

**TOWN OF CONCORD
SELECT BOARD
AGENDA
SEPTEMBER 27, 2021
6:30 PM
VIDEO CONFERENCE**

Join Zoom Meeting

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

Meeting ID: 840 9239 5810

Passcode: 865209

#	Time	Agenda Item
1.	6:30pm	Call to Order
2.		Consent Agenda <ul style="list-style-type: none"> • Proclamation: Declare October 2021 as Concord-Carlisle Community Chest Month • Proclamation: Honoring Concord Firefighters John Bendel, John Gower, William Noke, and Paul Domenichella Upon Their Retirement After Decades of Public Service to the Town of Concord • Town Accountant Warrants: September 16, 2021; September 23, 2021 • Adopt SB Meeting Schedule through early 2022 • Sunday Entertainment License Application: <ul style="list-style-type: none"> ○ The Performing Arts Center at 51 Walden Street 10/10/21 2:00pm-4:00pm
3.		Town Manager's Report
4.		Chair's Remarks
5.		Data Breach Notices
6.	7:00pm	Joint Capital Planning Forum with School Committee
7.	7:30pm	Scotchford-Wheeler House Historic Preservation Restriction
8.	7:50pm	PEG Access License Renewal
9.	8:15pm	Finalize Personnel Board Study Committee Charge
10.	8:30pm	Discuss liaison and committee assignments for DEI Commission and 2025 Executive Committee
11.	8:40pm	Preliminary Discussion: Committee Focused Meeting October 18
12.		Expression of Interest: Armory Property
13.	9:00pm	Committee Nominations
14.		Committee Appointments: Paul Macone of 33 Grove Street, Bruce Button of 28 Fairhaven Road, and Anne Rarich of 315 College Road to the Personnel Study Task Force for terms to expire May 31, 2023
15.		Committee Liaison Reports
16.		Miscellaneous Correspondence
17.		Public Comment
18.	9:20pm	Adjourn

Note: All times are approximate and subject to change.

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

**CONCORD-CARLISLE COMMUNITY CHEST MONTH
OCTOBER 2021**

- WHEREAS** The Concord-Carlisle Community Chest was founded in 1947 to provide support for community human service organizations; and
- WHEREAS** Organizations and programs funded by the Concord-Carlisle Community Chest serve the needs of our neighbors from our youngest to our oldest; and
- WHEREAS** The Concord-Carlisle Community Chest has participated in partnerships with the Town of Concord including Domestic Violence Services, Concord Recreation Scholarships, Communities for Restorative Justice, Council on Aging, the Community Services Coordinator and Youth Coordinator, Concord Public Schools, CCHS and Concord Cares; and
- WHEREAS** The Concord-Carlisle Community Chest, carefully evaluates each funding request to ensure that donations are spent efficiently and effectively; and
- WHEREAS** The Concord-Carlisle Community Chest assists nonprofit organizations and the Town at large to respond to needs identified by human service professionals and concerned citizens; and
- WHEREAS** The Concord-Carlisle Community Chest depends upon the generous contributions by thousands of individuals and businesses; and
- WHEREAS** The Concord-Carlisle Community Chest's Annual Fund begins October 1, 2021

NOW THEREFORE, We, the Select Board of the Town of Concord, Massachusetts, do hereby proclaim the month of October 2021 as ***CONCORD-CARLISLE COMMUNITY CHEST MONTH*** in the Town of Concord to recognize the vital role the Community Chest plays in the life of our town and to wish members of the Community Chest success in their Annual Fund.

CONCORD SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

**Honoring Concord Firefighters John Bendel, John Gower, William Noke,
and Paul Domenichella Upon Their Retirement After Decades of Public
Service to the Town of Concord**

- WHEREAS** John Bendel, John Gower, William Noke, and Paul Domenichella served decades long, distinguished careers with the Concord Fire Department.
- WHEREAS** John Bendel, John Gower, William Noke, and Paul Domenichella have promoted a commitment to public service and professionalism within the fires service; and
- WHEREAS** John Bendel, John Gower, William Noke, and Paul Domenichella worked tirelessly to anticipate and respond to the needs of the community, establishing Concord as a leader in the field of fire and emergency services, partnering successfully with numerous area civic and cultural groups, to enhance public safety, and
- WHEREAS** Due to their service, the Concord Fire Department has grown and flourished, establishing itself as a model of efficiency, which other Towns work to emulate.

NOW, THEREFORE, BE IT PROCLAIMED that the members of the Select Board of the Town of Concord, on behalf of the citizens of Concord, do hereby recognize John Bendel, John Gower, William Noke, and Paul Domenichella for their many contributions to the Town during their successful careers with the Concord Fire Department. We extend our personal best wishes in their well-deserved retirement, and for their continued success in life's pursuits.

DATED THIS 27TH DAY OF SEPTEMBER, 2021.



CONCORD SELECT BOARD



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Stephen Crane, Town Manager

MEMORANDUM

To: Chair Ackerman and Members of the Board

From: Stephen Crane, Town Manager

Date: September 27, 2021

Re: Town Manager Report

CFD

September 11

Saturday, September 11 marked the 20th anniversary of the terrorist attack on the World Trade Center, the Pentagon, and the unsuccessful attack that resulted in the airline crash in Shanksville, Pennsylvania. This year, the Rotary Club presented awards in the name of Concord resident, longtime Rotarian and 9/11 victim, Al Filipov, to the Concord Police and Fire Departments. In past years the Fire Department has selected one member from the department to receive the award; this year was awarded to the department in recognition of the men and women who have worked tirelessly and at great personal risk throughout the pandemic. We thank the Rotary Club for their recognition and continued support.

Fire Department Activity

Between Monday August 30 and Thursday September 9, the Fire Department responded to 128 calls for service. Included is a mutual aid response to the Town of Maynard for a multiple alarm structure fire. The fire was caused by an explosion from a gas leak. Concord Firefighters assisted with the search of the structure. Sadly, the only occupant that was in the home at the time did not survive. The image below is what firefighters were confronted with on arrival.



COVID

To support the town's workforce, the Fire Department continues to perform COVID testing for Town employees each week. Since August 30, the Department has performed over 19 tests.

Fire Prevention

Fire Prevention conducted the mandatory fire drills at all of the Concord Public Schools and the Middlesex School. Nashoba Bakery passed its required inspections with the Fire Department.

