

BOARD OF SELECTMEN
MINUTES
NOVEMBER 13, 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. The Board of Assessors has published the preliminary valuations for FY07 and anticipates approval by the Department of Revenue by November 27th. They will be printed in the next issue of *Concord Journal* and will be on the Town web site soon. Residents with questions or problems are urged to call the Town Assessor. The Board of Assessors is scheduled to meet with the Selectmen for the Tax Classification Hearing at the meeting of December 4. The Finance Director will meet informally with the Selectmen at the meeting of November 27th.
2. The Rotary Club of Concord is sponsoring holiday gift packages to troops overseas. They will be coordinated through Hanscom Air Force Base.
3. Nine firms have responded to the Request for Proposals for Project Manager for the new Willard School Building project. Interviews with candidates will occur on November 29 and 30th.
4. The public hearing of the Comprehensive Sustainable Energy Plan Committee will be held on November 21 at 7PM in the Town House. The hearing of the Community Preservation Act Committee will be held at Alcott School at the same time.
5. The Playing Fields group will meet with the School Committee on November 14th to seek support for building three new community fields on the regional high school campus. In addition, they will meet with CPA Committee on the 21st, Planning Board on the 28th, and the Zoning Board of Appeals on December 14th.
6. The safety issues raised by residents in the Alcott School neighborhood have been addressed at three meetings with the Police Department. Various options are being considered, including controlling parent drop-offs, banning bus turns at Laurel and Stow streets, and reducing traffic.
7. Regarding the Board's Perambulation of the Boundaries, it was agreed to gather at the Town House to carpool. The Town Manager arranged to get maps from Engineering and the Natural Resources division.

EXECUTE OUR LADY HELP OF CHRISTIANS AGREEMENTS

Town Counsel Ryan Pace was present to provide the necessary documents and Motion language for the Board to execute. It was noted that this had been an arduous process well-worth the outcome to the Town. The agreements cover conservation and preservation restrictions, parking agreements, and easements.

Upon a Motion duly made and Seconded, it was UNANIMOUSLY

Consent Agenda

Town Manager's Report

Our lady's Agreements

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- VOTED:** To approve the following documents that have been delivered to the Board of Selectmen tonight and to approve the execution of these documents by the Board of Selectmen (or the Town Manager acting on behalf of the Board of Selectmen) when appropriate in order to effectuate the real estate transactions approved by Article 36 of the 2005 Annual Town Meeting and to permit the transfer of the property at 53 Church Street in Concord to The Swedenborg Church of Concord, also known as The Boston Society of the General Church of New Jerusalem, Inc. ("The Swedenborg Church"):
1. Preservation Restriction to be granted to the Town of Concord by The Swedenborg Church;
 2. Conservation Restriction to be granted to the Town of Concord by The Swedenborg Church;
 3. Reciprocal Parking and Access Easements to be entered into by and between the Town of Concord and the Roman Catholic Archbishop of Boston;
 4. Reciprocal Releases of rights, if any, in certain paper streets to be executed by the Town of Concord and the Roman Catholic Archbishop of Boston;
 5. A side letter from The Swedenborg Church to the Town of Concord regarding use of the conservation land on the property that is to be acquired by The Swedenborg Church by the public; and
 6. Such other documents, on terms acceptable to the Board of Selectmen or the Town Manager, as may be reasonably required and/or as may be reasonably necessary to accomplish the real estate transactions contemplated by Article 36 and to enable the sale of the property at 53 Church Street in Concord to The Swedenborg Church

Upon a Motion duly made and Seconded, it was UNANIMOUSLY

- VOTED:** To approve any final changes in the documents referenced above that the Board of Selectmen (or the Town Manager acting on behalf of the Board of Selectmen) may deem appropriate and reasonably necessary to accomplish the real estate transactions contemplated by Article 36 of the 2005 Annual Town Meeting and to enable the sale of the property at 53 Church Street in Concord to The Swedenborg Church.

Upon a Motion duly made and Seconded, it was UNANIMOUSLY

- VOTED:** To give the Town Manager the authority to finalize the Parking Lot Management Agreement to be entered into by the Town of Concord, The Swedenborg Church and the Roman Catholic Archbishop of Boston upon terms acceptable to the Town Manager in his discretion.

