure Water; St. 1874, c. 191 An Act to supply the Town of Danvers with Pure Water; St. 1874, c. 208 An Act to amend an Act to supply the City of Springfield with Pure Water; St. 1874, c. 209 An Act to incorporate the Lenox Water Company; St. 1874, c. 256 An Act to supply the Town of Marlborough with Pure Water; St. 1874, c. 288 An Act to incorporate the Flax Pond Water Company; St. 1874, c. 400 An Act to authorize the City of Boston to obtain a further supply of Pure Water and establish and maintain reservoirs for the storage of Water in the Mystic Valley; St. 1875, c. 41 An Act to incorporate the Cheshire Water Company; St. 1875, c. 119 An Act to supply the Town of Southbridge with Pure Water; St. 1875, c. 158 An Act to incorporate the Rockport Water Company; St. 1875, c. 165 An Act to provide a further supply of Water for the City of Cambridge; St. 1875, c. 199 An Act to supply the Town of Watertown with Pure Water; St. 1875, c. 217 An Act to provide the City of Taunton with Pure Water; St. 1875, c. 228 An Act to preserve the purity of the Water of Lake Cochituate; St. 1876, c. 66 An Act for procuring an additional supply of Pure Water for the use of the City of Worcester; St. 1876, c. 98 An Act to supply the Town of Clinton with Pure Water; St. 1876, c. 130 An Act to supply the Town of Hingham with Pure Water; St. 1876, c. 138 An Act to incorporate the Dedham Water Company; St. 1877, c. 73 An Act to incorporate the Junction Water Company of Pittsfield; St. 1877, c. 103 An Act to incorporate the Chicopee Water Company; St. 1877, c. 121 An Act to incorporate the Athol Water Company; St. 1877, c. 122 An Act to supply the Town of Hopkinton with Water;

St. 1877, c. 142 An Act in addition to an Act for supplying the City of New Bedford with Pure Water; St. 1878, c. 29 An Act to incorporate the Lee Water Company; St. 1878, c. 80 An Act to supply the Town of Wayland with Pure Water; St. 1878, c. 140 An Act to provide a further supply of Water for the City of New Bedford; St. 1878, c. 240 An Act to supply the City of Newburyport with Water; St. 1879, c. 20 An Act to supply the Town of Middleborough with Pure Water; St. 1879, c. 139 An Act to incorporate the Hingham Water Company; St. 1879, c. 196 An Act to supply the Village of Foxborough with Pure Water; St. 1880, c. 27 An Act to incorporate the Wannacomet Water Company; St. 1880, c. 73 An Act to incorporate the Southbridge Water Supply Company; St. 1880, c. 127 An Act to incorporate the Berkshire Water Company; St. 1880, c. 179 An Act to incorporate the Amherst Water Company; St. 1880, c. 191 An Act to supply the Town of Marlborough with Pure Water; St. 1880, c. 203 An Act to supply the City of Gloucester with Pure Water; St. 1880, c. 235 An Act to incorporate the Newburyport Water Company; St. 1881, c. 59 An Act in addition to “an Act to incorporate the Hingham Water Company”; St. 1881, c. 76 An Act to incorporate the Uxbridge Water Company; St. 1881, c. 77 An Act to incorporate the Milford Water Company; St. 1881, c. 79 An Act in addition to “An Act for supplying South Adams with Pure Water.”; St. 1881, c. 129 An Act in addition to the Acts for the purpose of supplying the City of Boston with Pure Water; St. 1881, c. 167 An Act to incorporate the Gloucester Water Supply Company; St. 1881, c. 171 An Act to enable the Town of Peabody to improve its Water Works and increase its Water Supply; St. 1881, c. 174 An Act to supply the Town of Weymouth with Pure Water; St. 1881, c. 206 An Act to supply the Town of Framingham with Pure Water; St. 1881, c. 267 An Act to incorporate the Lexington Water Company; St. 1881, c. 268 An Act in addition to the Acts to supply the City of Worcester with Pure Water; St. 1882, c. 14 An Act in addition to the Acts to supply the Town of Clinton with Pure Water; St. 1882, c. 69 An Act to enable the South Adams Fire District to furnish an additional supply of Water; St. 1882, c. 119 An Act to incorporate the Spencer Water Company; St. 1882, c. 142 An Act to incorporate the Revere Water Company; St. 1882, c. 145 An Act to incorporate the Gardner Water Company; St. 1882, c. 192 An Act to supply the Town of Northborough with Water; St. 1883, c. 132 An Act to supply the Town of Cottage City with Water; St. 1883, c. 149 An Act to supply the Town of Hudson with Water; St. 1883, c. 152 An Act to supply the Town of South Abington with Water; St. 1883, c. 160 An Act to incorporate the East Weymouth Water Company; St. 1883, c. 161 An Act to incorporate the Powow Hill Water Company; St. 1883, c. 162 An Act to incorporate the Quincy Water Company; St. 1883, c. 163 An Act to incorporate the Marblehead Water Company; St. 1883, c. 166 An Act to supply the Town of Wellesley with Water; St. 1883, c. 171 An Act to incorporate the Palmer Water Company; St. 1883, c. 177 An Act to incorporate the Sharon Water Company; St. 1883, c. 181 An Act to incorporate the North Attleborough Water Company; St. 1883, c. 182 An Act to incorporate the Franklin Water Company; St. 1883, c. 186 An Act in and of, and relating to a Water supply for, the North Adams Fire District; St. 1883, c. 201 An Act to incorporate the Naukeag Water Company; St. 1883, c. 247 An Act to enable Fire District Number One of Greenfield to increase its Water supply; St. 1883, c. 256 An Act authorizing the City of Lynn to take an additional Water supply; St. 1883, c. 261 An Act to authorize the Town of Natick to supply the Town of Wellesley with Water; St. 1884, c. 59 An Act to supply the Town of Middleborough with Water or to authorize the Middleborough Fire District to furnish a Water supply; St. 1884, c. 67 An Act in addition to the Acts to supply the City of Holyoke with Pure Water; St. 1884, c. 91 An Act to incorporate the Hyde Park Water Company; St. 1884, c. 106 An Act to incorporate the Holliston Water Company; St. 1884, c. 107 An Act to incorporate the

Sunderland Water Company; St. 1884, c. 108 An Act to incorporate the Lancaster Water Company; St. 1884, c. 110 An Act to incorporate the Braintree Water Company; St. 1884, c. 136 An Act to incorporate the Bradford Water Company; St. 1884, c. 137 An Act concerning a Water supply for the Fire District of the Town of Dalton; St. 1884, c. 189 An Act to enable the Athol Water Company to improve and increase its Water Supply; St. 1884, c. 201 An Act to authorize the Town of Concord to increase its Water Supply; St. 1884, c. 244 An Act to supply the Town of Abington with Water; St. 1884, c. 251 An Act to incorporate the Watertown Water Supply Company; St. 1884, c. 254 An Act authorizing the Haverhill Aqueduct Company to increase its Water Supply; St. 1884, c. 256 An Act to provide a further supply of Water for the City of Cambridge; St. 1884, c. 257 An Act to provide a further supply of Water for the Town of Waltham; St. 1884, c. 262 An Act to incorporate the Housatonic Water Company; St. 1884, c. 271 An Act to incorporate the Framingham Water Company; St. 1885, c. 82 An Act to supply the Town of Norwood with Water; St. 1885, c. 95 An Act to supply the Town of Canton with Water; St. 1885, c. 100 An Act to incorporate the Hill Water Company; St. 1885, c. 187 An Act to supply the Town of Erving with Water; St. 1885, c. 206 An Act to supply the Towns of Rockland, Abington and South Abington with Water; St. 1885, c. 217 An Act to supply the Towns of Braintree, Randolph and Holbrook with Water; St. 1885, c. 239 An Act to supply the Town of Kingston with Water; St. 1885, c. 294 An Act to furnish the Town of Beverly with Water, and to increase the supply thereof; St. 1885, c. 296 An Act to supply the Town of Belmont and its inhabitants with Water; St. 1885, c. 311 An Act to incorporate the Williamstown Water Company; St. 1885, c. 381 An Act to incorporate the Reading Water Company; St. 1886, c. 52 An Act to supply the Town of Ware with Water; St. 1886, c. 88 An Act to enable the Hingham Water Company to increase its Water supply; St. 1886, c. 127 An Act to incorporate the Plainville Water Company; St. 1886, c. 128 An Act to incorporate the Cohasset Water Company; St. 1886, c. 168 An Act in addition to an Act to supply the Town of Canton with Water; St. 1886, c. 198 An Act in addition to an Act to incorporate the Quincy Water Company; St. 1886, c. 211 An Act to incorporate the Hassanamisco Water Company; St. 1886, c. 235 An Act to incorporate the Saugus Water Company; St. 1886, c. 240 An Act to incorporate the Stoughton Water Company; St. 1886, c. 269 An Act to incorporate the Braintree Water Supply Company; St. 1886, c. 297 An Act to supply the Town of Cottage City with Pure Water; St. 1886, c. 310 An Act to incorporate the Bradford Water Company; St. 1886, c. 311 An Act to incorporate the Berkshire Heights Water Company of Great Barrington; St. 1886, c. 312 An Act to authorize the Town of Plymouth to obtain an additional supply of Water, and to issue notes, bonds or scrip for that purpose; St. 1886, c. 325 An Act to supply the Towns of Marblehead with Water; St. 1886, c. 336 An Act to supply the Village of Mansfield with Water; St. 1886, c. 353 An Act in relation to the Water supply of the City of Fall River; St. 1887, c. 152 An Act to supply the Town of Ayer with Pure Water; St. 1887, c. 157 An Act to incorporate the Vineyard Haven Water Company; St. 1887, c. 169 An Act to incorporate the North Easton Water Company; St. 1887, c. 192 An Act to incorporate the Bridgewater Water Company; St. 1887, c. 223 An Act to incorporate the Greylock Institute Water Company; St. 1887, c. 275 An Act to incorporate the Pleasant Valley Water Company; St. 1887, c. 381 An Act to amend an Act to incorporate the Berkshire Heights Water Company of Great Barrington; St. 1887, c. 388 An Act in further addition to an Act to incorporate the Spot Pond Water Company; St. 1887, c. 402 An Act to incorporate the Mansfield Water Company; St. 1887, c. 416 An Act to provide a further supply of Water for the City of Malden; St. 1887, c. 439 An Act to supply the Town of Andover with Water; St. 1888, c. 79 An Act to supply the Town of Brookfield with Pure Water; St. 1888,

c. 121 An Act to authorize the Town of Peabody to further increase and preserve its Water Supply; St. 1888, c. 131 An Act to provide an additional Water supply for the Town of Brookline; St. 1888, c. 145 An Act to amend an Act to incorporate the Powow Hill Water Company; St. 1888, c. 162 An Act to incorporate the Monson Water Company; St. 1888, c. 171 An Act to supply the Centre Village of Leicester with Water; St. 1888, c. 196 An Act to incorporate the Fairhaven Water Company; St. 1888, c. 210 An Act to provide a further Water supply for the City of Malden; St. 1888, c. 241 An Act to incorporate the Riverside Water Company; St. 1888, c. 398 An Act to supply the Town of Ashburnham with Pure Water; St. 1888, c. 404 An Act to supply the Town of Millbury with Water; St. 1888, c. 407 An Act to supply the Town of Maynard with Water; St. 1888, c. 411 An Act to incorporate the Milton Water Company; St. 1888, c. 412 An Act to incorporate the Brush Hill Water Company; St. 1888, c. 444 An Act to supply the Town of Winchendon with Water; St. 1889, c. 56 An Act to further amend an Act to supply the Town of Marblehead with Water; St. 1889, c. 144 An Act in aid of and relating to an additional Water supply for the North Adams Fire District; St. 1889, c. 155 An Act in addition to an Act for supplying the Town of Pittsfield with Pure Water; St. 1889, c. 200 An Act to authorize the Ludlow Manufacturing Company to supply the Town of Ludlow with Water and with Electricity for lighting and other purposes; St. 1889, c. 201 An Act to authorize the Town of Medford to improve its Water supply and issue bonds for the payment and refunding of a portion of its Water debt; St. 1889, c. 236 An Act to supply the Town of Avon with Water; St. 1889, c. 244 An Act concerning a Water supply for the Fire District and inhabitants of the Town of Hinsdale; St. 1889, c. 276 An Act to supply the Town of Provincetown with Water; St. 1889, c. 302 An Act to provide an additional Water supply for the City of Newton; St. 1889, c. 359 An Act to supply the Town of Ipswich with Water; St. 1889, c. 368 An Act to authorize the City of Springfield to issue additional Water bonds and to supply the Town of Ludlow with Water for certain purposes; St. 1889, c. 382 An Act authorizing the Revere Water Company to take an additional Water supply; St. 1889, c. 405 An Act to supply the Town of Reading with Water; St. 1889, c. 424 An Act to supply the Town of North Brookfield with Pure Water; St. 1889, c. 430 An Act to authorize the Stockbridge Water Company to furnish additional Water supply; St. 1890, c. 151 An Act to incorporate the Cottage City Water Company; St. 1890, c. 174 An Act to incorporate the Brant Rock Water Company; St. 1890, c. 303 An Act to provide an additional Water supply for the City of Springfield; St. 1890, c. 313 An Act to supply the Town of Ipswich with Water; St. 1890, c. 344 An Act to incorporate the Dracut Water Supply Company; St. 1891, c. 95 An Act to supply the Town of Manchester with Water; St. 1891, c. 252 An Act to supply the Town of Easthampton with Water; St. 1891, c. 253 An Act to provide an additional Water supply for the City of Waltham; St. 1891, c. 331 An Act to supply the Town of Methuen with Water; St. 1891, c. 348 An Act relating to the Water supply of the City of Haverhill; St. 1892, c. 56 An Act to authorize Fire District Number One of Attleborough to increase its Water supply; St. 1892, c. 60 An Act to authorize the City of Fitchburg to increase its Water supply; St. 1892, c. 61 An Act to supply the Town of Orange with Water; St. 1892, c. 185 An Act to provide an additional Water supply for the City of Pittsfield; St. 1892, c. 246 An Act to incorporate the Millis Water Company; St. 1892, c. 294 An Act to authorize the Town of Clinton to increase its Water supply and to incur indebtedness therefor; St. 1892, c. 310 An Act to incorporate the Methuen Water Company; St. 1892, c. 321 An Act to incorporate the Willimansett Water Company; St. 1892, c. 322 An Act to incorporate the Medfield Water Company; St. 1892, c. 326 An Act to authorize the Naukeag Water Company to increase its Water supply; St. 1892, c. 334 An Act to incorporate the Onset Water

