

GENERAL GOVERNMENT

TOWN CLERK

Kaari Mai Tari

Vital Statistics

Births Registered in Concord (114 to Concord residents)	1,357
Deaths Registered in Concord (147 Concord residents)	286
Marriages Registered in Concord (29 Concord residents)	65

Staff

Town Clerk's Office increased staffing in 2019. Nathaniel Smith filled the newly created position of Municipal Archivist / Records Manager. Assistant Town Clerk Patricia Clifford, Assistant to the Town Clerk Arlene Fitzpatrick also welcomed Office Assistant Kathy Deschenes to the Town Clerk's team. Special thanks to Ruth Lauer for assisting in the office during limited staffing and for her work on a special project to properly label and index town-owned land files currently held by the Town Clerk's Office. Information about the elections and town meeting functions of the Town Clerk are reported elsewhere in this Town Report, under the Board of Registrars.

Vitals

The presence of Emerson Hospital in the community results in a high number of birth recordings in Concord. The number of births, deaths and marriages remained fairly constant compared to past years as illustrated in the table below. In addition, the staff processed 94 Affidavits & Corrections of Vital Records, and issued 248 burial permits. Our online offering for the purchasing of birth, death and marriage certificates continues to be very popular with customers, with 50% of our transactions being requested and completed online. This online offering allows us to provide expedited service for vital records (at an additional charge) and reduces the number of walk-in customers, allowing us to better manage the Division's workload.

Dog Licenses

Dog licensing was very active again this year with 1,910 licenses issued during the year. Staff participated in the Rabies Vaccination Clinic sponsored by the Board of Health in March.

Recorded Vital Statistics for Concord 2008-2019 (Numbers include babies born to Concord parents at other Massachusetts hospitals) (# of Concord residents is in parenthesis)

Year	Births	Deaths	Marriages
2019	1,357(114)	286 (147)	65 (29)
2018	1,299 (89)	310 (154)	45 (14)
2017	1,301 (109)	351 (172)	62 (29)
2016	1,329 (113)	347 (164)	70 (30)
2015	1,215 (104)	356 (163)	83 (40)
2014	1,229 (100)	349 (160)	77 (32)
2013	1,194 (126)	397 (174)	81 (35)
2012	1,175 (103)	371 (169)	67 (32)
2011	1,213 (98)	360 (156)	80 (33)
2010	1,191 (107)	386 (159)	84 (32)
2009	1,204 (126)	375 (139)	76 (25)

Town Meeting

The Town Clerk and staff attended and recorded the proceedings of the Annual Town Meeting during the year. For all Town Meeting events, we offered a daily update of the previous evening's session on the Town's web site, which proved very popular with residents. Town Meeting minutes are included elsewhere in this Report.

Recordings

The Department issued 135 Business Certificates, recorded 76 Historic Districts Commission decisions, and 34 Zoning Board of Appeals decisions during the year.

Public Records Requests

Serving as one of the Town's Records Access Officers, the Town Clerk registered or coordinated the town's response for 102 requests for access to public records. This does not include public records requests that Town Departments respond to individually. Public records access guidelines are available on the Town's website and are posted in the Town House.

Records and Archives Management

The Records Management Bylaw was amended this year by Annual Town Meeting to create a Municipal Archivist/Records Manager position that is appointed by the Town Manager. Nathaniel Smith took on the task of assessing the oldest many collections that comprise the Municipal Archives. This collection is currently housed in the vault shared with Special Collections at Concord's Free Public Library and dates back to the 1600s.

Committee-related activities

During the year, the staff swore in new committee and board appointees and posted 823 public meetings and agendas. The Town's website is the official posting location for meeting and agenda postings. Agendas are also posted on the main bulletin board in the lobby of the Town House. The Office provided information to staff, boards and committees, and citizens on the issues of the Open Meeting, Public Records, Conflict of Interest, and Campaign & Political Finance Laws, and maintained records of completion of the mandatory state ethics training by committee and board members. The Town Clerk's Office participated in the annual Effective Governance Workshop and How to run for office (co-sponsored with the LWV).

