

BOARD OF SELECTMEN  
MINUTES  
NOVEMBER 6, 2006

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Virginia McIntyre, Chair; Anne D. Shapiro; Margaret B. Briggs; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager.

**CONSENT AGENDA:**

- Town Accountant's Warrants
- On a motion duly made and seconded, it was unanimously:  
**VOTED:** To approve the consent agenda.

**TOWN MANAGER'S REPORT:**

1. Jersey barriers have been installed on the Nashawtuc Bridge. CPW discovered that the parapets have been expanding and there is concern that snowplows could push them into the river. It is hoped to undertake repairs next summer.
2. There was another accident on Route 2 that required the Prison Rotary to be closed so that a seriously injured Acton resident could be removed from the scene by helicopter. The Town Manager has ordered directed patrols of Route 2 to enforce compliance with the traffic signals and speed. He will alert neighboring towns to encourage their additional vigilance.
3. The Project Manager of the Thoreau School Building project reports that there are only two invoices remaining to be paid. Phase II of the Alcott project is ahead of schedule with only seeding to be done in the spring. Air tempering in both buildings will be the next phase.
4. CCTV Inc. reports that Charles Paige is the new Executive Director. Faulty sound has been a problem with some broadcasts recently and CCTV is trying to resolve it.

**LIAISON REPORTS**

Ms. McIntyre suggested that the Board be photographed for the Annual Report at the meeting of November 13<sup>th</sup>.

Ms. McIntyre noted that the Selectmen's Perambulation of the Town boundaries will occur on November 18<sup>th</sup>. The Board will check various locations of interest.

Mr. Howes distributed the draft charge for the Concord Housing Corporation as developed by various housing interests. The Board was asked to review and comment.

Ms. Shapiro noted that the Economic Council was a topic of discussion at the Concord Business Partnership breakfast. The Partnership sees a need for flexibility in the Village Overlay district boundaries as there is a large segment of residential areas within the current boundaries. The Partnership saw opportunities for development along Route 2 as a potential focus of the Council.

The Board agreed to ask the Green Team to discuss LEED certification issues regarding the Willard School Building project at the meeting of November 13<sup>th</sup>.

Mr. Howes noted that the Strawberry Hill Road neighbors will meet with the developer of 14A Strawberry Hill Road on November 8<sup>th</sup> at 7:30PM.

**PUBLIC HEARING KEYSpan**

Upon a Motion duly made and seconded the Board UNANIMOUSLY  
**VOTED:** to open the Public Hearing.

Consent Agenda

Town Manager's  
Report

Liaison Reports

Public Hearing  
Keyspan

BOARD OF SELECTMEN  
MINUTES  
NOVEMBER 6, 2006

Mr. Harold Cooper was present to petition the Board on behalf of Keyspan regarding installing and maintaining 200 feet of 2-inch gas main in Harrington Ave.

The Board noted the recommendations of the Public Works Engineer and the Fire Chief.

Mr. Cooper stated that Keyspan intends to do the work before the winter moratorium, to work with Town departments and to meet all the conditions noted. In addition, residents will be able to access their homes throughout the 4-day process.

Alice Galinat of Harrington Ave. noted that in earlier work Keyspan employees were not respectful of property.

Mr. Whelan noted that given the high traffic volume and the curve of Harrington Ave, police details would be reasonable.

Upon a Motion duly made and seconded the Board UNANIMOUSLY VOTED: to close the Public Hearing.

Upon a Motion duly made and seconded the Board UNANIMOUSLY VOTED: to approve the petition to install and maintain approximately 200 feet, more or less of 2 inch gas main in Harrington Avenue, Concord from the existing 2 inch gas main in Harrington Avenue @ Pole #51 southerly to House Number 72. A Right of Way permit shall be secured from the Engineering Division prior to the start of work. All work in the Right of Way shall be completed by November 17, 2006. Prior to work, excess flow valves or similar flow shutdown safety devices must be installed. On existing gas main, prior to work, three valves on either side of new junction must be located, raised, cleaned and exercised.

**CITIZEN COMMENT**

Mr. Charles Christian of 54 Maple St. was present to alert the Board to a problem that he was having with his neighbors regarding property boundaries. In his opinion, the problem was exacerbated by the fact that his neighbor serves on a Town board. Mr. Christian was assured that there was no favoritism shown to committee members regarding zoning rules.

Mr. Whelan agreed to meet with Mr. Christian and Building Commissioner John Minty to help resolve the difficulty.

