

**TOWN OF CONCORD
SELECT BOARD
AGENDA
MAY 3, 2021
4:00 PM
VIDEO CONFERENCE**

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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Meeting ID: 840 9239 5810

Find your local number: <https://us02web.zoom.us/u/kcwFtQro3l>

#	Agenda Item
1.	Call to Order
2.	Consent Agenda <ul style="list-style-type: none"> • Town Accountant Warrants: April 29, 2021 • Minutes to approve: March 29, 2021 • One Day Special Liquor Licenses: <ul style="list-style-type: none"> ○ Gaining Ground Inc 341 Virginia Road 6/13/2021 5:00pm-7:00pm All Alcoholic Beverages
3.	Town Manager's Report
4.	Chair's Remarks
5.	Public Hearing: Grants of Location Petition by National Grid to relay approximately 250 feet of 2-inch Coated Steel gas main with 250 feet of 2-inch Plastic in Warner Street from Pond Street to end
6.	Discussion of Memorial Day Events
7.	Initial Discussion of ATM Warrant Articles Discussed at the April 27 and 29 Public Hearings
8.	Assign Select Board Narratives on Warrant Articles
9.	Update on Middle School Building Discussion
10.	Committee Nominations
11.	Committee Appointments: Jennifer Hurley-Wales of 66 Old Marlboro Road to the West Concord Junction Cultural District Committee for a term to expire on April 30, 2024. Karlen Reed of 83 Whits End Road to the PEG Access Advisory Committee for a term to expire on April 30, 2024. Town Manager Stephen Crane, Keith Bergman of 56 White Avenue, and Michael Lawson of 1695 Lowell Road to the Concord Municipal Affordable Housing Trust for terms to expire April 30, 2023. Anne Fortier of 150 Old Pickard Road to the Board of Registrars for a term to expire on April 30, 2024.
12.	Committee Liaison Reports
13.	Miscellaneous Correspondence
14.	Public Comments
15.	Adjourn

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
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Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference on March 29, 2021 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

Roll call

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

Consent Agenda

- Indigenous People's Day Proclamation
- Juneteenth Proclamation
- National Library Week 2021 Proclamation: April 4 - April 10
- Extension of Hours for the Sale of All Alcoholic Beverages by Nashawtuc Country Club located at 1861 Sudbury Road on Sunday, April 4, 2021 to begin at 10:00am instead of 12:00pm
- Extension of Hours for the Sale of All Alcoholic Beverages by Nashawtuc Country Club located at 1861 Sudbury Road on Sunday, May 9, 2021 to begin at 10:00am instead of 12:00pm

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

The federal government has released the estimated local aid approved through the recently enacted American Recovery Plan Act (ARPA). The Town of Concord will receive

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
VIDEO CONFERENCE**

approximately \$5.5 million in direct federal aid. Although the Treasury Department will provide its interpretation on eligible uses, the following activities are specifically permitted:

- To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries, such as the hospitality sector;
- It can be used for premium pay to workers performing essential work (*as determined by each recipient government*) during the pandemic, providing up to \$13 per hour above regular wages;
- To make necessary investments in water, sewer, or broadband infrastructure
- For government services to the extent that the pandemic led to lower revenue as compared to 2019.

In addition to the local aid, the package includes a new Restaurant Revitalization Fund: \$28.6 billion fund to be administered by the SBA to help restaurants and bars that have suffered losses due to COVID. These grants are available for up to \$10 million per business. The eligible amount will be based on the difference in revenue from 2019 to 2020. Also, for the first 21 days, applications from restaurants owned and operated by women, veterans, or socially and economically disadvantaged individuals will receive priority. The funds will be available for a range of expenses, including payroll, mortgage, rent, food and beverage expenses, paid sick leave, and operational expenses.

It was recently suggested that the Town has 28 open litigation cases; the Administrative Manager reviewed the dockets and compiled a list of cases that was subsequently reviewed by Town Counsel. Additionally, Town Counsel submitted the 2020 Town Counsel Report that identifies cases that Anderson & Kreiger is handling in 2020. Of the four cases listed, two settled (the two involving the library) and two remain: 1. The Estabrook litigation and 2. *Mandrioli*, in which the Town is named as a nominal defendant pending resolution of the case, but in which all parties have accepted the Town's position that it has no interest in the property at issue. In January 2021, the *Symes* case was filed against the Town as an appeal of a certain conditions of the subdivision approval. This case could have only been avoided had the Planning Board failed to apply the Town's inclusionary housing bylaw (and even then, an abutter could have appealed). Counsel further advised that the vast majority of cases listed on the state courts' online dockets are complete, but many are improperly listed on the Court's website as open.

The FY22 Town Manager's Budget Book is now online. As presented in this document, the FY22 General Fund Budget is balanced and conforms to the Finance Committee's Guidelines. Overall, the budget of \$118,260,360 is proposed to increase by \$2,680,217 or 2.32% from the FY21 budget, and the impact on the property tax levy for existing taxpayers is estimated to be +2.32%, though the exact increase to a tax bill may vary due to changes in the assessed value of a particular property. The Budget Book is located at the Town Website under the Finance Department at Budget Books or by clicking on this link: <https://concordma.gov/2786/FY2022>. The Finance Department worked tirelessly to produce both the budget and associated book.

