

* Edited 3/25/2024 *

Meeting Packet corrected to include legal opinions of Town and School Counsel regarding 2024 Annual Town Meeting Warrant Article 22 on pages 35-42



OLD NORTH BRIDGE

TOWN OF CONCORD

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

Select Board Agenda

Monday, March 25, 2024 at 6:00 PM

Town House, Select Board Room, 22 Monument Square

Join Zoom Meeting

<https://us02web.zoom.us/j/89225410305?pwd=ajQwaWd6Q1NhSnhxQTFaYnFBRGFiZz09>

Meeting ID: 892 2541 0305

Passcode: 179116

Dial In Toll-Free: 833-928-4610

#	Time*	Agenda Item
I.	6:00 PM	Public Comment: Public Comment is limited to up to 15 minutes, with no more than 3 minutes allocated to any one speaker. Public Comment is limited to items that are not on the agenda.
II.	6:15 PM	<p>Consent Agenda</p> <ul style="list-style-type: none"> a. Meeting Minutes: March 18, 2024 b. Town Accountant Warrants: March 20, 2024 c. One Day Liquor Licenses: <ul style="list-style-type: none"> i. Sarah Sweeney of the Military Friends Foundation for Wines & Malt Beverages Only for the Tough Ruck Marathon on Sunday, April 14, 2024 from 1:00 PM to 7:00 PM ii. Sara Killelea of the Concord Country Club for All Alcoholic Beverages for the Opening Cocktail Party on Friday, April 26, 2024 from 12:00 PM to 11:00 PM iii. Sara Killelea of the Concord Country Club for All Alcoholic Beverages for the Men’s Opening Dinner on Friday, May 3, 2024 from 8:00 AM to 11:00 PM iv. Sara Killelea of the Concord Country Club for All Alcoholic Beverages for the Women’s Opening Dinner on Tuesday, May 7, 2024 from 12:00 PM to 11:00 PM v. Sara Killelea of the Concord Country Club for All Alcoholic Beverages for the Member 3-Guest on Wednesday, May 8, 2024 from 12:00 PM to 10:00 PM vi. Sara Killelea of the Concord Country Club for All Alcoholic Beverages for the Men’s Spring Member Guest Day 1 on Friday, May 31, 2024 from 8:00 AM to 11:00 PM d. Committee Nominations

		i. Elizabeth Leonard (current Associate Member) of 23 MacMillan Drive as a Full Member to the Zoning Board of Appeals for a term to expire May 31, 2027
III.	6:15 PM	Appointments i. Town Accountant ii. Reappoint Thomas Swaim of 28 Central Street as an Associate Member to the Zoning Board of Appeals for a second term to expire May 31, 2027
IV.	6:20 PM	Town Manager's Report
V.	6:30 PM	Chair's Report
VI.	6:35 PM	Select Board Liaison Reports
VII.	6:50 PM	Review Draft of MCI Concord Advisory Committee Charge Presenter: Mary Hartman, Select Board Clerk
VIII.	7:10 PM	Recommendations on Annual Town Meeting Warrant Articles <i>* Last opportunity for the Select Board to discuss recommendations to meet the Finance Committee Report deadline *</i> Presenter: Henry Dane, Select Board Chair
IX.	7:30 PM	Adjournment

**Times are approximate and subject to change*

Upcoming Meetings:

Monday, April 1, 2024

Monday, April 8, 2024

Monday, April 22, 2024



The Town of Concord endeavors to make public meetings accessible to all members of the community. To request a meeting accommodation or modification, please contact our ADA Coordinator Jessica Porter at jporter@concordma.gov or at 978-318-3028. Please make any requests for accommodation or modifications at least two (2) business days prior to the scheduled meeting.

**Town of Concord
Select Board
Minutes
March 18, 2024**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both in-person at 22 Monument Square on the 2nd floor in the Select Board Room and via Zoom at 6:00 PM on March 18, 2024.

Present were: Henry Dane, Chair; Mary Hartman, Clerk; Terri Ackerman, Linda Escobedo, and Mark Howell

Call to Order

Select Board Chair Henry Dane called the meeting to order at 6:00 PM. Ms. Hartman confirmed that all members were present.

Statement on Zoom Bombing

Town Manager Kerry Lafleur made a statement on the Zoom Bombing that took place at the Finance Committee meeting on Thursday, March 14, 2024. Ms. Lafleur expressed her deepest apologies to all who bore witness to the extremely offensive and upsetting behavior that took place during the meeting and shared information on additional steps that the Town will take to prevent future occurrences. The full statement is included in Appendix A of the meeting minutes.

Consent Agenda

- a. Meeting Minutes: February 26, 2024; March 4, 2024
- b. Executive Session Meeting Minutes for Approval but not to be Released: February 28, 2024; March 4, 2024
- c. Town Accountant Warrants: March 7, 2024; March 14, 2024
- d. Retroactive Approval of a Sunday Entertainment License for 51 Walden Performing Arts Center for the performance of Mozart's Opera Cosi Fan Tutte on Sunday, March 10, 2023 from 2:00 PM to 5:00 PM
- e. Late Tour Guide License Renewal for Elisabeth DiCicco
- f. One Day Liquor Licenses:
 - i. Concord Museum for All Alcoholic Beverages for the Midnight Ride Party on Saturday, March 23, 2024 from 6:00 PM to 9:00 PM at 53 Cambridge Turnpike
 - ii. Gaining Ground for All Alcoholic Beverages for the Gaining Ground Annual Donor Appreciation Event on Thursday, June 6, 2024 from 5:00 PM to 7:00 PM at 341 Virginia Road
 - iii. Runway for Recovery for Wines Only for the Love Local Concord Event on Thursday, May 16, 2024 from 6:30 PM to 9:00 PM on Walden Street (between Main Street and Hubbard Street)

Ms. Escobedo asked to remove the Runway for Recovery Wines Only One Day Liquor License application from the Consent Agenda.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted**: to approve the Consent Agenda with the exception of the Runway for Recovery Wines Only One Day Liquor License application.

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One Day Liquor License Application for Runway for Recovery**

Ms. Escobedo asked questions of clarification regarding the Runway for Recovery Wines Only One Day Liquor License application and voiced concern over the impact that the event may have on local businesses.

Runway for Recovery representative Olivia Boger appeared before the Select Board and commented that they were unaware that local businesses potentially stayed open late on Thursday evenings during this period of time, but did note that local businesses were invited to take part in the event and were notified of the event by a flyer regarding the event being hand delivered and emailed to those businesses that they had contact information for.

Ms. Escobedo voiced concern over the precedent that this event may set for other applicants that wish to host events that involve local road closures.

Mr. Howell noted that moving forward, for applications that request this, the Select Board could require a formal notification to local businesses regarding when the application would be heard by the Select Board to ensure that all concerns are understood.

Ms. Ackerman added that she would also like the Economic Vitality Manager to weigh in on applications as such moving forward.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the One Day Liquor License application for Olivia Boger of Runway for Recovery for Wines Only for an event on Thursday, May 16, 2024 and to approve the road closures as requested in the application, in accordance with conditions outlined by Town staff.

Town Manager's Report

Town Manager Kerry Lafleur presented the Weekly Operation's Report for the week ending March 15, 2024. The full Weekly Operation's Report is available on the Town Manager's webpage on the Town website here: <https://concordma.gov/3499/2024-Town-Manager-Weekly-Operation-Report>.

Chair's Report

Chair Dane reported that the Appeal of the Estabrook Road case recently took place with oral arguments heard, noting that Town Counsel reported that their assessment of the Appeal was that it went well.

Select Board Liaison Reports

Ms. Escobedo reported on:

- Planning Board – Discussed the Special Permit and Site Plan Review for the Concord Housing Development Corporation's Assabet River Bluff development. The Board is now drafting an approval with conditions that will be presented at an upcoming meeting.

