

**TOWN OF CONCORD
SELECT BOARD
AGENDA
JULY 26, 2021
6:30 PM
141 Keyes Road**

Join Zoom Meeting

<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CczdQM0EvWVVFZz09>

Meeting ID: 840 9239 5810

Passcode: 865209

One tap mobile

+16465588656,,84092395810# US (New York)

Dial by your location

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Meeting ID: 840 9239 5810

Find your local number: <https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CczdQM0EvWVVFZz09>

#	Time	Agenda Item
1.	6:30pm	Call to Order
2.		Consent Agenda <ul style="list-style-type: none"> • Minutes to approve: June 1, 2021; June 7, 2021 • Town Accountant Warrants: July 15, 2021; June 22, 2021 • One Day Special Liquor Licenses <ul style="list-style-type: none"> ○ Heritage Pool & Racquet Club 155 Old Bedford Rd 8/8/21 5:00pm-10:00pm All Alcoholic Beverages ○ Saltbox Kitchen 40 Westford Road 8/28/21 4:00pm-10:00pm Wines & Malt Beverages ○ Saltbox Kitchen 40 Westford Road 8/13/21 6:00pm-8:30pm Wines & Malt Beverages ○ Verrill Farm 11 Wheeler Road 7/28/21 6:00pm-8:00pm Wines & Malt Beverages ○ Verrill Farm 11 Wheeler Road 8/1/21 11:30am-2:30pm Wines & Malt Beverages
3.		Town Manager's Report
4.		Chair's Remarks
5.	6:40pm	Diversity, Equity and Inclusion Committee Discussion
6.	7:40pm	Discuss CMLP Broadband Outage
7.	8:20pm	Write Charge for Citizen Committee – Article 41 Fiber/Broadband Study Committee
8.		Adopt Select Board Annual Goals for 2021-22
9.	8:45pm	Economic Vitality Division Reorganization – Vote Required
10.	9:15pm	Committee Nominations: Bradley Hubbard-Nelson of 221 Nashawtuc Road to the Comprehensive Sustainability and Energy Committee for a term to expire April 30, 2024. Sara Pacelle of 1712 Monument Street to the Library Committee for a term to expire on April 30, 2024. Mary-Wren Vander-Wilden of 158 Simon Willard Road to the Library Committee to serve as an Associate Member for a term to expire on April 30, 2022.

11.		Committee Appointments: Robert Abraham of 81 Plainfield Road to the Hugh Cargill Trust for a term to expire April 30, 2024. Sharon Jones of 8 Eaton Street, Bob Shatten of 116 Indian Spring Road, and Karen Gibson of 1641 Main Street to the Comprehensive Sustainability and Energy Committee for terms to expire on April 30, 2024. Ira Goldman of 130 Monsen Road to the Massport Community Advisory Committee for a term to expire on April 30, 2024. Happy Goethert of 606 Old Bedford Road and Melissa Maxwell of 449 Barrett's Mill Road to the Agriculture Committee for terms to expire April 30, 2024. Amy Kaiser of 289 Commonwealth Avenue to West Concord Advisory Committee for a term to expire April 30, 2024.
12.		Town Manager Appointment with Select Board Approval: Paul Kirshen of 38 Longfellow Road, Brian Crouse of 49 Indian Pipe Lane, Courtney Eaton of 141 Monsen Road, and Jake Swenson 140 Nut Meadow Crossing to the Climate Action Advisory Board for terms to expire April 30, 2024.
13.		Committee Appointments
14.		Committee Liaison Reports
15.		Miscellaneous Correspondence
16.		Public Comments
17.	9:30pm	Adjourn

**Select Board
Minutes
June 1, 2021**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference on June 1, 2021 at 4:00pm.

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

Call to Order

Roll call vote

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

Executive Session: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to enter executive session to consider the purchase, exchange, lease or value of real property, as an open meeting may have a detrimental effect on the negotiating position of the public body and the chair so declares, and to return to open session estimated to occur at approximately 4:35pm.

Roll call vote

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

Consent Agenda

- Town Accountant Warrants: May 26, 2021; May 27, 2021
- Gift Acceptance: The Boston Foundation \$2,500.00 to the Nanae Gift Account

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the consent agenda.

Roll call vote

**Select Board
Minutes
June 1, 2021**

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

Town Manager's Report

The Governor has filed a bill that extends certain provisions that were enacted as part of the emergency orders during the pandemic. The OML provision would allow public bodies to “conduct deliberations entirely by remote means in a manner consistent with” the Governor’s OML Executive Order from last March. Under this provision, public bodies would not have to make any adjustments to their pandemic-era practices until September 1, as long as those practices comply with the Governor’s executive order. Public bodies could still choose to end remote meetings and observe the standard OML requirements. All pandemic-era provisions for remote meetings would be repealed on September 1 unless the Legislature passed an additional bill. In addition to this bill, Town Counsel has been working with the Massachusetts Municipal Association to make remote meetings possible permanently. The bill also extends outdoor dining approvals through November 29. Hearings on the bill are scheduled for early next week.

To ensure that boards and committees have the opportunity to use one of available meeting spaces, room reservations will only be accepted for up to 30 days for non-executive, non-regulatory boards and committees. This restriction will be temporary and lifted once Town buildings return to pre-pandemic configurations.

The Town is conducting the Commonwealth Avenue Complete Streets Project, which includes improvements to sidewalks, crosswalks, parking, signage, etc. on Commonwealth Ave between Church St and Laws Brook Rd. CPW Engineering will present the design to the area community via a meeting of the West Concord Advisory Committee on Tuesday June 2, 2021 at 7:00 p.m. on Zoom.

Lieutenant David Nichols was awarded the certification of Fire Investigator Lt. Nichols’s experience includes seven years as a Concord Fire Department Fire Investigator and a member (former chair) of the District 14 Fire Investigation team. This accomplishment adds a tremendous amount of value to our investigative team.

Two new firefighters started this week. Stephanie Hamelin and Connor Finerty began work on Monday and following a two-week training program they will be assigned to shifts awaiting placement at the Massachusetts Fire Academy.

The Office 360 conversion continues with over 150 email accounts migrated to the cloud. The Department is also working to improve wifi access at the Doug White fields in advance of Town Meeting.

**Select Board
Minutes
June 1, 2021**

Division staff are preparing to issue a Request for Proposals to select a consultant to finalize design plans and obtain permits to dredge a portion of Warner's Pond and improve the boat launch access.

The Town of Concord and the City of Newton, have completed an environmental review record for Christopher Heights of Concord that is proposed for funding with HOME Investment Partnerships Program (HOME) funds in the amount of \$1,336,398.40.

Chair's Remarks

Ms. Escobedo noted that the [2020 Annual Town Report](#) is available online.

Massachusetts School Building Authority Statement of Interest for Middle School Funding

The School Committee voted to support the statement of interest for funding from the Massachusetts Middle School Building Authority. The Town of Concord has applied for this funding four times previously and did not receive it, but the Town believes pursuing this funding is in the best interest of the community.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: Having convened in an open meeting on May 25, 2021 and June 1, 2021, prior to the SOI submission closing date, the Select Board and the School Committee of Concord, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated May 28, 2021 for the Concord Middle School located at 835 Old Marlboro Road and 1231 Old Marlboro Road which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for priorities #2, #5, and #7, with deficiencies as follows: Priority #2. Elimination of severe overcrowding, this condition has been addressed by use of an elementary school being converted to use as the second middle school building in 1967, Priority #5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility, the two buildings that serve as the Middle School have significant capital requirements with roofing, HVAC and other systems reaching obsolescence after nearly 50 years, Priority #7 Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; having two buildings located a mile apart requires duplication of many services and increases staffing costs significantly; these funds could be used to improve the direct educational experiences of the Middle School students housed in the Peabody and Sanborn buildings; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the

**Select Board
Minutes
June 1, 2021**

approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Request of Transfer for Right of First Refusal for 100 Elm Brook

A resident currently living in an income restricted unit and is seeking to move out of town. In order to preserve the affordability of the unit, the Town is seeking to transfer the right of first refusal to the Concord Housing Development Corporation. Out of the funds requested, it is estimated that approximately half will be returned to the Town following the sale of the property.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the Town Manager to execute an assignment of Town's right of first refusal to CHDC; Authorize the Town Manager to commit \$570,000 to CHDC to acquire, renovate and sell 100 Elm Brook Lane to an 80% AMI eligible purchaser and retain \$50,000 from the proceeds of the sale for the CHDC Small Grant Program; and authorize the Town Manager to request that Town Counsel assist CHDC with the transactions.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Request to State Legislative Representatives to include Battle Road Town Representatives on Commission for 250th Ann. of American Revolution

Earlier this year, the Select Board sent a letter to the United States Postal Service to request commemorative stamps for the 250th anniversary of the American Revolution. The Select Board also approved the charge for the Concord 2025 Executive Committee to coordinate celebrating the 250th anniversary. The Town has been in discussion with the National Park Service and the

**Select Board
Minutes
June 1, 2021**

battle road towns in preparation for the celebration, and with MassDOT regarding upgrades to 2A prior to 2025. The state is preparing a commission for the 250th celebration. The House has already approved a bill without representation from the Battle Road Towns. Senator Mike Barrett has proposed legislation to include representation on this committee from Lexington, Concord, Lincoln, and Arlington. The current language in this amendment would allow for the Select Board to choose their representatives for the commission.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the chair to send a letter to Concord's State Legislative Representatives to include Battle Road Town Representatives on the Commission for 250th Ann. of American Revolution.

Roll call vote

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

Thoreau Farm-Battle Road Trail

Molly Eberle and Court Booth attended to speak to the request for a letter of support from the Select Board for the Thoreau Farm-Battle Road Trail. The proposed 0.8 mile trail would run north to south, which would transverse national park land and Town land. The goal of the trail is to promote connectivity. Mr. Booth stated that the Elm Brook neighborhood is supportive of the concept, and the trail would offer an important connection within the Concord trail network and also provide an opportunity for nature study within the Elm Brook wetlands and floodplain. Mr. Booth explained that they are seeking to take the idea to engineers and designers in order to prepare for the permitting work, and are seeking for Select Board support to help move the project forward.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the chair to send a letter of support for the proposed Thoreau Farm-Battle Road Trail.

Roll call vote

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

**Select Board
Minutes
June 1, 2021**

Proposed Select Board Summer Meeting Schedule

Ms. Ackerman prepared a draft Select Board summer meeting schedule. The Select Board will send any conflicts to Town Manager's Office staff. The current proposal is two regular meetings and one focused meeting per month. The Select Board will discuss this more at a future meeting after Town Meeting.

Update on White Pond Improvement Project

Ms. Escobedo noted that Deputy Town Manager Kate Hodges and her staff have been responsive to resident concerns and conducted a thorough outreach process, and the plan has evolved in response to extensive community input.

Ms. Hodges and Facilities Director Ryan Orr were present to provide an update on the project. They have submitted some aspects of the project to the Natural Resources Commission for permitting. Ms. Hodges noted these documents may change depending on the Natural Resources Commission response to the project.

Ms. Hodges pointed out that an important change made recently in the process was to add more benches and resting points. This feedback came at the request of the Commission on Disabilities. Ms. Hodges and her staff designed the spaces with the intention for them to be more desirable destinations to rest or gather at along the trail.

Ms. Hodges noted the approximate funding that will be required for the project:

- \$588,000.00 for roadway improvements, ADA pathways, and a retaining wall
- \$155,000.00 for the purchase of a stormwater basin system and materials
- \$145,000.00 for earth work fill and other resource area protection
- \$135,000 for planting and seeding
- A 3% escalation in FY22 pricing
- A total project cost of \$1.2-\$1.35 million

The project currently has accumulated approximately \$750,000.00 between capital funding and CPC funding. About \$600,000.00 of this funding has been earmarked for construction and design and permitting. Ms. Hodges concluded that if favorable action was taken at Town Meeting on the Capital Budget and CPC Funding articles, the White Pond Project would have a fund balance of \$1,400,000.00.

Committee Nominations

There were no committee nominations.

**Select Board
Minutes
June 1, 2021**

Committee Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Thomas Swaim of 28 Central Street to the Zoning Board of Appeals for a term to expire on April 30, 2024. John Cratsley of 10 Edmonds Road to a second term on the Community Preservation Committee to expire on April 30, 2025. Elizabeth Akehurst-Moore of 86 Holden Wood Road to a second term on the Zoning Board of Appeals to expire on April 30, 2024. Andrew Boardman of 110 Hillcrest Road to the Planning Board for a term to expire April 30, 2026. Josh Galper of 65 Stone Root Lane to the White Pond Advisory Committee for a term to expire on April 30, 2024.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Committee Liaison Reports

Ms. Bates attended the Historical Commission, where they discussed the possible demolition of a garage at 325 Nashawtuc Road. There is a public forum on the Thoreau Business District zoning bylaw changes upcoming. The Planning Board discussed Town Meeting presentations. The Council on Aging Board discussed their reopening plan, and heard a presentation on Article 31. The Economic Vitality Committee is gathering data on impediments to starting a business in Concord.

Ms. Hotchkiss attended the Board of Health, where they discussed the COVID-19 restrictions being lifted as we near the end of the State of Emergency on June 15. The Historic Districts Commission discussed ownerships and renovations of 1 Sudbury Road. The Commission on Disability discussed potential for coordinating with other Town committees.

Ms. Ackerman attended the League of Women Voters discussion on Town Meeting Articles. Margot Kimball unveiled a beautiful mural on the side of Saltbox Kitchen. The School Committee heard the Capital Planning Task Force presentation, which the Select Board will be hearing at their next meeting. The School Committee discussed whether or not to apply for MSBA funding.

Mr. Johnson attended the Recreation Commission, where they discussed potential changes to the administrative code, and the long-range plan for Recreation. The Recreation Department ended the fiscal year with a surplus. The Beede Center unfortunately did not, but are budgeting conservatively and expect to see opportunities for greater membership as the state reopens. The

**Select Board
Minutes
June 1, 2021**

Public Ceremonies and Celebrations Committee did a final walk through for Memorial Day celebrations.

Ms. Escobedo reported that she and the Town Manager testified before the state licensing board regarding the home rule petition for additional special liquor licenses.

Miscellaneous Correspondence

Miscellaneous correspondence was included in the [meeting materials](#).

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. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Meeting Materials: <https://concordma.gov/DocumentCenter/View/29850/June-1-SB-Select-Board-Packet>

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=GSKjLOGI8gI>

**Town of Concord
Select Board
Minutes
June 7, 2021**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference on June 7, 2021 at 4:00pm.

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

Call to Order

Roll call

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

Consent Agenda

- Minutes to approve: May 3, 2021
- One Day Special Liquor License
 - Verrill Farm 11 Wheeler Road 6/18/21 6:00pm-9:00pm Wines & Malt Beverages Only
 - Voyager Publishing 53 Cambridge Turnpike 6/15/21 5:00pm-7:00pm Wines & Malt Beverages Only
- Proclamation for Jane Hotchkiss
- Rescind Concord's Declaration of Emergency effective June 15, 2021
- Gift Acceptance: Rotary Club of Concord gift totaling \$8,786.22 in partnership with the Concord Garden Club for the following work on the Veterans' Memorial Site
 - Water Fountain \$3,529.06
 - Landscaping \$5,127.00
 - New Service Flags \$130.16

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

Roll call vote

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

Town Manager's Report

**Town of Concord
Select Board
Minutes
June 7, 2021**

The Town staff that have been part of the emergency operations center (EOC) throughout the pandemic recently had the last EOC meeting. The temporary vaccine clinic at CCHS will be discontinued and the process of removing it will begin at the conclusion of the school year. The work of the EOC was a critical part of the Town's pandemic response and provided valuable information sharing and coordination across multiple departments including the Schools. The decision to end the EOC was made, in part, because of the report of no new positive COVID-19 cases since May 13.

The Legislature has been debating options for continuing the changes made to the Open Meeting Law (OML) that have enabled the use of virtual platforms like Zoom to conduct board and committee business. If or when there is action by the Legislature to extend the OML provisions, board and committee chairs will receive a notice from the Town for distribution to their members.

The Town Manager included slides regarding the reopening of Town offices to the public that depict each of the departments' tentative schedules. It is important to note that while some departments are ready to open for in person service, the Town House is still being renovated and some of the departments (i.e. Town Manager's Office and Finance) are still in temporary offices that may not be accessible and, therefore, will remain closed to the public.

The Concord Police Department achieved a certification from the Massachusetts Police Accreditation Commission. Mr. Crane noted that the letter states that, "Achieving state certification demonstrates your Department's commitment to delivering an exemplary level of police service for your community."

The Bike to School program of Concord was recently awarded the 2021 Massachusetts Safe Routes to School Award for Community Collaboration Winner.

Completion and testing of the relocated seasonal ozone equipment at Nagog was completed during the first week of June, with a tank and liquid oxygen (LOX) delivered to the ozone facility site in mid-May.

StreetScan has been given a contract to perform an automated roadway condition survey and evaluation of the road network this spring/summer.. The assessment of the roads will help Engineering staff plan for future roadway programs and incorporate additional pavement treatments with a focus on preventative maintenance.

Despite being closed to in person business for months, the Building Department has issued 408 building permits compared to 263 building permits for the same time period in 2020 and 325 building permits for the same time period in 2019. This is a 55% increase in building permits issued in 2020 and a 25% increase in building permits issued for 2019.

**Town of Concord
Select Board
Minutes
June 7, 2021**

Chair's Remarks

Ms. Escobedo commented that the Middle School Building Committee will be holding a virtual forum this evening on June 7 at 7:00pm in order to discuss the status of the project as the feasibility stage of the project has come to a close.

Superintendent Dr. Laurie Hunter wrote a letter to the Select Board thanking the board for their support during the COVID-19 Pandemic. Ms. Escobedo stated that the board and the town are indebted to her and the entire School Department as they coped with the many challenges thrown their way and were able to complete a school year successfully despite these challenges.

Public Hearing: Grant of Location Petition by Comcast of Massachusetts to install new coaxial cable along and across 1150 Main Street and Baker Avenue

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

Roll call vote

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

Steven Dookran of the Concord Engineering Department and Gregory Franks of Comcast were in attendance to comment on this item. A new coaxial cable is proposed to be overlashed to the existing areal strand Coaxial Cable from existing Pole #92 to existing Pole #109 on Main Street. Concord Public Works (CPW) Engineering Division has reviewed the petition and recommends approval with [a set of conditions](#). The Select Board did not express objection to the project.

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

Roll call vote

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

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the Grant of Location Petition by Comcast of Massachusetts to install new coaxial cable along and across 1150 Main Street and Baker Avenue.

**Town of Concord
Select Board
Minutes
June 7, 2021**

Roll call vote

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

Capital Planning Task Force Final Report and Recommendations

Elise Woodward, Chair of the Capital Planning Task Force, attended to present the final report. Ms. Escobedo introduced the presentation, stating that the Select Board finalized the charge for this committee in September 2019 in hopes that more integrated fiscal policy on capital projects between the Schools and the Town Departments could be realized. Residents can view the full presentation in the [meeting materials](#).