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
VIDEO CONFERENCE**

The Highway & Grounds Division will be opening and operating the yard waste drop-off facility located on Walden Street on Saturday April 3rd. Yard waste, wood debris, brush and invasive species will be accepted from residents of Concord on Wednesdays from 3 PM to 6 PM and Saturdays from 9 AM to 3 PM. Residents may also pick-up screened compost and wood chips during the posted hours.

Taxi, Livery, and Hackney Transportation Partnerships Grant: A coalition led by the Town of Sudbury, coordinating with the towns of Concord, Maynard, and Stow, has been awarded a \$100,000 Grant from MassDevelopment to assist with transportation needs for community members. The group will contract with Tommy's Taxi of Framingham and JFK Transportation of Natick to provide transportation for seniors, individuals with disabilities, essential workers, and financially and food-insecure residents. Concord will receive \$15,600 from this grant, program that will be administered by the MAPC and supported by Town staff.

Deputy Town Manager Kate Hodges reported that the Town solicited bids from qualified firms for the Gerow Recreation Area Phase 1 Improvements and Restroom Building this past February. The Gerow Park Improvements bid was designed and offered under the parameters outlined in M.G.L. Ch.30B. The work proposed in the bid specifications included: all ground work, over seeding, invasive species removal, stormwater management installations, plantings and/or rain garden creations and the installation of all parking and walkway areas. The Town estimated the work under this contract to fall between \$1.35M to \$1.4M. The low bid base price came in at approximately \$1.1M which is substantially lower than the estimate. The Gerow Park Bathroom Building bid was designed and offered under the parameters outlined in M.G.L. Ch.149. Under Chapter 149, there are 18 categories of work which require filed sub-bids. Three of those, Plumbing, Electrical and Roofing/Flashing, were included in the scope of work for the bathroom building. The estimates which the Town and its designers/engineers included approximately \$70,000 - \$80,000 for the three trades combined and a total cost of \$300,000 for the building structure. The Town estimated approximately \$700 per square foot. The cost of the building work was quoted nearly \$100,000 more than the Town's estimate.

Ms. Hodges reported that that the Park Construction bid received was a favorable amount and when the low bidder's references and previous work experience have been verified and are considered satisfactory, she will proceed with the award and execution of that portion of the project. Ms. Hodges will be writing a determination of award letter for Cole Contracting which she will forward to the Town Manager for his consideration and approval. Once awarded, she plan to begin the process of negotiating a contract with Cole which will also be forwarded to the Manager for approval. Since the park work precedes the building work by a number of months, the ability for the Town to re-evaluate the building-specific portion of the project and re-bid it later this spring, will not adversely affect the project's timeline. Although extra time and effort relative to re-bidding a portion of the project is inevitable, Ms. Hodges believe it is important to ensure that we are paying appropriate amounts for all portions of the project and that we have

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
VIDEO CONFERENCE**

explored/exhausted every possibility in order to ensure we have a project that is professionally done and falls within, or perhaps below, budget.

Chair's Remarks

Ms. Escobedo thanked everyone who stepped up to run for elected offices in the [2021 Town Election](#), and congratulated Henry Dane for his election to the Select Board. Mr. Dane will begin his term with the Select Board in June 2021 after Town Meeting.

Ms. Escobedo thanked the Town staff who worked to produce the [2021 Town Budget Book](#).

Biomass Resolution

Ms. Escobedo noted that the [Resolution in Opposition to State Subsidies & Incentives for Biomass Plants](#) has been referred to the Select Board after being endorsed by the Climate Action Advisory Board, the Comprehensive Sustainable Energy Committee, and the Concord Municipal Light Board.

The resolution calls for the Select Board to oppose any state subsidies or incentives for commercial wood-burning biomass plants in the Commonwealth of Massachusetts, and calls upon Concord Municipal Light Plant not to enter into any agreements to purchase electricity produced from woody biomass combustion. Furthermore, the resolution calls upon the Massachusetts DOER to revise the proposed RPS regulations by returning the woody biomass provisions to their previous science-based language, and urges the state legislature to support legislation in the forthcoming session of the Massachusetts General Court to remove and bar taxpayer and ratepayer incentives for commercial biomass power plants in the Commonwealth of Massachusetts.

Ms. Escobedo noted that this resolution is in keeping with the Town's stated climate action goals. The Select Board members expressed their support for the resolution

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve "A Resolution in Opposition to State Subsidies & Incentives for Biomass Plants" as included in the meeting materials dated March 29, 2021.

Roll call vote

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

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
VIDEO CONFERENCE**

Review Order of Draft Articles for the Annual Town Meeting Warrant

Ms. Escobedo introduced the order of the draft warrant articles for the Annual Town Meeting Warrant. The Select Board needs to finalize the order of the warrant so it can be printed and distributed to residents ahead of the meeting. The Select Board determined the order of the warrant as was included in the [meeting materials](#).

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the order of the Annual Town Meeting Warrant as discussed.

Roll call vote

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

Extend Tour Guide Terms through December 31, 2021

Tourism Director Beth Williams has recommended that the Select Board renew the tour guide licenses on a calendar year basis. Previously, the licenses have been renewed on June 1. Ms. Williams stated that this date falls right in the middle of the peak tourism season, and renewing the licenses on a calendar year basis would simplify the process for the guides. Ms. Williams is requesting that the Select Board extend the active tour guide terms through December 31, 2021, and then continue to renew the licenses on a calendar year basis in the future.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to extend the terms of Concord Tour Guide's set to expire on May 31, 2021, to December 31, 2021.