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- Concord Municipal Affordable Housing Trust – Invited the NOVO Riverside Commons project developers to apply for the Sewer Improvement Fund, so as soon as the application is received it will be reviewed by the Trust.
- Concord Housing Authority – Reviewed their Annual Plan and held a Public Hearing for the Annual Plan for State public housing, which now will be sent to the State for approval. The CHA is receiving attention for their work with Habitat for Humanity for the house on Commonwealth Avenue and have been invited to speak at events regarding this partnership.
- Commission on Disability – Revisiting the Town’s Transition Plan as required by the Federal government as the last plan was assembled in 2010 and a number of these priorities have been addressed at this time. The Commission will be researching neighboring communities updated plans to inform their work. There may be State funds/grants available to support the Commission’s work on this.
- Council on Aging – Assistant Town Manager indicated that an offer was being made to a candidate for the COA Director position, so hopefully there will be an update on this front soon.
- Finance Committee – Discussed the Minuteman Regional Technical High School District’s budget which received a favorable review in general, but the Committee had some further questions. The School District also indicated that they are close to making an offer for a new Superintendent.

Ms. Hartman reported on:

- Concord Municipal Light Board – The Concord Municipal Light Plan has a new Interim Director, Jason Bulger (who is also the Chief Technology Officer), who publishes period updates about CMLP online, which is a great communications update. Recent updates included: Concord has surpassed 1,000 electric vehicles, the rollout of smart meters is at about 30%, working with the vendor for the two high-speed electric vehicle charging stations in Rideout Park to discuss the surcharge. The Municipal Light Board briefly discussed the closure announcement of MCI Concord and potential short- and long-term impacts that it will have on the Light Plant and ratepayers.
- Attended a Massachusetts Municipal Association webinar regarding incentives for property tax relief and that there may be additional property tax relief programs for renters that can be adopted by the Select Board through the Housing Bond Bill.
- Planning Board – Held their Annual Town Meeting Public Hearing which went very smoothly due to the great communication and outreach program from the Planning Board and the Department throughout the past year regarding the MBTA Communities Zoning Act.

Ms. Ackerman reported on:

- Planning Board – Attending the Annual Town Meeting Public Hearing and complimented Chair Linda Miller on her great presentations.
- Attended the Habitat for Humanity Key Ceremony event for the new house on Commonwealth Avenue, which was a great community event. May be a chance of working with Habitat for Humanity again in the future for Assabet River Bluff.

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- The Hanscom North Airfield Development Environmental Impact Report has been published and there will be 30 days to submit public comment, which the Select Board should be prepared to do.
- Would like to consider an agenda item in the future regarding strategic planning, whether this be a review of Envision Concord 2030 or a different avenue.

Mr. Howell reported on:

- Personnel Board – Continuing work on the new Administrative Policy and Procedure to correspond with amendments to the Personnel Bylaw and also continuing work on the Employee Handbook, which is to be a one-stop shop for employee resources.
- MBTA Advisory Board – At the Board’s next meeting, the head of the MBTA will be in attendance as an opportunity to ask questions, so if anyone has specific questions, send those in advance and can try to ask them. The meeting will be held on April 9, 2024.
- Climate Action Committee – Successfully completed the first part of the Green Homes Tour, with a second part upcoming this Saturday, March 23, 2024.
- DEI Commission – Scheduled a three-part workshop series that is open to all Town Board and Committee members. The workshop series will take place on three consecutive Friday mornings at the Town House, beginning next Friday, March 29, 2024.
- Warners Pond Task Force – The Natural Resources Commission, as appointing authority for the Task Force, will be considering the potential need for Conflict of Interest Disclosures for certain Task Force members, as the Task Force was constituted in a manner to include members with certain experience.
- Board of Health – Continuing their work on private well regulations, especially in connection with proximity to superfund sites. The next Board of Health meeting will be held on Tuesday, April 2, 2024.

Historical Commission Code Amendment

Senior Planner Ann Clifford presented a memorandum regarding a proposed amendment to the Historical Commission’s code, in which they are proposing an increase in Associate Members to a total of five, opposed to the current total of two. This would amend the membership of the Commission to reflect five Full Members and five Associate Members. Ms. Clifford noted that the Commission is permitted up to five Associate Members in the State statute, so this amendment reflects the statute.

Ms. Escobedo commented that the provision that permits an Associate Member to serve in the place of a Principal Member in the event of a vacancy until the vacancy is filled could be clarified further.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Historical Commission Code amendment as included in the Select Board meeting packet and with the additional amendment proposed by Ms. Escobedo during the meeting.

Update regarding the Comcast Franchise Contract Renewal

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Chief Technology Officer Jason Bulger provided an update on the Comcast Franchise Contract Renewal, in which the request of the Select Board was to deny the current contract proposal from Comcast and to extend the Town's current contract with Comcast in order to continue contract negotiations.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** To deny the Comcast renewal proposal dated December 15, 2023 for the reasons stated in the Statement of Reasons that is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** To extend the current Comcast Franchise Agreement which is to expire on April 24, 2024 for six-months.

Approve Amended Economic Vitality Committee Charge

Select Board Clerk Mary Hartman presented the proposed amendments to the Economic Vitality Committee charge. Ms. Hartman explained that with the hiring of the Economic Vitality Manager, the focus of the committee has changed, and the committee would like to expand their roles to be more involved with other Town departments and committees. To accomplish this, they intend to host a periodic roundtable among interested business groups.

Chair Dane commented that he thinks it would be appropriate to add a member to the committee with familiarity with zoning, so that this member could be more of an advocate for zoning versus a regulator.

Ms. Escobedo suggested that perhaps they should report to the Select Board more frequently.

Mr. Howell noted that the committee could always report to the Select Board more frequently in writing versus through in-person updates at Select Board meetings.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Economic Vitality Committee charge as included in the Select Board meeting packet and with the additional amendments proposed during the meeting to include a citizen at-large member with zoning and regulatory experience, change the number of roundtables held to be a range of two-four annually, and to report to the Select Board annually.

Continued Annual Town Meeting Public Hearing

Article 41 – Authorize a Task Force to Review and Update the Charges, Policies, and Protocols of the Historic Districts Commission and Historical Commission

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to reopen the Public Hearing for Article 41.

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Co-Chairs of the DEI Commission, Joe Palumbo and Andrea Foncerrada, appeared before the Select Board to present Article 41.

Historical Commission member Melissa Saalfield commented that the Historical Commission is already underway on work telling a more diverse and inclusive history of Concord and that the creation of a Task Force to do this is redundant. Ms. Saalfield pointed to the work that the Historical Commission is performing on their Historical Preservation Plan.

Ms. Hartman asked when the updates to the Historical Preservation Plan would be completed.

Ms. Saalfield responded that the work is being performed in phases, and that the Commission is still currently in the identification phase, but the work is time consuming because all the work must be verified.

Historical Commission Chair Alan Bogosian and Historic Districts Commission member Walter Clay also both commented on the creation of a Task Force to complete this work being redundant.

Historical Commission member Nancy Fresella-Lee voiced concern about the Warrant Article not including a proposed charge for the Task Force and noting that the concept of the Warrant Article is too general at this point.

Mr. Palumbo responded that the most important part of this conversation for him is to prioritize telling an inclusive story of Concord and noted that accomplishing this will take a lot of work and focus.

Ms. Foncerrada added that she would support withdrawing the Warrant Article, as both the Historical Commission and the Historic Districts Commission are committed to collaborating on this work.

Ms. Hartman confirmed that the DEI Commission supported the withdrawal of Article 41 from the 2024 Town Meeting.

Upon a motion duly made and seconded, it was UNANIMOUSLY
voted: to close the Public Hearing.

**MCI Concord Status Report and Consider Drafting of Charge for
a Town Advisory Committee**

Deputy Town Manager Megan Zammuto provided a status report on MCI Concord:

- There is a new informational webpage on the Town website regarding MCI Concord. It can be viewed on the Town Manager's webpage of the Town website here:
<https://concordma.gov/3514/MCI-Concord-Closure>.

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- Town staff have been researching other disposition projects in New England.
- State Representative Simon Cataldo's proposed amendment to Section 107 is included in the Select Board meeting packet.
- Division of Capital Asset Management and Maintenance (DCAMM) has assigned a project manager for MCI Concord.
- DCAMM is prepping for the first concrete phase of the project, which is to perform site analysis work, publish a Request for Proposals for various consultants to perform the site work and understand the existing conditions of the site.
- Concord Public Works attended a site visit of the wastewater treatment plant last week.