In order to determine the best capital planning options, the Capital Planning Task Force did the following:

- Confirmed authority of Town Manager in Town Charter for capital planning
- Reviewed Best Practices from MMA and Other Towns
- Considered advantages and disadvantages of a Standing Capital Planning Committee vs. enhancing the existing process
- Collected Public Comment
- Considered the three options in the chart below

Structure	Considerations
<ul style="list-style-type: none"> • Status quo • Schools' and Town's large capital spending project 	<ul style="list-style-type: none"> • Schools' and town's Tier III concepts/potential projects "percolate" independently within each entity's administration and elected bodies • Multiple opportunities for public input, however difficult to know when to provide input for most residents because of lack of clear processes and timelines as potential projects are considered • No clear "milestones", factors, or processes determine when project planning starts • No clear plan or vision that unifies Tier III (or even Tier II) potential projects
<ul style="list-style-type: none"> • Enhance/modify current Town and Schools capital planning processes 	<ul style="list-style-type: none"> • Does not create additional layer to planning and approval • Leverages existing processes within Town departments, Schools • Can build in annual opportunity for public input of consolidated plan (if consolidated plan is recommended as an enhancement) • Can create clear processes, milestones for identifying potential Tier III projects, start of project planning and ongoing monitoring of Tier III projects • Can create unified Tier III plan (or even Tier III) for potential and approved Tier III projects
<ul style="list-style-type: none"> • Advisory standing committee • Membership mix of town, school officials, residents • Includes Finance Committee liaison 	<ul style="list-style-type: none"> • Facilitates sharing of needs/requests across all stakeholders (Town departments, Schools, etc.) • Additional opportunity for public input • "focal" point for long-term planning across all units of town, including identification of potential Tier III projects, start of planning and ongoing monitoring of Tier III project • Additional layer to planning and approval • No authority...makes recommendations to Town Manager and School Board • Could be duplicative of process/work already performed by schools and town • Depending on number of "citizen" volunteers, could be difficult to recruit volunteers • Will require substantial staff support from CFO and School Finance Director

**Town of Concord
Select Board
Minutes
June 7, 2021**

Select Board members had questions about how specific capital projects in the short and long term would fit into the process outlined by the Task Force, but were generally supportive of the report and adopting the general structure for capital planning in Concord that was outlined.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to accept the Capital Planning Task Force Final Report and Recommendations with our gratitude.

Roll call vote

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

Monument Street Culvert Funding Update (Article 9 Review)

Chief Financial Officer Kerry Lafleur reported that due to previously unanticipated expenditures, the Town is proposing amendment to Article 9 at Town Meeting for three matters. The proposed amendment is first a line item budget adjustment to transfer money for the repair of the Monument Street Culvert. The repair of the Monument Street Culvert is expected to cost approximately \$600,000 total. The second budget adjustment is the Sudbury Road crossing improvement to exceed the original budget by \$150,000 due to insufficient budgeting for the project. The third and final adjustment has to do with cardboard recycling, as during the pandemic residents ordered more items online, thus the cardboard disposal for the Town exceeded the budget. The total budget adjustment requested is \$1,075,000.

Ms. Lafleur explained that due to position vacancies and CARES Act funding, the Town believes there is enough money available to shift around to cover these expenses. The Town is seeking to have this approved at Town Meeting rather than using the year end transfer process. The largest source of this funding would come from public safety in the amount of \$546,000. \$225,000 would come from the reserve fund, and \$85,000 would come from the group insurance fund. If this amendment was voted in the affirmative at Town Meeting, there would be no impact on free cash.

**Inter-municipal Agreement for the Making the Connections Transportation Program with
Sudbury**

Director of Planning and Land Management Marcia Rasmussen attended to explain that Concord

**Town of Concord
Select Board
Minutes
June 7, 2021**

is part of an inter-municipal agreement with Sudbury on a Community Compact Grant intended to initiate a micro-transit program to better connect seniors, people with disabilities, financially vulnerable residents, and veterans to health services, community resources, and economic opportunities with on-demand transportation services. Ms. Rasmussen is proposing that the Select Board vote in the affirmative to execute the Inter-Municipal Agreement and participate in the “Making the Connections” initiative, which will provide baseline information on transit and transportation needs in the Concord community.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to execute the Inter-Municipal Agreement and participate in the “Making the Connections” initiative.

Roll call vote

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

Discussion of Article 7 and Citizen Amendment and any Select Board actions to be taken before ATM

Ms. Escobedo introduced this discussion by stating that the Personnel Board did not vote to support Article 7, but has not taken a position on the citizen amendment to the article. The Personnel Board is seeking to convene in a meeting on Friday, June 11. The Moderator has ruled that the proposed amendment is in scope of the article.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to recommend affirmative action on Article 7 at the 2021 Annual Town Meeting.

Roll call vote

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

Ned Perry of 362 Bedford Street, the author of the citizen amendment, explained his belief that the best course of action is for an independent citizen study committee to be formed to review the Select Board’s charge to the Personnel Board, the Personnel Bylaw, and related documents in the coming months to determine the best course of action moving forward regarding the Town’s process for making personnel decisions. Mr. Perry stated that if the Board voted in favor of the amendment the citizen group would not move it at Town Meeting.

**Town of Concord
Select Board
Minutes
June 7, 2021**

The Select Board debated whether they would support the spirit of the amendment by pledging to appoint a citizen committee in the spirit of the proposed amendment, or whether they would let Town Meeting decide.

Upon a motion duly made and seconded it was

VOTED: that the Select Board shall appoint and charge an independent citizen committee to study the Personnel Bylaw, the charge of the Personnel Board, and related documents and make recommendations for appropriate changes thereto.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Nay

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Nay

The chair declared that the motion passed on a vote of 3 to 2.

FY22 Select Board Liaison Assignments

The Select Board will revisit this item on June 21.

Recognition for Jane Hotchkiss, Retiring Select Board Member

The following proclamation was made on behalf of retiring Select Board member Jane Hotchkiss:

**PROCLAMATION IN HONOR OF JANE C. HOTCHKISS
June 13, 2021**

WHEREAS, Jane C. Hotchkiss was elected by the citizens of Concord to the Select Board from 2015 – 2021, having previously served the town on the West Concord Advisory Committee and Sustainable Energy Committee; and,

WHEREAS, she served as Select Board Chair during the 2017-18 fiscal year meeting the challenges brought before the board with a commitment to transparency, outreach and engagement of citizens in town government; and,

WHEREAS, she has served the Town with distinction being a champion for clean energy advancement and environmental sustainability while looking for and being fearless about seeking results; and,

**Town of Concord
Select Board
Minutes
June 7, 2021**

WHEREAS, her deep understanding of energy policy and environmental impact advanced Concord's goals and commitment to a greener future; and,

WHEREAS, she has worked with any number of town committees as Select Board liaison during her years of board service including the White Pond Advisory Committee, Clean Energy Advisory Committee, Natural Resources Commission, Long Range Planning Committee, Transportation Advisory Committee and many others, energetically challenging them with questions and directions to consider; and,

WHEREAS, it was not uncommon to spot her in town, helmet-clad, biking to and from a Select Board meeting whether in daylight or darkness, living her passion while demonstrating her sustainability principles; and,

WHEREAS, she has worked to safeguard the health of the public during the COVID-19 pandemic by supporting and clearly communicating social distancing policies for Concord's schools, businesses and public events; and,

WHEREAS, she, along with her current serving female Select Board colleagues have been recognized as civic leaders in the 2021 Concord Museum exhibit "Every Path Laid Open: Women of Concord and a Quest for Equality"; and, **SO THEREFORE, LET IT BE**

RESOLVED, on behalf of the Town, that we wish to duly recognize Jane C. Hotchkiss, for her spirited leadership on the Select Board and gratefully thank her for so ably serving the Concord community with deep commitment and drive, while challenging us all to aim higher.

Committee Nominations

Jack Clymer of 13 River Street to the Tax Relief Committee for a term to expire on April 30, 2024.

Town Manager Appointment with Select Board Approval

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to accept the appointment of Rebecca Lemaitre of 3 Abbott Lane to the Historical Commission as an Associate Member for a term to expire on April 30, 2022.

Roll call vote

Ms. Escobedo: Aye

Ms. Bates: Aye

Ms. Ackerman: Aye

Ms. Hotchkiss: Aye

**Town of Concord
Select Board
Minutes
June 7, 2021**

Mr. Johnson: Aye

Town Manager Appointment (no vote needed)

Andrea Solomon of 75 Ash Street to the Public Works Commission for a term set to expire April 30, 2024.

Committee Liaison Reports

The Select Board did not discuss committee liaison reports at this meeting due to time constraints.

Miscellaneous Correspondence

Correspondence was included in the meeting materials.

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

Meeting Materials: <https://concordma.gov/DocumentCenter/View/29974/June-7-SB-Packet>

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



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 Ackerman and Members of the Board

From: Stephen Crane, Town Manager

Date: July 26, 2021

Re: Town Manager Report

TAC Public Body Decision

Attached please find a decision from the Attorney General's office regarding the Transportation Advisory Committee (TAC). The AG determined that the TAC is a public body under the Open Meeting Law (OML) and minutes must be created for the September 9, 2020 meeting. While the TAC has been working well and conducting its meetings in accordance with the OML, this decision will necessitate a change in the membership so Town staff, who are currently TAC members, can work together without creating an inadvertent OML violation. A revised charge with a recommended membership structure will be in a upcoming meeting packet.

DPLM

Planning Division

The Historical Commission also reviewed the 75% design plans for the Rt. 2A repaving project and are drafting a response letter to MassDOT citing concerns that the plans do not address, nor adequately recognize, the historic importance of this portion of Route 2A. The letter will also ask that MassDOT organize a public design hearing where all the proposed changes can be clearly presented and discussed openly.

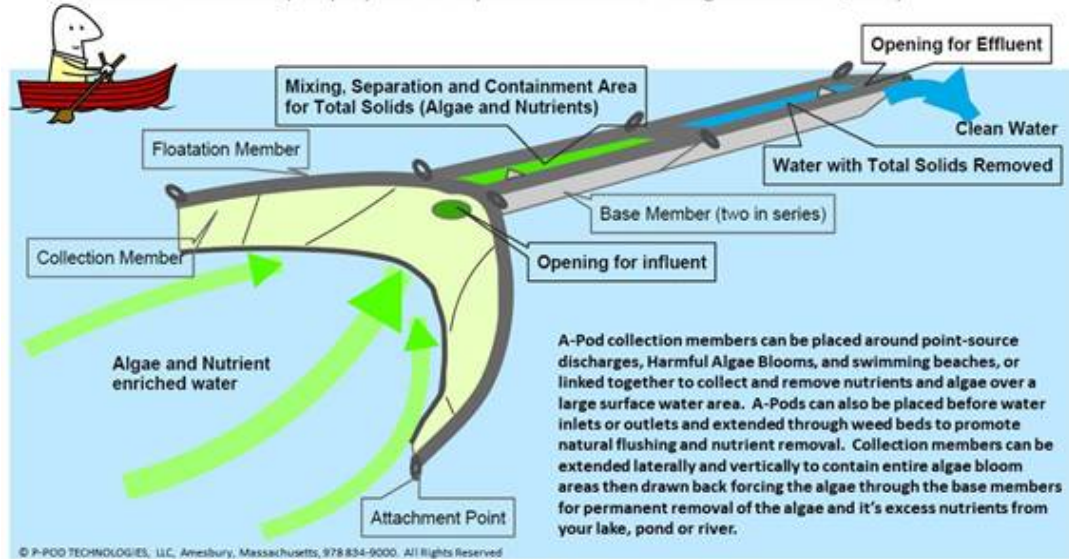
Health Division

White Pond and blue-green algae: The Health Director, Natural Resources Director, and Deputy Town Manager met with John Higgins of HEA to discuss open-water technology to be piloted at White Pond to remove harmful algae/cyanobacteria blooms (HABs), their toxins, and nutrients. This technology works either passively or actively. In passive mode, HABs are concentrated in the "base member or trap" portion of the A-Pod by wind-induced and natural water currents. In active mode, extendable and detachable "collection members" of the A-Pod are extended around targeted HAB areas in the pond, then drawn back forcing water with suspended HABs into the A-Pod's trap. When targeted HABs are sufficiently concentrated, the trap is closed and HABs can then be permanently removed from the water body. Both strategies are intended to be deployed at White Pond in an effort to reduce the toxic blue-green algae blooms that the pond is experiencing. HEA is also investigating the reuse of HABs as a natural organic fertilizer to

improve soil health. The pilot program involves no chemicals and is being offered at no cost to the Town.

A-POD Removing Harmful Algae Blooms

Scalable and Readily Deployable to Capture and Remove Targeted Areas Quickly



Board of Health

Jill Block and Mark Haddad were reappointed to the Board of Health for second terms set to expire following the 2024 Town Meeting.

Building Inspections Division

104-106 Commonwealth Ave.: A building permit was issued to renovate the basement and 1st floor of the former West Concord 5 & 10. The renovations include new offices, employee break area and finished storage in the basement and the 1st floor renovations consist of a new kitchen prep area, coolers, freezer, and retail space. The new owner, Debra's Gourmet located at 98 Commonwealth Ave, will continue with their operations at 98 Commonwealth Ave and will be expanding their existing business into this new space.

IT

The IT Department has initiated the process establishing a Risk Committee comprised of several department managers to evaluate and project operational risks. This effort will focus on cybersecurity risks that stretch across the organization but will also look at threats to the continuity of operations and single points of failure within the organization. The Committee's work will be aided by a \$5,000 grant from the Town's insurer, MIA, and should help reduce the negative claim experience that has persisted for a number of years.

IT is also working on several projects including the continued support of Concord Light Broadband, improving the security of the CPW Water and Sewer SCADA systems (remote monitoring/alerts), and creating hybrid meeting carts.

Fire Department Activity

Fire Prevention issued an order last week requiring an apartment complex to correct a hazard involving natural gas. CFD has responded forty-one times to the location over the past two years for inside gas odors or leaks primarily from appliances. Efforts to gain compliance without enforcement action have not been successful. We are hopeful to gain compliance with this step. Lieutenant Dave Nichols met with an agent from the Consumer Product Safety Commission (CPSC) regarding these incidents as they all seem to be connected to appliances.

Training

Group 2 spent time on Tuesday July 20th practicing technical rescue skills. CFD Lieutenant Billy Nelson is a member of the District 14 Technical Rescue Team and on Tuesday the group trained on rappelling skills at Emerson Hospital. Rappelling from an upper floor of the parking garage. Later in the day, the group trained with recently acquired tech rescue equipment (pulleys / clutches) used for hauling and lowering.



Lt. Billy Nelson instructs the group on the use of a hauling and lowering rig.



Clockwise from left: FF Mike Tedesco, FF Chuck Hopkins, FF Jeff Lex, Lt. Lindsay McGloughlin are shown rappelling down from an upper floor.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

July 15, 2021

OML 2021 – 95

VIA EMAIL

Mina Makarious, Esq.
Anderson & Kreiger LLP
50 Milk Street, 21st Floor
Boston MA 02109
mmakarious@andersonkreiger.com

RE: Open Meeting Law Complaint

Dear Attorney Makarious:

This office received a complaint from Tanya Gailus on December 8, 2020, alleging that the Concord Transportation Advisory Committee (the “Committee”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Committee on October 8, and you responded on behalf of the Committee by letter dated October 28.^{1, 2} In her complaint, Ms. Gailus alleges that the Committee met on September 9, 2020, without posting notice or providing public access to the meeting.

Following our review, we find that the Committee is a public body subject to the Open Meeting Law, and thus violated the Open Meeting Law by failing to comply with the Law’s notice and public access requirements at its September 9 meeting. In reaching this determination, we reviewed the original complaint, the Committee’s response to the complaint, and the complainant’s request for further review. We also reviewed the Committee’s website, charge and the Envision Concord Bridge to 2030 report. Finally, we reviewed relevant portions of videos of the Concord Select Board’s December 16, 2019, January 13, 2020, February 10, 2020 and March 9, 2020, meetings.

¹ Unless otherwise specified, all dates refer to 2020.

² At an October 19 meeting, the Select Board referred the Open Meeting Law complaint to Town Counsel to respond. The Committee did not review the complaint. As we find that the Committee is a public body subject to the Open Meeting Law, we remind the Committee of its obligation to meet to review and respond to an Open Meeting Law complaint within 14 business days of receipt, or within the time allotted pursuant to an extension granted by our office. See G.L. c. 30A, § 23(b); 940 CMR 29.05(5).

FACTS

We find the facts as follows. The idea to create the Committee evolved from the Town's long-range planning process, called Envision Concord Bridge to 2030. The planning process resulted in a July 30, 2018, report which identified a need to increase local sustainable transportation in Concord. In response, the Select Board drafted a charge for a Transportation Advisory Committee, discussing the process at four open meetings - December 16, 2019, January 13, 2020, February 10, 2020 and March 9, 2020.

During the December 16, 2019, meeting, the Select Board noted the importance of transportation and the Select Board's interest in initiating an advisory group to study the issue in a collaborative way between town departments. The Select Board chose Member Jane Hotchkiss to work on a draft of the Committee's charge, to be discussed at a January meeting. During the January 13, 2020, and February 10, 2020, meetings, the Select Board debated the details of the Committee's charge. The Select Board considered who should appoint the Committee members, who the Committee should report to, and whether the Committee would be a "Select Board Committee" or a "Town Manager Committee."

At the March 9, 2020, meeting, the Select Board voted to approve a final charge for the Committee, after specifically debating whether the Select Board should approve the Committee at all since the members would be appointed by the Town Manager. The Committee's final charge stated that the Committee, which would have nine to eleven members, would be "appointed by the Town Manager and working closely with the Select Board" to:

1. Review and evaluate application of tools (e.g. Rail Trail Initiatives, Complete Streets, Parking Studies, Cut Through Study, Traffic Management Group determinations, School Transportation Needs..) in meeting Envision Concord Bridge to 2030's local transportation goals;
2. Assess the transportation concerns and ideas identified by existing town committees;
3. Explore and recommend innovative approaches and revenue sources for both new ways of local mobility as well as maintaining and enhancing existing infrastructure. such as state, regional and federal funds, public-private partnerships, grants, etc.;
4. Explore multi-model transportation options within and through Concord.
5. Balance the opportunities for transportation throughout Concord with goals for, environmental sustainability, stewardship of town historic and cultural resources, support for economic vitality, and the needs of a population of diverse incomes and ages, including public and private school communities.;
6. Make recommendations as to how the Town can enhance local transportation actions with existing resources;
7. Explore ways to benefit from neighboring communities, regional and state efforts to achieve similar goals; and
8. Develop a public education and input process.

Transportation Advisory Committee Charge, March 9, 2020, <https://www.concordma.gov/DocumentCenter/View/26499/Transportation-Advisory-Committee-Charge->.

Finally, under “Duties and Responsibilities,” the Committee’s charge states that the Committee will “[a]nalyze goals and report to the Town Manager and Select Board with specific recommendations that can be implemented to support the goals. Report progress to the Select Board and Town Manager on an ongoing basis.”³

DISCUSSION

The Open Meeting Law defines a “public body” as any “multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose.” G.L. c. 30A, § 18. The Supreme Judicial Court recognized an exemption to the Open Meeting Law’s definition of a public body in Connelly v. School Committee of Hanover, 409 Mass. 232 (1991). In Connelly, the Court held that where an individual public official creates a committee to advise that person on a decision that he or she has the sole authority to make, that committee is not subject to the Open Meeting Law. Connelly, 409 Mass. at 235.

