

**TOWN OF CONCORD
SELECT BOARD
MINUTES
SEPTEMBER 27, 2021**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via Zoom on September 27, 2021 at 6:30pm.

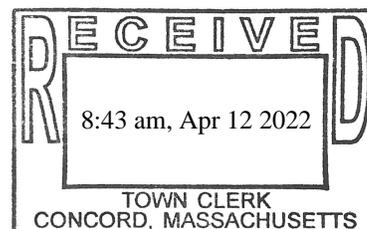
Present were Terri Ackerman, Chair; Matthew Johnson, Clerk; Henry Dane, Susan Bates and Linda Escobedo. Also present was Stephen Crane, Town Manager.

Call to Order

Chair Ackerman called the meeting to order at 6:30pm. Mr. Johnson called roll call:

Roll call vote

Mr. Johnson: Present
Ms. Ackerman: Present
Ms. Escobedo: Present
Ms. Bates: Present
Mr. Dane: Present



Consent Agenda

- Town Accountant Warrants: September 16, 2021; September 23, 2021
- Adopt Select Board Meeting Schedule through early 2022 as included in the board packet
- Sunday Entertainment License Application: The Performing Arts Center at 51 Walden Street for an event on October 10, 2021 from 2:00pm-4:00pm
- Proclamation: Declare October 2021 as Concord-Carlisle Community Chest Month
- Proclamation: Honoring Concord Firefighters John Bendel, John Gower, William Noke, and Paul Domenichella upon their retirement after decades of public service to the Town of Concord

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda.

Roll call vote

Mr. Johnson: Aye
Ms. Ackerman: Aye
Ms. Escobedo: Aye
Ms. Bates: Aye
Mr. Dane: Aye

Town Manager's Report

Mr. Crane provided the Town Manager's Report:

- He reported that on September 28, 2021 a group of local officials including himself, the Acton Town Manager, the Acton Select Board chair, and the Fire Chiefs of both Concord

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and Acton would be conducting a site visit at the Southeast Massachusetts Regional Emergency Communication Center (SEMREC) located in Foxborough, Massachusetts to better understand SEMREC's operations.

- Mr. Crane reported that he will be attending, at the Select Board's recommendation for professional development, the annual ICMA Conference in Portland, OR from October 1st through the 5th and Kate Hodges would be appointed as Acting Town Manager.
- Long time Town employee Tom Pearson passed away.
- The Fire Department provided mutual aid to residential fire in Maynard. CFD is providing a COVID testing service for Town employees.
- The Fleet electrification study is well underway.
- The Health Department is considering mask mandates versus mask advisories based on current public health data.
- Final report from the Massachusetts Climate Action Network was included in the final packet and CMLP was referenced as a sustainability leader.

Mr. Johnson asked for more periodic updates on the COVID transmission rates in the Concord community. Dr. Hunter provided an update on the public schools on COVID protocols, testing, and vaccination rates.

Ms. Escobedo thanked former Sustainability Director Kate Hanley for her contributions to sustainability in Concord which impacted CMLP's performance. Ms. Escobedo asked about the Great Meadows Regional Public Health Collaborative and which communities were participating, especially considering the anticipated funding from the Commonwealth.

Chair's Remarks

Chair Ackerman asked the Board how they preferred receiving long board packet components. The Board discussed the timeliness of the packet and how it's organized. Mr. Johnson suggested including materials that were relevant to actions requested of the Board. Chair Ackerman provided an update on the Select Board's Focus meetings including the September 20 Select Board meeting on funding the proposed new Middle School, October 18 meeting on committees, and November 15 meeting on Envision Concord progress to date. The Select Board will host a Governance Training Workshop with the Town Clerk on zoom on November 6th. Chair Ackerman asked Board members to consider attending the MMA annual conference in January 2022.

Joint Capital Planning Forum with School Committee

The Select Board met in joint session with the Concord Public School Committee. The Concord Public School Committee Chair noted they are down a member and commented on the challenges of quorum. The School Committee called roll:

- Anderson: present
- Marona: present
- Booth: present

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- Rainey (chair): present

Chair Ackerman reminded attendees that this meeting today was the first of three on capital projects in Concord. Mr. Crane talked about a ten year capital projects template and specifically Tier 3 capital projects, which include projects over \$5 Million. At the top of that list were the proposed new middle school, a new public safety complex, a new salt shed at Concord Public Works, other Concord Public Works projects including a covered vehicle storage, the Walden Street Public Safety renovation which includes relocation to a temporary public safety facility.