Roll call vote

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

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
VIDEO CONFERENCE**

Committee Nominations:

Amy Robinson of 19 Loring Road to the West Concord Advisory Committee subcommittee of the Planning Board for a term to expire on April 30, 2024. Marie Foley, Concord Chamber of Commerce representative, to the Economic Vitality Committee to fill an unexpired term set to expire April 30, 2022.

Committee Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to appoint Ed Feather of 392 Border Road to the West Concord Junction Cultural District Committee for a term to expire on April 30, 2024.

Roll call vote

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

Committee Liaison Reports

Ms. Bates attended the Board of Registrars, where they reviewed the results of the Town Election. The Board of Registrars is looking for a new member. The Board of Assessors is almost finished reviewing the abatement applications. The Conservation Restriction Stewardship Committee reviewed Open Meeting Law requirement that may impact their committee work. The Economic Vitality Committee will be encouraging households and businesses to decorate in the spirit of Patriots' Day and post pictures online. The Visitor Center will be open by April 5. The Personnel Board met and reviewed Article 7 on the 2021 Annual Town Meeting Warrant, which would change the role of the Personnel Board. The Council on Aging Board is looking for one full and two associate members. The Council on Aging has administered full COVID-19 vaccinations to 300 residents.

Mr. Johnson attended the Public Ceremonies and Celebrations Committee meeting with the Concord Battery and Minuteman National Park staff to prepare for Patriots' Day celebrations. The Housing Authority is in the process of choosing their next Executive Director. The Housing Authority Board is split between two candidates ahead of the final round of interviews. The Middle School Building Committee presented their current plan and additional community requests at a recent Finance Committee meeting.

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
VIDEO CONFERENCE**

Ms. Ackerman attended the MMA Fiscal Policy Committee, where they discussed the recently passed American Recovery Plan Act which in part will provide financial assistance directly to municipalities, including \$5.5 million for Concord. The Capital Planning Task Force is split on whether to recommend a standing committee going forward, or to enhance the process that is currently in place. The Capital Planning Task Force is working on their final report for the Select Board for this summer.

Ms. Hotchkiss did not have any committee meetings, but noted that there are several vacancies in boards and committees. Ms. Hotchkiss offered that Select Board members should make note of vacancies on their committees in their liaison reports so everyone is aware of where vacancies are.

Ms. Escobedo stated that the Town is still looking for a volunteer on the Hanscom Field Advisory Committee who will productively engage with the committee and provide helpful feedback. Ms. Escobedo attended the Finance Committee meeting, where they had a thoughtful discussion about the citizen proposals for additions to the middle school building project. The Junction Village Open Space Task Force conducted a recent site walk, and the engineer has done a survey of the area. They are also looking to engage other boards and committees in the coming months, and are planning a public hearing this summer to get public feedback.

Miscellaneous Correspondence

The correspondence included in the meeting materials was representative of over 25 letters received regarding the middle school building projects, and requests to increase the size of the gym and auditorium spaces in the current project plan.

Public Comments

There were no public comments.

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

**TOWN OF CONCORD
SELECT BOARD
MINUTES
MARCH 29, 2021
4:00 PM
VIDEO CONFERENCE**

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=gh2W4Qv9QZQ>

Meeting Materials: <https://concordma.gov/DocumentCenter/View/28626/March-29-SB-Packet>

DRAFT

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

Town of Concord / Board of Selectmen:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **Town of Concord** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

Due to Concord's road reclamation, Nationalgrid recommends the relay of approximately: 250 feet of 2-inch Coated Steel (1930) gas main with 250 feet of 2-inch Plastic in Warner Street from Pond Street to end.

Date: March 31, 2021

By: *Mary Mulroney*
Mary Mulroney
Permit Representative

Town of Concord / Board of Selectmen:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Concord** substantially as described in the petition date **March 31, 2021** attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **Town of Concord** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20____.

By: _____

Title

WO #1399360

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451**

- PRESSURE GAUGES ARE REQUIRED AT ALL MAINS FOR ALL TIE-INS. REFER TO GCON-02001 PROCEDURE.
- CHECK ELECTRONIC MAPPING SYSTEM FOR MOST CURRENT MAPPING INFORMATION.

Design Parameters:
 WO#1399360 - 11-33 Warner St, CON
 System Number: West Area 60#
 Sizing Recommendation: 2in PL
 New mains' design pressure: 60 psig
 Systems' MOPs (PSIG, or "LP"): 60 psig
 Expected Operating Pressure Range: 10 - 60 psig
 Design Day Temperature (°F): 0°F
 Design Day Flow in New Pipeline Segments (Mcfh): 0.2
 Min & Max Operating Temperature Range (°F): -20°F to +73°F
 Single Feed System: Yes
 Reviewed by: Omesh Kamat. Review Date: 03/26/2021

GoL required for main relays in Concord

Proposed work is located within 100 feet of wetlands and/or bodies of water / within 200 feet of a river or a stream (*25 feet in Boston, Brockton, Cambridge, Chelsea, Everett, Fall River, Lawrence, Lowell, Malden, New Bedford, Somerville, Springfield, Winthrop or Worcester) within a floodplain.

Environmental Permit and/or the use of Environmental BMPs may be required. See environmental memo for details.