Ms. Hartman asked the Select Board members, and any interested residents, to send any ideas, comments, etc. regarding a draft charge for the MCI Concord Advisory Committee directly to Executive Assistant Shannon McAndrew. Ms. Hartman noted that she intends to present a draft charge at the next Select Board meeting on Monday, March 25, 2024. Ms. Hartman continued and noted that it is challenging to conceptualize a charge for the committee at this point, because the short- and long-term work of the committee may be quite different.

Mr. Howell considered the committee being charged in phases.

Ms. Zammuto offered to assist with drafting the charge if needed.

Ms. Escobedo reminded the Select Board to keep in mind the interests of the State in the bigger picture when drafting the charge and that hopefully this can be incorporated.

Diane Proctor of 57 Sudbury Road commented and urged the Select Board to present a clear and transparent selection process for residents interested in volunteering for the committee.

Legislative Briefing

Legislative Liaison Chris Carmody appeared before the Select Board and presented a legislative briefing on currently filed Home Rule Petitions, with six pending, the Fiscal Year 2025 Budget, and the Municipal Empowerment Act. Mr. Carmody's full memorandum outlining the legislative briefing and full presentation on the Municipal Empowerment Act are included in the Select Board meeting packet.

Mr. Howell asked a clarifying question regarding the authorization for additional local receipts and if the number included in the presentation was a Concord-specific or State-specific number.

Ms. Hartman asked a clarifying question regarding the vehicle excise tax.

Mr. Carmody responded that he will learn more about the excise tax and the potential incremental revenue available to the town if enacted locally.

Ms. Hartman asked staff to remind the Select Board in the fall of 2024 of the opportunity to initiate a warrant article for 2025 Town Meeting to enact changes to local receipts and excise tax fees.

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Recommendations on Annual Town Meeting Warrant Articles

Article #	Article Name	Sponsor	Select Board Recommendation
3	Meeting Procedure	Finance Committee	Affirm. Action – 5-0-0
7	Fiscal Year 2024 Budget Line Item Adjustments	Chief Financial Officer	Report at Town Meeting – 5-0-0
8	Fiscal Year 2025 Town Budget	Town Manager	Affirm. Action – 5-0-0
9	Capital Improvement & Debt Plan	Town Manager	Affirm. Action – 5-0-0
10	OPEB Trust Fund Appropriation	Chief Financial Officer	Affirm. Action – 5-0-0
11	OPEB Trust Fund Expense	Chief Financial Officer	Affirm. Action – 5-0-0
12	Appropriation to the Opioid Prevention Programs Fund	Chief Financial Officer	Affirm. Action – 5-0-0
13	Funding Public Safety during the Concord250 Celebrations in 2025 Commemorating the Beginning of the American Revolution, April 19, 1775	Concord 2025 Executive Committee	
14	Use of Free Cash	Finance Committee	No vote taken at this time
21	Amenities Building at Concord-Carlisle High School	Concord-Carlisle Regional School Committee	Article not to be moved
22	Authorize New Middle School Naming – Name the New Concord Middle School Ellen Garrison Middle School	DEI Commission	Affirm. Action – 4-1-0

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23	Concord Public Schools Operating Budget	Concord Public School Committee	Affirm. Action – 5-0-0
28	Citizen Petition: Remote Participation at Annual and Special Town Meetings	Scott Gillis, Mark Martines, David Allen, & David Karr	Affirm. Action – 3-1-1
31	Update Town Goals to Meet the Climate Challenge	Climate Action Committee	Affirm. Action – 5-0-0
34	Zoning Bylaw Amendment: Zoning Map & MBTA Communities Multi-Family Overlay District	Planning Board	Affirm. Action – 5-0-0
35	Zoning Bylaw Amendment: Two-Family Dwelling Unit in Residence B Zoning District	Planning Board	Affirm. Action – 5-0-0
36	Zoning Bylaw Amendment: Floodplain Conservancy District	Planning Board	Affirm. Action – 5-0-0
37	Zoning Bylaw Amendment: General Housekeeping – Multiple Sections	Planning Board	Affirm. Action – 5-0-0
38	Citizen Petition: Citizen Support for a New Cell Tower Located at the Landfill at 755 Walden Street	Alisha Boyajian	Tabled to subsequent meeting
39	Citizen Petition: Citizen Support for a New Cell Tower Located at the Public Works Parcel on Keyes Road	Alisha Boyajian	Tabled to subsequent meeting
41	Authorize a Task Force to Review and Update the Charges, Policies, and Protocols of the Historic	DEI Commission	To be withdrawn

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	Districts Commission and the Historical Commission		
42	Tourist Bylaw Amendments	Select Board	Affirm. Action – 5-0-0

Adjournment

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to adjourn the meeting at 8:50 PM.

Meeting Materials:

[Select Board Meeting Recording for March 18, 2024](#)

[Select Board Meeting Packet for March 18, 2024](#)

Appendix A

Statement issued by Town Manager Kerry Lafleur regarding Zoom Bombing

Last Friday, I issued a statement on the zoom bombing incident occurring during the Finance Committee meeting on March 14, 2024. The same statement was reissued today through News and Notices to reach a broader audience. Since the event, staff in various departments have been involved in developing a further response. I would like to take this opportunity clarify what happened and to share information on the additional steps we will take to prevent future occurrences.

Again, on Thursday evening, March 14, 2024, the Finance Committee met in regular session beginning at 7:00 PM, in hybrid format, meaning committee members and public could participate either in person, or through remote access on the Zoom platform. At approximately 8:52 PM, a member of the public shared their screen showing a graphic containing anti-Semitic images and other vulgar images and language. At this same time, several persons in the remote audience engaged in a dialog of anti-Semitic rhetoric and other vile comments. The screen sharing and dialog ensued from that point, and until 9:04 PM. During this time, staff worked to identify and expel those Zoom users making anti-Semitic comments. I recognize that our response was too slow, and the time needed to restore order was too long, resulting in harm to committee members, members of the public and staff in attendance, and for this reason I offer my deepest apologies to all who bore witness to this unconscionable and disgusting behavior.

This incident was immediately referred to the Concord Police Department who in turn has opened an investigation, and is actively working with the State Police and the Commonwealth Fusion Center, <https://www.mass.gov/doc/fusion-center-brochure/download>, and the FBI. Additional information will be provided once it is available.

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Staff have reported this matter to Zoom for further investigation with the hopes of identifying and banning these users from future meetings. Staff are also conducting a review of Terms of Service for both Zoom and YouTube to ensure user compliance. I will note that while we have received requests for a copy of the video from last week's meeting from multiple persons, until such time as our review is complete, and both Town Counsel and law enforcement has authorized its release, copies of the recording will not be made available.

This week, as with most weeks, we have multiple public meetings scheduled, including two public hearings in advance of our Annual Town Meeting. Our technology team is currently engaging in additional outreach to Zoom meeting hosts to confirm that all are using the latest release of Zoom software, which allows for enhanced security protocols. Our technology team is also finalizing a one-page leaflet which provides step-by-step instructions on how to quickly and efficiently shut down a Zoom Bombing event. In addition to wide distribution of this material, we will post this information in each municipal meeting room, with room specific instructions which are necessary as different protocols are required depending upon the meeting format, specific equipment being used and whether the meeting is being live-streamed.

Further, given the timing of the upcoming Finance Committee public hearings, we have moved those meetings over to Zoom's webinar format. While we have yet to decide whether we will use this platform on a regular basis, it feels like the prudent course of action, at least, for this week while we continue user outreach, and gain a better understanding of what more we can do to be better prepared.

Moving forward, we have committed to conducting a Post Incident Analysis, following the pattern established within our Broadband enterprise for reviewing outages, the results of which will be made available to the public.

Concord has a long and distinguished history of civic engagement which respects our first amendment rights, avoids ad hominem attacks, and seeks to work as a group to advance the best interests of our community. We will continue to honor those values in our own practice of civic engagement, while at the same time, remaining vigilant against the actions of those who seek to cause harm to our friends, neighbors and colleagues.

Kerry A. Lafleur
Town Manager



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: March 25, 2024

Re: One Day Liquor License for Sarah Sweeney of Military Friends Foundation

Included in your meeting packet is an application for a One Day Liquor License for Sarah Sweeney of the Military Friends Foundation. The application is for Wines and Malt Beverages Only for the Tough Ruck Marathon held at the Fenn School, 516 Monument Street on Sunday, April 14, 2024 from 1:00 PM to 7:00 PM. This application was already reviewed by Public Safety within the Use of Town Property permit process.

