

**TOWN OF CONCORD
SELECT BOARD
AGENDA
AUGUST 10, 2020
4:00PM
VIDEO CONFERENCE CALL**

Join Zoom Meeting

<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CzdQM0EvWVVFZz09>

Meeting ID: 840 9239 5810

Password: 865209

One tap mobile

+16465588656,,84092395810# US (New York)

Dial by your location

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Meeting ID: 840 9239 5810

Find your local number: <https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CzdQM0EvWVVFZz09>

1.	Call to Order
2.	Consent Agenda <ul style="list-style-type: none">• Town Accountants Warrants• Gift Acceptance<ul style="list-style-type: none">- WiFi Hotspot Van for Town Meeting from Comcast
3.	Town Manager Update
4.	Chair's Remarks
5.	Schools' Reopening Plans – Superintendent Hunter
6.	Public Hearing: Livery License Application from Home is Best Care Transportation LLC, located at 336 Baker Avenue
7.	Continued Public Hearing – Library Agreement
8.	White Pond Advisory Committee Recommendations
9.	Discuss Liquor License Rebates
10.	Town Counsel Review of Local Business Assistance Proposal
11.	Committee Nominations
12.	Committee Liaison Reports
13.	Miscellaneous Correspondence
14.	Public Comments
15.	Adjourn

TOWN OF CONCORD

Application for a License to Conduct a Taxicab or Livery Business

NEW License: \$50.00/vehicle

Owner Name: (print)	Home Is Best Home Healthcare LLC		
Business Name: (print)	Home Is Best Care Transportation LLC		
d/b/a:			
Business Address:	336 Baker Ave, Concord MA 01742		
Business Telephone #:	978-771-4249		
Business Certificate #:		or Articles of Incorporation attached:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Owners License #:			

Citizen: Yes No Date of Birth: 02/06/1972

Copy of lease attached : (if applicable) Yes No

APPROVAL: Prior to approval of a Taxi/Livery License, the applicant must receive approval from the department listed below. Only then will consideration of the license be put on the Selectmen's agenda.

Building Commissioner: _____ Approved: Disapproved:

Remarks: Ray Myette 5/29/2020

Location where the ground transportation vehicle(s) will be parked or stored: 336 Baker Ave, Concord MA 01742

Number of Vehicles: 1

Year	Make	Model	Registration #
2015	Toyota	Sienna	<u>LY80902</u>

Are vehicles used registered by the applicant? Yes No

Description of rates and fees: _____

I have read the attached Rules & Orders pertaining to the operation of taxicabs and livery vehicles in the Town of Concord and agree to abide by them. I understand that each operator, including the owner, must have a separate license to operate a taxicab or livery vehicle in the Town of Concord. The separate license is issued by the Concord Police Department.

Applicant Signature: Juvia Mubasa Date: 1/14/2020

Paid: \$ _____ Date Application Received: _____



The Commonwealth of Massachusetts
Town of Concord

Fee: \$40.00

Business Certificate

Certificate #: 2020-32
Issue date: 04.03.2020
Expiration date: 04.03.2024

In conformity with the provisions of Ch.110, §5 of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

Name of Business: Home Is Best Care Transportation LLC
Nature of Business: Providing Transportation Services is conducted at
Location of Business: 336 Baker Ave, Concord, MA

Please provide street address. List mailing address as well, if different.

by the following named persons:

Table with 2 columns: Owner Name(s) and Owner Residence Address(es). Row 1: Home Is Best Home Care LLC, 336 Baker Ave, Concord, MA

* If a corporation is the owner, provide the corporate name and address, plus the name and title of the signing officer.

Sign below, only in the presence of a Notary Public or the Town Clerk.

- 1. Jan Mukasa
2.
3.
4.

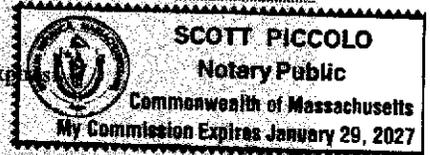
State/Commonwealth of: Massachusetts
Middlesex, ss.

Date: 3-23-2020

Personally appeared before me the above-named Jan Mukasa and made oath that the foregoing statements are true. Signed and sealed.

Scott Piccolo
Notary Public / Town Clerk

My commission expires



State/Commonwealth of:
, ss.

Date:

Personally appeared before me the above-named and made oath that the foregoing statements are true. Signed and sealed.

Notary Public / Town Clerk

My commission expires

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

(Town Seal)

[Signature]

Town Clerk



Home Is Best Care Transportation, LLC
336 Baker Ave, Concord MA 01742
(978)-435-3775

Standard Service Rates

Pick-up Fee: \$ 30.00

Per Mile Rate: \$ 2.00 / mileage begins at pick-up location

Return Fee: \$ 30.00*

*Return fee is waived if return is within 1 hour of pick up time.

Add on Services:

Companion/Caregiver: \$ 30.00/Hour

Recurring Ride Program: Pick up Fee: \$25.00 Return Fee: \$25.00

Group Events: Call for rates

TO: Select Board

FROM: Michael Lawson

DATE: August 7, 2020

SUBJECT: Proposed Changes to the Library Agreement Following the Select Board Public Hearings held on July 27, 2020 and August 3, 2020 and in Response to Correspondence Received by the Select Board

This memorandum continues and updates the list the concerns raised at the Public Hearings and from letters we received. It also lists a few proposed editorial changes. Our responses are in red below and are reflected in the revised Draft Agreement, revised August 7, 2020 and posted on the Select Board's section of the Town website.

There were three primary issues raised at the first Select Board Public Hearing with regard to the agreement:

1. Concern about a conflict of interest if the director and curator are operating on behalf of the Corporation. I have forwarded Mav Pardee's remarks, which I asked her to email to me, along with a copy of the draft agreement to Town Counsel. **We will await the opinion of Counsel.**
2. Concern about the unfinished maintenance MOU. **After the first Public Hearing, we deleted the current language and replaced it with language indicating that maintenance is the responsibility of the Library Corporation and janitorial services are the responsibility of the Town. Following the second Public Hearing, the paragraph was further revised (See below the paragraph that begins, 'At the second Public Hearings...')**
3. Language in Section 10 is not sufficient with respect to the Town's ability to provide funds for renovation and/or expansion of the Library. **We have added, "if appropriated at an Annual or Special Town Meeting."**

A citizen letter suggested that the agreement should be explicit in defining the director's responsibility to include staffing levels and staff supervision. **We have added "Determination of Staffing Levels" to Section 3. However, staff supervision is already included as a responsibility of the Library Director.**

We also received a letter from former members of the Public Private Partnership Committee. Their letter raised process concerns and concerns about signing the maintenance agreement without first completing the MOU and asked the Select Board to postpone a decision until the Library Committee has provided input. **We have dealt with the MOU issue above and the Select Board did postpone its decision until receiving input from the Library Committee.**

On Friday, July 31st the Select Board received written comments from the Library Committee.

They raised the following issues. The first issue raised was concern about the clarity of the Library Committee's role and charter. **We added to the footnote: "The Library Committee's Administrative Code defines the role and responsibility of the Library Committee."**

The Committee raised issues about the roles of the Town Manager and Library Director as reflected in Section 2. **We change the language in the first sentence of Section 2 to better reflect the intent of the Section.**

The Committee also raised the issue of staffing and conflict of interest. **We addressed these concerns above.** The Committee suggested additional items be added to Section 5 Ownership of Property. **We have added "intellectual property, branding materials, logos" to the section for both the Town and the Corporation.**

Finally, the Committee suggested that to improve communication between the Corporation and the community, that the Corporation 'extend a standing invitation to the Library Committee to appoint a member to attend Trustee meetings in order to stay up-to-date on Corporations activities...' Further, it suggested that the Corporation be offered the opportunity to be on the Committee's agenda to provide updates. **We added a paragraph to Section 11, "From time to time during the fiscal year, the Library Corporation shall provide an opportunity for members of the Library Committee to attend**

Library Corporation meetings.” The Corporation already attends Library Committee meetings as necessary.

We received an email from the Town Clerk indicating that in Section 5, Ownership of Property, that is the paragraph about Town ownership, town records should be included. **We have added, “All Town records, including pre-1870 town records and all proprietors’ records, are also owned by the Town.”**

Sunday evening we received a memorandum from Ned Perry in which he raised a number of issues. They are:

1. The deletion of the words “easily’ and “entire” from the first purpose of the Library. This was raised in concern for the Americans with Disabilities Act. **We have added ‘(which shall comply with applicable State and Town accessibility requirements)’ to Section 1. And, we have added the word ‘easily’ to Section 1, number 1.**
2. A process concern that earlier drafts were not shared with the public nor with key members of the Town staff, mentioning, specifically the Town Clerk. **We have heard from the Town Clerk and have incorporated her suggestion for revision to the ownership section to include town records.**
3. That the agreement makes no mention of the Library Committee Administrative Code. **This was addressed above.**
4. Concerns about the proposed MOU regarding maintenance. **This too is addressed above.**
5. Stepping ‘back and facilitating a full community review of the draft agreement from the perspective of the relevant Town Committees and Administrative Departments.’ **We don’t believe this is necessary.**
6. Amend Section 4, number 10 to read “Scheduling special events and programs in coordination with the Corporation, the Friends of the Library and the Umbrella Arts Center.’ **No action is proposed.**
7. The Draft Agreement does not “contain a single word about our sustainability commitment as part of the policies, practices or obligations of the Corporation – or the Town – moving forward.” **We have added ‘including sustainability’ to the last paragraph of Section 10.**

At the second Public Hearing, Terri Ackerman made comments about including a reference to contracting with the Town in Section 7. That led us to add specific language to Section 7. It now reads: “Responsibility for maintenance of the Library's buildings, structures and grounds shall

continue to be the sole responsibility of the Library Corporation and funds therefore shall be included in the Corporation's annual operating budget. Contractors and vendors for maintenance supplies and services (which may include Town staff and resources) shall be selected, contracted, and paid for by the Corporation. Janitorial and cleaning services shall remain the responsibility of the Town.”

Tanya Galius raised concerns about the language ‘from time to time’ in Section 11 as too vague. Sections c and d have been rewritten as follows:

"(c) During each year the Library Director shall provide opportunities for Library staff department heads to attend regularly scheduled Board meetings of the Corporation’s Trustees to acquaint the Trustees with their current Library activities.

(d) During each year, the Library Corporation shall provide opportunities for members of the Library Committee to attend Library Corporation meetings."

Finally, in reviewing the agreement, we made a few editorial changes:

1. Quotation marks were corrected in the introductory section.
2. Parenthesis were returned to the first sentence of Section 2: (in coordination with the Library Committee) and the Corporation.
3. We have added a comma after the word “software” in the Owned by the Town and Owned by the Corporation paragraphs of Section 5.
4. We have added, “intellectual property and” to Section 6 (3).
5. We have removed the word ‘the’ from Section 11 (d).

The Select Board is grateful for the input.

TO: Select Board
FROM: Michael Lawson
DATE: August 10, 2020
SUBJECT: Ethics Question Raise at the Library Agreement Public Hearing

As you know, after hearing the concern raised about a possible ethics issues in the Library Agreement, I forwarded the issue and the agreement to Town Counsel.

He responded this morning:

“With respect to the questions regarding the Conflict of Interest Laws, the Agreement makes clear that fundraising is the primary responsibility of the Corporation and the Director has a duty to engage in these fundraising activities only to the extent of the Director’s general responsibilities set by the Town, as described in the Agreement. I have clarified this further in the Agreement as suggested by the comments. We also outlined the conditions that render Town employee participation in library fundraising permissible in the “Guide to Fundraising for Town Employees” that my colleague Sam and I prepared earlier this year (attached). You will see those conditions in the highlighted language on page 3.”

He proposed the follow changes to Section 4 (I have reproduced just that part of the section relevant to his suggestions).

SECTION 4. ADMINISTRATION

The Library Director shall have the primary responsibility for the operations of the Library. The Library Director shall attend the Corporation’s monthly meetings and report on Library operations and staff activities. The Library Director shall, to the extent consistent with the Library Director’s duties as established by the Town, support the functions of the Corporation and the policies and procedures related to its areas of responsibility and shall also be responsible for implementing the policies and procedures of the Town and those of the Corporation developed pursuant hereto.

The duties of the Library Director, as delegated by the Town Manager, may include but are not limited to the following:

1. Overall supervision of Town Library staff;
2. Administering Town finance policies relating to Town Library employees;
3. Administering the use of Town funds as budgeted for the Library;

4. Administering the use of Corporation funds as budgeted for Library supplies, materials, equipment and services;
5. ~~Delete the line 'Support the Corporation's activities and responsibilities~~
6. Selection and removal of Town owned books and materials;

Below are the 'highlighted' conditions referred to on page 3 of the Guide to Fundraising by Town Employees sent to the Town Manager and prepared by counsel, dated January 30,2020. (I have removed the yellow highlighted)

Fundraising for Government-Related Purpose

Fundraising for an organization, such as the Public Library, which serves a public purpose and is associated with the Town but is not a Town entity is permissible as long as the employee DOES NOT:

- Receive compensation from or represent the non-profit in any matter in which the Town has a direct and substantial interest.
 - It is not sufficient for employees to recuse themselves from such matters, unless the employee has been designated as a special employee.
- Reference their official position while fundraising.

Employees fundraising for government-related purposes MAY:

- Use public resources to fundraise.
- Participate in Town matters that affect the organization.

AGREEMENT

The Town of Concord is a Massachusetts municipal corporation chartered in 1635 with its principal place of business at the Town House, 22 Monument Square, Concord, Massachusetts 01742 (the “Town”).

The Concord Free Public Library Corporation is a Massachusetts charitable corporation created by Chapter 99 of the Acts of 1873 which provided that “Ebenezer R. Hoar, Grindall Reynolds, George M. Brooks, George Keyes and Henry F. Smith, and their successors, are made a corporation by the name of the Concord Free Public Library” for the statutory purpose of forming and maintaining a public library in Concord. The Town transferred the Town library to the Corporation on October 1, 1873 pursuant to the vote of the Town taken on March 31, 1873...“for the use and benefit of the citizens of the town.” The Act also authorized the Town to fund the expense of maintaining and staffing the Library. The Corporation has a principal place of business at 129 Main Street, Concord, Massachusetts 01742 and also owns the property at 151 Main Street, Concord and provides the Fowler Branch Library in West Concord.

The Library Committee appointed by the Select Board in accordance with Section 2 of the Town Charter functions in accordance with its charge¹ as the same may be amended from time to time.

This Agreement sets out the relationship between the Corporation and the Town relating to the Library.

