

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

Join Zoom Meeting

<https://us02web.zoom.us/j/86821126107?pwd=ZkliNU9RS2tyVmJjRzQvaTZjV2JiUT09>

Meeting ID: 868 2112 6107

Password: 870207

Dial by your location

888 475 4499 US Toll-free

877 853 5257 US Toll-free

Meeting ID: 868 2112 6107

Find your local number: <https://us02web.zoom.us/j/kcnIEG2x37>

1.	Call to Order
2.	Chairs Remarks
3.	Town Manager Update
4.	Addition of Bus Stops at 58 Monument Square and 20 Lexington Road
5.	Removal of Handicap Parking at 60-62 Monument Square
6.	Addition of Handicap Parking at 48 Monument Square
7.	Authorize the Regional Housing Services Office IMA extension
8.	Letter of Support for Concord's MVP Action Grant Application
9.	Extend the charge of the Capital Planning Task Force until June 30, 2021
10.	FY21 1/12 th Budget Request
11.	Town Meeting Declaration and Update
12.	Appoint a Public Safety Officer to Notify the Attorney General regarding the Postponement of the Annual Town Meeting
13.	Town Manager Evaluation
14.	Committee Liaison Reports
15.	Miscellaneous Correspondence
16.	Public Comments
17.	Adjourn



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

TEL: 978-318-3000
FAX: 978-318-3002

Stephen Crane, Town Manager

MEMORANDUM

To: Chairman Lawson and Members of the Board

From: Stephen Crane, Town Manager
Kate Hodges, Deputy Town Manager

Date: May 20, 2020

Re: Town Counsel Bylaw Review

Pursuant to a Select Board directive, this memo provides a review of the Town Counsel Bylaw and the Town's compliance with the Bylaw.

Background

Under the Town Charter, the Town Manager, with the Select Board's approval, has the "authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ counsel whenever in the town manager's judgment it may be necessary." Unlike the Town Manager and elected officials, the Charter does not require Town Counsel to be "sworn" into office although this has happened as recently as 2019.

In addition to the Charter, there is a Town Counsel Bylaw that was approved in Article 45 of the 1992 Annual Town Meeting that states in Section 1: "The Town Manager, subject to the approval of the [Select Board], shall annually in May, and whenever a vacancy shall exist, appoint some competent lawyer who shall be admitted to the Massachusetts Bar to act as the Town Counsel. The term of office shall begin on the first day of June of each year and shall continue until a successor is appointed and qualified. Town Counsel may be removed by the Town Manager, subject to the approval of the [Select Board], at the pleasure of the Town Manager."

Section 2 of the Bylaw states: "With the approval of the Town Manager and [Select Board], shall act as a legal adviser to the Town and to all Town officers, boards and committees in connection with the performance of their public duties. Town Counsel shall prosecute, defend and compromise any and all suits, claims, actions and proceedings on behalf of or against the Town, its officers, boards and committees or in which the interest of the Town are or may be involved. Town Counsel when requested by the Town Manager, may represent the Town at any hearing in which it is or may become interested before any committee of the General Court. Nothing herein shall preclude the Town Manager, with the approval of the [Select Board], from retaining special counsel whenever in the opinion of the Town Manager it is for the best interest of the Town,

provided that the retention of special counsel is not prohibited by law and an appropriation when necessary is made of funds are otherwise available for such purpose.”

Analysis

The current practice is that Mina Makarious is Town Counsel by virtue of Town Manager appointment; Mina is a partner at the firm Anderson & Kreiger. However, there are other attorneys at Anderson & Kreiger who represent the Town on a variety of matters including litigation, land use law, contract review, and Open Meeting/Open Record Law compliance.

Nothing in the Charter or Town Counsel Bylaw suggests that Town Counsel cannot delegate tasks to colleagues under Town Counsel’s supervision. In fact, this is a common practice in municipalities including cities that have a City Attorney who is supported by legal departments that provide assistance based on each attorney’s area of expertise. Perhaps more importantly, having the support of several attorneys, who may be employed by the same firm, has the same effect as appointing special counsel for certain matters pursuant to Section 2 of the Bylaw but far more efficiently and comprehensively.

There is also a long history in Concord, at least back to 1992, of individual attorneys being appointed Town Counsel and being assisted by other members of the firms in which they worked. It is also worth noting that the Town appoints a labor counsel, D Moschos of the firm Myrick O’Connell, and enjoys the benefit of have several attorneys from the firm available to the Town. This availability is crucial to the Town because there are many legal issues—labor, general, or special—which may require immediate action or input. Having only one person providing legal services simply does not provide adequate protection to the Town or its taxpayers.

Given the language in the Charter and Bylaw, as well as the long-standing practices, it is clear that neither the letter nor the spirit of the Town Counsel Bylaw are being violated by having multiple attorneys, at the direction of the appointed Town Counsel, provide legal representation to the Town.

Possible Modifications

Although there is no need to make changes to the Town Counsel Bylaw because it allows for the effective provision of legal services, it may be helpful to update the Bylaw to reflect the common practice of employing firms. For example, the Bylaw could be amended to say “...interest of the Town are or may be involved. *Town Counsel, in consultation with the Town Manager, may assign other attorneys in their firm to represent the Town, its officers, boards and committees provided that the attorney is qualified to provide such representation.*”

**133 Keyes Road
Concord, MA 01742**



DATE: 6/2/2020

MEMORANDUM

TO: Select Board
FROM: Stephen Dookran, P.E., Town Engineer
CC: Stephen Crane, Town Manager
CC: Alan Cathcart, Director of Public Works
PREPARED BY: Nathan Chin, P.E., Public Works Engineer
SUBJECT: Tourism Bus Stops in Monument Square

Select Board of Concord Massachusetts,

At the request of the Tourism and Visitor Services Manager, Beth Williams, the Engineering Division of Concord Public Works (CPW) has studied the feasibility of adding two tour bus drop-off locations in the Monument Square area. Due to Monument Square's limited existing parking, CPW has determined that the use existing parking spaces will need to be repurposed to facilitate the bus drop off zones.

The first location for the tour bus drop off zone is in front of 58 Monument Square (see attached sketch, "Proposed Bus Stop – A"). This location requires the removal of two on-street parking spaces. It is proposed that parking will be restricted only to tourism bus use between the hours of 8am to 5pm, Monday through Friday. This will allow for parking in the evening and weekends which will minimize the loss of on-street parking for the public.

The work required to implement this new bus stop arrangement will include:

- Repurposing of two existing passenger car parking spaces in front of the Masonic Lodge at #58 Monument Square during time and day restrictions.
- Installation of two new signs indicating a bus drop-off zone ("No Parking, Bus Stop, 8am-5pm, Monday through Friday)
- Renewed pavement markings at the proposed bus stop spot

A second proposed location has been identified at 20 Lexington Road in front of the First Parish in Concord Church (see attached sketch, "Proposed Bus Stop – B"). This location is currently marked as a bus drop-off zone between 8am to 4pm, Monday thru Fridays. This would change the designation to a "No Parking, Bus Stop, 8am to 5pm, Monday thru Fridays".