This application is complete with payment and TIPS Certifications.

TOWN OF CONCORD
APPLICATION FOR ONE DAY SPECIAL LICENSE
FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES

Fee: \$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only Amount Paid \$ 75.00

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print) Military Friends Foundation
 COMPANY or organization: _____
 ADDRESS: 212 Humphrey St, Swampscott, MA
 TELEPHONE: 844-357-8387
 DATE(S) APPLIED FOR: April 14th 2024
 EVENT: Tough Ruck
 HOURS OF OPERATION: 1pm to 7pm
 PREMISES TO BE LICENSED: The Fenn School
 ADDRESS OF PREMISE LICENSED: 516 Monument St, Concord, MA 01742

License is for the Sale of:

All Alcoholic Beverages	<input type="checkbox"/>
Wines & Malt Beverages Only	<input checked="" type="checkbox"/>
Wines Only	<input type="checkbox"/>
Malt Beverages Only	<input type="checkbox"/>

The Licensed Activity or Enterprise is:

For Profit	<input type="checkbox"/>
Non-Profit	<input checked="" type="checkbox"/>

Are the bartenders TIPS or equivalently trained? Yes No

Will there be people in attendance that are under the age of 21? Yes No

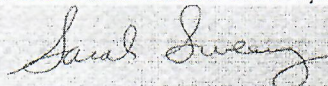
Is this the first one day special license secured by this organization? Yes No

If no, number of consecutive years licensed? _____

Will there be more than 100 people in attendance? Yes No

If yes, the applicant agrees to contact the Police Department to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Board of Selectmen, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant:  Date: 3/14/2024



PAID

RECEIVED

MAR 15 2024

TOWN OF CONCORD
TOWN MANAGER'S OFFICE



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: March 25, 2024

Re: One Day Liquor Licenses for Sara Killelea of Concord Country Club

Included in your meeting packet are five One Day Liquor License applications for Sara Killelea of Concord Country Club. These applications are all for All Alcoholic Beverages for the following events:

- Opening Cocktail Party on Friday, April 26, 2024 from 12:00 PM to 11:00 PM
- Men's Opening Dinner on Friday, May 3, 2024 from 8:00 AM to 11:00 PM
- Women's Opening Dinner on Tuesday, May 7, 2024 from 12:00 PM to 11:00 PM
- Member 3-Guest on Wednesday, May 8, 2024 from 12:00 PM to 10:00 PM
- Men's Spring Member Guest Day 1 on Friday, May 31, 2024 from 8:00 AM to 11:00 PM

Sara Killelea (General Manager) keeps an active file of TIPS Certifications for Concord Country Club bartenders with the Town Manager's Office, which I have confirmed is up to date. These applications are complete with payment.

For the next upcoming Select Board meetings, One Day Liquor License applications for Concord Country Club will continue to be added, as they apply for their licenses at one time before the start of their season.

ONE-DAY LIQUOR LICENSE

APPLICATION DETAILS

Application #:	<u>ODL-24-47778</u>	Date Issued:	<u> </u>	Permit #:	<u> </u>	Date Paid :	<u> </u>
Fee Payable: (\$)	<u>75.00</u>	Fee Paid: (\$)	<u>0.00</u>	Receipt # :	<u> </u>		

SECTION 1 - SITE INFORMATION

Name of Organization Concord Country Club

Street Name OLD RD TO 9 ACRE COR Map Block Lot 3079

Street Number 246 Zone AA

Unit Number

On Premises

Description of Premises

SECTION 2 - OWNER / CORPORATION INFORMATION

Owner / Corporation Name CONCORD COUNTRY CLUB

Street Number 246 Street Name 246 Old Road to Nine Acre Corner

City CONCORD State MA Zip Code 01742

Telephone 978-371-1089 Email skillelea@concordcc.org

SECTION 3 - APPLICANT INFORMATION

Applicant Name Sara Killelea

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone number	<u>978-371-1089</u>	Email	<u>skillelea@concordcc.org</u>		

SECTION 4 - MAILING ADDRESS

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone	<u>978-371-1089</u>				

SECTION 5 - HOURS OF OPERATION

To Sell: (Check One) Wines & Malts All Alcoholic

Note: Please indicate A.M. or P.M.

Day of Event	<u>04/26/24</u>	Hours of Operation	From	<u>12pm</u>	To	<u>11pm</u>
Activity	<u>Opening Cocktail Party</u>					
Approximate Number of Attendance	<u>150</u>					

SECTION 6- DECLARATION

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 03/05/24

(Chapter 138, Section 14. General Laws of the Commonwealth of Massachusetts)

Indicates Mandatory Field.

Note: Please check the above checkbox to submit the form

ONE-DAY LIQUOR LICENSE

APPLICATION DETAILS

Application #:	<u>ODL-24-47775</u>	Date Issued:	<u> </u>	Permit #:	<u> </u>	Date Paid :	<u> </u>
Fee Payable: (\$)	<u>75.00</u>	Fee Paid: (\$)	<u>0.00</u>	Receipt # :	<u> </u>		

SECTION 1 - SITE INFORMATION

Name of Organization Concord Country Club

Street Name OLD RD TO 9 ACRE COR Map Block Lot 3079

Street Number 246 Zone AA

Unit Number

On Premises

Description of Premises

SECTION 2 - OWNER / CORPORATION INFORMATION

Owner / Corporation Name CONCORD COUNTRY CLUB

Street Number 246 Street Name Old Road to Nine Acre Corner

City CONCORD State MA Zip Code 01742

Telephone 197-837-1108 Email skillelea@concordcc.org

SECTION 3 - APPLICANT INFORMATION

Applicant Name Sara Killelea

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone number	<u>978-371-1089</u>	Email	<u>skillelea@concordcc.org</u>		

SECTION 4 - MAILING ADDRESS

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone	<u>978-371-1089</u>				

SECTION 5 - HOURS OF OPERATION

To Sell: (Check One) Wines & Malts All Alcoholic

Note: Please indicate A.M. or P.M.

Day of Event	<u>05/03/24</u>	Hours of Operation	From	<u>8am</u>	To	<u>11pm</u>
Activity	<u>Men's Opening Dinner</u>					
Approximate Number of Attendance	<u>100</u>					

SECTION 6- DECLARATION

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 03/05/24

(Chapter 138, Section 14. General Laws of the Commonwealth of Massachusetts)

Indicates Mandatory Field.

Note: Please check the above checkbox to submit the form

ONE-DAY LIQUOR LICENSE

APPLICATION DETAILS

Application #:	<u>ODL-24-47776</u>	Date Issued:	<u> </u>	Permit #:	<u> </u>	Date Paid :	<u> </u>
Fee Payable: (\$)	<u>75.00</u>	Fee Paid: (\$)	<u>0.00</u>	Receipt # :	<u> </u>		

SECTION 1 - SITE INFORMATION

Name of Organization Concord Country Club

Street Name OLD RD TO 9 ACRE COR Map Block Lot 3079

Street Number 246 Zone AA

Unit Number

On Premises

Description of Premises

SECTION 2 - OWNER / CORPORATION INFORMATION

Owner / Corporation Name CONCORD COUNTRY CLUB

Street Number 246 Street Name Old Road to Nine Acre Corner

City CONCORD State MA Zip Code 01742

Telephone 197-837-1108 Email skillelea@concordcc.org

SECTION 3 - APPLICANT INFORMATION

Applicant Name Sara Killelea

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone number	<u>978-371-1089</u>	Email	<u>skillelea@concordcc.org</u>		

SECTION 4 - MAILING ADDRESS

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>CONCORD</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone	<u>978-371-1089</u>				

SECTION 5 - HOURS OF OPERATION

To Sell: (Check One) Wines & Malts All Alcoholic

Note: Please indicate A.M. or P.M.

Day of Event	<u>05/07/24</u>	Hours of Operation	From	<u>12pm</u>	To	<u>11pm</u>
Activity	<u>Women's Opening Dinner</u>					
Approximate Number of Attendance	<u>120</u>					

SECTION 6- DECLARATION

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 03/05/24

(Chapter 138, Section 14. General Laws of the Commonwealth of Massachusetts)

Indicates Mandatory Field.

