

**TOWN OF CONCORD
SELECT BOARD
AGENDA
AUGUST 9, 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/kcwFtQro3l>

#	Time	Agenda Item
1.	6:30pm	Call to Order
2.		Consent Agenda <ul style="list-style-type: none"> • Town Accountant Warrants: August 5, 2021 • One Day Special Liquor Licenses <ul style="list-style-type: none"> ○ Salem Five Bank 10/12/21 10:00am-10:00pm 246 Old Road to Nine Acre Corner All Alcoholic Beverages ○ Belmont Hill School 9/27/21 6:00pm-8:00pm 246 Old Road to Nine Acre Corner Wines & Malt Beverages Only • Sunday Entertainment Licenses <ul style="list-style-type: none"> ○ Concord Players Performance 9/5/21 12:00pm-8:00pm 51 Walden Street ○ Concord Players Performance 9/12/21 12:00pm-8:00pm 51 Walden Street ○ Concord Players Performance 11/14/21 12:00pm-8:00pm 51 Walden Street ○ Concord Players Performance 2/20/22 12:00pm-8:00pm 51 Walden Street ○ Concord Players Performance 5/01/22 12:00pm-8:00pm 51 Walden Street ○ Concord Players Performance 5/08/22 12:00pm-8:00pm 51 Walden Street ○ The Performing Arts Center Performance 8/15/21 2:00pm-10:00pm 51 Walden Street • Gift Acceptance <ul style="list-style-type: none"> ○ James Terry and Judith Terry gift of \$55,000.00 to the Police Department Sustainable Vehicles Account for the purchase of a Tesla Model Y to be used as a patrol vehicle. ○ James Terry and Judith Terry gift of \$5,000.00 to the Community Services Support Account to create a gift fund to be used to assist Concord residents under the age of 60 that are not otherwise covered by other support organizations.
3.		Town Manager's Report
4.		Chair's Remarks
5.	6:40pm	Discuss Colonial Inn Liquor License Violation
6.		Confirm Town Calendar through 2022 Town Meeting
7.	7:00pm	Discuss DEI Commission Charge
8.	7:40pm	Finalize and Adopt Charge for Fiber/Broadband Study Committee

9.	8:00pm	Request to approve FY21 year-end Transfers
10.	8:20pm	Economic Vitality Division Reorganization – Vote Required
11.		Civil War Monument Task Force
12.		Draft Town Manager Evaluation
13.		Appoint Liaison to Regional Emergency Communication Center Board
14.		Certify Town Meeting Home Rule Petitions
15.		Committee Nominations: Cory Atkins of 5 Concord Greene to the PEG Access Advisory Committee for a term to expire on April 30, 2024. Sarah Grimwood of 520 Lexington Road to the Natural Resources Commission representative to the Community Preservation Committee for a term to expire April 30, 2023. Charles Phillips of 65 Fairhaven Road to serve as the Housing Authority representative to the Community Preservation Committee for a term to expire April 30, 2024. Burton Flint of 1643 Main Street to serve as the Planning Board representative to the Community Preservation Committee for a term to expire April 30, 2022. Paul Boehm of 11 Ridgewood Road to serve as the Recreation Commission representative to the Community Preservation Committee for a term to expire on April 30, 2023. Grace Scimone of 10 Dana Road to the Agriculture Committee as an Associate Member for a term to expire on April 30, 2024. Alexa Anderson of 14 Park Lane to serve as the School Committee representative to the Middle School Building Committee for a term to expire at the completion of the project. Heather Bout of 33 Alden Road to the Middle School Building Committee for a term to expire January 31, 2022.
16.		Committee Appointments: 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.
17.	9:00pm	Committee Liaison Reports
18.		Miscellaneous Correspondence
19.		Public Comments
20.	9:20pm	Adjourn



Old North Bridge

CONCORD POLICE DEPARTMENT

219 Walden Street

PO Box 519

Concord, Massachusetts 01742

Tel: (978)-318-3400 • Fax: (978)-369-8420

EMAIL: joconnor@concordma.gov

JOSEPH F. O'CONNOR
CHIEF OF POLICE

Memorandum

TO: Select Board
FROM: Joseph F. O'Connor
DATE: August 3, 2021
SUBJECT: **SELECT BOARD REQUEST FOR RECOMMENDATION-ALCOHOL VIOLATION COLONIAL INN**

Select Board,

This memo is in response to your request as the duly constituted Local Licensing Authority to clarify your options to address the violation(s) by Concord's Colonial Inn and to provide my recommended course of action. The Board has in place Alcoholic Beverages Rules and Regulations which were adopted on May 26, 1987, and last amended on January 5, 2009.

If upon review of the facts and circumstances the Select Board concurs with the investigative findings that violation(s) took place on June 16, 2021, at Concord's Colonial Inn, and that their management failed to notify the Board in a timely manner, the Board should refer to section 6. Violations, of the Rules and Regulations.

The Select Board according to the Rules and Regulations will review allegations and determine if there is a need to hold a hearing based on the severity of the allegation(s). For a 1st Offense occurring within three years: if the Select Board concurs a violation(s) occurred, it can choose to issue a written warning to the license holder and place a copy of that warning in the licensing file along with requiring retraining of the personnel. It is my understanding the Board has decided to hold a hearing on this matter.

In this matter, the Board needs to make the determination as to level of seriousness of the violation(s) and determine the appropriate action based on the facts presented in the documents or statements at the hearing by those involved in the matter. Although this allegation is a 1st offense, the Board under its authority can decide whether to impose a suspension or revocation of the license held by Concord's Colonial Inn. Any suspension or revocation can be appealed by the license holder to the Commonwealth's Alcoholic Beverages Control Commission within five days of the Boards' decision.

I have reviewed the investigative file, which was provided to the Board, I also viewed the body-worn camera footage obtained during the response by Officer Anthony Salvucci. It is clear to me the violations cited by Detective Keith Harrington did occur and action by the Board is appropriate. Although this is the Concord's Colonial Inn's 1st offense, the incident created safety risks for the person passed out at the bar, first responders operating emergency vehicles, and the public.

In sum, I recommend a one-day suspension of the Colonial Inn's license to serve alcoholic beverages.

Respectfully,



Joseph F. O'Connor
Chief Of Police

cc: Stephen Crane, Town Manager
Jeremy Romunal, Senior Administrative Assistant

CONCORD POLICE DEPARTMENT

MEMORANDUM

TO: Select Board

FROM: Joseph F. O'Connor, Chief of Police

DATE: July 22, 2021

SUBJECT: *NOTICE OF ALCOHOL LICENSE VIOLATIONS-COLONIAL INN*

Select Board:

This memo is to inform you in your role as the Town of Concord's Licensing Board of a violation of the license to serve alcoholic beverages, which occurred at the Colonial Inn of June 16, 2021. Attached is an investigative report prepared by Detective Keith Harrington, who serves as the Concord Police Department's Licensing Officer. Also attached are supporting documents redacted to protect the privacy of the citizen who was transported by the Fire Department to an area hospital. The Board should also be aware that video evidence exists from a body-worn camera that was attached to the uniform of Officer Anthony Salvucci, who responded along with the Concord Fire Department on June 16, 2021.

In addition to the violations cited in Detective Harrington's report, the Colonial Inn failed to notify the Board within twenty-four (24) hours, which is required. Detective Harrington will be made available to the Board to answer any questions if needed.

Respectfully,



Joseph F. O'Connor
Chief of Police

cc: Stephen J. Crane, Town Manager
Jeremy Romanul, Senior Administrative Assistant



Concord Police Department
219 Walden Street P.O. Box 519
Concord, Massachusetts 01742
Tel: 978-318-3400 Fax: 978-369-8420
Joseph F. O'Connor, Chief of Police



Department Memorandum

To: Chief Joseph F. O'Connor
From: Detective Keith Harrington
Date: July 21, 2021
Subject: **ALCOHOL INVESTIGATION COLONIAL INN**

NOTICE OF LICENSE VIOLATION

This memo is to inform you of an incident on 6/16/2021 in which an individual was transported from the Colonial Inn after it was reported to Concord Police by 911 that an unidentified male party was unconscious while sitting at the bar. Concord Police Report 21-17287-OF and Investigative Report 21-18-IV are attached. Under the Town of Concord Alcoholic Beverage Rules & Regulations, the following violations are alleged to have occurred:

- **Serving an intoxicated person.** G.L. c.138 § 69
- **Improper management.** G.L. c. 138 § 23.
 - Allowing the above illegality to take place.
 - Failure to obey all the laws, rules, and regulations of the Commonwealth ABCC and Concord Licensing Board.

A check of Concord Police Department Alcohol Licensing records shows that this is the first incident of 2021 involving the Colonial Inn for an alcohol related issue. Under the Town Of Concord Alcoholic Rules and Regulations, the following applies:

- Sec. 6 Violations: *Violations may include, but not be limited to sale or delivery to and underage person, sale to or delivery to an intoxicated person, sales or serving before or after hours stated on the License, use of narcotics on the Licensed premises, gambling/gaming, and failure to meet any of the terms of the regulations of the Selectmen. The following course of action will be taken upon violations occurring within three years: 1st offense-written warning placed in the Licensing file and required training for the personnel involved; 2nd offense-hearing before the Selectmen to determine action up to and including suspension and revocation of license. Extenuating circumstances may necessitate more serious consequences on any violations.*

In reviewing the event from Officer Salvucci's police narrative and his Police Worn Body Camera (PWBC) from 6/16/21, a party known to the Concord Police Department (hereinafter referred to as the party) was observed sitting in a chair in the bar of the Liberty Room. His head was bent slightly forward, and his shirt and pants had vomit on them. In the initial responses being provided by the party to the Emergency Medical Technician's (EMT's) of Concord Fire who were assisting him, his speech is significantly slurred and thick tongued, and he appears to be very slow in answering questions. When the EMT's informed the party that they wanted to transfer him to Emerson Hospital for an evaluation, He stated, "no, I just want to go back to my room". The party was asked by firefighter Foley how many glasses of wine he had, the party responded, "Oh...5" and then the phrase "5 glasses" is repeated by firefighter Foley. As noted in Officer Salvucci's narrative, he observed that the party's eyes were bloodshot and glassy, and there was a strong odor of an alcoholic beverage emanating from him.

During the evaluation of the party, both Officer Salvucci and EMT's of Concord Fire were being interrupted by a female party, who was raising her voice, and repeating, "I resuscitated him" and "I'm a nurse". She then stated, "you can't send him back to his room" and her tone transitioned to being agitated, and she then responded with an obscenity, "for fuck's sake". When Officer Salvucci attempted to speak with her to ask her to lower her voice and let the fire department evaluate the party, she stated, "what trouble might I bay...be in". She referred to Officer Salvucci as a "12-year-old". She then stated, "I know I just resuscitated him" and stated, "don't talk to me like this" and repeatedly stated, "walk away". In speaking with Officer Salvucci after the incident, he stated, the female party appeared to show signs of intoxication, specifically that her eyes were bloodshot and glassy, and that she had a strong odor of an alcoholic beverage emanating from her breath.

Officer Salvucci returned to the area where the party was sitting, and at this time Concord Fire informed the party that because he had struck his head on the countertop of the bar, they were requesting that he be transported to Emerson Hospital for an evaluation. The party was not aware of the fact that he had struck his head, and responded, "Oh I did" when he was made aware. The party continued to refuse the requests of Concord Fire, stating, "no I would rather just go back to my room and sleep".

At this point the interaction was interrupted by the female who was seated nearby who repeated, "he can't go to his room", and was instructed by Concord Fire Lt. McGloughlin to stop interrupting and allow them to work. She continued to repeat, "he can't go back to his room". Lt. McGloughlin then informed her they were attempting to prevent that from happening she responded, "good for you" and "love you, love you all". The female party again is heard saying in the background, "for fuck's sake...so glad I'm not a member of the board of Concord Police".

Lt. McGloughlin then informed the party that because he hit his head, he would have to be transported to Emerson Hospital for an evaluation, he stated, "oh please". Firefighter Foley then asked the party if he would be willing to get on the stretcher and he stated, "I don't need a stretcher". When Officer Salvucci informed the party that it was the policy of the fire department that he be placed in a stretcher, he stated, "just take me back to my room".

When the party was informed of the fact that he had vomited on himself, he stated, "no I didn't vomit". The party continued to deny that he had hit his head and was unconscious, and that he could not recall it. The party initially refused to get on to the stretcher, stating, "I don't need a stretcher" and stated, "just take me back to my room".

In the conversations that he had with both Officer Salvucci and members of the Concord Fire Department, the party's speech is significantly slurred, and he appears to be measured and slow in his responses to questions being asked and requests being made by members of Concord Fire.

During the video, Captain Murphy bent down and was near the party as he was explaining the reasons for him needing to be transported to Emerson Hospital for an evaluation. The party continued to challenge and refuse the need for an evaluation. When informed by Captain Murphy that he was under the influence of alcohol, the party stated, "I am". Captain Murphy then informed the party that because of this he was unable to make his own decisions, to which the party responded, "no I am". Captain Murphy then informed the party that he had consumed alcohol, vomited on his pants, and lost consciousness, to which the party responded, "I did that's true". Captain Murphy then informed the party that because of these factors, he was not capable of making his own decisions and that it was necessary for him to be evaluated at Emerson Hospital. Captain Murphy then stated, "this is how it's going to go", to which the party responded, "But I don't have to agree to it" regarding a medical evaluation transport. The party continued to challenge Captain Murphy and stated, "you know, you can't force me to go to the hospital". Captain Murphy then reiterated to the party that returning to his room was not an option and that the fire department had an obligation to take care of him, the party stated, "no, you don't have to do this". The party continued to state, "I can refuse it". Captain Murphy informed the party again that he was under the influence of alcohol, and he stated, "Well everyone in this restaurant is under the influence of alcohol".

In speaking with Captain Murphy, he acknowledged that when he was speaking with the party, he was having difficulty speaking.

Officer Salvucci then informed the party that if he continued to refuse the request for a medical transport, he would be placed in protective custody and transported to the police station for continued evaluation. When Officer Salvucci informed him that he was not able to refuse, and that he would end up at the police station, he stated, "I think you're overdoing this".

The party eventually agreed to go to Emerson Hospital. He could not lift himself out of his chair and was unsteady on his feet as he was walking over to the stretcher and required the assistance of both firefighters who were holding on to him.

On 7/19/21 I interviewed the servers from the Colonial Inn that were working on 6/16/21. I interviewed Mr. James Sroczynski, who was working as a bartender on 6/16/21 and was also assisting with table service in the Liberty Room. He stated he has been employed with the Colonial Inn for 16 years.

Mr. Sroczynski stated, the party came into the bar area shortly after 9PM. He stated he came in from the Liberty Room, but he stated that he did not see him walk in and was not sure if he came from "upstairs". He stated the party normally rents a room.

Mr. Sroczynski stated that the party sat at the bar and ordered a glass of cabernet. He stated that he had a brief conversation with him, in which the party was discussing that he and a second party had to sit inside, as opposed to sitting on the patio as they normally do. He stated that at the time, The party's speech appeared clear and lucid, and he did not appear to exhibit any signs of intoxication.

Mr. Sroczynski stated that the party had approximately 1-2 sips of the glass of wine. He stated that he was in the process of waiting on other customers when he observed that the party had his both of his arms folded on the bar and his head was down. He stated that when he went over to him, he observed that

he was, "passed out completely". He stated that at this point he quickly went to the front desk and asked them to notify the manager and call 911.

When Mr. Sroczyński returned, he noticed that there was a female patron who was becoming very agitated and upset and was yelling for someone to "call 911". Mr. Sroczyński observed that the party still had his head down on the bar.

At this point Concord Fire had made contact with the party, and he had picked his head up from the bar and was sitting up. He observed at this time that there was a "small" amount of vomit on the front of his shirt. He stated that the party was acting like everything was OK.

Mr. Sroczyński stated at this point he stepped back from the situation and continued with his normal duties.

I then interviewed Ms. Isabelle Nganga, who waited on the party and a second party on 6/16. Ms. Nganga has been employed with the Colonial Inn as a server for 35 years.

On 6/16/21 Ms. Nganga was working as a server in the Liberty Room. Ms. Nganga stated that she has seen the party in the Colonial Inn before but is not that familiar with him or a second party.

Ms. Nganga could not remember the time from which they first sat down at the table, but she did recall that they had expressed disappointment at not being able to sit outside. From the receipts provided, the check was initiated at 6:20PM and was closed out at 8:52PM. Ms. Nganga did recall that they shared an appetizer, split the Alcott sandwich, and shared a dessert. She also served them 2 bottles of red wine. In our conversation she stated that, "they always have 2" (referencing bottles of wine).

Ms. Nganga stated she gave them the check and that they split it. Ms. Nganga stated that she did not see them leave the table. She did state that she had limited interactions with both parties while they were dining, but they were both, "polite, not rude, and seemed fine...their speech was clear, and their eyes were open, and they seemed alert".

Ms. Nganga stated that "later on" she heard a commotion in the bar area, and could hear a woman screaming, "call 911. Ms. Nganga stated that she did recall that the party had asked about sitting outside, but that he expressed disappointment, but was not upset. She also stated that she was not aware of the fact that he went to the bar, or if he went upstairs to his room, and she also stated that she was aware that he rented a room when he came to visit.

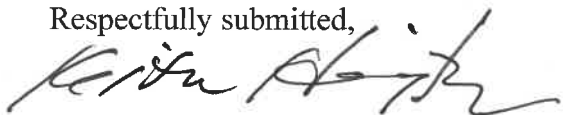
In summary, the party sat down at the Colonial Inn on 6/16/21 at 6:20PM. Along with his friend, a second party, consumed 2 appetizers, split an entrée and dessert, and consumed 2 bottles of Cabernet wine. The initial check was closed out at 8:52PM." Based on the PWBC footage from 6/16, the party appears to be average in height, but slender in build. From the checks provided by the Colonial Inn, the time spent consuming all the food and alcohol was 2 hours and 32 minutes, which would not constitute enough time for the party to process the alcohol that was in his system, based on the standard time of 1 ounce of alcohol per hour in terms of being metabolized.

Based on the information provided by management and staff from the Colonial Inn, all the parties involved have stated that they are familiar with both of the parties. Mr. Glick reported on 7/19/21 that according to the Colonial Inn's internal records, that the party has stayed at the Colonial Inn "34 times". Several of the servers interviewed consistently noted that the party and a second party consume 2 bottles of wine with dinner. The party and a second party were also consistently identified by the servers as being "older gentlemen" who come to the Colonial Inn, "once a week".

The PWBC worn by Officer Salvucci on 6/16/21 supports both the initial police report and subsequent follow up investigation that the party was intoxicated. He further acknowledged that he lost consciousness while sitting at the bar. Additionally, the female patron in the bar also showed signs of intoxication.

Based on the summary of the information provided, which are viewed by this investigator as extenuating circumstances, it is the recommendation that the infraction imposed be a one-day loss of license on the day of the week in which the infraction occurred, which was Wednesday.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith Harrington". The signature is fluid and cursive, with a prominent initial "K" and a long, sweeping tail.

Detective Keith Harrington
Alcohol Licensing Officer
Concord Police Department



**Concord Police Department
Incident Report**

Incident #: 21-17287-OF
Call #: 21-17287

Date/Time Reported: 06/16/2021 2116
Report Date/Time: 06/18/2021 1235
Occurred Between: 06/16/2021 2116-06/16/2021 2144
Status: No Crime Involved

Reporting Officer: Patrol Officer Anthony Salvucci
Approving Officer: Detective Sergeant Jeffrey Young

Signature: _____

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
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1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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Military Active Duty: [REDACTED]
 BODY: [REDACTED] COMPLEXION: [REDACTED]
 DOB: [REDACTED] PLACE OF BIRTH: [REDACTED]
 LICENSE NUMBER: [REDACTED] ETHNICITY: [REDACTED]

#	EVENTS (S)
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LOCATION TYPE: Hotel/Motel/Temp. Lodgings Zone: East Sector
 COLONIAL INN
 48 MONUMENT SQ
 CONCORD MA 01742

1 Medical Related Non CRIME

#	PERSON (S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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1	[REDACTED]	REPORTING PARTY	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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DOB: [REDACTED]
 CONTACT INFORMATION:
 Home Phone (Primary) [REDACTED]

NARRATIVE FOR PATROL OFFICER ANTHONY D SALVUCCI

Ref: 21-17287-OF

Entered: 06/18/2021 @ 1242 Entry ID: 84
Modified: 06/18/2021 @ 1242 Modified ID: 84
Approved: 06/21/2021 @ 1121 Approval ID: 59

The following is a brief summary of events that occurred on June 16, 2021. I officer Salvucci was working my regularly scheduled shift (1600hrs-0000) in fully marked cruiser 2. At approximately 2116hrs I was dispatched to the Colonial Inn to assist CFD with a medical call. The reporting party, [REDACTED], was on scene at the Colonial Inn bar area. [REDACTED] called to report an elderly male party passed out at the bar. I arrived on scene and observed an older male party who was conscious and semi alert. The male party, later identified as [REDACTED], was covered in puke sitting in a chair by the bar.

