



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

**1**

## Call to Order

**Requested by: SB Chair**

**Action Sought: None**

### Proposed Motion(s)

None Anticipated

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



OLD NORTH BRIDGE

**TOWN OF CONCORD**

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

**Select Board Agenda**

Monday, November 4, 2024 at 6:00 PM  
 Town House, Select Board Room, 22 Monument Square

**Join Zoom Meeting**

<https://us02web.zoom.us/j/82296473919?pwd=FIgw2FGDCLukoupWHvkWjGEDHyuIE.1>

Meeting ID: 822 9647 3919

Passcode: 828620

Dial In Toll-Free: 833 928 4610

#	Time *	Agenda Item
I.	6:00 PM	Public Comment: Public Comment is limited to up to 15 minutes, with no more than 3 minutes allocated to any one speaker. Public Comment is limited to items that are not on the agenda.
II.	6:15 PM	Consent Agenda <ul style="list-style-type: none"> <li>a. Meeting Minutes: September 9, 2024</li> <li>b. Town Accountant Warrants: October 15, 2024; October 31, 2024</li> <li>c. Verizon Temporary License Agreement for Construction of the new Concord Middle School</li> <li>d. Gift Acceptances:               <ul style="list-style-type: none"> <li>i. From the Collins Family to the Concord 250 Gift Account in the amount of \$2,500.00 and to be used for the 250 Memorial Trees</li> <li>ii. From the Garden Club of Concord to the Concord 250 Gift Account in the amount of \$3,500.00 and to be used for the 250 Memorial Trees</li> </ul> </li> <li>e. One Day Liquor License for Visnja Zarak for a Bat Mitzvah on Saturday, November 23, 2024 from 4:00 PM – 8:00 PM at the Concord Scout House</li> </ul>
III.	6:15 PM	Select Board Appointments <ul style="list-style-type: none"> <li>i. Reappointment of Rose Cratsley of 79 Hillcrest Road, as Co-chair to the DEI Commission for a term to expire May 21, 2027</li> </ul>
IV.	6:20 PM	Town Manager’s Report
V.	6:30 PM	Chair’s Report
VI.	6:35 PM	Select Board Liaison Reports

VII.	6:50 PM	Discuss and Vote to Approve the Annual Town Meeting 2025 Calendar  Presenter: Mary Hartman, Select Board Chair
VIII.	6:55 PM	Review and Discuss the 10-Year Capital Plan  Presenters: Kerry Lafleur, Town Manager and Anthony Ansaldi, Chief Financial Officer
IX.	7:35 PM	Discuss and Vote to Approve the PILOT Policy Draft Update  Presenters: Kerry Lafleur, Town Manager and Anthony Ansaldi, Chief Financial Officer
X.	8:05 PM	Discuss the Dog Arbitration Update  Presenter: Kerry Lafleur, Town Manager

*\* Times are approximate and subject to change*

<b>Upcoming Meetings:</b>		
Monday, November 18, 2024	Monday, December 2, 2024	Monday, January 6, 2024



The Town of Concord endeavors to make public meetings accessible to all members of the community. To request a meeting accommodation or modification, please contact our ADA Coordinator Jessica Porter at [jporter@concordma.gov](mailto:jporter@concordma.gov) or at 978-318-3028. Please make any requests for accommodation modifications at least two (2) business days prior to the scheduled meeting.



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AGENDA ACTION REQUEST

**Monday, November 4, 2024**

**2**

## Consent Agenda

**Requested by: SB Chair**

**Action Sought: Approve**

### Proposed Motion(s)

Move to Approve Consent Agenda:

Consent Agenda

- a. Meeting Minutes: September 9, 2024
- b. Town Accountant Warrants: October 15, 2024; October 31, 2024
- c. Verizon Temporary License Agreement for Construction of the new Concord Middle School
- d. Gift Acceptances:
  - i. From the Collins Family to the Concord 250 Gift Account in the amount of \$2,500.00 and to be used for the 250 Memorial Trees
  - ii. From the Garden Club of Concord to the Concord 250 Gift Account in the amount of \$3,500.00 and to be used for the 250 Memorial Trees
- e. One Day Liquor License for Visnja Zarak for a Bat Mitzvah on Saturday, November 23, 2024 from 4:00 PM – 8:00 PM at the Concord Scout House

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**Town of Concord  
Select Board  
Minutes  
September 9, 2024**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both in-person at 22 Monument Square on the 2<sup>nd</sup> floor in the Select Board Room and via Zoom at 6:00 PM on September 9, 2024.

Mary Hartman announces that Wendy Rovelli is participating remotely and asks Mark Howell to take a Roll Call.

**Roll Call:**

Ms. Ackerman: Present

Mr. McKennitt - Here

Ms. Hartman - Here

Ms. Rovelli – Present via Zoom

Mr. Howell – Present

**Call to Order**

Select Board Chair Mary Hartman called the meeting to order at 6:01 PM.

Ms. Hartman confirmed that all members are present, with Wendy Rovelli (via Zoom). And invites Public Comment.

**Public Comment**

Ray Bruttomesso of 1001 Main Street raised multiple concerns about the new trash and recycling program. Further stating the challenge for elderly or mobility-challenged residents in moving the new 96-gallon barrels, as well as snowbanks during winter months and the need to consider smaller receptacles as an option for this small population.

Mary Hartman thanked Mr. for his comments and asks if there are any other comments from the public. No further comments from the room or online participants.

Ms. Hartman moves to the Consent Agenda

**Consent Agenda**

- a. Meeting Minutes: August 5, 2024
- b. Town Accountant Warrants: August 22, 2024; August 31, 2024
- c. Gift Acceptance from Concord Lumber for a cache of tools to the Concord Fire Department, valued at \$1,760.43
- d. Grant Acceptance from Mass Office of Travel and Tourism Destination Capital Grant for \$27,000 for benches.
- e. One Day Liquor Licenses:
  - i. Wines & Malt Beverages Only for Betsy Parrot of Belmont Hill School for the HBS Golf Tournament for Financial Aid on Monday, September 23, 2024, from 6:00 PM – 8:00 PM at Concord Country Club, 246

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ORNAC

- ii. Wines & Malt Beverages Only for Jennifer Verrill of Verrill Farm for a Company Lunch on Friday, September 27, 2024, from 11:00 AM –3:00 PM at Verrill Farm, 11 Wheeler Road
- iii. Wines & Malt Beverages Only for Jennifer Verrill of Verrill Farm for a Cornhole Tournament on Sunday, October 6, 2024, from 1:00 PM –5:00 PM at Verrill Farm, 11 Wheeler Road
- iv. Wines & Malt Beverages Only for Richard D. Briggs Jr. of Provisors for the Annual Golf Outing on Monday, October 7, 2024, from 11:00 AM – 6:30 PM at Concord Country Club, 246 ORNAC
- v. All Alcoholic Beverages for Pam Reed of the Concord Chamber of Commerce for the Taste of Concord Event on Tuesday, October 15, 2024, from 6:00 PM – 8:00 PM at Nashoba Brooks School, 200 Strawberry Hill Road
- vi. Wines & Malt Beverages Only for Jennifer Albanese of the Nature Connection for the Nature Connection Inspire Fundraiser on Thursday, October 24, 2024, from 5:30 PM – 9:30 PM at the Concord Scout House, 74 Walden Street

Upon a motion duly made and seconded, it was **UNANIMOUSLY voted:** to approve the Consent Agenda with minor edits to the minutes and with acknowledgment of Concord Lumber’s gift of tools to the Fire Department.

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Mr. McKennitt - Aye  
Ms. Rovelli - Aye  
Mr. Howell - Aye

- f. Select Board Committee Nominations:
  - i. Chris LaFrance, of 804 Barrett’s Mill Rd, to the Economic Vitality Committee for a term to expire May 31, 2027
- g. Select Board Appointments:
  - i. Ellen Glendon, of 64 Stone Root Lane to the Conservation Restriction Stewardship Committee for a term to expire May 31, 2027
  - ii. Roseann Scimone, of 10 Dana Road to the Agriculture Committee as an Associate member for a term to expire May 31, 2027

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Upon a motion duly made and seconded, it was UNANIMOUSLY voted: to approve the Select Board Committee Nominees and Appointments.

**Roll Call Vote:**

Ms. Ackerman – Aye  
Ms. Hartman – Aye  
Mr. McKennitt. – Aye  
Ms. Rovelli - Aye  
Mr. Howell – Aye

**Town Manager Report**

Kerry Lafleur. Town Manager provided updates on town activities:

- o Mosquito-Borne Illnesses: Reports on West Nile Virus and Triple E in the region, highlighting Concord’s moderate risk status and recommending precautions for residents.
- o Road Maintenance: Updates on ongoing roadwork in town, including the town center area, with efforts to minimize disruption to residents.
  - o Gerow Park: Nearing final stages of completion, with focus on pavers and landscape improvements, and mentions collaboration with residents on a better landscape plan.
- o Attorney General Investigation: Reports the closure of an investigation into the Gerow Recreation area project by the Attorney General’s office without findings.
- o State Primary Election Results: Reports that 25% of eligible voters participated in the state primary on September 3, 2024, with a majority voting early or by mail.

**Cell Service and Network Upgrade Update**

Megan Zammuto, Deputy Town Manger reported updates on cell service RFPs and recent network upgrades:

- o Umbrella Site RFP: Verizon Wireless team visited the site for inspection. Proposals are due on September 27, 2024. Post-submission review and internal discussions to follow.
- o Network Infrastructure Upgrade: Town’s IT team completed a major network upgrade over the weekend, improving system resilience and speed.

Ms. Zammuto thanked the IT team members for their efforts during the upgrade process.

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**Chair's Report**

Mary Hartman, Select Board Chair reported on:

- MCI Concord Property Update negotiations related to the MCI Concord property and wastewater treatment plant acquisition:
- Negotiations with DCAMM ongoing talks focus on understanding plant capacity, investment needs, and permit transfers.
- Plant Capacity with current permitted capacity at 310,000 gallons per day, with about 60,000 to 80,000 gallons reserved for state facilities (police barracks, prison farm, etc.).

Mr. McKennitt requested clarification on how the reserved capacity affects the town's needs and future planning. Town Manager noted that the town is studying the plant's overall capacity to ensure it meets future demand.

Ms. Hartman announced the passing of Ms. Flood, a former Select Board member and lifelong Concord resident. We are so grateful for her commitment to the town.

**Liaison Reports**

Mr. McKennitt provided updates on multiple committees:

- Light Plant Director Search: Discussed interviews for the permanent director position of the Light Plant. Three finalists were considered, with input provided to the Town Manager, Kerry Lafleur, for the final decision expected later in the week.
- Town Meeting Study Committee: Plans for a survey to gather feedback from residents and potential public forums for more community input. The focus is on understanding residents' views regarding the town meeting process.
- Flag Policy Subcommittee: Mentions that more details will be discussed with Ms. Rovelli later in the meeting.

Terri Ackerman updated on:

- HATS (Hanscom Area Towns Select Board): Noted that multiple neighboring towns are also conducting town meeting studies, exploring remote participation and voting options similar to Concord's study.
- 2229 Main Street Task Force - Ms. Ackerman participated in the meeting's continued efforts and focus on the site's cleanup and community engagement. Ms. Ackerman highlighted the positive progress in planning.

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Mark Howell reported on recent activities:

- 2229 Main Street Tour noting that on the tour of the remediation site, he highlighted the extensive cleanup efforts and long-term monitoring that will be needed. He also emphasized the environmental challenges and ongoing groundwater remediation.
- Middle School Building Committee, Mr. Howell discussed the new middle school's progress, including the completion of significant construction milestones. Also, reporting that the project remains on schedule for the February 2025 opening.
- Warner's Pond Task Force update, Mr. Howell mentioned the upcoming presentations on fisheries and updates from subgroups focused on potential solutions for the pond's future.

Ms. Rovelli added her insights into the 2229 Main Street tour highlighting high praises of the presentation by Maximus and the progress involved in this cleanup effort. She also mentions that the presentation materials from the tour will be available on the webpage for public reference.

Mark Howell provided additional information:

- MCI Concord property was discussed by Mr. Howell, explaining that the MCI Advisory Board is planning more public outreach sessions to gather input on the site's future. The next public outreach event is scheduled for November 1st at the League of Women Voters First Friday.

In addition, Town Manager Kerry Lafleur mentioned that Wesson & Sampson are conducting a condition assessment of the wastewater treatment facility, estimating that bringing it up to current standards could require around \$25M in investment. Ms. Hartman acknowledges the complexity of the project and the importance of ongoing discussions to ensure a beneficial outcome for the town.

Ms. Rovelli updated on:

- Planning Board discussed The Affordable Homes Act, which was signed into law, on August 6, 2024, with new Accessory Dwelling Unit (ADU) requirements including: ADUs can be built by right up to 900 sq ft, prohibits owner occupied requirements, and no parking spaces shall be required within a half mile of public transportation. The rules are effective February 5, 2025. Ms. Hughes is continuing to follow up on MBTA compliance concerns and will ask the Executive Office of Housing and Livable Communities (EOHLC) how the town's unique 2 transit station locations influence the requirement for 50% of the zoning region to be contiguous to a transit location.
- The School Committee is working on annual SMART goals which will focus in areas of student achievement & success, communication and budget. Dr. Hunter will be working

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on the school's capital plan and expects to share details with the school committee in mid-November, prior to the joint Nov 18th capital meeting. The recent CPS facility study will be leveraged to prioritize capital needs.

Ms. Hartman moves to open public hearing for Grant of Location.

**Grant of Location - National Grid – 42-138 Crescent Road**

The Select Board opened a public hearing to discuss this request, with Mr. McKennitt recusing himself due to a conflict of interest (working for National Grid).

Ms. Mulrone of National Grid requested approval for a grant of location to replace approximately 805 feet of gas main from 42 to 138 Crescent Road, with additional replacements on other nearby roads. Ms. Mulrone further provided details on the project, emphasizing safety measures, expected minimal service disruptions, and the importance of updating aging infrastructure, some of which dates back to the 1930s. Ms. Mulrone assures us there will be no unexpected service interruptions and that National Grid will coordinate with residents for any necessary planned outages.

The public hearing is closed, and the Select Board approves the request for the grant of location with the outlined conditions.

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Ms. Rovelli - Aye  
Mr. Howell – Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY voted: to approve the Grant of Location for National Grid – 42-138 Crescent Road.

