

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

June 4, 2020

Pursuant to Massachusetts General Laws, Chapter 39, §10A, I declare on this day, June 4, 2020, that the Concord Annual Town Meeting originally posted for April 27, 2020, subsequently recessed and continued to May 29, 2020 by my Declaration of April 15, 2020, and further recessed and continued to June 27, 2020 by my Declaration of May 26, 2020, **will be further recessed and continued to July 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 June 27, 2020.

The nature of the emergency is the outbreak of the 2019 novel Coronavirus (“COVID-19”), which according to Governor Charles D. Baker’s public address of today, has been particularly severe in Massachusetts, where the third highest per capita rate of COVID-19 cases among the fifty states has been recorded. In making this Declaration, I note that Governor Baker’s declaration of a state of emergency in the Commonwealth made on March 10, 2020, and his Emergency Order No. 13 limiting public gatherings to no more than 10 persons, remain in effect. Although Emergency Order 13 was clarified on June 2, 2020 not to prohibit outdoor gatherings of more than ten persons, so long as social distancing and face coverings are appropriately employed, I note that the Governor will not reopen outdoor and indoor theater and performance venues of moderate capacity until Phase III of his reopening plan, with venues of large capacity not opening until Phase IV. More recently, the Governor’s DPH “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.” In addition, the March 19, 2020 Declaration of Emergency for the Town of Concord, by which the Select Board and Director of Public Health recognized the public health threat posed directly to residents of the Town of Concord by the outbreak of COVID-19, also remains in effect.

Although the Governor’s orders explicitly exempt municipal legislative bodies (including town meetings), and the “Safer At Home” advisory is not mandatory, the public health determinations underlying the Governor’s orders and advisory and the Town’s Declaration of Emergency support, if not compel, a determination that there would be a health risk to Concord voters, particularly those over 65 years old and those with underlying health conditions, in attending town meeting on June 29, 2020. According to the U.S. Census Bureau, approximately 20% of Concord’s population is over the age of 65, which translates to approximately 25% of Concord’s registered voters. As of June 3, 2020, according to the Massachusetts Department of

Public Health, 170 confirmed cases of COVID-19 have been reported in Concord, a rate of 907 per 100,000 persons, with 8.4% of persons tested for the virus returning positive results.

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 further delaying the Annual Town Meeting is in the best interest of the Town of Concord and its citizens.

My Declaration recesses Annual Town Meeting to July 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, June 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 July 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 continuances of the meeting, I will continue to follow the Town Meeting Weather or Public Safety Emergency Protocol.

Issued in Concord, Massachusetts at 3:00 p.m.,
this 4th day of June, 2020.

Carmin C. Reiss
Town Moderator