

**TOWN OF CONCORD  
SELECT BOARD  
AGENDA  
December 16, 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"> <li>• Town Accountant Warrants</li> <li>• Minutes to approve: none</li> <li>• Gift Acceptance <ul style="list-style-type: none"> <li>-Bullock-Lawton, Inc \$2,000 Council on Aging Gift Account</li> <li>-His Presence Christian Fellowship \$1,646.31 Council on Aging Gift Account</li> </ul> </li> <li>• Sunday Entertainment License <ul style="list-style-type: none"> <li>-The Performing Arts Center at 51 Walden Street 12/22/19 2:00-3:330pm The Opera Hansel and Gretel</li> </ul> </li> <li>• One Day Special Licenses <ul style="list-style-type: none"> <li>· Auxiliary of Emerson Hospital 51 Walden Street 2/29/2020 6:00-10:00pm All Alcoholic Beverages</li> <li>· Saltbox Farm Cooking School 40 Westford Road December 23, 2019 5:30-7:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road January 11, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road January 18, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road January 25, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road February 1, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road February 13, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road February 14, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road February 15, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road February 22, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road March 13, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road March 14, 2020 6:30-9:30pm Wines &amp; Malt Only</li> <li>· Saltbox Farm Cooking School 40 Westford Road March 17, 2020 6:30-9:30pm Wines &amp; Malt Only</li> </ul> </li> </ul>
3.	Town Manager's Report
4.	Chair's Remarks
5.	Cambridge Turnpike Update
6.	Acceptance of Deed which Conveys parcels, A-1, B-1, C-1 and Parcel X all as shown on an August 2, 2018 plan, containing 18.14 acres, gifted from White Pond Associates, Inc. to the Town of Concord, subject to a perpetual restriction limited the use of the property to recreation, open space and /or other conservation purposes. Said Deed is to be conveyed in accordance with the provisions of an Interlocutory Order dated November 26, 2019 issued by the Supreme Judicial Court For Suffolk County, Docket No. SJ-2019-0480.
7.	Finalize and Approve Conveyance of .22 acres (9,400 square feet), Parcel ID 2156, Parcel 2, to Concord Housing Authority for fee of \$1.
8.	Update from Affordable Housing Trust Study Committee
9.	Prohibition on Expansion of Fossil Fuel Infrastructure for New Construction and Significant Rehabilitation
10.	FY21 Budget Update
11.	Cycling Advisory Committee
12.	Review and Approve Potential Warrant Articles for 2020 Town Meeting
13.	Determine end time for new business at Town Meeting
14.	Annual License Renewal
15.	Committee Liaison Reports
16.	Miscellaneous/Correspondence
17.	Committee Nominations: Jennifer Schunemann of 63 Cedar Way and Jan Turnquist of 106 Kenny Lane to the Economic Vitality Committee for terms to expire April 30, 2022. Melinda Shumway of 365 Garfield Road, HDC Associate Member, to the Historic Districts Commission to serve the remainder of a full term

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

	set to expire January 1, 2021. Rebecca Lemaitre of 3 Abbott Lane to the Historic Districts Commission to serve as an Associate member for a term to expire April 30, 2021. Geoffrey Walton of 42 Buckmaster Drive to the West Concord Advisory Committee for a term to expire April 30, 2022.
18.	Committee Reappointments: Neil Ryder of 96 The Valley Road to the Conservation Restriction Stewardship Committee for a term to expire on April 30, 2022.
19.	Committee Appointments:
20.	Public Comments
21.	Adjourn

**PENDING**

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
Monday	February 24	7 pm	Select Board Meeting	Town House
Monday	March 9	7 pm	Select Board Meeting	Town House
Monday	March 23	7 pm	Select Board Meeting	Town House
Monday	April 6	7 pm	Select Board Meeting	Town House

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

**Town of Concord**  
**Finance Department**  
*memorandum*

**TO:** Stephen Crane, Town Manager  
**FROM:** Kerry A. Lafleur, Finance Director  
**SUBJ:** Council on Aging Gift  
**DATE:** December 13, 2019

Please place on the Select Board's agenda the following gift to the Council on Aging.

Bullock-Lawton, Inc. 747 Main St., Suite 310 Concord, MA 01742	2,000.00
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Account:  
0023-520-541-0623-4850-0  
Council on Aging Gift Account

Accepted: \_\_\_\_\_  
Clerk

Date: \_\_\_\_\_



**Town of Concord**  
**Finance Department**  
*memorandum*

**TO:** Stephen Crane, Town Manager  
**FROM:** Kerry A. Lafleur, Finance Director  
**SUBJ:** Council on Aging Gift  
**DATE:** December 13, 2019

Please place on the Select Board's agenda the gift of 36 chairs to the Council on Aging.

The estimated worth of this donation is \$1646.31

Donated By: His Presence Christian Fellowship  
Steve Allen  
23 Wolf Pine Way  
Concord, MA 01742

Account:  
0023-520-541-0623-4850-0  
Council on Aging Gift Account

Accepted: \_\_\_\_\_  
Clerk

Date: \_\_\_\_\_

**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 Catering  
**ADDRESS:** Saltbox Kitchen, 84 Commonwealth Ave., Concord MA  
**TELEPHONE:** 978.610.6020  
**DATE(S) APPLIED FOR:** Monday, December 23rd, 2019  
**EVENT:** Cooking Class  
**HOURS OF OPERATION:** ~~5:30-7:30~~ 5:30 - 7:30  
**PREMISES TO BE LICENSED:** Saltbox Farm  
**ADDRESS OF PREMISE LICENSED:** 40 Westford Road, Concord MA

**License is for the Sale of:**

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

**The Licensed Activity or Enterprise is:**

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

Are the bartenders TIPS or equivalently trained?      Yes       No

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

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

If no, number of consecutive years licensed? \_\_\_\_\_

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

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

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

**Signature of Applicant:** Megan Hawkes      **Date:** 12/10/19







Concord, MA

**One Day Special Liquor Licenses**

**Company or Organization\***

Auxiliary of Emerson Hospital

**Applicant Name\***

Beth Murphy

**Email Address\***

EliMurphy@emersonhosp.org

Applicant's Email Address

**Applicant Address\***

133 Old Road to Nine Acre Corner

**City\***

Concord

**State\***

MA

**Zip Code\***

01742

**Phone Number\***

978-287-3080

Number applicant may be reached at.

**Name of Event\***

EmerSong

If event is unnamed, please give short description such as 'wedding' or 'bar mitzvah'

**Activity Is\***

Non-Profit

**Event Type\***

Private Event in Renter

**Event Date & Start Time\***

2/29/2020

6:00 PM

**End Time\***

10:00 PM

Concord, MA

**Premises to be Licensed\***

51 Walden

Legal Name of Venue

**City\***

Concord

Venue Address

**State**

MA

**Zip Code**

01742

**License is for the Sale of:\***

- All Alcoholic Beverages
- Wines & Malt Beverages Only
- Wines Only
- Malt Beverages Only

**Bartenders TIPS trained?\***

- Yes
- No

**Under 21 Attendees?\***

- Yes
- No

**1st one-day license for Organization?\***

- Yes
- No

**If NO, number of years licensed?**

[Empty text box]

**More than 100 in attendance?\***

If YES, applicant must contact the Police Dept. to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

- Yes
- No

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 acknowledgement 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 Select Board, 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.

**I acknowledge and accept the above statement of liability\***

Beth Murphy

E-signature, legally binding.

Concord, MA

**APPLICATION FEE \$75.00**

**Please forward to: Town Manager's Office PO Box 535  
Concord, MA 01742 Applications cannot be processed  
until payment is received.**

**Acknowledgements \***

- I attest the information contained in this form is true and accurate.
- I acknowledge that I must pay an application fee of \$75 and will mail my payment.
- I acknowledge that no action will be taken, or scheduled, regarding my application until payment is received.

**IMPORTANT NOTICE**

**Board & Committee Meeting Calendar**

**Applications for licenses are due no later than fourteen (14) calendar days before the next Select Board Meeting.**



**TIPS TRAINING**

The Select Board require that for any event which they issue a special permit, the alcohol provided must be served by a TIPS trained (or equivalent) bartender. TIPS training cards, or their equivalent, must accompany this application. Additionally, each certification must show a photo and name of the bartender(s) and must be current. If a photo is not on the TIPS training cards, a copy of a valid driver's license with a photo should be included. Proof of TIPS credentials must be provided before any application may be voted on by the Select Board.

**I acknowledge and agree to the Town of Concord's TIPS Training Policy as outlined above.\***

- Copies of cards have been included with this application
- Copies of card(s) will be mailed separately to the Town Manager's Office

**Applicant, in choosing an option above, indicates the applicant's acceptance of TIPS terms.**

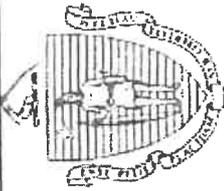


**UNDER 21 POLICY**

The Town of Concord Select Board assumes that there may be guests or attended under 21 y ears of age at any event. therefore, this policy must be adhered to for all events. Applicants agree to check the ages of all guests at the door. If a persons under the age of 21 are present, his or her hand shall be stamped to indicate the he/she is underage for the bartender.

**I certify that Concord's Under 21 Policy, as outlined above, will be followed.**

- A legal adult, over 21 years of age, shall check the ages of all guests to ensure compliance.
  - All bartenders shall be made aware of the Under 21 Policy terms before the event's commencement.
- Applicant, in checking the boxes above, indicates acceptance of the Under 21 Policy terms as outlined.



THE COMMONWEALTH OF MASSACHUSETTS  
OF \_\_\_\_\_

LICENSE

For  
PUBLIC ENTERTAINMENT ON SUNDAY

State Fee \$ 2  
Municipal Fee \$ 50

The Name of the Establishment is The Performing Arts Center at St. Walden in or on the property at No. \_\_\_\_\_ (address)

The Licensee or Authorized representative, St. Walden Stn, Concord, MA 01742 in \_\_\_\_\_  
Carole Wayland

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>12/27/19</u>	<u>2 p.m.</u>	<u>The open House and created by Eslebert Humped in de</u>

Hon. \_\_\_\_\_ Chairman of Board of Selectman, \_\_\_\_\_ (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00 pm – Midnight): \$2.00; Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00 pm – Midnight): \$50.00; Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein, may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment, and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

**CONCORD PUBLIC WORKS  
ADMINISTRATION DIVISION**

**Tel: 978 - 318 - 3210  
Fax: 978 - 318 - 3245**

133 Keyes Road  
Concord, MA 01742



**DATE: 12/13/2019**

**MEMORANDUM**

**TO:** Stephen Crane, Town manager

**FROM:** *AHC* Alan Cathcart, Acting Public Works Director

**PREPARED BY:** Stephen Dookran, PE, Town Engineer

**SUBJECT:** Cambridge Turnpike Improvements Project – Update on Schedule

We are providing this update on the construction of the Cambridge Turnpike Improvements to bring awareness to the change in the schedule for completion and to highlight the impacts to abutting and adjacent communities.

As a review, the project is being constructed under two contract phases. Phase 1, which consists primarily of reconstruction of the roadway, sidewalk, drainage and utilities is being performed by J. Tropeano Inc. and Phase 2, consisting of the Mill Brook bridge and culvert crossings at Crosby Pond is under contract with Cairns and Sons, Inc.