Company; St. 1892, c. 335 An Act to incorporate the Medway Water Company; St. 1892, c. 336 An Act to authorize the Williamstown Water Company to increase its Water supply; St. 1892, c. 349 An Act to authorize the Lexington Water Company to improve and increase its Water supply; St. 1892, c. 384 An Act to authorize the City of Chicopee to introduce a public Water supply; St. 1892, c. 386 An Act to authorize the City of Marlborough to acquire an additional Water supply; St. 1892, c. 417 An Act for the protection of the Water supply of the City of Haverhill; St. 1893, c. 155 An Act to supply the Town of Webster with Water; St. 1893, c. 202 An Act to supply the Town of North Andover with Water; St. 1893, c. 206 An Act to provide for an additional Water supply for the Town of West Springfield; St. 1893, c. 214 An Act to incorporate the Millbury Water Company; St. 1893, c. 240 An Act to supply the Town of West Bridgewater with Water; St. 1893, c. 277 An Act to supply the Town of Walpole with Water; St. 1893, c. 281 An Act to incorporate the Rockport Water Company; St. 1893, c. 309 An Act to provide an additional Water supply for the Town of Melrose; St. 1893, c. 319 An Act to supply the Town of West Boylston with Water; St. 1893, c. 364 An Act to provide an additional Water supply for the City of Salem; St. 1893, c. 391 An Act to incorporate the Scituate Water Company; St. 1893, c. 393 An Act to provide a Water supply for the State Camp Ground at Framingham; St. 1893, c. 400 An Act to provide an additional Water supply for the City of Lynn; St. 1893, c. 442 An Act to authorize the Town of Whitman to take an additional Water supply; St. 1893, c. 471 An Act to supply the City of Newburyport with Water; St. 1894, c. 78 An Act to supply the Town of Rockport with Water; St. 1894, c. 179 An Act to provide for a Water supply for the Fire District and inhabitants of the Town of Chester; St. 1894, c. 187 An Act relating to the Water supply of the Towns of Stoneham and Wakefield; St. 1894, c. 215 An Act to authorize Fire District Number One of Greenfield to increase its Water supply; St. 1894, c. 289 An Act to authorize the Southbridge Water Supply Company to increase its capital stock and to take an additional source of Water supply; St. 1894, c. 290 An Act to supply the Town of Monson with Water; St. 1894, c. 362 An Act to incorporate the Blackstone Water Company; St. 1894, c. 365 An Act to incorporate the Barre Water Company; St. 1894, c. 369 An Act to incorporate the South Deerfield Water Company; St. 1894, c. 386 An Act to supply the Town of Winchendon with Water; St. 1894, c. 400 An Act to incorporate the Falmouth Heights Water Company; St. 1894, c. 417 An Act to supply the Town of Mendon with Water; St. 1895, c. 82 An Act to provide for a Water supply for the Fire District and inhabitants of the Town of Norton; St. 1895, c. 123 An Act to incorporate the Sheffield Water Company; St. 1895, c. 158 An Act to supply the Town of Rutland with Water; St. 1895, c. 191 An Act to supply the Town of Hatfield with Water; St. 1895, c. 192 An Act to supply the Town of Paxton with Water; St. 1895, c. 204 An Act to authorize the Town of North Attleborough to increase its Water supply; St. 1895, c. 205 An Act to authorize the Town of Uxbridge to increase its Water supply; St. 1895, c. 230 An Act to authorize the Leicester Water Supply District to increase its Water supply and make an additional Water loan; St. 1895, c. 235 An Act to incorporate the Plainville Water Company; St. 1895, c. 303 An Act to supply the Town of Wenham with Water; St. 1895, c. 335 An Act to authorize Fire District Number One in Greenfield to increase its Water supply; St. 1895, c. 360 An Act to incorporate the Horse Neck Water Company; St. 1895, c. 377 An Act to provide an additional Water supply for the Town of Bradford; St. 1895, c. 384 An Act to authorize the City of Worcester to increase its Water supply and make an additional Water loan; St. 1895, c. 451 An Act to supply the City of Gloucester with Water; St. 1895, c. 478 An Act relative to the protection of the Water Supply of the City of Fall River; St. 1895, c. 487 An Act to incorporate the Dighton and Somerset Water Company; St. 1896, c. 150 An Act to supply the Village of

Millers Falls with Water; St. 1896, c. 180 An Act to supply the Town of Holden with Water; St. 1896, c. 217 An Act to incorporate the Weston Water Company; St. 1896, c. 278 An Act to provide an additional Water supply for the City of Pittsfield; St. 1896, c. 419 An Act to authorize the City of Holyoke to increase its Water supply; St. 1896, c. 433 An Act relative to the Board of Water Commissioners and the Water supply of the City of Haverhill; St. 1896, c. 493 An Act to incorporate the Belchertown Water Company; St. 1897, c. 102 An Act to authorize the Town of Wellesley to obtain an additional Water supply and to make an additional Water loan; St. 1897, c. 242 An Act to enlarge and improve the Water supply of the Town of Hudson; St. 1897, c. 251 An Act to authorize the Trustees of the Medfield Insane Asylum to acquire an additional Water supply for said Asylum; St. 1897, c. 338 An Act to incorporate the Groton Water Company; St. 1897, c. 471 An Act to supply the Town of Billerica with Water; St. 1897, c. 473 An Act to supply the Town of Stoneham with Water; St. 1898, c. 66 An Act to incorporate the Falmouth Water Company; St. 1898, c. 222 An Act to provide for enlarging and improving the Water supply of the Town of Hudson; St. 1898, c. 344 An Act to provide for a Water supply for the Fire District and inhabitants of the Town of Huntington; St. 1898, c. 375 An Act to authorize the Cheshire Water Company to increase its Water supply; St. 1898, c. 385 An Act to incorporate the Northfield Water Company; St. 1898, c. 426 An Act relative to the Water supply of the Town of Needham; St. 1899, c. 267 An Act to supply the Town of Longmeadow with Water; St. 1900, c. 391 An Act to provide an additional Water supply for the Town of Brookline; St. 1900, c. 394 An Act to provide for an additional Water supply for the Hyde Park Water Company; St. 1901, c. 241 An Act to authorize the Fire District in the Town of Dalton to take water from certain brooks in the Town of Windsor; St. 1901, c. 313 An Act to authorize the temporary taking of Water for emergency purposes by Cities and Towns; St. 1901, c. 349 An Act to authorize the Town of Williamsburg to supply itself with Water; St. 1901, c. 406 An Act to authorize the Town of Norton to establish a system of Water supply or to contract for the supply of Water; St. 1901, c. 410 An Act to authorize the City of Chicopee to take an additional Water supply and to make an additional Water loan; St. 1901, c. 508 An Act to authorize the City of Lynn to take an additional Water supply; St. 1902, c. 122 An Act to authorize the Town of Hamilton to supply itself and its inhabitants with Water; St. 1902, c. 129 An Act to authorize the Town of Ashfield to supply itself with Water; St. 1902, c. 145 An Act to amend the Charter of the Scituate Water Company and to authorize said Company to acquire additional Water supply; St. 1902, c. 163 An Act to authorize the Town of Lexington to obtain an additional Water supply; St. 1902, c. 182 An Act to authorize the Town of Williamsburg to increase its Water supply and to incur indebtedness or the purpose; St. 1902, c. 193 An Act to authorize the Town of Easthampton to take an additional Water supply and to make an additional Water loan; St. 1902, c. 245 An Act to authorize the Great Barrington Fire District to increase its Water supply and to issue bonds for that purpose; St. 1902, c. 285 An Act to authorize the Town of Sunderland to supply itself and its inhabitants with Water; St. 1902, c. 287 An Act to authorize the Town of Gardner to supply itself and its inhabitants with Water; St. 1902, c. 307 An Act to supply the Town of Milton with Water; St. 1902, c. 351 An Act to authorize the City of Worcester to increase its Water supply; St. 1902, c. 486 An Act to provide for supplying the Village of South Deerfield with Water, and for establishing the South Deerfield Water Supply District; St. 1902, c. 488 An Act to provide for supplying the Town of Wakefield with Water; St. 1903, c. 105 An Act to authorize the Town of Shrewsbury to supply itself with Water; St. 1903, c. 119 An Act to provide for supplying Shirley Village with Water, and for establishing the Shirley Village Water District; St. 1903, c. 139 An Act relative to the Water supply of the Town of Williamsburg; St. 1903, c. 172 An Act to

incorporate the Barnstable Water Company; St. 1903, c. 184 An Act to authorize the Town of Groveland to supply itself with Water; St. 1903, c. 186 An Act to authorize the Town of Russell to supply itself with Water; St. 1903, c. 197 An Act relative to the rights of the Town of Whately in the Waters of Roaring Brook; St. 1903, c. 198 An Act relative to the Water supply of the Amherst Water Company; St. 1903, c. 217 An Act to incorporate the Ashfield Water Company; St. 1903, c. 240 An Act to incorporate the Conway Water Company; St. 1903, c. 281 An Act to authorize the Town of Merrimac to supply itself and its inhabitants with Water; St. 1904, c. 77 An Act relative to the Water supply of the Ashfield Water Company; St. 1904, c. 86 An Act to authorize the Town of Wrentham to supply itself with Water; St. 1904, c. 193 An Act to incorporate the Oxford Water Company; St. 1904, c. 225 An Act to authorize the Town of Uxbridge to increase its Water supply; St. 1904, c. 235 An Act to incorporate the Aspinwall Water Company; St. 1905, c. 389 An Act to provide for an increased Water supply for the City of Lawrence; St. 1905, c. 469 An Act to provide for supplying Water to the Danvers Insane Hospital; St. 1905, c. 477 An Act to provide for a Water supply system for the Town of Winthrop; St. 1907, c. 131 An Act to authorize the Town of Bedford to supply itself with Water; St. 1907, c. 175 An Act to incorporate the Westford Water Company; St. 1907, c. 178 An Act to provide for a Water supply for the Wareham Fire District and the inhabitants of Wareham; St. 1907, c. 268 An Act to authorize the Town of Marion to supply itself with Water; St. 1907, c. 380 An Act relative to the Water supply system of the Town of Framingham; St. 1907, c. 478 An Act to authorize the Town of Manchester to take additional sources of Water supply; St. 1907, c. 483 An Act to authorize the Town of Provincetown to supply itself with Water.; St. 1907, c. 514 An Act to authorize the City of Pittsfield to take the Waters of Roaring Brook as an additional Water supply; St. 1907, c. 515 An Act relative to the Aspinwall Water Company; St. 1908, c. 111 An Act to authorize the Town of Pepperell to supply itself and its inhabitants with Water; St. 1908, c. 283 An Act to establish the Blandford Fire District and to provide for supplying the same with Water; St. 1908, c. 291 An Act to authorize the Town of Medway to supply itself and its inhabitants with Water; St. 1908, c. 310 An Act to establish the Belchertown Fire District and to provide for supplying the same with Water; St. 1908, c. 403 An Act relative to the Water supply of the City of Newburyport; St. 1908, c. 404 An Act to authorize the Town of Plainville to supply itself and its inhabitants with Water; St. 1908, c. 406 An Act to amend the Charter of the Choasset Water Company; St. 1908, c. 449 An Act to establish the Lake Pleasant Water Supply District in the Town of Montague and to provide for supplying the same with Water; St. 1908, c. 451 An Act to authorize the Town of Manchester to take additional sources of Water supply; St. 1908, c. 456 An Act to authorize the Town of Ashland to supply itself and its inhabitants with Water; St. 1908, c. 490 An Act relative to the Water supply of the Town of Brookfield; St. 1908, c. 548 An Act relative to the Wannacommet Water Company; St. 1908, c. 592 An Act to provide for an additional Water supply for the Fire District and inhabitants of the Town of Huntington; St. 1908, c. 618 An Act to incorporate the Sagamore Water Company; St. 1909, c. 226 An Act to authorize the City of Waltham to take additional sources of Water supply; St. 1909, c. 252 An Act to authorize the Town of Dudley to supply itself and its inhabitants with Water; St. 1909, c. 337 An Act to authorize the Town of Douglas to supply itself and its inhabitants with Water; St. 1909, c. 406 An Act to authorize the City of Chicopee to take an additional Water supply and to make an additional Water loan; St. 1909, c. 462 An Act relative to the Williamstown Water Company; St. 1910, c. 286 An Act relative to the Berkshire Water Company; St. 1910, c. 337 An Act relative to the Water supply for Fire District Number Two in the Town of South Hadley; St. 1910, c. 381 An Act to supply

with Water the Villages of Cherry Valley and Rochdale in the Town of Leicester, and to incorporate the Cherry Valley and Rochdale Water District; St. 1910, c. 402 An Act to authorize the Town of Middleton to supply itself and its inhabitants with Water; St. 1910, c. 432 An Act to authorize Fire District Number One in the Town of Greenfield to take additional sources of Water supply; St. 1910, c. 450 An Act to authorize the Town of Sudbury to supply itself and its inhabitants with Water; St. 1910, c. 466 An Act to incorporate the Norton Water Company; St. 1910, c. 486 An Act to incorporate the Granville Centre Water Company; St. 1910, c. 595 An Act to incorporate the Somerset Water Company; St. 1910, c. 613 An Act to provide for a Water supply for the Town of Millbury; St. 1911, c. 226 An Act to establish the Dighton Water Supply District and to provide for supplying the same with Water; St. 1911, c. 233 An Act to establish the Worthington Fire District and to provide for supplying the same with Water; St. 1911, c. 245 An Act to establish the East Foxborough Water Supply District and to provide for supplying said District with Water; St. 1911, c. 248 An Act to authorize the Town of Hanover to supply itself and its inhabitants with Water; St. 1911, c. 286 An Act to incorporate the Barnstable Water Company; St. 1911, c. 373 An Act to authorize the Town of West Brookfield to supply itself and its inhabitants with Water; St. 1911, c. 407 An Act to authorize the City of Pittsfield to take as an emergency supply the Waters of Roaring Brook and Onota Lake; St. 1911, c. 408 An Act to establish the Deerfield Fire District and to provide for supplying the same with Water; St. 1911, c. 525 An Act to incorporate the Tewksbury Water Company; St. 1911, c. 559 An Act to authorize the Town of Norwood to provide an additional Water supply and to make an additional Water loan; St. 1911, c. 617 An Act to authorize the Town of Littleton to supply itself and its inhabitants with Water; St. 1911, c. 640 An Act to authorize the Town of Peabody to extend and increase its system of Water supply; St. 1911, c. 641 An Act to establish the West Groton Water Supply District; St. 1911, c. 644 An Act to provide for a Water supply for the Shelburne Falls Fire District and its inhabitants; St. 1912, c. 220 An Act to authorize the Town of Mattapoisett to supply itself with Water; St. 1912, c. 326 An Act to establish the West and South Water Supply District of Acton and to provide for supplying said District with Water; St. 1912, c. 328 An Act to authorize the Town of Ashburnham to supply itself and its inhabitants with Water; St. 1912, c. 350 An Act to incorporate the Belchertown Water Company; St. 1912, c. 361 An Act to authorize the Town of Paxton to supply itself and its inhabitants with Water; St. 1912, c. 436 An Act to incorporate the South Egremont Water Company; St. 1912, c. 612 An Act to incorporate the North Egremont Water Company; St. 1913, c. 128 An Act to authorize the Town of Sharon to increase and extend its Water supply; St. 1913, c. 345 An Act to establish the Luther's Corners Water Supply District in the Town of Seekonk; St. 1913, c. 497 An Act to authorize Fire District Number One in the Town of Greenfield to take additional sources of Water supply; St. 1913, c. 561 An Act to authorize the Town of Sandwich to supply itself with Water.; St. 1913, c. 641 An Act to establish the Chelmsford Water District; St. 1913, c. 661 An Act to authorize the Town of Blackstone to supply itself with Water; St. 1913, c. 683 An Act to provide for an additional Water supply for the City of Newton; St. 1913, c. 684 An Act to provide for an additional Water supply for the Town of Brookline; St. 1913, c. 698 An Act to authorize the Town of Peabody to increase its Water supply; St. 1913, c. 699 An Act to authorize the Town of Danvers to increase its Water supply; St. 1913, c. 700 An Act to provide an additional Water supply for the Cities of Salem and Beverly; St. 1914, c. 109 An Act relative to the authority of the City of North Adams to take land, Water rights and Water courses for Water supply purposes; St. 1914, c. 254 An Act to authorize the Town of Somerset to supply itself and the Town of Swansea with Water; St. 1914, c. 313 An Act to establish the Duxbury Fire and Water District and to provide for