**CORRESPONDENCE**

Mr. Howes noted that the Board had received correspondence regarding Liberty Ride. Mr. Whelan has referred the matter to the Lexington Board of Selectmen and agreed that it should be addressed before re-licensing. He will notify Ms. Ham that he is alerting the Planning Department and the Police Department to the issue.

The Fire Department and Emergency Planning groups will be hosting Operation Big Chill that will be both a test of mass sheltering at the Concord-Carlisle High School and outreach to the community to increase awareness regarding personal and family preparedness for sheltering at home.

The Zoning Board of Appeals is reviewing the comprehensive permit for Elm Place and asks for final comments from the Board by November 9<sup>th</sup>. It was the consensus of the Board that its preliminary comments were sufficient.

MBTA has notified the Town that road salt at train crossings may result in the gates coming down and asks that no salt be used at train crossings. CPW will be notified. This is especially an issue at the intersections with the raised median when cars would not be able to exit.

**AGRICULTURE COMMITTEE REPORT**

Citizen Comment

Correspondence

Agriculture Committee

BOARD OF SELECTMEN  
MINUTES  
NOVEMBER 6, 2006

John Bemis, Chair and James Wayman were present to update the Board on Committee activities. Mr. Bemis noted a very successful Ag Day on the Milldam that the Committee hopes to replicate in the future. In addition, the Committee held a public meeting attended by 35-40 farmers and landowners to discuss issues important to farmers, such as future Ag Day events, a brochure regarding Concord's agricultural heritage for tourists as well as residents, the need for the Town to support farmers in clearing farm culverts, whether the Committee should instead become a Commission, and whether the Town can work to make housing available and affordable for farmers and farm workers.

The Board discussed whether the farming issues mentioned should be a focus of the Economic Council, Housing Corporation, and Natural Resources Commission; what the ramifications of an Agriculture Commission were; whether there are maps of the historic ditches or whether GIS aerial photos could help bring the culverts back into usefulness. The Board thanked the Committee for taking on this new issue.

**CONSERVATION RESTRICTION SQUAW SACHEM TRAIL**

Ms. McIntyre disclosed that she was a member of the Concord Land Conservation Trust and that her husband was a Trustee. She declared that she had no financial interest in the matter before the Board, had submitted a disclosure letter, and would participate without bias. Delia Kaye Natural Resources Administrator and Gordon Bell of the Open Land Foundation appeared before the Board regarding a Conservation Restriction on 3.5 acres of wooded land on the Assabet River, on the back side of Nashawtuc Hill. The land abuts other land owned by the Grantor and will be accessible in the same way. This parcel, #1754, will connect with other protected land in the area. The proposal has been reviewed and endorsed by the Natural Resources Commission and the Conservation Restriction Stewardship Committee. In addition, Mr. Bell has reviewed the restriction with the staff at EOEA

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve with great thanks and to sign a Conservation Restriction on 3.5 acres of land on Squaw Sachem Trail (Assessors Parcel 1754) from the Concord Land Conservation Trust granted October 5, 2006, and accepted by the Natural Resources Commission acting as Conservation Commission on October 11, 2006, to the Town of Concord pursuant to Massachusetts General Laws, Chapter 32 through 33 and Chapter 132A, section 11A through 11D as described in the Conservation Restriction dated October 5, 2006.

**MACONE FARM CH. 61A OFFER**

Ms. McIntyre reported that Jeanette Macone has entered into a purchase and sale agreement with Nashoba Brooks School for parcel 1986-6 that is currently in the Chapter 61A program. Under the terms of Ch.61A the Town receives the right of first refusal for 120 days when such land is sold.

Ms. McIntyre reported that the school intends to use the approximately nine acres for playing fields and up to one house to be built for the head of school.

Board discussion included: the Town's obligation to meet the sale price of \$2.25MM if it chooses to claim its right to purchase the land; the need for playing fields in Town; the coincidence of this opportunity with the discussion of soliciting gifts from tax-exempt institutions; the possibility of non-school use of the fields by others; the minimal loss of tax revenue due to the land being in 61A before being sold to a tax-exempt institution; and the lack of Town resources to pursue this opportunity.

The Board considered whether it should delay a vote on the offer to allow public comment and whether Town Counsel had provided insight. The Town Manager reported that the Town had followed the advice of Town Counsel

Conservation Restriction

Macone Farm 61A

BOARD OF SELECTMEN  
MINUTES  
NOVEMBER 6, 2006

On a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to request that the Town Manager communicate to Thomas Falwell, attorney representing the seller, that the Town has reviewed the offer of the Macone land, but has chosen to waive its rights to first refusal.