Other Business

Department staff prepared and recorded 53 new cemetery deeds and continued to maintain the cemetery deed, burial permit, and lot records. 18 raffle permits were issued to community non-profit organizations. The Town Clerk's Office offers Notary Public services for customers with proper identification. A nominal fee is charged, and appointments are recommended for complex documents. In addition, several staff members have been appointed by the Governor's Office to serve as "Commissioners to Qualify," which authorizes us to administer the Oath of Office to individuals appointed as a Notary Public or Justice of the Peace in Massachusetts. We continued to receive and process routine genealogical requests, referring the more complex ones to the Municipal Archivist.

Feel free to contact our office if you have any questions (978-318-3080). Visit the Town's web site (www.concordma.gov), or contact us via e-mail at townclerk@concordma.gov.

BOARD OF REGISTRARS

E. Joanne Mente, Chair (D)
Wendy Ann McNally (R)
Helen N.H. Brady (R)
Kaari Mai Tari (U), Town Clerk

The four-member Board of Registrars consists of not more than two members from each of the major political parties--three members appointed by the Select Board, plus the Town Clerk. By virtue of the position, the Town Clerk is a participating and voting member of the Board of Registrars.

Note: Detailed voter registration, election results, and town meeting minutes are reported elsewhere in this Report.

Voter Registration

The Town Clerk's Office continued to utilize the state's Voter Registration Information System for voter registration. This system connects Concord with Town Clerk's offices across the state to avoid duplication of voter registrations, and allows residents to register to vote or change their address or party affiliation at the Registry of Motor Vehicles. The system supports online voter registration and pre-registration of 16 and 17 year olds.

During the year when we encountered petition signers who were not registered voters in Concord and therefore could not be certified as signers; we mailed voter registration information to them. We also mailed election information to residents who are eligible but have not yet registered to vote. Concord Carlisle Regional High School held several voter registration sessions resulting in many new voters. Town Clerk's Office staff processed 759 voter registrations. This included new voters as well as changes to existing registrations and ended the year with a total of 13,456 voters. In addition, 497 voters were deleted (moved, deceased, or following four years of inactivity and notification of removal), 246 voters switched parties, and 641 were placed on Inactive Voter status due to either not returning a census form, or information that we received that they no longer live in Concord. Inactive voters who still reside in Concord will need to return the annual census form or complete an affirmation of continuous residence form at the polls and show ID in order to be able to participate in an election or at town meeting.

Census

The Annual Town Census is conducted exclusively by mail. Census forms were distributed to residents in late December. The 2019 population per the town census was 16,365. Note that the town census does not include inactive voters of the prison population, while the federal decennial census counts the prisoners (approximately 1,500 additional residents).

Town Caucus—January 29, 2019

The Town Caucus was attended by 63 voters. Candidates were nominated for the offices of Town Moderator, Select Board, School Committee and Housing Authority. The Caucus nominated three candidates for two available seats on the Select Board. All participants in the Caucus and especially the candidates are applauded for their commitment to public service and the election process in Concord. Caucus minutes are included else-where in this report.

Annual Town Election—March 26, 2019

The 2019 Annual Town Election experienced a higher turnout than the year before with 1,491 or 11.24% of the Town’s voters going to the polls as compared to only 499 (3.79%) voters from the year before. Absentee ballots were distributed to 112 voters.

Annual Town Meeting—April 8, 9 and 10, 2019

The Annual Town Meeting featured 46 Warrant Articles (including one submitted by petition) and was attended by 927 registered voters on the first session, 602 on the second session, 320 on the third and final

session. In total, 1,268 voters (9%) participated across the three sessions of Town Meeting.

Special Town Election – June 4, 2019

A Special Town Election was held on June 4th to consider a debt exclusion to study the feasibility of constructing a new middle school, including schematic design of one or more options, consistent with Concord’s sustain-ability goals and principles. Voter approved the measure with 87% in favor to 13% opposed. A total of 1,513 voters participated for an 11.36% turnout. Absentee ballots were distributed to 71 voters.

Elections are complicated events that require many hands to ensure a smooth run. For that the Town Clerk is grateful to the Parks and Grounds Division, especially Tim Jones and Bob Fleming for ensuring a smooth flow at all the precincts through meticulous setup, the many Election Workers who come to trainings and sit for long hours to serve the voters of Concord, and the men and women of the Police Department who guarantee the security of the ballots and protect the safety of voters and the public each and every day.

