

**TOWN OF CONCORD
SELECT BOARD
AGENDA
DECEMBER 14, 2020
4:00 PM
VIDEO CONFERENCE CALL**

Join Zoom Meeting

<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBla21CczdQM0EvWVVFZz09>

Meeting ID: 840 9239 5810

Passcode: 865209

One tap mobile

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1.	Call to Order
2.	Consent Agenda - Minutes to approve: November 16, 2020; November 23, 2020; November 30, 2020; November 30 Executive Session (not to be released)
3.	Town Manager's Report
4.	Chair's Remarks
5.	APP #63 Update: New Fleet Electrification Policy - Continued Discussion
6.	Extension of Parking Meter Suspension through March 31, 2021
7.	Update on Execution of Junction Village TIF Agreement and EACC Hearing
8.	Approve Annual Town Meeting Calendar
9.	Select Board FY21 Action Plan Discussion
10.	Committee Nominations: Dorcas Miller of 75 White Avenue to the Bruce Freeman Rail Trail Advisory Committee for a term to expire on April 30, 2023. Annemarie Altman of 247 Laws Brook Road to the Conservation Restriction Stewardship Committee for a term to expire on April 30, 2023. Scott Wood of 241 Barretts Mill Road to the Climate Action Advisory Board for a term to expire April 30, 2023. Robert Norton of 189 Conant Street to the Public Ceremonies & Celebrations Committee for a term to expire April 30, 2025.
11.	Committee Liaison Reports
12.	Miscellaneous Correspondence
13.	Public Comments
14.	Adjourn to Executive Session pursuant to M.G.L. c. 30A, section 21(a)(3) to discuss strategy with respect to litigation in the case of L.Y. v. Kester Krueger, CCTV, Inc., Town of Concord and Concord-Carlisle School District, as an open meeting may have a detrimental effect on the litigating position of the Committees as declared by the Chair.
15.	Executive Session to discuss strategy with respect to litigation regarding Estabrook Road, as an open meeting may have a detrimental effect on the Town's litigating position as declared by the Chair.

**TOWN OF CONCORD
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MINUTES
November 16, 2020
4:00PM
VIDEO CONFERENCE CALL**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on November 16, 2020 at 4:00pm.

Present were Linda Escobedo, Chair; Susan Bates, Clerk; Terri Ackerman, Jane Hotchkiss, and Matthew Johnson. Also present was Stephen Crane, Town Manager.

Call to Order

Select Board Chair Linda Escobedo called the meeting to order at 4:00pm.

Roll call vote

Ms. Escobedo: Present
Ms. Ackerman: Present
Ms. Bates: Present
Ms. Hotchkiss: Present
Mr. Johnson: Present

Consent Agenda

- Minutes to approve: October 26, 2020
- Town Accountant Warrants – November 12, 2020

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Town Manager's Report

Town Manager Stephen Crane reported that the Town received the first reimbursement from the CARES Act for \$1,000,000.

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The Town is continuing to work on grant applications. Planning Director Marcia Rasmussen is working on grants with the Town of Sudbury regarding regional commuter transportation to contract taxi services for on-demand rides.

The Town has prepared [a survey](#) seeking feedback from residents regarding the future uses of White Pond.

Chair's Remarks

Ms. Escobedo thanked the Public Ceremonies and Celebrations Committee for adapting the Veterans' Day services to minimize public gathering, and MMN for videotaping and broadcasting the ceremony

The Concord Municipal Light Plant purchased its first hydroelectric contract, which will contribute to reaching the Town's sustainability and energy goals.

Public Hearing: Application by National Grid for Grant of Location to install and maintain approximately 2173 feet of 12-inch gas main on Walden Street

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to open the public hearing

Roll call vote

Ms. Escobedo: Aye

Ms. Ackerman: Aye

Ms. Bates: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Mary Mulrone and attorney David Waterfall attended on behalf of National Grid. There was disagreement between the Town and National Grid's representatives on [the conditions](#) for the project. In order to allow for more times for these conditions to be addressed, the Select Board decided to continue the hearing until their November 30th meeting.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to continue the public hearing to November 30th.

Roll call vote

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Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Minuteman Technical Regional High School Playing Field Project and Assessment

Minuteman Technical Regional School Superintendent Bouquillon attended to present [the project](#), along with Minuteman representative Steven Ledoux. The Board decided to waive Concord's right of disapproval for this additional project spending, and not to call a special town meeting to vote.

Upon a motion duly made and seconded, it was by a count of 4-1

VOTED: to make a nonbinding endorsement for the Minuteman Regional Technical School fields' project as presented.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Nay

Community COVID-19 Update from Public Health Director Susan Rask

Health Director Susan Rask [presented](#) on the current status of COVID-19 in Concord, statewide, as well as current guidance and testing options.

Committee Nominations:

John Cooley of 80 Highland Street to the West Concord Advisory Committee for terms to expire on April 30, 2023.

Committee Appointments:

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Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Susan O'Shea-Folgar of 72 Shore Drive, and Jeff Parker of 315 Plainfield Road to the White Pond Advisory Committee for terms to expire on April 30, 2023.

Roll call vote

Ms. Escobedo: Aye

Ms. Ackerman: Aye

Ms. Bates: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Committee Liaison Reports

Ms. Ackerman attended the MBTA Advisory Committee, where they noted that commuter rail ridership amongst Concord residents is at 13% of the level it was before the COVID-19 pandemic. Service will be reduced in early 2021 due to the deficit caused by the lack of ridership. The West Concord Junction Cultural District Committee met, where they noted the upcoming closure of West Concord Five & Ten. The committee will be working on some sort of remembrance for the store.

Mr. Johnson attended MAGIC, where they focused on the MBTA service reductions, and discussed regional transportation needs, particularly noting the need for workforce transportation. The PEG Access Committee met, where they voted to request that the Town move ahead on the hiring process for the Education Coordinator position that has not been filled. The Zoning Board of Appeals met and reviewed applications for accessory dwelling units.

Ms. Hotchkiss attended the Hugh Cargill Trust, where they discussed the increase need for emergency financial assistance for residents due to COVID-19, as well as the Tax Relief and Hugh Cargill Trust fall annual appeal letter that is going out. The Hugh Cargill Trust provides emergency financial assistance for Concord residents. The Tax Relief Fund provides property tax assistance to residents in need.

Ms. Bates attended the Planning Board, where they reviewed several projects. The hearing on 48Y Fitchburg Turnpike was continued. An approval letter for 13B Commonwealth Avenue was drafted. A hearing on 1440 Main Street where 16 homes are planned was continued. The Economic Vitality Committee met, where they noted the reduction in Visitor Center hours. New hours, through the end of November, are Friday-Sunday 10:00am-4:00 pm. The Visitor Center is planning to display brochures from organizations in Town for free during this time period. The

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Historical Commission met, where they reviewed and voted to approve Town Counsel's edits to the Demolition Delay Bylaw.

Ms. Escobedo attended the Financial Audit Advisory Committee, where they reviewed letters that will be sent to the Select Board regarding audits that were done on CMLP and the schools. The Joint Regional School Committee met, where they discussed cultural competency and anti-racism initiatives, as well as approving their 2021 goals.

Miscellaneous Correspondence

The Select Board has received complaints about the use of Estabrook trail, and abutter concerns regarding how this issue is affecting them.

Public Comments

Mary Hartman of 16 Concord Greene expressed concern about the debt incurred for the Minuteman Regional High School field project, and the lack of public feedback and Town Meeting input.

Diane Proctor of 57 Sudbury Road commented that ongoing projects and initiatives in Town are not being communicated to members of the public effectively, and requested that the Town seek ways to better publicize ongoing matters and decisions impacting the community.

Adjourn

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED to adjourn.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=VFoVtYPQvsg>

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Meeting Documents: <https://concordma.gov/DocumentCenter/View/26925/November-16-SB-Packet>

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Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on November 23, 2020 at 4:00pm.

Present were Linda Escobedo, Chair; Susan Bates, Clerk; Terri Ackerman, Jane Hotchkiss, and Matthew Johnson. Also present was Stephen Crane, Town Manager.

Call to Order

Select Board Chair Linda Escobedo called the meeting to order at 4:00pm.