**Intermunicipal Agreement (IMA) for Opioid Settlement Authorization**

Kelli Calo of Great Meadows Public Health Collaborative – GMPHC presented follow up details about the IMA for a regional opioid settlement initiative. She elaborated on the GMPHC which includes 7 towns—Bedford, Concord, Carlisle, Lincoln, Sudbury, Weston, and Wayland—aiming to hire a regional substance use prevention coordinator. Further clarifying that six of the participating towns have already approved of the agreement, with Concord's approval pending.

Ms. Rovelli and Ms. Ackerman express support for regional efforts and emphasize the value of collaborative resources.

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Ms. Hartman acknowledged prior discussions and the thorough presentation of the program.

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Ms. Rovelli - Aye  
Mr. McKennitt - Aye  
Mr. Howell – Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY voted: to approve the IMA, focusing on furthering public health efforts with opioid settlement funds, authorizing the Town Manager signature for approval.

**Concord Cultural Council Charge Update**

Ms. Graney opened the discussion stating that Concord has two cultural districts—West Concord and Concord Center. A task force had been tasked with finding a permanent home for overseeing the Concord Center district.

Ms. Hartman further explains that the recommendation is to place the oversight of the district under the umbrella of the Concord Cultural Council, which also offers small grants for individual artists. Mr. Dookran confirmed all preliminary reviews are complete. Questions were raised by Ms. Rovelli regarding the broad membership of 5-12 members, which could create an issue in raising quorum requirements.

The Select Board agreed on structure and timing, allowing the Cultural Council to proceed with the changes to the Charge while coordinating the recruitment of new members.

**250<sup>th</sup> Wayfinding Signage**

Mimi Graney and Di Clymer displayed the wayfinding signage. The detailed and colorful sign was very well received and appreciated. The sign is to be made of very durable materials of graphite to withstand the inclement weather and it will be delivered on time.

Select Board supported the continuation on the project.

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Mr. McKennitt - Aye  
Ms. Rovelli - Aye  
Mr. Howell – Aye

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Upon a motion duly made and seconded, it was UNANIMOUSLY voted: to approve the 250<sup>th</sup> Wayfinding Signage display project.

**250<sup>th</sup> Monthly Budget Update and Calendar of Events Review**

Gary Clayton and Rob Munro presented on the 250<sup>th</sup> Monthly Budget Update with a packet of materials and discussed some changes based on discussions at the last Select Board meeting. Added some clarification on “special projects” raising funds and many initiatives includes the funds that solicitating funds from the Mass Office of Travel and Tourism, extending appreciation to Mimi Graney and all town staff for their support. Mr. McKennitt inquired about the memorial category in the report, expense under Memorial Trees and further discussed the vision of the permanent memorials. Mr. Clayton further discussed the updated details and how each line item was determined. Ms. Rovelli also clarified the trees’ money appropriated in part from the community preservation fund.

**Discuss and Approve Issuing No Fly-Zone; ESPR Letters**

No Fly-Zone Letter: Terri Ackerman presented the No Fly-Zone, September 10<sup>th</sup>, short letter specifically requested for Rt 2 to the National Park area when the North Bridge ceremony is going on. The only exception would be if the President or Vice President arrive at Hanscom, that would expand the request. This short letter should be sent as soon as possible. The 250<sup>th</sup> Committee members approved this letter - stated Gary Clayton, he supports a move forward to distribute to FAA.

Ms. Ackerman stated the reason for this request is due to the history that during events in town, and the noise from air travel. Ms. Ackerman also stated that HATS may also support this initiative with their own letter.

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Mr. McKennitt - Aye  
Ms. Rovelli - Aye  
Mr. Howell – Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY voted: to approve the No Fly-Zone letter request for April 19, 2025.

Ms. Ackerman presented the ESPR Letter for discussion. She stated that she found parts of this offensive, specifically stating that for those who walk in the area, Hanscom using these beautiful spaces as a “buffer” area. The request all comments received by Thursday, September 12<sup>th</sup>. Ms.

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Ackerman offered to review with Eric Simms, Mark Howell supported the importance of the letter. Select Board members support this letter.

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Mr. McKennitt - Aye  
Ms. Rovelli - Aye  
Mr. Howell – Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY voted: to approve conditional approval of the ESPR Letter for continued work as discussed by Ms. Ackerman.

**Proposed Flag Policy Subcommittee Update**

Mr. McKennitt provided an update along with Ms. Rovelli (via Zoom) on the Flag Policy Subcommittee's work, with a discussion on the importance of setting consistent standards for flag displays on town properties. Mr. McKennitt continued discussing plans to engage with the public for feedback and finalize the policy based on input. Further discussion around ceremonial flags and the policy of how we fly flags in the town. Legal has reviewed and provided comments which have been incorporated. The intention is to cover what flags fly, US Military, Federal State and Local flags, United Nations and sister cities as well as ceremonial flags for parades and ceremonies. Some key highlights include:

- Set a process for ceremonial flags, requested by a Select Board Member
- Requests received and brought by Town Manager, and Select Board Member

Further discussion on three points:

1. Ceremonial Flag flying on the town flagpole or temporary flagpole
2. Duration for Ceremonial flag, one day
3. Flying in one location or flying on other locations

Ms. Rovelli further elaborated on temporary poles vs. permanent poles.

Discussion continued with the Select Board members. To view the entire discussion please visit the Select Board webpage recording link here: [Select Board Meeting - Sept 9 2024](#)

Mary Hartman thanked the subcommittee members for their efforts and emphasized the need for a balanced approach to the policy. Encouraging the ceremonial flags should be flown on the main flagpole. Mr. McKennitt clarified that this policy would be edited to state only flown on the Main flagpole for ceremonies.

Mary Hartman summarized key outcomes from the meeting, including progress on town projects and upcoming community engagement sessions.

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Select Board agrees to delay approval vote and to revisit after further edits based on discussions with the subcommittee.

**Discuss and Vote for Preapproval on Presentation of the 2024 Bond Issue, and to give the Treasurer the authorization to accept the bonds on behalf of the Town.**

Anthony Ansaldi, Chief Financial Officer presented on the Bond Issuance discussion, regarding the issuance of bonds, totaling \$39,560,000. Anthony Ansaldi presented an overview of the bond issuance process, highlighting the collaboration with Hilltop Securities represented by Cinda McNerney, Senior Managing Director; and Lisa Driscoll, Senior Vice President, who join the meeting remotely to assist with the process.

Mr. Ansaldi continued discussing the bond sale is aimed at funding six different capital projects for FY23, with a significant portion—\$35 million—allocated for the new middle school construction.

- The sale of the bonds is scheduled for September 19<sup>th</sup> 2024 at 11:00 AM.
- Moody’s AAA Rating was noted by Mr. Ansaldi, highlighting this key part of the process. This is a major achievement as it marks 22 consecutive years of holding this top rating. This rating places Concord among only 14 communities in Massachusetts, which is generally more challenging to obtain compared to other rating agencies.
- Highlighting the importance of maintaining strong reserves, highlighting ongoing efforts to build reserves like free cash and discussions about policies for debt stabilization and capital stabilization to support the town’s fiscal health and maintain the AAA rating.

Mr. Ansaldi continued by mentioning the consideration of market conditions for issuing bonds and the decision to delay the borrowing from May, resulting in more favorable interest rates.

Ms. Driscoll explained that the preliminary interest cost for the bonds, and Ms. McNerney added that the market has already adjusted for expected Federal Reserve rate cuts, which could potentially make this a favorable time for the town to proceed with the issuance.

Mr. Ansaldi discussed market dynamics, indicating that the market often anticipates and adjusts ahead of Federal Reserve decisions. And how the town is optimistic about attracting strong interest from buyers due to Concord’s high credit rating and the strategic timing of the issuance, especially given uncertainties like the upcoming Presidential election.

The Select Board is asked to vote on extending the maximum useful life of certain assets tied to the bond issuance:

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Mr. McKennitt - Aye  
Ms. Rovelli - Aye  
Ms. Howell – Aye

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Upon a motion duly made and seconded, it was UNANIMOUSLY voted: to approve extending the maximum useful life of certain assets tied to the bond issuance.

**Discuss American Rescue Plan (ARPA) Update**

Ms. Lafleur introduced the discussion of the ARPA grant program. The town received \$5.6 million from the Federal government. Under the guidelines 100 percent of the funds must be committed by December 31, 2024, and expended by December 31, 2026. Therefore, it is necessary at this point to allocate the remaining ARPA funds. Taking in account returns of unused funds, \$2.8 million remains available to be allocated. She then introduced a list of twelve project allocations totaling \$2.7 million were recommend by Town staff. Which were provided in a memo dated to the Select Board dated September 6, 2024

Members requested the opportunity to understand if there are previously committed funds that might be reused. In terms of new commitments, requests were made by the board to understand the ALS service program and what would be the purpose of the allocations for affordable housing projects and transportation planning and analysis.

The Director of Public works appeared and addressed the priorities and rationale for temporary improvements on private ways, transportation study, and Doug White Field alternatives. The board expressed support for the project list in general and emphasized the need to allocate sufficient funds to ensure that Route 2 issues are addressed.

The Board will receive a further update on ARPA at the end of October.

**Discussion on Town Manager's FY25 Goals**

Town Manager, Kerri Lafleur began the discussion noting that the board members should have recently received a draft of the goals. Board members offer some feedback on the draft goals, highlighting aspects they appreciated, and highlighting the FY25 Goals have been streamlined compared to the previous year.

Ms. Rovelli and Ms. Ackerman note the heavier emphasis on DEI initiatives and suggest adding more focus on financial goals, including cost-saving measures and revenue generation opportunities.

The Select Board decided to provide their individual feedback via email to the Town Manager and expects to receive a revised version of the goals document within two weeks for further review.

Ms. Lafleur expresses her commitment to refining the goals to ensure alignment with the Select Board's priorities.

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**Adjournment**

**Roll Call Vote:**

Ms. Ackerman - Aye  
Ms. Hartman - Aye  
Mr. McKennitt - Aye  
Ms. Rovelli - Aye  
Ms. Howell – Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to adjourn the meeting at 8:30 PM.

**Meeting Materials:**

[Select Board Meeting Packet - September 9, 2024](#)

[Select Board Meeting Recording from September 9, 2024](#)

DRAFT



**TOWN OF CONCORD**  
**Office of the Town Manager**  
Town House  
P.O. Box 535  
Concord, Massachusetts 01742

To: Concord Select Board

From: Shannon McAndrew, Management Specialist

Date: November 4, 2024

Re: Gift Acceptance to the Town 250 Gift Account

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The Select Board must accept gifts in the amount of \$500.00 or more. Included in the Consent Agenda of your meeting packet is a donation from The Collins Family, 55 Highland Street, to the Town 250 Gift Account in the amount of \$2,500.00 for the purpose of the 250 Memorial Trees.

Town 250 Gift Account	\$2,500.00
250 Memorial Trees	

Accepted: \_\_\_\_\_  
Select Board Clerk

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



**TOWN OF CONCORD**  
**Office of the Town Manager**  
Town House  
P.O. Box 535  
Concord, Massachusetts 01742

To: Concord Select Board

From: Shannon McAndrew, Management Specialist

Date: November 4, 2024

Re: Gift Acceptance to the Town 250 Gift Account

---

The Select Board must accept gifts in the amount of \$500.00 or more. Included in the Consent Agenda of your meeting packet is a donation from the Garden Club of Concord to the Town 250 Gift Account in the amount of \$3,500.00 for the purpose of the 250 Memorial Trees.

Town 250 Gift Account	\$3,500.00
250 Memorial Trees	

Accepted: \_\_\_\_\_  
Select Board Clerk

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



**TOWN OF CONCORD**  
**Office of the Town Manager**  
Town House  
P.O. Box 535  
Concord, Massachusetts 01742

To: Concord Select Board

From: Shannon McAndrew, Management Specialist

Date: November 4, 2024

Re: One Day Liquor License for Visnja Zarak

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Included in your meeting packet is a One Day Liquor License application for Wines & Malt Beverages for Visnja Zarak for a Bat Mitzvah on Saturday, November 23, 2024 from 4:00 PM – 8:00 PM at the Concord Scout House.

This application is complete with bartender TIPS Certifications and payment.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [licensing board](#); [Town Manager's Office](#); [jromanul@concordma.gov](mailto:jromanul@concordma.gov)  
**Subject:** Online Form Submittal: One Day Special Liquor Licenses  
**Date:** Thursday, October 10, 2024 12:33:16 PM

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## One Day Special Liquor Licenses

Company or Organization	Hostess, LLC
Applicant Name	Visnja Zarak
Email Address	info@hostesscatering.com
Applicant Address	2-K Gill Street
City	Woburn
State	Massachusetts
Zip Code	01801
Phone Number	978.206.1799
Name of Event	Rachel Krug Bat Mitzvah
Activity Is	Non-Profit
Event Type	Private Event in Rented Facility
Event Date & Start Time	11/23/2024 4:00 PM
End Time	8:00 PM
Premises to be Licensed	Scout House
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes

Under 21 Attendees? Yes

---

1st one-day license for Organization? No

---

If NO, number of years licensed? 2

---

More than 100 in attendance? No

---

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

---

I acknowledge and accept the above statement of liability  
Visnja Zarak

---

APPLICATION FEE \$75.00  
*Please forward to: Town Manager's Office PO Box 535 Concord, MA 01742  
Applications cannot be processed until payment is received.*

---

Acknowledgements I attest the information contained in this form is true and accurate.

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IMPORTANT NOTICE **Board & Committee Meeting Calendar**

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(Section Break)

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#### TIPS TRAINING

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

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I acknowledge and agree to the Town of Concord's TIPS Training Policy as  
Copies of card(s) will be mailed separately to the Town Manager's Office

outlined above.

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(Section Break)

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#### UNDER 21 POLICY

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

---

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

A legal adult, over 21 years of age, shall check the ages of all guests to ensure compliance., All bartenders shall be made aware of the Under 21 Policy terms before the event's commencement.

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Email not displaying correctly? [View it in your browser.](#)



October 30, 2024

Ms. Mary Hartman, Chair  
Town of Concord – Select Board  
22 Monument Square  
Concord, MA 01742

Re: ***Concord Middle School Project  
License Agreement for Verizon Phone Service***

Dear Ms. Hartman and Select Board Committee Members:

Dedicated phone service is a crucial utility necessary to open the new middle school in February 2025. As such, I am writing to seek committee approval of the attached License Agreement (the “agreement”) for Verizon dedicated phone service. The intent of this agreement is to allow for installation of underground copper cabling in the coming weeks prior to occupancy of the new school and prior to execution of a formal Easement Agreement, which requires Town Meeting approval in June 2025.

