

# GENERAL GOVERNMENT

## TOWN CLERK

Kaari Mai Tari, Town Clerk  
MaryLou Carney, Assistant Town Clerk  
Arlene Fitzpatrick, Assistant to the Town Clerk  
Laurie Austin, Senior Department Clerk

### Customer Service and Staffing

We welcomed our newest staff member, Laurie Austin, to the Town Clerk's Office on Election Day in April.

### Vitals

The presence of Emerson Hospital in the community results in a high number of birth recordings in Concord. Arlene Fitzpatrick who registers births and deaths reported slight increases in the total number of births and deaths as shown above. MaryLou Carney who manages Marriage Intention filings and registration of marriages reported that the total number of marriages recorded fell back to pre-COVID levels as other town and city clerk's offices resumed filing marriage intentions.

In addition to registering vital records, staff processed 56 Affidavits & Corrections of Vital Records, and issued 334 burial permits. Online payment continued to be the primary method for obtaining certified copies of vital records.

## Recorded Vital Statistics for Concord 2011-2022 (Numbers include babies born to Concord parents at other Massachusetts hospitals) (# of Concord residents is in parenthesis)

Year	Births	Deaths	Marriages
2022	1,487 (109)	370 (166)	62 (25)
2021	1,460 (144)	326 (157)	94 (33)
2020	1,340 (96)	354 (172)	217 (66)
2019	1,357(114)	286 (147)	65 (29)
2018	1,299 (89)	310 (154)	45 (14)
2017	1,301 (109)	351 (172)	62 (29)
2016	1,329 (113)	347 (164)	70 (30)
2015	1,215 (104)	356 (163)	83 (40)
2014	1,229 (100)	349 (160)	77 (32)
2013	1,194 (126)	397 (174)	81 (35)
2012	1,175 (103)	371 (169)	67 (32)

### Committee-related activities

During the year, the staff swore in well more than 180 new committee and board appointees and posted 1,003 public meetings and agendas for 75 committees. The COVID-related exemption to allow for fully remote participation in meetings continued through 2022. The Town Clerk's Office took over the task of managing committee appointments from the Town Manager's Office. Laurie Austin who manages committee-related activities, including appointments and legal compliance with ethics and open meeting law requirements worked with committees and appointing authorities to bring appointments and terms of office up to date.

ACTIVITIES	2018	2019	2020	2021	2022
Business Certificates	96	135	154	151	90
Dog Licensing	1,933	1,910	1,804	2,005	1,953
Public Meetings Posted	905	823	710	947	1,003
Raffle Permits Issued	18	18	5	11	8
RECORDINGS	2018	2019	2020	2021	2022
Board of Appeals Filings	46	34	40	30	29
Historic Districts Commission Filings	83	76	60	76	65
Cemetery Deeds	42	53	57	71	70

**Other Business**

The Town Clerk’s Office issued 20 flammable storage certificates that are renewed annually. Notary Public services (excluding real estate-related transactions) are offered for customers with proper identification. A nominal fee is charged, and appointments are recommended for complex documents. In addition, several staff members have been appointed by the Governor’s Office to serve as “Commissioners to Qualify,” which authorizes us to administer the Oath of Office to individuals appointed as a Notary Public or Justice of the Peace in Massachusetts.

**Town Meetings and Elections**

The Board of Registrars report includes information about elections and town meetings in Concord.

Feel free to contact our office if you have any questions (978-318-3080). Visit the Town’s web site ([www.concordma.gov](http://www.concordma.gov)), or contact us via e-mail at [townclerk@concordma.gov](mailto:townclerk@concordma.gov).

**TOWN RECORDS**

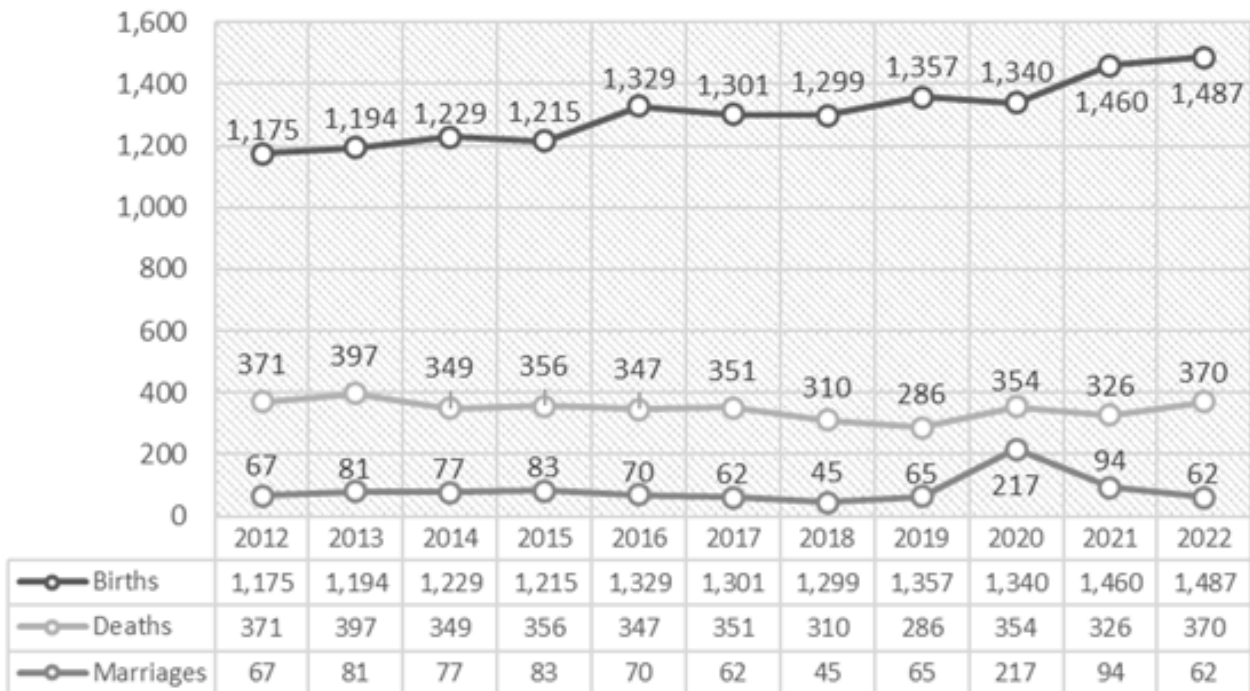
Nathanial Smith,  
Municipal Archivist/Records Manager

Town Records form the institutional history/record/memory of the town’s actions through its departments, committees and boards. It is the responsibility of the Town Clerk’s Office to preserve the Town’s permanent records and schedule non-permanent records for destruction with State approval. Town records are public records and access is governed by the Public Records Law.

**Public Records Requests**

Serving as Records Access Officers, the Town Clerk and Archivist registered or coordinated the Town’s response for **146 requests for access to public records**. This does not include public records requests that Town Departments respond to individually. In September of 2022, the Town revised its public records access guidelines to name the Municipal Archivist/Records Manager as the primary Records Access Officer. An updated webpage, email address, and an online form were posted to make it easier for members of the public to submit records requests to the Town.