¹ Currently the Library Committee consists of seven members appointed by the Select Board for staggered three-year terms to work with the Library Director to achieve specific goals in support of the Library. [The Library Committee’s Administrative Code defines the role and responsibilities of the Committee.](#)

SECTION 1. LIBRARY MISSION

The Library is a joint resource of the Town and the Corporation herein (the "Library"). The mission of the Library is to serve the Concord Community as a primary source of information and ideas for educational, intellectual, business and recreational pursuits. The Library's mission is to inspire lifelong learning and to actively promote personal enrichment by connecting community members to information, ideas, culture, unique historical resources, and each other in a tradition of innovation and excellence. The Corporation is responsible for providing the buildings, grounds and facilities (which shall comply with applicable State and Town accessibility requirements) to support and assist the Library's mission and its Strategic Plan as well as the oversight, maintenance, preservation, protection, improvement and expansion of the buildings, grounds, and Special Collections (as hereinafter defined in Section 6 (3), and other property of the Library owned by the Corporation.

To accomplish the Library's mission, the Library shall:

1. Provide, in an easily accessible, efficient and attractive manner, a collection of informational and recreational materials which responds to the needs of the Concord community;
2. Maintain referral capabilities through a knowledge of available interlibrary and interagency resources including internet and on-line databases;
3. Employ persons professionally skilled in supplying information and ideas through books and other media and through special programs and exhibits; and
4. Make the Concord community aware of the services the Library provides.

SECTION 2. LIBRARY POLICIES

To carry out the mission of the Library, the Town (in coordination with the Library Committee) and the Corporation, may, from time to time, make decisions and establish procedures affecting each entity's respective area of responsibility.

Michael Lawson 8/5/2020 4:49 PM

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Michael Lawson 8/1/2020 8:34 AM

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Decisions and procedures of the Town are those affecting the operation and staffing of the Library and the expenditure of Town resources for Library purposes. Decisions and procedures of the Corporation are those affecting (a) the use and availability of buildings, grounds, furnishings, Special Collections and other materials or items owned by or under the care, custody and control of the Corporation and (b) the expenditure of Corporation funds for Library purposes.

The Corporation and the Town may each enact policies relating to each entity's area of responsibility but policies of the Corporation that may affect operation and staffing of the Library and Town policies that may affect those areas of responsibility of the Corporation shall not be inconsistent with one another. Inconsistencies, if any, shall be resolved in a spirit of mutual cooperation and collaboration between the Town and the Corporation.

SECTION 3. TOWN AND CORPORATION RESPONSIBILITY

The Town may make decisions and establish procedures relating to its areas of responsibility including the following:

1. Hours of Library operation;
2. Determination of Staffing Levels
3. Availability of Library services;
4. Setting fines and fees;
4. Acquisition and disposition of Town owned materials; and
5. Setting periods and limitations on circulating materials.

The Corporation may make decisions and establish procedures relating to its areas of responsibility including the following:

1. Budgeting Corporation funds for the maintenance, improvement, insurance, and security of the grounds, buildings, physical plant, equipment, furnishings, Special Collections, and other tangible personal property belonging to or on loan to or controlled by the Corporation;

2. Regulating the use and availability of its buildings, grounds, and Special Collections for events, programs, meetings, and exhibitions;
3. Investment and distribution practices governing the Corporation's endowment, gifts and miscellaneous income;
4. Fund raising in support of Corporation purposes, including annual appeals, capital campaigns, fund-raising events, grants from foundations or government authorities, bequests and planned giving, and such other fundraising tools and support services as the Corporation in its discretion may employ;
5. Awarding scholarships including those required by restricted gifts; and
6. Use of all vault space in Library buildings subject to Section 6.2 (iv) and (v) hereof.

SECTION 4. ADMINISTRATION

The Library Director has primary responsibility for the operations of the Library. The Library Director shall attend the Corporation's monthly meetings and report on Library operations and staff activities. The Library Director shall also support the functions of the Corporation and the policies and procedures related to its areas of responsibility and shall also be responsible for implementing the policies and procedures of the Town and those of the Corporation developed pursuant hereto.

The duties of the Library Director, as delegated by the Town Manager, may include but are not limited to the following:

1. Overall supervision of Town Library staff;
2. Administering Town finance policies relating to Town Library employees;
3. Administering the use of Town funds as budgeted for the Library;
4. Administering the use of Corporation funds as budgeted for Library supplies, materials, equipment and services;
5. Support of the Corporation's activities and responsibilities;
6. Selection and removal of Town owned books and materials;

7. Allocation of space within the Library buildings for Library purposes in coordination with the Corporation;
8. Emergency closing of Library buildings in coordination with the office of the Town Manager;
9. Facilitating communications, as appropriate, between and among Library staff, Town Staff, the Corporation, Library Committee, the Friends of the Library, and Library volunteers and regularly informing the Town Manager and the Corporation as to Library matters;
10. Scheduling special events and programs in coordination with the Corporation and the Friends of the Library;
11. Coordinating the use of the Library rooms by community groups in accordance with Library room use policies as posted on the Library website and the development of community outreach and awareness programs;
12. Establishing new, or terminating existing, services, or programs in coordination with the Corporation;
13. Establishing and administering procedures in coordination with the Town Manager and the Corporation providing for the safety and security of Library employees and patrons; and
14. Coordinating with the Corporation as to the content of the Library web site and inclusion therein of matters related to the Corporation's responsibilities.

SECTION 5. OWNERSHIP OF PROPERTY

Title to property used by the Library is and shall be owned as follows:

Owned by the Corporation

Land and landscaping; buildings; furniture, shelving, fixtures; books, art, musical instruments; computers, printers, software, intellectual property, branding materials.

logos and other materials or equipment or systems purchased with funds of the Corporation or given thereto; Special Collections; materials owned, given to or purchased by the Corporation; and Endowment and other funds given to or held by the Corporation.

Owned by the Town

All books, periodicals, electronic media, shelving, equipment, furniture, electronic and data processing equipment, software, intellectual property, branding materials, logos and other materials or equipment or systems purchased with Town funds. All Town records, including pre-1870 town records and all proprietors' records, are also owned by the Town.

SECTION 6. DIRECTOR, CURATOR, SPECIAL COLLECTIONS, VAULT SPACE

(1) The Library Director is a Town employee appointed by the Town Manager and serves under the direction of the Town Manager. The Town Manager shall appoint and evaluate the Library Director in a manner consistent with Town Personnel policies and procedures. In appointing or terminating a Library Director the Town Manager shall seek the opinion of the Corporation before taking such action. In evaluating the performance of the Library Director, the Town Manager shall annually seek or receive (orally or in writing) the opinion of the Corporation. The Corporation shall appoint a representative to provide input on the Library Director's performance.

(2) The Curator is a Town employee appointed by the Town Manager and serves under the direction of the Library Director in coordination with the Corporation and has the following responsibilities:

- (i) To serve along with the Library Director on the Corporation's Special Collections Committee which meets monthly at the discretion of the Corporation for various purposes including developing policies in respect of Special Collections, planning exhibitions, events, and programs; advising on acquisitions, acceptance of gifts and collaboration with other entities including

libraries and museums; and advising on budgeting for Special Collections and related activities;

(ii) To manage use of the Main Library Art Gallery, and the Community Meeting room in the Fowler Branch Library and such other space as may be designated from time to time for Special Collections exhibitions (“Exhibition Space”). The Curator will be a member of any committee created to manage the Exhibition Space and shall give priority to Special Collections exhibits in said Exhibition Space:

(iii) To manage Special Collections in accordance with the Corporation’s goal of making it fully available to the public and as a research resource to scholars subject to reasonable regulations consistent with practices of similar institutions;

(iv) To exercise care, custody and control, in concert with the Town Archivist, of Town records deposited by the Town Clerk in the vault of the Main Library building provided that such Town records will be non-current documents of historic value (“Historic Town Records”) and shall not occupy more than 50% of the vault in the Main Library building which will also house Special Collections in vault space not occupied by Historic Town Records; and

(v) To develop security procedures for access to all materials, including Historic Town Records and Special Collections, in all vault space in the Corporation’s Library buildings including such additional vault space that in future may be constructed by the Corporation.

The Curator shall not be responsible to the Corporation for damage or loss to Special Collections when taking the same standard of care as the Curator uses in managing other materials of the Library or Town records. The Corporation shall remain fully responsible for damage or loss to Special Collections in the event that the Corporation does not follow the Curator’s recommended security procedures or the Curator’s recommendations relating to public access to Special Collections.

(3) For the purposes of this Agreement the term "Special Collections" shall mean all those works of art, sculpture, musical instruments, manuscripts, letters, books, documents, photographs, broadsides, ephemera, or other materials (including without limitation, intellectual property and those works described in written appraisals prepared for the Corporation from time to time by Skinner Appraisal Services or in any other qualified appraisal commissioned by the Corporation) and objects such as weather vanes and surveying equipment, at any time owned, given to, purchased by or on loan to or under the care, custody and control of the Corporation.

(4) In appointing or terminating the Curator the Library Director shall seek the opinion of the Corporation President before recommending such action to the Town Manager. In evaluating the performance of the Curator the Library Director shall annually seek or receive (orally or in writing) the opinion of the Corporation or its appointed representative for such purpose.

All Town Library employees are appointed by the Town Manager and are supervised and evaluated by the Library Director except as specifically set forth herein. Library staff shall support the work of the Corporation. In this connection, the Corporation recognizes and agrees that Trustees shall not give orders or instruction to the Town Library staff except as permitted by the Library Director or the Town Manager and that all Town Library employees are subject to Town Administrative Policies and State Ethics requirements and are subject to the terms of a Collective Bargaining Agreement with the Town.

SECTION 7. LIBRARY MAINTENANCE

Responsibility for maintenance of the Library's buildings, structures and grounds shall continue to be the sole responsibility of the Library Corporation and funds therefore shall be included in the Corporation's annual operating budget. Contractors and vendors for maintenance supplies and services (which may include Town staff and resources) shall be selected, contracted, and paid for by the Corporation. Janitorial and cleaning services shall remain the responsibility of the Town.

Michael Lawson 8/1/2020 8:05 AM

Deleted: The Corporation and Town agree that there is mutual benefit in developing a Memorandum of Understanding (MOU) specifically for the maintenance of the Library's buildings and structures. This MOU will define capital improvements, which will remain the responsibility of the Corporation; identify any contracts for maintenance services between the Corporation and vendors; and set forth conditions for the Town to provide maintenance services for the Library's buildings and structures. Such conditions may include, but are not limited to, reporting responsibilities as well as the level of financial contribution to the Town from the Corporation to offset the Town's costs related to said maintenance labor and materials costs. This MOU shall be executed on or before December 31, 2020.

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SECTION 8. BUDGETING

The Director shall initiate the Library portion of the annual Town budget, which shall provide for the staffing and operating expenses of the Library as herein set forth.

The Corporation shall annually prepare a budget, which shall provide for the expenses of the Library that are its responsibility as herein set forth and shall annually provide a copy of its budget and five year capital plan on or before December 31 and its audited financial statement to the Town Manager as soon as practicable.

SECTION 9. LIBRARY REVENUE SOURCES

Library expenses to be paid for by the Town shall be funded in accordance with the Town Manager's Budget as approved by Town Meeting. Library expenses to be paid for by the Corporation shall be funded out of gifts and bequests made to the Corporation, investment income, annual giving or capital contributions as determined by the Corporation. Gifts including bequests made to the Concord Free Public Library or to the Concord Free Public Library Corporation shall be deemed to be gifts to the Corporation. Gifts to the Town of Concord for the benefit of the Library shall be deemed gifts to the Town. Any ambiguity shall be resolved in a spirit of mutual cooperation and collaboration between the Town and the Corporation. Income accruing from fines and fees shall belong to the Town so long as fines and fees are assessed. Income from copy machines or other equipment or services paid for by the Corporation shall belong to the Corporation. Gifts made to the Corporation shall be treated as items of income or increase in capital in accordance with applicable accounting principles, and used as determined by the Corporation subject to applicable gifting conditions and applicable statutory requirements. Such gifts and other income of the Corporation in no way shall relieve the Town's obligation to fund the operation and staffing of the Library.

SECTION 10. LIBRARY EXPENSES AND RENOVATIONS

All operating expenses of the Library, (e.g., staff and custodial salaries, books, periodicals and electronic media purchases, utilities, office supplies and janitorial, interior cleaning ~~services~~)

Michael Lawson 8/2/2020 4:28 PM
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shall be borne by the Town. All capital expenses (e.g., building maintenance and repairs; improvements, renovation, and expansion; equipment, furniture, fixtures, and shelving purchases; and grounds maintenance) and Corporation expenses (e.g., building, contents and fine arts insurance; fundraising; funds management; administration; accounting; and other support services retained by the Corporation) shall be borne by the Corporation. The Corporation also shall make available to the Library annually at least \$75,000 for the purchase of books and media.

No renovations or expansion of library facilities that may increase Library staffing or materially impact the Town's operating costs shall be undertaken by the Corporation without consultation among the Library Committee, the Library Director, and the Town Manager in a spirit of mutual cooperation and collaboration and mindful of community goals, including sustainability, as set forth in the Town Long Range Plan. The Town may if appropriated at an Annual or Special Town Meeting, subject to applicable law and the approval of the Corporation, provide funds for any proposed Library renovation or expansion.

SECTION 11. COMMUNICATIONS

- (a) The Library shall develop a Strategic Plan for the Library that shall be initiated by the Library Director and the Library Committee and shall seek input from the Corporation, the Friends of the Library and include public participation.
- (b) The Library Director shall propose programs for professional development as well as events for annual recognition of Town Library staff employees and volunteers. Recognition events shall include participation of the Corporation, the Library Committee, and the Friends of the Library. The Corporation may contribute, as appropriate, to the cost of such programs and events.

Michael Lawson 8/2/2020 11:42 AM

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(c) ~~During each year the Library Director shall provide opportunities for Library staff department heads to attend regularly scheduled Board meetings of the Corporation's Trustees to acquaint the Trustees with their current Library activities.~~

Michael Lawson 8/7/2020 8:50 AM
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(d) ~~During the fiscal year, the Library Corporation shall provide opportunities for members of the Library Committee to attend Library Corporation meetings.~~

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Michael Lawson 8/1/2020 8:10 AM
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(e) The President of the Corporation and the Town Manager shall meet at least twice annually to discuss the status of library operations and the efficacy of this Agreement.

SECTION 12. GENERAL PROVISIONS

This document contains the entire agreement of the parties in respect of the subject matter hereof and supersedes in its entirety the agreement between the parties executed on June 22, 2009.