Conduit for the cabling has been installed on site by the Contractor and upon execution of this agreement, Verizon will be able to complete their cabling work to the new school’s data room.

Should you have any questions, please contact me at 917.562.7028.

Sincerely,

Ian Parks  
Program Director

Enclosures: License Agreement for Verizon

## LICENSE AGREEMENT

The **TOWN OF CONCORD**, a municipal corporation duly established under the laws of the Commonwealth of Massachusetts, and having its usual place of business 22 Monument Square, Concord, Massachusetts 01742, (hereinafter referred to as the "Town") grants a license to **Verizon New England Inc.**, a New York corporation, having its principal place of business at 6 Bowdoin Square, Floor 9, Boston, Massachusetts 02114 with its respective successors and assigns (hereinafter referred to as "Verizon"), as follows:

**WHEREAS**, the Town owns in fee simple a certain parcel of land located at 835-923 Old Marlboro Road, Concord, Middlesex County, Massachusetts, pursuant to that certain Order of Taking dated June 15, 1964 and recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 10561, Page 284, said land being held under the care, custody and control of the Select Board (the "Property");

**WHEREAS**, the Town is constructing a new middle school facility on the Property, which requires the installation of lines for the transmission of intelligence and telecommunications upon, over, under and across the Property; and

**WHEREAS**, the Town is willing to license a portion of the Property, as more particularly set forth herein, to Verizon for the installation of such lines, conduits, manholes, cables and wires and equipment, on a temporary basis until such time as a Town Meeting can be held in the ordinary course of events and vote to authorize the granting of a permanent easement by the Town.

**NOW THEREFORE**, in consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, the Town grants to Verizon a license (the "License") to lay, construct, reconstruct, operate, maintain, replace and remove underground cables, pipes, conduits, manholes and such surface testing terminals, pedestals, repeaters, markers and other appurtenances with wires and/or cables therein as Verizon may from time to time desire within that certain area shown as "                    " on the sketch plan attached hereto as Exhibit A (the "License Area") for the transmission and/or distribution of telecommunication and intelligence.

The parties agree to the following terms and conditions:

1. This License shall commence upon the execution hereof and shall continue for a period of one (1) year (the "Term"), unless sooner terminated as provided in Section 7 herein.
2. Verizon shall have the right within the License Area to cut down and keep trimmed all trees, bushes, underbrush and growth including the foliage thereon as Verizon may from time to time reasonably deem necessary for the safe operation of said lines.
3. Verizon shall have the right to connect such conduits, cables, and wires within the Property with the conduits, cables and wires which may be placed in public or private ways adjacent or contiguous to the aforesaid premises, and to serve customers on the subject premises without incurring any liability to the Town, or any successors or assigns.
4. Verizon shall have the right of ingress and egress by foot or by vehicle to the License Area over the Property, if necessary, for all of the aforementioned purposes.

5. Any cables, lines, poles, equipment and appurtenant facilities and each and every part thereof, whether fixed to the realty or not, shall remain the property of Verizon, its successors and assigns.
6. Verizon shall have the right from time to time to renew, repair, replace, add to, maintain, operate, patrol and otherwise change said underground system and each and every part thereof and to make such other excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.
7. This License shall terminate upon the execution and delivery of a signed easement to Verizon. In the event that the Town elects not to authorize the easement, Verizon shall have no further obligation to provide service to the Property and Town will incur all costs associated with the removal of its cable and equipment from the License Area.
8. Verizon shall defend, indemnify and hold harmless the Town from and against any and all claims or costs whatsoever arising from or related to the use of the License Area by Verizon and/or Verizon's employees, agents or invitees during the Term of this License.
9. Notwithstanding any other provision of this License, the parties intend that this License constitutes a terminable license and no interest in real property is created hereby.
10. This License shall be construed as a Massachusetts instrument. This License contains all understandings with respect to the matters referenced herein, and no oral agreements, promises or understandings shall be binding on either party. The Town's waiver of a breach of one provision of this License shall not be considered a waiver of another breach, and no provision shall be deemed waived unless in writing and signed. If any provision of this License is determined to be unenforceable by the final judgment of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law. This License shall not be recorded in the Registry. This License may be executed in one or more counterparts, which when taken together shall constitute one and the same instrument. Electronic signatures on this License shall have the same force and effect as an original signature.

[Remainder of page intentionally left blank.]

**IN WITNESS WHEREOF** the parties to this License set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN:**

TOWN OF CONCORD

By: Its Select Board

\_\_\_\_\_  
By: Mary Hartman, Chair

\_\_\_\_\_  
By: Cameron McKennitt

\_\_\_\_\_  
By: Mark Howell, Clerk

\_\_\_\_\_  
By: Wendy Rovelli

\_\_\_\_\_  
By: Terri Ackerman

**VERIZON:**

VERIZON NEW ENGLAND INC.

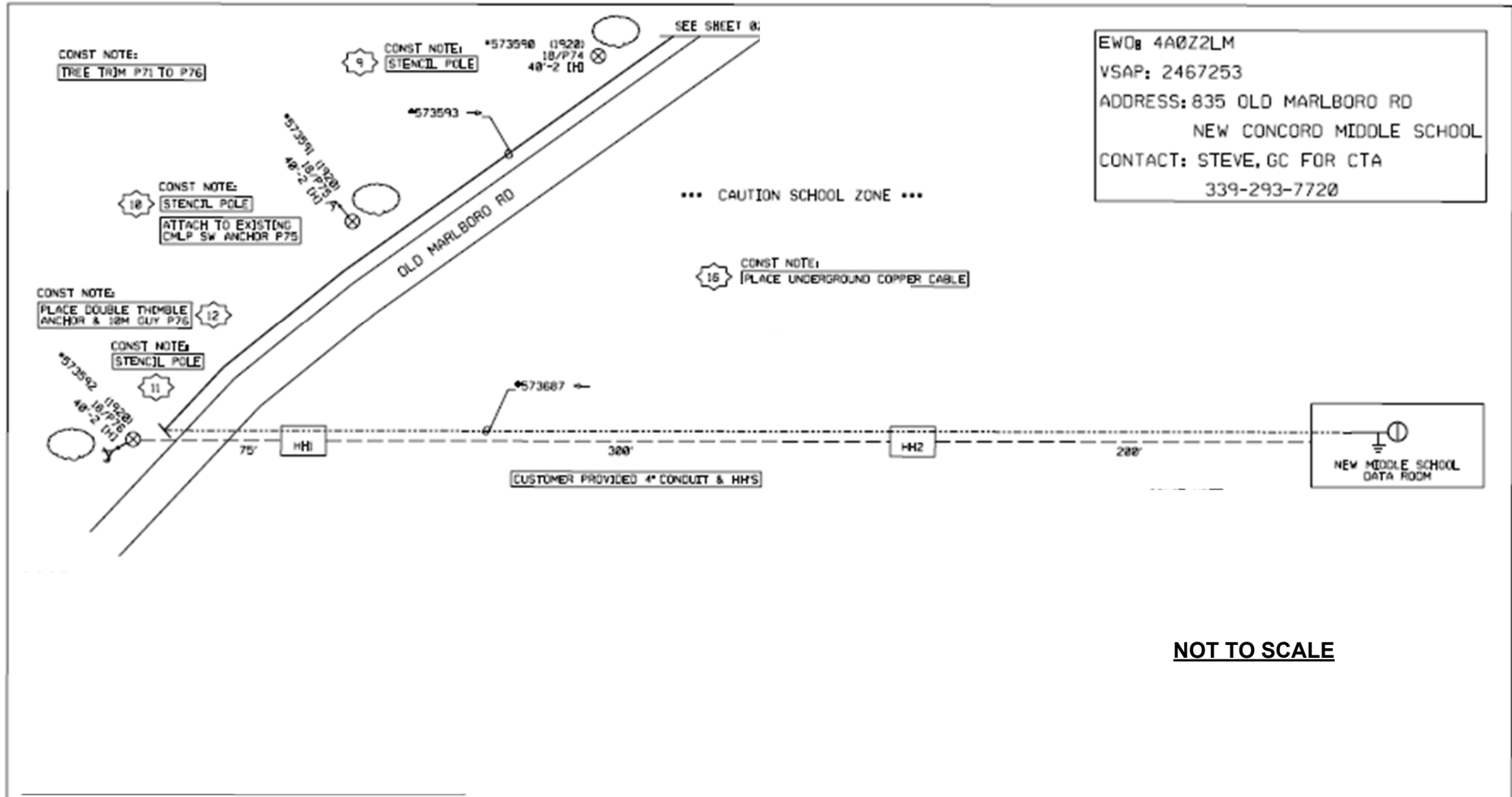
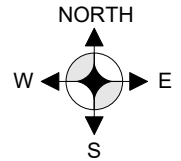
By: \_\_\_\_\_

Name:

Title:

Exhibit A  
Sketch Plan  
(to be attached)

# EXHIBIT 'A'



EWO: 4A0Z2LM  
 VSAP: 2467253  
 ADDRESS: 835 OLD MARLBORO RD  
 NEW CONCORD MIDDLE SCHOOL  
 CONTACT: STEVE, GC FOR CTA  
 339-293-7720

**NOT TO SCALE**

**NOTE AREA**

MA-CONCORD  
 MA-8751-REIMBURSABLE-835 OLD  
 MARLBORO RD PROVIDE COPPER  
 FOR NEW SERVICE

- BOND AND GROUND PER  
BSP 910-216-100L
- RESTENCIL POLES IF  
NECESSARY.
- REPLACE ANY BROKEN  
OR BENT POLE STEPS.
- CABLES MAY BE OMITTED  
FOR CLARITY.

**\*\* CAUTION \*\***  
 Multiple Voltage Power  
 Circuits Overhead  
 13.8 KV  
**'STOP and LOOK UP'**

**verizon**  
 VZ ENGINEER  
 JOHN KWLEZ  
 1286792-0821

MAP F713  
 F1913  
 F1915  
  
 CONCORD MA

VSAP JOB NUM  
 2467253  
 MULTIPLE  
 13.8KV  
 PRIMARY VOLTAGE  
 UTARD (RPLTY)  
 10/05/04

VERIZON CONCORD AREA STATE: MA

Property Address: 835-923 Old Marlboro Road, Concord, MA

## EASEMENT

KNOW ALL MEN BY THESE PRESENTS that the TOWN OF CONCORD, a municipal corporation duly established under the laws of the Commonwealth of Massachusetts and having its usual place of business at 22 Monument Square, Concord, Massachusetts 01742 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar in hand paid by the Grantee to the Grantor, the receipt and sufficiency of which is hereby acknowledged, grants to VERIZON NEW ENGLAND INC., (formerly known as New England Telephone and Telegraph Company) a New York corporation, having its principal place of business at 6 Bowdoin Square, 9<sup>th</sup> Floor, Boston, Massachusetts 02114, its successors and assigns, (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to lay, construct, reconstruct, operate, maintain, replace and remove LINES for the transmission of intelligence and telecommunications upon, over, under and across land of Grantor, as more particularly shown on a Plan entitled "Plan of Land in Concord, Mass. Owned by the Estate of Frank Williams," dated December 6, 1963, prepared by R.D. Nelson, Engineer, recorded with the Middlesex South Registry of Deeds in Plan Book 1964, Page 737. Said land is shown on a drawing which is attached hereto and marked "Attachment A," with said land being located in the Town of Concord, Middlesex County, Massachusetts.

The above granted rights being more particularly described as the perpetual right within the areas shown on Attachment A as "Parcel 'A' Estate of Frank Williams 32.02 Acres" to lay, construct, reconstruct, operate, maintain, replace and remove underground cables, pipes, conduits, manholes, and such surface testing terminals, pedestals, repeaters, markers, and other appurtenances with wires and/or cables therein as the Grantee may from time to time desire within said easement area, all of which shall become permanent upon placement of the aforementioned facilities, with the right to cut down and keep trimmed all trees, bushes, underbrush and growth including the foliage thereon as the Grantee may from time to time deem necessary for the safe operation of said lines.

The Grantee shall have the right to connect such conduits, manholes, cables and wires with the poles, conduits, cables and wires which are located or which may be placed in parcels of land, private, public ways or streets within, adjacent or contiguous to the aforesaid premises, with the right to serve Grantor and others. Permission is herein granted to enter said private way, strips of land and premises for all the above purposes.

The herein granted right and easement is more particularly described as that certain strip(s) of land situated within and along said Grantor's land for Grantee to install the necessary cables, wires, conduit, equipment and facilities as described above to be owned, operated and maintained exclusively by said Grantee for the transmission and distribution of intelligence and communication by electricity or otherwise to serve Grantor's property and others. It is also agreed that any cables, lines, poles, equipment and appurtenant facilities and each and every part thereof, whether fixed to the realty or not, shall be and remain exclusively the property of the Grantee, its

**Return to: Albert Bessette, Jr.,  
Right of Way Manager  
Verizon  
365 State Street  
Springfield, MA 01105**

successors and assigns, as its interest appears.

It is agreed that the exact location of the facilities shall be established by the installation and placements of said facilities within said easement area. It is mutually agreed that the parties shall not unreasonably interfere with each other's use of the easement area. Grantor shall have the right to use the easement area herein granted for any purpose not inconsistent with the rights granted to Grantee hereunder.

Also with the further perpetual right and easement from time to time to renew, repair, replace, add to, maintain, operate, patrol and otherwise change said underground system and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of Grantee, its successors and assigns. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

For Grantor's title, see Order of Land Taking dated June 15, 1964, and recorded with the Middlesex South Registry of Deeds in Book 10561, Page 284.

By signing this easement, the undersigned Select Board Members certify that they are signing in the name and behalf of the TOWN OF CONCORD, that they are the duly elected members of the Select Board of the TOWN OF CONCORD and that they are empowered to grant the within easement on the terms and conditions stated herein.

**IN WITNESS WHEREOF**, the said TOWN OF CONCORD has caused its corporate seal to be affixed and these presents to be signed, acknowledged and delivered in its name and behalf collectively by and through its Select Board, duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_ in the year two thousand twenty-four.