**Total Vital Records Recorded:**



## Records Management

The Municipal Archivist/Records Manager, Nate Smith, worked throughout the year with a variety of Town Departments to manage retention periods, inventory files, and digitize selected records. In addition, Nate continued work with the Town CTO, Jason Bulger, to transfer the Town's active digital files to the Microsoft 365 platform. This included training, policy development, and research. Approximately half of the Town Departments had their content migrated in 2022 and the rest are scheduled to be completed in the first half of 2023.

## Archives Management

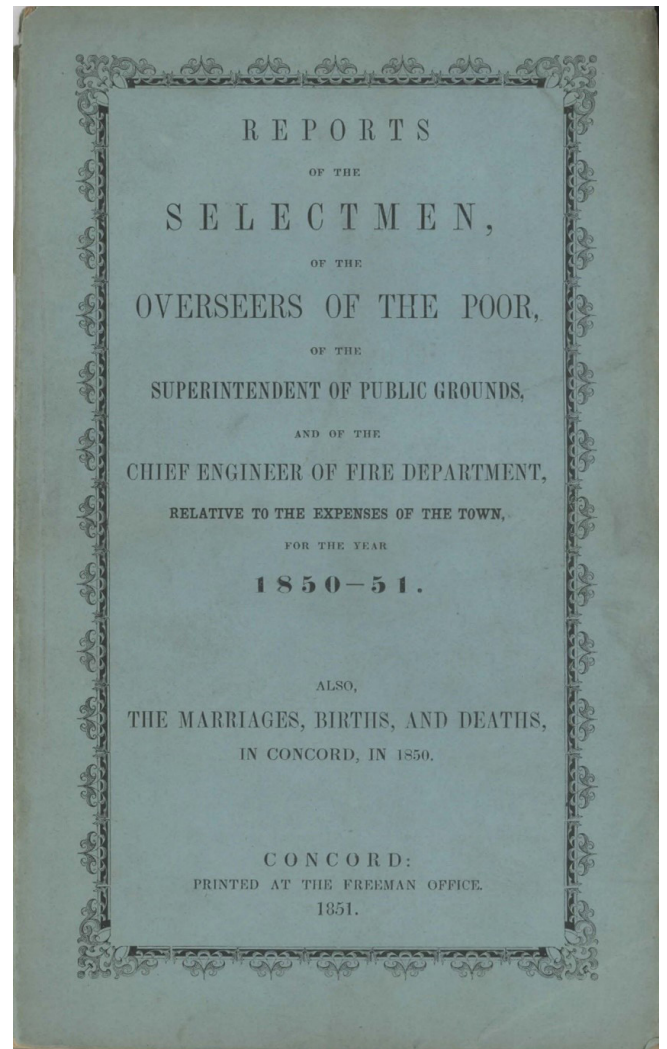
Town Archives are stored in vaults located both at the Town House and the in the Special Collections vault by agreement with the Library Corporation. The Town Archivist and Special Collections Curator, Anke Voss, work collaboratively to provide access to Town records stored in the Special Collections archives.

With increased interest in the Semiquincentennial (250th) anniversary of the Concord Fight approaching on April 19, 2025, the Municipal Archivist created a Collections Guide to the various Collections in the Town Archives and Special Collections to help researchers.

In July, while organizing collections related to the 1975 Bicentennial Celebrations, video reels were discovered of some of the activities from that celebration. With the support of the IT department, the Town Archives was able to digitize the reels and posted some of the content to our Digital Repository. Additional content was added throughout the year to The Town Archives Digital Repository. Notable additions this year included historical and modern Town Reports ranging from 1840 to 2021. We hope

to have all of the Town Reports digitized and posted within the next year or two.

In September, the Town Archives submitted an application for Community Preservation Act funding for the conservation treatment and digitization of two plans of the Concord Water Works drawn by William Wheeler (1874 & 1875) and seven sheets comprising the Town Plans of Concord (1907-1910). These items were selected due to their historical value, current condition, and potential for future use.



## Submitting a Request

Method	Contact Information
Email (Preferred)	<a href="mailto:PRR@ConcordMA.gov">PRR@ConcordMA.gov</a>
Online Form	<a href="#">Town of Concord Public Records Request Form</a>
In Person	Town Clerk's Office, 22 Monument Square, Concord MA 01742
First Class Mail	Public Records Request, Town Clerk's Office, PO Box 535, Concord MA 01742

## BOARD OF REGISTRARS

Connell Benn, Chair (R)  
 Anne Fortier (D)  
 Bart Littlefield (R)  
 Kaari Mai Tari (U), Town Clerk

### Membership

The four-member Board of Registrars consists of not more than two members from each of the major political parties--three members appointed by the Select Board, plus the Town Clerk. By virtue of the position, the Town Clerk is a participating and voting member of the Board of Registrars. Bart Littlefield was welcome to the Board of Registrars in April.

### Voter Registration

The Town Clerk's Office registers voters through the state's Voter Registration Information System. Voters are automatically registered to vote when they conduct business at the following agencies, unless they opt out: the Registry of Motor Vehicles, the Division of Medical Assistance, and the Commonwealth Health Insurance Connector Authority.

**Voter registrations & changes** include new voter, address, and name changes.

Total Voters	Voter registrations & changes	Change of party	Inactivated	Deleted	Nomination papers & Petitions certified
13,752 13,302 ( <i>active</i> ) 450 ( <i>inactive</i> )	966	188	1,250	1,356	1,660

**Change of party** refers to party enrollment, generally higher in even-numbered years when primaries are held.

**Inactivated:** annual census response not received. Law requires inactivation and affirmation of continuous residence at the next election to keep our database up to date. Confirmation mailings are sent upon inactivation.

**Deleted:** voters who have moved or are deceased are deleted. Inactive voters are deleted after 4 years of inactivity.

**Nomination papers & Petitions signed** refers to certification of signatures for candidates, ballot questions and town meeting articles, conducted by the Town Clerk's Office.

## Census

The Annual Town Census is conducted exclusively by mail. Census forms were distributed to residents in late December. The 2022 population based on census returns received through December 31, 2022, was 16,746. Note that the town census does not include inactive voters of the prison population, while the federal decennial census includes that in its population count.

### Town Caucus—February 7, 2022

The Town Caucus of 2022 was held in the Hearing Room of the Town House. The following nominations were made by the Caucus: for Moderator: Carmin Reiss; For Select Board: Terri Ackerman and Mary Hartman; for School Committee: Alexa Anderson and Cynthia Rainey; and for Housing Authority: Stephanie Chrobak. Special thanks to Michael Lawson who presided as Chair of the Caucus and to Ruth Lauer who was elected Clerk of the Caucus. A total of 37 voters attended the Caucus. All participants in the Caucus and especially the candidates are applauded for their commitment to public service and the election process in Concord.

