

TOWN OF CONCORD
SELECT BOARD AGENDA
(REVISED ON DECEMBER 3, 2021)
DECEMBER 6, 2021 at 6:30PM

MEETING LOCATION:
PUBLIC HEARING ROOM IN THE TOWN HOUSE AND VIA ZOOM

Join Zoom Meeting
<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlaz1CczdQM0EvWVVFZz09>
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"> • One Day Special Liquor License: Concord Museum, December 14, 2021, 4:30PM to 7:30PM, all alcoholic beverages • One Day Special Liquor License: Barrett Sotheby's International Realty, December 15, 2021, 5:30PM to 8PM, wine and malt beverages only
3.		Town Manager's Report
4.		Chair's Remarks
5.		Transfer of Affordable Housing Funds to the Concord Municipal Affordable Housing Trust
6.		Vote on language to ballot question for proposed Concord Middle School for the February 3, 2022 special town election
7.		Clarification of Personnel Study Task Force Charge
8.	7:00pm	Joint Meeting with Concord Public School Committee to discuss Capital Plan
9.	7:30pm	Discuss and rank CPC Funding Requests
10.	8:00pm	Discuss and vote on Joint Statement; vote to approve Town Manager Separation Agreement
11.		Discuss Town Manager Transition
12.	8:30pm	Committee Appointments: Erika Prah, of 1400 Lowell Road, to the Diversity, Equity and Inclusion Commission for a term ending April 30, 2022 (in place of Molly Wierman, who declined appointment).
13.		Committee Liaison Reports
14.		Miscellaneous Correspondence
15.		Public Comment
16.	8:50PM	Adjourn to Executive Session, not to return to open session, to discuss strategy with respect to litigation regarding Estabrook Road, as the chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

Note: All times are approximate and subject to change.

Current Board and Committee Vacancies
Bicycle Subcommittee of Transportation Advisory Committee
Concord 2025 Executive Committee
Concord Municipal Affordable Housing Trust
Council on Aging
Natural Resources Commission
Public Ceremonies and Celebrations Committee
Tax Fairness Committee



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: December 6, 2021

Re: Town Manager Report

IT Community Compact Grant

The Town received notification that the IT department has been awarded an \$89,000 Compact Community Information Technology Grant. The grant will enable the Town to install 129 wireless access points across 19 sites to form a unified, secure, fully managed wireless network to provide adequate coverage for both employees and the public. This will solve spotty or absent coverage to allow smoother business operations as well as expand many areas to the public all while improving network security.

Currently the Town of Concord maintains several models of access points from different vendors in various buildings. Many buildings lack adequate coverage, and the existing coverage is focused on supporting business operations but not public access. This proposal would more than double the number of access points in town, including 14 exterior access points to support areas where the public gathers.

In addition to the 12 buildings that would have new outdoor access points, several buildings would have coverage significantly expanded, including both libraries, the Town House, and the Public Safety building. The average increase of available access points per building in town is 212%.

Finally, in this era of frequent cyber attacks, security is the top concern. Having modern, up-to-date, vendor-supported equipment is paramount to keeping our network safe. This equipment supports WPA3, which is the latest security standard, and has built-in layer 2-7 firewalls integrated with each access point along with dual sensors that scan for rogue devices around the clock.

Personnel Board Actions

The Personnel Board approved several items that were recommended by the Town to make adjustments to wages for certain employees, create incentives for some positions, and classify or reclassify several jobs. For wages, a 2% increase within the salary ranges for non-union employees (employees covered by collective bargaining agreements or at the max of the range

would not receive the increase). The increase is intended to regain the lost wages as a result of the reduced FY21 and FY22 Town Budgets and will be funded through existing funds in the salary reserve and may be eligible for ARPA reimbursement. The Board also approved increases so that all pay ranges comply with the Massachusetts minimum wage requirements effective 1/1/2022.

DPLM

Community Preservation Committee: The CPC held a public hearing on November 30 to receive public input on the twelve funding requests submitted and plans to have continued discussions on funding recommendations at the meetings in December and January before finalizing a warrant article for the 2022 Annual Town Meeting. Director Marcia Rasmussen provided an update on the Assabet Bluff land acquisition project that offered various open space/housing scenarios and an updated funding proposal.

Economic Vitality: The consultant's work associated with a 2020 DHCD Downtown Initiative grant was redirected to develop three surveys to identify visitor, customer/resident, and business owner/property owner issues around the three business centers – Concord Center, Thoreau Depot and West Concord. These surveys launched in late November. Information gathered by mid-December will help inform focus group discussions that will be conducted in January. The goal is to finalize this project by March 2022.

COVID Vaccines: The Health Division will be holding 2nd dose COVID vaccine clinics for Concord and Carlisle children ages 5-11 December 1 and December 13. We anticipate vaccinating 1400 children at these clinics. Clinics are being held in coordination with Concord Public Schools and the MDPH mobile vaccine unit, with much appreciated support from the Concord Police and Fire Departments.

Winter Visitor Center public hours are December weekends and December 27-31, 10:00AM. – 4:00PM. Private winter tours for December through March are also being booked. Chanukah Celebration and menorah lighting on December 1 at 53 Church Street was a success with well over 150 people attending. The Town partnered with Temple Kerem Shalom to share good music, story-telling and give-aways of dreidels, light-up necklaces, gelt, stickers, candles and latkes from Debra's Natural Gourmet.

DTM

Human Services: The town has mobilized an Interfaith Afghan Family Support Team to welcome Afghan refugees to Concord, as well as to neighboring communities. The team works alongside the International Institute of New England to lend support in various areas. Volunteers furnish apartments with donated furniture and housewares, stock refrigerators, cook and bake for the arriving families, offer ESL tutoring, provide childcare, assist families in applying for federal and state benefits available to them, even greet arriving families at the airport. The Afghan families are receiving a very warm welcome from the community.

Beede Center: The Recreation Commission met on Wednesday, December 1, and provided a vote of support to increase annual and reoccurring membership fees at Beede by \$2 effective 2/1/22 at the 12/1/21 meeting. At current enrollment numbers, Beed hopes to realize a revenue increase of nearly \$15,000 per. The Commission also approved an increase in Beede's 10-visit

punch pass, from \$150 to \$200 and the proposed changes and increases to the Center's personal training packages. We have been working hard to increase programs and develop new revenue streams for Beede; these new initiatives are a start to that.

The amazingly popular Community Holiday Stroll and tree lighting event will be held this Sunday, December 5 beginning at 4PM. In the coming weeks, the Division Managers plan to submit an application to the Community Chest for summer programming financial assistance.

Parks: The White Pond Beach project has begun and the contractor, Cataldo, Inc. has installed the required erosion control measures (pictures attached.) Natural Resources inspected the control this past Tuesday and issued a notice to proceed consistent with the NRC's order of conditions for the project. Tree removal has begun and will continue through early next week to ensure hillside stabilization over the winter months.



The Gerow Park project has been proceeding according to schedule and, until snow limits access to the site, will continue on. The new driveway/entrance to the property overlaps the Route 2B section of the Bruce Freeman Rail Trail is complete and has been paved. Additionally, all areas within the park which required paving for both access and emergency needs have also been paved. The bathroom building foundation and plumbing will be completed by weeks' end and footing for the future pavilion have also been poured and secured for the winter months.

Facilities: Despite the fact that there are still many building and capital project for the facilities team to work through, the team has also been working on building exterior clean up and leaf removal for the various Town buildings. Next week the team will begin to clear out many of the public park stormwater retention basins to ensure proper infiltration for the winter months. Park restrooms have been winterized and the team is preparing for imminent snow removal.

