

Agenda

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I. Call to Order

II. Public Comment

III. Consent Agenda

Favorable action is requested: Motion to approve the Consent Agenda.

IV. Town Manager Appointments with the Approval of the Select Board

Favorable action is requested: Motion to approve the Town Manager Appointments.

V. Chair's Report

VI. Town Manager's Report

**Town of Concord
Select Board Meeting
Meeting Minutes
December 9, 2025**

Approved / / 26

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in person on Monday, December 9, 2025 at 1:00 PM at the Town House Select Board Meeting Room, 22 Monument Sq. The meeting was available for public access in person and via Zoom.

Call to Order

Present were: Mark Howell, Chair, Wendy Rovelli, Clerk, Mary Hartman, Paul Boehm and Cameron McKennitt

Chair Howell called the meeting to order at 1:03 PM, Ms. Rovelli took the roll call and confirmed that a quorum was present.

Public Comment

There was no public comment.

Chair's Report

There was no report given.

Town Manager's Report

There was no report given.

Presentation: FY27' Budget Review

Ms. Lafleur, Town Manager, requested that the staff in attendance introduce themselves. The following staff members were present:

Jessica Porter, Assistant Town Clerk
Megan Zammuto, Deputy Town Clerk
Emily Smith, Director of the Concord Free Library
Jeff Weiner, Chief Information Officer
Ryan Ferrara, Assistant CFO/ Director of Budget and Procurement

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Jennifer Barrett, Chief Financial Officer
Alan Cathcart, Public Works Director
Matt Boiteau, Executive Assistant to the Town Manager
Zach Lamoureaux, Senior Financial Analyst
Brian Goldman, Lieutenant, Concord Police Department
Walter Latta, Assistant Fire Chief, Concord Fire Department
Stephen Johnson, Manager, Emergency Communications Center
Aaron Miklosko, Highway and Grounds Superintendent

There were additional staff that viewed the meeting remotely.

Chair Howell thanked the staff for their service to the town. Ms. Lafleur expressed appreciation and gratitude for the work that the staff does on a daily basis. Ms. Lafleur stated that the following presentation includes ideas and scenarios under active consideration and not a final plan. Ms. Lafleur clarified her previous statements regarding unplanned public safety costs that contribute to financial pressures and indicated that her statement was not directly connected to the Thursday afternoon gatherings on the common, but was a general observation of unexpected costs.

Mr. Ferrara shared the slide deck “Draft Fiscal Year 2027 Budget Review” and provided an overview of the meeting. Mr. Boiteau and Mr. Lamoureaux presented the Draft Fiscal Year 2027 Indirect Charges slides. Mr. Ferrara, Ms. Lafleur, Mr. Lamoureaux and Mr. Boiteau were available to provide clarification of the information to the Select Board throughout the presentation.

Mr. Ferrara presented the Gross Guidelines Budget (slides 10 – 18)

Fire Chief, Brian Whitney provided information on the types of calls that come in to police and fire from private schools which include medical emergencies, fire alarms and carbon monoxide alerts. The Select Board and staff discussed whether the private schools in Concord increase the demand for public safety staffing. Ms. Lafleur stated that the last census, which is the one being used now, included the prison population and so the resident population of the private schools does not add a material increase, seeing as the prison has closed. Ms. Lafleur stated that there are many communities in which private schools make payment to the town for services, and that she would like to advance this program in Concord. Chief Whitney reviewed the number of fire stations that benchmark communities maintain.

At the request of Ms. Lafleur, Ms. Barrett shared the FY 27 Police Department Staffing Scenarios slide and Mr. Ferrara reviewed how the planned FTE changes resulted in a the \$40,000 reduction. Captain Goldman stated that currently the department has a Police Chief, a Police Captain and two Police Lieutenants. The proposal adds a position in the command staff and removes a position from the line staff. Next, Ms. Barrett shared the Human Resources Benchmark slide and Ms. Lafleur reviewed the slide

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sharing the comparisons to peer communities, the statewide benchmark and the national benchmark for HR- to- employee ratio and cost per employee. Ms. LaFleur noted that cost per employee needed further review as it likely include software and or other costs.

Ms. Lafleur shared that the team had previously pursued regional dispatch with the Town of Acton, which did not come to fruition. However, the team continues to look at regional dispatch opportunities. Mr. Ferrara introduced slide 22: Dispatch Opportunities. Mr. Johnson, Emergency Communications Manager presented slide 22 - 25: Dispatch Opportunities. Ms. Lafleur stated that there could be financial benefit to the town to engage in shared dispatch opportunities. Mr. Johnson informed the Select Board that the town is just below the staff needed to take on a new neighboring community - potentially a dispatcher per shift would need to be added. Additionally, Mr. Johnson feels that there is existing space to take on a community or two and that this would position the town to be prioritized for grants and engage in other cost savings efficiencies. Mr. Johnson feels that another community could be taken on in 2-3 years. Ms. Lafleur shared that the model that Mr. Johnson is suggesting is based on Town of Concord governance with contracted services for neighboring communities. Ms. Hartman requested that Mr. Johnson connect with the Land Use Working Group regarding space requirements for an expanded Dispatch Center.

Select Board Discussion Points:

Ms. Lafleur characterizes this as a level service proposal and that the team is \$160,000 from reaching a 2.5% increase guideline; any further budget cuts would reduce services. Tentative agreement was reached with the dispatch union.

In response to Mr Boehm's inquiry about efficiencies, Ms. Lafleur feels that there are efficiency initiatives that could be taken between the town and schools, however this will take time and that the lack of common location makes it difficult. Ms. Lafleur will meet with the Superintendent and Assistant Superintendent of Schools and Ms. Barrett next week. This will be a reoccurring meeting to discuss shared services. In response to Ms. Rovelli's inquiry about the benefits of MUNIS, Ms. Lafluer described software savings and automated processes that have produced cost savings by reducing the head count in the Human Resources Department. Mr. Ferrara stated that the schools have to be willing to change over to MUNIS as they currently use Tyler Technologies. Ms. Lafleur would prefer if they did join the town by using MUNIS, however she does understand that this would be a disruptive process, considering that the school district has its own reporting needs.

In response to Ms. Hartman's concern regarding debt, Ms. Rovelli shared that the Financial Policy Working Group is beginning to look at debt policies. Additionally, Ms. Rovelli commented that debt management is a topic that will be discussed.

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In response to Chair Howell's question regarding unmitigated inflation in the budget for the year 26-27, Mr. Ferrara stated that the original budget increase was at 5.3% (inclusive of the Deputy Police Chief and IT Knowledge Manager) and the finance team was able to lower that figure to 2.95%. Additionally, Ms. Lafleur shared that the cost of living increase varies for groups of employees due to bargaining units. Non-union employees, not at the top step, are eligible for a 3.2% increase (1.2% COLA, 2% Step increase). Mr. Boehm stated that national inflation is about 3%. Mr. McKennitt weighed in on what the starting baseline was and inquired about actual efficiencies. Ms. Lafleur discussed police union steps, which increase faster than other employee groups. Mr. McKennitt advocated for the finance team to continue to work on the budget to find additional cost savings.

Ms. Lafleur shared that there is little aid that is received from the State of MA. Mr. Ferrara stated that the Finance Department is still finalizing the free cash allocation and will have more information by December 31, 2025. Ms. Lafleur shared that there are no concerns for meeting local receipt targets. Mr. Ferrara stated that health insurance costs are projected to increase 15%.

Ms. Lafluer stated that should the Select Board continue to put pressure on the town to lower the current proposed budget increase, that services will be reduced. Ms. Rovelli inquired about the level of vacancies throughout the town and whether that provides a non-service cost reduction. Ms. LaFleur noted that historically the Town has not expended 100% of its budget appropriation and the turnback results from vacancies. Mr. McKennitt encouraged the finance team to look at staffing optimization vs. lowering services and is in support of a 2.5% budget increase. Chair Howell encouraged the town to continue to work on strategic initiatives, such as land use and consolidating municipal offices, but not cut essential staffing. Chair Howell commended the finance team for the work on the budget. Chair Howell expressed satisfaction with the current 2.95% increase. Mr. Boehm encouraged the finance team to continue working to lower the proposed budget increase. Ms. Rovelli and Ms. Hartman are also in support of the 2.95% increase. In response to Mr. Boehm's question about priority-based budgeting, Ms. Lafleur shared that within three months the tool could be put in place.

Upon a motion duly made by Chair Howell and seconded the Select Board **voted** to the adjourn the meeting at 2:55 PM.

Meeting Packet

Meeting Recording



Regional Housing Services Office

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

Office Address: 37 Knox Trail, Acton, MA 01720

Website: WWW.RHSOhousing.org

Email: INFO@RHSOhousing.org

Phone: (978) 287-1092

Concord Housing Roundtable Minutes Monday, December 15, 2025 Town House Hearing Room at 22 Monument Square and Virtually

Concord Housing Authority (Quorum): Stephanie Chrobak, Ed Larner, Stephan Bader, Bernice Fousek

Concord Housing Development Corporation (No Quorum): Lee Smith, Julie McClure

Concord Municipal Affordable Housing Trust (Quorum): Keith Bergman, Kerry Lafleur, Mary Hartman, Rich Feeley, Mike Lawson, Linda Escobedo, Matthew Johnson

Concord Housing Foundation: Rich Feeley, Matt Johnson

Select Board (Quorum): Mary Hartman, Wendy Ravelli, Cameron McKennitt, Paul Boehm, Mark Howell

Planning Board (No Quorum): Pat Nelson

Community Preservation Committee (No Quorum): Ed Larner, Diane Proctor

The meeting was noted as being recorded. Approximately 15 participants joined virtually, with additional attendees present in person.

Posted as a joint meeting of the Select Board, Planning Board, Concord Housing Authority, Concord Housing Development Corporation, Concord Housing Foundation, Concord Municipal Affordable Housing Trust, and Community Preservation Committee.

The Roundtable was opened at 5:13 pm by Regional Housing Services Office Director Kristen Guichard, who also kept minutes of the meeting. Kristen Guichard, Director of the Regional Housing Services Office (RHSO), welcomed attendees and introduced herself as the new Director, noting that she is serving alongside Liz Rust as co-director during the leadership transition.

Then followed calling the meeting to order by individual board via role call vote where a quorum was met.

Ms. Guichard outlined the meeting objective: The purpose of the meeting was stated as coordinating, implementing, and monitoring Concord's Housing Production Plan (HPP) with participation from multiple boards, committees, and housing organizations.

1. **Concord Municipal Affordable Housing Trust:** Concord Municipal Affordable Housing Trust kicked off the meeting and Keith Bergman presented an informative slide deck covering the following discussion areas.

Mr. Bergman provided an update on the Trust's funding and active projects. He reported approximately \$2.46 million in uncommitted funds. Key items included ongoing evaluation of 91B Main Street for housing development, anticipated initiation of the HPP update process in



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2026, and active grant agreements supporting Novo Riverside Commons. Cost concerns related to the Main Street project were discussed, with efforts underway to negotiate developer fees. CPA remains the Trust's primary local funding source.

- 2. Town Update:** Ms. Hughes reported on the status of major housing initiatives, including:
 - Novo Riverside Commons: ANR approval, ZBA modification to parking-related 40B conditions, and minor stormwater plan revisions underway.
 - Residences at Thoreau: ANR approval and DEP review of wastewater hydro analysis; further filings anticipated in spring 2026.
 - MCI Property: Development of a scope of work to advance master planning and zoning.
 - Land Use Working Group: Ongoing review of town-owned land for housing opportunities, with reports expected in January.
 - Continued work on MBTA Communities compliance and a public safety needs assessment.
- 3. Concord Housing Development Corporation:** Concord Housing Development Corporation update was provided by chair Julie McClure. Ms. McClure reported that Assabet River Homes is under construction, with CHDC holding the deed during the build. CHDC approved an increase to the Small Grants Program and continues to advance the Buydown Program, noting the need for additional funding due to rising home prices.
- 4. Planning Board:** Planning Board update was provided by Town Planner Elizabeth Hughes. Ms. Hughes summarized seven anticipated warrant articles, including zoning, lighting, parking, wireless facilities, LB-1 height changes, MBTA overlay amendments, and rebranding the combined business/residential bylaw as mixed-use. The Board continues to assess requirements for conditional MBTA compliance.
- 5. Select Board:** The Select Board updates were provided by Mr. Howell. Mr. Howell reported on the MCI redevelopment efforts, emphasizing a town-led master planning process to inform zoning. He identified wastewater capacity, Route 2 access, and site remediation as key constraints. Coordination with the Land Use Working Group continues to explore municipal consolidation and future housing sites.
- 6. Concord Housing Authority:** Mr. Bader provided an update on recent capital improvements, including completion of air-source heat pumps at Everett Gardens, septic work at Strawberry Hill Road, and submission of a HIGHLAP grant application for fire sprinklers. He also reported ongoing uncertainty related to HUD subsidy funding.
- 7. Concord Housing Foundation:** Mr. Feeley reported on legislative advocacy, progress on the Barrett's Mill Farm expansion, planning for an ADU seminar on March 14, 2026, and continued support for a move-in assistance program.



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- 8. Community Preservation Committee:** Diane Proctor reported current funding allocations from the CPC including \$56,000 for the HPP, \$39,000 for RHSO, and \$785,000 for the Affordable Housing Trust. Final deliberations will continue in January, with ongoing discussion regarding oversight and infrastructure needs supporting housing access.

The meeting was Adjourned at 6:48.

DRAFT

**Town of Concord
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Approved / / 26

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in person on Monday, December 22, 2025 at 6:00 PM at the Town House Select Board Meeting Room, 22 Monument Sq. The meeting was available for public access in person and via Zoom.

Call to Order

Present were: Mark Howell, Chair, Wendy Rovelli, Clerk, Mary Hartman, Paul Boehm and Cameron McKennitt (attended remotely)

Chair Howell called the meeting to order at 6:00 PM, Ms. Rovelli took the roll call and confirmed that a quorum was present.

Public Comment

Tanya Gailus of 62 Prescott Rd. expressed gratitude to the Select Board for their work and wished everyone a happy holiday and a wonderful new year. Additionally, Ms. Gailus, expressed sadness that Chair Howell will not be running for reelection to an additional term on the Select Board.

Chair Howell expressed gratitude and appreciation to the town staff, especially for the work that the past year required.

Consent Agenda

Chair Howell stated that he will provide the memo date needed for the December 8 Executive Session minutes and it was confirmed that this will be entered into the December 8 Executive Session minutes.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the Consent Agenda with the update of the date of the memo into the Executive Session minutes for December 8, which includes:

- a. Minutes for Approval: December 8
- b. Executive Session Minutes for Approval but Not Release: December 8
- c. Town Account Warrants: November 20, 2025 December 4, 2025, December 8, 2025, December 11, 2025, December 16, 2025, December 17, 2025, December 18 2025
- d. Gifts and Donations

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- i. Annual Gift from the Concord Free Public Library Corporation to the Town of Concord for use by the Concord Free Library in the amount of \$30,000.00.
- e. Proposed Amendment to APP#10; Remove Moderator
- f. Request for Revocation of 1970 Finance Committee charge
- g. One Day Liquor Licenses:
 - i. Wines & Malt Beverages Only for Jennifer Albanese of Concord Youth Theatre for the Annual Cabaret Fundraiser on Saturday, January 3, 2026 from 6:00 PM to 9:00 PM at 53 Church Street
 - ii. Wines & Malt Beverages Only for Benjamin Levin for a Commitment Ceremony on Sunday, March 24, 2026 from 4:00 PM to 12:00 AM at the Nashoba Brooks Discovery Barn, 200 Strawberry Hill Road

Ms. Rovelli expressed appreciation for the donation from the Concord Free Public Library Corporation. Mr. McKennitt thanked the staff and stated that the Select Board is caught up on minutes and that they have been well done.

Select Board Appointments

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the Select Board appointment of:

- a. Jeffrey Young of 264 Bedford St., as an Associate Member of the Historic Districts Commission for a term to expire on January 1, 2031.
- b. William Huyett of 1123 Monument St. to the Historic Districts Commission from Associate Member to Full Member representing the Select Board with a term from January 1, 2026 to January 1, 2031.
- c. Reappointments of Election Workers for a term ending July 31, 2026 as included in the Select Board meeting packet.
- d. Betsy Levinson of 124 Nashoba Rd., to the Economic Vitality Committee for a term to expire May 31, 2028.

Town Manager Appointments with the Approval of the Select Board:

Chair Howell noted that the packet is inclusive of a memo regarding the Natural Resource Commission appointment process. Chair Howell found the memo to be comprehensive. Ms. Lafleur provided additional information, stating that there were

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several volunteer cards submitted for the NRC and she elaborated on the process that was taken to select the current appointments. Ms. Lafleur shared that there was concern over upcoming lack of experience on the NRC, which also led to the decision to appoint Edward Nardi for a partial term. There are new opportunities on this commission that will be opening in the near future. Mr. Boehm supported the process that Ms. Lafleur described. Mr. McKennitt requested keeping the current volunteer applicants in mind for any new opportunities.

Upon a motion duly made by Ms. Rovelli and seconded, it was **UNANIMOUSLY voted:** to approve the Town Manager appointments with the approval of the Select Board.

- a. Edward Nardi of 29 Academy Lane as a full member of the Natural Resources Commission, for a partial term (3rd term) to expire on May 31, 2027, and to be exempted from APP #10, Section VIII (b) 3, term limits.
- b. Benjamin Niehaus of 121 Grove St, as a full member of the Natural Resources Commission for a term to expire May 31, 2028.
- c. Janet Miller of 1647 Main St. as an Associate Member to the Natural Resources Commission for a partial term to expire May 31, 2026.
- d. Malcolm Bryant of 175 Conant St. an Associate Member to the Natural for a partial term to expire May 31, 2026.

Chair's Report

Chair Howell provided a brief overview of MCI Concord planning next steps:

The MCI Concord Advisory Board has been meeting regularly and has been in dialogue with the Department of Capital Asset Management and Maintenance. The board has looked at potential capacity for housing and wastewater treatment capacity. The board also identified that collaboration with the Massachusetts Department of Transportation will be necessary due to the site's dependency on the Route 2 rotary project. Demolition and remediation costs still need to be identified. The most recent work has identified opportunities for wastewater expansion and potential municipal uses for the site, such as a facility for Concord Public Works. A town-led master planning process will begin in early 2026 to establish high-level designs, usage types, and zoning recommendations for Town Meeting. The MCI Concord Advisory Board will pause meetings for about a

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month while the Select Board reviews recommendations from the Land Use Working Group regarding public safety and municipal consolidation.

Town Manager's Report

Ms. Lafleur addressed three items of significance in her report before providing general departmental updates. They are as follows:

The town received a 2.5% budget guideline from the Finance Committee for FY '27. This target reflects an expectation that the town to absorb inflationary pressures through efficiency and optimization rather than programmatic cuts. Ms. Lafleur noted that there have already been significant measures taken to meet the FY '26 guideline, that already eliminated 4.74 full-time equivalent positions, making further optimization challenging.

