

CONCORD PERSONNEL BOARD MATERIALS FOR 2024 ANNUAL TOWN MEETING

Article 4: Ratify Personnel Board Classification Actions

Purpose of the Article:

To determine whether the Town will vote to ratify the Personnel Board's actions, taken throughout the year, to amend the classifications of specified roles, job titles or salary ranges.

Background:

Throughout the year, the Personnel Board works with the Town HR Director and the Town Manager to:

- Add or delete a job title
- Assign a title to a salary range
- Reassigns a title from one salary range to another

Intent:

Since the 2023 Annual Town Meeting, the Personnel Board, working with the HR Director and the Town Manager, have worked to assign titles and salary ranges as needed, based on the Town's standardized system for grouping positions.

Please note that the existence or revision of a title or salary range on the Plan does **not** approve funding; funding is subject to limitations of approved General Fund & Enterprise Fund budgets.

Impact:

The Personnel Board, working with the HR Director and the Town Manager, works to maintain appropriate job titles and salary ranges in order to attract and retain competent employees and comply with pay equity laws.

Recommendation:

That the Town take affirmative action on Article 4 to ratify the Personnel Board's actions to amend the classification of specified roles, job titles or salary ranges.

CONCORD PERSONNEL BOARD
MATERIALS FOR 2024 ANNUAL TOWN MEETING

Article 5: Ratify Personnel Board Classification and Compensation Plan

Purpose of the Article:

Upon ratification of Article 4, this Article amends, in accordance with the Personnel Bylaw, the Classification and Compensation Plan for non-union, regular-status, Town positions.

Background:

Approval of this Article incorporates those changes approved by the Personnel Board throughout the year and included in Article 4 into the existing Classification and Compensation Plan for non-union, regular-status Town positions.

Intent:

Since the 2023 Annual Town Meeting, the Personnel Board, working with the HR Director and the Town Manager, have worked to assign titles and salary ranges as needed, based on the Town's standardized system for grouping positions. All adjustments approved by the Personnel Board are incorporated into the proposed Compensation and Classification Plan.

Please note that the existence or revision of a title or salary range on the Plan does **not** approve funding; funding is subject to limitations of approved General Fund & Enterprise Fund budgets.

Impact:

The Personnel Board, working with the HR Director and the Town Manager, works to maintain appropriate job titles and salary ranges in order to attract and retain competent employees and comply with pay equity laws.

Recommendation:

That the Town take affirmative action on Article 5 as printed in the Warrant and as further amended by adopting all classification actions ratified via Article 4.

CONCORD PERSONNEL BOARD

MATERIALS FOR 2024 ANNUAL TOWN MEETING

Article 6: Personnel Bylaw Amendments

Purpose of the Article:

To determine whether the Town will vote to ratify the updated Personnel Bylaw.

Background:

The revised Bylaw (attached) has been revised in accordance with the recommendations of the Personnel Study Task Force and has been reviewed (although not voted on) by the Select Board.

While the Personnel Bylaw has been periodically updated over the years, The Personnel Study Task Force recommended that the Bylaw needed a more comprehensive review (see PSTF Final Report, 9/26/22, page 3).

Intent:

There are several sections from the current/standing Personnel Bylaw (most recently updated at Town Meeting 2022) that we recommend should not be addressed in the Bylaw but shifted to the Personnel Policies & Procedures (PPPs). It is to be noted that any subsequent detailed changes to these policies would not require Town Meeting approval to implement them.

These changes are meant to allow the Town Manager, HR Director and the Personnel Board to have more flexibility to manage non-wage provisions in a timely manner and to respond to changes in State or Federal requirements and/or local circumstances.

Impact:

The updated Bylaw would shift the responsibility of the following non-wage provisions to the Personnel Policies and Procedures (PPPs), to be the responsibility of the Town Manager, the HR Director (or equivalent) and with recommendations from the Personnel Board (including but not limited to): in-training status, hours of work, pay policies, sick leave, holiday pay/leave, vacation leave, bereavement leave, personal leave, military leave, jury duty, unpaid absences, interruption of employment, leave for temporary & limited-status employees.

Recommendation:

The Personnel Board recommends that the revised Personnel Bylaw be ratified.



TOWN OF CONCORD
Human Resources Department
55 CHURCH STREET
P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

TEL: 978-318-3025
FAX: 978-318-3393
hr@concordma.gov

Date: February 5, 2024

To: All Non-Union Employees

From: Jessica Porter, Assistant Town Manager/Interim HR Director

Re: Proposed Personnel Bylaw

Section 3 of the Personnel Bylaw states that “Employees shall be provided an opportunity to review and comment on any proposed personnel policy that could have a significant impact on the conditions of their employment”. This communication is being provided to all non-union employees in fulfillment of this requirement and as notification of proposed amendments to the Personnel Bylaw, which are being submitted by the Personnel Board for inclusion on the 2024 Annual Town Meeting Warrant for discussion and vote at Annual Town Meeting on April 29, 2024.

We encourage you to review the proposed draft Bylaw and if interested, accept the invitation to attend the upcoming **Personnel Board Meeting on February 21st at 5:15 p.m.**, at which time, you will be able to hear from the Personnel Board about their proposal, provide input and ask questions. Attendance may be in person in the Select Board Meeting Room or virtually via Zoom

<https://us02web.zoom.us/j/88058794530?pwd=TzRzOW1oaGNhVVdDZ3RXUm9iSWxMdz09>

This significant undertaking was completed by the Personnel Board, whose review incorporated input from a variety of Town stakeholders, including: the Select Board, through its liaison, Mark Howell; the Town Manager; and most importantly, the September 2022 findings of the Personnel Study Task Force. The Task Force was convened by the Select Board to provide an impartial study of the Personnel Bylaw, the Charge of the Personnel Board and related documents and to then make recommendations for appropriate changes. Included in their review was a survey of employees which resulted in a participation rate of over 50%, as well as multiple employee focus groups.

The Task Force concluded that the Bylaw should be updated because current policies are confusing, and others are either missing or are inconsistent with the Bylaw. They encouraged the Personnel Board to meet on a regular basis and keep minutes of their meetings to ensure transparency. Beginning in 2023 and into January 2024, the Board met sixteen times, resulting in the draft Bylaw revisions now being proposed.

The goal was to:

- streamline the Bylaw;
- clarify the roles of those involved; and
- to develop a plan to create an organized and comprehensive policy manual that is communicated effectively to Town employees. This policy manual will be known as the Employee Handbook.

As indicated below, Sections 1, 2, 5 and 6 of the existing Bylaw are incorporated into the new Bylaw. The remaining sections of the existing Bylaw that reference non-wage provisions are to be incorporated as Town policies. Upon approval of the draft Bylaw, Sections 3, 4, and Sections 7 through 20 of the existing Bylaw will remain in effect, being incorporated as PPP #43 in their entirety, until such time as they can be incorporated into the Employee Handbook.

Section	Title	Moves To
1	Purpose and Application of Bylaw	Proposed Bylaw
2	Personnel Board	Proposed Bylaw
3	Personnel Policies and Procedures	PPP #43, then Employee Handbook
4	Employment Status	PPP #43, then Employee Handbook
5	Classification Plan	Proposed Bylaw
6	Compensation Plan	Proposed Bylaw
7	Salary Schedules for Temporary and Limited Status Positions	PPP #43, then Employee Handbook
8	In-Training Status	PPP #43, then Employee Handbook
9	Hours of Work	PPP #43, then Employee Handbook
10	Pay Policies	PPP #43, then Employee Handbook
11	Sick Leave	PPP #43, then Employee Handbook
12	Holidays	PPP #43, then Employee Handbook
13	Vacation Leave	PPP #43, then Employee Handbook
14	Bereavement Leave	PPP #43, then Employee Handbook
15	Personal Leave	PPP #43, then Employee Handbook
16	Military Leave	PPP #43, then Employee Handbook
17	Jury Duty	PPP #43, then Employee Handbook
18	Unpaid Leaves of Absence	PPP #43, then Employee Handbook
19	Interruption of Employment	PPP #43, then Employee Handbook
20	Leave for Temporary and Limited Status Employees	PPP #43, then Employee Handbook

Scope and Construction of Bylaw

All Town departments and positions shall be subject to the provisions of this Bylaw except elected officers, employees with personal contracts, employees covered by a collective bargaining agreement, and employees of the school department. All questions concerning the interpretation of this bylaw shall be resolved by the Personnel Board.

If any provision or application of this Bylaw is determined to be invalid under state or federal law, such decision shall not be construed to affect the validity of any other provision or application of this Bylaw.

Section 1: Establishment of the Personnel Board

There is hereby established a Personnel Board consisting of 5 members. Members of the Personnel Board shall be appointed by the Select Board for three (3) year terms. No member shall serve more than 9 years (three terms), whether consecutively or in separate terms. Members shall have professional or personal experience and/or expertise in personnel administration. One member shall preferably have professional or personal experience in finance, or a related field, to provide expertise on the financial impact of personnel-related proposals.

Members shall elect a Chair or Co-Chairs from among its members on an annual basis. A clerk is to be assigned on a rotating basis for each meeting, to take responsibility for the minutes of that meeting.

No member of the Personnel Board may be an employee of the Town or hold Town office, whether appointed or elected.

Members of the Personnel Board shall serve without compensation.

The Personnel Board shall meet regularly, as necessary, to consider such business as may be presented by Town officials, Town employees and others. The agenda, time and place of all meetings will be posted on the Town Website in accordance with the Massachusetts State Open Meeting Law.

At any meeting of the Personnel Board, action by a majority of those Board members present shall be binding. At least three (3) members of the Board shall be present to constitute a quorum.

Section 2: Duties and Responsibilities

The Personnel Board shall advise the Town Manager, or their designee(s), and shall make recommendations on establishing and maintaining an efficient system of personnel administration for Town employees.

The Personnel Board shall also provide advice and recommendations to the Town Manager, or their designee(s) for the following areas of personnel administration:

- a) The Personnel Board shall propose, review, approve and adopt any new personnel policies and procedures as well as changes to existing personnel

policies and procedures, in consultation with the Town Manager, or their designee(s).

- b) The Personnel Board shall provide advice and support for the development and adoption of an Employee Handbook. The Town Manager or their designee(s) shall be responsible for regular revisions to the Employee Handbook. Once adopted and implemented, the Personnel Board shall review the Employee Handbook providing advice and support regarding any changes.
- c) The Personnel Board shall review and approve the Classification Plan ("Plan") and present the Plan to Town Meeting. The Classification Plan lists all approved Town positions and a summary job description for each position covered by this Bylaw. The Plan includes, but is not limited to, the following:
 - i. Grades which are defined as groups of positions whose duties and responsibilities are sufficiently similar that they share the same or similar description, title, and qualifications, so that compensation can be applied equitably to all positions in the grade; and
 - ii. Compensation Plan, defined as a list of the minimum and maximum wage or salary rates for each job title in the Classification Plan.
- d) The Personnel Board shall have oversight of the Plan, subject to input as follows
 - i. The Town Manager and their designee(s) shall provide recommendations to the Personnel Board concerning revisions to the Plan.
 - ii. The Town Manager and their designee(s) shall recommend to the Personnel Board on a regular basis any factors, such as cost of living or comparable municipal wage rates, that may affect the Classification and Compensation Plan.
- e) The Personnel Board shall consult with the Town Manager regarding any revisions and/or updates to existing non-wage personnel provisions including, but not limited to, the following list (see below). The Personnel Board shall provide advice and recommend updates to the Town's Personnel Policies and Procedures pertaining to non-wage provisions, including but not limited to the following:
 - i. Employment status
 - ii. In-training status for new or promoted employees
 - iii. Hours of work, including standard hours, work weeks, overtime administration and non-contiguous work
 - iv. Sick Leave accrual, use and payout provisions (if applicable)
 - v. Holiday Leave and Holidays Worked
 - vi. Vacation Leave accrual, use and payout provisions
 - vii. Bereavement Leave
 - viii. Military Leave
 - ix. Jury Duty Leave
 - x. Unpaid Leaves of Absences, including the Family Medical Leave Act (FMLA), other Leave and Absences and Accrual during Leaves
 - xi. Interruption of Employment

- f) The Personnel Board shall prepare Articles for Town Meeting that pertain to this Bylaw. The Town Manager shall review and discuss proposed Articles with the Personnel Board before they are brought forward to the Select Board.
- g) The Personnel Board shall review job descriptions for new and existing jobs covered by this Bylaw and provide recommendations to the Town Manager for any changes or updates as necessary.
- h) The Personnel Board shall support the Town Manager, or their designee(s), in identifying human capital trends and internal HR programs and practices, and provide recommendations to ensure the Town's workforce is diverse, equitably treated, and inclusive of others.

The Personnel Board completed a comprehensive review of the Personnel Bylaw, incorporating input from a variety of Town stakeholders, including the September 2022 findings of the Personnel Study Task Force. The Task Force was convened by the Select Board to provide an impartial study of the Personnel Bylaw, the Charge of the Personnel Board and related documents and make recommendations for appropriate changes. Included in their review was a survey of employees which resulted in over 50% participation, as well as multiple employee focus groups. They concluded that the Bylaw should be updated and that current policies are confusing, some are missing and some are inconsistent with the Bylaw. They encouraged the Board to meet on a regular basis and keep minutes of their meetings to ensure transparency. During 2023 and including January 2024 the Board met sixteen times and this proposed draft is the result of those meetings. The goal was to streamline the Bylaw, clarify the roles of those involved and to develop a plan to create an organized and comprehensive policy manual that is communicated effectively to Town employees. This policy manual will be known as the Employee Handbook.

The existing Bylaw contains a number of topics that are better suited as policies. Upon approval of the draft Bylaw, Sections 3, 4, and Sections 7-20 of the existing Bylaw will remain in effect, being incorporated as PPP #43 in their entirety, until such time as they can be incorporated into the Employee Handbook.