### Special Town Meeting—January 20, 2022

Due to social distancing needs because of COVID restrictions, voters were able to participate in Special Town Meeting in the gymnasium, where Moderator Carmin Reiss presided while Deputy Moderator Carrie Flood oversaw deliberation in the auditorium, Assistant Moderator Michael Lawson assisted in the cafeteria and Alice Kaufman braved the cold with great humor from the front of the building, where voters attended in their cars. Special thanks to Amanda Kohn, Director of Sustainability for enduring the cold while checking in voters from the parking lot and counting ballot slips held up by automobile voters when it came to a vote. Minutes of the meeting are included elsewhere in the report.

**Annual Town Meeting—May 1, 2022**

The Annual Town Meeting was held at the Concord Carlisle Regional High School over two days, concluding at 10:05pm on Monday, May 2nd. Town Meeting featured 49 Warrant Articles and was conducted in the gymnasium and the auditorium. A total of 644 voters attended the indoor meeting over two days.

**Elections**

Five Elections were held in 2022. They are listed below and election results by precinct are included elsewhere in this report. Minor voting precinct changes that went into effect in 2022 required notice to voters early in the year, in advance of the February 3rd Special Town Election. State Representative District changes voted by the State Legislature in 2021 impacted two of our five precincts for state primaries and elections. Precincts 3 and 4 were moved from the 14th to the 13th Middlesex State Representative District. Several notices were mailed to voters and the Concord-Carlisle League of Women Voters made the extra effort of reaching out to voters to let them know of the district changes, for which we are grateful.

The VOTES Act was passed by the State Legislature in June (Chapter 92 of the Acts of 2022) to allow for voting by mail for all elections and shortened the voter registration deadline for all elections and town meetings to 10 days prior at 5:00pm. Voting by mail changed the length and volume of activity particularly

for elections at the state level. The double election held on September 6th consisting of the Special Town Election and State Primary on two separate ballots in Concord had a large impact on the Town Clerk’s Office, effectively doubling the volume of ballots to be mailed to voters. This was further complicated with two district ballots to manage. Election workers took on the considerable task of ballot packet production and mailing preparation beginning six weeks prior to the State Primary. A special note of thanks is due to Karlen Reed, who managed the pre-election worker recruitment and ballot packet preparation and mailing activities.

**Voter Information Mailing**

Annual Town Meeting adopted the provisions of G.L. c. 53, § 18B that allows information about local ballot questions to be mailed to voters. This provision was utilized for the September 6, 2022 Special Town Election.

**Ranked Choice Voting**

Annual Town Meeting approved a petition for the Select Board to forward to the legislature that would provide for ranked choice voting in local elections when certain criteria is met. Registrars worked with the petitioner during several meetings to ensure that the legislation could be implemented if passed. The Town Meeting approved petition included a 64-day provision for implementation, to avoid conflict with election laws should the legislation be approved.

TOWN OF CONCORD TOWN ELECTIONS					
Date	Event	Voter Turnout/ %	Vote by mail	Early in Person	In person on Election Day
February 3, 2022	Special Town Election	2,636 / 18.73%	469 (AV)	N/A	2,167
April 12, 2022	Annual Town Election	761 / 5.42%	334 (AV)	N/A	427
September 6, 2022	Special Town Election	4,774 / 34%	2,275 (EV) 449 (AV)	312	1,738
September 6, 2022	State Primary	5,099 / 37%	2,330 (EV) 416 (AV)	311	2,664
November 8, 2022	State Election	9,732 / 69%	4,315 (EV) 597 (AV)	840	3,980

TOWN MEETING VOTER PARTICIPATION 2000-2022

YEAR	# Nights	Highest One Night Attendance	Total Attendance all nights	Total Individual Voters	Registered Voters in Attendance
2000 ATM	4	925	2,613	1,290	11.0%
2000 STM (May)	1	923	923	923	7.9%
2001 STM (Jan)	1	448	448	448	3.9%
2001 ATM	5	1,277	3,416	1,727	15.0%
2002 ATM	4	930	2,321	1,215	10.5%
2003 ATM	6	912	3,109	1,368	12.2%
2003 STM (Aug)	1	883	883	883	7.9%
2004 STM (Mar)	1	405	405	405	3.5%
2004 ATM	4	1,330	3,524	1,977	17.2%
2005 ATM	3	816	1,616	1,032	9.0%
2006 ATM	5	888	2,537	1,297	11.0%
2007 ATM	3	1,390	2,402	1,568	13.6%
2007 STM (Apr)	1	565	565	565	4.9%
2007 STM (June)	1	1,819	1,819	1,819	15.8%
2007 STM (Nov)	1	1,283	1,283	1,283	11%
2008 ATM	3	816	1,509	925	7.7%
2009 ATM	3	539	1,382	802	6.7%
2010 ATM	4	528	1,926	946	7.9%
2011 ATM	3	843	1,904	1,147	9.5%
2011 STM (Apr)	1	514	514	514	4.3%
2011 STM (Nov)	1	1,664	1,664	1,664	13.6%
2012 ATM	4	831	2,311	1,183	9.7%
2012 STM (Apr)	1	651	651	651	5.4%
2013 ATM	3	1,352	2,878	1,795	14.2%
2013 STM (Dec)	1	1,043	1,043	1,043	8.2%
2014 ATM	3	684	1,589	894	7.0%
2014 STM (May)	1	684	684	684	5.4%
2015 ATM	4	840	2,001	1,171	9.4%
2015 STM (Apr)	1	842	842	842	6.7%
2016 STM (Feb)	1	168	168	168	1.5%
2016 ATM	3	416	1,093	595	4.9%
2016 STM (Dec)	1	220	220	220	1.6%
2017 ATM	4	921	1,959	1,110	8.4%
2018 ATM	4	524	1,791	955	7.0%
2018 STM (Oct)	1	387	387	387	2.9%
2019 ATM	3	927	1,849	955	7.1%
2020 ATM	1	381	381	381	2.8%
2021 ATM	1	412	412	412	3.0%
2022 STM (Feb)	1	N/A	N/A	2,636	18.73%
2022 ATM	1	N/A	N/A	761	5.42%

ATM = Annual Town Meeting; STM = Special Town Meeting

**TOWN OF CONCORD VOTER REGISTRATION HISTORY -- 1960 TO 2022 (as of January 1)**

YEAR	Democrats	%	Republicans	%	Unenrolled/ Independents	%	Other	%	Total
2021	4,513	36.42%	1,040	8.39%	6,782	54.73%	56	0.45%	12,391
2020	4,493	36.93%	1,133	9.31%	6,481	53.27%	60	0.49%	12,167
2019	4,744	35.74%	1,446	10.89%	6,998	52.72%	85	0.64%	13,273
2018	4,726	35.74%	1,447	10.94%	6,964	52.67%	85	0.64%	13,222
2017	4,586	34.90%	1,623	12.35%	6,858	52.19%	74	0.56%	13,141
2016	4,359	34.49%	1,672	13.23%	6,518	51.58%	88	0.70%	12,637
2015	4,331	34.42%	1,693	13.46%	6,506	51.71%	51	0.41%	12,581
2010	4,311	35.64%	1,774	14.66%	5,970	49.35%	42	0.35%	12,097
2005	3,988	34.47%	2,067	17.87%	5,425	46.89%	90	0.78%	11,570
2000	3,393	29.65%	2,110	18.44%	5,907	51.62%	34	0.30%	11,444
1995	3,268	31.61%	2,088	20.20%	4,975	48.12%	7	0.07%	10,338
1990	3,320	32.74%	2,335	23.03%	4,486	44.24%	0	0.00%	10,141
1985	3,446	32.67%	2,478	23.49%	4,624	43.84%	0	0.00%	10,548
1980	3,088	32.62%	2,393	25.28%	3,986	42.10%	0	0.00%	9,467
1975	2,863	31.58%	2,576	28.41%	3,628	40.01%	0	0.00%	9,067
1970	1,941	26.94%	2,724	37.81%	2,540	35.25%	0	0.00%	7,205
1965	1,391	20.01%	2,825	40.65%	2,734	41.85%	0	0.00%	6,950
1960	805	12.32%	2,574	39.40%	3,154	48.28%	0	0.00%	6,533