While on scene I heard a second female party yelling something from inside the bar area. I moved around the CFD staff in order to enter the bar and observed a female party who was yelling at CFD while they worked to assist [REDACTED]. I moved in between the female party who was clearly agitated and highly intoxicated. When she spoke her words were slurred and I could smell a strong odor of an alcoholic beverage emanating from her. She yelled "for fucks sake" and I decided to speak with her to ensure she would remain calm and not interfere with the CFD. The female party called me a "12 year old" and was not happy that I was speaking to her.

I remained in between the female party and CFD until [REDACTED] was transported to Emerson Hospital. While CFD was getting [REDACTED] ready for transport the female party continued to yell and argue with CFD. At one point the female party stated that "I was lucky I had my gun". Her behavior was very strange and due to my training and experience I believed this female was highly intoxicated. I believe both parties had been overserved at the bar. It was also alarming to me that no one working at the bar called 911 when [REDACTED] was passed out and covered in vomit.



**Concord Police Department
Investigative Report**

Case #: 21-18-IV

Date/Time Reported: 06/16/2021 @ 2100
 Report Date/Time: 07/19/2021 @ 0900
 Occurred Between: 06/16/2021 @ 2100
 And: 06/16/2021 @ 2200
 Case Status: Open

Reporting Officer: Detective Keith Harrington

Signature: _____

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	SCRIBNER, KIM A [REDACTED] DOB: [REDACTED] EMPLOYER: COLONIAL INN CONTACT INFORMATION: CallBack Number (Primary) [REDACTED]	PARTICIPANT	█	█	█	[REDACTED]	[REDACTED]
2	SROCZYNSKI, JAMES [REDACTED] DOB: [REDACTED] EMPLOYER: COLONIAL INN CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	PARTICIPANT	█	█	█	[REDACTED]	[REDACTED]
3	NGANGA, ISABELLE W [REDACTED] DOB: [REDACTED] EMPLOYER: COLONIAL INN CONTACT INFORMATION: CallBack Number (Primary) [REDACTED] CallBack Number [REDACTED]	PARTICIPANT	█	█	█	[REDACTED]	[REDACTED]
4	WARDWELL, DINA M [REDACTED] DOB: [REDACTED] EMPLOYER: COLONIAL INN CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Home Phone [REDACTED]	PARTICIPANT	█	█	█	[REDACTED]	[REDACTED]
5	MURRAY, MELISSA R [REDACTED] DOB: [REDACTED] EMPLOYER: COLONIAL INN CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	PARTICIPANT	█	█	█	[REDACTED]	[REDACTED]

Ref: 21-18-IV

The following is a summary of events for 21-18-IV and supplements case #21-17287-OF

On 7/19/21 Detective Bordenca and I met with Mr. Michael Glick, General Manager of the Colonial Inn and members of the staff, in relation to case #21-17287-OF and the events that took place on 6/16/21.

I interviewed Mr. James Sroczynski, who was working as a bartender on 6/16/21 and was also assisting with table service in the Liberty room. He stated that he has been employed with the Colonial Inn for 16 years.

Mr. Sroczynski stated that "[REDACTED]" (identified as [REDACTED] who was transported to Emerson on 6/16) shortly after 9PM. He stated that he came in from the liberty room, but he stated that he did not see him walk in, and was not sure if he came from "upstairs". He stated that [REDACTED] normally rents a room.

Mr. Sroczynski stated that [REDACTED] sat at the bar and ordered a glass of cabernet. He stated that he had a brief conversation with him, in which [REDACTED] was discussing that he and his friend "[REDACTED]" had to sit inside, as opposed to sitting on the patio as they normally do. He stated that at the time, [REDACTED]'s speech appeared clear and lucid, and he did not appear to exhibit any signs of intoxication.

Mr. Sroczynski stated that [REDACTED] had approximately 1-2 sips of the glass of wine. He stated that he was in the process of waiting on other customers when he observed that [REDACTED] had his both of his arms folded on the bar and his head was down. He stated that when he went over to him, he observed that he was, "passed out completely". He stated that at this point he quickly went to the front desk and asked them to notify the manager and call 911.

When Mr. Sroczynski returned he noticed that there was a female patron who was becoming very agitated and upset, and was yelling for someone to "call 911". Mr. Sroczynski observed that [REDACTED] still had his head down on the bar.

At this point Concord Police had made contact with [REDACTED], and he had picked his head up from the bar and was sitting up. He observed at this time that there was a "small" amount of vomit on the front of his shirt. He stated that [REDACTED] was acting like everything was OK.

Mr. Sroczynski stated at this point he stepped back from the situation and continued with his normal duties.

I then interview Ms. Isabelle Nganga, who waited on [REDACTED] and [REDACTED] on 6/16. Ms. Nganga has been employed with the Colonial Inn as a server for 35 years.

On 6/16/21 Ms. Nganga was working as a server in the Liberty room. Ms. Nganga stated that she has seen [REDACTED] in the Colonial Inn before, but is not that familiar with him or [REDACTED].

Ms. Nganga could not remember the time from which they first sat down at the table, but she did recall that they had expressed disappointment at not being able to sit outside. From the receipts provided, the check was initiated at 6:20PM and was closed out at 8:52PM. Ms. Nganga did recall that they shared an appetizer, split the Alcott sandwich, and shared a dessert. She also served them 2 bottles of red wine. In our conversation she stated that, "they always have 2" (referencing bottles of wine).

Ms. Nganga stated that she gave them the check and that they split it. Ms. Nganga stated that she did not see them leave the table. She did state that she had limited interactions with both parties while they were dining,

but they were both, "polite, not rude, and seemed fine...their speech was clear, and their eyes were open and they seemed alert".

Ms. Nganga stated that "later on" she heard a commotion in the bar area, and could hear a woman screaming, "call 911. Ms. Nganga stated that she did recall that [REDACTED] (she did not identify him by his name) had asked about sitting outside, but that he expressed disappointment, but was not upset. She also stated that she was not aware of the fact that he went to the bar, or if he went upstairs to his room, and she also stated that she was aware that he rented a room when he came to visit.

I spoke with Kim Scribner, who was working on 6/16, but did not have any direct interaction with either party. She stated the following:

On 6/16 Ms. Scribner was working on the patio as a server. She stated that she saw "[REDACTED]" but didn't serve him or interact with him. She stated that he has been a consistent regular, and that he meets with the same person. She stated that the order is usually consistent; "a bottle of wine and burgers" is normally what they have. She stated that it was approximately 7:30PM when she observed him. She stated later on in the evening, she could hear yelling coming from the Liberty room, where a female was yelling "call 911", but she did not go over to the area.

I spoke with Dina Wardwell, who was the manager on duty on 6/16. Ms. Wardwell did not have any direct interaction with either party. Ms. Wardwell stated she has been working at the Colonial Inn for 3 years. She stated the following:

On 6/16 Ms. Wardwell was the manager on duty. She stated "it was really busy", and that she was assisting with seating people in addition to her normal managerial duties.

She stated that she was at the hostess counter when [REDACTED] asked about sitting outside. She stated that he expressed disappointment and made several references that he was staying at the Inn. Ms. Wardwell stated that he was informed that there were multiple parties ahead of him that had also requested to sit outside and that they would not be able to accommodate his request. She stated at that point he and [REDACTED] went inside.

She stated that she is familiar with [REDACTED]. She stated that he visits "once a week" and stays at the hotel. She stated that she does not know [REDACTED] personally, but is aware that he lives local. She stated that they normally dine for up to 2 hours.

Ms. Wardwell stated that she was securing exterior doors at 9PM and was speaking with a customer when she observed Concord Police and Fire arrive at the Inn. She stated that she stayed at the area of the front desk, and that she was attempting to keep other guests at a distance.

Ms. Wardwell stated that she did not have any direct contact with [REDACTED] or [REDACTED], other than when they were at the hostess station. She stated that her primary responsibilities is to assist with any customer service issues in

addition to assisting staff with table turnover.

I spoke with Melissa Murray, who was working on 6/16, but did not have any direct interaction with either party. She stated the following:

Ms. Murray stated that on 6/16 she was working in the Thoreau room, and that she did not interact with either customer. She stated that she "knows them" as regular customers, and that "one stays at the hotel". She stated that they always order the same, "2 apps, 2 entrees, 2 bottles of wine", and that she has never seen either one of them intoxicated. She stated that at approximately 9PM she heard commotion in the Liberty room, and a woman was screaming, "call 911" and "is there a doctor". She stated that at this point she went to find "a rag in the kitchen " and then gave it to the lady. She then stated that she observed Concord Police and Fire and then continued on her business.

Keith Harrington

From: Michael Glick <mglick@concordcolonialinn.com>
Sent: Tuesday, July 13, 2021 4:13 PM
To: Keith Harrington
Cc: Jeremy Romanul; Kevin Monahan; Brian Goldman; Jeffrey Young; Michael Bordenca
Subject: RE: Follow Up

Good Afternoon Detective Harrington,

I apologize for our failure to submit a report on this incident.
I will request a copy of the police report and submit our report on the incident.

Thank you for contacting me so that I can get this report completed.

Sincerely,

Michael Glick
Regional General Manager
Concord's Colonial Inn
Publick House Historic Inn

From: Keith Harrington <kharrington@concordma.gov>
Sent: Monday, July 12, 2021 12:02 PM
To: Michael Glick <mglick@concordcolonialinn.com>
Cc: Jeremy Romanul <jromanul@concordma.gov>; Kevin Monahan <kmonahan@concordma.gov>; Brian Goldman <bgoldman@concordma.gov>; Jeffrey Young <jyoung@concordma.gov>; Michael Bordenca <mbordenca@concordma.gov>
Subject: Follow Up

Good Morning Mr. Glick,
On 6/16/21, the Concord Police Department responded to the Colonial Inn for a report of an intoxicated individual at the bar. In accordance with the Town of Concord's Board of Selectmen Alcohol Rules & Regulations, you are currently in violation of Section A, ***"Duties of Management" 5.- Duty to File Report: In instances where the police are called to the Licensed Premise regardless of the extent, severity or nature of any incident, the Manager of Record or Alternate Manager of Record must submit to the Selectmen within (24) hours of such occurrence, a complete and accurate written report of the incident.*** As of today's date, there has not been a report filed.

The Concord Police will be following up on this matter, and there is a police incident report on file. You can request a copy of the narrative at records-request@concordma.gov. Please reference case #21-17287 in your request.

Please feel free to contact me if you have any further questions.

Detective Keith Harrington
Criminal Investigations Division
Concord Police Department

219 Walden Street
Concord, MA 01742
978-318-3400 (main)
kharrington@concordma.gov



Keith Harrington

From: Michael Glick <mglick@concordscolonialinn.com>
Sent: Thursday, July 15, 2021 2:39 PM
To: Keith Harrington
Subject: RE: Follow Up
Attachments: DOC071521.pdf

Good Afternoon Detective Harrington,

Nice to meet you today.

Attached is the copy of the dinner and bar check from 6/16/21.
Dinner check was split by the 2 guests and the bar check was signed to Reed Boland's room.

Here is a list of the staff that worked in the dining room that day.

Melissa Murray	Server
Isabella Nganga	Server
Kim Scribner	Server
James Sroczynski	Bartender / Server
Dina Wardwell	Restaurant Manager

James is the server that served the 2 guests for dinner and also the bartender that served Reed a glass of wine in the bar after dinner.

We will schedule these staff members to be at work Monday 7/19/21 beginning at 9:00 am.

(Here are approximate times for meetings)

Kim 9:00 am
Isabella 9:25 am
James 9:50 am
Melissa 10:15 am
Dina 10:45

Sincerely,

Michael Glick
Regional General Manager
Concord's Colonial Inn.
Publick House Historic Inn

From: Keith Harrington <kharrington@concordma.gov>
Sent: Wednesday, July 14, 2021 8:41 AM
To: Michael Glick <mglick@concordscolonialinn.com>
Subject: RE: Follow Up

Good Morning Mr. Glick,
Detective Bordenca and I would like to schedule a time to meet with the staff who was present on the night of the incident. Please let me know of a time next week that the staff involved would be available.

Detective Keith Harrington
Criminal Investigations Division
Concord Police Department
219 Walden Street
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978-318-3400 (main)
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Sent: Tuesday, July 13, 2021 4:13 PM
To: Keith Harrington <kharrington@concordma.gov>
Cc: Jeremy Romanul <jromanul@concordma.gov>; Kevin Monahan <kmonahan@concordma.gov>; Brian Goldman <bgoldman@concordma.gov>; Jeffrey Young <jyoung@concordma.gov>; Michael Bordenca <mbordenca@concordma.gov>
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Subject: Follow Up

Good Morning Mr. Glick,
On 6/16/21, the Concord Police Department responded to the Colonial Inn for a report of an intoxicated individual at the bar. In accordance with the Town of Concord's Board of Selectmen Alcohol Rules & Regulations, you are currently in violation of Section A, ***"Duties of Management" 5.- Duty to File Report: In instances where the police are called to the Licensed Premise regardless of the extent, severity or nature of any incident, the Manager of Record or Alternate Manager of Record must submit to the Selectmen within (24) hours of such occurrence, a complete and accurate written report of the incident.*** As of today's date, there has not been a report filed.

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Please feel free to contact me if you have any further questions.

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kharrington@concordma.gov



Keith Harrington

From: Michael Glick <mglick@concordcolonialinn.com>
Sent: Thursday, July 15, 2021 5:35 PM
To: Keith Harrington
Subject: Update
Attachments: DOC071521.pdf

Detective Harrington,

After further investigation with the servers I have learned Isabella Nganga actually served the table for dinner. The check is in her name, however, the servers often pool their tables and all use the same server name for the shift. James believed he had served them since has done that many times in the past. Due to the circumstances Isabella remembers that it was her that served them that day.

Sincerely,

Michael Glick
Regional General Manager
Concord's Colonial Inn
Public House Historic Inn

From: Michael Glick
Sent: Thursday, July 15, 2021 2:42 PM
To: 'Keith Harrington' <kharrington@concordma.gov>
Subject: RE: Follow Up

Good Afternoon Detective Harrington,

Nice to meet you today.

Attached is the copy of the dinner and bar check from 6/16/21.
Dinner check was split by the 2 guests and the bar check was signed to Reed Boland's room.

Here is a list of the staff that worked in the dining room that day.

Melissa Murray	Server
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Publick House Historic Inn

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Sent: Tuesday, July 13, 2021 4:13 PM
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Subject: Follow Up

Good Morning Mr. Glick,

On 6/16/21, the Concord Police Department responded to the Colonial Inn for a report of an intoxicated individual at the bar. In accordance with the Town of Concord's Board of Selectmen Alcohol Rules & Regulations, you are currently in violation of Section A, ***"Duties of Management" 5.- Duty to File Report: In instances where the police are called to the Licensed Premise regardless of the extent, severity or nature of any incident, the Manager of Record or Alternate Manager of Record must submit to the Selectmen within (24) hours of such occurrence, a complete and accurate written report of the incident.*** As of today's date, there has not been a report filed.

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**TOWN OF CONCORD
BOARD OF SELECTMEN
ALCOHOLIC BEVERAGES RULES & REGULATIONS**

As the duly constituted Local Licensing Authority, the Board of Selectmen is authorized by Statute to issue and to regulate Alcoholic Beverage Licenses. These regulations are the guiding principles by which the Selectmen will review and decide matters concerning filing, issuance, renewal, modification, and compliance with licensing matters.

The Selectmen may adopt further rules and regulations and all such changes shall apply to existing License holders from the date of the adoption. The Selectmen may attach such conditions and restrictions to each such license as it deems to be in the public interest. (i.e., hours, seating capacity, floor areas for sales or service) All Alcoholic Beverage Licenses are conditioned on compliance with all applicable State and local laws, including but not limited to MGL Chapters 138 and 140, the State Building Code, the Alcoholic Beverage Control Commission Regulations and Concord's bylaws and regulations.

FAILURE TO FOLLOW THESE REGULATIONS MAY RESULT IN THE LOSS OF YOUR LICENSE.

A. PERTAINING TO THE HOLDERS OF ALCOHOLIC BEVERAGES LICENSES

1. Duties of Management

- The Manager of Record must be approved by the Selectmen prior to that person assuming the duties of Manager of Record or Alternate Manager of Record. The Manager of Record must be engaged in the actual management of the Licensed Premises as his or her main occupation and must be present on the Licensed Premises for not less than thirty (30) hours per week during the hours when Alcoholic Beverages are sold. In the event that the Manager of Record is not present, an individual previously approved by the Selectmen as Alternate Manager of Record, **must** be present on the Licensed Premises during hours when Alcoholic Beverages are sold or served.
- Alternate Manager of Record. The Alternate Manager of Record, a person qualified, authorized and satisfactory to the Selectmen and whose authority to act in place of the Manager of Record shall first have been certified to the Selectmen, must be present on the licensed premises and available to the licensing authorities and inspectors during all hours when alcoholic beverages are sold and the Manager of Record is not present.
- Change of Manager of Record. In the event of the removal, resignation or other departure of any Manager of Record or Alternate Manager of Record, notification must be made to the Selectmen immediately. No person shall be authorized to serve as a replacement Manager of Record or Alternative Manager of Record unless appointed by the Selectmen in accordance herewith.
- Current Identification Information. The full name, residential address, business and home telephone numbers of said Manager of Record and Alternate Manager of Record must be on file in the Selectmen's Office and will be forwarded to the Police Department. Failure to have such information on file and current or the failure of the Manager of Record or Alternate Manager of Record to be on the premises while alcoholic beverages are offered for sale shall alone be cause for revocation or suspension of such license.
- Alcohol Sales or Serving Training. The Manager of Record and all Alternate Managers of the facility must provide the Selectmen with proof of current alcohol sales or service training (TIPS or equivalent training) upon the date of his or her appointment

and at each annual renewal. All other employees who serve or sell alcohol must complete similar training within 45 days of hire and maintain their certification during their employment by the licensed establishment. In unusual circumstances, licensees may petition the Board of Selectmen in writing for an extension of time, not to exceed 30 calendar days, in order to comply with this section. Such an extension of time will only be granted if the Board is convinced that a good faith effort has been made to comply.

- Legal age to sell or serve. Anyone selling or serving alcoholic beverages must be at least 18 years of age.
- Serving Policy. All Licensed establishments are required to have an alcohol serving policy on file with the Selectmen and the Concord Police Department. All employees who serve or sell alcoholic beverages must be familiar with the policy and responsible for its implementation.

2. Supervision –Presence

Neither the Licensed Premises nor the sale or serving of Alcoholic Beverages may be under the management or control of any person, who, in the judgment and discretion of the Selectmen, is unable or unwilling to exert the control necessary to maintain the Licensed Premises in a safe, sanitary and orderly manner.

No manager, employee, owner, board member or club member shall consume alcoholic beverages in or upon the Licensed Premises before the opening hour or after the closing hour stated on the License.

3. Duties at “Closing Hour”

It is the responsibility of the Manager of Record or Alternate Manager of Record in charge of the Licensed Premises to insure that they comply with the following “Closing Hour” requirements applicable to all establishments.

(a) All bottles and glasses containing alcoholic beverages must be removed from tables and bars within 15 minutes after legal closing.

(b) Premises must be cleared of all patrons and all employees other than managerial and cleaning employees not later than 30 minutes after legal closing time.

(c) All outside signs or lights of the Licensed Premises must be extinguished.

4. Duty to Summon Police

Upon the occurrence of a disturbance, Concord Police must be called to the Licensed Premises by the Manager of Record or Alternate Manager of Record in charge of the Licensed Premises.