DATE: February 26, 2024

MEMORANDUM

TO: Select Board

FROM: Alan H. Cathcart, Director of Public Works

SUBJECT: 2024 Annual Town Meeting – Article 18 - Select Board to Accept Easements

ARTICLE 18 - Select Board To Accept Easements - To see if the Town will vote that, until July 1, 2025, the Select Board be authorized to acquire on behalf of the Town easements for the following purposes: roads, sidewalks, vehicular, bicycle or pedestrian access or passage, water, drainage, sewer, fiber-optic cable, electricity and other utilities, where such easements are acquired at **no cost** to the Town; and are required pursuant to a land use permit, site plan review, agreement for utility or drainage, agreement for construction, use, operation and maintenance of infrastructure, or memorandum of understanding.

Executive Summary: This general article offered by Town Counsel and used by other towns allows the acceptance of easements by the Select Board throughout the year as they come up until the date specified in the article (in this case, July 1, 2025). This article also gives authorization for easement acceptance related to enterprise funds. A general article like this gives the flexibility to address land interests in project (public and private) development in a more timely fashion and reduces the need for temporary instruments. Passage will help with the execution of easements being contemplated for the installation of new traffic signal equipment being currently designed for the improvements at the Main St/Baker Ave intersection.

Examples of easements being granted to the Town that have been prepared but awaiting acceptance which cannot be completed until after the 2024 Town Meeting are:

- *Sidewalk easement at 194 Sudbury Rd. A deteriorated public sidewalk was reconstructed in early 2023 with a portion of it falling on private property to avoid the taking of a public shade tree.*
- *Sidewalk easement at 250 Old Bedford Rd. While reviewing the redevelopment plan for this site, it was discovered that a section of public sidewalk traverses on private property. The land use approval required the granting of an easement to the Town.*
- *Utility easement at 250 Old Bedford Rd. CMLP needs an easement for the installation and maintenance of the underground electrical distribution system that was added to the redeveloped site.*

CONCORD PUBLIC WORKS
DIRECTOR'S OFFICE
133 Keyes Road
Concord, MA 01742

Tel: (978) 318-3201
Fax: (978) 287-4762



DATE: February 26, 2024

MEMORANDUM

- *Water Main easement Sunnyside Lane. This recent subdivision required an extension of water main through private property which will necessitate the execution of an easement for inspection, maintenance, and replacement of related infrastructure.*

TOWN OF CONCORD DIVERSITY, EQUITY & INCLUSION COMMISSION



FOCUS



**CHAMBER OF
COMMERCE**



**PUBLIC
SAFETY**



**TOWN
GOVERNMENT**



**CONCORD PRIDE
2024**



**CLIMATE and
CULTURE**



2023-2024 ACTION PLAN



AUTHORIZE NEW MIDDLE SCHOOL NAMING – NAME THE NEW CONCORD MIDDLE SCHOOL ELLEN GARRISON MIDDLE SCHOOL ARTICLE 22.

To determine whether the Town will urge the Select Board and the School Committee as outlined in Town of Concord Administrative Policies and Procedures # 43: Naming of Town Property, to approve the naming of the publicly-owned property currently being built at 923 Old Marlboro Road as the **Ellen Garrison Middle School**, or take any other action relative thereto.

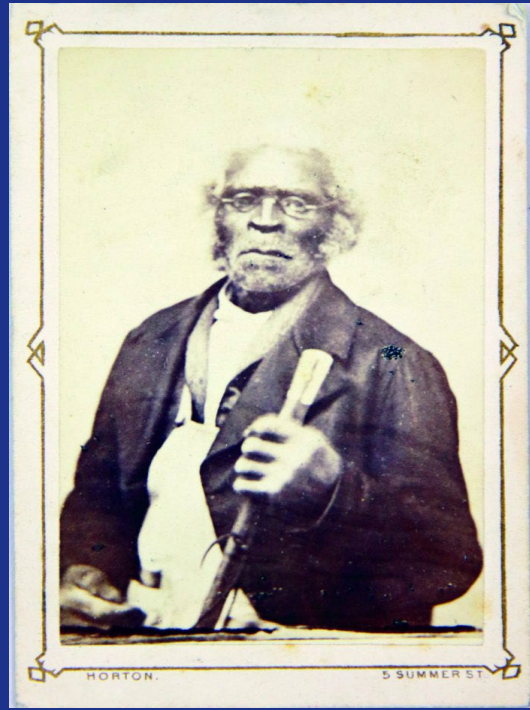
**AUTHORIZE NEW MIDDLE SCHOOL TO BE NAMED
ELLEN GARRISON MIDDLE SCHOOL ...**

Ellen Garrison was born in Concord, Massachusetts , daughter and grand daughter of enslaved men. Her Grandfather Cesar Robbins was a Patriot of Color who stood at the Old North Bridge.

Ellen attended and graduated Concord Public Schools and spent her life as an educator teaching the formerly enslaved . Almost a century before Rosa Parks, Ellen became one of the first African Americans in the United States to challenge the legitimacy of the Civil Rights Act of 1866. Ellen’s lawsuit was later cited as precedent in the Rosa Parks case

Ellen Garrison would be the first alumni of the Concord Public Schools and the first person of color to have a public building named after them in nearly 400 years in Concord

Ellen Garrison is an American Patriot who fought for the expansion of freedom and democracy. She represents the best of Concord and she will be an inspiration for students now and in all the years to come.



Article 26
 Town Meeting Study
 Committee
 2024 ANNUAL TOWN MEETING, CONCORD MA

1

Town Meeting: Part of a Tripartite System of Government

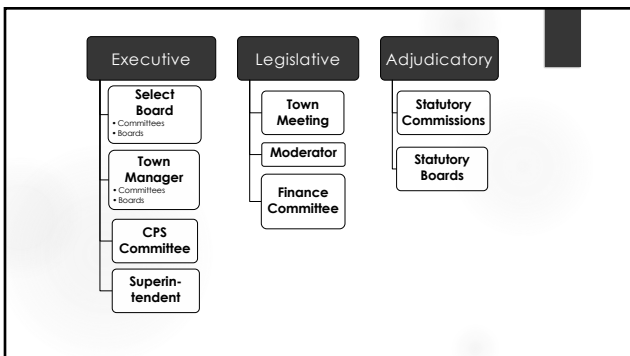
Executive: Enforces laws, oversees expenditures, acts as head of state

Legislative: Enacts laws, appropriates funds

Adjudicative: Resolves cases and controversies

- Checks and Balances
- Separation of Powers

2



3

Town Meeting, as a legislature, is a deliberative body

Deliberation:

"Discussion and consideration by a group of persons (such as a jury or legislature) of the reasons for and against a measure."

- Merriam-Webster Dictionary

4

"Deliberation" differs from "Election"

An Election is "the formal process of selecting a person for public office or of accepting or rejecting a political proposition by voting."

- Britannica

Elections at the polls are up or down. There may be opportunity to shape the ballot in advance (e.g., campaigning for a candidate or issue), but there is none at the polls.

5

Distinguishing Deliberation from Voting at the Polls: Analogy to the Jury

"[The] jury are a small group who manage to move beyond public opinion by thinking and learning instead of just reacting."

"[N]owhere applies justice by asking for the raw public opinion of thousands of citizens through a two-minute polling exercise."

- Enabling National Initiatives to Take Democracy Beyond Elections, a Project of the UN Democracy Fund and the newDemocracy Foundation 2019-2020

6

Local Legislature Options in Massachusetts
(all deliberative)

- **Open Town Meeting:** Every registered voter has the right to attend, speak, offer amendments, and vote; space must be made for all who wish to attend
- **Representative Town Meeting:** registered voters may attend, space permitting, but only elected representatives have the right to speak, offer amendments and vote
- **Town Council:** registered voters may attend, space permitting, but only council members have the right to speak, offer amendments and vote
- **City Council:** registered voters may attend, space permitting, but only council members have the right to speak, offer amendments and vote

7

No Form of Legislature is Perfect and
Times Do Change

"Nonparticipation by much of the
community is the starting point for
unrest and dissatisfaction."

Enabling National Initiatives to Take Democracy Beyond Elections, a Project
of the UN Democracy Fund and the newDemocracy Foundation 2019-2020

8

Evaluating Concord Town Meeting:
Some History

- Open town meeting since colonial times
- 1956 Town Charter provided for open town meeting
- 1996 Town Meeting Study Committee Report
- 2014 Town Governance Study Committee Report

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1996 Town Meeting Study Report:
Process Recommendations

- A. Continue and expand Consent Calendar ✓
- B. Pre-schedule high interest Warrant Articles ✓
- C. Pro and Con microphones ✓
- D. Publicize opportunity for extra time for article opponents ✓
- E. Appoint Town Meeting Resource Person ✓
- F. Town Boards and Committees should answer Meeting's questions ✓
- G. Start week-night sessions at 7:00 pm ✓
- H. No new business after 10:00 pm ✓
- I. Streamline secret ballot option ✓

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1996 Town Meeting Study Report:
Other Meeting Recommendations

- A. Hold two town meetings per year
 - Spring: Budget Articles
 - Fall: Bylaws and Other Articles
- B. Convene Town Meeting on a Sunday ✓
- C. Provide Childcare ✓
- D. Provide Transportation for Senior Citizens ✓

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1996 Town Meeting Study Report: General
Gov't Recommendations

- A. Encourage citizens to participate in Board and Committee processes
- B. Develop Communications Plan
 - Broadcast Select Board meetings on TV & Radio
 - Publish weekly community calendar ✓
 - Produce Town Meeting Procedures video ✓ and, annually, Warrant Articles preview video
 - Make public documents available on Internet ✓
 - Appoint Media Specialist ✓
- C. Review Town Meeting and Election Procedures periodically

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1996 Town Meeting Study Report:
Further Study Recommendations

- A. Limited referendum option
- B. Limited proxy voting

13

Additional Town Meeting Modifications
Made on a Trial Basis

- Electronic Voting ✓
- Email Submission of questions/comments from voters watching Town Meeting at home ✓
- FinCom Report via QR Code ✓

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Proposed Study Topics

- A. Scheduling
- B. Communication and education
- C. Format and location of pre-meeting public hearings
- D. Format and location of town meetings
- E. Management of warrant articles
- F. Voting methods and procedures, including electronic voting
- G. Accommodation of persons with disabilities
- H. Remote participation
- I. Options for referenda on town meeting votes
- J. Town meeting procedures employed by other communities
- K. Any additional areas the Committee determines to be relevant to its charge

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Proposed Committee Composition

Members

- 9 Members appointed by the Moderator
- Select Board ex officio non-voting member
- Moderator ex officio non-voting member

Collective Experience

- Knowledge of town government structure
- Familiarity with Massachusetts statutes regulating local government
- A history of attendance at town meeting
- Knowledge of communication, voting, and remote participation technology
- Familiarity with common social media platforms

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Proposed Committee Tasks & Timetable

Research

- Voter participation in town meeting and town elections since 2000
- Concord Town Meeting Study Report of 1996 and related data analysis
- Concord Town Governance Study Report of 2015
- Recent Studies of Open Town Meeting completed by Massachusetts towns similar to Concord
- Any additional background materials relevant to its charge

Public Outreach

- Public comment at each of the Committee's scheduled meetings
- Invite, review, compile correspondence from the public
- One or more public hearings
- One or more town-wide survey(s) on town meeting issues
- Press releases on Committee activities to The Concord Bridge
- Other means determined by the Committee

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Proposed Committee Tasks & Timetable (con't)

Preliminary Report

Including:

- Options identified to make town meeting more inclusive, effective, and responsive to the needs and desires of the town;
- Evaluation of the options identified for consistency with state law and compatibility with Concord's overall town government structure;
- Summary of requirements and estimated cost and for implementation and continued operation of the options identified;
- Recommendations.

Presented to Select Board by January 30, 2025

Final Report

Presented to 2025 Annual Town Meeting which includes:

TERM

Committee to be dissolved one month following 2025 Annual Town Meeting, or at such later time as the Moderator directs upon request from the Committee, but in no event later than the conclusion of 2026 Annual Town Meeting.

18

To: Concord Select Board
From: Dinos Gonatas
Date: February 9, 2024
Re: Warrant Article #27 on Town Meeting Voting Reform

Summary: Enabling voting on Town Meeting Warrant Articles in a special election following the meeting is a necessary reform given the decline of Town Meeting attendance to only 5% of the voting population. Furthermore, a special election is a far more efficient use of citizen time than meeting attendance, while enabling participation from those with children, job responsibilities, or unable to attend due to illness.

In April 2023 I received a call from my snowplow contractor begging me to attend Town Meeting to vote against the proposed gas-powered leaf blower ban. They are a small family business based in Concord, who also provide landscaping services. On the fence on that issue, besides suffering from Covid, I didn't attend the vote but that this person's livelihood has been impacted by a tiny percentage of citizens able and willing to attend Town Meeting (184 vote for, 133 against the leaf blowing ordinance, totaling 317 voters out of approximately 14,000 registered voters) suggests manifest injustice.