Phase 1 work started in September 2018 with completion expected in December 2019. To date, most of the underground and utility work has been completed and those sections of the street are open to traffic. The target completion date was missed mainly because of the National Grid labor dispute that set back their utility work by several weeks. Tropeano is currently wrapping up for a winter shutdown and they plan to resume and complete next Spring.

Under the Phase 2 contract, work on the Mill Brook bridge started in March 2019 with an expected completion in October 2019. Due to complications with the deep foundations and utility coordination, there were delays and progress was slow. At this point, the major structural parts of the bridge are in place and Cairns plans to continue to get the bridge deck installed. However, the bridge cannot be opened to general traffic until it is paved which requires warmer weather. It is now anticipated that the bridge will be opened by May 2020.

Cairns' current schedule for the Crosby Pond culverts is from May 2020 to August 2020. In an effort to shorten the overall project schedule, discussions have started on the possibility of doing advanced work at that location. However, major work there can only proceed if Verizon-owned poles are relocated. Coordination with Verizon has not been effective and alternative approaches including getting assistance from the Municipal Light Plant are being examined.

The delay in the bridge completion has significant impacts on the community, especially the residents on Hawthorne Lane. It is reported that Hawthorne Lane which is in a deteriorated condition is seeing a high volume of cut-through traffic traveling between Lexington Road and Route 2. Road Closed and Detour signs are posted in key locations but they are apparently being ignored. This past summer, a gated barrier was also installed on the



Cambridge Turnpike with the intention to limit the traffic on Hawthorne Ln but it was reported that residents from an adjacent neighborhood who wanted direct access to both Lexington Rd and Route 2 removed the barrier. Unless changes are successfully made to the existing traffic management situation, residents may have to deal with these conditions and issues until May 2020 when the bridge is opened to traffic and simultaneously, the Crosby Pond location is closed for work on the culverts.

Since the bridge delay results in a significant change in the traffic volume, patterns and duration expected by residents on Hawthorne Lane, re-establishing a plan to minimize the traffic impacts is needed. Staff is planning to take the following measures:

- Verify the cut-through traffic volumes, directions and times of the day

- Reconvene the Traffic Management Group consisting of Police, Engineering and Highway to evaluate traffic management options that may include piloting cut-through reduction measures, re-installing a gated barrier, etc.

- Encourage utilities especially Verizon to advance their work

- Negotiate with Cairns to take additional actions to reduce the impact schedule

Regarding the road condition of Hawthorne Lane, Public Works will pay special attention to make sure that the street is patched continually. In addition, plans will be developed to reconstruct Hawthorne Lane and either base pave it in late 2020 or base/final pave in 2021.

A similar update was provided to the Public Works Commission this past Wednesday, December 11<sup>th</sup>. It is our intention to meet with the neighborhood and discuss the efforts planned. Additionally, we will continue with time sensitive updates of the project website.

Property Address: Parcel A, Commonwealth Avenue, Concord, MA

## QUITCLAIM DEED

The **TOWN OF CONCORD**, a municipal corporation having a mailing address of Town House, 22 Monument Square, Concord, Massachusetts 01742,

for consideration paid, and in full consideration of One (\$1.00) Dollar,

grants to the **CONCORD HOUSING AUTHORITY**, a not-for-profit governmental agency having a mailing address of 115 Stow Street, Concord, Massachusetts 01742,

with *Quitclaim Covenants*,

a certain parcel of land (the "Premises") containing an area of 9,400 square feet (0.22 acres) located on the Westerly side of Commonwealth Avenue in West Concord, Middlesex County, Massachusetts, being shown as Parcel A on a plan entitled "Lot Consolidation and Plan of Land, 37B, 37Y, 365 and 369 Commonwealth Avenue In the Town of Concord, Prepared For The Town of Concord, dated December 10, 2019" prepared by Greenman-Pedersen, Inc. and recorded herewith as Plan No. \_\_\_\_\_ of \_\_\_\_\_ (the "Plan"), reference to which Plan may be had for a more particular description of the Premises.

In conjunction with this grant to the Concord Housing Authority, the Town of Concord hereby reserves a non-exclusive, perpetual, appurtenant easement over the area labeled "20' Wide Access Easement" on the Plan (the "Access Area") for access for all purposes to Parcel 1 as identified in a Deed from Nancy Jane Gerow Sumski, individually and as successor Trustee of the Gerow Family Realty Trust to the Town of Concord dated July 18, 2018 and recorded with the Middlesex South District Registry of Deeds at Book 71342, Page 583 as well as access to other properties in the area (collectively, Parcel 2 and Parcel 3 are referred to herein as the "Concord Property"). The Town of Concord may use the Access and Utility Area and shall be entitled to permit the public to use the Access and Utility Area for all purposes for which streets and ways are used in Concord, including passage over the Access and Utility Area by vehicles, bicycles and on foot. The Town of Concord may also use the Access and Utility Area for the installation, repair and maintenance of utilities. The aforementioned easement is hereby created for the benefit of the Town of Concord as the owner of the Concord Property and any successor or assign of the Town of Concord who owns all or any portion of the Concord Property or who is entitled to a leasehold interest therein.

The premises are conveyed subject to and with the benefit of restrictions, easements, covenants and agreements of record, if any there be, insofar as the same are now in force and applicable.

No Massachusetts documentary stamps are affixed hereto as none are required by law because the grantor is a municipal corporation established under the laws of the Commonwealth of Massachusetts.

The Town has also fully complied with M.G.L. c. 44, §63A.

The undersigned constitute a majority of the Board of Selectmen.

For title reference, see Deed to the Town of Concord dated July 18, 2018 and recorded at Book 71342, Page 583.

*SEE SIGNATURES ON FOLLOWING PAGE*

EXECUTED under seal this \_\_\_\_\_ day of December, 2019.

**TOWN OF CONCORD  
SELECT BOARD:**

\_\_\_\_\_  
Michael Lawson, Chair

\_\_\_\_\_  
Linda Escobedo, Clerk

\_\_\_\_\_  
Terri Ackerman

\_\_\_\_\_  
Susan Bates

\_\_\_\_\_  
Jane Hotchkiss

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this \_\_\_\_\_ day of December, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Members of the Select Board, and proved to me through satisfactory evidence of identification which was personal knowledge, to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**RECORD OF VOTE OF THE CONCORD SELECT BOARD**  
**December 16, 2019**

At a duly called public meeting of the Concord Select Board on December 16, 2019, the Board voted unanimously as follows with respect to a parcel containing an area of 9,400 square feet (0.22 acres) and identified as Parcel A (the “Property”) on a plan entitled “Lot Consolidation and Plan of Land, 37B, 37Y, 365 and 369 Commonwealth Avenue In the Town of Concord, Prepared For The Town of Concord, dated December 10, 2019” prepared by Greenman-Pedersen, Inc. (the “Plan”):

- (a) To approve the donation of the Property as identified on the Plan referenced above from the Town of Concord to the Concord Housing Authority for consideration of One (\$1.00) Dollar, as evidenced by the Quitclaim Deed that has been delivered the Select Board tonight and to approve the execution of this Quitclaim Deed.
  
- (a) To authorize Kate Hodges, the Deputy Town Manager of the Town of Concord, to take all actions on behalf of the Town that are reasonably necessary, in the judgment of the Deputy Town Manager, to complete the donation of the Property in accordance with the applicable Town Meeting vote, including without limitation executing applicable closing forms.

**TOWN OF CONCORD**  
**SELECT BOARD:**

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Michael Lawson, Chair

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Linda Escobedo, Clerk

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Terri Ackerman

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Susan Bates

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Jane Hotchkiss

Town of Concord  
AFFORDABLE HOUSING TRUST FUND STUDY COMMITTEE  
Committee Charge

**A. Background**

The Town's Affordable Housing Funding Committee issued a draft report in the fall of 2018 and issued its Final Report to the Select Board in the spring of 2019. The report recommended a variety of possible approaches to develop sustainable sources of funds for the development of affordable housing. The Funding Committee's goal was to identify possible ways in which Concord might raise \$1 million dollars or more each year to support affordable housing construction. Concord's 2019 Annual Town Meeting voted favorably for Article 25 (Real Estate Transfer Tax) and Article 26 (Building Permit Surcharge) which have the potential to raise significant amounts of money for housing. The Town will need a mechanism for managing the funds raised to support affordable housing. So it was proposed, and the Town voted, under Article 24, to accept the provisions of Massachusetts General Laws chapter 44, section 55C, which allows the Town to create an Affordable Housing Trust. Chapter 44, Section 55C allows an affordable housing trust to undertake a wide variety of activities, including purchase land for affordable housing and actually constructing the housing. Concord, through special legislation, has already created the Concord Housing Development Corporation, which is intended to purchase land, undertake construction, and take other steps to actually create affordable housing in Concord. So the primary mission of the Concord Affordable Housing Trust, will be to manage the funds appropriated or raised for affordable housing.

**B. Purpose**

The purpose of Affordable Housing Trust Fund Study Committee is to advise the Select Board on the development of a draft bylaw for consideration by Town Meeting that would implement the vote taken under Article 24 of the 2019 Annual Town Meeting.

**C. Membership**

The AHTF Study Committee shall be comprised of five members appointed by the Select Board. The term of office shall be for six months, unless the term is extended by vote of the Select Board. The membership shall be as follows:

- One representative from the Concord Housing Development Corporation, Concord Housing Authority, or other organization having a mission to create affordable housing in Concord;
- One representative from the former Affordable Housing Funding Advisory Committee;
- One representative with a background or experience in municipal finance;
- Two citizens at-large providing a diversity of interests, backgrounds and expertise;

**D. Duties and Responsibilities**

1. To become familiar with the issues and concerns surrounding the funding of affordable housing;
2. To examine how other communities in Massachusetts have structured a local Affordable Housing Trust, particularly focusing on the management of funds for affordable housing;
3. To review and consider the existing authority and management of available funds for affordable housing projects at the Community Preservation Committee, Concord Housing Development Corporation, Concord Housing Authority, Concord Housing Foundation, and Planning Division in the creation of this draft bylaw;
4. To solicit public input on the subject of managing public funds intended to be used to develop affordable housing, using a variety of communication methods, including holding at least one public hearing early in the fact-finding process;

5. To begin the process of drafting a bylaw to implement the vote taken under Article 24 and to have a draft prepared by November 1, 2019;
6. To submit a brief final report to the Select Board prior to the expiration of the term of appointment;
7. To perform such other duties as the Select Board may request, including such tasks as the committee may propose to the Board as modifications to this committee charge.

**E. Other Considerations**

The Study Committee is responsible for conducting its activities in a manner which is in compliance with all relevant State and local laws and regulations, including but not limited to, the Open Meeting Law, Public Records Law and Conflict of Interest Law. The Committee shall consult with the Town Manager concerning the allocation of town staff or financial resources toward this effort.