CPW

Compost Facility: The Highway & Grounds Division is currently operating the yard waste drop-off facility located on Walden Street. Yard waste, wood debris, brush and invasive species are accepted from residents of Concord on Wednesdays from 3PM to 6PM and Saturdays from 9AM to 3PM. Residents may also pick-up screened compost and wood chips during the posted hours. In November, the crews turned the leaf piles and screened loam, and a total of 3,047 vehicles dropped-off material at the landfill. We will be closing the compost site for the season on December 18th at 3:00PM. The site will re-open in the spring, weather dependent. The site will also operate in January for the seasonal Christmas tree/light disposal. Details for this seasonal disposal will be posted on the Town's website.

Safe Routes to School Grant (SRTS): Public Works Engineering staff collaborated with various School Department staff to identify and select a project for the SRTS grant. This grant funds projects that promotes students in grade kindergarten through eighth grade to take alternative modes of transportation to and from school (i.e. walking and biking) by improving pedestrian facilities surrounding schools. Following a coordination meeting with School Department and

Concord Police Department, the Engineering staff prepared conceptual designs at two potential locations to better understand project scope, cost and overall impact to students that currently or could walk and bike to school. An application for a grant to fund the construction of approximately 500 feet of sidewalk on Lexington Road and adding a crosswalk on Heywood Street to improve safety for Alcott Elementary School students was submitted by the December 1 deadline.

Concord Fire Department

Three new Firefighters began work this week and are currently in an in-training period. Elsa Heil, Timothy Lilley, and Samantha McChesney started on Monday, November 30th. CFD staff will spend the next four weeks providing instruction in an in-house training program before the new Firefighters are assigned to shifts. They are all scheduled for attendance at the Massachusetts Firefighting Academy in the spring. Their first week of training culminated with forcible entry and power saw training. The photos show them each operating cut-off saw cutting through a piece of rebar. The prop that they are using in the photo is at the Lexington Fire Department and we thank LFD for allowing us to use their facilities.

Left to right: FF McChesney, FF Heil, FF Lilley





Regional Housing Services Office

Serving Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, Wayland, and Weston

Office Address: 37 Knox Trail, Acton, MA 01720
Phone: (978) 287-1092

Website: WWW.RHSOhousing.org
Email: INFO@RHSOhousing.org

December 6, 2021

To: Stephen Crane

From: Liz Rust

RE: Concord Affordable Housing Trust funds transfer

Stephen,

I am writing with the current status of the Town appropriated housing funds for the purpose of transferring to the housing trust.

The table below itemizes the town meeting appropriation articles and the commitments made against those funds, some of which have been spent.

There are \$635,000 of uncommitted funds available now or \$1,205,000 of actual funds (assuming that all \$50,000 of the Gerow feasibility has been spent – to be confirmed).

SB or Town Vote	Purpose	Amount	Balance	Status
7/1/2019	2019 ATM, article 23	\$500,000	\$500,000	
7/1/2019	930 Main St - Assist in purchase (2 units)	-\$150,000	\$350,000	Complete
7/29/2019	Gerow - Design feasibility	-\$50,000	\$300,000	Partially spent
9/1/2020	2020 ATM, article 14	\$500,000	\$800,000	
2/22/2021	Emerson Annex - Preserve 1 unit	-\$95,000	\$705,000	Complete, Returned \$5000
7/1/2021	2021 ATM, article 17	\$500,000	\$1,205,000	
6/1/2021	100 Elm Brook Buydown - Create 1 SHI unit	-\$570,000	\$635,000	Open

Concord Municipal Affordable Housing Trust

The Concord Municipal Affordable Housing Trust (CMAHT) was established by the Town's [Affordable Housing Trust Bylaw](#) to provide for the preservation and creation of affordable housing in the Town of Concord for the benefit of low and moderate income households and for the funding of community housing, as defined in the Community Preservation Act, MGL c. 44B. The CMAHT Board of Trustees consists of *five* members appointed by the Select Board, including one member of the Select Board and the Town Manager.

The Concord Municipal Affordable Housing Trust complements the Town's existing affordable housing efforts, entities and programs, and can act quickly when affordable housing opportunities arise. The CMAHT's Board of Trustees is authorized to develop policy goals and statements, consistent with the Town's adopted housing goals, and subject to approval by the Select Board, to serve as guidelines for the Trust. Select Board approval is also needed for the Trust to borrow money; mortgage or pledge trust assets; purchase, accept, sell, lease, exchange, transfer, abandon, convey interest in real, personal, or mixed property; or to amend the Trust.

Background

In its message to April 2019 Annual Town Meeting voters, the [Affordable Housing Funding Committee](#)¹ reported that "Concord needs predictable, sustainable revenue sources so that funds are readily available when affordable home opportunities arise Without the necessary funds to act quickly, valuable opportunities could be missed." The Committee's entire package of recommended articles was approved by the 2019 Annual Town Meeting. Article 23 appropriated \$500,000 from Free Cash for affordable housing. Article 24 accepted MGL c.44, s.55C to authorize creation of a municipal affordable housing trust. Articles 25 & 26 authorized filing of home rule petitions to establish a building permit surcharge and a real estate transfer fee to be deposited into Concord's Affordable Housing Trust Fund. Later in 2019, the Select Board appointed an [Affordable Housing Trust Study Committee](#)² to draft a proposed [Affordable Housing Trust Bylaw](#), which was approved on September 13, 2020 by 2020 Annual Town Meeting Article 13, and on February 23, 2021 by the Massachusetts Attorney General. Both the September 13, 2020 and June 13, 2021 Annual Town Meetings made additional appropriations of \$500,000 from Free Cash for affordable housing-- a total of \$1.5-million from 2019 to 2021.

¹ The Affordable Housing Funding Committee, appointed by the Select Board pursuant to 2017 Annual Town Meeting Article 49, began its work in September 2017 and issued a final report in April 2019.

² The Affordable Housing Trust Study Committee appointed by the Select Board began its work in October 2019, presenting its final recommended bylaw in January 2020 and concluding its work in September 2020.



Town of Concord

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

ANNUAL TOWN MEETING

April 27, 2020; postponed until September 13, 2020 due to COVID-19

Affordable Housing Trust Bylaw

ARTICLE 13.

WARRANT ARTICLE

To determine whether the Town will vote to adopt the Town of Concord Municipal Affordable Housing Trust Bylaw as follows, or take any other action relative thereto.

Town of Concord
Municipal Affordable Housing Trust Bylaw

Pursuant to a vote on Article 24 of the 2019 Annual Town Meeting, the Town accepted the provisions of Massachusetts General Laws c. 44, § 55C and authorized the creation of a Municipal Affordable Housing Trust Fund to support the development of affordable housing in Concord.

SECTION 1. MUNICIPAL AFFORDABLE HOUSING TRUST

There shall be in the Town of Concord an Affordable Housing Trust created pursuant to the authority set forth in Massachusetts General Laws c. 44, § 55C.

SECTION 2. NAME of the TRUST

The Trust shall be called the "Concord Municipal Affordable Housing Trust" (the "Trust").

SECTION 3. PURPOSE

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Concord for the benefit of low and moderate income households and for the funding of community housing, as defined in Massachusetts General Laws c. 44B (the "Community Preservation Act").

SECTION 4. TRUSTEES

There shall be a Board of Trustees (the "Board"), which shall include no less than 5 and no more than 7 Trustees, including one member of the Select Board, each of whom, to the extent possible, shall have a background or interest in affordable housing, and in finance, law, real estate or real estate development.

All Trustees shall be appointed by majority vote of the Select Board.

Trustees shall serve for a term of two (2) years, except that one less than a majority of the initial Trustee appointments shall be for a term of one (1) year. Trustees may be reappointed for up to two (2) additional terms.

Nothing in this subsection shall prevent the Select Board from appointing the Town Manager as a Trustee.

Only persons who are residents of Concord shall be appointed as a Trustee. Any Trustee who ceases to be a resident of the Concord shall cease to be a Trustee hereunder and shall promptly provide a written notification of change in residence to the Board and to the Town Clerk. The Town Manager, if appointed as a Trustee, need not be a resident of Concord.