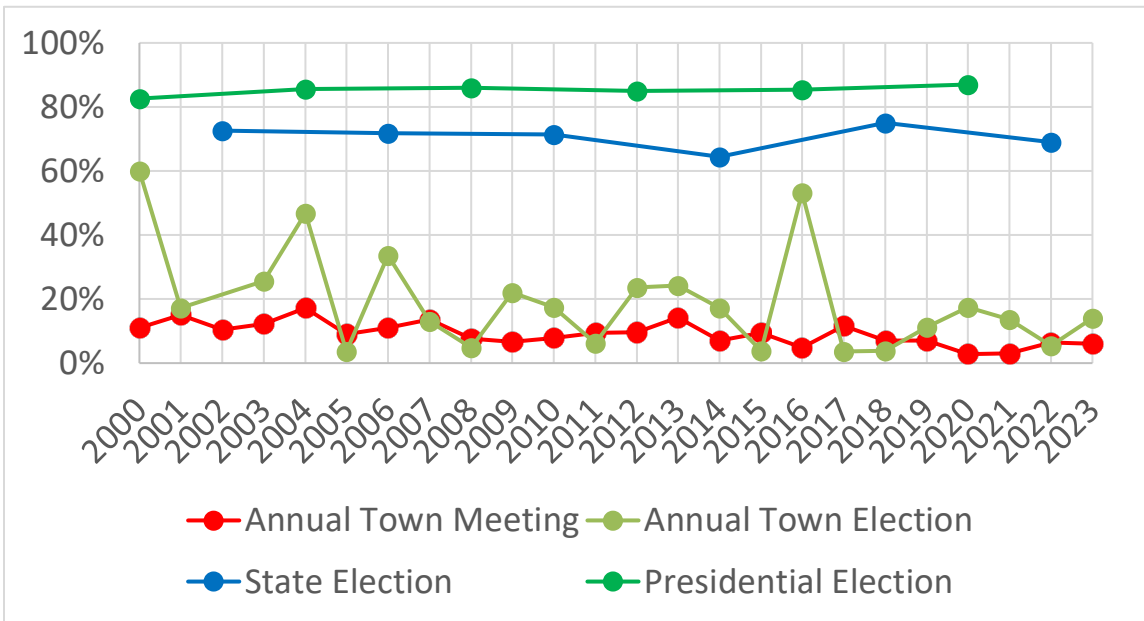
Town government is at risk of being commandeered by activists with the passion and energy to sit through hours of presentations – a high participation hurdle. Especially for those with young children, who work during Town Meeting hours or too sick to attend, lacking absentee or early voting that would be unconscionable in a primary or general election, requiring physical presence during Town Meeting and a large time commitment is fundamentally anti-democratic and antiquated.

Therefore I move that the Town change voting from in-person participation to voting the same way we do in all other elections- at polling places, with early and absentee voting. The Warrant Article states:

“Beginning in 2025 and thereafter, all warrant articles for Town Meeting shall be presented to all registered voters in a Town special election to be held within three weeks of Town Meeting. The special election shall bind the town, any vote to the contrary in Town Meeting notwithstanding.”

The burdens of Town Meeting participation have taken a large toll on the participation rate. The chart below shows the attendance rate has fallen to 6%, less than half of the town election turnout. The measured attendance rate overstates the average

voting rate on individual warrant articles however because most attendees leave after voting on the articles of most interest to them. Thus the leaf blower warrant article only achieved an effective turnout rate of 2.3%, about one third of the peak attendance rate.



Town Meeting Participation Rate

The hurdles to voting in Town Meeting exceed the worst voter suppression tactics such as limiting voting locations resulting in hour or two long voting lines. Even relatively modest measures such as limiting the number ballot drop-boxes or early voting days result in court challenges¹. But these bad faith voter suppression measures represent lesser hurdles than the rigors of Town Meeting attendance.

Some contend that Town Meeting attendance should not be compared to votes in elections because Meeting voters act as “legislators.” Comparing various metrics characterizing Federal & State legislatures to Town Meeting, Town Meeting participants have little in common with State Representatives and Congressmen.

¹ An expansive list of cases challenging voter suppression measures that require in-person voting, polling place hours extension, assisting voters waiting in long lines, absentee ballot signature challenges, early voting restrictions, ballot drop boxes is available here: <https://www.democracydocket.com>

	US Congress	State Legislatures	Town Meeting
Absenteeism Rate	2% ²	5-15% ³	95-98%
Partisanship	Yes	Yes	No
Committee Membership	Yes	Yes	Very limited
Compensation	\$174K	\$91.5K (in Massachusetts)	None

A small number of citizens participate in Town Committees as compared to university legislator membership in legislative committees, and of course town meeting participation is uncompensated. Every once in a while a citizen can offer an amendment to a proposed warrant article but these are not taken seriously, especially when they are amendments to proposals from a Town committee. The absentee rates for town “legislators” is dramatically higher – by a factor of over 40 compared to the Federal Congress.

It’s further argued that requiring in-person participation is critical for maintaining the “deliberative process” of Town Meeting. But the Concord Bridge affords opportunity for community debate. The Town could supplement this with on-line threaded discussions for the various warrant articles so citizens could exchange views⁴. This is a long-needed update to Town Meeting processes that seem more based on nostalgia for Norman Rockwell’s “Freedom of Speech.”⁵

Legal authority for moving voting on Warrant Articles to a special election is indicated by the [sparse] Massachusetts General Laws governing elections and town meeting: Chapter 39, §9A “*A town may provide by charter or by-law that the election of town officials and other matters to be determined by ballot shall take place in February, March, April, May or June before or after the annual meeting...* ” where the Warrant Articles may simply be classified as “other matters to be determined by ballot.”

Finally, enabling voting on Warrant Articles in a special election is a far more efficient use of citizen time compared to four hours per meeting session. It would enable

² Low absenteeism aided by proxy voting in House of Representatives, turnout averaged over ALL measured not the *highest* turnout measure
<https://riponsociety.org/article/the-absentee-congress/>

³ Wide range of absenteeism by state: “Why do Legislators Skip Votes? Position Taking vs Policy Influence” Adam Brown & Jay Goodliffe, *Political Behavior* (2017) 39: 425-455

⁴ The pandemic spurred the adoption of on-line threaded discussions for teaching, eg <https://www.anthology.com/products/teaching-and-learning/learning-effectiveness/anthology-ally>

⁵ [https://en.wikipedia.org/wiki/Freedom_of_Speech_\(painting\)](https://en.wikipedia.org/wiki/Freedom_of_Speech_(painting))

participation from those with young children unable to find daycare, from those with job responsibilities, and from those unable to attend due to illness – strengthening democratic decision-making for our Town.

Article 28: Remote Participation at Concord Annual and Special Town Meetings
Submitted by: Scott Gillis and Mark Martines

The petitioners move that the Town authorize the Select Board to petition the Massachusetts General Court to allow remote participation at Concord Annual and Special Town Meetings as outlined in the 2024 Annual Town Meeting Warrant.

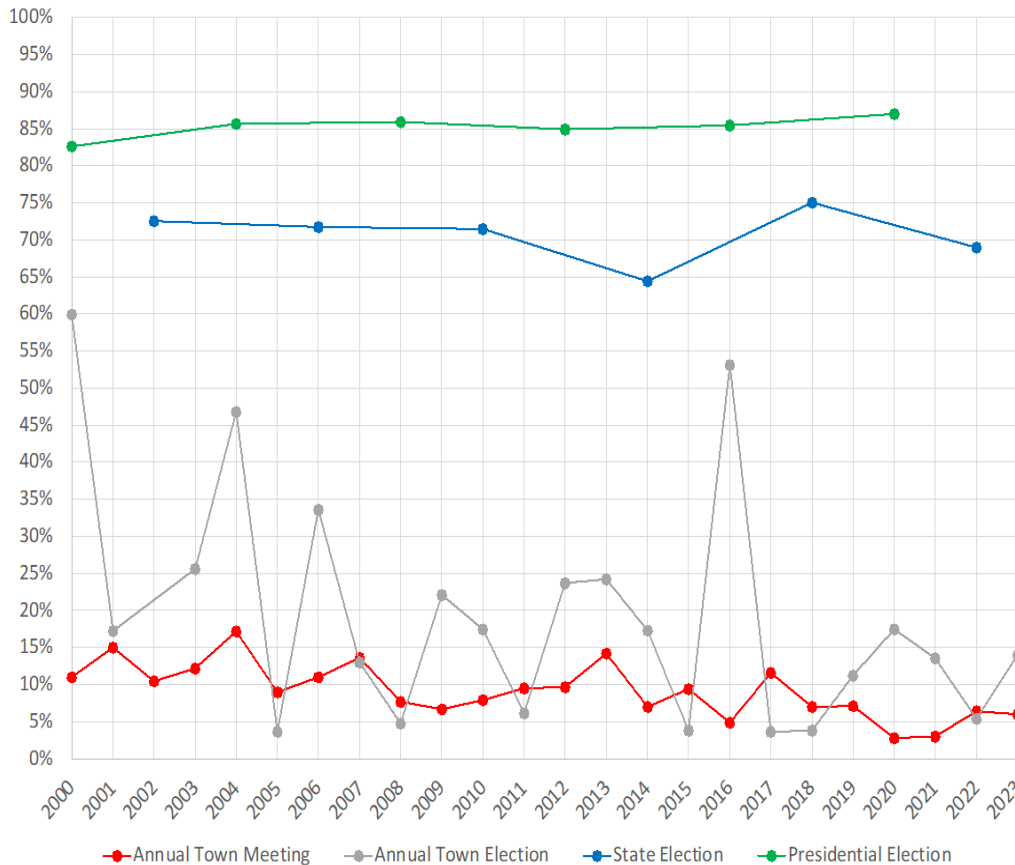
Remote participation is widely used in our modern world. It's used in Concord Public Schools, during Select Board Meetings, for telemedicine and even for remote robotic surgery. Remote voting would utilize well-established technology including existing and securely-encrypted "apps" or hyperlinks that can be conveniently employed on smart phones, and laptop, desktop and tablet computers.

Town Meeting is often described as the "Purest Form of Democracy" because every registered voter has the right to vote. However, for Concord Town Meetings every registered voter has the right to vote if and only if he/she is physically in the meeting room at the time of the vote.

Decades of data collected by Concord Town Clerks demonstrate that attendance at Concord Town Meetings has declined significantly over the last 20 years. Over the last 10 years, less than 8% (or less than 1,000) of the Town's registered voter have attended Annual Town Meeting – in other words, more than 92% (or more than 12,000 registered voters) on average have not participated in Annual Town Meeting. We believe remote participation and voting will increase participation at Town Meetings.

The data points on the line graph below compare Concord's participation in Annual Town Meeting with other elections. As you can see, Annual Town Meeting attendance is very low and substantially lower than Presidential and State elections.

Participation Rates by Concord Registered Voters
(Data points provided by Town Clerk, Kaari Mai Tari)



Concord registered voters participate at a higher rate during Presidential elections than the national and the Massachusetts averages. Further, Concord registered voters participate at a higher rate for Massachusetts state elections than the overall Massachusetts average. Clearly, registered Concord voters take their right to vote very seriously but for some reason this high level of civic participation does not occur at Concord Annual Town Meetings. We believe this is because Massachusetts law requires in-person participation at open town meetings. In comparison, at the same time, the use of mail-in ballots for all other elections is increasing significantly across our Nation.

We believe, as an unintended consequence, Massachusetts law requiring in-person attendance suppresses participation at open town meetings. In an effort to increase voter participation, many Massachusetts towns are exploring ways to address this issue. For example, Wayland’s petition for home-rule remote voting is currently before the Massachusetts legislature. Concord’s acknowledgement and further support for remote voting will add weight to this important and urgent need and initiative for more representative and inclusive voting rights.

The petitioners seek a bill titled “An Act Authorizing Remote Participation at Annual and

Special Town Meetings in the Town of Concord". Full draft language is printed in the Town Warrant.

In summary, this Bill contains four sections:

- 1) Remote voting shall be allowed,
- 2) Meetings shall be recorded for later viewing,
- 3) Results shall be binding as if meetings were entirely in-person,
- 4) The right to vote remotely shall take effect upon passage of the Bill by the State.

The primary benefit of remote voting is that it would allow "hybrid meetings" (in-person and remote participation) to preserve the opportunity for deliberation and would enable more of our neighbors to participate in Town Meetings.

Existing open meeting laws are in stark contrast to the many Federal and Massachusetts laws making voting convenient and available to all registered voters.

A "yes" vote on Article 28 does not endorse any remote voting system, technology or philosophy.

A "yes" vote does not require changing Annual Town Meeting. It simply gives Concord the option to improve it.

Voting "yes" on Article 28 does nothing more than authorize the Select Board to seek state legislative permission for remote participation during Concord Annual and Special Town Meetings.

If Article 28 passes, the petitioners anticipate the Town, including and a study committee can evaluate and identify the latest and most appropriate technology options for Concord with the goal of increasing participation at Concord Town Meetings.

The petitioners hope that our Select Board will support all efforts to increase participation at Annual Town Meetings including the use of remote participation.

We request that the Select Board unanimously support Article 28. We hope that Massachusetts state legislators will appreciate that open town meetings can utilize technology to attract and include voters who may otherwise be disenfranchised such as voters who are unable to attend open town meetings in-person including travelers, people with child care responsibilities, deployed military, the ill, shift workers and many others.

The petitioners thank our Select Board for supporting Article 28.

Memorandum

To: Concord Select Board

From: David Allen, David Karr – petitioners

Date: February 12, 2024

Re: Article 28 for 2024 Concord Annual Town Meeting – Select Board review

Please find here Frequently Asked Questions about Petition Article 28, “Remote Participation at Annual and Special Town Meetings.” These have been written to provide succinct, accessible coverage of the Article’s thrust.

As elaborated in the FAQ, the Article is in support, straightforwardly, of the Town Meeting Study Committee anticipated to be working next year. That said, the FAQ takes pains to show how Article 28 is compatible with the existing traditions and procedures of Concord Town Meeting, in the view of the two petitioners here.

The slide attached as a .pptx outlines what we will present at the hearing, for inclusion in the Select Board’s information packet. We will be prepared to speak with or without this slide at the Board’s discretion.

We look forward to your review February 26. If after reading the FAQ you have further questions in advance of the review, please do let us know, contacting David Allen at david@davidallen.org or 978 902 3000.

Thank you.

Remote participation for Concord's Town Meeting

Warrant Article 28 – Annual TM 2024

Frequently Asked Questions – FAQ

1. What is remote participation for Concord's Town Meeting?

With remote participation, registered voters in Concord, when Town Meeting is underway, could join deliberation of Warrant Articles from their homes, then vote from there. Its initial use at Town Meeting would be a pilot trial.