supplying the same with Water; St. 1914, c. 319 An Act to authorize the Town of Cummington to supply itself with Water; St. 1914, c. 339 An Act to incorporate the Lunenburg Water Company; St. 1914, c. 417 An Act to authorize the Town of Pembroke to supply itself with Water, to purchase Water from the Towns of Abington and Rockland and to sell Water to the Town of Hanover; St. 1914, c. 488 An Act to incorporate the Norwell Water Company; St. 1914, c. 550 An Act to incorporate the Cummington Water Company; St. 1914, c. 613 An Act to incorporate the Marshfield Water Company; St. 1914, c. 685 An Act to incorporate the Humarock Beach Water Company; St. 1914, c. 772 An Act to authorize the Town of Blackstone to take additional land for Water supply purposes; St. 1915, c. 232 An Act to establish the South Easton and Eastondale Fire and Water District; St. 1915, c. 243 An Act to incorporate the Salisbury Water Supply Company; St. 1915, c. 267 An Act to authorize the Town of Warren to supply itself and its inhabitants with Water; St. 1915, c. 281 An Act to authorize the Town of Georgetown to supply itself and its inhabitants with Water; St. 1915, c. 287 An Act to authorize the Town of Belchertown to supply itself and its inhabitants with Water; St. 1915, c. 322 An Act to Authorize the Town of Sterling to supply itself and its inhabitants with Water; St. 1915, c. 375 An Act to incorporate the Cape Cod Water Company; St. 1916, c. 227 An Act to authorize the Town of Bernardston to supply itself and its inhabitants with Water; St. 1916, c. 238 An Act to authorize the Town of Rowley to supply itself and its inhabitants with Water; St. 1916, c. 260 An Act to authorize the Town of Wenham to supply itself and its inhabitants with Water; St. 1916, c. 302 An Act to authorize the City of Fall River to increase and protect its Water supply; St. 1916, c. 320 An Act to authorize the Town of Hanson to supply itself with Water and to purchase Water from the City of Brockton and the Towns of Rockland and Abington; St. 1916, c. 344 An Act to authorize the Town of Dunstable to supply itself and its Inhabitants with Water; St. 1917, c. 150 An Act relative to the Water supply of the Town of Ashland; St. 1917, c. 175 An Act to authorize the Town of Dighton to supply itself with Water and to sell Water to adjoining Towns; St. 1917, c. 267 An Act to incorporate the Monterey Water Company; St. 1917, c. 287 An Act to authorize the Town of Sturbridge to supply itself and its inhabitants with Water; St. 1917, c. 290 An Act to incorporate the North Reading Water Company; St. 1917, c. 314 An Act to authorize the Town of Gosnold to supply itself with Water; St. 1918, c. 172 An Act to establish the Erving Water District and to provide for supplying the same with Water; St. 1919, c. 115 An Act relative to the taking of Water from the Ipswich River by the Cities of Lynn, Peabody, Salem and Beverly and the Town of Danvers; St. 1919, c. 203 An Act to establish the Tewksbury Fire and Water District; St. 1919, c. 241 An Act to incorporate the Auburn Water Company; St. 1920, c. 390 An Act to establish the Warren Water District; St. 1920, c. 391 An Act to authorize the Town of Townsend to supply itself and its inhabitants with Water; St. 1920, c. 405 An Act to authorize the Town of Marshfield to supply itself and its inhabitants with Water; St. 1920, c. 543 An Act to authorize Palmer Fire District Number One of Palmer to establish a system of Water supply; St. 1920, c. 639 An Act to authorize the Town of Stockbridge to supply itself and its inhabitants with Water; St. 1921, c. 205 An Act authorizing the Town of Medfield to supply itself and its inhabitants with Water; St. 1922, c. 150 An Act establishing the Acushnet Fire and Water District; St. 1922, c. 327 An Act authorizing the Department of Mental Diseases to acquire an additional Water supply for the Gardner State Colony; St. 1922, c. 505 An Act to establish the Belchertown Water District in the Town of Belchertown; St. 1923, c. 257 An Act to incorporate the Fieldston Water Company; St. 1923, c. 341 An Act establishing the Housatonic Fire and Water District in the Town of Great Barrington; St. 1923, c. 348 An Act authorizing the Town of Clinton to take Water for Water supply purposes from the Wachusett Reservoir of the

Metropolitan Water System; St. 1923, c. 474 An Act establishing the Fayville Fire and Water District in the Town of Southborough; St. 1923, c. 490 An Act to incorporate the Harwich Water Company; St. 1924, c. 326 An Act to authorize the Town of Auburn to supply itself and its inhabitants with Water; St. 1924, c. 400 An Act authorizing the Cities of Fall River, New Bedford and Taunton to increase and protect their Water supply; St. 1924, c. 408 An Act authorizing the Onset Fire District to take over the Onset Water Company and thereafter to establish and maintain a general Water supply system; St. 1924, c. 445 An Act to establish the Lynnfield Water District in the Town of Lynnfield; St. 1925, c. 15 An Act authorizing the Town of Bridgewater to supply itself and its inhabitants with Water; St. 1925, c. 60 An Act establishing the Baldwinville Water District in the Town of Templeton and authorizing it to take sources of Water supply in the Towns of Templeton and Winchendon; St. 1925, c. 75 An Act establishing the Sterling Water District in the Town of Sterling; St. 1925, c. 119 An Act to authorize the Town of Westwood to supply itself and its inhabitants with Water; St. 1925, c. 128 An Act relative to the Water supply of the Town of Wakefield; St. 1925, c. 261 An Act to authorize the Town of Millville to supply itself and its inhabitants with Water; St. 1925, c. 277 An Act authorizing the Department of Public Health to acquire an additional Water supply for the Lakeville State Sanatorium; St. 1925, c. 282 An Act to provide additional Water supply for the City of Attleboro; St. 1926, c. 15 An Act to authorize the Baldwinville Water District in the Town of Templeton to take Water from a certain pond or lake and its watershed in the Town of Phillipston; St. 1926, c. 200 An Act authorizing the Town of Danvers to take additional sources of Water supply in the Town of Middleton and improve its Water system; St. 1926, c. 276 An Act to authorize the Town of Wilmington to supply itself and its inhabitants with Water, and to sell Water to the Commonwealth and to the Towns of Reading, North Reading and Tewksbury and to the City of Woburn; St. 1926, c. 318 An Act relative to emergency Water supply; St. 1926, c. 324 An Act to authorize the City of Leominster to take the Waters of Monoosnoc Brook, a tributary of Nashua River, for an addition to its water supply, and to improve its Water system; St. 1926, c. 339 An Act authorizing the Town of Somerset to obtain additional sources of Water supply and to supply the Town of Dighton with Water; St. 1926, c. 346 An Act to incorporate the Chatham Water Company; St. 1927, c. 321 An Act making additional provision for the Water supply needs of the Metropolitan Water District and for communities which now or hereafter may require Water therefrom, by the development of an adequate future Water supply from the Swift River; St. 1928, c. 61 An Act further extending the time during which the Cities of Lynn, Peabody, Salem and Beverly and the Town of Danvers may take Water from the Ipswich River for emergency purposes; St. 1929, c. 153 An Act relative to additional Water supply for the Amherst Water Company; St. 1929, c. 311 An Act authorizing the Town of Tewksbury to supply itself and its inhabitants with Water, and to buy Water from or sell Water to the Towns of Wilmington and Andover, the City of Lowell and the Commonwealth; St. 1929, c. 324 An Act to authorize the Town of Methuen to take the Waters of Peter's Pond and Bartlett's Brook and their tributaries in the Towns of Methuen and Dracut for an addition to its Water supply and to improve its Water system; St. 1929, c. 330 An Act establishing the North Seekonk Water District of Seekonk; St. 1930, c. 39 An Act authorizing the Town of Hanover to supply itself and its inhabitants with Water; St. 1930, c. 69 An Act authorizing the Shelburne Falls Fire District to take Water from additional sources; St. 1930, c. 93 An Act establishing the Bernardston Fire and Water District; St. 1930, c. 225 An Act establishing the South Seekonk Water District of Seekonk; St. 1930, c. 280 An Act authorizing the Town of Pembroke to supply itself and its inhabitants with Water; St. 1931, c. 149 An Act authorizing the Town of Norwell to

supply itself and its inhabitants with Water; St. 1931, c. 172 An Act to authorize the Town of Burlington to supply itself and its inhabitants with Water, and to sell Water to the City of Woburn; St. 1931, c. 232 An Act authorizing the Town of Raynham to supply itself and its inhabitants with Water; St. 1931, c. 235 An Act relative to emergency Water supply; St. 1931, c. 339 An Act authorizing the Town of Southampton to supply itself and its inhabitants with Water; St. 1931, c. 340 An Act relative to the taking of the Waters of Quinapoxet River and South Wachusett Brook and their tributaries by the City of Worcester for Water supply purposes; St. 1931, c. 410 An Act authorizing the City of Pittsfield to take Waters and other property for the purpose of increasing its Water supply; St. 1931, c. 425 An Act establishing the West Warren Water District; St. 1931, c. 239 An Act establishing the Pineroft Water District of West Boylston and authorizing the City of Worcester to supply said District with Water; St. 1933, c. 229 An Act authorizing the Department of Correction to acquire an additional Water supply for the Bridgewater State Farm; St. 1933, c. 339 An Act establishing the East Chelmsford Water District of Chelmsford; St. 1933, c. 352 An Act establishing the West Boylston Water District of West Boylston; St. 1934, c. 53 An Act authorizing the Cheshire Water Company to acquire, hold and protect further sources of Water supply in the Town of Cheshire; St. 1934, c. 100 An Act establishing the Sudbury Water District of Sudbury; St. 1934, c. 102 An Act establishing the Whately Fire and Water District in the Town of Whately; St. 1934, c. 261 An Act authorizing the Town of Essex to supply itself and its inhabitants with Water; St. 1935, c. 165 An Act authorizing the Town of Harwich to supply itself and its inhabitants with Water; St. 1935, c. 220 An Act establishing the Easton Center Water District in the Town of Easton; St. 1935, c. 230 An Act establishing the South Chelmsford Water District of Chelmsford; St. 1935, c. 244 An Act authorizing the Cotuit Fire District to supply itself and its inhabitants with Water for the extinguishment of fires and for domestic use; St. 1935, c. 256 An Act authorizing the Town of Braintree, for the purpose of increasing its Water supply, to take, hold and use certain Waters and Lands within said Town; St. 1935, c. 385 An Act establishing the Woodland Water District in the Town of Auburn; St. 1935, c. 386 An Act establishing the Elm Hill Water District in the Town of Auburn; St. 1936, c. 38 An Act authorizing the Town of West Newbury to supply itself and its inhabitants with Water and validating action taken in relation to such Water supply prior to such authorization; St. 1936, c. 48 An Act authorizing the Town of North Reading to supply itself and its inhabitants with Water; St. 1936, c. 298 An Act establishing the Ring's Island Water District in the Town of Salisbury; St. 1936, c. 321 An Act authorizing the Bernardston Fire and Water District to develop a Water supply in the Town of Bernardston and relative to exempting certain property in said District from taxes assessed by it; St. 1936, c. 336 An Act establishing the Maple Hillside Water District of Millbury; St. 1937, c. 104 An Act authorizing the Town of Harvard to supply itself and its inhabitants with Water; St. 1937, c. 138 An Act establishing the Topsfield Water District of Topsfield; St. 1937, c. 145 An Act establishing the Buzzard's Bay Water District in the Town of Bourne; St. 1937, c. 169 An Act authorizing the Centerville-Osterville Fire District to supply itself and its inhabitants with Water; St. 1937, c. 179 An Act Establishing the Manchaug Water District of Sutton; St. 1938, c. 10 An Act authorizing the Town of West Springfield to take Water from additional sources in Southwick and Westfield and to supply Water to Southwick; St. 1938, c. 252 An Act providing for the establishment of the Berkshire Village Fire and Water District; St. 1938, c. 255 An Act providing for the establishment of the Lanesborough Village Fire and Water District; St. 1938, c. 269 An Act relative to Water supply sources for the Housatonic Water Works Company; St. 1938, c. 441 An Act establishing the Bourne Water District in the Town of Bourne; St. 1939, c. 290 An Act

establishing the North Sagamore Water District in the Town of Bourne; St. 1939, c. 336 An Act establishing the Lynnfield Center Water District in the Town of Lynnfield; St. 1941, c. 197 An Act further extending the time during which the Cities of Lynn, Peabody, Salem and Beverly and the Town of Danvers may take Water from the Ipswich River for emergency purposes; St. 1941, c. 408 An Act further regulating the taking and holding by the Town of West Springfield of Water Within the Town of Southwick; St. 1941, c. 521 An Act authorizing the Dracut Water Supply District to obtain additional resources of Water supply; St. 1941, c. 568 An Act establishing the Charlton Water District in the Town of Charlton; St. 1941, c. 636 An Act to authorize the Town of Newbury to supply itself and its inhabitants with Water; St. 1941, c. 644 An Act authorizing the Town of Southborough to take Water for Water supply purposes from the pressure aqueduct and tunnel of the Metropolitan Water System; St. 1943, c. 325 An Act authorizing the Three Rivers Fire District of the Town of Palmer to establish a system of Water supply; St. 1945, c. 262 An Act establishing the South Sagamore Water District in the Town of Bourne; St. 1945, c. 277 An Act establishing the Dennis Water District in the Town of Dennis; St. 1945, c. 314 An Act establishing the Dennis South Water District in the Town of Dennis; St. 1945, c. 381 An Act establishing the Seekonk Water District of Seekonk; St. 1945, c. 606 An Act relative to the taking of Water for public Water supply purposes in certain cases of emergency; St. 1945, c. 618 An Act relative to the source of Water supply of the Towns of Rockland, Abington and Whitman; St. 1946, c. 11 An Act to authorize the Town of Rowley to supply itself and its inhabitants with Water; St. 1946, c. 220 An Act establishing the Upton Center Water District in the Town of Upton; St. 1946, c. 320 An Act establishing the Thorndike Fire and Water District in the Town of Palmer; St. 1946, c. 528 An Act authorizing the Town of Mendon to supply itself and its inhabitants with Water; St. 1947, c. 198 An Act relative to the Water supply of the Cherry Valley and Rochdale Water District; St. 1947, c. 222 An Act establishing the Raynham Center Water District in the Town of Raynham; St. 1947, c. 280 An Act to establish the Sandwich Water District in the Town of Sandwich; St. 1947, c. 285 An Act authorizing the City of Pittsfield to take Waters and other property for the purpose of increasing its Water supply; St. 1947, c. 419 An Act establishing the Byfield Water District in the Town of Newbury; St. 1947, c. 465 An Act relative to the acquisition of additional Water supply by the Town of Marion; St. 1947, c. 481 An Act relative to the acquisition of additional Water supply by the Town of Scituate; St. 1947, c. 496 An Act to authorize the Town of Norwell to supply itself and its inhabitants with Water; St. 1947, c. 585 An Act establishing the Auburn Water District in the Town of Auburn; St. 1948, c. 353 An Act authorizing the Town of Templeton to supply itself and its inhabitants with Water; St. 1948, c. 461 An Act establishing the Dunstable Water District in the Town of Dunstable; St. 1948, c. 485 An Act establishing the South Grafton Water District in the Town of Grafton; St. 1949, c. 137 An Act establishing the Swansea Water District in the Town of Swansea; St. 1949, c. 414 An Act to establish the Gilbertville Water District in the Town of Hardwick; St. 1949, c. 419 An Act establishing the Morningdale Water District in the Town of Boylston; St. 1949, c. 483 An Act establishing the North Raynham Water District in the Town of Raynham; St. 1949, c. 635 An Act establishing the Burlington Water District in the Town of Burlington; St. 1950, c. 82 An Act authorizing the Town of Halifax to supply itself and its inhabitants with Water; St. 1950, c. 338 An Act to regulate the drawing of Water from Upper Naukeag Pond by the Towns of Winchendon and Ashburnham; St. 1950, c. 358 An Act establishing the Hillcrest Water District in the Town of Leicester; St. 1950, c. 359 An Act establishing the Dighton Water District in the Town of Dighton, and repealing Acts establishing the Dighton Water Supply District and the South Dighton Fire and Water District;