**Hugh Cargill Committee Funding Ceilings**

Gordon Fraser, Chair of the Hugh Cargill Trust Committee appeared before the Board to request that the amounts that the Committee is empowered to give to an individual or family in one instance or in a calendar year be increased to meet increased costs. The Committee disburses funds on behalf of Concord residents who have temporary, emergency, financial needs. The disbursements are made to the provider of the service, not to the resident, for such items as fuel, rent, medication, and telephone.

Currently the ceilings are \$500 per individual and \$800 per household per year. The Committee believes that those amounts should increase to \$800 and \$1,000.

While the fund was created by a resident of Concord many years ago, the Hugh Cargill Trust Committee continues to welcome donations to the fund.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to amend the Hugh Cargill Trust Committee charge to increase the disbursement ceilings as recommended by the Committee.

**FY08 BUDGET DISCUSSION**

Town Manager Chris Whelan distributed to the Board his memo that responds to the Finance Committee Preliminary Guideline. The memo shows how he would reduce expenditures to limit spending increases to 5.27% or \$825,000. While this amount is \$230,000 over the preliminary guideline, the Town Manager continues his efforts to avoid an operating budget override. Mr. Whelan stated that the Finance Director is reviewing the revenue projections for the current year and that there may be an upward adjustment.

**COMMUNITY REPRESENTATIVE TO CCTA COLLECTIVE BARGAINING**

The Town Manager provided a document summarizing the Board's rights and responsibilities to participate in the regional high school teachers' association collective bargaining. Carlisle has taken this role in previous negotiations. Ms. McIntyre indicated that she would take this responsibility.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to appoint Virginia McIntyre as the Community Representative to the Concord-Carlisle Teachers Association Collective Bargaining team.

**MISCELLANEOUS:**

1. Residents were reminded to vote. Polls are open from 7Am to 8PM tomorrow.
2. The Thoreau Society is screening a film entitled *Life with Principle* at the Masonic Temple on November 14<sup>th</sup> at 7PM. All are invited.
3. The Flag Retirement Ceremony will occur on November 11<sup>th</sup> at 8AM.
4. There will be discussion of the playing fields plan for the Bristers Hill neighborhood at the Hunt Gym on November 16<sup>th</sup> at 7:30PM
5. MassHousing has granted funding approval for 22 units of 40B housing on Bedford Street. Board concerns were noted. No filings with the ZBA or Planning Board have occurred.

Hugh Cargill Committee Funding Ceilings

FY08 Budget

Rep. to CCTA Bargaining

Miscellaneous

BOARD OF SELECTMEN  
MINUTES  
NOVEMBER 6, 2006

**COMMITTEE NOMINATIONS:**

Mr. Howes nominated James Macone, of 1084 Lowell Road to the Public Ceremonies and Celebrations Committee, term to expire May 31, 2011.

Committee Nomination

**COMMITTEE APPOINTMENTS:**

On a motion duly made and seconded, it was unanimously:

- VOTED:** to appoint to the Concord Economic Council
- Mary B. Johnson of 100 Keyes Road term to expire May 31, 2008
  - Renee Garrelick of 46 Kenney Lane term to expire May 31, 2008
  - William F. Kussin of 22 Concord Greene # 4 term to expire May 31, 2009
  - Christine Shuster of Emerson Hospital term to expire May 31, 2009
  - Glenn D. Burlamachi of 43 Thoreau St. term to expire May 31, 2010
  - Ian Gillespie of 222 Walden St. term to expire May 31, 2010
  - Business Partnership nominee: James DiGiovanni of 179 Prairie St. term to expire May 31, 2010
  - Chamber of Commerce nominee: Stephanie Stillman term to expire May 31, 2008

Committee Appointment

**EXECUTIVE SESSION RE:**

On a motion duly made and seconded, it was:

- VOTED:** To adjourn the Open Session and to enter into Executive Session to discuss land valuation and to discuss the reputation, character, physical condition, mental health, not the professional competence of an individual or discuss the discipline or dismissal of or to hear complaints or changes brought against a public officer, employee, or individual, not to return to Open Session.

Executive Session

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Philip H. Benincasa	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

The meeting adjourned to Executive Session at 9:30 p.m.

Respectfully submitted,

Philip H. Benincasa, Clerk