The complaint alleges that the Committee is subject to the Open Meeting Law and violated the Open Meeting Law by failing to post notice and provide public access to the Committee’s first meeting, which took place on September 9, 2020. Ms. Gailus filed her complaint with the Committee on October 8, though she raised her concerns with the Town Manager and the Select Board before filing her complaint. In response, the Committee did not dispute that the September 9 meeting did not comply with the Open Meeting Law. Rather, the Committee’s counsel asserted that the Committee was created by the Town Manager and the Committee therefore falls within the Connelly exception and is not required to comply with the Open Meeting Law. However, in response to the complaint, the Committee decided to comply with the Open Meeting Law “voluntarily.” According to the Committee’s website, the Committee posted meeting notices, including public access information, and approved minutes starting with its October 7 meeting.

To determine whether a multiple-member entity is a public body subject to the Open Meeting Law, there are three factors we consider:

1. The entity must be “within” government and not excluded from the definition of “public body”;
2. The entity must be a “body” empowered to act collectively; and
3. The entity must serve a “public purpose.”

See OML 2017-120; OML 2010-1.⁴ With regard to the first factor, where an entity is not clearly placed within government by law, it may still be “within” government if the government played

³ Although the Committee’s charge says that the Committee shall “keep minutes of its deliberations, [and] observe the Open Meeting [Law],” this statement alone is not determinative regarding whether the Committee is a public body subject to the Open Meeting Law.

⁴ All previous determinations issued by the Division can be found on the Attorney General’s website: <https://www.mass.gov/the-open-meeting-law>.

a significant role in creating or structuring the group, the government has control over the group, and the group primarily performs an essentially governmental function. See OML 2015-34.

Here, where the Committee was created by the Select Board and reports to the Select Board regarding matters of transportation policy, we find that it is within government. It also serves a public purpose: assessing the Town's transportation needs and making policy recommendations. Finally, we find that it is a body empowered to act collectively, as the purpose of the Committee was to compile and analyze information and work collaboratively to provide recommendations to both the Town Manager and the Select Board. See OML 2016-116. The Committee therefore satisfies all three factors of the public body analysis.

We next examine whether the Connelly exception applies. In Connelly, the Supreme Judicial Court held that where an individual public official creates a committee to advise that individual on a decision that he has the sole authority to make, that committee is not subject to the Open Meeting Law. Connelly, 409 Mass at 235. We find that the Connelly exception does not apply to the Committee for the following reasons.

The Committee was created by a public body, the Select Board.

In Connelly, the Supreme Judicial Court explained that the Open Meeting Law “does not extend to committees which are not appointed by a ‘governmental body,’ and not otherwise constituted pursuant to statute, ordinance or by-law, or in some other official way to perform an assignment itself subject to the law.” We find that the Committee was appointed by a governmental body, that is, the Select Board. Throughout the Select Board's four meetings regarding the formation of the Committee, it was clear that the Select Board was the final decision-maker regarding the content of the Committee's charge, not the Town Manager. The Town Manager made suggestions about the structure, membership and scope of the Committee. However, the Select Board wrote, edited and voted to approve the final version of the Committee's charge. In our previous determinations, we explained that a public body's vote to create the group in question was a clear factor indicating creation of a public body subject to the Open Meeting Law. See OML 2018-21; OML 2017-118; OML 2017-36; OML 2016-102. For these reasons, we find that the Committee was created by a public body - the Select Board - and not by the Town Manager.

The Committee was created to report to both the Town Manager and the Select Board.

In addition, in order for a group to fall within the Connelly exception, the group in question must advise a single public official on a task which the official has the sole authority to act upon. As the Supreme Judicial Court explained, “[o]f special significance is the fact that the superintendent, because he is clearly not a ‘governmental body,’ could, by himself, have accomplished the task of screening and interviewing candidates in a closed session, entirely free from the requirements of the open meeting law. This was his independent and exclusive statutory responsibility ... and the selection committee was assembled merely to assist him in carrying out his responsibility.” Connelly, 409 Mass, at 235-36. The same standard was later applied in a case in which the Governor created an advisory panel to advise him on a decision that he had the ultimate authority to make by himself. Lambert v. Exec. Dir. of Judicial Nominating Council, 425 Mass. 406, 409 (1997).

Here, the Committee's charge requires the Committee to report on its progress to both the Select Board and Town Manager on an ongoing basis. As the Committee will make at least some of its recommendations to the Select Board, the Committee is not merely advising the Town Manager on tasks which are within the Town Manager's authority. See OML 2019-71 (working group fit within Connelly exception where working group only possessed authority to make recommendations to the Mayor).

Because the Committee was created by the Select Board, and reports to both the Select Board and the Town Manager, we find that the Committee is a public body of the Town, not of the Town Manager, and therefore the Connelly exception does not apply. Rather, the Committee is a public body subject to the Open Meeting Law. Where the Committee failed to post notice and failed to provide public access to its September 9 meeting, it violated the Open Meeting Law.

CONCLUSION

For the reasons stated above, we find that the Committee is a public body subject to the Open Meeting Law, and thus violated the Law by failing to comply with the Law's notice and minutes requirements. We order immediate and future compliance with the Law's requirements, and we caution that similar future violations could be considered evidence of intent to violate the Law.

We also order the Committee to create and approve, within **sixty (60) days** of receipt of this letter, minutes for the September 9, 2020, meeting, if the Committee has not already done so. The Committee should create these minutes to the best of its ability, through whatever means are available, including the memories and individual notations of the attendees. We also order the Committee to send a copy of the September 9, 2020, meeting minutes to Ms. Gailus within **sixty-five (65) days** of receipt of this letter and to make those minutes available to the public upon request. Finally, if the Committee did not create meeting minutes for any other meetings, besides the September 9 meeting which was the subject of this complaint, we order the Committee to create accurate minutes, to the best of its ability, for those meetings as well.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Committee. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Sarah Monahan
Assistant Attorney General
Division of Open Government

cc: Tanya Gailus (via e-mail: tbartevyan@yahoo.com)
Concord Transportation Advisory Committee c/o Town Manager Stephen Crane
(via e-mail: scrane@concordma.gov)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

DIVERSITY, EQUITY AND INCLUSION COMMISSION PROPOSED DRAFT COMMITTEE CHARGE

Goal

Everyone who lives in Concord, works in Concord, attends school in Concord, participates in a Concord faith community, or visits Concord for whatever reason will be welcomed, valued, respected and heard.

Mission

The Concord Select Board is creating the Diversity, Equity, and Inclusion Commission (DEI) to support diversity, achieve equity, and foster inclusion for every member of this community, respecting all aspects of identities. The purpose of the Commission is to enhance and increase cooperation, understanding, and dialog among residents of diverse cultural, religious, socio-economic, racial and ethnic backgrounds, and to promote inclusion throughout the town. The Commission shall also critically consider intersections among these groups to facilitate learning, understanding, and unity. It is anticipated that the Commission will be a standing Commission.

Definitions¹

Diversity includes all of the similarities and differences among people, not limited to: race, gender identity, ethnicity, native or indigenous origin, sexual orientation, culture, religion, belief system, marital status, parental status, socioeconomic status, appearance, language, accent, education, nationality, and political perspective or affiliation.

Diversity refers to population groups that have been historically underrepresented in socially, politically, or economically powerful institutions and organizations. These groups include, but are not restricted to populations of color, such as African Americans and Blacks, Latinx, Native Americans and Alaska Natives, Asian Americans and Pacific Islanders. They may also include lesbian, gay, bisexual, and transgender populations, people with disabilities and other groups.

Equity is an approach based in fairness to ensuring everyone is given equal opportunity; this means that resources may be divided and shared unequally to make sure that each person has a fair chance to succeed. Equity takes into account that people have different access to resources because of a system of oppression and privilege. Equity seeks to balance that disparity. Equity prioritizes efforts to ensure the most underserved and marginalized among us has as much of an opportunity to succeed as the most well-served and advantaged. By taking into account the various advantages and disadvantages that people face, we work to ensure that every person has an equal opportunity to succeed.

Inclusion is the dynamic state of operating in which diversity is leveraged to create a healthy, high-performing organization and community. Inclusion refers to the degree to which diverse individuals are able to participate fully in the decision-making processes within an organization or group. An inclusive environment ensures equitable access to resources and opportunities for all. It also enables

¹ Definitions in part excerpted from the LWVMA Toolkits for Members DEI/Resources

individuals and groups to feel safe, respected, engaged, motivated, and valued for who they are and for their contributions toward organizational and societal goals.

Membership

The DEI Commission shall be comprised of no fewer than seven (7) and no more than eleven (11) voting members, all residents of Concord, appointed by the Select Board for three-year, staggered terms (with terms of one-third of the members expiring each year). Members shall be reflective of the diversity of the Concord community. An active outreach program shall be initiated to ensure that the broadest range of residents is reached, with the goal that the ***majority of members shall be from historically underrepresented groups*** (as defined in the Mission Statement and Definitions above), with a range of expertise and experience. The more diverse the committee members are, the more viewpoints and opinions that can be taken into consideration. Members shall choose a Chair and Clerk. All meetings shall comply with the provisions of the Open Meeting Law, the Public Records Law, the Conflict-of-Interest Law, and all other applicable laws and regulations of the Commonwealth and the Town of Concord.

Duties and Responsibilities

- Gather first-hand experiences in Concord from historically disenfranchised and under-represented populations (including racial, ethnic, religious, etc.).
- Provide training for committee members to self-examine and recognize their own experience with historically disenfranchised populations and unconscious bias.
- Facilitate discussions and education forums for Concord residents and employers about issues of diversity, equity, and inclusion.
- Provide observations and identify areas of systemic racism in Concord. Develop recommendations of steps to be taken as individuals, organizations, and as a community to combat racism and embrace greater diversity, equity, and inclusion in Concord.
- Develop strategies and tools to assess the current racial climate in Concord (through surveys or other fact-gathering means) and to measure progress.
- Identify ways to promote awareness, engagement, and community building around diverse experiences and to create a more inclusive, welcoming community.
- Work in conjunction and in cooperation with other community, government, cultural and faith groups that are addressing DEI issues, so as to optimize the availability and use of resources.
- Suggest town-wide events or activities that foster cultural awareness and increase minority participation on government boards and committees.
- Periodically, and no less frequently than once every 6 months, brief the Select Board on progress made in identifying obstacles toward achieving DEI in Concord. Make recommendation to the Select Board to address problems that have been found. Assist with implementation of recommendations, as appropriate.
- In conjunction with the Select Board, periodically review and update the Commission's charge, in order to assure that its ongoing work is meaningful, targeted, effective and appropriate.

EXAMPLES OF ACTIVITIES AND ACHIEVEMENTS OF AREA DIVERSITY, EQUITY & INCLUSION COMMISSIONS¹

- Developed race equity plan for the community.
- Organized and provided racial equity training for staff and community members.
- Assisted Select Board in creation of a statement on systemic racism for the community.
- Advocated for and assisted with hiring of DEI Coordinator, with responsibility for DEI efforts.
- Established online resource for all residents, providing an interactive space of equity resources, discussion and learning opportunities.
- Reviewed Town policies to ensure no unintended bias or discriminatory language, with recommendations to Select Board for changes.
- Facilitated community-wide conversations on race.
- Developed an online complaint form for reporting incidents of discrimination. Monitor and respond to complaints, as appropriate, referring some to other agencies for resolution.
- Sponsored all-town read and discussion groups on White Fragility.
- Conducted town-wide survey with questions on the issues of race, equity and inclusion, as a starting point in order to develop recommendations to the Select Board.
- Conducted focus groups in conjunction with a professional facilitator representing different constituencies of the town.
- DEI Commission initiated a “Monday Nights on the Common” series celebrating diverse cultures.
- Assessed the intersections with DEI task force and other committees across town.
- Have strong connection with the public library, and works with business community to engage on DEI events on a regular basis, with info posted on web site. Has developed strong connections across many groups—educators, elected officials, business community, library, state DEI committees, etc. The integrated effort (not all done by the Commission alone) galvanizes the community more fully.
- Members participated in Race, Equity and Leadership training offered by the National League of Cities, in order to educate and strengthen town leadership’s capacity to work toward eliminating racial disparities, heal racial divisions, and foster a safer and more equitable community.
- Hosted community discussions following anti-Semitic incidents.
- In one community, the focus is on education challenges (incidents in the schools, hiring of diverse teachers, educating the committee itself on Critical Race Theory), and in developing ways to make the community more welcoming.
- DEI Commission members attend standing committee meetings, to bring back information and recommendations for diversity promotion action with these other groups. Openly identified and discussed systemic racism in the community.
- Hosted a town-wide celebration of diversity and assisted minority communities with cultural celebrations.
- Developed a stand-out web site that includes information on subgroup data, upcoming events, videos, etc. Good example of “welcoming” community.
- Members served on interview panel for new Police Chief and new School Superintendent, looking at selection process through DEI lens.
- Met with boards and committees to discuss how to incorporate DEI into their group’s goals.
- Identified the need for translators for non-English speaking population.
- Created a style guide for use of inclusive language for DEI use, with suggestions for wider use.
- Wrote series of newspaper columns/letters oriented toward developing a vision for an anti-racist community, with the goal of educating the community and obtaining feedback/input.

¹ Acton, Andover, Arlington, Belmont, Brookline, Chelmsford, Lexington, Sudbury, Westford

Jeremy Romanul

From: tbarveyan <tbarveyan@yahoo.com>
Sent: Friday, July 23, 2021 11:28 AM
To: Terri Ackerman; Matthew Johnson; Linda Escobedo; Susan Bates; Henry Dane; Jeremy Romanul
Cc: Stephen Crane; Mark Gailus
Subject: In Support of a citizens' DEI Commission

Dear Members of the Concord Select Board,

Please endorse the formation of a Concord citizens and residents Committee or Commission on Diversity, Equity, and Inclusion.

I have taken part in the discussions of the LWVCC's DEI Committee, and here is what I have tried to contribute:

I have experienced discrimination in the following ways (other than the widely acknowledged discriminations against women in general, of course):

1) As an immigrant, a naturalized citizen, who looks like a "white American." but who, once she starts speaking, is met with doubt about her perception or marginalization of her viewpoints - especially in policy matters- due to her accent or temperament. Separately, in social situations, fellow residents who have never even taken the trouble to attend a Town Meeting have preached to me about the First Amendment.

These are relatively minor issues, compared with:

2) In my country of birth, I was a member of an historically silenced indigenous minority. My ancestors were victims of or survivors of a genocide. I grew up without the knowledge of the history and wondering why I and my community were second class citizens. I know how it feels to try to hide one's background, to feel like one has to assert the governmental doctrines over and over to reassure others that one is a responsible citizen, to have no political voice whatsoever, to be treated as "other" everywhere.

[This is partly why I am so passionate so often about speaking freely in town matters, especially with regards to clarity and accuracy of discourse.]

3) I have two sons, one with darker coloring, like myself, the other with lighter coloring like his father. The one with darker coloring has been racially profiled and harassed (not in Concord.) The other one has not had to worry about that.

Diversity, Equity, and Inclusion, BTW, do not only have to do with "groups" as visibly noticed by skin color.

The ongoing legacy of slavery and the often genocidal mistreatments of Native American nations are two of the foundational problems of our country that need to be recognized and addressed (as well as other historical wrongs, such as the Japanese-American internment, anti-Jewish or anti-Muslim hate speech and crimes, and many more.)

On the other hand, the groups are not there for us to assume who belongs to which. Self-identification is also important to recognize.

And then there are the "invisible" groups and/or the less often recognized inequities. Sexual and gender identities, immigration status, religious preferences, - or, like myself, past experiences of serious discrimination elsewhere.

I therefore endorse both of the two separate definitions of "diversity" in the draft Charge proposed by the LWVCC's DEI Committee.

It is important not only to recognize "groups", but also "issues" about which people can be knowingly or unknowingly subjected to discrimination.

Our Town Manager mentioned "belonging" as sometimes an added quality of DEI.

We will *all* feel like we belong more, just by the establishment of the DEI Commission of citizens, the work of which will be ongoing.

Thank you for reading my letter.

Tanya B. Gailus



June 25, 2021

To: Concord Select Board Chair Linda Escobedo; Select Board Clerk Susan Bates;
Select Board Members Terri Ackerman, Henry Dane, and Matthew Johnson;

RE: Diversity, Equity, and Inclusion Commission in Concord

Dear Ms. Escobedo and Members of the Concord Select Board,

In support of the letter submitted to the Select Board by the League of Women Voters of Concord-Carlisle in May 2021, Communities Organizing Against Racism (COAR) would also like to encourage the Select Board to provide time at a July Select Board meeting for a discussion about the formation of a community-focused DEI Commission.

Communities Organizing Against Racism (COAR) was founded by parents in Concord coming together to share experiences and learn from one another, and to engage in courageous conversations about race with each other and with our children. COAR is committed to racial equity and social justice. We seek to promote inclusiveness and diversity, and address disparities in our community with an emphasis on our schools. We do this with respect, self-awareness, authentic engagement, and a willingness to learn from one another.

Over the last year, COAR has advocated for required anti-bias training for staff and a dedicated DEI Director position in the Concord School District. COAR has also coordinated with over 20 community groups to host June Journeys, a month-long series of events in June 2021 focused on racial awareness and learning.

The Concord Town Manager has taken the first step of commissioning an assessment of our current circumstances related to DEI in the town's workforce. Along with the LWVCC, COAR requests that the Select Board initiate a broader DEI Commission as a critical next step forward: The Commission would help to clarify the challenges Concord faces and outline concrete steps that we could take to build a more welcoming and inclusive community. It could also serve to coordinate the many efforts already underway and provide cohesion and direction for community groups committed to this work.

Thank you in advance for your consideration of this request, and we look forward to continuing the conversation about creating a new DEI Commission with you soon.

Sincerely,
Erin Fife, Chair
Communities Organizing Against Racism (COAR)

CC: League of Women Voters of Concord-Carlisle

WEST CONCORD UNION CHURCH



AN OPEN AND AFFIRMING CONGREGATION
OF THE UNITED CHURCH OF CHRIST

1317 Main Street, Concord, MA 01742 • WestConcordUnionChurch.org • 978-369-6309

To: Concord Select Board Chair Linda Escobedo; Select Board Clerk Susan Bates; Select Board Members Terri Ackerman, Jane Hotchkiss, and Matthew Johnson

Subject: Diversity, Equity, and Inclusion in Concord

Date: June 4, 2021

Dear Ms. Escobedo and Members of the Concord Select Board,

West Concord Union Church writes in support of the League of Women Voters of Concord-Carlisle's request that the Town of Concord establishes a Diversity, Equity, and Inclusion Commission to assess, address, and proactively move our community forward on these issues. We agree that, while the Concord-Carlisle School Committee has recently hired a DEI Director, this action is only the first step in the right direction because we need to reflect, consider, and create plans to make a difference on a town-wide basis.

In our Open and Affirming statement, the members of West Concord Union Church are called to love one another as God loves us, freely and unconditionally. We further believe that diversity enriches our faith community. Therefore, we welcome persons of any sexual orientation, gender identity and expression, age, race, socio-economics status, ethnicity, and physical and mental ability into full membership and participation in the body of Christ. In light of our commitment to our faith community, we hope to inspire the Town of Concord to embrace this moment in history, as our nation confronts its legacy of the original sin of slavery and its continued manifestation in the fabric of our society.

We hope that you will give the proposed Diversity, Equity, and Inclusion Commission the time and attention it deserves in July after the Town Meeting.

Sincerely yours,

Hannah Brown
Pastor

Matthew J. DeGreeff
Moderator

Andrew Southcott
Clerk

Cc: Julie Rohwein, President, League of Women Voters Concord-Carlisle

June 1, 2021

To the Select Board of Concord,

We are writing in support of the League of Women Voters request to the Select Board regarding Diversity, Equity and Inclusion in Concord.