Roll call vote

Ms. Escobedo: Present
Ms. Ackerman: Present
Ms. Bates: Present
Ms. Hotchkiss: Present
Mr. Johnson: Present

Consent Agenda

- Minutes to approve: October 13, 2020; November 2, 2020
- Town Accountant Warrants – November 19, 2020
- Gift Acceptance: John and Arline Leigh \$400.00 Council on Aging Gift Account
- Proclaim November 28th, 2020 as Small Business Saturday

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Town Manager's Report

Town Manager Stephen Crane noted the continuous rise in confirmed positive COVID-19 cases in Concord and throughout the state. Concord moved into yellow in the state's map because of cases at MCI Concord, but local resident case numbers are increasing as well. Mr. Crane

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cautioned residents that increased cases seem to primarily be a result of in-home gatherings. Residents should continue to monitor the Town website for any updates.

Chair's Remarks

Ms. Escobedo noted that residents will be receiving a joint letter for the annual appeal from the Tax Relief Committee and Hugh Cargill Trust. The Hugh Cargill Trust provides emergency financial assistance for Concord residents. The Tax Relief Fund provides property tax assistance to residents in need. Ms. Escobedo urged residents to consider donating.

Priority List of CPA Projects

Each year, the Select Board reviews [the projects](#) up for consideration for CPA funding, and provides a ranking of project recommendations based on Town needs. The Select Board will review and send their individual rankings to Town staff, who will then compile their rankings ahead of the November 30th meeting for a final discussion.

Committee Volunteer Subcommittee Update

Mr. Johnson and Ms. Ackerman drafted [a committee volunteer process document](#) that specifies roles and responsibilities in the process for Town staff, Select Board liaisons, and board and committee chairs. This document received feedback from Select Board members, and will be finalized at a future meeting.

Committee Nominations

There were no committee nominations.

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED to appoint John Cooley of 80 Highland Street to the West Concord Advisory Committee for terms to expire on April 30, 2023.

Roll call vote

Ms. Escobedo: Aye

Ms. Ackerman: Aye

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Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Committee Liaison Reports

Ms. Bates attended the Council on Aging, where they reported that they received a donation from the Concord Rotary of 1000 masks. The COA delivered 120 meals to residents on November 20th, and CCHS delivered 250 meals. The COA acquired four iPads, which they will use for their outreach work. The COA typically does income tax assistance for COA members, but they will not be able to do it this year.

Ms. Ackerman attended the Capital Planning Task Force, where they continue to work on the presentation for their December 9th public hearing. The Concord Municipal Light Board launched their 3rd party call center for emergencies. CMLP also reported a profit from broadband services, and they are developing a payback schedule to the Electricity Division for a 2013 loan. CMLP also held a rate hearing for the upcoming year. The Library Committee approved the Select Board suggestions on the revised Administrative Code, and they will submit a new draft to the Select Board in December. The Library Corporation also formed a Sustainability Planning Committee.

Mr. Johnson attended the Public Ceremonies and Celebrations Committee, where they discussed the Veterans' Day celebration. The PCCC is looking for guidance on how to deal with the Honored Citizen event, as well as the Patriot's Day events. The Recreation Commission met, and they are looking to make an update to the Recreation Strategic Plan. Additionally, the Concord Little League requested lighting at Ripley Field.

Ms. Hotchkiss attended the Board of Health, where they passed a well regulation variance at Hutchins Farm. Additionally, they discussed rising COVID numbers locally and statewide. Sports have been cited as a source of cases in contact tracing. The BOH discussed the distribution of the upcoming vaccine. The Board of Health signed onto the bikes alliance agreement with the Safe Routes to School program. The Climate Action Advisory Board also discussed the Safe Routes to School initiative. Additionally, CAAB had a briefing on the Rocky Mountain Institute's accelerator for building electrification policies. CAAB will be asking the Select Board to support a non-binding resolution to support building decarbonization. The Natural Resources Commission reviewed three applications of note. One was to remove 102 trees on Strawberry Hill Road, but that number was reduced to 61 trees. The NRC was satisfied that the trees being removed were a hazard to the property and that the necessary reconstruction of the driveway will destroy the abutting root systems. The Fenn School is looking to install a seasonal floating dock. The dock's installation could impact the seeding time for vegetation on the bank and in

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the adjoining meadow. The final application was Middlesex School's application for two more artificial turf fields on Lowell Road. The Comprehensive Sustainable Energy Committee met and discussed the Library Sustainability Planning Committee. The White Pond Advisory Committee met, where they discussed the improvements proposed at White Pond. There will be a public forum on December 16. Ms. Hotchkiss noted that there is misinformation circulating surround the proposed improvements. Ms. Hotchkiss also attended the meeting between the Historic Districts Committee and the Jennie Dugan neighborhood discussing interest in establishing a new Mid-Century/Deck House Historic District.

Ms. Escobedo attended the Trustees of Donations, where they reviewed their portfolio performance and distribution policy, and are looking for an intern. The Historic Districts Commission held a meeting about Jenny Dugan Road. The Finance Committee met and decided not to respond to correspondence they have received regarding Estabrook Road.

Miscellaneous Correspondence

The League of Women Voters sent correspondence on the Open Meeting Law complaint to the Transportation Advisory Committee, a letter referencing a petition for regarding the use of White Pond, and a letter regarding 5G in town.

Public Comments

Mark Gailus of 62 Prescott Road noted that at the White Pond public hearing, he sensed concern from the committee and the public over the development of a public park, and the impact resulting from trees being cut down at this location.

Adjourn

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED to adjourn.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=2-GCb7nMwx4&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=2>

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Meeting Documents: <https://concordma.gov/DocumentCenter/View/27033/November-23-SB-Packet>

**TOWN OF CONCORD
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MINUTES
November 30, 2020
4:00PM
VIDEO CONFERENCE CALL**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on November 30, 2020 at 4:00pm.

Present were Linda Escobedo, Chair; Susan Bates, Clerk; Terri Ackerman, Jane Hotchkiss, and Matthew Johnson. Also present was Stephen Crane, Town Manager.

Call to Order

Select Board Chair Linda Escobedo called the meeting to order at 4:00pm.

Roll call vote

Ms. Escobedo: Present
Ms. Ackerman: Present
Ms. Bates: Present
Ms. Hotchkiss: Present
Mr. Johnson: Present

Consent Agenda

- Minutes to approve: October 29, 2020 Committee Volunteer Subcommittee, November 19, 2020 Committee Volunteer Subcommittee
- Town Accountant Warrants – November 25, 2020
- Gift Acceptance from the Concord – Carlisle Community Chest
 - o \$3,062.50 to the Volunteer Coordinator Account
 - o \$10,335.50 to the Outreach Worker Account
 - o \$4,437.00 to the Social Services Coordinator Account
 - o \$7,087.50 to Community Services Coordinator Account

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

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Town Manager's Report

Town Manager Stephen Crane introduced the new Chief Information Officer, Jason Bulger. Mr. Bulger previously worked in the same role in Tyngsborough.

Mr. Crane noted that the Town is closely watching the community spread of COVID-19. Case numbers in Concord and statewide continue to rise. According to contact tracing, school does not appear to be a source of spread. Household and social gatherings seem to be driving the spread. Mr. Crane cautioned residents to continue to follow guidance from the CDC and state.

The Town House renovation began on November 16. They are currently working on demolition on the first floor. March is the contractual substantial completion date. No divisions are being moved and once the project is complete, all the offices will return to their previous locations.

The Town sent out a resident satisfaction survey online.

The Town is in discussion with Acton about possibly combining our dispatch centers.

Chair's Remarks

Ms. Escobedo noted that vacancies exist on Town boards and committees. Volunteering is an opportunity for residents to use their talents in a wide range of areas across disciplines.

There is a Community Preservation Committee public hearing on December 1 at 7:00pm.

There is a Capital Planning Task Force public hearing on December 9th at 7:30pm.

**Public Hearing: Application by National Grid for Grant of Location to install and maintain
approximately 2173 feet of 12-inch gas main on Walden Street**

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to open the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

National Grid came before the Select Board on November 16 for a hearing on this project. National Grid objected to [the conditions](#) laid out by Concord Public Works. The Select Board

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voted to continue the public hearing to November 30 to allow more time for the Town's attorney, Public Works, and National Grid to determine mutually agreeable conditions. Attorney Walter Fossett attended on behalf of the Town, and attorney David Waterfall attended on behalf of National Grid.

Mr. Fossett stated that the Town is looking for National Grid to comply with the Department of Public Utilities Leak Prone Pipe Program requirement for National Grid to remove and replace the abandoned pipe. Mr. Waterfall stated that since this project is not part of the Leak Prone Pipe Program, National Grid is not required to remove the pipe from the ground. Mr. Fossett believes it is the responsibility of a utility to maintain an abandoned line according to Massachusetts General Law. Mr. Waterfall also objected to Concord Public Works requirement that National Grid pay a Life Cycle Maintenance Fee, stating that it was unlawful as held by the SJC.

