

**TOWN OF CONCORD
SELECT BOARD MEETING
JANUARY 19, 2023 | 6:30 PM**

**CONCORD-CARLISLE HIGH SCHOOL, 500 WALDEN STREET
LEARNING COMMONS, ROOM 242 AND VIA ZOOM**

Join Zoom Meeting

<https://us02web.zoom.us/j/82587103259?pwd=Qzl3TkxNNldWU280OUNsS1ZZdzcvdz09>

Meeting ID: 825 8710 3259

Passcode: 548922

Toll Free: 833 928 4610

AGENDA

| # | Time* | Agenda Item |
|----|---------|--|
| 1. | 6:30 PM | Consent Agenda <ul style="list-style-type: none"> • Special Town Election Early In-Person Voting – Friday, February 10, 2023 and Saturday, February 11, 2023 – for Special Town Election on Thursday, February 16, 2023 • One Day Liquor License Application for Wine and Malt Beverages Only for the Concord Children’s Center at the Nashoba Brooks School Sur Barn at 200 Strawberry Hill Road from 5:30 PM to 10:00 PM on January 20, 2023 |
| 2. | 6:30 PM | Discuss Select Board Statement on Special Town Meeting Article 5: Concord Middle School Building Project |
| 3. | 6:40 PM | Review Special Town Meeting Voter Information Packet |
| 4. | 6:50 PM | Review Annual Town Meeting Letter to Voters |
| 5. | | Adjournment |

**Times are approximate and subject to change*

| |
|--|
| Current Board and Committee Vacancies |
| 2229 Main Street Advisory Committee |
| Agricultural Committee – Associate Member |
| Bruce Freeman Rail Trail Advisory Committee |
| Cemetery Committee |
| Commission on Disability |
| Concord 2025 Executive Committee |
| Concord Cultural Council |
| Concord Municipal Affordable Housing Trust |
| Conservation Restriction Stewardship Committee |
| Council on Aging |
| Diversity, Equity, and Inclusion Commission |
| Economic Vitality Committee |
| Financial Audit Advisory Committee |
| Historical Commission |
| Historic Districts Commission |
| Municipal Light Board |
| PEG Access Advisory Committee |
| Personnel Board |

| |
|--|
| Planning Board |
| Pollinator Health Advisory Committee |
| Recreation Commission |
| Tax Relief Committee |
| Transportation Advisory Committee |
| Trustees of Donations |
| West Concord Advisory Committee |
| West Concord Junction Cultural District |
| Zoning Board of Appeals – Associate Member |

Town Clerk's Office
22 Monument Square
Concord, MA 01742



Memo

To: Select Board members
Cc: Gail Down, Chief Financial Officer
From: Kaari Mai Tari, Town Clerk
Date: January 18, 2023
Re: Early voting in person options for February 16, 2023, Special Town Election

The Board of Registrars voted at their duly posted on January 17, 2023, to recommend offering early voting in person on the following two days in advance of the February 16, 2023 Special Town Election.

Friday, February 10, 2023: 8:30am – 4:30pm

Saturday, February 11, 2023: 10:00am – 2:00pm

The Registrars request that you vote to authorize in person early voting for the dates and times listed above.



Reference: [MGL 54:25B \(c\) \(1\)](#)

TOWN OF CONCORD
APPLICATION FOR ONE DAY SPECIAL LICENSE
FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES



Fee: \$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only Amount Paid \$ 75.00

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print) Pat Nelson
COMPANY or organization: Concord Children's Center
ADDRESS: 
TELEPHONE: 
DATE(S) APPLIED FOR: 1/20/23
EVENT: staff party
HOURS OF OPERATION: 5:30pm - 10:00pm
PREMISES TO BE LICENSED: Nashoba Brooks School Sur Barn
ADDRESS OF PREMISE LICENSED: 200 Strawberry Hill Rd Concord, MA

License is for the Sale of:

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

The Licensed Activity or Enterprise is:

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

Are the bartenders TIPS or equivalently trained? Yes No

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

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

If no, number of consecutive years licensed? _____

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

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

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

Signature of Applicant: Pat Nelson Date: 1/12/23

**TOWN OF CONCORD
Board of Selectmen**

One Day Special Licenses

TIPS TRAINING (OR EQUIVALENT)

| | |
|---------------------------|----------------|
| Applicant Name: | Pat Nelson |
| Location of Event: | Nashoba Brooks |
| Date of Event: | 1/20/03 |

The Board of Selectmen require that any event for which they issue a One Day Special License the alcohol must be served by a TIPS trained or equivalent bartender.

TIPS training cards or the equivalent must accompany this application. These must show the photo and name of the bartender and must be current. If a photo is not on the TIPS training card, then a copy of a valid driver's license with a photo should be included as well. Proof of TIPS credential must be provided before this application is voted on by the Board of Selectmen.