This Agreement may be amended or terminated only by mutual written agreement of the parties specifically referencing this document and executed by an authorized representative thereof.

Each part hereby warrants and represents to the other that the individual who is signing this agreement has been duly authorized to execute this document and to agree to the matters set forth herein.

IN WITNESS WHEREOF the parties hereto have executed this agreement this _____ day of _____, 2020.

TOWN OF CONCORD

By: _____

Town Manager

CONCORD FREE PUBLIC LIBRARY CORPORATION

By: _____

President

Draft

**White Pond Advisory Committee's recommendations to the Select Board
regarding the recently gifted property formerly owned by White Pond
Associates - July 29, 2020**

White Pond, a kettle pond, is a unique resource of the Town of Concord. Kettle ponds, found only in a few areas of the United States, are formed as glaciers recede. Unlike most ponds and lakes that receive water from tributary rivers and streams, the **only** source of water for a kettle pond is precipitation and the water filtered through its watershed. As a consequence, protecting the watershed of White Pond is of extreme importance.

Protecting White Pond's watershed is hindered by the fact that it is extremely small. (The average ratio of a watershed to its water body is 20:1, whereas that ratio for the White Pond watershed is 2:1.) Protection is further limited by the fact that most of the area within the watershed is already developed with houses, roads, and septic systems.

Given these facts, the remaining open land that is included in the White Pond watershed must be protected if the Town wants to continue to enjoy the benefits of its use as a swimming facility and as part of the Town's heritage as one of the Pond Thoreau called "the Gem."

For these reasons, the White Pond Advisory Committee's most urgent recommendation is that all open areas within the Town's control be protected from any use that would increase the amounts of nutrients being added to the land in the White Pond watershed.

The best use of the remaining open watershed is to leave the land undisturbed, which is in keeping with the proposal by the White Pond Associates at Town meeting. (Note: this language was not included in the warrant article, but was presented during the presentation by the Association which stated it's intent that the parcels under conservation restriction not be farmed, but instead be maintained as fields, with yearly mowing.)

FIELDS WITHIN THE GIFTED LAND FROM WHITE POND ASSOCIATES

We strongly recommend that the fields on Plainfield and Powder Mill Roads now under Town ownership be maintained as passive meadows. This is consistent with the stated intent at

Town Meeting and the historical use of these areas as hay fields. (Note: In more recent years, the usage was switched to row crops.) As open meadows, there will be no disturbance of the soils and no introduction of fertilizers or pesticides.

“A Homeowner’s Guide to Living Near White Pond”, prepared by the Division of Natural Resources and ESS Group, Inc in 2016, states that small increases in nitrogen and phosphorus can lead to excessive algal growth. It also states that “sources of pollutant loading include agriculture...and fertilizers...” To protect White Pond, the authors of this publication recommend “reducing or eliminating the use of fertilizers and pesticides” and to “maximize natural growth.” (See attached brochure.) Our recommendation in this regard is, therefore, consistent with the recommendations of the Division of Natural Resources, the ESS Group, a Town consultant, and the Town’s Department of Health. **The recommendation by numerous sources that fertilizers be eliminated has been made because excess nitrogen and phosphorus “can leach...into the groundwater... and cause harmful algal blooms...which not only disrupt wildlife but can also produce toxins harmful to people”**

<https://www.epa.gov/nutrientpollution/sources-and-solutions-agriculture>).

Allowing these areas to revert to native plants covering the entire land area, (row crops just cover a portion of the land, with open packed soil maintained between the rows) also increases the CO2 absorption and thereby helps reduce Concord’s carbon emission footprint, in keeping with the intent of Town Meeting Article 23 (the “Resiliency”article). Furthermore, a recent study published in *Nature*, suggests that Global Warming and Climate Change will likely increase algal blooms. Concord has many areas that are currently farmed , but there is only one immovable area of land that is within the White Pond watershed and we recommend that it be protected in any and all possible ways.

BOAT LAUNCH ROAD

We recommend

1. That an engineering study be completed to address the boat ramp drainage and runoff into the pond. The steepness of the slope, the size and placement of adequate drains, the sides of the blacktop all need to be addressed. The Committee is aware that the Town is working with the State on a Land Management Agreement for this area which ESS cited as the area having the greatest amount of land- based runoff.
2. Any new development in the beach/boat launch area – new stairs, ADA compliant paths or walkways - be designed to encourage absorption and avoid any runoff.
3. Existing basins on the black topped boat launch are regularly cleaned.

MONITORING AND TESTING

We recommend that a monitoring and testing procedure be established for long term collection of data and proper maintenance of the water quality of the Pond. This should include:

- 1) Continuing to engage with the nationwide EPA Cyanobacteria Work Group monitoring program headed by Hilary Snook at the EPA lab in N. Chelmsford, MA - a program that volunteers have been working on for the last 4 years.
- 2) The longtime White Pond monitoring work of Dr. Bill Walker and his team that have provided valuable data over decades regarding the changing conditions of the Pond.

FACILITIES

We recommend the following:

1. Trash receptacles should be maintained in different locations around the pond through three seasons.
2. There should be a review, before and during the summer season, of the surrounding streets with regard to parking. Additional parking restrictions may be needed now that the Beach is under Town supervision and the Bruce Freeman Rail Trail is open.
3. The current open and closing dates and the hours of use for the beach be maintained.

PEOPLE MANAGEMENT

The Committee recommends the following, particularly as there may be more visitors to White Pond now that there is a Town beach and the Bruce Freeman Rail Trail is open.

1. Continue to restrict swimming from Town land other than the Town beach.
2. A plan be created for people management through effective enforcement of town policies and regulations.
3. Clear signage be maintained notifying visitors of such policies and regulations (relating to restricted swimming, dogs, horses, fishing, and fires) and that fines be implemented and enforced for noncompliance with such policies and regulations.
4. The Town includes in their regulations/policies that inflatable devices are not considered boats.
5. Resources for the ranger program and for police patrols be continued.

FISH STOCKING

The Committee recommends that the Town work with Natural Resources and the State to ensure that the fish stocking program is appropriate for the current conditions of the pond which can change year to year.

CONCLUSION

The Town has been given a once in a lifetime gift from White Pond Associates. Now that it is in control of a large portion of the White Pond watershed, the Town should protect and manage this resource using a holistic approach and with a vision to the future.

ANDERSON KREIGER

MEMORANDUM

CONFIDENTIAL: ATTORNEY-CLIENT COMMUNICATION

To: Select Board, Town of Concord
Stephen Crane, Town Manager

From: Mina S. Makarious, Abbey J. Doyno and Annie E. Lee
ANDERSON & KREIGER LLP

Re: Assistance to Small Businesses Affected by COVID-19

Date: August 3, 2020

QUESTIONS PRESENTED

In response to the COVID-19 pandemic, and the associated closures of small businesses to aid in the slowing of the coronavirus, the Town of Concord (“Town”) has been asked to consider a proposal to provide assistance to small businesses affected by COVID-19. The proposal asks the Town to provide low or no interest loans to local small businesses to help local business owners work their way through financial challenges during the pandemic. The proposal suggests raising funds by levying taxes under the Civil Defense Act and then expending those funds pursuant to the emergency expenditures exception in G.L. c. 44, § 31. This proposal raises the following legal questions:

1. Is providing assistance to small businesses affected by COVID-19 permissible under the Anti-Aid Amendment to the Massachusetts Constitution?
2. Can the Town provide assistance to small businesses affected by COVID-19 without a prior appropriation?
3. Does the Civil Defense Act permit the Town to bypass appropriation laws in order to provide assistance to small businesses affected by COVID-19?
4. Will the Department of Revenue (“DOR”) conclude that it is permissible to provide assistance to small businesses affected by COVID-19?

SHORT ANSWER

1. No. While providing assistance to small businesses affected by COVID-19 has the public purpose of helping maintain the proverbial “Main Street”, without more structure and clarity as to what assistance looks like, what assistance may be used for, and how assistance is awarded, a small business grant program is likely to run afoul of the Anti-Aid Amendment because it may impermissibly provide substantial aid to private businesses.

2. No. By statute, municipalities can only expend funds pursuant to a prior appropriation. Where the Town has not made any appropriation to provide assistance to small businesses expended by COVID-19, the Town cannot expend municipal funds in service of such a program. An exception to the rule requiring appropriation exists in cases of emergency expenditures because of major disasters. While the DOR has determined that the COVID-19 pandemic is a major disaster, it has not included assistance to small businesses as an allowable emergency expenditure.

3. Probably not. The Civil Defense Act provides municipalities a broad grant of authority during declared states of emergency, but precedent from the Supreme Judicial Court suggests that the Civil Defense Act would not go so far as to suspend appropriation laws.

4. Probably not. When presented with a similar proposal to provide assistance to small businesses affected by COVID-19 using CARES funds, the DOR rejected the request, first adopting a more restrictive view of permissible uses of funds than the federal government, and citing compliance concerns. We would expect DOR to take a similar position here.

ANALYSIS

I. The Anti-Aid Amendment Presumptively Prohibits Assistance to Private Entities like Small Businesses.

Article 18 of the Amendments to the Massachusetts Constitution, known as the “Anti-Aid Amendment,” generally prohibits the provision of public assistance to private entities. The amendment provides:

No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any . . . charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents.

Although there is no case law on point applying the Anti-Aid Amendment to the provision of assistance to small businesses, a court will likely apply the three-part Anti-Aid Amendment standard to determine whether the provision of such assistance violates the amendment. The provision of public funds must: (1) be for a public purpose, rather than for the purpose of aiding private entities in their private endeavors; (2) not substantially aid the private entity; and (3) not be economically or politically abusive or unfair. *Caplan v. Town of Acton*, 479 Mass. 69, 86-96 (2018). A proposal to provide assistance to small businesses could meet the public purpose test of the Anti-Aid Amendment. However, unless the Town only provides small amounts of assistance to businesses and enacts strict and uniform eligibility requirements around an assistance program, assistance to small businesses is likely to run afoul of the Anti-Aid Amendment under the other factors of the test.

First, while the provision of assistance to small businesses affected by COVID-19 has the effect of aiding private small businesses in their commercial endeavors, the primary purpose of such assistance is to provide aid to small businesses in Town that have experienced financial loss due to the COVID-19 pandemic – essentially, the public purpose of maintaining vibrant commercial areas in town.

However, without any restrictions on the amount of assistance actually provided to small businesses affected by COVID-19 and what expenses the assistance may be used for, there is potential for the provision of assistance to substantially assist private businesses. Without any restriction on amount or eligible expenses, business may be otherwise granted large amounts of assistance, use assistance to pay for costs not arising out of the COVID-19 pandemic, or use assistance for expenses that have otherwise been funded by other federal and state COVID-19 financial relief programs. In other words, if there are no limits to the financial assistance program, there is potential that such assistance ultimately assists businesses beyond COVID-19 related hardships.

Finally, without any rigorous eligibility criteria and procedures for awarding assistance, there is potential for the provision of assistance to appear economically or politically abusive or unfair because the provision of assistance may be left to the discretion of one individual or board and thus appear arbitrary.

Thus, a small business loan program is likely to satisfy the first part of the Anti-Amendment standard, but as the proposal is currently set forth, it is unlikely to meet the second and third parts of the Anti-Aid Amendment standard. Moreover, where the Anti-Aid Amendment presumes a prohibition on assisting private entities such as small businesses, the Town will likely face an uphill battle in structuring a small business assistance program to meet all three parts of the Anti-Aid Amendment standard.

II. Municipal Funds Cannot be Expended Without Appropriation.

Municipal funds may only be expended pursuant to a specific appropriation. G.L. c. 44, § 53, in relevant part, provides “[a]ny sums [] paid into the city, town or district treasury shall not later be used by [a municipal] officer or department without specific appropriation thereof.” The Town has not appropriated any funds to provide assistance to small businesses affected by COVID-19, let alone any funds to provide assistance to small businesses generally. Without this appropriation, the Town is prohibited by statute from funding such a program.

While G.L. c. 44, § 33B, allows transfers from one line item to another in the last two months of any fiscal year and up to July 15 of the next year, that transfer is premised upon already existing appropriations. G.L. c. 44, § 33B, in relevant part, provides that towns may transfer “any amount appropriated . . . to any other appropriation.” Because no appropriation to provide assistance to small businesses was ever made, the Town cannot utilize G.L. c. 44, § 33B to transfer funds appropriated for another use to fund a small business assistance program.

A. Assistance for Small Businesses is Not a Permissible Emergency Expenditure Not Requiring Appropriation under G.L. c. 44, § 31.

An exception to the rule requiring an appropriation for the expenditure of municipal funds exists under G.L. c. 44, § 31. That exception provides that municipalities may spend in excess of appropriation “in cases of major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an immediate threat to the health safety of persons or property.” G.L. c. 44, § 31. The exception further provides that a municipality may only spend in excess of appropriation “upon a declaration by the governor of a state of emergency with respect to the disaster of by a vote . . . in a town by the majority vote of all the selectmen.” *Id.*

While DOR has determined that COVID-19 qualifies as a major disaster allowing for the expenditure of municipal funds without an appropriation under G.L. c. 44, § 31, DOR has opined that allowable expenditures include “personnel costs, overtime and other costs associated with the emergency, including but not limited to, costs related to the extraordinary cleaning of public buildings, maintaining the health and safety of employees or the public, including the purchase of personal protective supplies and equipment, and costs to implement remote participation of local boards or committees. . . .” DOR, Division of Local Services, *Emergency Expenditures and Borrowing*, BUL-2020-01, Mar. 20, 2020, <https://www.mass.gov/doc/bul-2020-1-emergency-expenditures-and-borrowing/download>. Because allowable expenditures do not include assistance to small businesses affected by COVID-19, expenditure of funds for a small business assistance program will not qualify as a permissible exception under G.L. c. 44, § 31.

III. The Civil Defense Act Does Not Permit Bypassing Appropriation Requirements.

The Civil Defense Act (“CDA”) generally provides municipalities broad powers and discretion during declared states of emergency. *See* St. 1950, c. 639, § 8A (Any general law, ordinance, or bylaw “shall be inoperative” “to the extent that such provision is inconsistent with any order or regulation issued or promulgated under [the CDA]”); St. 1950, c. 639, § 15 (Town may “enter into contracts and incur obligations necessary to combat . . . disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of . . . such disaster”). However, there are limits to those powers and discretion – namely, limitations on which laws can be bypassed during states of emergency. For example, municipalities are granted powers to respond to the emergency “without regard to time-consuming procedures and formalities prescribed by law,” however, “*excepting* mandatory constitutional requirements, pertaining to . . . *the levying of taxes and the appropriation and expenditure of public funds.*” St. 1950, c. 639, §13.