The Town and National Grid were unable to come to an agreement on the terms of this project at the November 30 meeting. Mr. Waterfall and Mr. Fossett will continue their discussions on the terms of the [grant of location project](#), and the hearing will be continued to December 7th for a Select Board vote on the finalized terms.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to close the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to continue the public hearing to December 7th.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Priority List of CPA Projects

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Ms. Escobedo noted that the Select Board develops a priority list of CPA projects annually. The list of projects can be found in the [meeting materials](#). The Select Board members compiled their recommendations, and will send these recommendations to the Community Preservation Committee.

Liquor License Fee

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: authorize Town Manager and Chief Financial Officer to arrange special payment schedule for annual licenses as requested and as appropriate.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Review Outdoor Dining Application Extensions: Papa Razzi, Trail's End Café, 80 Thoreau, Karma, and Main Street Market & Café

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to extend the validity of Papa Razzi, Trail's End Café, 80 Thoreau, Karma and Main Streets Market & Café's license for on-premises alcohol consumption on an extended licensed premises to include outdoor premises, consistent with the Governor's COVID-19 Orders #35 and #37, and the Alcohol Beverage and Control Commission's Guidelines for Extension of Premises to Patio and Outdoor Areas, consistent with Town requirements for snow removal. This authorization shall be extended from December 1, 2020 until 60 days after the COVID-19 State of Emergency is rescinded, at which point the applicant's licensed premises will revert to the licensed premises in effect prior to such approval.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Select Board Calendar

The Select Board has met at least once a week since the COVID-19 Pandemic started, which was necessary to respond to needs of the community and Town operations amid the Pandemic and preparing for Town Meeting. Ms. Escobedo offered that the Select Board could meet twice a month

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again beginning December 14th. Select Board members felt that they needed to continue meeting weekly for now, but this issue will be revisited at a future date.

Authorize Select Board Chair to sign letter in support of amendments to H4933 and S2500

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the Select Board Chair to sign a letter in support of amendments to H4933 and S2500.

Roll call vote

Ms. Escobedo: Aye

Ms. Ackerman: Aye

Ms. Bates: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Committee Nominations:

Christa Collins of 55 Highland Street, Sue Felshin of 19 Sunnyside Lane, Robert Hartman of 16 Concord Greene, and Harry Bartlett of 95 Conant Street to the Junction Village Open Space Task Force for terms to expire on April 30, 2021.

Miscellaneous Correspondence

There was no correspondence reported.

Public Comments

There were no public comments.

Adjourn to Executive Session, not to return to open session, to discuss ongoing litigation regarding Estabrook Road. Doing so in Open Session may have a detrimental effect on the Town's litigation strategy.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to adjourn to Executive Session, not to return to open session, to discuss ongoing litigation regarding Estabrook Road. Doing so in Open Session may have a detrimental effect on the Town's litigation strategy.

Roll call vote

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Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=tx0lDk6oq0M&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8-&index=1>

Meeting Documents: <https://concordma.gov/DocumentCenter/View/27078/November-30-SB-Packet>



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: Chair Escobedo and Members of the Board

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

Date: December 14, 2020

Re: Town Manager Report

COVID Vaccination Planning

Emergency Management has been working closely with and supporting the Health Department to plan for COVID19 vaccination clinics. The focus currently is on the logistics of standing up a vaccination site – that planning is building off the existing and detailed Emergency Dispensing Site plan that Susan Rask and her team developed and have had in place for a number of years. Town staff have also been in contact with partners in other communities to discuss the sharing of resources so each community has the ability to provide comprehensive vaccination service.

Police Department

Governor Baker recently sent a letter to the legislature (attached) returning for amendment Senate Bill No. 2963, “An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth.” Chief O’Connor has evaluated and supports the Governor’s proposed amendments to the bill passed by the legislature.

On Tuesday, December 8th Police Officer Kevin Gena representing CPD joined police department representatives from around the Commonwealth at Gillette Stadium and picked up “Coats4Vets Buckets” provided by the Massachusetts Military Support Foundation Inc. (MMSF). Each bucket contained coats, masks, hand sanitizer and snacks. This distribution method will also help local authorities connect with veterans in their communities. MMSF’s Coats4Vets has distributed 34,500 coats to veterans since 2016. This year, program sponsors and donors include Massachusetts State Police, Massachusetts Chiefs of Police Association, New England Patriots Foundation, Ocean State Job Lots, and the Home Depot. Deputy Town Manager Kate Hodges and the Human Services Division will be distributing the buckets to those in need.

CMLP

The Department has been researching solar battery manufacturers as well as full service battery energy solution providers about both purchase and lease options for systems ranging from 2 MW to 5 MW with durations of 2 to 4 hours. If a preferred option is been identified, CMLP may move forward with a Request For Proposal in 2021.

CMLP is also in the testing phase with the third-party vendor for off-hours call center. The system has been tested for integration with the Outage Manage Software. The next step is to complete some questionnaires and for staff training scheduled for after the holidays.

Town Projects

The renovations of the first floor the Town House continue to advance as the issues discovered during demolition have been addressed. One of the notable changes will be the installation of an ADA accessible bathroom on the first floor for the public. The issues, mostly related to previously unknown layers of flooring, have caused a slight delay; the projected substantial completion date is now on or about 4/15; office should be able to return in May.

Additionally, the White Pond Public forum #2 is Thursday 12/16 starting at 6:30 via Zoom. The Town has also received the permit for the septic system at Gerow, which was the last permit needed. Construction drawings are under final review in preparation for bidding in January.

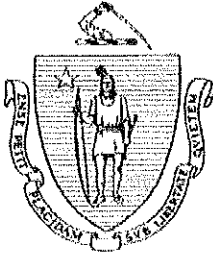
DPLM

Planning Division

Planning Board meeting on December 8: The Planning Board considered information from the Town's consultant administering the Tree Protection Bylaw regarding potential improvements to the bylaw and the procedures to improve the program. The Board also received information from MAPC staff regarding potential zoning bylaw changes to the Thoreau Depot Business District. The Board also closed the public hearing for the Center & Main Definitive Subdivision proposal (1440/50 Main Street) and began its deliberations to provide guidance to Town Planner Elizabeth Hughes in drafting a decision to approve subject to conditions. Part of the deliberation included the reservation of land under the Subdivision Rules and Regulations section 6.20 and 6.21, to which the applicant took exception. The Board is considering reservation of land for purchase by the Town for a small park and three lots for affordable housing. The draft decision will be reviewed at the December 22, 2020 Planning Board meeting. The proponent of this project, Symes Development, is still required to obtain a special permit for Earth Removal from the Zoning Board of Appeals.

Health Division

COVID-19 response: The Public Health Director notes that the Health Division is receiving regular reports from 3-4 businesses each day of Covid-positive employees, as required. Additional contact-tracing staff is needed to help support the efforts of the Public Health Nurse.



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

December 10, 2020

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Section 3 of Article XC, of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Senate Bill No. 2963, "An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth."

On June 17, 2020, I filed House Bill No. 4794, "An Act to Improve Police Officer Standards and Accountability and to Improve Training." That bill was the product of nearly a year of work, but its filing was made more urgent by the calls for justice and reform that followed the killing of Breonna Taylor and George Floyd this past Spring. Like the bill before me, the central provision of the legislation I filed was the creation of a mandatory certification process for police officers to improve professionalism, accountability, and fairness in policing. Forty-six other states in the United States have adopted similar certification requirements.

As I wrote when I filed H.4794, "This bill makes law enforcement more accountable for their conduct and provides the public with direct insight into officers' performance history which not only creates greater transparency in law enforcement but also gives departments greater ability to hire or promote only qualified applicants. Taken together, these measures enhance public safety by giving police departments greater ability to employ only officers with the most up-to-date, community-oriented policing skills that best serve the public." I continue to support these goals, goals that are the subject of long-standing collaborative efforts between the Baker-Polito Administration, including the Executive Office of Public Safety and Security, and the Black and Latino Legislative Caucus.

I appreciate the Legislature's work in enacting a bill that advances these aims. I also appreciate the Legislature's decision to include in this bill key provisions of the State Police reform

legislation that I filed in January. Those reforms will accelerate the process of improvement that is already underway at the Massachusetts State Police.