Nomination Papers/Initiative Petitions

During the year the Clerk’s Office staff accepted and certified 1,238 signatures as follows: 1,110 for state ballot questions (initiative petitions) and candidates; 29 for Annual Town Meeting petition articles. Voters are re-minded to sign petitions legibly, with a name and address consistent with voter registration.

TOWN OF CONCORD SPECIAL TOWN ELECTION--JUNE 4, 2019 OFFICIAL TALLY PRECINCTS							
	1	2	3	4	5	TOTAL	% Margin
REGISTERED VOTERS	2,550	3,186	2,778	2,948	1,856	13,318	
TOTAL VOTES CAST	268	384	366	354	141	1,513	
% of Registered Voters	10.51%	12.05%	13.17%	12.01%	7.60%	11.36%	
QUESTION 1 -- Middle School Feasibility Study							
BLANKS	0	0	0	0	0	0	
YES	227	334	324	306	122	1,313	87%
NO	41	50	42	48	19	200	13%
TOTALS	268	384	366	354	141	1,513	

**TOWN OF CONCORD
ANNUAL TOWN ELECTION--MARCH 26, 2019
OFFICIAL RESULTS**

PRECINCTS	1	2	3	4	5	TOTAL
VOTERS PARTICIPATING	301	287	314	407	182	1,491
REGISTERED VOTERS	2,541	3,174	2,778	2,930	1,848	13,271
% of Registered Voters Participating	11.85%	9.04%	11.30%	13.89%	9.85%	11.24%

MODERATOR for 1 Year	Vote for Not More Than One					
Blanks	41	30	47	60	33	211
Carmin C. REISS	260	253	265	342	146	1,266
Misc. Write-Ins	0	4	2	5	3	14
TOTALS	301	287	314	407	182	1,491

SELECT BOARD for 3 Years	Vote for Not More Than TWO					
Blanks	76	81	75	124	35	391
Thomas McKEAN	162	128	145	179	96	710
Terri S. ACKERMAN	124	169	163	206	89	751
Susan A. BATES	239	194	243	305	143	1,124
Misc. Write-Ins	1	2	2	0	1	6
TOTALS	602	574	628	814	364	2,982

SCHOOL COMMITTEE for 3 Years	Vote for Not More Than TWO					
Blanks	199	130	158	223	100	810
Yuval ERLICH	191	202	224	274	127	1,018
Cynthia J. RAINEY	212	238	243	314	135	1,142
Misc. Write-Ins	0	4	3	3	2	12
TOTALS	602	574	628	814	364	2,982

CONCORD HOUSING AUTH for 5 Yrs	Vote for Not More Than One					
Blanks	73	44	60	85	39	301
Edward Tar LARNER	227	242	251	321	143	1,184
Misc. Write-Ins	1	1	3	1	0	6
TOTALS	301	287	314	407	182	1,491

CONCORD HOUSING AUTH - Vacancy	Vote for Not More Than One					
Blanks	79	50	63	92	40	324
Fatima MEZDAD	222	236	249	314	142	1,163
Misc. Write-Ins	0	1	2	1	0	4
TOTALS	301	287	314	407	182	1,491