Chief Financial Officer Kerry Lafleur presented the capital projects template (on shared screen) and described the template. The template included projects which would be exempt from prop 2 ½. She clarified that while the template was for ten years, the financial impact would exceed that period. Ms. Lafleur pointed out the possible tax impact of each project on the median assessed home in Concord. Chair Ackerman asked about the difference between a new public safety complex and the Walden Street renovation. Mr. Crane clarified that a new public safety complex would need to be built in a new location and in that scenario the Walden Street facility would need to be renovated for nonpublic safety needs. Chair Ackerman asked about the omission of the Town House renovations from the capital projects list and Mr. Crane replied that there is a need for “space mining” within the Town House using existing space and otherwise the Town House was in good shape.

Mr. Johnson asked about the inclusion of additional stabilization funding for the capital projects (FY23, FY24, and FY25). Mr. Crane clarified that those amounts listed were the cost of bonding for those projects. Mr. Johnson asked about whether to include the impact of stabilization funds on the cost of bonding. Ms. Lafleur said it was too early to project the inclusion of the stabilization funds on the cost of bonding.

Ms. Rainey asked about larger water/sewer capital projects to be expected. Mr. Crane clarified that those projects would be funded by the rate payers and that the large water treatment plant and sewer projects would not be funded by a debt exclusion. Ms. Rainey asked that the current Fire/Safety capital needs be further clarified. Chair Ackerman asked members of the public to attend the next two capital projects forums on November 4th and December 6th. Mr. Booth asked about the process for evaluating a new public safety building. Chair Ackerman talked about issuing a narrative form of the capital projects template.

Data Breach Notices

Mr. Crane provided the Board an update on the data breach notices. About 55,000 notices went out to residents all over the country regarding the loss of Town hard drives over 2 years ago. Mr. Crane reported it took over a year to do the data-mining on backup hard drives to determine what data was lost in the original hard drives. The vast majority of calls to the Town Manager’s Office were from residents outside of Concord and Massachusetts. Mr. Crane introduced Greg Bautista and Michele Grenier, attorneys contracted by the Town to assist with this security event.

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Ms. Escobedo asked whether the Town knew of any fraudulent use of the data on those lost hard drives. Mr. Crane said the Town was not aware of any fraudulent use of the data. Mr. Bautista reported it was unlikely we'd see fraudulent use so far from the original data loss event. Ms. Escobedo stated that the time involved in the forensic investigation was extraordinary and asked why it took so long. Mr. Bautista explained that it was very time consuming process to review every single document involved in the data loss and the 100 hard drives had to be reconstructed. Mr. Dane asked whether it was useless to send out a data loss letter so far from the original loss date. One of the letters he received, addressed to him personally, didn't include any details on the original data loss event.

Mr. Bautista clarified that the Town of Concord was not allowed to include details about the security incident under MA state law. Mr. Dane complained how the notice letter was too vague to be helpful and the call center (Kroll) was not able to answer questions about specific information that was lost. Mr. Dane also stated it was hard to find Town staff on the Monday when recipients started receiving the notice letter. Mr. Crane stated that Town staff stayed late into the night to reply back to recipients and that he personally responded to phone calls and emails.

Mr. Johnson asked why the data breach notice didn't include the reference to the original data loss event in 2019 and if this notice letter was different than others reviewed by the attorneys. Mr. Bautista said it was unusual that calls on the letter came in all at once. He said call numbers from the Kroll data center were in line with other data breach events they've worked on. Mr. Johnson asked whether all Town staff were aware the letter was going out and Mr. Crane replied that the letters went out faster than notice to Town staff could occur.

Ms. Escobedo asked whether this would have a huge impact on our insurance premiums. Mr. Crane said we would expect to see an increase on our premiums, possibly around 30%. Mr. Crane also reported that the incidence of cyber events is increasing dramatically nationwide. Mr. Bautista reiterated that statement. Mr. Dane had more comments on the data loss event. Mr. Crane reminded the Board that this data loss event occurred at a drop-off event at Public Works and that the Town immediately went to work notifying impacted people. Ms. Ackerman asked if this response was concluded and Mr. Bautista confirmed it was.

Scotchford-Wheeler House Historic Preservation Restriction

Mr. Dane informed the Board he was recusing himself from this matter because he and his law firm did most of the deed work for the Wheeler family on this property.