St. 1950, c. 369 An Act authorizing the Town of Westminster to supply itself and its inhabitants with Water; St. 1950, c. 616 An Act establishing the Sunderland Water District in the Town of Sunderland; St. 1950, c. 632 An Act authorizing the Town of Norwood to increase its source of Water supply; St. 1951, c. 61 An Act authorizing the Town of Tewksbury to supply itself and its inhabitants with Water; St. 1951, c. 314 An Act authorizing the Town of Freetown to supply itself and its inhabitants with Water; St. 1951, c. 421 An Act establishing the Boylston Water District in the Town of Boylston; St. 1951, c. 464 An Act to establish the Wheelwright Water District in the Town of Hardwick; St. 1951, c. 598 An Act establishing the Kenwood Water District in the Town of Dracut; St. 1951, c. 651 An Act authorizing the Town of Clarksburg to supply itself and its inhabitants with Water; St. 1951, c. 732 An Act authorizing the City of Fitchburg to acquire Waters and other property for the purpose of increasing its Water supply; St. 1951, c. 748 An Act authorizing the North Easton Village District to increase and protect its Water supply; St. 1952, c. 415 An Act authorizing the Town of Southborough to take Water for Water supply purposes from the Sudbury Reservoir; St. 1952, c. 439 An Act authorizing the Town of Provincetown to supply itself and its inhabitants with Water; St. 1953, c. 105 An Act establishing the Westhampton Water District in the Town of Westhampton; St. 1953, c. 107 An Act establishing the Montague Center Water District in the Town of Montague; St. 1953, c. 217 An Act authorizing the Barnstable Fire District to supply itself and its inhabitants with Water for the extinguishment of fires and for domestic use from sources outside the limits of the Barnstable Fire District and within the Town of Barnstable; St. 1953, c. 271 An Act authorizing the Centerville-Osterville Fire District to supply itself and its inhabitants with Water for the extinguishment of fires and for domestic use from sources outside of the limits of the Centerville-Osterville Fire District and within the Town of Barnstable; St. 1953, c. 357 An Act establishing the Kalmia Woods Water District in the Town of Concord; St. 1953, c. 418 An Act authorizing the Town of Orleans to supply itself and its inhabitants with Water; St. 1953, c. 659 An Act authorizing the City of Holyoke to increase its Water supply; St. 1954, c. 112 An Act relative to the Cherry Valley and Rochdale Water District; St. 1955, c. 664 An Act establishing the Mount Pleasant Water District in the Town of Leicester; St. 1960, c. 392 An Act authorizing the Southbridge Water Supply Company to take an additional source of Water supply in the Town of Sturbridge; St. 1961, c. 502 An Act relative to the acquisition of additional Water supply by the Town of Amherst and authorizing the Town of Amherst to sell Water within the Town of Belchertown; St. 1961, c. 628 An Act to authorize the City of Springfield to increase its Water supply; St. 1962, c. 470 An Act establishing the Griswoldville Water District in the Town of Colrain; St. 1962, c. 540 An Act to authorize the South Deerfield Water Supply District to obtain an additional Water supply; St. 1962, c. 566 An Act authorizing the Turners Falls Fire District to take Water from additional sources and to sell Water to certain individuals; St. 1963, c. 436 An Act authorizing the Town of Nantucket to supply itself and its inhabitants with Water; St. 1963, c. 788 An Act establishing the Holmes Park Water District in the Town of Westminster; St. 1964, c. 249 An Act authorizing the South Deerfield Water Supply District to obtain an additional Water supply; St. 1965, c. 450 An Act establishing the Northfield Water District in the Town of Northfield; St. 1965, c. 552 An Act authorizing the Town of Brewster to supply itself and its inhabitants with Water; St. 1965, c. 734 An Act establishing the West Northfield Water District in the Town of Northfield; St. 1965, c. 872 An Act authorizing the City of Gloucester to obtain an additional source of Water supply by diverting Water from the Ipswich River; St. 1966, c. 315 An Act authorizing the West Barnstable Fire District to supply itself and its inhabitants with Water; St. 1966, c. 457 An Act authorizing the Department of

Natural Resources to acquire certain Lands and Waters within the Farmington River Watershed; St. 1967, c. 343 An Act authorizing the City of Gloucester to obtain Water from the Ipswich River; St. 1968, c. 590 An Act authorizing the City of Pittsfield to acquire certain Waters and other property in the Towns of Dalton, Hinsdale and Windsor for the purpose of increasing its Water supply; St. 1968, c. 606 An Act authorizing the Lynnfield Center Water District to use and sell the Waters of the Ipswich River; St. 1969, c. 302 An Act establishing the Bondsville Fire and Water District and dissolving the Bondsville Fire District; St. 1969, c. 746 An Act authorizing the City of Pittsfield to take the Water rights to Onota Lake in said City; St. 1969, c. 844 An Act authorizing the County Commissioners of Berkshire County to take the Water rights to Richmond Pond by eminent domain; St. 1970, c. 274 An Act establishing the Riverside Water District in the Town of Gill; St. 1971, c. 145 An Act Establishing the West Warren Water District in the Town of Warren; St. 1971, c. 433 An Act establishing the Whately Water District in the Town of Whately; St. 1971, c. 835 An Act establishing the Oakwood Heights Water District of Millbury; St. 1972, c. 583 An Act authorizing the Town of Weymouth to develop all Ground Water and Surface Water sources within the boundaries of said Town; St. 1972, c. 808 An Act establishing the Oldtown Water District in the Town of Newbury; St. 1976, c. 408 An Act authorizing the Town of North Reading to obtain Water from the Ipswich River; St. 1976, c. 456 An Act authorizing the Town of Ipswich to obtain Water from the Ipswich River; St. 1976, c. 476 An Act establishing Stiles Lake Water District in parts of the Towns of Leicester and Spencer; St. 1977, c. 268 An Act authorizing the Town of Danvers to obtain Water from the Ipswich River; St. 1977, c. 404 An Act establishing the Granby Water District in the Town of Granby; St. 1977, c. 532 An Act authorizing the City known as the Town of Methuen to obtain Water from the Merrimack River; St. 1980, c. 267 An Act establishing the Ashfield Water District in the Town of Ashfield; St. 1980, c. 483 An Act establishing the Briggsville Water District in the Town of Clarksburg; St. 1981, c. 341 An Act authorizing the Town of Tewksbury to take Water from the Merrimack River; St. 1982, c. 25 An Act relative to previously abandoned sources of Water supply by members of the Metropolitan Water District; St. 1982, c. 270 An Act providing for an adequate Water supply for the City of Brockton; St. 1982, c. 516 An Act establishing the Tyngsborough Water District.

Concord Free Public Library

by the numbers

Metrics from FY 2019 and FY 2018, visualized



Concord
FREE PUBLIC LIBRARY

The CFPL at a glance, FY 2019 v. FY 2018

FY 2019

- Total # of hours open: 6,012
- Total visitors: 296,569  5%
- Total average visitors *per day*: 1,050  17%

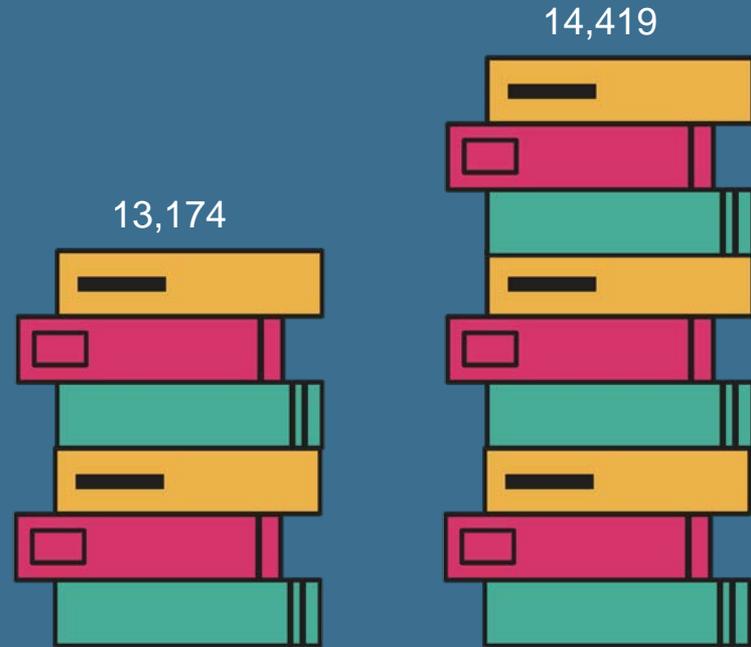
FY 2018

- Total # of hours open: 6,002
- Total visitors: 283,021
- Total average visitors *per day*: 900

17% increase
in daily visitors!

Circulation and Cardholders

Total Cardholders, FY 2019 v. FY 2018



9% increase

in cardholders!

Circulation and Cardholders (cont.)

FY 2019

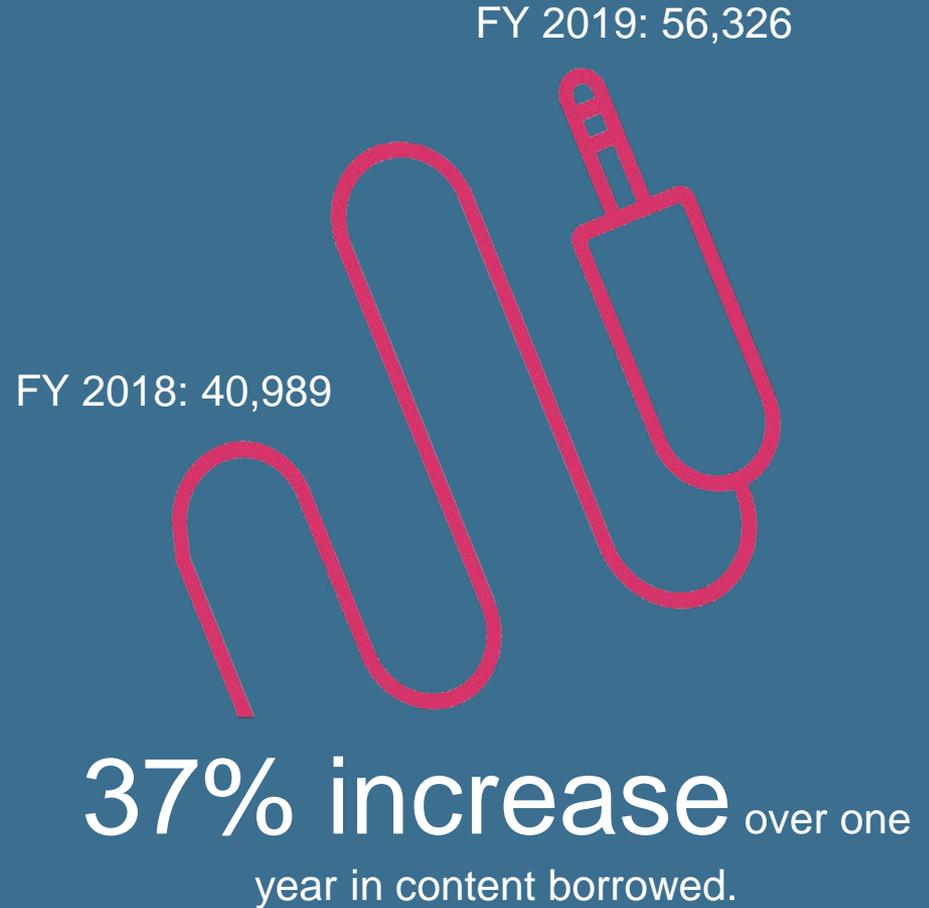
- Fowler Circulation: 90,502  11%
- Teen Circulation: 11,323  11%
- Children's Circulation: 119,296
- Adult Circulation: 266,582  4%
- *Total* Circulation: 397,201  3%

FY 2018

- Fowler Circulation: 81,856
- Teen Circulation: 10,241
- Children's Circulation: 119,042
- Adult Circulation: 255,755
- *Total* Circulation: 385,038

11% increase in Fowler
and Teen circulation!

Downloadable and Streaming Content



Programs Held and Program Attendance

FY 2019 Highlights

- Teen Programs Held: 130  113%
- Children's Programs Held: 413  55%
- *Total* Programs Held: 727  36%

FY 2018 by Comparison

- Teen Programs Held: 61
- Children's Programs Held: 267
- *Total* Programs Held: 533

36% increase in total
programs!

Programs Held and Program Attendance (cont.)

FY 2019 Highlights

- Fowler Program Attendance: 4,598  21%
- Teen Program Attendance: 2,868  156%
- Children's Program Attendance: 9,253  53%
- *Total* Program Attendance: 18,845  33%

FY 2018 by Comparison

- Fowler Program Attendance: 3,785
- Teen Program Attendance: 1,122
- Children's Program Attendance: 6,031
- *Total* Program Attendance: 14,198

156% and 53% increases
in Teen and Children's attendance, respectively.
33% increase overall.

Web and Social Media

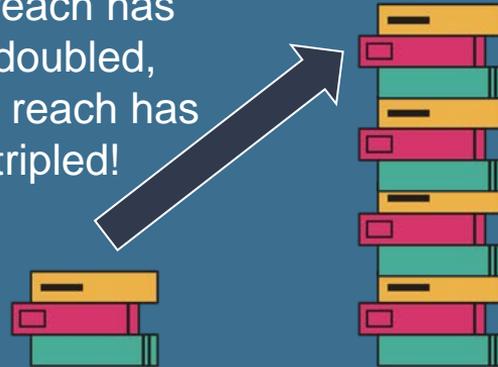
FY 2019

- Pageviews on website: 1,373,980  12%
- Facebook average post reach: 307  274%
- Twitter average impressions per day: 850  359%

FY 2018 by Comparison

- Pageviews on website: 1,231,095
- Facebook average post reach: 82
- Twitter average impressions per day: 185

Facebook reach has more than doubled, and Twitter reach has more than tripled!



Metric	FY 2019	FY 2018	Change
Total Hours the Main and Fowler Libraries Were Open	6012	6,002	0%
Total Visitors	296,569	283,021	5%
Total Main Library Visitors	227,172	210,676	8%
Total Fowler Library Visitors	69,397	72,345	-4%
Total Average Visitors (per day)	~1050	~900	17%
Total Cardholders	14,419	13,174	9%
Total Circulation	397,201	385,038	3%
Total Fowler Circulation	90,502	81,856	11%
Total Teen Circulation	11,323	10,241	11%
Total Children's Circulation	119,296	119,042	0%
Total Adult Circulation	266,582	255,755	4%
Total Downloadable and Streaming Titles		704,021	
Total Downloadable and Streaming Checkouts	56326	40,989	37%
Total Programs Held	727	533	36%
Total Fowler Programs Held	137	166	-17%
Total Teen Programs Held	130	61	113%
Total Children's Programs Held	413	267	55%
Total Adult Programs Held	184	205	-10%
Program Attendance	18,845	14198	33%
Total Fowler Program Attendance	4598	3785	21%
Total Teen Program Attendance	2,868	1,122	156%
Total Children's Program Attendance	9,253	6,031	53%
Total Adult Program Attendance	6,724	7,045	-5%
Library Website Visits	1,373,980	1,231,095	12%
Facebook Average Post Reach	307	82	274%
Twitter Average Impressions Per Day	850	185	359%

Town Manager's Office

Town Manager Response to the Finance Committee Request

October 10, 2019

1. FY19 & FY20 Budget Performance – Please identify any significant variances relative to budget for the previous two years and other variances that you think will have material impact on FY 21 funding requests. Also, please provide a summary of labor costs for both years and expected labor costs for FY21 so the Finance Committee can see trends in this category of spending.