The CDA provides specifically for questions of appropriations. The CDA states, “[e]ach political subdivision shall have the power to make appropriations *in the manner provided by law for making appropriations* for the ordinary expenses of such political subdivision, for the payment of expenses of its local organization for civil defense.” St. 1950, c. 639, § 15. Courts have not interpreted this provision of the CDA. However, a plain-language reading of the statute indicates legislative intent to maintain town tax and appropriations laws even in the course of emergency response actions. Thus, the CDA does not authorize municipalities to incur expenditures without regard to appropriation requirements.

Concord has adopted and incorporated the CDA into the town by-laws. Section 2 of the town by-laws states, “[t]he director may, *within the limits of the amount appropriated therefor*, appoint such experts . . . and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950.” Town of Concord L. § 2. Thus, Concord’s bylaws indicate an intent to maintain the norms of appropriations during emergencies, although this provision has not been directly discussed by courts.

There has been no substantial discussion regarding bypassing local laws.¹ However, a court may potentially conclude that the CDA aims to maintain laws that are not directly in opposition to the statute’s purpose. In *Dir. of Civil Def. Agency & Office of Emergency Preparedness v. Civil Serv. Comm’n*, 373 Mass. 401, 408 (1977), the Supreme Judicial Court (“SJC”) addressed § 15 of the Civil Defense Act in relation to the appointment of civil defense agency employees due to emergency funding provided by the Federal government. The SJC held that although the declared state of emergency and the CDA provided broad powers to the Office of Emergency Preparedness, the powers were not without limits. *Id.* at 404. As a result, the court held that the employment of the appointed civil servants during the emergency period was still governed by the laws of the civil service system. *Id.* at 404. The case places limitations on which laws can be bypassed during a declared state of emergency under the CDA, and thus, appropriation requirements are likely to hold, even during declared states of emergency. *See id.* at 404.

IV. DOR May Disapprove of Providing Assistance to Small Businesses Affected by COVID-19 Based on A Narrower Interpretation of the Civil Defense Act and Compliance Concerns.

If the Town decides to provide assistance to small businesses affected to COVID-19 as proposed, the Town will likely face serious concerns and obstacles to funding the program from DOR. DOR, when evaluating a proposal to fund a similar small business assistance program with federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, adopted a narrower interpretation of the CARES Act than federal guidance otherwise allowed, and ultimately rejected the request for funding based on compliance concerns. While DOR has not expressed whether assistance for small businesses affected by COVID-19 is permissible under the CDA, it is possible that DOR will adopt a more restrictive reading of a seemingly broad statute and ultimately disapprove of the program based on compliance concerns.

First, when determining whether municipalities could use CARES Act funds to support small business assistance programs, DOR adopted a narrower interpretation of permissible uses under the CARES Act. Specifically, federal guidance from the U.S. Department of Treasury stated that “expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as: expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures” were an eligible municipal expenditure of CARES funds. U.S. Department of Treasury, *Coronavirus Relief Fund Guidance for State, Territorial, Local and Tribal Governments*, Jun. 30. 2020, <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State->

¹ The Supreme Judicial Court will soon review a related issue in *Dawn Desrosiers, et al. v. Governor Charles D. Baker*, and A&K will provide an update as the case proceeds.

Territorial-Local-and-Tribal-Governments.pdf. However, DOR rejected municipalities' requests for funding for a small business grant program. See Massachusetts Municipal Association, *Distribution of CARES Act Funding*, May 14, 2020, <https://www.mma.org/in-webinar-top-administration-officials-explain-cares-act-funding-process/>. Where DOR has taken a more restrictive interpretation of otherwise broad legislation and guidance, it is possible that DOR may again take a more restrictive view of a seemingly broad grant of authority under the CDA.

Second, DOR ultimately rejected municipalities' requests to establish small business assistance programs with CARES funds because of compliance concerns. Massachusetts Municipal Association, *Distribution of CARES Act Funding*. Specifically, DOR noted that where other federal funds are available for and attuned to the needs of small businesses – such as the Paycheck Protection Program, Small Business Administration, or Community Development Block Grant – using CARES funds to provide assistance to small businesses raised the potential for a small business to fund the same cost twice with two different sources of federal funds, i.e., engage in double dipping. *Id.* Here, if businesses have received funding from federal programs to fund costs arising from the COVID-19 pandemic and closures, DOR is likely to raise the same concern that providing municipal assistance to those businesses presents a similar compliance risk where a business may ultimately receive double the amount of funding for the same cost.

CONCLUSION

The proposal to provide financial assistance to small businesses affected by COVID-19, if accepted by the Select Board, would likely be impermissible with regards to the Anti-Aid Amendment and municipal appropriations laws, and will likely not meet exemption qualifications under the CDA, allowable emergency appropriations expenditures, nor DOR guidance. First, without more structure and clarity, the financial assistance proposal may not comply with the Anti-Aid Amendment due to the assistance appearing economically and politically abusive or unfair. Second, municipalities cannot expend funds without prior appropriation, nor would the financial assistance proposal be considered as an allowable emergency expenditure. Furthermore, the CDA likely does not suspend appropriation laws during declared states of emergency. Lastly, the DOR recently rejected a request for a similar proposal to provide assistance to small businesses using CARES funds, and likely will reach a similar conclusion with this proposal.



TOWN OF CONCORD
Office of the Town Manager
22 Monument Square – Concord, MA 01742
www.concordma.gov – (978) 318-3000

Kate Hodges, Deputy Town Manager
khodges@concordma.gov
Ryan Kane, Recreation Director
rkane@concordma.gov
Ryan Orr, Facilities Director
rorr@concordma.gov

August 4, 2020

GEROW PARK – COMMUNITY UPDATE

The Town of Concord, through the offices of the Town Manager, Recreation and Facilities & Parks held a public meeting on July 28, 2020 via zoom for interested members of the community. The goals for the meeting included the ability to provide a historical synopsis of the project, including various iterations of design and focus and to update the community on what the team believes to be the final design for Phases I and II (a) slated to commence in the Fall of 2020. Additionally, an update on the Warner's Pond dredging project was also provided to the group from the Division of Natural Resources (DNR).

The meeting began at 7 pm and was recorded for reference and broadcasting on Minuteman Media Network (MMN).

Town Staff Presenting Included:

Kate Hodges, Deputy Town Manager
Ryan Kane, Recreation Director
Ryan Orr, Facilities Director
Marcia Rasmussen, Director of Planning and Land Management
Delia Kaye, Natural Resources Director

I. TIMELINE REVIEW

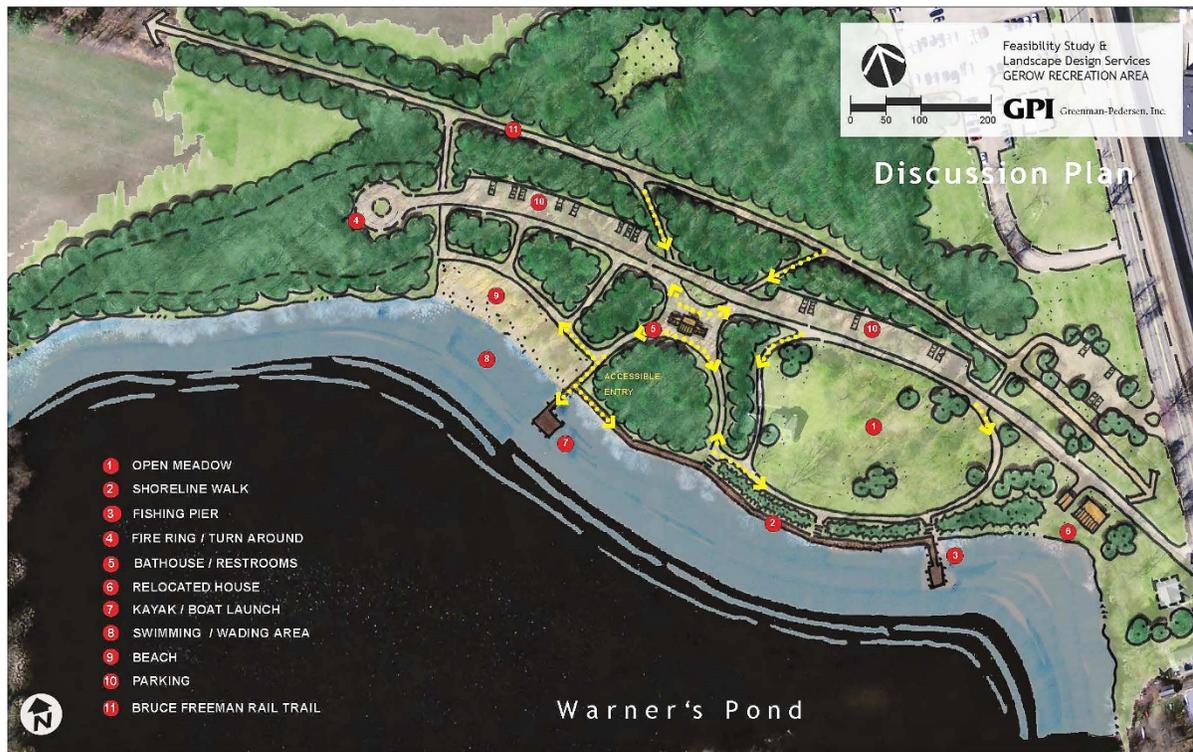
- A. July 2018: Closed on property purchase, deed and title recorded.
- B. August 28, 2018: Master Planning Commences; Public Forum #1, Initial Discussion Image Revealed.
 - Forum was conducted at the site; the Gerow home was still present at the time. The team used the home as staging area, including restrooms for those in attendance. Many members of the Town's Hosing groups toured the home at the same time.
 - The meeting had over 100 people in attendance and was led by the Town's project manager, Ron Hedrick from Greenman Peterson Inc. (GPI).
 - An initial discussion plan was revealed which focused on a way to get into the property and how to navigate the existing driveway slope and sharp corners from Commonwealth Ave. (This is before the commitment to subdivide the lot for future affordable housing) The idea was to enter into the existing driveway and continue down a vegetative path into the main park. However, the existing conditions showed a steep and narrow gravel road and the need to build up the roadway with additional fill to ensure proper drainage and safety upon exiting, which was paramount.
 - In initial plan called for a robust parking plan and turnaround area along the northern side, adjacent to the Bruce Freeman Rail Trail (BFRT).
 - Other initial amenities included: a small bathing beach with sandy shore area, a pavilion or band shell area, woodland blazed trails and multiple ADA walkways. In order to bring people to the water's edge, the team proposed an intricate fishing pier on the



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Kate Hodges, Deputy Town Manager
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eastern shore and a canoe/kayak launch on the western edge. The plan was to have an overwater boardwalk connecting the two. The bathing beach was included in the initial iteration in order to allow GPI to hire the ESS group, who were hired by and partnered with the DNR for work related to the Warner's Pond dredging study. We asked ESS to



provide a preliminary cost analysis for potential dredging relative to the bathing area proposed, assuming that this may be the most expensive part of the project.

C. August 2018 – December 2018: Additional Information Sessions & Forums Held.

- A total of 3 on-site meetings and 2 additional forums at the Town House.
- Majority of participants were dissatisfied with the amount of parking, asphalt and the park's perceived intrusion into the wooded areas. The team knew that a revision was needed that had the minimum amount of parking allowable by the traffic study, reduced the impacts on the woodland areas and included a large green space/meadow area for quiet enjoyment and reflection.
- Bicycle and Vehicle traffic was observed and that data was used for the new parking numbers we would submit for our permit
- The idea of a pavilion and the composting toilet remained and we began to look at the soil samples and town/state regulations relative to toilets, water and electrical needs.



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- It was determined that we would need a 1.5” water line into the restroom area; the line could be taken from the street’s edge and run via conduit under the newly proposed driveway.

D. December 2018 – January 2019: Community Feedback via Online Survey

- An online survey consisting of 5 pointed questions and one ‘additional comments’ box was released in December of 2018. Printed copies of the survey were placed at Harvey Wheeler, each of the elementary schools, the Town House, Beede Center and Hunt Gym. Links to the survey were posted in the Town Manager’s Report, on social media and in/on the Town’s website.
- 2,872 individual responses (meaning 2,872 separate IP addresses) were received; 730 paper/emailed responses were received. A total of 3,602 responses were collected.

E. January 2019: Survey Analysis

- Q1 – What are the most desirable amenities wanted?
 - Blazed trails for walking (76%)
 - Picnic Areas, covered and uncovered (70%)
 - Canoe/Kayak launch (70%)
 - Restroom Facility (65%)
 - Boardwalk along shore’s edge (55%)
- Q2 – Types of Trails?
 - Slightly modified trails free of brush & debris (80%)
- Q3 – Interest in Swimming?
 - Interested in developing if *minimal* economic impact (72%)
 - Interested and would *support increased* taxes to do so (15%)
- Q4 – What is the primary reason you will visit Gerow?
 - Trail exploration and nature enjoyment (87%)
 - Quiet Relaxation (70%)
 - Use of boardwalk/boating (65%)
- Q5 – Swimming if cost is \$2M + (based on ESS’ estimate)?
 - No longer interested (52%)
 - Interested, but only if my household tax bill remains the same (23%)
 - Very interested and would support increased taxes (12%)
- Additional Comments included the following themes:
 - ADA Accessibility, trails and walkways, boating access
 - Importance of accessing the water’s edge including fishing and boating access
 - Dog Areas – many said don’t allow dogs, an equal number asked that we do
 - Children’s play equipment with fencing (keep dogs out)
 - More parking
 - Area for recreation programs, warming shelter for winter activities