Ms. Carissa Demore, from Historic New England Regional Preservation Organization, introduced herself. She is seeking the Select Board's approval for a preservation restriction on the Scotchford-Wheeler House located at 99 Sudbury Road. The house has been owned by the Wheeler family since 1696 and it's an example of 17th century and 18th century New England architecture. The owners in 2013 worked with Historic New England to establish a preservation restriction. Ms. Demore reported that Massachusetts General Law allows preservation restrictions to be perpetually binding but only if the restrictions are approved by the Select Board

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and Historical Commission. Ms. Demore reported that this particular request is being submitted for review and approval because the property is up for sale to a third party. The Concord Historical Commission has approved the terms of this preservation restriction in connection with this sale. Ms. Wheeler asked for the Select Board's approval after making some other comments. Upon a question from Chair Ackerman, Ms. Demore clarified that the Concord Historical Commission didn't approve the preservation restriction in 2013 because there was a mortgage on the property, but the mortgage has been discharged and it now approves the restriction. Ms. Bates said considering the length of the documents, the Select Board could use more time to review the materials before taking action. Ms. Escobedo asked why the Select Board's approval was required and Ms. Demore replied that Mass. Gen. Law 184, Section 32 stipulated Select Board approval.

Upon a motion duly made and seconded, it was

VOTED: to certify that the Preservation Restrictions dated May 16, 2013 recorded in the Middlesex South Registry of Deeds in Book 61941, Page 446 and filed and registered as Document 01642504 in the Middlesex South Registry District of the Land Court and noted on Certificate of Title 253300 on the Scotchford Wheeler House located at 99 Sudbury Road, Concord, Massachusetts, consisting of approximately 0.69 acres of land, being more particularly described in that certain deed recorded with the Registry in Book 61137, Page 115, together with all improvements thereon, have been approved pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Roll call vote

Mr. Johnson: Aye
Ms. Ackerman: Aye
Ms. Escobedo: Aye
Ms. Bates: Abstained
Mr. Dane: Abstained

PEG Access License Renewal

Ms. Karlen Reed, chair of the PEG Access Committee, reviewed the packet material on the draft Comcast contract renewal reflecting almost \$8 Million in revenue. Ms. Reed explained that Comcast receives revenue from its Concord cable TV subscribers, about 4,692 as of December 31, 2020. From the \$8 Million in annual revenue, Concord receives about \$360,000 based on its resident subscriber numbers for the provision and support of the MinuteMan Media Network TV studio and PEG Access programming. The current contract expires April 21, 2024. The renewal process typically takes 3 years. April 21, 2022 is when she will start working with the Town Manager's Office on finding a consultant to work on this and assess the Town's needs.

Chair Ackerman asked what Ms. Reed needed. Ms. Reed stated she was simply bringing this up so the Select Board knew the process would start soon and she'd be working with staff from the Town Manager's Office on this matter. Ms. Bates reported that Comcast is reporting their subscriptions have increased. She asked if Concord residents should expect to see a rate increase.

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Ms. Reed confirmed the number of subscribers has gone down and Comcast's expenses have gone up. Ms. Escobedo asked if this Comcast renewal review was in the PEG committee charge. Ms. Reed confirmed that it was. Mr. Dane asked if the Town's compensation is negotiable. Ms. Reed said there is a range of up to 5% of the gross annual TV revenues that the FCC allows. The Town's current rate is 4.8%. Ms. Reed noted that Comcast has changed its calculation of gross annual revenue.

Finalize Personnel Board Study Committee Charge

Chair Ackerman said that she hopes the Board can approve the edits to the Personnel Board Study Committee charge. Ms. Bates described her revisions to the draft charge and the Select Board discussed the changes.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the charge of the Personnel Board Study Task Force as amended during this evening's discussion.

Roll call vote

Mr. Johnson: Aye
Ms. Ackerman: Aye
Ms. Escobedo: Aye
Ms. Bates: Aye
Mr. Dane: Aye

Discuss liaison and committee assignments for DEI Commission and 2025 Executive Committee

Chair Ackerman explained that she wanted to start making appointments soon to the DEI Commission and the 2025 Executive Committee. She talked about starting a review of the submitted volunteer cards for these committees. The Board discussed this matter further.

Preliminary Discussion: Committee Focused Meeting October 18

Chair Ackerman led a discussion on committee assignments, Select Board liaisons, and the number of committees in Concord. Ms. Escobedo agreed the Select Board should discuss the consolidation of committees in Town. Ms. Escobedo recommended that the views of the Senior Management Team be solicited. Mr. Crane reported that the Finance Committee has changed their approach to liaison assignments – now liaisons are assigned by topic instead of to a particular committee. Mr. Dane talked about the time involved in attending many (12?) different committees as part of their Select Board liaison obligations.