5. Duty to File Report

In all instances where the police are called to the Licensed Premises regardless of the extent, severity or nature of any incident involving people in or upon the Licensed Premises, the Manager of Record or Alternate Manager of Record must submit to the Selectmen within twenty-four (24) hours of such occurrence, a complete and accurate written report of the incident. Said report will advise the Selectmen of all pertinent facts including, but not limited to:

(a) Parties involved, by names;

(b) Time of occurrence and date;

(c) Action taken by Manager and time and date upon which action was taken;

(d) Description of the circumstances – including damages and whether there were any apparent injuries; and

(e) Name of Manager or other person in charge of the Licensed Premises as well as any other employees present at the time of the incident

6. Violations

Violations may include, but not be limited to, sale or delivery to an underage person, sale or delivery to intoxicated persons, sales or serving before or after hours stated on the License, use of narcotics on the Licensed premises, gambling/gaming, and failure to meet any of the terms of the regulations of the Selectmen.

- The following course of action will be taken upon violations occurring within three years: 1st offense –written warning placed in the Licensing file and required training for personnel involved; 2nd offense –hearing before the Selectmen to determine action up to and including suspension and revocation of license. Extenuating circumstances may necessitate more serious consequences on any violations.
- The Selectmen will review alleged violations of rules and regulations to determine whether a Hearing is necessary. It is anticipated that in most cases, a Hearing will be held to determine what, if any, action should be taken.
- All violations and complaints received about Licensed establishments shall be in writing and placed in the file of the Licensee.
- At the time of License renewal and/or changes to the License, Licensee shall provide full information to the Selectmen concerning any violations of and complaints concerning alcoholic beverage rules and regulations in the last three years. The Selectmen may use such information as a basis for action on the License Renewal or change.
- Upon notice of violations or complaints from the Selectmen or otherwise, the License holder shall provide to the Selectmen evidence of steps taken to address the violation or of mitigating circumstances. Information provided to the Selectmen shall be placed in the Licensee's file and may be considered as a basis for action on a License Renewal or change.
- Any oral or written misrepresentation of fact made by an applicant, prospective license transferee, Manager of Record or Alternate Manager of Record in any application, report, or similar communication to the Selectmen is a violation and may result in the modification, suspension, revocation or cancellation of the License.
- The License holder has the right to appeal any decision of the Selectmen within five days of the decision to the Alcoholic Beverage Control Commission.

6A Response to District Attorney Notification

The Selectmen and each Licensed Premises shall adhere to the following process in the event that the Board of Selectmen receive notice from the District Attorney of a conviction in District Court for operating a motor vehicle under the influence of intoxicating liquor in which the convicted party alleges to have been served an alcoholic beverage at a Licensed Premises:

1st reported instance – The Selectmen shall provide the Manager of Record of the Licensed Premises with a cautionary letter advising of the report. Further, upon the determination of the Selectmen and based upon the results of further police investigation, the Manager of Record of the Licensed Premises, the Town Manager, the Police Chief and a member of the Selectmen may meet in private to confirm the adequacy of the Licensed Premises policy and procedures in serving patrons.

2nd and subsequent reported instances within twelve consecutive months – The Manager of Record of the Licensed Premises shall be called before a full Meeting of the Selectmen for a review of the Licensed Premises procedures and to consider an appropri-

ate response of the Selectmen based upon the information that is subsequently gathered.

7. Penalties

Failure to comply with any of the Regulations or any changes, additions or modifications thereto imposed by the Selectmen, the Alcoholic Beverages Control Commission, or any law of the Commonwealth, may result in the modification, suspension, revocation or cancellation of the license.

B. GENERAL PROVISIONS

1. Right to Inspect

The Concord Police, the Selectmen, or their duly authorized agents have the right to inspect any Licensed Premises at any time.

2. Prohibition Against "Brown Bagging"

Brown bagging (i.e., consumption of alcoholic beverages brought into a business establishment by a customer or other person) is prohibited in the Town of Concord.

No commercial establishment in the Town of Concord shall serve or permit the consumption of an alcoholic beverage upon its premises without an Alcoholic Beverage License.

No patron shall be permitted to bring into or onto the premises of a commercial establishment any alcoholic beverage for consumption on the premises.

3. Prohibition of Service or Consumption of Alcoholic Beverages Outside of Room or Areas Designated by Licensee

No licensee may permit the serving or consumption of an alcoholic beverage outside of the area of the Licensed Premises designated in the license. In particular, but without limitation, alcoholic beverages may not be served or consumed on a patio, sidewalk, outdoor garden or similar area adjoining the Licensed Premises unless such area has been specifically provided for in the License.

4. Club License

Under MGL C. 138 §12 A "club" license may be issued to a nonprofit corporation or association for sales of alcoholic beverages to members only and, subject to regulations by Selectmen, to the guests of the members. All other rules and regulations regarding sales and serving are in effect.

Alcoholic beverages may be sold to club members and guests introduced by members, but to no others.

No manager, employee, owner, board member, club member or guests of club members shall consume alcoholic beverages in or upon the Licensed Premises before the opening hour or after the closing hour stated on the License.

5. Severability

With respect to the constitutionality of the Regulations or where a conflict may exist with any other law or regulation, each and every provision of these Regulations is declared to be separable and independently enforceable.

Adopted May 26, 1987

Amended May 10, 1993

Amended May 15, 2006

Amended: October 6, 2008

Amended January 5, 2009

DISCUSSION DRAFT
2022 ATM Planning Calendar

August 9, 2021

[ADD NATIONAL & STATE ELECTION]

September 27, 2021	Joint Select Board and School Committee Capital Planning Forum
November 4, 2021	Finance Committee Capital Planning Forum
December 6, 2021	Joint Select Board and School Committee Capital Planning Forum
January 15, 2022; 9AM	Town Meeting Preview Meeting; Warrant Opens
January 28, 2022 at 4PM	Draft Warrant Articles Due; Town Manager's Budget due to Select Board per Town Charter § 16
February 2, 2022 at 4PM	Warrant Closes
February 3, 2022, time TBD	Warrant Review Meeting with Town Counsel
February 7, 2022	Warrant to Printer; Town Caucus
February 14, 2022	Warrant Mailed to Households
February 28, 2022, 7PM	Date of First Public Hearing (Select Board)
March 3, 2022, 7PM	Finance Committee Public Hearing – Town & CPC
March 8, 2022, 7PM	Planning Board Public Hearing
March 10, 2022, 7PM	Finance Committee Public Hearing - Schools
March 17, 2022, 7PM	Finance Committee Public Hearing – Enterprise Funds
April 6, 2022	Deadline for SB and FinCom Recommendations on Articles
April 11, 2022	FinCom Report to printer
April 12, 2022	Town Election
April 18, 2022	Deadline to mail FinCom Report to households; Deadline for Submission of Motions
April 19, 2022	Deadline for submissions for Town Meeting Materials
April 21, 2022	Motions Review Meeting w/ Town Counsel
April 22, 2022	Town Meeting Materials sent to printer
April 25, 2022	Moderator's Staff Planning Meeting
May 1, 2022, at 1PM	Annual Town Meeting
	Subsequent Additional Days as needed

HOLIDAYS & EVENTS RELEVANT TO SCHEDULE

Rosh Hashanah	Sundown 09/06/21 to sundown 09/08/21
Yom Kippur	Sundown 09/15/21 to sundown 09/16/21
Indigenous People's Day	10/11/21
Veterans Day Observed	11/11/21
Thanksgiving Day	11/25/21
Hanukkah	Sundown 11/28/21 to sundown 12/6/21
Christmas Day	12/25/21
New Year's Day	01/01/22
Martin Luther King, Jr. Day	01/17/22

DISCUSSION DRAFT
2022 ATM Planning Calendar

August 9, 2021

Presidents' Day	02/21/22
Ramadan	Sundown 04/02/2022 to sundown 05/02/2022
Passover	Sundown 04/15/22 to sundown 04/23/22
Easter	04/17/22
Patriots' Day	04/18/22
Eid al-Fitr	5/3/22

DRAFT

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



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

Re: Diversity, Equity, and Inclusion Commission in Concord

As a Jewish synagogue in Concord, we are committed to the Jewish concept of *Tikkun Olam* (repairing the world). Accordingly, our Racial Justice Working Group has been studying and learning to confront the racial injustices which have plagued our society in Concord and beyond. We would like to let you know how pleased we were to learn that the Select Board has committed to establishing a Diversity, Equity, and Inclusion Commission.

It is our hope that the Concord DEI Commission will have a broad charge which will enable it to address the many issues facing Concord on its journey toward diversity, equity, and inclusion. We want all Concordians and visitors to Concord to feel welcomed and appreciated whatever their race, religious affiliation, background, or economic status.

Please be assured that Kerem Shalom's Racial Justice Working Group is eager to support the Concord DEI Commission in any way we can.

Deena Whitfield
Chair
Racial Justice Task Force
Kerem Shalom

August 4, 2021

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

Subject: Diversity, Equity and Inclusion in Concord

We very much appreciated the opportunity to speak with you at your meeting on July 26th and are very encouraged by your decision to establish a DEI Commission.

As you embark on the first step drafting a charge, we hope you will find the draft charge we provided useful as a starting point. We strongly recommend that any charge you adopt be broad enough to address the wide range of issues which are pertinent to diversity, equity and inclusion in Concord. The Commission may decide to provide educational events, promote conversations, etc. within the greater community. Other activities of the Commission may include recommendations to the Select Board for changes and learning within the Select Board's purview. However, to be effective the work of the Commission must not be limited to only the latter arena.

In addition, we encourage the Board to leave space for Commission members to alter and refine the charge themselves, acknowledging that people who are part of historically marginalized communities may be better able to identify the challenges and needs of DEI work in Concord.

We look forward to seeing the draft charge which you will be discussing on August 9th. It is exciting to be embarking together on this journey.

Nancy Brown, Co-Chair
LWVCC Diversity, Equity and Inclusion Committee

Erin Fife
President
Communities Organizing Against Racism

Matthew J. DeGreeff
Moderator, West Concord Union Church

Pat Brewer
Representing Racial Justice Action Group
First Parish in Concord

Louisa Paushter
Co-Chair
Concord Carlisle Human Rights Council

Draft for Discussion 8/9/21

Charge

Fiber Broadband Completion Task Force

A. Purpose and Background

The purpose of the Fiber Broadband Completion ~~Committee Task Force~~ (FBCTFC ~~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 ~~5-7%~~ of residential parcels are without Fiber Broadband access, either by under-ground or overhead cable, representing ~~20-25%~~ 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 ~~5-7%~~ 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.

~~This Task Force~~ ~~e-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

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 Broadband Completion Committee Task Force 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 Task Force shall elect a chair and clerk.

C. Duties and Responsibilities

The Committee Task Force 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 Task Force shall hold at least one public hearing and may conduct surveys, focus groups, or other data collection methods. It is also recommended that Committee Task Force 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)

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

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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

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- 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 Task Force 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 Task Force 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 Task Force'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.

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Within the three completion aspects, the Report should cover following topics. This list is not exclusive and the Committee Task Force 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 ~~5-7~~% 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?

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- 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?
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(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?
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- 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 Task Force](#) 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 8/9/21

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

Town of Concord
Finance Department
Memorandum

TO: Stephen J. Crane, Town Manager

FROM: Kerry A. Lafleur, Chief Financial Officer

SUBJ: FY21 Budget Transfers

DATE: August 6, 2021

I am writing with additional information on the proposed FY21 Year End Transfers based upon feedback received and updated transfer information.

Update: The following FY21 Year End Transfers were presented to the Finance Committee on July 22, 2021:

Chapter 44, Section 33B Transfers Needed to Close FY21				
number	to/ from	line item	line description	amount
1	to	6	Public Safety	\$ 400,000.00
2	to	15	Joint, Social Security & Medicare	\$ 11,200.00
3	to	16	Debt Service	\$ 40,000.00
4	from	5	Human Services	\$ (151,200.00)
5	from	12	Joint, Insurance	\$ (200,000.00)
6	from	13	Joint, Unemployment/ Workers Comp	\$ (100,000.00)

While approved, concern was expressed over the number and amount of transfers needed, particularly in Public Safety, given that Annual Town Meeting was only held on June 13, 2021, approximately 2.5 weeks prior to the close of the fiscal year. It was noted that even with this additional transfer, the total FY21 expenditure for Public Safety would still come in under the original appropriation. Further, it was noted that the drivers behind the additional expense were:

- Unbudgeted purchase of 3 unmarked Police cruisers; and
- Public Safety overtime expense.

It goes without saying that FY21 has been a particularly unusual year, and one which has posed many challenges not only in the areas of public health, public safety and social & community services, but also in the areas of finance and accounting. A significant portion of our pandemic-related expenses have been or will be covered by CARES funding and FEMA, and then by ARPA funding going forward. Neither CARES nor FEMA grant-eligible spending is tied to a single fiscal year nor are the reporting requirements. So while we work diligently to “close the books” on FY21, we continue to receive new information on what pandemic-related expenses will ultimately be eligible for reimbursement which may impact the total expense which is charged against the Town’s General Fund appropriation. Fortunately, in the last two weeks, additional FY21 expenditures have been identified as grant-eligible; “unfortunately”, this changes the proposed

list of year-end transfers previously approved by the Finance Committee. In an attempt to make this less confusing, I have prepared the table below which shows: appropriated; expended; grant-eligible expenditures (awaiting reimbursement); and year-end balances. It is important to note, that once all reimbursements have been received and the few remaining adjustments have been made, we expect to close FY21 with a surplus (remaining unspent appropriation) of approximately \$1.2M. It is further important to note that Annual Town Meeting has already committed \$867,564 of that balance to offset the FY22 budget, resulting in an available balance of approximately \$340k which will flow to Free Cash.

Journal Entries	Line	Description	Appropriation	Adjustment	Appropriation Total	Total: Expended & Encumbered	Balance Remaining	Grant Reimbursable Covid Activities	Projected Year-End
	1	General Government	\$ 3,682,063.00	\$ (41,650.00)	\$ 3,640,413.00	\$ 3,576,638.08	\$ 63,774.92	\$ 74,995.68	\$ 138,770.60
	2	Legal Services	\$ 344,585.00	\$ 190,000.00	\$ 534,585.00	\$ 534,585.00	\$ -	\$ -	\$ -
	3	Finance	\$ 2,373,591.00	\$ (108,055.00)	\$ 2,265,536.00	\$ 2,163,840.59	\$ 101,695.41	\$ -	\$ 101,695.41
	4	DPLM	\$ 1,858,940.00	\$ (6,302.00)	\$ 1,852,638.00	\$ 1,848,739.06	\$ 3,898.94	\$ 58,829.09	\$ 62,728.03
	5	Human Services	\$ 3,445,273.00	\$ (65,094.00)	\$ 3,380,179.00	\$ 2,937,038.11	\$ 443,140.89	\$ -	\$ 443,140.89
1	6	Public Safety	\$ 10,212,264.00	\$ (151,638.00)	\$ 10,060,626.00	\$ 10,722,457.37	\$ (661,831.37)	\$ 516,349.97	\$ (145,481.40)
	7	Public Works	\$ 4,473,093.00	\$ 596,934.00	\$ 5,070,027.00	\$ 5,017,681.38	\$ 52,345.62	\$ 7,911.22	\$ 60,256.84
	8	Unclassified, Employee Wellness	\$ 75,000.00	\$ -	\$ 75,000.00	\$ 37,733.87	\$ 37,266.13	\$ -	\$ 37,266.13
	9	Unclassified, Reserve Fund	\$ 225,000.00	\$ (225,000.00)	\$ -	\$ -	\$ -	\$ -	\$ -
	10	Unclassified, Salary Reserve	\$ 250,000.00	\$ (250,000.00)	\$ -	\$ -	\$ -	\$ -	\$ -
	11	Land Fund	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -	\$ -
	12	Joint, Insurance	\$ 8,183,694.00	\$ (85,000.00)	\$ 8,098,694.00	\$ 7,697,593.82	\$ 401,100.18	\$ -	\$ 401,100.18
	13	Joint, Unemployment/ W.C.	\$ 220,500.00	\$ 85,000.00	\$ 305,500.00	\$ 185,557.05	\$ 119,942.95	\$ -	\$ 119,942.95
	14	Joint, Retirement	\$ 4,064,734.00	\$ -	\$ 4,064,734.00	\$ 4,064,734.00	\$ -	\$ -	\$ -
	15	Joint, Social Security & Medicare	\$ 866,864.00	\$ -	\$ 866,864.00	\$ 838,666.29	\$ 28,197.71	\$ -	\$ 28,197.71
2	16	Debt Service	\$ 7,374,879.00	\$ -	\$ 7,374,879.00	\$ 7,414,813.16	\$ (39,934.16)	\$ -	\$ (39,934.16)
		total:	\$ 47,660,480.00	\$ (60,805.00)	\$ 47,599,675.00	\$ 47,050,077.78	\$ 549,597.22	\$ 658,085.96	\$ 1,207,683.18
								Reservation for FY22 Budget:	\$ 867,564.00
								Return to Fund Balance:	\$ 340,119.18

In order to close the fiscal year, we now only need to make two adjustments rather than the 3 originally proposed, and the amount are significantly less. The remaining adjustments are in Public Safety (largely a result of the unbudgeted purchase of cruisers) and in Debt Service (variance in estimated versus actual bond repayment schedule). We propose to transfer the amount needed to cover these overages from Group Insurance. Below is the summary of remaining transfer needed to close FY21. Please be in touch with any questions.

Revised FY21 Year End Transfers		
To	Description	Amount
6	Public Safety	\$ 150,000.00
16	Debt Service	\$ 40,000.00
From	Description	Amount
12	Joint, Insurance	\$ (190,000.00)
	total adjustment	\$ -

Additional Information: You will recall that MGL Chapter 44, Section 33B allows for budget adjustments either by Town Meeting OR with the approval of both the Finance Committee **and** Select Board within the period of May 1 – July 15. The Town of Concord had a long-standing practice of moving expense to areas of the budget with remaining appropriation versus amending the budget. I reviewed this practice with the former Town Manager and recommended that we instead make use to the authority provided under MGL (to make budgetary transfers) so that we could maintain

a more accurate accounting of expense and we have been doing this since FY17. While this is best practice, it's difficult to implement to the letter of the law for the following reasons:

- Departments have the legal authority to commit and/ or expend budgeted funds up until June 30;
- The final accounts payable warrant is processed on July 15, so as to allow time for invoices to be gathered and processed (**NOTE:** invoices that are missed become Unpaid Bills which can't be paid without specific Town Meeting action; Quantum of vote= 4/5th at a regular or 9/10th at a special);
- Implementation requires the action of two boards which must comply with the Open Meetings Law; and
- The Select Board's stated preference is to consider action only after Finance Committee review and approval.

As such, most towns, in my experience, do not comply with the strict letter of the law, but instead prepare Ch. 44, Section 33B adjustments as soon as practicable. Early in my tenure, I reviewed this issue with the Town's auditor, and to the best of my recollection with the Department of Revenue who referred me to Town Counsel for confirmation of our practice. I have also reviewed this same issue with the appointed Town Counsel in other communities in which I have worked. All parties acknowledged the difficulty in strict adherence and the Town's auditor has never raised this practice as an issue during the audit process, either informally or in the Management Letter. Recently, I revisited this issue with the auditor and he confirmed that this practice is not of concern and would not be identified as a Management Letter item. Understanding that the composition of boards and committees change and as a result, so might the level of comfort with this practice, we can move toward strict compliance with the law, though this can only be accomplished over time and with the cooperation of all. In order to ensure strict compliance, the following (at a minimum) will need to occur:

- Department spending and/ or commitment of funds will need to cease on or about June 15 each year, allowing us the ability to process the final accounts payable warrant on or about June 30;
- Finance Committee will need to agree to a special meeting to review year-end transfers; and
- Select Board may need to agree to a special meeting to review year-end transfers.

Unless and until the above measures are put in place, it will be impossible for the Town to maintain strict adherence to MGL Chapter 44, Section 33B.

Town of Concord
Finance Department
Memorandum

TO: Select Board
 Finance Committee
 Stephen J. Crane, Town Manager

FROM: Kerry A. Lafleur, Chief Financial Officer

SUBJ: Request to approve FY21 year-end transfers

DATE: July 15, 2021

As you will recall, the Town’s fiscal year budget is appropriated by Town Meeting in sixteen (16) distinct line items. Transfers are allowed between line items either by:

- Further Town Meeting action; or
- Under the procedure outlined in MGL Chapter 44, Section 33B.