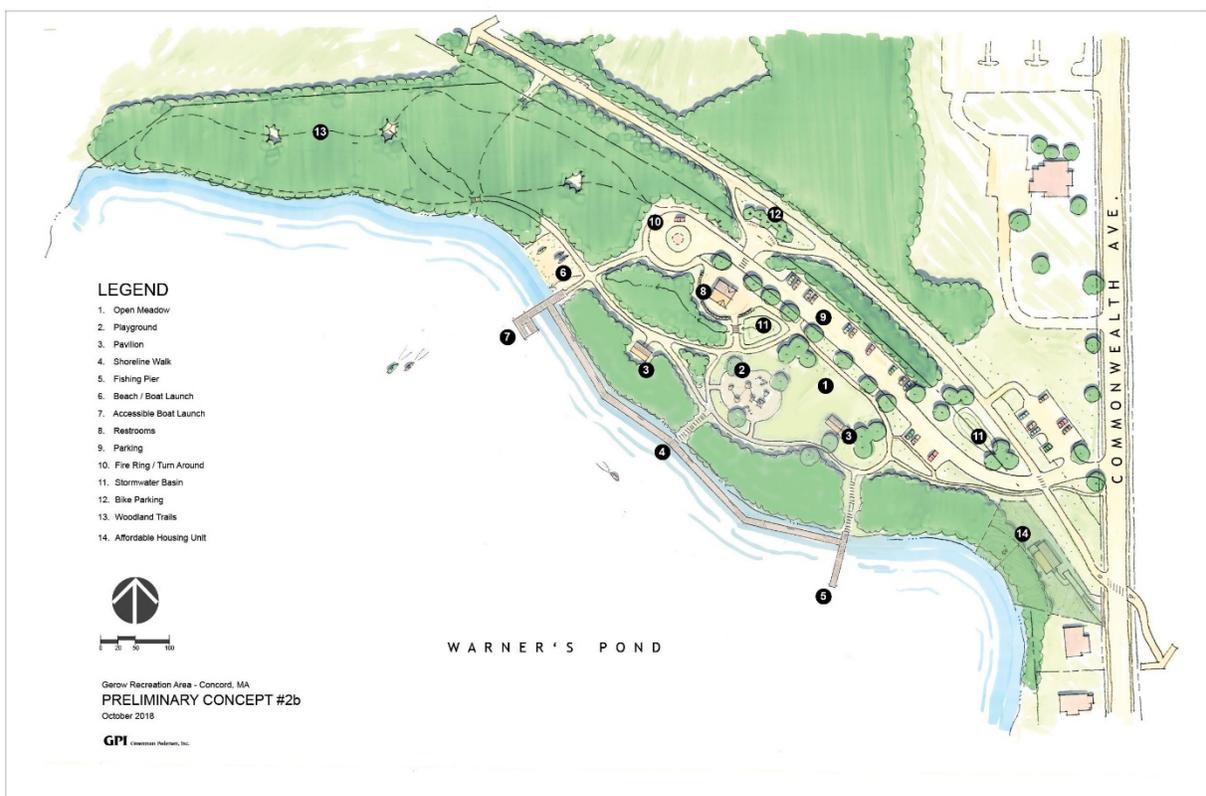
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- Barn area or pavilion for rental and family gatherings

F. February 2019: Updated Plan Revealed & House Lot Subdivided

- Updated plan reduced parking, eliminated parking turnaround, moved bathroom and shade structures together and further into the park creating a meadow and open space in the park's center.
- Reposition the driveway; Agreement for crossover of State land (BFRT) in order to reposition the driveway so house lot could be subdivided.
- Subdivided lot of approximately 1/4 acre 'gifted' to the Concord Housing Authority.



G. Spring 2019 : Presentation to SB, CPC, Staff Review

- Redefined path and layout, site grading, beach/canoe launch area, restroom.
- Better defined relationship of piers to water; discontinued boardwalk as DNR stated that the Natural Resources Commission would not permit it.
- Ensure ADA pathways were compliant; presented to Disability Committee for feedback.

H. Summer 2019 – Fall 2019: Shift from Master Plan to Phase I design (April 2019)

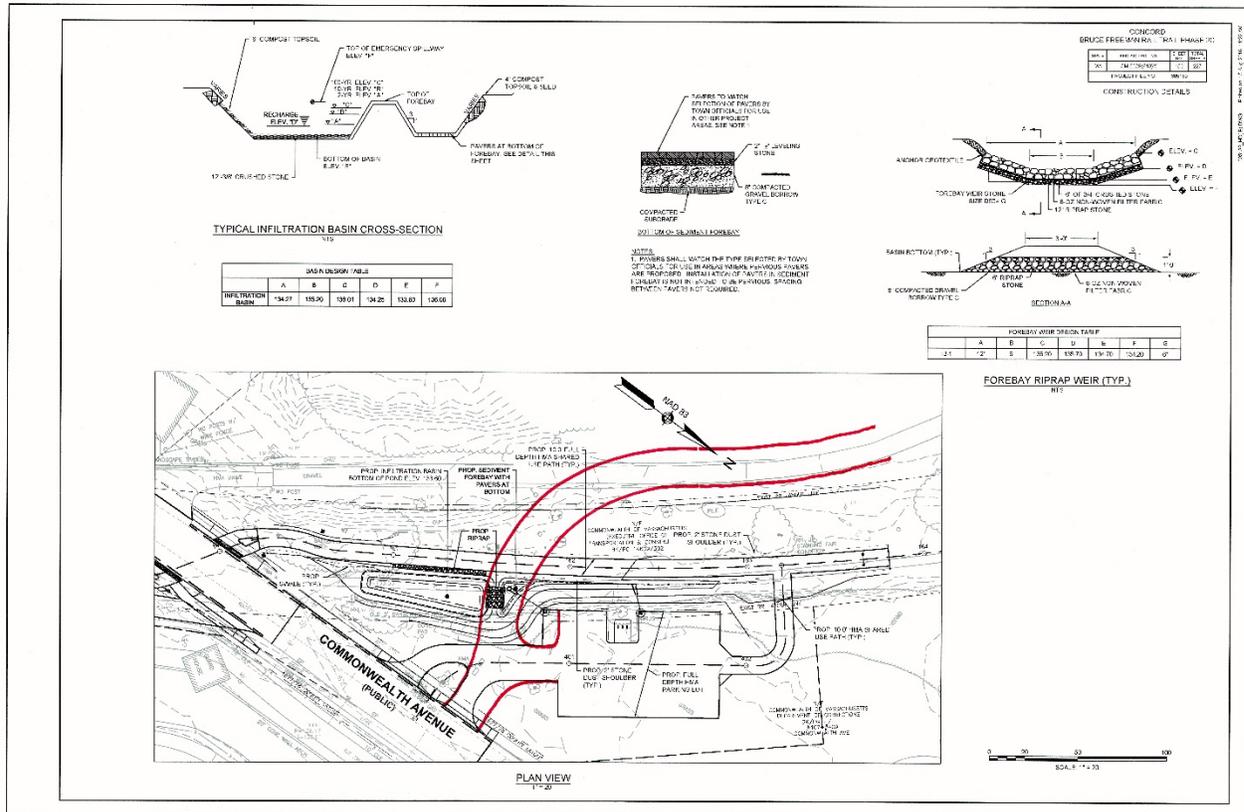
- Site Analysis & Composting Toilet Facility Design
- Collected and analyzed soil samples
- Conducted wetland flagging, installed site markers and areas of delineation



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- Began storm water management analysis and parking/traffic study conclusion
- Composting toilet design to review by Board of Health; plumbing variance sought from State
- ROW Agreement signed between State DOT and Town of Concord for driveway crossover.



I. February 28, 2020: Formal Town Staff Review

- Plumbing variance not granted; Board of Health order to have 75% septic for hand washing and gray water system. Public Health Director needs to have a leach field between 60%-75% capacity, leach field needs to be 50' – 75' from edge of wetlands; all Title 5 requirements must be met. Plumbing code (CMR), Title 248-10, 2017
 - Cost of 75% septic system estimated at +/- \$65K
 - Compost Toilet Units +/- \$60K
 - Cost of 100% septic system +/- \$75K-\$80K
- Full septic determined to be most cost effective solution rather than \$105K on a 75% system and composting units vs. \$80K for a fully functioning system.
- Savings of approximately \$60K-\$70K depending on permitting and inflation.



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- Title 5 (310 CMR 15.289 (3)(a)(3)) was reviewed and site engineers determined that doing both was cost prohibitive and would ultimately increase the amount of land and trees which would need clearing.

J. May 8, 2020: NOI Hearing with NRC (ongoing); 90% Construction Plans Outlined



II. Warner's Pond Dredging Update

Delia Kaye, Natural Resources Director reviewed the Warner's Pond Watershed Management Plan and the Dredging Study and Feasibility Analysis that was conducted by ESS Group over the past several years.

The plan highlights included:

- The idea of limited dredging to improve ecological health and recreational opportunities was identified in the 2012 Watershed Management Plan.
- A Dredging Feasibility Study to undertake sediment testing, develop conceptual dredging plans, conceptual plans to upgrade the Commonwealth boat launch and parking area, and prepare cost estimates was completed in 2018
- Since 1980, the Pond has filled in dramatically and the open water for boating and fishing has diminished greatly.
- 95% of the Pond's watershed is outside of Concord's Town limits; reducing nutrient and sediment loading (which have led to the pond's condition) is challenging.
- The volume of water within the Pond cycles every 24-hours, which makes methods of nutrient and sediment control other than dredging unlikely to succeed.



TOWN OF CONCORD
Office of the Town Manager
22 Monument Square – Concord, MA 01742
www.concordma.gov – (978) 318-3000

Kate Hodges, Deputy Town Manager
khodges@concordma.gov
Ryan Kane, Recreation Director
rkane@concordma.gov
Ryan Orr, Facilities Director
rorr@concordma.gov

- Two dredge areas were identified by ESS group to improve Pond health and recreational opportunities; it is cost prohibitive to dredge the entire Pond.
- Overall, in addition to the cost of a beach area, it is thought that swimming even after dredging would not be pleasant because the most of the Pond will still have a mucky bottom.
- The overall dredging is estimated to cost approximately \$2.5 M (including improvements to the Warner’s Pond boat launch and parking area off Commonwealth Avenue) and will be a mix of Capital and CPC funding over a period of three years, FY21 is year 2 of funding.

A. Dredging Areas: once complete, the overall health of the Pond ecosystem is expected to be improved for 50+ years.





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B. Commonwealth Ave. Public Boat Launch Improvements

- Widen roadway
- Dedicated parking, including ADA spots
- Signage and better, more formalized, access to the pond area



III. FINANCIAL INFORMATION, APPROPRIATIONS AND EXPENSES TO DATE

An overview of the Gerow Park funding was provided to the group regarding past and present funds, which have either been expended or allocated to the project.

PURPOSE	FY19	FY20	FY20 <i>(revised)</i>	FY21	FY21 <i>(revised)</i>
Acquisition*					
Capital	\$2.5 M				
CPC	\$500,000				
Phase I Design & Construction					
Capital		\$600,000**	\$1.2 M		
CPC		\$200,000	\$200,00		
Phase I Construction					
Capital				\$600,000	\$ 0
CPC				\$500,000	\$500,000



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**\$3M was allocated for the acquisition of the property via Articles 24 and 25, ATM 2018. The articles, combined, were for 'the purchase of the property and to make improvements to allow for public access and master planning efforts.' The Town closed on the property 7/15/18 for \$2.7 M; the remaining \$300,000 was used to complete: the required phase I environment study, property surveys and wetland flagging, install boundary markers, begin the park master plan and recycle the existing home and home utilities on site.*

***Article 7, ATM 2019 allocated \$1.4 M to "Park Improvements." It was initially thought that \$600,000 would be allocated to both the Gerow and White Pond projects as they were to commence on or about 7/1/00 and run concurrently. However, the COVID-19 Pandemic has changed the Town's focus and it was determined that the \$600,000 previously allocated to the White Pond project would be allocated to Gerow since that project was already underway. The White Pond project, while still moving forward, will be delayed for a period of nine to twelve months pending Town Meeting appropriations in FY21 and FY22. The \$600,000 appropriated to the Gerow project in the original ATM 2020 (FY21) budget has since been reduced to \$0.*

IV. Other Staff Comments

Ryan Kane, Recreation Director and Ryan Orr, Facilities Director gave a brief synopsis of their programming, maintenance and landscaping plans. Funding to perform both routine and preventative maintenance has been captured in the FY21 Park and Playground Budget which is overseen by the Deputy Town Manager and the Facilities Director.

V. Conclusion

A number of comments and questions from the general public and members of certain boards and committees were asked and answered. Questions surrounding the number of proposed parking spaces in the park, specifically, was discussed at length. Town staff remarked that they need to adhere to the traffic study data and have the least amount of parking that was deemed acceptable by both the Town entities and the consultant hired to spearhead the permitting of the project.

The meeting concluded at 8:40 PM.

**A Shared Future:
A Comprehensive Vision For White Pond,
Its Watershed, and Its Neighborhoods**

Prepared by
White Pond Advisory Committee

Town of Concord, Massachusetts

29 March 2015

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Preamble

This Vision for White Pond is the result of many conversations with Concord residents, Town of Concord officials, White Pond users, Limnology experts and consultants, and past and present White Pond Advisory Committee (WPAC) members.

This Vision has been developed to guide the Town of Concord in managing White Pond, its neighborhoods, and its watershed. It is based upon the set of “Guiding Principles for the Development of a Long-Term Vision for White Pond” developed by the WPAC. The Principles can be found in Appendix A. Both the Principles and the Vision were derived from a number of sources including previous WPAC reports and recommendations, the draft White Pond Watershed Management Plan developed by ESS, long-term studies prepared by Dr. Bill Walker, feedback from the White Pond Forum held on 1/25/2015, and both formal and informal feedback from residents over the course of many years. Given that the WPAC was originally created to “review and analyze the concerns of the areas and play a leadership roles in programming the solutions to the recognized and accepted problems,” it is expected that a plan to realize this Vision will be developed and subsequently implemented by the Town.

Concord has a long tradition of placing a high value upon protecting its natural and historic features. This sense of public stewardship is part of the Town’s special identity. This Vision was developed to continue this tradition and ensure that future generations can also enjoy White Pond as a special place, just as we do today.

The WPAC would like to thank all those who contributed and otherwise assisted in the development of this Vision.

White Pond Advisory Committee

Jerry Frenkil, Chair
Deborah Ellwood
Stephen Goodman
Chris Leary
Norman Willard

Executive Overview

This Vision for White Pond has been developed based on a set of core principles enumerated in “Guiding Principles for the Development of a Long-Term Vision for White Pond” (Principles). Central to this Vision, and explicitly described in the Principles, is the goal of restoring White Pond’s water quality to previously measured levels and preserving the Pond and its Watershed for the enjoyment of this, and future generations.

The Vision addresses both Resource Management as well as People Management, and considers 4 key areas: Water Quality, Neighborhood Issues, Recreation and Stewardship, and Town support. The element of time is also considered as some items are identified as short-term concerns or opportunities while others are identified for the longer-term.

The ideas presented here are generally not new; most have been advanced before here or somewhere else. What is new, at least for White Pond, is the integration of several complementary ideas to address the various identified issues. This integration is important since so many of the issues are closely intertwined.