Pat Nelson

**TOWN OF CONCORD
Board of Selectmen**

One Day Special Licenses

Under 21 Policy

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

| | |
|---------------------------|----------------|
| Applicant Name: | Pat Nelson |
| Location of Event: | Nashaba Brooks |
| Date of Event: | 1/20/23 |

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

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

| | |
|--------------------------------|------------|
| Signature of Applicant: | Pat Nelson |
|--------------------------------|------------|



eTIPS On Premise 3.0

CERTIFIED

Issued: 7/19/2020

Expires: 7/19/2023

ID#: 5356001

Leo LaFarge

Lafarge Bartending Services

Leo Lafarge

463 Fellsway W

Medford, MA 02155-1821

For service visit us online at www.gettips.com

Select Board Statement on 2023 STM Article 5

The Select Board recommends affirmative action on Article 5. The Board's vote was not unanimous, and even those in support continue to be concerned about the project's scope and its tax impact on homeowners with limited incomes. Nevertheless, the majority believe that it's better to proceed, because the potential cost of additional design work and project delays diminish savings opportunities at this stage.

The Board also recognizes that there is little margin for error in the latest construction estimates. While the project will be within its budget if Article 5 passes, its \$110 million total project cost must be considered an absolute limit. Further cuts may be required if bids come in higher than expected. The Middle School Building Committee should carefully prioritize features that can be removed and consider possible alternative funding mechanisms rather than pursue any future borrowing for this project.



Select Board Office
22 Monument Square
Concord, MA 01742

Presort Standard
US Postage Paid
Permit No. 51
Concord, MA

ECRWSS

Residential Customer
Concord, MA 01742

VOTER INFORMATION

February 16, 2023 Special Town Election

BALLOT QUESTION

Shall the Town of Concord be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to pay for the additional costs to construct a new middle school, to be located at 835 Old Marlboro Road, Concord, Massachusetts (the present site of the Sanborn Middle School), including, without limitation, the costs of engineering, design, site preparation, construction, landscaping, paving, furnishing and equipping, demolishing the existing school, construction of recreational fields, driveways and parking lots, and all other costs incidental or related thereto?

G.L. c.53, § 18B SUMMARY: CONCORD MIDDLE SCHOOL PROJECT

In 1980 Massachusetts voters adopted a referendum that became G.L. Chapter 59, Section 21C, but which is more commonly known as “Proposition 2 ½”. Proposition 2 ½ limits the total amount of money that a Town can raise through taxes, but allows voters to exempt from those limits the amount of money needed to pay debt services expenses (meaning principal and interest on a loan) for a specific project. This process is called a “Debt Exclusion”, which is a temporary tax levy for a specific purpose. It is different from an “Override” which is a permanent increase in the tax levy limit itself.

The present question seeks to exempt from the provision of Proposition 2 ½ the amounts required to pay for the additional **\$7,200,000** in bonds needed to construct a new middle school at 835 Old Marlboro Road, Concord (the present site of the Sanborn Middle School).

If approved, this amount shall be expended in addition to the \$102,816,000 appropriated for this project at the January 20, 2022, Special Town Meeting (and approved by a prior debt exclusion vote on February 3, 2022, for a total appropriation for the project of \$110,016,000.

This additional appropriation was approved for authorization under Article 5 by Special Town Meeting on January 19, 2023, subject to and contingent upon an affirmative vote of the Town on the ballot question.

A “yes” vote will allow the Town to raise, through taxation, an additional **\$7,200,000**, to be added to the existing project budget to fund a new middle school. This amount will be in addition to the amount the Town is able to levy under Proposition 2 ½, so-called.

A “no” vote would limit the project funding to \$102,816,000, which is the amount that was approved at the 2022 Special Town Meeting. At a future Town Meeting, the Town could either appropriate additional funding within the level limit to increase the project budget, or once again place a debt exclusion question on the ballot.

ARGUMENTS FOR AND AGAINST

ARGUMENT FOR

While the design has not changed, historically-unprecedented inflation-related construction cost increases necessitate approving 7% more to deliver the school approved by vote last February. To offset taxpayer impact, \$4M in cuts were made, but a bit more funding is still needed. The tax implications of a 'YES' vote is \$73/year/household for the school we want and need, while a 'NO' vote means \$5.5M+ in new fees, a 6–9-month delay (while costs keep rising), plus \$11M+ in deep cuts to a project forged by a multi-year, transparent, community-involved process that adheres to the town’s agreed-to Education Plan. Maintaining our obsolete, deteriorating buildings will cost \$44M -\$62M (est) over 10 years. For these reasons, after full consideration, our Finance Committee recently voted overwhelmingly to recommend "affirmative action" (a YES vote). Vote YES, because a failed vote now will very likely mean we get less of a school for more money later.