At this time, I am seeking approval of **final** transfers under MGL Ch. 44, Section 33B. Under this law, line item transfers are allowed between May 1 and July 15, with the approval of the Select Board and Finance Committee, the purpose being to close the year without line item deficits.

The following are the final requests needed to close FY21:

Chapter 44, Section 33B Transfers Needed to Close FY21				
number	to/ from	line item	line description	amount
1	to	6	Public Safety	\$ 400,000.00
2	to	15	Joint, Social Security & Medicare	\$ 11,200.00
3	to	16	Debt Service	\$ 40,000.00
4	from	5	Human Services	\$ (151,200.00)
5	from	12	Joint, Insurance	\$ (200,000.00)
6	from	13	Joint, Unemployment/ Workers Comp	\$ (100,000.00)

You may recall that at the recent Annual Town Meeting, we transferred a total of \$545,286 from Line 6, Public Safety to help offset the increased and unbudgeted expenses in Public Works (Saw Mill Brook culvert repair and additional costs for pedestrian improvements on Sudbury Road). At the time, and based upon our initial analysis, we believed that this amount of surplus existed. Unfortunately, as we close FY21, we have determined that this is not the case due to higher than estimated OT expense and additional capital expense

(unmarked cruisers) not originally taken into account. But for this transfer, the Line 6 appropriation would have been under budget.

Slight adjustments are needed in both Line 15, Joint, Social Security & Medicare (\$11,200) and Line 16, Debt Service (\$40,000) to bring these lines under the appropriation. Estimates are made very early in the budget development process with regard to fixed costs. In the case of the Line 15, we estimate both total payroll expense and the amounts charged off to other funding sources (other Town funds, grants, etc.) approximately nine months ahead of the budget. Often actuals vary slightly from estimates which is the case in FY21. With respect to the adjustment in Line 16, we were able to set a more favorable debt service schedule for the 2020 bond issue by shortening the repayment term for a slight increase in annual payment.

These overages are proposed to be covered by Line 5, Human Services (Senior Services, Community Services & Library) and Line 12 and 13, Insurances. Surplus appropriation exists in Line 5 due to the pandemic-related closures early in the fiscal year. Surplus appropriation exists in Lines 12 and 13 due to actual expense being less than estimates and significant portions of Unemployment Expense being covered by the federal government.

Even with these additional adjustments, we expect to close the Town's FY21 budget approximately \$200,000 under appropriation.

Thank you for your consideration of this request.

Finance Committee Action: _____

Select Board Action: _____

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.

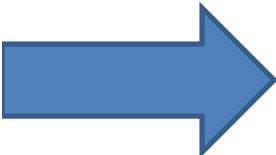
Department Reorganization Request: Economic Vitality

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.

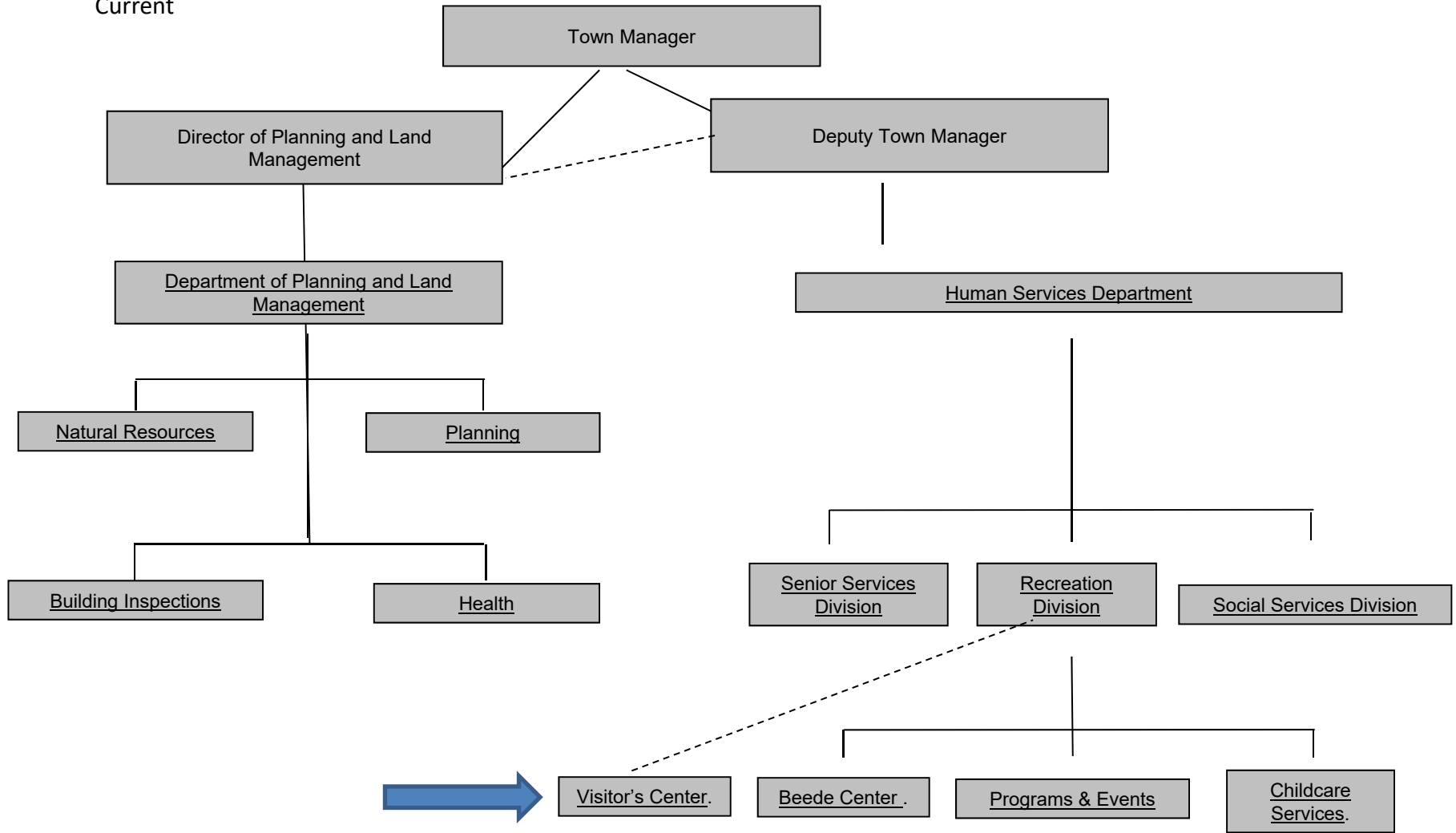


B. The town manager may, with the approval of not less than 3 members of the select board, establish, combine, reorganize, or discontinue departments under the town manager's supervision; and, with the approval of both the select board and the finance committee, the town manager may transfer all or part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

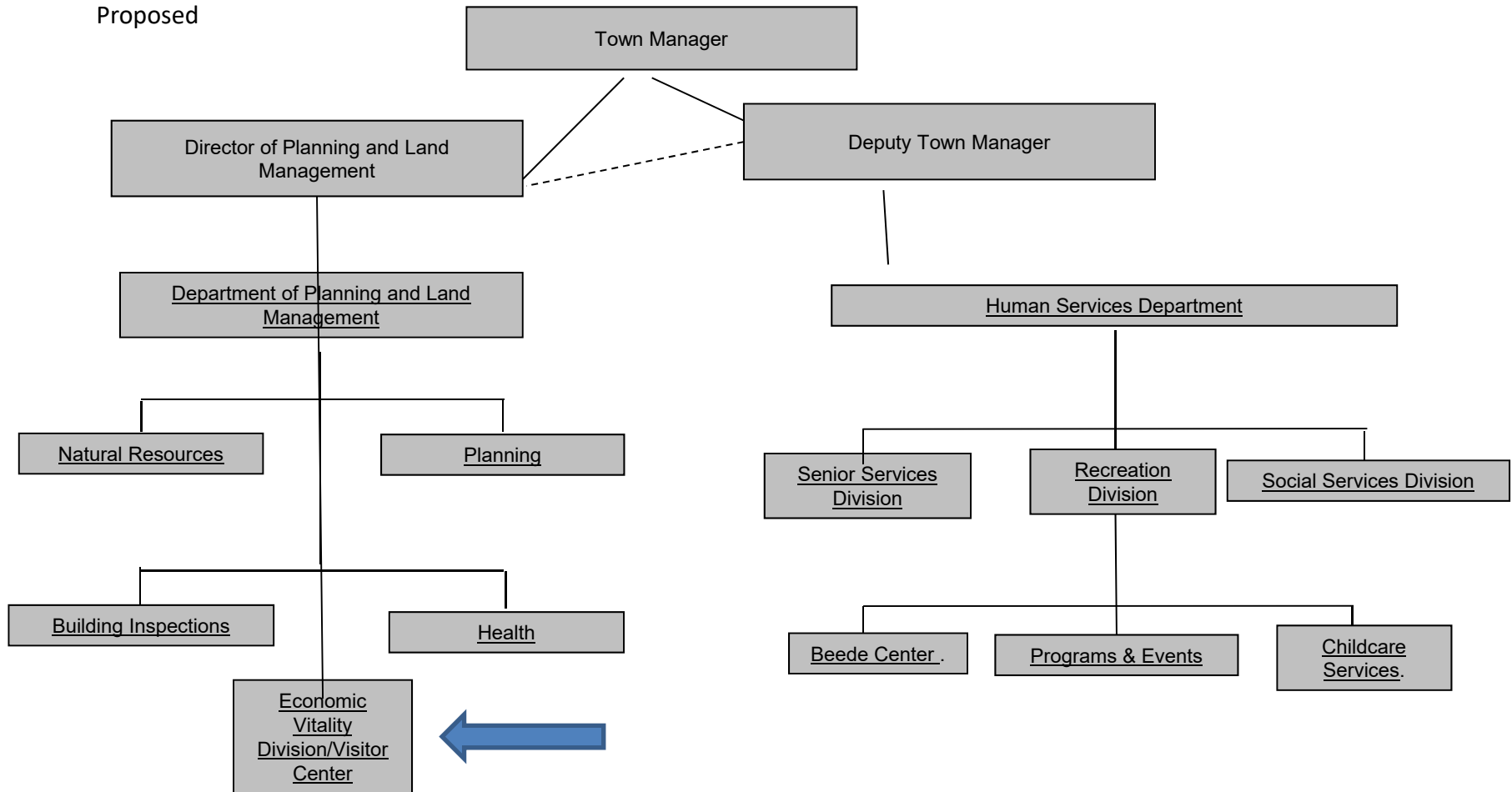
C. With respect to the wage or salary and classification of employees appointed by the town manager, the town manager shall be governed by the provisions of the "Wage and Salary Classification Plan – Town of Concord, Massachusetts", as the same may be amended from time to time and for so long as the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

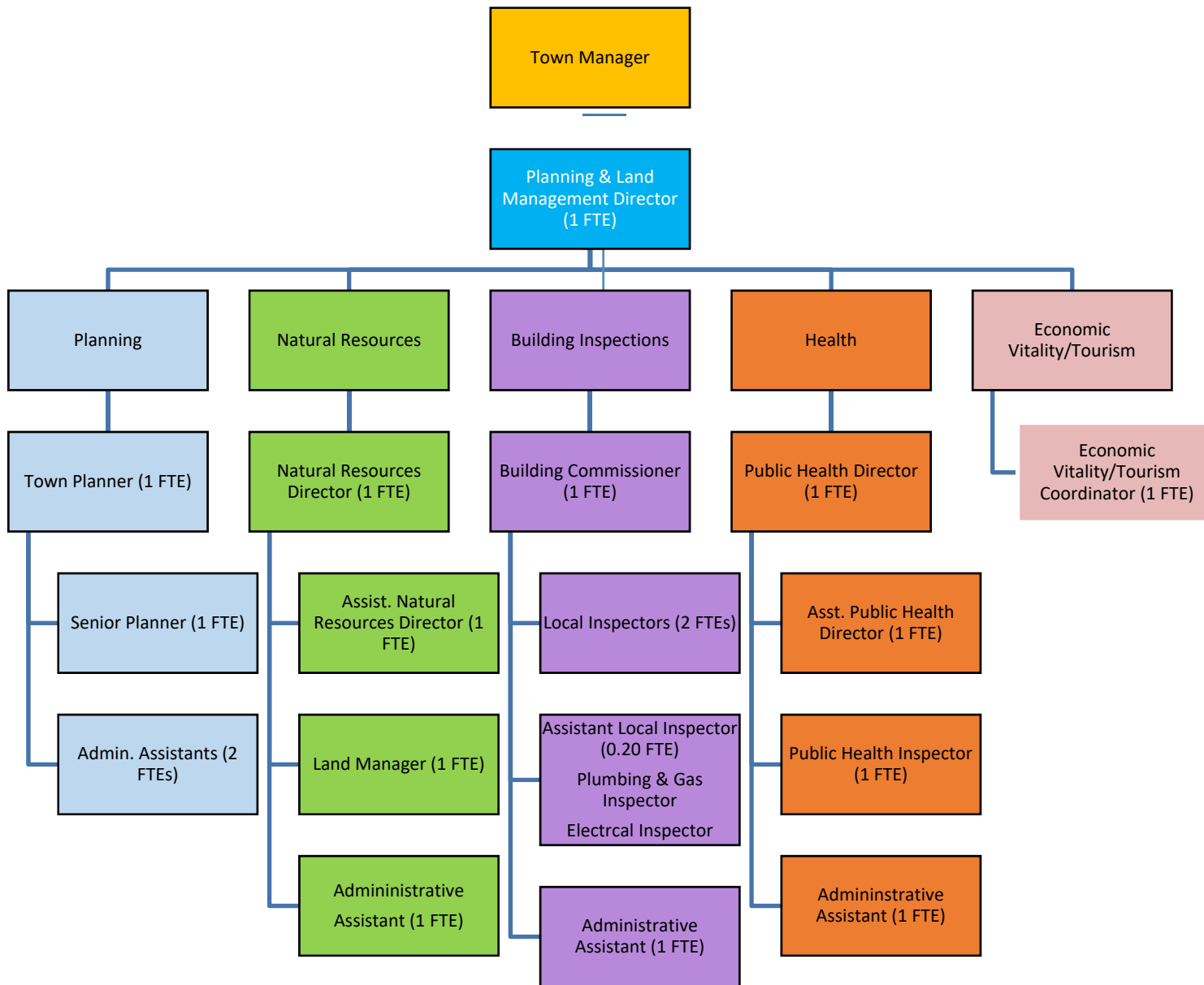
D. The town manager shall keep full and complete records of the town manager's office, and shall render as often as may be required by the select board a full report of all operations during the period reported on.

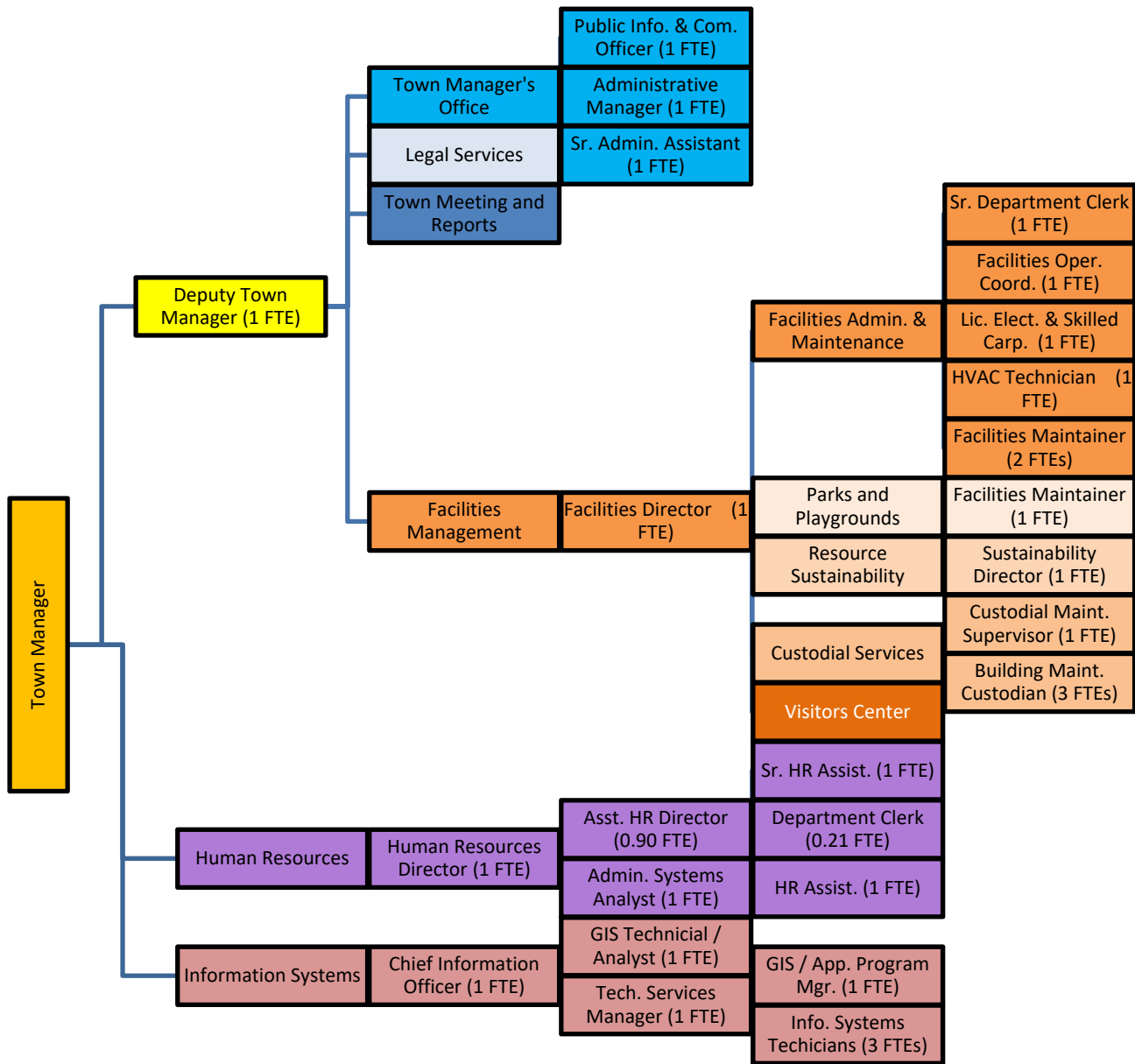
Current



Proposed







Town of Concord				
Finance Administration				
Economic Vitality & Visitor Center Comparison				
July 20, 2021, updated 08.06.21				
General Fund				
Account Number	Description	FY2021	FY2022	\$ Δ
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 RENTALS/LEASES	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 SERVICE	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
_Total_671 INFORMATION CENTER		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
0024-520-630-0727-5120-0000	TEMPORARY STATUS	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 SERVICE	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

Town of Concord
Expenditure Summary

Town of Concord				
Finance Administration				
Economic Vitality & Visitor Center Comparison				
July 20, 2021, updated 08.06.21				
General Fund				
Account Number	Description	FY2021	FY2022	\$ Δ
0001-122-672-0000-5732-0000	DUES/PERSONAL MEMBERSHIP	0.00	250.00	250.00
Total 672 ECONOMIC VITALITY & TOURISM		112,400.00	183,097.00	70,697.00
Grand Total		142,165.00	217,439.00	75,274.00
Recreation Revolving Fund				
Account Number	Description	FY2021	FY2022	\$ Δ
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
Total 0727 VISITOR CENTER		32,250.00	0.00	-32,250.00
Grand Total		32,250.00	0.00	-32,250.00
Total, All Funds		174,415.00	217,439.00	43,024.00

Charge
CIVIL WAR MONUMENT TASK FORCE

A. **PURPOSE:** To establish an ad hoc Task Force of 5 members to be appointed by the Select Board to consider and advise the Board on placing one or more additional names, including that of George Dugan, on the tablet of the Civil War Soldiers' Memorial, and to review requests made in 1881, 1914 and make a final determination regarding the inclusion of any additional names. It will make a recommendation to the Select Board on whether replacing the tablet is the best course of action, will identify both costs and sources of funding for the project and for the care and preservation of the Memorial. The Task Force will file its final report six months from the date of its formation, whereupon it shall be dissolved.