My review of this bill has focused particularly on ensuring that the Massachusetts Peace Officers Standards and Training Commission ("POST Commission") created by the Legislature to certify and decertify law enforcement officers can succeed. While I had proposed a Commission that would be located within the Executive Office of Public Safety and Security, the Legislature has determined that the Commission should be independent. I am prepared to accept that determination, as long as the Legislature ensures that the tasks it has assigned to the Commission are achievable and that the Commission has all the resources it needs to succeed in its important work.

Overall, I do believe this bill promotes improved police accountability. But S.2963 contains numerous provisions that were not included in H.4794, many of which are not central to creating a system of accountability for law enforcement. I am not proposing to amend most of these provisions, even where I disagree with the individual policy decisions they reflect. There are nevertheless a small number of proposals in S.2963 that I cannot accept because they introduce barriers to effective administration and the protection of public safety without advancing the central goal of improving police accountability and professionalism. The amendments I propose below address these issues.

- The bill disrupts a successful model of shared state and municipal oversight for police training by removing the Municipal Police Training Committee from its current location in the Executive Office of Public Safety and Security, and placing all of the training work under the oversight of the majority-civilian Commission. I do not accept the premise that civilians know best how to train police. My amendment proposes to restore the Municipal Police Training Committee to its current location and responsibilities.
- The bill proposes a POST Commission with no position designated for labor representation. I propose such a designation for one seat, without disrupting the Legislature's proposed 3-6 split between police and civilians.
- The bill should go a step further in imposing a firm timeframe within which police departments should complete internal affairs investigations before the POST Commission takes control of an investigation, while also offering an accommodation if the Commission determines there are reasonable causes to justify additional time for completion of an internal affairs investigation.
- The bill's proposal on facial recognition and definition of "bias-free policing" both fail to balance legitimate oversight of policing with the necessary work of solving crime and keeping the public safe.
 - I propose to enhance the study of facial recognition already proposed in the bill while striking out the law change that drastically limits its use by any public agency. The restrictions on the technology, with only significantly limited

exceptions for law enforcement, ignores the important role it can play in solving crime. For example, in the last few years here in Massachusetts, a child rapist and an accomplice to a double murder are both now in prison thanks to facial recognition technology.

- I also propose additional clauses to the definition of bias-free policing to clarify that definition.
- Finally, simply from a practical standpoint, the bill cannot be implemented as enacted because it does not allow any time to accomplish the organizational changes necessary to launch the POST Commission, which include the hiring of staff, the development of an entirely new and extensive digital database, and the development of complex regulations and policies. I propose that all sections involving organizational change take effect with the new fiscal year, on July 1, 2021.

In the coming days, I will also be filing a proposed supplemental appropriation to ensure that the Commission has the financial support it needs during fiscal year 2021.

I sincerely hope the Legislature will re-enact S.2963 with these changes. If they are not addressed, I do not intend to sign the re-enacted bill.

For the reasons stated above, I recommend that the bill, S.2963, be amended as follows:-

Amend the bill by striking out sections 3, 5, 7-8, 12, 14, 17, 19-20, 24-29, 31-36, 40, 55-56, 60-62, 66, 71, 74-76, 81-82, 88-89, 93, and 121.

And amend the bill by striking out section 4 and inserting in place thereof the following section:-

SECTION 4. Chapter 6 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out section 116 and inserting in place thereof the following section:-

Section 116. There shall be a municipal police training committee within the executive office of public safety. Members of said committee shall be as follows:-- 5 chiefs of police to be appointed by the governor from nominations submitted by the Massachusetts Chiefs of Police Association, 1 of whom shall be from the western Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation Authority, 1 chief of police selected by the Massachusetts Chiefs of Police Association, 1 police officer to be appointed by the governor from nominations submitted by the Massachusetts Police Association executive board and the Massachusetts Police Training Officers Association executive board, 2 sheriffs to be appointed by the governor, the chair of the Massachusetts Association of Minority Law Enforcement

Officers, the president of the Massachusetts Association of Women in Law Enforcement, the commissioner of police of the city of Boston, the colonel of state police, the attorney general and 1 person to be designated by the secretary of public safety, or their respective designees. All such appointments shall be for terms of 3 years with their successors appointed in a like manner.

The following persons shall be advisory, nonvoting members of the committee: the personnel administrator, the commissioner of correction, the commissioner of youth services, the commissioner of probation, the chairman of the parole board, the executive director of the committee on criminal justice, the chief justice of the trial court, the chief justice of the district court department, the commissioner of education, the chairman of the criminal law committee of the Massachusetts Bar Association, or their respective designees, and the special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given by the director of said bureau, or his designee. The governor shall appoint 6 additional advisory, nonvoting members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public counsel services, 1 of whom shall be a social worker, 1 of whom shall be a mental health clinician, and 1 of whom shall be a district attorney of a district, or their respective designees.

The committee shall elect a chairperson annually and shall, as needed, provide nominations for the selection of an executive director to the secretary of public safety. The secretary shall select an executive director from the nominations submitted by the committee. The position of executive director shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30.

The committee shall set policies and standards for the training of the following, in accordance with applicable laws and regulations, including the training mandated by this chapter, section 36C of chapter 40, sections 96B and 97B of chapter 41 and section 24M of chapter 90:

- (i) municipal police officers and candidates for such appointment;
- (ii) Massachusetts Bay Transportation Authority transit police officers, and candidates for such appointment;
- (iii) police officers of the department of law enforcement within the executive office of environmental affairs, and candidates for such appointment;
- (iv) University of Massachusetts police officers, and candidates for such appointment;
- (v) Campus police officers attending committee-approved academies or training programs; and
- (vi) deputy sheriffs, appointed pursuant to section 3 of chapter 37, performing police duties and functions.

The committee shall set policies and standards for the screening of all applicants for admission to committee-certified academies. The committee shall set policies and standards for background

investigations for all persons appointed to committee-certified academies and initial appointments of those persons, which investigations shall require at a minimum verification against the national decertification index or the database of decertified law enforcement officers maintained by the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E.

The committee and the division of police certification established in section 4 of chapter 6E shall jointly establish minimum certification standards for all officers, pursuant to section 4 of chapter 6E.

The committee, in consultation with the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E, shall promulgate rules and regulations for the use of force by law enforcement officers consistent with sections 14 and 15 of chapter 6E.

The committee shall maintain records of training for all officers for whom the committee sets policies and standards for training, issue confirmation of satisfactory completion of training, and provide for extensions or waivers of training requirements for good cause and maintain records of any such extension or waiver and the reason. The committee shall provide records of completion of training to the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E.

The committee shall coordinate with the center for responsive training in crisis intervention established pursuant to section 25 of chapter 19 on all behavioral health-related training.

The committee shall identify training requirements and develop guidance for meeting those requirements through trainings provided by the committee or other independent educational entities.

The committee shall review and recommend to the secretary of public safety and security an annual appropriation for the administration of the committee, as well as for the operations of a headquarters and regional training centers, and for the delivery of standardized training at the centers.

The committee may promulgate regulations pursuant to chapter 30A as necessary to implement sections 116 through 118.

And amend the bill in section 10, by striking out, in line 330, the words "committee on police training and certification" and inserting in place thereof the following words:- municipal police training committee.

And amend the bill in section 16, by striking out, in line 353, the words "committee on police training and certification" and inserting in place thereof the following words:- municipal police training committee.

And amend the bill in section 23, by striking out, in lines 395 and 396 and in lines 417 and 418, the words "committee on police training and certification established in section 4 of chapter 6E" and inserting in place thereof, in each instance, the following words:- municipal police training committee.

And further amend section 23, by striking out, in line 425, the words "committee on police training and certification" and inserting in place thereof the following words:- municipal police training committee.

And further amend section 23, by striking out, in lines 426 and 427, the words "and subject to the approval of the Massachusetts peace officer standards and training commission,".

And further amend section 23, by adding the following words:-

Section 116K. (a) The municipal police training committee shall develop and establish, within its recruit basic training curriculum and its in-service training curriculum available to in-service trainees, a course for police training schools, academies and programs for the training of law enforcement officers on mental wellness and suicide prevention. The course, which shall consist of 2 hours of total instruction annually, shall teach law enforcement officers how to: (i) utilize healthy coping skills to manage the stress and trauma of policing; (ii) recognize the symptoms of post-traumatic stress disorder within themselves and other officers; and (iii) recognize the signs of suicidal behavior within themselves and other officers.

(b) The course shall include information on the mental health resources available to help law enforcement officers and shall be designed to reduce and eliminate the stigma associated with law enforcement officers receiving mental health services.

(c) The course of instruction shall be developed by the municipal police training committee in consultation with appropriate groups and individuals having an interest and expertise in law enforcement mental health and suicide prevention.