**TOWN OF CONCORD**

Special Town Election, February 3, 2022

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
<b>School Committee (Vote for not more than One)</b>						
Blanks	21	25	28	34	14	122
Todd L. Benjamin	136	82	129	149	94	590
Carrie James Rankin	33	415	431	413	326	1,918
Write-Ins	3	0	0	2	1	6
<b>TOTALS</b>	<b>493</b>	<b>522</b>	<b>588</b>	<b>598</b>	<b>435</b>	<b>2,636</b>
<b>Question 1</b>						
Blanks	10	6	10	7	4	37
Yes	397	437	479	458	353	2,124
No	86	79	99	133	78	475
<b>TOTALS</b>	<b>493</b>	<b>522</b>	<b>588</b>	<b>598</b>	<b>435</b>	<b>2,636</b>
<b>Total Registered Voters</b>	<b>2,393</b>	<b>2,912</b>	<b>2,870</b>	<b>3,143</b>	<b>2,753</b>	<b>14,071</b>
Precinct Totals	493	522	588	598	435	2,636
Total Voter Turnout	20.60%	17.93%	20.49%	19.03%	15.80%	18.73%

**TOWN OF CONCORD**

Annual Town Election, April 12, 2022

	<b>Precinct 1</b>	<b>Precinct 2</b>	<b>Precinct 3</b>	<b>Precinct 4</b>	<b>Precinct 5</b>	<b>Total</b>
<b>Moderator</b>						
Blanks	10	7	13	14	18	62
Carmin C. Reiss	11	1	168	158	138	697
Write-Ins	2	122	0	2	1	6
<b>TOTALS</b>	<b>123</b>	<b>130</b>	<b>181</b>	<b>174</b>	<b>157</b>	<b>765</b>
<b>Select Board</b>						
Blanks	45	44	56	59	38	242
Terri S. Ackerman	100	108	154	140	131	633
Mary Hartman	100	107	152	148	142	649
Write-Ins	1	1	0	1	3	6
<b>TOTALS</b>	<b>246</b>	<b>260</b>	<b>362</b>	<b>348</b>	<b>314</b>	<b>1,530</b>
<b>School Committee</b>						
Blanks	52	42	65	48	49	256
Alexa Boland Anderson	100	112	151	144	132	639
Cynthia J. Rainey	91	105	145	146	131	618
Write-Ins	3	1	1	10	2	17
<b>TOTALS</b>	<b>246</b>	<b>260</b>	<b>362</b>	<b>348</b>	<b>314</b>	<b>1,530</b>
<b>Housing Authority-5 yrs</b>						
Blanks	15	14	25	21	19	95
Stephanie Chroba	107	116	156	151	138	668
Write-Ins	1	0	0	2	0	3
<b>TOTALS</b>	<b>123</b>	<b>130</b>	<b>181</b>	<b>174</b>	<b>157</b>	<b>765</b>
<b>Total Registered Voters</b>	<b>2,410</b>	<b>2,894</b>	<b>2,878</b>	<b>3,135</b>	<b>2,733</b>	<b>14,050</b>
Precinct Totals	123	130	181	174	157	765
Total Voter Turnout	5.10%	4.49%	6.29%	5.55%	5.74%	5.44%

**TOWN OF CONCORD**

Special Town Election, September 6, 2022

	<b>Precinct 1</b>	<b>Precinct 2</b>	<b>Precinct 3</b>	<b>Precinct 4</b>	<b>Precinct 5</b>	<b>Total</b>
<b>Question 1</b>						
Blanks	5	6	10	7	4	37
Yes	480	437	479	458	353	2,124
No	390	79	99	133	78	475
<b>TOTALS</b>	<b>875</b>	<b>522</b>	<b>588</b>	<b>598</b>	<b>435</b>	<b>2,636</b>
<b>Total Registered Voters</b>	<b>2,393</b>	<b>2,881</b>	<b>2,855</b>	<b>3,113</b>	<b>2,688</b>	<b>13,930</b>
Total Voter Turnout	37%	34%	33%	31%	37%	34%