DTM

Recreation

The Recreation Department has been awarded one of the American Recovery Plan Act (ARPA) Childcare Stabilization Grants, which were available from the MA Department of Early Education and Care (EEC). The award amounts given to the grant recipients are based on enrollment numbers. According to the guidelines, the money can be used toward any of the following items:

- Personnel costs, benefits, and recruitment or retention efforts;
- utilities, facilities maintenance/improvements, or insurance needs;
- PPE, additional cleaning and/or sanitation supplies, and
- professional development sessions or trainers related to health and safety practices

The amounts are as follows:

- Carousel $\$7,800 \times 6 \text{ months} = \$46,800$
- Hunt $\$5,000 \times 5 \text{ months} = \$25,000$
- Thoreau $\$7,041.67 \times 5 \text{ months} = \$35,208.35$
- Willard $\$5,416.67 \times 5 \text{ months} = \$27,083.35$
- Alcott $\$5,416.67 \times 5 = \$27,083.35$
- TOTAL = $\$161,175.05$

The division's fall programs started this last and are running smoothly. A new initiative called 'Power Soccer' has been very popular; in this program children are able to use power wheelchairs within the Hunt gym to play soccer – these practices are generally held on Saturdays. The success of this program really stems from Recreation's continued focus on Diversity Equity Inclusion and Belonging (DEIB) initiatives and opportunities throughout their programs and offerings. The Recreation Commission is preparing a scope of work to update the 2014 Recreation Facilities Strategic Plan and will be submitting an application for \$75,000 to the CPC for their FY23 grant round. Recreation recently hosted a fundraiser at Trails End Café during which 20% of all dine in or takeout orders were donated to the division in order to sustain the ongoing recreation scholarships.

Senior services

COA recently purchased an OWL PRO video conferencing system which allows it to now be possible for them to offer many of their programs in a hybrid model. The SHINE (Serving the Health and Information Needs of Everyone) program has begun again and the COA is able to assist Seniors with getting in touch with a counselor should they need to update or submit a new application.

PIO/PEG

The MMN team recently met with Superintendent Laurie Hunter to begin work on a new curriculum and operating standards for educational programming and PEG-related offerings for the High School students. The School staff and several of the students have expressed excitement about the ability to use the state-of-the-art technology and equipment located within the MMN studio. Additionally, the Public Access Advisory Committee (PAAC) met recently to discuss the parameters surrounding a new franchise agreement with Comcast as Concord's is set to expire in 2022.

Community Services:

The Community Services Coordinator recently attended a *Child Tax Credit Navigators Webinar*. The Department of Health & Human Services and the Administration of Children & Families are working with the Treasury Department to help enroll eligible families in the Child Tax Credit, with a particular focus on families that may not usually file taxes. The agencies have put together a training to help communities learn more about the Child Tax Credit and how to help families enroll.

Concerned residents reached out for assistance as Pandemic Unemployment Assistance benefits – including Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), as well as Mixed Earner Unemployment Compensation (MEUC) – ended this week.

Senior Services/COA

Due to the increase in COVID cases in Middlesex County and based on CDC recommendations, the COA has implemented a mandatory indoor mask policy to protect senior participants and staff alike. Despite the mask requirements, programming is back at almost-near capacity and the offerings are both varied and well timed.

Facilities

The Fleet Electrification Study is well underway. The Town has contracted with Optony, Inc. to provide an assessment and recommendations for transitioning the town's fleet to electric vehicles and installing the necessary charging infrastructure. The consultant has met with all the Town division and/or department heads. Data collection relative to Concord's existing vehicle inventory began this week.

Attached please find a memo regarding the status of the Gerow park improvements.

CPW

Sawmill Culvert Repair Update

MIG has completed the installation of all culvert sections on both the upstream and downstream side of Monument Street, poured the collar between the existing stone culvert and the new concrete box culverts, and poured the headwall footing and the headwall. As of this past Wednesday, the upstream coffer dam was breached allowing for the drainage of the flooded section of Sawmill watershed. They will be completing final slope stabilization, grading and final restoration within the next few weeks.

Athletic Field and Open Space Seasonal Maintenance

The Highway & Grounds Division continues the annual maintenance program. Crews continue weekly mowing, trimming and clean-ups at all athletic fields and public open spaces in Town. Crews have completed the third turf grass field fertilization program. Crews worked to renovate the baseball and softball fields at Emerson, installing new clay. Seasonal maintenance also continues along the Bruce Freeman Rail Trail, within all parks and several traffic islands as needed.

CMLP

Attached please find a report from the Massachusetts Climate Action Network (MCAN) ranking the state's municipal light plants in four categories: Energy Transition, Energy Efficiency, Transparency and Community Engagement, and Policy Context. CMLP ranked at or near the top in all categories.

DPLM

Health Division

Assistant Public Health Director Stan Sosnicki has retired after more than 20 years of service to the town. DPLM greatly appreciate Stan's work for the Town, his sense of humor, and his quiet presence. We wish him all good things in his retirement.

Public Health Director Susan Rask and Public Health Nurse Tricia McGean continue weekly Zoom calls with private schools in Concord and Lincoln; the calls serve as a forum where school nurses and leadership team can discuss COVID protocols, ask questions, receive up to date guidance, share information and promote situational awareness. We also hosted a similar call with Concord and Lincoln childcare centers last week and will continue to do so in the future if needed.

Weekly discussions are continuing with the newly formed Great Meadows Regional Public Health Collaborative to finalize the Intermunicipal Agreement and create the governing body for the new collaborative. Formation of the Collaborative is being funded by the Public Health Excellence for Shared Services grant from the Commonwealth of Massachusetts, a 3-year grant of \$300,000 per year to promote regional shared public health services.

Planning Division

Junction Village Open Space Task Force is planning a public forum to review concept plans. The JVOSTF met with the West Concord Junction Cultural District to review three conceptual plans at the WCJCDC meeting on Tuesday and solicit a letter of support for an application to the Community Preservation Committee. The JVOSTF then met on Wednesday to review that CPC application, discuss next steps to refine the three concepts to two, and to discuss planning for a public forum for Thursday, October 14th from 5:00 to 7:00 p.m. (via Zoom) to present to concept plans.

IT

The IT department continues to assemble and deploy additional hybrid meeting carts to increase the number of rooms that can host a hybrid meeting. The department is also working with the COA to create infrastructure to provide Covid booster shots to seniors in Concord. The ongoing work on Office 365 email migrations and the deployment of laptops and desktops continues in support of Town departments. IT is also supporting the Light Plant in their AMI and smart grid data projects.

CPD

Attached is a grant award letter for the Concord Police Department. The award is given for traffic enforcement and the purchase of equipment to improve motor vehicle safety. The Department will look to purchase portable radar speed signs, which will be mounted at various locations throughout town to reduce speed.



TOWN OF CONCORD
Office of the Deputy Town Manager
www.concordma.gov

To: Stephen Crane, Town Manager
Select Board Members
From: Kate Hodges, Deputy Town Manager
Date: September 24, 2021
Re: Gerow Recreation Area – Project Update

Construction for the Gerow Recreation Area began in July of this year. After a competitive bidding process, Cole Contracting, Inc. of Littleton was chosen as the Town's General Contractor. Marino Construction, through a separate bid under M.G.L. ch. 149, was chosen to spearhead the vertical construction portion of the project, the public restroom building.

Since the contract's execution, Cole Contracting has been working diligently to clear the site of fallen trees, dead or dying plant life and invasive species. These portions of the project had to be carefully handled and orchestrated to comply with both the state and local orders of conditions which the Town received during the permitting process. I am happy to report that after nearly eight weeks of work relative to those efforts, including three weeks of intensive hand-pulling of invasive species from the hillside portion of the property, focus has now shifted to the more conventional 'park-like' infrastructure including the creation of walking paths, retention ponds, rain gardens and parking. Construction relative to the foundations for the pavilion and restroom facilities are next.