Expression of Interest: Armory Property

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Mr. Dane reported that the Town Clerk had approached him years ago to secure the space of the Armory for records space by the Town. Mr. Dane has communicated with many people and explored the possibility of this issue. He said the National Guard was likely to deem the Armory surplus property and upon that determination the Town could bid for that space at great value. Possible uses of the space include basketball courts, municipal records space, conference rooms, social events, and other purposes. Mr. Dane recently spoke to the Adjutant General McGurn and was told that the National Guard is doing a facilities re-evaluation of the Armory. If Concord can demonstrate a legitimate municipal purpose, Concord could obtain the facility for little to no money. The Board discussed this matter. Mr. Johnson agreed this facility was in a great location and affordable housing should be part of the consideration. Mr. Crane recommended that a follow-up letter to the Armory be drafted by the Town Manager's Office to indicate the Town's interest in this property.

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Paul Macone of 33 Grove Street, Bruce Button of 28 Fairhaven Road, and Anne Rarich of 315 College Road to the Personnel Study Task Force for terms to expire May 31, 2023

Roll call vote

Mr. Johnson: Aye
Ms. Ackerman: Aye
Ms. Escobedo: Aye
Ms. Bates: Aye
Mr. Dane: Aye

Committee Liaison Reports

Ms. Bates reported on her first MAGIC Meeting on September 14th. They reviewed FY22 work plans which included work on racial justice, municipal government, housing, transportation, infrastructure, hybrid meeting, housing diversity, and economic development. The Commission on Disability talked about traffic in Junction Park. The White Pond Advisory Committee met on September 8th and they discussed sewage improvement, water quality testing, and other related issues. The Chair's Breakfast meeting was very informative. She attended PorchFest and said it was a great success.

Ms. Escobedo reported that the Community Preservation Committee had received 13 applications for total of \$2.6 million dollars. The Junction Village Open Space Taskforce met and is holding a public forum on October 14th to review conceptual site plans. The DEI subcommittee of the School Committee is doing a major DEI survey to the community. The Historical Commission is supportive of the Wheeler-Scotchford House preservation restriction. The Historic Districts Commission is attending to their normal work. The Planning Board heard an application for new Commonwealth Avenue project. The Affordable Housing Trust Study Committee held its first

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meeting and they are discussing logistics.

Mr. Dane attended the initial meeting of the Civil War Monument Taskforce at the Civil War monument itself. He commended Town staffer Tish Hopkins on recruiting a great group of volunteers to work on this committee. Mr. Dane attended the Ag Fair and the Library book sale which occurred on the same day and were both successful. The Board of Health met to discuss normal issues, septic systems, masks, etc. and their discussion of mandatory versus advisory mask orders. Mr. Dane reported that Ms. Debra Stark is advocating for personal reusable containers for patrons to take their food home from a restaurant. The State Board of Health says this is contrary to state health code.

Mr. Johnson reported that the Comprehensive Sustainability and Energy Commission heard a presentation by Debra Stark on the reusable food containers. There was discussion of how to respond to the Select Board's request to provide input on status updates on the Envision Concord. The Climate Action Advisory Board discussed their priorities. The Light Board reviewed their customer survey results, which were generally favorable. There was also a stakeholders' meeting on the advanced metering infrastructure rollout. The Zoning Board of Appeals denied the large earth removal application. The Middle School Building Committee has made good progress on schematic design. The Bruce Freeman Rail Trail Committee discussed the completion of Section 2C and the fencing along White Pond in light of the state's refusal to cover the cost of the fencing.

Chair Ackerman reported that Fatima Mezdad has resigned from the School Committee and an election will need to be called, and possibly joined with the special election to approve the middle school project debt exclusion financing. The Finance Committee was not happy with how fiscal year end capital expenditures were conducted. The Fiber Broadband Completion Taskforce has met and they have questions about their charge.

Miscellaneous Correspondence

Chair Ackerman thanked Tanya Gailus, Mark Gailus, Caroline Bunch, Dorrie Kehoe, Denise Harts, and Jennifer Brook for their letters on behalf of the Commission on Disability.

Public Comment

Mr. Stephan Bader clarified that the library book sale resulted in \$30,000 in fundraising, not the \$130,000 reported by Mr. Dane.

Adjourn

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to adjourn.

Roll call vote

Mr. Johnson: Aye

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Ms. Ackerman: Aye
Ms. Escobedo: Aye
Ms. Bates: Aye
Mr. Dane: Aye

Minuteman Media Network Coverage: https://www.youtube.com/watch?v=BQMhAxia_6o

Meeting Materials: <https://www.concordma.gov/DocumentCenter/View/32366/September-27-SB-Packet>