Ms. Lafleur acknowledged a news article regarding a lawsuit filed by the town's former Chief Financial Officer. While the town has not been formally served, Ms. Lafleur stated the allegations are without merit and that the town's insurer, MIIA, will assign counsel to defend both Ms. Lafleur and the Town. She emphasized that employment actions were taken in good faith and town operations remain uninterrupted.

The FY '24 Town independent audit is substantially complete, though the town is awaiting the final management letter. A draft version was released via a public records request, however Ms. Lafleur cautioned that this version is not final and has not yet been reviewed by the town's established governance process. Ms. Lafleur noted that FY '24 audit was an atypical year due to the conversion to a new financial ERP system.

Regarding Mr. McKennitt's inquiry, Ms. Lafleur stated that she is aware that Concord Municipal Light Plant (CMLP) is currently unable to reconcile with the town accounts. Chair Howell commented about the budget target stating that he appreciated the finance team presenting the draft budget at 2.95% to the Select Board. Chair Howell stated there is a cost to trying to go tighter on the budget.

Ms. Lafleur stated a revised budget proposal will be presented to the Select Board in January and that the town has met the guidelines for the ten years that Ms. Lafleur has been with the town, though Ms. Lafleur feels that the town is coming into a hard year. In response to Mr. Boehm's inquiry, Ms. Lafleur stated that the finance team is still working on the capital budget and that the Select Board will be provided an opportunity to review this in January. There are a few items from the capital budget that will be transferred to the operating budget.

Additional updates included; Ms. Lafleur provided information about the storm response on 12/19. Power was restored to all but one area by Friday evening. Public Works early winter construction activities continue. There are three active projects that are expected to be completed before construction shuts down for the winter.

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There have been issues with water and sewer billing affecting around 700 customers, which will be resolved by applying credits to customer accounts in next cycle. Ms. Lafleur provided information regarding holiday hours at the town offices and library, and a special coffee and snacks event at the Council on Aging will be held on Christmas Day.

Mr. Boehm gave a shout out to Minuteman Media for the professional video that was recently published covering the Concord Carlisle High School vs. Lexington football game and can be found in the latest edition of Concord Currents.

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Discussion and Vote: Provisional Approval of "Pianos on the Town."

Presenter: Mimi Graney, Economic Vitality Manger and Kate Yoder of the Concord Conservatory of Music

Ms. Yoder presented the proposal as was described in the memo that is included in the meeting packet. The Select Board members were provided with information about the life of the pianos following the project and additional details of the proposal such as performance events and collaborations that will be held. Ms. Gailus spoke in support of the project. In general, the Select Board members also verbalized their support of the project.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to grant provisional approval of the public art proposal: "Pianos on the Town."

Project Approval Request: Receipt of Gift of Sarah Compton of up to \$3,000, Naming of Town Property in honor of Mary Johnson, Installation of bench in front of the Visitor Center

Presenter: Mimi Graney, Economic Vitality Manger

Ms. Graney provided an overview of the proposal as was provided in the memo, which is included in the meeting packet.

There were no questions.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the Receipt of Gift of Sarah Compton of up to \$3,000.00,

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Naming of Town Property in honor of Mary Johnson, Installation of bench in front to the Visitor Center.

Presentation and Gift Acceptance: Gift of Dr. Susan Curtin to the Town of Concord, Town Archives; The order of the Rising Sun, Silver and Gold Ray bestowed upon Dr. Tom Curtin by the Emperor of Japan.

Presenter: Nathaniel Smith, Municipal Archivist/ Records Manager

Mr. Smith provided the presentation, referencing the memo that is included in the meeting packet. Holly Cratsley provided historical information about the award including details such as when it was presented to Dr. Curtin, which was on September 10, 2016 in the Select Board Meeting Room. Mr. Smith shared information regarding the town collections and about the items from Nanae collection that are shown to the delegation/students who come to Concord from Nanae, Japan. Chair Howell expressed his support for accepting this gift. Ms. Hartman expressed appreciation for the work of Dr. Sue Curtin, who played a large part in establishing the relationship that has been created with the town of Nanae.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the Gift of Dr. Susan Curtin to the Town of Concord, Town Archives; The order of the Rising Sun, Silver and Gold Ray bestowed upon Dr. Tom Curtin by the Emperor of Japan.

Open and Continue Public Hearing (to January 12, 2026) for a New On-Premise All Alcohol Liquor License Application for the Wright Tavern, 2 Lexington Road

Presenter: Shannon McAndrew, Management Specialist

Ms. McAndrew stated that the application was withdrawn today and that the Wright Tavern will apply for one day liquor licenses as needed, while they continue to ready the facility.

Discussion and Vote: New Class II License application for Zhiping Wang of Village Auto Works LLC, DBA Village European, 50 Concord Turnpike

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Presenter: Shannon McAndrew, Management Specialist

Mr. Wang presented the application and gave some history regarding how they (three business partners) came across the opportunity. Mr. Wang stated that the business has around 1,000 customers and has around 4,000 cars in the system. Mr. Wang shared that they do not intend to change the current balance of service and sales business. Mr. Wang and Ms. McAndrew addressed Ms. Hartman's question about the number of cars that could be for sale on the lot, which is 30. Mr. Wang stated that the previous owner will remain as an advisor therefore, there should be no service interruption. There were no additional questions.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the New Class II License application for Zhiping Wang of Village Auto Works LLC, DBA Village European, 50 Concord Turnpike.

**Discussion and Vote: Approve Select Board Licenses for 2026 Annual
Renewal – Batch 2**

Presenter: Shannon McAndrew, Management Specialist

Ms. McAndrew presented the agenda item and provided additional information that Dario's will be opening at the end of the winter. In response to Chair Howell's inquiry, Ms. McAndrew stated that there is currently no limit on Class 1 or Class II licenses.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the Select Board Licenses for 2026 Annual Renewal – Batch 2

**Discussion and Vote: Grant of Easement for Water Utility - Project: 80X &
1053 Main St Definitive Subdivision Plan**

Presenter: Darin M. LaFalam, Concord Water & Sewer Superintendent

Mr. LaFalam presented the Grant of Easement request that is included in the meeting packet. Mr. LaFalam stated that the developer, EMS Development Corporation, has been a good partner in the process. The location is directly across from Concord Green.

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There were no other questions other than that of Ms. Hartman, which was to clarify the location of the easement. Mr. LaFalam stated that the development is directly across from Concord Green.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the Grant of Easement for Water Utility - Project: 80X & 1053 Main St Definitive Subdivision.

Discussion and Vote: Financial Reserve Policy and Potential Capital Stabilization Fund

Presenter: Wendy Rovelli, Select Board Clerk

Ms. Rovelli presented an update on the town's financial reserve policy, which was developed by a workgroup formed in late summer. The group has researched best practices, reviewed policies from **Aaa**-rated municipalities, referenced Department of Local Services (DLS) guidelines, and Moody's bond rating metrics. Ms. Rovelli shared that the town last published financial policies in 2017, but this update clarifies definitions and establishes specific minimum funding targets that were previously expressed as ranges.

The primary highlights of her report regarding the reserve policy and stabilization funds included: Ms. Rovelli noted that Concord's available fund balance ratio is approximately 30%, which is slightly below the 35% metric Moody's targets for **Aaa**-rated towns. Ms. Rovelli emphasized that free cash is unrestricted but cannot be used until certified by the state each year, a process that has recently been delayed until late autumn or winter. In contrast, general stabilization funds can be appropriated by Town Meeting at any time but require a two-thirds majority vote. Ms. Rovelli provided background on the minimum thresholds for free cash and general stabilization noting that the combined minimum would be 8%. While the policy initially suggested a 5% target for the general stabilization fund, Mr. McKennitt recommended a compromised "four and four" split—establishing a 4% minimum for free cash and a 4% minimum for general stabilization.

The policy triggers a review for potential one-time use of free cash when the combination of free cash and general stabilization reserves exceeds 10% of the ensuing budget. The policy also formalizes a new procedure for the Board of Assessors to report potential surpluses in the overlay fund every May, allowing Town Meeting to re-appropriate those funds more strategically. Ms. Rovelli and the workgroup recommended the creation of a consolidated capital stabilization fund. Instead of creating separate stabilization funds for

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individual large capital building projects, this single fund would allow the town to earmark money for various large-scale projects within one fund. Ms. Rovelli explained that modern accounting systems can track how much money is allocated for specific purposes (such as the middle school) within the larger fund, making the process cleaner while still allowing the town to accrue interest and build reserves for future capital needs. Given the documented needs for new public safety and public works facilities, the workgroup recommends creating the capital stabilization fund now.

Ms. Rovelli indicated that the town should expect two to four warrant articles related to these financial policy recommendations. These will likely include articles to rescind and rewrite the definition of the general stabilization fund (originally established in 1960) to make it more flexible, as well as an article to officially create the new capital stabilization fund. Recommendations for appropriations into the capital stabilization and/or general stabilization funds will be discussed at a later date.

The Select Board discussed the functional differences between free cash and general stabilization funds, establishing that appropriating free cash requires a simple majority vote, while withdrawing from the general stabilization fund requires a two-thirds majority vote. Additionally, once certified, free cash is available until the end of that fiscal year (June 30). Delays in certification hinder the Finance Committee's ability to set budget guidelines and plan for the next cycle. Without certification, free cash cannot be appropriated by Town Meeting, which would be important if a special fall Town Meeting was needed, however appropriation from the general stabilization funds would be allowed. Ms. Lafleur stated that she does not expect free cash to come in different this year over last year. Chair Howell stated that there will be Town Meeting articles on this topic and that he would appreciate the more ordered system that will be put in place as a result of these changes.

Chair Howell thanked Mr. Ferrara for putting the budget together by the fall when he had only arrived over the summer.

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to approve the Financial Reserve Policy with the modified allocation to free cash and general purpose stabilization of 4% each and the edits that were made during the discussion of the red lined version.

Discussion: Preview of Potential Articles for Town Meeting

**Town of Concord
Select Board Meeting
Meeting Minutes
December 22, 2025**

Presenter: Mark Howell, Select Board Chair

Chair Howell stated that all Select Board members are assigned as liaisons to committees and boards. Chair Howell also stated that any Town Meeting articles to be discussed need to be addressed at the January 12, 2026 Select Board meeting. Chair Howell is currently aware of two potential articles. One potential article relates to the Natural Resources Commission; which is the possible creation of a conservation fund and conservation fund bylaw. Chair Howell has also heard that there may be a citizen's petition for a solar policy or a solar project article.

Ms. Hartman emphasized the need for governance and oversight regarding the proposed conservation fund bylaw. She specifically recommended that the bylaw should require Select Board approval or review before the fund's money is spent on land acquisitions.

Mr. Boehm provided further explanation of the proposed conservation fund, which will be used for purchase of conservation land. He introduced the fund as a potential warrant article, noting that it would be similar in nature to the town's affordable housing trust fund. Mr. Boehm also shared that the town staff is currently working on recommendations for its structure, and he acknowledged a complication regarding sequencing with the Community Preservation Committee (CPC), noting that CPC cannot provide funding for the initiative unless the bylaw already exists. The matter will be placed on the agenda for the next meeting.

Ms. Lafleur shared that Town Counsel is drafting a version of the conservation fund bylaw and that it will be complete in time for the Select Board to discuss it before the warrant closes.

Ms. Rovelli recommended drawing parallels to the Concord Municipal Affordable Housing Trust governance and identified that the CMAHT expended funds that did not come through the Select Board.

Ms. Lafleur brought forth a potential article which would be an update to the (door to door) soliciting bylaw, that was first adopted in 1977 and updated in 2006. Ms. Lafleur stated that the current version is too restrictive as it relates to recent court cases, therefore adjustments need to be made.

Ms. Rovelli had heard a recommendation for an assessment stabilization fund which would address unexpected budget expenses do to shifts in regional school enrollment associated with Concord Carlisle High School or Minuteman Regional Technical.

Chair Howell reminded the community about the opening and closing dates of the warrant, as are noted in the following agenda item.

**Town of Concord
Select Board Meeting
Meeting Minutes
December 22, 2025**

**Vote to Open Town Meeting Warrant on December 29, 2025 at 9:00 AM and
Close Town Meeting Warrant on January 23, 2026 at 12:00 PM.**

Presenter: Mark Howell, Chair

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to Open Town Meeting Warrant on December 29, 2025 at 9:00 AM and Close Town Meeting Warrant on January 23, 2026 at 12:00 PM.

Chair Howell encouraged everyone to pay attention to the closing time.

Update on Antisemitism and Bias Initiatives

Presenter: Mark Howell, Chair

Discussion: DRAFT DEI Commission Charge

Chair Howell described the three versions of the DEI Commission charge that are included in the meeting packet for this agenda item. The third and final version of the charge is the most recent and more closely resembles the most standard format of current committee charges and intends to be a broad and flexible mandate that will be useful. Chair Howell asked each of the Select Board members to provide feedback on the current version.

Ms. Rovelli supported the purpose section and the restructuring, making the charge more consistent with other board and committee charges. Ms. Rovelli does feel that there are many duties in the charge and would support eliminating any redundancy. Ms. Rovelli also supports a consistent schedule for reports to the Select Board and the holding of public forums.

Mr. Boehm is in support of the updated version and agrees with Ms. Rovelli that the duties can be further edited. Mr. Boehm inquired if 15., 16., and 17. could be separated into a different category under deliverables or reporting.

Ms. Hartman is in support of the updated version as well and highlighted that the duties should be condensed noting that she would like the Select Board to take a closer look at 14 under *Duties and Responsibilities*.

Mr. McKennitt feels this is an improved version and would like to continue to refine the definitions around encouraging diverse applicants. Mr. McKennitt would like an additional opportunity to edit the document. Mr. McKennitt challenged how the revised charge

**Town of Concord
Select Board Meeting
Meeting Minutes
December 22, 2025**

indicated that members are chosen and instead would like to rely on APP #10 for the DEI Commission appointments.

Chair Howell stated that the community and DEI Commission will want to provide feedback on the draft. Chair Howell stated that he will look at the duties to see if there are any overlaps and if the duties can be consolidated. The Select Board will continue to review this document.

Community member, Tanya Gailus stated that she has experience as a marginalized minority member in her country of birth, in addition to being an immigrant here, and she also stated that while inclusive community engagement is vital, the commission's majority should consist of individuals with lived experience from underrepresented groups to provide depth of perspective.

Liaison Reports

Ms. Hartman's and Ms. Rovelli's report are included in the meeting packet. Ms. Hartman added that the new RHSO Director sent her an email with links to studies done on the impact of housing on town services. These studies will be distributed to the Select Board. Mr. Boehm shared that the efforts between the departments/committees working on roadway safety planning is going well and that there may be a report/ plan ready for the first quarter.

Executive Session

Upon a motion duly made by Ms. Rovelli and seconded, it was UNANIMOUSLY **voted:** to enter into Executive Session under M.G.L. c. 30A, § 21(a)(6) at 8:33 PM to consider the purchase, exchange, lease or value of real property (MCI – Concord, 1440-1442 Main St.) if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and not return to Open Session

Roll Call Vote:

Mr. Boehm – Aye

Ms. Hartman – Aye

Chair Howell- Aye

**Town of Concord
Select Board Meeting
Meeting Minutes
December 22, 2025**

Mr. McKennitt – Aye

Ms. Rovelli - Aye

[Meeting Packet](#)

[Meeting Recording](#)

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION
Honoring Rebecca Purcell

WHEREAS the Flag of the United States of America stands as a symbol of freedom, unity, and the enduring values upon which our nation was founded; and

WHEREAS the proper display and respectful handling of the United States Flag reflect our collective honor for those values and for the sacrifices made in their defense; and

WHEREAS through the generous purchase and dignified lowering of the United States Flag at Emerson Field, a meaningful act of patriotism and respect has been demonstrated for our community and its traditions;

NOW be it proclaimed that sincere thanks and appreciation are hereby
THEREFORE extended for this thoughtful contribution and respectful observance, which remind us all of the importance of civic pride, remembrance, and national unity.

IN WITNESS WHEREOF, this proclamation is offered with gratitude and respect, recognizing this act as one that honors both our flag and the values it represents.

Proclaimed this 12th day of January 2026.

CONCORD SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION
Honoring Michael Rudd

WHEREAS the Flag of the United States of America stands as a symbol of freedom, unity, and the enduring values upon which our nation was founded; and

WHEREAS the proper display and respectful handling of the United States Flag reflect our collective honor for those values and for the sacrifices made in their defense; and

WHEREAS through the generous purchase and dignified lowering of the United States Flag at Emerson Field, a meaningful act of patriotism and respect has been demonstrated for our community and its traditions;

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IN WITNESS WHEREOF, this proclamation is offered with gratitude and respect, recognizing this act as one that honors both our flag and the values it represents.

Proclaimed this 12th day of January 2026.

CONCORD SELECT BOARD



THE TOWN OF
CONCORD
MASSACHUSETTS

Office of the Town Manager
Concord, Massachusetts 01742

Kerry A. Lafleur
Town Manager
Town House
P.O. Box 535
22 Monument Square
www.concordma.gov
(978) 318-3000

To: Concord Select Board

From: Kristin Reichman, Executive Assistant to the Select Board

Date: January 12, 2026

Re: 2026 Annual Licenses Batch 3

Enclosed please find the third batch of local licenses to be renewed for the 2026 calendar year.

Please reach out to me with any questions regarding this third batch of local licenses to be renewed for 2026.

Tour Guide Licenses:

1. Karla Hailer
2. Curtis Brown
3. Tamara Rose



To: Select Board

CC: Kerry Lafleur, Town Manager & Jennifer Barrett, Chief Financial Officer

From: Emily Smith, Director of Library Services

Date: December 18, 2025

Memo: Donation from Friends of the Concord Free Public Library to Library Staff Gift Fund for Supporting Libraries Programs

Please place on the Select Board Agenda the following gift to the Staff Gift Fund Account from the Friends of the Concord Free Public Library.

This gift will be used, under the direction of the Director of Library Services, for the purpose of supporting library programs and events including, but not limited to, hiring musicians, instructors, and other vendors, purchasing supplies and funding the popular Summer Reading and Museum Pass Programs.

Please find attached a letter from the Board of Directors of the Friends of the Library.

Amount: \$18,000

Friends of the Concord Free Public Library
P.O. Box 644
Concord, MA 01742
friends@concordlibrary.org

Designated Fund: 45100033-4850 (Library Staff Gift Fund)

Sincerely,

Emily Smith

Accepted: _____

Date: _____

Select Board Clerk



Town Manager's Monthly Project Report

January 2026

Tracking progress across key operational and capital priorities.