With Town Meeting already in two physical rooms, remote would be “the third room.”

Overall, Petition Article 28, which begins Concord's process toward remote participation, is in support of the Town Meeting Study Committee anticipated to be working next year. In particular, please see Q #8 below.

2. Why might Concord want to enable remote participation for Town Meeting?

Many Concordians cannot devote several hours in a day, or evening, potentially for several days in a row, to attend Town Meeting, our town legislature. These include families with children, those who may have to rise early for work, and older citizens.

Indeed, there is discussion in town whether participation has been low historically.

Remote participation could enable wider, possibly a good bit wider, engagement by the town's voters with this basic function of town governance. As democracy is not a spectator sport, citizens taking part in setting the town's rules, its 'legislation,' is basic to the health of our town.

To note: Making remote participation available simply *enables* engagement. Whether citizens then take up and carry forward that cudgel, once available, is in the hands of us and our neighbors.

3. Would Town Meeting change if remote participation is added?

Concord Town Meeting has what might be described as a long-established community culture. After sometimes robust debate in the deliberation of an Article, we stand holding our placards to be counted.

Disagreement, even sharp disagreement, may frame the vote. Resolving these differences via the vote is the very core of democracy. By doing so publicly, Concord's Town Meeting culture signals that this process for resolving differences has worked, that the assembled body returns to being, it confirms, a unified community – democracy as it is supposed to work.

A remote participation platform simply expands this experience to those in their homes. Except for the separation by distance, there is no change in our Town Meeting – when enabled as described next.

4. How would remote participation – which continues our Town Meeting culture – work?

This reflects effort over the course of now not quite a decade, invested from time to time to conceive the technical arrangements that would, in fact, extend ‘stand and be counted’ community culture to those participating remote.

4a. Deliberation of Warrant Articles?

With Town Meeting a legislative body, the deliberation of Articles – presentation and debate – is at its heart.

With remote participation, all, in the room as well as in their homes, would be connected by two-way video and audio; tests check that voters in the home are present. All can see and hear each other as needed (similar to the way past participants in the gymnasium and auditorium have been able to see and hear each other), and so are present together for deliberation.

When there is discussion, the Moderator can recognize both those physically present and those in their homes, if ‘approaching the microphone.’

4b. Voting?

Alongside the technical connections that allow all to be present with each other, a seasoned remote voting system, Voatz, registers the remote vote. Voatz has now been used successfully in 3 Federal election seasons and 6 State/County election seasons, overall 126 elections serving more than 2.3 million voters. Voatz can support a public vote, the default in Town Meeting, as well as a secret ballot when one is called.

4c. Can remote voting be trusted? Would my vote be secure?

The security of remote voting has been the subject of the most intense debate, now for some years. Voatz has been a leader in the effort. The Voatz system includes the option for paper printout of the remote vote, to enable audit.

Those who would like an in-depth look will want to review the Security & Technology section at voatz.com, particularly the Security Statement and Security Audits.

Then Concord’s TM community culture, ‘stand and be counted,’ expands – to include all, including those in their homes.

Specifically, how does a vote proceed in the gymnasium? Displays at the front of the room show the vote in the auditorium (as they have in the past) and now also the remote vote. That complements the in-room ‘stand and be counted’ experience. The auditorium likewise sees the gymnasium vote and the remote vote on their own room displays. And those remote? They see the video feed from both rooms, as well as each other’s votes.

5. How many remote participants can Town Meeting accommodate? Implications?

The ability of Town Meeting to accommodate remote participants is likely to be limited by the maximum practical size of a deliberative body, not by technology. With about 13,600 registered voters in Concord, it is not clear how many voters a Moderator can incorporate into a quality deliberation for legislative choices, either in a hybrid meeting or in a meeting held entirely at one location.

Is that as many as two or three thousand voters in a Town Meeting? Citizens who were among the 1,819 voters present at the June, 2007 Special Town Meeting may be able to judge for themselves. Experience will dictate when the time may come for other options, including Representative Town Meeting or, farther off, status as a city.

6. How would we pay for remote participation?

In the conception above, the technical apparatus is likely to be funded through contributions to an effort for the purpose, in support of our direct democracy. Annual costs to operate the service are of course not yet definite, but we can expect them to be in the range of a few thousand dollars annually, that is in a range that is typical for such electronic services. There will also be standard costs for Voatz' services.

7. What are the steps to authorize remote participation for Town Meeting in Concord?

Town Meeting would vote Warrant Article 28. That urges the Select Board to send a Home Rule petition to the Massachusetts legislature, to authorize remote participation for our Town Meeting.

7a. What is the law? What is the role of the Massachusetts legislature?

Massachusetts law does not presently authorize remote participation in Open Town Meeting. Citizens of Concord can legally participate and vote in Town Meeting remotely only if the Legislature passes the proposed Home Rule petition or similar legislation.

If a critical mass of Home Rule petitions pile up, so requesting, the legislature has increasing basis to act for the whole state. One interested town, Westford, has explicitly noted the need for the legislature so to act for the state as a whole.

7b. Are other towns in Massachusetts considering remote participation for Town Meeting?

Wayland has a Home Rule petition before the Massachusetts legislature, seeking to authorize remote participation for it. Thirteen other towns, including Concord, are said to be watching how Wayland proceeds, likely then considering their own town initiative.

8. We expect to have a study committee working on Town Meeting next year, including whether remote participation. Isn't this Article premature?

The Home Rule petition process on Beacon Hill typically takes multiple years. If we start this process only after the study committee makes its recommendation on remote participation, the process could be delayed that much longer. By approving this Article now, Concord gets a year head-start.

The proposed legislation does not *require* Concord to have remote participation at Town Meeting. Discretion whether or not actually to proceed with remote participation, once a Home Rule is granted, continues to remain entirely with Concord.

Further, by Concord's joining Wayland now in seeking Home Rule, the Legislature gets word of a potentially gathering critical mass for remote participation across the Commonwealth, thus encouraging the legislature to act for the state as a whole, as described above.

9. I see that two petitioners on Article 28 are also petitioners on Article 29. If I support Article 28, does that also suggest support for Article 29?

Article 28 and Article 29 are independent of each other.

Support for Article 28 is support for remote participation in some form. A form of remote that continues Concord's 'stand and be counted' Town Meeting culture has been described.

Opposition to Article 28 is opposition to remote participation in any form (and not opposition to, nor support for, Article 29).

10. If I want to support this effort, how may I do that?

This possibility for remote participation at Town Meeting does not so far have wide awareness in town. Discussing with friends and neighbors can be helpful to elevate fluency and understanding.

For printable copies of this FAQ, please go to https://bit.ly/Concord_TM_remote-FAQ_SB and download its pdf there.

Article 28 – Remote Participation at Annual and Special Town Meetings

Concord Select Board review, Feb 26

- ✓ A ‘third room’
- ✓ Do now, to support the study committee next year
- ✓ Going-on a decade of effort invested in technical design
 - to expand Concord’s ‘stand and be counted’ TM culture, to remote

Article 29: Use of Hand-Held Electronic Voting Devices at Town Meetings

The petitioners move that the Town utilize electronic voting devices, hereinafter referred to as “clickers”, to tabulate and record votes at Concord Special and Annual Town Meetings beginning in 2025 or thereafter as stated in Article 29 of the 2024 Annual Town Meeting Warrant.

1) Clickers Save Money and Respect Voters’ Time. The Town of Wayland, for example, reported that clickers saved an average of 3.36 hours per annual town meeting from 2012-2019. Clickers will shorten Concord Town Meetings, thereby reducing overtime costs of Town employees such as Police and Fire; reducing costs to keep CCHS open (including staff and other operational costs); and, importantly, respecting voters’ time.

2) Clickers Are More Accurate. More accurate voting results are important particularly when votes are critical to the Town’s future.

3) Clickers Are Secure and Widely-Used. The Town of Westford noted that more than 70 towns in Massachusetts with open town meetings use a form of clickers (see Exhibit A) and that feedback from the towns published by the Massachusetts Moderator’s Association and available on town websites is “uniformly positive”. Towns cite speed, accuracy and privacy as primary benefits. Importantly, the Town of Westford and other towns confirm there have been no complaints about security.

4) Clickers Are More Private and Encourage Voting. Voting at Town Meeting has become more contentious. Warrant articles can pit neighbors and friends against each other. Many times, voters are afraid to ask questions, make a point and/or show opposition. Hand-raising at Town Meetings is suppressing voting as well as attendance. In Williamstown, the Town Clerk noted

“there are people in the community that don’t feel comfortable raising their hand [to vote] one way or another” and that many voters “don’t vote at all.” The Town of Wayland concluded “Town Meeting is more relaxed, deliberate, and methodical; decisions made in this environment are better, to the benefit of every Wayland citizen.”

5) Clickers Will Be Cost-Effective. Some towns purchase the voting devices while others lease them. Making Concord Town Meetings shorter and more efficient will save measurable overhead costs as well as immeasurable costs including the value of the voters’ time, which collective savings will far exceed the cost to purchase or lease voting devices. For reference, preliminary estimates to lease voting devices range from \$5,000-\$15,000 per day of town meeting.

6) Clickers Are Easy To Use and Promote Voting. A common clicker, offered by the market leader, Meridia Interactive Solutions, offers voters three options: “yes”, “no” or “abstain”. The system does not show voters the number of votes for or against an article until voting ends. During the vote, there is no way to tell which way the voters are leaning and who is voting how. Clickers, among other benefits, foster voting and prevent a herd mentality.

7) Clickers Address a Major Concern Highlighted in Concord’s Last Town Meeting Study Committee (1996). The Report notes “Problem: Many citizens are reluctant to be seen to take an unpopular position at Town Meeting and are also reluctant to initiate the present procedure for secret ballot. Accordingly, they feel disenfranchised from the process.” The Report further notes that many voters “are uncomfortable [voting] in front of friends, family, neighbors and possible business colleagues and supervisors.” Clickers will continue to allow public debate and advocacy at Town Meeting, including a speaker’s choice to announce how he or she plans to vote.

The first step is to vote at our upcoming Annual Town Meeting this April to recommend the use of “clickers” at our Annual and Special Town Meetings. Thereafter, the Town, including through the Moderator’s Town Meeting Study Committee if approved at Town Meeting, can evaluate and guide a process to identify the best technology option for Concord to buy or lease.

Town Meeting’s approval of Article 29 will:

- lead to faster and more accurate voting;
- respect the time of voters;
- respect the desire of many voters to keep their vote private;
and
- increase voter attendance and participation.

The petitioners ask our Select Board to consider supporting and voting in favor of Article 29.

Exhibit A

Towns Having Adopted Electronic Voting

Acton	Manchester-by-the-Sea
Amherst	Natick
Arlington	New Marlborough
Avon	Northborough
Bellingham	Orange
Belmont	Orleans
Berlin	Plymouth
Billerica	Princeton
Blackstone	Raynham
Bolton	Rehoboth
Boylston	Rockport
Brimfield	Rutland
Carlisle	Seekonk
Charlton	Sherborn
Chelmsford	Shrewsbury
Concord	South Hadley
Conway	Sterling
Dedham	Stoughton
Dover	Stow
Duxbury	Sturbridge
Eastham	Uxbridge
Falmouth	Walpole
Grafton	Ware
Hamilton	Wareham
Hingham	Warren
Holden	Wayland
Hull	Webster
Ipswich	Wellesley
Lancaster	Wenham
Lanesborough	Westborough
Lee	Westford
Leicester	Weston
Lexington	Westwood
Longmeadow	Whitman
Lunenburg	Winchendon
Lynnfield	Winchester

Article 31 - Update Town Goals to Meet the Climate Challenge

Proposed by: Climate Action Committee

Brad Hubbard-Nelson (bradh@mindspring.com)

Feb 14, 2024

To determine whether Town Meeting will:

- a) Declare a Climate Emergency, in recognition that climate change threatens humanity and that we could do significantly more to mitigate the harms imposed by climate change.

- b) Update Concord's Energy Goals (2017 Article 51) to better align with the Commonwealth's greenhouse gas emission reduction goals. Therefore, Concord will strive to reduce emissions by 50% by 2030, 75% by 2040 and by 85% by 2050 from the baseline established in 2008.

We urge Concord to remain a leader in demonstrating our commitment to reducing greenhouse gas emissions in every sector of the economy and by our actions inspire communities across the Commonwealth to do the same.

Climate change presents the most significant challenge to human civilization which we face, caused by humankind's uses of fossil-fuel energy and destruction of natural resources. In recent years, the crisis has become an emergency, bringing numerous effects more severe and closer to home all the time, and appears to be accelerating. In order to preserve hope for a livable climate in the decades ahead, it is imperative for our community to do whatever we can to reverse it, by eliminating almost all of our greenhouse gas emissions, and provide a successful example for other communities to follow.

With Article 51 in 2017, Concord was one of the first towns in Massachusetts to set explicit climate goals, which were based on the 2008 Global Warming Solutions Act (GWSA). The GWSA committed the Commonwealth to seek emissions reduction of 80% by 2050, and established a baseline assessment and reporting requirements for progress towards the emission reduction goal. Article 51 affirmed our commitment to meet those Commonwealth goals, and resulted in hiring a sustainability director, and the Climate Action and Resilience Plan in 2020 to meet the Article 51 goals.

In the meantime, the Commonwealth has updated its emission reduction targets through the Next Generation Roadmap Act of 2021 - proposing a 50% emission reduction by 2030 and net-zero emissions by 2050. The Massachusetts Clean Energy and Climate Plan (CECP) for 2050 provides an action plan to meet these targets. Article 31 proposes that Concord update its adopted goals to be congruent with the Commonwealth goals to the extent possible.

