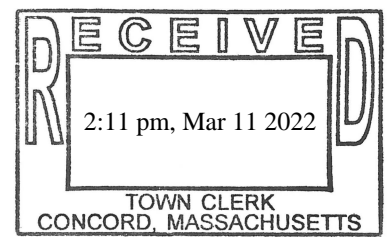


**Town of Concord
Select Board
Minutes
December 06, 2021**



Pursuant to a notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting in the Public Hearing Room in the Town House and via Zoom on December 6, 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.

Consent Agenda

- One Day Special Liquor License: Concord Museum, December 14, 2021, 4:30PM to 7:30PM, all alcoholic beverages
- One Day Special Liquor License: Barrett Sotheby's International Realty, December 15, 2021, 5:30PM to 8PM, wine and malt beverages only

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

Town Manager's Report

Mr. Crane reviewed the report that was included in the Select Board's meeting packet. Mr. Crane highlighted the following:

- IT department secured an \$89,000 grant, which will be used to improve Wi-Fi capabilities in several municipal buildings.
- The Personnel Board agreed to enact a retroactive two percent pay increase for non-union municipal employees. Increases are being funded through the salary reserve appropriation, and may be eligible for American Rescue Plan Act (ARPA) reimbursement.
- The Beede Center updated its fee structure. Residents are encouraged to support the Center, which has struggled during the pandemic.
- The Gerow Park project is progressing.
- The DPW is collaborating with the Police Department and Concord Public Schools to apply for several Safer Routes to School grants. If awarded, the grant will fund sidewalks along Lexington Road.
- The Fire Department recently hired three new Firefighters.

Ms. Escobedo asked Mr. Crane if the three new Firefighters were replacing employees who had left the department, or if they were filling three newly created positions. Mr. Crane explained that the three new employees would be filling vacancies left by employees who had retired and/or left the department. Mr. Johnson commended town staff on the execution of the annual tree lighting ceremony. Mr. Crane stated that the attendance at both the tree lighting and menorah lighting highlighted residents' desire to get out and participate in municipal events despite the ongoing pandemic. Kate Hodges, Deputy Town Manager, added that the tree lighting was attended by over 5,000 people.

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Chair's Remarks

Chair Ackerman stated that she had been asked to remind residents to wear masks indoors, get vaccinated, and to get booster shots against COVID-19. Chair Ackerman also stated that the Select Board would not be meeting on Monday, December 13, 2021, but would be holding a joint public hearing with the Finance Committee on Thursday, December 16, 2021 at 7:00 p.m. in preparation for the January 2022 Special Town Meeting. Chair Ackerman reminded the Board that their next regularly scheduled meeting would be held on December 20, 2021 and asked the Board if they could meet at 5:00 p.m. on the 20th for a possible Executive Session, which the Board confirmed. Chair Ackerman and the Board discussed the Home Rule Petitions and agreed to contact Senator Barrett and Representative Gouveia to encourage their advancement.

Transfer of Affordable Housing Funds to the Concord Municipal Affordable Housing Trust

Mr. Crane stated that a bylaw passed at the 2020 Annual Town Meeting created the Concord Municipal Affordable Housing Trust, which now makes appropriations that had previously been under the Town Manager's direction. Mr. Crane stated that the Trust had been established, and Trust documents had been recorded, so it was ready to take responsibility for those funds and allocate them for affordable housing purposes. Mr. Crane added that both the Select Board and the Town Manager's Office had previously committed some funds, and he suggested that any motion made that evening include language that make a transfer subject to existing commitments.

Chair Ackerman stated that the current balance in the affordable housing fund was \$635,000, and the request to the Select Board would transfer those funds to the Concord Municipal Affordable Housing Trust. Mr. Crane stated that he believed that this transfer was an administrative matter, but that it was also a best practice to formally pass the oversight of the funds from the Town Manager/Select Board's Office to the Municipal Affordable Housing Trust.

Elizabeth Rust, the Director of the Regional Housing Services Office, clarified that the funds with the commitments would still transfer to the fund, and Mr. Crane stated that a suggested motion was worded that way.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the transfer of oversight of the designated funds to the Concord Municipal Affordable Housing Trust pursuant to the Concord Municipal Affordable Housing Trust Bylaw, as approved at the 2020 Annual Town Meeting, subject to any funding commitments that may have been made by the Select Board or Town Manager prior to this vote.