**Attachments**

- A. Copy of M.G.L. c.44, Section 55C;
- B. Article 24 - Authorization to Accept M.G.L. c.44, Section 55C - Municipal Affordable Housing Trust Fund - Warrant Article & Vote from 2019 Town Meeting

*[ Subsection (a) effective until November 7, 2016. For text effective November 7, 2016, see below.]*

Section 55C. (a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

*[ Subsection (a) as amended by 2016, 218, Sec. 95 effective November 7, 2016 for all funds held in trust under Chapter 44B on or after November 7, 2016. See 2016, 218, Sec. 246. For text effective until November 7, 2016, see above.]*

(a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing in this subsection shall prevent

a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section:--

*[ Clause (1) of subsection (c) effective until November 7, 2016. For text effective November 7, 2016, see below.]*

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B;

*[ Clause (1) of subsection (c) as amended by 2016, 218, Sec. 96 effective November 7, 2016 for all funds held in trust under Chapter 44B on or after November 7, 2016. See 2016, 218, Sec. 246. For text effective until November 7, 2016, see above.]*

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

*[ Clause (4) of subsection (c) effective until November 7, 2016. For text effective November 7, 2016, see below.]*

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

*[ Clause (4) of subsection (c) as amended by 2016, 218, Sec. 97 effective November 7, 2016 for all funds held in trust under Chapter 44B on or after November 7, 2016. See 2016, 218, Sec. 246. For text effective until November 7, 2016, see above.]*

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to

be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.

(g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.

(j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.



# Town of Concord

Office of the Town Clerk  
22 Monument Square  
Concord, Massachusetts 01742-0535

## ANNUAL TOWN MEETING APRIL 8, 9, and 10, 2019

### AUTHORIZATION TO ACCEPT M.G.L. c. 44, § 55C - MUNICIPAL AFFORDABLE HOUSING TRUST FUND

#### ARTICLE 24.

#### WARRANT ARTICLE

To determine whether the Town will vote to accept Massachusetts General Laws c. 44 § 55C, to authorize the creation of a Municipal Affordable Housing Trust Fund, or take any other action relative thereto.

#### VOTE

Upon a **MOTION** made by Mr. Lawson and duly seconded, the following was **VOTED**:

That the Town accept Massachusetts General Laws c. 44, §55C, to authorize the creation of a Municipal Affordable Housing Trust Fund to support the development of affordable housing in Concord.

Passed by a majority vote

April 9, 2019

A True Copy Attest:

Khari Mai Tari  
Town Clerk

# Concord Affordable Housing Trust Study Committee

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Presentation regarding proposed  
Concord Municipal Affordable Housing Trust  
December 2019



# Concord Affordable Housing Trust Study Committee ***BACKGROUND***

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- Affordable Housing Funding Committee established after 2017 Town Meeting to investigate sustainable sources of funds for the development of affordable housing
- 2019 Annual Town Meeting accepted MGL Chapter 44, Section 55c to authorize creation of an Affordable Housing Trust Fund, as well as other funding proposals
- 108 Municipalities have adopted the MGL Statute, which provides all the details as a starting place
- Select Board formed the Affordable Housing Trust Study Committee in 2019 to advise the Select Board on the development of a draft bylaw for consideration by Town Meeting



# Concord Affordable Housing Trust Study Committee *MEMBERS*

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- Committee members appointed
    - Keith Bergman – Chair
    - Lee Smith – Vice-Chair
    - Holly Darzen – Clerk
    - Linda Miller – At large
    - Jim Terry – At large
- Linda Escobedo – Select Board Liaison



# Concord Municipal Affordable Housing Trust *PURPOSE of TRUST*

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The purpose of the trust is to:

- Provide for the preservation and creation of affordable housing in the Town of Concord for the benefit of low and moderate-income households
- Receive and disperse funds and real property dedicated to affordable housing
- To further segregate and safeguard those funds in a dedicated municipal fund



# Concord Municipal Affordable Housing Trust ***SELECT BOARD OVERSIGHT***

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- Select Board appoint all Trustees
  - Trustees (5 to 7) include a Select Board member
- Select Board approval of Trust policy goals, and guidelines
  - Consistent with Town's adopted housing goals
- Select Board approval when buying or selling property, or borrow money
- Annual audit and Annual Reporting to the Select Board
  - Town Treasurer/Collector custodian of the funds
- Select Board approval for any Declaration of Trust Amendments



# Concord Municipal Affordable Housing Trust *TIMELINE*

- Study Committee drafts proposed Bylaw in Posted Meetings
- Town Meeting, Select Board hearings
- Proposed bylaw voted at 2020 Town Meeting
- Bylaw accepted by Attorney General, Declaration of Trust recorded
- Trustees appointed by Select Board
- Trust constituted, and available to receive funding
- Trust develops operating procedures, criteria, priorities

# Concord Municipal Affordable Housing Trust

*Complements existing local affordable housing efforts, entities and programs*

## Affordable Housing Funding Sources

Building  
Permit, Land  
Transfer Fees

*When/if Implemented*

Free Cash,  
Other funding  
sources

*Town Meeting*

Community  
Preservation  
Funds

Donations

## Concord Affordable Housing Funding Entities

Town

Concord  
Municipal  
Affordable  
Housing  
Trust

*New*

Community  
Preservation  
Committee

Concord  
Housing  
Foundation

## Affordable Housing Development Entities

Concord  
Housing  
Development  
Corporation

Concord  
Housing  
Authority

Other  
Development  
Entities



WARRANT ARTICLE: To determine whether the Town will vote to adopt the Town of Concord Municipal Affordable Housing Trust Bylaw as follows or take any other action relative thereto.

Town of Concord  
Municipal Affordable Housing Trust Bylaw

Pursuant to a vote on Article 24 of the 2019 Annual Town Meeting, the Town accepted the provisions of Massachusetts General Laws c. 44, s. 55C and authorized the creation of a Municipal Affordable Housing Trust Fund to support the development of affordable housing in Concord.

**SECTION 1. MUNICIPAL AFFORDABLE HOUSING TRUST.**

There shall be in the Town of Concord an Affordable Housing Trust created pursuant to the authority set forth in G.L. c. 44, s. 55C.

**SECTION 2. NAME of the TRUST**

The Trust shall be called the "Concord Municipal Affordable Housing Trust", herein referred to as the "Trust".

**SECTION 3. PURPOSE**

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Concord for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of G.L. c. 44B (the "Community Preservation Act").

**SECTION 4. TRUSTEES**

There shall be a Board of Trustees, called the "Board", which shall include no less than 5 Trustees and no more than 7 Trustees, including one member of the Select Board, each of whom, who to the extent possible, shall have backgrounds or interests in affordable housing, and financial, legal, real estate or real estate development expertise.

Trustees shall be appointed by the Select Board.

Trustees shall serve for a term of two (2) years and may be reappointed for up to two (2) additional terms, except that three of the initial Trustee appointments shall be for a term of one year consistent with local policy and practice.

Nothing in this subsection shall prevent the Select Board from appointing the Town Manager as a member of the Board.

Only persons who are residents of Concord shall be appointed as a Trustee. Any Trustee who ceases

to be a resident of the Concord shall cease to be a Trustee hereunder and shall promptly provide a written notification of change in residence to the Board and to the Town Clerk. The Town Manager, if appointed as a Trustee, need not be a resident of Concord.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. Vacancies shall be filled by the Select Board for the remainder of the unexpired term.

If any Trustee is absent from five (5) consecutive regularly scheduled meetings of the Trust, except in the case of illness, such Trustee's position shall be deemed vacant and shall be filled with a new appointment as set forth above.

The Trustees shall elect officers annually consisting of a Chair, Vice Chair and Clerk. The Trustees may establish subcommittees and/or ad hoc related committees to carry out the purpose of the Trust.

A majority of Trustees then serving may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

#### **SECTION 5. MEETINGS OF THE TRUST**

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine.

The Trust is a governmental body for purposes of G.L. c. 30A, ss. 18 through 25 (the "Open Meeting Law"). Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, as may be amended from time to time including provisions regarding remote participation.

The Clerk shall prepare minutes of meetings of the Trust and shall maintain records thereof.

A quorum at any meeting shall be a simple majority of the Trustees then serving.

#### **SECTION 6. POWERS OF THE TRUSTEES.**

The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth herein shall include the following powers.

1. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from G.L. c. 44B; provided, however, that any such money received from G.L. c. 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said G.L. c. 44B are reported to the Community Preservation Committee for inclusion in the Community Preservation Initiatives Report, Form CP-3, to the Department of Revenue;
2. to purchase and retain real or personal property, including without restriction investments that

yield a high rate of income or no income;

3. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
5. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary, notwithstanding administrative and technical support provided through Finance, Treasurer, and accounting departments and that which may be provided by Town staff in various departments, including but not limited to Planning, Inspection Services and Natural Resource Commission;
6. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
7. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
10. to carry property for accounting purposes other than acquisition date values;
11. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;
12. to make distributions or divisions of principal in kind;
13. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
14. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
15. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
16. to extend the time for payment of any obligation to the Trust;

17. to make recommendations on proposals to Town Meeting when such proposals create or support affordable housing for low and moderate income households.
18. to develop policy goals and statements, consistent with the Town's adopted housing goals, and subject to approval by the Select Board, to serve as guidelines for the Trust; and
19. to exercise such additional powers consistent with the provisions of this bylaw and G.L. c. 44, s. 55C, as may be amended from time to time.

Notwithstanding anything to the contrary herein, Select Board approval shall be required for any of the following actions:

- a) to purchase or accept real or personal property;
- b) to sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
- c) to borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.

Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage or pledge greater than the current Trust assets unless approved by the Select Board and by a two-thirds vote at any Annual or Special Town Meeting.

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the trust, remain Trust property.

## **SECTION 7. TREASURER/COLLECTOR AS CUSTODIAN OF FUNDS**

The Town of Concord Treasurer/Collector shall be the custodian of the Trust's funds who shall maintain separate accounts and records for said funds.

The Treasurer/Collector shall invest the funds in the manner authorized by G.L. c. 44, Section 55 (Public Funds on Deposit; Limitations; Investments,) Section 55A, (Liability of Depositor for Losses Due to Bankruptcy), and Section 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of G.L. c. 44, s. 55C. The yearly approved budget, and any approved budget revisions shall be submitted to the Select Board.

As custodian, the Treasurer/Collector shall issue checks as directed by the Trustees. In accordance with G.L. c. 44, s. 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Upon receipt of the audit by the Board, a copy shall be provided forthwith to the Select Board.

The Trustees shall keep a record of its activities and at the close of every fiscal year, shall make a report thereof to the Select Board. The report shall include a description and source of funds received and

expended and the type of affordable housing programs or properties assisted with the funding.

#### **SECTION 8. MISCELLANEOUS**

The Trust is a public employer and the members of the Board are public employees for purposes of G.L. c. 258 (Indemnification).

Trustees are designated as public agents for purposes of the constitution of the Commonwealth.

The Trust shall be considered a municipal agency and the Trustees shall be considered special municipal employees and shall be subject to the provisions of G.L. c. 268A (Conflict of Interest Law). The Trustees shall serve without compensation.

The Trust is exempt from G.L. c. 59 (tax assessment) and G.L. c. 62 (personal income tax), and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.

The Trust is a Board of the Town for purposes procurement under G.. c. 30B and G.L. c. 40 s. 15A; but agreements and conveyances between the Trust and agencies, Boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said G.L. c. 30B.

#### **SECTION 9. RECORDINGS; AMENDMENTS**

The Trustees are hereby authorized to record a Declaration of Trust and a Certificate of Trustees for the Trust with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court Registration Office. The Declaration of Trust may be amended from time to time except as to those provisions specifically required under G.L. c. 44, s. 55C, by an instrument in writing signed by all of the Trustees then serving and approved at a meeting called for that purpose, and approved by the Select Board provided that in each case, a certificate of amendment shall be recorded with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court.