PUBLIC HEARING REGARDING MANAGER OF RECORD JMMJR RESTAURANT INC., AND MEDEIROS RESTAURANT INC.

Ms. McIntyre opened the hearing and read the notice of the hearing. Mr. Joseph Medeiros was sworn in by the Clerk. Mr. Medeiros was asked to appear before the Board to explain the situation with the manager of record at his restaurants in Concord and his intentions to correct the situation. Earlier in the year, as part of a proposed transfer of the license at JMMJR Restaurant (Michael's), to Mauricio DoCarmo, the Board approved a change in the manager of record whose duties require his or her presence at the site at least thirty hours per week. This became moot when the ABCC disapproved the transfer of alcohol license. Therefore, Mr. Medeiros is still the manager of record at Michael's and at Rossini's, but he is not present on site as required by local regulations.

Public hearing

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Mr. Medeiros stated that he has begun the process to make Mauricio DoCarmo the manager of record at both of his Concord establishments. This is acceptable because the restaurants are situated in the same building. Mr. Medeiros stated that he fully intended to follow through on his plans to transfer the license, but that a three year audit and the poor health of his accountant has made that difficult.

In the meantime, he is completing the both the annual license renewal process and the change of manager process.

Discussion included whether: there were barriers to the sale other than the audit, there was any indication that Mr. DoCarmo would be acceptable to the ABCC as Manager, there were any difficulties with the manager of record at this time, and whether the current manager of record was in attendance the required thirty hours per week.

Mr. Medeiros stated that there were no other barriers to the sale, that Mr. DoCarmo had been approved in the past, and that he was on site and fulfilling all the duties of manager of record. Mr. Medeiros noted his intentions to complete the change of manager process.

Upon a Motion duly made and Seconded, it was UNANIMOUSLY
VOTED: to close the hearing.

COMMITTEE LIAISON REPORTS

Mr. Howes stated that there is no consensus on the Housing Corporation charge by the various housing interests at this time. He intends to call a meeting of the Chairs to discuss this further before bringing the charge to the Board for a vote. Ms. McIntyre noted that the earlier draft might have been too broad for the early years.

Mr. Benincasa noted that the Willard School Building Committee is moving forward on selecting the Owner's Project Manager.

Ms. Shapiro stated that the Zoning Board of Appeals has begun to consider Elm Place, the 8-unit condominium on Route 2A near the Light Plant. The issues include massing, screening, permitting, as well as to determine whether it is economically feasible to do seven units rather than the proposed eight units.

Ms. Shapiro noted that there is an opening for an Associate Member on the Zoning Board of Appeals and asked for volunteers. She will be reviewing the Green Cards for interest in addition to the four individuals who have been suggested by the Chair of the ZBA.

Ms. McIntyre reported that the Facilities Sub-Committee of the School Committee has met to discuss a number of issues, one of which is best use of the \$300,000 excess capacity that resulted from savings on the high school intercom system recently. Space demands and science labs upgrades at the high school were proposed. The high school principal indicated that additional space in the form of portable classrooms would be his highest priority.

Ms. McIntyre reported that Boards and Committees were notified about the Town Meeting Coordination meeting on December 2. All were encouraged to attend. Ms. Shapiro suggested that this is the time to begin to question the content of Warrant Articles so that there is better information by the time of Town Meeting.

CITIZEN COMMENT

Charles Blair of Florio Drive thanked the Board for all the work to complete the Our Lady's transfer. He also stated his concerns and suggestions for the playing fields group: placement of a field on the old baseball field; the value of a turf field for football regardless of its eligibility for CPA funding; the need to build at least two fields at the high school; use of prison land for playing fields as Acton has; placement of one field on the Burke land in the interim; use of independent school fields and use of former landfill as a field site.