Fortunately there are already solutions at hand to get us most of the way there, involving emissions free electricity and electrification of homes and transportation. By acknowledging the *Climate Emergency*, we declare that the situation we face is for *all of us* to tackle, which means *all* municipal buildings,

schools, businesses and homes will need to be electrified over time, unless other emissions-free solutions emerge. As a Town we must commit to fully adapting emissions-free technology in buildings, schools and vehicles, and helping residents and businesses overcome the barriers of inconvenience, expense and complexity in their homes.

Meeting Concord's emission reduction goals will certainly be a challenge, and require significant capital expenditures as well as continued spending on energy efficiency through CMLP. While Article 31 does not propose specific spending, it implies that the Town will prioritize projects to meet the goals and also implement and advocate policies at the local and state level which help end our dependence on fossil fuels. The Climate Action Committee, CMLP and other bodies need to continue working towards lowering emissions, and reporting regularly on progress towards the goals.

In their lifetime, our youngest residents will experience climate disruption as more than a threat, but a fact of life. We can't change that at this point, but the next decades are pivotal to maintain hope for future generations. It is therefore imperative to show that it is possible to drastically lower greenhouse gas emissions locally and worldwide. We recognize that this is a global problem, which Concord can't solve on its own. But by striving to meet and exceed the Commonwealth's goals, as Article 31 proposes, Concord can serve as one successful example among many, inspiring communities around the world.



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

Date: February 12, 2024

To: Town of Concord Select Board

From: Eric Simms, Sustainability Director

Re: 2024 Town Meeting – Article 32
Fossil Fuel-Free Demonstration: Bylaw Amendments for Program Participation

Beginning in Spring 2021, Concord initiated efforts to secure local authority to prohibit the use of fossil fuels and related infrastructure in new building construction, in support of the goals and values outlined in the Town's Climate Action and Resilience Plan. The efforts began with the approval of a bylaw and home rule petition at 2021 Annual Town Meeting (Article 31 - Home Rule Legislation and Bylaw Amendment Regulation of Fossil Fuel Infrastructure), and later included approval of a reauthorization and amended bylaw at 2023 Special Town Meeting (Article 1 - Fossil Fuel Infrastructure: Confirm Authorization To Apply For Participation In Fossil Fuel Free Demonstration Project), including technical corrections to the bylaw that reflected new statutory guidance from the MA Department of Energy Resources (DOER).

The Town submitted a formal application to DOER in August 2023 to participate in the Fossil Fuel Free Building Demonstration Program (FFBDP) – a pilot program limited to only 10 communities in the Commonwealth. Concord received formal approval from DOER to participate in the program on December 22, 2023 (see attached). In the application approval letter from DOER it was noted that Concord's current bylaw contains certain exemptions that are not contained in DOER's [Model Rule](#) for the Program – in particular, Concord is the only community in the program to 1) exempt major building renovations, and 2) exempt the construction of new affordable housing facilities. DOER has recommended that Concord consider removing or revising these exemptions in the future, citing that part of the purpose of the pilot Program is to determine the impact of fossil fuel free bylaws and ordinances on both new construction and major renovations, and that Concord's existing exemptions will provide an incomplete assessment of the impacts of the Program.

The proposed article - Article 32: Fossil Fuel-Free Demonstration: Bylaw Amendments for Program Participation – seeks to amend the existing bylaw to align it more closely with the goals and actions of the Town, the Program, and the other participating communities, and to accomplish three things:

1) Include major building renovations

Similar to new construction, major residential and commercial renovations that are constructed in the present and near future and incorporate the use of fossil fuels will continue to contribute to greenhouse gas emissions and have negative climate impacts for decades. Including major building renovations in the bylaw, as defined in the proposed bylaw language, will increase the

local impacts of the bylaw and result in further reductions of new fossil fuel use and infrastructure in Concord, as well as accelerate progress towards reaching our Town greenhouse gas reduction goals.

2) Include affordable housing facilities

The current bylaw provides an explicit exemption for the development of new affordable housing. The original reasoning behind this exemption was to ensure that requiring all-electric and highly efficient building construction did not add any prohibitive incremental costs to affordable housing projects. Although this argument may have been justified even only a few years ago, mounting evidence suggests that the costs of highly efficient, fossil fuel-free, new multifamily building construction has approached parity with that of traditional new construction. This parity is often realized without the inclusion of generous financial rebates/incentives, reduced operational and maintenance costs over the lifetime of the building, and the improved quality of indoor environmental health conditions associated with fossil fuel-free new building construction. Several resources that provide supporting data include:

[MA Dept. of Energy Resources - Summary of Stretch Code Study Energy Efficiency Analysis](#)

[Built Environment Plus – Massachusetts is Ready for Net Zero](#) (“Affordable Housing makes up 44% of all residential Net Zero and Net Zero Ready square footage.”)

[Passive House Network Releases a Report on the Low Costs and Improved Occupant Health of Multifamily Projects](#)

[Rocky Mountain Institute - The Economics of Electrifying Buildings: Residential New Construction](#)

The most direct pathway to ensure that new construction of large, multifamily projects that include affordable housing (e.g., comprehensive 40B permits) does not include new fossil fuel use and infrastructure is to amend the current bylaw to remove the explicit exemption for affordable housing. Note that the proposed bylaw amendments include language in the waiver section specifically addressing affordable housing: “5.4 In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party’s status as a non-profit or government-sponsored affordable housing entity.” The intent of this language is to allow a pathway for circumstances where the financial or technical infeasibility of new development without the use of fossil fuels can be legitimately demonstrated, although such arguments are becoming less sound as indicated by the evidence referenced above.

3) Provide clarifying language regarding the waiver process

The proposed bylaw includes the addition of detailed language regarding the conditions and process for requesting a waiver.

In summary, Article 32 will amend the current bylaw for Concord’s participation in the Fossil Fuel Free Building Demonstration Program to a) meet the recommendations of DOER be consistent with the pilot Program implementation and goals, and b) to increase the impact of the Program in Concord and further advance the Town’s greenhouse as reduction goals.



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., 9th FLOOR
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Telephone: 617-626-7300

Maura T. Healey
Governor

Rebecca L. Tepper
Secretary

Kimberley Driscoll
Lt. Governor

Elizabeth Mahony
Commissioner

December 22, 2023

Via Electronic Mail

Kerry Lafleur
Town Manager
Town of Concord
P.O. 535
Concord, Massachusetts 01742
klafleur@concordma.gov

Dear Kerry Lafleur,

The Department of Energy Resources (Department) is contacting you in regard to Concord's application to become a Participating Community in the Department's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project (Demonstration Project) as authorized by St. 2022, c. 179, § 84 (Act).

The Department has reviewed Concord's application and determined that it contains the required application materials listed in 225 CMR 24.04(1) and that Concord meets the Housing Eligibility Thresholds detailed in 225 CMR 24.05(2). The Department hereby approves Concord's application to become a Participating Community in the Department's Demonstration Project.

The Department notes that Concord's final by-law contains certain exemptions not contained in the Department's Model Rule. Notably, it exempts major renovations and the construction of new affordable housing facilities from the requirement to be fossil fuel-free. While the Department views such exemptions as within the discretion the Act affords communities to define "fossil fuel-free," the Department notes that Concord is the only Prioritized Community to have made such an exemption. The Department notes that part of the purpose of the Demonstration Project is to determine the impact of fossil fuel free by-laws and ordinances on

new construction, major renovations. The Department is concerned that Concord's exemptions from the requirement to be fossil fuel-free will provide an incomplete picture of the impact of banning the use of fossil fuels in new construction and major renovations. The Department recommends that Concord consider removing or revising these exemptions in the future.

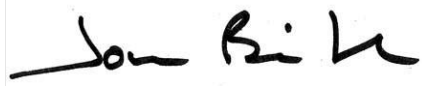
The Department additionally notes that while the Act grants municipalities the discretion to adopt exemptions and define the exemption and waiver process within their fossil fuel-free by-law or ordinance, such exemptions and waivers must not conflict with 225 CMR 24.00 or the applicable provision of the building energy code in the adopting municipality, including (if applicable) the stretch energy code and specialized energy code contained in 225 CMR 22.00 and 23.00. The Department would be happy to clarify any questions regarding this.

The Department will be in contact in the coming weeks regarding the collecting and reporting of data to the Department detailed in 225 CMR 24.07(2).

In accordance with the effective date contained in Concord's fossil fuel-free by-law, Concord may now proceed with the implementation of their fossil fuel-free by-law.

If you have any questions regarding this determination, please contact Joanne Bissetta at joanne.bissetta@mass.gov.

Sincerely,

A handwritten signature in black ink that reads "Joanne Bissetta". The signature is written in a cursive, flowing style.

Joanne Bissetta
Director, Green Communities Division

February 12, 2024

TO: Town of Concord MA, Select Board

FROM: Alisha Boyajian, Citizen Petitioner

SUBJECT: Article 38 -Citizen Petition: Citizen Support for a New Cell Tower Located at the Landfill at 755 Walden Street

This memo is in response to the Select Board Chair's request for abbreviated information regarding Annual Town Meeting Warrant Article presentations. I am putting forth Article 38 with the support and input from a group of residents who are interested in supporting the town in improving cell coverage as quickly as possible, while minimizing negative impacts on the community.

History of the Landfill Site:

The parcel at 755 Walden housed a temporary cell tower licensed to AT&T in 2000. It began operating in July 2001. Under the terms of a Settlement Agreement relating to a lawsuit over the Town's denial of other AT&T permits, AT&T was allowed to transfer its landfill tower permits to another carrier. It is not clear whether the tower operated for its full three-year term. The Select Board had anticipated receiving about \$120,000 per year for the three years of the cell tower license, which was non-renewable. No more attempts seem to have been made to site a tower at the landfill.

The Walden Woods Project, a private conservation group based in Lincoln, has made at least two unsuccessful offers to buy a permanent conservation restriction on Concord's municipal landfill. Under Article 59 proposed at the 2001 Town Meeting, Walden Woods Project would have paid the Town \$2 million to prohibit future public works and other activities on the approximately 35 acres. Letters sent to the Concord Journal regarding Article 59 showed the public's preference for municipal uses and possible Town recreational opportunities. Article 59 was ultimately *not* moved at Town Meeting. In 2013, the Walden Woods Project successfully urged the Board of Selectmen to sponsor Article 12, again proposing a conservation restriction on the Concord landfill, this time in exchange for \$2.8 million. The Public Works Commission voted against Article 12, "recognizing there was a large concern for both current and future activities at the site that could restrict activities with no other alternative site identified" (from the 2013 Concord Annual Town Report). Article 12 failed to pass at Town Meeting. This history suggests that the landfill site has tremendous value for the Town and that Concord residents prefer the parcel remain in public use over private conservation.

Coverage Potential from a Landfill Tower:

In 2003 the town hired an RF engineer to do an [in depth study](#)¹ of the existing and potential wireless infrastructure in Concord. The landfill was identified in the study as an “ideal site for covering the Walden Pond area and the southeast area of town.” The engineer created a projected coverage map to represent general coverage (not carrier-specific) from a Landfill tower. The map shows great coverage to the CCHS campus and along Rte 2 and toward town center (see Attachment A).

The 2003 report also includes a map of Verizon coverage at the time, as submitted by Verizon, and shows most of the CCHS campus and all of Rte 2 between the hospital and CCHS campus as being covered with a strong signal by *only the* Emerson Hospital antennas (see Attachment B).

In 2023 the town worked with a different RF engineer to help assess current Verizon gaps in coverage and brainstorm potential solutions. The RF engineer created a projected coverage map that depicts what Verizon coverage might look like with a tower at the CCHS campus (Attachment C), and separately, a tower at the landfill (Attachment D). These maps were presented to the School Committee and at the town’s Cell Tower Listening Session.

The 2023 projected CCHS cell tower map shows the campus and along route 2 covered, but leaves a large gap over Walden Beach. This area is highly trafficked by tourists and residents in the warmer seasons. The nature of waterfront activity may warrant the need for urgent cell phone access more so than other areas of town.

The 2023 projected Landfill cell tower map shows coverage on CCHS campus with a tiny “gap” right over the school building and another few holes on the edges of the property, which was described as “poor coverage” for the campus and a gap along Rte 2 between CCHS and Emerson Hospital. Nearly all of Walden Pond, including its beach, is depicted as covered.

Both of the 2023 modeled maps for a CCHS campus tower and a Landfill tower included theoretical coverage from antennas at TriCon, so it is difficult to know the outer edge of projected coverage toward the center of town from either tower. Also, the 2023 coverage maps only depicted one frequency, while Verizon actually broadcasts several different frequencies to achieve more complete coverage (see Attachment E).

¹ <https://concordma.gov/DocumentCenter/View/15044/Evaluation-of-Wireless-Deployment-Issues-2003>

After reading a [2019 FCC report](#),² and consulting with both an RF engineer from the University of New Hampshire and a telecommunications lawyer with experience in reviewing wireless facility applications, we learned that projected coverage maps are not 100% accurate. The RF report commissioned by the town in 2003 states, “Computer estimated coverage analysis is not an exact science.” The map outcomes for any one tower site will look different as the input parameters, such as signal strength, tower height, and frequency, are changed. The modeled maps are useful tools in assessing potential sites but they do not provide definitive information on how well a site will actually perform once built.

If the Town would like a more reliable assessment of the actual coverage that would be achieved by a Landfill tower, they may choose to send up an antenna during a balloon test to the anticipated tower height and measure real signal strengths in the desired coverage area. This type of test was suggested as an option in the 2003 RF report commissioned by the Town and by the RF engineer we recently consulted.

If the Town chooses to rely *only* on modeled maps, the combination of data provided from the 2003 RF study and coverage maps and the 2023 RF coverage maps indicate that a landfill tower would provide the improved coverage our town is seeking.

Overcoming Challenges in Accessing the Landfill Site:

I would like to address some of the Town’s stated concerns over potential time delays and/or roadblocks in accessing the landfill site.