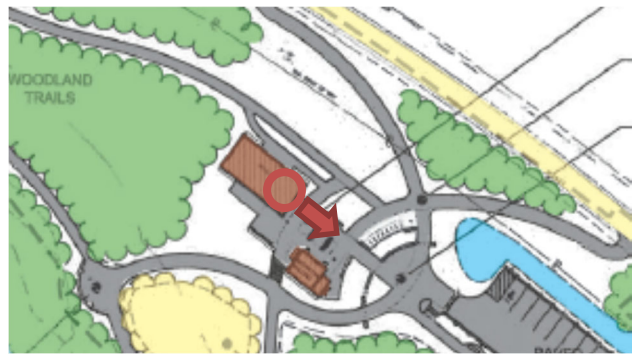
To date, all downed limbs and several tons of unhealthy vegetation have been removed, or chipped-in-place, clearing the way for many of the new park features. More than six large-scale tractor trailer loads of dead, decayed or dying flora and shrubbery have been removed allowing new growth to flourish. The project boasts a robust planting plan which relies on our clearing efforts to create a better atmosphere for new plant life. The removal of these barriers allows for better demarcation of the park's walkways and parking areas which can be seen below.



The area seen to the left depicts a view from the center of the gathering area looking toward the future parking lot.



These panoramic photos depict views from what will be the ‘center’ of the park which connects to the Bruce Freeman Rail Trail Phase 2B to the pavilion patio. The first photograph shows the view while standing near the pavilion area and looking east toward Commonwealth Avenue.



The second panorama portrays the view visitors can expect while standing in the same gathering space but looking northwest to the Bruce Freeman Rail Trail. Once complete, the pedestrian bridge will allow travelers to cross over Route 2 through Acton into Concord.



Perhaps the most exciting portion of work and planning which took place this last week surrounded the finalization of schematics for the restroom and pavilion exteriors. Boasting a post-and-beam design with exposed wood, the Town has been working with Marino Construction to substitute matching wood pieces from the columns and framing of the pavilion in Douglas Fir to ensure consistency in design. Once completed, these choices

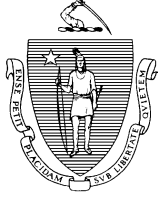
will ensure a very attractive blending of the two structures into the park envelope. It is important to note that these changes are cost neutral. Working with Studio Nexus, the subcontracted architect for the Town’s Project Designer, GPI, the pavilion, and bathroom buildings possess more neutral shades of bronze and aged pewter. These muted tones ensure the structures blend into the wooded areas within the parks while also ensuring a clean and natural look which enhances the entirety of the park envelope.



Next week, Cole Contractors will be preparing the area and erecting the forms which will ultimately be used to create the slab foundations under both the pavilion and bathroom building. Pouring and setting the foundations for both structures is slated to take place the week of October 4th. This will allow several weeks for the areas to cure before the weather drops below freezing.

Facilities, Parks and Playgrounds Director Ryan Orr and I continue to meet weekly on-site with the contractors and via zoom (or in-person) with members of GPI and Studio Nexus to ensure the project remains on schedule, in budget and progressing in a manner that is consistent with our expectations. The goal remains to complete as much work on the project prior to the first snowfall and/or frost; to date, the project is approximately 20% complete. We anticipate approximately 40% of the efforts to be complete before the winter forces a work stoppage.

If you have any questions or would like additional information, please do not hesitate to contact me directly. Thank you.



CHARLES D. BAKER
Governor

Office of the Governor Commonwealth of Massachusetts

State House
Boston, Massachusetts 02133
Tel: (617) 725-4000

KARYN E. POLITO
Lieutenant Governor

9/21/2021

Chief Joseph O'Connor
Concord Police Department
219 Walden Street
Concord, MA 01742

Dear Chief O'Connor:

Congratulations! We are pleased to inform you that the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) has awarded the Concord Police Department \$30,000.00 for your FFY22 Municipal Road Safety (MRS) grant program. Funds are being made available from the National Highway Traffic Safety Administration grant award administered by the OGR.

Please note, all MRS awards will be made available through September 15, 2022. All documents necessary to make this award official will be provided to you by OGR. In the meantime, if you have any questions, please email Christina Hernandez, OGR Program Coordinator at Christina.Hernandez@mass.gov.

Once again, congratulations on this award and we thank you for the work you do to keep our Massachusetts roads safe for everyone.

Sincerely,

A handwritten signature in black ink that reads "Charles D. Baker".

Governor Charles D. Baker

A handwritten signature in black ink that reads "Karyn E. Polito".

Lt. Governor Karyn E. Polito

Jeremy Romanul

From: Carissa Demore <cdemore@historicnewengland.org>
Sent: Friday, September 10, 2021 5:02 PM
To: Jeremy Romanul
Subject: Requested addition to Sept 27 Select Board agenda
Attachments: Scotchford-Wheeler PRA.PDF

Mr. Romanul,

I'm writing regarding a matter I hope to discuss with the Board of Selectmen at their meeting on September 27, if there is room on the agenda.

Historic New England worked closely with the owners of the historic Scotchford-Wheeler House at 99 Sudbury Road in Concord to protect it with a Preservation Restriction Agreement that was recorded at the Registry of Deeds in 2013. In order for the restrictions to be perpetually binding in accordance with MGL Ch184, Section 32, they must be approved by the Town Select Board and the Massachusetts Historical Commission. For technical reasons that I'm happy to explain to the Select Board, we didn't seek those approvals in 2013, but we are eager to do so now.

I spoke with the Concord Historical Commission yesterday evening and they enthusiastically support approval of these restrictions. I also spoke with staff from the Massachusetts Historical Commission and they are prepared to approve the restrictions, following Town approval.

I'm hoping to appear before the Selectmen, to review the document and answer any questions they may have, and hopefully to secure their vote of approval.

I have attached a copy of the Preservation Restriction Agreement and its exhibits to this email. Please let me know if I can provide any additional information. I look forward to hearing from you.

Thanks,
Carissa

Carissa Demore
(she/her/hers)
Team Leader for Preservation Services
Historic New England
185 Lyman Street, Waltham, Mass. 02452
617.994.6641 CDemore@HistoricNewEngland.org

Melissa Saalfield, Chair
Nancy Nelson
Thomas Beardsley
Robert Gross
Michael Capizzi
Alan Bogosian, Associate
Rebecca Lemaitre, Associate



Department of Planning and
Land Management
141 Keyes Road, Concord, MA 01742
Fax (978) 318-3291
Heather Gill, Senior Planner

To: Town of Concord Select Board
From: Town of Concord Historical Commission
Date: September 23, 2021
Re: Preservation Restriction for 99 Sudbury Road

The Scotchford-Wheeler House, located at 99 Sudbury Road, is not only one of the oldest structures in Concord; it is one of the most well-preserved historic structures in town. Part of the house was built by John Scotchford, an original settler of “Concord Plantation” around 1653. In 1696, the house and barn, as well as six acres of land was sold to Deacon Edward Wheeler. The Wheeler farm covered a considerable portion of Concord center in the Sudbury Road/Thoreau Street area for over 250 years. During the American Revolution, supplies for the Continental Army were stored in the house.