Key components of this Vision include the following:

- addressing high priority items such as erosion control and catch basin maintenance in the near term
- providing a controlled amount of public access for Concord residents to the White Pond Associates beach through an arrangement between the Town of Concord and White Pond Associates
- concentrating all public access to the White Pond Associates beach area
- new regulations establishing no-swimming from Town lands around White Pond
- limiting biking to certain trails in White Pond Reservation and Conservation lands
- new signage at access points describing what is and is not allowed, and where
- improved enforcement due to clarified regulations and additional enforcement mechanisms
- aligning of police patrol frequency with peak usage times
- seasonal parking bans on certain neighborhood streets
- formally adopting, funding, and implementing a clear, effective and cost-conscious water quality monitoring and restoration plan

The combination of restrictions and controlled public access is expected to have multiple benefits beyond restrictive measures alone. These benefits include reductions in usage of Sachem’s Cove, fewer interlopers from the Bruce Freeman Rail Trail, and securing greater support from the broad Concord community.

Both short-term (within 6 months to a year) and longer-term (more than a year away) actions to realize this vision are also described. Some of the actions, such as erosion mitigation, catch basin cleaning, and the establishment of parking restrictions can and should be initiated during this 2015 season.

Introduction

White Pond is a Concord jewel. Henry Thoreau knew it and wrote about it [THOREAU], asserting that “perhaps the most attractive, if not most beautiful, of all our lakes” is White Pond. Current Concord residents know it too, as White Pond provides outstanding aesthetic and recreational opportunities for thousands of people. Boating, fishing, hiking, biking, skiing, skating, swimming, and wildlife viewing are just some of the pleasures of this great resource.

Yet, these activities also carry a risk to the Pond and its watershed of misuse and overuse. The Vision presented in this document attempts to balance the many competing interests while preserving White Pond for future generations to enjoy just as the current generation does. This necessary balancing is outlined in a set of “Guiding Principles for the Development of a Long-Term Vision for White Pond”. The Principles are succinctly described in Appendix A. The intent of this Vision is to formally set forth a thoughtfully coupled people management plan and a watershed management plan for White Pond for implementation by the Town of Concord.

This Vision addresses major concerns articulated and described by residents and collected over a number of years. While few of the concerns are new, some are chronic and others have recently grown in significance. Many of the concerns are inter-related, and for this reason individual or narrow solutions will have limited effect. With this in mind, the WPAC has crafted this Vision incorporating multiple interlocking elements with the expectation that a multi-faceted solution will be more effective in enabling Concord residents’ enjoyment while affording the kinds of protections and oversight the Pond deserves and must be provided through concerted efforts by the Town

The major concerns are listed and described in the following section. Next, the Vision is set out in detail in two parts: Resource Management and People Management. Both short-term actions and longer-term actions are identified.

Major Concerns

A number of issues have been identified and have been grouped into 4 key areas: Water Quality, Neighborhood Issues, Recreation and Stewardship, and Town support. Each of these areas is described below. A table summarizing the issues can be found in Appendix B.

Water quality

White Pond's clear and clean water is perhaps its greatest feature, providing a wide variety of recreational opportunities for Concord residents. Accordingly, restoring and maintaining White Pond's water quality is a Principle and therefore a key issue. Thanks to a long-term monitoring effort by Concord residents Dr. Bill Walker and Judith Sprott, we have a detailed record documenting key parameters such as dissolved oxygen, temperature, and especially transparency. For example, Figure 1 below presents Secchi Depth measurement for the past 27 years [WALKER], with water quality trending negatively for the last dozen years clearly indicated.

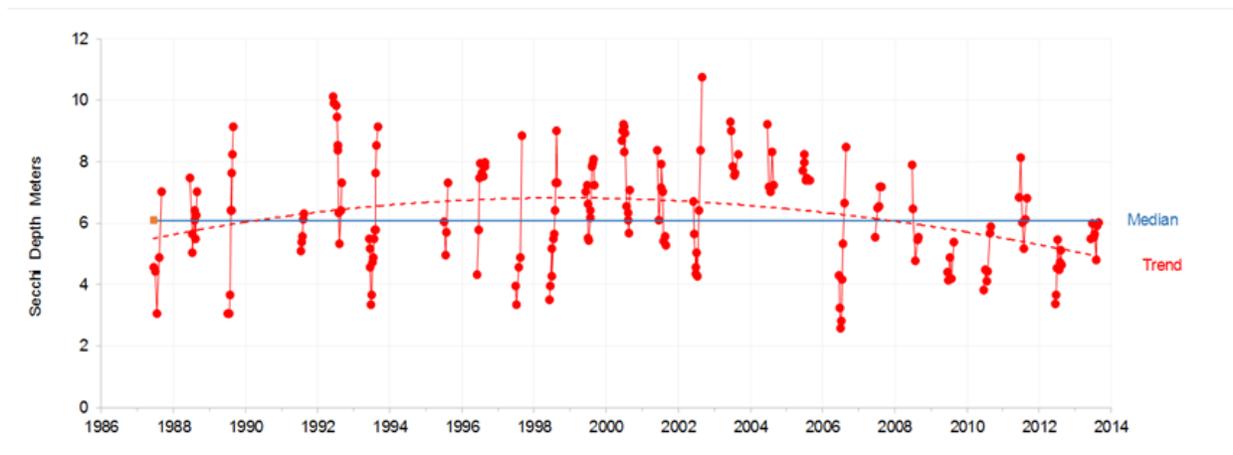


Figure 1: White Pond Long-Term Trends in Secchi Depth, June-August 1987–2013

A variety of issues have been identified related to White Pond's water quality including bank erosion, trash, and lack of public toilets [ESS]. Concerns over the effects of domestic animals, particularly horses and dogs, have also been raised. Additionally, as water levels have recently fallen to the lowest levels in recent memory, concerns have arisen related to the amount of water being pumped from the nearby White Pond well.

Public health issues are also potentially at play, especially related to the presence of blue-green algae, or cyanobacteria. While it is unclear whether or not blue-green algae is currently present in the Pond, it has been observed in minute quantities in the past [WALKERPLOETZ] and New England kettle ponds have proven to be particularly susceptible to this type of algal bloom [CAPECOD]. The public health concerns are potentially serious and range from dog fatalities [CLIFF] to a suspected link to ALS, also known as Lou Gehrig's Disease [SCIAM].

Another potential concern is water level. White Pond’s water level has been observed to vary dramatically over the years as shown in Figure 2 [WALKER]. In the last five years alone we have observed both the highest and lowest levels in recent memory. During this same period of time, pumping rates from the White Pond well increased substantially, more than doubling the previous maximum pumping rates [ESS]. This suggests that groundwater withdrawals may be affecting water levels.

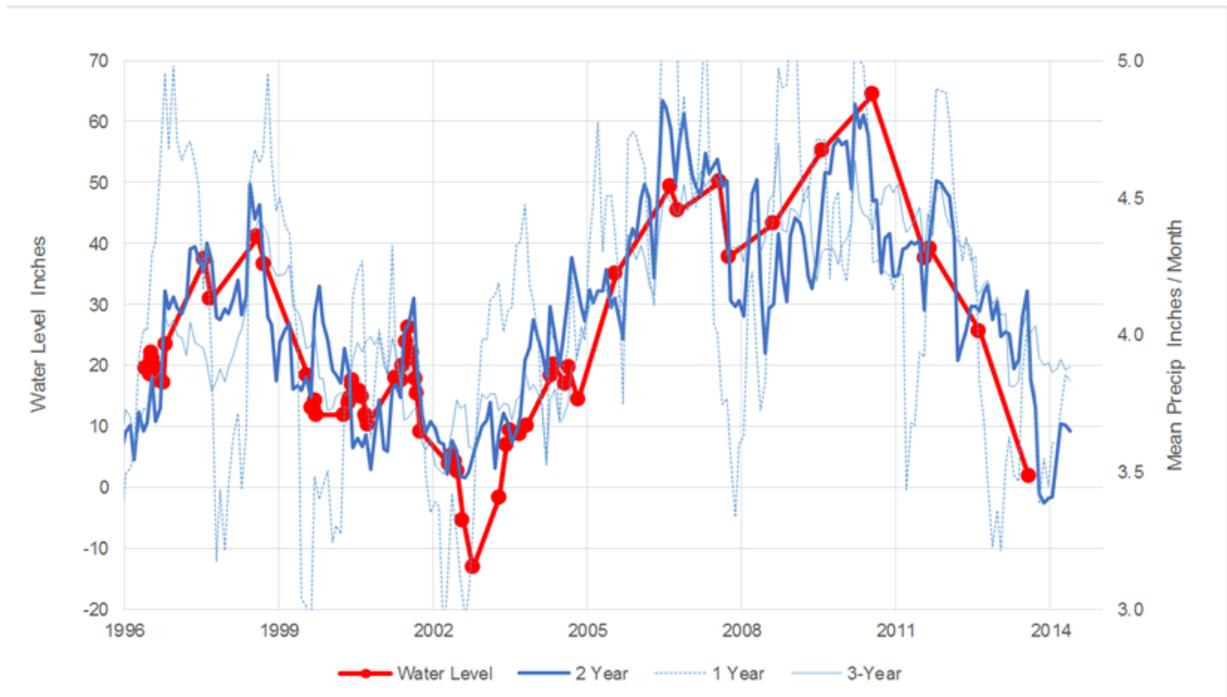


Figure 2: White Pond Water Level vs. Precipitation 1996–2013

While it appears that the water level strongly correlates with precipitation, the effect of pumping from the White Pond well is not well understood. Prolonged periods of extremely low water level could have adverse effects on water quality and especially aquatic life.

Neighborhood Issues

White Pond is abutted by residential neighborhoods, either directly or indirectly, on all sides. Thus, people accessing White Pond must necessarily pass through these neighborhoods, some of which are reached only by private ways. For example, to reach the Varick Street trailhead on Town Conservation Land, one must first follow Dover Street – a private way – until it turns into Varick. At times this traffic can be substantial for a small residential neighborhood street with no sidewalks, and speeding is common. [RASMUSSEN]

Parking by non-neighborhood individuals, particularly, but not only, on Anson and Alden streets, has been a major nuisance, as nearby streets have become congested with cars from swimmers accessing the Pond from Town Conservation land and, in some cases, through private residential property. The number of cars parking on these streets has also raised public safety concerns due to blocked sight lines along Plainfield Road and speeding on Dover Street. Littering is common. Trespassing by and personal confrontations with swimmers crossing private property have been reported to the WPAC.

A number of these problems are increasing in severity due to the increased general public awareness of White Pond. In particular, the number of cars parked in adjoining neighborhoods has risen substantially in recent years as have the number of swimmers from Town lands. These increases appear related to the Internet, social networking and mobile technology – White Pond is easily observed from Google Maps, and can be found on the Internet in multiple listings of favorite swimming holes. [TOP7] [50SWIMS]

It should be noted that these issues are not limited to Concord neighborhoods. Sudbury residents at Frost Farm, near the southwest corner of the pond, have reported similar issues especially noting speeding and nighttime disturbances. [MURPHY]

The imminent construction of the Bruce Freeman Rail Trail (BFRT) threatens to exacerbate many of these issues since tens of thousands of additional trail users [BFRT] are anticipated and could easily view White Pond as a point of destination off the trail.

Recreation & Stewardship

White Pond and its surrounding lands are major recreational assets for Concord citizens for a wide variety of activities including boating, fishing, hiking, picnicking, and especially swimming. Currently, swimming is permitted at the White Pond Associates (WPA) beach, but in-season only (roughly Memorial Day to Labor Day). While not formally restricted elsewhere, a sign at Sachem's Cove asserts that swimming is not allowed. Differences between Town Conservation land and Town Reservation land are not well documented or well understood by residents. This confusing patchwork of constraints leads to a variety of problems, including

- Sachem's Cove and adjoining public lands having become an unofficial swimming beach
- Parking and traffic congestion on neighborhood streets for swimmers headed to Sachem's Cove
- Trespassing across private property to swim in the Pond.
- Littering along both public and private shore lines and lack of pick up and collection of litter
- The use of the adjacent woodlands as a toilet due to the lack of public facilities
- Erosion in multiple areas due to uncontrolled access
- Lack of regulation enforcement

- Resident frustration due to geographically and seasonally limited access (no swimming from the WPA beach before or after the Memorial Day to Labor Day season)

It should be noted that the White Pond area contains both public and private landowners (including WPA, the Town of Concord, and individual homeowners), all of which are responsible for maintaining their own portion of the shoreline and watershed.

In short, the benign neglect of the complicated issues threatens the very qualities that make White Pond such a major Concord asset. Unless regulations are clarified and made consistent across abutting Town properties, enforcement cannot be effective. And without effective enforcement, stewardship efforts are likely to fail and water quality and recreational opportunities will continue to be compromised.

Town Support

Several local organizations are active in managing and/or advocating for White Pond. These include WPA (a private beach club, open to Concord citizens but subject to a membership limit), WPAC (a town advisory committee reporting to the Board of Selectmen), and Friends of White Pond (FWP, an advocacy group that publishes an annual educational newsletter *Ponderings*). However, little in the way of town services has been provided to the area in recent years. For example, water quality monitoring has been performed for almost 3 decades entirely on a volunteer basis. Cleanout and maintenance of the catch basins on the boat ramp – a public way – in recent years has only been achieved with funding from FWP. A ranger program managed by the Department of Natural Resources and directed at controlling access from town lands was disbanded several years ago. Citizen petitions for limiting parking on Anson and Alden streets, despite following previously established town protocols, have yet to be acted upon.

This lack of attention and support has resulted, at least in part, in the growing water quality, neighborhood, and recreation and stewardship issues described above. These issues were clearly articulated during the recent Town Forum [RASMUSSEN] in which 130 Concord residents participated along with representatives from various Town departments. This important conversation emphasized the need for the Town to commit attention, effort, and both human and financial resources to effectively address these issues.

Proposal / Vision

Our comprehensive vision for White Pond, its watershed and neighborhoods addresses two key inter-related management perspectives: resources and people. This Vision attempts to balance those perspectives as well as conflicts between various principles.

Resource Management

The two key resources to address are White Pond's water and its Watershed. While clearly related, the two resources are distinct and deserve individual attention.