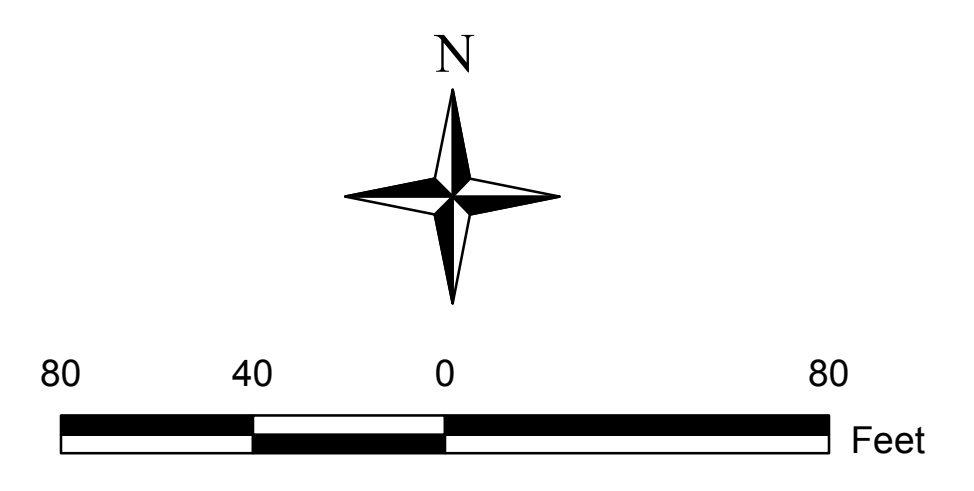
Proposed Main



ENGINEERING DESIGN - Proposed Scope of Work

11-33 WARNER ST, CON

Due to Concord's road reclamation, FY21/22 PWNONREIM recommends the relay of approximately:
 --- 250' of 2" CS 60# (1930) gas main with 250' of 2" PL 60# in Warner St from Pond St to end.



NOTE: The location of surface and underground objects shown are not warranted to be correct.

ENGINEER	PMcLaughlin	SIZE	2 Inch	ArcFM
DATE	04/01/2021	MATERIAL	Plastic	
LENGTH	250 Feet	PRESSURE	60 psig	
SECTIONALS	CONK739	WORK ORDER #	1399360	
				nationalgrid

133 Keyes Road
Concord, MA 01742



DATE: 04/22/2021

MEMORANDUM

TO: Jeremy Romanul, Senior Administrative Assistant
CC: Stephen Crane, Town Manager
VIA: Alan Cathcart, Director of Public Works
FROM: Stephen Dookran PE, Town Engineer
PREPARED BY: Stephane Cherduville, Public Works Engineer
SUBJECT: Petition of National Grid relay of approximately 250 feet of 2-inch Coated Steel (1930) gas main with 250 feet of 2-inch Plastic in Warner Street from Pond Street to end.

This memorandum is to provide comments to the Select Board on the petition for a Grant of Location filed by National Grid to relay 250 feet of coated steel (CS) main on Warner Street. Warner Street is on the CPW's list of streets for full depth reconstruction under the FY2020/FY2021 Roads Program and National Grid is taking the opportunity to replace the leak-prone CS main that was originally installed in 1930. The existing 2" CS gas main that runs approximately 250 feet down Warner Street from Pond Street on the northerly side of the right of way (ROW) is to be abandoned in place. Additionally, a new 2" plastic (PL) main that runs approximately 250 feet down Warner Street from Pond Street is to be installed on the southerly side of the ROW. The Engineering Division has reviewed the attached petition from National Grid for the above referenced project in the Town's public ROW and provides the following conditions and recommendations.

1. Because the existing main that is to be abandoned is only 2" and its eventual collapse is not expected to cause significant settlement and because Warner Street is to be reclaimed no Life Cycle Maintenance Fee (LCMF) will be requested for this project.
2. National Grid has submitted their construction plans to accompany this Grant of Location request. A ROW Permit application shall be submitted to CPW with constructions plans stamped by a professional engineer. No work shall commence until CPW has completed its review and issues the ROW Permit to National Grid.
3. As part of the ROW Permit a traffic mitigation plan shall be submitted to the Concord Police Department Traffic Safety Officer and the Engineering Division for approval.
4. National Grid will remove the new 250-foot 2-inch PL gas main upon completion of its service life.
5. Contractors shall adhere to the CPW Construction and Tree Protection Standard Operating Procedures including the protection of public shade trees: "No person may plant, trim, cut, or remove a public shade tree without the prior permission of the Tree Warden and Engineering Division. This control includes the cutting of roots during

construction. The contractor shall be responsible for installing wooden tree guards with orange snow fencing on public shade trees located within the work zone.

6. Generally, all work shall be performed in compliance with the conditions of this memorandum and D.T.E. 98-22. Any modifications to any of the standards set forth in D.T.E. 98-22 shall be requested in writing from the Engineering Division.
7. The contractor must backfill, with suitable backfill material, the trench in 6-inch lifts and compact with mechanical vibratory devices such as vibratory roller, plates, or rammer (pogo stick). Suitable backfill material will mean product meeting the gradation specification for MassDOT M1.03.1 Processed Gravel for sub-base. The gravel material, whether delivered to the site or selected from the spoils, must pass a three (3) inch square mesh sieve and shall not contain frozen material. Contractor must submit material data sheet to Engineering prior to commencing work. No work shall commence until Engineering has completed its review of the material data sheet.
8. National Grid will have a Geotechnical Engineer certify the material inside the trench and the compaction of the material meets Town of Concord Design and Construction Standards. The results of the analysis shall be submitted to the Engineering Division for review and approval as soon as the analysis is available or weekly whichever comes first. The Geotechnical Engineering certification requirement can be waived if National Grid extends their warranty to five years on all settlement or road degradation related to the trench work for the gas main and lateral services on Warner Street.
9. Asphalt (a minimum of 3 inches of binder) patching shall be placed at all trenched locations because the Town will perform full depth reconstruction, but only after National Grid has completed the work under this grant of location.
10. The applicant shall notify emergency services, the school district, the post office, CPW Solid Waste for trash pickup services via email one week prior to the start of construction. The applicant shall also notify neighborhood residents with door hangers one week prior to the start of construction and attend a neighborhood meeting if it is determined to be necessary by CPW.