TOWN MEETING VOTER PARTICIPATION 1997-2019

YEAR	# Nights	Highest One Night Attendance	Total Attendance all nights	Total Individual Voters	Registered Voters in Attendance
1998 ATM	4	355	1,391	628	6.2%
1999 ATM	4	960	2,375	1,299	11.6%
2000 ATM	4	925	2,613	1,290	11.0%
2000 STM (May)	1	923	923	923	7.9%
2001 STM (Jan)	1	448	448	448	3.9%
2001 ATM	5	1,277	3,416	1,727	15.0%
2002 ATM	4	930	2,321	1,215	10.5%
2003 ATM	6	912	3,109	1,368	12.2%
2003 STM (Aug)	1	883	883	883	7.9%
2004 STM (Mar)	1	405	405	405	3.5%
2004 ATM	4	1,330	3,524	1,977	17.2%
2005 ATM	3	816	1,616	1,032	9.0%
2006 ATM	5	888	2,537	1,297	11.0%
2007 ATM	3	1,390	2,402	1,568	13.6%
2007 STM (Apr)	1	565	565	565	4.9%
2007 STM (June)	1	1,819	1,819	1,819	15.8%
2007 STM (Nov)	1	1,283	1,283	1,283	11%
2008 ATM	3	816	1,509	925	7.7%
2009 ATM	3	539	1,382	802	6.7%
2010 ATM	4	528	1,926	946	7.9%
2011 ATM	3	843	1,904	1,147	9.5%
2011 STM (Apr)	1	514	514	514	4.3%
2011 STM (Nov)	1	1,664	1,664	1,664	13.6%
2012 ATM	4	831	2,311	1,183	9.7%
2012 STM (Apr)	1	651	651	651	5.4%
2013 ATM	3	1,352	2,878	1,795	14.2%
2013 STM (Dec)	1	1,043	1,043	1,043	8.2%
2014 ATM	3	684	1,589	894	7.0%
2014 STM (May)	1	684	684	684	5.4%
2015 ATM	4	840	2,001	1,171	9.4%
2015 STM (Apr)	1	842	842	842	6.7%
2016 STM (Feb)	1	168	168	168	1.5%
2016 ATM	3	416	1,093	595	4.9%
2016 STM (Dec)	1	220	220	220	1.6%
2017 ATM	4	921	1,959	1,110	8.4%
2018 ATM	4	524	1,791	955	7.0%
2018 STM (Oct)	1	387	387	387	2.9%
2019 ATM	3	927	1,849	955	7.1%

ATM = Annual Town Meeting; STM = Special Town Meeting

TOWN OF CONCORD VOTER REGISTRATION HISTORY -- 1960 TO 2018 (as of January 1)

YEAR	Democrats	%	Republicans	%	Unenrolled/ Independents	%	Other	%	Total
2019	4,744	35.74%	1,446	10.89%	6,998	52.72%	85	0.64%	13,273
2018	4,567	35.04%	1,537	11.79%	6,853	52.58%	77	0.59%	13,034
2017	4,586	34.90%	1,623	12.35%	6,858	52.19%	74	0.56%	13,141
2016	4,359	34.49%	1,672	13.23%	6,518	51.58%	88	0.70%	12,637
2015	4,331	34.42%	1,693	13.46%	6,506	51.71%	51	0.41%	12,581
2010	4,311	35.64%	1,774	14.66%	5,970	49.35%	42	0.35%	12,097
2005	3,988	34.47%	2,067	17.87%	5,425	46.89%	90	0.78%	11,570
2000	3,393	29.65%	2,110	18.44%	5,907	51.62%	34	0.30%	11,444
1995	3,268	31.61%	2,088	20.20%	4,975	48.12%	7	0.07%	10,338
1990	3,320	32.74%	2,335	23.03%	4,486	44.24%	0	0.00%	10,141
1985	3,446	32.67%	2,478	23.49%	4,624	43.84%	0	0.00%	10,548
1980	3,088	32.62%	2,393	25.28%	3,986	42.10%	0	0.00%	9,467
1975	2,863	31.58%	2,576	28.41%	3,628	40.01%	0	0.00%	9,067
1970	1,941	26.94%	2,724	37.81%	2,540	35.25%	0	0.00%	7,205
1965	1,391	20.01%	2,825	40.65%	2,734	41.85%	0	0.00%	6,950
1960	805	12.32%	2,574	39.40%	3,154	48.28%	0	0.00%	6,533

TOWN PROFILE			
as of January 1, 2019 census*			
POPULATION	15,445	Registered Active Voters	11,324
Adults (age 17 or over)	12,425	Political Party Affiliation:	
POPULATION BY AGE GROUP		Democrat	4,082
Under 20 years	3,790	Green Rainbow	4
20-29 years	1,376	Libertarian	33
30-39 years	948	Republican	1,228
40-49 years	1,941	Unenrolled	5,957
50-59 years	2,487	Other (Political Designations)	20
60-69 years	2,316	Total:	11,324
70 years and over	2,587		
TOTAL	15,445		
*Figures include 2019 Town Census respondents only, with responses received through June 25, 2019			

PERSONNEL BOARD

Ellen Quackenbush, Chair
Nancy Crowley
William Mrachek
Jim Richardson

The Personnel Board has responsibility for the administration of the Personnel Bylaw (Wage and Salary Classification Plan) of the Town and is supported by the staff of the Human Resources Department. The Town's Personnel Bylaw applies to approximately 190 regular-status employees and a few hundred temporary and limited-status employees. The Personnel Bylaw does not cover elected officers, employees with personal contracts, employees covered by collective bargaining agreements, and employees of the School Department.