First, the parcel located at 755 Walden Street is 36.5 acres with 16 acres of landfill. There is a substantial amount of unfilled and uncapped ground where a tower could be sited. The skilled site engineers employed by the wireless and tower building companies will be able to identify the most appropriate location(s). Our research indicates that MassDEP would be looking for thoughtful development that will not impact the final cover system. A similar process and post-closure use permit will be required for solar development. For example, the existing solar use required a major permit; a less expensive, “minor” permit is needed for uses that are not located on the final cover. In the alternative, these permitting processes could potentially be combined to optimize Town and MassDEP time. While towers can and have been sited on capped landfill areas, finding a location on unfilled ground would ease the post-closure use permitting and expedite MassDEP approval.

Based on details provided in 2019 tower building company proposals and proposals put forth by Verizon for the CCHS campus, we can anticipate the footprint for a tower,

² <https://www.fcc.gov/document/mf-ii-coverage-maps-investigation-staff-report>

equipment ,and utilities to be about 50 by 50 feet. This is relatively small compared to the space needed for solar farm equipment and only a tiny fraction of 20 acres.

As for needing bylaw waivers, it remains unclear if or how many might be in order until an exact tower location is identified. Much of the property lies outside of areas protected as wetlands and habitat. The setback stipulations from homes, schools, etc., for a new tower as outlined in our wireless bylaws would be achieved and therefore not require a waiver. The site also resides within the predetermined wireless communication district further supporting its suitability when going before our Zoning Board of Appeals.

Concerns around opposition from those who want to protect the areas surrounding Walden Woods from further development are understandable, however, in 2024 the much broader community demand for cell service is likely to outweigh viewshed objections. There are also more options today for camouflaging towers so they blend into surrounding landscapes. The political and social pressures of 20 years ago are not necessarily the same pressures that influence choices today.

An affirmative vote at Town Meeting would demonstrate strong community support for a landfill tower, which would serve to assist in moving the application through various stages of permitting. For example, a representative from the State Historic Commission told me that community support is factored into decisions around approvals. This is likely to hold true for other local and state offices and boards involved in tower permitting. Community support would also bolster the Town against site opposition, as well as provide the wireless companies with more confidence in applying for the site.

Benefits of the Landfill Site:

As mentioned above, the landfill site would allow the tower to reside more than 1,000 feet from schools and homes. The 1,000 ft setback described in our bylaws was adopted to “minimize(s) any adverse impacts on the residents of the Town... with regard to the general safety, welfare and quality of life in the community;” as stated in our Personal Wireless Communications Facility bylaw, section 7.8.1(e). The parcel also resides in the wireless communication district identified in our zoning bylaws. This will be looked upon favorably in the permitting process.

In addition to being an adequate site for improving cellular coverage and providing compliance with bylaw setbacks and districting, the Landfill has the benefit of being town-owned. This provides more transparency and control over the lease terms and site development. The Town is highly motivated to improve cellular coverage in the interest of public safety, yet we seem to be waiting for the private sector to provide solutions. There is little to no visibility into private negotiations. Pursuing municipal sites shows the public that the Town is serious about improving service, and offers more

predictability on implementation timeline. Many towns in MA and across the US, including Lexington MA, prioritize town-owned sites in the wireless ordinances.

In addition, the large parcel is more remote and provides the added benefit of placing a new cell tower at a safe distance from schools and homes in an area with less resident foot traffic. This minimizes potential hazards for people around fire, tower structural malfunction, trespassing, and RF emissions. Finally, the negative aesthetics of a tower are less impactful to the community since the site is at a distance from residential and commercial areas and is already disturbed and compromised. A tower would not be out of place with the solar and composting facilities.

Comparing the Landfill Site with the CCHS Campus Site:

Because the Town is actively considering the CCHS campus as an alternative tower site to the landfill, it is worth comparing the benefits and drawbacks of the two sites.

<u>CCHS Campus as Cell Tower Site</u>	<u>Landfill as Cell Tower Site</u>
Places facility about 500 feet from the school building and about 600 feet from nearest home	Places facility more than 1,000 feet from schools and homes
Lease terms and revenue controlled only by School Committee	Lease terms and revenue controlled by the Town with flexibility to allocate funds
Places an attractive nuisance on an active campus near students and playing fields	More removed location minimizes curiosity and opportunities for trespassing
Removes a portion of school grounds from educational use indefinitely, and potentially limits immediate surrounding land use	Makes productive use of land that already has limited future use because of its past development as a waste site
Undetermined potential time delays due to community concerns and opposition	Time constraints mostly limited to known, standard permitting processes

An affirmative vote on Article 38 will expedite community efforts to improve cell coverage with confidence and consideration for all members of the community.

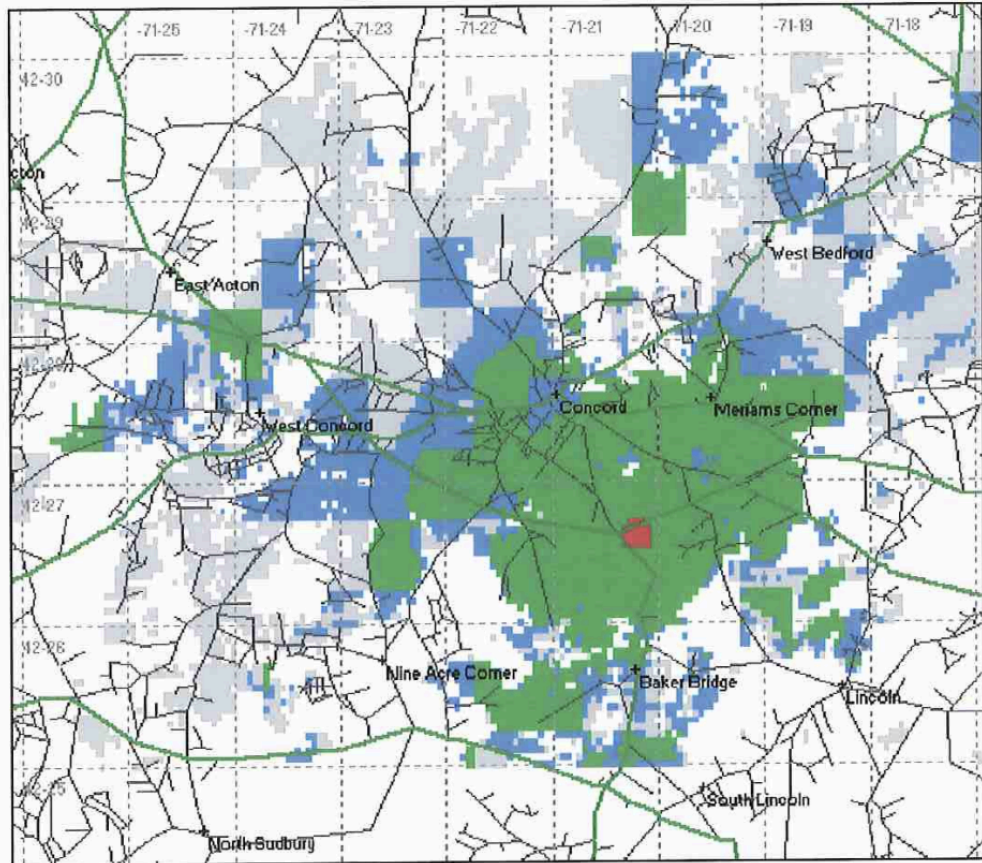
The Town has been studying wireless siting for more than 20 years, and more recently we have been waiting for years for private parties to act. Choosing sites via Town Meeting and establishing a deadline will help propel us toward more timely, appropriate solutions.

Attachment A from RF study commissioned by the town in 2003:

Broadcast Signal Lab

Concord Wireless Siting Options

PARCEL 4093
Landfill @ 130ft



Originally granted as a temporary AT&T installation. This is an ideal site for covering the Walden Pond area and the southeast area of town.

Key: Red Location of site
Green Solid coverage
Blue Potential coverage
Grey Marginal coverage

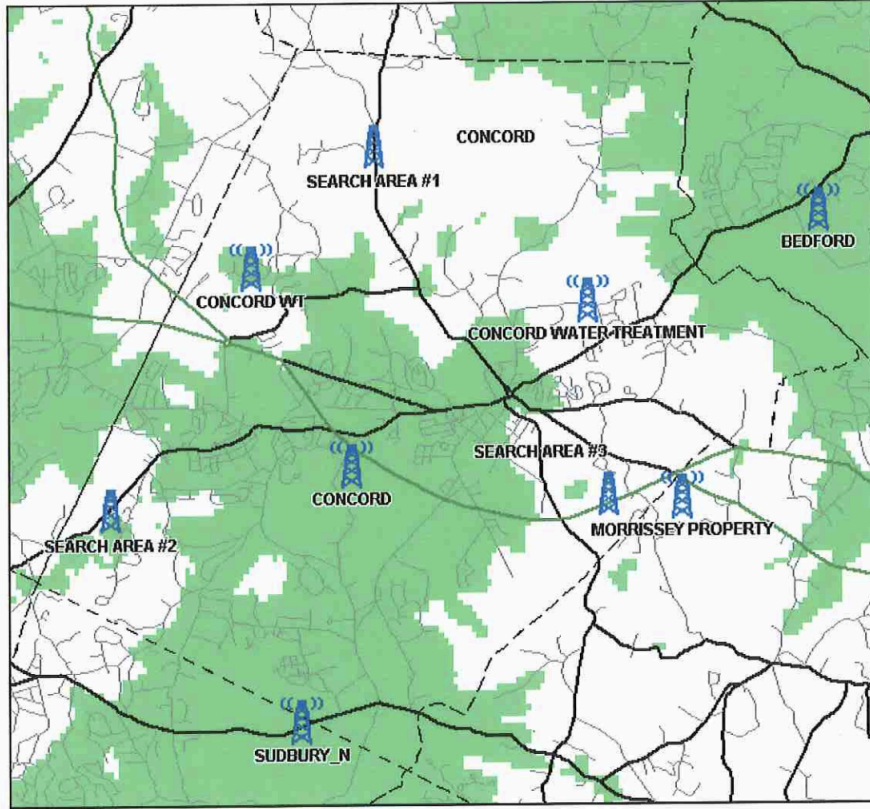
Attachment B from RF study commissioned by the town in 2003:

Broadcast Signal Lab

Concord Wireless Siting Options

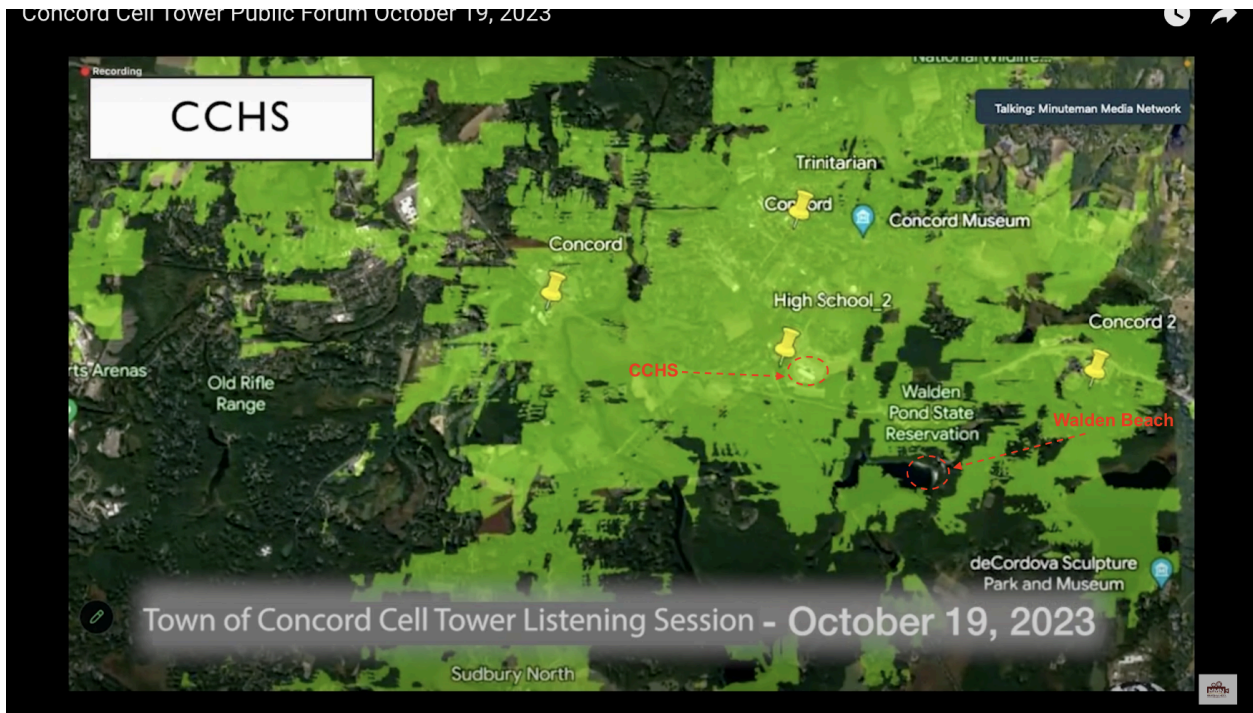
= EXISTING COVERAGE =

Verizon (as provided by the carrier)