Executive Overview – January 2026

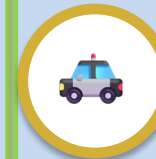


- **January reflects continued progress across the Town’s active capital and operational portfolio, with projects advancing through validation, procurement, and early execution.**
- **Public Works and utility initiatives remain active, including ongoing construction, water system improvements, and post-installation meter system validation.**
- **Public safety priorities continue moving forward, with ALS training and licensing underway and CAD/RMS modernization advancing through procurement.**
- **Staff continue early planning for longer-range facility and infrastructure needs, including Public Works operations and wastewater capacity at the MCI site, supported by a state earmark.**
- **The Land Use Working Group is evaluating opportunities to use existing Town buildings more effectively and efficiently as FY27 planning begins.**



Infrastructure

Harvey Wheeler work continues toward close-out; culvert and water system work remains active



Public Safety

ALS training/licensing continues; CAD/RMS modernization remains in procurement and planning.



Energy & Technology

Meter deployment complete and now in system validation; Town House security + AV planning advancing.



Sustainability & Climate

Climate Action & Resilience Plan moves through consultant selection; Transportation Strategy analysis continues.

Project Spotlight

Harvey Wheeler Community Center

Why It Matters

- Serves residents of all ages
- Improves pedestrian safety and accessibility

Completed

- New accessible sidewalk and ramp system constructed
- Pedestrian circulation improved and grade challenges reduced
- Public access maintained throughout construction

What's Next

- Final inspections and close-out documentation
- Transition to routine maintenance

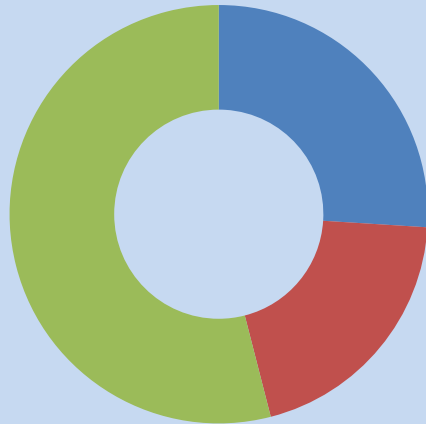
Multimedia collaboration with
Minuteman Media Network
(Coming Soon)



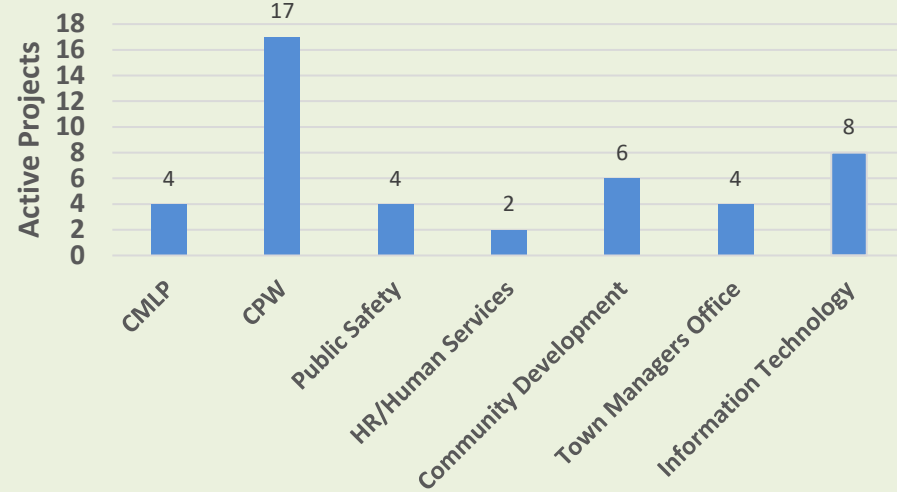
January Dashboard – Project Activity Snapshot

Project Phases

- Execution (26%)
- Procurement (20%)
- Planning & Other (54%)



Projects by Department



- **46 Active Projects**
- **9 Departments Reporting**
- **\$6.425M Active Capital (Reported Projects)**

Key Insight: More than half of active projects remain in planning, positioning the Town for FY27 execution.



Priority Projects & Initiatives



Capital and public safety initiatives progressing through implementation and planning milestones.

Project / Initiative	Department / Project Manager	Cost / Funding Source	Current Phase	Next Milestone
Advanced Metering Rollout	Concord Municipal Light Plant Jason Bulger CMLP Director	\$3.0M Enterprise	Execution	System validation
Time-of-Day Rate Rollout	Concord Municipal Light Plant Jason Bulger CMLP Director	\$100K Special Funds	Planning & Design	Customer launch
Smart Water Meter Installation	Concord Public Works Darin LaFalam Water Superintendent	\$1.6M Enterprise	Execution	Continued installation/system integration
Baker Culvert Repair	Concord Public Works Steve Dookran Town Engineering	\$800K Capital	Execution	Completion of construction
MCI Wastewater Treatment Plant	Concord Public Works Alan Carthart	State Earmark to Assist in Planning	Planning & Design	Continued Discussions
Basic Life Support → Advanced Life Support Transition	Fire Department Chief Whitney	\$1.2M Grant	Execution	State certification
CAD/RMS Upgrade	Police Department Chief Mulchay	\$350K Operating	Procurement	Vendor implementation

Priority Projects & Initiatives Continued



Town-wide climate, governance, and delivery initiatives supporting FY27 execution.

Project / Initiative	Department / Owner	Cost / Funding Source	Current Phase	Next Milestone
Climate Action & Resilience	Town Manager's Office Megan Zammuto (Deputy Town Manager)	\$75K / Town Meeting	Procurement	Vendor selection
Cell Infrastructure Improvement	Town Manager's Office Megan Zammuto	TBD	Planning & Design	Coverage assessment and implementation strategy
Town House Security Improvements	Town Manager's Office / IT Jeff Weiner CIO	\$35K / Special Funds	Planning & Design	Historical Review
Town House Hearing Room Update	IT-Minuteman Media Jeff Weiner- Juile Manoogian Media Director	Operating	Planning & Design	Scope refinement and cost confirmation
Assabet River Bridge/Multi-Use Trail	Community Development Alyssa Sandoval Community Development Director	Operating	Planning & Design	Budget submission and coordination
Public Safety and CPW New Facilities	Fire / Police / CPW	TBD	Analysis	Needs assessment and preliminary options review





Advanced Metering Rollout:

System-wide deployment of advanced electric meters to improve billing accuracy, outage response, and system analytics, with installation complete and system validation underway.

Select Board Goals:  Infrastructure •  Financial Sustainability •  Climate Action

Time-of-Day Rate Rollout:

Implementation of time-based electric rates to support demand management, grid efficiency, and long-term cost containment, supported by customer outreach and billing system coordination.

SB Goals:  Climate Action •  Financial Sustainability

Project Timelines (FY25–FY26)

Advanced Metering Rollout

- Deployment complete
- **System validation (current)**
- Operational close-out (pending validation)

Time-of-Day Rates

- Rate design complete
- **Customer communications (current)**
- Rate activation & monitoring

Concord Public Works (CPW)



Smart Water Meter Installation:

System-wide installation of smart water meters to improve leak detection, billing accuracy, and system monitoring while reducing water loss.

SB Goals: Infrastructure • Climate Action • Financial Sustainability

MCI Wastewater: Early planning and capacity assessment underway.

Baker Culvert Repair:

Repair and replacement of the Baker Culvert to address aging infrastructure, improve stormwater conveyance, and reduce flood risk.

SB Goals: Infrastructure • Resiliency • Public Safety

Project Timelines (FY25–FY27)

Smart Water Meter Installation

- Project initiation complete
- **Early implementation (current)**
- System integration and validation

Baker Culvert Repair

- Engineering assessment complete
- Design & permitting complete
- Construction underway (current)
- Substantial completion & restoration

Public Safety — Fire & Police Department Projects



Fire Department (CFD)

BLS to ALS Transition:

Transition of emergency medical services from Basic Life Support to Advanced Life Support to improve patient outcomes and reduce reliance on mutual aid.

SB Goals: 🚑 Public Safety • ⚙️ Service Reliability • 💰 Financial Sustainability

Police Department (CPD)

CAD/RMS System Upgrade:

Replacement of the Police Department's Computer-Aided Dispatch and Records Management System to modernize reporting, data sharing, and operational efficiency.

SB Goals: 🚓 Public Safety • 📊 Strategic Planning • 🏛️ Governance

Public Safety Project Timelines (FY25–FY26)

ALS Transition (CFD)

- Grant secured
- Personnel enrolled in training
- **Training & state licensing underway (current)**
- ALS certification & service deployment

CAD/RMS Upgrade (CPD)

- Needs assessment completed
- **Vendor procurement & implementation underway (current)**
- System configuration & staff training
- Go-live & data migration

Public safety initiatives continue advancing, with ALS implementation progressing toward certification and CAD/RMS modernization procurement and planning stages.

Town Manager's Office (TMO) — Priority Projects



Climate Action & Resilience Initiative:

Development and coordination of a town-wide climate action and resilience strategy to guide policy, capital planning, and operational decision-making.

SB Goals:  Climate Action •  Governance •  Long-Term Planning

Cellular Infrastructure Improvement:

Coordination of multiple wireless infrastructure initiatives across Town Center and West Concord to address documented coverage gaps, support public safety communications, and improve service reliability. Work includes small cell deployment, lease negotiations, site-specific feasibility review, and preparation for future procurement to advance expanded wireless coverage.

SB Goals:  Infrastructure •  Public Safety •  Governance

Project Timelines (FY25–FY26)

Climate Action & Resilience

- Project scope established
- RFP issued and reviewed
- **Consultant selection (current)**
- Strategy development & policy alignment

Cell Infrastructure Improvement

- Town Center wireless initiatives advancing through deployment and lease negotiation
- **Site-specific feasibility and permitting coordination underway (current)**
- West Concord coverage expansion planning and procurement preparation
- Identification of implementation pathways by location

Other Active Initiatives



CMLP

- **Landfill solar expansion & battery storage:** regulatory and interconnection review underway
- **Middle School solar:** re-scoping with school district

Concord Public Works

- **Public Safety / CPW facilities:** early-stage needs assessment and space planning
- **Pavement and drainage planning:** early coordination to inform future capital programming

Facilities (Public Works)

- **Facility condition and maintenance planning:** coordination to inform capital and lifecycle decisions
- **Internal process improvements:** workflow standardization and project coordination tools

Information Technology

- **Internal systems improvements:** performance reporting and data visibility enhancements
- **Security and access systems:** coordination with Facilities and Town Manager's Office

Community Planning

- **Transportation Strategy:** data analysis and scenario development
- **Zoning and land use coordination:** support for long-range planning initiatives

Human Resources and Services

- **Workforce planning and classification review:** supporting FY27 budget development
- **Policy and program coordination:** cross-departmental support initiatives

Ongoing initiatives will continue to be monitored and reported alongside priority execution and delivery.

Closing out 2025



This Month

January reflected steady progress across Concord's active capital and operational portfolio, with construction, system modernization, and public safety initiatives advancing, alongside continued planning and coordination for longer-range infrastructure and policy efforts.

Looking Ahead

In the months ahead, departments will continue advancing projects through execution, validation, and close-out phases, while progressing design, procurement, and consultant-led work supporting early FY27 capital and operational decisions.

Ongoing Oversight

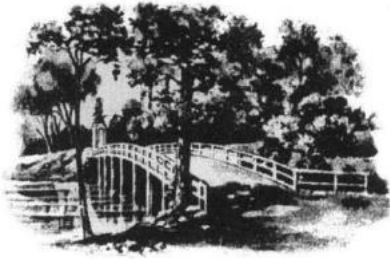
The Town Manager's Office will continue coordinating across departments to track milestones, monitor emerging issues and dependencies, and elevate items requiring Select Board awareness or direction, supporting transparency and informed decision-making.

Future updates will focus on key milestones, emerging risks, and items requiring Select Board awareness.

Discussion and Vote: Temporary Art Installation – Pride Rainbow Crosswalks

Presenter: Mimi Graney, Economic Vitality Manager

Favorable action is requested: Motion to approve the Temporary Installation of Pride Rainbow Crosswalks.



OLD NORTH BRIDGE

TOWN OF CONCORD

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

To: Mark Howell, Chair, Concord Select Board

From: Mimi Graney, Economic Vitality Manager

Date: December 31, 2025

Re: Public Art Proposal – **Creative Crosswalks – “Pride Crossing”**

Request for Preliminary Approval of Public Art - “Creative Crosswalks” - on town-owned property in West Concord and Concord Center

Sponsor:

The Concord Diversity, Equity and Inclusion Commission wishes to execute two crosswalks as part of the ConcordPride Celebrations in 2026.

- In Concord Center across Main Street at 28 Main Street (by Vanderhoofs)
- In West Concord across Commonwealth Avenue at 110 Commonwealth (by Eva’s Little Kitchen)

Purpose:

Sidewalk decals within the commercial areas are a bright, bold way for Concord to display its support of the LGBTQIA community and to amplify the festivities of Concord Pride taking place town-wide.

Public art creates a presence and awareness for folks who might otherwise be reached through event marketing. “Art Loop” of sidewalk decals in West Concord were well received. Proved to be cost effective means to execute temporary art installation.

This art fits within the goals of Concord’s cultural districts, desire to lift up unheard voices and make Concord a more welcoming and inclusive committee.

Site(s):

Within the voids of the white bands of the existing crosswalks large scale custom printed pavement floor graphics will be affixed to echo the colors of the Progress Pride

Flag. (The Progress Pride Flag updates the original eight-stripped rainbow flag created in 1978. The Progress Pride of 2018 has six rainbow colors of red, orange, yellow, green, blue and purple accompanied by black, brown, light blue, pink and white to represent Black, Brown and transgender communities within the LGBTQ+ umbrella.)

The decals for this application will be the same as those installed in West Concord that held up well to foot traffic for months. They are skid resistant and easy to install and remove, leaving no residue on the surface.

Project Description:

Background: This project was inspired by creative crosswalk projects executed worldwide, especially Pride themed rainbow crosswalks world-wide to support LGBTQIA+ community members. The use of the materials was identified through the success of the decals project in West Concord.

Funding & Budget:

Decals, set-up fee and printing:	\$3,000
Installation, 1 day @ \$750/day:	\$750
Police details for roadway install:	\$400
Contingency	\$500
Total Project Estimate:	\$4,650.

Funding shall be provided by Concord Pride sponsors /fundraising

Site constraints:

The Concord Center crosswalk is within the Main Street Historic District and therefore, should the decals remain in place for a term longer than 48 hours, would require a certificate of appropriateness from the Historic Districts Commission.

Crosswalks are important for pedestrian safety in the two business districts. Close monitoring is needed to ensure there are no hazards created. Reviews will be requested of Public Works Highway Division as well as Concord Police.

Materials:

Communities approach creative crosswalks using a variety of materials.

- Oil-based traffic paints and exterior latex paints are commonly used but these decay unevenly under the vehicle movement. The designs begin to degrade within just days.
- Thermoplastic and epoxy materials resist wear and can look good for years but are appropriate only for more permanent applications and are expensive.
- Pavement Floor Graphics are intended for pedestrian areas and for concrete but can withstand short-term vehicle movement. This material allows for short-term installation and to be removed without trace.

This proposal engages the use of pavement floor graphics. The design preserves the existing white crosswalk striping with the colorful decals filling the gaps.

The decals, the same as used in West Concord successfully on sidewalks, are professionally printed on weather-proof floor wrap designed for outdoor use. The decal is produced with a non-skid heavy texture matte overlamine so that the surface is not slippery. The decals will be produced by [Sticker Genius](#).

A single test decal would be installed in mid-late April within one crosswalk to assess how the material responds to vehicle traffic.

Installation: A local independent contractor will be secured to do the work. Police details will be engaged to assist with traffic management.

Term & Maintenance: The intention is for the decals to remain in place for the celebration of Pride in the month of June. Depending on community feedback, the term could be for as little as three days for the weekend of local Pride events or for the entire month.

It is not yet known how they will respond to vehicle traffic. Removal can be executed within minutes. Decals that fall into poor condition can and would be removed quickly and leave no trace.

Schedule:

March 2026: Test decal ordered

Mid-Late April 2026: Test decal installed and assessed. If test is successful, Select Board meeting to request final approval for full installation. Fundraising executed.

May 2026: Full set of decals ordered

June 2026 – first week: Sidewalk Decals installed in two locations for Concord Pride. Installation weather dependent. Sometime between June 1 and June 5.

June 6, 2026: Community Celebrations for ConcordPride

June 2026 – last week: Decals removed no later than July 2. Exact date to be determined.

Community:

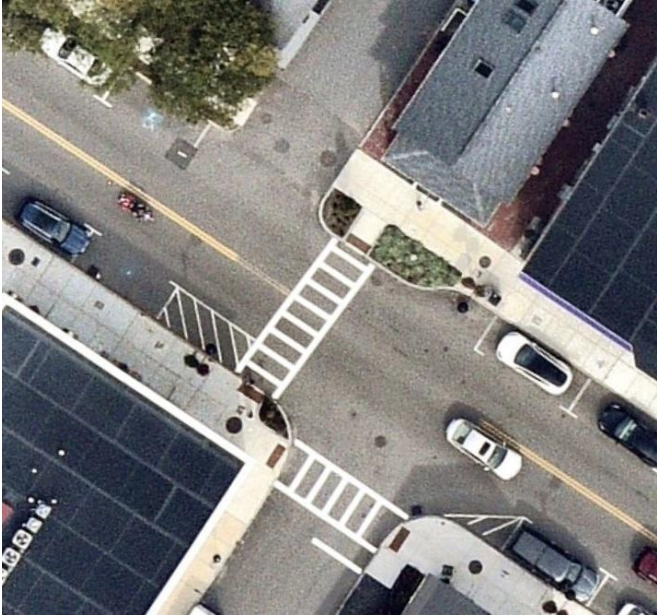
The project will involve collaboration with Concord-based partners to engage nearby businesses, cultural districts, and community organizations. Funding for installation will be secured through community sponsorships. Formal letters of support have been received from The Umbrella Art Center, Concord Flower Shop, First Parish in Concord, West Concord Union Church and Windhorse Counseling.