B. **BACKGROUND:**

- The Town Meeting held March 19, 1866 approved a Committee of 25 people to erect a Monument to our soldiers who died in the War of the Rebellion. \$45,000.00 dollars was also appropriated for this purpose.. An additional \$100.00 was donated by James B. Brown.
- Originally 32 names were placed on the Monument. Of these 24 lived in Concord at the time of their enlistment, 4, who belonged to Concord entered the service from other places, 2 were natives of the Town but were living elsewhere. The reasons for including 2 others are not noted. All of them have found here "A birthplace, home or grave" as stated on the Monument, the criterion for inclusion on the Monument at that time.
- It appears that the war Memorial Committee was responsible for choosing the names that would be placed on the Monument.
- The Town Meeting in 1881 appointed a Committee of 5 to "correct the omission form the Soldiers Monument of certain names that should have been inscribed thereon."
- It sought input via a widely distributed circular listing current names and those that had been presented to the Committee for inclusion. It found that the qualifications at that time were "that the man should have been a soldier or sailor in the war of the rebellion, should have died in the war or by reason of wounds received or disease contracted in the service, and should have found in Concord a birthplace, home, or grave." It was also presumed only those that died prior to March 19, 1866 would be considered because that is the time the Town chose the Committee to erect the Monument. They provide brief biographies of both the existing names and the newly recommended. The Committee recommend a new tablet replace the existing one adding 12 names and correcting slight inaccuracies in a few of the existing names. The Committee cited 16 years of public scrutiny and the careful examination of 2 Committees as their basis for this recommendation. Of the 44 names 16 were born in Concord, 23 had lived here and 16 were interred here.

- One member of this Committee dissented from the recommendation to add 1 of the 12 names although the veteran had contracted a disease during his service, he had returned home and then took a boat trip to Cuba to aid in his recovery. The ship was likely lost at sea it was believed he had died of drowning, and it could not be proved he died of the disease he contracted during his service. His name was not added along with 11 others.
- Town report 1883 shows an expense of \$418.33 for a new tablet and Committee expenses
- Town meeting 1911 again appointed a Committee of 5 to advise at the next Town meeting on placing additional names on the soldiers Monument.
- This new Committee provided a report in 1915 carefully scrutinizing the qualifications set forth by past Committees and provided 9 biographies of men whose names had been suggested and recommended 5 more for inclusion, all having at some point lived in Concord. 4 Others were rejected because their residency could not be established. Much consideration at this time and seemingly for the first time, was put into the proper order on the tablet based on State, Regiment, Numerical order and in some cases highest ranking member of a regiment. The Committee offered as a means of adding the 5 names either replacing the existing tablet with one slightly larger or placing a second tablet on another place on the Monument. A new tablet was made to add these 5 names and the 1915 Town meeting approved a \$500.00 expenditure for that purpose. This tablet was made to fit the existing space using smaller type. The charge was \$540.00 with \$95.00 deducted for the metal in the old tablet.
- In 1998 the family of a Veteran who had recently died and who had been at Pearl Harbor requested his name be added to the World War II memorial. He had come home with a condition that at that time was called “shell-shocked”, similar to the more recent PTSD, but had lived until 1998. The first person on the war memorial Committee approached was Tom Hudner himself a Korean war veteran and recipient of the Congressional Medal of Honor. The war memorial Committee thoroughly discussed the request and concluded that though he did not live a quality life he did live and he died after not only the first but the second dedication of the World War II memorial. Therefore they unanimously determined him ineligible for inclusion on the memorial.
- In January of 2019 a social media campaign to add a Veteran’s name to the Vietnam memorial was started stating his involvement with athletics and graduation from CCHS as enough reasoning but he was a resident of Carlisle and is honored on their memorial. There was some support but more opposition and the matter seems to have been dropped before actually being requested from any Town officials.
- On August 11, 2014, historian, Rick Freese requested that Mr. Dugan be added to the names listed on the Monument, and subsequently the matter has been advanced in a number of publications and by a fifth grade school project in 2019 at the Willard School in which the students wrote letters to the Select Board requesting that Mr. Dugan be named on the Memorial.

- On May 20, 2021, Patricia Hopkins, Cemetery Supervisor, brought the matter before the Historic Districts Commission representing that Mr. Dugan, known for his contributions to the farming community in Concord was the only known man of color from Concord to fight in the Civil War and that his name had not been placed on the Memorial earlier because he had been listed as “missing in action” when the Memorial was erected. However, his status was subsequently reclassified as “presumed dead”. The report of the Adjutant General’s Office lists Mr. Dugan under “Fifty-Fourth Regiment Mass. Volunteer Infantry” as “Missing July 18, 1863 after assault of Fort Wagner, S.C.; supposed killed.” The Fifty-Fourth Regiment from Massachusetts was an all-black, volunteer unit. The casualties taken by this Regiment at Fort Wagner were so extensive that the dead were buried in a mass grave.

C. Membership

The Task Force shall be comprised of five members appointed by the Select Board. The term of office shall be 6 months from the date of formation of the Task Force.

The members of the Task Force shall be people having familiarity with the Civil War and historical literature and research by virtue of their profession, avocation or experience.

The Task Force shall elect a chair and keep minutes of its deliberations.

D. Duties and Responsibilities

The Task Force shall consider and advise the Board on placing one or more additional names, including that of George Dugan, on the tablet of the Civil War Soldiers’ Memorial, and to review requests made in 1881, 1914 and make a final determination regarding the inclusion of any additional names. It will make a recommendation to the Select Board on whether replacing the tablet is the best course of action, will identify both costs and sources of funding for the project and for the care and preservation of the Memorial. In addition, it shall make recommendations with regard to possible amendments to APP#26 (Guidelines for Placement of Names on War Memorials). The Committee will file its final report six months from the date of its formation, whereupon it shall be dissolved.

E. Other Considerations

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

HJD 8/5/21

Town Manager Evaluation 2021

The Town Manger's evaluation is comprised of 3 main sections:

1. Town Manager's Self Evaluation
2. Select Board summary narrative and itemized tabulation of the 5 Select Board members from 2020-2021.
3. Staff summary narrative and itemized tabulation. 30 of the 35 invited staff members participated, including 12 from Senior Management Team and 18 Division Managers.

DRAFT

Select Board Summary Narrative and Itemized Tabulation

2020-21 was an unusual and difficult year, with Covid-19 dominating all decisions globally and locally. The Town Manager's top priority was necessarily to keep residents and employees safe. He and his staff spent countless hours adapting workflow, developing the logistics for remote work, keeping up with rapidly shifting public health conditions and adapting to constantly changing regulations. These efforts, while successful, obviously took away time and energy from the usual planning, management and communication functions of the Town Manager and his staff.

A. Goals from Previous Year

This is a hard section to report because the period of COVID has masked a great deal. However, we heard complaints and concerns about the Town Manager's leadership, opinions and authoritative over-reaches. At the same time, the Town Manager has a tendency to respond to questions as mistaken or from a self-professed position of greater knowledge, with an expectation that the questioner take his position as right.

Goal 1: The Town Manager will continue to regularly and frequently inform the Select Board and keep them fully apprised about key town operations, incidents, and developments.

On this goal, the Board is evenly split with half saying he consistently meets expectations and half saying he needs improvement. Comments were:

Depth of briefings and timing for Select Board endorsement need more attention for Town Manager initiatives going forward.

Town Manager failed to recognize sensitivity of the TIF issue, but has improved somewhat since then. Still more work to do.

Would have appreciated more frequent updates on the Town House renovations, obstacles and cost overruns.

Town Manager reports have been a successful way to inform the Board about key operational developments.

The Town Manager did a great job informing the Board regularly about COVID developments. On the other hand, I did not feel fully informed about the plans for Regional Dispatch.

An unwelcome surprise was the need for several large sudden budget adjustments at year-end. Given the size and sensitivity of these, the Board should have been made aware as soon as the Town Manager knew.

Goal 2: The Town Manager will strive to improve his depth of knowledge of Concord and of town operations.

On this goal, the majority of the Board noted the need for improvement or ranked the Town Manager as not meeting expectations. Comments were:

Town Manager has continued to learn about uniqueness of Concord but there is much more to do.

Manages Concord as a generic wealthy suburban town, without much regard for its values, traditions and idiosyncrasies.

The Town Manager did not have sufficient depth of knowledge about Broadband.

I have seen consistent gains in the Town Manager's own knowledge of Concord and Town operations.

Goal 3: The Town Manager will ensure that the Select Board always receives a complete and accurate meeting packet by Friday for each Monday meeting.

Most Board members rated the Town Manager as needing improvement or not meeting expectations on this goal. Comments were:

Packets are getting better but need improvement. Town Manager needs to demonstrate that he is familiar with contents of packet and ready to discuss. Overall feeling is that citizens (including Select Board) are to be tolerated but not seriously considered.

It is the job of the Town Manager and his staff to review and approve materials before the Select Board is asked to discuss or vote on them. At times these materials are inconsistent, incomplete, or contain errors.

Significant improvement but remains challenging at times.

Agenda packets are not always complete by Friday and often need revision on Monday, sometimes only a few hours before the meeting begins. Packets sometimes contain inaccurate information (for example, the RECC vote). The Town Manager does not always appear to know what is contained in the packet.

Goal 4: The Town Manager will work hard to keep an open mind, asking questions and listening closely before making a decision.

Most Board members rated the Town Manager as needing improvement or not meeting expectations on this goal. One member commented that "Decisions are often made before the Select Board is brought in:" Other members cited specific decisions that were made with little or no input from the Board:

a. Regional Dispatch: information was brought to the Board against an unnecessarily short deadline, which did not give the opportunity for proper review of the extensive documentation, governing and financing issues.

b. Junction Village: Town Manager and Developer agreed to changes in the TIF agreement and requested Select Board signature without discussion or explanation.

c. Restructuring of Planning Division to include Economic Vitality—inadequate info on this, including use of BID grant and particulars of reorganization, such as the Tourism Director's new role.

d. It appears that major personnel and organizational changes were made without first consulting the Select Board.

e. Town Hall renovations: extent of the work, cost over-runs, delays, and impact on functioning of Town employees came pretty much after the fact.

Goal 5: Within the next few months, the Town Manager is strongly encouraged to solicit feedback from the SMT via the HR Director.

Three members checked "Cannot evaluate", one wrote "Did not occur to my knowledge" and one wrote "Does not seem to". One member commented: "The Town Manager has yet to report back to the Select Board as requested in his prior Goals on the feedback received from the Senior Management Team via the HR Director to gauge the effectiveness of his working relationship with his team and to solicit suggestions for improvement. This is especially important when significant personnel actions are taken before consultation with the Select Board."

Goal 6: Regarding Personnel Management, the Town Manager will inform the Select Board

On this goal, the majority of the Board ranked the Town Manager as meeting or exceeding expectations. There were no comments specifically for this item.

B. Relationship with Select Board

The majority of the Board ranked the Town Manager as meeting or exceeding expectations on these items:

- Accomplishing goals for the year.
- Providing the Board with pertinent and timely information regarding performance of Town operations.

The Board is split on these items, with some members ranking the Town Manager as Meeting expectations, some rating him as needing improvement, and one member ranking him as consistently meeting expectations:

- Keeps Board informed on issues, needs and operations of Town departments.
- Fully informing the Board on major personnel and program changes.

The majority of the Board noted the need for improvement or ranked the Town Manager as not meeting expectations on these items:

- Interpreting, supporting, and implementing directives of Board (2 members commented that the Town Manager was not responsive to the views of the Board on recommending the cost of the Middle School stay below \$100 million.)
- Offering professional advice based on thorough analysis.
- Maintains professional relationship with the Board, promoting a climate of mutual respect and trust.

Comments on Specific Items:

Item 1: Managed COVID-19 well

Launched regional dispatch center and implemented police body cameras.

Item 2: At cross-purposes with the Select Board on the middle school scope/budget.

Item 3: After Select Board approval, modified TIF agreement without consulting the Board.

Item 4: There has been some improvement over the past few months. Town Manager Reports are working well.

Item 6: Makes decisions, then comes to the Select Board for rubber stamp, for example with Regional Dispatch and the reorganization of Economic Vitality.

Item 7: Town Manager defined DEI goal for FY21 but did not significantly communicate it to the Select Board.

Item 8: A better understanding of the Town Manager's goals for the town, as well as his own professional development goals for the year, are needed.

Strengths

Energetic. Takes initiative. Responsive, clear and proactive communicator. Broadly familiar with operational aspects of town government.

Town Manager did an excellent job of navigating Town during Covid and keeping the Board informed.

Weaknesses

The Town Manager seems to be both dismissive of and burdened by the Select Board.

I get the sense the Town Manager finds communication with the Select Board a burden.

Micromanagement of finance/operations/communications, but lack of attention to detail/process discipline in meeting preparation and execution of board directives. Motives and actions are sometimes not transparent, limiting trust and opportunities for consensus building.

Town Manager needs to fit in better with the tradition of Concord and not impose his vision upon the Town. The strict “letter” of the strong Town Manager form of government definition does not always apply, as much as the “spirit” of the charter.

The Board and the Concord community are looking for the Town Manager to first seek our input, then deliberate and build consensus, rather than making decisions and then trying to sell those decisions to us. In these examples, decisions were already made by the time Select Board was brought in:

- Restructuring of Planning division to include Economic Vitality—inadequate info on this, including use of BID grant and particulars of reorganization, such as the Tourism Director’s new role.
- Major personnel and organizational changes were made without first consulting the Select Board.
- Town Hall renovations: extent of the work, cost over-runs, delays, and impact on functioning of Town employees came pretty much after the fact.
- RECC: information was brought to the Board against an unnecessarily short deadline, which did not give the opportunity for proper review of the extensive documentation, governing and financing issues.

The Town Manager should build consensus thru authentic participation, collaboration and transparency in decision making. Therefore, a crucial goal for this next year is for him to demonstrate ways in which his actions are result of advice and not his own ideas.

Select Board needs to know where he is struggling and how we can support and help him.

At times, research and analysis is not thorough.

C. Leadership

All Board members rated the Town Manager as meeting or exceeding expectations on these items:

- Keeps abreast of the latest developments in government regulation and legislation and advises the Board as to possible local influence and impact.
- Responds quickly and decisively to unexpected circumstances (although one commented that the Broadband lapse was a notable exception, and another commented that the COVID response for virtual committee meetings was much later than that of our peer communities.)

On these items the majority of the Board ranked the Town Manager as usually meeting expectations, although 2 members rate him as needing improvement:

- Prepares annual and interim reports on continuing programs and issues of concern.
- Demonstrates strong familiarity with Envision Concord, its goals and recommendations/actions; use it as a guiding light for administration. One member commented that he rarely if ever talks about Envision Concord and does not seem to utilize it to inform his decisions.

On these items the Board is evenly split with half saying he meets expectations and half saying he needs improvement:

- Inspires others to highest professional standards.
- Effectively implements the policies of the Board of Select Board and relevant decisions of Town Meeting.

Although not all members were able to evaluate, the majority ranked the Town Manager as needing improvement or rarely meeting expectations on:

- Provides unbiased guidance to all elected and appointed officials as well as an engaged and diverse citizenry. One member commented that he seems biased toward the outcome he wants.
- Aids in conflict resolution and builds consensus as a skilled collaborator/facilitator and persuasive negotiator. Guides groups to meet collective needs of the community and annual goals of the Select Board.

The majority of the Board ranked the Town Manager as needing improvement on:

- Identifies innovative solutions and builds consensus while allowing for diversity of opinions from all affected parties. (One commented that he is innovative, and two members commented that he that he seems threatened by differing opinions.)
- Nurtures and embraces an established positive culture while promoting civility and professional decorum in all public discourse. (One member commented that staff complaints have grown.)

Comments on Specific Items

Item 1: We need to clarify Select Board's and Town Manager's role and responsibilities for actually working with the legislature, in the process for adoption of Annual Town Meeting home rule petitions.

Did not accurately represent the Select Board's position at meetings of the Middle School Building Committee.

Item 2: Has done so effectively throughout Covid-19 pandemic.

Strengths

Energetic. Takes initiative. Responsive, clear and proactive communicator. Broadly familiar with operational aspects of town govt.

Strong leadership in working with the business community.

Weaknesses

Micromanagement of finance/operations/communications, but lack of attention to detail/process discipline in meeting preparation and execution of board directives. Motives and actions are sometimes not transparent, limiting trust and opportunities for consensus building.

In most of the above the concern arises from an increasing sense that the Town Manager is burdened by staff rather than humbled by the strength of the staff. Does not access or acknowledge capabilities on his team or in the town. Needs to learn to bury his ego.

D. Management

The majority of the Board rated the Town Manager as meeting or exceeding expectations on these items:

- Utilizes evolving IT innovations to improve communications and build added efficiencies in the delivery systems of the community through the thoughtful use of all the latest “best management” practices for local government excellence.
- Assures the safe and efficient operation of Town departments (One member commented that the Town Manager assures the safe operation of Town departments but not their efficient operation).

Although not all members were able to evaluate, most who did ranked the Town Manager as needing improvement on:

- Develops good staff morale and loyalty to the organization (one member commented that this is true in some Town departments, not others)
- Values SMT and maintains positive working relationships with staff; coaches and mentors as needed.

On these items, the Board is evenly split with half saying he usually meets expectations and half saying he needs improvement:

- Manages his time so he can multi-task a myriad of complex issues while remaining focused on Select Board priorities.
- Informs and advises the Select Board in appropriate matters of collective bargaining and grievance hearings. Keeps Select Board informed prior to recommending contract approval.

All but one member of the Board ranked the Town Manager as needing improvement or not meeting expectations on:

- Builds consensus on key initiatives across town staff, boards, committees and other parties.
- Aligns management style with Concord's traditions/governance model/deliberation process (one member commented that this seems at odds with his own style).

On this item, all Board members rated the Town Manager as needing improvement or not meeting expectations:

- Manages Town affairs in an open, diplomatic and transparent manner.

Comments on Specific Items

Items 3,4,5: At times it appears that the Town Manager first makes decisions and then tries to convince everyone that his decision is best.

Item 7: Collective bargaining: 3 Members commented that there has been some improvement this year over last year.

Item 8: More coaching and mentoring is needed for staff in the Town Manager's office.

Strengths

The Town Manager is highly adaptable, and this was a huge strength as he navigated COVID challenges and kept Town on track.

Excellent judgement on public safety and public health matters; proactive communication on collective bargaining and legal issues; seeks operational improvements and efficiencies

Weaknesses

Micromanagement of finance/operations/communications, but lack of attention to detail/process discipline in meeting preparation and execution of board directives. Motives and actions are sometimes not transparent, limiting trust and opportunities for consensus building.

The Town Manager should write up his sense of his priorities and those of the town and a roadmap for the upcoming year. We should meet as a Select Board to draw up our own version and compare.

E. Budget Management

The majority of the Board rated the Town Manager as meeting or exceeding expectations on these items:

- Coordinates preparation of the annual budgets. (The dissenting member commented that it is unclear who prepares the budget)
- Presents the budgets to the Select Board in a manner which promotes their full understanding.
- Demonstrates thoughtful, creative financial budget management as well as strategic capital planning skills.
- Expends Town Meeting-approved budgets through effective use of budget forecasting, accounting and control systems.
- Provides creative management of available resources to increase productivity and economy.

On these items the majority of the Board ranked the Town Manager as usually meeting expectations, although 2 members rate him as needing improvement:

- Maintains confidence of the residents in quality and value of service received in relation to taxes paid.
- Considers input received from elected and appointed officials, and of constituent needs, while formulating budgets and plans. (One member commented "Considers only the input he wants." Another wrote that his presentations lack detail and do not invite deliberation or suggestions.)

Strengths

Town Meeting once again unanimously endorsed the town budget and heartily endorsed the Town Manager appropriation articles.

The new budget book format was recognized by the GFOA with its best practices award.

The Town Manager is a good presenter.

Weaknesses

While the Town Manager has shown improvement in understanding the budgetary process, it is increasingly evident that he is divulging only the planning and information he deems relevant to the Select Board or whatever body he is speaking to. Therefore, there is increasing sense that he is not wholly transparent or honest, but rather shifts budgets to meet his goals.

More effort needs to be put into monitoring expenses. Examples include the legal budget, and the need for large sudden and unexpected budget adjustments at year-end.

The Town Manager and Select Board would benefit from a discussion of the Town Manager's approach to the legal and risk management budgets.

F. Communications and Public Relations

The majority of the Board ranked the Town Manager as meeting or exceeding expectations in the categories of:

- Demonstrating Strong public speaking and presentation skills, but one member commented that his “responses do not always leave people feeling heard.”
- Communicating the mission and accomplishments of the Town to staff and community.
- Developing positive productive relationships with the School Superintendent, Town departments, state and other officials/agencies, as well as the news media.