TOWN OF CONCORD  
By: Its Select Board

\_\_\_\_\_  
By: Terri Ackerman,  
Select Board Member

\_\_\_\_\_  
By: Mary Hartman  
Select Board Member

\_\_\_\_\_  
By: Mark Howell  
Select Board Member

\_\_\_\_\_  
By: Cameron McKennitt  
Select Board Member

\_\_\_\_\_  
By: Wendy Rovelli  
Select Board Member

**COMMONWEALTH OF MASSACHUSETTS**

County of \_\_\_\_\_, ss \_\_\_\_\_, 2024

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Terri Ackerman, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

County of \_\_\_\_\_, ss \_\_\_\_\_, 2024

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Mary Hartman, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

County of \_\_\_\_\_, ss \_\_\_\_\_, 2024

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Mark Howell, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

County of \_\_\_\_\_, ss \_\_\_\_\_, 2024

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Cameron McKennitt, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

County of \_\_\_\_\_, ss \_\_\_\_\_, 2024

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Wendy Rovelli, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_  
\_\_\_\_\_ (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_

My Commission expires: \_\_\_\_\_



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

**3**

## Select Board Appointments and Reappointments

**Requested by: SB Chair**

**Action Sought: Approve**

### Proposed Motion(s)

Move to Approve:

Select Board Appointments

- i. Reappointment of Rose Cratsley of 79 Hillcrest Road, as Co-chair to the DEI Commission for a term to expire May 21, 2027

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

**4**

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## Town Manager's Report

**Requested by: SB Chair**

**Action Sought: None**

### Proposed Motion(s)

None Anticipated

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



## *Town of Concord*

# Weekly Operations Report

2024 Volume 36/November 1st, 2024

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### **General Administration**

#### **IRS Clean Energy Credit**

Staff from the Town Manager's Office, the Finance Department, and the Sustainability Division have been working on registering the Town with the IRS for Clean Energy Credits. The registration application has been received by the IRS and the Town is awaiting final approval and subsequent authorization to file a return for clean energy credits for certain "clean energy" municipal vehicles.

#### **Cell Tower Update**

The Town issued RFP 25-2006 on October 21, 2024, for the development of a cellular tower at 755 Walden Street, also known as the landfill/compost site. As described in the RFP, site tours are being offered on Friday, November 1. Questions to the Town from eligible bidders are due November 8 and the bid deadline is November 25, 2024, at 9 AM.

### **Police Department**

#### **Calls for Service**

Thursday, October 17 - Wednesday, October 23, 2024

- Log items: 782
- Traffic enforcement: 50
- Motor vehicle stops: 73
- Motor vehicle crashes and/or exchanges: 9
- Arrests: 3

Officers assisted with the Middlesex School Parents' weekend and the CCHS Football Game on October 18.

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Officers assisted with the Grace Potter Concert at the Emerson Umbrella on October 18.

Officers assisted with the Coldwell Banker Flea Market held on October 19 at 11 Main Street

Officers assisted with the Sleepy Hollow Cemetery dedication, honoring the Town's 19 Century Women's Anti-Slavery Society on October 20.

On October 23, officers assisted with "Bike to School Week" for Concord Middle Schools.

Thursday, October 24 - Wednesday, October 30, 2024

- Log items: 754
- Traffic enforcement: 49
- Motor vehicle stops: 76
- Motor vehicle crashes and/or exchanges: 14
- Arrests: 0

Inspector Holsinger and Officer Angulo assisted with the Thoreau Street business District's Trick-or-Treating event on October 24 and handed out candy to local children.

Officers assisted with traffic and pedestrian safety for the Sleepy Hollow 5k road race on October 26.

Officers on shift assisted with the Thoreau Hills Halloween Parade on Hayward Mill Road on October 26.

On October 27, inspector Holsinger and SRO Simpson attended the Concord Recreation Department Trunk-or-Treat event at the Beede Center.

Officer Angulo, along with other communities, attended the Trunk-or-Treat event on October 30 at Hanscom Air Force Base.

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## Fire Department

### Calls for Service

October 17 - November 1, 2024

Between October 17 and November 1, the Fire Department responded to 195 calls for service. Last weekend, Concord responded to two brush fires with a Statewide Mobilization Task Force. On Saturday, October 26, four crew responded to Wilmington to assist with an ongoing brush fire. On Tuesday, October 29th, Assistant Chief Whitney responded as a task force leader to Salem and Lieutenant Will Rolfe responded to the same brush fire in Salem as part of the Fire District 14 communications team. On Wednesday, October 30, Engine 5 and AC Whitney responded with a task force back to Salem.

Statewide Mobilization is a plan designed to move fire resources anywhere in the state once a region's resources are depleted. Over the past week, the system has been activated twelve times, which is unprecedented.

### Personnel

#### Concord staff working in North Carolina

On October 17, Assistant Chief Walter Latta, Lieutenant Todd Niemi, and CPW Highway and Grounds Superintendent Aaron Miklosko returned from a USAR deployment to North Carolina. Their team was deployed to an area just west of Asheville, NC, to assist with rescue and recovery efforts from the flooding caused by Hurricane Helene. While on deployment, they participated in several swift water rescues. The photo is an example of the devastation they encountered – it was taken by AC Latta days after the storm had passed.



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## Training

The Massachusetts Firefighting Academy recruit program teaches new firefighters the skills to begin their careers. The ten-week program introduces them to the basics of firefighting, hazardous materials, safe work practices, and many other needed skills. The photos show Concord recruit Rachel Vroegindewey getting a short break after just exiting a live fire in the academy burn building. Rachel will be graduating in a few weeks, and we look forward to having her back.



## Public Works

### Water Service Line Inventory

As part of the recent Lead and Copper Rule Updates, the Environmental Protection Agency (EPA) mandated that every public water supplier inventory the water service lines within their distribution system, primarily to identify and remove lead service lines. The water service line is the small pipe that carries water from the water main into a customer's home. Water service lines are typically made of plastic, copper, galvanized metal or lead.

By November 15, all customers with a water service line containing lead, galvanized metal, or those with an unknown material (homes built in or before 1986), will receive an informational letter. This letter will outline the health effects of lead exposure, steps customers can take to protect themselves and information about Concord Water's Lead Water Service Line Replacement Program.

For more information, please visit <https://concordma.gov/lead>. In the coming week, Concord Water will release an online map for customers to check their water service line material and view sample notification letters.

### Water Main Leak Detection

As part of Concord Public Works Water and Sewer Division's preventive maintenance program and in accordance with our Water Management Act permit, water main leak detection activities will be performed over the next several weeks. Each year, approximately half of the water mains in town are surveyed for leaks. This year, New England Water Distribution Services of Windham, New Hampshire, will be performing leak

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detection services on the northern half of the water distribution system beginning the week of November 12, 2024.

Leak detection should not cause any water quality upsets. You can continue to use your water as usual. Leak detection has the ability to pinpoint very small water leaks that could otherwise go unnoticed for long periods of time. If you have any questions don't hesitate to contact CPW's Water Division at 978-318-3250.

## **Natural Resources**

### **Natural Resources Commission**

Seven applications were heard at the October 23 Natural Resources Commission meeting including one continuance for a Notice of Intent (NOI) to repave the parking lot at 1200-1224 Main Street and six new applications including a NOI for aquatic plant management at 18A College Road, NOI to repave Monument Farm Road, NOI to construct a parking lot at 300-310 Baker Ave, Request for Determination of Applicability (RDA) for septic system installation at 965 Lexington Road, RDA for septic system installation at 737 Lexington Road, and RDA for septic system installation at 244 Hunters Ridge Road. Permits were issued for 1200-1224 Main Street, Monument Farm Road, 965 Lexington Road, 7373 Lexington Road, and 244 Hunters Ridge Road. Additionally, a revised Enforcement Order was issued to Military Offices at 71-107 Lowell Road to come into compliance with an expired Order of Conditions.

Four new applications were submitted for the November 6 meeting including a NOI for construction of a septic system at 691-693 Old Bedford Road, NOI for removal of a swimming pool at 127 Lee Drive, NOI for grading and installation of a septic system at 40 Balls Hill Road, and RDA for exploratory soil borings at 68 Commonwealth and 300 Baker Ave.

### **Warner's Pond Task Force**

The Warner's Pond Task Force continues to meet every 2-3 weeks with the next meetings scheduled for October 29 and November 13. The Task Force has broken out into three subgroups to further evaluate dam removal, dredging, and interim/no action alternatives. Subgroups continue to meet periodically to develop proposals of their assigned alternative.

---

## Fall Mowing

Natural Resources Division staff have begun annual fall mowing of conservation land fields. Roughly 25 acres of fields are mowed each fall to keep fields from entering into early successional forest habitat. Conservation land fields support a wide range of plant and wildlife habitat which is facilitated by this annual mowing. These fields include Heywood Meadow, Musketaquid Triangle, Old Calf Pasture, and Punkatasset Preserve, among others.



## Old Calf Pasture Boardwalk Repairs

Natural Resources Division staff and volunteers worked together to carry out repairs and improvements to a well traversed footbridge next to the Lowell Road boat launch at Old Calf Pasture. Regular annual flooding from the adjacent River significantly impacts this bridge, leading to quicker wear and tear. The bridge was restabilized, leveled, and fortified with new wood and additional anchoring. It is expected these repairs will extend the life of the bridge by at least 10 more years.



## Recreation

### Special Events

- Sleepy Hollow 5K is on Saturday: 43 people pre-registered for the 5K and 38 pre-registered for the fun run.
- Trunk or treat Sunday: 15 cars decorating trunks - \$1,100 of candy to hand out.
- Added a parent's night out for Dec. 14 with pizza and a movie for the kids.



### **Ski Program Registration**

- Middle School Ski registrations sold out in under a minute at 99 kids. (we were also able to accommodate another 20 kids on the waitlist) = total of 119 kids going to ski.

### **Carousel Preschool**

- Our preschoolers were excited to show off their Halloween costumes at our annual Halloween Parade! They made several laps around our playground at Harvey Wheeler 9:15 AM on Halloween and then strolled through the COA on the way back to their classrooms. All were welcome to attend our Halloween Parade to see a dose of cuteness and support our kids!



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## Elementary School Enrichment Programs Fall Session 1 Review

- A total of 16 enrichment programs ran this fall providing engaging before school and afterschool opportunities for 250 registered students.
- Our most popular programs include Kids Test Kitchen, Buildwave and Before School Sports.
- Fall 2 session begins 11/4
- Our Professional Development Day program will run Friday 11/1. Kids will meet at Hunt Recreation Center for sports, games, and crafts along with a Field Trip to Chunky's Cinema Pub

## Beede

- Program Spotlight at Beede: We caught up with our Water Polo group at Beede last week! They play every third Friday of the month at 7:15 am. They are a fantastic group of swimmers and people. We are looking to bring in more players of all experiences and backgrounds. Feel free to drop by on 11/15 for the next round of open play!
- Otters Swim Club: The club competed in 2 swim meets this past weekend with several of our swimmer's placing 1<sup>st</sup> and 2<sup>nd</sup> in the 8 and under age group. Not to be outdone, our 11 and up age group took multiple top tens!



## Council on Aging

### Halloween

This week at the COA, it was proven yet again that you are never too old to dress up or act out on Halloween...and that Ukulele songs from witches and warlocks still rock!





**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

**5**

## Chair's Report

**Requested by: SB Chair**

**Action Sought: None**

### Proposed Motion(s)

None Anticipated:

Correspondence Disclaimer

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

***The letters posted here reflect the views and opinions of the author as recorded in the body of their email. Neither the Select Board nor Town staff have verified or reviewed the contents. The Select Board and the Town do not necessarily agree, condone, support or advocate the ideas expressed in these letters and have not verified any factual statements made in the letters.***



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

**6**

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## Select Board Liaison Reports

**Requested by: SB Chair**

**Action Sought: None**

### Proposed Motion(s)

None Anticipated:

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

**7**

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## **Discuss and Vote to Approve the Annual Town Meeting 2025 Calendar**

**Requested by: SB Chair**

**Action Sought: Approve**

### **Proposed Motion(s)**

Move to Approve:  
Annual Town Meeting 2025 Calendar

### **Additional Information**

### **Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## 2025 Annual Town Meeting and Town Election Calendar

### Town Election Schedule

Monday, January 27, 2025	Town Caucus
Friday, March 28, 2025	Voter Registration Deadline for Annual Town Election
Tuesday, April 8, 2025	Annual Town Election

### Annual Town Meeting Schedule

Thursday, December 5, 2024	Finance Committee Public Forum on Capital Planning
Monday, December 16, 2024	Joint Select Board/School Committee Capital Planning Forum
Saturday, January 18, 2025, 9AM	Annual Town Meeting Overview Meeting
Monday, January 20, 2025 Friday, January 17, 2025	Annual Town Meeting Warrant Opens
Wednesday, February 5, 2025, 4PM	Due Date for Draft Warrant Articles [internal Town staff deadline] (submit to: <a href="mailto:TMSubmissions@concordma.gov">TMSubmissions@concordma.gov</a> )  Note: Citizen Petition articles must be submitted to the Town Clerk before closing of the Warrant at 4:00 PM on February 19, 2025 and are not required to be submitted earlier in draft.
Wednesday, February 19, 2025, 4PM	Annual Town Meeting Warrant Closes
Monday, March 3, 2025	Select Board Meeting to vote order of Warrant Articles
Wednesday, March 12, 2025, 4PM	Warrant Review Meeting with Town Counsel [Town officials and staff only]
Wednesday, March 19, 2025	Deadline to submit Warrant to the printer
Wednesday, April 2, 2025	Warrant Mailed to Households
Thursday, April 10, 2025 7PM	Public Hearing #1 (hybrid): Finance Committee – Town, Concord Public Schools, CC Regional School District
Monday, April 14, 2025 7PM	Public Hearing #2 (hybrid): Select Board
Tuesday, April 15, 2025 7PM	Public Hearing #3 (hybrid): Finance Committee – Minuteman, Community Preservation Committee and others
Thursday, May 1, 2025, 7PM	Public Hearing #4 (hybrid): Finance Committee – Enterprise Funds
Tuesday, May 6, 2025, 7PM	Public Hearing #5 (hybrid): Planning Board
Thursday, May 8, 2025, 4PM	Deadline for Final Motions (submit to <a href="mailto:TMSubmissions@concordma.gov">TMSubmissions@concordma.gov</a> )

Monday, May 12, 2025	Deadline for Select Board and Finance Committee Recommendations on Articles
Monday, May 12, 2025	Select Board Meeting to provide input on draft Consent Calendar to Moderator
Tuesday, May 13, 2025, 4PM	Motions Review Meeting with Town Counsel
Wednesday, May 14, 2025	Deadline for Finance Committee Completion of Finance Committee Report
Friday, May 16, 2025, 9AM	Moderator's Town Meeting Coordination Meeting (All Article Sponsors and Town Meeting Coordinator)
Monday, May 19, 2025	Finance Committee Report mailed to households
Friday, May 23, 2025	Deadline to submit PowerPoint Presentations and Paper Handouts for review and approval (submit to <a href="mailto:TMSubmissions@concordma.gov">TMSubmissions@concordma.gov</a> )
Friday, May 23, 2025	Voter Registration Deadline for Annual Town Meeting
Wednesday, May 28, 2025	Moderator's Staff Meeting (location, format and time TBD)
Monday, June 2, 2025 at 7PM	Annual Town Meeting at Concord Carlisle High School
Tuesday, June 3, 2025 at 7PM	Subsequent Additional Days as needed to conclude Annual Town Meeting

### Relevant Holidays

December 25, 2024 – January 2, 2025	Hanukkah
Wednesday, December 25, 2024	Christmas Day
Wednesday, January 1, 2025	New Year's Day
Monday, January 20, 2025	Martin Luther King, Jr. Day
Monday, February 17, 2025	President's Day
February 18-21, 2025	Concord Public Schools February Vacation
March 1-30, 2025	Ramadan
Sunday, April 20, 2025	Easter
April 12-20, 2025	Passover
Monday, April 21, 2025	Patriot's Day (observed)
April 22-25, 2025	Concord Public Schools April Vacation



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

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## **Review and Discuss the 10-Year Capital Plan**

**Requested by: SB Chair**

**Action Sought: None**

### **Proposed Motion(s)**

None Anticipated

### **Additional Information**

### **Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

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## **Discuss and Vote to Approve the PILOT Policy Draft Update**

**Requested by: SB Chair**

**Action Sought: Approve**

### **Proposed Motion(s)**

Move to Approve:

The PILOT Policy Draft

### **Additional Information**

### **Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## TOWN OF CONCORD

APP#67 (Proposed)

### Payment in Lieu of Taxes (PILOT) Policy

#### PURPOSE

Payments in lieu of taxes help local governments offset losses in property taxes due to the existent of nontaxable State, Federal and other non-profit entities.