A Trustee may be removed by the Select Board for cause. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. Vacancies shall be filled by the Select Board for the remainder of the unexpired term.

If any Trustee is absent from five (5) consecutive, regularly-scheduled meetings of the Trust, except in the case of illness, such Trustee's position shall be deemed vacant and shall be filled with a new appointment as set forth above.

The Trustees shall elect officers annually consisting of a Chair, Vice Chair and Clerk. The Trustees may establish subcommittees or ad hoc related committees to carry out the purpose of the Trust.

A majority of Trustees then serving may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

No Trustee shall be liable for the acts, negligence, or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, not for errors in judgment, nor mistakes of law or facts made in good faith, nor in reliance in good faith on advice of counsel, nor any other acts or omissions in good faith.

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Concord.

SECTION 5. MEETINGS OF THE TRUST

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine.

The Trust is a governmental body for purposes of Massachusetts General Laws c. 30A, §§ 18-25 (the "Open Meeting Law"). Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, as may be amended from time to time, including provisions regarding remote participation.

The Clerk shall prepare minutes of meetings of the Trust and shall maintain records thereof.

A quorum at any meeting shall be a simple majority of the Trustees then serving.

SECTION 6. POWERS OF THE TRUSTEES

The powers of the Board, all of which shall be carried out in furtherance of the purposes set forth herein, shall include the following powers, except that the Board shall require prior

approval of the Select Board: to borrow money; to mortgage or pledge trust assets; or to purchase, accept, sell, lease, exchange, transfer, abandon, or convey any interest in real, personal, or mixed property.

1. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from Massachusetts General Laws c. 44B;
2. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
3. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
5. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
6. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
7. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. to participate in any reorganization, recapitalization, merger or similar transaction; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
10. to carry property for accounting purposes other than acquisition date values;
11. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral, but any mortgage or pledge of assets as collateral greater than the extent of the Trust's assets requires approval by a two-thirds vote of an Annual or Special Town Meeting;
12. to make distributions or divisions of principal in kind;
13. to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Trust, to continue to hold the same for such period of time as the Board may deem appropriate;

14. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
15. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
16. to extend the time for payment of any obligation to the Trust;
17. to make recommendations on proposals to Town Meeting when such proposals create or support affordable housing for low- and moderate-income households.
18. to develop policy goals and statements, consistent with the Town's adopted housing goals, and subject to approval by the Select Board, to serve as guidelines for the Trust; and
19. to exercise such additional powers consistent with the provisions of this bylaw and Massachusetts General Laws c. 44, § 55C, as may be amended from time to time.
20. to compensate Town employees for services provided to the Trust in connection with the Trust's activities, including but not limited to dedicated staff to Trustees, engineering support for project-specific activities, and other Town services, as requested by the Trustees to the Town Manager and authorized by the Town Manager;
21. to establish criteria and qualifications for recipients and expenditures in accordance with Trust's stated purposes;
22. to serve as a lottery and monitoring agent for affordable housing, and to accept compensation for providing such services into the Trust.

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any Town bylaw or regulation, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the trust, remain Trust property.

SECTION 7. TREASURER AS CUSTODIAN OF FUNDS

The Town of Concord Treasurer shall be the custodian of the Trust's funds and shall maintain separate accounts and records for the Trust's funds.

The Treasurer shall invest the funds in the manner authorized by Massachusetts General Laws c. 44, § 55 (Public Funds on Deposit; Limitations; Investments,) § 55A, (Liability of Depositor for Losses Due to Bankruptcy), and § 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Expenditures by the Trust shall be processed through the Town's payment warrant but shall be subject to the provisions of Massachusetts General Laws c. 44, § 55C. The Trust's approved annual budget, and any approved budget revisions, shall be submitted to the Select Board.

As custodian, the Treasurer shall issue checks as directed by the Trustees. In accordance with Massachusetts General Laws c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Upon receipt of the audit by the Board, a copy shall be provided forthwith to the Select Board.

The Trustees shall keep a record of its activities and at the close of every fiscal year, shall make a report thereof to the Select Board. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding.

SECTION 8. MISCELLANEOUS

The Trust is a public employer and the members of the Board are public employees for purposes of Massachusetts General Laws c. 258.

Trustees are designated as public agents for purposes of the constitution of the Commonwealth.

The Trust shall be considered a municipal agency and the Trustees shall be considered special municipal employees and shall be subject to the provisions of Massachusetts General Laws c. 268A. The Trustees shall serve without compensation.

The Trust is exempt from Massachusetts General Laws c. 59 and c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.

The Trust is a Board of the Town for purposes of procurement under Massachusetts General Laws c. 30B and c. 40 § 15A; but agreements and conveyances between the Trust and agencies, Boards, commissions, authorities, departments and public instrumentalities of the Town of Concord shall be exempt from Massachusetts General Laws c. 30B.

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Concord. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

SECTION 9. RECORDINGS: AMENDMENTS

The Trustees are hereby authorized to record a Declaration of Trust and a Certificate of Trustees for the Trust with the Middlesex South District Registry of Deeds and the Registered Land Division of the Land Court Registration Office. The Declaration of Trust may be amended from time to time except as to those provisions specifically required under Massachusetts General Laws c. 44, § 55C, by an instrument in writing signed by all of the Trustees then serving and approved at a meeting called for that purpose, and approved by the Select Board provided that in each case, a certificate of amendment shall be recorded with the Middlesex South District Registry of Deeds and, if necessary, the Registered Land Division of the Land Court.

SECTION 10. DURATION OF THE TRUST

The Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The Trust may be terminated by a majority vote of the Town Meeting in accordance with Massachusetts General Laws c. 44, § 55C, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and, if necessary, the Registered Land Division of the Land Court.

Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making

any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the Trust's assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

SECTION 11. RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees then serving as appears from instruments or certificates recorded with the Registry of Deeds and Registered Land Division of the Land Court to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Section 9 and an instrument of termination pursuant to Section 10 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees then serving. Any person dealing with the Trust property or the Trustees may rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a Trustee hereunder as to the identity of the then current serving Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

VOTE

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

That the Town take affirmative action on Article 13 as printed in the Warrant, except that the word "Board" is replaced with the word "Trustees" in the fifth paragraph of Section 7.

Passed by well more than a two-thirds vote under the Consent Calendar
September 13, 2020

A True Copy Attest:

Kaari Mai Tari
Town Clerk

Town of Concord, Massachusetts
Form of Ballot Question – Concord Middle School

Ballot Question

Shall the Town of Concord be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to construct a new middle school, to be located at 835 Old Marlboro Road, Concord, Massachusetts (the present site of the Sanborn Middle School), including, without limitation, the costs of engineering, design, site preparation, construction, landscaping, paving, furnishing and equipping, demolishing the existing school, construction of recreational fields, driveways and parking lots, and all other costs incidental or related thereto?

Town of Concord
Personnel Study Task Force
Charge

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. The task force shall provide recommendations to the Select Board in a timely manner in order to prepare Articles for the 2023 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 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 2023 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

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

D. Duties and Responsibilities

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.
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;
 - e. Effective for recruitment and retention of employees;
 - f. Provides non-unionized employees with a fair and just grievance process.
3. Review the current bylaw and other related documents and recommend changes to reflect #1 and #2 above.