**Vote on Language to Ballot Question for Proposed Concord Middle School for the
February 3, 2022 Special Town Election**

Kaari Tari, the Town Clerk, explained that language presented in the Select Board's meeting packet had been reviewed by Bond Counsel for placement on the ballot at the upcoming Special Election. The Board discussed the language and reminded the public that the design and cost of the proposed Concord Middle School would be discussed at the Special Town Meeting on January 20,

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2022.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the language for the ballot for the special town election, scheduled for February 3, 2022, as printed in the Select Board packet for this meeting.

Clarification of Personnel Study Task Force Charge

Ms. Bates, the liaison to the Personnel Study Task Force, explained to the Board that the Personnel Study Task Force felt their charge was unclear and that they were seeking clarification from the Select Board on their charge/role. The Board discussed the matter with members of the Personnel Study Task Force and Personnel Board. The discussion weighed several options available to the Board from broadening the scope of the Personnel Study Task Force, to narrowing it. Mr. Johnson suggested that the Board leave “Section A” alone and make a change suggested by Ms. Bates to Section D1 to replace “and related town personnel policies” with “and the future charge/role of the personnel board or its successor.”

Mr. Johnson made a motion to amend the charge for the Personnel Bylaw Study Task Force Section D1 to strike the phrase “and related Town Personnel” and replace it with “and the future role of the Personnel Board”. Also, to add to the list of Appendices the “Personnel Policies and Procedures,” however, there was not a second to the motion. The Select Board tabled their discussion until their next meeting.

Joint Meeting with Concord Public School Committee to Discuss Capital Plan

Cynthia Rainey, Chair of the Concord Public School Committee, called the meeting of the Concord Public School Committee to order. Court Booth, Tracy Marano and Ms. Rainey were all present.

Kerry Lafleur, the Town’s Chief Financial Officer, reviewed the presentation included in the Select Board’s Meeting packet. Ms. Lafleur explained the differences between capital plans prior to, and since, the formation of the Capital Planning Task Force. Ms. Lafleur highlighted the changes to what are known as “Tier Three” projects, as detailed in the Select Board Meeting Packet. There was further discussion regarding “Tier Three” projects, focused on the proposed Middle School building project. Ms. Lafleur also explained the potential fiscal impact of proposed projects over the next ten years. Board members debated the two types of bond funding, level principal and level payment, and how either method affected the annual cost of the Middle School project for residents.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the FY23 Tier 3 Capital Plan as presented at this meeting, with the correction as pointed out by the Chief Financial Officer of \$25,000,000 for the Public Safety Complex.

Upon a motion duly made and seconded, the Concord School Committee UNANIMOUSLY (3-0)

VOTED: to approve Capital Plan and figures presented at this meeting.

Upon a motion duly made and seconded, the Concord School Committee UNANIMOUSLY (3-0)

VOTED: to adjourn.

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Discuss and Rank CPC Funding Requests

Diane Proctor, Chair of the Community Preservation Committee (CPC), briefly reviewed the applications submitted to the CPC, which were included as part of the Select Board’s meeting packet. Ms. Proctor explained that she was seeking assistance from the Select Board in ranking the proposed projects, as there was approximately \$2,550,000 in funding requested (across various projects), but only about \$2,062,000 in available funds.

The Board discussed the applications and voiced their opinions on each. Town Manager Steven Crane and Director of Planning and Land Management Marcia Rasmussen provided insight into several of the projects and how they may be best implemented or whether they could be deferred. Ms. Rasmussen also gave the Board updated figures for several of the projects.