ARGUMENT AGAINST

Concord needs a new middle school. The Commonwealth declined to provide any funding and the Town elected to shoulder the entire cost through a substantial property tax increase. While Town Meeting initially approved a \$90M project, the Building Committee immediately targeted \$100M and designed a building larger than State space standards. When the design exceeded the budget, the Committee refused to reduce auditorium seating, downsize the expanded gymnasium, revisit the building’s substantial non-classroom space, or look for savings in the millions budgeted for kitchen, theater, and technology equipment. A “Yes” vote would authorize an additional \$7.2M and the School Committee plans to request another \$1.8M, if needed. The proponents assert that redesign is not feasible, leaving voters no choice but to approve additional funds. Vote No. The Building Committee should re-visit the design with the goal of adhering to the \$102.8M authorized budget.

VOTER RESOURCES

New Resident? Register to vote by 5:00pm on 2/6/2023: online: <https://www.sec.state.ma.us/ovr/>; at the Town Clerk’s Office (open until 5:00pm on 2/6/2023), or by mail: 22 Monument Square, Concord, MA 01742. Questions? contact us: townclerk@concordma.gov | phone: 978-318-3080.

Thursday, Feb 9, 2023 at 5:00pm: Deadline to apply to receive your ballot by mail

Friday, Feb 10, 2023 from 8:30am-4:30pm: Early voting in person at the Town House

Saturday, Feb 11, 2023 from 10:00am – 2:00pm: Early voting in person at the Town House

Wednesday, Feb 15, 2023 at 12:00noon: deadline to apply to vote absentee in person

Election Day Polling Hours: 7 a.m. – 8 p.m.

| Precinct | Voting location on election day |
|----------|---|
| 1 | 141 Keyes Rd |
| 2 | 1276 Main St (Harvey Wheeler Community Ctr) |
| 3 | 1276 Main St (Harvey Wheeler Community Ctr) |
| 4 | 90 Stow St (Hunt Recreation Center 2 nd floor) |
| 5 | 90 Stow St (Hunt Recreation Center 1 st floor) |

Find vote by mail forms and election information online:
www.concordma.gov/vote



OLD NORTH BRIDGE

TOWN OF CONCORD

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

January [], 2023

Dear Concord Resident:

I invite you to participate in Concord's proud tradition of direct democracy, culminating in Annual Town Meeting on April 30, 2023. As a Concord citizen, you are empowered to submit proposed legislation, provide feedback at public hearings, approve or seek to amend any new Town bylaw or spending, and cast votes for or against any proposed action at Town Meeting. This is truly government "by the people, for the people," and it depends on you.

Any process that continues hundreds of years of tradition and has significant economic and legal impact can seem intimidating and formal. This brief guide covers the basics, so you can be more at ease contributing if you're new to the process. It's also a good refresher for more experienced participants, as some details change every year.

WARRANT: The publication of the warrant is the first event leading up to Town Meeting. The warrant serves as the agenda for the meeting. It includes proposed pieces of legislation (known as "warrant articles") authored by the Town's committees and professional staff, along with "citizen petition" warrant articles submitted by individual citizens and signed by at least ten registered voters. Each article on the warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action if the article is moved.

Warrant articles are carefully worded so any proponents can address errors, add details, and make improvements between the date of the warrant's publication and Town Meeting. However, any motion made at Town Meeting must fit "within the scope of the article" as presented in the warrant. That means that the motion can reduce spending or suggest less stringent regulations than those documented in the warrant article, but generally cannot increase them. The phrases "**or take any other action relative thereto**" and "**or any other sum**" in warrant articles signify that the motion may vary somewhat in proposed action and dollar amount. The motions presented at Town Meeting replace these phrases with precise spending amounts and actions. Since some aspects of an article's scope may be a judgement call, the Moderator is the final authority for determining whether a motion is within the scope at Town Meeting.

Any article that proposes spending must also indicate a funding mechanism.

- "**Raise and appropriate**" means funding through the property tax levy.
- "**Transfer from available funds**" means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes.
- "**With the approval of the Select Board, to borrow**" authorizes Treasurer to issue debt for which the Town commits its full faith and credit to make future repayment of the loan with interest.

The motion made under a financial article will always specify the financing method from among the possible options. The amount of money in the motion may vary slightly up or down from the amount appearing in the Article text, as long as the Moderator determines that it is still in scope.

Most articles require a majority vote, but some articles require a supermajority in accordance with state law. The warrant indicates which articles are subject to these requirements. Most zoning articles fit into this category; however, **note** that the Commonwealth of Massachusetts recently lowered the quantum of vote threshold for articles related to affordable housing, even if there is a zoning impact, from a supermajority to a simple majority vote.