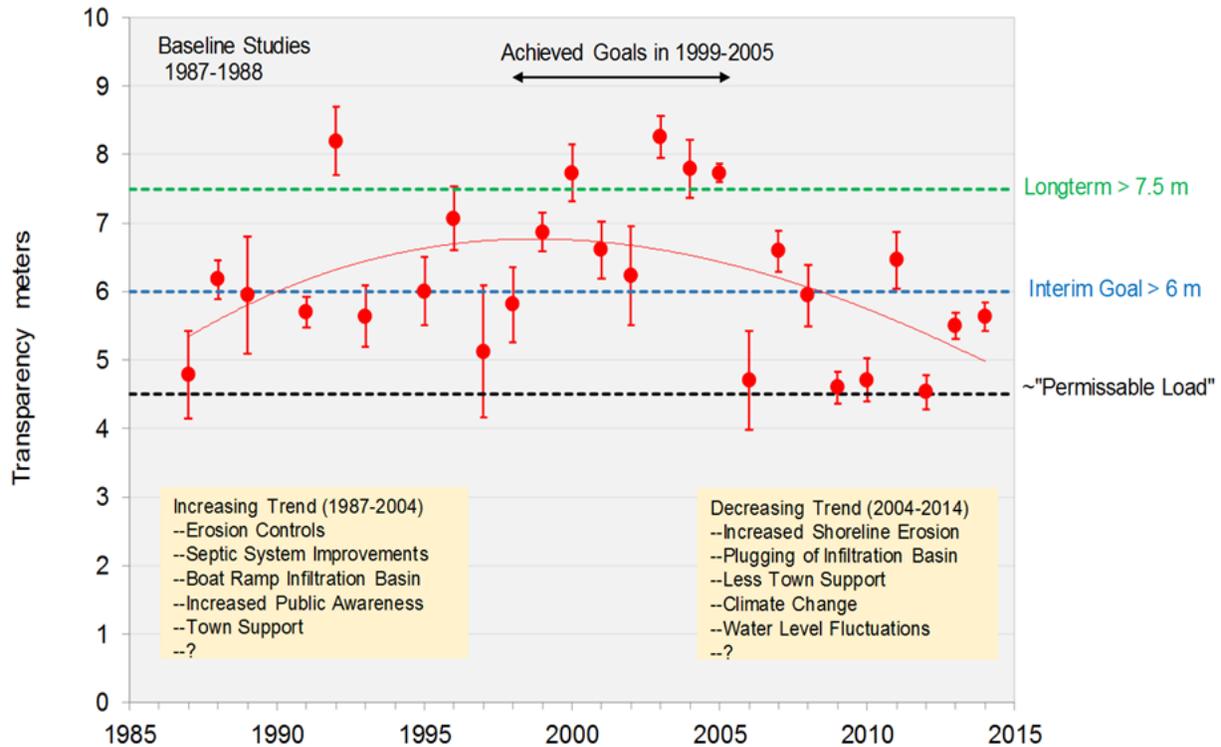
Water

Perhaps the most significant attribute of White Pond is its water and Principle #2 is "to restore and maintain water quality to the highest previously measured levels". This principle acknowledges that White Pond's waters are not pristine, but nevertheless requires effort to battle degradation threats.

A well-known management axiom asserts that you can't manage what you can't measure. Effective monitoring of the Pond is thus necessary to assure a high level of water quality. Accordingly, we propose that concrete measurements goals be set and water quality be measured against those goals each year. This requires reasonable goal setting along with an efficient and effective water quality monitoring plan. More specifically, we recommend the adoption of Dr. Bill Walker's Water Quality Monitoring and Restoration proposal [WALKER]. He proposes using Secchi Depth Transparency as the key water quality metric and that the goal be the achievement of transparency depth of 7.5 meters – the measured transparency in the 2000 to 2005 time frame. These goals are illustrated in Figure 3 below.

His proposal is based on 27 years of measurements using the simple, low-cost Secchi depth measurement. Other metrics, such as phosphorous loading, are more complicated and costly and the related water quality goal derivation more complex. While additional measurements beyond Secchi depth would also be required, the measurement would be much less frequent, and less costly. Thus, measuring transparency better balances complexity, effort, and cost.

Under this proposal, transparency would be measured weekly as it has been for the last 27 years, thus ensuring data consistency. The effect of restorative efforts would be observed by comparing newly taken measurements to previous measurements. The decision to apply restorative efforts should consider whether or not the restorative goal has been reached as well as the existing trends. As will be described below, two high-priority mitigation items have been identified – erosion control and catch basin cleaning – that ought to have near term positive impacts. Whether or not additional efforts are necessary can be directly judged by comparing the measurements and trends taken after the mitigation efforts have been completed to the historical data.



Symbols	June-August Mean Secchi Depth +/- 1 Standard Error	Approximate Percentile vs.
Solid Line	Long-Term Trend	Other Deep Lakes in Northeast
Dashed Lines	Goals Consistent with Anti-Degradation Standards for High-Quality Waters	
Longterm Goal	>7.5 meters or 25 feet, Best Observed over 3-Year Period (2003-2005)	91%
Interim Goal	>6.0 meters or 20 feet, Best Observed over 7-Year Period (1999-2005)	74%
Historical Min	4.5 meters or 15 feet, Approx. Equivalent to "Permissable Load"	45%

Figure 3: Proposed Restoration Goals for White Pond Water Quality

In the short-term, water quality will continue to be monitored on a volunteer basis as has been done for a number of years.

In the longer-term, a succession plan is needed to ensure the continuation of regular monitoring consistent with past practices. This perhaps can be accomplished with volunteers, however, some town support may be required depending upon whether or not existing practices need to be expanded.

Watershed

While the monitoring program proposed above will provide data indicating the water quality of White Pond, it does not directly address how to improve it. Efforts to improve the water quality involve appropriate management of the watershed.

The consensus opinion is that the single most important item in restoring White Pond's water quality is the stabilization of areas of recurring erosion [ESS]. Thus the mitigation of

existing eroded areas is a top short-term priority while the establishment and maintenance of erosion controls throughout the watershed is a long-term priority.

It is expected that people management will play a large role in controlling erosion, and that topic will be addressed in the People Management section of this report. Nevertheless, part of controlling erosion will be limiting public access to those areas of the shoreline particularly sensitive to erosion. With this in mind, the WPAC proposes two changes to public land policy in the White Pond watershed:

1. Swimming should be banned from town Conservation Land in the watershed.
2. Town Reservation land in the watershed should be converted to Conservation land with a similar no-swimming restriction. For the purposes of erosion control as well as enforcement (described below in the Enforcement section), it may be sufficient to convert only the portion of Reservation land that immediately abuts the water.

It is noteworthy that the conversion of the Town Reservation land to Conservation land has been recommended to the Town multiple times in the past by various Town committees and task forces: 1992, 2002, 2004, 2005, 2006, and 2015. [WPRTF1992] [WPRTF2002] [CONCORDOPENSOURCE2004] [WPRTF2005] [WPPMP2006] [CONCORDOPENSOURCE2015]

The Town Conservation and Reservation lands, illustrated in Figure 4, together contain an extensive trail network that is utilized by swimmers, hikers, runners, bikers, skiers, dog walkers, and horse riders. Usage of these trails is expected to increase significantly with the construction of the BFRT [ESS]. In anticipation of the extensive and growing usage of these trails, the Town should evaluate the existing trails in light of the problems usage presents to White Pond's water quality, the Watershed, and the surrounding neighborhoods. In particular, the town should evaluate the existing trail network in the Conservation and Reservation lands to determine which trails should be closed, re-routed, reconstructed or designated for particular usage without attempting to broadly eliminate any particular user. For example, trails could be designated to include biking or horse riding while other trails could be designated for hiking only. Biking restrictions should be considered on certain trails in order to minimize trail erosion and to discourage "leakage" from the BFRT towards the pond. While current BFRT plans include important fencing along substantial portions of the rail trail near White Pond, it will nevertheless be possible for bikers to enter the White Pond trail system from the BFRT and easily find their way down to the Pond. Such a limited biking restriction would not prevent hikers from reaching the Pond, but it would tend to minimize bicycling induced erosion. Once individual trails are classified according to usage, signage will be needed to clearly alert trail users of the limitations. This evaluation and designation effort should be undertaken by the Town's Trails Committee working together with the WPAC, and should be initiated in the short term.



Figure 4: White Pond and adjacent Town Conservation and Reservation lands

In addition to erosion mitigation, another short-term priority is the annual cleaning and maintenance of the boat ramp catch basins and underground stormwater filtration structures. Cleaning is an easy and inexpensive action, but due to jurisdictional uncertainty has been rarely performed thus increasing the short-term importance of this action. However, as with erosion controls, on-going maintenance is also a longer-term priority.

One potentially new issue to monitor is water level. Should the White Pond water level continue to fall, the effect of pumping from the nearby White Pond well should be studied to determine the extent to which it affects the water level. It may be necessary to reduce the pumping if it is determined that the withdrawals from the White Pond aquifer significantly contribute to the water level decline.

In the short-term, the Town should initiate an effort to stabilize areas of recurring erosion on public lands and the Town should direct the Public Works department clean out the catch basins. Additionally, the Town should revise and update the regulations concerning White Pond Conservation and Reservation lands to disallow swimming from those properties.

Longer-term, the Town should regularly check the condition of the previously implemented erosion controls and repair as necessary. Regarding catch basin maintenance the Town should definitively clarify who is responsible for the ongoing catch basin maintenance. Once the responsible party is identified – Town, State, or WPA – the Town should work with that party to establish a plan for annual catch basin cleaning along with a less frequent full maintenance check. Regarding White Pond water levels, a critical “minimum” level should be established and if the water level drop below that level, pumping from White Pond well should be reduced until the Pond water level rises above the minimum level.

People Management

White Pond’s clean waters and beautiful setting draw people year round, especially so during the summer as it is a prime recreation spot. On hot summer days crowds appear on the shoreline and on the neighborhood streets, threatening the very qualities that drew them in the first place. Thus effective people management is essential for preserving White Pond’s attractiveness for future generations.



Figure 3: A typical summer day at the White Pond Associates Beach

Key Concept

We believe that the key people management concept for preserving White Pond is to channel all swimming to one easily controlled area, while prohibiting swimming from all other areas – “tell them where they can’t go, but show them where they can go”. We feel that the “inhibiting this, but encouraging that” method will be much more effective than simply one of inhibiting undesired access, especially when considering the large numbers of users of the Bruce Freeman Rail Trail [ESS] that will be able to see the Pond from the trail. It should be noted that this general approach is commonly used to control human impact in sensitive natural areas by limiting access or activities to only a few specifically designated spots. For example, this technique is used to great effect in Baxter State Park in Maine [BAXTER] and portions of the White Mountain National Forest in New Hampshire [WMNF], among many others.

Beach Access

Few options are available for providing controlled beach access. There are currently no public beaches on White Pond, although there are two private beaches: WPA beach by the boat-ramp and Dover Street Property Owner’s Beach on the Southern shore. Sachem’s Cove has been considered by some to be an option as it apparently was used as a public beach at some point in the past. However, we are opposed to the use of Sachem’s Cove as a public beach for a variety of reasons including the limited water exchange with the rest of the Pond (due to sand bar by the Cove’s mouth), lack of existing parking and access from public roads, lack of sanitary facilities, and difficulty of emergency vehicle access, to name a few. Additionally, creating new parking and public facilities in Sachem’s Cove would be in conflict with Concord’s sustainability principles, the fourth of which is to “reduce encroachment upon nature”. [CONCORD] There are cost considerations, as well, that need to be weighed.

As an alternative to Sachem’s Cove, we believe that providing some sort of public access to the WPA beach would be highly advantageous, provided that an appropriate partnership or arrangement could be worked out between the Town and WPA. Such a partnership would provide a number of significant advantages:

- WPA has had an effective operational infrastructure in place for many years. It would need to be enhanced to support public use, but that should be easier and less costly than establishing an entirely new and additional infrastructure.
- WPA has an existing parking lot that fills to capacity on only a few days during the summer.
- The WPA has a convenient access point – the entrance on Plainfield Road – that provides for easily controlled access management.
- The WPA has existing beachfront (north of the boat ramp) that is currently under-utilized in terms of providing approved beach access.
- The WPA has existing toilet facilities.
- Overall, this is the least impactful solution, makes use of existing resources and infrastructure, and best achieves Principle #3 “to preserve and protect the Watershed, its land, flora and fauna” and Principle #4 “... to sustainably maintain a

serene and natural environment ...” because little to no additional build-out would be needed (such as no additional roadways, paths, or paved parking lots.)

Currently, WPA controls access to their life-guarded beach by a 2-level method. To access the beach, one must be a member (with a membership card). Secondly, parking is limited to only those cars that will fit into the existing parking lot. Once the parking lot fills up, cars are turned away. While this does not affect “walk-ups” with membership cards, it nonetheless tends to minimize the peak number of swimmers. However, it will be important to include in a Town – WPA arrangement some mechanism to allow public swimming at the beach after the formal swimming season (Memorial Day to Labor Day) has closed, as there is substantial demand for swimming during the shoulder seasons in May and, especially, September.

Due to the substantial advantages described above, along with the well-established access controls, we believe this to be the best overall balance between our various Principles, as described in Appendix A. There are, however, significant issues to address, such as liability and costs. But an arrangement between the Town and WPA could take many forms. While it is outside the scope of this document to address financing, it is nonetheless worth noting that there are at least two potential sources of public funds to support a potential partnership: (1) Community Preservation Act (CPA) grants and (2) annual revenue from beach passes (described below).

As it will most likely take time to work out a mutually acceptable arrangement, this idea for Town-WPA cooperation is considered a long-term, but critically important item, as there do not appear to be any other good options.

Public Beach Pass

Currently, as WPA is a private beach association, beach access is limited to WPA members. We envision that public access could be provided through a Beach Pass program administered by the town, as is the case in many other communities with local kettle ponds such as in Devens [DEVENS], Framingham [FRAM], Holliston [HOLLISTON], Sterling, [STERLING], and Wellfleet [WELLFLEET] to name a few. In general, a non-WPA member would need to obtain a limited-time beach pass from the Town; the pass would provide access to WPA parking and the WPA beach. However, once the WPA parking lot spaces designated for non-WPA members fill up, access would be closed to the Pond until spaces re-open in the parking lot. The pass would be obtained from Town hall so as to avoid money handling at the beach.

Two different types of passes could be made available by the Town: daily and weekly passes, for residents only. Non-residents would be directed to Walden Pond, through new signage at different points around the Pond.

Such a beach pass program would have numerous advantages:

- Access to the Pond would be provided to residents who don't want to purchase a full season pass from WPA, or who were not able to get a full season pass due to WPA's annual membership cap.
- The pass would provide a source of revenue to fund increased White Pond operational, management and maintenance expenses.
- The pass program itself would serve to "even-out" the peak loading on the pond, since it would require some effort and pre-planning to obtain passes thus limiting the number of spur-of-the moment Pond visitors on hot days that currently contribute to the parking and traffic problems.