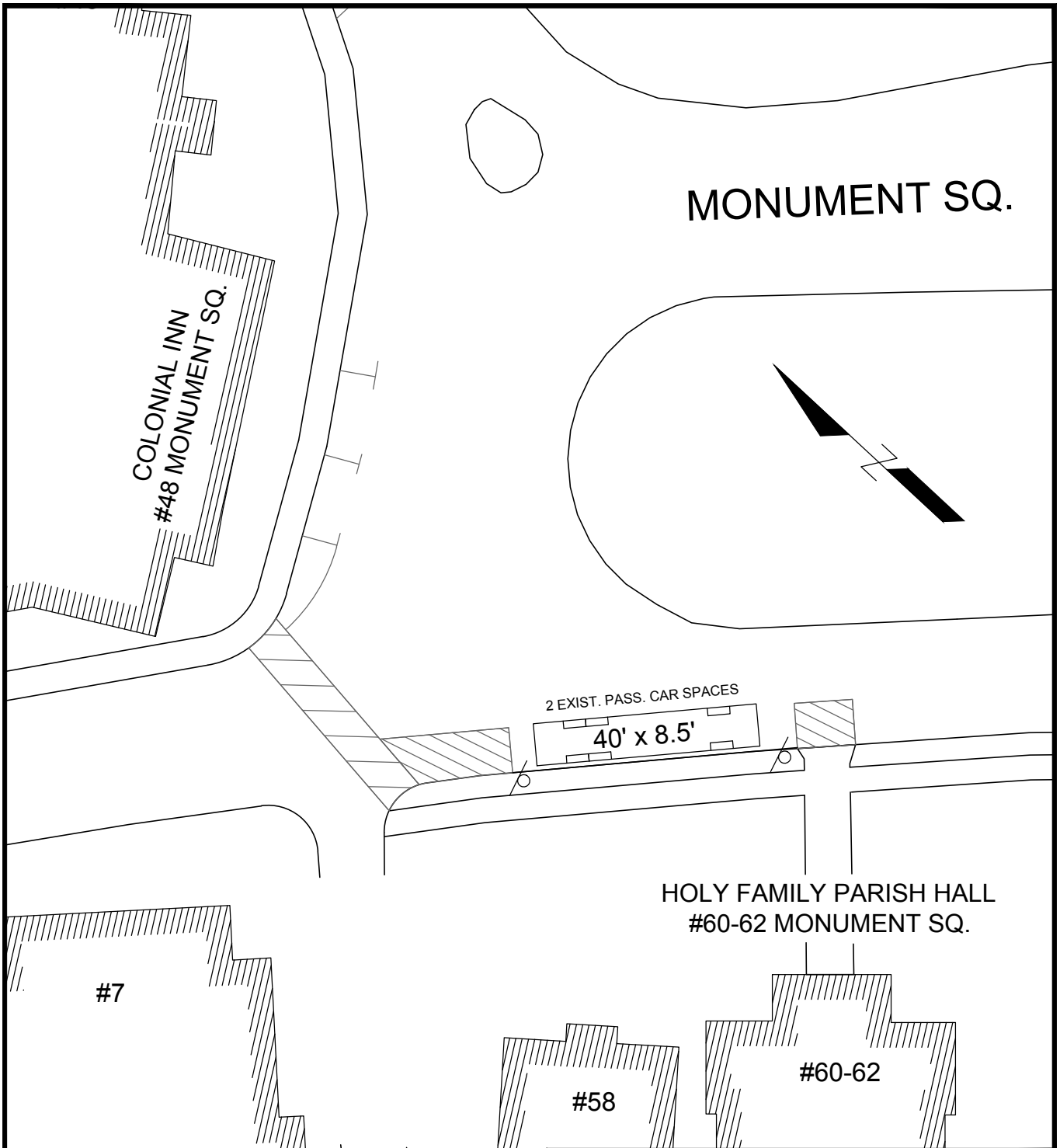
The work to be performed at this location will include:

- The re-posting of updated signage as stipulated above
- Renewed pavement markings to adequately account for the increased parking lane width necessary for a tourism bus.



If the Select Board agrees with the aforementioned creation of tourism bus stops, CPW requests the Select Board vote to accept the changes as outlined above and as allowed for under Section 22 of Chapter 40 of the General Laws of Massachusetts. Additionally, by voting to accept the changes, the Select Board will hereby amend Schedule V of the Town of Concord's Traffic, Parking and Pedestrian Rules & Regulations, prepared by Engineering Division of Concord Public Works, dated September 2015 to reflect aforementioned creation of tourism bus stops.





ENGINEERING DIVISION
CONCORD PUBLIC WORKS

PROPOSED BUS STOP - "A"

SCALE: 1" = 30'