I have prepared the attached budget analysis, ***Attachment A – FY18, FY19 & FY20 Appropriation Comparison***, for your review. As you can see, we closed both years with a small surplus appropriation of \$269,865 in FY18, or 0.62% and \$619,271 in FY19, or 1.34%, inclusive of a sizeable return from debt service which is addressed below. The most significant variances relative to budget, defined as variances in excess of 5%, greater than \$10,000 and/ or any deficits, include the following which are highlighted in the attached spreadsheet:

FY18:

- Legal Services: deficit of \$214,349, Estabrook Woods litigation
- Debt Service: surplus of \$186,274, larger than anticipated premium on new bond sale resulting in lower overall required debt service payment

FY19:

- Legal Services: deficit of \$279,462, Estabrook Woods litigation (\$225,000 from Reserve Fund; \$54,462 from other inter-departmental transfers)
- Town Meetings & Reports: surplus of \$15,003, did not use automated voting as originally planned
- Police-Fire Station: surplus of \$14,656, lower than expected operating expenses, mainly utilities
- EMS: surplus of \$15,053, lower than expected operating expenses (no significant EOC event)
- Engineering: surplus of \$42,761, staffing vacancies
- Highway Maintenance: surplus of \$65,163, staffing vacancies
- Street Lighting: surplus of \$16,150, lower than anticipated maintenance and utility costs (permanent adjustment planned)
- 133/ 135 Keyes Road: surplus of \$17,294 lower than anticipated operating costs, mainly utilities
- Library: surplus of \$52,325, staffing vacancies
- Human Services: surplus of \$10,691, reduction of budgeted position
- Senior Services: surplus of \$32,251, staffing vacancies
- Veterans Benefits: surplus of \$10,863, reduction in number of beneficiaries
- Debt Service: surplus of \$291,822, larger than anticipated premium on new bond sale resulting in lower overall required debt service payment

The chart below is a summary of labor costs for FY18 – 20.

	FY18	FY19	FY20	FY18 to FY19		FY19 to FY20	
	Amount	Amount	Amount	\$ Δ	% Δ	\$ Δ	% Δ
Town Budget Appropriation	\$25,755,720	\$26,927,191	\$28,706,648	\$1,171,471	4.5%	\$1,779,457	6.6%
Personnel Expenditure w/ FY20 est.	\$17,068,374	\$17,388,685	\$18,687,232	\$320,311	1.9%	\$1,298,547	7.5%
Personnel Cost / TG Appropriation	66.3%	64.6%	65.1%	27.3%		73.0%	

The increase in labor costs from FY18 to FY19 is masked somewhat (approx. 0.30%) as a result of the outstanding CPW labor contract. Had that contract been settled in FY19, the total increase in labor costs would have been approximately 2.20%. The increase in labor costs from FY19 to FY20, exclusive of new positions, is approximately 2.33%, or \$405,641. Further detail on the FY19 to FY20 increase is provided in the following chart.

Notes to chart:

- FY20 increase of \$1,298,547 is the total appropriation increase, part of which is funded with transfers from other funds. For example, 75% of the cost of the 4 new firefighter positions are funded with a transfer from the Emergency Services Stabilization Fund and the Visitor & Tourism Manager is funded with a transfer from the Recreation Revolving Fund.
- The position of Municipal Archivist was also re-established in the FY20 Budget. At the time the budget was prepared, the assumption was that this position would be funded 100% through the Library’s existing budgetary appropriation. While this matter is not fully settled, it is likely that only a portion of the funding will come from the existing Library appropriation, with the remainder funded through other budget adjustments and/ or a transfer from the Salary Reserve account.

FY19 to FY20 Δ Explanation

<u>Division & Position</u>	<u>Value</u>	<u>Notes</u>
<u>Town Manager's Office</u>		
Department Clerk	\$26,100	Park-time department clerk
<u>Facilities</u>		
Facilities Operations Coordinator	\$45,510	Total Salary of \$75,850. Funding of \$30,340 covered by Beede and Recreation
HVAC Technician	\$98,831	Salary covered by transfers from Beede, Capital Projects, HVAC Maintenance Funding identified in Building
<u>Visitors Center</u>		
Visitor & Tourism Manager	\$60,000	
<u>Parks & Playground</u>		
Facilities Maintainer	\$48,024	
<u>Information Systems</u>		
Information System Technician	\$71,400	
<u>Police</u>		
School Resource Officer	\$74,500	\$50,000 from the Emergency Response Stabilization Fund and \$15,000 from the Community Chest
<u>Fire</u>		
Firefighter	\$66,115	West Concord Ambulance 2nd Shift
Firefighter	\$66,115	West Concord Ambulance 2nd Shift
Firefighter	\$66,115	West Concord Ambulance 2nd Shift
Firefighter	\$66,115	West Concord Ambulance 2nd Shift
<u>Library</u>		
Social Media & Technology Coordinator	\$57,803	
<u>Senior Services</u>		
Social Services Supervisor	<u>\$58,464</u>	
sub-total, new positions	\$805,092	
 <u>Highway Maintenance</u>		
CBA Agreements	\$44,926	
<u>Parks & Trees</u>		
CBA Agreements	\$35,894	
<u>Cemetery</u>		
CBA Agreements	<u>\$6,994</u>	
sub-total, CBA retro	\$87,814	
COLA adjustments, union & non-union	\$405,641	
Total:	\$1,298,547	

At this time, we estimate an increase in labor costs of less than 3% for FY21.

2. Service Status and Anticipated Changes – Please discuss how current programs and services could change in the next 1-5 years because of perceived backlog of needs and/or directives from recent Town Meetings and/or initiatives from the Select Board. (Affordable Housing, recent land acquisitions, Economic Vitality initiatives, etc.)

As this is my first budget cycle with the Town and FY21 departmental budget requests are not due until October 15, 2019, I do not yet have a complete picture of the Town's short and long-term needs. That being said, based upon initial discussions with Department Manager's, the following has budgetary needs have been identified. Anticipated costs will be reflected in the Department budget submissions:

Operating

- Fire: Restructuring at CFD to allow for 2 lieutenants on duty each shift, one at each station
- Fire: Additional hours for Fire Prevention Clerk
- DPLM: Additional hours for part-time inspectors to address workload
- DPLM: Land Manager, new position
- DPLM: Zoning Bylaw Recodification
- DPLM: Transportation issues
- CPW: increased funding for operating capital (roads, sidewalks, drainage) & equipment
- Town Manager's Office: additional staffing to address economic vitality
- Facilities: additional staffing and/ or contracted services to address maintenance backlog

Capital Needs, 1 to 5 years

- CPW: Salt Shed
- Public Safety: Programming Study to inform new building design; new building 5+ years
- Emerson Field improvements
- Gerow improvements
- Warner's Pond dredging
- White Pond drainage and access improvements

3. Legal Services – Please discuss your current thoughts about on-going legal expenses facing the Town and their impact on spending including a range of estimates with associated probabilities for any known litigations.

A General Fund Legal Services appropriation of \$225,000 - 250,000 is almost always adequate to fund the demand for legal assistance for normal operations, generally including collective bargaining and even small complex matters. However, once we get outside of routine matters, we can easily exceed budget, as we

have done the past two years with the Estabrook Woods matter. At this time, the Estabrook Woods litigation is the only active litigation impacting the General Fund budget.

With regard to the Estabrook Woods litigation, I have asked Town Counsel to provide a cost estimate to get us to Motion for Summary Judgment. Based upon the estimate provided, I believe the current FY20 appropriation is sufficient to get us to Town Meeting, at which time it is likely that there will need to be a request for an FY20 supplemental appropriation, or other budget adjustment.

The amount included in my FY21 recommendation for legal services will be split between general legal and litigation, which will also reflect other matters in addition to Estabrook Road.

4. Headcount – Please identify expected changes in headcount across departments, both additions and attrition, and the fully loaded (burden) dollar impact of these changes.

I have prepared ***Attachment B, FY21 Personnel Information***, in response to this request. Total FTE's in FY20 are up 11.11 over FY19. Detail of the increase was provided in response to question 1.

While department budget requests are not due until October 15, 2019, at this time, I am aware of two new position requests- Economic Development (Visitor's Center) and Land Manager (DPLM), which may or may not be included in my budget recommendation. If any new positions are included in my budget recommendation, I will also specifically identify an estimated cost of benefits.

I also wanted to highlight the issue we are having with regard to recruitment and retention, to a lesser extent. As you will note in Attachment B, at this time, 15.41 positions are vacant, representing approximately 6.25% of the workforce. Over the past few years, we have consistently had a vacancy rate of 5- 10% and a fair amount of turnover in employees with less than 5 years' tenure. Department Managers and the Human Resources Director often speak of the difficulty they have in finding the right candidate who will accept the salary & benefits package offered by the Town. While we generally feel that our salaries are competitive, we offer a less generous health insurance benefit than peer communities. In order to get a better handle on this issue, later this FY, with the assistance of the HR Director, we will hire an outside consultant to conduct a detailed classification and compensation analysis. The results of this analysis will inform future budget recommendations.

5. Zero-Based Budgeting – The schools implemented a “fresh-start” budget process to develop their FY20 funding requests. The FinCom would like your thought as to the feasibility and expended benefits of doing the same for Town budgeting entities.

From what I know about municipal Zero-Based Budgeting (ZBB), the process would work as follows. A Department Head would formulate a budget at the ground level or, in other words, would start the budget process at a zero funding amount. The Department Head would then consider alternative methods to achieve performance and service (called decision-packages). The packages usually represent various tiers of funding/service, ranging from the minimum required

for the department to remain viable, to maintaining the status quo, to perhaps even providing a greater level of service. A review team, consisting of the Department Head, Finance Director and me, would rank the decision-packages and make funding allocations.

While meaningful Zero-Based Budgeting, in its purest form, is not realistic given the high percentage of non-discretionary uses in the operating budget, the process of examining existing programs and services for both efficacy and efficiency is vital in determining how best to allocate resources. Historically, the Town has taken an incremental approach to budgeting. This approach, without a periodic review of programs and funding levels, can create a budget that may not provide the desired services at the appropriate cost.

For the FY21 budget, I would like to focus on bringing costs into alignment with current service level. Over the next year, I hope to conduct a more comprehensive review of the programs offered by the Departments and make a determination of whether they efficiently and effectively meet the needs of our residents.

6. Collective Bargaining – Please provide a schedule of expected negotiated agreements from FY21 through FY25 and their expected impact on labor costs.

The Town has six- (6) unionized employee groups, as follows:

- Concord Firefighters Association, expires 06/30/2022
- Concord Highway & Grounds, expires 06/30/2020
- Concord Library, Non-Supervisory, expires 06/30/2020
- Concord Library, Supervisory, expires 06/30/2020
- Concord Police Association, expires 06/30/2020
- Concord Public Safety Dispatchers, expires 06/30/21

We expect to begin negotiations with the four- (4) groups with contracts expiring as of 06/30/2020 within the next six- (6) months. As mentioned previously, we expect the overall salary increase in FY21 to be less than 3%.

7. Municipal Services to CCRHS – What is your budgetary approach to account for the municipal services that are being delivered to the Regional High School by the Town of Concord.

The Concord-Carlisle Regional School District is responsible for providing for all the operating and capital costs for the High School through Concord's assessment as voted at Town Meeting. On a non-routine basis, if the High School roadway is in need of an immediate pothole repair or requires emergency plowing, Concord Public Works is able to offer assistance. CPW also maintains the Turf Fields and the costs are paid for through a gift fund.

The Town will also provide assistance to the District in the preparation of capital project requests if needed.

The Police Department has assigned Officer Kevin Gena, a School Resource Officer, for duty at the High School and his salary is projected to be \$74,562 as of July 1, 2020.

8. Capital Assets – Discuss your 5-year capital plan in light of the recently completed capital needs study together with your plan to fund adequate maintenance of existing assets. Please identify any other longer-term capital needs you foresee.

The FY21 – 25 Capital Improvement Plan has not yet been finalized, but will be by on October 31, 2019, if not before. I will be in a better position to discuss a response to this question when I meet with you in November.

9. OPEB – What is the anticipated contribution for FY21? Where will this place us relative to our cumulative annual required contribution (ARC)?

On an annual basis as of June 30, the Town, with the assistance of an actuary, updates its Other Post-Employment Benefits (OPEB) liability. The actuarial report contains a funding schedule and since FY07, the Town has been fully funding its Annual Required Contribution (ARC), now referred to as the Actuarially Determined Contribution (ADC). Due to the timing of the report, the Town will use the valuation as of June 30, 2018 to estimate the FY21 ADC. This report estimates the FY21 ADC for the General Fund at \$1,282,002. This is about \$416k, or 24.5%, lower than the amount appropriated for FY20. The decrease is a combination of minor changes in benefits (introduction of the high deductible health plan) and better than anticipated investment returns.

In lieu of budgeting this amount, I am including an amount of \$1,500,000 as a placeholder. As you may recall, the Town uses a discount rate of 7.25% for its OPEB liability and an amortization schedule ending in FY40. For the Town's pension liability, a discount rate of 7.00% and amortization schedule ending in FY30 is used. In an effort to better align the funding of these long-term liabilities, I've asked the actuary to prepare the valuation report as of June 30, 2019 with an assumption of a 7.00% discount rate and an amortization schedule ending in FY35, perhaps a bit too aggressive. This placeholder will be updated once the new report has been received toward the end of November.

The funding schedule based upon the June 30, 2018 valuation is attached for your review, **Attachment C- Fiscal Year Actuarially Determined Contributions, based upon June 30, 2018 Valuation.**

10. Benchmarking – Please present, when available, benchmark data from ClearGov.com to help understand spending relative to peer communities.

Benchmarking is crucial for comparing how Concord is operating relative to our peer communities and ClearGov is a valuable resource. Once the actual Departmental requests have been submitted, I will benchmark that against data from comparable, neighboring communities and present that to the Finance Committee.

11. Additional Funding Sources – Please discuss what changes, if any, you expect from funding from other sources, both internal to the Town and external.

For FY21, FY22 and FY23, I intend to use funding in the Emergency Services Stabilization Fund for the second ambulance and school resources officer as set forth in the FY20 budget plan. Thereafter, the full cost of these positions will be borne by the General Fund. I expect to continue the practice of charging the Enterprise Funds for the cost of services provided by the General Fund. At this time, I am not aware of any additional funding sources that would be available to offset General Fund expenditures but will report on any grants received that offset existing expenditures.

12. Additional Information – Please tell us anything else you think would be helpful for the FinCom to develop this year’s guideline recommendation. For example, are there any other warrant articles that you foresee that will have a financial impact to the Town?

I have been advised that the Concord Retirement Board will likely request the inclusion of a warrant article seeking to adjust the COLA base for retirement benefits. Currently, any cost of living increase in the pension benefit is only applied to the first \$12,000. In this respect, the Concord Retirement System is out of line with most other retirement systems which provide a COLA increase on the first \$15,000 of pension benefit. While I do not yet know exactly what the Retirement Board will proposed, this type of adjustment will have an estimated impact of \$100,000 to \$200,000.