The majority of the Board noted the need for improvement or ranked the Town Manager as not meeting expectations in the areas of:

- Understanding the needs/aspirations of the community.
- Listening and empowering various constituencies to help provide the highest level of customer service.
- Soliciting and giving attention to various groups and community individuals. One member commented that the Town Manager has “increasingly has done so” but the “challenge is to remain open to community groups/individuals when he does not agree with their approach or point of view.”
- Collaborating and deliberating to allow for community involvement.
- Earning the respect and confidence of the community.

Strengths

Strong working relationship with the Business community. Has earned their support.

Very positive working relationship with school district and superintendent.

Willing to acknowledge mistakes and make changes.

Good zoom management during pandemic.

Weaknesses

More attention needed by Town Manager and his office in follow-up correspondence to close the loop.

Suggested improvements to the Town website are needed.

At times it appears that the Town Manager first makes decisions and then tries to convince everyone that his decision is best.

G. Personal Qualities and Characteristics

The majority of the Board ranked the Town Manager as meeting or exceeding expectations in the categories of:

- Expressing ideas
- Representing the Town in a professional manner
- Exhibiting health and energy
- Demonstrating ability to meet intellectual challenges
- Demonstrating passion and a “can-do” attitude

Two or more members noted the need for improvement in the areas of:

- Ethics/integrity
- Approachability
- Details and follow-through.

Strengths

It is obvious to all that the Town Manager has a great deal of energy and passion.

Although it is difficult at times, he succeeds in maintaining a positive and professional demeanor at public meetings.

Moves from one conversation or meeting to the next without missing a beat.

Weaknesses

(No specific comments)

H. Goals for the Upcoming Year

1. Seek Input and Build Consensus: The Town Manager should build consensus through authentic participation, collaboration and transparency in decision making. A crucial goal for this year is for him to demonstrate ways in which his actions are the result of advice and not his own ideas.

The Board and the Concord community are looking for the Town Manager to first seek our input, then deliberate and build consensus, rather than making decisions and then trying to sell those decisions to us.

The Town Manager should make a habit of listening closely to staff, Select Board members, and community voices, especially those with whom he is not inclined to agree. He should strive to find time for reflection and consultation with a broad representation of staff and community, to best inform his decision-making.

As the Town Manager learns to listen more to the input of Board and Community members, he will build increasing trust between himself and the Select Board, as well as gain increasing respect from the community.

2. Continue to gain knowledge of culture of Concord and relationship of Select Board and committees to Town Manager. The Town Manager should improve his knowledge of the Town, its employees, constituencies both formal and informal, and its customs and practices. The Select Board expects the Town Manager to diligently pursue a more complete understanding of Town operations and the Concord community as a whole, and that this concern be more evident in his decisions and deliberations. He should consider ceasing to be a member of Town Committees.

The “letter” of the strong Town Manager form of government definition is not always the most effective way to get things done; instead, the Town Manager’s actions need to reflect the general supervisory role assigned to the Select Board in the Town Charter. By striving to fit in better with the tradition of Concord and not imposing his vision upon the Town, he may find that he becomes more effective.

3. Make Select Board duties in TMO a higher priority:
 - a. The Town Manager shall implement Select Board decisions faithfully and bring issues back to the Board if any revisions are required.
 - b. Improve process discipline in meeting preparation, ensuring that materials are complete and accurate. The Town Manager should redouble his efforts to ensure that the Select Board always receives a complete and accurate meeting packet by noon on Friday for each Monday meeting.

- c. The Town Manager needs to be more diligent in his advance review of materials to be considered by the Board for compliance with legal, regulatory and other requirements. Expected motions and votes should be properly drawn with alternatives where appropriate.
 - d. Attention to detail in minutes.
 - e. Make sure correspondence is distributed in a timely manner to Select Board.
 - f. Following each meeting, more attention needed by Town Manager and his office in follow-up correspondence to close the loop for the Select Board.
4. All town depts/offices/services should be re-opened to the public by Sept 30, 2021. Unless there is a further Declaration of Emergency, the Town Manager should take all necessary steps to re-open all offices, programs and services that were open to the public pre-COVID.
5. Within the next 60 days, the Town Manager should develop a strategic multi-year plan for each of the following key issues and update the Select Board on progress monthly:
- a. Address lack of phone service in downtown area. If 5G is being considered, be aware that this is a very sensitive issue to many citizens.
 - b. Broadband failure: Needs to reassure Town and Board that the right staff are in place to fund and grow this service. Develop and announce new communication plans and contingency plans.
 - c. In-depth approach to significant improvements in health of White Pond, and any other hot spots.
 - d. Fully implement recommendations of the Capital Planning Task Force.
 - e. Monitor projected costs of Middle School Building project and suggest creative ways to fund it.
 - f. Periodic updates to the Select Board on the RECC, including direct and indirect operating costs to the Town, capital costs, grant updates, personnel issues, IT readiness, and proposed timeline.
 - g. Collaborative effort with the Select Board to develop priorities and budget for ARPA funds.
 - h. Succession planning: identify potential SMT retirements, develop potential internal candidates and develop a search committee with representatives from relevant committees.
 - i. Resolution of Estabrook and community healing.
 - j. Define his own professional development goals for the year and present to the Select Board, including a development plan for his growth as a Town Manager and ways he plans to seek assistance. Select Board needs to know where he is struggling and how we can support and help him. The Town Manager should Consider working toward becoming an ICMA Credentialed Manager.

A. Goals from Previous Year

	Consistently Exceeds Expectations	Consistently Meets & occasionally exceeds expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations	Cannot Evaluate
1. The Town Manager will continue to regularly and frequently inform the Select Board and keep them fully apprised about key town operations, incidents, and developments. This is particularly important for high visibility issues as well as for key developments that pertain to Select Board members' liaison assignments.		2	1	2		
2. The Town Manager will strive to improve his depth of knowledge of Concord and of town operations. The Select Board expects the Town Manager to diligently pursue a more complete understanding of town operations and the Concord community as a whole and for this to be evident in his decisions and deliberations.		1	1	2	1	
3. The Town Manager will ensure that the Select Board always receives a complete and accurate meeting packet by Friday for each Monday meeting. Furthermore, he is advised to pro-actively preview each agenda item in advance with regard to OML, Town policies, Town Counsel review, etc., giving guidance to the Select Board chair as needed. The Town Manager needs to be prepared for his weekly Town Manager's report and have already discussed with his appropriate staff member(s) weekly Select Board agenda items. Acknowledging attribution for staff content contributions is important.			1	2	2	
4. The Town Manager will work hard to keep an open mind, asking questions and listening closely before making a decision. He will make a habit of listening closely to staff, Select Board members, and community voices, including those that he is not inclined to agree with. He will implement Select Board decisions faithfully and bring issues back to the board if any revisions are required.		1		3	1	
5. Within the next few months, the Town Manager is strongly encouraged to solicit feedback from the SMT via the HR Director to gauge the effectiveness of his working relationship with his team and to solicit suggestions for improvement.				1	1	3
6. Regarding Personnel Management, the Town Manager will inform the Select Board on issues such as collective bargaining strategy and progress, significant personnel changes at the SMT level, and any planned major organizational change.		1	3		1	

B. Relationship with the Board of Select Board

	Consistently Exceeds Expectations	Consistently Meets & occasionally exceeds expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations	Cannot Evaluate
1. Accomplishes goals and objectives established for the year.		2	1	1		1
2. Interprets, supports and implements policies and directives of Board.		1	1	2	1- interprets - yes; however, implements his own ideas.	
3. Works well with the chair to establish clear direction for Select Board meetings by providing agendas and support material that allow for reasonable policy formation and decision making.			1	1		3
4. Keeps Board informed on issues, needs and operation of the Town departments.		1	3	1		
5. Offers professional advice to the Board on items requiring action, with appropriate recommendations based on thorough study and analysis.			3	1- the latter is hard to determine	1-lacks thorough study and analysis	
6. Fully informs the Board of the implications of all major personnel and program changes.		1	2	1- never appears that we are "fully" informed	1	
7. Provides Board with pertinent and timely information regarding performance of Town operations.	1	1	3			
8. Maintains a professional working relationship with the Board, promoting a climate of mutual respect and trust.		1		2	2	

C. Leadership

	Consistently Exceeds Expectations	Consistently Meets & occasionally exceeds expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations	Cannot Evaluate
1. Effectively implements the policies of the Board of Select Board and relevant decisions of Town Meeting.		1	2	2 – does so when he agrees		
2. Keeps abreast of the latest developments in government regulation and legislation and advises the Board as to possible local influence and impact.		3	2			
3. Provides unbiased guidance to all elected and appointed officials as well as an engaged and diverse citizenry.			1	1	1-Biased toward the outcome he wants	2
4. Inspires others to highest professional standards.			2	1	1--Not always truthful	1
5. Prepares annual and interim reports on continuing programs and issues of concern.			3	1	1-Rarely, if ever	
6. Responds quickly and decisively to unexpected circumstances.		2	2	1-Normally a strength, but broadband outage was a major lapse		
7. Identifies innovative solutions and builds consensus while allowing for diversity of opinions from all affected parties.		1	1-Innovative	3-Seems threatened by different opinions		

8. Nurtures and embraces an established positive culture while promoting civility and professional decorum in all public discourse.

9. Aids in conflict resolution and builds consensus as a skilled collaborator/facilitator and persuasive negotiator. Guides groups to meet collective needs of the community and annual goals of the Select Board.

10. Demonstrates strong familiarity with Envision Concord, its goals and recommendations/actions; use it as a guiding light for administration.

	1	1	2	1-Staff complaints have grown	
	1		3		1
	1	2	2		

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D. Management

	Consistently Exceeds Expectations	Consistently Meets & occasionally exceeds expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations	Cannot Evaluate
1. Assures the safe and efficient operation of Town departments.	2	Operations Consistently safe	2	Operations are not efficient		1
2. Manages his time so he can multi-task a myriad of complex issues while remaining focused on Select Board priorities.		1	1	2		1
3. Builds consensus on key initiatives across town staff, boards, committees and other parties.		1		3	1	
4. Aligns management style with Concord's traditions/governance model/deliberation process			1	3	1–this seems at odds with his own style	
5. Manages Town affairs in an open, diplomatic and transparent manner.				3	2	
6. Informs and advises the Select Board in appropriate matters of collective bargaining and grievance hearings. Keeps Select Board informed prior to recommending contract approval.		1	3	1		
7. Develops good staff morale and loyalty to the organization.			1	2-true in some departments but not all		2
8. Values SMT and maintains positive working relationships with staff; coaches and mentors as needed.			1	2-Needs to coach&mentor		2

9. Utilizes evolving IT innovations to improve communications and build added efficiencies in the delivery systems of the community through the thoughtful use of all the latest “best management” practices for local government excellence.

	2	1	1– increasing broadband issues are concerning		1
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E. Budget Management

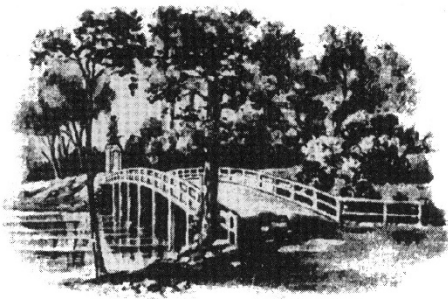
	Consistently Exceeds Expectations	Consistently Meets & occasionally exceeds expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations	Cannot Evaluate
1. Coordinates preparation of the annual budgets.		2	2	1 – unclear what he prepares		
2. Presents the budgets to the Select Board in a manner which promotes their full understanding.			4— this has improved	1		
3. Consider input received from elected and appointed officials, and of constituent needs, while formulating budgets and plans.		1	2	1	1- considers only the input he wants	
4. Demonstrate thoughtful, creative financial budget management as well as strategic capital planning skills.		2	2		1	
5. Expends Town Meeting-approved budgets through effective use of budget forecasting, accounting and control systems.		3	1			1
6. Provides creative management of available resources to increase productivity and economy.		3	1			1
7. Recommends annual operating goals and objectives for the Town.			2	1 – the goals seem to come from SMT not the TM		2
8. Maintains confidence of the residents in quality and value of service received in relation to taxes paid.		2	1		2- He does not	

F. Communications and Public Relations

	Consistently Exceeds Expectations	Consistently Meets & occasionally exceeds expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations	Cannot Evaluate
1. Demonstrates strong public speaking and presentation skills.	1	3	1			
2. Communicates the mission and accomplishments of the Town to staff and community.		3	2			
3. Understands the needs and aspirations of the community.			1	3 – he picks and chooses		1
4. “Listens” and empowers various constituents in the local government to help provide the highest level of customer service and professional results.		1	1	2-- he picks and chooses	1	
5. Solicits and gives attention to the perspectives of various groups and individuals on community issues.			1	2	1 – he listens to those he thinks are important	1
6. Collaborates and deliberates in a manner that allows for community involvement by an active, engaged, knowledgeable and diverse citizenry.			1	2	2	
7. Develops and maintains a positive productive working relationship with the School Superintendent. Builds consensus between the School and Municipal Administrations.	2	2	1			
8. Works effectively with representatives of Town departments, state agencies and officials, community leaders and local non-profit agencies.		1	2	1-Although his effectiveness is unknown		1
9. Develops good relationships with the news media.		3	1			1
10. Earns the respect and confidence of the community.		1		1	2	1

G. Personal Qualities and Characteristics

	Consistently Exceeds Expectations	Consistently Meets & occasionally exceeds expectations	Meets Expectations	Needs Improvement	Does Not Meet Expectations	Cannot Evaluate
1. Maintains high standards of ethics, honesty and integrity in personal and professional matters.			3	1	1	
2. Expresses ideas in a logical and forthright manner, both verbally and in written form.	verbal	3	2-written			
3. Approachable leader; encourages open communication with staff, the public and Select Board.		1	1	1	1	1
4. Represents the Town in a professional manner at meetings within the town, in regional governmental agencies, and at the state level.	1	2	2			
5. Exhibits the necessary health and energy to meet the responsibilities of the position.	3	2				
6. Maintains personal professional development.			1	1		3
7. Pays attention to details and follows through on plans and decisions to ensure effective implementation through action.			1	2	2-does not attend to details	
8. Demonstrates ability to meet intellectual challenges in solving complex problems and issues.	1	2				2
9. Demonstrates passion, energy, commitment to excellence, and a “can-do” attitude to guide Concord into the next decade.		3	1		1	



OLD NORTH BRIDGE

TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

TO: Select Board, Town of Concord

FROM: Terri Ackerman, Chair, Select Board

RE: Summary of Survey Responses

DATE: August 5, 2021

The Select Board requested that Seder & Chandler complete a confidential, anonymous Survey of designated employees in the Town of Concord through the Survey Monkey Computer Program in connection with the evaluation of the performance of the Town Manager, Stephen Crane. We received 30 responses from the 35 managerial and administrative Staff Members (the "Staff") that received the Survey from Seder & Chandler.

The Town Manager has cooperated fully with the Select Board in having this Survey done of his Staff.

I. General Multiple-Choice Responses from Staff

The first part of the Survey consisted of multiple choice questions involving management style and skills; understanding of the operations and Departments of the Town of Concord; effective communication and support of Department Heads and other Town personnel; interaction with the Select Board and the Community; professional development of Staff; maintaining a positive culture of mutual respect and trust, both with Staff and the Community; maintaining professional and personal ethical standards; as well as other areas of executive management.

The responses to these multiple-choice questions are attached for your review. They are divided into: Tab 1: Responses from the Senior Management Team; Tab 2: Responses from Non-Senior Management Staff; and Tab 3: Additional Responses from Staff who report directly to the Town Manager. The responses from the Senior Management Team were generally positive for the Town Manager, while the non-SMT responses were more mixed.

II. Narrative Responses

The second part of the Survey consisted of narrative responses from all Staff providing opinions on the management style and skills of the Town Manager and suggestions for improvement. Not all Staff responded to these questions. Again, comments from the Senior Management Team were generally positive for the Town Manager, while the non-SMT comments were more mixed.

Some Respondents stated that the Town Manager has performed well and has effectively managed Departments, Staff, and the Community during an unprecedented Pandemic, and that he has built positive relationships with Town Departments, Staff and the Community. Some related that he faced numerous challenges with personnel and community issues from the beginning of his tenure and that he handled various matters in a professional and effective manner.

While many comments were positive, areas for improvement and change were recommended, as follows:

The Town Manager needs to

1. Have a better understanding of the functions of Town Departments and needs to provide more support and resources to assist Departments in meeting expected goals.
2. Evaluate and improve administrative procedures, modernize technology to facilitate the effectiveness of the various Departments, and update the Town's Personnel Policies & Procedures.
3. Have better communications with employees at all levels; be willing to listen and facilitate ideas beyond his own; provide more extensive planning for meetings to further support and develop better resources for all employees; and foster collaboration and teamwork; and
4. Continue to be more available to Staff and have regularly scheduled performance evaluations to assist employees in formulating and meeting goals.

The final narrative question asked Respondents to provide additional comments and information relative to the evaluation of the Town Manager. Overall, these responses were positive and concentrated on past professional challenges and how the Town Manager worked well with The Senior Management Team to resolve various issues. Many again reiterated suggested improvements, as stated above, and stressed that Concord's success will require respectful and coordinated management across all Town Departments, Boards, and Committees.

TAB 1

Responses from the SMT, which excludes responses for those reporting directly to the Town Manager and responses where narratives are requested

Q1 Are you a member of the Senior Management Team?