**TOWN OF CONCORD**

**State Election**

November 8, 2022

**OFFICIAL RESULTS**

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	TOTAL
<b>GOVERNOR and LIEUTENANT GOVERNOR (Vote for One)</b>						
Blanks	16	20	24	23	30	113
DIEHL and ALLEN, Republican	340	354	401	408	339	1842
HEALEY and DRISCOLL, Democratic	1285	1553	1599	1672	1530	7639
REED and EVERETT, Libertarian	20	32	24	28	31	135
Write-Ins	2	0	0	1	0	3
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>ATTORNEY GENERAL (Vote for One)</b>						
Blanks	41	52	39	50	56	238
ANDREA JOY CAMPBELL, 37 Groveland St., Boston, Democratic	1243	1506	1549	1622	1475	7395
JAMES R. McMAHON, III, 14 Canal View Rd., Bourne, Republican	379	400	460	460	397	2096
Write-Ins	0	1	0	0	2	3
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>SECRETARY OF STATE (Vote for One)</b>						
Blanks	38	35	36	47	33	189
WILLIAM FRANCIS GALVIN, 46 Lake St., Boston, Democratic	1281	1555	1607	1673	1525	7641
RAYLA CAMPBELL, 397 High St., Whitman, Republican	303	309	350	342	327	1631
JUAN SANCHEZ, 40 Suffolk St., Holyoke, Green-Rainbow Party	40	60	54	69	44	267
Write-Ins	1	0	1	1	1	4
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>TREASURER (Vote for One)</b>						
Blanks	154	155	171	161	155	796
DEBORAH B. GOLDBERG, 37 Hyslop Rd., Brookline, Democratic	1273	1558	1606	1678	1513	7628
CHRISTINA CRAWFORD, 100 Prospect St., Sherborn, Libertarian	236	245	270	293	261	1305
Write-Ins	0	1	1	0	1	3
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>AUDITOR (Vote for One)</b>						
Blanks	110	108	137	116	125	596
ANTHONY AMORE, 247 Washington St., Winchester, Republican	453	451	532	524	465	2425
DIANA DIZOGLIO, 30 Olive St., Methuen, Democratic	1017	1290	1277	1355	1246	6185
GLORIA A. CABALLERO-ROCA, 5 Whiting Ave., Holyoke, Green-Rainbow Party	53	52	59	69	30	263
DOMINIC GIANNONE, III, 69 Birchbrow Ave., Weymouth, Workers Party	8	26	18	19	20	91
DANIEL RIEK, 9 Breezy Point, Yarmouth, Libertarian	22	32	25	46	44	169
Write-Ins	0	0	0	3	0	3
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
z						
<b>REPRESENTATIVE IN CONGRESS - THIRD DISTRICT (Vote for One)</b>						
Blanks	63	62	51	62	63	301
LORI LOUREIRO TRAHAN, 9 Weetamoo Way, Westford, Democratic	1266	1547	1599	1662	1527	7601
DEAN A. TRAN, 44 Tibbett Cir., Fitchburg, Republican	334	350	397	407	340	1828
Write-Ins	0	0	1	1	0	2
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>COUNCILLOR (Vote for One)</b>						
Blanks	422	450	515	557	429	2373
MARILYN M. PETITTO DEVANEY, 98 Westminster Ave., Watertown, Democratic	1232	1498	1520	1561	1487	7298
Misc. Write-Ins	7	4	8	6	9	34
Mara Dolan	2	7	5	8	5	27
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>SENATOR IN GENERAL COURT (Vote for One)</b>						
Blanks	377	387	427	464	364	2019
MICHAEL J. BARRETT, 7 Augustus Rd., Lexington, Democratic	1282	1569	1612	1663	1558	7684
Write-Ins	4	3	9	5	8	29
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	TOTAL
<b>REPRESENTATIVE IN GENERAL COURT-13th MIDDLESEX (Vote for One)</b>						
Blanks	N/A	N/A	495	517	N/A	1012
CARMINE LAWRENCE GENTILE, 33 Surrey Ln., Sudbury, Democratic	N/A	N/A	1543	1603	N/A	3146
Misc. Write-Ins	N/A	N/A	7	5	N/A	12
Simon Cataldo			3	7		10
<b>TOTALS</b>	<b>N/A</b>	<b>N/A</b>	<b>2048</b>	<b>2132</b>	<b>N/A</b>	<b>4180</b>
<b>REPRESENTATIVE IN GENERAL COURT-14th MIDDLESEX (Vote for One)</b>						
Blanks	58	69	N/A	N/A	74	201
SIMON CATALDO, 40 Hosmer Rd., Concord, Democratic	1319	1570	N/A	N/A	1537	4426
RODNEY E. CLEAVES, 35 Robert Bigelow St., Chelmsford, Republican	285	320	N/A	N/A	317	922
Write-Ins	1	0	N/A	N/A	2	3
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>N/A</b>	<b>N/A</b>	<b>1930</b>	<b>5552</b>
<b>DISTRICT ATTORNEY (Vote for One)</b>						
Blanks	392	380	462	497	385	2116
MARIAN T. RYAN, 8 Bradford Rd., Belmont, Democratic	1267	1574	1577	1632	1538	7588
Write-Ins	4	5	9	3	7	28
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>SHERIFF (Vote for One)</b>						
Blanks	417	404	487	509	426	2243
PETER J. KOUTOUJIAN, 33 Harris St., Waltham, Democratic	1243	1552	1553	1618	1495	7461
Write-Ins	3	3	8	5	9	28
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>QUESTION 1: Proposed Amendment to the Constitution - Additional tax on Income over \$1 Million.</b>						
Blanks	37	52	56	37	59	241
Yes	833	1201	1103	1143	974	5254
No	793	706	889	952	897	4237
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>QUESTION 2: Law Proposed by Initiative Petition - Dental Benefits</b>						
Blanks	61	54	89	74	90	368
Yes	1221	1550	1520	1591	1449	7331
No	381	355	439	467	391	2033
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>QUESTION 3: Law Proposed by Initiative Petition - Alcohol Retail Reform</b>						
Blanks	86	75	110	112	104	487
Yes	881	1105	1061	1129	1020	5196
No	696	779	877	891	806	4049
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>QUESTION 4: Referendum on an Existing Law - Repeal Driver's License Law</b>						
Blanks	45	50	48	47	68	258
Yes	1133	1389	1442	1492	1327	6783
No	485	520	558	593	535	2691
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>2048</b>	<b>2132</b>	<b>1930</b>	<b>9732</b>
<b>QUESTION 5: Public Policy Question - 14th Middlesex - Single Payer Health Care</b>						
Blanks	223	236	N/A	N/A	221	680
Yes	928	1234	N/A	N/A	1186	3348
No	512	489	N/A	N/A	523	1524
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>N/A</b>	<b>N/A</b>	<b>1930</b>	<b>5552</b>
<b>QUESTION 6: Public Policy Question - 14th Middlesex - Committee Votes Online</b>						
Blanks	225	212	N/A	N/A	233	670
Yes	1303	1615	N/A	N/A	1564	4482
No	135	132	N/A	N/A	133	400
<b>TOTALS</b>	<b>1663</b>	<b>1959</b>	<b>N/A</b>	<b>N/A</b>	<b>1930</b>	<b>5552</b>
Total Registered Voters	2411	2917	2867	3139	2727	14061
Precinct Totals	1663	1959	2048	2132	1930	9732
Total Voter Turnout	69%	67%	71%	68%	71%	69%

**TOWN OF CONCORD**  
**Democratic State Primary**  
**September 6, 2022**

Official Results

	1-Total	2-Totals	3-Total	4-Total	5-Totals	TOTAL
<b>Governor (Vote for One)</b>						
Blanks	33	19	14	21	23	110
Sonia Rosa Chang-Diaz	79	81	59	90	70	379
Maura Healey	715	847	781	729	833	3,905
Write Ins	0	0	0	1	0	1
TOTALS	827	947	854	841	926	4,395
<b>Lieutenant Governor (Vote for One)</b>						
Blanks	66	46	51	49	62	274
Kimberley Driscoll	171	180	198	163	192	904
Tami Gouveia	450	580	482	492	544	2,548
Eric P. Lesser	140	141	123	137	128	669
Write Ins	0	0	0	0	0	0
TOTALS	827	947	854	841	926	4,395
<b>Attorney General (Vote for One)</b>						
Blanks	77	66	64	57	88	352
Andrea Joy Campbell	430	500	440	467	458	2,295
Shannon Erika Liss-Riordan	188	225	210	186	226	1,035
Quentin Palfrey	132	156	140	131	154	713
Write Ins	0	0	0	0	0	0
TOTALS	827	947	854	841	926	4,395
<b>Secretary of State (Vote for One)</b>						
Blanks	50	33	28	33	58	202
William Francis Galvin	513	581	575	541	578	2,788
Tanisha M. Sullivan	264	333	251	266	290	1,404
Write Ins	0	0	0	1	0	1
TOTALS	827	947	854	841	926	4,395
<b>Treasurer (Vote for One)</b>						
Blanks	168	145	154	159	164	790
Deborah B. Goldberg	659	799	699	681	762	3,600
Write Ins	0	3	1	1	0	5
TOTALS	827	947	854	841	926	4,395
<b>Auditor (Vote for One)</b>						
Blanks	156	133	130	122	152	693
Christopher S. Dempsey	327	427	374	396	414	1,938
Diana DiZoglio	344	387	350	323	360	1,764
Write Ins	0	0	0	0	0	0
TOTALS	827	947	854	841	926	4,395
<b>Representative in Congress (Vote for One)</b>						
Blanks	107	104	104	107	107	529
Lori Loureiro Trahan	719	843	746	731	817	3,856
Write Ins	1	0	4	3	2	10
TOTALS	827	947	854	841	926	4,395
<b>Councillor (Vote for One)</b>						
Blanks	122	93	101	105	122	543
Marilyn M. Petitto Devaney	168	170	171	159	185	853
Mara Dolan	537	684	582	577	619	2,999
Write Ins	0	0	0	0	0	0
TOTALS	827	947	854	841	926	4,395
<b>Senator in General Court (Vote for One)</b>						
Blanks	153	147	127	138	145	710
Michael J. Barrett	673	800	727	703	781	3,684
Write Ins	1	0	0	0	0	1
TOTALS	827	947	854	841	926	4,395
<b>Representative in General Court 14th Middlesex District (pcts 1, 2, &amp; 5)</b>						
Blanks	31	22			37	90
Vivian Birchall	151	189			131	471
Simon Cataldo	619	706			735	2,060
Patricia Wojtas	26	30			22	78
Write Ins	0	0			1	1
TOTALS	827	947			926	2,700