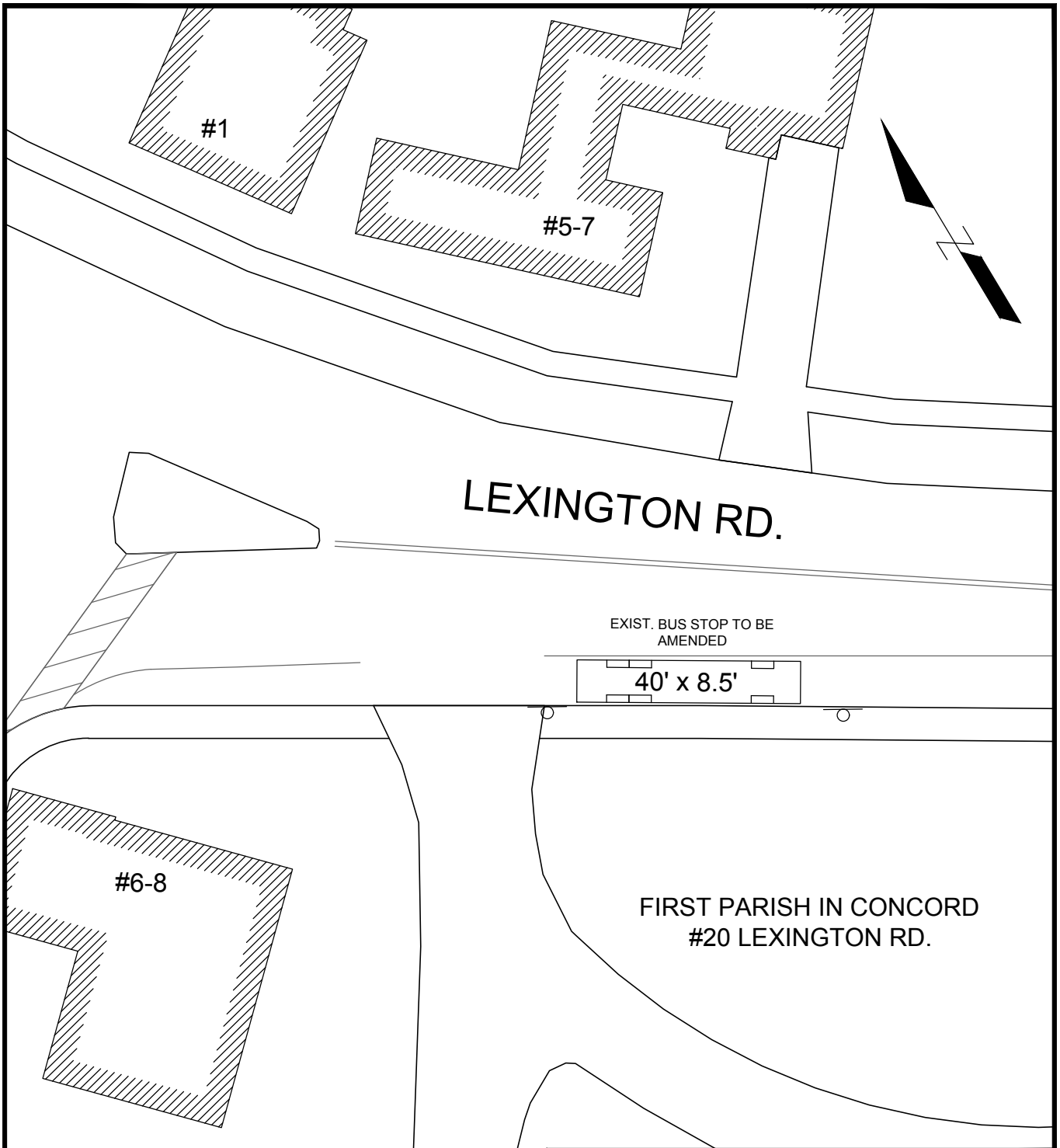
DATE: JUNE 2, 2020

JOB NO. \FILE NAME:

DESIGNED BY: NLC
DRAWN BY: NLC
CHECKED BY: JR

PLAN NO.

1 OF 2



ENGINEERING DIVISION
CONCORD PUBLIC WORKS

PROPOSED BUS STOP - "B"

SCALE: 1" = 30'

DATE: JUNE 2, 2020

JOB NO. \FILE NAME:

DESIGNED BY: NLC
DRAWN BY: NLC
CHECKED BY: JR

PLAN NO.

2 OF 2

**133 Keyes Road
Concord, MA 01742**



DATE: 6/2/2020

MEMORANDUM

TO: Select Board
FROM: Stephen Dookran, P.E., Town Engineer
CC: Stephen Crane, Town Manager
CC: Alan Cathcart, Director of Public Works
PREPARED BY: Nathan Chin, P.E., Public Works Engineer
SUBJECT: Relocation of Handicap Parking Space in Monument Square

Select Board of Concord Massachusetts,

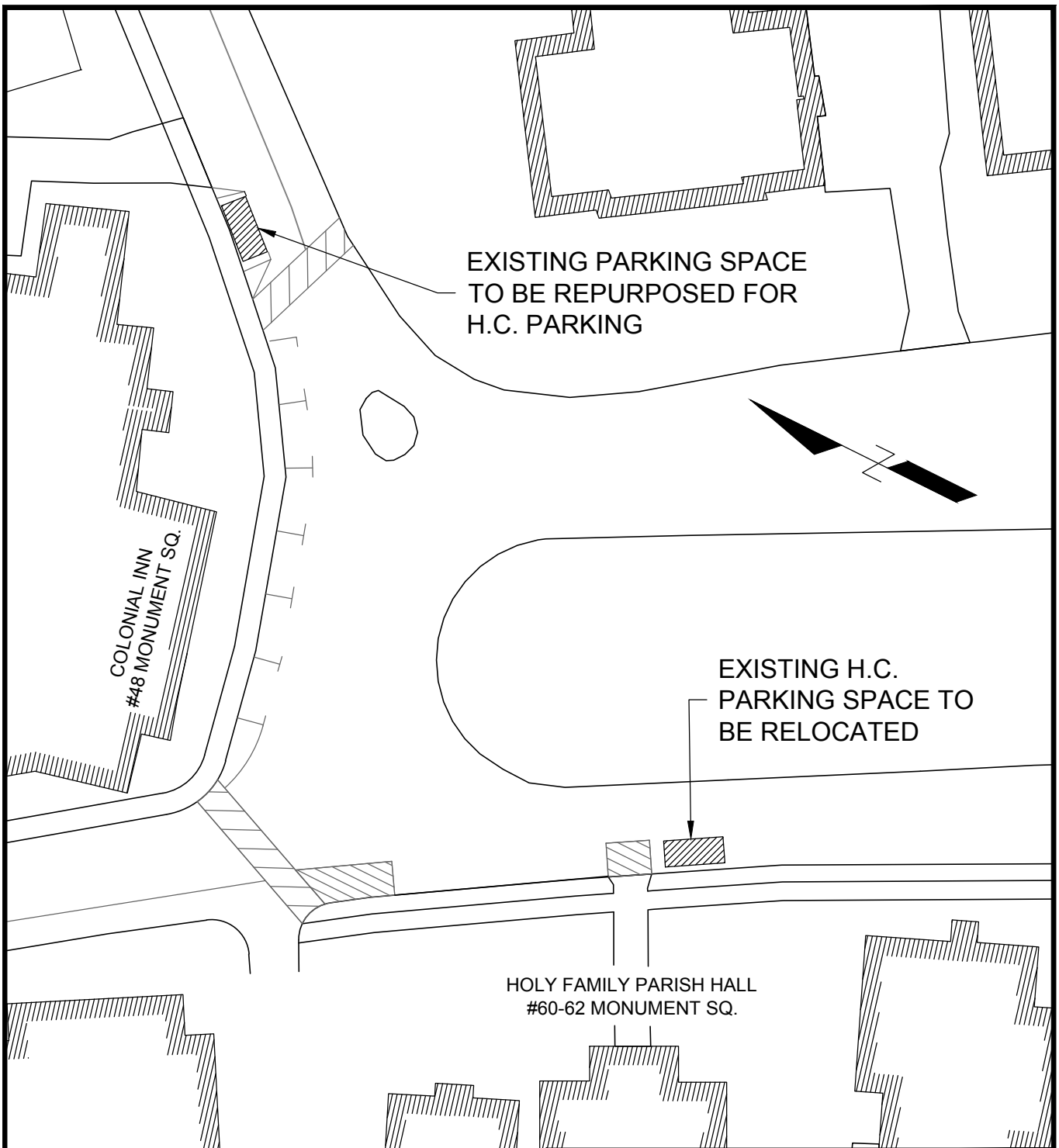
Due to interest from a business on Monument Square, the Engineering Division of Concord Public Works (CPW) has studied the feasibility of relocating an existing handicap parking space from one location of Monument Square to a different location in the Square. The existing handicap space would move from in front of #60-62 Monument Square (Holy Family Parish Hall) to the adjacent existing crosswalk in front of #48 Monument Square (Colonial Inn). Please refer to the attached sketch "Proposed Handicap Parking Space Relocation, Engineering Division, Concord Public Works, June 2, 2020"

For this relocation to occur, two new "Handicap Only" parking signs would need to be posted at the relocated spot with amended pavement markings to properly identify it. The previous parking space would only require the removal of one existing obsolete "Handicap Only" parking sign.

CPW has identified that relocating the handicap parking space would also provide it with an existing Americans with Disabilities Act (ADA) complaint curb ramp allowing access to the sidewalk for mobility impaired motorists or passengers. This is an improvement from the previous location which lacked an ADA complaint curb ramp.

