

FOURTH DECLARATION OF RECESS AND CONTINUANCE OF CONCORD ANNUAL TOWN MEETING 2020

July 27, 2020

Pursuant to Massachusetts General Laws, Chapter 39, §10A, I declare on this day, July 27, 2020, that the Concord Annual Town Meeting originally posted for April 27, 2020, subsequently recessed and continued to May 29, 2020 by my Declaration of April 15, 2020, further recessed and continued to June 27, 2020 by my Declaration of May 26, 2020, and further recessed and continued to July 29, 2020 by my Declaration of June 4, 2020, **will be further recessed and continued to August 28, 2020 at 5:00 p.m. at the Concord-Carlisle Regional High School, with a further recess and continuance to September 13, 2020 at 1:00 p.m. anticipated.** I make this Declaration on the basis of my determination, following consultation with the Select Board, Town Manager, Police Chief, Fire Chief, Public Works Director, and Director of Public Health, pursuant to the Town Meeting Weather or Public Safety Emergency Protocol jointly adopted by the Moderator and the Select Board on March 19, 2020, that a public health and safety emergency may prevent voters from attending the meeting on July 29, 2020.

The nature of the emergency is the outbreak of the 2019 novel Coronavirus (“COVID-19”). In making this Declaration, I note that Governor Baker’s declaration of a state of emergency in the Commonwealth made on March 10, 2020 remains in effect and that the Governor authorized entry into Phase III “Vigilant” stage of his reopening plan on July 6, 2020, which includes outdoor and indoor theater and performance venues of moderate capacity (COVID-19 Order No. 43. Although the Governor has lifted the ban on outdoor gatherings in unenclosed spaces where social distancing is possible (COVID-19 Order No. 44), the MA Department of Public Health’s “Safer At Home” advisory of May 18, 2020, cautioning that “People over the age of 65 and people with underlying health conditions – who are at high risk for COVID-19 – should continue to stay home except for essential errands such as going to the grocery store and to attend to health care needs,” as well as the March 19, 2020 Declaration of Emergency for the Town of Concord, by which the Select Board and Director of Public Health recognized the public health threat posed directly to residents of the Town of Concord by the outbreak of COVID-19, remain in effect. In addition, while the Governor’s Public Health Indicators for Massachusetts have improved since June (with three factors in a positive trend, and three in progress), the indicators outside of Massachusetts have deteriorated significantly, resulting in the Governor’s issuance of an order to take effect on August 1, 2020, requiring travelers from outside New England/New York/New Jersey (including returning MA residents) to Massachusetts to produce a negative COVID-19 test performed within the preceding 72 hours, or to quarantine for two weeks.

Although the Governor’s orders explicitly exempt municipal legislative bodies (including town meetings), and the “Safer At Home” advisory is not mandatory, the public health determinations underlying the Governor’s orders and advisory and the Town’s Declaration of

Emergency support, if not compel, a determination that there would be a health risk to Concord voters, particularly those over 65 years old and those with underlying health conditions, in attending town meeting on July 29, 2020. According to the U.S. Census Bureau, approximately 20% of Concord's population is over the age of 65, which translates to approximately 25% of Concord's registered voters.

In addition to consulting with Town Officials, I have reviewed guidance from the Massachusetts Department of Public Health and the U.S. Centers for Disease Control and Prevention, case studies on the transmission of COVID-19 in public settings published in the New England Journal of Medicine, and the Planning Guide for Town Meeting During a Pandemic, published by the Massachusetts Moderators Association. Given the current risk of transmission of COVID-19 to vulnerable populations inherent in public gatherings, I conclude that further delaying the Annual Town Meeting is in the best interest of the Town of Concord and its citizens.

My Declaration recesses Annual Town Meeting to August 28, 2020 at 5:00 pm, two hours earlier than the originally posted time in order to take advantage of daylight hours, should it be advisable to conduct the meeting outdoors. Pursuant to Mass. Gen. Laws. ch. 39, §10A, I do not have the authority to continue the Annual Town Meeting for longer than 30 days from its last continued date, July 29, 2020, but I do have the authority to issue further continuances, if appropriate. It is expected that the COVID-19 emergency will not have abated sufficiently by August 29 render the public health risk to voters low enough to hold the meeting. I intend to declare at least one additional recess and continuance, to September 13, 2020 at 1:00 p.m., and others of up to 30 days each, as necessary, until the meeting can be held safely. In considering further continuances of the meeting, I will continue to follow the Town Meeting Weather or Public Safety Emergency Protocol.

Issued in Concord, Massachusetts at 3:30 p.m.,
this 27th day of July, 2020.

Carmin C. Reiss

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Town Moderator