(d) All law enforcement officers shall annually attend and complete a course on mental wellness and suicide prevention.

And amend the bill in section 30, by inserting after the words "professional level.", in line 531, the following sentence:- This definition shall include policing decisions made by or conduct of

law enforcement officers that: (1) are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or (2) consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level because such factors are an element of a crime.

And further amend section 30, by striking out, in lines 540 and 541, the definition of "Committee."

And further amend section 30 by striking out the sentence in lines 560 & 561, and inserting in place thereof the following sentence:- "Division of certification", the division of police certification established pursuant to section 4.

And further amend section 30 by striking out, in lines 564 through 568, the definition of "Imminent harm."

And further amend section 30 by striking out, in lines 583 and 584, the definition of "Necessary."

And further amend section 30 by striking out, in lines 600 through 605, the definitions of "Totality of the circumstances" and "Training director."

And further amend section 30 by inserting after the words "the rank of sergeant", in line 616, the following words:- who is a labor union representative appointed from a list of 3 nominations submitted by the Chair of the Massachusetts Law Enforcement Policy Group.

And further amend section 30 by inserting after the words "(2) establish", in line 710, the following words:- ", jointly with the municipal police training committee established in section 116 of chapter 6,".

And further amend section 30 by inserting after the words "(6) establish", in line 716, the following words:- ", in consultation with the municipal police training committee established in section 116 of chapter 6,".

And further amend section 30 by striking out, in lines 787, 788, and 789, the words "training and".

And further amend section 30 by striking out, in lines 790 and 791, the words "including a basic recruit training curriculum and an in-service training curriculum for law enforcement officers".

And further amend section 30 by striking out, in lines 791 through 793, the sentence "The head of the division shall be the training director, who shall be appointed by the committee on police training and certification.", and inserting in place thereof the following sentence:- The head of the division shall be the certification director, who shall be appointed by the commission.

And further amend section 30 by striking out lines 794 through 829.

And further amend section 30 by striking out, in line 830, the words "committee-certified".

And further amend section 30 by inserting after the words "police schools, programs or academies", in lines 830 and 831, the following words:- approved by the municipal police training committee pursuant to section 118 of chapter 6, or the training programs prescribed by chapter 22C,.

And further amend section 30 by striking out, in lines 834 through 838, the sentence "The committee, subject to the approval of the commission, shall set policies and standards for the screening of all applicants for admission to committee-certified academies and shall set policies and standards for the screening for all applicants for certification and recertification as law enforcement officers, including, but not limited to, standards on background investigations for all applicants."

And further amend section 30 by striking out lines 839 through 846.

And further amend section 30 by striking out, in lines 847 and 848, the words "The committee shall, subject to the approval of the commission,", and inserting in place thereof the following words:- The division of police certification and the municipal police training committee established in section 116 of chapter 6 shall jointly.

And further amend section 30 by striking out, in lines 850 and 851, the words "designed by the committee and approved by the commission", and inserting in place thereof the following words:- approved by the municipal police training committee.

And further amend section 30 by striking out, in line 857, the words "administered by the committee and".

And further amend section 30 by inserting after the words "oral interview", in line 859, the following words:- administered by the commission.

And further amend section 30 by striking out, in line 876, the word "committee", and inserting in place thereof the following words:- division of police certification.

And further amend section 30 by inserting after the words "of said trainings", in line 882, the following words:- , as provided by the municipal police training committee established in section 116 of chapter 6, and the department of state police.

And further amend section 30 by striking out, in line 901, the word "committee", and inserting in place thereof the following words:- division of police certification.

And further amend section 30 by striking out, in line 905, the word "committee," and inserting in place thereof the following words:- division of police certification in consultation with the municipal police training committee established in section 116 of chapter 6, and.

And further amend section 30 by striking out lines 914 through 948.

And further amend section 30 by striking out, in two instances in line 1149, the word "committee", and, in each instance, inserting in place thereof the following word:- commission.

And further amend section 30 by inserting after the figure "(h)" in line 1152 the following words:- An appointing agency shall complete an internal affairs investigation into officer misconduct and issue a final disposition within one year of receiving a complaint or notice from the commission of the complaint being filed. The commission may, upon a showing of good cause, extend the time to complete the investigation.

And further amend section 30 by inserting after the words "shall suspend the hearing", in line 1156, the following words:- . Any such suspension of the hearing shall not exceed 1 year from the officer's notice to the commission, provided however that at any time during which the hearing is so suspended and upon a showing of good cause by the officer, the Commission shall further suspend the hearing for a period of not less than six months and not more than the Commission determines is reasonable.

And further amend chapter 30 by striking out, in lines 1189 and 1190, the words "committee on police training and certification" and inserting in place thereof the following words:- municipal police training committee.

And further amend section 30 by striking out, in line 1237, the words "The committee on police training and certification shall promulgate rules and regulations, subject to the approval of the commission, for the administration and enforcement of" and inserting in place thereof the following word:- The municipal police training committee established pursuant to section 116 of chapter 6, in consultation with the commission, shall promulgate rules and regulations for the use of force by law enforcement officers consistent with.

And further amend section 30 by striking out, in line 1238, the words “, subject to the approval of the commission,”.

And further amend section 30 by striking out, in line 1489, the word, “referred,” and inserting in place thereof the following word:- preferred.

And amend the bill in section 57 by striking out, in line 1558 and 1559, the words “Promotional examinations shall be open to a uniformed member who is a: (i) noncommissioned officer” and inserting in place thereof the following words:- Promotional examinations for: (i) the title of noncommissioned officer shall be open to a uniformed member.

And further amend section 57 by striking out, in line 1562, the word “lieutenant” and inserting in place thereof the following words:- the title of lieutenant shall be open to a uniformed member.

And further amend section 57 by striking out, in line 1565, the words “a captain” and inserting in place thereof the following words:- the title of captain shall be open to a uniformed member.

And further amend section 57 by striking out, in line 1569, the words “noncommissioned officer” and inserting in place thereof the following words:- uniformed member.

And further amend section 57 by striking out, in line 1571, the words “such promotion” and inserting in place thereof the following words:- promotion to the title of noncommissioned officer.

And further amend section 57 by striking out, in line 1573, the word “lieutenant” and inserting in place thereof the following words:- uniformed member.

And further amend section 57 by striking out, in line 1575, the words “such promotion” and inserting in place thereof the following words:- promotion to the title of lieutenant.

And further amend section 57 by striking out, in line 1577, the word “captain” and inserting in place thereof the following words:- uniformed member.

And further amend section 57 by striking out, in line 1579, the words “such promotion” and inserting in place thereof the following words:- promotion to the title of captain.

And amend the bill in section 63 by striking out, in line 1619, the words “and training”.

And amend the bill in section 64 by striking out, in line 1624, the words “training and”.

And amend the bill in section 65 by striking out, in line 1632, the words "training and".

And amend the bill in section 79 by striking out, in lines 1764 through 1766, the words "the training director of the committee on police training and certification established in section 4 of chapter 6E or a designee" and inserting in place thereof the following words:- the executive director of the municipal police training committee established in section 116 of chapter 6 or a designee; the certification director of the division of police certification established in section 4 of chapter 6E or a designee.

And amend the bill in section 79 by striking out, in lines 1794 and 1795, the words "Massachusetts peace officer standards and training commission established in section 2 of chapter 6E" and inserting in place thereof the following words:- municipal police training committee established in section 116 of chapter 6.

And amend the bill in section 84 by striking out, in lines 1934 and 1935, the words "committee on police training and certification established in said chapter 6E" and inserting in place thereof the following words:- municipal police training committee established in section 116 of chapter 6.

And amend the bill in section 99 by striking out, in line 2110, the word "June" and inserting in place thereof the following word:- September.

And amend the bill in section 102 by inserting after the words "effective date of this section.", in line 2143, the following words:- Notwithstanding section 4 of chapter 6E of the General Laws or the preceding sentence, a law enforcement officer, as defined in section 1 of said chapter 6E, who has completed an academy or training program certified by the municipal police training committee or the training programs prescribed by chapter 22C of the General Laws on or before December 1, 2021, and is appointed as a law enforcement officer as of December 1, 2021, shall be certified as of the effective date of this section.

And further amend section 102 by striking out, in line 2147, the words "Massachusetts peace officer standards and training commission" and inserting in place thereof the following words:- municipal police training committee.

And further amend section 102 by striking out, in lines 2152, 2160, and 2162, the words "committee on police training and certification" and inserting in place thereof in each instance the following words:- municipal police training committee.