The house has remained in the Wheeler family for nearly 325 years. Current owners, Richard and Betty Ann Wheeler now seek to secure the house’s long-term preservation thru a preservation restriction to be held in perpetuity by the Society for the Preservation of New England Antiquities (D.B.A. Historic New England). The preservation restriction recognizes the historic, architectural, cultural, scenic, and aesthetic value and significance of the Scotchford-Wheeler House and serves to conserve and preserve said value and significance of the property. The preservation restriction includes exterior and interior restrictions that require prior written approval from Historic New England to ensure that alterations to the property will not adversely affect the appearance, materials, workmanship or structural stability of the house and site.

At their meeting on September 9, 2021, the Concord Historical Commission reviewed the Preservation Restriction for the Scotchford-Wheeler House. **The Historical Commission voted unanimously to support the perpetually binding Preservation Restriction for the Scotchford-Wheeler House at 99 Sudbury Road.**

On behalf of the Historical Commission,

Heather Gill
Senior Planner

9.23.21 revised Concord-Comcast cable TV franchise timeline

Current Concord/Comcast franchise agreement expires April 21, 2024:

<https://concordma.gov/DocumentCenter/View/13940/Concord-Comcast-2014-Franchise-Agreement>

Date	Event
April 21, 2021	36 months to expiration. Franchise renewal process can begin. Sec. 626 letter received August 25, 2021.
October 21, 2021	30 months to expiration. Continue renewal prep. Talk with other towns' cable advisory committees. Schedule a compliance review meeting with Comcast (1/year).
April 21, 2022	24 months to expiration. Interview prospective special cable consultants (Bill August, Peter Epstein, Bill Solomon, Sue Buske, Bill Hewig, etc.). Start drafting Town-wide survey on Comcast compliance and Town cable TV needs. Select consultant; adjust timeline.
October 21, 2022	18 months to expiration. Send out town-wide survey and survey Town departments and schools – what do you think about cable TV service? What do you need re: cable TV service over the next 10 years? Seek complaints, comments, suggestions to ways to improve cable TV service. Schedule a compliance review meeting with Comcast (1/year)
April 21, 2023 – October 21, 2023	6-12 months to expiration. Hold final public hearing; do not close it until you close the ascertainment portion of the process. Ascertainment of needs and compilation of complaints/survey should be done so we know what we are negotiating.
Dec. 21, 2023	4 months to expiration. Concord should receive the formal proposal from Comcast. Finalize negotiations and reach agreement by April 21, 2024.
April 21, 2024	Old Franchise Agreement expires. Extend if needed for Town Meeting vote.
May 5, 2024	Town Meeting Vote – Approve new franchise agreement via Warrant Article (10 year term contract)

Town of Concord

Draft for Discussion 9/20/21
Personnel Study Task Force
(rev. ~~hjd 8/31/21~~)

A. Purpose

To Appoint and charge an independent citizen task force to study the Personnel Bylaw, the Charge of the Personnel Board, and related documents and make recommendations for appropriate changes ~~thereto~~.

The task force shall provide recommendations to the Select Board in a timely manner in order to prepare Articles for the 202~~32~~ Annual Town Meeting.

B. Background

The Town Charter approved in 1955 directed the Select Board to appoint a number of committees including the Personnel Board. In 1985 a document was presented to the Select Board by the Town Manager to establish a Personnel Department. The Personnel Bylaw has been updated several times over the years, most recently in 2017, and serves as the guiding document for the Personnel Board and the Town staff. However the current role of the Personnel Board, as defined by the 1985 ~~document~~Charge and the current Personnel Bylaw, is outdated and does not reflect the needs of the Town's 21st century workforce, or the challenges faced by the Town in recruiting, developing and retaining high-quality employees.

C. Membership

The independent citizens' task force shall be comprised of five members appointed by the Select Board, each for a term that will expire at the final adjournment of the 202~~32~~ Annual Town Meeting. The purpose of the task force will be to provide an impartial study and proposal with regard to the future role and function of the Personnel Board. The members may include:

One former member of the Personnel Board

One former Select Board member

~~One former Town Employee~~

~~Three~~ members from the public at large, preferably with experience in Human Resources or Town Government

D. Duties, Powers and Responsibilities

- ~~1. To meet regularly and to elect a chair and clerk;~~
- ~~2. To focus solely on the Charge of the Personnel Board, the Personnel Bylaw, and related Town Personnel Policies governing the Town's personnel policies for nonunionized employees;~~

~~3.1. Make recommendations to the Select Board on updates to the Personnel Bylaw and related Town Personnel Policies governing the Town's non-unionized employees. Gather information, conduct research and make recommendations on the roles and authority of the Personnel Board in supporting the following objectives;~~

- ~~a. Recruiting, developing and retaining high quality employees;~~
- ~~b. Ensuring a diverse, equitable and inclusive work force and environment;~~
- ~~c. Providing a fair and equitable Classification and Compensation Plan for non-union employees;~~
- ~~d. Determining a fair and just employee grievance process for non-union employees;~~
- ~~e. Providing accountability and governance for the Town's personnel operations;~~
- ~~f. Supporting the Select Board's ability to evaluate the Town Manager's administration of the personnel system;~~
- ~~g. Providing transparency to Town citizens and opportunity for them to provide input into personnel operations and~~
- ~~h. To make recommendations to the Select Board on updates to the Personnel Bylaw and related Town Personnel Policies governing the Town's non-unionized employees.~~

~~4.2. Ensure that the Town's system for personnel administration is:~~

- ~~a. Efficient;~~
- ~~b. Consistent with a Strong Town Manager form of government;~~
- ~~c. Able to maintain equity, accountability and transparency for citizens and employees;~~
- ~~d. Able to respond quickly to changing laws and regulations, operational needs and labor markets as well as a shifting workforce; and~~
- ~~e. Effective for recruitment and retention of employees;~~

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f. ~~Provides non-unionized employees with a fair and just grievance process.~~

~~e. 2~~

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E. Other Considerations

The task force will consider ~~and make recommendations with regard to~~ the authority and role of key stakeholders such as:of:

- a. ~~The~~ Town Manager
- b. ~~The~~ Personnel Board
- c. ~~The~~ Select Board
- d. ~~The~~ Town Meeting
- e. ~~The~~ Human Resources Director/Department
- f. Senior Managers, and
- g. ~~CWill keep in mind the interests of stakeholders, including citizens and employees.~~

The task force will elect a chair and clerk and comply with all State and local laws, including the Open Meeting Law, the Public Records Law and the Conflict of Interest Law.

Resources will include Human Resources Director, Personnel Board Chair, Town Manager and other staff as needed.