The Town of Concord, through its various departments, provides a variety of services to its residential, commercial and non-profit organizations located or conducting business within the Town border. While municipal service requirements vary among these diverse groups, all benefit from the overall enhanced quality of life enjoyed by the community. However, the cost of municipal services is substantial, and the Commonwealth of Massachusetts has limited the sources of revenue available to municipalities. In Concord, property tax provides approximately 85% of municipal revenue and is paid by the residents and commercial taxpayers only. Revenue generated from property taxes is determined by law (Proposition 2 ½), mix of land uses, and geography.

The Town is approximately 26 square miles in size and is largely built out. New development is based primarily on reuse. The current makeup of the Town based on land use is approximately 89% taxable land and 11% non-taxable. The following table is a breakdown of non-taxable land in Concord:

Property Owner	% of non-taxable
Town	39%
State	12%
Federal	7%
Other Exempt	43%

A taxable parcel that becomes tax-exempt does not reduce the Town's total tax levy. Instead, it shifts the tax burden to all remaining taxable parcels. It is a primary goal of the Town to preserve its taxable land, while at the same time continuing to support its rich cultural diversity. It is also a goal of the Select Board to have the cost burden of providing services borne by and shared among all residents, taxpayers, commercial entities and non-profit institutions, to the extent possible and reasonable.

The Commonwealth of Massachusetts and its political sub-divisions, including the Town of Concord, have historically been recognized as leaders in historical preservation, healthcare, education, arts and culture, and have encouraged non-profits to organize in the state to enrich the quality of life of its residents. The General Court of the Commonwealth created a series of property tax exemptions within the General Laws (M.G.L. Chapter 59 Section 5) as an incentive to support the often-vital work of non-profit organizations.

The Town's location in relation to Boston Metro Area, its unique historical and cultural legacy, and its easy access to mass transportation and major roadways, makes it attractive for non-profit

institutions to locate in Concord. Concord recognizes that non-profit organizations contribute directly to the quality of life within the community and welcomes them to the town.

To maintain a fair balance between the cost of town services and payment for those services, the Select Board has developed a policy to address the need for a payment-in-lieu-of-tax (PILOT) program for tax exempt properties.

## **POLICY**

To maintain the financial health of the community and the Town's ability to continue to provide a range of quality services, the Town must preserve its existing tax base and expand that revenue source where reasonably possible. It is the Town policy to distribute the burden of cost in a fair method among all users of services: individual citizens, businesses and non-profit institutions.

M.G.L. Chapter 59 section 5 enables the granting of tax-exempt status to certain non-profit organizations. Once an organization is granted an exemption, the Town cannot legally require that organization to pay a property tax or bind that organization to give up the rights to these legal exemptions. Therefore:

1. The Town will seek voluntary PILOT Agreements with all tax-exempt institutions within the community that own real property, or that rent real property from the Town (pursuant to MGL Chapter 59 section 5, sub-section 2B).
2. These PILOT Agreements should be based upon fair market value and tax levy. PILOT Agreements should be established on the basis that the non-profit organization's payment amount is equal to the percentage of tax levy that supports the critical services of the Town's Police, Fire and Public Works operations. The Town has determined that this share is equal to at least [25%] of the full levy. If a non-profit organization enters into a voluntary PILOT agreement, the Town may offer to phase in the impact over a period of time. The Town expects to negotiate PILOT agreements, whereby once the payment target is reached, the payment will annually increase by an escalation factor generally equal to the average historic growth in annual tax levy.
3. A PILOT Agreement will remain in force for the entire tenure of its contractual term if the use and value established in the PILOT Agreement have not changed. All property under a PILOT Agreement must still meet all the requirements for eligibility for exempt status.
4. A PILOT Agreement does not replace the requirement that each organization, owning property on January 1, and seeking property tax exemption must file a "Return of Property Held for Charitable Purposes" form (State Tax Form 3ABC) with the Board of Assessors on or before March first of each year.



THE TOWN OF  
**CONCORD**  
MASSACHUSETTS

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# Payment in Lieu of Taxes (PILOT) Policy

Meeting of the Select Board,  
Monday, November 4, 2024



THE TOWN OF  
**CONCORD**  
MASSACHUSETTS

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## PILOT Policy Working Group

- Mary Hartman, Select Board Chair
- Lois Wasoff, Finance Committee Vice Chair
- Kerry Lafleur, Town Manager
- Anthony Ansaldi, Chief Financial Officer
- Meredith Stone, Chief Assessor



THE TOWN OF  
**CONCORD**  
MASSACHUSETTS

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## 2024-2025 Select Board Goals

### IV. Financial Planning and Stability

- Increase Revenue Generation
  - Pursue PILOT Agreements

## What is a PILOT Policy?

*Payments in lieu of taxes help local governments offset losses in property taxes due to the existent of nontaxable State, Federal and other non-profit entities.*



THE TOWN OF  
**CONCORD**  
MASSACHUSETTS

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## Taxable vs. Non-Taxable Land

- The Town is approximately 26 square miles
  - Taxable Land 89%
  - Non-Taxable Land 11%
    - Town<sup>1</sup> 39%
    - State Govt.<sup>2</sup> 12%
    - Federal Govt.<sup>3</sup> 7%
    - Exempt (non-profits) 43%

<sup>1</sup> Includes public buildings, streets/sidewalks, open space and other public uses.

<sup>2</sup> Land owned by the State, MBTA, MDOT and Massport

<sup>3</sup> Federal Land including Department of Interior and National Park Service



THE TOWN OF  
**CONCORD**  
MASSACHUSETTS

## Non-Taxable Values

Owner	Total Parcels	%	Land Value	Building Value	Total Value	Taxed at 100%	Taxed at 25%
Town	294	39%	\$ 208,221,300.00	\$ 232,864,900.00	\$ 441,086,200.00	\$ 5,398,895.09	\$ 1,349,723.77
State	58	12%	\$ 84,390,500.00	\$ 47,753,600.00	\$ 132,144,100.00	\$ 1,617,443.78	\$ 404,360.95
Federal	77	7%	\$ 60,825,700.00	\$ 17,133,500.00	\$ 77,959,200.00	\$ 954,220.61	\$ 238,555.15
Other Exempt	216	43%	\$ 217,159,000.00	\$ 270,542,200.00	\$ 487,701,200.00	\$ 5,969,462.69	\$ 1,492,365.67
<b>Total</b>	<b>645</b>	<b>100%</b>	<b>\$ 570,596,500.00</b>	<b>\$ 568,294,200.00</b>	<b>\$ 1,138,890,700.00</b>	<b>\$ 13,940,022.17</b>	<b>\$ 3,485,005.54</b>

## FY24 Curent PILOT's

State – State owned land	\$872,561.00
Federal – Fish & Wildlife and Dept. of Interior	\$ 3,529.00
Locally – CMLP	\$450,000.00*
Other – Concord Housing Authority	\$ 26,633.41

**Total \$902,723.41**

\* Estimate



THE TOWN OF  
**CONCORD**  
MASSACHUSETTS

## Other Exempt: By Property Type Classification

Property Type Classifications	Amount
Educational (private)	\$95,898,000
Educational (vacant land)	\$42,376,100
Conservation Organizations (vacant)	\$61,323,900
Charitable Organizations	\$75,746,600
Religious Organizations	\$34,395,500
Housing/Transportation/Utility Authorities	\$30,117,100
Educational Private	\$117,092,500
Libraries/Museums	\$25,429,100
Housing (other)	\$1,613,900
Religious Cemeteries	\$779,800
<b>Total</b>	<b>\$484,772,500</b>



THE TOWN OF  
**CONCORD**  
MASSACHUSETTS

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**Thank you!**

**Questions?**



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

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## **Discuss Dog Arbitration Update**

**Requested by: SB Chair**

**Action Sought: None**

### **Proposed Motion(s)**

None Anticipated

### **Additional Information**

### **Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



## Town of Concord

Town Manager's Office


22 Monument Square

P.O. Box 535

Concord, Massachusetts 01742-0535

Tel: (978) 318-3000

Fax: (978) 318-3093

To: Select Board  
From: Kerry A. Lafleur,  Town Manager  
Date: November 1, 2024  
Subject: Update on Nuisance Dog Complaint, E. Storlazzi

At your meeting on September 23, 2024, you voted a second continuance of this matter to October 31, 2024 to allow the appointed mediator, C4RJ, additional time to negotiate a resolution. Further, you agreed to receive an update on this matter at your regularly scheduled meeting on November 4, 2024.

On October 24, 2024, I was advised by C4RJ that *"the case is not moving forward with restorative justice. Ms. Hatfield will not meet with Mr. Storlazzi and does not think she holds any responsibility in this matter."* This news is disappointing and unfortunate, and you are now left with the original request made by petitioner, E. Storlazzi, to call for a dog hearing under the applicable provision of the Town's Dog Bylaw, <https://concordma.gov/DocumentCenter/View/4173/Dog-Bylaw-PDF?bidId=>, and/ or MG> c. 140, section 157, *Nuisance or Dangerous Goes, Orders for Remedial Action; Appeal; Violation of order*, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter140/Section157>.

As advised by special counsel in this matter, Gregg Corbo, KP Law, you may either review the petition to determine if, in your opinion, there is sufficient reason to schedule a hearing, or you may schedule the hearing without any further determination. In either case, given that this is a legal proceeding for which we have little past practice, I would recommend that we re-engage special counsel, and that any proceeding you schedule, should you choose to do so, occur no sooner than your meeting on December 2, 2024.

**Kerry Lafleur**

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**From:** Erin Freeborn <efreeborn@c4rj.org>  
**Sent:** Thursday, October 24, 2024 9:46 AM  
**To:** Kerry Lafleur  
**Subject:** Re: Dog Complaint: Storlazzi

Hi Kerry,  
Sorry for the delay! I've been very busy.

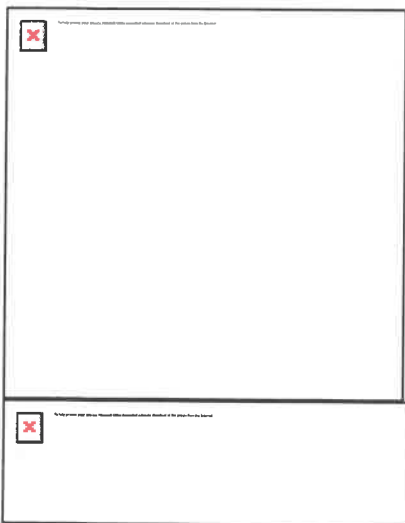
The case is not moving forward with restorative justice. Ms. Hatfield will not meet with Mr. Storlazzi and does not think she hold responsibility for this matter. I will get you the closing paperwork asap.

I'm also happy to have a debrief conversation with you.  
Erin

---

Erin V. Freeborn  
Executive Director  
[efreeborn@c4rj.org](mailto:efreeborn@c4rj.org)  
617-294-6677

Communities for Restorative Justice  
50 Milk Street, 10th Floor  
Boston, MA 02109  
[www.c4rj.org](http://www.c4rj.org)



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On Thu, Oct 24, 2024 at 9:43 AM Kerry Lafleur <[klafleur@concordma.gov](mailto:klafleur@concordma.gov)> wrote:

Hi Erin,

I'm writing to check in on the status of your conversations in the above matter. When last we spoke, my recollection is that you didn't have much hope that we could see results, but you were still working on it. I will need to provide an update to the Select Board at their next meeting (11/4/24). Please advise where we stand. Thanks!

*Kerry A. Lafleur (she, her)*

*(formerly Kerry A. Speidel)*

**Town Manager**

**Town of Concord**

[klafleur@concordma.gov](mailto:klafleur@concordma.gov)

**(978) 318-3000**

## Kerry Lafleur

---

**From:** estori@aol.com  
**Sent:** Friday, October 18, 2024 5:49 PM  
**To:** Kerry Lafleur  
**Subject:** Hatfield Dog Disturbance - CPD Claim

Hello Ms. Lafleur

Would you please convey the following message to members of the Select Board?

Regarding the letter sent by Hatfield to Town Mgr Lafleur.

The Hatfield letter seeks to discredit and denigrate my character, personality, and behavior in the thinking of members of the Board by means of false accusations about me, for the purpose of distracting the Board's attention from the facts and circumstances of Hatfield's actions, including continuing to allow triggering of my war-PTSD disability-symptoms.

I have previously addressed and responded to Hatfield's letter with an email to Town Mgr Lafleur. I am herein asking the members of the Board's attention to the Hatfield letter's attempt to extend her repeated false assertions to me about CPD, now part of the record, and to possible unknown others tbd, of the Concord Police Dept. being on her "side" against me.