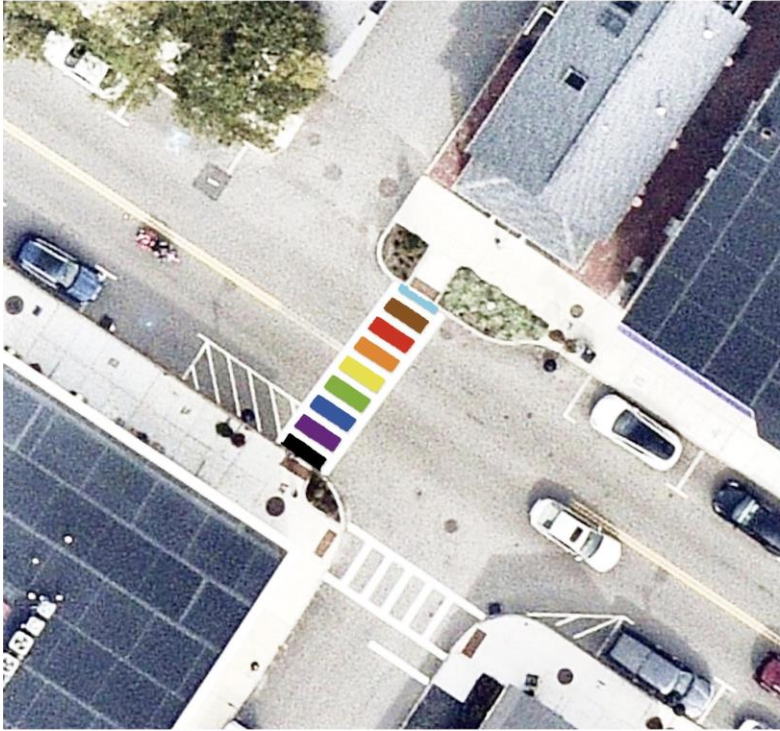
Administration and Town Responsibilities:

- The DEI Commission, with the assistance of the Economic Vitality Manager, will engage an outside contractor to install the decals.
- Aaron Miklosko of Highway & Grounds to advise on installation and contract related requirements.
- Public Works will be consulted when scheduling the date of installation to ensure there are no negative impacts on other work happening in the area.
- Ron Holsinger and Concord Police to advise on installation and for traffic management for installation and removal.



Street level view of existing Concord Center Crosswalk





West Concord at 110 Commonwealth Ave





Concord Center at 28 Main Street

The [West Concord Art Loop](#) was a temporary art installation the summer and fall of 2025 of 130 weatherproof decals of works by local artists on the sidewalks of West Concord Village executed by the WC Cultural District.



Creative crosswalks have proven popular worldwide. The rainbow design of the Pride flag in particular has been embraced as a means for communities to increase LGBTQIA visibility.





THE UMBRELLASM
ARTS CENTER

To: Mark Howell, Chair, Concord Select Board

Dear Mr. Howell:

I am writing this note in enthusiastic support of the Public Art Proposal - Creative Crosswalks - "Pride Crossing".

Over the last two years I have been happy to see the growth and support of Concord Pride. I know, both on a personal and organizational level - how much it means to members of our entire community to feel welcome and included.

These public art projects in Concord and West Concord will help expand that spirit throughout the month of June and will no doubt increase a sense of welcome, inclusion, and greater visibility and visitation in both areas.

Based on my perspective and experience I strongly support the installation of these public art projects and encourage the Select Board to grant swift and full approval.

Sincerely

Eileen Williston
Executive Director
The Umbrella Arts Center



December 11, 2025

To: Mark Howell, Chair, Concord Select Board

I am writing this note in support of the Public Art Proposal – Creative Crosswalks – “Pride Crossing”.

Before serving First Parish in Concord, I was a Parish Minister in another historic town, Newport, RI. Community leaders and residents worked together to advocate for a more visible welcome for LGBTQIA+ folks who had experienced hostility and exclusion. Over time, Newport grew in its affirmation of all people. On a recent visit, I was delighted to see two crosswalks painted in bright colors like the Progress Flag in front of Equality Park. See photo below.

Over the last two years I have been happy to see the growing support of Concord Pride and know how much it means to members of our entire community to feel welcome and included.

These public art projects in Concord and West Concord will help expand that spirit throughout the month of June and will increase a sense of welcome, inclusion and greater visitation in both areas.

Base on my perspective and experience I support the installation of these public art project and encourage the Select Board to grant swift and full approval.

Sincerely,
Rev. Amy A. Freedman
Minister of Religious Education



Support for Public Art Proposal - Creative Crosswalks

From Joyce DeGreeff <joycedegreeff@gmail.com>
Date Tue 12/16/2025 12:44 PM
To Mimi Graney <MGraney@concordma.gov>
Cc Joe Palumbo <joe.frank.palumbo@gmail.com>

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

Hi Mimi - I'm sending this along from the church where I work in support of the Art for All proposal. Thank you for gathering input on this!
Joyce

On behalf of West Concord Union Church (WCUC), please accept this letter in support of the Public Art Proposal for Creative Crosswalks: Pride Crossing.

WCUC has long been an "Open and Affirming" community with an intentional welcome and celebration of all people, including those with disabilities and those who identify as LGBTQIA+. We have often partnered with Art for All on projects for our church and we highly recommend this organization whose mission, in part, states:

"At Art for All we believe that art is a powerful force for bringing people together, for instilling a sense of purpose and belonging, and spreading joy throughout the community. We give people of all abilities and circumstances the opportunity to participate in creative activities."

Members of WCUC have been planners and participants in Concord Pride over the past two years and we are thrilled to witness its growing energy in our town. We know, firsthand, how much it means to members of our local community to feel valued and celebrated. We believe that the Creative Crosswalks art project, Pride Crossing, will help to expand this spirit in Concord and West Concord.

Based on our values, vision, and collective experience, we fully support the installation of these crosswalks in June of 2026, and we hope that the Select Board will offer their approval.

In Solidarity,
Joyce DeGreeff
WCUC Director of Youth and Adult Programming

Joanna Swain
WCUC member

Rev. Hannah Brown
WCUC Pastor

To: Mark Howell, Chair, Concord Select Board

I am writing this note in support of the Public Art Proposal – Creative Crosswalks – "Pride Crossing".

I have been a supporter of Concord Pride for 2 years and know how much it means to members of our entire community to feel welcome and included.

Colorful rainbow crosswalks in Concord and West Concord will help expand that spirit throughout the month of June and will no doubt increase a sense of welcome, inclusion and greater visitation in both areas.

Based on my perspective and experience as a small business owner in West Concord I support the installation of these public art project and encourage the Select Board to grant swift and full approval

*Sincerely,
Helen Halloran
Concord Flower Shop
135 Commonwealth Ave
West Concord MA
978-369-2404*



Windhorse Counseling, LLC
9 Pond Lane
Suite 4D
Concord, MA 01742
(978) 759-5185

11 December 2025

Mark Howell, Chair
Concord Select Board
22 Monument Square
Concord, MA 01742

Re: Public Art Proposal – “Pride Crossing”

Dear Mr. Howell,

I am writing this note in support of the Public Art Proposal – Creative Crosswalks – “Pride Crossing.” We’ve not met, but my name is Alannah DiBona, and I am the executive director of Windhorse Counseling, a fifteen-practitioner clinical mental health practice located in the Damonmill. For the past two years, my team and our clients have found the town’s support of Concord Pride to be incredibly meaningful. While a sense of safety and inclusion in one’s community should be a right, for our young LGBTQIA+ clients and their families, the town’s enthusiasm around Pride has resulted in feelings of hope and warmth. In today’s climate, this is nothing short of a gift.

The proposed public art projects in Concord and West Concord will continue to expand that spirit throughout the month of June. While the exact content of our conversation with clients is privileged and protected, we can assure you that the visible support for Pride will no doubt increase a sense of welcome, inclusion and greater visitation in both areas – and we’ll hear about it!

It is with enthusiasm that I support the installation of these public art project and encourage the Select Board to grant swift and full approval. If you have any questions regarding my support of the matter at hand, I would welcome the opportunity to speak with you.

Respectfully,

Alannah A. DiBona, LMHC
Executive Director
Windhorse Counseling



**9 Pond Lane Suite 4D
Concord, MA 01742**

**(978) 759 - 5185
(978) 369 - 0400**

Discussion: ARPA Funding Update

Presenter: Jennifer Barrett, Chief Financial Officer

CONCORD FINANCE DEPARTMENT

Tel: (978) 318 3095

22 Monument Square
Concord, MA 01742



DATE: January 9, 2026

MEMORANDUM

TO: Town of Concord Select Board
FROM: Jennifer Barrett, Chief Financial Officer
SUBJECT: American Rescue Plan Act Funds update

Background

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, established under the American Rescue Plan Act (ARPA) funds, was designed to provide financial assistance to governmental entities nationwide in response to the COVID-19 pandemic. In 2021, the Town of Concord was allocated \$5,654,719.44 under this program.

Pursuant to federal guidelines, these funds may be utilized for the following purposes:

- Replacement of Lost Public Sector Revenue
- Response to Public Health and Negative Economic Impacts of the Pandemic
- Provision of Premium Pay for Essential Workers
- Investment in Water, Sewer, and Broadband Infrastructure
- Emergency Relief from Natural Disasters or Related Economic Impacts
- Support for Surface Transportation Projects

While the Town reports annually on a “lost revenue” basis, ARPA funds have been awarded to projects that align with these objectives. The Select Board authorized the Town Manager to administer and distribute these funds across eligible projects town-wide, ensuring compliance with federal requirements and alignment with Concord’s strategic priorities.

Projects

BOH COVID Expenes	Cultural Arts	Lowell Rd Sidewalk Improvements
Parking Meter Revenue Recovery	DEI Initiatives	Multimodal Path Minuteman Park
Premium Pay (Hazard Pay)	250th Celebration	Police Dept Body cameras
Trolley Pilot Program	Economic Development Initiatives	Doug White Field replacement
Contribution AHT	level 3 Charging Station	Main Street/Baker Ave. Improvements
Sidewalk Plow	CPW/Peabody MS Feasibility Study	White Pond Drainage Study
Cell Tower	Park Improvements - Emerson/Rideout	FY2025 Transition to ALS
Transportation Initiatives	Ambulance	Units - SHI
Stormwater Fund Mgmt Study	Food Safety Program	Keyes Road Street Lighting Project
Municipal Buildings Energy Audits	MUNIS PAYROLL implementation	MCI Concord Redevelopment
Feasibility of Joining MWRA	250th Tree Initiatives	Voting Clickers 2025 Annual TM
GIS	AHT 91B Main Street	Baker Ave Culvert
Municipal Strategic Plan	RT2 Corridor Study	Fire Apparatus Repairs

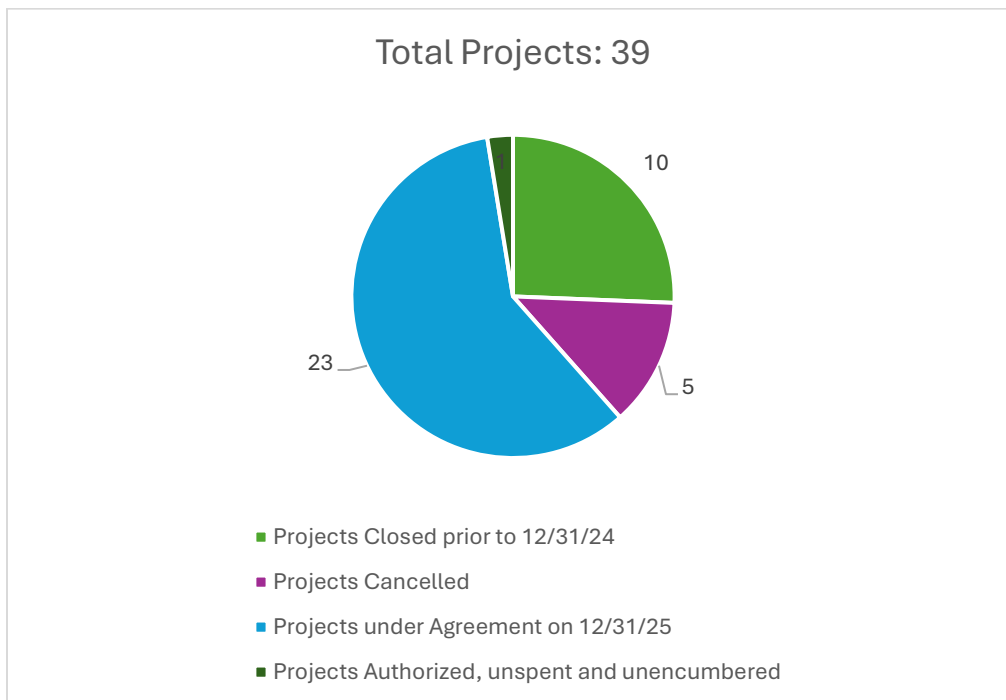
SLFRF Spending Benchmarks

Federal Deadlines

- Annual Reporting:
 - Due each April to the U.S. Treasury
 - Includes total and annual encumbrances and actual expenditures as of March 31
- All funds must be encumbered or spent by December 31, 2024
- All funds must be fully expended by December 31, 2026
- Final Reporting Due April 2027

Current Status of Concord Projects

- Total Allocation: \$5,654,719.44
- Project Outcomes:
 - 5 projects canceled
 - 10 projects completed before 12/31/2024
 - 23 projects encumbered under individual IMA agreements as of 12/31/2024
 - 1 project initially authorized did not receive an IMA and has been tacitly closed



Financial Summary and Project Adjustments

Project Requests

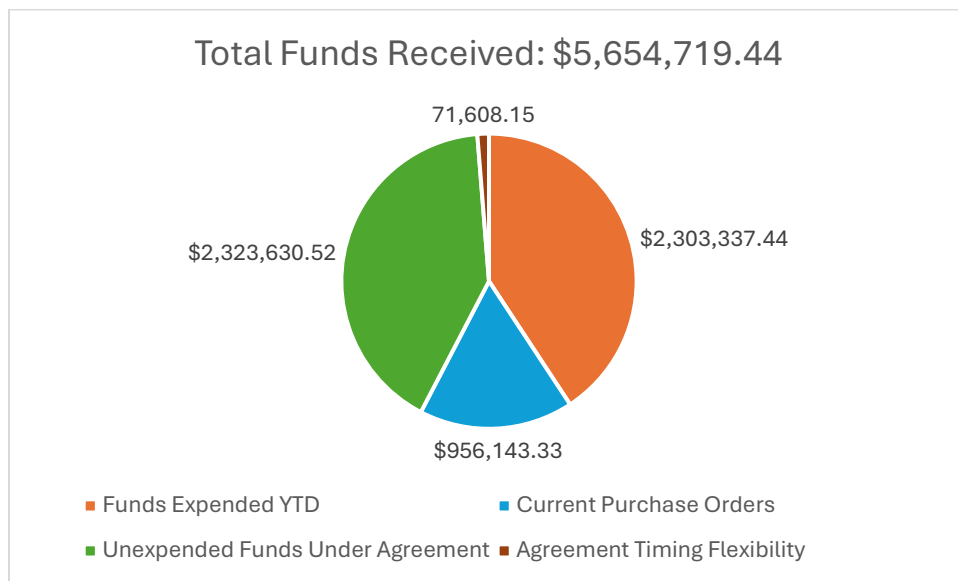
- Ranged from \$9,400 to \$1,000,000
- Some projects changed scope; others were deemed unnecessary

Current Financial Status

- Spent to Date: \$2,303,337.44
- Open Purchase Orders: \$956,143.33
- Total Encumbered/Spent: \$3,259,480.77

Special Transfers: To fulfill the intent of original authorizations, funds were transferred in three cases:

- Parking Meter Fund
- Affordable Housing Trust
- Stormwater Enterprise



Due to the timing of the 12/31/24 deadline, some projects had been partially expended but encumbered fully in the IMA process. We have a small portion of funds that are available to cover additional costs within those IMA agreements.

Discussion: Bylaw Codification Committee Formation

Presenter: Kaari Tari, Town Clerk



Town Clerk's Office
22 Monument Square
Concord, MA 01742

Memo

To: Select Board
Kerry Lafleur, Town Manager

From: Kaari Mai Tari

Date: January 6, 2026

Re: Formal Codification of Concord's Governing Documents

Bylaw Recodification Committee

Per the Town Charter, a Bylaw Recodification Committee must be formed every ten years to review the Town's bylaws prior to publication of an updated version. The last review occurred in 2005–2006, which provides an immediate opportunity to review bylaws and design a codification process that supports rolling updates and centralized sharing.

Proposal for Formal Codification of Governing Documents

The Town of Concord would benefit significantly from implementing a formal codification of its governing documents. This initiative will enhance accessibility, ensure legal clarity, and facilitate consistent compliance with municipal regulations. Currently, Concord's governing documents are dispersed across multiple sources, creating barriers to access and interpretation that hinder effective governance and enforcement.

A standardized, well-organized municipal code will provide a cohesive framework for operations, legal review, and public transparency.

Documents Proposed for Codification

The following materials are recommended for inclusion in the codification process:

1. Town Charter
2. General Bylaws (Zoning Bylaws have already been codified but would be included in the publication)
3. Special Acts
4. Acceptance of General Laws
5. Rules and Regulations
6. Administrative Policies and Procedures

7. Standing Votes of Town Meeting, the Select Board and Other Town Authorities

Proposed Implementation Steps

1. **Select Board Drafts Committee Charge**
(~18 month timeline)
2. **Select Board Appoints Committee Members**
 - o Determine which elements of the codification process will be completed in-house and which will be assigned to a vendor
3. **Issue Request for Proposals (RFP)**
 - o Engage a qualified vendor with expertise in municipal codification
4. **Execute Codification Process**
In collaboration with selected vendor, following established standards
 - o Review of Organizational Analysis
 - o Review and Approval of Editorial & Legal Analysis
 - o Review of Draft Code
 - o Preparation of Town Meeting Article
 - o Publication of Final Code (Paper/Online)
 - o Establish Mechanism for Ongoing Updates and Supplements

Estimated Costs

- **Est. Project Cost:** \$17,000
- **Est. Annual Maintenance:** \$2,500
 - o \$1,200 eCode Annual maintenance
 - o \$1,300 estimated (\$28/page and \$10 per change in graphics & charts to integrate supplemental approvals [30 pages of changes with some graphics in 2025])

Attachments:

- Bylaw Recodification Committee Charge (2005)
- Final Report of the 2005 Bylaw Recodification Committee (2006)
- Examples of Editorial and Legal Analysis
 - o Whately: [editorial and legal analysis 10.16.2023.pdf](#)
 - o Wilmington: [legal analysis final.pdf](#)
- Examples of Codified Bylaws (from three distinct vendors)
 - o Lexington (General Code): [Town of Lexington, MA Legislation through 7/16/2025](#)
 - o Shrewsbury (Municode): [GENERAL BYLAWS of the TOWN OF SHREWSBURY, MASSACHUSETTS | General Bylaws | Shrewsbury, MA | Municode Library](#)
 - o Boston (American Legal Publishing): [CITY OF BOSTON CODE OF ORDINANCES](#)

By-Law Recodification Committee
Accepted September 12, 2005

BACKGROUND

Section 2(B)(2) of the Town Charter requires that the Selectmen appoint at intervals of not more than 10 years a Special Committee charged with reviewing and recodifying all By-Laws of the Town other than the Zoning By-Law and Building Code.

COMPOSITION OF THE COMMITTEE

The Committee shall be composed of 3 individuals, citizens of the Town, one of whom shall be the Town Clerk, and one of whom will be a member of the Board of Selectmen.