E. Other Considerations

The task force will consider the authority and role of key stakeholders such as:

- a. Town Manager
- b. Personnel Board
- c. Select Board
- d. Town Meeting
- e. Human Resources Director/Department
- f. Senior Managers
- g. Citizens
- h. 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

Capital Planning Forum

December 6, 2021

Capital Planning in Concord

Before Capital Planning Task Force

- Capital Outlay: up to \$100k; funded through outlay of cash; referred to as “Capital Outlay”; part of Town Manager’s FY Plan
- Debt Plan: over \$100k but under **\$2M (single year)**; funded through issuance of debt, within levy; referred to as “Debt Plan”; part of Town Manager’s FY Plan
- Very large projects: **over \$2M (single year)**; stand-alone warrant article; generally funded through issuance of excluded debt; **no uniform process** to advance projects

Capital Planning Task Force Recommendation

- Tier One: up to \$100k; funded through outlay of cash; referred to as “Capital Outlay”; part of Town Manager’s FY Plan
- Tier Two: over \$100k but under **\$5M (single year or multi-year)**; funded through issuance of debt, within levy; referred to as “Debt Plan”; part of Town Manager’s FY Plan
- Tier Three: **Over \$5M (single year or multi-year)**; stand-alone warrant article; funded through issuance of excluded debt; **uniform process** to advance projects

New Tier 3 process

- Development of a 10-year plan including both Town & School projects
 - Annual process involving integrated decision making
 - Use of standard evaluation criteria
 - Debt template, summarizing proposed sequencing & estimated tax impact
 - Interactive Tax Impact Calculator on website
 - <https://www.calconic.com/calculator-widgets/school-cost/619d534499577200212f9598?layouts=true>
- Opportunity for citizen comment on plan
 - **September**: Joint Meeting, Select Board & School Committee; draft plan is presented; 45-day public comment period
 - **November**: FinCom Forum, revised plan presented; meeting focus on long-range tax impact, smoothing debt curve
 - **December**: Joint Meeting, Select Board & School Committee; final plan presented

Proposed Tier 3 Projects, Summary

- Priority One: Middle School Project- \$100M
- Priority Two: Public Safety Complex- \$20M
- Priority Three: CPW Salt Shed- \$5M (not currently within FY23-32)
- Priority Four: CPW Renovations- \$5M (not currently within FY23-32)
- Priority Five: Walden Street Complex Renovations- \$5M (not currently within FY23-32)

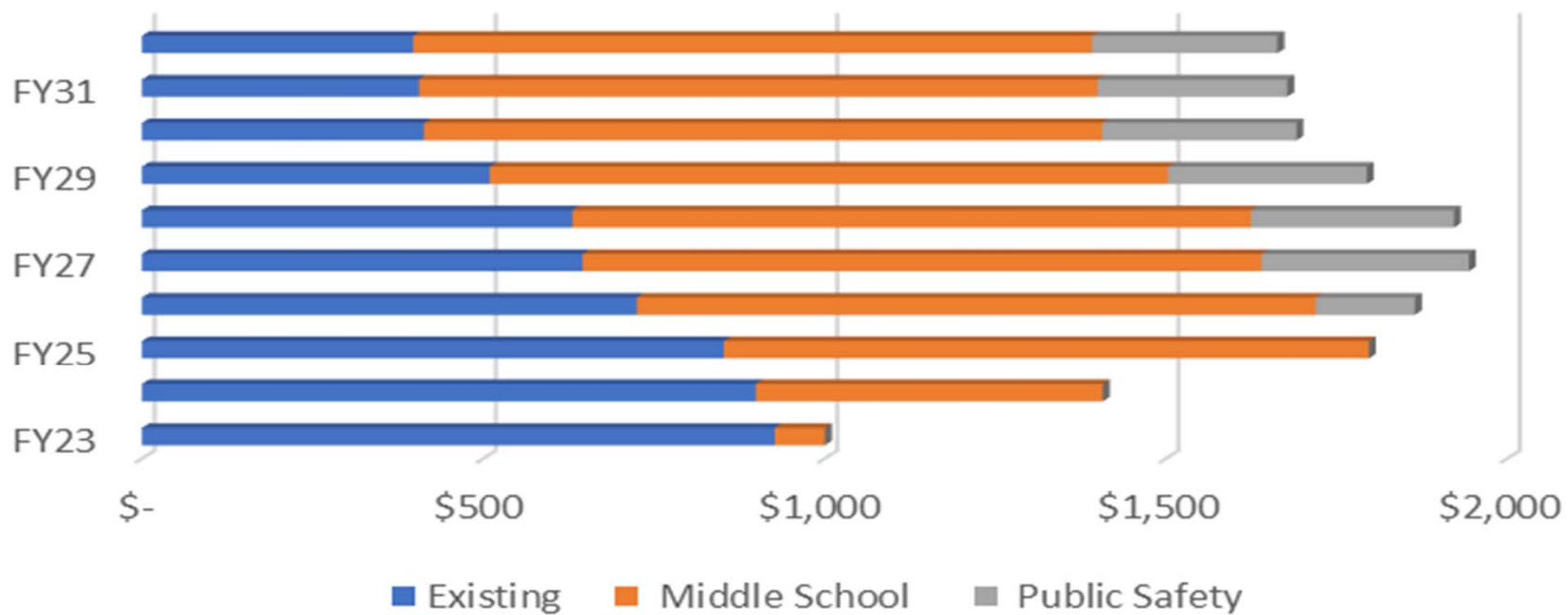
Template for Large Capital Projects																		
Project Name	Sequence #	Criteria Checked ?	Estimated TOT Cost	Approp. To Date	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	Future years	
All existing, exempt																		
			Town		\$ 480	\$ 462	\$ 425	\$ 407	\$ 388	\$ 283	\$ 211	\$ 203	\$ 89	\$ -	\$ -	\$ -	\$ -	
			CCRSD		\$ 471	\$ 461	\$ 445	\$ 435	\$ 407	\$ 385	\$ 378	\$ 371	\$ 364	\$ 356	\$ 349	\$ 340	\$ 1,810	
			Minuteman		\$ 50	\$ 54	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 569	
					\$ 1,002	\$ 977	\$ 927	\$ 899	\$ 852	\$ 725	\$ 645	\$ 630	\$ 509	\$ 413	\$ 406	\$ 397	\$ 2,379	
New																		
Middle School, 20 years; Level Debt	1	yes	\$100,000,000	1,500,000			\$ 73											
year 1 = \$8M @ 2.5%			assumes \$5M in				\$ 509											
year 2 = \$43.5M @ 3.5%			Stabilization Fund					\$ 945										
year 3 = \$43.5M @ 3.5%			usage							\$ 995	\$ 994	\$ 994	\$ 994	\$ 993	\$ 994	\$ 994	\$ 11,392	
year 4 = \$5M @ 3.5%																		
Public Safety Complex	2	no	\$25,000,000						\$ 145									
Year 1 = \$12M (@3.5%, 20 years, EP)										\$ 304	\$ 297	\$ 291	\$ 285	\$ 278	\$ 272	\$ 3,040		
Year 2 = \$13M (@3.75%, 20 years, EP)																		
CPW Salt Shed	3	no	\$5,000,000														\$ 835	
Year 1 = \$5M (bond, 10 years, R)																		
CPW Renovations	4	no	\$5,000,000														\$ 835	
Year 1 = \$5M (bond, 10 years, R)																		
Walden Street Public Safety Renovation	5	no	\$ 5,000,000														\$ 835	
Year 1 = \$5M (bond, 10 years, R)																		
					totals:	\$ 1,002	\$ 977	\$ 1,000	\$ 1,407	\$ 1,797	\$ 1,865	\$ 1,944	\$ 1,922	\$ 1,794	\$ 1,691	\$ 1,678	\$ 1,663	\$ 19,316

Proposed Tier 3 Projects, FY23 – 32

(no offsets)

Note: estimated impacts recalculated using FY22 Median Assessed Value; Previous versions of this report included only Town debt (exempt & non-exempt versus total estimated exempt debt, Both direct & indirect (CCRSD & Minuteman)