CPW recommends that the Select Board vote to accept the proposed relocation of the handicap parking space as outlined above and as allowed for under Section 22 of Chapter 40 of the General Laws of Massachusetts. Additionally, by accepting the relocation, the Select Board will hereby amend Schedule XVI of the Town of Concord's Traffic, Parking and Pedestrian Rules & Regulations, prepared by Engineering Division of Concord Public Works, dated September 2015 to reflect aforementioned relocation.





ENGINEERING DIVISION
CONCORD PUBLIC WORKS

PROPOSED HANDICAP PARKING
SPACE RELOCATION

SCALE: 1" = 40'

DATE: JUNE 2, 2020

JOB NO. \ FILE NAME:

DESIGNED BY: NLC
DRAWN BY: NLC
CHECKED BY: JR

PLAN NO.

1 OF 1

June 2, 2020

Kara Runsten, Municipal Vulnerability Preparedness Manager
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Letter of Support for Concord's MVP Action Grant Application

Dear Ms. Runsten,

On behalf of the Concord Select Board, I enthusiastically submit this letter of support for the MVP Action Grant application submitted by the Town of Concord.

Developing an integrated water resource management plan to ensure the resilience of our water systems is a top priority identified in Concord's first climate action and resilience plan and one that will have a significant and lasting impact on Concord's resilience to climate change.

Concord's water systems provide valuable services to the community. Climate hazards pose threats to those critical systems. Being prepared for those impacts will make our community more resilient to the impacts of climate change and ensure the health of the community.

Concord hopes to be a model community by going beyond basic requirements for water resource management and integrating climate impacts and projections into how we manage water resources for decades to come.

The MVP program has been an incredible resource for Concord and we thank you for supporting our community in previous climate efforts through the MVP Planning Grant and MVP Action Grants.

We are grateful to the Executive Office of Energy and Environmental Affairs for the opportunity to continue our important work on community climate action.

Sincerely,

Concord Select Board

Charge
Concord Capital Planning Task Force

A. Purpose and Background

The purpose of the Concord Capital Planning Team is to develop a process for town-wide capital planning. This process will then be used annually to develop a 10-year capital plan, including all foreseeable Town and Concord Public School capital projects.

The major objectives of capital planning are to provide a comprehensive view of the expected capital costs and to help integrate fiscal policies among the Select Board, the School Committee, and the Finance Committee, with the offices of Town Manager, School Superintendent, and their staffs. Integrated fiscal policy among these officials is essential because the Town and Schools desire to:

- Build and maintain high quality infrastructure
- Manage Concord citizens' tax burden, with minimal reliance on Proposition 2-1/2 Overrides and Exclusions
- Maintain Concord's Aaa bond rating
- Have a transparent process for capital planning, with input from the public.

Currently, Capital Planning in Concord has three distinct funding layers;

- Minor capital items are funded within the operating town and CPS budgets, as recommended by the Town Manager and the School Superintendent.
- Intermediate and large capital expenditures for the Town and CPS are generally funded within the Levy Limit via an annual Capital Plan article at Town Meeting, as recommended by the Town Manager.
- Very large projects are each funded in a distinct article(s) at Town Meeting and usually funded via debt exclusions to Proposition 2 ½.

The current process for the first two layers is fairly well-developed and transparent. The Capital Planning Task Force is charged with developing a process for the third layer of funding, the very large projects.

B. Membership

The Capital Planning Committee shall be comprised of nine members appointed by the Select Board. The term of office shall be 6 months.

Membership shall be as follows:

- One member of the Select Board, or their designee
- One member of the CPS and CCHS School Committee, or their designee
- Town Manager, or their designee
- Town Finance Director, or their designee
- Superintendent of Schools, or their designee
- School Director of Finance & Operations, or their designee
- One citizen with a background in architecture

- One citizen with a background in capital budget planning
- One citizen at large

In addition, the Finance Committee shall appoint a representative to be a liaison to the Task Force.

The Committee shall elect a chair, keep minutes of its deliberations, observe the Open Meeting and Public Records law, and comply with other laws and regulations fostering a free and open discussion of ideas.

C. Duties and Responsibilities

The Concord Capital Task Force shall develop a process for town-wide capital planning:

- Determine and define specifically what constitutes a “very large” project to be included in the annual Capital Plan
- Develop a template format for the Town and Concord Public Schools to complete annually. The template shall include all the information that will be needed for a transparent and effective process, such as (but not limited to) projected project location(s), demonstrated need, estimated construction cost, potential offsets/savings, estimated annual operating cost, climate impacts and vulnerabilities.
- Determine the process for evaluation, timing, and prioritization of projects, balancing the priorities of different stakeholders, and balancing service demand with affordability.
- Recommend specific policies and practices to ensure that planning of capital projects will take into account protection from climate impacts. This includes evaluation of the vulnerability of capital assets, such as drinking water, wastewater systems, communications and utility systems, buildings and other structures.
- In developing this process, the Task Force should seek to apply “best practices” used in other towns’ and states’ capital plans.
- The Task Force should also study the 2002-3 report of the Concord Facilities Planning Committee and explore why the report’s recommendations were not implemented. In some cases, the committee will want to incorporate elements of that report; in other cases they will recommend improvements for the new process.

The Capital Planning Task Force shall encourage input from the public, including at least one public hearing. It is also recommended that task force members meet with groups such as the Tax Fairness Committee to understand the “affordability” component of capital projects.

The Task Force shall report their recommendations to the Select Board no later than March 1, 2020.

D. Other Considerations

The Committee shall comply with the provisions of the Open Meeting Law, the Public Records Law, the Conflict of Interest Law and all other applicable laws and regulations of the Commonwealth, as well as all relevant Bylaws and Administrative Policies of the Town.

Town of Concord
Finance Department
Memorandum

TO: Stephen J. Crane Town Manager
FROM: ^{KAL} Kerry A. Lafleur, Finance Director
SUBJ: FY21 1/12th Budget
DATE: June 2, 2020

As you are aware, under Chapter 53, Section 5 of the Acts of 2020, municipalities were granted the authority to expend funds past June 30, 2020 to continue certain operations absent an approved FY21 budget. This type of spending is referred to as "deficit spending" because there is no legal appropriation (Town Meeting vote) to use as an offset.

In order to avail ourselves of this authority, the Town must develop a Monthly Expenditure Plan to be approved by the Select Board and then submitted to the Director of Accounts at the Division of Local Services (DLS) for final approval. This submittal must be in the approved format (released on June 1, 2020) and sent through Gateway, the DLS online portal. The submittal must be accompanied by the Town Clerk's certificate of vote stating the submitted plan was approved by the Select Board, including notation of the date and time of the meeting and the results of the vote.

The Monthly Expenditure Plan must include the following:

- An expenditure estimate for operations in the general fund and enterprise fund, and any other fund expenditure requiring specific Town Meeting appropriation, such as revolving funds authorized under MGL Ch. 44, Section 53E ½ ;
- Amounts sufficient to cover regional school district, pension or other similar assessments; and
- Debt service payments

Further, it should not include:

- Increases in salaries called for in collective bargaining agreements, or any other employment agreement (union or non-union) not yet fully ratified or otherwise approved;
- Capital expenditures, CPA project/ program expenditures or other items that require specific/ special appropriation;
- Any activities which you have reason to believe will not be supported by the relevant appropriation or spending for any new activities not previously supported by Town Meeting; and/ or

- Expenditures not requiring specific Town Meeting appropriation.