RESPONSIBILITIES OF THE COMMITTEE

1. The Committee shall prepare a document that contains all Town By-Laws and Standing Votes currently in effect, current Rules and Regulations, including those of the Selectmen, and State Statutes that have been accepted by the Town.
2. The document prepared by the Committee shall be:
 - Complete and up-to-date
 - Annotated where appropriate to make the information understandable
 - Clearly indexed and cross-referenced
 - Available on the web
 - Searchable
3. The Committee shall keep the Selectmen informed of its progress and shall submit a written report to the Selectmen no later than December 31, 2005
4. The terms of the Committee members shall expire December 31, 2005, unless extended by vote of the Selectmen.
5. The By-Law Recodification Committee shall conduct its activities in a manner that is in compliance with all relevant State and local laws and regulations, including but not limited to, the Open Meeting Law, Public Records Law and Conflict of Interest Law.



Date: March 31, 2006
To: Board of Selectmen, Town Manager
From: Bylaw Recodification Committee
RE: Final Report — 2005 Bylaw Recodification

Executive Summary

This is the final report of the Bylaw Recodification Committee of 2005, including recommendations for action by Town Meeting, the Board of Selectmen, and/or the Town Manager. With this report, the formal business of recodifying the Town's bylaws is completed.

A new version of the Bylaw Book, formally titled *Charter, By-Laws, Standing Votes, and Rules and Regulations of the Town of Concord*, has been prepared in accordance with the charge by the Board of Selectmen on September 12, 2005. A final draft for distribution of the Bylaw Book is included with this report. The web version requested in the charge has not yet been developed. However, the Committee believes that the book can be readily converted to a useful, search set of web pages by staff in the Town Clerk's office, with volunteer assistance.

Thirty copies of the draft for distribution of the Bylaw Book have been prepared for distribution to the Board of Selectmen, Town Manager and Assistant Town Manager, Moderator, certain staff members, Town Counsel, and other interested persons. Corrections, clarifications, and especially suggestions for index entries will be gratefully accepted by the Town Clerk's office through the end of Town Meeting. The Committee suggests deferring the printing of the Bylaw Book in sufficient quantities for sale to the public until after Town Meeting and perhaps until after bylaws in Articles 59-64 are approved by the Attorney General.

The Bylaw Recodification Committee added three articles to the Warrant for the 2006 Annual Town Meeting. These propose to rescind two bylaws (Article 62), to amend two bylaws to conform to current practice (Article 63, and to amend eighteen bylaws to remove specific dollar amounts of fines and refer instead to the schedule of fines in the Regulations for the Enforcement of Town Bylaws. All three of these actions are of a housekeeping nature, and no issues of policy, changes in the amounts of fines, or substantive changes were proposed.

When the Committee presented its interim report to the Board of Selectmen, members of the Board requested that the Committee identify other, more substantive matters that should be addressed in the near future. These are summarized immediately below and explained in more detail in the *Recommendations* section of this report.

Summary of Recommended Actions

As part of this final report, the Committee recommends the following additional actions, each of which is explained in more detail in the text below.

1. The Town Clerk should be authorized to form a temporary task force from time to time to maintain and update the Bylaw Book and web site in response to Town Meeting actions. This would be a way of keeping up-to-date information available to the public, but it would not be a substitute for the decennial review and recodification required by the Charter, due next in 2015.
2. Two amendments to the Town Charter are needed, both of a housekeeping nature. One is to delete the requirement to review and revise the Town's Building Code every ten years, which is obsolete because the state superseded all local building codes in 1975. The second updates a time limit specified in Section 21 to conform to current practice. A draft warrant article is attached.
3. The Board of Selectmen, with the advice of the Planning Board, should appoint a competent committee to review and recodify the Zoning Bylaw in accordance with the requirements of Section 2, paragraph B(1) of the Town Charter. The last such recodification was completed in 1986. Even though the Zoning Bylaw is republished each year, the Bylaw Recodification Committee strongly recommends thorough reviews at about ten-year intervals.
4. The fines for unlawful use of public litter receptacles appear to be on shaky legal ground. The Committee proposes an amendment to the Refuse Disposal Bylaw, a draft warrant article for which is attached to this report.
5. The Hunting Bylaw should be revised to include hunting with bow and arrow, and it should be re-titled the "Hunting and Firearms" bylaw. In addition, the 1950 Standing Vote prohibiting fishing from bridges is not structured as a bylaw and appears to be unenforceable. Draft warrant articles for both are attached to this report.
6. In 1988, the Board of Selectmen and the Recreation Commission adopted Regulations pertaining to the use of the Town's athletic fields and playgrounds. Certain fines are based on those Regulations, but no one has been able to locate a copy of the Regulations themselves. A new set is urgently needed; this can be done by members of the Recreation Commission and Recreation Department or by a special committee appointed by the Board of Selectmen.
7. The Civil Defense Bylaw is obsolete and should be replaced. A competent committee for drawing up a new Emergency Management Bylaw should be appointed by the Town Manager and/or the Board of Selectmen.
8. The fines for illegal use of the sanitary landfill are obsolete and should be deleted from the schedule in Appendix A of the Regulations for Enforcement of Town Bylaws. A draft motion for action by the Board of Selectmen is attached.
9. A housekeeping amendment to the Ambulance Regulations is needed. A draft motion for Selectmen's action is attached.

Final Report of the Bylaw Recodification Committee of 2005

10. Most of the Administrative Codes are severely out of date. The Bylaw Recodification Committee recommends that reviews and updates of these be carried out by the appropriate Town staff over the next 2-3 years, with input where appropriate from boards and committees.
11. The practice of locating and renewing the Town's boundary markers every five years should be reinstated. Record of each renewal must be filed with the Town Clerk, who in turn files them with the Town Clerks of the towns sharing the boundaries. Concord's last recorded renewal was in 2000.

Finally, the Bylaw Recodification Committee calls attention to a number of bylaws which specify no penalties and therefore cannot be enforced. Some are quaint and harmless and probably should be retained, while others should be taken under advisement by the Board of Selectmen or the relevant boards and committees.

Final Report of the Bylaw Recodification Committee of 2005

Introduction

The Concord Town Charter, in Section 2, Paragraph B(2), specifies that the Selectmen should convene a special committee at intervals of not more than ten years for “the purpose of reviewing and recodifying all ... existing bylaws of the town” (other than the Zoning Bylaw). The Bylaw Recodification Committee of 2005 was charged by the Board of Selectmen on September 12, 2005 to “prepare a document that contains all Town By-Laws and Standing Votes currently in effect, current Rules and Regulations, including those of the Selectmen, and State Statutes that have been accepted by the Town. Previous recodifications of town bylaws were completed in 1994, 1986, and 1977 under this provision of the Charter.¹

The Selectmen required the document to be

- Complete and up-to-date,
- Annotated where appropriate to make the information understandable,
- Clearly indexed and cross-referenced,
- Available on the web, and
- Searchable

The charge specified that the Committee’s term would end December 31, 2005.

When the Bylaw Recodification Committee began its work, the Town Clerk’s office already had an up-to-date, on-line, searchable database that included the Town Charter, Town bylaws, and special acts of the state legislature enacted on behalf of Concord. These form the core of a new Bylaw Book to replace the one published in 1994. However, the committee did considerable research to uncover other standing votes, rules and regulations, special acts, and information not yet in the Town Clerk’s database. The Committee therefore approached the problem from the point of view of organizing information so that the Town Clerk’s database can be maintained on an on-going basis well into the future and so that new editions of the Bylaw Book could be easily generated from that database at any time.

A principal decision taken by the Bylaw Recodification Committee has been to organize the material into *subjects*, each of which includes a number of related bylaws, standing votes, rules and regulations, and other information. The book currently contains 111 subjects, and we expect that number to grow slowly over the years.

On December 12, 2005, the Bylaw Recodification Committee made an interim report the Board of Selectmen. The Committee requested, as part of that report, that articles be placed on the Warrant for the 2006 Annual Town Meeting to ask

¹ Prior to the adoption of Section 2, Paragraph B(2), in the Charter, other recodifications were completed in 1965, 1957, 1934, and 1927. The earliest known group of Town bylaws was adopted by Town Meeting in 1905.

Final Report of the Bylaw Recodification Committee of 2005

to Town to rescind two bylaws, to amend two others to bring them up to date with respect to current practice, and to amend eighteen others to remove dollar amounts of fines and refer them instead to the schedule of fines under the Non-Criminal Disposition Bylaw. Those requested articles have been included in the Warrant under Articles 62, 63, and 64 and are awaiting Town Meeting action.

The Committee also recommended in its interim report that the Board of Selectmen update that schedule of fines in Appendix A of the Regulations for the Enforcement of Town Bylaws adopted under the Non-Criminal Disposition Bylaw so that the eighteen bylaws of Article 64 are now covered by that schedule. The Selectmen voted to update Appendix A on December 12, 2005. Finally, the Committee recommended that its charge be extended to March 31, 2006, to provide enough time to research and edit all of the material in the Bylaw Book.

At the time of its interim report, the Bylaw Recodification Committee's intention was to propose *no* policy changes, only housekeeping changes that left current policy unchanged. During the presentation of the report, members of the Board of Selectmen requested that the Committee identify areas where more substantive changes might be desirable and whether any policy issues should be revisited.

Accordingly, the Committee has identified several such areas. These are outlined in the *Recommendations* section of this report. In addition, the Committee calls attention to a number of other bylaws, but without recommending any specific action. These are listed in the final section of this report.

Except for the production of the final version of the Bylaw Book and the creation of the Bylaw web site, the Bylaw Recodification Committee of 2005 believes that it has completed its work under the extended charge and that therefore it should be dissolved, effective March 31, 2006.

The Bylaw Book

The Committee adopted an outline for the Bylaw Book similar to that used in previous publications of Town bylaws: –

- I. Introduction
- II. Town Charter
 - A. History of the Charter
 - B. Text of the Charter
 - C. Notes on Amendments to the Charter
- III. Bylaws, Standing Votes, and Rules and Regulations
(112 subjects organized alphabetically, plus seven other cross-references)
- IV. Appendices
 - A. Massachusetts General Laws accepted by the Town
 - B. Active Boards and Committees as of the end of 2005
 - C. Boards and Committees dissolved since 1992
 - D. List of APP's

V. Index

The Bylaw Book cites, but does not include, Rules and Regulations that are separately available from the Town, such as Cemetery Regulations, Sewer Regulations, and Traffic Regulations. It also does not include the full text of the Personnel Bylaw and the Zoning Bylaw, both of which are available separately.

Each *subject* is maintained as a separate Microsoft Word file in the Town Clerk's database. Also in the database are separate Microsoft Word files for the Introduction, the Town Charter, and each of the four appendices. The book itself is a Microsoft Word *Master Document* that collects together each of the separate Word files into a single document. The Master Document contains a Table of Contents (organized by subject), a list of all Town bylaws (sorted alphabetically by name and cross-referenced by page number), and an index. In addition, the schedule of fines for violations of Town bylaws is cross-referenced by page number to the bylaws themselves, as are the special acts enacted by the legislature on behalf of Concord and the Town's acceptances of Massachusetts General Laws. At the foot of each pair of pages are an dictionary-style entries specifying the first and last subjects on those pages.

By this mechanism, it is relatively straightforward to update an individual bylaw, standing vote, or set of rules and regulations. Periodically, a new book can be generated from the latest versions of all subjects. With a bit more effort, new subjects can be added, indexed, and cross-referenced. A full set of instructions is included in the Town Clerk's database.

The Web version

A new set of web pages has not yet been developed. It is expected that each subject will comprise one web page. Most of these will be short, but a few (for example, the Sign Bylaw or the Historic Districts Special Act) will be quite long and may perhaps be broken up into a series of pages.

The "Bylaw home page" will probably have at least two sub-pages, one enumerating all of the subjects and another listing the bylaws alphabetically by name. The home page will also provide direct links to the list of licensing authorities and the schedule of fines under the Non-Criminal Disposition Bylaw. Finally, the entire Bylaw Book will be available in PDF form, as will the individual subjects.

Recommended Actions

1. Maintenance by the Town Clerk's office

The database is now in sufficient condition to allow it to be updated regularly by the Town Clerk in response to actions by Town Meeting, the Board of Selectmen, the Attorney General, the Legislature, and any other body duly authorized to adopt and/or amend Rules and Regulations. In order to be able reprint the Bylaw Book from the latest version of the database, it would be useful for the Town Clerk to be able to convene a small task force of volunteers to assist the staff in producing a new document. This would *not* be a full effort of reviewing and recod-

ifying all bylaws, but simply the tasks of regenerating the book from the material in the database. The Bylaw Recodification Committee respectfully requests the Board of Selectmen to authorize the Town Clerk to convene such task forces as needed.

2. *Charter Amendments*

While the Concord Town Charter has been robust enough to serve the Town well for a half-century, there are two minor amendments needed to update it to conform to current practice. First, the Charter specifies, in Section 2, Paragraph B(1) that at intervals of not more than ten years, the Selectmen shall appoint a special “committee for the purposes of reviewing and recodifying the existing zoning by-law *and revising the building code* of the town.” [page 9,² italics added.]

In 1972, the Legislature adopted a statewide Building Code to go into effect on January 1, 1975. This superseded all local building codes in Massachusetts, including Concord’s Building Code adopted under Article 14 of the March 1934 Town Meeting. As a result, the Town is no longer in the position of being able to review or revise its own building code, and therefore the italicized phrase of this sub-paragraph of the Charter is obsolete and should be deleted.³

Second, Section 21 of the Charter provides for a petition process to revoke the acceptance of the Charter, requiring such a petition to be submitted “not less than *sixty days* before the date of an annual meeting...” (p. 15). The Bylaw Recodification Committee believes that it is unlikely that there would be any such petition within the foreseeable future. Nevertheless, the deadline of sixty days would be extremely short in the context of Concord’s annual calendar for Town Meeting preparations. In particular, warrants for Annual Town Meetings are typically closed about 110 days prior to the dates of those meetings. The Committee therefore recommends that the Charter be amended to change the italicized words to “one hundred twenty days.”

A draft warrant article is attached for both Charter amendments. This should be added to the warrant for the next special or annual Town Meeting. After a motion to amend the Charter is passed at Town Meeting, it must then be presented to the voters for ratification and at the following Annual Town Election.

3. *Zoning Bylaw Review and Recodification*

The same sub-paragraph, Section 2, Paragraph B(1), requires the Selectmen to appoint a special committee at intervals of not more than ten years “for the purposes of reviewing and recodifying the existing zoning bylaw...” (p. 9). The last recodifi-

² Page numbers in this report refer to pages in the Final Draft for Distribution of the Bylaw Book dated March 31, 2006.

³ It is interesting that the subparagraphs of Section 2, Paragraph B, were added to the Charter by Town Meeting in March 1973 and ratified by the voters at the Town Election in 1974. This was *after* the Legislature adopted the statewide Building Code but before it went into effect. Therefore, the “building code” phrase in sub-paragraph 1 could never have been legally applied.

cation of the Zoning Bylaw was completed in 1986, and therefore it appears that there has been no comprehensive review for twenty years.

The Zoning Bylaw is maintained differently from the rest of the Town Bylaws. Amendments are proposed and voted at almost every annual Town Meeting, and it is republished in its entirety every year. Section 2, Paragraph B(1) was adopted before modern word processing technology was in regular use. At that time, it was nearly impossible for any citizen or business to acquire a complete and accurate copy of the Zoning Bylaw and to know with confidence how the Bylaw affected him or her. Since 1986, word processing technology has been used to maintain the text of the Bylaw, so a decennial republication to collect together all of the amendments is no longer needed.

Nevertheless, the Bylaw Recodification Committee believes that a decennial *review and recodification* of the Zoning Bylaw is still a good thing. This would provide the opportunity to check for and update obsolete provisions, ensure that cross-references among sections are still correct and meaningful, review and revise section numbering, look at the Bylaw as a whole, and especially to clarify it in plain language. A special committee to conduct this review should be appointed from among former members of the Planning Board and Zoning Board of Appeals and should bring forward an updated Zoning Bylaw to a future Town Meeting.

If, however, the Board of Selectmen and Town Manager, in conjunction with the Planning Board, determine that decennial reviews and recodifications of the Zoning Bylaw are no longer needed, then the Bylaw Recodification Committee recommends a Charter amendment to delete Section 2, Paragraph B(1) in its entirety.

4 *Unlawful use of Public Litter Receptacles*

The 2000 Annual Town Meeting passed Article 50 to amend Appendix A of the regulations under the Non-Criminal Disposition Bylaw. This article added fines for the unlawful use of public litter receptacles and for the use of commercial or municipal dumpsters without proper authority (p. 211). It appears that the Public Works Commission brought this article forward in the belief that the Town would be adopting a new bylaw prohibiting the specified behavior. Since then, the Town has regularly issued tickets to and fines violators under this provision.

The Bylaw Recodification Committee believes that these fines are on shaky legal ground. While editing the Bylaw Book, we attempted to cross-reference every fine in Schedule A with a Town bylaw or with a set of rules and regulations adopted under the authority of some state law or local bylaw that defines and prohibits the illegal activity. We believe that unless a fine has such backing (of a bylaw or valid rules and regulations), it is not likely to be legally valid.

Unfortunately, the Committee has been unable to find any applicable Town bylaw, rules, or regulations prohibiting the unlawful disposal as intended in Article 50. Three chapters of Massachusetts General Laws do prohibit such disposal, but they specify much larger fines than the Town does, and it appears that they must be enforced in court, not in a non-criminal disposition venue. These laws are: –

Final Report of the Bylaw Recodification Committee of 2005

- MGL Ch. 266 §146 refers to the disposal of solid waste in commercial disposal container of another without consent of owner. The statute broadly defines solid waste and refers to deposit in a commercial disposal container without the consent of the owner or other person who has legal custody or control. A fine is established in the statute (minimum of \$100; maximum of \$1,000).
- MGL Ch. 270 §17 pertains to disposal of household or commercial garbage or refuse in a trash barrel on a public highway or other public way (state or municipal) for the convenience of the traveling public. Fines for violations are not less than \$200, with the amount collected split between the court and the city or town where the offense occurs.
- MGL Ch. 270 §16 pertains to disposal of trash on a public way or on any public land, or on or near coastal or inland waters. This statute also talks about fines and enforcing authority (up to \$5,500 for first offense).

The Committee believes that these three state laws are too heavyweight for Concord's needs. Therefore, we recommend that the current Refuse Disposal Bylaw be amended to prohibit the unlawful disposal of trash as intended in Article 50 and that the fines be specified in the Appendix A of the Regulations for Enforcement of Town Bylaws. A draft warrant article for such an amendment is attached.

5. *Hunting and Fishing*

The Hunting Bylaw (p. 109), as it is currently written, specifies that

“No person shall *fire or discharge any firearm* within the limits of any park, playground or other public property or within 500 feet of the boundaries of that portion of the Great Meadows National Wildlife Refuge located within the Town of Concord, or within 500 feet of the pedestrian pathways used by the public as access to and from the Great Meadows National Wildlife Refuge except with the written consent of the Board of Selectmen, or *hunt or fire or discharge any firearm* on any private property except with the written consent of the owner or legal occupant thereof, said written permission to be presented on demand.” [*italics added*]

The wording of the two parts of this sentence is inconsistent. It appears that only the firing or discharging of a firearm on public property is prohibited, but hunting in all forms is prohibited on private property (without the consent of the owner). The Committee believes that the intent of the bylaw is to prohibit hunting on public property, whether it involves discharging a firearm or not — for example, hunting with a bow and arrow. This can be remedied by amending the bylaw to add the words “hunt or” after the words “No person shall” in the above sentence.

