

BOARD OF SELECTMEN
MINUTES
SEPTEMBER 25, 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 Douglas Meagher, Assistant 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. Mr. Meagher reported that the Community Preservation Act funding proposals are due September 29th. Town Staff are working with the Playing Fields group to submit a single proposal from the Town. The Playing Fields group met with the Bristers Hill neighbors at the Hunt Gym on September 21. Approximately 20 neighbors were present; A variety of concerns regarding building fields on the regional high school campus were raised. There will be efforts made to address the concerns.
2. The Town has scheduled a meeting of the Laurel St. neighborhood on October 5 to discuss traffic safety concerns. Representatives of public safety, the Town Engineer, and the school department will attend. The Water and Sewer Division and Natural Resources Division will also be invited to participate.
3. Concord Public Works has announced that its fall hydrant flushing will occur October 3rd through October 13th. Residents are requested to check the Town website for details.
4. Concord Public Works is wrapping up its summer paving schedule. The department is in the process of doing hydro-seeding and driveway tie-ins. Line painting will be done overnight so as to avoid traffic delays.
5. Residents are reminded that the Farmers' market will occur on Saturday September 30th on the Mill Dam from 10AM to 2PM.

COMMITTEE LIAISON REPORTS

Ms. Briggs reported that the Concord Community Preservation Committee (CCPC) was also meeting on September 25. This will be the last meeting to discuss the application process. She was unaware of any CCPC responses to Board comments on the 2007 CCPC Plan.

Mr. Howes noted that he would be placing the Concord Housing Corporation on an upcoming agenda. He anticipates that the Affordable Housing Committee would be disbanded and reappointed as the corporation. He looks forward to discussion of the proposal.

Mr. Howes reported that he would be making a nomination to the Public Ceremonies and Celebrations Committee. He welcomed additional Green Cards.

Mr. Benincasa stated that the Tourism Committee would like time on the October 16th agenda to make its report.

Consent Agenda

Town Manager's
Report

Liaison Reports

BOARD OF SELECTMEN
MINUTES
SEPTEMBER 25, 2006

Ms. McIntyre noted that Representative Cory Atkins would attend the next Selectmen meeting to update the Board on issues of interest to Concord. In particular, Rep. Atkins will speak to the Home Rule Petition. Board members suggested input include the legislative perspective on Senior Average Assessment Exemptions.

Ms. Shapiro stated that new legislation regarding MSBA would be helpful to make use of a green energy component which could be part of the decision criteria on whether to rebuild or renovate a school. She suggested that this was of interest to HATS towns. Ms. Briggs stated that this was more likely a regional planning issue of interest to MAGIC or MAPC. She also noted that the Suburban Coalition would be interested as suburban communities have a more difficult time making the case for state re-imbursement.

FARMERS' MARKET IN CONCORD –John Bemis

Mr. Bemis gave a short introduction to the work of the fledgling Agriculture Committee. Residents are invited to participate in a meeting on October 26 in the Hearing Room in which farmers and local landowners will develop the committee agenda. He has found preparations for the Farmers' Market very rewarding. The Town has shown its concern for its agricultural heritage and future.

Mr. Bemis noted that Concord Center would be closed to vehicular traffic on Saturday September 30th between Walden Street and Monument Square from 9AM to 3 PM to allow market events. In addition to farmers with animals, equipment, and produce, representatives from the Minuteman National Park, the Thoreau Farm Trust, Gaining Ground, Natural Resources Commission, and the Concord Land Conservation Trust will be present to share information about their activities.

Farmers' Market

BOND AND NOTE ISSUANCE THOREAU SCHOOL – Finance Director Anthony Logalbo

Mr. Logalbo distributed several documents that provide information about the Bond and Note Issuance. He stated that more information will be available on the Town web site. The Town received bids of \$4 Million for the Bond Anticipation Note and \$10 Million of Long Term Debt.

Bond and Note

Issuance

Mr. Logalbo reported that the Town has authorized \$17.15MM for the construction of Thoreau School. \$15.5MM has been expended to date and while school has opened, bills are still being paid. He expects that the full amount authorized will be expended.

The low bid on the \$4MM BAN was 3.58%, slightly lower than the Town's recent offering, but higher than in past years.