Note: Please check the above checkbox to submit the form

ONE-DAY LIQUOR LICENSE

APPLICATION DETAILS

Application #:	<u>ODL-24-47777</u>	Date Issued:	<u> </u>	Permit #:	<u> </u>	Date Paid :	<u> </u>
Fee Payable: (\$)	<u>75.00</u>	Fee Paid: (\$)	<u>0.00</u>	Receipt # :	<u> </u>		

SECTION 1 - SITE INFORMATION

Name of Organization Concord Country Club

Street Name OLD RD TO 9 ACRE COR Map Block Lot 3079

Street Number 246 Zone AA

Unit Number

On Premises

Description of Premises

SECTION 2 - OWNER / CORPORATION INFORMATION

Owner / Corporation Name CONCORD COUNTRY CLUB

Street Number 246 Street Name Old Road to Nine Acre Corner

City CONCORD State MA Zip Code 01742

Telephone 978-371-1089 Email skillelea@concordcc.org

SECTION 3 - APPLICANT INFORMATION

Applicant Name Sara Killelea

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone number	<u>978-371-1089</u>	Email	<u>skillelea@concordcc.org</u>		

SECTION 4 - MAILING ADDRESS

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone	<u>978-371-1089</u>				

SECTION 5 - HOURS OF OPERATION

To Sell: (Check One) Wines & Malts All Alcoholic

Note: Please indicate A.M. or P.M.

Day of Event	<u>05/08/24</u>	Hours of Operation	From	<u>12pm</u>	To	<u>10pm</u>
Activity	<u>Member 3-Guest</u>					
Approximate Number of Attendance	<u>100</u>					

SECTION 6- DECLARATION

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 03/05/24

(Chapter 138, Section 14. General Laws of the Commonwealth of Massachusetts)

Indicates Mandatory Field.

Note: Please check the above checkbox to submit the form

ONE-DAY LIQUOR LICENSE

APPLICATION DETAILS

Application #:	<u>ODL-24-47781</u>	Date Issued:	<u> </u>	Permit #:	<u> </u>	Date Paid :	<u> </u>
Fee Payable: (\$)	<u>75.00</u>	Fee Paid: (\$)	<u>0.00</u>	Receipt # :	<u> </u>		

SECTION 1 - SITE INFORMATION

Name of Organization Concord Country Club

Street Name OLD RD TO 9 ACRE COR Map Block Lot 3079

Street Number 246 Zone AA

Unit Number

On Premises

Description of Premises

SECTION 2 - OWNER / CORPORATION INFORMATION

Owner / Corporation Name CONCORD COUNTRY CLUB

Street Number 246 Street Name Old Road to Nine Acre Corner

City CONCORD State MA Zip Code 01742

Telephone 978-371-1089 Email skillelea@concordcc.org

SECTION 3 - APPLICANT INFORMATION

Applicant Name Sara Killelea

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone number	<u>978-371-1089</u>	Email	<u>skillelea@concordcc.org</u>		

SECTION 4 - MAILING ADDRESS

Street Number	<u>246</u>	Street Name	<u>Old Road to Nine Acre Corner</u>		
City	<u>Concord</u>	State	<u>MA</u>	Zip Code	<u>01742</u>
Telephone	<u>978-371-1089</u>				

SECTION 5 - HOURS OF OPERATION

To Sell: (Check One) Wines & Malts All Alcoholic

Note: Please indicate A.M. or P.M.

Day of Event	<u>05/31/24</u>	Hours of Operation	From	<u>8am</u>	To	<u>11pm</u>
Activity	<u>Men's Spring Member Guest Day 1</u>					
Approximate Number of Attendance	<u>150</u>					

SECTION 6- DECLARATION

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 03/05/24

(Chapter 138, Section 14. General Laws of the Commonwealth of Massachusetts)

Indicates Mandatory Field.

Note: Please check the above checkbox to submit the form



Town of Concord

Town Manager's Office
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742-0535
Tel: (978) 318-3000
Fax: (978) 318-3093

MEMORANDUM

To: Select Board
From: Kerry A. Lafleur, Town Manager
Date: March 20, 2024
Subject: Appointment of Town Accountant/ Role of Town Accountant

Appointment of Town Accountant

Under Section 2 (B) of the Town Charter, the Select Board “*shall appoint...a town accountant*” <https://concordma.gov/DocumentCenter/View/16990/Town-Charter-2018->. Under Massachusetts General Laws (MGL) Chapter 41, Section 55, the term of the appointment is for three- (3) years, though at the discretion of the appointing authority, the appointment may be for a term of up to five- (5) years. Further, it is common for the Town Accountant to have an individual employment agreement with the appointing authority, though this is not required.

Role of Town Accountant

The Town Accountant serves as the Town's internal auditor, and is charged with both fulfilling the statutory duties which are defined in MGL, Chapter 41, Sections 50 – 57, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section50> and those specifically assigned within the Town's position description, which is attached for reference. These duties generally include:

- Maintaining all financial records, including General Ledger and any Subsidiary Ledgers' preparing, coordinating and reviewing complex accounting transactions and entries, such as the Annual Tax Recap Sheets, certification of Free Cash, Schedule A and Fixed Assets.
- Preparing and analyzing monthly operating statements and other internal statistical and financial reports as required.
- Coordinating and serving as the primary contact for the external auditor in all phases of the annual audit, including preparation of all audit schedules and supplementary schedules and work papers as required.
- Work to ensure expenditures of town and public school funds are in compliance with town policies and legal authority to spend; review and approve all payments made by the Town; and maintain custody of all contracts entered into by the Town.
- Compile and submit accounting reports as required by state and federal laws and regulations, as well as by Town bylaw.
- Develop and implement comprehensive policies and procedures regarding town-wide accounting controls and processes.
- Serve as ex-officio member of the Concord Retirement Board, overseeing the preparation of financial statements of the Retirement System and overseeing processes and procedures of the

Retirement Office to ensure compliance with all federal, state and Public Retirement Employee Administration Commission (PERAC) regulations.

While the town's financials are audited on an annual basis by an outside accounting firm, as the Town's internal auditor, the Town Accountant should provide regular reports to the Select Board relative to budgetary compliance and adherence to applicable laws, rules and regulations. We, in concord, have a long history of presenting this information through the Chief Financial Officer, but this is not considered a best practice as one of the primary functions of the Town Accountant is to provide assurance to the Select Board, and town, that both the Town Manager and Chief Financial Officer are adhering to the adopted budget and to applicable laws, rules and regulations. We attempted to institute a new practice (i.e. regular reporting to the Select Board) either just prior to, or during the Covid pandemic, but like with many things, this new practice has yet to be cemented into standard operating procedures. Moving forward, at a minimum, the Town Accountant should be charged with providing a written, quarterly report to the Select Board, and presenting said report semi-annually at a public meeting.

In addition, as the appointing authority, the Select Board, or sub-committee thereof, should be reviewing the Town Accountant's performance on an annual basis, and therefore should be establishing performance milestones around specific tasks, such as:

- Quarterly reports to Select Board;
- Fiscal Year close;
- Submission of required reports to the State, such as Schedule A and the Tax Recap; and
- Completion of fiscal year audit.

Understanding that members of the Select Board are not necessarily experts in the area of municipal accounting and finance, it is common for Chief Financial Officers and Town Managers to provide assistance in this area, and CFO Anthony Ansaldi and I are happy to help. In addition, the Select Board may also want to consider enlisting the aid of the Financial Audit Advisory Committee.

Requested Action

As you will recall, Mary Barrett tendered her resignation from the position of Town Accountant on January 5, 2024, which was then accepted by the Select Board, as the appointing authority, on January 29, 2024. Ms. Barrett's resignation was to be effective upon the appointment of a successor, at which time, she would be offered the position of Assistant Town Accountant, a position which she previously held.

Following this development, we commenced recruitment for a successor candidate, which included advertisement of the position in multiple publications, and targeted outreach to known professionals. In total, we received 22 applicants, the best six of whom were selected for further screening and interview. During this time, we also identified an internal candidate who was interested in the position. After careful consideration of all applicants, it was determined that our internal candidate best fit our needs. At this time, I am recommending the appointment of Rich Delorey to the position of Town Accountant. Rich has been a lifelong resident of Concord and an employee of the Town since April 2011. He holds an undergraduate degree in accounting, and a graduate degree in taxation. Mr. Delorey's resume has been previously shared with the Board and is on file in the Town Manager's Office. The recommended term of appointment is an approximate 3-year term, March 26, 2024 – June 30, 2027.