Following the example and inspiration of other organizations in our community, First Parish in Concord urges the town of Concord to proactively assess and address the issues of Diversity, Equity and Inclusion.

We urge the Select Board to charter a commission charged with making recommendations on policies and programs which identify and seek to eliminate conscious or unconscious biases and prejudices and increase inclusion of historically disenfranchised demographic groups within our community.

We thank you for your service to Concord in furtherance of our mutual goals to promote a just and more equitable community.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized initial 'P' followed by a long horizontal line.

Peter Nobile, Chair

On behalf of the Standing Committee

First Parish in Concord

From: Nancy Brown <nancygutfeldbrown@gmail.com>

Sent: Thursday, July 15, 2021 12:59 PM

To: Terri Ackerman; Susan Bates; Matthew Johnson; Henry Dane; Linda Escobedo

Cc: Stephen Crane; Cindy Nock; Erin Fife

Subject: DEI Commission

Hi Terri,

You asked about League of Women Voters Massachusetts resources on DEI. A good starting place is the following:

<https://lwvma.org/toolkits-for-members/diversity-equity-and-inclusion-resources>.

Do you know yet whether DEI will be on the agenda for the Select Board meeting on the 26th?

Have a good weekend.

Nancy

Post-Incident Analysis

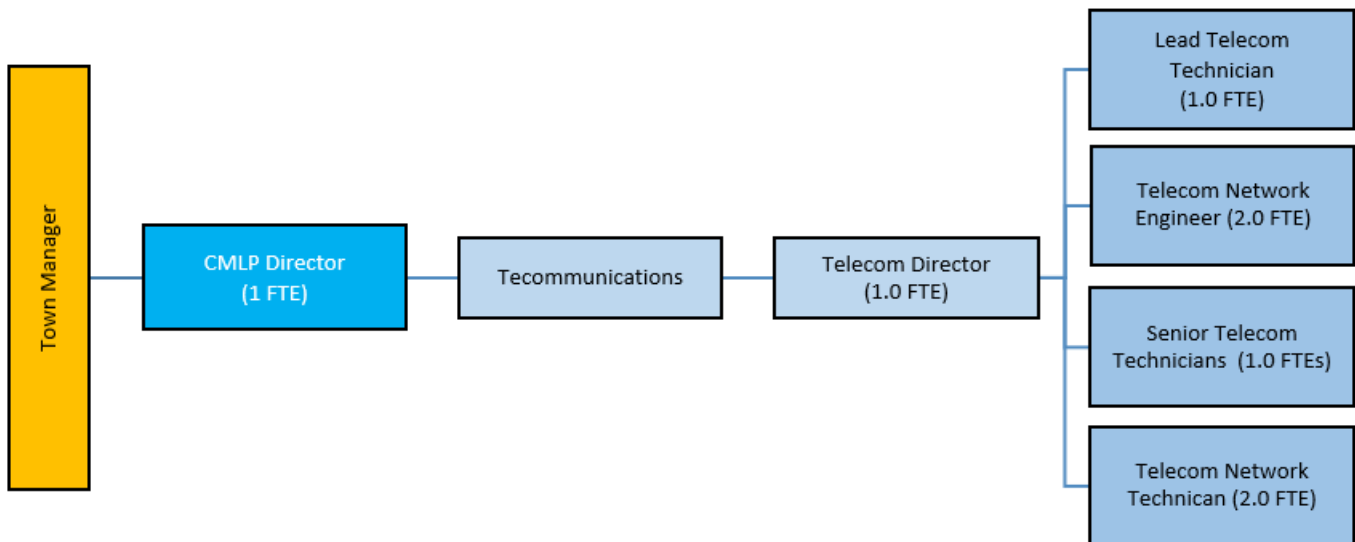
Broadband Network Outage on 6/25/2021

Summary

Between the dates of June 25 and June 30, 2021, Concord Light Broadband experienced a variety of network issues that affected internet connectivity to many of its customers for an extended period of time. This outage was inconsistent with the level of service we strive to provide, and it is imperative that we identify the root causes to prevent similar such events in the future. What follows is an analysis of the event, what was done to fix it, and what we are doing to make meaningful improvements to prevent it from happening again.

Background

Concord Light Broadband (CLB) is an enterprise in the Town of Concord that falls under the umbrella of the Concord Municipal Light Plant, the Town’s electric utility. Servicing around 1,600 residential and commercial customers, CLB also provides internet and network connectivity to all of Concord’s municipal buildings through its fiber infrastructure and a combination of three separate internet service providers (ISPs). At the time of this report, CLB consists of two full-time Telecom Network Technicians, a Senior Telecom Technician, and a full-time Telecom Network Engineer who report to the Telecom Director. The Director reports to the Light Plant Director, who is overseen by the Town Manager.



The Town’s CIO provides guidance and project assistance to the department. A third-party call center (Netegrity) handles basic troubleshooting service for customers. The equipment, including routers deployed in businesses and residences, are manufactured and supported by the vendor, Calix.



CONCORD MUNICIPAL LIGHT PLANT

ELECTRIC | BROADBAND | ENERGY MANAGEMENT

Since early 2021, the staff have been making arrangements to replace or upgrade several pieces of aging equipment to improve the resilience and serviceability of the network.

More information about the department, its offerings and current speeds and pricing can be found on its web page: <https://concordma.gov/467/Broadband-Internet-Service>

Incident

On the afternoon of June 25, 2021, around 3:00pm, the Concord Fire Department reported connectivity issues with a radio repeater. Upon investigation, Senior Telecom Technicians and the Network Engineer discovered a physical issue with the fiber and moved service of a small portion of Town (near Commerford Road) to different strands of fiber, restoring the service. What was originally theorized as a break in the fiber later turned out to be a damaged or dirty connector at a site maintained by CLB.

Removing and replacing the fiber caused a change in networking across several switches. One switch detected a loop and preemptively shut down a port involved in the Town's server equipment. This resulted in an hours-long issue with surveillance software and other critical infrastructure at the Police Department, which was resolved by 3am on June 26th.

On Saturday, June 26th, CLB began receiving calls that customers who have dynamic IP addresses could not get on the internet. In troubleshooting, CLB staff began to look at the DHCP servers that hand out IP addresses to customers as well as the licenses that restrict the number of addresses it can manage. Newer servers were being readied to handle DHCP, and those were moved into production to isolate the cause of the issue. At the end of the day, customers were pulling addresses successfully, and staff assumed the issue was fixed. Later that night, however, Netegrity informed CLB that customers with static IP addresses were having trouble getting out over the internet, suggesting a problem with the core switching in the environment. Troubleshooting continued into the night and customers who could reset their devices were able to get back online.

On Sunday, June 27, virtual networks were reconfigured to attempt to get static customers back online, but this impacted the ability for dynamic customers to retrieve IP addresses. Configuration changes to the DHCP servers did not resolve the issue. Calix was not able to assist with troubleshooting the equipment.

On Monday, June 28, additional vendors were brought on to look at the issues. The original DHCP servers were brought back online, but that did not solve the issue. The new servers were used again along with a new virtual network, and all customers began to pull IP addresses. Most impacted customers had service restored at this time.

On Tuesday, June 29, CLB worked with individual customers to restore their service by ensuring they were operating on the new virtual network and had reset their devices. Several employees were working on this.

On Wednesday, June 30, with service restored to the vast majority of customers, it was clear there was a lingering speed issue. Investigation continued while troubleshooting continued for a small handful of people who had unique configurations.

On Thursday, July 1, internal staff, outside vendors and Calix identified the cause of the slow speeds and began making plans to fix it on Friday.

On Friday, July 2 at 1am, the fix was applied and normal speeds restored.

As of the writing of this document, the environment is stable and has full redundancy for IP addressing, routing and internet connections. It should be noted that many employees and consultants went far above their usual duties during this period, and their dedication to the organization and the customers of broadband is much appreciated.

Issues

What follows is a summary of the issues encountered during this incident. They are broken down into resource, technical, and communication issues.

1. Resource

- a. The Senior Telecom Technicians and Network Engineer lacked a complete suite of diagnostic tools for analyzing fiber issues, including meters and scopes.
- b. The Cisco Network Registrar application (that handed out IP addresses on the older servers) had insufficient licensing for the total number of customers and was running on an unsupported operating system.
- c. While there was vendor support on various devices, that support did not extend to the entire network, and some end-of-life devices were not being supported.
- d. With a single network engineer and no third-party managing the broadband equipment, there were not an adequate number of individuals engaged in the first 3 days of the incident, leaving staff over-expanded.
- e. Broadband and IT staff had not undergone formal training on all systems involved in broadband.

2. Technical

- a. Network diagrams, documentation and firmware were between 1-6 years old, which caused slow-downs when newer staff or third parties attempted to assist in remediation.
- b. Alerting and logging was configured but not comprehensive, resulting in notifications of loops that were missed by staff.
- c. Loop protection was turned on in some places but not others.
- d. CLB had not formally adopted an incident response plan.
- e. The Calix platform and software in place at the time allowed for easy viewing of devices without power or fiber connections but not devices that have no connectivity due to routing or IP addressing issues, which meant that internal staff had difficulty determining how many customers were affected at key times throughout the incident.

3. Communication



CONCORD MUNICIPAL LIGHT PLANT

ELECTRIC | BROADBAND | ENERGY MANAGEMENT

- a. The vendor hired for level one broadband support did not convey a consistent message to customers and did not have enough staff/phone lines for an outage of this size.
- b. CMLP Customer Service Representatives did not receive timely or meaningful updates from Broadband staff to relay to customers, including estimated times of restoration.
- c. Social media and website posts came too late in the incident.
- d. Customers were not directly notified of issues with their service.

Root Cause Analysis

Light Plant, IT and Broadband staff met many times in the days following this incident to discuss and document every step of the incident and response. Since there were technical, resource and communication issues during this incident, it's important to separate the root cause analysis into these categories as well.

Resources

Concord Light Broadband currently has 2 vacant positions: a second Network Engineer and a Senior Telecom Technician. The organization went through a shift in structure with the departure of the Town's CIO in December of 2019, with the Telecom Director starting a week before the State's emergency pandemic orders took effect in March of 2020. The recruitment of a second Network Engineer was underway and paused in March of 2020 due to the pandemic. A new CIO was not brought on until November of 2020. The Network Engineer currently employed by CLB started in April of 2021 after the departure in February 2021 of the previous Network Engineer. The impact of the pandemic, incomplete staffing levels and newer staff cannot be overstated.

Beginning in December of 2020 and continuing through April of 2021, CLB was making plans for an overhaul of its network and a review of its security. But because of the pandemic shut-down of new installations, attention was diverted in April and May to begin planning for the eventual sifting of the backlog of requests for service.

Approval for the posting of the second Network Engineer position was granted by the Light Plant Director in April of 2020, and the job is scheduled for posting the week of July 26th.

Technical

Many of the technical issues that arose during this incident can be attributed to the insufficient resources above. They boil down to legacy architecture – relying on DHCP within the Town's virtual environment instead of outside of it at the broadband level, for example – a mismatch of vendor-supported and Town-hosted monitoring tools, and inconsistent off- and on-boarding procedures for setting up new employees with alerts and access to these systems.

At an earlier incident, in May of 2021, the inconsistent loop protection was detected on the Town's network, but employing it on the over 40 switches in production was a process that had other dependencies that were not met due to financial constraints.

While trained in incident command and having CMLP resources, Broadband did not have an approved incident response plan in place, which would have helped mount a coordinated response at different points throughout the incident.

Communication

Concord Light Broadband has an obligation to keep open lines of communication between internal staff, senior managers, the Town Manager, Light Board, Select Board, residents and customers of its services. The communication during this incident was inadequate at every level. Due to the lack of a communication plan, there were no dedicated resources set aside to help keep stakeholders apprised as technical resources continued working on a resolution.

The nature of the relationship between CLB and Netegrity requires that the vendor be effectively managed so they provide timely and useful information to customers who call with issues. Netegrity was unfortunately not passing along the message given to them, resulting in customers confused and calling CMLP staff for updates. This vendor also only had 3 customer support representatives answering phones – a number that was inadequate for the call volume they were experiencing.

Action Items

In order to increase the resilience of the network and broadband service, we recommend the following action items take place. In coming weeks, these action items will be prioritized, and timelines will be developed by the Telecom Director. All of this will be shared with the Light Board at their regular public meetings so that everyone is apprised of the progress.

Infrastructure & Resources

- Conduct a needs assessment to ensure the department has identified all necessary positions, and ensure the department is fully staffed
- Replace all end-of-life equipment and update all firmware on supported equipment
- Simplify and harden network configuration and architecture after third-party review
- Ensure all equipment has a level of redundancy; where it doesn't exist, this risk should be communicated to the Light and Select Boards to ensure acceptance
- Have sufficient resource backups for Network Engineers and Telecom Technicians
- Purchase, obtain or set up resources to troubleshoot physical issues and be notified of network issues

Training

- Ensure all Broadband and relevant IT staff:
 - are trained and fluent in Calix's management software
 - can take care of customer tickets from start to finish and understand how the virtual networks, profiles and settings work
 - understand how to use communication, collaboration and documentation tools like Teams, Office 365 apps, Visio, etc.
 - are trained in Incident Command and understand basics of triaging and handling emergencies
- Ensure all training is documented and routinely performed

Procedures

- Have an incident response plan
- Develop standard procedures for reaching out to vendors during emergencies
- Have an adequate test environment with real-world ONTs that can be used while troubleshooting

Documentation

- Make sure all troubleshooting and customer fixes are documented and accessible by staff and support consultants
- Have how-tos, wikis and other documentation that explains when certain remedies should be applied
- Make sure tracking of all hardware, firmware levels, support contracts, emergency contacts, etc. are up to date
- Ensure we can get accurate, meaningful and actionable reports of down customers from Calix

Support

- Get 24x7 support contracts for all internet infrastructure
- Investigate the escalation steps needed to engage Calix
- Make sure we have adequate vendors on standby for assistance beyond those already engaged
- Make sure third-party customer service support goes through periodic review and training on procedures and communication

Communication

- Develop a communication plan that can be shared with the public, and ensure adequate training of all CLB staff on it
- Make sure adequate resources, like the PIO, CIO, Light Plant Director, and Town Manager are apprised of issues that cross a pre-defined threshold so they can help in the spread of information

Next Steps

The next steps are to communicate what this post-incident analysis contains to all stakeholders. The Broadband and Light Plant will need to come up with a prioritized plan to implement the action items listed here, including what resources are required to complete them and an estimated timeline.

The Light Board has made Broadband a high priority and will receive monthly updates from the Telecom Director on the progress of these action items.

Update in July of 2021

Several action items are well underway at this time, including:

- Third parties reviewing the current architecture and suggesting a redesign of equipment to increase resilience and reduce complexity
- Training of staff
- The development of an incident response plan and communications plan
- The updating or replacement of outdated hardware, including new redundant servers on the latest operating system handing out client IP addresses



CONCORD MUNICIPAL LIGHT PLANT

ELECTRIC | BROADBAND | ENERGY MANAGEMENT

- The filling of vacant positions
- Discussions with support vendors

Also, a 25% bill credit was issued to all broadband customers in recognition of the substantial impact this had on them.

The staff, Town Manager, Light Board and Select Board are all currently considering a substantial financial investment through the American Rescue Plan Act to increase the availability of this service to more businesses and residents in Concord.

Conclusion

It is our sincere goal to maintain a transparent path forward to rebuild trust with our customers after this incident. We would like to reiterate our apology for this incident and reaffirm our commitment to prioritize broadband as the critical infrastructure it is.

Should people like to discuss this document in greater detail, feel free to contact us at ConcordLight@concordma.gov.

From: Mark Howell <mark_howell@mac.com>

Sent: Wednesday, July 21, 2021 11:19 AM

To: wendy.rovelli@gmail.com; Brian Foulds; Alice Kaufman; Pam Hill; gordon.brockway@yahoo.com

Cc: Terri Ackerman; Matt Johnson; Henry Dane; Linda Escobedo; Susan Bates

Subject: Concord's suspension of Broadband installations cited as an example of weakness of the municipal model.

This letter from in the Falmouth Enterprise July 16, 2021 edition https://www.capenews.net/falmouth/opinion/wrong-approach-for-falmouth---letter/article_d3d8a5c9-b852-5c46-b041-66c0f0ce6f6c.html is an example of exactly the type of publicity we don't want to get for Concord.

Here's the quote:

"This track record also shows why adopting a government-run network is the wrong approach for Falmouth. Municipalities and communities don't have the technical capacity, nor the resources to innovate and invest year-over-year, or the human-power to install, repair, maintain and update networks. The residents of Concord saw this firsthand during the pandemic when the city's government-owned provider suspended installations, while private providers continued to serve millions of customers across the Commonwealth."

The author, Tim Wilkerson is the president of the New England Cable and Telecommunication Association an industry group that has lobbied hard against municipal broadband project. The letter was published on the Cape because Falmouth has been moving ahead with their efforts to start a project, most likely using the MLP model.

I call it to your attention because it is an example of closely the for profit industry is watching for any signs of weakness in the municipal space.

I would note that OpenCape is objecting strongly to the characterization in the letter. I think that Concord should be concerned about the portrayal.

In my opinion, making the commitment to study how to act strategically for sustainability and grow through the Fiber Broadband Completion Committee is one of the best things the Town can do to make sure that Wilkerson's opinion is proved incorrect.

Thanks,

Mark Howell



Town of Concord
Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
June 13, 2021

FIBER/BROADBAND STUDY COMMITTEE – By Petition

ARTICLE 41.

Upon a **MOTION** made by Ms. Hire and duly seconded, the following was **VOTED**:

That the Town take affirmative action on Article 41 as printed in the Town Meeting Materials, with changes in the language of the article as printed in the Warrant highlighted:

“To determine whether The Town will vote to urge the Town Manager to increase the availability of municipal fiber optic telecommunications service. To assist in this task, the ~~Town Manager~~ Select Board shall appoint a Fiber Broadband Completion Committee with the following charge: Study and recommend appropriate solutions, including possible funding, for,

- (a) expediting the installation of fiber-optic telecommunications utility service on the remaining 5% of Town ~~property~~ streets that lacks such service;
- (b) exploring barriers to Concord Light Broadband subscription growth; and
- (c) investigating opportunities for expanding fiber-to-the-home and to fiber-to-the-business.

The Committee shall write a Report with findings and recommendations to the Town Manager and the Select Board by a date no later than one month prior to the deadline for Draft Warrant Articles for 2022 Annual Town Meeting.

The Committee shall be comprised of no fewer than 5 and no more than 7 members, including: one member of the Concord Municipal Light Board, chosen by the Light Board; one member qualified to represent the business consumers of fiber-based utility services; one member qualified to represent the real estate community; and at least two additional at-large members chosen by the ~~Town Manager~~ Select Board. The Committee shall elect its own chair and clerk. The Committee shall seek creative, forward-thinking solutions that acknowledge the existing roles and responsibilities of the Town Manager and staff of the Concord Municipal Light Plant in providing broadband services via the Town’s fiber optic network.

~~–Or take any other action relative thereto.”~~

Passed by a majority vote

June 13, 2021

A True Copy Attest:

Kaari Mai Tari
Town Clerk

Draft for Discussion 7/26/21

Charge

Fiber Broadband Completion Task Force

A. Purpose and Background

The purpose of the Fiber Broadband Completion Committee (FBCC or Committee) is to study and recommend appropriate solutions for the completion of Concord's fiber optic network, known as Concord Light Broadband, so that this network can offer broadband service throughout the Town.