It is important to note the distinction made locally regarding what we commonly refer to as Enterprise Funds. As you know, the Town operates the following business-type activities:

- Beede Swim & Fitness
- Broadband
- CMLP Electric Light
- Minuteman Media Network/ PEG Access
- Recreation
- Sewer
- Solid Waste
- Water

However, only those business-type activities operating under the authority provided in MGL Ch. 44, Section 53F ½ or 53F ¾ require a specific Town Meeting appropriation on an annual basis. These include Beede and MMN. All others are presented to Town Meeting to provide visibility into the operation, but not to seek a specific appropriation.

Following the requirements set forth above, and under the assumption that Annual Town Meeting will not occur until sometime in September 2020, we have prepared the following Monthly Expenditure Plan for the months of July, August and September 2020 (FY21). The basis for expenditure is 1/12th of the prior fiscal year with allowances for certain, required expenditures above this amount, such as debt service payments and prepayment of insurance premiums to obtain a discount. It is important to note, that once approved by the Director of Accounts, this level of expenditure may not be exceeded.

At this time, we are only able to submit the plan for the month of July, however to facilitate the approval process, I recommend that we seek approval from the Select Board now for the 3-month plan. Please be in touch with any questions.

Attachments:

- a- Full Detail, Monthly Expenditure Plan for July, August & September 2020
- b- Deficit Spending Approval, Single Month Budget Request- Fiscal Year 2021, July, August & September, including Free Cash & Retained Earnings Certifications
- c- DLS Bulletin-2020-04, An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19

/KAL

Town Government Operating Budget for July, August and September

Item No.	Department	Fiscal 2020 Appropriation	Fiscal 2021 July	Fiscal 2021 August	Fiscal 2021 September
1	Town Appropriation	\$ 47,107,504	\$ 4,356,681	\$ 2,883,507	\$ 6,144,590
2	Concord Public Schools	39,390,163	3,282,514	3,282,514	3,282,514
3	Revolving Funds:				
	Regional Housing Services	265,000	22,083	22,083	22,083
	Road Repair	45,000	3,750	3,750	3,750
	Senior Services	50,000	4,167	4,167	4,167
	Tree Preservation	100,000	8,333	8,333	8,333
4	Enterprise Funds:				
	Beede *	2,802,477	221,089	221,089	221,089
5	Other Special Revenue:				
	PEG Access & Cable Related Fund **	312,461	28,037	28,037	28,037
6	Assessments:				
	Minuteman***	1,073,368	89,447	89,447	89,447
	Concord-Carlisle Regional School District	23,344,987	1,945,416	1,945,416	1,945,416
7	totals:	114,490,960	9,961,516	8,488,342	11,749,425

Notes:

* The basis for monthly expenditure for Beede is 1/12th of the proposed FY21 Budget (\$2,653,073) to more accurately reflect proposed spending.

** The basis for monthly expenditure for PEG Access & Cable Related Fund is 1/12th of the proposed FY21 Budget (\$336,440) to more accurately reflect proposed spending.

*** The basis for monthly expenditure (assessment) for Minuteman Vocational Technical is 1/12th of the proposed FY21 assessment due to enrollment.

Attachment A: Full Detail, Monthly Expenditure Plan for July, August September 2020

Town Government Operating Budget for July, August and September					
Item No.	Department	Fiscal 2020 Appropriation	Fiscal 2021 July	Fiscal 2021 August	Fiscal 2021 September
General Government					
	A. Town Manager's Office	\$ 707,891	\$ 58,991	\$ 58,991	\$ 58,991
	B. Human Resources	480,780	40,065	40,065	40,065
	C. Information Systems	1,047,888	87,324	87,324	87,324
	D. Town Meeting and Reports	100,250	8,354	8,354	8,354
	E. Economic Vitality & Tourism	89,238	7,437	7,437	7,437
	F. Facilities Management		-	-	-
	F1. Facilities Administration	230,424	19,202	19,202	19,202
	F2. Parks & Playgrounds	125,294	10,441	10,441	10,441
	F3. Resource Sustainability	91,085	7,590	7,590	7,590
	F4. Town House	127,919	10,660	10,660	10,660
	F5. Visitor's Center and Restroom	18,114	1,509	1,509	1,509
	F6. 55 Church Street	104,859	8,738	8,738	8,738
	F7. 37 Knox Trail	19,581	1,632	1,632	1,632
	A. Legal Services	250,000	20,833	20,833	20,833
	General Government Subtotal	3,393,321	282,777	282,777	282,777
Finance					
	A. Finance Administration	\$ 725,917	\$ 60,493	\$ 60,493	\$ 60,493
	B. Treasurer-Collector	513,859	42,822	42,822	42,822
	C. Town Accountant	338,596	28,216	28,216	28,216
	D. Assessors	451,355	37,613	37,613	37,613
	E. Town Clerk	336,878	28,073	28,073	28,073
	F. Elections	42,653	3,554	3,554	3,554
	G. Registrars	7,374	615	615	615
	Finance Subtotal	2,416,632	201,386	201,386	201,386
Planning and Land Management					
	A. Planning Administration	\$ 525,818	\$ 43,818	\$ 43,818	\$ 43,818
	B. Natural Resources	293,518	24,460	24,460	24,460
	C. Inspections	490,298	40,858	40,858	40,858
	D. Health	439,014	36,585	36,585	36,585
	E. 141 Keyes Road	56,583	4,715	4,715	4,715
	DPLM Subtotal	1,805,231	150,436	150,436	150,436

Attachment A: Full Detail, Monthly Expenditure Plan for July, August September 2020

Item No.	Department	Fiscal 2020 Appropriation	Fiscal 2021 July	Fiscal 2021 August	Fiscal 2021 September
Human Services					
	A. Library	\$ 2,401,494	\$ 203,434	\$ 203,434	\$ 203,434
	B. Senior Services				
	B1. Senior Services	624,470	52,039	52,039	52,039
	B2. Harvey Wheeler Community Center	89,787	7,482	7,482	7,482
	C. Recreation Services				
	C1. Recreation Services	121,260	10,105	10,105	10,105
	C2. Hunt Recreation Center	100,805	8,400	8,400	8,400
	D. Human Services	71,535	5,961	5,961	5,961
	E. Veterans Services	88,758	7,397	7,397	7,397
	F. Ceremonies and Celebrations	19,030	1,586	1,586	1,586
	Human Services Subtotal	\$ 3,517,139	\$ 296,404	\$ 296,404	\$ 296,404
Public Safety					
	A. Police Department	\$ 4,875,035	\$ 413,545	\$ 413,545	\$ 413,545
	B. Animal Control Officer	27,236	2,270	2,270	2,270
	C. Police-Fire Station	226,773	18,898	18,898	18,898
	D. Fire Department	5,323,470	452,903	452,903	452,903
	E. Emergency Management	16,060	1,338	1,338	1,338
	F. West Concord Fire Station	24,898	2,075	2,075	2,075
	Public Safety Subtotal	\$ 10,493,472	\$ 891,029	\$ 891,029	\$ 891,029
Public Works					
	A. Public Works Administration	\$ 446,181	\$ 37,182	\$ 37,182	\$ 37,182
	B. Engineering	696,029	58,002	58,002	58,002
	C. Highway Maintenance	1,521,160	128,394	128,394	128,394
	D. Winter Maintenance	625,000	52,083	52,083	52,083
	E. Parks and Trees	777,045	65,684	65,684	65,684
	F. Cemetery	250,286	20,929	20,929	20,929
	G. 133/135 Keyes Road	120,490	10,041	10,041	10,041
	H. Capital Assets				
	H1. Road Improvements	-	-	-	-
	H2. Drainage Program	-	-	-	-
	H3. Sidewalk Management	-	-	-	-
	H4. Heavy Equipment	-	-	-	-
	I. Street Lighting	57,400	4,783	4,783	4,783
	Public Works Subtotal	\$ 4,493,591	\$ 377,099	\$ 377,099	\$ 377,099