Town of Concord
MCI Concord Advisory Board

Goals

The goal of the board is to advise the Select Board how best to advocate for the town and the residents of Concord during the early, discovery phase of this opportunity.

Background

The FY25 Recommended Governor's Budget Bill explicitly includes the Closure of MCI Concord (Section 107) and provides for the sale, lease, transfer, or disposal of the property by the commission of capital asset management and maintenance. The budget bill has not yet been approved and is moving through the process. It is reasonable to assume the budget bill will be approved late summer, 2024 with or without some version Section 107 in the overall budget bill.

Duration

The board's work will last until the governor's budget bill passes. If the budget bill passes without some version of Section 107, the work of this board will terminate. On the other hand, if some version of Section 107 is included in the final approved budget bill, the work of the board will expand, and a new charge will be written by the Select Board based on recommendations made by this board.

Duties

- Begin community outreach to learn the preferences of Concord residents and create a foundation for informed, sustained dialogue with townspeople.
- Determine the criteria and priorities of the town to evaluate potential scenarios should the project advance into the Planning phase.
- Research "Best Practices" from successful state projects and "What to Avoid" from failed – or delayed – projects.
- Highlight municipal needs, e.g. Waste Water Treatment Facility.
- Keep abreast of legislation to propose and/or respond to potential changes.
- Advocate for funding to offset lost PILOT revenues and funds for planning efforts.
- Develop likely scenarios and the fiscal impacts to the town from incremental revenues and demands on services.

- Evaluate short and longer-term zoning methods available.
- Review available studies on Route 2 corridor re-design.
- Identify and recommend local stakeholders and individual community experts to advance to the next phase of the project, if applicable.

Membership

Membership will consist of 7 to 9 Concord residents who collectively bring the following skills:

- Community Outreach
- Ability to navigate complex problems with diverse stakeholders
- Real Estate Law
- Economic Development
- Urban Planning
- Zoning and Regulations
- Housing, esp. vis-à-vis Junction Village
- Local Business perspective
- Select Board liaison

Ex-Officio (non-voting) membership

- Town Manager or her designee
- Concord DPW Director or her designee
- Finance Committee Observer

Other Considerations

The Committee shall comply with the provisions of the Open Meeting Law, the Public Records Law, the Conflict-of-Interest Law and all other applicable laws and regulations of the Commonwealth as well as all relevant Bylaws and Administrative Policies of the Town.

Town of Concord
MCI Concord Advisory Board

Goals

The purpose of the Advisory Board (the “Board”) is to advise the Select Board on the most effective strategy to achieve a disposition of the MCI Concord property most favorable to the interests of the Town.

Background

An Outside Section (“Sec. 107”) of the Governors FY25 Budget (the “Budget”) provides for the closure of MCI Concord (“MCI”) and the sale, lease, transfer, or other disposal of the property by the Commissioner of Capital Asset Management and Maintenance (“DCAM”). The Budget has not yet been approved and is moving through the legislative process. It is reasonable to assume that it will be approved in some form, perhaps the middle of July likely with some version of Sec. 107 in the overall budget bill.

Duration

The Board’s work will last until the Budget is adopted and thereafter during the period during which the disposition of MCI is under negotiation

between the Town and DCAM if the Budget is adopted with Sec. 107 or substantially equivalent provisions. Otherwise, the work of this board will terminate. On the other hand, if some version of Sec. 107 is included in the final Budget, the work of Board will provide the Select Board with a written report containing its recommendations on how the Board's charge should be amended to best accomplish its objectives. Based on these recommendations and such other information as may be provided by Town Staff Select Board will adjust the Board's Charge in light of then current and anticipated circumstances.

Duties

- Begin community outreach to learn the preferences of Concord residents and create a foundation for informed, sustained dialogue with townspeople.
- Determine the criteria and priorities of the town to evaluate potential scenarios should the project advance into the Planning phase.
- Research “Best Practices” from successful state projects and “What to Avoid” from failed – or delayed – projects.
- Highlight municipal needs, e.g. Waste Water Treatment Facility.

- Keep abreast of legislation to propose and/or respond to potential changes.
- Advocate for funding to offset lost PILOT and other revenues and funds for planning efforts.
- Develop likely scenarios and the fiscal impacts to the town from incremental revenues and demands on services.
- Evaluate short and longer-term zoning methods available.
- Review available studies on Route 2 corridor re-design.
- Identify and recommend local stakeholders and individual community experts to advance to the next phase of the project, if applicable.

Membership

Membership consisting of 7 to 9 Concord residents who shall be appointed by Select Board. In making such appointments, the Select Board will consider appointees who will collectively bring to the Board the following skills (without expressly designating the same with regard to the individual members):

- Community Outreach

- Ability to navigate complex problems with diverse stakeholders
- Real Estate and Zoning Law
- Economic Development
- Urban Planning
- Administrative and Regulatory practice
- Housing needs and opportunities esp. vis-à-vis Junction Village
- Local Business needs and impact perspective
- Municipal Finance
- Select Board Member or Designee

Notwithstanding the provisions of Article III of AP{P#10, the Select Board shall appoint the Chair of the Board.

Ex-Officio (non-voting) membership

- Town Manager or her designee
- Concord DPW Director or her designee
- Finance Committee Observer

The quorum of the Board will be based on the actual number of sworn appointees rather than the authorized membership of the Board authorized

Other Considerations

The Committee shall comply with the provisions of the Open Meeting Law, the Public Records Law, the Conflict-of-Interest Law and all other applicable laws and regulations of the Commonwealth as well as all relevant Bylaws and Administrative Policies of the Town. Because of the need to engage the best qualified persons for the functions of the Board, some of whom may be, of necessity, currently serving on other Town Boards or Committees, Articles VII(a)(14) (Staggered Terms); (c) (Dual Appointments; and (d) Committee Transfers) will not apply to the Board,

2024 ANNUAL TOWN MEETING

Article #	Article Name	Sponsor	Select Board Recommendation	Fin Com Recommendation
1	Choose Town Officers	Select Board	N/A	N/A
2	Hear Reports	Select Board	N/A	N/A
3	Meeting Procedure	Finance Committee	Affirm. Action – 5-0-0	Affirm. Action
4	Ratify Personnel Board Classification Actions	Personnel Board	Affirm. Action – 5-0-0	
5	Ratify Personnel Board Classification & Compensation Plan	Personnel Board	Affirm. Action – 5-0-0	
6	Personnel Bylaw Amendments	Personnel Board	Affirm. Action – 5-0-0	
7	Fiscal Year 2024 Budget Line Item Adjustments	Chief Financial Officer	Report at Town Meeting – 5-0-0	No vote taken at this time
8	Fiscal Year 2025 Town Budget	Town Manager	Affirm. Action – 5-0-0	Affirm. Action
9	Capital Improvement & Debt Plan	Town Manager	Affirm. Action – 5-0-0	Affirm. Action
10	OPEB Trust Fund Appropriation	Chief Financial Officer	Affirm. Action – 5-0-0	Affirm. Action
11	OPEB Trust Fund Expense	Chief Financial Officer	Affirm. Action – 5-0-0	Affirm. Action
12	Appropriation to the Opioid Prevention Programs Fund	Chief Financial Officer	Affirm. Action – 5-0-0	Affirm. Action
13	Funding Public Safety during the Concord250 Celebrations in 2025 Commemorating the Beginning of the American Revolution, April 19, 1775	Concord 2025 Executive Committee		Affirm. Action
14	Use of Free Cash	Finance Committee	No vote taken at this time	No vote taken at this time
15	Establish a Permanent Senior Means Tested Property Tax Exemption	Board of Assessors		Affirm. Action
16	Create Stormwater Enterprise Fund	Public Works Commission		Affirm. Action
17	Nagog Pond Improvements and PFAS Mitigation	Public Works Commission		Affirm. Action