The wording of the bylaw also appears to prohibit the firing or discharging of a firearm, even if the purpose is not hunting — for example, target practice. The Committee assumes that this is the original intent of the bylaw and has therefore proposes changing the title to Hunting and Firearms Bylaw. Finally, the Committee suggests that the Bylaw be clarified to specifically prohibit the shooting of a bow and arrow in the same circumstances as firing or discharging a firearm. A draft warrant article to amend and re-title the Hunting Bylaw is attached.

Final Report of the Bylaw Recodification Committee of 2005

In 1950, Town Meeting passed a Standing Vote to prohibit “fishing from any bridge on any public way in the Town ...” (p. 110). This vote appears to lack the standing of a Town bylaw and is therefore unenforceable. The Committee assumes that the intent of this vote is safety, both for canoeists and boaters who pass under bridges and for fishermen and drivers on narrow bridges. The Committee therefore recommends adopting a new bylaw to replace this Standing Vote. A draft warrant article is attached.

6. *Recreation Department Rules and Regulations*

On May 23, 1988, the Board of Selectmen and the Recreation Commission adopted Regulations pertaining to the use of the Town’s athletic fields and playgrounds (p. 145). The Bylaw Recodification Committee has been unable to locate a copy of those Regulations in the Selectmen’s minutes, the Recreation Department, the Town’s records and archives, or any other place. However, Appendix A in the Regulations for the Enforcement of Town Bylaws (p. 209) includes fines for violating those regulations.

The Committee therefore recommends, as a matter of urgency, that a new set of Regulations be drawn up and duly adopted by the Board and by the Recreation Commission.

7. *Civil Defense Bylaw*

The Civil Defense Bylaw (p. 65) was adopted during the Cold War and creates a municipal Civil Defense Agency with a Cold War perspective. The term “Civil Defense” has now been replaced with “Emergency Management,” and the responsibility for coordinating the Town’s response to man-made and natural disasters is now assumed by the Concord Emergency Management Agency (CEMA) and the Local Emergency Planning Committee (LEPC), both of which are headed by the Fire Chief. However, the Town’s Civil Defense Agency is still the legal vehicle by which the Town applies for state and federal grants and by which it participates in regional and state emergency management planning.

This bylaw should be replaced by a new Emergency Management Bylaw that retains the necessary legal foundations but that reflects current emergency management practice. The Bylaw Recodification Committee recommends that the Board of Selectmen and/or the Town Manager appoint a competent committee to draft such a bylaw and bring it before a future Town Meeting.

8. *Sanitary Landfill fines*

Appendix A of the Regulations for the Enforcement of Town Bylaws includes fines for the illegal use of the sanitary landfill (p. 209). Since the Town closed the sanitary landfill, these fines are obsolete. The Bylaw Recodification Committee therefore recommends that the Board of Selectmen delete these fines from Appendix A. A draft motion for Board action is attached.

It should be noted, however, the Town continues to operate brush disposal and recycling facilities at the site of the landfill, and therefore it makes sense that there be a new set of regulations governing that site. The Committee therefore suggests that the Refuse Disposal Bylaw be further amended to govern the operation of the landfill site and/or any other municipal refuse disposal facility and that the penalties for violating those regulations be added to Appendix A of the Regulations for the Enforcement of Town Bylaws. The attached draft warrant article for amending the Refuse Disposal Bylaw includes this provision.

9. *Ambulance Regulations*

The Rules and Regulations for the Use of the Town Ambulance were adopted by the Board of Selectmen on November 13, 1962 and amended on October 7, 1974 (p. 23). The last four words in Section 4 of these regulations specifies that the rate for additional attendants should be specified by the Personnel Board. In current practice, ambulance attendants are members of the Fire Department and are subject to collective bargaining agreements. The Bylaw Recodification Committee therefore recommends a housekeeping change of these words to make the Board of Selectmen the rate-setting authority for additional attendants. A draft motion for Selectmen's action is attached.

10. *Administrative Codes*

Administrative Codes are written "charges" for the appointment and operation of committees, boards, and Town departments (p. 5). They specify the appointing authority and summarize the duties and responsibilities of of the board, committee, or department. Many of the Administrative Codes are 20-30 years old and are in need of review and possible updating. The Bylaw Recodification Committee recommends that the Board of Selectmen and Town Manager adopt, as part of their quarterly and annual goals, a schedule for reviewing and updating all of the Town's Administrative Codes over the next few years. In many cases, staff time will need to be allocated for the purpose.

11. *Perambulation of the Town's Boundaries*

The Bylaw Recodification Committee respectfully reminds the Board of Selectmen that state law requires that they or their designees locate and renew the Town's boundary markers once every five years (p. 35). This activity, called *perambulating the boundaries*, has been an annual Selectmen's tradition for many years through at least 2003. The perambulation has typically, but not always, been done in the fall, and each year the Selectmen, staff, and citizens would perambulate one of the five sides of the Town.

The proceedings of locating and renewing the boundaries must be recorded with the Town Clerk, who must forward copies to the adjacent towns sharing those boundaries. The Bylaw Recodification Committee can find no record of perambulation since 2000, even though we believe that later perambulations took place.

Final Report of the Bylaw Recodification Committee of 2005

Note that the law does not require that Selectmen personally perambulate the boundaries; they may designate (in writing) appropriate substitutes. The Committee suggests that perambulation be made a part of the Selectmen's and Town Manager's goals each year in the fall quarter. We are confident that a call for citizen volunteers would generate many participants.

Notes on Other Bylaws

The following bylaws prohibit certain kinds of activity, but none of them include any fine or penalty for violations and are therefore not truly enforceable. Most, but not all, date back to the April 1905 Town Meeting at which the Town adopted a package of sixteen bylaws. They are listed here for completeness so that the Board of Selectmen may take them under advisement. The Bylaw Recodification Committee is not making any recommendations with respect to them.

- Pasturing of Animals in Public Ways (p. 25)
- Obstruction of Sidewalk or Crosswalk by Horses or Vehicles (p. 25)
- Horses and Wagons (p. 25)
- Disorderly Conduct (two bylaws, pp. 60-61)
- Junk Dealers (p. 111)
- Posting of Signs (p. 180)
- Trash Pickup (p. 187)
- Licensing of Tourist Vehicles (p. 201)
- Tourist Guide Licenses (p. 201)
- Trees (p. 216)

The Horses on Sidewalks Bylaw (p. 25) carries a fine and is enforceable. However, it should really be applied only to business districts. There are a number of places in Concord where the safest place for a horse and rider is the sidewalk, not the street or road.

Discussion: MCI Master Plan Update and Funding Plan

Presenter: Alyssa Sandoval, Community Development Director



MCI CONCORD MASTER PLAN & FUNDING UPDATE

Select Board Meeting
January 12, 2026

OVERVIEW

- MCI Vision Report Complete in Summer 2025 – provides existing conditions and three land use scenarios for potential development
- Vision scenarios include a mix of housing, commercial, and municipal uses that have good vehicle access and pedestrian connectivity as well as well-situated open space and passive recreation
- Options for reuse and potential Town ownership of the existing Waste Water Treatment Facility at the site and additional municipal uses

MCI Concord Master Plan and Rezoning

MASTER PLAN AND REZONING SCOPE OF WORK ITEMS

- Project Kickoff and Site Tour
- Coordination Meetings with Town & DCAMM
- Coordination with MassDOT & rotary/Route 2 Designs
- Existing Conditions and Document Review – all studies completed up to date (include Vision Plan and DCAMM documents)
- Community & Stakeholder Engagement including Multimedia Public Engagement and up to 5 public meetings
- Precedents Review – Best Practices from other large redevelopments in region
- Illustrative Master Plan Development
- Market Feasibility & Fiscal Impact Assessment
- Municipal Properties Redevelopment Assessment Peer Review
- Framework Plan Development & Phasing Guidance
- Final Master Plan
- Proposed Zoning

MCI Concord Master Plan and Rezoning

MASTER PLAN AND REZONING DELIVERABLES

- Draft and Final Public Outreach and Engagement Plan
- Draft Illustrative Plan
- Final Illustrative Plan & Draft Framework Plan with Phasing Guidance
- Final Planning Package (Illustrative Plan, Framework Plan & Phasing)
- Draft Regulatory Package (Zoning & Zoning Map)
- Final Regulatory Package (Zoning & Zoning Map)
- Market Feasibility & Fiscal Impact Assessment Memorandum
- Analysis of Municipal Property Redevelopment Assessment Technical Memorandum
- Draft Request for Proposal for Development
- Draft Presentation to Developers

ANTICIPATED TIMELINE

RFP Process – January – March

Kick Off Meeting with Consultant – March 2026

Draft Master Plan – September 2026 (6 month planning process)

Final Master Plan and Proposed Rezoning Package – November 2026

Special Town Meeting – Fall 2026 or Annual Town Meeting – Spring 2027

PROPOSED FUNDING

- \$250K State Earmark for MCI Concord– Contract with the State to spend funds by June 30, 2026
- \$100K ARPA Funds for MCI Zoning – Must be spent by December 2026
- \$250K Town Meeting Appropriation in 2025 for Planning and Zoning for MCI Concord
- Total Available for MCI Planning and Rezoning: \$600K

- Note: Completed 2025 MCI Vision Report: \$400K (did not include zoning)

Discussion: Town Meeting Warrant Articles Potential FY 27 Annual Town Meeting Article for Municipal Facilities Planning

Presenters: Mark Howell, Select Board Chair

Discussion: Conservation Fund Bylaw Status

Presenters: Paul Boehm, Select Board Member, Delia Kaye, Natural Resources Director, Sarah Grimwood, Chair, Natural Resources Commission

Town of Concord

Massachusetts

CONSERVATION FUND BYLAW

SECTION 1. CONSERVATION FUND

In the Town of Concord, there shall be a Conservation Fund (the “Fund”) created by this Bylaw and pursuant to, and governed by, Massachusetts General Laws c. 40, § 8C. The Natural Resource Commission may, in accordance with this Bylaw, expend money in the Fund for purposes of conservation, natural resources protection and related purposes in the Town of Concord for the benefit of Concord residents and visitors to Concord.

SECTION 2. USE OF THE FUND

- A. The Fund shall be administered by the Natural Resources Commission (the “NRC”) pursuant to its authority under Massachusetts General Laws Chapter 40, § 8C, Massachusetts General Laws Chapter 131, §40, and this Bylaw.
- B. The NRC is authorized to expend from the Fund for the following purposes:
 - i. Acquisition of conservation restrictions and agricultural preservation restrictions, easements in land for conservation and passive recreational purposes, or options for the same;
 - ii. Preservation, protection, management, and improvement of land for conservation and passive recreational purposes in the Town of Concord;
 - iii. Appraisal, engineering, planning, and legal services in connection with the purposes provided in this Section 2; and
 - iv. Subject to the approval of **(or consultation with)** the Select Board, the acquisition of fee interests in land including options to purchase.
- C. Prior to utilizing the Fund for the purposes of acquiring any real estate interest, the Natural Resources Director shall consult with the Concord Municipal Affordable Housing Trust, the Town Manager and the Public Works Director to assess other potential interests in the subject real estate.

SECTION 3. INVESTMENT AND ACCOUNTING; TREASURER AS CUSTODIAN OF FUNDS

The Town of Concord Treasurer shall be the custodian of the Fund's financial assets and shall maintain separate accounts and records for the Fund's financial assets.

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

Any income or proceeds received from the investment of funds shall be credited to and become part of the Fund. All moneys paid to the Fund in accordance with any Town appropriation or private contribution shall be paid directly into the Fund and need not be appropriated or accepted and approved into the Fund. General revenues appropriated into the Fund become Fund property and to be expended these financial assets need not be further appropriated. All moneys remaining in the Fund at the end of any fiscal year, whether or not expended by the NRC within one year of the date they were appropriated into the Fund, remain Fund property.

Expenditures by the Fund shall be processed through the Town's payment warrant but shall be subject to the provisions of Massachusetts General Laws c. 44, § 55C.

As the custodian of the Fund, the Treasurer shall issue checks as directed by the NRC.

PART I ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 8C** Conservation commission; establishment; powers and duties

Section 8C. A city or town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. Among such plans may be a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the town master plan and with any regional plans relating to the area. The commission may, from time to time, amend such plan. Such plan shall show open areas including marsh land, swamps and other wetlands, and shall show which areas are subject to restrictions or wetland zoning provisions and any other matters which may be shown on a plat index under section thirty-three of chapter one hundred and eighty-four. Acquisitions of interests in land under this section and other municipal open lands shall be shown thereon as well as lands owned by other entities kept open through any legal requirement. Such plan shall show other areas which public necessity requires to be retained for conservation and passive recreation use. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint a director, clerks, consultants and other employees, and may contract for materials and services within available funds insofar as the same are not supplied by other departments. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the

city or town, subject to the approval of the city council in a city or of the selectmen in a town. It may purchase interests in such land with sums available to it. If insufficient funds are available or other reasons so require, a city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in such land or water rights, conservation restrictions, easements or other contractual rights including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same. For the purposes of this section a city or town may, upon the written request of the commission, take by eminent domain under chapter seventy-nine, the fee or any lesser interest in any land or waters located in such city or town, provided such taking has first been approved by a two-thirds vote of the city council or a two-thirds vote of an annual or special town meeting, which land and waters shall thereupon be under the jurisdiction and control of the commission. Upon a like vote, a city or town may expend monies in the fund, if any, established under the provisions of this section for the purpose of paying, in whole or in part, any damages for which such city or town may be liable by reason of any such taking. The commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars, for any violation thereof. No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two, or restrict any established public access. Lands used for farming or agriculture, as defined in section one A of chapter one hundred and twenty-eight, shall not be taken by eminent domain under the authority of this section.

A city or town may appropriate money in any year to a conservation fund of which the treasurer shall be the custodian. Prior to the adoption of any rule or regulation which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural or aquacultural practice, the commission shall, no later than seven days prior to the commission's public hearing on the adoption of said rules and regulations, give notice of the said proposed rules and regulations to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one. He may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth, and any income therefrom shall be credited to the fund. Money in said fund may be expended by said commission for any purpose authorized by this section; provided, however, that no expenditure for a taking by eminent domain shall be made unless such expenditure has been approved in accordance with this section.

THE MILL BROOK & HEYWOOD MEADOW

Saving Common Ground



Concord, Massachusetts

Photography: Friends of Heywood Meadow '95 files, Edgar Grabhorn, Susan Mooring Hollis, Chuck & Lynn Huggins, Patricia MacAlpine, Paul Grabhorn.

Author: Lynn G. Huggins

Design: Paul A. Grabhorn

WWW Site: Melody Warford

The Mill Brook Valley Group is a non-profit organization. The Group maintains a volunteer interest in the natural and historic preservation of the Mill Brook Vally located in Concord, Massachusetts. This area is a valuable asset to all citizens, and our mission is to preserve and protect its natural and historic resources. We will endeavor to provide guidance and leadership in issues affecting the Mill Brook Valley to ensure that proposed projects have been independently represented.

Mill Brook Valley Group
P.O. Box 1314
Concord, Massachusetts 01742

www.gxinet.com/millbrook

Heywood Meadow, the only remaining common meadow in the center of Concord, Massachusetts, faces the threat of development. The Town of Concord, in concert with local business interests, has purchased the one parcel of the Meadow not already held as open space and is proposing to build a visitors information center on the site.

The following discussion describes the history of Heywood Meadow and the Mill Brook that runs through it. It also describes the process that has led to the proposal to build a visitors information center on the site. The conclusion is inescapable that the Town stands in the role as trustee of a national and environmental legacy. Development of Heywood Meadow directly undermines the historic value of the Meadow to the nation. Concord's history belongs not only to Concord but to America and we have an obligation to preserve its assets for future generations.

HEYWOOD MEADOW - SUMMARY

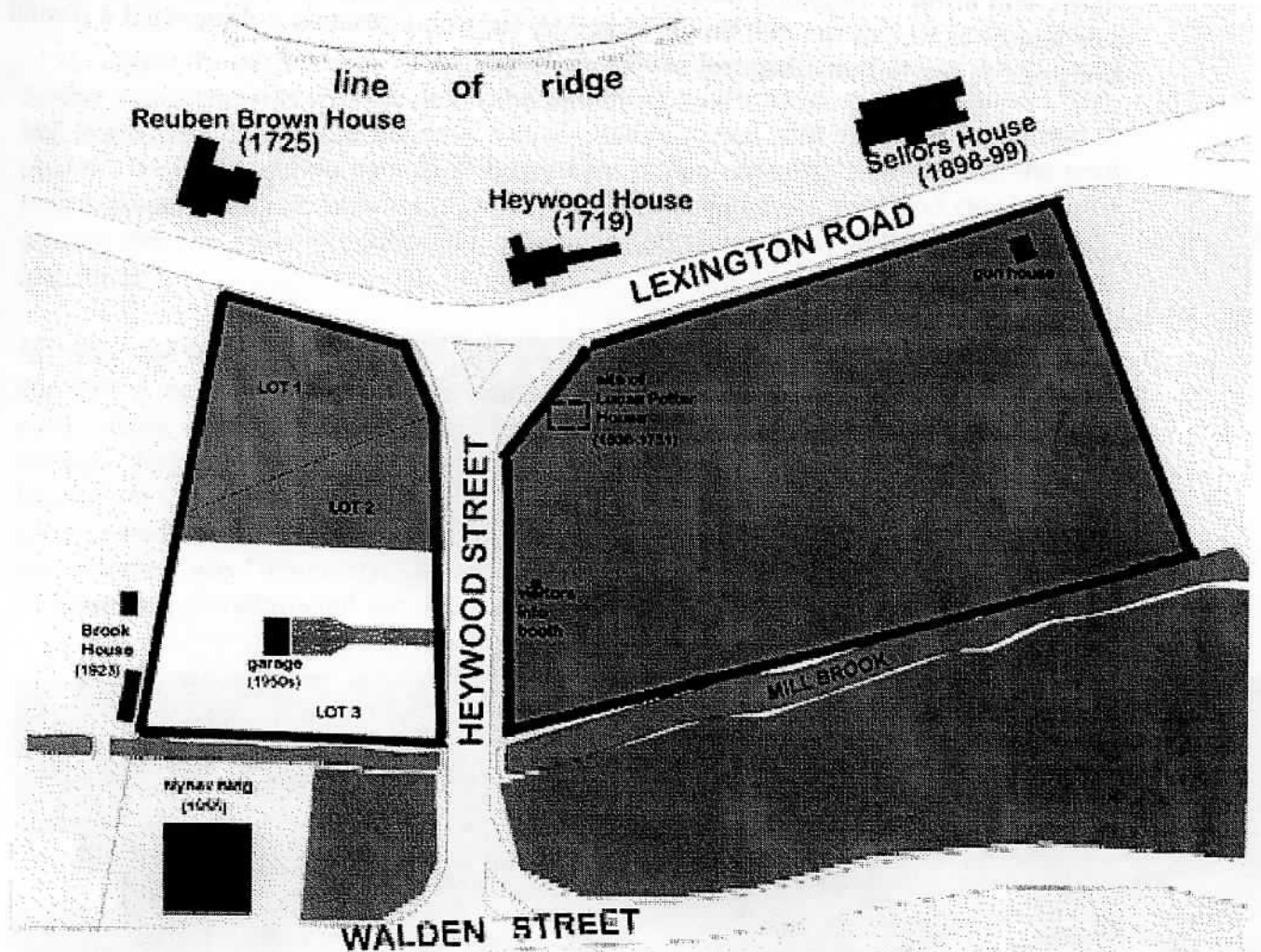
Heywood Meadow's historical importance to the Town is unsurpassed. The Meadow is at the heart of seminal events in colonial, Revolutionary, literary, and philosophical history. Its historical significance has been recognized at the state, local, and national levels. It is designated a pivotal landscape in the National Register of Historic Places.