Note that the beach pass, along with WPA membership, can be used as a control mechanism if it is found that the number of swimmers is negatively impacting the Pond – beach pass and/or WPA membership could be restricted.

This is another long-term item, as it is dependent upon establishing a Town-WPA partnership as described above.

Public Toilets and Trash Receptacles

There are currently no public toilet facilities anywhere in the White Pond Watershed. Two private toilets – one for men and one for women – are present on WPA property, but they are only open and available for use during the WPA season from Memorial Day to Labor Day. However, the WPA beach area is used year round by swimmers, picnickers, fishermen, dog walkers and others despite the fact that the WPA beach is officially closed. Additionally, public trash receptacles are needed to prevent litter from accumulating along the shoreline and washing into the Pond.

Therefore, to maintain a clean and healthy environment, we recommend that the Town explore with WPA a mechanism by which to keep toilets and trash receptacles open and maintained throughout the year. This need will become exacerbated with the expected influx of visitors from the BFRT, as will be described in a subsequent section of this report.

Parking

Swimmer parking would be limited to the WPA parking lot only. This limitation would serve to constrain the maximum number of beach goers at any point in time, thus preserving the current "beach experience" by preventing over-crowding. Seasonal parking restrictions would be placed on neighborhood public streets, such as Anson and Alden, whose residents request it. Parking would not be allowed at the Willard school unless the beach front "capacity" was expanded so as minimize the peak "swimmer density" in the limited beach front area.

Parking restrictions may be considered on other neighborhood streets such as Peter Bulkleley, Paul Revere, Longfellow, Jennie Dugan, Stone Root, and Indian Pipe provided that a sufficient number of residents on each street request the restrictions.

As some swimmers park at the old Unisys building across the town line in Sudbury, and reach the Pond by walking through the Frost Farm community, the Town of Concord should reach out to the Town of Sudbury to determine how best to address that parking situation.

The combination of these seasonal parking restrictions, along with clarified swimming restrictions from Town lands, may relieve some pressure on the limited parking at the Varick street trailhead. Those spots would no longer be occupied by swimmers thereby making them more available for other trail users.

These suggested parking restrictions are a short-term item and should be implemented as soon as possible. In the worst case, any lessons learned from the initial season's experiences with parking restrictions could be used to fine-tune the restrictions in subsequent seasons.

Bruce Freeman Rail Trail

The BFRT is already experiencing thousands of users on completed sections [BFRT]. Hence, it is not unreasonable to expect that the BFRT will similarly bring thousands of additional visitors to the White Pond area, many of which will find the clear waters of White Pond to be very enticing. Given the length of the BFRT, it is also to be expected that many of these visitors will be from out of town and looking for a swimming destination. Thus it is prudent to explicitly address non-resident swimming expectations.

Essential elements for dealing with the BFRT crowds will be fencing, signage, and enforcement.

The current build plan for the BFRT includes substantial fencing along the majority of the Pond side of the trail in the vicinity of White Pond. Where the Pond is visible from the trail, a 6-ft high wrought-iron style fence has been included in the trail design by the BFRT Advisory Committee (BRFTAC) in order to preserve the attractive vista from the trail while preventing breaching of the fencing. However, as noted above in the Watershed section, the current plan for fencing does not inhibit bikers from accessing the trail system from Town Reservation land. Thus, additional mechanisms, such as biking restrictions on White Pond Reservation and Conservation land are recommended (described above in the Watershed section).

Additionally, signage should play a major role in minimizing impact from BFRT users. The signs should clearly state that (a) biking is permitted only on Town Conservation and Reservation trails explicitly marked as such, (b) access to the Pond is not allowed for non-residents, except for boating from the public boat ramp, (c) access for residents is only allowed from the WPA beach, but that beach passes are required, and (d) non-resident swimmers are directed to Walden Pond.

Given the huge numbers of expected trail users, enforcement of established limits on accessing the trails, the Pond, and where visitors can and cannot park will be essential to

maintaining a safe, clean, and enjoyable experience for all visitors (as envisioned by Principle 4). Enforcement of all restrictions will be simplified with clear, consistent regulations and clear signage describing those regulations, as described above in the Watershed section.

In summary, the town should adopt these recommendations for fencing and signage in the long-term, as part of the BFRT construction.

Dogs and Horses

The White Pond area – the Watershed and White Pond itself – is a popular destination for dog and horse lovers. Many people walk and run with their dogs through the woods and some paddle and event swim with their dogs. On occasion, horse riders may be seen along the trails on the Conservation and/or Reservation land.

The general policy, described in more detail below, is that no user should be completely excluded from enjoying White Pond. However, certain issues such as erosion, waste and safety should be taken into account regarding what a particular user can and cannot do.

More specifically, animal policies should be consistent with people and public health-related policies to prevent adverse impact upon water quality, erosion, and safety. As impact is, in part, determined by the number of users of any particular type, as long as the number of dogs is a small fraction of the number of people visiting the pond no extra regulations are anticipated. Existing Town guidelines for the behavior and control of dogs on Town Conservation land should be followed.

Regarding horses, given their size and impact, some trails and areas in the watershed are not considered appropriate due to concerns over amounts of waste and trail erosion. Therefore, beaches and trails leading directly down to the Pond should be marked as off-limits to horses.

Public Education and Outreach

Education will be required to raise awareness issues at White Pond and in its watershed and to support the people and resource management programs. Two different educational methods are envisioned.

First, clear readable signage will be important to alert trail and Pond users to which activities are allowed, which are not, when and where they are allowed, and under what conditions. Signage should be placed at appropriate points along the BFRT, Town land trailheads, and at the boat-ramp.

Secondly, a brochure should be produced describing White Pond and related recreational opportunities and restrictions and the motivations behind the management controls. This brochure could be distributed to neighborhood residents and possibly to the entire town. A specific Town web page should also be created containing the same materials.

Enforcement

An essential element of both resource and people management is enforcement. For enforcement to be effective, it must be based upon consistent regulations and clearly marked signage along with appropriate attention from the local Police department.

The establishment of neighborhood parking restrictions along with well-marked and well-placed signage will set the stage for effective enforcement. Also needed are regular police patrols at peak times. This should include a patrol of the trails by bike and of the beaches along Town lands by foot. The patrols should occur at least once per day during the week and at least twice per day on summer weekends. A Ranger program should also be considered during the summer to assist with the regular police patrols.

These enforcement actions could be initiated in the short-term. However, prior actions to establish appropriate regulations and place descriptive signage are necessary prerequisites.

Summary

The Vision for White Pond presented here addresses both Resource Management as well as People Management and considers 4 key areas: Water Quality, Neighborhood Issues, Recreation and Stewardship, and Town support. Short and long-term actions were identified to turn this Vision into reality.

This Vision integrates a number of proven, complementary ideas to address the various identified issues. This integration is significant since so many of the issues are intimately intertwined.

Several short-term (next 6 months) actions were identified to address high priority items, including the following:

- Stabilize area of recurring erosion and create additional controls including fencing where needed.
- Clean catch basin and infiltration chamber on boat ramp.
- Establish a seasonal parking ban on neighborhood streets as requested by residents.
- Enforce the newly established parking restrictions.

Numerous longer-term actions were also identified, and others may become necessary:

- Develop a partnership with WPA to provide a controlled amount of public access to the WPA beach, using town-issued short-term beach passes for Town residents.
- Convert at least a part of White Pond Reservation to Conservation Land and establish new regulations disallowing swimming from all Town lands abutting White Pond.
- Evaluate which trails on Town Conservation and Reservation lands should be closed, restored, and/or limited to only certain types of traffic and mark trails and maps accordingly.
- Develop and implement a cost-effective water quality monitoring and restoration plan based upon Secchi disk transparency as the first order parameter.
- Develop a succession plan for the current volunteer based long-term monitoring program.
- Maintain erosion controls.
- Clean out catch basins annually and the infiltration chambers on an as-needed basis.
- Place educational signage at key access points in the Watershed.

Consistent and effective enforcement, in both the short and long-term will also be a required element of Town support to achieve this Vision.

Appendix A: Guiding Principles

Guiding Principles for the Development of a Long-Term Vision for White Pond

White Pond Advisory Committee

25 February 2015

1. Our commitment to White Pond is for today and the future.
2. We will strive to restore and maintain water quality to the highest previously measured levels.
3. We will strive to preserve and protect the Watershed, its land, flora, and fauna.
4. We will seek to sustainably maintain a serene and natural environment and a safe, clean, and enjoyable experience for all users of White Pond and its Watershed.
5. We will advocate managed, public access to White Pond and its Watershed for all Concord residents.
6. We will advocate solutions to White Pond neighborhood problems.
7. We will seek to build a broad base of support for White Pond in order to ensure effective long-term advocacy.
8. We will expect the town of Concord to make ongoing formal commitments to resources, budget, and enforcement in order to affect the above principles.

Appendix B: Table of Issues Facing White Pond

The following table lists and categorizes the various issues affecting White Pond collected by the White Pond Advisory Committee.

Issues	Solution			
	Short Term		Long Term	
	People Management Plan	Resource Management Plan	People Management Plan	Resource Management Plan
Water Quality				
Shoreline erosion	X	X	X	X
Impact of horses & dogs	X		X	
Catch basin maintenance		X		X
Shoreline litter	X	X	X	X
Expected impact of BFRT usage			X	X
Public toilet & trash receptacle			X	X
On-going monitoring and data collection				X
White Pond Reservation - conversion to conservation land			X	X
White Pond Well				X
Keeping Neighborhoods Save and Viable				
Anson & Alden no-parking request	X		X	
Willard school - is parking legal or not?	X		X	
Overflow from no-parking streets onto others			X	
Limited legal parking availability - Varick St & boat ramp			X	
Parking at Cummings property in Sudbury			X	
Speeding & excessive traffic (Dover Street, Frost Farm)	X		X	
Refuse collection from Town Conservation Land		X		X
Public Nuisances (noise and litter)			X	X
Trespassing			X	
Public toilet & trash receptacle			X	X
Expected impact of BFRT usage			X	X
Recreation and Stewardship				
Legitimate swimming access by Concord residents			X	
Legitimate swimming access by non-Concord residents			X	
Limited legal parking availability - Varick St & boat ramp			X	
Conservation and Reservation land regulations			X	
White Pond Reservation - conversion to conservation land				X
Horses and dogs			X	
Public toilet & trash receptacle			X	X
Swimmers (town liability?)			X	
Enforcement				
Illegal swimming			X	
After hours usage	X		X	
Horses and dogs			X	
Fires	X		X	
Illlicit activites	X		X	
Illegal dumping	X		X	
Willard school - enforcement needed if parking is not legal	X		X	
Alignment of police bike patrols w peak usage times	X		X	

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From: "Kathryn A. Angell" <kangell@windhamgroup.org>
Date: Friday, August 7, 2020 at 12:33 AM
To: Michael Lawson <mlawson@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Jane Hotchkiss <jhotchkiss@concordma.gov>, Susan Bates <sbates@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>, Stephen Crane <scrane@concordma.gov>
Cc: Dutch Leonard <dutch_leonard@harvard.edu>
Subject: Estabrook Road trail public access: Thank You

Dear Select Board and Town Manager,

Our spirits rose when the judge ordered the re-opening of the Estabrook Woods trail at the end of Estabrook Road. The judge's walking this path before his decision indicated the thoroughness of his review.

My husband, Dutch, and I are writing this to say "thank you" to all of you (and your predecessors on the Select Board) and to the Town Manager now (and preceding) for your continuing and committed efforts to affirm the public's right of access to Estabrook Woods via the unpaved trail at the end of Estabrook Road. We appreciate your tireless work on this issue. We know that it has not been an easy journey and that the issue is still not finally legally resolved, but we want you to know that there are countless Concord residents who are behind you, quietly and patiently waiting as you work consistently on our behalf and as representatives of the entire population of the Town to protect the public interest from the harm that was being and would be caused by the loss of this access point. We value your commitment to ensure public access — for present and for future generations — to Estabrook Woods over this historic trail entrance.

We also wanted to let you know that we have submitted a Letter to the Editor of the Concord Journal, which I hope will be published in the Friday, August 7 edition, publicly expressing our thanks to and support of the Select Board and Town Manager in your efforts on this issue. That letter highlights some of the points of this letter, but we wanted to send this email as well so that we could thank you directly. We also want to make sure that our support is part of your record on this issue, as we know from talking with others that there is more support for your stance on this issue than what you generally hear.

We are taking the time to say thank you now because I returned from taking a wonderful walk in Estabrook Woods with a Concord friend last Wednesday morning, going into the Woods via the newly re-opened Estabrook Road entrance, and it felt like a homecoming, like seeing an old friend again after a long absence. This is the same path that Dutch and I first took into Estabrook Woods when a generational-Concordian neighbor (subsequently a Concord Citizen of the Year) introduced us to the Woods over 35 years ago, and it has remained our favorite way to enter and enjoy the Woods ever since. We have greatly missed being able to visit the Woods via this route for the last several months. Today I felt refreshed and rejuvenated, as well as comforted and calmed, by again walking in familiar Woods on that familiar route. In these still challenging times, it is the balm of nature that my friend and I were seeking. So, thank you for my walk last week.

Thank you for taking the necessary legal actions to pursue the preliminary injunction that successfully led to the re-opening of the trail at the end of Estabrook Road. Many of our friends also spoke with a great sense of sadness upon learning that this path unfortunately had been closed this spring. I am guessing that there were many hearts that were lifted as they read the news of the granting of the Town's request for preliminary injunction in your Select Board Statement of July 27, 2020.

As a member of the Estabrook Woods Access Study Committee in 2016, on which I represented the Conservation Restriction Stewardship Committee of which I was Chair at the time, it is positive and reassuring to know that you are still working to achieve the primary recommendation of that Committee after its months of meetings and discussions, as well as multiple public hearings. That recommendation was to "Work with Town counsel and direct abutters on Estabrook Road to resolve legal uncertainties regarding the dirt road trail at the end of the paved public road in order to secure permanent public access at this location." Because there is the need to have legal certainty for public access finally determined — lest there be future unilateral closures such as just experienced — we wholeheartedly support your continued efforts through the legal process in the Land Court. Especially in these times with other challenges around us, we have not wanted to add to tensions by writing multiple letters and emails while you worked on this, but with my restorative walk today, we wanted to speak up again to let you know of our support. We also know many others who are quietly relying on the Select Board and Town Manager to work with Town Counsel to preserve public access to Estabrook Woods from Estabrook Road, as it has existed for centuries. We all thank you.

Keep up the good work!

Best regards,
Kathryn Angell & Herman "Dutch" Leonard
267 Main Street