Classification and Compensation

The Town maintains a formal Classification and Compensation Plan that provides a uniform system for grouping regular non-union positions based on job requirements and establishes salary ranges based on market conditions. The Personnel Board is responsible for recommending Plan amendments to Town Meeting. Structural adjustments and salary increases are intended to uphold Concord's tradition of maintaining total compensation rates (i.e., pay plus benefits) for most positions that are above average, but not top, among comparable municipal employers in order to keep the Town competitive in attracting and retaining competent employees.

FY20 Plan Structure Adjustments

The 2019 Town Meeting ratified 19 job title and classification actions. Furthermore, with adoption of the Classification and Compensation Plan effective July 1, 2019 (FY20) the following structural changes were made:

- a Media Specialist group, salary grade and range was added;
- a third salary grade and range to the Telecommunications Technicians group was added;
- the current EM-5 grade was renumbered as EM-6 and a new EM-5 salary grade and range was added to Electrical Management group;
- most salary range minimums, midpoints and maximums were increased by 2.5%
- the minimums of the SF-1 and HS-A ranges were

increased to the new Massachusetts minimum wage; and

- some Electrical Labor, Electrical Management, and Human Services ranges, as well as the MP-6 and TM-3 ranges were further increased by varied amounts.

No increases were applied to the EM-4 and HS-2 ranges, to the SF-1 maximum, or to the HS-1 minimum because they remained current within their labor markets.

FY20 Salary Increase Policies

Funding for all General Fund salary increases is contained in the "Salary Reserve" line item of the Town Manager's annual budget. This line funds structural and performance-based increases for non-union employees, and negotiated increases under collective bargaining contracts. Each fiscal year, the Town Manager and Personnel Board determine the actual salary increases to be received by non-union employees based upon the amount of money appropriated to the Salary Reserve.

Employees in the Trades-Crafts-Labor, Electrical Labor, Telecommunication Technician, Media Specialist, Administrative-Clerical, and Swim & Fitness categories were eligible for two salary increases during the fiscal year. Each of these employees who achieved satisfactory performance received a 2.5% structural increase plus a 2.5% performance increase, up to the maximum of their assigned salary range. Employees in the Managerial-Professional, Electrical Management and Telecommunications Management categories were eligible for one increase during the fiscal year. Each of these employees received a performance-based increase of 0% to 6.5%, up to the maximum of their assigned salary range. Wage increases for employees in the Human Services categories are influenced by limited external funding sources such as grant, gift, general and revolving funds and increases for managerial-professional Swim & Fitness employees are influenced by the financial status of the enterprise. Accordingly, separate systems for individually considering salary increases for these employees are maintained; where funds were available, these individuals were eligible to receive an increase which was limited to 5% unless market conditions warranted an additional adjustment.

Acknowledgment of Town Employees

Concord is fortunate to have many employees who have worked for the Town for numerous years. Some employees work year-round, while others work on a sporadic, seasonal, or limited-hours basis. Regardless of their status, we benefit from the experience and dedication of long-term staff members. Accordingly, on behalf of all Concord citizens, the Personnel Board would like to express our sincere appreciation and gratitude to all such employees for their many contributions and efforts.

We would like to make special mention of the following employees, all of whom had served the Town for 20 or more years of regular service as of December 2019:

HUMAN RESOURCES

Amy Foley, Human Resources Director

The Human Resources (HR) Department provided services to approximately 700 regular, limited, and temporary employees on issues relating to: administering the Personnel Bylaw, policies, and procedures; maintaining employee classification and compensation plans; monitoring personnel actions of all Town departments to ensure legal and policy compliance; managing employee recruitment and selection; coordinating orientation, training, and employee recognition activities; providing workers' compensation case management and administrative services; and designing and administering employee benefits programs. HR advised the Personnel Board and Town Manager on related issues; advised managers, supervisors, and employees on personnel matters; and assisted in labor negotiations and contract administration.