Today, fiber provides fast, reliable broadband internet to over 1,700 Concord subscribers, supports emergency communications in Concord and Carlisle, is operationally and financially self-sustaining. These successes aside, there is room for improvement. A recent GIS data analysis found that 7% of residential parcels are without Fiber Broadband access, either by under-ground or overhead cable, representing 22% of individual addresses. Residents in affordable housing, condominiums, or apartments may face difficulties connecting to the Town's fiber network.

The Fiber Optic network is clearly a valuable asset to the Town and is capable of supporting economic vitality, sustainability and resilience goals. Broadband is an essential service, as we have seen during this COVID experience, yet not all of our citizens are able to get this service because of various barriers.

Article 41 of the 2021 Annual Town Meeting (attached) urged the Town Manager to increase the availability of municipal fiber optic telecommunications service and work toward 100% completion.

The fiber optic network began in 2014 with small steps and conservative goals, such as needing to be competitive and earn a return. Those goals are still key to Concord Light Broadband's enterprise, yet there are new considerations, including the potential for service expansion to neighboring towns and the importance of staying competitive with broadband alternatives from commercial providers. Fiber buildout has to be completed to the remaining about-quarter of the residents, perhaps also some businesses, not yet served.

The FBCC will study alternative approaches to network completion and provide a written report of recommended actions and strategies for the Town Manager and Select Board to consider. The report will present solutions, including possible funding, for three distinct aspects of network completion, or subject areas:

- (a) recommending ways to expedite the installation of fiber-optic telecommunications utility service on the remaining 7% of Town streets that lacks such service
- (b) exploring barriers to Concord Light Broadband subscription growth
- (c) investigating opportunities for expanding fiber-to-the-home and fiber-to-the-business.

The new committee will explore the barriers to broadband adoption in a targeted, focused effort. It will revisit the fiber completion strategy on behalf of the community. The report will provide the Light Board, the Select Board, and the Town Manager with information needed to form rational policy decisions on laying fiber to homes and businesses in Concord.

Commented [ta1]: Comment from CMLP:
Rely on Jason's or Greg's assessment of the facts as to the number of customers, the number of homes or businesses without access to town broadband

B. Membership

The Fiber Broadband Completion Committee shall be comprised of seven members appointed by the Select Board. The term of office shall be until February 1, 2022, which is the target date for completion of the Report, unless extended by the Select Board.

Membership shall be as follows:

- One member of the Concord Municipal Light Board, or their designee, chosen by the Light Board
- One member qualified to represent the business consumers of fiber-based utility services
- One member qualified to represent the real estate community
- One member from a multi-unit dwelling (not currently served by fiber) or Home Owners Association (HOA) board member.
- One member of the PEG Access Advisory Committee
- Two additional citizens-at-large with preference given to citizens from these groups:
 - * the arts and digital media community
 - * representatives of the older population (council on aging?)
 - * representatives of lower income populations
 - * students

In addition, the Finance Committee shall appoint a represent to serve as liaison to this committee.

The Committee shall elect a chair and clerk.

C. Duties and Responsibilities

The Committee shall seek creative, forward-thinking solutions that acknowledge the existing roles and responsibilities of the Town Manager and staff of the Concord Municipal Light Plant in providing broadband services and completing the broadband deployment of the Town's fiber optic network. This work, for completion of the rollout, will focus exclusively of course on our fiber. (To be clear, it is *not* the role of the FBCC to study wireless methods of telecommunications and internet access. In particular, the FBCC will not study or explore cellular telephone service solutions or internet access that is based on wireless technologies, such as small cells, 5G, or over-the-air-reception devices.)

The Committee shall hold at least one public hearing and may conduct surveys, focus groups, or other data collection methods. It is also recommended that Committee members meet with groups such as the Concord Business Partnership, Economic Vitality Committee, League of Women Voters, the Concord-Carlisle School Superintendent, Council on Aging, and (representatives of the arts and digital media communities)

Commented [ta2]: There were many comments stating that the term is too short. For example:

We will likely need more than 6 months, but Article 41 had a deadline of "one month prior to the deadline for Draft Warrant Articles for 2022 Annual Town Meeting.

- The warrant article calls for a report one month prior to the warrant deadline - that does not mean the term of office has to end in six months

- The committee should research barriers to customer growth prior to developing a plan for expansion. It is recommended that the Committee shall conduct a citizen survey to ascertain an approximate percentage of citizens who do not want or anticipate using fiber and why.

Commented [ta3]:

Commented [ta4R3]: Comment from CMLP:

- Much of this looks like a market development and customer acquisition strategy. Before setting out on this path, review of the broadband bus strategy and analysis of successes and failures should be completed

- The Fiber Broadband Committee shall report their findings and recommendations in writing to the Town Manager and Select Board no later than February 1, 2022. The report shall be publicly available, and the Light Board and interested members of the public should have an opportunity to review and comment on it prior to final submission.

This Report shall be divided into the three aspects of completion set forth in Article 41 and repeated in section A above.

- As a starting point for developing recommendations, the Committee shall include the following items in its findings:
 1. A review of current broadband availability and policy recommendations that will help achieve the goal of 100% fiber broadband availability for Concord. 100% availability is defined to include making fiber available on all Concord public streets, and getting fiber from public or private streets into homes and businesses, including providing access to residents who reside in so-called multiple dwelling units (MDUs).
 2. A review of current financial mechanisms and recommendations on guidelines for the capital investments required to achieve 100% broadband availability. This should include a comprehensive cost analysis for underground construction and for fully implementing the plan, analysis on the rate structure for the infrastructure buildout and support, and the timeline for completion. It should also include potential sources of funding such as town capital planning, user / connection fees, American Rescue Plan Act and other State and Federal funding opportunities.
 3. A review of the current process used by the Town for prioritizing fiber expansion projects, with recommendations as needed.
 4. A summary of public input related to the Town's fiber network.
 5. The committee's report should analyze the need for an extension to this Task Force or perhaps a dedicated "Fiber Broadband Committee or Board" (FBC or FBB) to ensure citizens receive transparency into this town funded business.

Commented [ta5]: This section moved to an earlier location

Within the three completion aspects, the Report should cover following topics. This list is not exclusive and the Committee may choose to explore additional issues that help to articulate the mission and the business and financial policies for expanding the fiber network and sustaining operations.

(a), "the last 5% of streets"

- Develop a list of common reasons why service is not available and recommended strategies for dealing with each reason.
- What is an appropriate timeframe for completion, perhaps by type of parcel, considering economic sustainability and policy-based objectives?

- Explore possible solutions for availability on private ways.
- Explore different alternatives for different categories of properties, such as by zoning district, lot size, MDU's, or distance from fiber laid in the streets.

(b), "barriers to subscription growth"

- Are residents aware that the service exists? If not, how can it be publicized?
- What is a sustainable rate of growth, considering customers who are already connected to fiber (have a connection but are not using it or not maximizing it) as well as those who must expend capital to get connected?
- Are there technological challenges to growth that can be identified and studied?
- What metrics can be used to track progress and guide the investments needed to achieve the objectives? Recommend process for establishing goals and prioritizing conflicting goals.

(c): "fiber-to-the-home (FTTH) and fiber-to-the-business (FTTB)" aka the 'last mile'

- How can multiple homes in a neighborhood be encouraged to subscribe?
- How can Concord use its fiber resource to attract new businesses?
- How can fiber be distributed further within the multi-unit dwellings or businesses?
- What capital investments might be recaptured quickly and which need longer-term solutions?
- Can the Town offer financing to customers who want capital-expensive connections?

D. Other Considerations

To foster a free and open discussion of ideas, the Committee shall comply with the provisions of the Open Meeting Law (including keeping minutes of its deliberations), the Public Records Law, the Conflict-of-Interest Law and all other applicable laws and regulations of the Commonwealth, as well as all relevant Bylaws and Administrative Policies of the Town.

- Add an appendix to the charge with the voted-on language of Article 41 at the 2021 town meeting.

Draft for Discussion 7/26/21

Charge

Fiber Broadband Completion Committee Task Force

Formatted: Left
Formatted: Font: Not Bold, No underline
Formatted: Font: Not Bold, No underline

A. Purpose and Background

The purpose of the Fiber Broadband Completion Committee (FBCC or Committee) is to study and recommend appropriate solutions for the completion of Concord's fiber optic network, known as Concord Light Broadband, so that this network can offer broadband service throughout the Town.

Today, fiber provides fast, reliable broadband internet to over 1,700 Concord subscribers, supports emergency communications in Concord and Carlisle, is operationally and financially self-sustaining. These successes aside, there is room for improvement. A recent GIS data analysis found that 7% of residential parcels are without Fiber Broadband access, either by under-ground or overhead cable, representing 22% of individual addresses. Residents in affordable housing, condominiums, or apartments may face difficulties connecting to the Town's fiber network.

Commented [ta1]: Comment from CMLP: Rely on Jason's or Greg's assessment of the facts as to the number of customers, the number of homes or businesses without access to town broadband

The Fiber Optic network is ~~clearly a an extraordinarily~~ valuable asset to the Town and is capable of supporting economic vitality, sustainability and resilience goals. ~~Now is the time to push for 100% completion.~~ Broadband is an essential service, as we have seen during this COVID experience, yet not all of our citizens are able to get this service because of various barriers.

Article 41 of the 2021 Annual Town Meeting (attached) urged the Town Manager to increase the availability of municipal fiber optic telecommunications service and work toward 100% completion.

The fiber optic network began in 2014 with small steps and conservative goals, such as needing to be competitive and earn a return. Those goals are still key to Concord Light Broadband's enterprise, yet there are new considerations, including the potential for service expansion to neighboring towns and the importance of staying competitive with ~~a growing number of~~ broadband alternatives from commercial providers. Fiber buildout has to be completed to the remaining about-quarter of the residents, perhaps also some businesses, not yet served.

The FBCC will study alternative approaches to network completion and provide a written report of recommended actions and strategies for the Town Manager and Select Board to consider. The report will present solutions, including possible funding, for three distinct aspects of network completion, or subject areas:

- (a) ~~recommending ways to expedite~~ the installation of fiber-optic telecommunications utility service on the remaining ~~57%~~ of Town streets that lacks such service
- (b) exploring barriers to Concord Light Broadband subscription growth
- (c) investigating opportunities for expanding fiber-to-the-home and ~~to~~ fiber-to-the-business.

The new committee will explore the barriers to broadband adoption in a targeted, focused effort. It will revisit the fiber completion strategy on behalf of the community. The report will provide the Light Board, the Select

Board, and the Town Manager with information needed to form rational policy decisions on laying fiber to homes and businesses in Concord.

B. Membership

The Fiber Broadband Completion Committee shall be comprised of seven members appointed by the Select Board. The term of office shall be until February 1, 2022, which is the target date for completion of the Report, unless extended by the Select Board.

Membership shall be as follows:

- One member of the Concord Municipal Light Board, or their designee, chosen by the Light Board
- One member qualified to represent the business consumers of fiber-based utility services
- One member qualified to represent the real estate community
- One member from a multi-unit dwelling (not currently served by fiber) or Homeowners Association (HOA) board member.
- One member of the PEG Access Advisory Committee
- Two up to three additional citizens-at-large* with preference given to citizens from these groups:
 - *Consider including one member of_* the arts and digital media community, or designee from an existing Town cultural committee
 - * representatives of the older population (council on aging?)
 - * representatives of lower income populations
 - * students

In addition, the Finance Committee shall appoint a represent to serve as liaison to this committee.

The Committee shall elect a chair and clerk.

C. Duties and Responsibilities

The Committee shall seek creative, forward-thinking solutions that acknowledge the existing roles and responsibilities of the Town Manager and staff of the Concord Municipal Light Plant in providing broadband services and completing the broadband deployment via of the Town's fiber optic network. This work, for completion of the rollout, will focus exclusively of course on our fiber. (To be clear, i-it is not the role of the FBCC to study wireless methods of telecommunications and internet access. In particular, the FBCC will not study or explore cellular telephone service solutions or internet access that is based on wireless technologies, such as small cells, 5G, or over-the-air-reception devices.)

The Committee shall hold at least one public hearing and may conduct surveys, focus groups, or other data collection methods. It is also recommended that Committee members meet with groups such as the Concord

Formatted: Space Before: Auto, After: Auto, Outline numbered + Level: 1 + Numbering Style: Bullet + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Pattern: Clear (White)

Commented [ta2]: There were many comments stating that the term is too short. For example:

We will likely need more than 6 months, but Article 41 had a deadline of "one month prior to the deadline for Draft Warrant Articles for 2022 Annual Town Meeting.

- The warrant article calls for a report one month prior to the warrant deadline - that does not mean the term of office has to end in six months

Formatted: No bullets or numbering

Formatted: Normal, No bullets or numbering

Business Partnership, Economic Vitality Committee, League of Women Voters, the Concord-Carlisle School Superintendent, Council on Aging, and (representatives of the arts and digital media communities)

- The committee should research barriers to customer growth prior to developing a plan for expansion. It is recommended that t~~he~~ Committee shall conduct a citizen survey to ascertain an approximate percentage of citizens who do not want or anticipate using fiber and why.

Commented [ta3]:

Commented [ta4R3]: Comment from CMLP:

- Much of this looks like a market development and customer acquisition strategy. Before setting out on this path, review of the broadband bus strategy and analysis of successes and failures should be completed

Formatted: Indent: Left: 0.5", No bullets or numbering

- The Fiber Broadband Committee shall report their findings and recommendations in writing to the Town Manager and Select Board no later than February 1, 2022. The report shall be publicly available, and the Light Board and interested members of the public should have an opportunity to review and comment on it prior to final submission.

This Report shall be divided into the three aspects of completion set forth in Article 41 and repeated in section A above.

- As a starting point for developing recommendations, the Committee shall include the following items in its findings:

Formatted: Indent: Left: -0.15", Space Before: Auto, After: Auto, Outline numbered + Level: 1 + Numbering Style: Bullet + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Pattern: Clear (White)

1. A review of current broadband availability and policy recommendations that will help achieve the goal of 100% fiber broadband availability for Concord. 100% availability is defined to include making fiber available on all Concord public streets, and getting fiber from public or private streets into homes and businesses, including— providing access to residents who reside in so-called multiple dwelling units (MDUs).
2. A review of current financial mechanisms and recommendations on guidelines for the capital investments required to achieve 100% broadband availability. This should include a comprehensive cost analysis for underground construction and for fully implementing the plan, analysis on the rate structure for the infrastructure buildout and support, and the timeline for completion. It should also include potential sources of funding such as town capital planning, user / connection fees, American Rescue Plan Act and other State and Federal funding opportunities.
3. A review of the current process used by the Town for addressing the existing order backlog and prioritizing fiber expansion projects, with recommendations as needed.

3.4.

4. A summary of public input related to the Town's fiber network. The Committee shall hold at least one public hearing and may conduct surveys, focus groups, or other data collection methods. It is also recommended that Committee members meet with groups such as the Concord Business Partnership, Economic Vitality Committee, League of Women Voters, the Concord-Carlisle School Superintendent, Council on Aging, and (representatives of the arts and digital media communities)

Commented [ta5]: This section moved to an earlier location

5. The committee's report should analyze the need for an extension to this Task Force or perhaps a dedicated "Fiber Broadband Committee or Board" (FBC or FBB) to ensure citizens receive transparency into this town funded business.

Formatted: Normal, Indent: Left: -0.15", Space Before: Auto, After: Auto, Pattern: Clear (White)

Formatted: List Paragraph

Within the three completion aspects, the Report should cover following topics. This list is not exclusive and the Committee may choose to explore additional issues that help to articulate the mission and the business and financial policies for expanding the fiber network and sustaining operations.

(a), “the last 5% of streets”

- Develop a list of common reasons why service is not available and recommended strategies for dealing with each reason. Suggest areas for changing current business model or for further study; report on gaps.
- What is an appropriate rate of growth for unserved parcels, timeframe for completion, perhaps by type of parcel, considering economic sustainability and policy-based objectives?
- Explore possible solutions for availability on private ways.
- Explore different alternatives for different categories of properties, such as by zoning district, lot size, MDU’s, or distance from fiber laid in the streets.

(b), “barriers to subscription growth”

- Are residents aware that the service exists? If not, how can it be publicized?
- What is a sustainable rate of growth, considering customers who are already connected to fiber (have a connection but are not using it or not maximizing it) as well as those who must expend capital to get connected?
- Are there technological challenges to growth that can be identified and studied?
- What metrics can be used to track progress and guide the investments needed to achieve the objectives? Recommend process for establishing goals and prioritizing conflicting goals.

(c): “fiber-to-the-home (FTTH) and fiber-to-the-business (FTTB)” aka the ‘last mile’

- How can multiple homes in a neighborhood be encouraged to subscribe?
- How can Concord use its fiber resource to attract new businesses?
- How can fiber be distributed further within the multi-unit dwellings or businesses?
- What capital investments might be recaptured quickly and which need longer-term solutions?
- Can the Town offer financing to customers who want capital-expensive connections?

D. Other Considerations

To foster a free and open discussion of ideas, the Committee shall comply with the provisions of the Open Meeting Law (including keeping minutes of its deliberations), the Public Records Law, the Conflict-of-Interest Law and all other applicable laws and regulations of the Commonwealth, as well as all relevant Bylaws and Administrative Policies of the Town.

- Add an appendix to the charge with the voted-on language of Article 41 at the 2021 town meeting.

Formatted: Indent: Left: 0", Space Before: Auto, After: Auto, Outline numbered + Level: 1 + Numbering Style: Bullet + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Pattern: Clear (White)

From: Mark Howell <mark_howell@mac.com>
Sent: Wednesday, July 21, 2021 11:43 AM
To: Terri Ackerman
Cc: K Reed; Matthew Johnson; wendy.rovelli@gmail.com; Gail E. Hire
Subject: Re: Broadband Study Committee

Terri,

Thanks for the invitation to submit additional comments on the draft. I have added Wendy to this as she is now the chair of the light board.

I generally agree with Gails comments and direction on the specific language in the charge.

My hope is that this committee will take the specific mission required by Article 41 and use it as a catalyst to do some overdue strategic thinking. I hope that their efforts lead to a documented long range plan for Broadband that will serve to ensure progress over the next 5-10 years. It should be seen as an extension of, and possibly be incorporated into the other Town long range planning efforts. I think the synergies between broadband and sustainability are apparent to anyone that considers that subject in any depth.

Here are the high level priorities in the Broadband areas as I see them:

1. Review our strategic position and establish a propose roadmap for BOTH completion of the network and sustainable business operation.
2. Identify policy areas that need specific guidelines and discuss how those policies should be established and when they should be reviewed.
3. Propose metric that can function as tracking indicator to allow the Light Board, Select Board and citizen to know if the business is healthy and making progress toward the long term goals.

Thanks for your efforts.

Mark

On Jul 19, 2021, at 12:46 PM, Gail E. Hire <gail.hire@comcast.net> wrote:

Hi Terri,

Thanks for following up regarding the Charge. As I explained via email to Matt Johnson, in revising the initial draft, I tried to strike a balance between providing enough detail to get the FBCC going on its work, and keeping things simple (such as including fewer members) and flexible.

As background and support for my changes, please note the following comments. You and I recently discussed some of these in person or via email - nothing new, just wanted to summarize for your convenience.