Town of Concord
 Finance Department
 Attachment A - FY18, FY19 & FY20 Appropriation Comparison
 October 10, 2019

Item #	Division	FY18			FY19			FY20 Approp. \$	FY18 to FY19 Approp.		FY19 to FY20 Approp.		Comments
		Approp. \$	Expended \$	Surplus \$	Approp. \$	Expended & \$	Surplus \$		Approp. % Δ	Expended % Δ	Approp. % Δ	Expended % Δ	
1A	Town Manager's Office	639,774	636,284	3,490	680,357	680,357	-	702,371	6.3%	6.9%	3.2%	3.2%	FY20 - New Departmental Clerk (0.5 FTE)
1B	Human Resources	411,779	408,080	3,699	449,579	443,129	6,450	473,700	9.2%	10.2%	5.4%	6.9%	FY19 - New HR Software; FY20 - Additional OT
1C	Town-Wide Building Maint.	290,000	289,998	2	386,173	386,173	-	434,773	33.2%	33.2%	12.6%	12.6%	FY20 - New HVAC Tech (1 FTE), New Electrician (1 FTE)
1D	Resource Sustainability	126,000	125,967	33	198,025	198,025	-	229,388	57.2%	57.2%	15.8%	15.8%	FY19 & FY20 - Increase for Sustainability Projects
1E	Visitors' Center	44,028	43,881	147	19,292	19,292	-	105,760	-56.2%	-56.0%	448.2%	448.2%	FY20 - New Visitors Manager (1 FTE) funded by Recreation Fund
1F	37 Knox Trail	43,287	43,168	119	29,430	29,430	-	29,192	-32.0%	-31.8%	-0.8%	-0.8%	FY19 & FY20 - Less Operating Expenses (Adjusted for New Building)
1G	55 Church Street	-	-	-	106,031	106,031	-	116,714	NA	NA	10.1%	10.1%	
1H	Parks & Playgrounds	-	-	-	-	-	-	124,334	NA	NA	NA	NA	FY20 - New Division
	Subtotal	1,554,868	1,547,379	7,489	1,868,886	1,862,437	6,450	2,216,232	20.2%	20.8%	18.6%	19.0%	
2	Legal Services	225,000	439,349	(214,349)	404,462	629,462	(225,000)	250,000	79.8%	-7.9%	-38.2%	-60.3%	FY19 - Plus Additional \$100,000 in Appropriation at 11STM2018
3A	Elections	13,627	13,627	-	56,017	56,017	-	42,653	311.1%	311.1%	-23.9%	-23.9%	FY20 - Variable Number of Elections: 1 in FY18, 3 in FY19, 2 in FY20
3B	Registrars	11,231	8,677	2,554	8,401	7,421	979	7,374	-25.2%	-3.2%	-12.2%	-0.6%	FY19 - Less Operating Expenses
	Subtotal	24,858	22,304	2,554	64,418	63,439	979	50,027	159.1%	188.8%	-22.3%	-21.1%	
4	Town Meeting and Reports	81,750	81,637	113	100,250	85,247	15,003	100,250	22.6%	22.8%	0.0%	17.6%	FY19 - Less Operating Expenses (Did not use Automated Voting Devices)
5A	Planning Administration	487,084	481,225	5,859	492,601	490,242	2,359	518,336	1.1%	2.4%	5.2%	5.7%	FY20 - Funded Cross-Town Connect and Flag Grant Match
5B	Natural Resources	288,620	284,744	3,876	288,657	288,526	131	296,000	0.0%	1.4%	2.5%	2.6%	
5C	Inspections	491,255	484,642	6,613	483,683	477,681	6,002	487,309	-1.5%	-0.2%	0.7%	2.0%	FY19 - Reduced Salaries due to New Hires
5D	Health	411,389	402,905	8,484	431,577	431,009	568	453,886	4.9%	7.1%	5.2%	5.3%	FY18 - Vacancy with the Public Health Nurse; FY20 - New Vehicle
	Subtotal	1,678,347	1,653,516	24,832	1,696,517	1,687,459	9,059	1,755,531	1.1%	2.6%	3.5%	4.0%	
6	141 Keyes Road	71,027	70,373	654	72,994	72,755	239	74,433	2.8%	3.7%	2.0%	2.3%	
	Total General Government	3,635,850	3,814,557	(178,706)	4,207,527	4,400,799	(193,270)	4,446,473	15.7%	10.3%	5.7%	1.0%	
7	Finance Committee	3,410	3,306	104	3,410	2,833	578	3,410	0.0%	3.1%	0.0%	20.4%	
8A	Finance Administration	536,418	536,418	-	580,307	580,255	52	696,555	8.2%	8.2%	20.0%	20.0%	FY19 - New System Analyst (1 FTE); FY20 - Retirement moved from Accounting
8B	Treasurer-Collector	524,302	519,174	5,128	465,147	463,891	1,256	510,733	-11.3%	-10.4%	9.8%	10.1%	FY19 - Reduced Salaries due to New Hires
8C	Town Accountant	451,528	447,959	3,569	469,009	469,009	-	321,271	3.9%	4.7%	-31.5%	-31.5%	FY20 - Retirement moved to Finance Administration & Utility Clerk to 0.5 FTE
8D	Assessors	439,328	434,827	4,501	431,786	431,296	490	438,001	-1.7%	-0.7%	1.4%	1.6%	
8E	Town Clerk	255,741	254,064	1,677	256,004	252,698	3,306	266,738	0.1%	0.8%	4.2%	5.6%	FY20 - Additional Hours for Office Assistant
	Subtotal	2,207,318	2,192,443	14,874	2,202,254	2,197,148	5,105	2,233,298	-0.2%	0.4%	1.4%	1.6%	
9	Information Systems	1,069,334	1,065,378	3,956	1,133,259	1,133,259	-	1,189,082	6.0%	6.4%	4.9%	4.9%	FY19 - New Info Systems Tech (1 FTE); FY20 - New Info Systems Tech (1 FTE)
10	Town House	140,198	140,195	3	144,973	144,973	-	152,107	3.4%	3.4%	4.9%	4.9%	FY20 - Additional Funding for Cleaning Supplies and Carpet Cleaning
	Total Finance & Admin.	3,420,259	3,401,322	18,937	3,483,895	3,478,213	5,682	3,577,897	1.9%	2.4%	2.7%	2.9%	
11	Police Department	4,602,452	4,602,452	-	4,887,870	4,882,037	5,833	4,906,210	6.2%	6.2%	0.4%	0.5%	FY19 - Increased Wages due to Resolution of CBA Negotiations
12	Fire Department	4,696,527	4,696,527	-	4,879,241	4,875,126	4,115	5,206,056	3.9%	3.9%	6.7%	6.8%	FY20 - New Firefighters for Second Ambulance (4 FTE)
13	West Concord Fire Station	39,664	39,268	396	36,323	36,027	296	35,769	-8.4%	-7.5%	-1.5%	-0.7%	FY19 - Less Operating Expenses
14	Police-Fire Station	284,816	284,656	160	284,816	270,160	14,656	261,627	0.0%	0.1%	-8.1%	-3.2%	FY19 & FY20 - Less Operating Expenses (Mostly Utilities)
15	EMS	16,937	16,637	300	16,937	1,884	15,053	16,060	0.0%	1.8%	-5.2%	752.6%	FY19 - Less Operating Expenses (No Significant EOC Event)
16	Animal Control	26,000	24,730	1,270	26,000	25,734	266	27,236	0.0%	5.1%	4.8%	5.8%	FY20 - Increase in Contract for Animal Control Officer
	Total Public Safety	9,666,396	9,664,271	2,125	10,131,187	10,090,967	40,220	10,452,958	4.8%	4.8%	3.2%	3.6%	

Item #	Division	FY18			FY19			FY20 Approp. \$	FY18 to FY19 Approp.		FY19 to FY20 Approp.		Comments
		Approp. \$	Expended \$	Surplus \$	Approp. \$	Expended &	Surplus \$		Approp. % Δ	Expended % Δ	Approp. % Δ	Expended % Δ	
17A	CPW Admin	411,845	410,943	902	423,957	423,951	6	424,718	2.9%	3.2%	0.2%	0.2%	
17B	Engineering	727,965	727,925	40	739,561	696,800	42,761	726,156	1.6%	1.6%	-1.8%	4.2%	FY19 - Savings due to Vacancies
17C	Highway Main.	1,442,445	1,437,428	5,017	1,438,381	1,373,218	65,163	1,479,266	-0.3%	0.1%	2.8%	7.7%	FY19 - Savings due to Vacancies
17D	Parks and Trees	795,718	789,287	6,431	806,781	806,748	33	826,590	1.4%	2.2%	2.5%	2.5%	
17E	Cemetery	230,542	229,639	903	241,010	239,822	1,188	241,533	4.5%	5.0%	0.2%	0.7%	FY19 - Increase for Fertilizer and Insecticides
	Subtotal	3,608,515	3,595,222	13,293	3,649,690	3,540,539	109,151	3,698,263	1.1%	1.5%	1.3%	4.5%	
18	Snow and Ice	610,000	610,000	-	610,001	610,001	-	625,000	0.0%	0.0%	2.5%	2.5%	
19	Street Lighting	74,000	74,000	-	57,400	41,250	16,150	57,400	-22.4%	-22.4%	0.0%	39.2%	FY19 - Less Operating Expenses with LED Lights (Adjustment Planned)
20	CPW Equipment	325,000	325,000	-	325,000	325,000	-	325,000	0.0%	0.0%	0.0%	0.0%	
21	Drainage Program	205,000	205,000	-	205,000	205,000	-	205,000	0.0%	0.0%	0.0%	0.0%	
22	Sidewalk Management	110,000	110,000	-	115,000	115,000	-	125,000	4.5%	4.5%	8.7%	8.7%	FY20 - Planned Increase in Sidewalk Allocation
23	Road Improvement	100,000	100,000	-	100,000	100,000	-	100,000	0.0%	0.0%	0.0%	0.0%	
24	133/135 Keyes Road	153,102	152,806	296	153,753	136,459	17,294	148,660	0.4%	0.6%	-3.3%	8.9%	FY19 - Less Operating Expenses (Mostly Utilities)
	Total Public Works	5,185,617	5,172,028	13,589	5,215,844	5,073,249	142,595	5,284,323	0.6%	0.8%	1.3%	4.2%	
25	Library	2,221,239	2,221,239	-	2,286,820	2,234,495	52,325	2,351,798	3.0%	3.0%	2.8%	5.2%	FY19 - Savings due to Vacancies; FY20 Social Media Coord (1 FTE)
26A	Human Services	90,303	89,342	961	96,045	85,354	10,691	68,335	6.4%	7.5%	-28.9%	-19.9%	FY19 & FY20 - Elimination of Youth Services Coordinator (0.5 FTE)
26B	Senior Services	481,834	481,646	188	583,425	551,174	32,251	577,880	21.1%	21.1%	-1.0%	4.8%	FY19 - Saving due to Vacancies in Limited Status Positions
26C	Recreation Administration	101,761	101,761	-	108,376	108,376	-	108,376	6.5%	6.5%	0.0%	0.0%	
27	HWCC	121,905	121,491	414	125,905	125,691	214	115,133	3.3%	3.6%	-8.6%	-8.4%	FY19 - HVAC Maintenance Cost Assumed by Facilities Management
28	Hunt Rec Center	132,901	132,901	-	122,633	122,618	15	113,759	-7.7%	-7.7%	-7.2%	-7.2%	FY19 - HVAC Maintenance Cost Assumed by Facilities Management
29	Veterans	125,310	125,310	-	107,970	97,107	10,863	86,696	-13.8%	-13.8%	-19.7%	-10.7%	FY19 & FY20 - Fewer Eligible Veterans Receiving Benefits
30	Ceremonies and Celebrations	19,228	19,012	216	22,624	22,426	198	19,030	17.7%	19.0%	-15.9%	-15.1%	
	Total Human Services	3,294,481	3,292,701	1,780	3,453,798	3,347,240	106,558	3,441,007	4.8%	4.9%	-0.4%	2.8%	
31	Town Employee Benefits	100,000	99,299	701	98,038	97,477	560	100,000	-2.0%	-1.3%	2.0%	2.6%	
32	Reserve Fund	225,000	-	225,000	225,000	-	225,000	225,000	NA	NA	NA	NA	Reserve Fund "Surplus" Transferred to Legal Services
33	Salary Reserve	239,235	239,235	-	199,941	199,941	-	1,168,988	-16.4%	-16.4%	484.7%	484.7%	FY18 & FY19 - Transfers Already Occurred; FY20 - Funds for Wage Increases
34	Land Fund	15,000	15,000	-	10,000	10,000	-	10,000	NA	NA	NA	NA	
	Total Unclassified	579,235	353,534	225,701	532,979	307,418	225,560	1,503,988	-8.0%	50.8%	182.2%	389.2%	
	Town Government Total	25,781,837	25,698,414	83,425	27,025,228	26,697,886	327,346	28,706,646	4.8%	5.2%	6.2%	7.5%	
35	Insurance	6,639,157	6,639,157	-	7,418,100	7,418,100	-	7,952,669	11.7%	11.7%	7.2%	7.2%	FY20 - Planned Employer-Share of Health Insurance and OPEB Cost Increases
36	Unempl. / Worker's Comp.	200,000	200,000	-	210,000	209,896	104	210,000	5.0%	5.0%	0.0%	0.0%	
37	Retirement	3,667,000	3,667,000	-	3,777,010	3,777,010	-	3,965,861	3.0%	3.0%	5.0%	5.0%	FY20 - Planned Employer-Share of Retirement Cost Increase
38	Social Sec. and Medicare	751,051	750,885	166	816,675	816,675	-	800,000	8.7%	8.8%	-2.0%	-2.0%	
39	Debt Service	6,444,294	6,258,020	186,274	7,104,514	6,812,692	291,822	7,417,328	10.2%	13.5%	4.4%	8.9%	FY18 & FY19 - Larger Bond Premiums; FY20 - Planned Debt Service Increase
	Total Joint Accounts Total	17,701,501	17,515,061	186,440	19,326,299	19,034,374	291,926	20,345,858	9.2%	10.3%	5.3%	6.9%	
	Total	43,483,338	43,213,475	269,865	46,351,528	45,732,259	619,271	49,052,504	6.6%	7.3%	5.8%	7.3%	

Concord Finance Department
Appendix B - FY21 Personnel Information
October 10, 2019

Item No.	Division	FY18 Budget	FY19 Budget	FY20 Budget	FY20 After Salary Xfer (as of June 30, 2020)			Title
		FTE	FTE	FTE	Salary Exp.	Vacant FTE	Vacant	
General Government								
1A	Town Manager's Office	5.00	5.00	5.50	\$ 607,150	0.00	\$ -	
1B	Human Resources	4.00	4.00	4.00	\$ 369,725	0.00	\$ -	
1C	Facilities Management	3.00	4.00	6.00	\$ 460,142	0.00	\$ -	
1D	Resource Sustainability	0.50	1.50	1.50	\$ 139,740	0.00	\$ -	
1E	Visitors Center	0.00	0.00	1.72	\$ 78,000	0.00	\$ -	
1F	37 Knox Trail	0.00	0.00	0.00	\$ -	0.00	\$ -	
1G	55 Church Street	0.00	2.00	1.50	\$ 77,538	0.50	\$ 19,575	Receptionist
1H	Parks & Playgrounds	0.00	0.00	1.29	\$ 48,985	0.00	\$ -	
	<i>Town Manager's Office Subtotal</i>	12.50	16.50	21.51	\$ 1,781,280	0.50	\$ 19,575	
2	Legal Services	0.00	0.00	0.00	\$ -	0.00	\$ -	
3A	Elections	0.00	0.00	0.00	\$ -	0.00	\$ -	
3B	Registrars	0.00	0.00	0.00	\$ -	0.00	\$ -	
4	Town Meeting and Reports	0.00	0.00	0.00	\$ -	0.00	\$ -	
5A	Planning	5.00	5.00	5.00	\$ 461,450	0.00	\$ -	
5B	Natural Resources	3.91	3.91	3.91	\$ 243,567	1.00	\$ -	
5C	Inspections	5.66	5.66	5.66	\$ 360,401	1.00	\$ 84,022	Local Inspector
5D	Health	4.30	4.30	4.30	\$ 355,917	0.00	\$ -	
6	141 Keyes Road	0.50	0.50	0.00	\$ -	0.00	\$ -	
	<i>Dept. of Planning & Land Mgt. Subtotal</i>	19.37	19.37	18.87	\$ 1,421,335	2.00	\$ 84,022	
	Total General Government	31.87	35.87	40.38	\$ 3,202,615	2.50	\$ 103,597	
Finance & Administration								
7	Finance Committee	0.00	0.00	0.00	\$ -	0.00	\$ -	
8A	Finance Administration	5.00	6.00	7.50	\$ 701,445	0.00	\$ -	
8B	Treasurer	5.00	5.00	5.00	\$ 332,200	1.00	\$ -	
8C	Town Accountant	5.50	5.50	3.50	\$ 264,313	1.50	\$ 104,503	[1]
8D	Assessors	4.40	4.40	4.40	\$ 362,253	0.00	\$ -	
8E	Town Clerk	3.00	3.00	3.00	\$ 245,009	0.00	\$ -	
	<i>Dept. of Finance & Administration Subtotal</i>	22.90	23.90	23.40	\$ 1,905,220	2.50	\$ 104,503	