In addition to other false assertions in the letter, Hatfield directs the Town Mgr not to contact her about the case, and concludes the letter with a tacit assertion of CPD's support of her against me: **"If you want back-up on this, please contact the Concord Police"**.

If Hatfield's false assertions about me and the CPD were to be believed by the members of the Board, the serious consequences to me are self evident. Accordingly, I contacted Police Chief Thomas Mulcahy about Hatfield's assertions of abuse, etc. of her by me, and assertions by her of CPD being in-support of her against me.

In response to my inquiry to Chief Mulcahy, an interview was scheduled for Wed Oct 16 with CPD Investigator Officer Lieut. Timothy R. Landers, Support Services Division Commander.

Investigator Landers informed me that CPD has no record of Hatfield contacting CPD alleging "threatening", "scary", "abusive" behavior against her by me, and Lieut. Landers wanted to assure me "that the Concord Police was on no one's side ..to this conflict between [me and [Respondent Hatfield]."

I ask the members of the Board to make further note of this contradiction by the CPD of Hatfield's false CPD claim, attempting to place me in a bad light in the thinking of the Board-members by means of her dissembling claim of CPD being on her "side" in the present matter, and available for "back-up" of her denigrating allusions about me in her letter to Mgr Lafleur.

Edmund Storlazzi



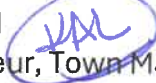
## Town of Concord

Town Manager's Office  
22 Monument Square  
P.O. Box 535

Concord, Massachusetts 01742-0535

Tel: (978) 318-3000

Fax: (978) 318-3093

To: Select Board   
From: Kerry A. Lafleur, Town Manager  
Date: September 18, 2024  
Subject: Update on Nuisance Dog Complaint, E. Storlazzi

At your meeting of August 5, 2024, you considered the Nuisance Dog Complaint filed by Edmund Storlazzi, in consultation with Gregg Corbo, serving as special counsel for this matter. After careful consideration and review, you decided to continue the matter for forty-five (45) days, and directed the Town Manager to attempt to mediate the matter.

After further review of the case with Chief Mulcahy, it was decided that since our existing in-house resources had already been unable to mediate this matter to resolution, that we would seek outside assistance. Fortunately, we were able to secure assistance from C4RJ, *Communities for Restorative Justice*, a well-recognized organization with roots in Concord, though given vacation/ holiday schedules, it has taken more time to move forward than originally anticipated. Nevertheless, both parties have been advised of the process the Town has selected, and I have been able to confirm that both parties have voluntarily agreed to participate.

At this time, I would like to request that the Select Board vote a second continuance of this matter to October 31, 2024, to give the process time to work, and seek an update at your regularly scheduled meeting on November 4, 2024.

A copy of the C4RJ proposal is attached for your review.



## Town of Concord

Town Manager's Office  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742-0535  
Tel: (978) 318-3000  
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September 10, 2024

Ms. Jennifer Hatfield  
21-6 Concord Green  
Concord, MA 01742

Mr. Edmund Storlazzi  
21-8 Concord Green  
Concord, MA 01742

Re: Nuisance Dog Complaint

Dear Ms. Hatfield and Mr. Storlazzi:

I am writing today regarding the above-referenced matter. To recap, in my previous correspondence dated August 13, 2024, I noted that under Massachusetts General Laws, Chapter 140, Section 157, the Concord Select Board has the authority to investigate nuisance dog complaints, including by conducting an examination of the complainant under oath, and to issue such order as may be necessary to abate the nuisance.

At a public meeting on August 5, 2024, the Select Board considered the complaint received by Mr. Storlazzi and decided not to schedule a public hearing at that time, but rather to continue the matter for a period of 45-days and asking me to arrange for mediation services.

With the understanding that our own in-house resources have been unable to resolve this conflict, we have chosen to seek external assistance through C4RJ, *Communities for Restorative Justice*, who will assist with and facilitate a restorative conversation in an attempt to find a solution. This process is completely voluntary and more fully outlined in the attached proposal from C4RJ's Executive Director, Erin Freeborn.

Within the next week, you will be contacted by C4RJ, at which time you will be asked whether you will engage in this process. As long as you are engaged in this process, the Select Board will hold this complaint in abeyance. If you choose not to participate, the Select Board will be notified and will then be required to decide whether to proceed with a public hearing.

Thank you for your cooperation in this regard.

Sincerely,

Kerry A. Lafleur  
Town Manager



## Proposal for a Restorative Conversation led by C4RJ

**To:** Town Manager Kerry Lafleur  
**Date:** September 8, 2024  
**From:** Communities for Restorative Justice, Inc. (C4RJ)  
**Subject:** Proposal for Restorative Conversations led by C4RJ

Dear Town Manager Lafleur,

Communities for Restorative Justice, Inc (C4RJ) is a dedicated team committed to facilitating engagement between people after harm. We are writing to propose a ***pilot approach for neighbor disputes that rise to the level of police and select board engagement***. Our goal is to offer a structure and support for parties to have difficult conversations in an attempt to find a better way to coexist in community.

This voluntary process will be offered by the town, and if accepted by the parties, 1-2 intake meetings will be conducted by C4RJ with each side. After the intake phase C4RJ will propose a timeline and strategy for the circle process to the Town Manager. The goal of this initiative is to bring the impacted residents together to talk about the conflict at Concord Greene Condominiums regarding a nuisance dog and to create a plan about how to move forward.

Objectives of each stage:

1. **Intake meetings** - C4RJ representatives will meet with the parties to better understand the harm experienced by residents and its impact on their lives.
2. **Circle** - C4RJ representatives will facilitate a restorative conversation between the impacted residents, their supporters and necessary members of the Town or police (if relevant, i.e. Animal Control Officer).
3. **Agreement** - C4RJ representatives will draft an agreement at the circle that includes the mutually agreed upon outcomes discussed in the circle.
4. **Follow up** - C4RJ will draft a one page memo, for the Town Manager, documenting the date of the circle, agreement items, and recommended next step.



The work will be conducted by C4RJ staff or trained Concord community members at a rate of \_\_\_\_\_ per hour, in quarter hour increments. An invoice will be provided for the Town Manager monthly and at the end of the process.

We look forward to the opportunity to discuss this proposal further and to answer any questions you may have.

Sincerely,

Erin V. Freeborn  
Executive Director  
Communities for Restorative Justice



**Town of Concord**  
Town Manager's Office  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742-0535  
Tel: (978) 318-3000  
Fax: (978) 318-3093

August 13, 2024

Ms. Jennifer Hatfield  
21-6 Concord Green  
Concord, MA 01742

Mr. Edmund Storlazzi  
21-8 Concord Green  
Concord, MA 01742

Re: Nuisance Dog Complaint

Dear Ms. Hatfield and Mr. Storlazzi:

Please be advised that the Town of Concord Select Board is in receipt of a complaint from Mr. Storlazzi that a dog owned or kept by Ms. Hatfield at 21-6 Concord Green, Concord, MA, is a nuisance dog as that term is defined in Massachusetts General Laws, Chapter 140, Section 136A. A copy of the complaint is enclosed herewith for your reference.

According to Massachusetts General Laws, Chapter 140, Section 157, the Town of Concord Select Board has the authority to investigate such complaint, including by conducting an examination of the complainant under oath, and to issue such order as may be necessary to abate the nuisance.

At a public meeting on August 5, 2024, the Select Board considered Mr. Storlazzi's complaint and decided not to schedule a public hearing at this time. Rather, the Board has continued the matter, and it is requesting that both of you meet with a representative of the Town Manager to discuss the issues and try to reach a resolution without having to go through a public hearing process.

I am in the process of arranging for you to meet with an independent mediator who will work to reach a resolution. Once the mediator's availability is provided, my office will be back in touch with you. You should expect to hear from us no later than August 30, 2024.

Please be advised that the meeting will only be held if you both agree. If you do not wish to attend a meeting or if you are unable to agree to a solution, the Select Board will consider this matter further at a meeting on September 23, 2024, and at that time it will decide whether to schedule a public hearing.

Thank you for your cooperation in this regard.

Sincerely,

Kerry A. Lafleur



**Town of Concord**  
Town Manager's Office  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742-0535  
Tel: (978) 318-3000  
Fax: (978) 318-3093

**To:** Select Board KAL  
**From:** Kerry A. Lafleur, Town Manager  
**Date:** July 29, 2024  
**Subject:** Request for Dog Hearing- Edmund Storlazzi, 21 Concord Green #8

The Town is in receipt of a request from Edmund Storlazzi, 21 Concord Green #8, to call a Dog Hearing regarding an alleged Nuisance Dog. Rules regarding dogs are included in the Town's Dog Bylaw, <https://concordma.gov/DocumentCenter/View/4173/Dog-Bylaw-PDF?bidId=>, last updated in April 2007, and MGL c.140, section 157, *Nuisance or Dangerous Dogs, Orders for Remedial Action; Appeal; Violation of Order*, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter140/Section157>. A copy of Mr. Storlazzi's complaint is attached for review.

#### **Background**

The Concord Police Department is charged with review and investigation of any and all dog complaints. Primary review and investigation is conducted by the Town's appointed Animal Control Officer (ACO), Jennifer Condon, Boardman's Animal Control, who is a contracted agent of CPD/ Town of Concord.

ACO Condon received the first complaint from Mr. Storlazzi on January 30, 2024, at which point she opened her investigation. A copy of the ACO's report log is attached as part of the record, which outlines her various contact on this matter over a period of several months. ACO Condon concluded her review on May 20, 2024, stating that she does "...not feel that this dog is a nuisance, as it is more of a trigger to Mr. Storlazzi and his PTSD. Mrs. Hatfield and Concord Green have both declined any meeting with ACO and Concord Police."

Being left unsatisfied with the ACO's findings, Mr. Storlazzi contacted the Town Manager's Office to request a hearing in front of the hearing authority. For the purposes of this process, it has been determined that the hearing authority is the Select Board.

As dog hearings arise so infrequently, and because my experience has shown these matters to be complicated, I decided to review this request with Town Counsel, and then with special counsel, Greg Corbo, KP Law, who has been contracted on a very limited retainer.

Attorney Corbo has provided summary materials which outline the process by which a hearing authority conducts a hearing, inclusive of samples (motions) of the various actions said authority may take.

\*Further, I have been advised that the hearing authority is not required to convene a hearing merely because it has received a request. As such, the first step for the hearing authority should be to review the file to make a determination on whether there is a sufficient basis to schedule a hearing.

**Requested Action**

Schedule a review of the request for a Nuisance Dog Hearing made by Edmund Storlazzi, 21 Concord Green #8, and determine whether there is a sufficient basis to schedule a hearing.

**Attachments:**

- Record/ log of ACO
- Request for Appeal, dated May 2, 2024 by Edmund Storlazzi
- KP Law eUpdate, Local Regulation of Nuisance and Dangerous Dogs
- KP Law, Nuisance and Dangerous Dogs bulletin

*substituted*

**From:** [estori@aol.com](mailto:estori@aol.com) <estori@aol.com>  
**Sent:** Thursday, May 2, 2024 6:17 AM  
**To:** Shannon McAndrew <[smcandrew@concordma.gov](mailto:smcandrew@concordma.gov)>  
**Subject:** Appeal for Help

You don't often get email from [estori@aol.com](mailto:estori@aol.com). [Learn why this is important](#)

Hello Ms. McAndrew

Ms. Condon of Animal Control has referred me to the Select Board to escalate the enclosed matter following her unsuccessful intervention on my behalf.

Would you please present this appeal to the Board?

Thank you.

Edmund Storlazzi

May 1, 2024

TO: Members of Select Board, Concord, Massachusetts

Given the relatively more important issues you-all deal-with for Concord, I regret needing to make the following appeal for your intervention and help.

This matter is relatively insignificant as a civic issue, but for me, it is a personal issue of consequence with which I have had to live for two years - two years of relentless disturbance in my residence, that has now morphed into harming my health for reasons related to my particular circumstance that I will explain.

For the past two years, I have attempted unsuccessfully to resolve the matter thru appeals to Management where I live, and to other Town authorities, including the CPD. Det. Rodriguez and Chief Mulcahy are aware of incidents pertaining to this matter. I have now been referred by the Concord Animal Control Officer, Ms. Condon, for escalated consideration by you and Town authorities.

Background to my situation.

I am an 80 yr-old veteran of active military service as a Civil Affairs Bn Staff Officer and Civic Action Team Leader with the 4th Infantry Div. in Viet Nam during the implementation of the so-called "hearts and minds" program following the Communist TET Offensive in 1968.

I was awarded a Bronze Star for that service, and receive 100% disability compensation from U.S. Dept. of Veterans Affairs [DVA] for physical and post traumatic stress syndrome injuries I sustained from my military service.

My ptsd diagnosis by the DVA is the result of having experienced recurring, sudden, surprise rocket attacks during the day and night, and land-mine explosions during my time in Viet Nam.

My CA team conducted medical, agricultural, harvesting-assistance, etc. activities in villages in the AO of our base camp in Pleiku in the Central Highlands among the Montagnard Jarai people.

I began an elementary school for Montagnard children for their first experience of a school, and for teaching clothes sewing. I developed an economic program entitled MART [Montagnard Artifacts] to sell Jarai artifacts to American military personnel to increase cash available to the Montagnards in the local economy.

My experience in VN involved anticipating and avoiding sudden rocket attacks, land mines, and ambushes in the course of conducting civic action missions in the villages of our AO. I survived two up-front and close incidents that vets refer to as "alive days".

In one incident an AP mine exploded under where I was seated in a military armored "gun truck" I used for CA missions. In that incident, a squad in the back of the truck providing military security for the mission I was on, opened fire to suppress a possible ambush from an enemy force. After return to base camp, it was found that a

rifle round had penetrated the truck-frame directly behind my head where I was seated in the vehicle.

In another incident while on a CA mission, my gun-truck passed over an AT land-mine that failed to detonate. Immediately after, an armored vehicle with troops providing security for the mission, passed in the same track as my truck, and detonated the AT mine, destroying the APC, and resulting in serious injury to several of the soldiers in the armored carrier.

As the remaining uninjured officer on the CA mission, I had to help with several seriously wounded and screaming soldiers. I set security, and helped coordinate and radio-in a "dust-off" medevac for the injured soldiers.

Fate apparently thought that my time in VN did not provide me with enough experience with bodies, body-bags, and death, so it arranged that a puppy I had named "Pip" that I had rescued from the war would be struck and killed by a military truck on base camp while I was out on a mission.

I imagine that he was running to the truck thinking it was me returning to base camp.

As I watched my puppy die on a medical table thru tears, I thought of the irony of my grieving the sudden death of a dog amidst all of the sudden soldier deaths happening that would devastate the lives of loved-ones back home.