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes	100.00%	12
No	0.00%	0
TOTAL		12

Q4 Make decisions and deliberate in a manner that demonstrates an understanding of Concord's operations, culture, and values.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q5 Demonstrate increasing knowledge of Concord and of the Town's operations.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q6 Provide creative management of available resources to increase productivity and economy.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	41.67%	5
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q7 Effectively communicate the mission and accomplishments of the Town to staff and the community.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q8 Work effectively with your department/division.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	41.67%	5
Inconsistently – Needs Some Development	8.33%	1
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q9 Work hard to become informed about the operations, incidents, and developments within your department/division.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	50.00%	6
Inconsistently – Needs Some Development	8.33%	1
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q10 Advise you of Select Board agenda items relevant to your position and discuss them with you in advance to obtain relevant input/information.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	16.67%	2
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	16.67%	2
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q11 Ensure that you are informed of and engaged as appropriate in any major organizational change impacting your position.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q12 Advise you or your department head of external and internal developments that impact or could influence operations.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q13 Understand your department/division needs, operations, accomplishments, and challenges, and accurately relay in public forums as appropriate.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	41.67%	5
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q14 Ensure your department/division has the sufficient resources to meet operational needs and comply with administrative requirements.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	25.00%	3
Usually – Effective Level	50.00%	6
Inconsistently – Needs Some Development	0.00%	0
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	16.67%	2
TOTAL		12

Q15 Demonstrate an open mind, asking questions and listening closely before making a decision.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	16.67%	2
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q16 Demonstrate that he listens closely to staff, Select Board members, and community voices, including those that he is not inclined to agree with.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	16.67%	2
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q17 Establish and maintain effective channels of communication.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q18 Express ideas in a logical and forthright manner, both verbally and in written form.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q19 Encourage open communication with staff, the public, and Select Board.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	8.33%	1
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q20 “Listen” and empower various constituents in the local government to help provide the highest level of customer service and professional results.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	41.67%	5
Usually - Effective Level	33.33%	4
Inconsistently - Needs Some Development	16.67%	2
Rarely or Never - Needs Significant Development	8.33%	1
Unknown / Not Applicable	0.00%	0
TOTAL		12

Q21 Assure the safe and efficient operation of Town departments.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	8.33%	1
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q22 Administer the Town in accordance with laws, the Town Charter, rules, regulations, and the Town’s policies.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	8.33%	1
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q23 Follow through on plans and decisions to ensure effective implementation through action.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q24 Promote continuous improvement and excellence in the delivery of public services.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	16.67%	2
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q25 Utilize evolving IT innovations to improve communications and build added efficiencies in service delivery.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	58.33%	7
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	0.00%	0
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q26 Use the latest “best management” practices to create excellence in local government.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	25.00%	3
Usually - Effective Level	50.00%	6
Inconsistently - Needs Some Development	8.33%	1
Rarely or Never - Needs Significant Development	8.33%	1
Unknown / Not Applicable	8.33%	1
TOTAL		12

Q27 Ensure recruitment and hiring processes result in the employment of a highly competent workforce.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	58.33%	7
Inconsistently – Needs Some Development	0.00%	0
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q28 Approach personnel decisions in a non-discriminatory and impartial manner and be alert to those issues that affect staff morale.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	41.67%	5
Inconsistently – Needs Some Development	16.67%	2
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q29 Actively support a meaningful staff evaluation program that contributes to professional growth of personnel.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	0.00%	0
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	33.33%	4
Unknown /Not Applicable	16.67%	2
TOTAL		12

Q30 Encourage meaningful and balanced professional development of staff at all levels.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	25.00%	3
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	16.67%	2
TOTAL		12

Q31 Provide professional direction to staff based on appropriate study and analysis.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	8.33%	1
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	25.00%	3
TOTAL		12

Q32 Demonstrate knowledge and experience in negotiations within a collective bargaining environment; apply effective approaches to bargaining of union contracts.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	0.00%	0
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	33.33%	4
TOTAL		12

Q33 Delegate responsibility effectively and appropriately.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q34 Nurture and embrace a positive culture while promoting civility and professional decorum in all public discourse.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	50.00%	6
Inconsistently – Needs Some Development	8.33%	1
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q35 Demonstrate passion, energy, commitment to excellence, and a “can-do” attitude to guide Concord into the next decade.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	8.33%	1
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q36 Maintain a professional working relationship with staff promoting a climate of mutual respect and trust.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	33.33%	4
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q37 Develop good staff morale and loyalty to the organization.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	16.67%	2
Usually – Effective Level	41.67%	5
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q38 Demonstrate impeccable professional and personal ethical standards, integrity, respect, honesty and accountability. Inspire others to highest professional standards

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	25.00%	3
Usually – Effective Level	41.67%	5
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q39 Support employees during COVID19 through policies and programs that promote wellness and work-life balance, so that employees can continue to provide excellent service to the community, including attending to the wellness of Concord’s vulnerable populations.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	66.67%	8
Usually - Effective Level	25.00%	3
Inconsistently - Needs Some Development	0.00%	0
Rarely or Never - Needs Significant Development	8.33%	1
Unknown / Not Applicable	0.00%	0
TOTAL		12

Q40 Lead, organize, and inspire staff.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	25.00%	3
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	16.67%	2
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q41 Engage the SMT and staff in supporting and implementing Select Board policies, directives, and goals.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	41.67%	5
Usually – Effective Level	16.67%	2
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q42 Solicit feedback to gauge the effectiveness of his working relationships and to learn of suggestions for improvement.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	25.00%	3
Usually – Effective Level	41.67%	5
Inconsistently – Needs Some Development	33.33%	4
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q43 Establish and maintain respectful and harmonious relationships with individual employees as well as union and non-union groups, while supporting their interrelationships.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	33.33%	4
Usually - Effective Level	33.33%	4
Inconsistently - Needs Some Development	16.67%	2
Rarely or Never - Needs Significant Development	0.00%	0
Unknown / Not Applicable	16.67%	2
TOTAL		12

Q44 Ensure sound financial policies, practices, and procedures are utilized to support efficient financial management, risk mitigation, and the alignment of financial operations with Town, Department and Division missions.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	58.33%	7
Usually – Effective Level	25.00%	3
Inconsistently – Needs Some Development	8.33%	1
Rarely or Never – Needs Significant Development	8.33%	1
Unknown /Not Applicable	0.00%	0
TOTAL		12

Q45 Ensure sound technology policies, practices, procedures and resources are utilized to combat threats and manage risk while also ensuring efficient, effective, and consistent operations.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	58.33%	7
Usually – Effective Level	33.33%	4
Inconsistently – Needs Some Development	0.00%	0
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q46 Ensure sound personnel policies, procedures, and practices are utilized to ensure employees are treated fairly, equitably, and lawfully.

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	50.00%	6
Usually – Effective Level	16.67%	2
Inconsistently – Needs Some Development	25.00%	3
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	8.33%	1
TOTAL		12

Q47 Ensure sound sustainability-based policies, practices, and procedures are utilized to support the Town's goal of promoting a sustainable future and meeting current needs without compromising the ability of future generations to meet their needs.

Answered: 11 Skipped: 1

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	54.55%	6
Usually – Effective Level	27.27%	3
Inconsistently – Needs Some Development	9.09%	1
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	9.09%	1
TOTAL		11

TAB 2

Responses from Other Staff (Non-SMT), which excludes responses for those reporting directly to the Town Manager and responses where narratives are requested

Q1 Are you a member of the Senior Management Team?

Answered: 18 Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	18
TOTAL		18

Q4 Make decisions and deliberate in a manner that demonstrates an understanding of Concord’s operations, culture, and values.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	14.29%	2
Inconsistently – Needs Some Development	57.14%	8
Rarely or Never – Needs Significant Development	7.14%	1
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q5 Demonstrate increasing knowledge of Concord and of the Town’s operations.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	28.57%	4
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q6 Provide creative management of available resources to increase productivity and economy.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	42.86%	6
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	7.14%	1
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q7 Effectively communicate the mission and accomplishments of the Town to staff and the community.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	0.00%	0
Inconsistently – Needs Some Development	50.00%	7
Rarely or Never – Needs Significant Development	28.57%	4
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q8 Work effectively with your department/division.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	7.14%	1
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q9 Work hard to become informed about the operations, incidents, and developments within your department/division.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	28.57%	4
Unknown /Not Applicable	7.14%	1
TOTAL		14

Q10 Advise you of Select Board agenda items relevant to your position and discuss them with you in advance to obtain relevant input/information.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	21.43%	3
Unknown /Not Applicable	21.43%	3
TOTAL		14

Q11 Ensure that you are informed of and engaged as appropriate in any major organizational change impacting your position.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	7.14%	1
TOTAL		14

Q12 Advise you or your department head of external and internal developments that impact or could influence operations.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	42.86%	6
Inconsistently – Needs Some Development	28.57%	4
Rarely or Never – Needs Significant Development	21.43%	3
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q13 Understand your department/division needs, operations, accomplishments, and challenges, and accurately relay in public forums as appropriate.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	21.43%	3
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q14 Ensure your department/division has the sufficient resources to meet operational needs and comply with administrative requirements.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	42.86%	6
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q15 Demonstrate an open mind, asking questions and listening closely before making a decision.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	21.43%	3
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q16 Demonstrate that he listens closely to staff, Select Board members, and community voices, including those that he is not inclined to agree with.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	14.29%	2
Inconsistently – Needs Some Development	50.00%	7
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q17 Establish and maintain effective channels of communication.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	28.57%	4
Rarely or Never – Needs Significant Development	28.57%	4
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q18 Express ideas in a logical and forthright manner, both verbally and in written form.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	35.71%	5
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q19 Encourage open communication with staff, the public, and Select Board.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q20 “Listen” and empower various constituents in the local government to help provide the highest level of customer service and professional results.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	21.43%	3
Usually - Effective Level	35.71%	5
Inconsistently - Needs Some Development	28.57%	4
Rarely or Never - Needs Significant Development	14.29%	2
Unknown / Not Applicable	0.00%	0
TOTAL		14

Q21 Assure the safe and efficient operation of Town departments.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	7.14%	1
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q22 Administer the Town in accordance with laws, the Town Charter, rules, regulations, and the Town’s policies.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	35.71%	5
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	14.29%	2
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	14.29%	2
TOTAL		14

Q23 Follow through on plans and decisions to ensure effective implementation through action.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q24 Promote continuous improvement and excellence in the delivery of public services.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	42.86%	6
Inconsistently – Needs Some Development	28.57%	4
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q25 Utilize evolving IT innovations to improve communications and build added efficiencies in service delivery.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	42.86%	6
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	14.29%	2
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	14.29%	2
TOTAL		14

Q26 Use the latest “best management” practices to create excellence in local government.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	14.29%	2
Usually - Effective Level	35.71%	5
Inconsistently - Needs Some Development	0.00%	0
Rarely or Never - Needs Significant Development	21.43%	3
Unknown / Not Applicable	28.57%	4
TOTAL		14

Q27 Ensure recruitment and hiring processes result in the employment of a highly competent workforce.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	35.71%	5
TOTAL		14

Q28 Approach personnel decisions in a non-discriminatory and impartial manner and be alert to those issues that affect staff morale.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	7.14%	1
Unknown /Not Applicable	7.14%	1
TOTAL		14

Q29 Actively support a meaningful staff evaluation program that contributes to professional growth of personnel.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	0.00%	0
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	35.71%	5
Unknown /Not Applicable	7.14%	1
TOTAL		14

Q30 Encourage meaningful and balanced professional development of staff at all levels.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	21.43%	3
Unknown /Not Applicable	21.43%	3
TOTAL		14

Q31 Provide professional direction to staff based on appropriate study and analysis.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	0.00%	0
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	14.29%	2
Rarely or Never – Needs Significant Development	28.57%	4
Unknown /Not Applicable	35.71%	5
TOTAL		14

Q32 Demonstrate knowledge and experience in negotiations within a collective bargaining environment; apply effective approaches to bargaining of union contracts.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	14.29%	2
Inconsistently – Needs Some Development	0.00%	0
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	71.43%	10
TOTAL		14

Q33 Delegate responsibility effectively and appropriately.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	7.14%	1
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q34 Nurture and embrace a positive culture while promoting civility and professional decorum in all public discourse.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	42.86%	6
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	21.43%	3
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q35 Demonstrate passion, energy, commitment to excellence, and a “can-do” attitude to guide Concord into the next decade.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	28.57%	4
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q36 Maintain a professional working relationship with staff promoting a climate of mutual respect and trust.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	35.71%	5
Rarely or Never – Needs Significant Development	28.57%	4
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q37 Develop good staff morale and loyalty to the organization.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	28.57%	4
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q38 Demonstrate impeccable professional and personal ethical standards, integrity, respect, honesty and accountability. Inspire others to highest professional standards

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	14.29%	2
Rarely or Never – Needs Significant Development	28.57%	4
Unknown /Not Applicable	7.14%	1
TOTAL		14

Q39 Support employees during COVID19 through policies and programs that promote wellness and work-life balance, so that employees can continue to provide excellent service to the community, including attending to the wellness of Concord’s vulnerable populations.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	28.57%	4
Usually - Effective Level	14.29%	2
Inconsistently - Needs Some Development	35.71%	5
Rarely or Never - Needs Significant Development	21.43%	3
Unknown / Not Applicable	0.00%	0
TOTAL		14

Q40 Lead, organize, and inspire staff.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	14.29%	2
Usually – Effective Level	21.43%	3
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	21.43%	3
Unknown /Not Applicable	0.00%	0
TOTAL		14

Q41 Engage the SMT and staff in supporting and implementing Select Board policies, directives, and goals.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	28.57%	4
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	28.57%	4
TOTAL		14

Q42 Solicit feedback to gauge the effectiveness of his working relationships and to learn of suggestions for improvement.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	0.00%	0
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	35.71%	5
Unknown /Not Applicable	14.29%	2
TOTAL		14

Q43 Establish and maintain respectful and harmonious relationships with individual employees as well as union and non-union groups, while supporting their interrelationships.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	7.14%	1
Usually - Effective Level	42.86%	6
Inconsistently - Needs Some Development	35.71%	5
Rarely or Never - Needs Significant Development	7.14%	1
Unknown / Not Applicable	7.14%	1
TOTAL		14

Q44 Ensure sound financial policies, practices, and procedures are utilized to support efficient financial management, risk mitigation, and the alignment of financial operations with Town, Department and Division missions.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	21.43%	3
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	21.43%	3
TOTAL		14

Q45 Ensure sound technology policies, practices, procedures and resources are utilized to combat threats and manage risk while also ensuring efficient, effective, and consistent operations.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	21.43%	3
Usually – Effective Level	42.86%	6
Inconsistently – Needs Some Development	14.29%	2
Rarely or Never – Needs Significant Development	0.00%	0
Unknown /Not Applicable	21.43%	3
TOTAL		14

Q46 Ensure sound personnel policies, procedures, and practices are utilized to ensure employees are treated fairly, equitably, and lawfully.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	7.14%	1
Usually – Effective Level	28.57%	4
Inconsistently – Needs Some Development	42.86%	6
Rarely or Never – Needs Significant Development	7.14%	1
Unknown /Not Applicable	14.29%	2
TOTAL		14

Q47 Ensure sound sustainability-based policies, practices, and procedures are utilized to support the Town's goal of promoting a sustainable future and meeting current needs without compromising the ability of future generations to meet their needs.

Answered: 14 Skipped: 4

ANSWER CHOICES	RESPONSES	
Consistently – Clear Strength	28.57%	4
Usually – Effective Level	35.71%	5
Inconsistently – Needs Some Development	0.00%	0
Rarely or Never – Needs Significant Development	14.29%	2
Unknown /Not Applicable	21.43%	3
TOTAL	14	

TAB 3

**Responses from Staff who report directly to
the Town Manager**

Q2 Do you report directly to the Town Manager?

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	100.00% 12
No	0.00% 0
TOTAL	12

Q48 Clearly identify his expectations for your performance (if you are not a direct report of the TM, please reply "Not Applicable").

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES
Consistently - Clear Strength	50.00% 6
Usually - Effective Level	25.00% 3
Inconsistently - Needs Some Development	0.00% 0
Rarely or Never - Needs Significant Development	25.00% 3
Unknown / Not Applicable	0.00% 0
TOTAL	12

Q49 Give you timely feedback (if you are not a direct report of the TM, please reply "Not Applicable").

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES
Consistently - Clear Strength	41.67% 5
Usually - Effective Level	33.33% 4
Inconsistently - Needs Some Development	8.33% 1
Rarely or Never - Needs Significant Development	16.67% 2
Unknown / Not Applicable	0.00% 0
TOTAL	12

Q50 Provide you with guidance in setting goals for your area of responsibility (if you are not a direct report of the TM, please reply "Not Applicable").

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	16.67%	2
Usually - Effective Level	50.00%	6
Inconsistently - Needs Some Development	8.33%	1
Rarely or Never - Needs Significant Development	25.00%	3
Unknown / Not Applicable	0.00%	0
TOTAL		12

Q51 Assist you in accomplishing your goals (if you are not a direct report of the TM, please reply "Not Applicable").

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	41.67%	5
Usually - Effective Level	25.00%	3
Inconsistently - Needs Some Development	16.67%	2
Rarely or Never - Needs Significant Development	16.67%	2
Unknown / Not Applicable	0.00%	0
TOTAL		12

Q52 Help you to identify areas for your own professional development (if you are not a direct report of the TM, please reply "Not Applicable").

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	16.67%	2
Usually - Effective Level	50.00%	6
Inconsistently - Needs Some Development	0.00%	0
Rarely or Never - Needs Significant Development	33.33%	4
Unknown / Not Applicable	0.00%	0
TOTAL		12

Q53 Support you in your own professional development (if you are not a direct report of the TM, please reply "Not Applicable").

Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Consistently - Clear Strength	50.00%	6
Usually - Effective Level	16.67%	2
Inconsistently - Needs Some Development	8.33%	1
Rarely or Never - Needs Significant Development	25.00%	3
Unknown / Not Applicable	0.00%	0
TOTAL		12



TOWN OF CONCORD
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Stephen Crane, Town Manager

MEMORANDUM

To: Chair Ackerman and Members of the Select Board

From: Stephen Crane, Town Manager

Date: July 30, 2021

Re: Town Manager Self-Evaluation

As my second year as the Concord Town Manager nears completion, reflecting on the past twelve months is a journey into a year that was unlike any other. The events that unfolded globally, nationally, and locally were overwhelmingly impacted by the COVID-19 pandemic and a political climate that further eroded public discourse and respect for institutions. Throughout those difficult months, however, inspiration was found in many places: the way the business community worked together to combat the economic impacts of the pandemic, the way that the students and teachers in Concord collaborated on a new pedagogical model, and the way the Select Board and Town Departments worked tirelessly to support the community through daunting circumstances.

Goals from the Previous Year

When we recently reviewed the goals that were adopted for 2020-2021, it was clear that it was a very productive year. While there were a few goals that did not get as much attention during the year, meaningful progress was made on most and there were many other accomplishments that were not on the list of goals. As the pandemic worsened at the end of 2020, our efforts to keep residents and employees safe remained the top priority and consumed countless hours that would have otherwise been spent in the pursuit of the goals. Of particular note last year was the improvements made to the process of preparing the Select Board agendas and packets including a working draft agenda that includes a tracker for documents and invited participants, the development of an annual Select Board meeting calendar, and a new Friday afternoon TMO meeting to ensure the packet is complete. While these improvements have worked well, the sheer volume of information, the rapid pace of the work during the pandemic, and the significant number of Board meetings have resulted in some errors and omissions.

Similarly, while we have worked tirelessly to ensure prompt, accurate communications with both the Select Board and community, there have been a few issues or events that were not communicated either timely or accurately. However, there was timely communication about significant personnel changes and important incidents; this was a positive outcome of the improved knowledge of Town operations.

Relationship with the Select Board

As noted above, we worked well together to accomplish many of the goals as well as many other things throughout the year. The TMO has communicated and collaborated with the Chair to ensure that agenda items were addressed in a timely way during one of the busiest times in recent history. While the pandemic has continued to inhibit effective relationship development with individual Board members and the team building that past Boards have enjoyed, the written Town Manager reports have helped sustain the flow of information from Town departments to the Board. Despite the challenges of the past year, however, the Board has continued to be supportive of the TMO and worked through many complicated issues in a thoughtful, balanced way. Looking ahead, it will be important that, as a group, we stay focused on the interests of the many, not the vocal few.

Leadership

The past twelve years as a municipal administrator have been rewarding and challenging in so many ways that have simultaneously sharpened and tested my leadership skills. The past year has been no different. Perhaps the strongest example of this has been pandemic response, which was discussed in last year's self-evaluation but continues to dominate our time and energy. The continued support of the business community in ways that are unprecedented is one highlight as is the deepening of the relationships with the School District, our legislative delegation, and work of the Transportation Advisory Committee. Overall, the demonstration of leadership skills that were a factor in being appointed as Town Manager were on full display throughout this most unusual and difficult year.

However, the challenge of following a long-term manager continues to impact my work. The blurring of roles and responsibilities was to be expected during this transition regardless of who became the Town Manager. Looking ahead, the focus will be on fulfilling the role of the Town Manager under the Charter while sustaining a collaborative spirit and partnership with the Select Board.

Management

The difference between leadership and management skills can be gradient. Generally, management skills are more transferrable than leadership skills because their effectiveness depends less on the personalities of the individuals involved. My management style is rooted in one word: adaptability. The skills needed to be an adaptable manager include listening, processing information from multiple inputs, and an overwhelming drive to get it right, not to be right. The examples of successful management of both standard and unexpected situations are many but, perhaps, the areas for improvement are in the space between being creative and innovative. Creative problem-solving has long been a strength on mine but what is truly valued in Concord is innovation. Having the confidence to go in a new, innovative direction is developing and will continue to grow as trust develops with the Board and the community. The focus for the coming year is to get out of the comfort zone of problem-solving to engage in the pursuit of the next big idea—especially in the realm of diversity, equity, and inclusion.

Budget Management

The unanimous approval of the Town Budget at the 2021 Annual Town Meeting is Exhibit A for this category. Of course, that vote is only earned through the daily work that goes into the management of the Town's finances and the collaboration with important stakeholders including

the School District, the Finance Committee, and—over the past year—the Capital Planning Task Force. As noted above, the past two budgets were demonstrations of creative problem solving necessitated by the economic impact of the pandemic. The new budget book format was recognized by the GFOA with its best practices award. The focus for the coming year will be to produce a budget that is both fiscally responsible and innovative.

Communications and Public Relations

Evaluating communications is, perhaps, the most subjective of all the categories because of the different ways we convey and absorb information. The difference between what we think we are saying and what the other person hears can be significant—and accountability usual accrues to the speaker, not the listener. Moreover, there are many times when a speaker conflates not being agreed with and not being heard. Fortunately, these instances are vastly outnumbered by the many effective ways we have communicated with each other and with the broader community. The level of engagement in Concord is well beyond most other towns as are the expectations of the community. I have consistently tried to listen to the views of the Board, Town staff, community stakeholders, and individual residents.