- The initial draft suggested including a Light Board member or its designee. The language of the Warrant Article simply stated a "one member of the Concord Municipal Light Board, chosen by the Light Board" and did not provide for a designee. I think it would be preferable to have a Light Board Member rather than an additional person, and I think this is what Article 41 provides.
- The initial draft suggested a Finance Committee liaison. I did not include this language in the draft only because I think it will be a few months into the Committee's work before dollar figures are discussed. Of course, anyone can attend the meetings. Perhaps it would be helpful to spell out the role of a "liaison" (unless it is defined elsewhere).
- The initial draft suggested a Select Board member or designee. It seems that your Board has many responsibilities and I wonder if the committee work should be left to citizens with fewer demands on their time. While the Select Board certainly has authority to appoint any member, including one of its own Board—whose experience and insights would be very valuable—my instinct is to allow room for other interested citizens on the Committee.
- The report deadline of Feb. 1 allows time for the FBCC to propose warrant articles for Town Meeting. The Committee might decide more work needs to be done, or have other concerns with proposing legislation, and end up not proposing any warrants at all. The important thing is to do the research needed to envision fiber network completion, and share those ideas with the Town Manager and the Select Board. If more committee-type work is needed after Feb. 1, the Select Board could re-appoint or create a similar Committee to take additional steps.

Gail

On Jul 17, 2021, at 4:59 PM, Terri Ackerman <tackerman@concordma.gov> wrote:

Hi Gail, Alice, Mark, Karlen, et. al,

Thank you for your input to the initial draft of the Charge for the Broadband Fiber Completion Committee. I have received input from some of you and understand that some will still be sending input. (Please send any such input to me by Wed July 21 at 5 PM so that I can include your comments in the materials sent to the Select Board.)

The Select Board will be discussing this Charge at its meeting on July 26. The meeting will take place in-person at 141 Keyes Road, with options for people to participate by zoom. We have not yet set the approximate times for this agenda, but once we do, Jeremy will contact you to let you know.

Please feel free to circulate this email to others who may want to give input into the committee charge.

Thanks in advance,
Terri

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

Terrri, SB Chair,

Because there is fairly wide interest, a group are included here as cc:. Could I ask please that this be sent on to respective committee members for whom I happen not to have email addresses? Thanks.

For those who prefer, the (fairly lengthy) text in this email is also available in an additional .pdf file also attached here.

David Allen
316 Heaths Bridge Rd
978 902 3000 – mobile

In response to your draft circulated, the charge for the Fiber Broadband Completion Committee (FBCC):

Here follows a ‘modest proposal.’

First of all, let me offer my appreciation for the first page, well structured and composed, to my eye, even with a little verve.

Beyond that, let me suggest that the conception both in the Article and in this draft charge is, shall we say, a bit split-personality. In the following sense.

Building out the fiber to be available to the remaining 22% of residents, on the one hand, and a strategic look at Concord Broadband futures, on the other, are two quite different and actually entirely separate efforts. To do either satisfactorily, with a citizen committee, would each take at least the about-six months time that is available before the report is due.

Instead, you can impanel a committee now to bring back word on building out the fiber. That is actually quite a demanding task, not just to find / structure the quite substantial funds that will be required, almost certainly in the several millions, perhaps upwards of 10 million. But also to confront the really significant challenges to serve multiple dwelling unit (MDU) properties, such as Concord Greene. The Light Plant has been about dealing with this quest, itself, now literally for a few years.

Then, to honor the dictates of the Article, you can create a committee, following after, to address future strategy. Membership for this group, instead of slots with the obligatory nod to other committees, can have space for the tech savvy, and their entrepreneurial acumen, whom Concord offers in overflowing abundance and profusion. Essential, really, to do any decent job here. Then you may just get some useful work on “barriers” and “opportunities.”

A recipe for quality outcomes? Respect the separate tasks to be done, in the time allotted. Divide tasks sensibly.

We do need quality outcomes.

Accompanying, two .docx files, with suggested edits to your circulated draft, incorporate the above; they also reflect the notes that follow here. One .docx file has "Track changes" turned on; the other is clean with "Changes accepted."

NOTES, in re the draft you circulated of the FBCC charge:

1.

It does not reflect an understanding of the business – it is not accurate – to say that there are a "growing number of broadband alternatives." The only real alternative is Comcast, with its HFC architecture. While there is a lot of talk about wireless alternatives, a sound grasp of the business understands these are not likely to eventuate as serious competition in any middle term. The (prospective) ubiquity, speed, and reliability of cable-based delivery, in our case fiber, proves superior, even dominantly so.

Entirely separately, a wireless cap over the town – provided by us as a *complement* (not of course as competition) to our fiber – was in the minds from the earliest conception of our network. Particularly because of limits placed on cell tower location, hence ragged cell reception in town, a reliable radio-delivered alternative for Concordians may one day be a compelling complement.

But of course this would appropriately only be taken up in a separate, follow-on committee charged to consider Concord Broadband futures, certainly would be a topic completely inappropriate for a first group concerned with plans for completing the fiber buildout.

2.

On page 2, re "getting fiber from public or private streets into homes and businesses"

I have left this in. But to note, the current arrangement between the Light Plant and the broadband subscriber, for installation, is effectively a delicate financial balance. Unsettling this could have dramatic dollar impact. There is already going to be large impact on money just for fiber rollout on streets and roads, before the fiber gets from the street into the home. Thus here, a note of caution.

3.

Page 3 is fairly extensively re-organized. To move beyond the grab bag (useful of course at the outset, to get ideas on the table), to suggest some implicit priority order, and to remove the unrelated, so identifying what matters.w

From: Brian Foulds <brian.foulds@gmail.com>
Sent: Wednesday, July 21, 2021 1:22 PM
To: Terri Ackerman
Cc: wendy rovelli
Subject: Broadband Study Committee Charge - CMLB input

Hi Terri,

Below are the individual CMLB member thoughts on the Fiber Broadband Completion Committee charge. I tried to organize them with similar responses being grouped without editing the text I received. Members reviewed the two attached draft charges; the Select Board's and the Petitioner's versions. If a bullet starts with ">" it is referring to the Petitioner's versions.

I hope this is helpful,
Brian

Purpose and Background

- Suggested title "Fiber Broadband Completion Study Task Force"
- Change "Fiber Broadband Completion Committee (FBCC)" to "Fiber Broadband Completion Task Force (FBCTF)" as this is a temporary committee tasked with a finite amount of time.
- Remove paragraph on "Why do we need it now" (that article was approved) [SEP]
- Remove subjective language in Background Section, such as Paras #1& 2
- > Remove subjective language and references to wireless technology
- Add an appendix to the charge with the voted on language of Article 41 at the 2021 town meeting. (clarify what was the vote taken)
- Define the terms fiberoptic network and telecommunications – they seem to be used interchangeably
- Define the purpose succinctly. The Town Meeting vote certainly raised the Town Manager's awareness of the voters' interest in exploring what it would take to expand broadband service throughout the entire town. No need to state that as the purpose of the committee. I suggest a statement of fact to that point – 'At TMN 2021, a petition article urging the Town Manager to extend service....led to the formation of the Fiber Broadband Completion Study Task Force..'
- > It is good to highlight time sensitive funding opportunities, but the section "Why do we need to do it now?" has subjective language (particularly in the bullet about competition) that may bias the study committee's research and report recommendations
- > The purpose looks good. Remove background section to committee charge, and all subjective language and assumptions from this version. 1) I would rely on Jason's or Greg's assessment of the facts as to the number of customers, the number of homes or businesses without access to town broadband, I would also leave out the last sentence

of Para #2. 2) Para #3: I urge caution in using terms like hyperbole like 'extraordinarily' valuable..and 'now is the time to push...' this latter seems inappropriate in a town chartered committee charge

- > Is it appropriate for this committee to review the current business model of the Broadband business as suggested in the charge?

Membership

- The timeframe for completion seems very short.
- Term: I believe the timeline for this study committee report and implementation is unrealistic. As written, it calls for the work to be completed within 6 months, a series of public forums to be held to solicit input, and receive feedback, submittal to designated committees of a report, and review and actions of each of the committees SB, FINCOM, Light Board, AND action to be taken in the form of a warrant article for the 2022 Town Meeting
- Suggest committee term of 1 year to meet 2023 Town Meeting timeframe
- The warrant article calls for a report one month prior to the warrant deadline - that does not mean the term of office has to end in six months^[SEP]
- > Membership: Suggest a member representing the FinCom be appointed to the board.
- The light board may name someone not currently sitting (a former board member) or someone of its choosing.
- The Concord Municipal Light Board should select one member, but this person should not necessarily be from the Light Board. The Light Board should be free to select any member of the community who is well-suited for the task. The wording could track the membership from the Select Board ("or their designee...").
- membership should include language that appointees from the SB, FinCom, and Light Plant may be designees and not necessarily a member of the committee
- The original warrant article did not include a select board member
- > Citizen at large should include a resident/representative from a multi-unit dwelling housing
- The membership should include ^[SEP]a multi-unit dwelling (not currently served by fiber) HomeOwners Association (HOA) board member. The target audience of this effort.
- The membership focuses on the business community and real estate interests but doesn't seem to include some other important stakeholders, such as representatives of the older population (council on aging?), representatives of lower income populations, and students. The membership balance should be better struck.
- Seven members is preferred over 5 (there is a lot to do)
- Membership: Suggest 5-member study committee, if permitted by Town meeting vote

Duties and Responsibilities

- > It seems to me that the committee may want to understand barriers to customer growth prior to developing a plan for expansion

- > Item C may be deferred until other aspects of the study reveal results, like why so few of eligible homes opt for town broadband. 1) Much of this looks like a market development and customer acquisition strategy. Before setting out on this path, review of the broadband bus strategy and analysis of successes and failures should be completed.
- The committee's report should analyze the need for a dedicated "Fiber Broadband Committee or Board" (FBC or FBB) to ensure citizens receive transparency into this town funded business. (prior to this article and the recent large-scale outage the CMLB has not discussed broadband...they have a lot on their plate with electricity)
- The Charge should require that the report submitted to the Select Board is in writing and is publically available, and that the Light Board and interested members of the public have had an opportunity to review and comment on it prior to final submission.
- > I would remove reference "It is not the role...over-the-air-reception devices"
- > A citizen survey would be very beneficial. Feedback should include a percentage of citizen who do not want or anticipate using fiber and why^[SEP]
- > Under both 5% of streets & Barriers - if rate of growth is included it should be accompanied by a full set implementation assumptions, including funding^[SEP]
- > Given the scope of work, I think it is reasonable for the committee/task force to continue - perhaps items under(c) Fiber to the home.. could be a subsequent report
- Be specific as to what is expected as deliverables
- Report to Town Manager, SB, FinCom, Light Board to include: Expediting installation is not defined for example
- The committee is being established by the SB and should reflect the interests of and outcomes expected by the SB rather than a wish list of items required to complete Concord's broadband infrastructure. Inherent in this should be a comprehensive cost analysis for fully implementing the plan, analysis on the rate structure for the infrastructure buildout and support, and the timeline for completion. My sense is that an infrastructure buildout plan without a cost and funding analysis is difficult to implement.
- Item 3 of charge has been discussed at numerous CMLP Board meetings, as recently 7/14. I suggest this study committee not include this item in charge. 1)Can 'expedited' be better defined in the context of this charge? And in context to other capital planning efforts?
- Aside from 1 public hearing, I suggest there be at least one public information listening session.
- > I would like to see the financing of a network expansion be considered as part of the charge, especially if there is a representative from the FinCom on the board. it seems appropriate to look beyond ARPAS funds and include capital planning needs in town.

Other Consideration

- > The charge should detail the scope of the study of the committee and expectations from them, perhaps beginning with para " The FBCC will study alternative approaches..."

2021-2022 Select Board Goals

DRAFT as of 7/22/21

Process

The Concord Select Board annually affirms its values and guiding principles to align its goals and objectives for improving government as it interacts with the Town Manager, committees, task forces, citizens and other units of government. In so doing, the Board aims to lead and establish strategic priorities, to provide support and guidance and encouragement where appropriate and to be collaborative, open and inclusive at all times.

Values and Guiding Principles

Governance: Effective, responsive and transparent governance

Public Health and Safety: Utilization of best practices for the health and safety of all

Financial Stability: Fiscal responsibility, financial stability/sustainability, town-school collaboration and integration

Infrastructure: Sufficient and sustainable, well-maintained and reliable

Quality of Life: High level maintenance of town services for Concord citizens. Dignity and respect for all individuals

Balance and Equity: Balance and equity among divergent individual, neighborhood and town-wide interests

Diversity: Conscious decision making to support economic and social diversity and inclusion

Historic and Cultural Heritage: Preservation and promotion of historic and cultural heritage

Agricultural and Natural Resources: Protection and enhancement

Sustainability and Resilience: Sustainable management of energy resources, reduction of carbon emissions, and regeneration of our natural environment

Economic Resilience: Protect the vitality of the town and businesses and reduce obstacles to their success

Regional and State Interests: Advancement of Concord's interest in the region and the commonwealth

Goals and Objectives

Specifically, the Board supports short and long-term goals and objectives in the following categories:

Effective Governance, Board Organization, and Communication

1. Provide ongoing support and advice to the Town Manager on leadership opportunities and issues. Conduct the annual evaluation of the Town Manager's performance and make determination on contract renewal.
2. Continue to support the Town Manager, town departments and town committees as they implement action steps from the *2030 Envision Concord* Comprehensive Long-Range Plan and other new priority areas in their current year goals.
 - a. Work with the Town Manager to lay out a 5-year plan for implementing the relevant action steps of 2030 Envision Concord.
 - b. Identify departmental goals and review progress with the Town Manager at the beginning and end of the fiscal year.

3. Approve a charge for and seat a new Fiber Broadband Completion Committee (ATM '21 Article 41).
4. Approve a charge for and seat a new study committee to review the current charge, bylaws, and function of the Personnel Committee. Evaluate recommendations and decide future charge of Personnel Board.
5. Provide guidance and resources for all Town volunteers serving on boards and committees to improve consistency and efficiency of public meetings and hearings. Restart annual training session for board/committee members on OML, ethics, and meeting management.
6. Continue to promote open and transparent government through enhanced use of technology and increased public access television.
7. Work to improve citizen communications by reviewing/implementing the citizen correspondence policy drafted in 2021. Continue regular publication of the Town Manager's report.
8. Recruit new committee volunteers that reflect all segments of Concord's citizenry; revisit the Green Card assignment and appointment process as needed. Implement the committee volunteer process drafted in 2021. Ensure that all volunteers are acknowledged for their willingness to serve.
9. Review/revise current committee structure; consider consolidation or elimination of existing committees and review APP10.
10. Support and participate in the public review of all new Public Private Partnership Agreements. Review the Town Manager's Public Private Partnership update to the SB.
11. Advise the Town Manager on opportunities to improve the Town website organization and access to the information it contains.
12. Work with the Town Manager and his office staff to improve the process of preparation for Select Board meetings.

Financial Stability

1. Gain Special Town Meeting and Town Election approval of debt exclusion funding for the new middle school with a target total project cost of \$100 million or less.
2. Brainstorm Town and School strategies for financing the forthcoming new Middle School Building Project to manage the future tax burden on Concord citizens. Identify an action plan to implement these financing strategies.
3. Fully implement the adopted recommendations of the Capital Planning Task Force this year to assist the Town Manager in developing an effective long-term method for understanding and prioritizing the capital and facilities needs of the Town and the Schools, to include timetables, cost estimates, environmental impact, debt forecasting and citizen tax burden.
4. Review the Town Manager's strategies for risk and legal budget management.

Affordable Housing

1. Submit an ATM '22 warrant appropriation article for affordable housing if the related special legislation has not been approved.
2. Provide input to the housing production plan update to maximize the equity and diversity impacts of future affordable housing initiatives.

3. Seek alternatives that reduce the real estate tax burden of less affluent homeowners.
4. Develop an alternative or successor to Concord's inclusionary housing bylaw that can achieve the same objective going forward.
5. Support the Planning Board's work to identify best zoning practices to encourage the preservation of smaller homes.

Diversity, Equity, Inclusion, and Belonging

1. Review report from the DEI consultant to better understand the policy implications and implementation priorities.
2. Research and implement diversity, equity and inclusion best practices in town governance. Listen to diverse voices in the community and assess which potential DEI actions the Select Board should take.

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

1. Launch development of a multi-year integrated planning process for land use, identifying currently owned and priority acquisitions for municipal and school facility needs, affordable housing, and conservation and acquisition of land to preserve Concord's rural and agricultural culture.
2. Monitor progress of both the recreational use and long-term protection of White Pond, the Gerow land, Warner Pond and their ecosystems.
3. Support coordinated town department efforts to implement the Complete Streets goals of enhancing pedestrian safety and managing the increased use of bikes and other non-automobile motorized vehicles while protecting our natural conservation areas and trails.
4. Continue to seek resolution for public access to Estabrook Trail. (This matter currently being litigated.)
5. Launch town-wide planning for events celebrating the 250th anniversary of the American Revolution: Appoint Executive Committee to oversee the needed structure for the required advance town-wide planning. Executive Committee to produce preliminary plan within 90 days

Economic Vitality, Transportation and Communication

1. Promote town events and commercial activity in the village business districts to ensure their continued success.
2. Consider the establishment of a new municipal Economic Vitality Division.
3. Provide input to the Thoreau Depot business district zoning and development processes.
4. Propose next steps for the Nuclear Metals/Starmet site based upon the recommendations in the committee report.
5. Identify and implement opportunities for enhancing transportation throughout town to support economic, social equity and recreational needs. Increase use of shuttle buses, school buses, on-demand transportation, the rail trail, the Assabet River Pedestrian Bridge, and village center wayfinding improvements.
6. Work with the Town Manager on initiatives to ensure the stability, continuity and continued growth of Concord's municipal broadband Internet service.
7. Monitor any potential changes in status or ownership of institutional properties, such the Post Office and the Armory.

8. Follow Economic Vitality Committees plan to gather information on impediments to starting/operating a business in Concord.
9. Review the town's wireless communications policies and provide a definitive plan for addressing the priority safety and access concerns of town center cellphone coverage.

Regional and State Interests

1. Continue to work with our State legislative representatives on:
 - a. Special legislation refiled 2021 for ATM'19 Articles 25 and 26 related to affordable housing
 - b. Home rule petition filed 2021 for ATM'20 Article 15: Senior Means-Tested Property Tax Exemption
 - c. Work with our State legislative representatives on special legislation filed for ATM 21 Article 31 Fossil Fuel Infrastructure.
 - d. ATM 20 Article 50: one day liquor licenses
 - e. ATM'18 Article 18: 17-year-olds voting in Town elections
2. Annually invite state legislators to meet with the Select Board.
3. Reinvigorate participation in regional organizations of which Concord is a member such as Hanscom Area Town Selectmen (HATS), Hanscom Field Advisory Committee (HFAC), MPO, MAPC/MAGIC, MBTA, Massport, Cross-Town Connect, the MMA Fiscal Policy Committee, and the Battle Road 250th group.
4. Implement the regional dispatch center proposal dependent on grant funding. Receive Town Manager's periodic report on actual additional revenues or resource benefits as well as direct Concord expenses such as IT readiness, annual assessment, etc.
5. Appoint Concord representative to statewide 250th Commission and continue to work with regional partners in the ad-hoc Battle Road group.
6. Receive an annual update on Minuteman Regional Technical High School with a focus on OPEB liabilities and Concord's expected long-term enrollment, projected per-pupil and total long-term costs.