#### **SECTION 10. DURATION OF THE TRUST**

This Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The Trust may be terminated by a majority vote of the Town Meeting in accordance with G.L. c. 44, s. 55C, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court.

Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

#### **SECTION 11. RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS**

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees then serving as appears from instruments or certificates recorded with the Registry of Deeds and Registered Land Division of the Land Court to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Section 9 and an instrument of termination pursuant to Section 10 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees then serving. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current serving Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

DRAFT

**VOTE “YES” ON ARTICLES 23, 24, 25, & 26  
GIVE RESIDENTS MORE CONTROL, SUPPORT LOCAL BUSINESSES,  
& PRESERVE CONCORD’S CHARACTER**

**Town Meeting: TUESDAY, APRIL 9, 2019 | 7:00 PM | Concord-Carlisle Regional High School**

ASK QUESTIONS: [AHFC@ConcordMA.gov](mailto:AHFC@ConcordMA.gov)

LEARN MORE: <https://www.concordma.gov/1932/Affordable-Housing-Committee>



[Town of Concord-Twitter](#)



[Town of Concord-Facebook](#)



[Town of Concord-Instagram](#)

**BACKGROUND:** The Affordable Housing Funding Committee (AHFC) was appointed by the Select Board to study and determine cost-effective means to fund affordable homes. Since our first meeting in 2017, the Committee has worked with over 12 town departments and committees, numerous residents, and organizations across Massachusetts.

The committee evaluated 10 options to fund affordable homes. Four of these were recommended to the Select Board. The Select Board chose the strategies below and wrote articles 23-26.

**THE NEED: The need for more affordable homes in Concord is urgent.**

- The wait for affordable rentals can exceed seven years in Concord.
- In January 2018, there were 143 applicants on the wait list for senior/disabled rental housing.
- One in five Concord households qualifies as low income (\$62,550 for a family of two).
- One in three Concord households spends over 30% of their income on housing.
- Only 9% of town employees live in town.
- A household earning a median-income of \$138,661 could afford a home price of \$509,000.
- The 12,200 private sector employees working in Concord earn an average of \$72,000 annually.
- The median sales price of a home in Concord in 2017 was \$1,025,000.

**THE GOAL:** Many residents are concerned Concord will fall below the 10% threshold of affordable homes set by Chapter 40B of Mass. State Law and lose control over future housing developments. This could happen in 2 short years, which is why we must act now. With funds readily available for affordable homes, we have more control over how our town grows. Concord’s recently adopted long-range plan clearly named affordable homes as a top town priority.

**Concord needs predictable, sustainable revenue sources** so that funds are readily available when affordable home opportunities arise. Much of the development of affordable homes is opportunistic, occurring when a suitable property becomes available. Without the necessary funds to act quickly, valuable opportunities could be missed.

Affordable homes can strengthen the economic health of Concord by enabling more people who work in town to live closer to their jobs. They can also help our local businesses attract and retain employees.

**THE ALTERNATIVE:** Because neighboring towns are below the 10% 40B threshold, there are 2 current 40B projects totaling 528 units on Concord’s borders with Sudbury, Acton, and Maynard. Sudbury’s Quarry North is the town’s second 40B project since 2016.

In Concord, independent small businesses could continue to struggle to find and keep employees. Waitlists for affordable homes could increase even further and the town could continue to lose economic diversity.

The best way to avoid these situations and for residents to have more control over future growth is to vote **“YES”** on articles 23, 24, 25, and 26.

## **TOWN MEETING ARTICLES 23, 24, 25, 26 ON AFFORDABLE HOMES**

### **Article 23: APPROPRIATE FUNDS FOR AFFORDABLE HOUSING DEVELOPMENT**

Voting “YES” allows \$500,000 from the Town’s free cash account – money the town already has – to be set aside **this year only** for affordable homes. This appropriation needs to be **voted on each year**. This is a temporary approach. It is expected this will be requested only until articles 25 and 26 are in effect.

### **Article 24: AUTHORIZATION TO ACCEPT M.G.L. c. 44, § 55C – Municipal Affordable Housing Trust Fund**

Voting “YES” allows Concord to **join over 80 towns in MA** using this structure. This Trust Fund holds the proceeds from Articles 23, 25, and 26. The town treasurer is the custodian of the Trust Fund. Trustees will be appointed to oversee the Trust Fund. **Trust Fund bylaws must be approved by the Attorney General and Concord residents**. The Trust Fund is **subject to state & open meeting laws**.

### **Article 25: AUTHORIZE SPECIAL LEGISLATION – REAL ESTATE TRANSFER FEE** Voting “YES” allows

Concord to take the 1<sup>st</sup> step in a 3-step process - talk with the State Legislature. Step 2 is for the State to approve Concord’s request. Step 3 is for **the article to come back to a future town meeting for final approval by Concord residents**. Passing all 3 steps will allow Concord to collect a surcharge paid by property buyers. **17 other towns in MA have implemented a local transfer fee surcharge**. In addition, towns including Boston, Cambridge, Somerville, Lynn, and Watertown are discussing implementing this approach. VT, NH, and CT all have higher transfer fees than MA.

### **Article 26: AUTHORIZE SPECIAL LEGISLATION – BUILDING PERMIT FEE SURCHARGE**

Voting “YES” allows Concord to take the 1<sup>st</sup> step in a 3-step process – talk with the State Legislature. Step 2 is for the State to approve Concord’s request. Step 3 is for **the article to come back to a future town meeting for final approval by Concord residents**. Passing all 3 steps will allow Concord to apply a **progressive surcharge** on the value of building permits – small projects pay less, large projects pay more.

**Help strengthen our town by voting “YES” on these Articles at Town Meeting**

**Tuesday, April 9 at 7:00 PM in the Concord-Carlisle Regional High School.**

Encourage your friends to do the same. Share this information with them and spread the word on:



[Town of Concord-Twitter](#)



[Town of Concord-Facebook](#)



[Town of Concord-Instagram](#)

**ASK QUESTIONS:** [AHFC@ConcordMA.gov](mailto:AHFC@ConcordMA.gov)

**LEARN MORE:** <https://www.concordma.gov/1932/Affordable-Housing-Committee>

**ARTICLE XX**  
**BY PETITION: Mothers Out Front**

To see if the town will amend the General By-Laws by adopting a new article x.xx entitled:

**“Prohibition on Expansion of Fossil Fuel Infrastructure for New Construction and Significant Renovation”** as set forth below.

**x.xx.1 Purpose**

This By-Law is adopted by the Town of Concord, under the authority granted by Article 89, § 6, of the Amendments to the Massachusetts Constitution, and by Mass. Gen. Laws, ch. 40, § 21(1) and (18), § 21D, and ch 43B, § 13, to protect the health, safety and welfare of the inhabitants of the town from fuel leaks and explosions and from the effects of air pollution, including carbon emissions that is causing climate change and thereby threatens the Town and its inhabitants.

**x.xx.2 Definitions**

“On-Site Fossil Fuel Infrastructure” is defined as fuel gas or fuel oil piping that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter.

“New Building” is defined as a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the effective date of this article.

“Significant Renovation” is defined as an addition or expansion that is 50% or greater of the gross floor area of the existing building and that is associated with a valid building permit application on or after the effective date of this article.

**x.xx.3 Applicability and Exemptions**

- A. The requirements of this article shall apply to all permit applications for New Buildings and Significant Renovations proposed to be located in whole or in part within the Town.
- B. The requirements of this article shall not apply to fuel pipes whose exclusive purpose is to fuel backup electrical generators.
- C. The requirements of this article shall not apply to utility service pipe connecting the grid to a meter, or to a gas meter itself.
- D. The requirements of this article shall not apply to cook stoves and ovens used in restaurants or commercial kitchens.
- E. The requirements of this article shall not apply to the use of portable propane appliances such as those used for outdoor cooking or heating.

F. The requirements of this article shall not apply to the delivery of hot water usage in hospitals, laboratories or large commercial buildings.

**x.xx.4 Limitation on the Issuance of Town Permits; Effective Date**

Effective mm/dd, 2020, no building permits shall be issued by the Town for the construction of New Buildings, or Significant Renovations that include the installation of On-Site Fossil Fuel Infrastructure, except as otherwise provided in section x.xx.3.

**x.xx.5 - Severability**

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect. Or act on anything relative thereto.



December 7, 2019

# FY2021 Town Operating Budget



# FY21 Budget Request

	FY20 Budget Appropriation	FY21 Budget Appropriation	Difference	
General Fund	\$ 25,299,513	\$ 26,017,179	\$ 717,666	
Transfers & Credits	\$ 3,407,135	\$ 3,113,239	\$ (293,896)	
<b>Total:</b>	<b>\$ 28,706,648</b>	<b>\$ 29,130,418</b>	<b>\$ 423,770</b>	<b>1.48%</b>

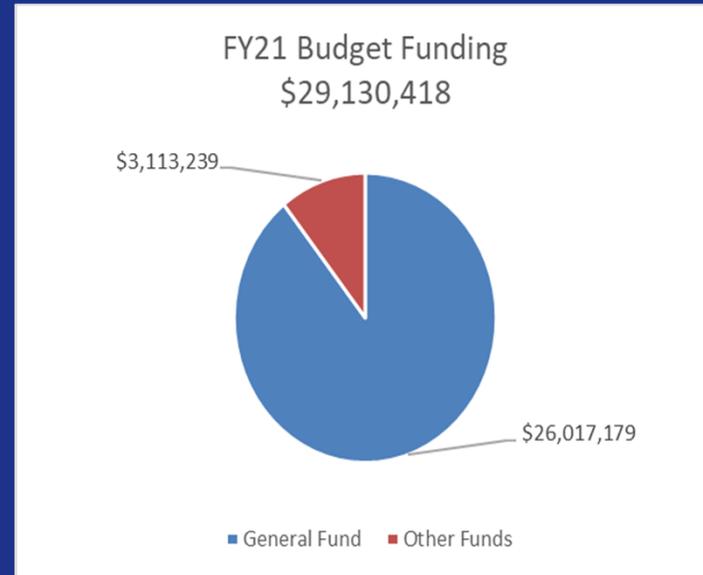
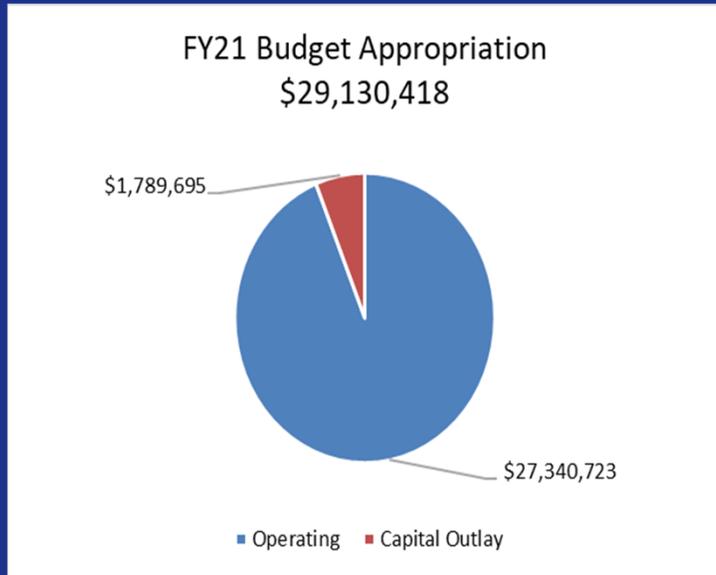
FinCom Guideline  
+\$717,666, or 2.5%  
above FY20  
appropriation