For over forty years, the Town has resisted attempts to develop the Meadow as institutional or residential property: in 1955, the Town rejected a proposal to build a fire and police station on the Meadow; in 1968 the Town Meeting voted to reverse a taking of the Meadow by the County for the location of a county courthouse; in 1985 the Town Meeting voted not to accept a "gift" of two parcels of the Meadow held in private property because the "gift" was contingent on the Town building a visitors center on the site; and in 1986 the Town Meeting voted to acquire those same parcels for conservation.



1. HEYWOOD MEADOW

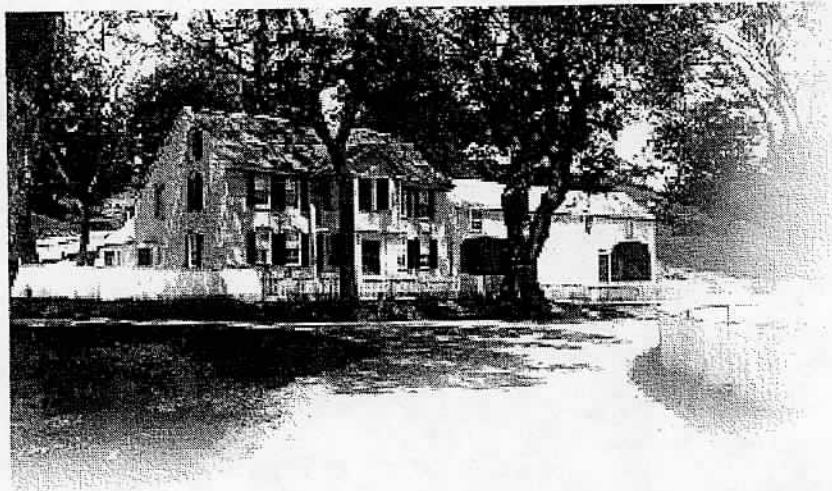
Heywood Meadow provides visitors and residents with the most accurate sense of Concord's appearance from its earliest days to the present. The Meadow is comprised of several parcels of land: Lots A, 1, 2, and 3. The relative size of these parcels are: 149,000 square feet or about five acres (Lot A); 20,000 square feet or about 1/2 acre (Lot 1); 20,000 square feet or about 1/2 acre (Lot 2); and 34,000 square feet or about 3/4 acre (Lot 3). The historic district boundaries for Heywood Meadow - at the local, state, and National Register of Historic Places levels - are the Mill Brook to the South and Lexington Road to the North. Heywood Street is not a boundary, it runs North-South through the Meadow. Lot 3 is the only parcel not already held in conservation by the Town.



THE MILL BROOK AND HEYWOOD MEADOW

As witness to seminal events in colonial, Revolutionary, literary, and philosophical history, Lexington Road is a corridor unparalleled in America. Heywood Meadow is at the heart of this history. The Mill Brook which runs through the Meadow was critical to Native Americans and first settlers as a source of food and water power. The historic center of Concord, the first inland settlement by Europeans in America, was clustered around the Milldam and Millpond. Much of Lot 3 was the eastern extent of the Millpond. The first way into the village was Lexington Road (called the Bay Road before there was a Lexington). This would become the Battle Road during the Revolutionary War. All of Concord's most prominent literary figures lived on Lexington Road at one time and walked past this open land, surveying Concord's pastoral character and deriving inspiration from its transcendent beauty.

The historic importance of Heywood Meadow and its aesthetic value as open space have been officially recognized time and again at the local, state, and national levels. Heywood Meadow is a critical part of the local American Mile. Part of the purpose for the creation of the Historic Districts was the maintenance of appropriate settings for historic buildings, places, and districts. Heywood Meadow is the backdrop for some of Concord's most venerable houses as well as the Mill Brook. Moreover, Heywood Meadow is designated a pivotal landscape in the National Register of Historic Places.



The land comprising Heywood Meadow has remained together as an identifiable unit since 1635. In that first year of English settlement, the first division of land was made in Concord. The first house lots were laid out along the Bay Road, now Lexington Road, and extended from the crest of the ridge to the north down to the Mill Brook to the south. What is now Heywood Meadow, on both sides of Heywood Street, was part of the first settler Lucas Potter's house lot. This lot exemplified how Massachusetts' earliest towns followed patterns from England; narrow, multi-use house lots clustered at the center of Town, with pasturage, orchards, and haymaking existing in one lot. Potter's house, built in 1636, burned in 1731. Ever after, this land stayed together. It was sold only once – to John Beaton, whose line continued through marriage down to a long line of Heywoods, hence the name of the Meadow, to the final descendants, the Sellors.

During the past forty years, Heywood Meadow has been under attack by attempts to develop it as institutional or residential property. In 1955, the Town voted to build a fire and police station on the Meadow. After a series of ensuing debates, however, in 1958 the Town voted to rescind the 1955 vote and not build the station on that location. As the Board of Selectmen subsequently noted,

“[t]he Town had become acutely aware of the damage that could be done, if any further encroachments were made on the Mill Brook which traverses the . . . parcel. The Mill Brook, and its valley, is normally a slow-moving stream with adequate absorption qualities. However, during periods of heavy rains or fast run-offs, it floods with the resultant damage. More encroachments would only further aggravate the flood capability. To prevent this, the Town has adopted a program of acquiring the total flood plain of the Mill Brook.”¹

In 1960, the Town took by eminent domain the portion of the Meadow that is currently the site of the Gun House. Oral history supports that the garage was built on Lot 3, in the early 1960's, to decrease the possibility of other eminent domain takings. Sometime between August 1967 and April 1968, a small information booth was removed from its location in Concord Center and placed – literally in the middle of the night – on a corner of Heywood Meadow along Heywood Street. The citizens of Concord were assured that this situation was “temporary.” However, the information booth remains on that site to this day as a grandfathered use. Because of this use, the Meadow surrounding the tempo-



rary booth has been seriously degraded by abuse from motor vehicle parking. In 1968, the Concord Board of Selectmen learned that the Middlesex County Commissioners were considering locating a courthouse on Heywood Meadow. They wrote in protest,

"please keep in mind that this land lies in an area rich in historic significance and is close to the location of much of the work of Concord's literary giants in American literature in their contribution to the "flowering of New England." The British Regulars marched past this land to suppress the Patriots and they struggled east past this land in their retreat after the battle at the Bridge. Ralph Waldo Emerson and the Alcotts were neighbors; they walked on this land and wrote about it. Henry David Thoreau passed it almost daily in his trips to and from Town to Walden Pond and his farm. A vital ingredient in Concord's modern day life is this interest and devotion to past happenings that has allowed Concord to retain, for the whole nation to observe and appreciate, the area as it existed at the time of the happenings.

It is generally agreed by all that this land should remain undeveloped for all to appreciate and enjoy. The brush has been cleared, fruit trees have been planted and rest benches have been installed. It is situated in a residential area on one of the most important approaches to Concord and provides an open vista within one block of the commercial district thereby retaining the rural charm of the town practically within the shadow of the stores and shops."²

The irony cannot go unnoticed that today it is the Townspeople making these same arguments to preserve the last parcel of Heywood Meadow and the Board of Selectmen that is unwilling to provide the necessary leadership and is, in fact, a primary instigator of the development proposal.

Despite the Selectmen's actions in 1968, the following year the County Commissioners took by eminent domain a large parcel of Heywood Meadow to build a County courthouse. Due to the protests and efforts of a citizens' group, Town Meeting voted in 1969 to reverse the County's taking and to transfer control of the land to the Concord Natural Resources Commission for conservation purposes. The Town's action was due to a "deep-seated conviction that this Town land should be kept in its natural state, being not only an integral part of our Historic District but also a vital part of our Mill Brook Valley which the Town desires to preserve."³

In February 1985, Town Meeting voted not to accept a "gift" from the owner of Lots 1 and 2. The "gift" was conditional on the land being used for the site of a visitors center. The Town voted instead to designate the parcels as conservation land if they came into Town ownership. Reasons in support of the vote included loss of open space, traffic dangers of the location, the necessity of cutting large trees, and the negative impact on the rural and historic character of the Town. When the land became available for purchase, Town Meeting voted in April 1986 to acquire Lots 1 and 2 for conservation by putting up \$175,000 to combine with a private citizens' fund of \$225,000 which had been raised for that purpose.

Other Site Costs

- (1) Sewer Connection \$13,000
- (2) Landscaping 7,500
- (3) Lighting 5,500
- (4) Utilities 15,000
- (5) Bulletin/Signs 5,000
- (6) Parking/Paving 35,000

TOTAL SITE 81,000

TOTAL COMBINED COST \$166,750

As this analysis demonstrates, viable options to Lot 3 exist which do not involve any impacts to a Riverfront Area, or any other Wetland Resource Area for that matter. The Rivers Protection Act cannot be met at Lot 3.

VII. END NOTE

The vista across Heywood Meadow is one of the defining spaces of Concord. Emerson and Thoreau, the Minute Men who surveyed it as they forced the British back to Boston, and even original settler Lucas Potter, would recognize the scene today. But a process of several decades' duration of acquiring Heywood Meadow and the Mill Brook area for conservation as open space, has been threatened by the visitors center debacle. Conservation of Lot 3 is the natural capstone of preservation efforts. Instead, in the interest of expediency, and ignoring the efforts and wishes of private citizens and official boards and committees alike, the Selectmen, Chamber, and Business Partnership have pushed this ill-advised scheme forward. Rather than following the lead provided by Concord's founders to resolve to find the path of agreement – to find concord – when disputes arose, current Town officials have chosen to set natural allies at loggerheads. Those who wish to serve the needs of visitors need not be at odds with those who wish to preserve the historic landscape those visitors come to see. Of course there are alternatives to placing the visitors center on historic Heywood Meadow. All it takes is common sense and vision.

The Board of Selectmen of Concord, of all places, appears not to have learned the lessons of the preservation and conservation movements. Too many natural and historic vistas have been spoiled in this country by inappropriate development. Now this last parcel of Heywood Meadow, earmarked for conservation, protected by wetlands legislation and historic district status, is threatened with the most ironic of developments; a center to welcome visitors to historic, unspoiled Concord. A pristine, pastoral setting is a far better introduction to our Town than just another asphalt parking lot with rest rooms. These sentiments were best expressed by John Mitchell, author of *Walking Towards Walden*,³⁵ when he identifies the green space at the center of the Town as its core:

"The core of any New England community - as with . . . its parent, the English Village - is a green space near the center of the town that remains undeveloped and open for public use. In too many towns across the region, the common, the green, the last vestige of open space has declined into a place for parking or a commercial zone."³⁶

Concord's protection of Heywood Meadow in turn protects both the image and reality of Concord.

"Concord is, in the minds of the American public, the quintessential American village - America's metaphor for itself. To let the last green space in town be disturbed in any way would, in a sense, be a betrayal of the trust the general public has placed in the town. . . . Among other things, the irony of destroying a green space to make room for a visitors center is profound. If such a trend continues, what will be left to visit?"³⁷



Discussion and Vote: Memorandum of Understanding, Maisey O'Donnell Dryland Training Room, Beede Center

Presenters: Mina Makarious, Town Counsel, Christoph O'Donnell, Henry Dane, C. C. Pools

Favorable action is requested: Motion to approve the Memoradum of Understanding for the Maisey O'Donnell Dryland Training Room.

**Agreement Regarding
Construction of the Maisey O'Donnell Dryland Training Center**

THIS MEMORANDUM OF UNDERSTANDING (the "Agreement") is made as of this [redacted] day of December, 2025 by and between the Town of Concord, Massachusetts (the "Town") and C.C. Pools, Inc. a Massachusetts not-for-profit corporation (the "Donor" or "CC Pools"). The Town and the Donor are referred to collectively herein as the "Parties").

RECITALS

WHEREAS, the Town entered into an Intergovernmental Agreement dated January 20, 2004 (the "IMA") with the Concord-Carlisle Regional School District ("CCRS") relating to the swim and fitness facility to be constructed by CC Pools on a portion of School District's property located at 500 Walden Street (the "Property"); and thereafter, the Town entered into a Ground Lease with CC Pools dated May 18, 2005, under which CC Pools constructed the facility now known as the "Beede Center" which was subsequently conveyed to the Town by CC Pools under a Gift Agreement also dated May 18, 2005; and

WHEREAS, CC Pools, as the Donor, has offered, at no cost to the Town, to design and construct a dryland training facility in memory of Maisey O'Donnell to be designated as the "Maisey O'Donnell Dryland Training Center" (the "Project") adjacent to the Beede Center in the location on the portion of the Property designated as the "Site" on the plan entitled "[TITLE OF PLAN]" (the "Plan"), attached hereto as *Exhibit A* and made a part hereof; and

WHEREAS, the Town wishes to grant to CC Pools such licenses as are necessary for the completion of the Project (the "Licenses") and to make such amendments and additions as are necessary to the IMA and Ground Lease in order to accomplish the same; and

WHEREAS, CC Pools and the Town wish to enter into an agreement to memorialize this commitment, the terms of the construction of the Project and the Licenses necessary for the Project;

NOW THEREFOR, in consideration of the mutual agreements contained herein and subject to the conditions herein set forth to be kept and performed by the Parties, it is agreed as follows:

AGREEMENT

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **License to Use Town Property.** Subject to the provisions of this Agreement, the Town hereby grants to the Donor such Licenses and rights in its own

property and those accruing to it under the forgoing agreements with the CCRSD as are necessary for the Donor to access, enter onto, and conduct construction activities on the Site for the purposes of completing the Project.

3. **Term.** Except as provided herein, the term of this Agreement shall be from the Effective Date (See below) through the date on which the Town either: (a) accepts the donation of the completed Project; or (b) declines to accept the completed Project and enters into a separate agreement for the ownership and operation of the Project with CC Pools or its nominee. The Effective Date hereunder shall be the last to occur of the following: a) the issuance of a Building Permit for the Project or b) the granting of access to the Property to commence construction. After all necessary Licenses have been obtained, the planning, permitting, design, financing and construction of the Project will be diligently pursued by the Donor with the intention of gifting the completed Project to the Town in, or within, two (2) years of the Effective Date. If the Project is not substantially completed within said two (2) years, the Parties will negotiate the terms and schedule upon which the Project may continue to completion or upon which this Agreement may be terminated.

4. **Conditions.** The Licenses herein granted by the Town to complete the Project are subject to the following conditions:

A. Work, Labor, and Supplies. Pursuant to Donor's offer to the Town to construct the Project, the Donor commits to diligently construct and to offer the completed Project as a gift to the Town. The Donor shall be solely responsible for hiring all necessary design and construction professionals and obtaining all materials and supplies for the Project.

B. Project to be Completed with Private Funds. No public funds, either directly from the Town or passed through the Town from any other source, shall be used to fund any part of the Project, including but not limited to studies, surveys, plans, designs, construction, oversight, contracting, or security; provided, that the Donor may request Town emergency or police services consistent with requests from any another construction entity or project taking place within the Town. All funds for the Project will be paid directly by Donor, or by a designee of the Donor, directly to contractors and vendors of its choosing for the design, permitting, management and construction of the Project. However, if it is the practice of the Town in general to waive or to offer reduced filing fees and Building Permit fees to non-profit organizations, such waivers or reductions shall not be prohibited hereby; and prior to the Town or an agency of the Town assuming ownership of the Project, it shall not be subject to real estate or personal property taxes or water, sewer and stormwater runoff fees. However, electricity to the Project will be separately metered and paid by the Donor or its designee.

C. Storage of Materials. The Donor shall store all materials and supplies in connection with the Project in the area marked as the “Storage Area” and outlined in red on the Plan (*Exhibit A*).

D. The Donor shall be responsible for securing the Storage Area with a safety fence until the Project is completed and construction materials and equipment are removed from the construction Site.

E. Permits Required. Any work on the Project must be properly permitted pursuant to all applicable federal, state, and Town laws, bylaws, rules, and regulations. Nothing in this Agreement should be construed as a promise, agreement, or commitment by the Town to provide any permit or other required documentation by the Town other than through the normal processes prescribed by state law, Town bylaws, and applicable rules and regulations. However, if any of the necessary permits are denied, or are subject to conditions that would frustrate the intent of the Donor or significantly increase the cost of the Project, the Donor may, but shall not be required to, appeal any such decision or denial, or may, upon notice to the Town, terminate this Agreement without recourse to either Party.

F. Private Oversight. The Town will not be involved in the oversight, management, design, or construction of the Project, except by the various administrative functions of Town bodies (e.g., the Planning Board, Public Works Commission, or Police Department), and as required by Town bylaws, rules, or regulations as they affect members of the public in general.

G. Donation. The Parties acknowledge and agree that ownership and operation of the completed Project will vest in the Town only by gift from the Donor. The Town shall not provide compensation of any kind for the conveyance of the Project other than costs of the gift transaction and the steps necessary to perfect its title to the Project. Each Party will bear its own legal costs. At the completion of the Project, the Town will determine, in its sole discretion, whether to accept the Project. If the Town elects to accept the donation of the Project, the Donor shall consummate the donation by transferring the Project, together with all warranties on any fixtures and other equipment in the Project (other than personal property not belonging to the Donor), to the Town, free of all liens, within one (1) month from the date of the issuance of a certificate of occupancy for the structure or final sign off on the construction by the Town’s Building Inspector. If the Town does not accept the completed training facility, but the completed facility otherwise complies with all applicable health and building codes, the Donor shall have the option (but not the obligation) to retain ownership of the Project and operate it as an independent non-profit dive training center without the payment of rent or other fees to the Town.

It shall be a condition of the gift that the Project be named the “Maisey O’Donnell Dryland Training Center” in honor of Maisey O’Donnell, CCHS

2025 and that it be dedicated primarily to the instruction and training of student athletes preparing themselves for participation in interscholastic and amateur competition in aquatic diving and related skills.