Employees with 20 or more Years of Service
Names noted with * are employees who retired in 2019

Finance Carolyn Dee	Human Services /Recreation Anita Stevanazzi-Hill	Planning & Land Mgmt Karen Byrne Tracy LaPierre Marcia Rasmussen Stanley Sosnicki	Public Works Alan Cathcart Susan Clark Thomas Ford Andrew Giles Peter Hardy Stephen Harrington Richard Hathaway Michael Haynes John Hesdorff Adrian Hone Patricia Hopkins Jeffrey Koranda Todd Manchuso Paul Reinhardt Robert Trainor*
Fire John Bendel, David Curran Paul Domenichella Bradford Ferrie John Gower William Haugh Marcus Jackson Thomas Judge Brian Lefebvre Sean Murphy Eric Nelson William Noke James Redmond Arthur St. John Brian Whitney	Library Karen Ahearn Fayth Chamberland Robin Demas Cynthia DiRenzo Patricia Pluskal Valerie Gay Weiss Leslie Wilson*	Police Scott Camilleri* Robert Capone Denise Caruso Joseph Connell Brian Goldman Timothy Landers Gerard Mearn Joseph Morahan* Roy Mulcahy* Jeffrey Shelley Sylvia Toumayan Christopher Troiano	Town Manager's Office Robert Landry Jonathan Straggas Christopher Whelan*
Human Resources Amy Foley	Light Plant Theodore Bartkus Martin Boermeester Ann Breitenwischer Rhonda Buscemi Philip Connell* Beverly DuFresne Peter Hughes John McGarry John Simeone David Wood		

In January, HR staff implemented a web-based applicant tracking system, which provides a more efficient method for posting jobs and processing employment applications. 113 recruitments and new appointments were managed and 2,659 applications for employment processed in 2019, which is more than a 50% increase in applications from 2018. In addition to improving the selection and hiring experience for both hiring managers and candidates, this system also reduces our carbon footprint by eliminating paper.

A second technology initiative was implemented in May, with the introduction of online benefits enrollment. This system provides employees with direct access to information regarding their benefit options, reduces paper processes, and increases accuracy and efficiency of benefit administration. Additional activities related to benefit administration this year included development and distribution of informational materials, coordination of educational sessions, individually assisting employees with questions, coordinating an employee benefits and wellness fair attended by approximately 150 employees, and promoting Minuteman Nashoba Health Group wellness programs. HR staff continued to work with the finance director to inform the Town's Insurance Advisory Committee on cost saving Health Savings Account Qualified (HSAQ) options, and to implement a premium incentive for enrollment in such plans. 21 coverage changes were processed during open enrollment, with 9 new enrollments in the HSAQ plans.

In preparation for the retirement of the town manager, the HR director arranged multiple strategic planning workshops for the senior management team designed to assist the organization in preparing for a change in leadership. The director also supported the select board with the town manager search process by assisting with procurement of search consultant services, arranging logistics for employee forums and interview processes, and advising on relevant employment-related matters.

In 2019, HR staff managed 73 leaves of absence in accordance with the Family and Medical Leave Act and/or medical leave policies, managed 40 work-related injury cases, and responded to multiple unemployment claims. Staff also verified and processed personnel

action forms for all employees, made arrangements for an employee appreciation picnic attended by 217 employees and for an ice cream truck visit enjoyed by approximately 350 employees. Among other duties, HR also coordinated 51 random DOT-required drug and alcohol tests and provided guidance and administrative oversight for several performance improvement plans, disciplinary actions, and terminations. 14 GEM (Go the Extra Mile) Certificates and 12 gift-certificate awards were processed in recognition of employee actions that were noted and appreciated by others. Human Resources also prepared proposals for and participated in union negotiations and mediations related to 5 collective bargaining agreements. The first agreement for the highway and grounds bargaining unit was finalized in 2019 after 3 years of negotiations; HR staff played a significant role in coordinating the implementation of those contract terms, including calculation of several years' retroactive salary adjustments.