# FY21 Budget Recommendation

1.48% increase on  
Appropriation Basis- \$423,769

2.5% increase on impact to  
General Fund - \$717,666





## FY2021 Town Budget- Recommendation Includes:

December 7, 2019

- **General Government:**
  - Consolidation of building expenses in Facilities Division- \$10k savings
  - Additional funding for Legal Services- \$75k
  - Economic Vitality Coordinator combined with Tourism Coordinator- \$12k
  - Part-time position added to Visitor's Center- \$12k
- **Finance:**
  - Retirement System staff salaries not paid through Town Budget; expenditure reduction offset by credit reduction
- **DPLM:**
  - Land Manager position added to DPLM- \$26k net (\$36k offset)
    - Reduction in Inspections as Tree Preservation Bylaw enforcement transferred to Land Manager



## FY2021 Town Budget- Recommendation Includes:

- **Public Safety:**
  - Fire Department command structure change- \$44k
  - Second dispatcher on overnight shift- \$40k
  - Planned reduction in support from Emergency Services Stabilization Fund- \$124k
  - Attrition savings- \$277k
- **Public Works:**
  - Replacement of fuel depot- \$20k
  - Decrease in cost of street lighting due to efficient fixtures- \$12k
- **Human Services:**
  - Attrition savings, Library- \$32k
  - Market adjustment, Social Services- \$25k



## FY2021 Town Budget- Recommendation Includes:

- Other
  - Salary Grid Adjustments- \$500k
  - Capital Outlay & Debt authorized in one warrant article
- Total attrition savings:
  - \$350k+
  - 7 Firefighters; 14 Police; Town Manager; Special Collections Curator
    - Attrition savings will not continue as new employees advance through compensation plan
    - Offset somewhat by increases in training costs



## FY2021 Town Budget

December 7, 2019

- Budget Calendar: what's next
- January 17: Submission of Town Manager GF Budget & Capital to SB
- February 16: Enterprise Fund Requests due (W/S, Solid Waste, Electric, PEG, Beede, Rec)
  - No major changes anticipated
- March 9 & 16: Public Hearings, Town, School, CPC
- March 23: Public Hearings, Enterprise Funds

**DRAFT – written by resident Phillip Posner**  
**CONCORD CYCLING ADVISORY COMMITTEE**

The Concord Cycling Advisory Committee (CCAC) shall be a standing committee to advise the SelectBoard (SB) and other standing and ad hoc committees and boards on issues of bicycling safety, access, mobility, infrastructure and matters related to bicycling including sustainability, mobility and access for persons with disabilities and mobility challenges, economic vitality, tourism and regionalism.

Specifically, CCAC is charged to:

Institutionalize its charge within the Town’s current departments, boards, and committees. To be successful, the culture that envelops Town residents, governance, and staff needs to instinctively recognize bicyclists as well as pedestrians, motorists, and users of micro-mobile modes of transportation (such as motorized scooters and other conveyances for persons with disabilities or other mobility challenges) as co-equals, with due consideration regularly given to each, without outside prodding, reminding, or facilitation.

The CCAC shall, in pursuit of its charge:

- Develop specific recommendations for improving cycling safety, trail use and maintenance, mobility enhancements, access, and infrastructure that is consistent with safe and enjoyable bicycling and mobility throughout the Town;
- Evaluate municipal investments, policies, and other efforts to enhance bicycling safety, trail construction and maintenance, access by persons with disabilities and mobility challenges, and infrastructure and, as appropriate, recommend adjustments to existing activities, policies and practices related thereto;
- As appropriate and with agreement of the SelectBoard represent cycling safety, access and infrastructure interests before relevant Town committees overseeing infrastructure and policy which directly or indirectly affects bicycling in the Town;
- With the agreement of the SelectBoard, represent the interests of bicycling safety, access and infrastructure in and for the town of Concord on regional and state committees and boards;
- Monitor safety issues and recommend policy for emerging modes of vulnerable road use including but not limited to e-bikes, e-scooters, conveyances for persons with disabilities or other mobility challenges and Segway-like vehicles.

**Tasks**

The CCAC shall, in pursuit of its charge:

- Propose specific investments in the Town’s multi-user infrastructure, largely focused on but not limited to roadways and roadside paths and public lanes and trails to increase the safety of bicyclists and other vulnerable road users;
- Propose policies to affect behavior of all road users to enhance the safety of bicyclists and other vulnerable road users;
- Advise the SelectBoard on prioritization of policies, investments, and other efforts related to bicycling safety, access and infrastructure given costs, magnitude of change, speed of implementation, ability to trial, and likely effectiveness;
- Update and make recommendations for implementation of the 2019 Complete Streets Report, the recommendations of the Envision Concord – Bridge to 2030 Comprehensive Long Range

- Plan, the recommendations of the Comprehensive Sustainable Energy Committee and the recommendations and goals of the Safe Routes to School program, as appropriate;
- Convene/meet as it deems necessary to formulate and evaluate bicycling safety, access and infrastructure and related investments, policies, and other efforts and to advise the SelectBoard there to;
  - Liaise with the Concord Public Schools, the Concord-Carlisle High School District, Public Safety, Planning Department, Department of Natural Resources, Department of Public Works, Recreation Department and Municipal Light Plant and other boards and committees as required to explore, develop, recommend, and evaluate an appropriate portfolio of policy, investment, and other efforts;
  - SelectBoard shall appoint a liaison to the CCAC and shall direct municipal staff to liaise with the CCAC;
  - Prepare yearly a report of the committee to be included in the Annual Town Report to inform the Town on its direction and progress;
  - Assess roadway and roadside path and public lanes and trail conditions on an ongoing basis, relying on input from Public Safety, Public Works, its own members, and reports from citizens, among other sources;
  - Engage members of Concord’s cycling community on a regular basis to understand current concerns, challenges, impediments, reactions to existing and proposed policy, and other opportunities for addressing the charge throughout the Town.
  - Identify and compile a database of structures, techniques, and practices addressing the charge that have been researched, considered, and/or implemented elsewhere that may be adaptable to Concord’s challenges and opportunities;
  - Conduct its business in an open and participatory manner as required by all Massachusetts and municipal laws, providing multiple opportunities for input from a diversity of Town residents, as determined appropriate by the Committee, which may include public meetings, workshops, other forums, surveys, and interviews; and
  - Work in concert with the Town’s departments and agencies so that they develop the perspective and knowledge required to help guide the Town’s decisions about bicycling programs and support infrastructure.

**Membership**

The Committee will have 7 members, comprised of the following:

- 1 member appointed by and designated to represent the SelectBoard for a term of one year.
- 1 member appointed by and designated to represent by the Planning Board for a term of one year.
- 1 member appointed by and designated to represent the Department of Public Works.
- 4 At Large Members, appointed by the Board of Selectmen for terms of 3 years, except at the initiation of the committee appointments shall be staggered with 1, 2, and 3 year terms respectively.
- The Committee shall elect its own Chairperson annually.
- The Town Manager, Police Chief, Public Works Superintendent, and Director of Planning will support the Committee as needed in an ex-officio capacity either directly or by appointed representative.

**Supporting Resources**

The Town's engineer or designee and the Town's Planning Staff or designee will be made available as needed with approval of the SelectBoard or its representative.

**Timetable**

The SelectBoard intends to recruit and appoint Committee members in \_\_\_\_\_ 2020, and convene its first meeting as soon as possible thereafter. The first report to the Town should be included in the 2021 Town Report.

**Open Meeting & Public Records Requirements**

The Committee, acting as an advisory special committee to the Board of Selectmen, is subject to the requirements of the Open Meeting Law. The Committee shall conduct its affairs in an open and transparent manner, will post notice of its meetings (including an agenda), keep minutes and maintain its records in accordance with the provisions of the Open Meeting and Public Records laws.