<u>Item No.</u>	<u>Division</u>	<i>FY18 Budget</i>	<i>FY19 Budget</i>	<i>FY20 Budget</i>	<i>FY20 After Salary Xfer (as of June 30, 2020)</i>			<u>Title</u>
		<u>FTE</u>	<u>FTE</u>	<u>FTE</u>	<u>Salary Exp.</u>	<u>Vacant FTE</u>	<u>Vacant</u>	
9	Information Systems	3.75	4.99	5.75	\$ 594,906	0.00	\$ -	
10	Town House	1.00	1.00	1.00	\$ 64,854	0.00	\$ -	
Total Finance & Administration		27.65	29.89	30.15	\$ 2,564,980	2.50	\$ 104,503	
Public Safety								
11	Police	46.30	46.30	47.30	\$ 3,766,284	0.00	\$ -	
12	Fire	44.90	44.69	48.53	\$ 3,986,690	0.00	\$ -	
13	West Concord Fire Station	0.00	0.00	0.00	\$ -	0.00	\$ -	
14	Police and Fire Station	0.00	0.00	0.00	\$ -	0.00	\$ -	
15	Emergency Management	0.00	0.00	0.00	\$ -	0.00	\$ -	
16	Animal Control	0.00	0.00	0.00	\$ -	0.00	\$ -	
Total Public Safety		91.20	91.00	95.83	\$ 7,752,974	0.00	\$ -	
Public Works								
17A	CPW Administration	4.00	4.00	4.00	\$ 423,246	0.00	\$ -	
17B	Engineering	7.00	7.00	7.00	\$ 604,225	1.00	\$ 59,248	Associate Engineer
17C	Highway Maintenance	14.50	14.00	14.00	\$ 994,230	2.50	\$ 149,872	[2]
17D	Parks and Trees	8.82	8.32	8.32	\$ 513,662	2.50	\$ 149,872	[3]
17E	Cemetery	1.00	1.00	1.00	\$ 78,843	0.00	\$ -	
18	Snow Removal	0.00	0.00	0.00	\$ -	0.00	\$ -	
19	Street Lighting	0.00	0.00	0.00	\$ -	0.00	\$ -	
20	Equipment	0.00	0.00	0.00	\$ -	0.00	\$ -	
21	Drainage Program	0.00	0.00	0.00	\$ -	0.00	\$ -	
22	Sidewalk Management	0.00	0.00	0.00	\$ -	0.00	\$ -	
23	Road Improvement	0.00	0.00	0.00	\$ -	0.00	\$ -	
24	133/135 Keyes Road	0.00	0.00	0.00	\$ -	0.00	\$ -	
Total Public Works		35.32	34.32	34.32	\$ 2,614,206	6.00	\$ 358,992	

<u>Item No.</u>	<u>Division</u>	<i>FY18 Budget</i>	<i>FY19 Budget</i>	<i>FY20 Budget</i>	<i>FY20 After Salary Xfer (as of June 30, 2020)</i>			<u>Title</u>
		<u>FTE</u>	<u>FTE</u>	<u>FTE</u>	<u>Salary Exp.</u>	<u>Vacant FTE</u>	<u>Vacant</u>	
Human Services								
25	Library	28.16	28.51	29.67	\$ 1,884,449	4.41	\$ 362,010	[3]
26A	Human Services	1.48	1.49	1.00	\$ 70,668	0.00	\$ -	
26B	Senior Services	9.31	9.86	10.72	\$ 370,320	0.00	\$ -	
26C	Recreation Services	1.00	1.00	1.00	\$ 118,882	0.00	\$ -	
27	Harvey Wheeler Center	1.00	1.00	1.00	\$ 50,530	0.00	\$ -	
28	Hunt Recreation Center	1.00	1.00	1.00	\$ 57,608	0.00	\$ -	
29	Veterans Services	0.50	0.50	0.49	\$ -	0.00	\$ -	
30	Ceremonies and Celebrations	0.00	0.00	0.00	\$ -	0.00	\$ -	
Total Human Services		42.45	43.37	44.88	\$ 2,552,458	4.41	\$ 362,010	
Total		228.49	234.45	245.56	\$ 18,687,232	15.41	\$ 929,102	
Δ in FY FTEs			5.96	11.11	% Vacant	6.28%		

Vacant Position Notes:

- [1] Asst. Town Account; Utility Account Clerk
- [2] Equip. Operator; Asst. Highway & Grounds Super.
- [3] Park & Tree Specialist; Asst. Highway & Grounds Super.
- [4] Asst. Library Director; Adm. Assistant; Curator; Special Collections Asst.; Social Media & Tech. Coordinator; Authorities Cataloger

Fiscal Year Actuarially Determined Contributions,
based upon June 30, 2018 Valuation

Fiscal Year	Liability		Actuarially Determined Contribution	Required Payments PAYGO			Actual Payments Budgeted		Total	
	Normal Cost	Amortization		Retiree Premium + Implicit Subsidy	FY Budget		Actual/ Proposed	from		
					Required Appropriation	Year- End UAAL				from General Fund
2017	\$ 1,559,993	\$ 2,029,063	\$ 3,589,056	\$ 1,690,387	\$ 1,898,669		\$ 1,700,000	\$ 80,000	\$ 1,780,000	\$ (118,669)
2018	\$ 1,673,092	\$ 2,089,935	\$ 3,763,027	\$ 1,863,006	\$ 1,900,021		\$ 1,470,000	\$ 85,000	\$ 1,900,000	\$ (21)
2019	\$ 1,333,336	\$ 2,395,705	\$ 3,729,041	\$ 2,182,442	\$ 1,546,599	\$ 34,531,864	\$ 1,617,000	\$ 93,500	\$ 1,710,500	\$ 163,901
2020	\$ 1,386,669	\$ 2,467,576	\$ 3,854,245	\$ 2,419,477	\$ 1,434,768	\$ 34,388,949	\$ 1,697,850	\$ 95,838	\$ 1,793,688	\$ 358,920
2021	\$ 1,442,136	\$ 2,541,603	\$ 3,983,739	\$ 2,701,737	\$ 1,282,002	\$ 34,156,278	\$ 1,500,000	\$ 98,233	\$ 1,598,233	\$ 316,231
2022	\$ 1,499,822	\$ 2,617,851	\$ 4,117,673	\$ 3,211,641	\$ 906,032	\$ 33,824,962	\$ 1,500,000	\$ 99,216	\$ 1,599,216	\$ 693,184
2023	\$ 1,559,815	\$ 2,696,387	\$ 4,256,202	\$ 3,520,945	\$ 735,257	\$ 33,385,397	\$ 1,500,000	\$ 100,208	\$ 1,600,208	\$ 864,951
2024	\$ 1,622,207	\$ 2,777,279	\$ 4,399,486	\$ 3,748,444	\$ 651,042	\$ 32,827,207	\$ 1,500,000	\$ 101,210	\$ 1,601,210	\$ 950,168
2025	\$ 1,687,095	\$ 2,860,597	\$ 4,547,692	\$ 4,107,841	\$ 439,851	\$ 32,139,189	\$ 1,500,000	\$ 102,222	\$ 1,602,222	\$ 1,162,371
2026	\$ 1,754,579	\$ 2,946,415	\$ 4,700,994	\$ 4,316,202	\$ 384,792	\$ 31,309,250	\$ 1,500,000	\$ 103,244	\$ 1,603,244	\$ 1,218,452
2027	\$ 1,824,762	\$ 3,034,807	\$ 4,859,569	\$ 4,378,380	\$ 481,189	\$ 30,324,340	\$ 1,500,000	\$ 104,277	\$ 1,604,277	\$ 1,123,088
2028	\$ 1,897,753	\$ 3,125,852	\$ 5,023,605	\$ 4,556,030	\$ 467,575	\$ 29,170,379	\$ 1,500,000	\$ 105,320	\$ 1,605,320	\$ 1,137,745
2029	\$ 1,973,663	\$ 3,219,627	\$ 5,193,290	\$ 4,788,142	\$ 405,148	\$ 27,382,182	\$ 1,500,000	\$ 106,373	\$ 1,606,373	\$ 1,201,225
2030	\$ 2,052,610	\$ 3,316,216	\$ 5,368,826	\$ 5,033,990	\$ 334,836	\$ 26,293,373	\$ 1,500,000	\$ 107,436	\$ 1,607,436	\$ 1,272,600
2031	\$ 2,134,714	\$ 3,415,702	\$ 5,550,416	\$ 5,111,259	\$ 439,157	\$ 24,536,302	\$ 1,500,000	\$ 108,511	\$ 1,608,511	\$ 1,169,354
2032	\$ 2,220,102	\$ 3,518,173	\$ 5,738,275	\$ 5,248,465	\$ 489,810	\$ 22,541,943	\$ 1,500,000	\$ 109,596	\$ 1,609,596	\$ 1,119,786
2033	\$ 2,308,907	\$ 3,623,719	\$ 5,932,626	\$ 5,213,523	\$ 719,103	\$ 20,289,796	\$ 1,500,000	\$ 110,692	\$ 1,610,692	\$ 891,589
2034	\$ 2,401,263	\$ 3,732,430	\$ 6,133,693	\$ 5,183,525	\$ 950,168	\$ 17,757,774	\$ 1,500,000	\$ 111,799	\$ 1,611,799	\$ 661,631
2035	\$ 2,497,313	\$ 3,844,403	\$ 6,341,716	\$ 5,248,810	\$ 1,092,906	\$ 14,922,091	\$ 1,500,000	\$ 112,917	\$ 1,612,917	\$ 520,011
2036	\$ 2,597,206	\$ 3,959,735	\$ 6,556,941	\$ 5,380,779	\$ 1,176,162	\$ 11,757,126	\$ 1,500,000	\$ 114,046	\$ 1,614,046	\$ 437,884
2037	\$ 2,701,094	\$ 4,078,527	\$ 6,779,621	\$ 5,502,570	\$ 1,277,051	\$ 8,235,298	\$ 1,500,000	\$ 115,186	\$ 1,615,186	\$ 338,135
2038	\$ 2,809,138	\$ 4,200,883	\$ 7,010,021	\$ 5,735,213	\$ 1,274,808	\$ 4,326,910	\$ 1,500,000	\$ 116,338	\$ 1,616,338	\$ 341,530
2039	\$ 2,921,503	\$ 4,326,910	\$ 7,248,413	\$ 5,891,074	\$ 1,357,339	\$ -	\$ 1,500,000	\$ 117,502	\$ 1,617,502	\$ 260,163



Regional Housing Services Office

Serving Acton, Bedford, Concord, Lexington, Lincoln, Sudbury, Wayland, and Weston

Office Address: 37 Knox Trail, Acton, MA 01720
Phone: (978) 287-1092

Website: WWW.RHSOhousing.org
Email: INFO@RHSOhousing.org

Concord Housing Landscape

Concord Housing Authority (CHA). Established in 1961, this State agency was created to develop and manage rental housing for low and moderate income elderly and disabled residents, and families. The agency also manages Section 8 rent vouchers which subsidize private rental apartments. The CHA Board has five members, four elected by the Town and one State-appointed. Richard Eifler is the current Board chair, and Marianne Nelson is the Executive Director.

- Funding: CHA operations are funded through the state and their rents. Development is funded through CPA, HOME, Town, State resources
- Current initiatives: Gerow St/367 Commonwealth Ave. HUD Repositioning

Concord Housing Development Corporation (CHDC). Created in 2006 by a special Act of the Massachusetts Legislature, the CHDC is a 501c3 nonprofit corporation with broad powers and duties to investigate and implement alternatives for the provision of affordable housing for persons of low, moderate, and middle income and others whose needs may be identified from time to time in the town. The CHDC Board has at least five members appointed by the Select Board. Lee Smith and Jerry Evans are the current co-chairs.

- Funding: CHDC has a small bank balance. Development is funded through CPA,
- HOME, Town, State resources
- Current initiatives: 930 Main St, Junction Village

Concord Housing Foundation (CHF). Established in 2001, the CHF is a 501c3 nonprofit corporation dedicated to community outreach, education, and fundraising for affordable housing. Its newsletter, The Concord Housing News, is published twice a year. The CHF Board has at least five members appointed by its current Directors. Charles Phillips is the current president.

- Funding: CHF has its own bank balance.
- Current initiatives: 930 Main St

Community Preservation Committee (CPC). Concord passed the CPA (Community Preservation Act) in 2004 with a 1.5% surcharge on property taxes. On an annual basis, the CPC recommends articles to Town Meeting across the eligible activities, one of which is affordable housing. The CPS funds are an important funding mechanism for affordable housing. At least 10% of collected CPA revenues must be allocated to affordable housing projects or the affordable housing reserve account each year.

Select Board, Town Manager. The Select Board and Town Manager propose, approve and authorize housing development in Concord through a variety of programs and processes.

- Propose and sponsor articles to Town Meeting
- Define and sponsor Special Legislation – Building permit, Land Transfer Tax (Bills 2317, 2318)
- Approve and authorize use of HOME Program funds
- Authorize use of \$500k appropriated at 2019 ATM

Affordable Housing Trust task force. This task force is currently being setup to recommend the bylaw and other requirements for the Affordable Housing Trust approved at 2019 ATM.

Regional Housing Services Office (RHSO). The RHSO was formed in 2011 and provides Concord and other member communities with affordable housing support by assisting municipalities in proactive planning, program administration, project development and resident assistance. Elizabeth Rust is the Office Director. The RHSO has no funds of its own and is supported by each member community's annual assessment of anticipated level of RHSO staff support.

DRAFT

Statement by the Concord Select Board Regarding Estabrook Litigation

On Tuesday, October 15, 2019, the Concord Select Board voted, unanimously, to significantly limit the scope of the ongoing litigation regarding Estabrook Road by directing Town Counsel not to pursue one of the Town's claims. The Board took this action in an effort to minimize both rising litigation costs and the burden on individuals who are not parties to the litigation. The Board will continue to pursue its claim of public access to Estabrook Road based on historical documentation and expert opinions that demonstrate the legal status of the Road.

Throughout this process, the Select Board's only goal has been to secure the public's right to enter upon and walk along the portion of Estabrook Road that runs through Estabrook Woods, subject to rules to protect these important resources – an objective recommended by the Estabrook Woods Access Study Committee in November of 2016. Until now, the litigation has largely involved the exchange of historical records and the preparation of expert reports concerning the legal status of Estabrook Road before 1932 when the currently unpaved portion of the Road was “discontinued” by the County. That discontinuance relieved the Town of its obligation to maintain that portion of the Road as a public way open to all travel, including vehicles, but did not surrender the public's right to access the Road. The Town believes that these historical records, its experts' analyses, and the legal effect of the discontinuance all demonstrate that the public has continued to retain the right to access Estabrook Road, including the unpaved portion through the Estabrook Woods, for recreational uses that are consistent with the preservation of the Woods.