**TOWN OF CONCORD**  
**Democratic State Primary**  
**September 6, 2022**

Official Results

	1-Total	2-Totals	3-Total	4-Total	5-Totals	TOTAL
<b>Representative in General Court 13th Middlesex District (pcts 3 &amp; 4)</b>						
Blanks			185	183		368
Carmine Lawrence Gentile			668	656		1,324
Write Ins			1	2		3
TOTALS			854	841		1,695
<b>District Attorney (Vote for One)</b>						
Blanks	179	166	167	169	168	849
Marian T. Ryan	646	781	686	671	758	3,542
Write Ins	2	0	1	1	0	4
TOTALS	827	947	854	841	926	4,395
<b>Sheriff (Vote for One)</b>						
Blanks	205	200	201	184	190	980
Peter J. Koutoujian	620	747	652	656	733	3,408
Write Ins	2	0	1	1	3	7
TOTALS	827	947	854	841	926	4,395

**TOWN OF CONCORD**  
**Republican State Primary**  
**September 6, 2022**

Official Results

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	TOTAL
<b>Governor (Vote for One)</b>						
Blanks	2	2	2	1	1	8
Geoff Diehl	47	53	67	62	52	281
Chris Doughty	68	71	94	100	82	415
Write Ins	0	0	0	0	0	0
TOTALS	117	126	163	163	135	704
<b>Lieutenant Governor (Vote for One)</b>						
Blanks	11	20	18	18	19	86
Leah V. Allen	46	44	60	61	49	260
Kate Campanale	60	61	85	84	67	357
Write Ins	0	1	0	0	0	1
TOTALS	117	126	163	163	135	704
<b>Attorney General (Vote for One)</b>						
Blanks	22	30	43	45	35	175
James R. McMahon, III	95	94	120	118	99	526
Write Ins	0	2	0	0	1	3
TOTALS	117	126	163	163	135	704
<b>Secretary of State (Vote for One)</b>						
Blanks	23	36	42	49	38	188
Rayla Campbell	94	88	121	114	97	514
Write Ins	0	2	0	0	0	2
TOTALS	117	126	163	163	135	704
<b>Treasurer (Vote for One)</b>						
Blanks	115	126	163	161	134	699
Write Ins	2	0	0	2	1	5
TOTALS	117	126	163	163	135	704
<b>Auditor (Vote for One)</b>						
Blanks	26	42	51	54	44	217
Anthony Amore	91	82	112	109	91	485
Write Ins	0	2	0	0	0	2
TOTALS	117	126	163	163	135	704
<b>Representative in Congress (Vote for One)</b>						
Blanks	29	38	48	55	43	213
Dean A. Tran	87	87	115	108	92	489
Write Ins	1	1	0	0	0	2
TOTALS	117	126	163	163	135	704
<b>Councillor (Vote for One)</b>						
Blanks	115	125	162	162	134	698
Write Ins	2	1	1	1	0	5
Frederick Glynn	0	0	0	0	1	1
TOTALS	117	126	163	163	135	704
<b>Senator in General Court (Vote for One)</b>						
Blanks	116	124	162	163	135	700
Write Ins	1	2	1	0	0	4
TOTALS	117	126	163	163	135	704
<b>Representative in General Court 14th Middlesex District (pct 1, 2, &amp; 5)</b>						
Blanks	27	41			48	116
Rodney E. Cleaves	89	83			86	258
Write Ins	1	2			1	4
TOTALS	117	126			135	378

**TOWN OF CONCORD**  
**Republican State Primary**  
**September 6, 2022**

Official Results

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	TOTAL
<b><i>Representative in General Court 13th Middlesex District (pct 3 &amp; 4)</i></b>						
Blanks			162	163		325
Write Ins			1	0		1
TOTALS			163	163		326
<b><i>District Attorney (Vote for One)</i></b>						
Blanks	116	124	161	163	135	699
Write Ins	1	2	2	0	0	5
TOTALS	117	126	163	163	135	704
<b><i>Sheriff (Vote for One)</i></b>						
Blanks	115	124	162	163	135	699
Write Ins	2	2	1	0	0	5
TOTALS	117	126	163	163	135	704

## PERSONNEL BOARD

William Mrachek, Chair  
Liz Cobbs  
Nancy Crowley  
Joe Emerick  
Kate Ryan

The Personnel Board has responsibility for administration of the Personnel Bylaw, which applies to approximately 195 of the Town's 335 budgeted regular-status positions and a few hundred temporary and limited-status employees.

2022 brought renewed interest in the work of the Personnel Board and, despite the departure of Jim Richardson in June, all five seats on the Board were filled by the end of the year. Liz Cobbs joined the Board in March, Kate Ryan in November, and Joe Emerick in December.

### **Classification and Compensation – FY23 Structure Adjustments & Appeal.**

The Town maintains a formal Classification and Compensation Plan that provides a uniform system for grouping regular non-union positions based on job requirements, and establishes salary ranges based on market and budget conditions.

The 2022 Town Meeting ratified seven job title and classification actions. Furthermore, with adoption of the Classification and Compensation Plan effective July 1, 2022 (FY23) the following structural changes were made:

1. the Electrical Labor grades 2 and 3 were split into 2 grades each such that lineworker salary ranges were separated from those of other positions,
2. all salary range minimums, midpoints and maximums were increased by 3.0%, and further increased for EL-2B, EL-3B, EM-2, EM-4, EM-5, and EM-6 to be 9% higher than FY22,
3. the minimums of any range with a rate below \$14.25 per hour were further increased in accordance with the new Massachusetts minimum wage and midpoints were adjusted accordingly.