Appendices:
1985 document establishing Personnel Department
Personnel Bylaw

October 18 Focused Select Board Meeting

Topic: Volunteer Committees

The 2021 Select Board Goals, in the Governance Section, include these items:

5. Provide guidance and resources for all Town volunteers serving on boards and committees to improve consistency and efficiency of public meetings and hearings. Restart annual training session for board/committee members on OML, ethics, and meeting management.

8. Recruit new committee volunteers that reflect all segments of Concord's citizenry; revisit the Green Card assignment and appointment process as needed. Implement the committee volunteer process drafted in 2021. Ensure that all volunteers are acknowledged for their willingness to serve.

9. Review/revise current committee structure; consider consolidation or elimination of existing committees and review APP10.

Potential Issues to be Discussed:

NOTE: These are some sample ideas. Please bring your ideas and suggestions to our meeting on Sep 27.

1. What did we accomplish last year and what remains to be done?
2. Supporting volunteers
 - a. Restart annual training session for board/committee members on OML, ethics, and meeting management.
 - b. Improve acknowledgement for applicants
 - c. Recognition of Volunteers – Restart annual gathering to hand out certificates of appreciation for volunteers completing their service on our boards/committees
 - d. Recruit new committee volunteers that reflect all segments of Concord's citizenry
3. Support from TMO
 - a. Provide quarterly reports to Appointing Officials of all current applicants
 - b. Provide quarterly reports to Appointing Officials listing all the volunteers on each Town board and committee, with the end date of the present term being served.
 - c. Provide a web page showing all the volunteers on each Town board and committee, with the end date of the present term being served.
4. Discuss potential changes to APPs
 - a. Re-examine APP 10 so a volunteer can serve on 2 committees
 - b. Discuss eliminating traditional term limits for some/all committees

5. Role of the SB Liaison

- a. Not main job of SB, discouraging SB candidates
- b. What are priorities?
- c. Develop liaison handbook?

6. Streamlining or Consolidating Committees

- a. What do other towns do? For example, Franklin has 17 committees
- b. Set up a streamlined chart based on mission/goals
- c. Possible warrant article resolution to rec SB decrease # committees from 65 to 50?

Jeremy Romanul

From: Henry Dane <hdane@danelaw.com>
Sent: Thursday, September 23, 2021 6:09 PM
To: Jeremy Romanul
Cc: Terri Ackerman
Subject: Concord National Guard Armory
Attachments: Armory Interest Letter V2 - 8-21-19.doc

CONCORD ARMORY: The National Guard will be completing its facilities review before the end of the and if they declare it surplus, they will consider proposals for its disposition. I have been working on this with Mike Barrett, Tami Gouveia, Bob Hallinan (NG Chief Warrant Officer), and Gen. Frank Magurn for the past several years. Gen. Magurn sent me the following email in June:

Subject: RE: [Non-DoD Source] CONCORD ARMORY

Good Afternoon Mr. Dane,

I always enjoy working with Concord's Celebrations Committee, they are a great group of citizens and I am sure Concord glad to have them. After you get settled in on the Select Board I would be more than happy to pay you a visit to discuss the current and future disposition of the armory as well as the process we use, in conjunction with the Division of Capital Asset Management and Maintenance, to change ownership of our properties.

All the Best, Frank Magurn

Francis B. Magurn
Brigadier General (Retired)
Assistant Adjutant General
The Adjutant General's Office

The possibility exists that if we submit a letter of interest with an acceptable municipal use, we may be able to acquire the property at little or no cost.

Henry J. Dane
Member Town of Concord Select Board
PO Box 540 Concord, Massachusetts 01742
hdane@concordma.gov
hdane@danelaw.com
Phone: 978-369-8333 Ext. 18
Fax: 978-369-3106

Unless otherwise indicated, the views expressed in this email are my own and not (necessarily) those of the Board.

[LINKED-IN PROFILE](#)

CELEBRATE CONCORD 2025

FILE A GREEN CARD: <https://concordma.gov/FormCenter/General-Government-8/Electronic-Green-Card-52>



OLD NORTH BRIDGE

TOWN OF CONCORD

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

July 20, 2019

Commonwealth of Massachusetts
Executive Office of Public Safety & Security
MA Armory Commission
2 Randolph Road
Hanscom Air Force Base, MA 01731

Distinguished Commission Members:

It has come to the attention of the Town of Concord Officials that the State's most recent list of Amory facilities, authored in April of 2019, did not list the Concord Armory as an active location or readiness center. The Town understands the property was upgraded several years ago in order for the premises to serve as a military records center; however, we now know that nearly all of the records contained therein were moved to a Boston facility some years ago. To the best of our knowledge, the building is relatively vacant and may be on the 'short list' for closures in the near future.

As you know, the armory located in Concord Center is adjacent to the Hunt Recreation Center and Emerson Field, within a block of the Public Library and only one quarter of a mile away from the Town's municipal and cultural districts. When touring the facility, we noted that the Armory's large interior offers many possibilities for mixed municipal use including office space, vital records storage and a place to keep historical archive catalogs. Given Concord's dense center and lack of centralized office facilities, we believe the Armory could serve as an ideal location for both our municipal offices and our vast historical archives collection. Should you believe this to be a possibility, we hope to begin a dialogue with whomever necessary at the State level to understand what may be needed to help us acquire such a uniquely useful asset for our community.

Please consider this letter as notice of the Town's '*official*' interest in the property and our desire to meet and discuss this opportunity with whomever you believe to be appropriate. Should you need any additional information from the Town or a more formal proposal for use, please do not hesitate to contact me directly via email to: khodges@concordma.gov or you may call the office at 978-318-3000. I look forward to hearing from you and/or your staff to set up a time that is mutually agreeable to discuss this distinctive and exciting opportunity. Thank you for your consideration.

Respectfully,

Kate I. Hodges, Deputy Town Manager
Acting Town Manager



The Commonwealth of Massachusetts
Executive Office of Public Safety & Security
Military Division

2 Randolph Road
Hanscom AFB, Massachusetts 01731-3001
Tel: (339) 202-3900
www.mass.gov/guard

Charles D. Baker
Governor

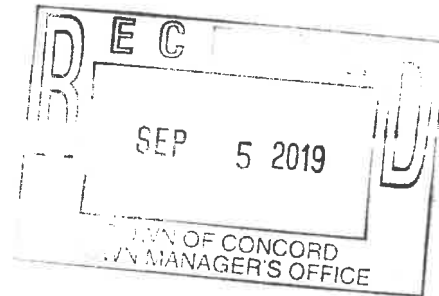
Thomas A. Turco, III
Secretary of Public Safety & Security

Karyn E. Polito
Lieutenant Governor

Major General Gary W. Keefe
The Adjutant General

29 August 2019

Kate I. Hodges
Deputy Town Manager
Town of Concord
Town House – P.O. Box 535
Concord MA 01742



Deputy Town Manager Hodges:

I am in receipt of the Town's letter dated August 20, 2019, advising of the Town's official interest in acquiring the Concord Armory. As explained in more detail below, the Concord Armory is not excess to the needs of the Massachusetts Army National Guard (MAARNG) and continues to be a critical facility in support of our current missions, organizations, and activities.