Specific to First Year Post COVID-19 Pandemic Transition for Municipal Functions

1. Continue to prioritize public health and public safety in decision making to protect Concord citizens and Town employees as we emerge from the pandemic period.
2. Get regular updates and give input on ongoing efforts to re-open Town facilities and the effectiveness of the revised open office hours.
3. Keep town boards and committees apprised of hybrid meeting best practices while supporting a continued virtual (Zoom) meeting option.
4. Relay citizen concerns and interests in new town practices going forward as outcomes from the past 15-month pandemic challenge.
5. Review the Town Manager's annual plan for and use of ARPA funds.
6. Request a semi-annual progress report on filling the significant number of employee vacancies that were carried through the pandemic.

Approved: xx-xx-21

2021-2022 Select Board Goals

DRAFT as of 7/22/21

Process

The Concord Select Board annually affirms its values and guiding principles to align its goals and objectives for improving government as it interacts with the Town Manager, committees, task forces, citizens and other units of government. In so doing, the Board aims to lead and establish strategic priorities, to provide support and guidance and encouragement where appropriate and to be collaborative, open and inclusive at all times.

Values and Guiding Principles

Governance: Effective, responsive and transparent governance

Public Health and Safety: Utilization of best practices for the health and safety of all

Financial Stability: Fiscal responsibility, financial stability/sustainability, town-school collaboration and integration

Infrastructure: Sufficient and sustainable, well-maintained and reliable

Quality of Life: High level maintenance of town services for Concord citizens. Dignity and respect for all individuals

Balance and Equity: Balance and equity among divergent individual, neighborhood and town-wide interests

Diversity: Conscious decision making to support economic and social diversity and inclusion

Historic and Cultural Heritage: Preservation and promotion of historic and cultural heritage

Agricultural and Natural Resources: Protection and enhancement

Sustainability and Resilience: Sustainable management of energy resources, reduction of carbon emissions, and regeneration of our natural environment

Economic Resilience: Protecting the vitality of the town and businesses and reducing obstacles to their success

Regional and State Interests: Advancement of Concord's interest in the region and the commonwealth

Goals and Objectives

Specifically, the Board supports short and long-term goals and objectives in the following categories:

Effective Governance, Board Organization, and Communication

1. Provide ongoing support and advice to the Town Manager on leadership opportunities and issues. Conduct the annual evaluation of the Town Manager's performance and make determination on contract renewal.
2. Continue to support the Town Manager, town departments and town committees as they implement action steps from the *2030 Envision Concord* Comprehensive Long-Range Plan and other new priority areas in their current year goals.
 - a. Work with the Town Manager to lay out a 5-year plan for implementing the relevant action steps of 2030 Envision Concord.
 - b. Identify departmental goals and review progress with the Town Manager at the beginning and end of the fiscal year.

3. Approve a charge for and seat a new Fiber Broadband Completion Committee (ATM '21 Article 41).
4. Approve a charge for and seat a new study committee to review the current charge, bylaws, and function of the Personnel Committee. Evaluate recommendations and decide future charge of Personnel Board.
5. Provide guidance and resources for all Town volunteers serving on boards and committees to improve consistency and efficiency of public meetings and hearings. Restart annual training session for board/committee members on OML, ethics, and meeting management.
6. Continue to promote open and transparent government through enhanced use of technology and increased public access television.
7. Work to improve citizen communications by reviewing/implementing the citizen correspondence policy drafted in 2021. Continue regular publication of the Town Manager's report.
8. Recruit new committee volunteers that reflect all segments of Concord's citizenry; revisit the Green Card assignment and appointment process as needed. Implement the committee volunteer process drafted in 2021. Ensure that all volunteers are acknowledged for their willingness to serve.
9. Review/revise current committee structure; consider consolidation or elimination of existing committees and review APP10.
10. Support and participate in the public review of all new Public Private Partnership Agreements. Review the Town Manager's Public Private Partnership update to the SB.
11. Advise the Town Manager on opportunities to improve the Town website organization and access to the information on the Town website it contains.
12. Work with the Town Manager and his office staff to improve the process of preparation for Select Board meetings.

Financial Stability

1. Gain Special Town Meeting and Town Election approval of debt exclusion funding for the new middle school with a target total project cost of \$100 million or less.
2. Brainstorm Town and School strategies for financing the forthcoming new Middle School Building Project to manage the future tax burden on Concord citizens. Identify an action plan to implement these financing strategies.
3. Fully implement the adopted recommendations of the Capital Planning Task Force this year to assist the Town Manager in developing an effective long-term method for understanding and prioritizing the capital and facilities needs of the Town and the Schools, to include timetables, cost estimates, environmental impact, debt forecasting and citizen tax burden.
4. Review ~~strategies with~~ the Town Manager's strategies for risk ~~assessment~~ and legal budget management ~~and expenses~~.

Affordable Housing

1. Submit an ATM '22 warrant appropriation article for affordable housing if the related special legislation has not been approved.
2. Provide input to the housing production plan update to maximize the equity and diversity impacts of future affordable housing initiatives.

3. Seek alternatives that reduce the real estate tax burden of less affluent homeowners.
4. Develop an alternative or successor to Concord's inclusionary housing bylaw that can achieve the same objective going forward.
5. Support the Planning Board's work to identify best zoning practices to encourage the preservation of smaller homes.

Diversity, Equity, Inclusion, and Belonging

1. Review report from the DEI consultant to better understand the policy implications and implementation priorities.
2. Research and implement diversity, equity and inclusion best practices in town governance. Listen to diverse voices in the community and assess which potential DEI actions the Select Board should take.

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

1. Launch development of a multi-year integrated planning process for land use, identifying currently owned and priority acquisitions for municipal and school facility needs, affordable housing, and conservation and acquisition of land to preserve Concord's rural and agricultural culture.
2. Monitor progress of both the recreational use and long-term protection of White Pond, the Gerow land, Warner Pond and their ecosystems.
3. ~~Coordinate~~ Support coordinated town department ~~the efforts of town bodies to support to~~ implement the Complete Streets goals of enhancing pedestrian safety and managing the increased use of bikes and other non-automobile motorized vehicles while protecting our natural conservation areas and trails.
4. Continue to seek resolution for public access to Estabrook Trail. (This matter currently being litigated.)
5. Launch town-wide planning for events celebrating the 250th anniversary of the American Revolution: Appoint Executive Committee to oversee the needed structure for the required advance town-wide planning. Executive Committee to produce preliminary plan within 90 days

Economic Vitality, Transportation and Communication

1. Promote town events and commercial activity in the village business districts to ensure their continued success.
2. Consider the establishment of a new municipal Economic Vitality Division.
3. Provide input to the Thoreau Depot business district zoning and development processes.
4. Propose next steps for the Nuclear Metals/Starmet site based upon the recommendations in the committee report.
5. Identify and implement opportunities for enhancing transportation throughout town to support economic, social equity and recreational needs. Increase use of shuttle buses, school buses, on-demand transportation, the rail trail, the Assabet River Pedestrian Bridge, and village center wayfinding improvements.
6. Work with the Town Manager on initiatives to ensure the stability, continuity and continued growth of Concord's municipal broadband Internet service.
7. Monitor any potential changes in status of ownership of institutional properties, such the

Post Office and the Armory.

7-8. Follow Economic Vitality Committees plan to gather information on impediments to starting/operating a business in Concord.

~~8. Work with the Economic Vitality Committee's efforts to re-examine the sewer improvement and parking availability.~~

9. Review the town's wireless communications policies and provide a definitive plan for addressing the priority safety and access concerns of town center cellphone coverage.

Regional and State Interests

1. Continue to work with our State legislative representatives on:
 - a. Special legislation refiled 2021 for ATM'19 Articles 25 and 26 related to affordable housing
 - b. Home rule petition filed 2021 for ATM'20 Article 15: Senior Means-Tested Property Tax Exemption
 - c. Work with our State legislative representatives on special legislation filed for ATM 21 Article 31 Fossil Fuel Infrastructure.
 - d. ATM 20 Article 50: one day liquor licenses
 - e. ATM'18 Article 18: 17-year-olds voting in Town elections
2. Annually invite state legislators to meet with the Select Board.
3. Reinvigorate participation in regional organizations of which Concord is a member such as Hanscom Area Town Selectmen (HATS), Hanscom Field Advisory Committee (HFAC), MPO, MAPC/MAGIC, MBTA, Massport, Cross-Town Connect, the MMA Fiscal Policy Committee, and the Battle Road 250th group.
4. Implement the regional dispatch center proposal dependent on grant funding. Receive Town Manager's periodic report on; taking any actual additional revenues or resource benefits and as well as direct Concord expenses such as IT readiness, into account, annual assessment, etc.
5. Appoint Concord representative to statewide 250th Commission and continue to work with regional partners in the ad-hoc Battle Road group.
6. Receive an annual update on Minuteman Regional Technical High School with a focus on OPEB liabilities and Concord's expected long-term enrollment, projected per-pupil and total long-term costs.

Specific to First Year Post COVID-19 Pandemic Transition for Municipal Functions

1. Continue to prioritize public health and public safety in decision making to protect Concord citizens and Town employees as we emerge from the pandemic period.
2. Get regular updates and give input on ongoing efforts to re-open Town facilities and the effectiveness of the revised open office hours.
3. Keep town boards and committees apprised of hybrid meeting best practices while supporting a continued virtual (Zoom) meeting option.
4. Relay citizen concerns and interests in new town practices going forward as outcomes from the past 15-month pandemic challenge.
5. Review the Town Manager's annual plan for and use of ARPA funds.
6. Request a semi-annual progress report on filling the significant number of employee vacancies that were carried through the pandemic.

Town of Concord
Department of Planning and Land Management
141 Keyes Road
Concord, MA 01742

To: Stephen Crane, Town Manager

From: Marcia Rasmussen, Director of Planning and Land Management

Re: Proposal to move the Economic Vitality and Tourism Division to the Department of Planning & Land Management

Date: July 22, 2021

The 2018 Envision Concord plan noted that a more proactive plan and greater attention to economic development is needed to ensure that Concord sustains its vibrant village centers, diverse economy, and commercial tax base. The plan noted that “there are challenges to providing a consistently welcoming and positive experience to shoppers, pedestrians, and visitors in village centers due to traffic congestion, limited open spaces and sitting areas, insufficient signage and pathways to connect to historic, cultural, and recreational assets”, among other challenges and obstacles.

There were four goals identified in the 2018 Envision Concord plan regarding economic vitality:

1. Renew and improve Concord’s village centers as vital pedestrian-friendly, economic, and social hubs that enable community engagement on a wider scale.
2. Build on the enhanced quality of life encapsulated in Goal 1 to support the strong commercial business successes throughout town and attract and retain a constant workforce.
3. Become a recognized and supportive community for business and social entrepreneurs to start and grow new businesses.
4. Build local civic and government capacity for economic development with a special focus on (a) related arts, cultural, and tourism activities, (b) medical and healthcare specialties, and (c) “green” and environmental businesses.

Since acceptance of the Envision Concord plan, the DPLM Planning Division staff have worked with existing boards and committees to promote economic initiatives identified in the plan. These endeavors include promoting cultural and artistic planning with the West Concord Junction and the Concord Center Cultural District Committees (such as the 2019 Action Plan for West Concord Junction and three mural projects in West Concord), seeking grants to improve bicycle and pedestrian accommodations in West Concord and Concord Center (Assabet River Pedestrian bridge and bike shelters and racks in West Concord), exploring new zoning initiatives for the Thoreau Business District with assistance from the Metropolitan Area Planning Council (MAPC), and introducing the Business Improvement District concept to local business and property owners.

Because of the pandemic and the requirements to limit risk of exposure to COVID-19, the State required many places to close to the public entirely, and yet, people continued to need the goods and services provided by local businesses. Through the municipal staff efforts of the Town Manager’s Office, the Visitor Center and Tourism Manager and the Director of Planning & Land Management working with the

Economic Vitality Committee and other private agencies (i.e., Concord Together and the Community Chest), several initiatives were implemented to help support local businesses through the pandemic and focused a spotlight on the necessary goods and services provided in the Town's village centers. Some of these initiatives included the 'summer solstice' and 'fall in love with Concord' shopping promotions, sidewalk sales that provided additional spacing for physical distancing, outdoor dining locations and streamlined permitting for outdoor dining, designated parking for restaurant 'pre-order pick-up', grants for microenterprises, outdoor movie nights, among others. Additionally, working with the Economic Vitality Committee and the Planning Board, this year's annual town meeting approved a zoning change that supports outdoor dining by not requiring additional parking when such dining is offered.

In recognition of the need to support local businesses and the economic vitality of Concord's business districts, the FY22 Town Manager's Budget identified a new Division under the purview of the Deputy Town Manager as Economic Vitality and Tourism. The description provided notes that this Division "works to reinforce the importance of economic health to the overall quality of life and to demonstrate the Town's strong support of business and economic sustainability. Concord's economic vitality strategies promote innovation, competitiveness, and entrepreneurship within the community by fostering partnerships between Town staff, business community, and civic/cultural organizations. These relationships foster business retention, expansion, and enhancement for Concord".

The current work of the Department of Planning & Land Management and the anticipated work of the Economic Vitality and Tourism division complement each other in working to support the overall quality of life in the community, of which economic vitality is a critical component. Through the collaborative efforts realized over the past year, incorporating the Economic Vitality and Tourism division in DPLM will improve coordination in support of business development and expansion efforts as follows:

- Coordinates with other economic vitality efforts initiated by others, such as the West Concord Junction and Concord Center Cultural Districts.
- Identifies and supports efforts to improve the infrastructure that creates a consistently welcoming and positive experience for everyone in village centers by enhancing the public spaces, physical connectivity, and general environment of the business centers.
- Continues working with the Recreation Department and others to promote festivals and special events that attract visitors and surrounding area residents to the village centers, with an emphasis on events held during off-peak tourist times.
- Provides direct access to information about zoning, permitting, and inspectional services/processes that can assist business and property owners in decision-making; and helps shape policies which provide a streamlined permitting process for projects.
- Working with others, establishes a coordinated marketing initiative that brands and packages a range of experiences and destinations related to culture, history, art, agriculture, natural areas, and other themes in support of local retail and food-service establishments.

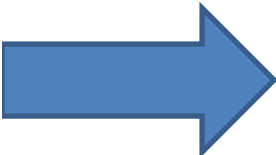
Department Reorganization Request: Economic Vitality

Town Charter

Section 9. Powers and Duties of Town Manager

In addition to specific powers and duties provided elsewhere in this act the town manager shall have the general powers and duties enumerated in this section:

A. The town manager shall supervise and direct and shall be responsible for the efficient administration of all officers, boards and committees appointed by the town manager and their respective departments.

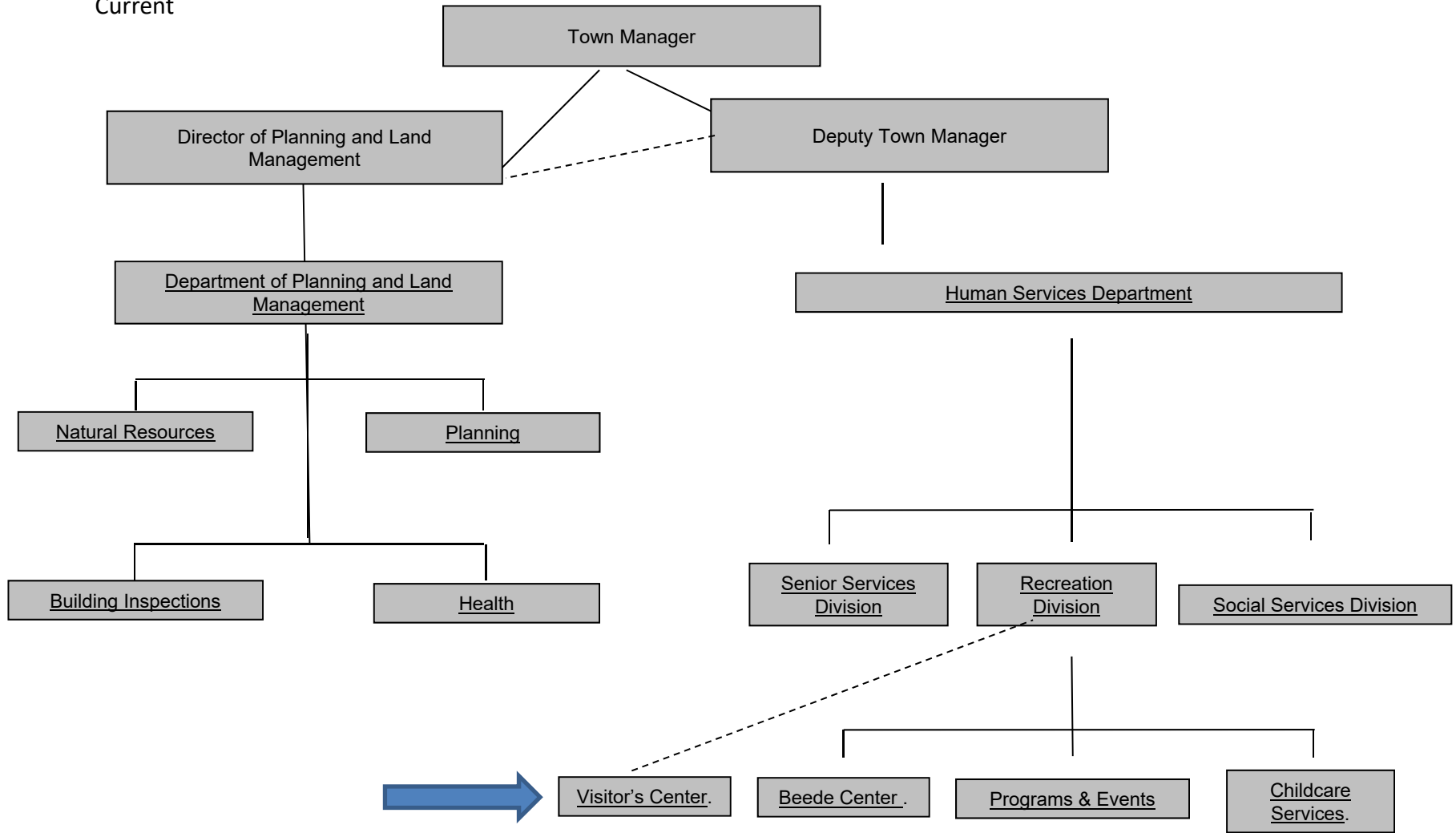


B. The town manager may, with the approval of not less than 3 members of the select board, establish, combine, reorganize, or discontinue departments under the town manager's supervision; and, with the approval of both the select board and the finance committee, the town manager may transfer all or part of the appropriation of a discontinued department to any other department, any balance not so transferred to be returned to the town treasury.