Attachment A: Full Detail, Monthly Expenditure Plan for July, August September 2020

Item No.	Department	Fiscal 2020 Appropriation	Fiscal 2021 July	Fiscal 2021 August	Fiscal 2021 September
Unclassified					
	Employee Wellness				
	A. Unused Sick Leave	\$ 90,000	\$ -	\$ -	\$ -
	B. Public Safety Disability	2,500	-	-	-
	C. Employee Assistance Program	7,500	4,000	-	-
	Subtotal	100,000	4,000	-	-
	Reserve Fund*	225,000	25,000	25,000	25,000
	Salary Reserve**	307,262	-	-	-
** Transfers totaling \$861,726 in Fiscal Year 2020 were made to other accounts.					
	Land Fund	10,000	10,000		
	Unclassified Subtotal	\$ 642,262	\$ 39,000	\$ 25,000	\$ 25,000
	TOWN GOVERNMENT SUBTOTAL Account 1-11	\$ 26,761,649	\$ 2,238,131	\$ 2,224,131	\$ 2,224,131

Joint (Town - CPS)					
	A. Group Insurance	\$ 5,966,069	\$ 551,861	\$ 551,861	\$ 551,861
	B. OPEB	1,697,850	-	-	-
	C. Property/Liability	288,750	288,750	-	-
	Insurance Subtotal	7,952,669	840,611	551,861	551,861
	Unemployment/Workers' Comp.				
	A. Unemployment Comp.	110,000	30,000	30,000	30,000
	B. Workers' Comp.	100,000	55,000	5,000	5,000
	Subtotal	210,000	85,000	35,000	35,000
	Retirement	3,965,861	-	-	1,021,209
	Social Security and Medicare	800,000	72,239	72,239	72,239
	Debt Service				
	A. Long-Term Debt				
	Town Principal and Interest	3,450,625	1,120,700	276	1,007,306
	CPS Principal and Interest	715,520	-	-	4,134
	Subtotal	4,166,145	1,120,700	276	1,011,440
	Interest on Notes	25,000	-	-	-
	Other Debt Expense	5,000	-	-	-
	Subtotal Within Levy Limit	4,196,145	1,120,700	276	1,011,440
	B. Excluded Debt				
	Town Principal and Interest	350,794	-	-	104,450
	CPS Principal and Interest	2,870,387	-	-	1,124,260
	Less: Use of Stabilization Funds				
	Subtotal Excluded Debt	3,221,181	-	-	1,228,710
	Total Debt Service	7,417,326	1,120,700	276	2,240,150
	Total Joint (Town - CPS)	\$ 20,345,856	\$ 2,118,550	\$ 659,376	\$ 3,920,459
1	Town Appropriation	\$ 47,107,504	\$ 4,356,681	\$ 2,883,507	\$ 6,144,590

Attachment A: Full Detail, Monthly Expenditure Plan for July, August September 2020

2	Concord Public Schools	39,390,163	3,282,514	3,282,514	3,282,514
3	Revolving Funds:				
	Regional Housing Services	265,000	22,083	22,083	22,083
	Road Repair	45,000	3,750	3,750	3,750
	Senior Services	50,000	4,167	4,167	4,167
	Tree Preservation	100,000	8,333	8,333	8,333
4	Enterprise Funds:				
	Beede *	2,802,477	221,089	221,089	221,089
5	Other Special Revenue:				
	PEG Access & Cable Related Fund **	312,461	28,037	28,037	28,037
6	Assessments:				
	Minuteman***	1,073,368	89,447	89,447	89,447
	Concord-Carlisle Regional School District	23,344,987	1,945,416	1,945,416	1,945,416
7	totals:	114,490,960	9,961,516	8,488,342	11,749,425

Notes:

* The basis for monthly expenditure for Beede is 1/12th of the proposed FY21 Budget (\$2,653,073) to more accurately reflect proposed spending.

** The basis for monthly expenditure for PEG Access & Cable Related Fund is 1/12th of the proposed FY21 Budget (\$336,440) to more accurately reflect proposed spending.

*** The basis for monthly expenditure (assessment) for Minuteman Vocational Technical is 1/12th of the proposed FY21 assessment due to enrollment.

Attachment B:

**Deficit Spending Approval
Single Month Budget Request - Fiscal Year 2021**

Month of July

Please enter the date of the Annual Meeting:

Expenditure Description	Amount
	July
Municipal	6,457,913
School	3,282,514
Enterprise	<u>221,089</u>
	9,961,516

Signatures

No signatures to display.

Comments

No comments to display.

Documents

No documents have been uploaded.

Deficit Spending Approval
Single Month Budget Request - Fiscal Year 2021

Month of *August*

Please enter the date of the Annual Meeting:

Expenditure Description	Amount
	August
Municipal	4,984,739
School	3,282,514
Enterprise	<u>221,089</u>
	8,488,342

Signatures

No signatures to display.

Comments

No comments to display.

Documents

No documents have been uploaded.

Deficit Spending Approval
Single Month Budget Request - Fiscal Year 2021

Month of *September*

Please enter the date of the Annual Meeting:

Expenditure Description	Amount
	September
Municipal	8,245,822
School	3,282,514
Enterprise	<u>221,089</u>
	11,749,425

Signatures

No signatures to display.

Comments

No comments to display.

Documents

No documents have been uploaded.

Free Cash Available for FY2021 Appropriation
Section 6 of Chapter 53 of the Acts of 2020 - Fiscal Year 2021

Free Cash Certified as of July 1, 2019:	\$11,839,956.00
Free Cash Update Certified During FY 2020:	\$0.00
Subtract Free Cash Reported on FY2020 Recap From B-1 Free Cash: Part II Lines 3+4:	\$0.00
Subtract Free Cash Appropriated from the July 1, 2019 Certification After FY2020 Recap Approval Through June 30, 2020:	\$0.00
Add Free Cash Rescinded from the July 1, 2019 Certification After FY2020 Recap Approval Through June 30, 2020:	\$0.00
Free Cash Certified as of July 1, 2019 Available for Appropriation After Jun 30, 2020:	\$11,839,956.00

Signatures

No signatures to display.

Comments

No comments to display.