The armory facilities list you identify in your letter was developed as part of our state-wide Facilities Condition Assessment (FCA) undertaken in partnership with the Division of Capital Asset Management and Maintenance. The FCA was the first step in our Master Plan process of analyzing the existing conditions of all MAARNG facilities to develop a strategic planning framework for evaluating and planning for the capital needs of the MAARNG. Subsequent to the completion of the FCA the MAARNG determined that the Concord Armory is needed to fully support the assigned MAARNG missions.

In sum, the MAARNG intends to retain the Concord Armory to house an operational unit of the MAARNG and respectfully declines to meet with the Town to discuss its intent to acquire this facility. My point of contact for any questions you may have is Brigadier General Frank Magurn, Assistant Adjutant General, Military Division, Commonwealth of Massachusetts, who may be reached at 339-202-3902 or francis.b.magurn.nfg@mail.mil.

Sincerely,

Gary W. Keefe
Major General, MA ANG
The Adjutant General

Jeremy Romanul

From: tbartevyan <tbartevyan@yahoo.com>
Sent: Sunday, September 5, 2021 1:35 PM
To: Terri Ackerman; Susan Bates; Henry Dane; Linda Escobedo; Matthew Johnson; Jeremy Romanul
Cc: Stephen Crane; Kaari Tari; Diane Proctor; Nancy Brown; Mark Gailus
Subject: p.s. --Re: Agenda Item: Update on Hybrid Meeting Guidelines

Follow Up Flag: Follow up
Flag Status: Flagged

In fact, regarding the same paragraph: *"Each meeting attendee is expected to adhere to a standard of respect and courtesy towards the committee members and Town staff. The committee/board/commission chair reserves the right to recognize members of the public during the meeting and, if necessary, mute or remove an attendee, or disable the attendee's audio/visual functionality if an attendee fails to meet the basic meeting standards of courtesy and respect. These standards include but are not limited to waiting to be recognized by the chair, not interrupting another speaker, and not yelling or harassing the chair, committee members, or town staff."*

It may be more effective to simply state the OML requirements of protocol - i.e. that that **no one is to speak without first being recognized by the Chair** (rather than a Chair "reserving" the right to recognize speakers.)

As far as courtesy goes, to say "*Participants are requested to be civil in their comments*" is preferable.

Specifying "yelling and harassing" as stated reasons to be cut off from a meeting may be interpreted as potential intimidation regarding First Amendment rights, since as I noted, these are subjective assessments. Plus, even though I highlighted women, immigrants, and people of color in my note below, the first amendment concern applies to any and all members of the public of all demographics.

Thank you again,

Tanya

On Sunday, September 5, 2021, 11:32:24 AM EDT, tbartevyan <tbartevyan@yahoo.com> wrote:

Dear Members of the Select Board,

Regarding your agenda item for September 7th, "Update on Hybrid Meeting Guidelines"

1) Thank you for making every effort to accommodate public participation, and please do make sure that the public has the same type of access to meetings that committee members do. Thank you for practicing this approach so far. Much appreciated.

(For example, allowing a committee to meet in person while the public can only follow via Zoom, creates a number of Open Meeting Law vulnerabilities for the committee in question, among other problems. This is one of the weaknesses of the emergency regulations.)

2) The suggested guidelines say, on page 40 of your packet: (underline mine)
"Each meeting attendee is expected to adhere to a standard of respect and courtesy towards the committee members and Town staff. The committee/board/commission chair reserves the right to recognize members of the public during the meeting and, if necessary, mute or remove an attendee, or disable the attendee's audio/visual functionality if an attendee fails to meet the basic meeting standards of courtesy and respect. These standards include but are not limited to waiting to be recognized by the chair, not interrupting another speaker, and not yelling or harassing the chair, committee members, or town staff."

Being recognized by the Chair and not disrupting a meeting are already required by the Open Meeting Law.

However, I would like to gently bring to your attention that what is "yelling or harassing" is often a matter of personal judgment. Very frequently, women, immigrants with accents, and people of color are afforded a narrower range of expression than white males when they become assertive. Therefore, while civility is always helpful and more productive, and I am certainly not advocating yelling or harassing anyone!! - this can get into a first amendment issue. (I believe in some other communities there have been lawsuits with regard to first amendment complaints of this nature.)

I would therefore suggest caution in this regard.

Many thanks again for all your efforts,

Tanya B. Gailus

Jeremy Romanul

From: tbartevyan <tbartevyan@yahoo.com>
Sent: Tuesday, September 7, 2021 1:33 PM
To: Terri Ackerman; Susan Bates; Henry Dane; Linda Escobedo; Matthew Johnson; Jeremy Romanul
Cc: Stephen Crane; Kaari Tari; Diane Proctor; Mark Gailus
Subject: New comments on the new proposed TAC Charge

Dear Members of the Select Board,

I sent a note earlier, which Ms. Ackerman included in your packet (thank you) about the new proposed Charge for the Transportation Advisory Committee, which was *in advance* of having seen the new proposed draft Charge.

Now that the new proposed draft Charge is in your packet for today's meeting, I would like to add some new observations:

- 1) I reiterate my earlier suggestion that someone interested in **natural resources preservation** be included among the members. This was in the initial considerations back in January 2020. It is important to have discussions about this *before* any implementation phases are embarked on with regards to transportation projects.
- 2) I reiterate my earlier suggestion that the **Select Board approves the members** appointed by the Town Manager, as was clarified and declared by the Chair on March 9, 2020.
- 3) **New comment:** The new membership list does not make adequate reference to elder or disabled or other *public transportation* (shuttles etc.) which was a highlighted issue in the Long Range Plan. Safety is another corollary of this.
- 4) **New Comment:** Limiting the subcommittees to 3 *may* be problematic, since there may be situations where two or more TAC members may be assigned a short term task to perform for the Committee's consideration. That would constitute a Subcommittee. (For example Ms. Ackerman and Mr. Johnson worked on the Green Card process as a Subcommittee of the Select Board.)
- 5) **New comment:** **If** two members (Town Manager or designee and School Superintendent or designee) are *non-voting ex-officio* as specified in the draft, then **it would need 9 members of the public** (not 7) to be a 9 member Committee, whether for quorum purposes or otherwise. The non-voting members do not count for quorum purposes as far as I know..

Thank you,
Tanya Gailus

p.s. I am sorry for sending so many letters this week.. and Happy New Year to all those who celebrate!

Jeremy Romanul

From: Mark Gailus <mark_gailus@yahoo.com>
Sent: Tuesday, September 7, 2021 1:38 PM
To: Terri Ackerman; Susan Bates; Henry Dane; Linda Escobedo; Matthew Johnson; Jeremy Romanul
Cc: Stephen Crane; Kate Hodges
Subject: Re: Charge for the TAC

Dear members of the Select Board,

I offer these comments for your consideration:

- 1) Because transportation decisions affect preservation of the natural environment and its beneficial natural systems within our town, I urge that the membership include someone with knowledge about local natural systems and resources. It is very important that natural preservation be taken into account from the very beginning in transportation decision making, and not left as an afterthought or a mitigation issue after the fact.
- 2) Safety for all is very important, especially so where multiple usage paths cross and a wide variety of users interact. Representation of pedestrian users is important. Speed is not the goal. Success, I believe, is achieved when all users can travel safely -- even if this means everyone travels more slowly.
- 3) Maintenance and needed safety improvements for currently existing transportation infrastructure should have priority over the creation of new infrastructure that will have its own maintenance and safety burdens.