The Board noted the following:

| Project | Requested | Recommended | Priority | Lower Priority |
|---|------------------|--------------------|---------------------------|-----------------------|
| Regional Housing Services Office | \$28,000 | \$28,000 | All members | |
| 110 Walden St Preservation Phase 4 | \$150,000 | \$150,000 | | |
| Old Manse Exterior Preservation | \$38,500 | \$38,500 | | Linda |
| Wright Tavern Structural Repairs | \$260,000 | \$260,000 | | Linda |
| Concord Library Oral History | \$22,841 | \$22,841 | Susan, Matt | |
| Assabet River Bluff Open Space and Housing | \$1,000,000 | \$1,000,000 | Linda Susan | |
| Junction Village Open Space | \$300,000 | \$300,000 | | Susan(partial) |
| Bruce Freeman Rail Trail Improvements | \$300,000 | \$80,000 | Linda | |
| Assabet River Pedestrian Bridge Drawings and Permitting | \$300,000 | \$300,000 | Terri, Linda, Susan | Matt |
| Recreation Strategic Plan | \$75,000 | \$75,000 | Matt | Linda, Terri |
| Cyanobacteria Bloom Prevention at White Pond | \$36,000 | - | | |
| Staff & Technical Services | \$40,000 | \$40,000 | All members | |

**Discuss and vote on Joint Statement;
Vote to approve Town Manager Separation Agreement**

Chair Ackerman stated that the Board and Mr. Crane had all reviewed the Separation Agreement and sought a motion to approve it.

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Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to authorize the Chair to execute the Town Manager Separation Agreement on behalf of the Town.

Chair Ackerman thanked Mr. Crane for his service to the Town of Concord and wished him the best in his future endeavors. Mr. Crane thanked the Board, Town Staff, and residents and wished them all the best in the future.

Ms. Bates read aloud the joint statement by the Concord Select Board and the Town Manager, and Chair Ackerman noted one grammatical amendment to be made. Chair Ackerman stated that the joint statement would be released to the press soon.

Discuss Town Manager Transition

Chair Ackerman shared her belief that a search committee should be formed to hire the new Town Manager but noted that it may be in the best interest of the Town to hire an interim or acting Town Manager. The Board discussed the matter, and the consensus was that an interim Town Manager should be chosen to provide stability and clarity for staff. Additionally, the Board agreed that the search for the permanent Town Manager should be well thought out and carefully undertaken.

The Board further discussed the hiring of an interim Town Manager, and it was noted that Town Counsel informed Chair Ackerman that any discussions of whether to hire an interim, whether that person should be an internal/external candidate, and who would be hired for the position, must all be done in open session. Chair Ackerman added that once a candidate was selected for the interim position, contact negotiations would take place in executive session. The majority of the Board preferred to seek an internal candidate and discussed the position with two candidates, Deputy Town Manager Kate Hodges, and Chief Financial Officer Kerry Lafleur.

Ms. Hodges shared the Board's belief that the consistency of operations and morale of staff could be affected if the Select Board sought an external candidate for the interim Town Manager position. Ms. Hodges stated that she was not interested in serving as the permanent Town Manager, however, she would serve on an interim basis if needed by the Town. Ms. Hodges also voiced support for the appointment of Kerry Lafleur as interim Town Manager.

Ms. Lafleur stated that she would be interested in serving as the interim Town Manager, and that she would also be interested in applying for the permanent position. Ms. Lafleur stated that she worked well with the Senior Management Team, Deputy Town Manager Kate Hodges, town staff, and the Select Board, and noted her experience serving as the Town Manager for the town of Lunenburg, and as Interim Town Manager for the town of Chelmsford. Ms. Lafleur stated that she would not be able to serve as both Interim Town Manager and Chief Financial Officer, and the filling of the Treasurer's position would need to be done quickly, should she be selected to serve as interim Town Manager.

The Board decided to continue the discussion until December 13, 2021.

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Erika Prah, of 1400 Lowell Road, to the Diversity, Equity

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and Inclusion Commission for a term ending April 30, 2022 (in place of Molly Wierman, who declined appointment).

Committee Liaison Reports

The Board decided to defer liaison reports to their meeting on December 13, 2021.

Miscellaneous Correspondence

Chair Ackerman thanked Pat Nelson, Janet Rothrock, Dorrie Kehoe, and Eric Van Loon for the correspondence they sent to the Select Board, which was included as part of the Select Board's meeting packet.

Public Comment

There was none.

Adjournment

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to adjourn to Executive Session, not to return to open session, to discuss strategy with respect to litigation regarding Estabrook Road, as the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

Meeting Materials: <https://concordma.gov/DocumentCenter/View/33423/SB-Packet-December-6-2021-revised>

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=DYa2ztEjKbc&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8-&index=6>