Estimated Impact at Median Value, Existing & Proposed



Template for Large Capital Projects

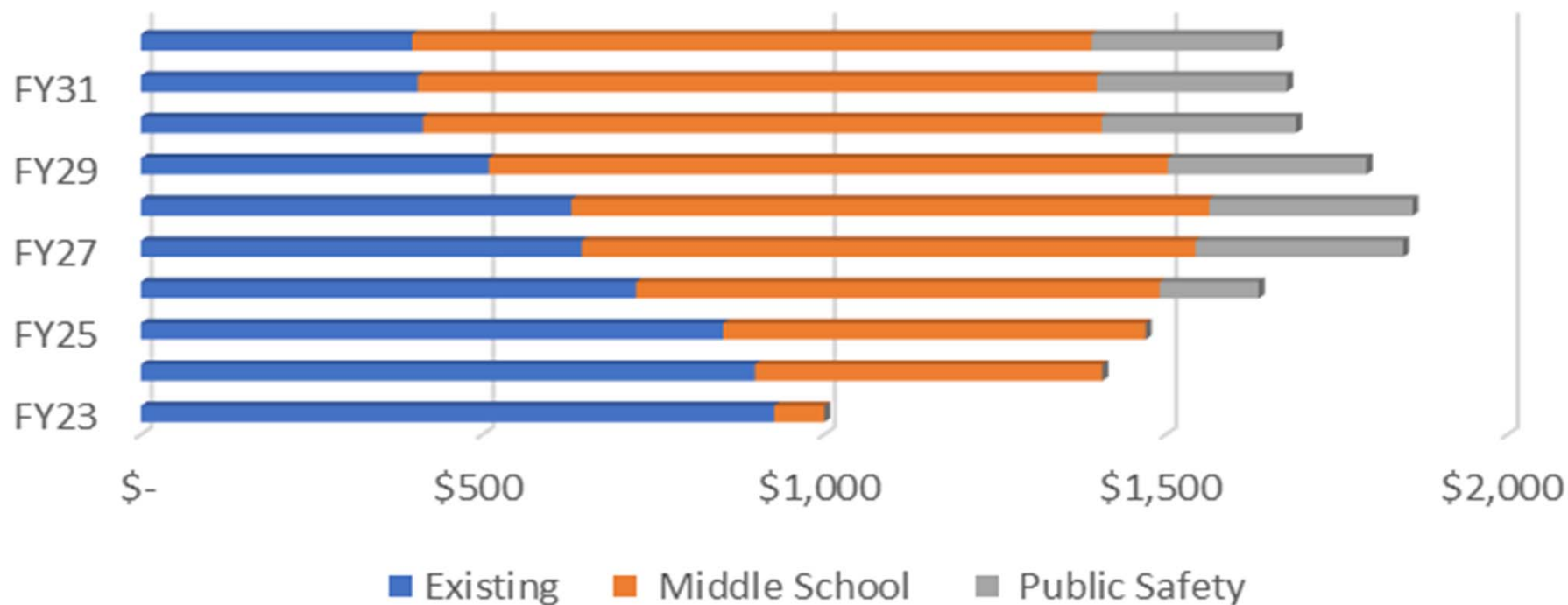
Project Name	Sequence #	Criteria Checked ?	Estimated TOT Cost	Approp. To Date	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	Future years
All existing, exempt																	
			Town		\$ 480	\$ 462	\$ 425	\$ 407	\$ 388	\$ 283	\$ 211	\$ 203	\$ 89	\$ -	\$ -	\$ -	\$ -
			CCRSD		\$ 471	\$ 461	\$ 445	\$ 435	\$ 407	\$ 385	\$ 378	\$ 371	\$ 364	\$ 356	\$ 349	\$ 340	\$ 1,810
			Minuteman		\$ 50	\$ 54	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 569
					\$ 1,002	\$ 977	\$ 927	\$ 899	\$ 852	\$ 725	\$ 645	\$ 630	\$ 509	\$ 413	\$ 406	\$ 397	\$ 2,379
New																	
Middle School, 20 years; Level Debt	1	yes	\$100,000,000	1,500,000			\$ 73										
year 1 = \$8M @ 2.5%			assumes \$5M in					\$ 509									
year 2 = \$43.5M @ 3.5%			Stabilization Fund						\$ 618								
year 3 = \$43.5M @ 3.5%			usage							\$ 766	\$ 898	\$ 933	\$ 994	\$ 993	\$ 994	\$ 994	\$ 11,392
year 4 = \$5M @ 3.5%																	
Public Safety Complex	2	no	\$25,000,000						\$ 145								
Year 1 = \$12M (@3.5%, 20 years, EP)										\$ 304	\$ 297	\$ 291	\$ 285	\$ 278	\$ 272	\$ 3,040	
Year 2 = \$13M (@3.75%, 20 years, EP)																	
CPW Salt Shed	3	no	\$5,000,000														\$ 835
Year 1 = \$5M (bond, 10 years, R)																	
CPW Renovations	4	no	\$5,000,000														\$ 835
Year 1 = \$5M (bond, 10 years, R)																	
Walden Street Public Safety Renovation	5	no	\$ 5,000,000														\$ 835
Year 1 = \$5M (bond, 10 years, R)																	
totals:					\$ 1,002	\$ 977	\$ 1,000	\$ 1,407	\$ 1,471	\$ 1,636	\$ 1,848	\$ 1,861	\$ 1,794	\$ 1,691	\$ 1,678	\$ 1,663	\$ 19,316

Proposed Tier 3 Projects, FY23 – 32

(includes use of Middle School Stabilization Fund)

Note: estimated impacts recalculated using FY22 Median Assessed Value;
 Previous versions of this report included only Town debt (exempt & non-exempt versus total estimated exempt debt,
 Both direct & indirect (CCRSD & Minuteman)

Estimated Impact at Median Value, Existing & Proposed (with Stabilization Fund usage)





Town of Concord
Finance Committee
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742-0535

To: Terri Ackerman, Chair, Concord Select Board
From: Christine Reynolds, Chair, Concord Finance Committee
Cc: Cynthia Rainey, Chair, Concord School Committee; Stephen Crane, Town Manager; Kerry Lafleur, Finance Director

Date: November 8, 2021

Re: Concord's FY '23 Long Term Capital Plan

The Finance Committee met on November 4th to review the Concord Long Term Capital Plan which includes a new Middle School, a new Public Safety complex and a new Salt shed. After reviewing the plan, the Committee focused its attention on reducing the property tax impact of the proposed \$100 million Middle School, the largest debt financing in the Town's history.

For the reasons described below, we recommend:

1. Increasing the Debt Stabilization Fund to \$5 million over the next three years;
2. Exploring alternative terms for Middle School financing; and
3. Assessing the availability of federal funds through recently enacted stimulus measures.

Impacts of New Debt Financing on Median Property Tax Bill

The Middle School debt service projection provided by the Finance Director assumed a twenty-year debt term, a level payment stream and a 4% interest rate; resulting in an incremental \$1024 to the median property tax bill in FY '26. Assuming a more favorable interest rate of 3% slightly reduces the cost to \$935. Either way, the Middle School debt service alone will increase property taxes 6-7% based on an estimated FY' 25 median property tax bill of \$15,000. For comparison, the average increase in the Town's median property tax bill ("MPTB") over the past 5 years has been 2-3% reflecting growth in both operating and debt service costs.

Looking at total projected debt service costs, the new Middle School and the \$5 million Salt shed would cause debt service to peak in FY '26 (\$1630 per MPTB), doubling FY '22 levels (\$810 per MPTB). Debt service remains elevated until FY '28; thereafter reductions in existing Elementary school debt partially offset the new Middle School debt service.

Delaying the Salt shed project as well as smoothing the Middle school debt service could reduce the projected MPBT by \$500-600 during FY '26, FY '27, and FY '28 (the "peak debt years").