TABLE OF CONTENTS – 2021 ANNUAL TOWN MEETING

#	Article Name	Sponsor	Public Hearing	Page#	SB Recommendation	Comments
1.	Choose Town Officers	Select Board	SelectBoard	1		
2.	Hear Reports	Select Board	SelectBoard	1		
3.	Meeting Procedure	Finance Committee	FinCom	1		
4.	Finance Committee Guideline Publication	Finance Committee	FinCom	1		
5.	Ratify Personnel Board Classification Actions	Personnel Board	FinCom	2		
6.	Classification & Compensation Plan for Regular-Status Positions	Personnel Board	FinCom	2		
7.	Personnel Bylaw Amendment	Personnel Board	SelectBoard	9		
8.	Use of Free Cash	Finance Committee	FinCom	10		
9.	FY21 Budget Line Item Adjustments	Chief Financial Officer	FinCom	10		
10.	FY22 Town Budget	Town Manager	FinCom	10		
11.	OPEB Trust Fund Appropriation	Chief Financial Officer	FinCom	15		
12.	OPEB Trust Fund Expense	Chief Financial Officer	FinCom	15		
13.	Capital Improvement and Debt Plan	Deputy Town Manager	FinCom	15		
14.	Authorize Expenditure of Revolving Funds Under Mass. Gen. Laws c. 44, § 53E½	Chief Financial Officer	FinCom	16		
15.	Establishment of Parking Meter Fund and Repeal of the Parking Meter Revolving Fund Bylaw	Chief Financial Officer	FinCom	17		
16.	Annual Appropriation of Parking Meter Receipts	Chief Financial Officer	FinCom	17		
17.	Appropriate Funds for Affordable Housing Development	Select Board	FinCom	17		
18.	Senior Means-Tested Property Tax Exemption	Tax Fairness Committee	FinCom	18		
19.	Appropriation for Senior Means-Tested Tax Exemption	Select Board	FinCom	20		

Article #	Article Name	Sponsor	Public Hearing	Page #	SB Recommendation	Comments
20.	Light Plant Expenditures & Payment in Lieu of Taxes	Town Manager	FinCom	20		
21.	Solid Waste Disposal Fund Expenditures	Town Manager	FinCom	20		
22.	Sewer System Expenditures	Town Manager	FinCom	21		
23.	Sewer Improvement Fund Expenditures	Town Manager	FinCom	21		
24.	Water System Expenditures	Town Manager	FinCom	21		
25.	Authorize Expenditure from PEG Access & Cable-Related Fund	Deputy Town Manager	FinCom	22		
26.	Beede Swim & Fitness Center Enterprise Fund Expenditures	Deputy Town Manager	FinCom	22		
27.	Minuteman Regional Technical High School District Budget	Minuteman Regional School Committee	FinCom	22		
28.	Concord Public Schools Budget	CPS School Committee	FinCom	23		
29.	Concord Public Schools Capital Projects	CPS School Committee	FinCom	23		
30.	Concord-Carlisle Regional High School Budget	CCRHS School Committee	FinCom	24		
31.	Home Rule Legislation And Bylaw Amendment Regulation of Fossil Fuel Infrastructure	Select Board	Select Board	24		
32.	Historic Districts Map Amendment – Main Street Historic District	Historic Districts Commission	Planning Board	27		
33.	Demolition Review Bylaw Amendment	Historical Commission	Select Board	28		
34.	Community Preservation Committee Appropriation Recommendations	Community Preservation Committee	FinCom	29		
35.	General Bylaw Amendment – Tree Preservation Bylaw	Planning Board	Planning Board	30		
36.	Zoning Bylaw Amendment – Definitions, Zoning Map & Flood Plain Conservancy District	Planning Board	Planning Board	31		
37.	Zoning Bylaw Amendment – Table IV Minimum Parking	Planning Board	Planning Board	40		

Article #	Article Name	Sponsor	Public Hearing	Page #	SB Recommendation	Comments
38.	Zoning Bylaw Amendment – Two-Family or Additional Dwelling Unit	Planning Board	Planning Board	41		
39.	Zoning Bylaw Amendment –Earth Removal Bylaw	Planning Board	Planning Board	42		
40.	By Petition: Neonicotinoids Prohibition on New Leases of Town Land	Mark Hanson	Select Board	45		
41.	By Petition: Fiber/Broadband Study Committee	Gail Hire	Select Board	45		
42.	Unpaid Bills	Chief Financial Officer	FinCom	46		
43.	Debt Rescission	Chief Financial Officer	FinCom	46		

The Concord Middle School Building Committee Report: Committee Votes on Construction Delivery Method and Budget Cap

Construction Delivery Method Selected

Members of the Concord Middle School Building Committee (CMSBC) voted to adopt a project delivery method known as Design-Bid-Build for the new middle school building at their meeting held on April 15th. The vote followed several meetings of dialogue amongst the Committee to determine the best approach for this proposed project and site conditions.