The Town also made another claim that even if the historical records do not establish the public's right of access, the public nevertheless has gained that right through the continuous and unimpeded use of Estabrook Road following the 1932 discontinuance. The Select Board has chosen not to pursue this claim, which would be based on the depositions of dozens of individuals – mostly Town residents – who regularly have used the unpaved road through Estabrook Woods, as well as depositions of former landowners or their family members. We are not pursuing this legitimate claim to spare the community, and those who would be deposed, the expense and burden of this additional process.

We have been asked many times why we would pursue legal action against our fellow Concordians. The simple answer is that the Select Board reasonably believed that the Town was facing impending legal action that would have threatened the public's access to Estabrook Road. The Board and Town Counsel believed at that time that attempts to resolve the dispute had been unsuccessful and it was in the Town's interest to promptly seek a judicial resolution. With the benefit of hindsight, the Board acknowledges that the reasons for this approach were not communicated clearly, which has created concern in the community. Additionally, while it was a legal requirement to name all the abutters to the disputed portion of Estabrook Road in the lawsuit, the Board regrets that not all of the abutters were aware of the situation prior to the commencement of legal action.

DRAFT

Throughout the debate over and process of litigation, the Board has acted only in the interest of protecting public rights on behalf of Concord residents now and for all time. While much of the Board's deliberation about the lawsuit has happened during executive session – a provision of the law that protects the confidentiality of communications with Town Counsel– at no time did the Select Board act without careful consideration.

By taking this action to limit the scope of the litigation, the Board is showing that we have heard the community's concerns while continuing our obligation to protect a public right. It is our sincere hope that this matter will be resolved by judicial action or mutual agreement as soon as possible.

Adopted: 2/27/79
REVISED: 1/12/98
REVISED: 6/18/12

Town of Concord APP #10

Town Board, Committee, and Task Force Appointment Policy

The Board of Selectmen and Town Manager have jointly adopted this policy concerning the appointment of members to Town boards, committees, and task forces. Please refer to this policy when considering or suggesting an individual for appointment to a Town board, committee, or task force.

Distribution: All Department Heads
All Committee, Board and Task Force Chairs
Town Clerk

I. General

This policy has been jointly adopted by the Board of Selectmen and Town Manager, and is intended to cover all committees, boards, commissions and task forces (each, a “Committee”) appointed by the Town Manager and Selectmen (each, an “Appointing Authority”). This policy does not apply to Town employees.

II. Powers and Duties

Effective local government requires that all Committees respect the duties and responsibilities of other Committees and coordinate their activities to the greatest extent possible. It is in the overall best interest of the Town that each Committee carries out its responsibilities in a consistent and professional manner that is in harmony with the general policies promulgated by the Board of Selectmen.

The powers and duties of some Committees appointed by the Selectmen or Town Manager are governed by State statute. These include: the Board of Appeals, Planning Board, Historic District Commission, Board of Health, Natural Resources Commission, and others. Once appointed by the Selectmen or Town Manager, these Committees operate with a high degree of autonomy. However, it is in the best interests of the Town that these Committees be guided by the general policies promulgated by the Selectmen to the extent possible.

Other Committees appointed by the Selectmen or Town Manager serve as, among other things, advisors to the Selectmen or Town Manager in the performance of their respective duties to the public. These Committees have the powers and duties delegated to them in their specific charges. Committees may be called upon to represent the Town in dealing with other local, regional, or State agencies to the extent requested by their Appointing Authority. When doing so, they shall take positions on all issues consistent with the views of the Board of Selectmen and Town Manager, and they shall keep their Appointing Authority fully informed concerning their activities.

III. Officers of Committees, Boards, and Task Forces

Each Committee shall annually elect from among its members a Chair and a Clerk. Certain Committees may also find it desirable to elect a Vice-Chair who may act in the absence of the Chair. In the case of new Committees, or Committees that have become inactive, the Appointing Authority may appoint a chair pro-tem to serve until the Committee itself elects a Chair for the balance of the current year.

Except in unusual circumstances, the chairmanship and the clerkship should rotate yearly amongst the Committee membership.

IV. Open Meeting Law and Minutes

All Committees shall operate in accordance with the Open Meeting Law (MGL Ch. 39, sect. 23A-c) and shall keep minutes of their proceedings. Each Committee shall establish its own procedures for approval and submission of minutes to the Town House on a timely basis. Committees are strongly urged to prepare, review and approve minutes as expeditiously as possible in order to maximize the public’s access to information concerning Committee activity. In most instances, Committee minutes should be reviewed and approved within six weeks of the original meeting date. All Committees shall submit electronically a copy of approved minutes to the Town Clerk and to the Board of Selectmen immediately upon approval.

Committees are reminded that “draft” copies of the Committee’s minutes are considered a public record and must be made available to the public upon request, even when the Committee has not yet had the opportunity to review and adopt the minutes.

Upon the dissolution of any Committee, either by action of the Appointing Authority, or pursuant to an expiration date provided in the Committee's charge, all records, documents, correspondence and files concerning the Committee's work shall be promptly turned over to the Town Clerk for appropriate filing and archival storage.

V. Participation in Town Government

Effective Town government requires active and informed citizen participation. The work of every Committee is inter-dependent with that of others. To foster informed decision making in the Town, the Board of Selectmen and Town Manager believe it appropriate that every Committee have as full representation of its membership as possible at the following regular governmental functions:

- Town government Coordination Meetings (September & December)
- Finance Committee budget hearings
- Planning Board hearings on Town Meeting warrant articles
- Selectmen's hearings on Town Meeting warrant articles
- Town Meeting

The objective is not to enforce uniformity or adherence to a majority view, but to assure understanding of all issues relating to the work of the Committee on which an individual serves and an understanding of Town government in general. Broad participation is essential to maintain an open Town Meeting and to avoid domination by those having only a limited range of knowledge or special interests.

VI. Conflict of Interest

All Committee members are subject to the requirements of Massachusetts General Laws, Chapter 268A, Conduct of Public Employees. The statute covers:

- (a) Gifts or receipt of compensation or gratuities from anyone other than the Town
- (b) Offers or promises to influence official acts
- (c) Financial interest in contracts or other particular matters
- (d) Acting as agent or attorney before a Town Committee
- (e) Unfair advantage in relation to a particular matter

If a prospective Committee member has any question concerning a potential conflict of interest under MGL ch. 268A, the member shall raise the question in advance of appointment. Those members currently serving should discuss questions of conflict with the Committee chair and the Appointing Authority as soon as possible. The State Ethics Commission is a useful resource for information concerning the application of the law, and Committee members are expected to follow guidance provided by the State Ethics Commission. Subject to review by the State Ethics Commission, the Appointing Authority will make the final determination concerning conflict of interest, with the assistance of Town Counsel as appropriate.

In addition, all Committee members must avoid the appearance of conflict of interest in all matters coming before the Committee. Committee members shall seek guidance from the State Ethics Commission as appropriate, and file with their Committee chair and the Appointing Authority written notice of facts potentially creating the appearance of a conflict of interest as required.

VII. Appointment Policy and Procedures

(a) General

It is the policy of the Selectmen and Town Manager to seek the best qualified persons to serve on each Committee. The Selectmen and Town Manager will endeavor to develop a pool of persons interested in serving on each such Committee from at least the following sources:

1. Green cards on file
2. Personal knowledge
3. Recommendations from Town organizations or individuals
4. Suggestions from the Committee having a vacancy
5. Suggestion by prospective appointee(s)
6. Research of skills available in Town
7. Individual responses to publicity regarding vacancies (new green cards)

It is the policy of the Board of Selectmen and Town Manager to enlarge the general pool of applicants through active solicitation of Town organizations and through publicity in the press and on community access television. The timing and extent of specific active solicitations shall be determined by the Appointing Authority based on its judgment as to appropriateness and need.

In accordance with the vote on Article 47 of the 1978 Annual Town Meeting, the Board of Selectmen and Town Manager shall make a special effort to seek out roughly equal numbers of women and men as candidates for appointments over which they have authority, and will make appointments in accordance with the Massachusetts Equal Rights Amendment which states, in part, that "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin" and will not exclude candidates from appointment based on their sexual orientation.

(b) Term of Office

1. Unless otherwise prescribed by statute, Town Meeting vote, or specific Committee charge, three years shall be the standard term of office for Committee members.
2. Except as provided in section VII(c) below, those appointed to a three-year term as a full member of a Committee shall be limited to two (2) full consecutive terms.
3. Except as provided in section VII(c) below, those appointed to a full-member Committee term of five (5) years or longer shall be limited to one (1) full term.
4. A partial term to fill a vacancy shall not be considered to be a full term.
5. Before reappointment to a second term, the individual contribution of the member's value to the Committee and his or her attendance record shall be reviewed by the Committee chair. Attendance of less than 75% of all Committee meetings shall prejudice reappointment.
6. All terms, unless prescribed by statute, shall terminate at the end of the month following Town Meeting, or May 31st, whichever is later.
7. The terms of office on Committees shall be set on a staggered basis in the interest of fostering continuity of knowledge and experience on all Committees. The Appointing Authority shall determine the year in which a given term expires at the time of appointment.
Exception: *Ad hoc* committees appointed for a specific responsibility, at which time the charge to the Committee should include a specific time frame for submission of the Committee's final report and dissolution of the Committee.
8. With the consent of the Committee chair, a Committee member may take a leave of absence from Committee meetings and responsibilities not to exceed 90 days. For an absence longer than 90 days, the Committee member should resign and otherwise face removal under section VII(l) below.
9. Each Committee member shall hold office until his or her successor has been appointed and qualifies, unless his or her office shall become vacant by reason of resignation or removal.

(c) Appointments for Additional Terms

Members who have served a three-year term on the Records & Archives Committee may be re-appointed to additional terms indefinitely. For other Committees, the Appointing Authority may re-appoint a Committee member to serve one or more terms on the Committee beyond what is permitted under section VII(b) above where one or more of the following obtains:

1. Through service on the Committee, the member has developed extensive and valuable background knowledge and experience concerning specific matters before the Committee that are expected to be ongoing Committee matters in the future and which will be difficult adequately to pass on to new members.
2. A Committee member has skills and expertise, (such as an uncommon advanced degree in a field directly relevant to the Committee's charge) that make the member's continued service on the Committee of special value to the Town.
3. The departure of the member from the Committee will result in an absence of important institutional knowledge or know-how regarding the ongoing activities of the Committee that will not be furnished by other Committee members, such as where all members of the Committee would be new appointees if the member in question is not reappointed.

It is intended that re-appointments under this section VII(c) shall be rare. In each such case, the appointment shall specifically reference this section of this Appointment Policy.

(d) Dual Committee Appointments

In general, individuals shall be limited to service on only one Committee at a time, especially in the case of a statutory or regulatory Committee. Exceptions shall be made for instances in which, by law or specific Committee charge, a Committee member serves as a representative on another Committee (e.g. the Board of Health representative on the Council on Aging), or serves on a joint Committee formed from other Committees.

(e) Committee Transfers

In general, a member of one Committee shall only be considered for appointment to another Committee upon completion of the current Committee term of office.

(f) Eligibility for Appointment

All residents of the Town of Concord aged 18 and over are eligible for appointment, except the following:

1. Town employees whose service on a given Committee, in the judgment of the Appointing Authority, would create the appearance of a conflict of interest. Example: an employee of the Public Works Department should not be appointed to the Public Works Commission, but may, however, be appointed to the Council on Aging, Recreation Commission, or other Committee where appointment would not create an appearance of conflict.
2. The Town Manager, Concord Public School and CCRHS Administrators, and Town department heads (these individuals exert a significant influence over public policy by virtue of their positions, but may be eligible for ad hoc Committees where such representation is required by the charge).
3. Elected Municipal Officials (Selectmen, School Committee members, Town Moderator, Housing Authority Commissioners), except that elected officials may serve on temporary, ad hoc Committees.
4. Relatives, spouses, or business associates of existing Committee members whose appointment, in the judgment of the Appointing Authority, would create the appearance of a concentration of power or viewpoint or a conflict of interest.

(g) Criteria for Selection

Actual appointments from the pool of applicants shall be made by the Board of Selectmen and Town Manager on the basis of:

1. the level of applicant's interest in serving and interest in the work of the Committee;
2. the need for diversity on the Committee, taking into account the educational and professional background of the applicant, as well as the need for diversity among all committee members in terms of neighborhood representation, gender, age, and other demographic characteristics.
3. special skills needed by a particular Committee.

(h) Residency

In most instances, Committee members should be residents of the Town of Concord. There may be occasional exceptions when an individual's unique skill or experience supports the appointment of a non-resident and would be beneficial to the Committee's work; however, this should be relatively rare. Non-residents shall not be eligible for appointment to any Committee responsible for exercising statutory or regulatory authority.

In the event a Committee member becomes a resident of another community, the member or the Committee chair shall promptly notify the Appointing Authority. The Appointing Authority may, upon the request of the Committee chair, permit the non-resident member to continue to serve until the subsequent May 31, except in the case of statutory and regulatory Committees.

(i) Role of Committee in Appointments

Each Committee is expected to:

1. Encourage individuals to complete green cards
2. State the qualifications they are looking for in appointments
3. Make suggestions to the Appointing Authority on potential members

Committees may invite prospective members to attend meetings to familiarize themselves with the work of the Committee. Committees shall not make any representation to candidates concerning the likelihood of appointment nor provide their suggestions on candidates to the Appointing Authority with any rank order, nor take any vote with respect to candidates.

(j) Selection Procedures

1. The individual member and the Committee chair shall notify the Appointing Authority in writing as soon as a vacancy occurs.
2. A notice will be prepared for release to the press and for public posting pursuant to the 1996 Town Meeting vote under Article #12.
3. No action will be taken on a vacancy for at least two weeks after the announcement of the vacancy.
4. For Board of Selectmen appointments, nominations shall be made at one Board meeting, and formal action will not be taken until a subsequent Board meeting.
5. For Town Manager appointments that are approved by the Board of Selectmen, the request for appointment shall be made at one Board meeting, and action on the request shall be taken not later than the next Board meeting.
6. Except in unusual circumstances, the Appointing Authority shall endeavor to make appointments within two months of the announcement of a vacancy.

(k) Orientation Procedure

Upon appointment, all Committee members shall present themselves at the Town Clerk’s office in order to take the oath of office. The Town will provide the new Committee member with an informational packet referred to as the “Committee Handbook” which shall include: a copy of the Committee charge or relevant administrative code, and copies of the Open Meeting, Public Records, and Conflict of Interest laws.

It shall be the responsibility of the Committee chair to provide for the orientation of new members to familiarize them with the work of the Committee, current projects, and Town government operations in general as they may impact the Committee’s work.

(l) Removal from Committees

As provided in the Town Charter, the Board of Selectmen may remove, after such hearing as the Selectmen deem advisable, any Committee members appointed by the Board. Further, the Town Manager may remove any Committee member appointed by the Town Manager for cause, with or without a hearing. “Cause” shall include the repeated failure to attend Committee meetings, the commission of an ethical violation (as found by the State Ethics Commission or a violation of the Open Meeting Law, as found by the Office of the Attorney General, if the Town Manager believes such action to be necessary to preserve public confidence in Town government.

VIII. Conflicts with Law

In case of a conflict between any provision of this Appointment Policy and the laws of The Commonwealth of Massachusetts or the Town Charter, Massachusetts law or the Town Charter, as the case may be, shall take precedence.

A PROPOSED HOME RULE PETITION TO GRANT
ADDITIONAL LIQOUR LICENSES FOR THE SALE OF
WINES AND MALT TO BE DRUNK OF THE PREMISES

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Concord may grant additional license for the sale of wines and malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to XXX. The license shall be subject to all of said chapter 138 except said section 17.

(b) Notwithstanding any general or special law to the contrary, the licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license granted pursuant to this act is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.