18	Select Board to Accept Easements	Public Works Commission	Affirm. Action – 5-0-0	
19	Minuteman Regional Technical High School District Budget	Minuteman Regional School Committee		Affirm. Action
20	Concord-Carlisle Regional School District Budget	Concord-Carlisle Regional School Committee	No vote taken at this time	No vote taken at this time
21	Amenities Building at Concord-Carlisle High School	Concord-Carlisle Regional School Committee	Article not to be moved	Article not to be moved
22	Authorize New Middle School Naming – Name the New Concord Middle School Ellen Garrison Middle School	DEI Commission	Affirm. Action – 4-1-0	
23	Concord Public Schools Operating Budget	Concord Public School Committee	Affirm. Action – 5-0-0	Affirm. Action
24	Concord Public Schools Capital Budget	Concord Public School Committee		No vote taken at this time
25	Appropriation to Middle School Stabilization Fund	Finance Committee		No vote taken at this time
26	Town Meeting Study Committee	Town Moderator	Affirm. Action – 5-0-0	
27	Citizen Petition: Town Meeting Voting Reform	Dinos Gonatas	No Action – 5-0-0	
28	Citizen Petition: Remote Participation at Annual and Special Town Meetings	Scott Gillis, Mark Martines, David Allen, & David Karr	Affirm. Action – 3-1-1	
29	Citizen Petition: Use of Hand-Held Electronic Voting at Town Meetings	Scott Gillis & Mark Martines	Tabled to subsequent meeting	
30	Authorize Select Board to Petition for Changes to Previously Approved Home Rule Petition regarding a Check Out Bag Charge	Agriculture Committee	Affirm. Action – 5-0-0	
31	Update Town Goals to Meet the Climate Challenge	Climate Action Committee	Affirm. Action – 5-0-0	

32	Fossil Fuel-Free Demonstration: Bylaw Amendments for Program Participation	Select Board	Affirm. Action – 5-0-0	
33	In-Town Solar Expansion	Solar Implementation Task Force		No vote taken at this time
34	Zoning Bylaw Amendment: Zoning Map & MBTA Communities Multi-Family Overlay District	Planning Board	Affirm. Action – 5-0-0	
35	Zoning Bylaw Amendment: Two-Family Dwelling Unit in Residence B Zoning District	Planning Board	Affirm. Action – 5-0-0	
36	Zoning Bylaw Amendment: Floodplain Conservancy District	Planning Board	Affirm. Action – 5-0-0	
37	Zoning Bylaw Amendment: General Housekeeping – Multiple Sections	Planning Board	Affirm. Action – 5-0-0	
38	Citizen Petition: Citizen Support for a New Cell Tower Located at the Landfill at 755 Walden Street	Alisha Boyajian	Tabled to subsequent meeting	
39	Citizen Petition: Citizen Support for a New Cell Tower Located at the Public Works Parcel on Keyes Road	Alisha Boyajian	Tabled to subsequent meeting	
40	Community Preservation Appropriation Recommendations	Community Preservation Committee		No vote taken at this time
41	Authorize a Task Force to Review and Update the Charges, Policies, and Protocols of the Historic Districts Commission and the	DEI Commission	To be withdrawn	To be withdrawn

	Historical Commission			
42	Tourist Bylaw Amendments	Select Board	Affirm. Action – 5-0-0	
43	Amend Departmental Revolving Funds Bylaw	Town Manager		Affirm. Action
44	Authorize Expenditure of Revolving Funds under Mass. Gen. Laws 44 § 53 E1/2	Town Manager		Affirm. Action
45	Light Plant Expenditures and Payment in Lieu of Taxes	Town Manager		Affirm. Action
46	Solid Waste Disposal Fund Expenditures	Town Manager		Affirm. Action
47	Sewer System Expenditures	Town Manager		Affirm. Action
48	Sewer Improvement Fund Expenditures	Town Manager		Affirm. Action
49	Water System Expenditures	Town Manager		Affirm. Action
50	Authorize Expenditure from PEG Access & Cable-Related Fund	Town Manager		Affirm. Action
51	Beede Swim and Fitness Center Enterprise Fund Expenditures	Town Manager		Affirm. Action
52	Unpaid Bills	Chief Financial Officer		Affirm. Action
53	Debt Rescission	Chief Financial Officer		No Action



Kerry A. Lafleur

PRIVILEGED AND CONFIDENTIAL: NOT A PUBLIC RECORD

MEMORANDUM

To: Henry Dane, Select Board Chair
Kerry Lafleur, Town Manager
TOWN OF CONCORD

From: Mina S. Makarious
ANDERSON & KREIGER LLP

Re: 2024 Annual Town Meeting Article 22: Authorize New Middle School Naming-Name
the New Middle School Ellen Garrison Middle School

Date: March 8, 2024

Article 22 on the 2024 Annual Town Meeting Warrant, entitled “Authorize New Middle School Naming-Name the New Middle School Ellen Garrison Middle School” reads as follows:

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

You have asked me to opine on the following issues concerning this article:

1. The authority of the Select Board and the School Committee to name the Concord Middle School both while it is under construction or after construction is completed; and
2. Town Meeting’s authority to require a particular name for the Middle School.

Authority of Select Board and School Committee to name the Concord Middle School.

State law and the Concord Town Charter both vest authority over school buildings in the School Committee, not the Select Board or Town Meeting. *See* G.L. c. 71, § 68 (“The school committee, unless the town otherwise directs, shall have general charge and superintendence of the schoolhouses....”); Concord Town Charter § 9.E (placing all Town property under the jurisdiction of the Town Manager “[w]ith the exception of property under the jurisdiction of the

school committee”). Naming of property is a common feature of the control of property and thus would also fall under the jurisdiction of the School Committee under state law and the Charter.¹

In 1990, the Select Board promulgated Administrative Policies and Procedures #43: Naming of Town Property (“APP #43”), which has since been amended several times, providing a procedure by which the Select Board would solicit public input on requests to name public property. Importantly, APP#43 states that the Select Board’s ability to name a building will only be exercised “[i]f the facility is not under the jurisdiction of any other Board or Committee.” As school buildings are under the jurisdiction of the School Committee under state law and the Charter, APP#43 appropriately does not cover school buildings.

APP#43 also states:

It is the policy of the Select Board that renaming of a property be done very sparingly, for compelling reasons. Renaming of a property already named for a person or family shall be undertaken only by Town Meeting.

To the extent the naming of the new school building is considered a “renaming” based on an existing name, it is my understanding that some have argued that this rule would apply. However, since APP#43 is a statement of Select Board policy, the Select Board cannot give the right to name or rename school buildings to Town Meeting any more than it could undertake the naming or renaming itself.

It is my understanding, based on a letter from School Counsel to the School Committee Chair dated November 13, 2023, that the School Committee at one point did voluntarily adopt the process in APP#43 to the naming of school property under Concord School Committee Policy FF (“CSC Policy FF”). However, on December 19, 2023, the School Committee revised CSC Policy FF, making clear that the School Committee would once again have “the authority to approve the naming and renaming of buildings, structures, and facilities located on school property.” The revised CSC Policy FF also applies to new schools: “When the opportunity to name or dedicate a new school or school related property, structure or facility is forthcoming, an orderly procedure will be communicated at the next available School Committee meeting.”

Based on state law, the Town Charter, and current Select Board and School Committee policies the naming of the new Middle School is within the School Committee’s control.

¹ It is my understanding that a question has also been raised as to whether the Select Board *currently* has the ability to name the building since it is not yet built and construction is being managed by the Town Manager’s office. In theory, the Select Board could, under APP #43 name the building “site” while it is under construction, but there is no completed building yet to name. When the building is complete, it will be a school building under the School Committee’s jurisdiction to name.

Authority of Town Meeting to Require a Name for the Concord Middle School.

The School Committee's authority cannot be superseded by a Town Meeting vote under Article 22 for at least two reasons.

First, Article 22, as it appears in the Warrant, only allows Town Meeting to "urge" the School Committee and Select Board to adopt Ellen Garrison's name to the new school. This is typical language for a non-binding resolution. I have confirmed with the Town Moderator that a motion purporting to bind the School Committee to name the building a certain name would be out of scope under Article 22. The Moderator has the ultimate authority on issues of scope. The Moderator has also concluded that a Town Meeting vote to name the Middle School anything other than the "Ellen Garrison Middle School" would be beyond the scope of the article given its title and the specific references to the name in the article.

Section, Article 22 cannot supersede state law or the Town Charter, both of which grant the School Committee jurisdiction over school buildings. Accordingly, even if a purportedly binding motion were in scope, the School Committee would likely not be bound to follow it given its independent authority over the school building.