The professionals from Hill International, the owner's project manager, and SMMA, the project architect, both recommended the Design-Bid-Build as the most appropriate approach for the Committee to undertake for this project. Key factors for their recommendations included that the proposed project is straight-forward compared to other projects that would fully realize the value adds of contractor involvement during the design phase and the site logistics are not complicated so construction operations will be easily separated from school operations.

In general, capital projects such as a school building include phases such as planning, design, and construction. With the approach referred to as design-bid-build, the phases run sequentially with a completed design being sent to bid followed by the selection of a contractor based on the public bidding guidelines. Under CM at-risk approach, a general contracting firm is selected early in the design phase and is involved as the design progresses. At an appropriate moment in that process, the municipality and the CM at-risk firm negotiate a guaranteed maximum price (GMP) for the project. CM at-risk is more expensive at the front end of the project with the potential of costs being saved in later phases of the project. Each approach has advantages and challenges and members of the Committee discussed how these related to the specifics of the CMS project, budget, and schedule prior to taking a vote to move forward with design-bid-build.

Total Project Cost and Impervious Surface Caps Approved; Gym and Auditorium Sizes to be Studied

The CMSBC voted to approve a not-to-exceed total project budget of \$108 million as well as a not-to-exceed 15% of impervious surface coverage on the project site. As part of approved motion, the Committee agreed to examine potential increases in the size of the gymnasium and auditorium that would fit within the budget (at or below \$108 million) and impervious surface (15%) caps for the project.

The budget cap level is based on the presentation of the warrant at the 2019 Town Meeting and subsequent approval while the 15% lot coverage is consistent with sustainability goals for the project and Town of Concord.

Currently, the approved space program meets the educational plan and includes a 7,000 square foot gymnasium that supports one MIAA regulation basketball court with 150 bleacher seats, two teaching stations and one alternative teaching station. It could also be divided to support two 55' b by 39' cross courts for practices. The space program contains a 270-person auditorium which is currently sized to accommodate one grade level and staff. As part of their community engagement process, the Committee has heard significant feedback from residents seeking to expand both the gym and auditorium.

Concord Middle School Building Committee Contact Information

Interested individuals can find all relevant materials regarding the Concord Middle School Building Committee including meeting dates, agendas and minutes as well as reports that led to the Town Meeting Warrant Article at www.concordps.org/cms-building-project. For questions and comments, individuals can email the Committee at msbc@concordps.org or utilize the form on the aforementioned web page, <https://www.concordps.org/cms-building-project/email-the-cms-building-committee/>.



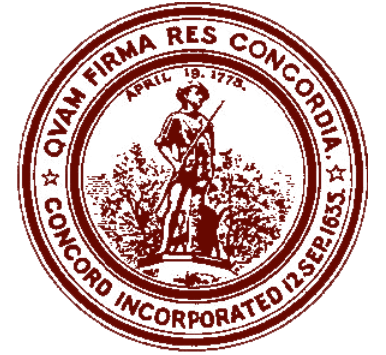
Town of Concord

Concord Middle School Project

School Building Committee Meeting

04.29.21

Project Goals Recap



Total Project Cost Range **\$80-\$108 M**



Replace two middle schools with **one combined middle school**, grades 6-8



Design enrollment **700 Students**



Team Teaching Model, meet **Ed Plan**



Design for **Net Zero Energy**

Primary Goal:
Consolidate two middle school populations **into a single, 21st century learning facility** that will serve the community for generations.