Approved by the SelectBoard

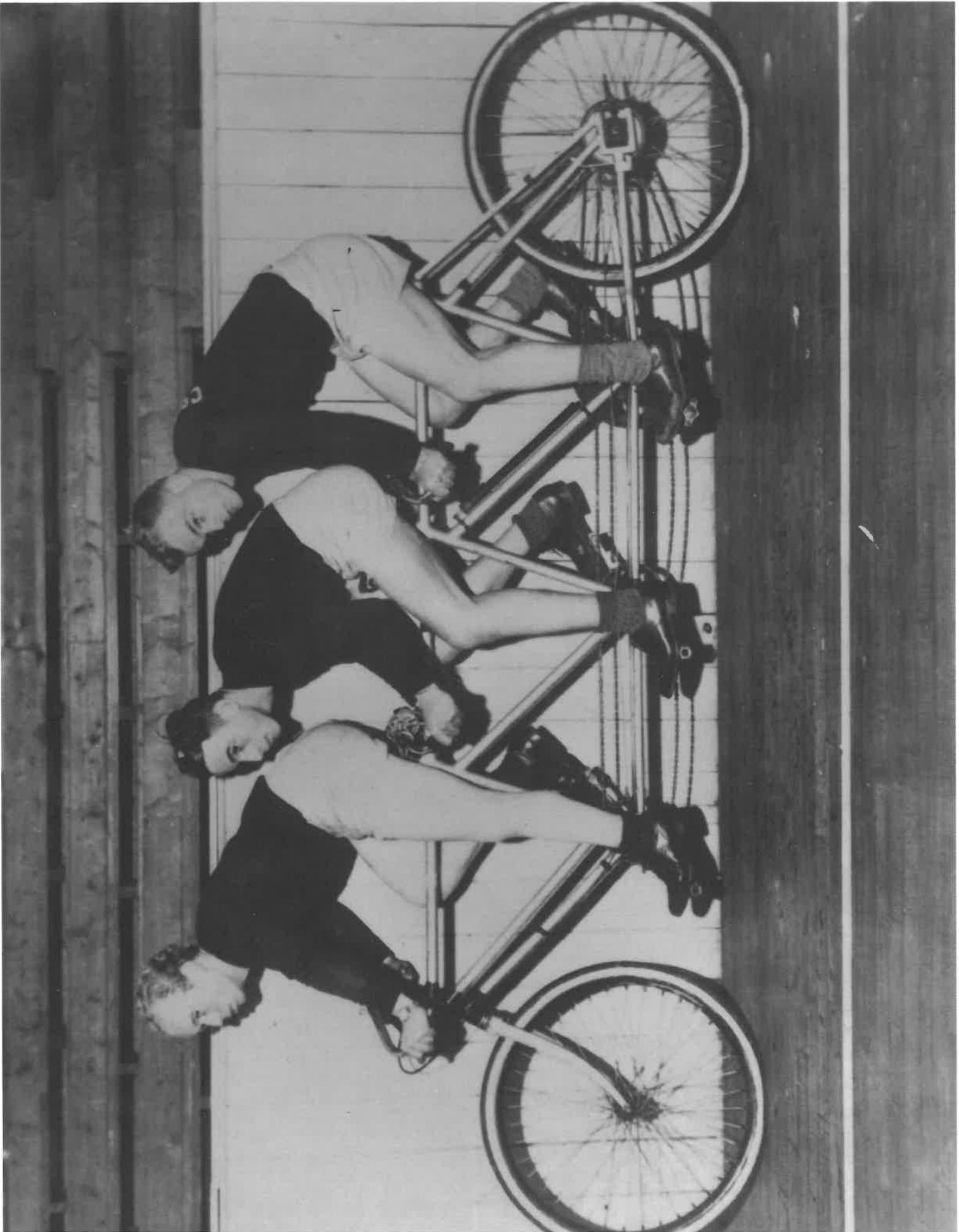
Date: \_\_\_\_\_

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, Chairman

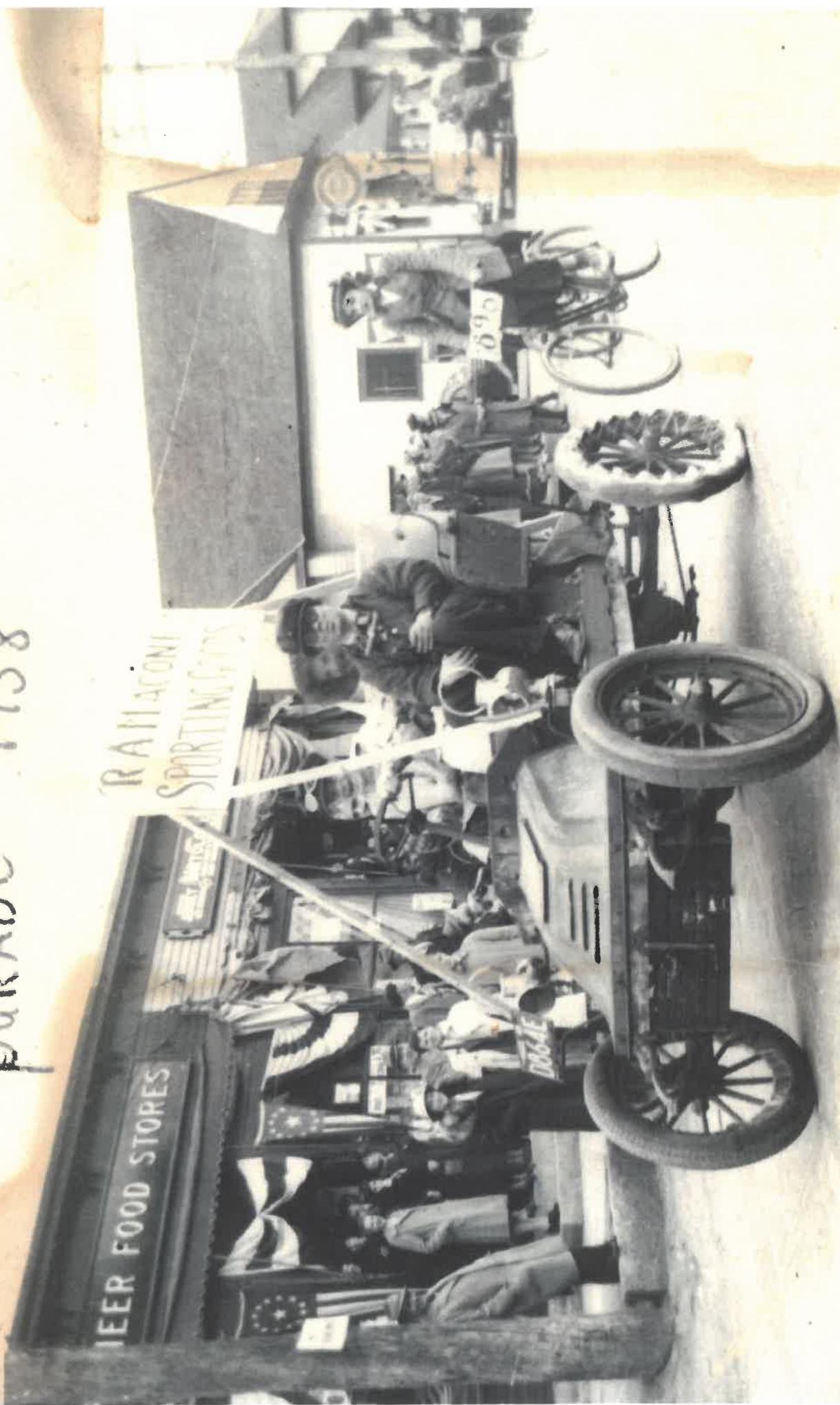
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PARADE 1938



# **Town of Concord**

## **SELECT BOARD'S OFFICE**

### **Memorandum**

The Select Board will consider adopting the following Warrant Articles for 2020 Town Meeting:

1. Stabilization Fund for the Middle School Project
2. Pollinator bill banning neonicotinoids on any new lease town land
3. Special Liquor Licenses
4. Means Tested Property Tax Exemption
5. Prohibition on Expansion of Fossil Fuel Infrastructure for New Construction and Significant Rehabilitation
6. Free Cash Allocation to the Affordable Housing Trust
7. Reaffirm Article 25 from 2019 Town Meeting
8. Reaffirm Article 26 from 2019 Town Meeting
9. Reaffirm Article 18 from 2018 Town Meeting
10. Affirm Senate Bill S.2317 – Building Permit Surcharge
11. Affirm Senate Bill S.2318 – Real Estate Transfer Fee
12. Affirm House Bill H.663 – Allowing 17 Year Olds to Vote
13. Tax Increment Financing (TIF) – Christopher Heights
14. Municipal Affordable Housing Trust Bylaw

## **Middle School Stabilization Fund**

To determine if the Town will vote to appropriate the sum of \$2,000,000, or any other sum from Free Cash to create a stabilization fund for the purpose of deferring future property tax increases in the Town subsequently approves a Middle School Building project. The funds will be held by the Town Manager. Disbursement of funds will require a vote at a future Town Meeting.

## ARTICLE

To determine whether the Town will vote to ensure that any new leases or license agreements allocated by the Town for agricultural or retail use will prohibit the use of neonicotinoids.

### Additional context:

This article is a proposal recommended by the Pollinator Health Advisory Committee, which is concerned about the use of neonicotinoids in our community. Neonicotinoids, such as acetamiprid, clothianidin, dinotefuran, imidacloprid and thiamethoxam are systemic pesticides which are absorbed by plants by way of the vascular system and can end up in the soil and waterways, all to the detriment of the health of pollinators.

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

SECTION 1. (a) Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Concord may grant not more than six (6) general on-premises licenses for the sale of wines and malt beverages pursuant to section 12 of said chapter 138. The licenses shall be subject to prior approval of the Alcoholic Beverages Control Commission. The licenses 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 licenses after they are granted to any other location but it may grant any of the licenses to a new applicant at the same location as the original license 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 applicant is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a 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 under the same conditions as specified in this act.

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

# Home Rule Petition

## AN ACT ESTABLISHING A SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION IN THE TOWN OF CONCORD

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. With respect to each qualifying parcel of real property classified as Class 1, residential, in the town of Concord there shall be an exemption from the property tax equal to the total amount of tax that would be assessed if no part of the tax were exempted (the "total tax") less 10 per cent of gross income, except that this exemption shall not be more than 50 per cent of the total tax, nor shall this exemption cause more than 90 per cent of the total tax to be exempted when combined with other exemptions. The percentage of total annual qualifying income may be raised by section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, a "parcel" shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application for the exemption in section 1 if the board finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if the following criteria are met:

(i) the qualifying real property is owned and occupied by a person whose prior year's gross income is no greater than the published income limit of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(ii) the qualifying real property is owned by a single applicant who is 65 years of age or older at the close of the previous year or owned jointly if 1 of the joint applicants is 65 years of age or older at the close of the previous year and the other joint applicant is 60 years of age or older;

(iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(iv) the applicant or not less than 1 of the joint applicants has been domiciled in the town of Concord for not less than 10 consecutive years before filing an application for the exemption;

(v) the maximum assessed value of the domicile is not more than the town's median single-family residential assessed value of the prior fiscal year; and

(vi) the board of assessors has approved the application for the exemption.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on the total exemptions granted pursuant to this act equal to 0.5 per cent of the fiscal year's total residential property tax levy for the town of Concord, including the levy for the regional high school if not included in the town's tax levy at some subsequent date with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of the exemption, the total cap on the exemptions granted pursuant to this act shall be set annually by the select board within a range of 0.5 to 1 per cent of the residential property tax levy for the town. If benefits to the applicants may be limited because the percentage established annually by the select board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. If the cap exceeds the need for the exemption, the total cap on the exemptions granted pursuant to this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as

described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the town of Concord shall be first by vote of approval at an annual town meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote of the town to revoke those sections.

SECTION 7. An exemption shall not be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

**ARTICLE XX**  
**BY PETITION: Mothers Out Front**

To see if the town will amend the General By-Laws by adopting a new article x.xx entitled:

**“Prohibition on Expansion of Fossil Fuel Infrastructure for New Construction and Significant Renovation”** as set forth below.

**x.xx.1 Purpose**

This By-Law is adopted by the Town of Concord, under the authority granted by Article 89, § 6, of the Amendments to the Massachusetts Constitution, and by Mass. Gen. Laws, ch. 40, § 21(1) and (18), § 21D, and ch 43B, § 13, to protect the health, safety and welfare of the inhabitants of the town from fuel leaks and explosions and from the effects of air pollution, including carbon emissions that is causing climate change and thereby threatens the Town and its inhabitants.

**x.xx.2 Definitions**

“On-Site Fossil Fuel Infrastructure” is defined as fuel gas or fuel oil piping that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter.

“New Building” is defined as a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the effective date of this article.

“Significant Renovation” is defined as an addition or expansion that is 50% or greater of the gross floor area of the existing building and that is associated with a valid building permit application on or after the effective date of this article.

**x.xx.3 Applicability and Exemptions**

- A. The requirements of this article shall apply to all permit applications for New Buildings and Significant Renovations proposed to be located in whole or in part within the Town.
- B. The requirements of this article shall not apply to fuel pipes whose exclusive purpose is to fuel backup electrical generators.
- C. The requirements of this article shall not apply to utility service pipe connecting the grid to a meter, or to a gas meter itself.
- D. The requirements of this article shall not apply to cook stoves and ovens used in restaurants or commercial kitchens.
- E. The requirements of this article shall not apply to the use of portable propane appliances such as those used for outdoor cooking or heating.

F. The requirements of this article shall not apply to the delivery of hot water usage in hospitals, laboratories or large commercial buildings.

**x.xx.4 Limitation on the Issuance of Town Permits; Effective Date**

Effective mm/dd, 2020, no building permits shall be issued by the Town for the construction of New Buildings, or Significant Renovations that include the installation of On-Site Fossil Fuel Infrastructure, except as otherwise provided in section x.xx.3.

**x.xx.5 - Severability**

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect. Or act on anything relative thereto.

## **APPROPRIATE FUNDS FOR AFFORDABLE HOUSING DEVELOPMENT**

Mr. Lawson moves that the Town appropriate and transfer from the Certified Free Cash Balance of June 30, 2018 the sum of **\$500,000**, for the purpose of developing affordable housing within the Town, said funds to be expended under the direction of the Town Manager on such terms and conditions as the Select Board may determine.