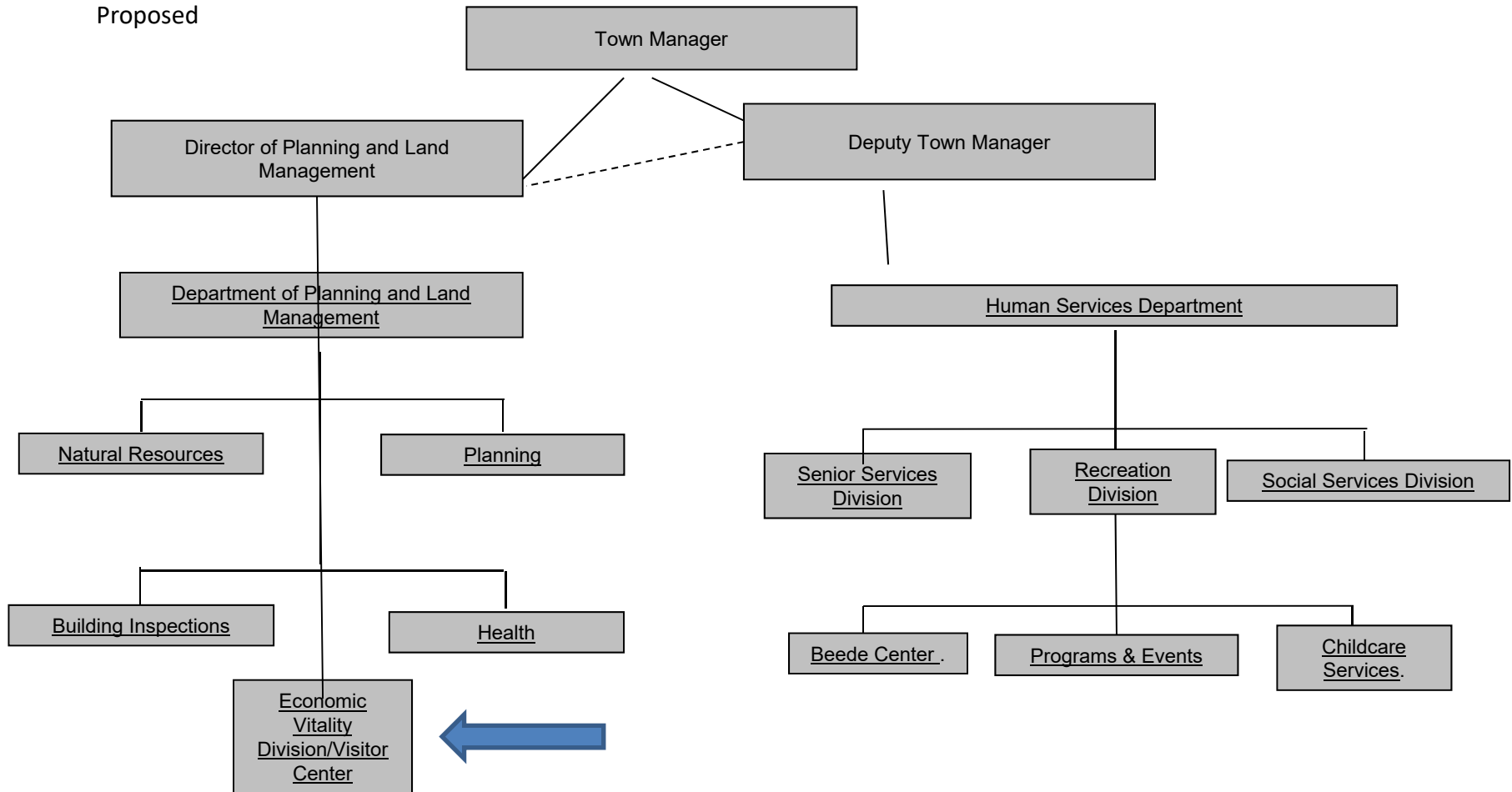
C. With respect to the wage or salary and classification of employees appointed by the town manager, the town manager shall be governed by the provisions of the "Wage and Salary Classification Plan – Town of Concord, Massachusetts", as the same may be amended from time to time and for so long as the same may remain in force.

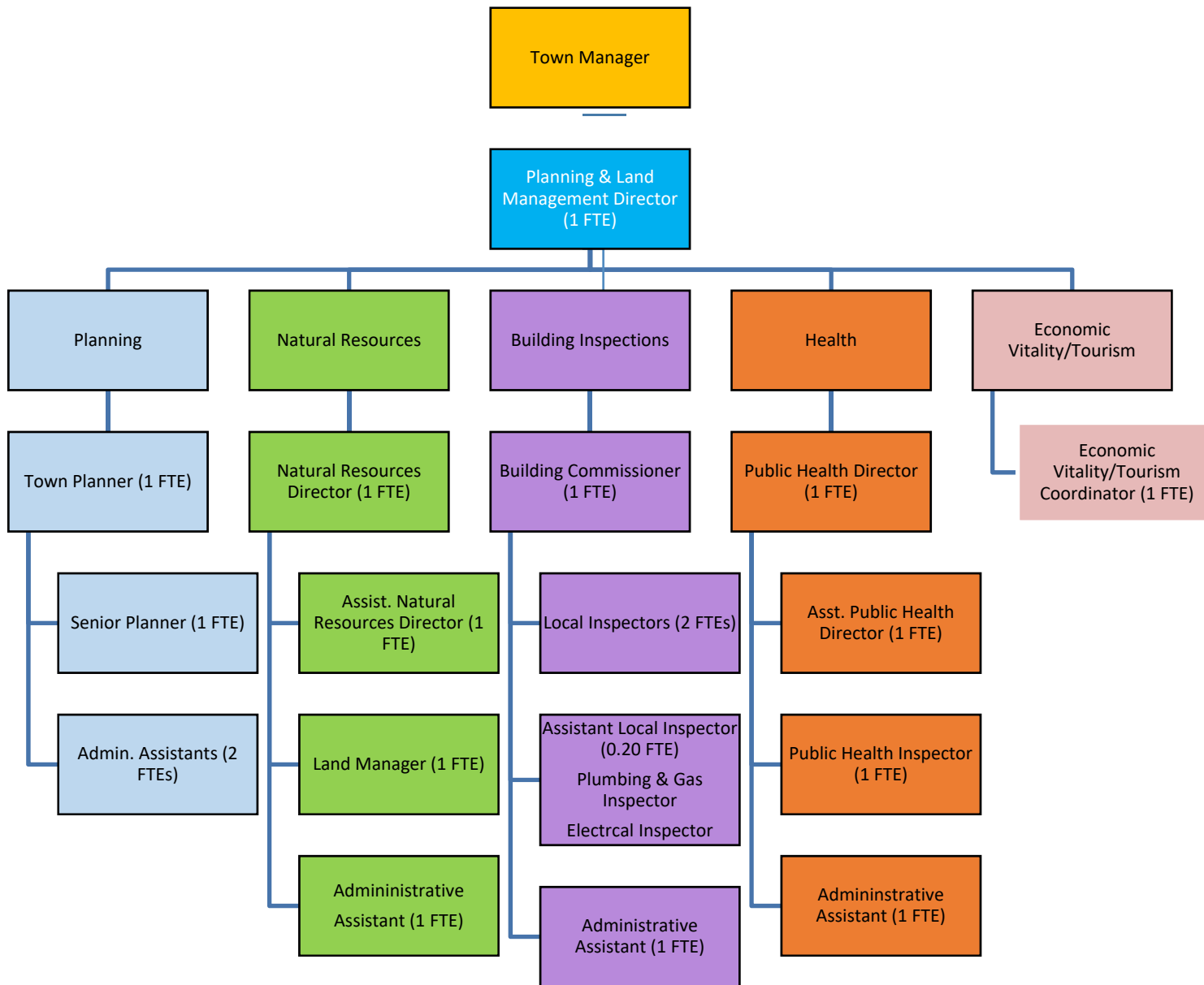
D. The town manager shall keep full and complete records of the town manager's office, and shall render as often as may be required by the select board a full report of all operations during the period reported on.

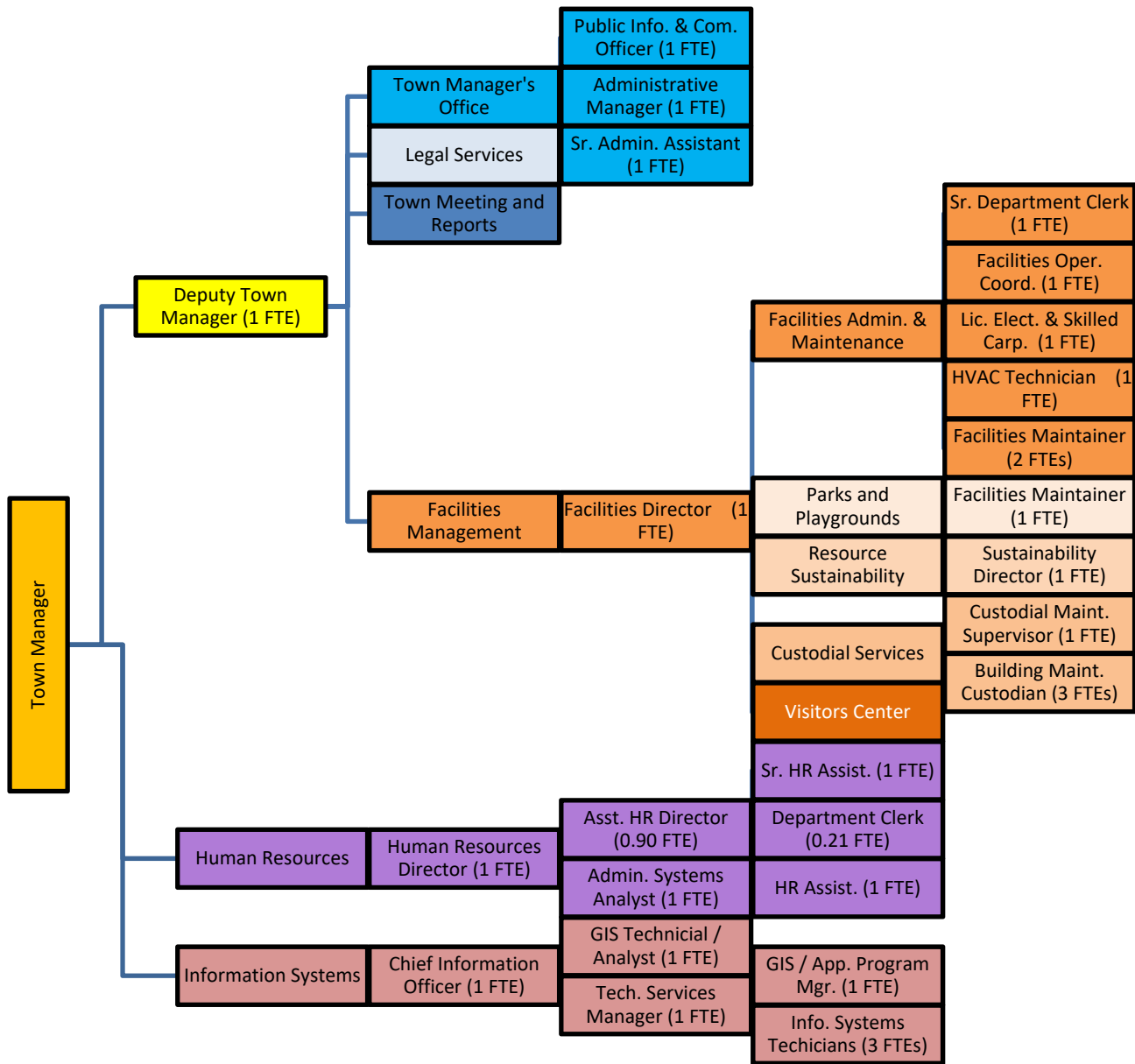
Current



Proposed







Budget Before and After

Recreation Revolving Fund				
<u>Account Number</u>	<u>Description</u>	<u>FY2021</u>	<u>FY2022</u>	<u>\$ Δ</u>
0024-520-630-0727-5120-0000	TEMPORARY STATUS	24,500.00	0.00	-24,500.00
0024-520-630-0727-5130-0000	OVERTIME	0.00	0.00	0.00
0024-520-630-0727-5241-0000	BUILDING MAINTENANCE	0.00	0.00	0.00
0024-520-630-0727-5279-0000	OTHER RENTALSLEASES	0.00	0.00	0.00
0024-520-630-0727-5293-0000	CUSTODIAL SERVICES	0.00	0.00	0.00
0024-520-630-0727-5310-0000	BANKING SERVICES	0.00	0.00	0.00
0024-520-630-0727-5341-0000	TELEPHONE	250.00	0.00	-250.00
0024-520-630-0727-5381-0000	PRINTING	2,500.00	0.00	-2,500.00
0024-520-630-0727-5383-0000	ADVERTISING	2,500.00	0.00	-2,500.00
0024-520-630-0727-5429-0000	OFFICE SUPPLIES	500.00	0.00	-500.00
0024-520-630-0727-5431-0000	BUILDING MAINTENANCE SUPPLIES	0.00	0.00	0.00
0024-520-630-0727-5704-0000	OTHER MERCHANDISE EXPENSE	1,500.00	0.00	-1,500.00
0024-520-630-0727-5799-0000	OTHER CHARGES	500.00	0.00	-500.00
0024-520-630-0727-5853-0000	OFFICE EQUIPMENT	0.00	0.00	0.00
<u>_Total_</u> 0727 VISITOR CENTER		32,250.00	0.00	-32,250.00
Grand Total		32,250.00	0.00	-32,250.00

General Fund				
<u>Account Number</u>	<u>Description</u>	<u>FY2021</u>	<u>FY2022</u>	<u>\$ Δ</u>
0001-122-671-0000-5130-0000	OVERTIME	0.00	0.00	0.00
0001-122-671-0000-5211-0000	ELECTRICITY	3,062.00	3,675.00	613.00
0001-122-671-0000-5213-0000	NATURAL GAS	2,497.00	3,121.00	624.00
0001-122-671-0000-5231-0000	WATER USER CHARGE	681.00	715.00	34.00
0001-122-671-0000-5232-0000	SEWER USER CHARGE	1,305.00	1,331.00	26.00
0001-122-671-0000-5279-0000	OTHER RENTALSLEASES	720.00	1,000.00	280.00
0001-122-671-0000-5293-0000	CUSTODIAL SERVICES	20,000.00	20,000.00	0.00
0001-122-671-0000-5341-0000	TELEPHONE	0.00	0.00	0.00
0001-122-671-0000-5399-0000	OTHER MISC. PURCHASE SERVICES	0.00	4,500.00	4,500.00
0001-122-671-0000-5431-0000	BUILDING MAINTENANCE SUPPLIES	0.00	0.00	0.00
0001-122-671-0000-5435-0000	CUSTODIAL SUPPLIES	1,500.00	0.00	-1,500.00
<u>_Total_ 671 INFORMATION CENTER</u>		29,765.00	34,342.00	4,577.00
0001-122-672-0000-5111-0000	REGULAR FULL-TIME	78,000.00	78,000.00	0.00
0001-122-672-0000-5115-0000	LIMITED STATUS	12,000.00	27,000.00	15,000.00
0001-122-672-0000-5130-0000	OVERTIME	2,400.00	21,000.00	18,600.00
0001-122-672-0000-5303-0000	COMPUTER SOFTWARE MAINTENANCE	0.00	12,834.00	12,834.00
0001-122-672-0000-5305-0000	MANAGEMENT CONSULTING SVCS	0.00	1,425.00	1,425.00
0001-122-672-0000-5318-0000	STAFF TRAINING SVCS	0.00	550.00	550.00
0001-122-672-0000-5319-0000	OTHER PROFESSIONAL SVCS	0.00	1,350.00	1,350.00
0001-122-672-0000-5341-0000	TELEPHONE	0.00	680.00	680.00
0001-122-672-0000-5342-0000	POSTAGE	0.00	250.00	250.00
0001-122-672-0000-5381-0000	PRINTING	0.00	5,279.00	5,279.00
0001-122-672-0000-5383-0000	ADVERTISING	10,000.00	21,594.00	11,594.00
0001-122-672-0000-5399-0000	OTHER MISC. PURCHASE SERVICES	10,000.00	5,000.00	-5,000.00
0001-122-672-0000-5422-0000	STATIONARY SUPPLIES	0.00	200.00	200.00
0001-122-672-0000-5424-0000	COPIER SUPPLIES	0.00	500.00	500.00
0001-122-672-0000-5425-0000	BOOKS/PUBLICATIONS	0.00	110.00	110.00
0001-122-672-0000-5428-0000	COMPUTER EQUIPMENT	0.00	850.00	850.00
0001-122-672-0000-5429-0000	OFFICE SUPPLIES	0.00	250.00	250.00
0001-122-672-0000-5490-0000	FOOD SVC SUPPLIES	0.00	500.00	500.00
0001-122-672-0000-5587-0000	FLAGS	0.00	50.00	50.00
0001-122-672-0000-5599-0000	OTHER MISC. SUPPLIES	0.00	2,525.00	2,525.00
0001-122-672-0000-5731-0000	DUES/TOWN MEMBERSHIPS	0.00	2,900.00	2,900.00
0001-122-672-0000-5732-0000	DUES/PERSONAL MEMBERSHIP	0.00	250.00	250.00
<u>_Total_ 672 ECONOMIC VITALITY & TOURISM</u>		112,400.00	183,097.00	70,697.00
Grand Total		142,165.00	217,439.00	75,274.00

From: Lucy G <lucyroseg@gmail.com>

Sent: Tuesday, July 13, 2021 9:03 AM

To: Stephen Crane; Terri Ackerman; Matthew Johnson; Linda Escobedo; Susan Bates; Henry Dane; David DJ. Fimiani; Anna McKeown

Subject: Letter About White Pond

To the attention of:

The Concord Town Manager

The Concord Board of Selectmen

The Concord Recreation Department

I am a Concord citizen writing to share my concerns about White Pond. I grew up in Concord and have been swimming in White Pond since I was a toddler. As an adult, I bring my own children to the pond each summer. It is a special and important place to me and my family, and we are troubled that, for the majority of this summer, it has been too unhealthy for swimming.

Not every family in Concord has a vacation home to escape to, nor can every family afford the thousands of dollars it costs to join local swim clubs. The summers are getting hotter and White Pond has always been an affordable option for local families to cool down and connect with their community.

The Town is aware of the problem and made efforts to protect the pond by containing runoff, but clearly more robust efforts are needed. The exact cause of the toxic algae is hard to determine. My understanding is that it could be runoff from lawn/ agriculture fertilizers that get into the groundwater, septic runoff, warming water or a combination of many factors.

I request that the Town take aggressive action to understand the root causes so that we can create an effective mitigation plan. The loss of White Pond swimming reduces the general quality of life in Concord for our family and others and it feels painful to allow the contamination of a precious town resource

Thank you for your consideration,

Lucy Goldstein

21 Woodland Rd

From: Brooks Read <brooksola@yahoo.com>

Sent: Wednesday, July 14, 2021 12:09 PM

To: Henry Dane; Linda Escobedo; Terri Ackerman; Matthew Johnson; Susan Bates; Stephen Crane

Subject: Concord Broadband outage

Dear Select Board and Town Manager,

As you know, there was a discussion about the recent Concord Broadband service outage at the last Select Board meeting, held on July 12, 2021.

I was extremely impressed by the initiative taken by Board member Henry Dane to follow up on the cause of the multi-day outage. Such outages have a real impact on people. For example, my wife is a radiologist, and loss of internet access makes it impossible for her to provide an immediate response from home to patient radiology issues, which directly impacts the quality of patient care and therefore patient well being.

There were two aspects to Mr. Dane's actions which warrant specific mention:

1. Mr. Dane took initiative to follow up on a matter which was not directly his concern, and he could not have been faulted for taking no action - but he chose to follow up anyway, providing a great benefit to Concord's citizens.
2. Mr. Dane relied on input from experts who have no "skin in the game" (the former town IT director, and Mr. Dane's son, who is an expert in the relevant field). Mr. Dane's choice of advisors was especially important and astute given that expertise and knowledge was required to draw accurate conclusions about this problem, and embarrassment over the problem was likely to result in less than forthright answers from those who were responsible for it.

The Town would do well to follow Mr. Dane's lead in all high profile problems and issues before it.

Brooks Read
366 Estabrook Road