Staff also coordinated several training initiatives in 2019. Policy orientations were conducted with 72 new employees to acquaint them with expectations of the Town. Arrangements were made for a professional trainer/attorney to provide training on harassment and workplace violence, and these seminars were attended by 59 new employees. New supervisors, either newly hired or new to a supervisory role, received additional training on employment law and performance management. Video-based training was provided for employees who could not attend in person. All employees were reminded of their biennial obligation to complete training on the Massachusetts Conflict of Interest Law. Furthermore, HR distributed the Town's harassment prevention policy and the Massachusetts Conflict of Interest Law summary Town-wide, along with an advisory reminding employees of their obligation to remain aware of all Town policies.

TOWN COUNSEL

Mina S. Makarious, Anderson & Kreiger LLP

The following is a description of the lawsuits by or against the Town filed or pending during 2019 and handled by Town Counsel:

James Balfour, Marianne C. Balfour and Robert A. Schulman, Trustee of the Robert A. Schulman Trust of 2014 v. Planning Board of the Town of Concord and Keuka Road, LLC (Massachusetts Land Court)

Appeal of Planning Board decision approving a four-lot residential definitive subdivision plan of land on Keuka Road. The private parties reached a settlement that does not require the assent of or participation by the Town. All parties filed a joint stipulation of dismissal in December 2019.

Fitch, et al. v. Zoning Board of Appeals of Town of Concord, et al. (Massachusetts Appeals Court)

Appeal from denial of zoning enforcement filed in 2016. Following trial in October 2017, Land Court upheld the denial. The Appeals Court affirmed that decision in February 2019 and the Supreme Judicial Court denied further appellate review in May 2019.

Higdon v. Chief Joseph O'Connor, Town of Concord Police Department (Massachusetts District Court)

Appeal of Police Department's denial of a license to carry firearms on the grounds of a prior misdemeanor conviction. Ambiguity in resolving discrepancies between federal and state law. Concord District Court found in favor of Mr. Higdon after hearing. No intention to appeal.

Michele I. Mandrioli; Claudette Cavelier; Peter J. Mandrioli, Jr.; and Paul J. Mandrioli v. Whitney S. Hamnet, II; Fern Folz; Gregory and Sharlene Dorothy; David P. Smyth and Anne C. Piessens; Town of Concord; Heirs of Edward W. Sheehan and Kathryn A. Sheehan (Massachusetts Land Court)

Action to remove a cloud on the title of property. The Town determined that it does not have an interest in the property, and entered into an Agreement for Partial Judgment dismissing it from the case in April 2019. Case is pending among the remaining parties. Town expects to be formally dismissed from the case when final judgment enters.

Perry, et al. v. Concord Zoning Board of Appeals, et al. (Massachusetts Superior Court)

Appeal from the issuance of a special permit and site plan review to the Concord Free Public Library for renovations to the existing library at 129 & 151 Main Street filed in November 2019. The plaintiffs and the Library (represented by separate counsel) are in settlement discussions.

Perry, et al. v. Concord Historic Districts Commission, et al. (Massachusetts Superior Court)

Appeal from a Certificate of Appropriateness issued by the HDC for renovations to the Concord Free Public Library. The plaintiffs and the Library (represented by separate counsel) are in settlement discussions.

Town of Concord v. Hitchcock, Rachel, et al. (Massachusetts District Court)

Town sought order to enforce order requiring homeowners to build fence to contain nuisance dog. Court ordered owner to rebuild fence in April 2019.

Town of Concord v. Neil E. Rasmussen, Anna W. Rasmussen, Brooks S. Read, Susannah Kay, Russell Robb III, Leslee Robb, and Thomas Wray Falwell, Trustees of the Pippin Tree Land Trust, President and Fellows of Harvard College, John K. Baker, Trustee of the Nielsen Realty Trust, and Nina I.M. Nielsen, Trustee of the Baker Realty Trust. (Massachusetts Land Court)

The Town is seeking a declaration and judgment for the right of public access to Estabrook Road, as well as an injunction against the Defendants for interfering with the public's right to access the road. Discovery in the case is scheduled to be completed by February 10, 2020. The Town has settled with Harvard College and the Baker/Nielsens. The Rasmussens, Read/Kays, and Robbs remain as defendants. The Town voluntarily withdrew its prescriptive easement claim to streamline discovery and trial.