Documents

No documents have been uploaded.

**Retained Earnings Available for FY2021 Appropriation
 Section 6 of Chapter 53 of the Acts of 2020 - Fiscal Year 2021**

Fund Type	Fund Description	Retained Earnings Certified as of July 1, 2019	SUBTRACT Retained Earnings Appropriated from the July 1, 2019 Certification and Reported on the FY2020 Recap Form A-2 Enterprise Funds	SUBTRACT Retained Earnings Appropriated from the July 1, 2019 Certification After FY2020 Recap Approval through June 30, 2020	ADD Retained Earnings Rescinded from the July 1, 2019 Certification After FY2020 Recap Approval through June 30, 2020	Retained Earnings Certified as of July 1, 2019 Available for Appropriation after June 30, 2020
Pool	Swim & Fitness	\$3,140,056.00	\$0.00	\$0.00	\$0.00	\$3,140,056.00

Signatures

No signatures to display.

Comments

No comments to display.

Documents

No documents have been uploaded.



An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19

TO: Local Officials
FROM: Mary Jane Handy, Director of Accounts
DATE: May 2020
SUBJECT: **Appropriation of July 1, 2019 Certified Free Cash and Retained Earnings
After June 30, 2020**

This Bulletin provides guidance to local officials regarding the procedures for the appropriation of free cash and retained earnings after June 30, 2020 as authorized by section 6 of [An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the Acts of 2020](#), (the Act). Section 6 provides an option for cities, towns and districts to appropriate from July 1, 2019 certified free cash and retained earnings after June 30, 2020 “as a funding source for the city’s, town’s or district’s fiscal year 2021 expenditures” if the city, town or district’s annual budget is delayed beyond June 30, 2020 due to the current COVID-19 emergency (“emergency”).

I. “Free Cash”

A. Definition

Free cash is defined as a city’s, town’s or district’s undesignated fund balance (with any required adjustments) certified by the director as of July 1 and available for appropriation by a majority vote of a city’s, town’s or district’s legislative body (the city or town council, or town or district meeting). Free cash is based on the June 30 balance sheet which reflects operational results for that fiscal year.

Free cash cannot be appropriated until it has been certified by the director under [G.L. c. 59, § 23](#) and any unappropriated balance expires on the next June 30 and is unavailable for appropriation after June 30 until free cash is recertified as of the next July 1.

Free cash, once certified, may be appropriated for any lawful purpose.

B. Special Accounting Treatment

Normally, unappropriated free cash certified as of July 1, 2019 expires June 30, 2020. [Section 6 of chapter 53](#) allows the director to authorize the appropriation of free cash certified as of July 1, 2019 after June 30, 2020, to fund the city's, town's or district's fiscal year 2021 expenditures if a city's, town's or district's adoption of an annual budget was delayed due to the emergency. This authorization will also apply if a city, town or district was able to adopt an abbreviated FY21 operating budget before June 30, 2020, but was unable to approve its FY21 capital budget appropriations, FY21 appropriations to reserves or other FY21 expenditure appropriations. Section 6 does not authorize appropriation of July 1, 2019 certified free cash after June 30, 2020 for fiscal year 2020 expenditures.

In order for the director to authorize the appropriation of July 1, 2019 certified free cash after June 30, 2020, the community or district is required to complete and submit in Gateway the Free Cash Available for FY2021 Appropriation form found under the "Misc Forms" module to show that there is an unappropriated balance remaining in its free cash certified as of July 1, 2019. (See Sample Calculation of Available Free Cash at the end of this Bulletin.) The director will send written notification to the city, town or district of the authorized amount. Authorization of the director will expire upon the earlier of the setting of the community's FY21 tax rate or certification of its free cash as of July 1, 2020.

II. "Retained Earnings"

A. Definition

A city's or town's retained earnings represents the amount of enterprise fund net assets unrestricted that is certified by the director to be available for appropriation. Once certified by the director, retained earnings may be appropriated for particular enterprise purposes, including to support funding for the next fiscal year's enterprise budget.

Retained earnings is certified by the director as of July 1 each year upon submission of a community's June 30 balance sheet with supporting documentation by the local accounting official and may be appropriated through the following June 30 only after certification of the amount by the director and not in excess of the amount certified. [G.L. c. 44, § 53F1/2](#).

While [G.L. c. 44, § 53F1/2](#) is not applicable to special purpose districts, a district may be allowed an enterprise fund by special act adopted by the state legislature. If a special purpose district has a special act adopted by the state legislature that requires the director's certification of enterprise retained earnings, the below special accounting treatment will be applied.

B. Special Accounting Treatment

Normally, unappropriated certified retained earnings certified as of July 1, 2019 expires June 30, 2020. [Section 6 of chapter 53](#) allows the director to authorize the appropriation of retained earnings certified as of July 1, 2019 after June 30, 2020, to fund the city's, town's or district's fiscal year 2021 enterprise expenditures if the adoption of an annual budget was delayed due to the emergency. This authorization will also apply if a city, town or district was able to adopt an abbreviated FY21 operating budget before June 30, 2020, but was unable to approve its FY21

enterprise appropriations. Section 6 does not authorize appropriation of July 1, 2019 certified retained earnings after June 30, 2020 for fiscal year 2020 expenditures.

In order for the director to authorize the appropriation of July 1, 2019 certified retained earnings after June 30, 2020, the community is required to complete and submit in Gateway the Retained Earnings Available for FY2021 Appropriation form found under the "Misc Forms" module to show that there is an unappropriated balance remaining in its retained earnings certified as of July 1, 2019. (See Sample Calculation of Available Retained Earnings at the end of this Bulletin.) The director will send written notification to the city, town or district of the authorized amount. Authorization of the director will expire upon the earlier of the setting of the community's FY21 tax rate or certification of its retained earnings as of July 1, 2020.

Sample Calculation
Retained Earnings Available for FY2021 Appropriation
Section 6 of Chapter 53 of the Acts of 2020

Enterprise Fund

Retained Earnings Certified as of July 1, 2019 \$ _____

**Retained Earnings Appropriated from the
July 1, 2019 Certification and Reported on
the FY2020 Recap Form A-2 Enterprise Funds
(Verify the amount was reported correctly)** - \$ _____

**Retained Earnings Appropriated from the
July 1, 2019 Certification After FY2020
Recap Approval through June 30, 2020** - \$ _____

**Retained Earnings Certified as of July 1, 2019
Available for Appropriation after June 30, 2020** = \$ _____

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

May 26, 2020

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

The nature of the emergency is the outbreak of the 2019 novel Coronavirus (“COVID-19”). In making this Declaration, I note that Governor Charles D. Baker’s declaration of a state of emergency in the Commonwealth made on March 10, 2020, and amended on March 15, 2020 to reduce the maximum number of people permitted in a gathering to 25 people, remains in effect. More recently, the Governor’s “Safer At Home” advisory of May 18, 2020 cautioned that “People over the age of 65 and people with underlying health conditions – who are at high risk for COVID-19 – should continue to stay home except for essential errands such as going to the grocery store and to attend to health care needs.” Although the Governor’s orders explicitly exempt municipal legislative bodies (including town meetings), and the “Safer At Home” advisory is not mandatory, the public health determinations underlying the Governor’s orders and advisory support, if not compel, a determination that there would be a health risk to Concord voters, particularly those over 65 years old and those with underlying health conditions, in attending town meeting on May 29, 2020. Moreover, the March 19 Declaration of Emergency for the Town of Concord, by which the Select Board and Director of Public Health recognized the public health threat posed directly to residents of the Town of Concord by the outbreak of COVID-19, also remains in effect.