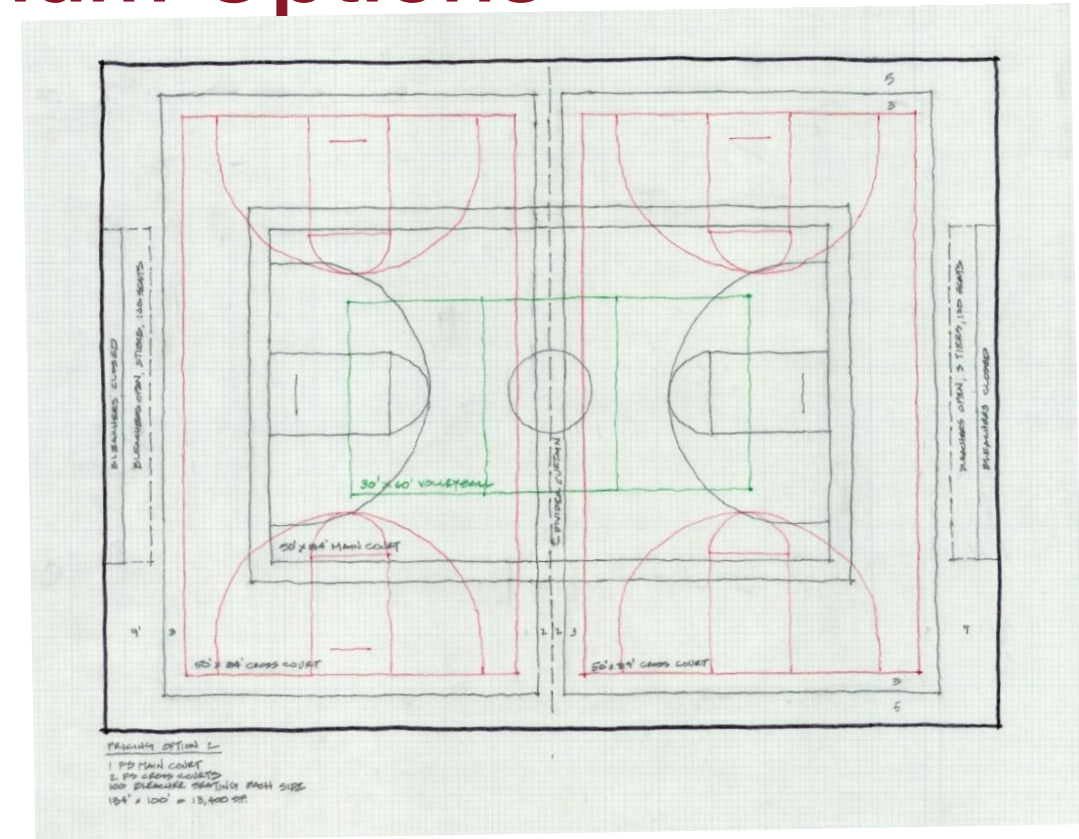
Final Scope Definition

Community Request: Gymnasium Options

OPTION 1: Based on CCYB request (former)
134' x 100' = **13,400 net.**

This includes:

- (1) full size, MIAA main court, 50 x 84 with lots of run-out (the cross courts dictate the longest dimensions)
- (2) full size, MIAA cross court, 50 x 84 with 8' of run-out beyond the goals; 9' on the long sides and 5' to the divider curtain assuming 500 in bleachers



Community Request: Gymnasium Options

OPTION 2: Based on CCYB request (current)

118' x 90' = **10,620 net.**

This includes:

(1) full size, MIAA court, 50 x 84 with lots of run-out (the cross courts dictate the long dimension) and 6' along the long sides

(2) large but **NOT FULL SIZE** 46 x 74 cross courts with: 6' of run-out beyond the goals; 8' on the long sides and 5' to the divider curtain
4' for stacked, closed bleachers for school assembly, assuming 500 in bleachers

CMS Building Project Design – CCYB Input

- To keep court space at current levels, CCYB need two functioning courts to replace the Sanborn and Peabody courts; private schools can't be relied upon given the potential long-term impact of COVID
- The approved 7,000 sq. ft. design includes a single MIAA regulation basketball court (50' x 84') with two 55' x 39' cross courts
 - The approved 55' x 39' cross-court length is insufficient for middle school-sized kids (also applies to CMS basketball teams, not just CCYB) - there is a real safety issue with running room at the end lines with the smaller courts
- Two sufficiently sized courts in a single gymnasium will cut the cost of custodian fees (and potentially rental fees) for CCYB in half
- **CCYB and CMS basketball needs fully align – both require a minimum of two 74' x 46' courts (10,000+ sq. ft.) to allow simultaneous practices and adequately prepare them for high school basketball**

Community Request: Auditorium Options

Option 1: Auditorium with capacity for 2 grade levels, plus staff (550 seats)

Option 2: Auditorium with current capacity (350 seats)

Option 3 (new): Auditorium with capacity based on MSBA standard for High Schools. Seats $\frac{2}{3}$ rd of enrollment, equivalent of 467 seats based on CMS design enrollment of 700 students.



Example of a 417-seat auditorium (Turner Falls)

Above Budget Scope Analysis – Original

Combination Scenarios

Combination A	Combination B
74' x 46' Cross + 350 Seats	74' x 46' Cross + 550 Seats
\$3.2-\$4.8 million	\$4.85-\$7.3 million

Combination C	Combination D
2 MIAA + 350 Seats	2 MIAA + 550 Seats
\$4.8-\$7.25 million	\$6.5-\$9.75 million

General Notes:

1. Combination D is the only Combinations above the 15% lot coverage threshold using the currently planned building footprint and impervious paving and walks.
2. Number of auditorium seats requested above Ed Plan need should be confirmed in early Schematic Design
3. Square-footage of gym is based on run-out dimensions that have not been reviewed with CCYB.
4. SMMA advises against a budget increase based on the low end of the estimates. Wait for SD programming and estimate.

Above Budget Scope Analysis - Recommended

Combination Scenarios

		Combination A		Combination F	
	CURRENT	74' x 46' Cross + 350 Seats		74'x46' + 467 Seats	
	Ed Plan (3/4 Vote)	High	Low	High	Low
GSF Add	NA	6,870		8,976	
NSF Add	NA		4,580		5,984
Building GSF	142,995	149,865	147,575	151,971	148,979
Impervious Area - Bldg	81,850	88,720	86,430	90,826	87,834
Impervious Area - Roads/Drives	91,714	91,714	91,714	91,714	91,714
Impervious Area - Walks	18,262	18,262	18,262	18,262	18,262
total	191,826	198,696	196,406	200,802	197,810
% Impervious	14.1%	14.6%	14.4%	14.7%	14.5%
RANGE budget increase	\$0	\$3.2-\$4.8 million		\$4.2-\$6.2 million	

General Notes:

1. CMS Baseline Approved Space Summary (142,995 gsf) project cost = \$99.975 million (approx. \$559/sf)
2. Additional scope construction cost estimates are based on \$555/sf target



Thank you

Concord Middle School

Subject: p.s. Re: Appointment of a Town Manager to the Concord Municipal Affordable Housing Trust
Date: Friday, April 30, 2021 at 7:58:30 AM Eastern Daylight Time
From: tbartevyan
To: Linda Escobedo, Susan Bates, Jane Hotchkiss, Terri Ackerman, Matthew Johnson, Jeremy Romanul
CC: Stephen Crane, Carmin Reiss, Town Moderator, henry4select@gmail.com, Diane Proctor, julie rohwein, K Reed, Mark Gailus

P.S.