H. Maintenance Fund. If the Town accepts the completed Project, the Town will assume all financial and administrative obligations of the operation and maintenance of the Project and the activities conducted in connection with it. After the Town assumes ownership and operation of the Project, the Donor may, but shall not be obliged to, provide funds for upkeep and replacement of the training equipment.

I. Contractors and Other Parties. Any individuals (other than officers of CC Pools and members of its governing body, who shall have no personal liability hereunder) or entities involved in the construction of the training facility, including but not limited to those responsible for management or oversight, and subcontractors involved through completion of the Project, must acknowledge and, where applicable, adhere to this Agreement by signature on the form provided in *Exhibit B*. Signed acknowledgments must be submitted to the Town Clerk, with a copy to the Town Planning Department.

J. Hours of Construction. Once all permits have been issued, the Donor, its contractors and the CCRSD will negotiate details of the days and times of permitted access and construction on the Site so as not to unduly burden the progress or negatively impact the costs of the construction. During times when the school is in session, no construction activity shall impede student or school traffic between 6:00-7:30 A.M. and 2:30-3:30 P.M.

5. **Amendment**. This Agreement shall not be amended or modified except by agreement in writing duly executed by the Party or Parties to be charged therewith.

6. **Liens**. The Donor agrees to pay promptly for any work done (or material or service furnished) by or on behalf of the Donor on the Project, and the Donor shall not permit or suffer any lien to attach to the Project on account of work done or for labor or materials provided to the Donor in connection with the Project. The Donor agrees to, within thirty (30) days after Donor receives written notice of the filing of any action based upon any Notice of Contract and Statement of Account for the purpose of asserting any mechanic's, materialmen's, or other lien against the Project, to act to prevent such lien from attaching to the Town's interest therein either by payment or by filing of the necessary bond, or otherwise, if such liens arise out of any payment due for, or purported to be due for, any labor, services, materials, supplies, or equipment alleged to have been furnished to or for Donor on the Site.

7. **Indemnification**. Donor agrees that Donor's employees, contractors, agents, guests and invitees shall enter the Property at Donor's sole risk, and Donor shall indemnify and hold the Town and its agents, officers and employees harmless from any claims, losses, damages or liabilities related to any such access to the Premises, including

without limitation any injury or death or loss or damage to vehicles, equipment or other personal property of any nature whatsoever and reasonable attorney's fees, except to the extent that such loss or injury results from the negligence of the Town, the CCRSD or their respective agents, contractors or employees.

8. **Termination.** The Term of this Agreement, as provided in Section 3, shall control, provided that this Agreement may also be terminated: (a) by mutual written agreement of the Parties; or (b) at the option of either Party in the event of material breach of or noncompliance of the other with the terms of this Agreement, Notwithstanding anything contained herein to the contrary and without waiving any other rights granted to it at law or in equity, each party shall have the right, but not the obligation, to terminate this Agreement on written notice to the other, to take effect immediately if the other party fails to perform any covenant or commits a material breach of this Agreement and fails to diligently pursue a cure thereof to its completion after thirty (30) days' written notice specifying such failure of performance or default and said breach or noncompliance has not been cured within thirty (30) days after such notice subject to such delay as imposed by conditions beyond its control.

Neither Party shall be liable for any failure or delay in performing its obligations under this Agreement to the extent such failure or delay is caused by circumstances beyond the reasonable control of the affected Party and not arising out of its own fault or negligence including without limitation: acts of God; unusually severe weather; natural disasters; fire; epidemic or pandemic; war, terrorism, or civil disturbance; labor strikes or work stoppages (not limited to the affected Party's own workforce); embargoes or material shortages not caused by the affected Party; unforeseen site conditions that could not reasonably have been discovered by customary inspection; or governmental orders, permitting delays, or shutdowns that render performance illegal or impossible.

9. **Insurance.**

[SUBJECT TO REVIEW AND APPROVAL BY AGENTS FOR BOTH PARTIES]

A. Liability Insurance. Donor shall maintain, or cause its contractor to maintain:

(i) For the mutual benefit of the Town and Donor, and identifying the Town as an additional insured, general public liability insurance against claims for personal injury, death, and property damage occurring upon, in or about the Property for at least \$3,000,000.00 in the aggregate and \$3,000,000.00 per occurrence, including bodily injury and property damage; and

(ii) Employer's liability insurance, in an Agreement not less than \$1,000,000.00, and worker's compensation insurance as required by statute.

B. Insurance Carriers; Policies. All insurance provided for hereunder shall be provided under valid and enforceable policies, issued by insurers of recognized responsibility licensed and doing business in Massachusetts and having a so-

called Best's Rating of "A" or better, or, if such rating is no longer issued, an equal or better rating by a successor insurance carrier rating service reasonably acceptable to the Town. Upon the execution of this Agreement, and thereafter not less than sixty (60) days prior to the expiration dates from time to time of the policies required pursuant to this Agreement, certificates of such insurance or, upon request of the Town, duplicate originals of the policies, in either case bearing notations evidencing the payment of premiums or accompanied by other evidence reasonably satisfactory to the Town of such payment, shall be delivered by Donor to the Town.

C. Non-cancellation. Each policy or certificate issued by an insurer shall, to the extent obtainable, contain an agreement by the insurer that such policy shall not be cancelled, non-renewed or substantially modified without at least sixty (60) days' prior written notice to the Town.

10. **No Assignment.** The Donor shall not assign, sublet, encumber, or otherwise transfer, whether voluntary or involuntary or by operation of law, their Licenses pertaining to the Property without the Town's prior written consent.

11. **Notices.** All notices which are or may be required to be given by either party to the other under this Agreement shall be in writing and transmitted to the Parties as indicated below:

Town of Concord
Office of the Town Manager
22 Monument Square
Concord, MA 01742
klafleur@concordma.gov
Attn: Kerry Lafleur, Town Manager

and if to Donor to:

Henry J. Dane
Dane Brady & Haydon, LLP
PO Box 540
Concord, Massachusetts, 01742
hdane@danelaw.com

or such other address with respect to either party as that party may from time to time designate by notice to the other given pursuant to the provisions of this section.

12. **Cooperation.** Subject to the terms and conditions of this Agreement, the Parties agree to use reasonable efforts to do, or cause to be done, all things reasonably necessary or advisable to carry out the purposes of this Agreement and the Project.

13. **Miscellaneous.**

A. Waiver. No waiver by any party of any of the provisions of this Agreement shall be effective unless in writing and signed by an authorized representative, and only to the extent expressly provided in such written waiver.

B. Entire Agreement. This Agreement contains the entire understanding between the Parties, and all prior written or oral negotiations, discussions, understandings and agreements are merged herein. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts, shall not be altered, amended or modified except in writing duly executed on behalf of the Parties hereto, and shall be binding upon and inure to the benefit of the successors and assigns of the respective parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first written above.

TOWN OF CONCORD,
MASSACHUSETTS, a municipal
corporation

C.C. POOLS, INC. a Massachusetts not-
for-profit corporation

By: _____
Kerry Lafleur
Concord Town Manager
Date: _____

By: _____
[NAME]
President/Treasurer
Date: _____

Update on Antisemitism and Bias Initiatives

Discussion: DRAFT DEI Commission Charge

Presenter: Mark Howell, Chair

Town of Concord
Diversity, Equity, and Inclusion Commission
Charge

Approved: August 16, 2021

Amended: September 7, 2021

Revised: DRAFT for Select Board Review January 12, 2026

A. Background

The Town of Concord is committed to fostering a community in which all residents, employees, students, and visitors feel welcomed, valued, respected, and heard. In recognition of the Town’s increasing cultural, racial, religious, and socio-economic diversity—and the need for intentional, sustained efforts to address inequities—the Select Board established the Diversity, Equity, and Inclusion (DEI) Commission.

The Commission serves as an advisory and coordinating body to help the Town identify, understand, and address issues of bias, discrimination, exclusion, and inequitable access to opportunity. Its work is informed by community input, lived experience, and best practices in diversity, equity, and inclusion, with the goal of strengthening civic trust, social cohesion, and a shared sense of belonging in Concord.

This charge is designed to be general and durable in scope. Therefore, the majority of this charge is written in a general way. However, the Select Board recognizes that in the year 2025, and the recent past, disturbing incidents of antisemitism, hate speech, racial bias and other forms of bias and exclusion are taking place in Concord. The Select Board categorically condemns such behaviors and seeks through its own work and the work of this Commission to promote community-wide engagement in the necessary, difficult, self-reflection to find solutions to address these challenges with empathy, compassion, dedications, respect and love.

B. Purpose

The purpose of the Diversity, Equity, and Inclusion Commission is to promote cooperation, understanding, and dialogue among residents of diverse cultural, religious, socio-economic, racial, and ethnic backgrounds, as well as diverse sexual orientations and gender identities, and to advance inclusion throughout the Town.

The Commission shall:

- Encourage learning, understanding, and unity by recognizing and addressing the intersections among diverse identities and lived experiences.

- Promote fairness and equity by acknowledging historical and systemic disparities and supporting efforts that expand access to opportunity.
- Support the creation and maintenance of a welcoming community free from bias, prejudice, discrimination, and hate.

For purposes of this charge:

- **Diversity** refers to population groups that have been historically underrepresented or marginalized in social, political, or economic institutions, or subjected to discrimination, bias, or prejudice, including—but not limited to—race, ethnicity, religion, disability, sexual orientation, gender identity, age, immigration status, and socioeconomic status.
- **Equity** is an approach grounded in fairness that recognizes differing needs and barriers, and supports the allocation of resources and opportunities in ways that enable all individuals to succeed.
- **Inclusion** refers to the active, intentional creation of environments in which diverse individuals can fully participate in decision-making, access resources, and feel safe, respected, and valued.

C. Duties and Responsibilities

The Diversity, Equity, and Inclusion Commission shall help the Town and Select Board respond to all forms of bias against any social identity group using one or more tools from these categories of approaches:

1. Document and Inform -

The commission will document the experiences of all of Concord’s social identity groups and seek to measure the progress toward inclusion and equity. It will gather and elevate first-hand experiences, develop observation methods, reports, tools and strategies—such as surveys or other fact-gathering methods—to assess the community climate and measure progress over time.

2. Educate -

Building on experience and best practices learned from elsewhere and the insights gained by documenting the experiences of Concord’s people, the Commission will develop, promote and collaborate with other stakeholders to bring relevant educational and community-building experiences to Concord. Specifically, by:

- a. Facilitating community discussions, forums, and educational opportunities related to diversity, equity, and inclusion.
- b. Promoting awareness, engagement, and community-building activities that foster a more inclusive and welcoming environment and increase cultural awareness.

- c. Supporting efforts to diversify the Town's, boards, committees and workforce by promoting service and job opportunities at educational and community building events.

3. Design and recommend systemic responses -

The commission will help to evaluate and recommend systemic responses to support continuous improvement in the climate of the community. The Commission will work within the Town budgeting cycle and with the Town Manager and Select Board to identify investments and programs to be implemented. The commission should:

- a. Recommend actions that individuals, organizations, and the Town may take to reduce bias and advance equity and inclusion.
- b. Use surveys and fact gathering methods to determine program priorities and measure progress over time.
- c. Identify and promote the availability of culturally competent and mental health and support services for individuals and groups impacted by social identity experiences.
- d. Report to the Select Board at least semi-annually on plans, progress, challenges, and recommendations.

4. Coordinate and Collaborate -

The Commission will work with community organizations and leadership of the Town and Schools within Concord to achieve progress and develop programs. It will also coordinate efforts with peer communities in support of regional or statewide initiatives. The Commission will coordinate the development of its program plans and goals to the Select Board at least annually.

- a. Work in cooperation with Town and School leadership, community, cultural, and faith-based organizations, and peer municipalities to share resources and best practices.
- b. Establish subcommittees or working groups as needed and appoint liaisons to facilitate coordination with key stakeholders.
- c. Develop and maintain an annual strategic plan with goals, measurable outcomes, and timelines to guide the Commission's work.
- d. Advise on staffing and financial resources needed to support the Commission's work.
- e. Periodically review and recommend updates to this charge, in coordination with the Select Board, to ensure continued relevance and effectiveness.

D. Membership

The Diversity, Equity, and Inclusion Commission shall consist of nine (9) voting members appointed by the Select Board.

- Members shall be Concord residents and shall serve three-year staggered terms, with approximately one-third of the membership expiring each year.
- Members shall collectively reflect the diversity of the community and possess qualifications, experience, or lived perspectives relevant to the Commission's mission.

- All applicants shall be considered based on their individual qualifications and ability to contribute to the Commission's work.

E. Other Considerations

The Commission shall elect a Chair and a Clerk.

All meetings and activities of the Commission shall comply with the Open Meeting Law, the Public Records Law, the Conflict of Interest Law, and all other applicable laws and regulations of the Commonwealth and the Town of Concord.

Requests for staff assistance or operating resources shall be made through the Town Manager in accordance with established Town procedures.

Select Board Liaison Reports

Liaison Report for Wendy Rovelli (1/12/26)

Climate Action Committee (1/5)

- Held a brainstorming session regarding priorities for the update to the Climate Action and Resilience Plan

Financial Policy Work Group (1/6)

- Group confirmed recommendation for warrant articles to create and appropriate funds for Capital stabilization. Town Counsel will be consulted on whether it is necessary/appropriate to rescind and recreate definition and use of the general stabilization fund. Group does not support creation of a School Assessment stabilization fund, at this time. Appropriation amounts to be discussed at next meeting
- Group discussed current policy of debt management within the levy, related method for measuring the policy metrics and actual results for FY24–FY26. Discussed debt policies from other Aaa towns and state recommended policy template documents.

Planning Board (1/6)

- Discussed edits to proposed warrant articles, along with required sequencing. Assigned board member presenters for each article. Final vote for submission of articles planned for Jan 20th meeting,
- Owner of 166 Commonwealth Ave will present a project overview to the West Concord Advisory Committee at the next scheduled meeting.

Hugh Cargill Trust (1/8/26)

- Annual fundraising appeal letters were sent to all residents.
- Concord CARES program has provided emergency fuel assistance to 4 citizens.
- Approximately 67 homeowners have been granted Property Tax Relief for the current year.

League of Women Voters: (1/8)

- Jason Bulger and Laura Scott presented information on the background and plans for the new Time-of-Day electricity rate structure being rolled out for 4/1/26 – education campaign is well organized and comprehensive – go to oncordma.gov/tod
- A review of the zoom Webinar vs Meeting formats was discussed. I confirmed that one format is not required by committees, but Meetings format is preferred for visibility to participants. Audience expressed desire for all committees to support on-line meeting access.

Tax Relief Evaluation Task Force (1/8)

- 912 individuals responded to the survey on housing costs/tax burden. Respondents included a total of 45 renters. Analysis on survey responses will be completed by earlier February.
- Summary data from Assessor's office is pending and analysis of ACS data expected for next mtg.
- Committee will begin draft review of report sections at the next meeting. Goal remains to complete report by end of March.

Mary Hartman Liaison Report for January 12, 2026, Select Board meeting

CMAHT (1/6)

The trust members debated the acquisition of the 1.45 parcel at 91B Main St. There is currently \$500k of ARPA funds budgeted for workforce housing at this site. The cost of the land is estimated to be \$629K and would require an add'l \$129k of trust funds.

Furthermore, the construction of units would need to be funded by the trust. At the current design of 4 affordable units on this site, the cost/unit (after sales proceeds) would be \$483k/unit. A motion to purchase the land (subject to approval by the Select Board) failed. The trust next voted to fund an environmental assessment (\$4.6k) and add'l engineering work (\$1k) to complete a 6-unit concept plan with the expectation that increasing the number of units would lower the cost/unit to an acceptable amount.

Economic Vitality (1/7)

Continued to discuss ideas for a forum/panel discussion to brainstorm ideas to pair businesses in the villages with arts. Next step is to involve the Business Partnership, the Chamber, and cultural groups and solidify the date for the event, now expected to be closer to May.

The committee will write a letter in support of the Planning Board article to modify the height requirement in the Thoreau business district.

The committee will also write a letter to the Historical Commission supporting an exemption to the demolition delay at the site of a proposed guitar museum in West Concord.

Both Mimi Graney and Beth Williams presented the “year in review” highlighting trends and accomplishments in tourism and business activity for FY25 while also anticipating events in FY26.

LUWG Municipal Consolidation subcommittee (1/7)

The subcommittee is close to finalizing the financial analysis of potential consolidation of town and school departments at various sites. This analysis includes an estimate of potential revenues that will be unlocked as sites become vacant. The subcommittee is working to meet the Jan 31 deadline for its final recommendations to the larger LUWG.

Rec Commission (1/8)

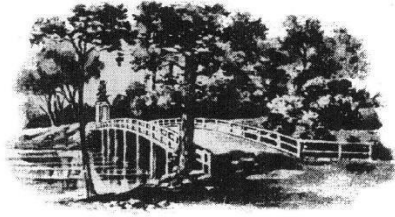
Presentation by OARS to the commission to explore common interest areas.

Proposed fee increases for White Pond membership, Carousel and summer camp to cover improved programming and staff retention. Will also increase fees for cancellations.

The Rec Revolving fund balance of \$2.2m, built up from funds acquired during the pandemic, was deemed to be too high since prudent reserves should be ~3 months of operating expenses, or \$1m. This one-time excess of ~\$1.1m will be partially spent on capital projects to resurface the tennis/pickleball and basketball courts at Rideout with post tension concrete and potentially the addition of conduit depending on the bids. The commission casually discussed spending any leftover funds on a feasibility study for expansion of Hunt Gym and Emerson field usage.

AG Committee (1/8)

The committee will send a letter to the LUWG, the PWC and the NRC highlighting the importance of the Peter Springs field to the agricultural community. Also working to finalize the details around the Spring forum.



OLD NORTH BRIDGE

TOWN OF CONCORD

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

*Concord Public Ceremonies and Celebrations Committee
2026 Honored Citizen Nomination Form*

Eligibility: “The Honored Citizen(s) shall be a resident(s) of the Town of Concord, who is not a current elected official. Selection shall be based upon significant volunteer service to the Town and/or fellow citizens, which is above and beyond any remuneration (employment or profession may not be considered). Volunteer service shall have been given over an extended period of time and evaluated upon depth of commitment, position(s) held, and amount of time given.”

Name of person(s) you are nominating: _____

Street Address, email address, and telephone number of nominee(s):

Your name (Nominator): _____

Your street address, email address, and telephone number: _____

Have you nominated this person in the past? If so, what year? _____

Please attach a signed letter describing why your nominee(s) should be recognized as the 2026 Concord Honored Citizen.

Executive Session

Favorable action is requested: Move to enter Executive Session under M.G.L. c. 30A, § 21(a)(6) to consider the purchase, exchange, lease or value of real property (MCI – Concord or other property) if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and not return to Open Session.