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Via Email

November 13, 2023

Alexa Anderson, Chair
Concord School Committee
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Re: Legal Advisory on Naming of School Buildings

Dear Chair Anderson:

You have requested a legal opinion as to the Concord School Committee's authority to name Concord Public School buildings. For the reasons set forth in greater detail below, it is my opinion that the Concord School Committee has the legal authority to name the Concord Elementary and Middle School buildings and other facilities under the control of the Concord School Committee. However, pursuant to the policy adopted by the Concord School Committee on September 22, 2015, this authority has been delegated to the Concord Select Board.

Legal Analysis

1. Concord School Committee's General Authority Over School Buildings and Naming Rights.

In researching this matter, I reviewed applicable state law, the Charter and By-Laws for the Town of Concord, and the policies of the Concord Board of Selectmen and the Concord School Committee.

Generally speaking, the local board with control of a building has the rights of use, occupancy, and most other rights incidental to ownership over a building, which in our opinion would include naming the building. As such, the starting point for this analysis is the authority over school buildings vested by statute in school committees. M.G.L. c.71, §68 vests authority for the supervision and maintenance of school buildings with the School Committee. *See, Molinari v City of Boston*, 333 Mass. 394, 130 N.E.2d 925 (1955) and cases cited therein, noting in reference to the school committee's authority over schoolhouses "no other officer has authority over the

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maintenance of school houses.” *See also*, 18B Mass. Prac., Municipal Law and Practice § 22.49. More specifically, M.G.L. c.71, §68 provides in pertinent part:

The school committee, unless the town otherwise directs, shall have general charge and superintendence of the schoolhouses....

In my opinion, the exception in M.G.L. c.71, §68 stating, “unless the town otherwise directs”, refers to an authority exercisable by the Town Meeting, not the Select Board or any other town board or position. Town boards only have those authorities expressly granted by statute, so the general powers of a town may only be exercised by town meeting unless particular authority is placed within the jurisdiction of a particular board, by statute or the Town’s Charter or By-Laws. *See generally*, M.G.L. c.43B, §13 (“Any city or town may, by the adoption, amendment or repeal of local ordinances or by-laws, exercise any power or function which the general court has power to confer upon it, which is not inconsistent with the constitution or laws enacted by the general court in conformity with powers reserved to the general court by section 8 of Article LXXXIX of the Amendments to the Constitution and which is not denied, either expressly or by clear implication, to the city or town by its charter.”). As such, per the statute, unless Concord Town Meeting has voted to direct another board to control Concord school buildings, general charge and superintendence of those buildings remains with the Concord School Committee.

A review of the Town of Concord Charter indicates that there is no provision limiting the Concord School Committee’s authority over Concord Public Schools buildings or facilities. Rather, Section 9.E of the Charter specifically recognizes the School Committee’s jurisdiction over school property and exempts such school property from the town manager’s oversight:

With the exception of property under the jurisdiction of the school committee, the town manager shall have full and exclusive jurisdiction over the rental and use of all town property, and shall be responsible for the proper maintenance and repair thereof; and, upon request by the school committee, the town manager shall be responsible for the maintenance and repair of property under its jurisdiction, but only to such extent and for such period as the school committee shall from time to time specify. The town manager shall be responsible for the preparation of plans and the supervision of work on existing and on new buildings and grounds, unless a special committee of the town is created for such purpose.

(Emphasis added.)

Nor has the Town of Concord adopted any By-Law that would direct authority and supervision of school buildings to any entity other than the Concord School Committee. The only other document that I have been able to identify relative to public buildings in the Town of Concord is a policy adopted by the Select Board: APP #43 – Naming of Town Property, last revised July 2, 2018. This Policy relates to the “naming of publicly-owned property”. However, while the Select Board may promulgate policy relative to matters within their authority, as discussed above, school buildings

fall under the authority of the Concord School Committee and absent action by Town Meeting, the Select Board lacks the authority to limit the School Committee's authority in this regard. *See*, M.G.L. c.43B, §13; *see also*, M.G.L. c.40, §3 (excluding from select board's general control of town property all schoolhouses in actual use and other property placed in the charge of any particular board). As such, in my opinion, this policy, in and of itself, does not negate or otherwise limit the Concord School Committee's authority over its buildings under M.G.L. c. 71, §68.

2. *School Committee's Delegation of Authority to Select Board.*

While the Concord School Committee is vested by law with the authority over naming school buildings and facilities, there is nothing in the statutes that prevents the School Committee from delegating that authority. By vote of the Concord School Committee on September 22, 2015, the Committee adopted a policy relative to the naming of school facilities:

Naming of Concord Public School facilities will be done in accordance with the Town of Concord Policy APP #43: Naming of Town Property.

See, Concord Public Schools Policy FF – Naming Facilities (attached)¹. By adoption of Policy FF, the Concord School Committee has delegated its naming rights to the Select Board. Paragraph 2 of the Town of Concord Policy provides a two-step process for the naming of buildings under the control of another board or committee:

- Requests for naming of any public property, such as buildings, rooms within buildings, playgrounds, recreational facilities, squares, parks and other public facilities shall be considered at an advertised public hearing before the Board or Committee responsible for operating the facility (when applicable).
- The Board of Committee shall then refer a suggestion, or suggestions, to the Select Board with a record of the hearing and a Committee recommendation for approval.

In applying this process to Concord school buildings, the Concord School Committee, at an advertised public hearing, would consider the naming request. The School Committee then would refer the naming request to the Select Board with the Committee's recommendation. The Select Board would ultimately be responsible for determining whether to grant the request.

It is important to note that there is nothing in Concord Policy APP #43 that supersedes the Concord School Committee's statutory authority under M.G.L. c. 71, §68, for all of the reasons set forth in Section 1 of this Opinion. However, for so long as Concord School Committee Policy FF applies

¹ It should be noted that Concord School Committee Policy FF does not appear in the School Committee's on-line policy manual. It was discovered through a search of Concord School Committee minutes.

Alexa Anderson, Chair
Concord School Committee
November 13, 2023
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in its current form, the process for naming school buildings is as set forth in Concord Policy APP #43.

Summary and Conclusion

For the reasons set forth in greater detail above, authority for naming school buildings falls within the statutory authority of the Concord School Committee. However, the School Committee can delegate that authority to another individual or body. Currently, based upon the Concord School Committee's September 22, 2015 adoption of Policy FF, it has delegated naming authority to the Select Board for the Town of Concord utilizing a process set forth in Town of Concord Policy APP #43.

Very truly yours,



Michelle Allaire McNulty

Encl. CSC Policy FF, adopted 9/22/15

NAMING FACILITIES

CONCORD PUBLIC SCHOOLS

Naming of Concord Public School facilities will be done in accordance with the Town of Concord Policy APP #43: Naming of Town Property.

CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT

Naming a school is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a school name. A name with educational significance or inspiration should be chosen. The Committee also feels that it is appropriate to name schools for physical locations; geographical areas; distinguished local, state, and national leaders whose names will lend dignity and stature to the school; or significant or pertinent events.

The Superintendent will prepare for the approval of the Committee a procedure to follow in recommending names for school buildings. Whenever possible, the wishes of the community, including parents and students, should be considered in naming new facilities.

It is expected that an orderly, announced procedure will lessen the community or factional pressures that so quickly build up when the selection is delayed or seems uncertain. A prompt decision will reduce disappointments and advance community solidarity. Much confusion in accounts, files, and records can be avoided if a new school can be identified by name before the planning starts.

SOURCE: MASC

LEGAL REF.: M.G.L. 71:16

NAMING OF CCRSD PROPERTY

The naming of other Regional School District property shall be done sparingly and for good cause shown. No fee or donation will be required in return for naming rights of fields, structures, buildings or portions thereof. Any modest use of donor recognition items, such as plaques, bricks and similar items will be permitted upon approval by the Regional School Committee.

The naming of property shall not be linked to conditions of sale or transference to the Concord-Carlisle Regional School District. This policy encompasses public, private and public-private projects and acquisitions.

Requests for naming of any fields, structures, buildings or portions thereof, within the scope of this Policy, shall be considered at a public hearing at a Concord-Carlisle Regional School Committee meeting.

Renaming of a property already named shall be done in accordance with the procedures of this Policy.