Unfortunately, the most recent episode involving the broadband outage was a highly visible, deeply impactful communications breakdown that exposed how organizational development has suffered during the pandemic. The year spent on Zoom inhibited the development of trust between and among the six of us and between me and the community. This gap in trust has allowed some negative perceptions about the organization to develop that will be very difficult to overcome.

On the positive side, the Town has done an amazing job in an unprecedented year that required unprecedented levels of effort and communications. Throughout the year, the Town kept pace with the rapidly shifting public health conditions while keeping the community informed and safe, supporting local businesses, ensuring Town staff remained engaged, and continuing the work of the many boards and committees. The excellent working relationship with the School Superintendent allowed the Town and Schools to collaborate in ways that gained efficiencies and reduced the impact of COVID-19 on the parents and students.

Personal Qualities and Characteristics

In many ways, this has been the most successful aspect of the past year. Despite many challenging and turbulent times, my effort, energy, and commitment have never lagged. I have consistently moved forward while ensuring most problems were resolved and plans were implemented. Despite occasional feelings of frustration, I have remained approachable to Town staff at all levels of the organization, maintained a positive public dialogue with the Select Board—as well as other boards and committees—and been responsive to the needs of the community.

HOME RULE LEGISLATION AND BYLAW AMENDMENT
REGULATION OF FOSSIL FUEL INFRASTRUCTURE

ARTICLE 31. To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below to establish the Town's authority to regulate the use of fossil fuels in new construction as an important step in meeting the greenhouse gas emission reductions approved by Concord voters in Article 51 of the 2017 Town Meeting, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court that are within the scope of the general objectives of the petition:

AN ACT AUTHORIZING THE TOWN OF CONCORD TO ADOPT AND ENFORCE LOCAL
REGULATIONS RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN
CONSTRUCTION

SECTION 1. Notwithstanding chapter 40A, section 13 of chapter 142 of the General Laws, chapter 164 of the General Laws, the State Building Code, the Fuel or Gas Code, or any other general or special law or regulation to the contrary, the town of Concord is hereby authorized to adopt and further amend general or zoning by-laws that restrict new construction projects that do not qualify as fossil-fuel-free.

SECTION 2. Notwithstanding section 7 of chapter 40A of the General Laws, or any other general or special law or regulation to the contrary, the Building Inspector of the town of Concord, or their designee, shall be authorized to enforce restrictions on new building construction and major renovation projects that do not qualify as fossil-fuel-free, including through the withholding of building permits.

SECTION 3. As used in this act, the term "fossil-fuel-free" shall refer to construction that results in an entire building or an entire condominium unit that does not utilize coal, oil, natural gas other fuel hydrocarbons (including synthetic equivalents), or other fossil fuels in support of its operation after construction.

SECTION 4. This act shall take effect upon its passage. Any bylaw approved by Concord Town Meeting that is consistent with Sections 1 through 3 of this act, including, without limitation, a bylaw adopted by the 2021 Concord Annual Town Meeting by affirmative vote on Article 31 thereof, is hereby ratified.

SECTION 5. If any provision or section of this act is invalidated, the remainder shall survive in full force and effect.

And further, to determine whether the Town will vote to establish a new general bylaw prohibiting or otherwise regulating the installation of fossil fuel infrastructure in new

construction projects in Concord, and to set forth the terms and scope of such prohibition, including exemptions or waivers thereto, as set forth below:

PROHIBITION ON THE EXPANSION OF FOSSIL FUEL INFRASTRUCTURE FOR NEW CONSTRUCTION

1. Purpose

This Bylaw is adopted by the Town of Concord to protect the health, safety and welfare of the inhabitants of the town from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change, and from fuel leaks and explosions that threaten the Town and its inhabitants.

2. Definitions

For the purposes of this bylaw, the following definitions shall apply:

“Building” shall have the same meaning as set forth in Section 1.3.4 of the Concord Zoning Bylaw, provided that the pertinent structure is or will be furnished with a heating or hot water system.

“Effective Date” shall mean December 1, 2022, or six months following the date by which the Town is authorized by the Massachusetts General Court to regulate fossil fuel infrastructure, whichever is later.

“New Building” shall mean any new construction that will require heating or cooling and that is associated with a valid building permit application on or after the effective date of this bylaw, including but not limited to, construction (a) on a vacant lot, (b) to replace a demolished building, or (c) of a new accessory building constructed on an existing residential or commercial property.

“On-Site Fossil Fuel Infrastructure” shall mean piping for fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalent that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

3. Applicability and Exemptions

3.1. On and after the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings or that include the installation of new On-Site Fossil Fuel Infrastructure subject to this Chapter.

3.2. The provisions of this bylaw shall not apply to (i) the development of new affordable housing, as defined in Mass. Gen. Laws c. 184, § 26; (ii) to cooking stoves and ovens used in restaurants or commercial kitchens; (iii) any fossil fuel infrastructure the exclusive purpose of which is to fuel backup electrical generators; (iv) public utilities, their operations, or installations other than in the Buildings constructed by others.

3.3. The requirements of this article shall not apply to the piping required to produce potable or domestic hot water from centralized hot water systems in buildings with building floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.

4. Administration

4.1. Enforcement

The Building and Inspections Department is hereby authorized to enforce the provisions of this bylaw.

5.2 Appeal

Any applicant who is aggrieved by a denial of a building permit, in whole or part, in connection with this bylaw, may appeal to the board or committee designated by the Town Manager to hear and resolve such appeals within 20 days from the date of denial.

6. Severability

Each provision of this bylaw shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

or take any other action relative thereto.

The purpose of this article is to protect the health, safety and welfare of Town residents from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change. It is also the next step in Concord's strategy to meet the goals of its Climate Action and Resiliency Plan. This article seeks Town Meeting approval to both establish a new Town Bylaw that would require that all new construction be fossil fuel free and further request Home Rule Legislation for the authority to implement the bylaw. The bylaw includes several exemptions; for example, affordable housing and the use of backup generators. It also states that an applicant who is aggrieved by a denial of a building permit, in whole or part, in connection with this bylaw, may appeal to the board or committee designated by the Town Manager to hear and resolve such appeals.

AUTHORIZE SPECIAL LEGISLATION – ADDITIONAL LIQUOR LICENSES

ARTICLE 50. To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below that that would provide for additional liquor licenses, or take any other action relative thereto:

A PROPOSED HOME RULE PETITION TO GRANT ADDITIONAL LIQUOR LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES

SECTION 1. (a) Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Concord may grant not more than six (6) general on-premises licenses for the sale of wines and malt beverages pursuant to section 12 of chapter 138. The licenses shall be subject to prior approval of the Alcoholic Beverages Control Commission. The licenses shall be subject to all of chapter 138, except section 17.

(b) Notwithstanding any general or special law to the contrary, the licensing authority shall not approve the transfer of the licenses after they are granted to any other location but it may grant any of the licenses to a new applicant at the same location as the original license if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the applicant is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this act is cancelled, revoked, or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges, and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

The Town of Concord receives over 100 requests for one-day liquor licenses annually. Municipalities can only issue up to 30 of these licenses to an establishment per year. There are a handful of businesses who request over 30 one-day licenses but do not need a full liquor license. The goal of this article is to limit the administrative burden of processing these licenses, and to increase the economic vitality of the community by obtaining additional liquor licenses.

**AUTHORIZE SPECIAL LEGISLATION – SENIOR MEANS-TESTED PROPERTY TAX
EXEMPTION**

ARTICLE 15. To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court that are within the scope of the general objectives of the petition, or take any other action relative thereto:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Chapter 374 of the Acts of 2016 is hereby amended by striking out Section 8 thereof.

The Town voted during Annual Town Meeting 2017 to approve Article 48 which established a Senior Means-Tested Property Tax Exemption in connection with a Special Act passed by the General Court, Chapter 374 of the Acts of 2016. The article above removes Section 8, the "sunset provision," included in the originally approved article.

From: Debra Stark <debra@debrasnaturalgourmet.com>

Sent: Monday, July 26, 2021 3:15 PM

To: Matthew Johnson; Terri Ackerman; Linda Escobedo; Susan Bates; CBPHenryDane (hdane@danelaw.com)

Subject: need your help on reduce and reuse



98 COMMONWEALTH AVE.
WEST CONCORD, MA 01742
978-371-7573
978-287-4212 (FAX)

FROM THE DESK OF DEBRA STARK

Hello dear Select People (I have made-up your emails, with the exception of Henry's that I have from the Concord Business Partnership). If I've got addresses wrong, please, Henry, send me the correct ones.

Last week I attended a Conservation Law Foundation's workshop on reduce and reuse. There were two folks from the DEP who did not realize that the programs they are working on to encourage reduce and reuse are not permitted by our state's DPH. The DPH has ruled that returnables for food are only allowed under stringent conditions that discourage compliance. (Explanation in attachments above.)

Nor did anyone realize that different town's enforce our state's mandate differently. (In some towns, their departments of health support or look the other way when shops encourage their customers to bring containers from home to fill with oats.)

The FDA model food code which has been interpreted by each state differently, is a suggestion and does not deal with returnables.

So I am writing to ask your advice. How can we get public momentum and ask the state DPH take a new look at their ruling? Our town of Concord has told us that they will enforce the state ruling strictly.

I am attaching two things – a document explaining the issues around returnables (this appeared in our July store newsletter), and a letter to the DPH that will appear in our

August store newsletter.

Any words of wisdom? Best, Debra Stark

Debra Stark, www.debrasnaturalgourmet.com

Debra's Book: *The Little Shop That Could*, <https://www.facebook.com/DebrasLittleShopThatCould/>
Eat Well Be Happy, the cooking show, <https://vimeo.com/157171824/39feda583f>.

2016 Natural Product Industry Legend! New Hope Natural Media

2015 Retailer of the Year, WholeFoods Magazine

2014 Retailer of the Year, Community Engagement

2011, 2012, 2013, Top 100 Woman-Led Business in Massachusetts

Returnables, or How We'd Like to Reduce Plastic in Our World



Zero Waste Malaysia



Part of our plan for Debra's Nextdoor is a Zero Waste department. That means goods that aren't packaged so there's nothing to waste. No plastic that gets dumped in landfills. The term Zero Waste is aspirational in that we want everyone to bring in containers from home and refill them with foods like oats and almonds. And bulk cleaning products. And bulk lotions and potions.

Zero Waste stores are already in places like LA, London, Paris, New Zealand, Brazil, Japan, and Belgium. Some call themselves "Refilleries." Isn't that a grand term?

But the state of Massachusetts does not allow the use of refillable containers from home for food (exceptions explained below). This is based upon our state's interpretation of the Food and Drug Administration's (FDAs) Model Food Code, Section 3-304.17 "Refilling Returnables".

The FDA's Model Food Code is a recommendation, not a regulation, that refers to hot food in restaurants. That food code does not prohibit the use of refillable containers for bulk grocery shopping. However, the Department of Public Health in MA, decided to broadly prohibit refilling containers from home with any food.

Massachusetts decided that refilleries are a threat to public health. The issue is cross-contamination.

Remember when potlucks at churches were banned because food from our home kitchens might kill someone? It's a possibility though one doesn't read about deaths by potluck in the papers. We might also get hit by a bus crossing the road, but have buses been banned? Why are returnables so feared?

Janet Rothrock, a Concord citizen, says that this is a case of competing risks. The environmental risk of plastic, which damages the environment and therefore human health *versus* the low risk of a jar from home that might contaminate the above-mentioned oats....

Remember the exceptions mentioned above? Massachusetts says you *can* bring your containers from home only if a) the original container was purchased in our shop; b) we visually inspect it upon return, then wash, sanitize, and dry it. This is impractical. It will discourage people wanting to reduce waste.

Living sustainably should include being able to refill returnables (even old yogurt containers) from home. If people aren't comfortable with that concept, they can continue to purchase packaged goods and not buy their lentils from a Zero Waste store!

For now, we can work around the MA interpretation of the Model Food Code by providing paper bags for consumers to fill, but that will exclude sticky raisins, olive oil, maple syrup, tamari, etc.

There is risk everywhere. Living is dangerous. But which is the greater risk here, plastic pollution and its known danger to human health and the entire ecosystem, or possible cross contamination from returnables? If we're not going to allow returnables, how can we tell people to live a more sustainable life? Why does Concord have a Sustainability officer?

Let's work together to amend the MA ruling. A groundswell of voices can accomplish change. Mary White, another Concord resident, says that if you're a member of an organization who would like to be part of such a campaign, please get in touch. If you or someone you know can champion this cause, get in touch (government officials, welcome!). Thank you! debra@debrasnaturalgourmet.com.

August 2021`

Margret R. Cooke
Acting Commissioner
Massachusetts Department of Public Health
250 Washington Street | Boston, MA 02108
(617) 624-5006

Re: Returnables. We'd Like to Reduce Plastic in Our World

Dear Commissioner Cooke:

We are writing to ask that the MA Department of Public Health revisit and update our state's interpretation of the Food and Drug Administration's (FDAs) Model Food Code, Section 3-304.17 "Refilling Returnables."

As you know, the state of Massachusetts does not allow the use of refillable containers from home for the purchase of food unless a shop can verify that a) the original container was purchased in the shop; b) the shop visually inspects the container upon return, then washes, sanitizes, and then dries it.

As we move to reduce single-use plastics, this creates an undue hardship for stores. And the extra hoops to jump through also deter consumers from acting to reduce and refill.

The FDA's Model Food Code is a recommendation to states only. It refers to hot food in restaurants. The federal code doesn't address the use of refillable containers for groceries. We know that the Department of Public Health in MA prohibited refilling containers because it was perceived as a threat to public health. The issues were cross-contamination and hygiene.

Other states and countries manage that risk. Zero Waste stores are already in places like LA, London, Paris, New Zealand, Brazil, Japan, and Belgium. Some call themselves "Refilleries."

Janet Rothrock, a Concord citizen, says this is a case of competing risks. The environmental, health, and sustainability risks of single-use plastics, versus the low (and manageable) risk of reusable containers from home.

We are not asking the Department to mandate risk for any citizen. We are simply asking the department to create a framework for citizens to make their own informed choices.

We're all trying to create a healthier world. The Department of Health is focused on food safety. Meanwhile the Department of Environmental Protection is promoting reducing and reusing. Our citizens want both. We believe these goals can coexist.

We respectfully submit that it should be easy for people to make the choice to fill their containers from home with bulk food as one way to reduce and reuse. Those who aren't comfortable with the concept of returnables can purchase packaged goods and not buy their lentils from a bulk bin.

Sincerely,

My address and phone number:

From: Leslie Fisher <leslifisher@treitman.com>

Sent: Saturday, July 31, 2021 12:44 PM

To: Terri Ackerman; %20mjohanson@concordma.gov; %20sbates@concordma.gov; %20hdane@concordma.gov; Linda Escobedo

Subject: Follow up to 7/26/21 SB Meeting

Dear Members of the Select Board,

I attended your meeting on July 26 in support of the establishment of a DEI Commission for the Town of Concord. Thank you for your time.

I was disappointed to hear that our town manager has not submitted a full report on the DEI consultant's findings. After hearing how thoughtfully and purposefully the Concord School District has tried to recruit teachers of color, and the success they've had, I couldn't help but wonder how the town hiring managers recruit and vet applicants. If people saw more employees of color at town offices, working on the power lines and on DPW crews, etc. Concord could be seen as more welcoming for residents of color, and white residents would become more accustomed to seeing and interacting with people of color around town.

Your serious consideration of the League of Women Voters' charge is much appreciated.

Sincerely,

Leslie Fisher
43 Middle St.

Jeremy Romanul

From: Mark Gailus <mark_gailus@yahoo.com>
Sent: Tuesday, July 27, 2021 10:40 AM
To: Terri Ackerman; Susan Bates; Henry Dane; Linda Escobedo; Matthew Johnson
Cc: Stephen Crane; Jeremy Romanul
Subject: RE: Lack of verbal acknowledgement of TAC OML determination at 7/26 SB meeting

Dear members of the Concord Select Board,

I was disappointed that during last night's 7/26 Select Board meeting neither the Town Manager in his abbreviated verbal report nor any member of the Select Board made mention of the Attorney General's Office of Open Government's noteworthy and informative 7/15 determination that the Transportation Advisory Committee is in fact a public body under law.

As was highlighted in the AG's determination, the Select Board had a significant role in the creation of the TAC, and I do not feel that it is in any way appropriate for the Select Board to take a "hands off" approach to the restructuring of the TAC and the rewriting of its charge. These are required in order to ensure compliance with the law and avoid further missteps, but this is also a wonderful opportunity for the Board to further assess and more clearly delineate the scope and goals of the new TAC.

My wife, Tanya Gailus, spent a great deal of time carefully preparing an extensive case history for the Assistant Attorney General to consider, and this is regarding a matter that benefits our family no more than it does any other resident or worker or visitor in Concord. The apparent lack of appreciation for her service is disappointing.

If overall transportation policy is truly important, why are members of the Select Board not providing active leadership on this issue -- at least to the extent of openly deliberating on how best to create a new charge and membership structure for the TAC?

Inaction and silence on the Board's part can send the message that transportation, in all its aspects, is just something for Town departments to manage going forward. Is this truly the consensus of our Select Board?

Thank you very much for your consideration in this matter.

Sincerely,

Mark Gailus
62 Prescott Road

Jeremy Romanul

From: Mark Gailus <mark_gailus@yahoo.com>
Sent: Sunday, July 25, 2021 1:47 PM
To: Terri Ackerman; Susan Bates; Henry Dane; Linda Escobedo; Matthew Johnson
Cc: Stephen Crane; Jeremy Romanul
Subject: Re: Transfer of Economic Vitality -- please do not rush this decision.

Dear members of the Concord Select Board,

I urge you not to rush to approve a transfer of the "Economic Vitality and Tourism Division" so as to have it become part of the Planning Division.

I find a number of problems with this proposed transfer, including for example the expansion of a Planning and Land Use Division's responsibilities into artistic, cultural, agricultural, retail, and other social event promotion, or into business support policies which may properly include aspects such as tax policy, government incentives to businesses, etc.

I am sure other concerns and unexpected consequences exist as well.

I also worry that a "too-quick" automatic linkage of "Economic Vitality" with such particular stated goals as "... helps shape policies which provide a streamlined permitting process for projects" may result in undercutting adequate public deliberation on such major projects as the potential re-zoning of the Thoreau Depot area, or other future large proposals in our communities.

It feels to me that some conflicts of interests would be inherent in the proposed new arrangement, such as ones between goal setting on the one hand -- including evaluation of potential negative side-effects -- and effective execution of experiments or projects on the other. Different residents and business owners and workers and visitors likely have differing views of how to achieve economic vitality.

A major change such as this requires careful thought and should not be rushed.

Best wishes and thank you for your consideration.

Mark Gailus
62 Prescott Road

Jeremy Romanul

From: tbarveyan <tbarveyan@yahoo.com>
Sent: Monday, July 26, 2021 7:40 AM
To: Stephen Crane; Terri Ackerman; Matthew Johnson; Linda Escobedo; Susan Bates; Henry Dane; Jeremy Romanul
Subject: Re: OML finding and TAC minutes of meetings not held in public

July 26, 2021

Dear Town Manager Mr. Crane and Members of the Select Board:

Regarding the Attorney General's recent Open Meeting Law finding that the Transportation Advisory Committee (TAC) is a public body, OML 2021-95:

I note that the Town Manager's report for July 26, 2021 mentions that minutes should be created for the TAC's September 9, 2020 meeting.

The determination also specifies, right before its last paragraph:

"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."

Therefore, as a gentle reminder, *minutes of any earlier TAC communications on transportation which involved a quorum* (including those among staff) through any medium (including through third parties) would also need to be prepared because these communications constitute a "meeting" per the Open Meeting Law:

<https://malegislature.gov/laws/generallaws/parti/titleiii/chapter30a/section18>

The Open Meeting Law defines a "Meeting" as:

"Meeting", a deliberation by a public body with respect to any matter within the body's jurisdiction; ...

and "Deliberation" as:

"Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; ...*

Also, the TAC's charge currently says it has 9-11 members. This should probably be a single number, so that it is clear what a quorum is (which is based on how many members a committee is supposed to have, not how many are seated at a time- unless otherwise specified in the Charge that the quorum will be based on members that are seated at any given time.)

Respectfully,

Tanya B. Gailus

* <https://malegislature.gov/laws/generallaws/parti/titleiii/chapter30a/section18>

"Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed

"Meeting", a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;
- (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or
- (e) a session of a town meeting convened under section 9 of chapter 39 which would include the attendance by a quorum of a public body at any such session