The low bid on the \$10MM Long Term Debt was 3.85%, slightly higher than the Alcott borrowing. There were eleven bidders, perhaps a record.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY:

VOTED that the sale of the \$10,000,000 School Bonds of the Town dated September 15, 2006, to Fidelity Capital Markets Services at the price of \$10,072,353.10 and accrued interest is hereby confirmed. The bonds shall be payable on September 15 of the years and in the principal amounts and bear interest at the respective rates, as follows, subject to earlier redemption at the option of the Town as provided in the Preliminary Official Statement dated September 5, 2006:

BOARD OF SELECTMEN
MINUTES
SEPTEMBER 25, 2006

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2007	\$560,000	5.00%	2016	\$555,000	4.00%
2008	560,000	4.00%	2017	555,000	3.75
2009	555,000	4.00%	2018	555,000	4.00
2010	555,000	3.75%	2019	555,000	4.00
2011	555,000	3.75%	2020	555,000	4.00
2012	555,000	3.75%	2021	555,000	4.00
2013	555,000	3.75%	2022	555,000	4.00
2014	555,000	4.00%	2023	555,000	4.00
2015	555,000	4.00%	2024	555,000	4.00

Further Voted: to approve the sale of a \$4,000,000 4.00 percent Bond Anticipation Note of the Town dated September 28, 2006 and payable September 27, 2007 to Eastern Bank at par and accrued interest plus a premium of \$16,673.56.

Further Voted: that the consent to the financial advisor bidding for the bonds and note, as executed prior to the bidding for the bonds and note, is hereby confirmed.

Mr. Logalbo stated that the Commonwealth will not be ready to decide on school reimbursement until July or August 2007, which gives the Town time to consider its options. If it learns that there will be no reimbursement for the Thoreau School, the Town can re-issue short term debt with a pay down as if it were a bond. There is the risk of the volatility of the short term rates. Permanent financing does not preclude reimbursement; however, such reimbursement would be made over the term of the financing rather than as a lump sum.

STATEMENT OF INTEREST VOTE

Ms. McIntyre stated that the submittal of the Statement of Interest to the Massachusetts School Building Authority, approved at the meeting of September 18th, must be accompanied by an attested copy of the Board minutes. The excerpted minutes are available for a vote.

SOI Vote

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED to approve the excerpted September 18, 2006 Minutes and to attach them to the Statements of Interest for Willard and Thoreau

DISCUSSION REGARDING MSBA TIMELINE

Ms. McIntyre stated that the Board will meet with the Finance Committee and the School Committee on Wednesday, September 27, to discuss the MSBA timeline and regulations. The Board received today, September 25, a letter from Andy Cherullo, Chief Financial Officer for the Massachusetts School Building Authority. She made copies available. She thanked resident John Della Volpe for his efforts in securing the letter.

Discussion re MSBA

The Board discussed the content of the letter and tried to determine whether it created any confidence that Concord could move forward on the construction of Willard School without a strict adherence to MSBA regulations as the School Committee is suggesting. Discussion included: the State is in the moratorium until July 2007 at which time the new regulations come into effect; there are no regulations now; bringing a construction funding Warrant Article to 2007 Town Meeting is very ambitious; the letter received from MSBA does not give permission to go ahead; MSBA is aware that Concord is working on Willard during the

BOARD OF SELECTMEN
MINUTES
SEPTEMBER 25, 2006

moratorium; some people believe that Town Meeting and Election voters were voting to go ahead to construction without reimbursement; others believe that the votes were only

supporting designing the building; the letter does not indicate that Concord would be penalized for moving ahead; there is no guarantee that Concord would be reimbursed if it followed the MSBA guidelines; the job of the Willard SBC is evolving since the inception of its Charge; MSBA regulations are intended to mitigate problems in towns that created cost overruns and built additional spaces at great costs; the analysis done by LSBI in preparation for Town Meeting compared going ahead or waiting 10 years, the amount of delay to adhere to MSBA guidelines is up to three years and would require a different analysis; the

regulations require that a new building must be responsive to energy costs, which Concord has addressed by including a member of the Green Team on the Building Committee; the Town didn't anticipate the procedural changes in the regulations that affect the timeline; since the design of the Willard building will be from scratch, rather than from the work of the Master Plan, it will take more time and may not be ready for 2007 Town Meeting.

The Building Committee is ready to move forward with the RFP process for the Project Manager and architect, with the probability that they would both be online in six to eight weeks. However expenditures for a project manager incurred in advance of a project funding agreement with MSBA will be borne entirely by the applicant town. On the other hand, at the rate of recent construction costs escalation, the Town may lose the value of the potential reimbursement in the increased construction costs. It is in this context that the Willard School Building Committee is asking for clarification of its Charge

LETTER REQUESTING CLARIFICATION OF CHARGE –School Building Committee
Jerry Wedge, Co-Chair of the Willard School Building Committee was present to seek clarification of the Board's aim. He stated that the School Committee is intent on bringing a construction article to 2007 Town Meeting and the Building Committee is intent on creating the best school for Concord. If the Committee adheres to MSBA guidelines the school would be available in 2011, if the Committee goes forward without regard to potential reimbursement, the school would be available in 2009. In any case, there appears to be a tension between the timeline of MSBA and that proposed in the Charge

WSBC Charge

Mr. Wedge stated that a reading of the letter received from MSBA indicates that the Authority is more flexible than supposed. If so, the Committee can meet the requirements of its Charge and the MSBA. Mr. Wedge stated that the Committee would not have construction documents in time for 2007 Town Meeting. It could go forward with lesser plans in April, or more fully scoped out plans for a Special Town Meeting in the fall. To do this work, an architect is needed. The School Committee is doing its part by preparing the educational specifications.