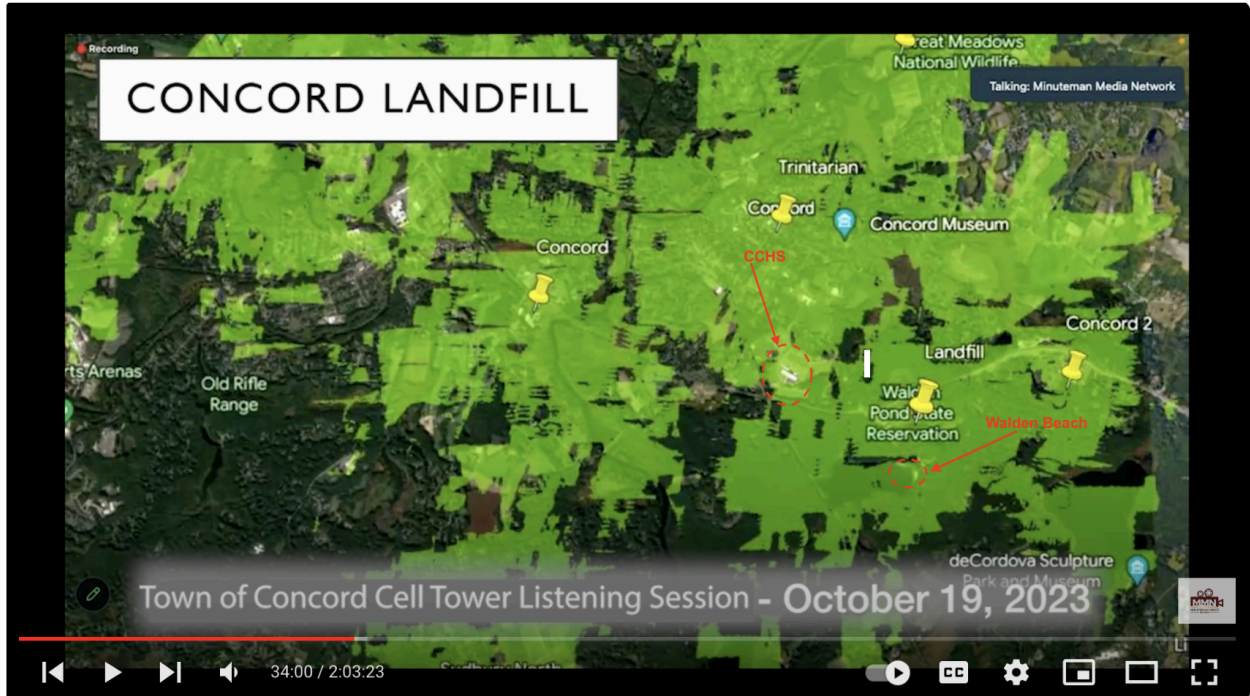


Legend: Green = -85 dBm

Attachment C from 2023 Town presentation—landmark labels added:



Attachment D from 2023 Town Presentation—landmark labels added:



Attachment E from cellmapper.net, 2024:

 United States

Verizon



See also [Verizon Wireless](#)

Generation	Protocol	Frequency Band		Active?	Notes
4G	LTE	700 MHz	13	✓	Nationwide low-band frequency. (Excludes PR and the USVI.)
		850 MHz Cellular	5		Additional low-band coverage in some areas.
		1.7/2.1 GHz AWS	4 / 66		Primary 4G mid-bands.
		1.9 GHz PCS	2		
		3.5 GHz CBRS	48		
		5.2 GHz LAA	46		
5G	NR	850 MHz Cellular	n5	✓	"5G Nationwide" network.
		1.7/2.1 GHz AWS	n66		Shared with 4G using Dynamic Spectrum Sharing (DSS).
		1.9 GHz PCS	n2		
		3.7 GHz C-Band	n77		"5G Ultra Wideband" network.
		28 GHz mmWave	n261		
		39 GHz mmWave	n260		

February 12, 2024

TO: Town of Concord MA, Select Board

FROM: Alisha Boyajian, Citizen Petitioner

SUBJECT: Article 39 -Citizen Petition: Citizen Support for a New Cell Tower Located at the Public Works Parcel at Keyes Road

This memo is in response to the Select Board Chair's request for abbreviated information regarding Annual Town Meeting Warrant Article presentations. I am putting forth Article 39 with the support and input from a group of residents who are interested in supporting the town in improving cell coverage as quickly as possible, while minimizing negative impacts on the community.

History of the 141 Keyes Rd Site:

In December 2006 Omnipoint/T-mobile applied to site a wireless facility in the DPW yard at 141 Keyes Rd. Initially the Concord Historical Commission moved to support the application, but after some community opposition, the Historical Commission retracted their initial support. The Historic Districts Commission denied the project a certificate of appropriateness on 2/1/07. The tower application did not receive permits after this certificate denial.

In early 2019, the town issued a Request for Proposals for 141 Keyes and received two proposal responses from tower building companies, Wireless Edge and US Wireless. The proposals included a variety of multi-provider facility designs, including a stealth monopole, and a few options for exact site location suggestions within the parcel. The Town declined both proposals.

Almost two years ago, during the [Select Board meeting on March 7, 2022](#) the assistant town manager presented the results of a balloon test. Verizon performed the test on December 10, 2021, to mimic the viewshed of a 112 ft tower at 141 Keyes Rd. The results were minimal to no visual impact on surrounding areas, including the viewshed from the Old North Bridge (**see Attachment A**). However, the assistant town manager stated that Verizon preferred a location with less public scrutiny and was pursuing an agreement with an undisclosed, private entity.

Coverage Potential from a 141 Keyes Rd Tower:

In 2003 the town hired an RF engineer to do an [in depth study](#)¹ of the existing and potential wireless infrastructure in Concord. Regarding the DPW Yard at 141 Keyes, the report states, “A new tower at this site could serve the Town Center very well for a number of carriers.” While the report did not include a coverage map showing the Keyes Rd site in isolation, it did include a few modeled coverage maps depicting potential coverage with Keyes Rd, in addition to other existing and potential sites. **See Attachment B** for one example that depicts coverage reaching from Keyes Rd, through the downtown area, and to most of CCHS campus.

In 2018, the Town commissioned a different independent RF consultant to create projected Verizon coverage maps for a few sites in Concord, including the DPW yard on Keyes Rd. The maps were presented at a Select Board meeting on 1/22/2018 and showed great coverage for the downtown area extending toward Rte 2 to just past Laurel Street (**See Attachment C**).

Most recently, Verizon submitted to the Town a modeled coverage map depicting a 90 foot tower at 141 Keyes Rd. This map is not date stamped, but it probably relates to the Verizon assessment discussed at the Select Board meeting on 3/7/22. The map shows good coverage for the downtown area that extends toward Rte 2, all the way to parts of the CCHS campus (**see Attachment D**).

After reading a [2019 FCC report](#),² and consulting with both an RF engineer from the University of New Hampshire and a telecommunications lawyer experienced in reviewing wireless facility applications, we learned that projected coverage maps are not 100% accurate. The RF report commissioned by the town in 2003 states, “Computer estimated coverage analysis is not an exact science”. The maps for any one tower site will look different as the input parameters, such as signal strength, tower height, and transmitted frequency, are changed. The modeled maps are useful tools in assessing potential sites but they do not provide definitive information on how well a site will actually perform once built.

If the Town would like a more reliable assessment of the actual coverage that would be achieved by a Keyes Rd tower, they may choose to send up an antenna during a balloon test to the anticipated tower height and measure real signal strengths in the desired coverage area. This was suggested as an option in the 2003 RF report commissioned by the Town and by the RF engineer we recently consulted.

¹ <https://concordma.gov/DocumentCenter/View/15044/Evaluation-of-Wireless-Deployment-Issues-2003>

² <https://www.fcc.gov/document/mf-ii-coverage-maps-investigation-staff-report>

If the Town chooses to rely *only* on computer models, the combination of data provided from the 2003 RF study and coverage maps, the RF coverage maps presented at the January 2018 Select Board Meeting, and the most recent coverage map created by Verizon indicate that a tower located at 141 Keyes Rd would provide the improved coverage our town is seeking.

Addressing Weaknesses of a Tower Site at Keyes Rd:

Our zoning bylaws have a 1,000 ft setback from schools and homes for newly constructed towers to “minimize any adverse impacts on the residents of the Town... with regard to the general safety, welfare and quality of life in the community;” (Zoning Bylaw for Personal Wireless Communication Facilities 7.8.1(e)). While it would not be possible to achieve the full 1,000 ft setback in the DPW Yard at Keyes, the parcel offers the only opportunity in Concord Center to achieve more than 700 feet from schools and homes, with just a couple single family homes brushing against that 700 feet. Comparatively, one of the church cupolas in town is 230 feet from the one preschool, 400 feet from a second preschool, and has more than 25 homes in that same 700 foot radius. Concerns around RF tower emissions decrease with distance. Attempting to place the tower at the greatest distance possible from schools and homes is worthwhile, even if the 1000’ setback can not be fully achieved.

As for encroaching on priority habitat and wetland buffers, the proposals submitted in the past offered site options within the already disturbed and paved areas of the parcel and outside of the critical wetland buffers. Such site options would not further disturb sensitive areas. Some previously-suggested areas would be outside all areas of wetland buffer concern. Furthermore, the Town approved two cell towers at Great Meadows that reside within areas defined as estimated habitats of rare wildlife and priority habitats of rare species (**see Attachment E**).

Concerns about impacts on historic districts are understandable, but at this point in time, the much broader community demand for cell service is likely to outweigh viewshed objections. Demonstrating these changing viewpoints is the fact that a balloon test carried out in 2021 barely raised an eyebrow when presented to the National Parks Service by the assistant town manager, while the same balloon test performed in 2007 evoked a stronger negative reaction from residents, the public and the Concord Historical Commission. There are also more options today for camouflaging towers so they blend into surrounding landscapes. Testimony presented at the Cell Tower Listening Session was focused on safety, commerce and convenience, not historical appropriateness. The political and social pressures of 16 years ago are not necessarily the same pressures that influence community choices today.

An affirmative vote at Town Meeting would demonstrate strong community support for a Keyes Rd. tower, which would help move the application through various stages of permitting. For example, a representative from the State Historic Commission told me that community support is factored into decisions around approvals. This is likely to hold true for other local and state offices and boards involved in tower permitting. Community support would also bolster the Town against site opposition, as well as provide the wireless companies with more confidence when they apply for the site.

Benefits of the 141 Keyes Rd Site:

In addition to being an adequate site for improving cellular coverage and providing the most distance possible from schools and homes in such a thickly settled area, the DPW yard at 141 Keyes resides in the wireless communication district identified in our zoning bylaws. This will be looked upon favorably in the permitting process.

In addition, the parcel has minimal public foot traffic and a tower will have less community impact where the site is already paved and has housed equipment and vehicles for years. In other words, a tower in the public works yard would not be out of place.

Most importantly, the Keyes Rd parcel has the benefit of being town-owned. This provides more transparency and control over the lease terms and site development. The Town is highly motivated to improve cellular coverage in the interest of public safety, yet we seem to be waiting for the private sector to provide solutions. There is little to no visibility into private negotiations. Pursuing municipal sites shows the public that the Town is serious about improving service, and offers more predictability on the implementation timeline. Many towns in MA and across the US, including Lexington, MA, prioritize town-owned sites in their wireless ordinances.

An affirmative vote on Article 39 will help our community move forward with improving cell coverage with confidence and consideration for all members of the community. The Town has been studying wireless siting for more than 20 years, and more recently we have been waiting for years for private parties to act. Choosing sites via Town Meeting and establishing a deadline will help propel us toward more timely, appropriate solutions.

Attachment A-Photo of balloon test taken from Old North Bridge on 12/10/21 and presented at Select Board Meeting on 3/7/22:



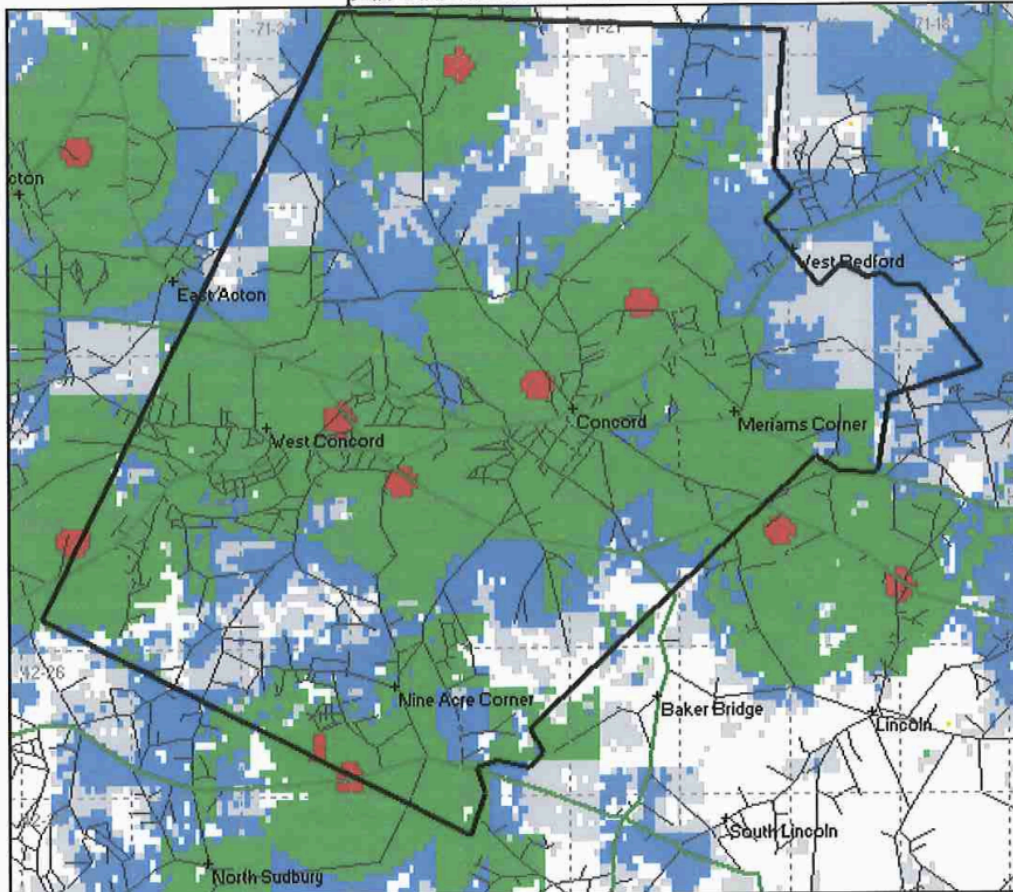
Concord Select Board - March 7, 2022

Attachment B from RF study commissioned by Town in 2003:

Broadcast Signal Lab

Concord Wireless Siting Options

= POTENTIAL COVERAGE =
 based on T-Mobile's layout as calculated by BSL,
 plus additional site locations



Legend:	Red	Location of site
	Green	Robust Coverage
	Blue	Reliable Coverage
	Grey	Uncertain Coverage

Location of sites depicted:

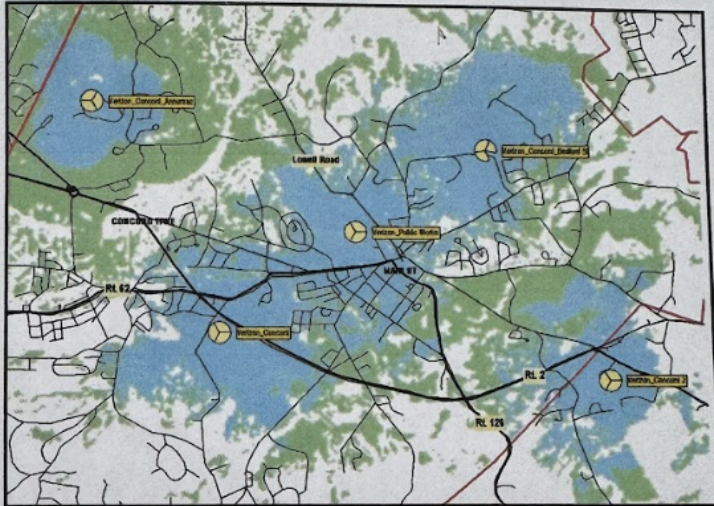
Northwest	533 Main St / Acton
Northeast	75 The Great Road / Bedford
Southeast	23 Cambridge Turnpike (Morrissey Property) / Lincoln
Southeast	131 Cambridge Turnpike (Tracey's Towing) / Lincoln
Emerson	Emerson Hospital / Concord
West	200 Baker Ave / Concord
Southwest	142 North Rd / Sudbury
Southwest	30 Knox Trail / Acton

Added to initial T-Mobile Plot

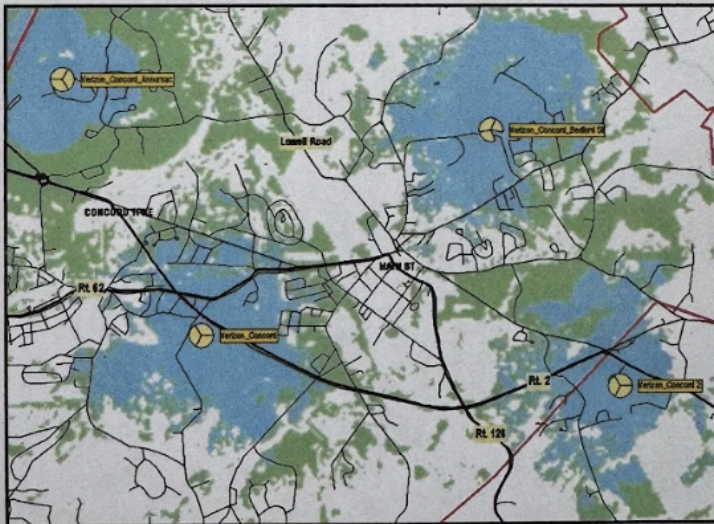
East	509 Bedford St (Waste Water Treatment Plant) / Concord
North	1400 Lowell Rd (Middlesex School) / Concord
Center	Keyes Road / Concord

Attachment C presented January 2018 at Select Board Meeting:

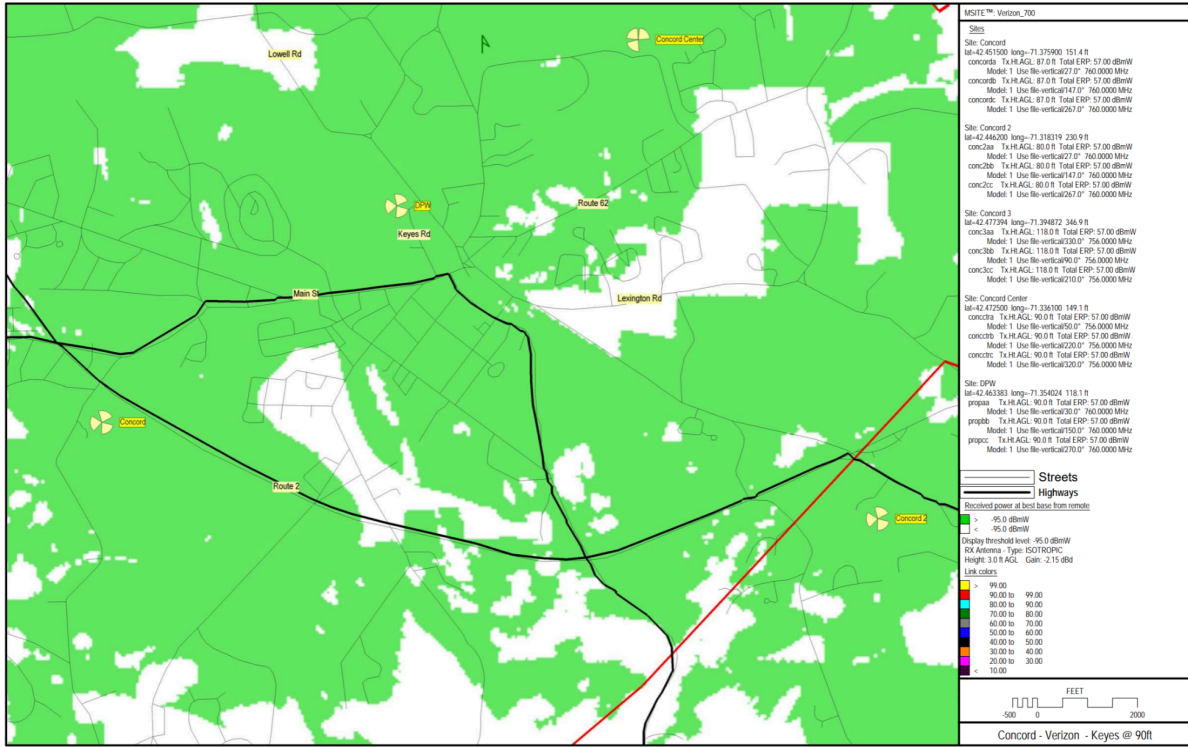
Existing Verizon
Concord Coverage
with Public Works
Added



Existing Verizon
Concord Coverage



Attachment D-coverage map of Keyes Rd tower submitted to the town by Verizon:



Attachment E from Town of Concord, GIS map 2024—Great Meadows towers:



AUTHORIZE A TASK FORCE TO REVIEW AND UPDATE THE CHARGES, POLICIES, AND PROTOCOLS OF THE HISTORIC DISTRICTS COMMISSION AND THE HISTORICAL COMMISSION ARTICLE 41.

To determine whether the Town will urge the Select Board, in close collaboration with the Diversity Equity and Inclusion Commission, to create a short-term task force to conduct a full and complete review of the charges, policies, protocols and enabling legislation of the Historic Districts Commission and Historical Commission, and recommend to the Select Board any updates, changes, and improvements needed, or take any other action relative thereto.

As members of the DEI Commission in Concord, it has been our collective endeavor to promote diversity, equity, and inclusion within our community.

Recognizing the significance of the Historic District Commission and Historical Commission's role in preserving our town's rich history, our collaboration would be aimed at enhancing the inclusivity of the town's historical preservation efforts.

Our intent is to foster an environment where the stories of all community members, regardless of background, are acknowledged and preserved.

Both commissions were formed in 1960 and 1973 respectively and their charges have not been updated since 1982. (42 years)

The scope of these commissions can be expanded to more explicitly include a wider understanding of our community's history that represents all of us (Black, Indigenous, Woman, Immigrant and the LGBTQ+ communities)

Some framing questions that could facilitate the task forces discussion include :

What do we value as a Town? Who are we today?

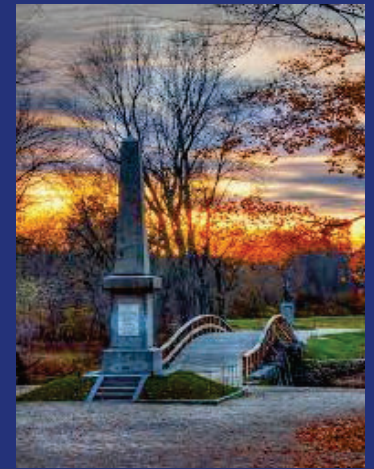
Whose history have we preserved?

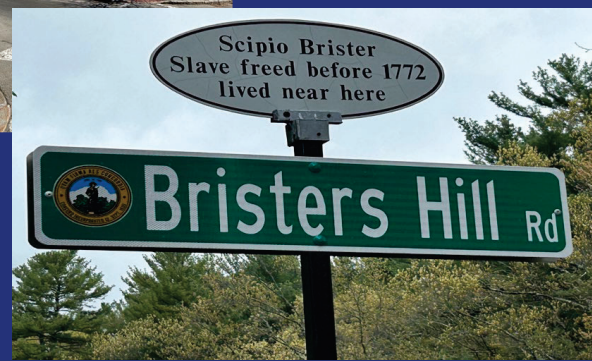
What do we mean by the "literary and historic tradition of Concord"?

Whose "literary and historic tradition?"

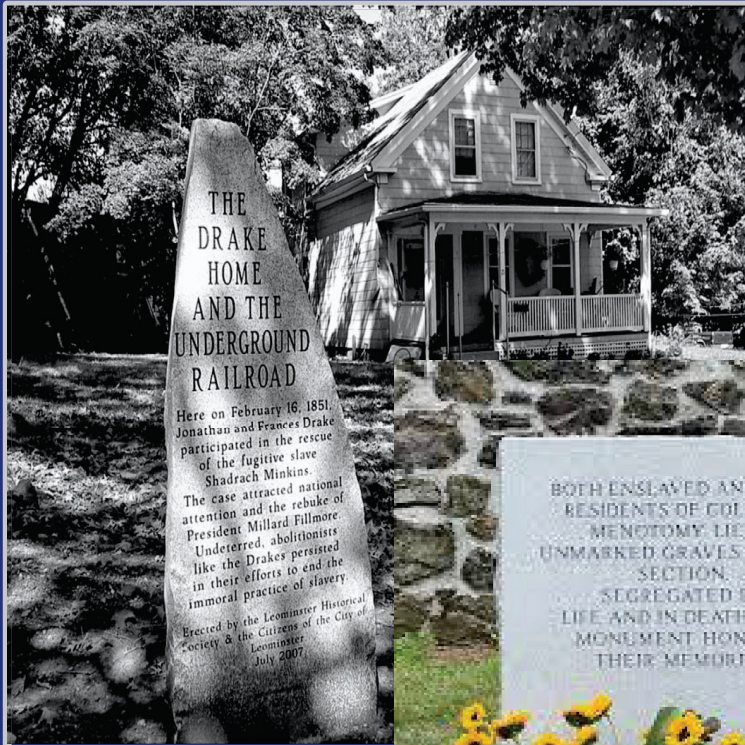
Who is not represented and why?

How does our interpretation reflect the makeup of America and our Town? What internal improvements can we make? What positive changes can we begin to collectively advocate for?





God will us free, man will us slaves,
 I will as God will, God's will be done,
 Here lies the body of
 JOHN JACK
 A native of Africa who died
 March 17, aged about 60 years
 Tho' born in a land of slavery,
 He was born free,
 Tho' he lived in a land of slavery,
 He lived a slave,
 Till by his honest tho' sicken labors,
 He acquired the sum of money,
 Which gave him his freedom,
 Tho' no living before,
 Death this grand event,
 Gave him his final emancipation,
 And set him on a footing with kings
 Tho' a slave to vice,
 He practised these virtues
 Without which kings are but slaves



LexSeeHer is writing women into the narrative of American history. Make women visible: fund the Something Is Being Done monument.



Sojourner Truth Memorial Celebration & Women's Suffrage Marker Unveiling
 May 28, 2023 Northampton, MA





To: Concord Select Board

From: Beth Williams, Tourism Manager

Date: February 26, 2024

RE: Article 42 - Tourist Bylaw Amendments

As tourism numbers have grown, so has the number of people interested in providing tours in Concord. With the continued increases expected due to the popularity of the upcoming Concod250, the following recommendations are submitted for you.

Included with this memorandum is language for Warrant Article 42: Tourist Bylaw Amendments. The purpose of these amendments is to modify the original Tourist Bylaws created in 1905. The original language only mentions soliciting tourists to ride in carriages, while current recommendations are to provide a wider regulation to allow for walking, bus, and other vehicular tours. Additionally, the amendments will correct the former language of Selectmen to Select Board.

TOURIST BYLAWS AMENDMENTS

ARTICLE 42. To determine whether the Town will amend the Tourist Bylaws as follows, or take any other action relative thereto (changes shown in ***bold italics*** or strikeout for clarity purposes only):

LICENSING OF TOURIST VEHICLES BYLAW

No person shall use ***provide tour guide services via vehicle*** ~~a carriage or other vehicle for the transportation of tourists for hire~~ without first obtaining a license so to do from the Select Boardmen, which license shall be issued for a definite time, and shall be revocable by the Select Boardmen within that time.

TOURIST GUIDE LICENSE BYLAW

No person shall, in any of the public places in said Town, solicit tourists ~~to ride in carriages or other vehicles, to take meals, to employ guides, or to buy any articles~~ without first obtaining a license so to do from the Select Boardmen, which license shall be issued for a definite time and shall be revocable by the Select Boardmen within that time.