Adjustments to Electrical Labor and Electrical Management grades and salary ranges raised concern for some employees. Five employees

brought a related appeal to the Personnel Board for consideration; they questioned why the EL-2 and EL-3 grades were split and the 9% salary range increase was not applied to all EL and EM grades. The employees requested 1) "Independent review of the analysis that led to the decision to exclude the employees" and 2) "Ability to continue our long-tenured, proud service to the ratepayers of Concord and strive to earn raises within our salary structures."

The human resources director explained the reasons behind management's recommendations for the structural adjustments, including the Town's continuing effort to address market factors unique to the light plant with attention to town-wide internal equity. Those positions in EM and EL grades which could not be easily identified as unique in terms of skill, effort, responsibility and working conditions would require further consideration best addressed through the planned Classification & Compensation Study.

The Board decided, with three votes in favor and one opposed, that the FY22 structural adjustments for EM and EL job grades were reasonable. The Board also decided, with all four votes in favor, to recommend that the Town Manager substantially enhance employee communication processes and quality to ensure that there is timely and transparent information shared regarding any changes that will impact employees.

### **FY23 Salary Increase Policies**

Each fiscal year, the Town Manager and Personnel Board determine the actual salary increases to be received by non-union employees based upon the amount of money appropriated to the Salary Reserve. The adopted FY23 Salary Increase Plan provided a 3.0% increase effective July 1, 2022, and an additional 1.0% increase for those employees whose pay rate was still progressing through the salary range. All such increases were contingent on satisfactory performance.

### **Classification & Compensation Study and Development of New Plan**

Consistent with the Personnel Bylaw's purpose of maintaining an equitable and efficient system of personnel administration, the Town engaged

GovHR to undertake a comprehensive study and redesign of our Classification & Compensation Plan to ensure that 1) uniform salary ranges are based on responsibilities and requirements of each job; 2) equal pay is provided for equal work; and 3) employee compensation is both internally equitable and externally competitive. GovHR consultants worked with Concord staff to conduct a comprehensive process with employee, Personnel Board, and citizen input. A new scoring methodology for job classification was used to evaluate and analyze positions. Market data from comparable communities and light plants was gathered and analyzed to develop a compensation plan. The classification and compensation plan developed by GovHR will be considered by the Personnel Board and presented for 2023 Town Meeting vote with the intent of implementing it on 7/1/2023.

### **Personnel Bylaw and Policy Amendments**

Upon Personnel Board recommendation, the 2022 Town Meeting approved the following amendments:

1. Holidays – added Juneteenth Independence Day as a paid leave day; added Indigenous Peoples’ Day reference where Columbus Day is listed.
2. Vacation – removed restriction on using vacation time in first six months of service.
3. Bereavement – increased the amount of leave that may be granted via policy to 5 days.
4. Non-Binary Terms – within Bylaw sections listed above, gender-specific language were replaced with non-binary terms.

Holiday policies were also updated to reflect how employees may take time off to observe special or religious holidays that don’t fall on a legal holiday.

**Identification of Personnel Board Role and Priorities**  
Using the Personnel Study Task Force report, the Personnel Board identified prioritized key areas to focus its efforts:

1. Communication – enhance communications across the town related to personnel governance, employee engagement and transparency of Personnel Board information.
2. Governance – adhere to requirements stipulated in, and support an evaluation and necessary changes to, the Personnel Bylaw to meet the needs of the employees and the Town.

3. Human Resources – work with GovHR on comprehensive review of compensation, classification and benefits of non-unionized employees.
4. Employee Relations – ongoing engagement to address employee satisfaction with Town governance and build confidence that there are efficient, effective, transparent and known processes for feedback.

As 2022 came to a close, the Personnel Board began to review the relationship between the 1985 Administrative Code and the role of the Personnel Board outlined in Massachusetts General Laws and Concord’s Personnel Bylaw. This was a first step to aid in developing recommendations to the Select Board regarding an updated Charge for the Personnel Board.

### **Acknowledgement of Town Employees**

Concord is fortunate to have many employees who have worked for the Town for numerous years. Some employees work year-round, while others work on a sporadic, seasonal, or limited-hours basis. Regardless of their status, we benefit from the experience and dedication of long-term staff members. Accordingly, on behalf of all Concord citizens, the Personnel Board would like to express our sincere appreciation and gratitude to all such employees for their many contributions and efforts.

We would like to make special mention of the following employees, all of whom had served the Town for 20 or more years of regular service as of December 2022 (next page).

## HUMAN RESOURCES

Amy Foley, Human Resources Director

The Human Resources (HR) Department provided services to approximately 700 regular, limited, and temporary employees on issues relating to: administering the Personnel Bylaw, policies, and procedures; maintaining employee classification and compensation plans; monitoring personnel actions of all Town departments to ensure legal and policy compliance; managing employee recruitment and selection; coordinating orientation, training, and employee recognition activities; providing workers' compensation case management and administrative services; and designing and administering employee benefits programs. HR advised the Personnel Board and Town Manager on related issues; advised managers, supervisors, and employees on personnel matters; and assisted in labor negotiations and contract administration.

The 2022 job market was unlike any seen in recent years, and HR staff worked on finding new strategies to recruit and retain employees. This included identifying new sources for job advertising, updating ad language, increasing the Town's presence on LinkedIn (gaining 140 new followers in 6 months), partnering with local technical/vocational schools and career centers, and working on ways to better communicate the value proposition and benefits of employment with the Town. HR staff posted 132 jobs (30 of which were seasonal positions), and processed 2,626 applications for employment.

HR staff continued work on Diversity, Equity, Inclusion and Belonging (DEIB) initiatives by attending professional training, reviewing and updating job descriptions through a DEIB lens to eliminate unnecessary barriers, making changes to the holiday schedule, continuing to review and

### Employees with 20 or more Years of Service Names noted with \* are employees who retired in 2022

<b>Facilities</b>	<b>Human Resources</b>	<b>Planning &amp; Land Mgmt</b>	<b>Public Works</b>
Robert Landry*	Amy Foley	Karen Byrne	Alan Cathcart
Jonathan Straggas		Tracy LaPierre	Scott Chalmers
<b>Finance</b>	<b>Human Services</b>	Marcia Rasmussen	Susan Clark
Carolyn Dee	<b>/Recreation</b>	Gabrielle White	Thomas Ford
Jonathan Harris	T.J. Liakos		Peter Hardy
	Anita Stevanazzi-Hill	<b>Police</b>	Richard Hathaway
<b>Fire</b>		Michael Burgess	Michael Haynes*
Keith Cotoni	<b>Library</b>	Robert Capone	John Hesdorff
David Curran	Kemal Bounar	Denise Caruso	Adrian Hone
Kevin Fagerquist	Cynthia DiRenzo	Joseph Connell	Patricia Hopkins
Bradford Ferrie	Caroline Nie	Brian Goldman	Timothy Jones
Marcus Jackson	Valerie Gay Weiss	Keith Harrington	Jeffrey Koranda
Thomas Judge		Richard Landers	Todd Manchuso
Brian Lefebvre	<b>Light Plant</b>	Timothy Landers	Joel Stevens
Jeffery Lex	Martin Boermeester	Anthony Marabella	Anna Trout*
Sean Murphy	Ann Breitenwischer	Kevin Monahan	
Eric Nelson*	Rhonda Buscemi	Thomas Mulcahy	
Eric Pelkey	James Coakley	Sylvia Toumayan	
James Redmond	Jeffery Cosgrove		
Arthur St. John*	Beverly McCaul		
Brian Whitney	John McGarry		
	John Simeone		
	David Wood		

recommend compensation actions with consideration to pay equity, removing gendered language from communications and documents, and exploring DEIB training options for employees and considering ways to make all employees feel welcome. We look forward to continued progress in this area.