Thank you very much

Mark Gailus
62 Prescott Road

Jeremy Romanul

From: Diane Proctor <dpdproctor@gmail.com>
Sent: Thursday, September 23, 2021 1:16 PM
To: Jeremy Romanul
Subject: An important letter for the SB and the SB packet

Dear Members of the Concord Select Board and Concord Town Manager,

At the September meeting of the Town Government Committee of the League of Women Voters of Concord Carlisle, members discussed safety concerns caused by bicyclists riding through the pedestrian area of Junction Park in West Concord.

Junction Park was created as a “general use space,” but a section of the park is now designated on Concord GIS maps as the Bruce Freeman Rail Trail. Indeed, on the BFRT official map, provided to the CPC by Marcia Rasmussen, the Junction Park area is designated as “a pedestrian zone” where bicyclists should “dismount and walk their bikes” until they cross Main Street or cross over the MBTA rails.

Unfortunately, this area is neither clearly marked as a pedestrian zone nor is there a posting requiring bicyclists to dismount. We expect you will agree that the safety of residents is of the highest priority. With the completion of the Route 2 Bicycle Bridge, many more cyclists will be using the BFRT, thus increasing the possibility of pedestrian/bike accidents within Junction Park.

The LWVCC has long been a supporter of creating recreational opportunities throughout the Town that are safe, accessible, and open to all. We were encouraged that in May, 2021, the Transportation Advisory Committee announced that “Walk Your Wheels” signs would be installed in Junction Park, and we are puzzled and concerned that this has not happened.

The LWVCC Town Government Committee is requesting that you take immediate and public action to determine the following:

- *Is the current use of this space safe for users of all ages and mobility?
- *Who or what agency or agencies actually controls the space shown as the BFRT which leads users across the RR tracks to Main Street in West Concord Center?
- *What input have citizens had to suggest possible methods to ensure the safe use of this space?
- *What consideration has been given to engaging the assistance of private agencies with expertise in public land use to suggest solutions for Junction Park safety? Might this now be a prudent move?

Answers to these and other questions must be found for everyone’s safety. We cannot wait until an accident occurs to address this concern.

Sincerely,

Diane Proctor

Chair, Town Government Committee, LWVCC

From: Carolyn Bunch <webereich@gmail.com>
Date: September 19, 2021 at 6:35:36 PM EDT
To: lescobedo@concordma.gov
Subject: Hanscom Noise

Dear Linda

I'd like to introduce myself as a concerned neighbour of Hanscom Air Field.

I have lived here for over 18 years and do not recall this incessant noise from the small (wheel down) planes.

I have called the noise lines on several occasions and told they are training flights with multiple take off and landings - it's relentless. To the point I cannot sit outside on a weekend. I've timed them - I will sometimes have them overhead every three minutes.

I live on the corner of Old Bedford Road and Bronson Way. The larger planes are not such an issue as they are far less frequent.

I had been intending to write to you for a couple of months, and finally prompted by the upcoming town meeting on Monday which I will be following.

Thank you for taking the time to read my concerns

Regards
Carolyn Bunch

GB Carolyn

From: melita t. <mmtconcord1@gmail.com>

Sent: Tuesday, September 21, 2021 10:40 AM

To: Terri Ackerman <tackerman@concordma.gov>

Subject: Public Input for Select Board re Consideration of Mask Mandate in Concord

You don't often get email from mmtconcord1@gmail.com. [Learn why this is important](#)

Dear Terri,

In the spirit of informing you and the members of the Select Board of public input regarding consideration of a mask mandate in Concord, I am sharing this email which I sent today to the Concord Board of Health regarding their meeting tonight, specifically relating to Item #3 on the Agenda relating to a Mask Mandate.

I would really appreciate your sharing this email with the whole Select Board if that is convenient for you. The town clerk's office also indicated that Jerry Romanul could distribute emails to the Select Board so I am happy to go that route if that is easier.

I recall enjoying meeting you with my friend and your neighbor, Lois Whitney, and am really happy you are serving as Chair of our Select Board!

Many thanks,

Melita M. Teichert
Resident of Concord

From: Dorrie Kehoe <dorriekehoe@comcast.net>

Sent: Friday, September 10, 2021 9:15 AM

To: Terri Ackerman <tackerman@concordma.gov>; Susan Bates <sbates@concordma.gov>; Linda Escobedo <lescobedo@concordma.gov>; Matthew Johnson <mjohnson@concordma.gov>; Henry Dane <hdane@concordma.gov>; Stephen Crane <scrane@concordma.gov>

Cc: Dorrie Kehoe <dorriekehoe@comcast.net>; 'Nancy Crowley' <nmcrowley1@yahoo.com>

Subject: Public Safety at Junction Park

Good morning, Members of the Concord Select Board and Town Manager,

We are writing to you about a serious matter of Public Safety: Junction Park. Since February, 2021, the Board has been aware of the very real public concern about the joint use of Cyclists and Pedestrians in this area.

In late winter, the Select Board gave the assignment of finding a solution (without any time constraints and without anyone being charged with this responsibility) to the TAC. Seven months later not **one** single solution has been suggested, implemented and evaluated. Progress?

The bike bridge over Route 2 is rapidly reaching completion. What is particularly upsetting is that it now appears on the Concord G.I.S. map that the Bruce Freeman Rail Trail runs **through** Junction Park!!!! This has **stunned** those of us who worked with CPW in renovating and redesigning a barren open space, into the lovely and arbored Park that is today is used by so many. This essentially means that cyclists and pedestrians of all ages and mobility will be jointly using a **Rail Trail**. Do any of you think that that will be successful and safe? And what does this mean for Concord's liability and responsibility?

At last Monday's Select Board meeting, a decision was made to disband the current TAC while a new and appropriately selected committee is formed. As a result, and according to the SB Chair, the October 18 Select Board forum on Transportation has been postponed and that time slot is now available. We sincerely request and urge the Select Board to devote that now available time to the Junction Park issue of public safety, a clarifying of responsibility, and a plan for safety.

Even with the most optimistic prediction, Concord will NOT be ready for this change in use of Junction Park in early 2022, but we hope that a temporary plan to ameliorate the danger will be in place, while a more permanent one is determined. Concord cannot wait for an accident to happen before action is taken.