I am aware that the APP # 10 also says:

"VIII. Conflicts with Law In case of a conflict between any provision of this Appointment Policy and the laws of The Commonwealth of Massachusetts or the Town Charter, Massachusetts law or the Town Charter, as the case may be, shall take precedence."

I want to stress that what the Trust Bylaw and MGL specify as "allowable" under the terms of certain subsections is *not* in conflict with the APP #10's restrictions on the matter; the first two documents and related subsections do not "require" the appointment of a Town Manager to the Trust.

(For example, Massachusetts allows recreational marijuana retail sales, but does not require that each town has a store for the purpose. Therefore, Concord has been able to ban marijuana retail sales in town.)

Tanya

On Friday, April 30, 2021, 04:14:04 AM PDT, tbartevyan <tbartevyan@yahoo.com> wrote:

April 30, 2021

Dear Members of the Concord Select Board:

Re: The intended appointment of our Town Manager to the Concord Municipal Affordable Housing Trust and its conflict with APP # 10.

You discussed this during your April 26 meeting.

MMN Video of meeting:

<https://www.youtube.com/watch?v=jKcHnYl6VnQ&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=191>

Relevant minutes: 48:24- 51:22, right before the deliberations on electing a Select Board representative.

Please check with Town Counsel before proceeding with the appointment of our Town Manager to the Trust regarding consistency of such an appointment with the Concord APP #10.

SUMMARY:

I have no personal objection to the appointment of our Town Manager, and that is not the reason of this letter. (Other than the APP # 10 declarations.)

However, I believe your deliberations may have omitted mention of some crucial details in the relevant documents.

-----The APP# 10 does not seem superseded by the Article 13 Bylaw of Town Meeting 2020, nor is it contradicted by MGL Chapter 44 Section 55 c.

(Pls. see "Details" below)

-----Article 13 of Town Meeting 2020 and MGL Ch 44 Sec. 55 c both specifically *allow* for the Town Manager to be a Trustee under certain subsections, but neither of them requires it.
[In both cases, there are statements like "Nothing 'in this subsection' will prevent the Select Board from appointing the Town Manager", which refer to that subsection only. Not "nothing in the world." The APP # 10 is not mentioned in those subsections or even in the documents in question.]
(Pls. see "Details" below)

-----Meanwhile, APP # 10 does not allow the appointment of a Town Manager to a standing committee. It allows him/her to serve only on an ad hoc committee, when stipulated in the charge.
(Not any committee.)
(Pls. see "Details" below)

Because the Concord Municipal Affordable Housing Trust is not an ad hoc committee* and because it is not contradicted by either MGL Chapter 44 Section 55 c or by Article 13 of 2020 Town Meeting, the APP # 10 stands on its own as a valid document of Concord, which does not allow a Town Manager to serve on this Trust.

(*Note: If the Trust were an ad hoc committee, then the APP # 10 would not be contradicted. Whether it is or is not an ad hoc committee may need to be checked.)

DETAILS:

1) The Concord APP # 10 allows for Town Manager membership only in "ad hoc" Committees.
<https://www.concordma.gov/DocumentCenter/View/2128/APP-10---Board-of-Selectmen-Guidelines---Town-Committee-and-Board-Appointments-PDF>

VII. Appointment Policy and Procedures: f) Eligibility of Appointment, - **exceptions** - item 2, :
*"The Town Manager, Concord Public School and CCRHS Administrators, and Town department heads (these individuals exert a significant influence over public policy by virtue of their positions, but may be eligible for **ad hoc** Committees where such representation is required by the charge)."*
(*Bold mine*)

2) Article 13 of Town Meeting 2020, the Bylaw establishing the Trust, does not say anywhere that it supersedes the APP # 10.

It says:

<https://concordma.gov/DocumentCenter/View/23779/-2020-Concord-Annual-Town-Meeting-Warrant>

Article 13: pp 22-26 (pp 14-18 of Warrant Book itself)

Section 4, "TRUSTEES":

*"Nothing **in this subsection** shall prevent the Select Board from appointing the Town Manager as a Trustee"* (*Bold mine*)

(Not simply "nothing" without qualification. As Ms. Escobedo explained, that was about residency requirements.)

The subsection does not mention APP # 10.

3) The MGL Chapter 44 Section 55 c "allows" for the Town Manager to be a member of the Trust (like Ms. Escobedo said in the beginning of the discussion.)

<https://www.mhp.net/writable/resources/documents/Municipal-Affordable-Housing-Trust-MGL-Chapter-44-Section-55C.pdf>

paragraph (b): *There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where*

*the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing **in this subsection** shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote. (bold mine)*

(again, not simply "nothing")

However, it does not "require" that the Town Manager be a trustee because the chief executive officer in Concord is the Select Board, not the Town Manager.

<https://malegislature.gov/Laws/GeneralLaws/PartI/Title/Chapter4/section7>

"Fifth B, "Chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter."

(Our local charter does not seem to designate another municipal office for the role.)

CONCLUSION:

Please check with Town Counsel before moving ahead with the Town Manager's appointment to the Trust.

Article 13 of Town Meeting 2020 Section 4 and MGL Chapter 44 Section 55 c both "allow" for the Town Manager to serve on the Trust, but neither requires it.

Meanwhile, APP # 10 seems to prohibit this appointment, and is an independent local provision.

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