**Most significantly in 2022, Human Resources coordinated and participated in the comprehensive classification and compensation study conducted by GovHR consultants.**

In addition to COVID-related requests, 52 leaves of absence were administered in accordance with the Family and Medical Leave Act and/or medical leave policies. HR responded to numerous unemployment claims, processed 28 work-related injury cases, coordinated 51 random DOT-required drug and alcohol tests, and verified and processed 1,117 compensation changes for employees.

The 2022 open enrollment for health insurance process was particularly complicated due to a change in carrier due to Fallon's exit from the commercial health insurance market. This required a great deal of employee education and communication as well as coordination with various stakeholders. HR staff ultimately processed 75 migrations from the Fallon plans, along with additional 45 other enrollment changes.

HR held monthly virtual policy orientations for new employees and coordinated in-person harassment and workplace violence prevention trainings for new employees and supervisors. All employees were reminded of their biennial obligation to complete training on the Massachusetts conflict of interest law. Furthermore, the Town's harassment prevention policy and the Massachusetts conflict of interest law summary was distributed Town-wide, along with an advisory reminding employees of their obligation to remain aware of all Town policies.

HR arranged an ice cream truck visit enjoyed by 298 employees in July and assisted with the employee appreciation picnic attended by approximately 200 employees in September. HR staff also continued to administer the GEM (Go the Extra Mile) program, which provides gift-certificate awards in recognition of employee actions that were noted and appreciated by others.

## TOWN COUNSEL

Mina S. Makarious, Anderson & Kreiger LLP

The following is a description of the lawsuits by or against the Town filed or pending during calendar year 2022 and handled by Town Counsel:

### *Archstone Builders, LLC v. Town of Concord*

#### *Historic District[s] Commission*

(Middlesex Superior Court). Applicant filed suit appealing denial of certificate of appropriateness by the Historic Districts Commission to construct a residence in the Barretts Mill Historic District in July 2022. Although Town Counsel has not formally filed an appearance in the case, Town Counsel negotiated with applicant's counsel to stay the litigation to permit the applicant to provide revised plans to the Historic Districts Commission. The Historic Districts Commission will begin its review of those plans in January 2023.

### *Town of Concord v. Rasmussen, et al.*

(Massachusetts Land Court). The Town sought a declaration and judgment affirming the right of the public to access Estabrook Road, as well as an injunction preventing the Defendants from interfering with the public's right to access the road. The Town obtained a preliminary injunction in July 2020 preventing the Defendants from interfering with public access while the case is pending, after the Defendants attempted to close the road. Trial took place in June 2021, and closing arguments took place in October 2021. In November 2022, the Court issued a decision in the Town's favor on all issues in dispute, finding that the public retained a right to access Estabrook Road. Defendants in the case filed a Notice of Appeal of the Land Court's decision in December 2022.

### *Kay, M.D. and Read v. Town of Concord*

(Middlesex Superior Court). Plaintiffs, who are both defendants in *Town of Concord v. Rasmussen et al.*, filed suit in March 2022 alleging that they were improperly denied production of records on the basis of attorney-client privilege, despite not having challenged the Town's assertion of privilege with respect to those same records in the *Rasmussen* litigation itself. Plaintiffs filed a similar suit with respect to additional records in May 2022.

The cases were consolidated in July 2022. In January 2023, the parties filed a Joint Motion to submit the records in question, and briefing regarding the issues in dispute, to the Court for its review.

### *Lyczkowski, et al. v. Keuka Road, LLC, et al.*

(Massachusetts Land Court). Title action between private parties regarding access rights on private road. The plaintiffs named as defendants all persons owning land abutting a former paper street, Keuka Road, which includes the Town. The Town is a nominal defendant, and as in other quiet title actions where it is named as a nominal defendant, does not anticipate taking an active role. The actively-litigating parties filed cross-motions for summary judgment in the fall of 2020, and a hearing on those motions is scheduled for June 2023. The other parties are currently conducting discovery while waiting for that hearing date. The Town has not had a need to be involved in any of these actions to date.

### *Mandrioli et al. v. Whitney S. Hamnet, II et al.*

(Massachusetts Land Court). Action to remove cloud on title. The Town determined that it does not have an interest in the property, and entered into an Agreement for Partial Judgment dismissing it from the case in April 2019. Final judgment entered on August 1, 2022.

### *Rizzitano v. Lynn DeConto, et al.*

(Massachusetts Land Court). Partition action concerning property located at 34X Rear Walden Avenue. The Court asked the plaintiff to join the Town of Concord as a defendant in the case because the Town owns most of the abutting property, and there is an access easement to the disputed property that passes over Concord-owned land. At the Court's request, the Town appeared at status conferences for the matter and noted its interest in purchasing the property following the Court's determination that it would be sold. The property was sold by auction to a private purchaser at a price that exceeded the Town's maximum purchase price, in August 2022. The lawsuit is still being wound up, but the Court no longer requires the presence of Town Counsel at status updates.

***Symes Development & Permitting LLC v. Town of Concord, et al.***

(Symes II) (U.S. District Court for the District of Massachusetts). Complaint against the Town for allegedly violating the Takings Clause of the Fifth Amendment to the U.S. Constitution in connection with Planning Board's approval, with conditions for a conventional subdivision. Shortly after filing a separate case in the Land Court ("Symes I" which was decided in the applicant's favor in 2021), the plaintiff also filed suit in federal court alleging that the conditions imposed by the Planning Board effected a taking of Symes's property. The Town filed a motion to dismiss in May 2021, which was denied in January 2022. The parties have agreed to delay any discovery or further action on the case until after Symes III (below) is resolved, and the matter is currently stayed.

***Symes Development & Permitting, LLC v. James Smith, et al., in their capacities as members of the Town of Concord Zoning Board of Appeals (Symes III)***

(Massachusetts Land Court). Appeal of a ZBA decision denying a special permit for earth removal. During the pendency of Symes I, the plaintiff filed its application for an earth removal special permit, which it requires to construct the subdivision as approved by the Planning Board (including as amended after remand from the Land Court in Symes I). That application was denied. The parties conducted discovery in 2022, and exchanged expert reports in early 2023. The Town expects to take two to three depositions of the plaintiffs' experts, and defend one deposition of the Town's expert, after which we anticipate the matter will be scheduled for trial. Symes suggested in late 2021 that it would make a settlement offer to resolve the matter, but to date no settlement offer has ever been extended to the Town.