I returned from VN, altered by the experience, and had 20 years as a private and public school secondary administrator and teacher.

After I retired, I started a non-profit education foundation that provides free assistance to European and Asian immigrants for citizenship, and learning English and American culture.

I have also conducted free current issues "conversations" at the Concord Library under the title of Bronson Alcott Conversation Circle, and at the Council on Aging.

I am a volunteer teacher in Tufts University Osher Institute providing History seminars and current-issues seminars for senior citizens.

When I came back from VN, I lived a life of avoiding crowds, unpleasant surprises, fire-works celebrations, and other sudden loud noises.

My approach has been anticipation and avoidance which I understand from previous therapy is a typical veterans-strategy related to the PTSD syndrome. I have been mostly successful in avoiding PTSD triggers and flash-backs in my life here-to-fore.

I moved to Concord 10 years ago following my retirement as a school teacher. I have lived at Concord Greene for 6 yrs, chosen for its quiet and peaceful setting, and predominantly older people like myself. I direct my volunteer work from media at my residence in the CG complex.

When I moved to CG, 6 years ago, there was no dog in the building where I live.

Two years ago, the neighbor in the next-door condo unit adjacent to mine got a very cute, friendly dog.

Since that time, whenever I enter and leave my apt, every day and evening, screeching and barking from behind doors, high pitched screeching as though it were being tortured. I learned to lessen the impact on me by anticipating the screeching and barking whenever I enter or exit my apt.

But there has developed a more fraught situation that I can not manage by anticipation and avoidance regarding the dog.

In the otherwise deliberate and usual quiet of my apt and the 4-unit bldg at CG, for the past two years, every day and evening, without warning, sudden bursts of high-pitched jarring, screeching

whenever the dog is in the common area of my bldg, and outside my door. Adjacent to that of the owner.

Initially, I managed this disturbance as a nuisance that I had to live-with. I tried ear-plugs and rearranging my furnishings and other psychological tricks to try to lessen the impact of the relentless, recurring, sudden screeching of the dog.

But I have begun to experience in recent months, surprising to me, physical reactions like jumping in startle, stopping breathing, and feeling like my heart has skipped a beat.

After so long ago from my traumatic experiences in VN, I don't understand these physical reactions recurring in my old age, being triggered by a little dog that is posing no physical threat to me.

It is also an unwelcome surprise to me that at the end stage of my life, I would find myself in such a situation.

This period has involved my becoming persona non grata where I live at Concord Greene.

Management has several reasons for not liking me, the most serious of which involved my asking that the stairs to my level of the building be brought to code-requirement. The treads are very narrow, causing my feet to dangle off the edge, and sometimes slip off. They rejected this request, with the justification from a Town safety inspector that the stairs are "grandfathered" by law.

When I then asked if a stair-lift might be installed, they required that I pay the entire cost, and assume responsibility for liability, which conditions I rejected.

With both requests, I had offered to pay half the cost, which was rejected by them.

Someone who knows about disability-rights referred me to the Mass. Comm. Against Discrimination [MCAD] for help.

I appealed to MCAD. They brought action against Management that resulted in a ruling that required them to install a stair lift to accommodate my physical disability at their full cost and liability, and also pay me significant punitive monetary damages.

There is also intense animosity between myself and the dog's owner.

She has been here a long time, and her mother lives in the unit below hers. The owner is well connected with Management, and is accustomed to having her way, regardless of condo policies. I am the relatively new person on the scene, and considered a "trouble maker" because I have sought Management to enforce condo policies against her such as not allowing her to place personal items at the common area at the base of the stairs I use to get to my apt, that were posing some safety risk to me with my legs mobility disability. She and I are the only residents who use that stairway.

She is not concerned about my physical service-disabilities or my PTSD syndrome. She sometimes mocks me about having been allowed a parking space near the door, since I am not really "handicapped" like other people she knows. She repeatedly tells me to move if I don't like living here.

The owner is now especially vehement towards me during the past two years since I have sought Management's punitive enforcement of the dog policy for her failure to control her dog's screeching and howling in the common area of my building, and right outside my door adjacent to hers.

There was an incident where I had to call the CPD to come because of a threatening item the owner placed outside my door, [which I have kept]; and verbal intimidation at my door regarding her dog by a man she calls a "family friend". He is regularly and frequently a visitor to her place, and apparently has a key to the outside door, with the knowledge and no-prohibition by Management.

Detective Rodriguez and Chief Mulcahy are aware of my situation, and CPD has intervened to the extent they were able. CPD was the source of my fruitless appealing to Animal Control.

I've tried to address this situation repeatedly with the owner and condo Management on the basis of the condo's no dog-disturbance policy. But both are not sympathetic, asserting that the dog's disturbance, although regular, day and evenings, is not of sufficient frequency and duration to be actionable. Their response is "Dog's bark.", and that the "barking" is not long-enough to pose a problem to "normal" people.

The dog-policy at CG states:

**"Pet owners shall not permit their pets to disturb the peace or quiet of any person by .... barking, howling, or in any other manner."**

There is no language about frequency and duration.

There are documented policies relating to Rules Enforcement and Penalties at CG for violations of this and other condo policies.

In a recent encounter about screeching and barking outside my door, the owner said to me that I could not complain because it was not frequent, and when it happened it lasted for only a few seconds.

Apart from her dismissive attitude about her dog's effect on me, I have reported to Management repeated instances of harassment and intimidation by her in the building where I live, including alleged manipulation and interference with the stair-lift to create

inconvenience to me. Management has responded that I do not have any evidence that she is responsible.

My request for the installation of a security camera in the building to monitor activity by her and other "unknown" non-resident individuals who apparently are allowed keys to the common door with Management's sanction, has been rejected.

There are several other incidents that I won't take your time about that have contributed to the animosity between us. The conflict now is focused on her dog, and the impact it is having on me with impunity.

When I requested of Management a meeting of all parties for amelioration of the situation, I received a letter from Management's attys telling me to get along with the owner.

When I expressed my intent to respond to the lawyers' letter, I received a threat from the complex Manager that if I made direct response to the lawyer, and CG were billed for my direct response, that I would be charged by Management for the lawyer-charge.

I made repeated requests for an ameliorating meeting of all parties, to no avail.

The Board President replied that he and another Board officer would conduct separate "fact-finding" with me and the dog's owner, while leading me to think my requested meeting would occur subsequently.

When no meeting was subsequently scheduled, I inquired and was informed by the President of his concern that there would be unpleasantness between myself and the owner at such a meeting. I assured him that despite the animosity that exists among Management, the owner, and myself, that I would not be responsible for anything untoward at the meeting.

Notwithstanding my assurance, the President informed me that he and the other Board officer had decided that my requested meeting would not happen.

I subsequently informed Management and the CG Board of my being treated for the PTSD symptoms and flash-backs that are being triggered by the dog-situation, and my intent to hold them individually responsible to whatever extent the law might allow for their discriminatory failure of expected managerial responsibility to enforce the documented CG policy against their favored dog owner.

Their rejection of my request for an ameliorating meeting of all parties prompted my appeal to Ms. Condon of Animal Control.

I asked if she would mediate a meeting between myself and the owner. She accepted my request, and contacted the owner, who rejected participating in a meeting with Condon as mediator.

I then asked if she would arrange a meeting of herself, me and CG Management. She was able to obtain their commitment for such a meeting, informing me that she was awaiting their providing options for a meeting date and time.

A few days after she informed of their commitment to a meeting pending setting of a date and time, she informed me that they had rescinded their agreeing to a meeting. She referred me to escalate this matter to a relevant Town protocol above Animal Control about which I do not know.

I am now in a "shunned" status at my residence at the CG complex. People I would greet when I am out and about now ignore me, sometimes with a scowl. It is evident that the owner and Management have spread the word about my being a pain and "trouble maker" at the complex, and now apparently a supposed hater of the many dogs which abound at CG.

But given my experiences of surviving rockets and mines of war, I will deal with being shunned by ignorant, uncaring people, and will

not be pressured to move by the owner, or because of the impunity the owner has because of her favored status with Management.

What is more serious to me is that I am living in my apt at CG in a prevalent, continuous state of apprehension and dread, day and evening, never knowing, and not able to prepare myself for, the next sudden "explosion" of the dog's high-pitched screaming/screeching and barking that will jolt and jarr my body and sensibilities.

I am repeatedly and regularly, every day and evening, in my residence, subjected to the high pitched, jolting and jarring screeching and howling of the dog, as though it were being tortured, with Management and the owner justifying their failure to end this situation by asserting that it is not frequent, and when it happens, it is of only minor duration.

They know of my ptsd condition being triggered after two years of my trying to manage the situation, but apparently are disregarding that my ptsd physical and flash-back reactions have their origin in my war experience, which the sudden, unanticipated, unpredictable high-pitched screeching and barking of the dog is triggering, regardless of frequency or duration.

They are aware that my condition is serious-enough so that I am now receiving treatment by the Dept. Of Veterans Affairs at Bedford, and the Vet Ctr in Lowell.

What initially began as a nuisance to my residing here, has now transitioned to being a recurring serious trigger to my ptsd condition, and harm to my health.

I understand that I do not have any recourse to the screeching and barking from behind the owner's door whenever I enter or leave my apt.

The owner knows that her failure to stop her dog's screeching and barking in the common area of my bldg, and outside my door can continue with impunity from Management, and the limited

enforcement possible according to the guidelines of Animal Control, and CPD

In escalating this matter to you and any relevant Town authorities, I am appealing for your help. I have no-where else to ask for help.

I am asking that the owner not be allowed to continue the impunity that she has had during the past two years. I am appealing to the Town to apply an escalated enforcement so that she be required to permanently and definitively, not just sometimes and briefly, always prevent her dog's screeching and barking whenever it is in the common area and outside my door, or be subject to whatever escalated penalties are available under Town ordinance.

Again I want to express my regret for bothering you with this situation which after two years has become quite consequential to my health and being able to live here in peace.

Thank you for your consideration. Edmund Storlazzi

CONCORD GREEN/STORLAZZI/HATFIELD

DATE: 01/30/24 TIME: 0900 R/P'S NAME: Edmund Storlazzi ADDRESS: 21 Concord Green #8 TELEPHONE:

TYPE CALL: Complaint

OFFICER: Condon

ANIMAL INFORMATION: Barking dog Jennifer Hatfield condo, small Shih tzu

COMMENTS: CB RP 0915 LM to return call no call back. ACO Contacted Hatfield who stated that her dog does not barking, nonstop and there is issue between the two parties. Hatfield states the dog may bark once or twice but she has had the dog for 3 years and there have never been any issues.

DATE: 02/05/24 TIME: 1226 R/P'S NAME: Jennifer Hatfield ADDRESS: 21-6 Concord Green TELEPHONE:

TYPE CALL: Misc.

OFFICER: Condon

ANIMAL INFORMATION:

COMMENTS: RP looking to speak with the Officer regarding the ongoing issue with her neighbor who has issues with her personally and with her dog. ACO spoke to Mrs. Hatfield and advised just be on top of the barking with the dog in the common areas of the building.

DATE: 02/09/24 TIME: 1623 R/P'S NAME: Ed Storlazzi ADDRESS: Concord Green TELEPHONE:

TYPE CALL: Misc.

OFFICER: Condon

ANIMAL INFORMATION:

COMMENTS: RP checking to see if his letter was received.

DATE: 03/07/24 TIME: 1018 VM R/P'S NAME: Edmund Storlazzi ADDRESS: Concord Green TELEPHONE:

TYPE CALL: Misc.

OFFICER: Condon

ANIMAL INFORMATION:

COMMENTS: RP LM for ACO Condon Thanking her.

DATE: 04/02/24 TIME: 1718 R/P'S NAME: Ed Storlazzi ADDRESS: 21 Concord Green TELEPHONE:

TYPE CALL: Complaint

OFFICER: Condon

ANIMAL INFORMATION: dog next door

COMMENTS:

DATE: 04/05/24 TIME: R/P'S NAME: Ed Storlazzi ADDRESS: 21 Concord Green TELEPHONE:

TYPE CALL: Complaint Email

OFFICER: Condon

ANIMAL INFORMATION: dog next door

COMMENTS: Resident is threatening legal action. Officer reached out to other party involved Jennifer Hatfield 508-395-2333. Officer requested, if possible, could owner carry the dog outside to decrease noise in the hallway. Jennifer reports that she is unable because she has a bad back.

DATE: 04/15/24 TIME: 1200 R/P'S NAME Ed Storlazzi ADDRESS 21 Concord Green TELEPHONE

TYPE CALL: Complaint

OFFICER: Condon

ANIMAL INFORMATION: neighbor's dog

COMMENTS: CB RP advised Mr. Storlazzi that the neighbor's dog is doing nothing wrong again and if wants action he needs to take the proper steps.

DATE: 04/29/24 TIME: 1500 R/P'S NAME VM Sonia ADDRESS Concord Green TELEPHONE

TYPE CALL: Complaint

OFFICER: Condon

ANIMAL INFORMATION:

COMMENTS: RP updating ACO, Conversation with lawyer and Concord Green board denied meeting.

DATE: 05/10/24 TIME: 0937 R/P'S NAME Lieutenant Landers ADDRESS Concord Green TELEPHONE

TYPE CALL: Complaint

OFFICER: Condon

ANIMAL INFORMATION:

COMMENTS: Per RP Concord Green is looking for a final answer regarding Jen Hatfield's dog. ACO contacted Storlazzi and advised him that Concord Green and Jen Hatfield both declined to meet as he has requested.

DATE: 05/20/24 TIME: 1855 R/P'S NAME Email Ed Storlazzi ADDRESS Concord Green TELEPHONE

TYPE CALL: Complaint

OFFICER: Condon

ANIMAL INFORMATION:

COMMENTS:

All the above call information is between me, and the 2 parties involved.