And amend the bill in section 105 by striking out, in line 2316 and 2317, the words “by the Massachusetts Department of Transportation” and inserting in place thereof the following words:- in the Commonwealth.

And further amend section 105 by striking out, in line 2344, the words “and (viii)” and inserting in place thereof the following words:- (viii) provide recommendations for the appropriate and acceptable use of facial recognition technology for beneficial purposes in law enforcement, the public sector, and other contexts; and (ix).

And amend the bill in section 115 by striking out, in lines 2619 and 2620, the words “committee on police training and certification, established in section 4 of chapter 6E of the General Laws” and inserting in place thereof the following words:- municipal police training committee.

And further amend section 115 by striking out, in lines 2624 and 2625, the words “committee on police training and certification” and inserting in place thereof the following words:- municipal police training committee.

And amend the bill in section 118 by striking out, in line 2708, the words “committee on police training and certification” and inserting in place thereof the following words:- municipal police training committee.

And further amend section 118 by inserting after the words “assistance. The”, in line 2715, the following words:- municipal police training.

And amend the bill in section 119 by striking out, in line 2718, the words “committee on police training and certification” and inserting in place thereof the following words:- Massachusetts peace officer standards and training commission established in section 2 of chapter 6E.

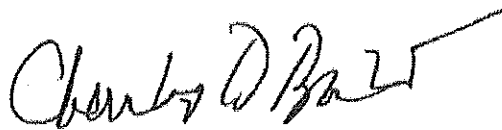
And amend the bill by striking sections 122 and 123 and inserting in place thereof the following 3 sections:-

SECTION 122. Sections 1, 4, 6, 9, 18, 30, 37-39, 67-70, 73, 80, 84-86, and 102 shall take effect on July 1, 2021.

SECTION 123. Subsection (d) of section 15 of chapter 6E shall take effect on September 1, 2021.

SECTION 124. Subsection (a) of section 14 of chapter 6E shall take effect on December 1, 2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles D. Baker". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Charles D. Baker
Governor

Date Adopted: December 14, 2020

Town of Concord
APP #XX
Sustainable Fleet Policy

Effective Date: January 1, 2021

Revisions: December 2020

Approval Date: December 14, 2020

BACKGROUND

The Town of Concord Select Board have approved the following policy to govern the replacement and purchase of all non-exempt municipal vehicles with the most sustainable vehicle option, as defined below.

This policy replaces APP #63, "Fuel Efficient Vehicle Policy" adopted in October of 2013.

POLICY STATEMENT

Whereby unanimous declaration of the Select Board the Town has pledged to reduce its municipal energy use by realistic and measurable means of 20% using a 2011 baseline as required by Concord's participation in the Green Communities Program as established by the Green Communities Act M.G.L. Chapter 25A Section 10.

Whereby as part of the Town's overall goal to conserve natural resources, reduce our dependence on foreign oil, reduce greenhouse gas emissions, and promote the use of clean technologies, as directed by the 2011 adoption of Sustainability Principles.

Whereby the Town committed to a goal of 80% reduction in community-wide greenhouse gas (GHG) emissions by 2050 in 2017.

Whereby the Town's 2020 Climate Action and Resilience Plan calls for the Town to lead by example and implement a plan to electrify town vehicle fleets.

It is recognized that all Town departments will take action to minimize greenhouse gas emissions from Town operations by adopting a Sustainable Fleet Policy including:

- **The purchase or lease of exclusively battery electric vehicles for all light-duty passenger fleet replacements by FY22;**
- **Pilot, evaluate, and, where feasible, acquire electric vehicles for medium- and heavy-duty vehicle and equipment categories;**
- **Minimize vehicle miles travelled and minimize idling.**

Therefore the Select Board hereby adopts this Policy to inform and guide all Town employees regarding the purchase and efficient use of town vehicles. Town departments shall make efficient use of municipal vehicles in order to minimize the cost of town operations to taxpayers, to protect and preserve the natural environment and quality of life in Concord, and reduce GHG emissions.

Further, this Policy is adopted in order to:

- Reduce GHG emissions as directed by Article 51 at the 2017 Annual Town Meeting
- Comply with the [DOER Green Communities Program requirements](#)
- Demonstrate leadership in electrifying transportation as called for in the 2020 Climate Action and Resilience Plan
- Reduce life-cycle cost of vehicle ownership
- Enforce environmentally-responsible fleet maintenance
- Minimize the Town's consumption of natural resources
- Improve local air quality and public health

We the Concord Select Board do hereby approve the following Sustainable Fleet Policy dated this 14 day of December 2020.

CONCORD SELECT BOARD

NAME, Chair

NAME

NAME

NAME

NAME

Date Signed:

Sustainable Fleet Policy

I. POLICY OBJECTIVES

It is the intent of this policy to create guidelines for the purchase and operation of town fleet vehicles in order to reduce municipal GHG emissions and demonstrate leadership in achieving the town's community-wide sustainability goals.

It is not the intent of this policy to require a department to take any action which conflicts with local, state, or federal requirements. Nor is it the intent of this policy to mandate the procurement of products that do not perform adequately for their intended use, to exclude adequate purchasing competition, or to require a purchase when a vehicle is not available at a reasonable price.

The objectives of this policy are to:

- Increase the use of all-electric vehicles in the town fleet
- Increase the average fuel economy of each vehicle
- Optimize the fleet size and minimize vehicle size, weight, and other factors affecting fuel use when appropriate
- Minimize vehicle miles traveled (VMT)
- Reduce total cost of ownership over the lifetime of the vehicle
- Reduce GHG emissions from the town's fleet vehicles
- Maximize the use of grant funding and incentives to convert and purchase electric and emissions-reduction technology for the town fleet

II. APPLICABILITY

This policy applies to all departments of the Town of Concord and is adopted in conjunction with a similarly-worded policy adopted by the Concord School Committee.

III. DEFINITIONS

- a) Electric Vehicle: a vehicle that gets all or part of its energy from electricity instead of gasoline
- b) BEV: Battery Electric Vehicles, also known as All-electric or Full-electric, have a rechargeable battery and rely on electricity as their sole source of fuel
- c) PHEV: Plug-in Hybrid Electric Vehicles have a rechargeable battery as well as a gasoline tank, which can be used if the battery is depleted.
- d) Combined city and highway MPG (EPA Combined fuel economy) – The fuel economy from driving a standard combination of 43% city and 57% highway miles, calculated as follows:
$$= (1 / ((0.43 / \text{City MPG}) + (0.57 / \text{Highway MPG})))$$
- e) Drive System – The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the vehicle inventory drive field:
 - a. AWD = All Wheel Drive: four-wheel drive automatically controlled by the vehicle powertrain system
 - b. 4WD = 4-Wheel Drive: driver selectable four-wheel drive with 2-wheel drive option

- c. 2WD = 2-Wheel Drive
- f) GVWR – Gross Vehicle Weight Rating refers to the vehicle’s weight and class.
- g) Heavy-duty vehicle – A vehicle with a manufacturer’s gross vehicle weight rating (GVWR) of more than 8,500 pounds. Note: If a vehicle can be found on www.fueleconomy.gov, then it has a GVWR of less than 8,500 pounds and is therefore NOT a heavy-duty vehicle and is NOT exempt from Green Communities fuel efficiency standards. (Reference: EPA Emissions Classification)
- h) Light duty – A vehicle with a GVWR of less than 8,500 pounds. (Reference: EPA Emissions Classification)
- i) Medium duty – A vehicle with a GVWR between 8,500 and 10,000 pounds. (Reference: EPA Emissions Classification)

IV. VEHICLE INVENTORY

a. Maintain inventory of all Town vehicles

As required by the DOER Green Communities Program, the Town will maintain an inventory of all Town- and School-owned vehicles.

This inventory will include the following information: model, make, model year, month and year purchased, VIN, drive system, weight class, miles per gallon, annual miles driven, total fuel consumption, department, vehicle function.

b. Early retirement program for the least efficient vehicles

Departments shall develop a plan to replace all non-exempt vehicles with fuel-efficient vehicles. Said plan shall prioritize vehicle replacement according to the life cycle cost, outline the process by which the Town will replace vehicles, and set goals for when the existing fleet will be replaced. The early retirement plan shall be reviewed and revised, if necessary, on an annual basis.

V. VEHICLE PROCUREMENT

a. Electric-first procurement

Vehicle procurement should be prioritized as follows:

1. Battery-electric vehicle (BEV)
2. Plug-in hybrid vehicle (PHEV)
3. Hybrid-electric vehicle or other alternative fuel vehicle
4. Standard vehicle

The fleet policy is electric-first, meaning that electric vehicles shall be prioritized when the Town purchases or leases motor vehicles for its municipal operations. Beginning in FY22, all light-duty passenger vehicles purchased or leased are required to be BEVs.