Sincerely,

Dorrie Kehoe, 51 MacArthur Road, Concord

Nancy Crowley, 5 Concord Greene, Unit 7, Concord

September 12th, 2021

To the Select Board: Ms. Ackerman, Mr. Johnson, Ms. Escobedo, Ms. Bates, and Mr. Dane *(Copied to the Town Manager and Finance Director and Committee)*

I have lived in Concord for 33 years. Up until October 2017, I could never have imagined witnessing Concord Town officials encouraging and supporting a lawsuit against its own citizens and Harvard University. Why would a town sue its own taxpayers and a non-profit institution? Seems like the Town had bad information, we know the Town thought the trail was public, it wasn't. Then there was that pesky detail of one of the defendants already having an easement, but we sued them anyway. More bad information and research. In addition, there was a bogus report of dog poisonings. That was proven to be false but was reported by the Select Board Chair even after he was told it was false. More bad information and stirring up of emotions. The Town even tried the recreational prescriptive easement theory which applies to individuals not municipalities. Why? Not sure, but I am putting my taxpayer money on a failure to do due diligence. My point here is that all of the erroneous facts and misinformation have cost the taxpayers way too much money.

After four years of Town Counsel consistently exceeding the legal budget, I remain stunned by the repeated lack of desire on the part of our Town officials to hold the Town legal firm accountable for the extreme and unprecedented cost overruns associated with this case. There have been so many miscalculations it's hard to keep track of them all. Clearly the implications of such miscalculations and repeated cost overruns are that they have been instructed to "win at any cost" and taxpayers such as myself are paying the price.

I read the August 9th memo to the Select Board from Anderson Kreiger which explained away the latest Estabrook lawsuit cost overruns by placing the blame on private citizens and Harvard University, the very property owners Anderson Kreiger sued. In all sincerity, I ask: what reputable law firm would do such a thing? Suing multiple owners brought a complexity that should have been anticipated, each defendant has a right to defend themselves from the attack of a lawsuit, that's why they are called defendants.

I then watched the August 16th Select Board Meeting. Mr. Makarious stood at the microphone and quietly referred to the Anderson Kreiger August 9th letter to quickly explain why the law firm had exceeded the latest lawsuit budget provided to the Town, this time for trial expenses. Once again, Mr. Makarious blamed the defendants, claiming that Harvard "choosing to re-enter" the case was unexpected and generated unanticipated discovery costs. I don't believe one needs a law degree to recognize the fact that all discovery costs associated with Harvard should have been factored before the Town decided to file the lawsuit against the university. Again, I remind you that defendants are called that for a reason, they have to defend themselves, so those costs should be factored into the overall costs before taking action.

At the 2018 Special Town Meeting, the Town lawyers, knowing they had filed extensive and expensive claims against multiple landowners, reported the budget for the entire lawsuit (through to completion) as not to exceed \$550,000.

In April 2019, the Town signed a settlement with Harvard stating they *would not seek any ruling on the Harvard land*. Then in July 2020, in contravention with the signed Harvard settlement, the Town lawyers told the Land Court Judge that *they were seeking a ruling on the Harvard land!* Mr. Makarios stated at 2021 Town Meeting and reiterated again on August 16th, that Harvard chose to re-enter the case. This was and is a false statement. The two Court transcripts 7/20/20 and 9/10/20 reveal the facts. The judge ORDERED Harvard back into the case because the Town declared they were seeking a ruling on Harvard land. From a taxpayer perspective, it is rather curious as to why the Town lawyers wanted to obfuscate the facts and used wording that made them sound like victims. Why would the Town lawyers blur the truth to citizen taxpayers? In my opinion, it was self-serving, and would allow the bills to be paid.

In another twist, on August 16th, when asked by a Select Board Member how much the Estabrook lawsuit has cost to date, Mr. Makarios shockingly hemmed and hawed, unable (or unwilling) to answer. As a taxpayer, I found his behavior stunning and disrespectful to our Select Board. How could the Town Counsel not know how much they had spent thus far, even I knew that it was upwards of \$1.5 million. Finally, Mr. Makarios offered his understanding that the legal expense was “north of a million.” When Select Board members for an actual number, he demurred and turned to our Finance Director Ms. Lafleur to approach the microphone. Ms. Lafleur delivered the figure loud and clear: \$1,510,000.

\$1,510,000. is more than a little “north of a million.” This figure is three times what the Town Counsel told the 2018 Town Meeting the entire lawsuit would cost (beginning to end), and the legal expenses have not ceased. In fact, even if the Town prevails it should expect an appeal that will keep the lawyers busy for some time.

As a taxpaying citizen, I am disheartened to see our Town officials politely accept what I would categorize as blatantly deceptive answers offered up by this law firm, being satisfied with: “we will try for better communication next time.” There have been too many “next times.” This lawsuit has dealt irreparable harm to our beloved Town and the future trust between property owners and their local government. I hope no other Town will have such an indelible stain on their reputation as this inexplicable legal action will leave on ours. The real cost of this lawsuit to people and place cannot be measured or recouped. I hope that someday our Town officials will press for honesty, integrity, wisdom and forethought from their law firm. Only then will Concord’s citizens be safe from cruel and inequitable legal assaults, and only then will our taxpayer funds be protected from wasteful and unchecked expenditure.

Thank you for your time, service, and attention,
Denise Haartz, Williams Road



TOWN OF CONCORD

COMMISSION ON DISABILITY

P.O. BOX 535 ~ 22 MONUMENT SQUARE ~ CONCORD, MA ~ 01742
Email address: disabilitycom@concordma.gov

September 20, 2021

Dear Mr. Crane and the Concord Select Board-

The Concord Commission on Disability would like to call your attention to a burgeoning problem of safety and access at Junction Park in West Concord.

Currently the space of Junction Park and the Bruce Freeman Rail Trail overlap. People on bicycles are expecting a relatively continuous route. People not on bicycles, but pushing strollers, using mobility devices, and walking, are expecting a passive outdoor space. These two conflicting uses are in a forced marriage of sorts, and we are concerned that people with disabilities are particularly vulnerable to the unsafe conditions it presents.

As you likely know, this is a unique public amenity that is enjoyed by many Concord citizens, but is particularly attractive to people with disabilities given its proximity to shopping and town services. It is one of very few parks in our Town that is not specifically designed for sports or a playground.

Equally important is the Bruce Freeman Rail Trail, which gives people with disabilities the thrilling opportunity to recreate safely in a way that is not possible on our Town sidewalks, and away from automobile traffic, especially those that use modified cycles and mobility devices.

Junction Park presents an untenable intersection of programmatic uses. As a Commission that supports and benefits people with disabilities in Concord, we are concerned that without both immediate stop-gap measures to reduce potential cyclist/non-cyclist collisions, and simultaneous long-term design changes to eliminate the overlap of these two important uses, that people with disabilities are at a great risk. The long-anticipated opening of the Rail Trail bridge over Route 2, while exciting in the increased access that it will provide to those using the trail, will obviously increase the number of people present in Junction Park, as well as the potential for collisions, making action on this issue imminently necessary.

Human behavior and larger expectations for the Rail Trail and Junction Park, respectively, are going to require more than colorful signs and painted arrows to keep people with disabilities and those that would use these two outstanding recreational resources, safe. Please consider a design study that would work to make the active and passive uses of the Bruce Freeman Rail Trail and Junction Park, safer, inclusive, and more accessible for all, one that our Commission would gladly support.

Jennifer Brooke,
On behalf of the Concord Commission on Disability