ACO Condon  
Ed Storlazzi  
Jennifer Hatfield

ACO Statement:

I ACO Condon have been working in this situation since January 30, 2024, when the first call was received from the RP Storlazzi. Storlazzi has lived at Concord Green for a few years, and Hatfield has lived there for 10+ years and the dog has been there for 3 years, and these complaints only started on January 30. ACO advised that if the dog is not barking nonstop for more than 20 minutes there was nothing that I, as the ACO would or could do about it as it's not breaking any law. RP Storlazzi has stated that the dog is screeching out at different times of the day when the owner Jennifer Hatfield takes the dog outside. ACO Condon advised Storlazzi that is not an issue, and you are a resident where there are dogs all around you. ACO advised Concord Green Management of the situation. Storlazzi did not understand that Animal Control cannot do anything. ACO Condon spoke to Hatfield a few times about the issue and ACO recommended holding dog in arms when coming and going and Hatfield refused as she has a back issue. Hatfield stated that there are issues between the 2 parties. (Hatfield +

Storlazzi). ACO did receive a 7-page letter from Storlazzi about his PTSD concerns. ACO Condon has spoken a few times with Storlazzi to understand why he would live in an apartment building that has dogs. Storlazzi states he likes dogs, but this dog is setting him off and it is not good for his health. ACO made another attempt to speak to Concord Green and have a meeting between the parties involved and management. Concord Green state that they are not going to grant this at this time, and if Mr. Storlazzi would like he can put up a noise barrier to block out the noise.

At this time Animal Control has done what they can with the parties involved and feels that this should be addressed as a nuisance hearing with the Town of Concord. I ACO Condon do not feel that this dog is a nuisance, as it is more of a trigger to Mr. Storlazzi and his PTSD. Mrs. Hatfield and Concord Green have both declined any meeting with ACO and Concord Police.

## **Local Regulation of Nuisance and Dangerous Dogs**

Effective on October 31, 2012, An Act Further Regulating Animal Control” (the “Act”) substantially revised the procedures for responding to complaints about nuisance and vicious dogs pursuant to the provisions of G.L. c. 140, §157. To simplify the detailed process, attached is a two-page summary of the new standards and process.

### **The Regulatory Framework**

Pursuant to the prior version of G.L. c.140, §157, municipal officials responded to complaints that dogs were “nuisance[s] by reason of vicious disposition or excessive barking or other disturbance”. However, the statute failed to define these terms or otherwise establish appropriate remedial action in the event a dog was found to be a nuisance.

The Act addresses this issue in part. Specifically, the Act deletes the phrase “nuisance by reason of vicious disposition or excessive barking or other disturbance” and replaces it with, and defines, the terms “attack”, “nuisance dog” and “dangerous dog”. Additionally, the statute explicitly excludes certain factors or circumstances as bases for a finding that a dog is dangerous, including, for example, the fact that a dog is a particular breed, or a situation in which a dog was protecting its offspring or owner. Further, the Act proposes seven specific remedies for ameliorating nuisances caused by dangerous dogs. Importantly, while these amendments provide guidance as to how to resolve dog complaints, the Act continues to provide local officials with sufficient discretion to protect the public safety based upon particular facts.

### **Proceedings at the Local Level**

Under the prior and current versions of G.L. c.140, §157, the process for determining whether a dog is a nuisance begins with a written complaint. The Act now gives municipalities greater flexibility in delegating responsibility for handling dog complaints by expanding the list of officials authorized to address complaints to include: mayors in cities; boards of selectmen in towns; or, in any city or town, the chief or commissioner of the police department, or their designee, or other person charged with the responsibility of handling dog complaints.

Upon receipt, the hearing authority is required to investigate or cause the investigation of the complaint. The investigation must include an examination of the complainant under oath. While it was common for municipalities to conduct such examination at a public hearing, the Act now requires the complaint be decided based upon “credible evidence and testimony presented at [a] public hearing in the municipality.” As with other types of adjudicatory hearings, although the formal rules of evidence

will not apply, we recommend that all witnesses be sworn and the proceedings be recorded for use in the event of an appeal.

The hearing authority should proceed in two steps. First, there must be a determination of whether the dog is a nuisance or dangerous. In making this determination, the hearing authority will be guided by the new definitions set forth in the Act. If the hearing authority decides the dog is not a nuisance or dangerous, the inquiry ends and the hearing authority must dismiss the complaint.

If the hearing authority deems the dog a nuisance, it may “further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.” As with the prior version of the statute, the Act does not establish any parameters for such remedial action, if any, but rather, it leaves the response to the complaint to the discretion of the hearing authority. In contrast, if the hearing authority deems the dog dangerous, it shall order one or more of the seven remedies ranging from restraint to euthanization. The list includes remedies commonly invoked by municipalities, and allows the hearing authority discretion to decide on an appropriate combination most suited to the facts of a particular case. However, the Act strictly prohibits the common practice of “banishment”, i.e. ordering removal of a dog from the municipality in which its owner or keeper resides. Further, the Act codifies the common law rule prohibiting the regulation of dogs in a manner that is specific to breed.

### **Appellate Procedure**

The Act does not alter past practice relative to appeals. The owner or keeper of a dog aggrieved by a hearing authority’s decision may file an appeal in the local district court within ten days after issuance of the order. The initial hearing on the appeal is before a district court clerk magistrate who shall hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. Either party aggrieved by the decision of the clerk magistrate may then request a *de novo* hearing before a justice of the district court, who may, based upon the credible evidence and testimony presented at trial dismiss the complaint ,or deem the dog a nuisance or dangerous dog. Although the Act states that the decision of the court after a *de novo* hearing is final and conclusive upon the parties, the Appeals Court found that the same language in the prior version of the statute provides for a further appeal to Superior Court pursuant to the provisions of G.L. c. 249, §4.

The Act does, however, provide municipalities with significantly greater enforcement authority during the pendency of the appeal by authorizing a petition to the district court for an order of impoundment. The district court may issue such an order upon a finding of probable cause that the dog is dangerous. The Act requires the owner to pay the costs of impoundment if the municipality prevails in the appeal and authorizes the municipality to recover such costs through a lien on the owner’s real estate or as an additional surcharge on the owner’s motor vehicle excise tax.

## Enforcement

The Act provides enhanced penalties for the failure to comply with a municipal or court order. If an owner or keeper of a dog violates an order issued under G.L. c.140, §157, the dog is subject to seizure and impoundment by a law enforcement or animal control officer and the owner or keeper may be subject to criminal penalties or prohibited from licensing a dog within the Commonwealth for up to five years. The Act also authorizes the issuance of fines for failure to comply with such orders – a fine of not more than \$500.00 or imprisonment for not more than 60 days, or both, for a first offense and a fine of not more than \$1,000.00 or imprisonment for not more than 90 days or both for a second or subsequent offense. The Act also prohibits anyone over 17 with “actual knowledge” that a dog has been deemed dangerous from allowing a child under 17 to own, possess or have the care or custody of such dog, and further requires a dog’s dangerousness be disclosed prior to transfer of possession or ownership.

In summary, the Act makes substantial revisions to the process for addressing vicious dog complaints. We recommend, therefore, that any municipal hearing authority addressing such complaints carefully review the revised definitions and procedures to ensure any action taken is consistent with the new statutory requirements.

Please contact Gregg Corbo at [gcorbo@k-plaw.com](mailto:gcorbo@k-plaw.com) or 617.556.0007 with further questions.

## **NUISANCE AND DANGEROUS DOGS**

### **G.L. c. 140, § 157**

#### **Important Definitions:**

**“Attack”** - an aggressive physical contact initiated by an animal.

**“Dangerous dog”** – a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

**“Nuisance dog”** – a “dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one’s quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under the circumstances.

#### **Sample Motions for Hearing Authority:**

##### **Nuisance Complaint:**

***Not a Nuisance Dog:*** I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find the dog complained of is not a nuisance dog and that the complaint be dismissed; or

***Is a Nuisance Dog:*** I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find the dog complained of is a nuisance dog by reason of [choose one or more of the three reasons listed above in the definition of “Nuisance dog”]

##### **Dangerousness Complaint:**

***Not a Dangerous Dog:*** I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find that the dog complained of is not a dangerous or nuisance dog and that the complaint be dismissed; or

##### ***Is a Dangerous or Nuisance Dog:***

***Nuisance Dog:*** I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find that the dog complained of is a nuisance dog by reason of [choose one or more of the three reasons listed above in the definition of “Nuisance dog”]; or

***Dangerous Dog:*** I move, based on the following facts adduced at this public hearing, including, but not limited to [insert listing of facts], that [the hearing authority] find that the dog complained of is a dangerous dog by reason of [choose one or both of the reasons listed above in the definition of “Dangerous dog”].

Remember that a determination that a dog is dangerous **cannot** be: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was

reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- the dog was protecting itself, its offspring, another domestic animal or a person from attack;
- the person attacked or threatened was committing a crime upon the person or property of the owner or keeper of the dog;
- the person attacked or threatened was teasing or otherwise provoking the dog; or
- at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure in which the dog was kept apart from the public.

Further, be aware that if the person attacked or threatened is under the age of 7, a rebuttable presumption exists that such person was not committing a crime, provoking the dog or trespassing.

### **Remedies:**

**Nuisance Complaint:** If the hearing authority deems a dog a nuisance dog, the hearing authority may, in its discretion, order the owner or keeper of the dog to take action to ameliorate the nuisance behavior.

**Dangerousness Complaint:** If the hearing authority deems a dog a dangerous dog, it shall order one or more of the following remedies be imposed:

- (i) that the dog be humanely restrained, but not chained, tethered or otherwise tied to an inanimate object including a tree, post or building;
- (ii) that the dog be confined to the premises of its owner or keeper, either indoors or outdoors properly sheltered from the elements in a securely enclosed and locked pen or dog run area with a secure roof and, if the enclosure has no floor, with sides not less than 2 feet embedded into the ground;
- (iii) that when removed from the premises of the owner or keeper, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;
- (iv) that the owner or keeper provide documented proof of no less than \$100,000 insurance for claims resulting from intentional or unintentional acts of the dog, or of reasonable efforts to obtain such insurance if a policy has not been issued;
- (v) that the owner or keeper provide the licensing authority, animal control officer or other entity identified in the order, information by which a dog may be identified, including, for example, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of information;
- (vi) that the dog be altered so it is unable to reproduce, unless its owner or keeper provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition; or
- (vii) that the dog be humanely euthanized.

**No order shall be issued directing that a dog deemed dangerous be removed from the town or city in which the owner of the dog resides.**

***Be reminded that the sample votes and proposed remedies set forth herein may serve as the basis for actual votes or remedial orders, but any actual votes or remedial orders must be prepared on a case-by-case basis in light of the specific facts at issue and in conformance with applicable statutory language.***



**Concord Select Board Meeting**  
AGENDA ACTION REQUEST

**Monday, November 4, 2024**

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# **Monthly Budget Report from Concord250 Executive Committee & Veteran's Day Program of Events**

**Requested by: Concord250 Executive Committee**

**Action Sought: None**

## **Proposed Motion(s)**

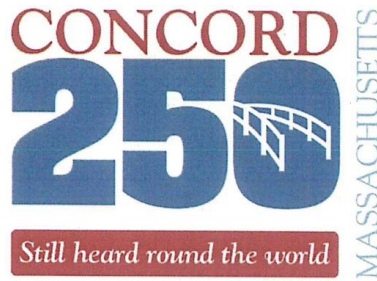
None Anticipated

- October 2024 Budget Report from the Concord250 Executive Committee
- Veteran's Day Program of Events

## **Additional Information**

## **Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



Concord 2025 Executive Committee  
Budget Plan – Version 11  
November 4, 2024

Concord250 Funding Sources	
Community Preservation Committee (CPC) *	\$ 125,000
American Rescue Plan Act (ARPA)	\$ 625,000
Unrestricted State Grant	\$ 200,000
Free Cash **	\$ 350,000
Other ***	
- Concord 250 Corporation	\$ 24,600
- Town 250 Gift Account	\$ 8,726
- Restricted State Grants	\$ 52,000
<b>Total</b>	<b>\$ 1,385,326</b>

\* Community Preservation Funds are restricted to Commemorative Memorial Tree Planting per 2024 Annual Town Meeting vote under Article 40.

\*\* Free Cash is restricted to Public Safety per 2024 Annual Town Meeting vote under Article 13.

\*\*\* Other funds that may be received through the Town 250 Gift Account, Restricted and Unrestricted State Grants, and/or the Concord250 Corporation, non-profit 501 (c) 3.

Concord250 Expenses	SC Code	Budgeted Funds	Funds Committed	Funds Expended	Remaining Balance
Communications & Publicity	CP	\$ 90,000	\$ 4,900	\$ 59,246	\$ 25,854
Events & Programs *	EP	\$ 130,000		\$ 11,942	\$ 118,058
Hospitality & Invitations	HI	\$ 20,000		\$ 2,071	\$ 17,929
Memorial Trees	T	\$ 275,000		\$ 1,477	\$ 273,523
2025 Parade **	P	\$ 60,000		\$ 0	\$ 60,000
Public Safety	PS	\$ 725,000		\$ 0	\$ 725,000
Special Projects ***	SP	\$ 52,000	\$ 52,000	\$ 0	\$ 52,000
<b>Total</b>		<b>\$ 1,352,000</b>	<b>\$ 56,900</b>	<b>\$ 74,736</b>	<b>\$ 1,272,364</b>

\* Events and programs include activities developed and coordinated by the Arts, Music, and Literature Subcommittee, the Community Engagement Subcommittee, the Events Subcommittee, and the History and Education Subcommittee.

\*\* The estimated cost for the 2025 Parade is \$120,000. The Town's proposed FY2025 Budget will cover \$60,000 of this expense. The Concord250 Budget will cover the remaining \$60,000 as reflected in the budget above.

\*\*\* Massachusetts Office of Travel and Tourism Grants to fund age-friendly benches in Thoreau Depot to Concord Center and to the North Bridge and to fund Concord's program initiative, "A Fight for Freedom: Honoring Patriots of Color".



# VETERAN'S DAY CONCORD OBSERVANCES

Concord250 Honors Those Who Fought for Freedom on Veterans Day Weekend

## EVENT SCHEDULE

**SAT  
NOV. 9  
1 P.M.**

### CIVIL WAR MONUMENT REDEDICATION

Civil War Monument Rededication for George Washington Dugan at Monument Square

**SUN  
NOV. 10  
2 P.M.**

### HONORING OUR REVOLUTIONARY VETERANS

Honoring Our Revolutionary Veterans at Concord Free Public Library.

**MON  
NOV. 11  
8 A.M.**

### VETERANS' DAY FLAG RETIREMENT

Veterans' Day Flag Retirement, at Sleepy Hollow Cemetery

## WATCH FROM HOME

Concord250 programs on video



### Concord Native Son Benjamin Ralph Kimlau

Chinese American aviator who flew a B-24 Liberator bomber in missions during WWII.



### Concord and the Vietnam War

About Vietnam War protests; local veterans tell their stories.



# NOV. 9-11, 2024

[www.VisitConcord.org](http://www.VisitConcord.org)  
<https://visitconcord.org/concord-250/>