Ms. Shapiro asked whether issuing the RFP for Project Manager and Architect without adhering to MSBA guidelines would eliminate reimbursement. Ms. Briggs stated that this is a threshold question. The Committee would need to return to the Board every few weeks for clarification as the MSBA standards are changing. She stated that the Board needs time to think about this before meeting with the Finance Committee and School Committee on Wednesday.

BOARD OF SELECTMEN
MINUTES
SEPTEMBER 25, 2006

John Della Volpe of Old Pickard Road commented of his contacts with MSBA staff that resulted in the letter from them. He believes that the Town can go ahead on its own and seek reimbursement later without penalty. He stated that there is value to the State in moving forward now due to the lower cost of a building constructed sooner, which would mean less reimbursement due. He recommended that the WSBC move forward in an intermediate manner without penalty to the Town.

Mr. Benincasa stated that he has no difficulty with the substance of the MSBA regulations. However, the eighteen steps cause difficulty. He wants the Town to be in a position that the MSBA could deny reimbursement, but he does not want to have the Town take actions that eliminate all consideration for reimbursement. Ms. Shapiro stated that the letter language does not have any guarantees. She knows that there are 400 schools in the same state of disrepair as Willard. Not all will receive reimbursement.

Beth Winn of Allen Farm Lane stated that there are roof, education, and safety issues with Willard and that even a few months delay would result in a year-long impact. She was reminded that even the speediest process would result in a new school in three years. In the meantime the school department will take short term measures to address deficiencies. A Hunters Ridge Road resident asked whether the green technology required in new school construction would slow down the process. She did not believe it was worth the loss of time.

Mr. Howes stated that there was no action before the Board at this time. He recommended that the School Committee and Board of Selectmen communicate with the Building Committee after they meet on September 27.

Linda Della Volpe commented that there is no assurance that the Town will be reimbursed even if all steps are adhered to. Should the Town receive reimbursement it will likely be at the minimal amount. Ms. McIntyre commented that it is unlikely that two schools from the Town would be funded in the same year and Thoreau is further along the process.

Lindsay McGuinness of Wheeler Road asked when the construction funding could come forward if not at Annual Town Meeting. She was told that a Special Town Meeting would be arranged as soon as the project was ready, but not during the summer.

UPDATE ON STRAWBERRY HILL ROAD LAND DISPOSITION – Greg Howes

Mr. Howes reported that the Review Panel has concluded its work and will have its report available for the Board's packet on Friday. The recommendation was unanimously in support of the proposal in excess of \$3MM from Bentley Corporation. This sum is sufficient to cover the cost of the Burke Land. Mr. Howes commended the committee and the neighborhood group.

Mr. Meagher clarified that the panel was making its recommendation to the Board of Selectmen. The Board will consider that recommendation but will make the eventual formal acceptance. This will be before the Board for a vote in one to two weeks.

Mr. Meagher stated that the Town has been asked about releasing the bid deposit. The RFP requires that the bids be retained until the P&S is signed.

The Board offered its thanks to Mr. Howes for guiding the process.

BOARD OF SELECTMEN
MINUTES
SEPTEMBER 25, 2006

MISCELLANEOUS:

1. Mr. Benincasa stated that he would like an update from the Finance Director regarding tax relief. He hopes that the ceiling can be raised and the qualifications liberalized.
2. Mr. Howes noted that the Board still needs more Green Cards for the Economic Development Council. The Board extended the period until October 9th.
3. Mr. Benincasa reminded the community of the Farmers' Market on Saturday. He hoped to see everyone there.

Miscellaneous

COMMITTEE NOMINATIONS:

Ms. Briggs nominated Lynne Lori Sylvan of 2 Abbott Lane #5, to the Cable Advisory Committee, term to expire may 31, 2009.

Ms. Briggs nominated Deborah Disston of 83 Bayberry Road, Hope Rubin of 34 Saw Mill Road, Elizabeth Harvey of 12 Fairhaven Road, and Cheryl Shea of 103 Hubbard Street to the Cultural Council for terms to expire May 31, 2009

Committee
Nomination

ADJOURNMENT

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to conclude business for the evening.

Adjourn

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 10:05 p.m.

Respectfully submitted,

Philip H. Benincasa, Clerk