LEED DISCUSSION

Liaison Reports

Citizen Comment

LEED Discussion

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Michael McAteer, member of the Green Team was present to speak to the Board regarding the value of Leadership and Energy in Environmental Design (LEED) certification for the new Willard School. Mr. McAteer noted that the Town has indicated its commitment to sustainability and conservation in its creation of a committee to review these aspects as well as the addition of Green Team members on both the Harvey Wheeler and Willard School Building Committees. He provided materials that clarified the language of high performance buildings, its relevance regarding schools, its costs, and its return values in energy efficiency and reduced life-cycle costs.

Mr. McAteer stated that the Green Team recommends the Town set a goal of meeting or exceeding a Silver Certification in all of its new building, exceed by 20% the current MA energy code, and incorporate commissioning.

Discussion included: whether there are model schools to investigate; should the Town aim higher; are the costs a limiting factor; should LEED Silver be a goal or a requirement; in addition to energy conservation, Silver requires recycling, waste stream reduction, and high indoor air quality; certification provides accountability; cutting edge design practices are above the financial capacity for public schools; Silver does not limit future improvements; the increased cost of certification (about \$50,000) is the work to verify design, purchase, construction, installation, and maintenance standards throughout the process; whether the

Willard Building Committee could make a decision regarding LEED certification without Selectmen support; and whether Town Meeting is likely to support the additional cost to a \$26,000,000 project; whether MSBA considers LEED in setting reimbursement rates.

The consensus of the discussion was that the goal of LEED certification is one of the components the Building Committee should address in creating a cost-effective, energy-efficient, healthy, new Willard School.

DISCUSSION OF RECORDS AND ARCHIVES CHARGE

APP #10 sets the term of service for Boards and Committees. The expectation is that volunteers will serve on one committee at a time and for two three-year terms or one five-year term. Some Committees have Associate Members as well.

Town Clerk Anita Tekle was present to discuss with the Board the procedures of the Records and Archives Committee and whether the terms of Committee should be amended. Ms. Tekle reported that the Committee meets monthly to sort, cull, organize, and index Town records. Prior to APP #10, there was no term stated in the Committee Charge. Members of the Committee are willing to continue to serve beyond the usual term.

It was the consensus of the Board that the Charge of the Records and Archives Committee allows service as long as the volunteer is willing, therefore falling within the term exception outlined in APP 10. Future Committee Members will be appointed for an indefinite period. At the expiration of each current member's term, the Board agreed to re-appoint in a similar way.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to appoint D. Michael Ryan of 44D Westvale Meadow to an indefinite term on the Records and Archives Committee.

It was noted that the Committee works substantially with paper records and that modern records are in other media. It was suggested that the committee work with the Library to consider methods of safeguarding and protecting modern media.

FY08 BUDGET DISCUSSION

Mr. Whelan reported that the Guideline Sub-Committee has revised the preliminary Guideline to add \$150,000 to Town operations. This is an increase from \$592,000 to \$749,560 within the levy for FY08.

Records and Archives

FY08 Budget

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The Town Manager had indicated that \$600,000 would be needed to fund the Salary Reserve and the salary adjustments that result from the pay and classification study.

The Board will meet in Executive Session on November 27th to discuss salary matters with the Human Resources Administrator.

MISCELLANEOUS:

1. Mr. Benincasa thanked the Public Ceremonies and Celebrations Committee for the very moving Flag Retirement Ceremony on Veterans Day.
2. Ms. Shapiro confirmed the members of the Board Spelling Bee team.
3. Ms. Shapiro noted the MMA Conference on January 15th and indicated that she would be going. She encouraged others to do the same as an opportunity to meet personnel from state agencies.
4. It was noted that there was a meeting of STAR on November 28th. This collaborative focuses on securing payment in lieu of taxes from the Commonwealth.
5. The Human Rights Breakfast will be on December 4th at 7:30AM.

Miscellaneous

COMMITTEE APPOINTMENTS:

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

VOTED: To appoint James Macone, of 1084 Lowell Road to the Public Ceremonies and Celebrations Committee, term to expire May 31, 2011.

Appointment

ADJOURNMENT

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

VOTED: To adjourn the meeting and to conclude business for the evening at 9:30PM.

Adjourn

Respectfully submitted,

Philip H. Benincasa, Clerk