Departments may request an exemption from the BEV replacement. All exemptions shall require approval by the Town Manager after a recommendation is made by the Director of Sustainability.

b. Fuel-efficient requirements for standard vehicles

If it is determined that an electric vehicle (BEV or PHEV) does not meet the Town's needs, the purchased or leased vehicles must be the most fuel-efficient class, drive train, and model available that will fulfill the intended municipal function;

When determining the most fuel-efficient vehicle for a given class, the Town will utilize the fuel efficiency limits contained in the most recent guidance for Criteria 4 published by the MA Department of Energy Resources' Green Communities Division (<https://www.mass.gov/guides/becoming-a-designated-green-community>). These limits are based on the most recently published U.S. Environmental Protection Agency combined city and highway MPG ratings (see www.fueleconomy.gov). The EPA maintains a [database](#) on vehicle fuel efficiency that is updated throughout the year as new models are released. As increasing numbers of fuel efficient vehicle models are released, the minimum combined MPG requirements of the Green Communities Program may be revised.

Using this EPA data, at the time of approval of this policy, vehicles are to have a combined city and highway MPG no less than the following:

- 2 wheel drive car: 30 MPG
- 4 wheel drive car: 29 MPG
- 2 wheel drive van: 22 MPG
- 4 wheel drive van: 20 MPG
- 2 wheel drive pick-up truck: 21 MPG
- 4 wheel drive pick-up truck: 18 MPG
- 2 wheel drive sports utility vehicle: 24 MPG
- 4 wheel drive sports utility vehicle: 21 MPG

This policy may be updated from time to time to reflect these changes. The [Green Communities' Criteria 4 Guidance](#) must be checked for updates prior to ordering replacement vehicles.

In addition, many vehicles that meet the above criteria can be found on statewide contract VEH98:
"Purchase of Light Duty Vehicles – Passenger Cars, SUVs, Trucks, Vans, SSVs and PPVs located on www.commbuys.com .

These fuel efficiency rules are set to ensure that at least five or more automatic transmission models of mass production (excluding luxury models) are available for sale in Massachusetts.

Nothing contained herein shall be construed to derogate from the authority and discretion of the procurement officers of the Town or Schools acting pursuant to the Uniform Procurement Law, Chapter 30B of the General Laws.

c. Transfers between departments

Vehicles may not be recycled from one municipal department to another unless the recycled replacement meets the fuel efficiency ratings outlined in this Policy and is more efficient than the vehicle it is replacing. All vehicle transfers must be approved by the Town Manager after a recommendation is made by the Director of Sustainability.

d. Exempt vehicles

Vehicles exempt from the fuel efficiency requirements above include:

- Any vehicle with emergency response capabilities (i.e. vehicles with radios, computers, emergency lights, and sirens)
Note: Police cruisers are exempt, **only if** fuel efficient cruisers are not commercially available
- Heavy-duty trucks, such as fire trucks, ambulances, and public works trucks
- Off-road vehicles

All other vehicles, including pickup trucks, vans, and police/fire administrative vehicles are not exempt and therefore must comply with the fuel efficiency requirements of this policy.

While exempt vehicles are not required to meet the specific MPG requirements listed above (Section V item b), exempt vehicles should prioritize vehicle procurement as outlined in this policy (Section V item a).

If purchasing a standard vehicle, exempt vehicle purchases should prioritize the most fuel-efficient model available and consider fuel-reduction and emissions-reduction technology, such as diesel particle filters, selective catalytic reduction systems, exhaust gas recirculation, NOx adsorbers, oxidation catalysts, anti-idling devices, etc.

Where opportunities exist, particularly if grants and new technologies are or become available, the Town should pilot electric options for heavy-duty and exempt vehicles.

Where the Town contracts vehicle services, the Town will allow for consideration of contracts and seek out companies for competitive bidding that offer the use of electric and/or fuel-efficient vehicles.

e. Evaluation of fleet and vehicle size

The Town will procure vehicles and equipment of minimum size according to assessed needs. Specifically, the Town will ensure that purchase plans require vehicle class and model of the smallest size and weight appropriate for each vehicle's tasks. All positions requiring vehicle use shall be evaluated as to the required vehicle class size necessary to conduct the job.

The Town will evaluate ways to reduce its fleet size. Departments will also investigate whether vehicles can be shared between departments. When retiring a vehicle from the fleet, the Town will evaluate whether replacement is necessary.

f. Evaluation of leasing

If it is determined that an electric vehicle (BEV or PHEV) is not currently available to meet the Town's needs, the Town should consider leasing a standard vehicle to allow for flexibility to transition to an electric option if it becomes available during the life-cycle of that vehicle.

VI. POLICY IMPLEMENTATION AND ENFORCEMENT

a. Electric Vehicle transition plan

The Town will conduct a fleet baseline and develop an electric vehicle transition plan by 2022. This fleet study will include a plan to transition the vehicle fleet to electric vehicles, identify necessary charging infrastructure, and opportunities for piloting and deploying vehicle-to-grid technology.

b. Electric vehicle charging

Where possible, efforts will be made to install charging equipment at locations convenient for vehicle users to minimize operational inefficiencies. However, flexibility may be required of vehicle operators and town staff to adjust procedures to accommodate charging locations.

Electric vehicles should be scheduled to charge only during off-peak hours (as defined by Concord Municipal Light Plant) unless it would negatively impact town operations. Off-peak hours are listed here: <https://concordma.gov/DocumentCenter/View/1201/Residential-Time-of-Use-Rate-PDF>

c. Funding

The purchase of policy-compliant vehicles and equipment may be more expensive in the initial years. Departments should estimate upfront investment required for vehicle purchases and budget accordingly in capital budget requests.

The Town shall evaluate existing capital requests for vehicles and evaluate opportunities to fund additional upfront costs.

The Town shall take advantage of grant funding to offset the upfront costs of electric vehicles and charging apparatus.

VII. VEHICLE OPERATION AND MAINTENANCE

Where applicable, the Town will use available resources to build awareness and educate its employees regarding responsible vehicle operation as detailed below.

a. Anti-Idling

Vehicle idling produces both excessive waste of fuel and air pollution. As a part of this policy the Town hereby recognizes the importance of enforcing the existing Anti-Idling Law, as allowed by M.G.L. Chapter 90 Section 16A. Additionally, Town staff should reduce idling as much as possible in vehicle operations. The Town will also incorporate anti-idling education into other public health and sustainability forums.

b. Reinforce operator awareness

The Town and its employees will encourage energy-saving driving habits (i.e. awareness of sudden acceleration or sudden stopping), and paying attention to the need for regular preventative maintenance of vehicles.

c. Reduce Vehicle Miles Travelled (VMTs)

The Town will reinforce employee awareness of vehicle miles travelled during work hours as well as for commuting, and will encourage alternate travel practices such as carpools, vanpools, bicycling, and walking.

d. Vehicle maintenance

A well-maintained vehicle will optimize fuel use and reduce air pollution. Preventative maintenance that ensures optimal vehicle operation shall be performed regularly for each vehicle.

Vehicles will be inspected regularly and prior to extended use to ensure correct tire pressure, oil and coolant levels, and to identify possible signs of other fluid leaks.

The Town will dispose of hazardous materials such as waste oil, lubricants, antifreeze, and batteries safely through environmentally-responsible practices and in accordance with all applicable state and federal regulations.