PUBLIC HEARINGS: Following publication of the warrant, the Select Board, Finance Committee, and Planning Board host public hearings focused on the articles under their jurisdiction. These hearings provide the best opportunity to learn about and make improvements to articles of interest. Dates, times, and article assignments are included in the following table. You can attend these hearings either virtually or in person. Video recordings of each hearing will also be posted on the Town website.

| ANNUAL TOWN MEETING – PUBLIC HEARING SCHEDULE | | | |
|---|---|-------------|---------------------------|
| Location: Town House Public Hearing Room and via Zoom | | | |
| (see meeting agenda for Zoom link) | | | |
| Board or Committee | Articles | Time | Date |
| Select Board | 4, 5, 6, 14, 27, 32, 33, 34, 35 | 7:00 PM | Monday, February 27, 2023 |
| Finance Committee <ul style="list-style-type: none"> • Town-budget-related articles • Town capital articles • Community Preservation Act articles | 7, 8, 9, 10, 11, 12, 13, 21, 22, 24, 25, 26, 36, 37, 45, 46 | 7:00 PM | Wednesday, March 1, 2023 |
| Planning Board | 28, 29, 30, 31 | 7:00 PM | Tuesday, March 7, 2023 |
| Finance Committee: School budgets and articles | 15, 16, 17, 18, 19, 20, 23 | 7:00 PM | Thursday, March 9, 2023 |
| Finance Committee: Enterprise funds, budgets and articles | 38, 39, 40, 41, 42, 43, 44 | 7:00 PM | Wednesday, March 15, 2023 |

The hosting board or committee runs each session. Proponents present their warrant articles one at a time, typically providing more detail than they would have time to give at Town Meeting. First

board and committee members ask questions and make suggestions for improvements; then members of the public are invited to add their questions and comments.

Constructive feedback gathered through these sessions may result in changes to the motions and presentations made at Town Meeting. Sometimes it can even lead proponents to conclude that an article isn't ready, so it will not be moved. In any case, the hearings help voters be better informed, and ensure that Town Meeting deliberates on well-vetted motions.

After the hearings, the Finance Committee prepares its report to the Town. This report summarizes the Town's financial position, reports on various issues pertaining to finances, and includes the Finance Committee recommendations to Town Meeting on each article that has financial impact. The Select Board's recommendations on all articles are also included.

TOWN MEETING: This year's Town Meeting will be held on Sunday, April 30, 2023 at 1:00PM at Concord-Carlisle Regional High School, with subsequent consecutive days as needed. COVID-19 protocols, including masks and social distancing are expected to be in effect and modified as needed. All registered voters are eligible and encouraged to attend and vote. Residents who are not currently registered to vote must register by April 10, 2023 in order to participate. All attendees must check in with the Town Clerk's staff.

The Moderator, who presides at the meeting, is elected annually in the Town Election. The Moderator will be on the stage with the Town Clerk. The Finance Committee, Select Board, Town Counsel, and Town Manager will be seated at the front of the meeting venue.

All speakers must address remarks to the Moderator. Concord Town Meeting has a long tradition of vigorous, civil and respectful debate. This means that we stick strictly to the issue, avoid impugning the motives of any person or group, and avoid any personal attacks or references to other speakers by name. Any speaker who fails to honor this tradition will be ruled out of order.

Civility enables all participants to speak and be heard without interruptions or demonstrations, such as hissing, booing, clapping or cheering. All participants are expected to listen to all speakers carefully. The Moderator has the obligation to ensure that the meeting proceeds in an orderly and respectful manner, so that thoughtful deliberation and decision-making may occur.

Town Meeting is an important democratic institution open to all Concord registered voters and is Concord's legislative body. The procedures are simple, and all have a right to attend and participate. By this process, the decisions made are based on the collective will and wisdom of the Meeting. We encourage your active participation, particularly for those Articles that are of greatest importance to you. For those who cannot attend but wish to follow along from home, Town Meeting proceedings are broadcast live by MMN on local access cable channel 9 and by WIQH Radio at 88.3 FM, and live-streamed at <https://concordma.gov/2335/Minuteman-Media-Network-MMN>.

COMMITTEE MEMBERSHIP: Concord's direct democracy does not end with Town Meeting. Our many volunteer boards and committees lead initiatives, set policy, and provide critical expertise, as well as financial and management oversight. If you would like to serve your community as a volunteer member of a Town Board or Committee, or on a short-term

assignment, fill out a Volunteer Card and submit it to the Town Manager's Office in the Town House. Volunteer Cards can be filled out online. Follow the "Volunteer" choice from the home page www.concordma.gov.

Respectfully,

Matthew Johnson, Chair

Carmin C. Reiss

Terri Ackerman, Clerk

MODERATOR

Henry Dane

Linda Escobedo

Mary Hartman

SELECT BOARD