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

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

Issued in Concord, Massachusetts at 1:30 p.m.,
this 26th day of May, 2020.

Carmin C. Reiss
Town Moderator

May 28, 2020

Mr. Stephen Crane
Town Manager
Town House
22 Monument Square
Concord, MA 01742

Dear Stephen,

As you know, the contract between you and the town required a six-month evaluation. To complete the evaluation, I solicited input from the Board's members and from the Senior Management Team (SMT) of the town. Each member of the Select Board and the SMT was sent an evaluation form that had been used for previous town manager evaluations. The information provided by these forms was used as the basis for the evaluation.

Background

Transition is rarely easy, and this transition has proven to be no exception. And, transitions are especially difficult when the predecessor had a long and distinguished career. Transition are difficult for both the incumbent as he tries to understand the town, and for staff and residents as they adjust to a new leadership style. Prior to the change in leadership, staff had become accustomed to certain ways of doing business and a style of leadership, with expectations for both how things work and what to expect from the town manager. For both the town manager and the staff, adjustment is necessary and sometimes uncomfortable.

There were clearly some early missteps and some members of the staff shared their concerns with the Select Board. Whether these missteps were attempts to be part of the "team" or attempts at humor, some were inappropriate. The Select Board met with you to review this matter and we consider the matter resolved.

This transition was made even more complex because of a significant data breach involving the loss of hundreds of hard drives that contained sensitive data about both residents and staff. This became a consuming task that occupied significant amounts of your time as well as the time of the deputy town manager and the director of human resources. It also required both administrative and criminal investigations; and, as you well know, one consequence of the matter was the resignation and termination of town employees.

You are handling the situation in a straightforward and competent manner, but it robbed you of time to adjust to your new position and likely created significant tension within the staff.

Evaluation

The Evaluation Form

The evaluation form used by the Select Board in its review included the categories: 1) relationship with the Select Board; 2) overall leadership; 3) general management; 4) budget and financial management; 4) personnel management; 5) communications and public relations; and finally, 6) personal qualities and characteristics. We address each of these categories in turn. In each category we will provide an evaluation and where appropriate provide suggestions for continuous improvement. In addition, as mentioned above, input was sought from the SMT. That input will be incorporated where appropriate.

Relationship with the Select Board

The relationship with the Select Board is positive. You are responsive to our questions and are careful to keep the Board informed, although one Board member indicated that expectations were not yet met. The Board looks forward to seeing you begin to adopt your own goals for the town and to continue to develop a professional working relationship with the Board

Leadership

It is clear that your leadership style is based on your previous experiences. Because Concord had the same town manager for over a quarter of a century, it will take time for you to adjust to the town and for the town to

better understand your management style. You are outgoing and enthusiastic as this will serve you well. You are also direct and have strong opinions. This approach may be off putting to some, and you may be well advised to temper these characteristics until you are better acquainted with the town and some members of the staff.

As mentioned above, at this six-month period, we have yet to see a clear direction articulated through a set of goals. While understandable, some may view this as inaction as opposed to using the time to adjust to a new environment.

General Management

From the Select Board's perspective, your general management ability at this early stage is particularly difficult to judge. On all dimensions in this category, you were judged to have either met expectation or a member was unable to evaluate. The feedback from the SMT was more informative. Everyone seems to agree that the you are well spoken, an effective communicator, accessible and provide useful feedback. Some stated that you often seem rushed, stayed at too high a level and avoided necessary details. There were some comments regarding jokes and other remarks that some found offensive; and, these jokes tended to undermine your effectiveness.

Budget Management

Again, an area where performance is difficult to judge. On the matter of managing the on-going budget of the town, expectations were either met, or members were unable to evaluate this criterion. You did make some creative improvements to both the format and content of the budget; it was a challenge, however, to keep the Board up to date on these improvement as they were evolving. The budget process for the upcoming fiscal year caused some members to be concerned that you were not as prepared as you needed to be and relied too heavily on the Finance Department. While perhaps understandable given the strength of the Finance Department and the town's history of prudent fiscal management, it was an opportunity missed.

Personnel Management

Without question, the data breach and the attenuated personnel actions, were very unfortunate, a test for a new town manager and time lost that might

have been better spend working to establish stronger relationships with town employees. For the most part, members provided little input on this category. However, one member believed that the you didn't meet expectations regarding establishing sound personnel procedures, impartiality and the development of good staff morale. Another member gave you high marks for consistently awarding credit to staff for their hard work and accomplishments.

Input from the SMT was positive. Your approach was regarded as "consistent and in the best interest of the town", "very fair", and "very supportive". Some did remark that sometimes you had the tendency to "overshare" and again raised the negative impact of mis-placed humor.

Communications and Public Relations

Overall the evaluation of this criterion from the Board was positive. One member raised the concern about communicating accomplishment of the town to the staff and community, but another member believed you exceeded expectations in this category. There were other positive remarks about understanding the town's goals and giving attention to various groups and individuals. As in the General Management section above, SMT input was positive. The time you spent to get to know various departments was appreciated by all. There was, however, one person who raised specific concerns calling his communications abilities to be, among other things, insensitive.

Personal Qualities and Characteristics

Generally, you received high marks in this area, especially in expressing ideas clearly, your level of energy, and following through to ensure implementation. One member commented, "Stephen is knowledgeable, personable and approachable – all valuable traits in a Town Manager". Two members raised concerns about standards, related, no doubt, to earlier concerns examined by the Board.

Additional Comments

The responses to two questions posed to the SMT were not easily incorporated in the above evaluation. They were: 1) the Town Manager's support of or obstacles to staff success, and 2) a suggestion of one thing the Town Manager should change.

With respect to the first item, all but one individual agreed that the Town Manager had been very supportive. Remarks such as, “helped foster a team culture”, “shown nothing but support”, “interested in the success of my staff and me”, and, “truly supported the success of various initiatives and efforts” were noted. With respect the question regarding one thing the Town Manager should change, the Select Board will provide you with a list of the suggestions in a separate memorandum.

Summary

Six months is too soon to judge the future of a new incumbent in such a demanding job as town manager. Nevertheless, we were contractually obligated to do so. As pointed out in the introduction, the first six months were particularly trying given the significant data breach the town encountered. And, just as things began to settle down, we faced the great Covid-19 pandemic. During this extended period of almost daily changing management challenges, you have demonstrated excellent leadership. You have been thoughtful, supportive and firm in decisions with the single purpose of protecting the health and safety of the residents of Concord.

We expect that as we return to the “new normal” for reopening of local government and town functions, you will continue to provide the leadership and direction the town needs. As we come to your first-year anniversary in August, we look forward to providing a more thorough and insightful evaluation of your performance with the hope that it will exceed our expectations.

Sincerely,

Michael E. Lawson, Chair
Concord Select Board