Recommendations to Lower Property Taxes in Peak Years

The Finance Committee recommends the following steps:

- Add \$3 million to the existing \$2 million Debt Stabilization Fund over the next 3 years and apply the resulting \$5 million to reduce property taxes during peak debt years. \$5 million spread evenly over 3 years will reduce the impact to the MPTB by \$232. Options for increasing the Debt Stabilization Fund:
 1. Request the Board of Assessors to consider releasing a portion of the Town's Overlay surplus which now stands at approximately \$3 million.
 2. Request the Town Manager to redirect annual Overlay additions from the Operating budget to the Debt stabilization Fund in FY '23 '24 and '25. Recent Overlay additions have approximated \$500,000/year.
 3. Request Town Meeting to appropriate available Free Cash to the Debt Stabilization Fund in FY '23, '24 and '25.
 4. If funding is not available from items 1-3 above, consider funding Debt Stabilization by increasing Property Taxes between \$500,000 - \$1 million (within Proposition 2 ½ levy limits) in FY '23, '24 and '25.
- Work with the Town's financial adviser to develop a Middle School financing strategy that flattens debt service costs in peak debt years.
 1. Extend the Middle School debt term to 25 or 30 years, from the Town's historical 20-year debt term. Repayment over a 30-year term reduces MPBT by \$222. Repayment over a 25-year term reduces the amount by \$145.
 2. Given that the Elementary School debt is paid off in FY '30, consider adding a five-year call option. This might reduce peak debt service while avoiding the interest impact of permanently extending debt repayment to 25 or 30 years.
- With Town counsel, assess the eligibility of the Middle school project and other Town projects for funding under the American Rescue Plan Act of 2021 ("ARPA") to lower the component of property tax funding required during peak debt years.

The recommendations regarding debt stabilization and debt term, in tandem, are estimated to reduce peak year debt service by up to \$450 per MPTB and the delay of the Salt shed saves another \$100 MPTB, allowing a more typical rate of growth in property tax in FY 26 and beyond.

This list is not meant to discount the other cost saving and cost offset opportunities identified at the Select Board's September brainstorming session (e.g. realization of operational savings from a consolidated Middle School). Rather, the Finance Committee sought to prioritize actions

with the largest impact, that were also within Town control, for reducing the projected tax increases associated with the new Middle school.

We applaud the new integrated Capital planning process and appreciate the opportunity to provide our input. We hope the Select Board finds our recommendations helpful. Please let us know if you have questions. We look forward to working with you and the School Committee on these matters so important to the Town and the taxpayers.



Community Preservation Applications for Funding in FY23

1-21 Regional Housing Services Office, Town of Concord

The Town of Concord requests \$28,000 in funding for the Town's participation in the Regional Housing Services Office, an inter-municipal organization which provides professional housing staff for the administration of the affordable housing programs in Concord and six neighboring communities.

Requested Funding: \$28,000

Category: Community Housing

2-21 110 Walden Street Preservation Phase 4, Concord Home for the Aged

The Concord Home for the Aged is requesting \$150,000 in CPA funding for Phase 4 of the 110 Walden Street Preservation Project (the historic Timothy Wheeler House). Phase 4 includes the implementation of several of the projects recommended in the Historic Structures Report including, repairing the siding and painting the exterior of the house; basement foundation repairs; granite stair alignment and repointing; asbestos removal; and fascia and column repairs on the front of the house.

Requested Funding: \$150,000

Category: Historic Preservation

3-20 The Old Manse Exterior Preservation Project, The Trustees of Reservations

The Trustees of Reservations is requesting \$38,500 in CPA funding to support the painting of the entire structure (main block, summer kitchen, shop, Shay shed, and shutters) and related carpentry work that must be addressed prior to painting, including repairs to trim, doors, and window frames. The goals of this critical work are to help ensure the integrity of the building's exterior envelope, preventing the deterioration of the clapboards, trim, windows, shutters, and doors, and to improve the appearance while retaining the character of the Old Manse so that it may be enjoyed for decades to come.

Requested Funding: \$38,500

Category: Historic Preservation

4-21 Wright Tavern Structural Repairs, Wright Tavern Legacy Trust and Trustees of First Parish Donations

The Wright Tavern Legacy Trust and the Trustees of First Parish Donations request \$260,000 towards the Wright Tavern Structural Repairs project. The project includes reinforcing all rafters and floor joists in the Attic, adding a ridge beam, installing new lally columns and beams in the Basement, repointing Foundation bricking, insulating the building, installing a dehumidification system and a new fire suppression system, upgrading the alarm system, upgrading the water line, and repairing landscaping.

Requested Funding: \$260,000

Category: Historic Preservation

5-21 Concord Oral History Preservation & Access Project, Concord Free Public Library

The Concord Free public Library requests \$22,841.50 in CPA funding to digitize and transcribe a collection of almost 500 recordings of Concord Oral Histories; many of which are only available on audio cassettes.

Requested Funding: \$22,841.50 Category: Historic Preservation

6-21 Assabet River Bluff Preservation and Housing – Land Acquisition, Town of Concord

The Town of Concord is requesting \$1,000,000 towards the acquisition of a parcel of land for both open space and community housing purposes

Requested Funding: \$1,000,000 Category: Open Space and Community Housing

7-21 Junction Village Open Space, Town of Concord

The Town of Concord and the Junction Village Open Space Task Force request \$300,000 in CPA funding to create passive open space on 6.5 acres of land along the Assabet River as it stretches behind the MCI property and perpendicular to the Bruce Freeman Rail Trail. The project scope involves a multi-year process that will begin with general design and invasive plant removal, which will evolve to a developed parkland with interpretive signage, a pollinator meadow, gathering spaces, and public art.

Requested Funding: \$300,000 Category: Open Space, Historic Preservation and Recreation

8-21 Bruce Freeman Rail Trail, Town of Concord

The Town of Concord requests \$300,000 in CPA funding to provide additional fencing, plantings, benches, interpretive signage and other amenities to enrich and enhance the visitor experience along the Bruce Freeman Rail Trail.

Requested Funding: \$300,000 Category: Open Space and Recreation

9-21 Assabet River Pedestrian Bridge Construction Drawings and Permitting, Town of Concord

The Town of Concord requests \$300,000 in CPA funding to continue the development of complete architectural plans, full structural and construction drawings that meet the requirement of MassDOT, specification, estimates and final permitting needed for construction of the Assabet River Pedestrian Bridge.

Requested Funding: \$300,000 Category: Open Space and Recreation

10-21 Recreation Facilities Strategic Plan Consultant, Concord Recreation Department

The Concord Recreation Department requests \$75,000 in CPA funding to hire a qualified consulting firm to update the Town's Recreation Facilities Strategic Plan. The selected consultant will work with recreation staff, Recreation Commission members, Town Departments, and other community stakeholders to plan and execute a robust assessment of needs while engaging in a hands on, collaborative, inclusive, and holistic public participation process. The Plan that will be produced will provide the Town with a roadmap that prioritizes and guides annual capital project planning through a lens of strategic, purposeful, and prioritized needs and actions.

Requested Funding: \$75,000 Category: Recreation

11-21 Treatment and Prevention of Cyanobacteria Blooms in White Pond, White Pond Advisory Committee

The White Pond Advisory Committee requests \$36,000 in CPA funding to continue in-pond remediation in White Pond to mitigate cyanobacteria outbreaks using a pilot program that effectively mitigates toxic blooms apparent on the water's surface and sediment.

Requested Funding: \$36,000

Category: Open Space and Recreation

~~12-21 Restore White Pond Shore Drive Pedestrian Access, Dover Property Owners Association~~

~~The Dover Property Owners Association requests \$30,000 in CPA funding to assist in replacing a 76 foot section of deteriorating timber steps from 5C Shore Drive to White Pond, with a set of wooden steps and railings.~~

~~Requested Funding: \$30,000~~

~~Category: Recreation~~

Project has been withdrawn.