# ARTICLE 25

## AUTHORIZE SPECIAL LEGISLATION – REAL ESTATE TRANSFER TAX FOR AFFORDABLE HOUSING

Mr. Lawson moves: that the Town authorize the Select Board to petition the General Court for special legislation substantially in the form below that that would impose a real estate transfer fee to be used by the Town for the purposes of acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town:

**“An act establishing a real estate transfer fee upon the transfer of property in the Town of Concord.”**

SECTION 1. There is hereby imposed a real estate transfer fee, hereafter “the fee,” equal to 1 per cent of the portion of the purchase price exceeding \$600,000 upon the transfer of (i) any real property interest in any residential property situated in the Town of Concord, or (ii) a controlling interest in a trust, limited liability company, or other entity that directly or indirectly holds an interest in any class of residential real property situated in the Town of Concord. The fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the liability for the fee shall not affect such liability of the purchaser to the Town. The Town may define by bylaw what constitutes a controlling interest and the calculation of the fee.

SECTION 2. The following transfers of real property interests shall be exempt from the fee established in Section 1:

- (i) transfers to the federal government, the Commonwealth, the Town, and any of their instrumentalities, agencies or subdivisions, including the Concord Housing Authority;
- (ii) transfers to the Concord Housing Development Corporation;
- (iii) transfers of real property subject to an affordable housing restriction;
- (iv) transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made;
- (v) transfers with consideration under \$100.00;
- (vi) transfers to a charitable organization, as defined in clause Third of section 5 of chapter 59 of the General Laws, or a religious organization, provided, however, that the real property interests so transferred will be held solely for public charitable or religious purposes; and
- (vii) transfers between family members, including spouses, parents and children, grandparents and grandchildren, step-parents and step-children, siblings or step-siblings.

SECTION 3. The fee shall be paid to the Town. The Town shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes. The Town may, by bylaw, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act. The Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this act.

SECTION 4. All fees received pursuant to this act shall be deposited in the Concord Affordable Housing Trust Fund established pursuant to section 55C of chapter 44 of the General Laws.

SECTION 5. A copy of the deed or other instrument evidencing such transfer shall be provided to the Town and shall be accompanied by (i) an affidavit signed under oath or under the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (ii) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible exemptions, as described in Section 2, for that property by the purchaser; and (iii) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fee. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The Middlesex South Registrar of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

SECTION 6. The Town shall prepare and issue an annual report to that (i) identifies fee receipts; (ii) quantifies affordable housing programs funded, including type and purpose; and (iii) evaluates the impact of said affordable housing programs, including but not limited to, to the extent reasonably possible and permitted by applicable law, the number and demographics of individuals and families served as well as measures of housing stability and wealth generation in the community.

SECTION 7. Acceptance of this act by the Town of Concord shall be first by vote of approval at an annual Town Meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 6, inclusive shall take effect 30 days after such acceptance by the Town.

# ARTICLE 26

## AUTHORIZE SPECIAL LEGISLATION – BUILDING PERMIT FEE SURCHARGE FOR AFFORDABLE HOUSING

Mr. Lawson moves that the Town authorize the Select Board to petition the General Court for special legislation substantially in the form below that permits the Town to enact a bylaw charging a building permit surcharge to be used by the Town for the purposes of acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town:

### **“An act establishing a building permit surcharge in the Town of Concord.”**

SECTION 1. The Town of Concord, hereafter referred to as “the Town,” may, by bylaw, require the payment of an affordable housing surcharge for any construction that (i) requires a building permit and (ii) exceeds a minimum construction value to be determined by the Select Board of the Town. The bylaw shall specify the amount of said affordable housing surcharge, the method by which the surcharge may be increased from time to time, and any types of construction or uses to which the affordable housing surcharge shall not apply.

SECTION 2. All fees received pursuant to this act shall be deposited in the Concord Affordable Housing Trust Fund established pursuant to section 55C of Chapter 44 of the General laws.

SECTION 3. For the purposes of this act, “affordable housing” shall mean as defined under section 1 of chapter 60 of the General Laws.

SECTION 4. Acceptance of this act by the Town of Concord shall be first by vote of approval at an annual Town Meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 3, inclusive shall take effect 30 days after such acceptance by the Town.

## ALLOWING 17 YEAR OLDS TO VOTE IN TOWN ELECTIONS & TOWN MEETINGS

To see if the Town will petition the Massachusetts General Court for permission to adopt a Town Bylaw to define a “qualified voter” as follows, or take any action thereon: Any citizen seventeen years of age or older, so long as they are a resident of Concord at the time they register to vote and are otherwise eligible under all provisions beside age set for voters in M.G.L. Chapter 51, Section 1, is a qualified voter of the town and is entitled to vote in all Town elections, participate and vote in all Town Meetings, participate in Town Caucus and sign all nominating, warrant and other petitions authorized by Town bylaws. Persons wishing to serve in elected positions must be registered voters of at least 18 years of age; or act in relation thereto.

## Bill S.2317

SECTION 1. The Town of Concord, hereafter referred to as "the Town," may, by bylaw, require the payment of an affordable housing surcharge for any construction that: (i) requires a building permit; and (ii) exceeds a minimum construction value to be determined by the Select Board of the Town. The bylaw shall specify the amount of said affordable housing surcharge, the method by which the surcharge may be increased from time to time, and any types of construction or uses to which the affordable housing surcharge shall not apply.

SECTION 2. All fees received pursuant to this act shall be dedicated to the Concord Housing Development Corporation established by the Town or deposited in the Concord Affordable Housing Trust Fund established pursuant to section 55C of Chapter 44 of the General Laws.

SECTION 3. For the purposes of this act, "affordable housing" shall mean as defined under section 1 of chapter 60 of the General Laws.

SECTION 4. Acceptance of this act by the Town of Concord shall be first by vote of approval at an annual Town Meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 3, inclusive shall take effect 30 days after such acceptance by the Town.

## Bill S.2318

SECTION 1. There is hereby imposed a real estate transfer fee, hereafter "the fee," equal to 1 per cent of the portion of the purchase price exceeding \$600,000 upon the transfer of: (i) any real property interest in any residential property situated in the Town of Concord; or (ii) a controlling interest in a trust, limited liability company, or other entity that directly or indirectly holds an interest in any class of residential real property situated in the town of Concord. The fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the liability for the fee shall not affect such liability of the purchaser to the Town. The Town may define by bylaw what constitutes a controlling interest and the calculation of the fee.

SECTION 2. The following transfers of real property interests shall be exempt from the fee established in Section 1: (i) transfers to the federal government, the Commonwealth, the Town, and any of their instrumentalities, agencies or subdivisions, including the Concord Housing Authority; (ii) transfers to the Concord Housing Development Corporation; (iii) transfers of real property subject to an affordable housing restriction; (iv) transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made; (v) transfers with consideration under \$100,000; (vi) transfers to a charitable organization, as defined in clause Third of section 5 of chapter 59 of the General Laws, or a religious organization, provided, however, that the real property interests so transferred will be held solely for public charitable or religious purposes; and (vii) transfers between family members, including spouses, parents and children, grandparents and grandchildren, step-parents and step-children, siblings or step-siblings.

SECTION 3. The fee shall be paid to the Town. The Town shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes. The Town may, by bylaw, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act. The Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this act.

SECTION 4. All fees received pursuant to this act shall be deposited in the Concord Affordable Housing Trust Fund established pursuant to section 55C of chapter 44 of the General Laws.

SECTION 5. A copy of the deed or other instrument evidencing such transfer shall be provided to the Town and shall be accompanied by: (i) an affidavit signed under oath or under the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (ii) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible exemptions, as described in section 2, for that property by the purchaser; and (iii) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fee. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The Middlesex South Registrar of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

SECTION 6. The Town shall prepare and issue an annual report that: (i) identifies fee receipts; (ii) quantifies affordable housing programs funded, including type and purpose; and (iii) evaluates the impact of said affordable housing programs, including but not limited to, to the extent reasonably possible and permitted by applicable law, the number and demographics of individuals and families served as well as measures of housing stability and wealth generation in the community.

SECTION 7. Acceptance of this act by the Town of Concord shall be first by vote of approval at an annual Town Meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 6, inclusive shall take effect 30 days after such acceptance by the Town.

## Bill H.663

Notwithstanding section 1 of chapter 51 of the General Laws or any other general or special law to the contrary, any citizen who; (i) is 17 years of age or older, (ii) meets the qualifications to be registered as a voter pursuant to section 1 of chapter 51 of the General Laws except that of age, and (iii) is a resident of the town of Concord at the time they register or pre-register to vote pursuant to said chapter 51 may vote therein in all town elections, participate and vote in all town meetings, participate and vote in town caucus and sign all nominating, warrant and other petitions authorized by town bylaws. A person shall be a registered voter of at least 18 years of age to be eligible to serve in elected town offices or positions.

WARRANT ARTICLE: To determine whether the Town will vote to adopt the Town of Concord Municipal Affordable Housing Trust Bylaw as follows or take any other action relative thereto.

Town of Concord  
Municipal Affordable Housing Trust Bylaw

Pursuant to a vote on Article 24 of the 2019 Annual Town Meeting, the Town accepted the provisions of Massachusetts General Laws c. 44, s. 55C and authorized the creation of a Municipal Affordable Housing Trust Fund to support the development of affordable housing in Concord.

**SECTION 1. MUNICIPAL AFFORDABLE HOUSING TRUST.**

There shall be in the Town of Concord an Affordable Housing Trust created pursuant to the authority set forth in G.L. c. 44, s. 55C.

**SECTION 2. NAME of the TRUST**

The Trust shall be called the "Concord Municipal Affordable Housing Trust", herein referred to as the "Trust".

**SECTION 3. PURPOSE**

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Concord for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of G.L. c. 44B (the "Community Preservation Act").

**SECTION 4. TRUSTEES**

There shall be a Board of Trustees, called the "Board", which shall include no less than 5 Trustees and no more than 7 Trustees, including one member of the Select Board, each of whom, who to the extent possible, shall have backgrounds or interests in affordable housing, and financial, legal, real estate or real estate development expertise.

Trustees shall be appointed by the Select Board.

Trustees shall serve for a term of two (2) years and may be reappointed for up to two (2) additional terms, except that three of the initial Trustee appointments shall be for a term of one year consistent with local policy and practice.

Nothing in this subsection shall prevent the Select Board from appointing the Town Manager as a member of the Board.

Only persons who are residents of Concord shall be appointed as a Trustee. Any Trustee who ceases

to be a resident of the Concord shall cease to be a Trustee hereunder and shall promptly provide a written notification of change in residence to the Board and to the Town Clerk. The Town Manager, if appointed as a Trustee, need not be a resident of Concord.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. Vacancies shall be filled by the Select Board for the remainder of the unexpired term.

If any Trustee is absent from five (5) consecutive regularly scheduled meetings of the Trust, except in the case of illness, such Trustee's position shall be deemed vacant and shall be filled with a new appointment as set forth above.

The Trustees shall elect officers annually consisting of a Chair, Vice Chair and Clerk. The Trustees may establish subcommittees and/or ad hoc related committees to carry out the purpose of the Trust.

A majority of Trustees then serving may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

#### **SECTION 5. MEETINGS OF THE TRUST**

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine.

The Trust is a governmental body for purposes of G.L. c. 30A, ss. 18 through 25 (the "Open Meeting Law"). Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, as may be amended from time to time including provisions regarding remote participation.

The Clerk shall prepare minutes of meetings of the Trust and shall maintain records thereof.

A quorum at any meeting shall be a simple majority of the Trustees then serving.