TOWN OF CONCORD
2020 – 2021 ANNUAL TOWN MEETING & ELECTION CALENDAR – DRAFT
ANNUAL TOWN MEETING JUNE 13, 2020

EVENT	DATE	LOCATION
ELECTION SCHEDULE		
STATE PRIMARY		VARIOUS
TOWN CAUCUS – 7:00 PM	MONDAY, JANUARY 25, 2021	TBD
TOWN ELECTION	THURSDAY, MARCH 25, 2021	TBD
RELATED MEETINGS & DATES		
TOWN MEETING PREVIEW MEETING	SATURDAY, FEBRUARY 27, 2021	RECORDED VIRTUAL MEETING ON ZOOM
TOWN MEETING WARRANT INFORMATION		
OPEN WARRANT AT TOWN MEETING PREVIEW MEETING	SATURDAY, FEBRUARY 27, 2021	RECORDED VIRTUAL MEETING ON ZOOM
DRAFT WARRANT ARTICLES DUE	FRIDAY, MARCH 19, 2021	TOWN HOUSE
WARRANT CLOSING AT 4 P.M.	FRIDAY, MARCH 26, 2021	TOWN HOUSE
TARGET DATE FOR MAILING OF TOWN MEETING WARRANT TO RESIDENTS (10 DAYS PRIOR TO PUBLIC HEARING)	TUESDAY, APRIL 13, 2021	TOWN HOUSE
FIRST ROUND OF PUBLIC HEARINGS: ALL HEARINGS START AT 7:00 PM		
SELECT BOARD	TUESDAY, APRIL 27, 2021	RECORDED VIRTUAL MEETING ON ZOOM
FINANCE COMMITTEE – TOWN BUDGET & ARTICLES INCLUDING CAPITAL	THURSDAY, APRIL 29, 2021	RECORDED VIRTUAL MEETING ON ZOOM
FINANCE COMMITTEE – SCHOOL BUDGET & ARTICLES COMMUNITY PRESERVATION COMMITTEE ARTICLE(S)	THURSDAY, MAY 6, 2021	RECORDED VIRTUAL MEETING ON ZOOM
FINANCE COMMITTEE – ENTERPRISE FUND BUDGETS & ARTICLES	TUESDAY, MAY 11, 2021	RECORDED VIRTUAL MEETING ON ZOOM
PLANNING BOARD	THURSDAY, MAY 13, 2021	RECORDED VIRTUAL MEETING ON ZOOM

FINANCE COMMITTEE REPORT INFORMATION		
TARGET DATE FOR MAILING OF FINANCE COMMITTEE REPORT TO RESIDENTS (10 DAYS PRIOR TO TOWN MEETING)	THURSDAY, JUNE 3, 2021	CONCORD-CARLISLE REGIONAL HIGH SCHOOL – DOUG WHITE ATHLETIC FIELD (BEHIND HIGH SCHOOL)
ANNUAL TOWN MEETING – STARTS AT 1:00 PM		
	SUNDAY, JUNE 13, 2021	CONCORD-CARLISLE REGIONAL HIGH SCHOOL – DOUG WHITE ATHLETIC FIELD (BEHIND HIGH SCHOOL)
	RAIN DATE: MONDAY, JUNE 14, 2020 AT 5:00PM (SAME LOCATION)	

**Snow dates to be determined*

HOLIDAYS & EVENTS RELEVANT TO SCHEDULE

Rosh Hashanah	Sundown 09/18/20 to sundown 09/20/20
Yom Kippur	Sundown 09/27/20 to sundown 09/28/20
Columbus Day Observed	10/12/20
Veterans Day Observed	11/11/20
Thanksgiving Day	11/26/20
Hanukkah	Sundown 12/10/20 to sundown 12/18/20
Christmas Day	12/25/20
New Year's Day	01/01/21
Martin Luther King, Jr. Day	01/18/21
Presidents' Day	02/15/21
School Vacation	02/15/21 to 02/19/21
Passover	Sundown 03/27/21 to sundown 04/03/21
Good Friday	04/02/21
Easter	04/04/20
School Vacation	04/19/21 to 04/23/21
Patriots' Day Observed	04/19/21
CCHS Graduation	06/05/21

**Snow dates to be determined*

Select Board Goals Action Plan: Discussion/Update December 7, 2020

(items in progress highlighted in blue)

Select Board Goals both guide and are informed by Town Manager and Department Goals.

Town Manager and Department FY'21 Goals

- Context: Covid-19 Pandemic environment requiring response and adaptation
- TM and Town Departments guided by SB FY'21 Goals
- *Envision Concord 2030* and other goals defined by departments and TM and embedded in FY'21 Approved Budget.
- TM and SMT added goals:
 1. Promote a culture that is respectful and welcoming to all by providing opportunities for employee education, self-reflection and honest conversations on diversity, equity and inclusion issues. Identify and address policies and practices that might negatively impact people of color and/or marginalized groups.
 2. Support employees during COVID19 through policies and programs that promote wellness and work-life balance, so that employees can continue to provide excellent service to the community, including attending to the wellness of Concord's vulnerable populations.
- New initiatives and carryover items on TM's list such as New Transportation Advisory Committee, Cell Tower Coverage for Town Center

Select Board Action Plan/Outcomes: September 21-December 31, 2020

Specific to Covid-19 Pandemic

- Agenda items were scheduled in response to new regulations, limiting public ceremonies and events, and supporting economic vitality during this quarter.
- Town Manager updates/reports at SB meetings.
- BOH on agenda to keep public informed.

Effective Governance, Board Organization and Communication:

- Defined FY'21 Board Goals and Liaison Assignments
- SB members immediately assumed new and continuing roles as committee and community organization liaisons to keep SB informed and support its effectiveness in governance.
- Worked w/ Town Moderator and others immediately to define and approve key dates for warrant, set town meeting date, etc.
- [Still working with Town Manager and others to finalize Official ATM Calendar with election dates](#)
- Ongoing process to prepare for and execute follow-up items for weekly Select Board Meetings, including responsiveness to committee needs and requests (SB has met weekly since March 13, 2020.)

- Reviewed and drafted/codified green card process; [chairs' input needed and revisit document.](#)
- [Request specific action steps for recruitment, consider committee consolidation as opportunity presents itself.](#)
- Responded Legally to OML Complaint: [awaiting outcome](#); working with chairs on OML
- Held initial discussions on improving communications with citizens and the need to resume regular publication of a Town Manager's report; regularly entertain public comment.
- [TM Evaluation to be completed this quarter.](#)
- JVOs Task Force seated [minus one defined seat. AHT to be seated.](#)

Select Board Goals Action Plan: Discussion/Update December 7, 2020 (con't)

Financial Stability

- Fiscal responsibility, budget management, and mindfulness of tax payer burden woven in various SB conversations including reference to Capital Planning Task Force work and upcoming forum, resuming of Middle School Bldg. project, reference to legal expenses, discussion of tax rate certification, etc.

Balance, Equity and Diversity

- The Town Manager and Chair continue to work with our State legislative representatives on special legislation filed for ATM'19 Articles 25 and 26 related to affordable housing.
- Town Manager and Chair filed a request for special legislation for ATM'20 Article 15: Senior Means-Tested Property Tax Exemption and Article 50: Authorize Special Legislation for Additional Liquor Licenses; [a hearing on the latter is scheduled later this week.](#)
- SB supported CPC requests for town projects including funding for the next Housing Production Plan.
- Invited the Police Chief in to discuss best practices and planning for a safe national election cycle.
- Sustainability and Resiliency: Supported CCAB's request with a letter of support to the MA Legislature on an Act Setting Next Generation Climate Policy. [Request to consider new App #63 Fleet Electrification Policy on SB Agenda for December 7.](#)

Maintaining Concord's Unique Character, Historic and Cultural Heritage, Agriculture and Natural Resources

- Enhance accessibility to recreation and conservation resources in Concord for all citizens: Supported Town's CPC submissions
- Review and implement recommendations for the recreational use and long-term protection of White Pond and the Gerow land and their ecosystems: Supported Town's CPC submissions and promoted recent and forthcoming public forums for White Pond.
- Monitoring progress on Nagog Pond Litigation: court activity this quarter.
- Continuing to seek resolution on public access for Estabrook Trail; court activity this quarter.

Economic Vitality

- Promoted town events and commercial activity in the village business districts to ensure their continued success.
- Identify and implement opportunities for transportation throughout town, such as shuttle buses, rail trail and the Assabet River Pedestrian Bridge: [See new December update from Marcia Rasmussen on transportation initiatives.](#)

Regional and State Interests

- Multiple conversations with state legislators this quarter.
- Represented at MMA Fiscal Policy Committee, HATS, MBTA, Other MMA meetings (and (MAPC?))
- Received an update on Minuteman Regional Technical High School Playing Fields Project and proposed town assessment.

Next Quarter Action Plan Update/Discussion

1. SB Review entire SB FY'21 Goals Document for next /ongoing priorities including what is already listed below.
2. A finalized Official ATM dictates beginning of town meeting and warrant preparation, preview meeting, etc.
3. BOA presentation to SB on Residential Exemption
4. Presentation/Discussion of Town Manager's FY'22 Budget in response to FinCom guidelines.
5. Update on JV/Christopher Heights Closing status and other agreements
6. Launch and seat a new "coordinating level" committee that oversees the needed structure for the required advanced town-wide planning for the upcoming 250th anniversary of the American Revolution.
7. Decision re: this year's April Patriot's Day and related events
8. Receive report from NMI Reuse Planning Committee (timing?)