13-21 Staff and Technical Services, Town of Concord

The Town of Concord requests \$40,000 in funding to support the CPA in Concord by providing staff support from the Dept. of Planning and Land Management; legal, technical, and consulting assistance for the Town's CPA funded projects; supplies and associated administrative requirements including legal ads, copying, etc.; and funding to purchase CPA signage.

Requested Funding: \$40,000

Category: Administration

The total amount requested for CPA Funding is \$2,570,341.50

Community Preservation Committee Recommendations for Funding at ATM 2022

Item	Project/Description	Category	Amount Requested	Town Manager	Select Board
1-21	Town of Concord - Regional Housing Services Program	Community Housing	\$28,000		
2-21	Concord Home for the Aged - 110 Walden St. Preservation Phase 4	Historic Preservation	\$150,000		
3-20	Trustees of Reservations - Old Manse Exterior Preservation Project	Historic Preservation	\$38,500		
4-21	Wright Tavern Legacy Trust and Trustees of First Parish Donations - Wright Tavern Structural Repairs	Historic Preservation	\$260,000		
5-21	Concord Free Public Library - Concord Oral History Preservation & Access Project	Historic Preservation	\$22,841.50		
6-21	Town of Concord - Assabet River Bluff Preservation and Housing - Land Acquisition	Open Space and Community Housing	\$1,000,000		
7-21	Town of Concord - Junction Village Open Space	Open Space, Historic Preservation and Recreation	\$300,000		
8-21	Town of Concord - Bruce Freeman Rail Trail	Open Space/ Recreation	\$300,000		
9-21	Town of Concord - Assabet River Pedestrian Bridge Construction Drawings and Permitting	Open Space and Recreation	\$300,000		
10-21	Concord Recreation Department - Recreation Facilities Strategic Plan Consultant	Recreation	\$75,000		
11-21	White Pond Advisory Committee - Treatment and Prevention of Cyanobacteria Blooms in White Pond	Open Space/ Recreation	\$36,000		
13-21	Staff and Technical Services	Administration	\$40,000		
			\$2,550,342		

	Existing:	Leave
Prior Year Fund Balance:	\$237,142.00	
FY23 Estimated CPA Funds Revenue:	\$1,815,773.00	
Land Acquisition Reserve Account:	\$100,826.00	
Total Available Funds for Use at the 2022 Annual Town Meeting:	\$2,153,741.00	-\$396,600.50

Community Housing:	\$28,000.00	1%
Historic Preservation:	\$471,341.00	18%
Open Space, Recreation, Historic Preservation	\$300,000.00	12%
Recreation:	\$75,000.00	3%
Administration:	\$40,000.00	2%
Open Space and Community Housing	\$1,000,000.00	39%
Open Space and Recreation	\$636,000.00	25%

Christopher Carmody

From: Terri Ackerman
Sent: Friday, December 3, 2021 1:31 PM
To: Christopher Carmody
Subject: Fwd: Citizens Comments and concern

Misc correspondence

Please excuse my brief reply. This allows me to respond to many people.

From: Pat Nelson <pcknelson@gmail.com>
Sent: Wednesday, December 1, 2021 10:53:29 AM
To: Terri Ackerman <tackerman@concordma.gov>
Subject: Citizens Comments and concern

Dear Teri and the Concord Selectboard,

I am writing to express my concern and my hopes for moving forward following the news of the resignation of the Town Manager. I was aware from the Selectboard's evaluation of the Town Manager that there were some concerns. After watching the Selectboard meeting in which his review was aired I reached out to Matt Johnson to voice my support for Stephen Crane and share my experience as a citizen, Executive Director of a Concord Non-Profit, and Co-Chair of the MSBC. It was not clear to me during the review that there were significant enough concerns regarding his performance – however I realize I do not know the full picture – and I acknowledge it must have been a challenging review for the Board.

Despite my limited face to face contact with the Town Manager over most of his tenure due to COVID, I found the Town Manager to be easy to work with and to be doing a admirable job both as a member of the CMSBC and as a Town Manager who appreciated the values that will make a municipality successful – combining collaboration with the many non-municipal entities with clear priorities for the town. His knowledge and experience of town governance and best practice was invaluable. I am disappointed that the time we had, as a town, to grow with him in this very important role of Town manager has been cut short.

Selecting a new Town Manager is a long and challenging process. I confess I do not know the ins and outs of recruiting and hiring for this position, but I would like to be involved. Concord is a special place and becoming more so as we grow and welcome creative ideas for serving the community with housing, transportation, and responses to public health and climate change. I am well aware of the diverse needs and priorities of Concord's citizens. Excellent communication and a commitment to including a variety of voices and sectors, while balancing the town's fiscal priorities are skills and attributes I would like to see included in the search.

It saddens me to be writing this email after the relatively short lived tenure of this Town Manager – but I am also hopeful the Select Board will move forward productively to find a new Town Manager and think very carefully about managing the interim period.

Pat Nelson
52 Cottage Lane
Concord Massachusetts 01742
978-821-8438

Christopher Carmody

From: Terri Ackerman
Sent: Friday, December 3, 2021 1:37 PM
To: Christopher Carmody
Subject: Fwd: Town Manager's performance

Misc correspondence

Please excuse my brief reply. This allows me to respond to many people.

From: Janet Rothrock <jrothrock@hyraxes.com>
Sent: Friday, October 22, 2021 9:03 AM
To: Terri Ackerman <tackerman5@hotmail.com>; Susan Bates <sbates@concordma.gov>; Henry Dane <hdane@danelaw.com>; Linda Escobedo <lescobedo@concordma.gov>; Matthew Johnson <mjohnson@concordma.gov>
Subject: Town Manager's performance

Hello Select Board Members,

I am concerned that Stephen Crane is not a good fit for Concord. I have read his evaluations from last winter and this past August. A Town Manager should have more robust support than you have given. Whatever problems we see now during the "honeymoon" phase will only get worse, I fear, when he can only be let go for cause.

I have had only one meeting with Mr Crane – I scheduled a 20 minute meeting in November after he arrived so that Barbara Nicolson and I could explain the water bottle bylaw and how we had facilitated the installation of a dozen water fountains in Concord. He seemed disinterested and cut the meeting short after 10 minutes.

Over the last year I have heard a great deal from many people who deal directly and often with him, and I see that my experience was not unique. My observation is that people who work closely with him tend to dislike him and people who have little to do with Town affairs think things are just fine. This is not going to go well in the future. If people find him uninterested and difficult to work with, how long until it is hard to find people to fill board and committee positions?

Mr Crane sounds great giving covid alerts on the phone, but several incidents have made me feel the Town is not running well.

Attention to detail - I was told that I was appointed by the Select Board to the Pollinator Health Advisory Committee in September but still have not received official notice.

Data Breach Letter was vague and alarmist - When my husband, Dave, a cybersecurity software engineer, and I received letters about a data breach we were very alarmed and called the police to see if it was a scam. We were told it was legitimate, so Dave called the phone number listed for more information and stayed on the line for most of an hour until the call was dropped. Meanwhile I called the Council on Aging figuring they would have lots of people calling and would have a ready answer. They knew nothing about the letter. Then I called Matt Johnson who told me the letter referred to the data breach nearly two years ago. I was dumbfounded because the tone of the letter was alarmist and there was no date for the data breach. We knew there had been a data breach in 2019 but we had not suffered any untoward repercussions, so it was not top of mind. Matt asked if it was the first official notice I had gotten about the October, 2019 breach and indeed it was. Why did the Town Manager not make an announcement sometime in the weeks after the breach simply to say it had occurred and it was being dealt with? Why was the letter so poorly written?