#### **SECTION 6. POWERS OF THE TRUSTEES.**

The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth herein shall include the following powers.

1. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from G.L. c. 44B; provided, however, that any such money received from G.L. c. 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said G.L. c. 44B are reported to the Community Preservation Committee for inclusion in the Community Preservation Initiatives Report, Form CP-3, to the Department of Revenue;
2. to purchase and retain real or personal property, including without restriction investments that

yield a high rate of income or no income;

3. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
5. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary, notwithstanding administrative and technical support provided through Finance, Treasurer, and accounting departments and that which may be provided by Town staff in various departments, including but not limited to Planning, Inspection Services and Natural Resource Commission;
6. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
7. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
10. to carry property for accounting purposes other than acquisition date values;
11. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;
12. to make distributions or divisions of principal in kind;
13. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
14. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
15. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
16. to extend the time for payment of any obligation to the Trust;

17. to make recommendations on proposals to Town Meeting when such proposals create or support affordable housing for low and moderate income households.
18. to develop policy goals and statements, consistent with the Town's adopted housing goals, and subject to approval by the Select Board, to serve as guidelines for the Trust; and
19. to exercise such additional powers consistent with the provisions of this bylaw and G.L. c. 44, s. 55C, as may be amended from time to time.

Notwithstanding anything to the contrary herein, Select Board approval shall be required for any of the following actions:

- a) to purchase or accept real or personal property;
- b) to sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
- c) to borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.

Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage or pledge greater than the current Trust assets unless approved by the Select Board and by a two-thirds vote at any Annual or Special Town Meeting.

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the trust, remain Trust property.

## **SECTION 7. TREASURER/COLLECTOR AS CUSTODIAN OF FUNDS**

The Town of Concord Treasurer/Collector shall be the custodian of the Trust's funds who shall maintain separate accounts and records for said funds.

The Treasurer/Collector shall invest the funds in the manner authorized by G.L. c. 44, Section 55 (Public Funds on Deposit; Limitations; Investments,) Section 55A, (Liability of Depositor for Losses Due to Bankruptcy), and Section 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of G.L. c. 44, s. 55C. The yearly approved budget, and any approved budget revisions shall be submitted to the Select Board.

As custodian, the Treasurer/Collector shall issue checks as directed by the Trustees. In accordance with G.L. c. 44, s. 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Upon receipt of the audit by the Board, a copy shall be provided forthwith to the Select Board.

The Trustees shall keep a record of its activities and at the close of every fiscal year, shall make a report thereof to the Select Board. The report shall include a description and source of funds received and

expended and the type of affordable housing programs or properties assisted with the funding.

#### **SECTION 8. MISCELLANEOUS**

The Trust is a public employer and the members of the Board are public employees for purposes of G.L. c. 258 (Indemnification).

Trustees are designated as public agents for purposes of the constitution of the Commonwealth.

The Trust shall be considered a municipal agency and the Trustees shall be considered special municipal employees and shall be subject to the provisions of G.L. c. 268A (Conflict of Interest Law). The Trustees shall serve without compensation.

The Trust is exempt from G.L. c. 59 (tax assessment) and G.L. c. 62 (personal income tax), and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.

The Trust is a Board of the Town for purposes procurement under G.. c. 30B and G.L. c. 40 s. 15A; but agreements and conveyances between the Trust and agencies, Boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said G.L. c. 30B.

#### **SECTION 9. RECORDINGS; AMENDMENTS**

The Trustees are hereby authorized to record a Declaration of Trust and a Certificate of Trustees for the Trust with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court Registration Office. The Declaration of Trust may be amended from time to time except as to those provisions specifically required under G.L. c. 44, s. 55C, by an instrument in writing signed by all of the Trustees then serving and approved at a meeting called for that purpose, and approved by the Select Board provided that in each case, a certificate of amendment shall be recorded with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court.

#### **SECTION 10. DURATION OF THE TRUST**

This Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The Trust may be terminated by a majority vote of the Town Meeting in accordance with G.L. c. 44, s. 55C, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court.

Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

#### **SECTION 11. RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS**

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees then serving as appears from instruments or certificates recorded with the Registry of Deeds and Registered Land Division of the Land Court to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Section 9 and an instrument of termination pursuant to Section 10 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees then serving. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current serving Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

DRAFT

**Town of Concord**  
**SELECT BOARD'S OFFICE**

**Memorandum**

**DATE:** December 12, 2019

**TO:** Michael Lawson, Chair of the Select Board

**FROM:** Jeremy Romanul, Senior Administrative Assistant

**SUBJECT:** Annual License Renewals for calendar year 2020

In advance of the calendar year-end, the Select Board's Office has initiated the annual license renewal process for the following four categories: 1) liquor licenses, 2) innholder and lodging licenses, 3) taxicab/livery licenses, and 4) weekday entertainment licenses. The license requirements are listed as follows:

1. Liquor License renewal:
  - a. Renewal application,
  - b. Attestation to the Massachusetts Department of Revenue,
  - c. Payment of license fee,
  - d. Workers' compensation insurance affidavit,
  - e. Liquor license insurance affidavit, and
  - f. Copy of regulations regarding serving alcoholic beverages.
  
2. Innholder and Lodging License renewal:
  - a. Renewal application,
  - b. Payment of license fee
  - c. Attestation to the Department of Revenue
  - d. Workers' compensation insurance affidavit
  
3. Taxicab/Livery License renewal:
  - a. Renewal application,
  - b. Copy of current lease
  - c. Payment of license fee
  - d. Attestation to the Massachusetts Department of Revenue, and
  - e. Workers' compensation insurance affidavit
  
4. Weekday entertainment license renewal:
  - a. Renewal application,
  - b. Attestation to the Massachusetts Department of Revenue,

- c. Payment of license fee, and
- d. Workers' compensation insurance affidavit,

Please see attached list of licensee renewal applicants.

Each license has fulfilled the listed requirements. There are no new licensees. I am not aware of any information that would impact the Select Board's review and/or approval of each licensee's renewal application. I recommend the Select Board approve each licensee listed in the attachments for renewal for 2020.

## **Liquor Licensees**

1. Concord Wine and Spirits
2. Comellas
3. 42 Main Streets Market
4. 80 Thoreau
5. 99 Restaurant and Pub
6. Concord Provisions
7. Vintages of Concord
8. Asian Gourmet Sushi House
9. Residence Inn by Marriot Concord
10. Rapscaillon
11. Concord Market
12. Woods Hill Table
13. Concord Rod And Gun Club
14. Colonial Inn
15. Adelita
16. Crosby's Marketplace
17. Dino's Kouzina & Pizzeria
18. Karma
19. Fiorella's Concord
20. Walden Liquors
21. Musketaquid Sportsmen's Club
22. Nashawtuc Country Club
23. Nine Acre Wines
24. Papa Razzi
25. Saltbox Kitchen
26. Chang An
27. The Cheese Shop
28. Trails End Cafe

## **Innholder and Lodging Licensees**

1. Colonial Inn
2. Hawthorne Inn
3. North Bridge Inn
4. Timothy Wheeler House of Concord
5. Residence Inn by Marriot Concord

## **Taxicab / Livery Licensees**

1. Lincoln Concord Coach

## **Weekday Entertainment Licensees**

1. 42 Main Streets Market

2. 99 Restaurant
3. The Colonial Inn
4. Papa Razzi
5. Trails' End Café
6. Residence Inn by Marriott Concord
7. Saltbox Kitchen

### Weekday Entertainment Licensees

Name	Manager	Street Address	Entertainment
Main Streets Market	David Anderson	42 Main Street	Soft Live Music / Speaker
99 Restaurant	Meghan MacCarthy	13 Commonwealth Avenue	Live Entertainment "Soft Music"
The Colonial Inn	Margaret Harrington	48 Monument Square	Pianist, Guitarist, Jazz Musicians, Vocalists, Open Mike Night, Trivia Contests
Papa Razzi	Bryan Parkin	768 Elm Street	Live Entertainment in Lounge
Trails' End Café	Elizabeth Akehrst-Moore	97 Lowell Road	Soft Live or Recorded Music, guest speakers, bar games such as "Trivia"
Residence Inn by Marriott Concord	Mark Myles	320 Baker Avenue	Game nights, public speakers, and musical accompaniments for groups in meeting rooms and public areas
Saltbox Kitchen	Ben Elliott	84 Commonwealth Avenue	Live Music

### Innholder and Lodging Licensees

Name	Manager	License type	Street Address
Colonial Inn	Dorothy Harrington	Innholder	48 Monument Square
Hawthorne Inn	Mark & Antonia Vella	Lodging House	462 Lexington Road
North Bridge Inn, Inc.	Heidi S. Godbout	Innholder	21 Monument Street
Timothy Wheeler House of Concord	Anita Tekle	Lodging House	110 Walden Street
Residence Inn by Marriot Concord	Jason Raynor	Innholder	320 Baker Avenue

### Taxi Cab and Livery Licensee

Name	Manager	Address	Lic. #	Phone #
Lincoln Concord Coach Inc	Jeffrey Geraghty	18 Main St	2019-01	978 371-5600

## Liquor Licensees

<b>Name</b>	<b>Off Premise</b>	<b>On Premise</b>	<b>Address</b>
Concord Wine and Spirits	All Alcoholic Beverages		1216 Main Street
Comellas		Wines and Malt	33 Main Street
42 Main Streets Market		All Alcoholic Beverages	42 Main Street
80 Thoreau		All Alcoholic Beverages	80 Thoreau Street
99 Restaurant and Pub		All Alcoholic Beverages	13 Commonwealth Avenue
Concord Provisions	All Alcoholic Beverages		73-75 Thoreau Street
Vintages of Concord	All Alcoholic Beverages		53 55 Commonwealth Avenue
Asian Gourmet Sushi House		All Alcoholic Beverages	794 Elm Street
Residence Inn by Marriot Concord		All Alcoholic Beverages	320 Baker Avenue
Rapscallion		All Alcoholic Beverages	208 Fitchburg Turnpike Road
Concord Market	Wines and Malt		77 Lowell Road
Woods Hill Table		All Alcoholic Beverages	24 Commonwealth Avenue
Concord Rod And Gun Club		Wines and Malt	74 Strawberry Hill Road
Colonial Inn		All Alcoholic Beverages	48 Monument Square
Adelita		All Alcoholic Beverages	1200 Main Street
Crosby's Marketplace	Wines and Malt		211 Sudbury Road
Dino's Kouzina & Pizzeria		Wines and Malt	1135 Main Street
Karma		All Alcoholic Beverages	105-107 Thoreau Street
Fiorella's Concord		All Alcoholic Beverages	24 Walden Street
Walden Liquors	All Alcoholic Beverages		18 Walden Street
Musketaquid Sportsmen's Club		All Alcoholic Beverages	250 Old Mill Road
Nashawtuc Country Club		All Alcoholic Beverages	1861 Sudbury Road
Nine Acre Wines	All Alcoholic Beverages		1624 Sudbury Road
Papa Razzi		All Alcoholic Beverages	768 Elm Street
Saltbox Kitchen		All Alcoholic Beverages	84 Commonwealth Avenue
Chang An		All Alcoholic Beverages	10 Concord Crossing
The Cheese Shop	Wines and Malt		29 31 Walden Street
Trails End Cafe		All Alcoholic Beverages	97 Lowell Road