Regionalization of Police and Fire Services – This idea came up just about every year between 2008 and 2016 (when I took minutes for the Finance Committee) when Chris Whelan made his fall presentation to the Finance Committee, and he always rejected the idea. Mr Crane made the decision to regionalize with little notice. The Annursnac Hill neighborhood where I live appears to have non-sequential house numbers if you drive around Annursnac Hill Road because there are many “flag” lots with frontage far from the driveways that serve those houses. (On a plot plan the houses look sequential.) This has caused an ambulance to have trouble finding a house on my access road and delivery vehicles and contractors frequently ask for directions in this vicinity. Many months ago, several neighbors talked with the Concord Fire Department about safety issues and were assured that the Concord dispatcher would stay on the line until the police or fire vehicle arrived at the correct house. Now that Acton will dispatch at least part of the time will they be able to direct emergency vehicles to the right house? We had no notice that I was aware of to express our concerns about regionalization.

IT services - The concordma.gov site is inconsistent and hard to find information on. During a zoom meeting with the League of Women Voters of Concord Carlisle Mr. Crane said he prefers to google information because he finds it hard to use as well. I think it is Mr Crane’s job to see that the site is useful.

Staffing – There has been a lot of staffing disruption. After the October 2019 data breach Mr Crane fired four staff leaving Concord without an IT director for many months and leaving two openings in Concord Public Works. CPW shuffled staff, but one of the hires has left and CPW is still not working at full capacity. Several staff members in other departments have left recently – Kate Hanley and Kerry Cronin among them. I don’t know why there have been so many staffing changes, but I wonder if the Town Manager is a factor for some. The departure of so many staff with no explanation is concerning.

Concord is an attractive town and it wouldn’t be as difficult to find a new Town Manager as it would be to live indefinitely with one who is not up to the job.

In my experience Stephen Crane does not inspire confidence, does not attend to detail, is not collaborative and seems disinterested in Concord affairs.

Thanks for your time and consideration.

Janet Rothrock

618 Annursnac Hill Road

Concord

Christopher Carmody

From: Terri Ackerman
Sent: Thursday, November 25, 2021 1:07 PM
To: Christopher Carmody
Subject: Fwd: Assabet Bluff conservation and affordable housing

Misc correspondence for next agenda

Please excuse my brief reply. This allows me to respond to many people.

From: Dorrie Kehoe <dorriekhoe@comcast.net>
Sent: Thursday, November 25, 2021 11:30:20 AM
To: Heather Gill <hgill@concordma.gov>
Cc: Marcia Rasmussen <mrasmussen@concordma.gov>; leesmith125@gmail.com <leesmith125@gmail.com>; ccollins@svtweb.org <ccollins@svtweb.org>; Delia Kaye <dkaye@concordma.gov>; 'Diane Proctor' <dpdproctor@gmail.com>; Terri Ackerman <tackerman@concordma.gov>; Dorrie Kehoe <dorriekhoe@comcast.net>
Subject: Assabet Bluff conservation and affordable housing

Good morning to you all,

I support purchase of the Assabet River Bluff property for Open Space and Affordable Housing. That is, I support this project as far as the details are known. And therein lies the major difficulty.

To date—and that means in time for any **meaningful** public discussion and understanding—there is little or nothing known about how and where the land would be apportioned between these two worthy purposes. No Concept plan has been produced for PUBLIC study. This is unlike any CPC application which I recall having been submitted in the past. So that the CPC can take the first step and endorse this project, more information must be obtained in time for serious study and conversation. And there is simply not enough time for this to occur before the November 30 Public Hearing, or in time for the CPC to decide on its recommendation for Town Meeting.

So, I propose this compromise: to support the application as written with the following amendments:

Supported on the condition that the property be purchased on the condition that **any** access/egress to or from the property be on Old Marlboro Road. Reason: Upland Road is too narrow and curvy and dangerous to support the current paper access for both or either open space or housing.

Supported on the condition that no more than five (5) units of Affordable Housing be placed on the property, this number to include the two affordable units now on the property. Even if access is on/off Old Marlboro Road, that point of egress cannot safely support any more

than this number. With five properties, one can expect 10 cars and that is the maximum that can be absorbed into the two possible access points.

Before I close, may I note that I am hugely in favor of Affordable Housing, and, as Chair of the League Women Voters Housing Issues Committee for the past three years I have worked tirelessly toward that goal. But I believe in SAFE housing for all—affordable no less—, and crowding more than a small number of units in this space would be creating a situation that is unsafe for ALL.

Thank you all for your serious work on the important needs of Open Space and Affordable Housing—realizing that goals need to be matched to reality---and always looking ahead.

Dorrie Kehoe, 51 MacArthur Road, Concord, MA

PS Please share my comments with your fellow members of the Concord Select Board.

ESTABROOK LITIGATION COULD END SOON

By Eric Van Loon

October marked the fourth anniversary of the Estabrook Woods lawsuit between our Town and landowners. Many supporters of both sides wish the lawsuit would end.

Here's how it could be over soon.

The latest: The trial occurred five months ago. In June, Massachusetts Land Court Judge Howard Speicher heard six days of party presentations and witnesses.

Last month, all parties filed written summaries of what they believe the trial proved. Yesterday, the Judge heard the parties' "closing arguments."

Now the case is "under advisement." Although there's no deadline, a ruling could come by year's end – six months after trial, three months after final written submissions.

The cost: The Town has spent approximately \$1.3 million (at discounted municipal rates). Because the five private landowners have had separate lawyers, including large Boston law firms, the combined cost has likely approached \$3 million.

Why so expensive?

- early on, lawyers researched ancient land rights and Concord-specific facts.
- 12,000+ deeds, reports, and other documents were identified.
- experts (historians, surveyors, others) interpreted what they believed the documents showed.
- witnesses were cross-examined at length under oath.
- a retired Land Court Judge tried (unsuccessfully) to mediate a resolution without a trial.
- landowners near Carlisle exited the case – because their previous conservation easement already granted public access.
- landowner Harvard University negotiated a five-year settlement allowing public access subject to Town use limitations similar to private landowner signage – and exited the case.
- Concord landowners erected a new gate, then closed it due to Covid. After a hearing, the judge ordered the gate reopened until after trial -- and returned Harvard to the case.
- lawyers prepared witnesses for trial, presented six days of testimony, reviewed voluminous transcripts, summarized evidence, and made closing arguments.

All this has required thousands of hours of attorney work at significant cost.

A Proposal: Although parties have a right to appeal a judge's decision, they don't have to.

So: what if both sides committed now, in advance, to accept the court's decision, whichever way it goes, and forego their rights to appeal? Consider:

- Judge Speicher appears to be intelligent, open-minded, and thorough.

- He practiced law for 30 years in a respected Boston firm, specializing in land use, real estate, permitting, and zoning.
- He's been a Massachusetts Land Court Justice for seven years.
- All parties have completed exhaustive document searches and evaluation.
- All witnesses have been cross examined and testified.
- All had their day in court in a six-day trial.
- The evidence has been summarized and final arguments concluded.
- Factual findings from a fact-intensive trial are rarely overturned by appeals courts.

In August, a Lincoln resident, writing as "an observer from the sidelines" and "not in criticism or defense of anyone," praised the Robbs and Rasmussens, who "chose to preserve large swaths of land." She also wrote that "the appeals process, ad infinitum" will produce "no winners, only collective loss." Many say "Amen."

If both sides commit now to accept Judge Speicher's decision and forego appeal, this painful chapter in town history could finally end. If one side commits to accept the ruling but the other refuses, it would clarify who is responsible for litigation continuing after 2021.

The past is past and cannot be altered. But action now can affect the future.

Perhaps citizens concerned about fiscal proportionality and the law suit's divisiveness might urge both sides to accept the trial judge's decision and end the litigation without appeals. This could be one important step toward reducing animosity, applying resources to better uses, and restoring concord in Concord.

Eric Van Loon, a lawyer and mediator, served six terms as Concord Town Moderator.620