

BOARD OF SELECTMEN  
MINUTES  
AUGUST 21, 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
- One Day Special All Alcohol Liquor License – Rotary Club of Concord Golf Tournament September 11, 2006:

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

**VOTED:** To approve the consent agenda.

**TOWN MANAGER'S REPORT:**

1. Town Manager Chris Whelan reported that the Strawberry Hill Road Request for Proposal bids were opened. Three proposers for market and affordable housing were within the hoped for range.
2. Patricia Clifford has accepted a promotion to Assistant Town Clerk. She has worked for the Town since 2001 and will be replacing Joanna DaSilva.
3. Concord Public Works will be undertaking the restoration of Old Hill Burying Ground. The project will begin with a lecture by Marian Wheeler on August 22.
4. The Recreation Department has announced that membership at the Beede Swim Center has surpassed the number required to pay the bills. There are 1,176 Concord members and 163 from Carlisle. A retention rate of 90% is assumed. Members from other communities will be grandfathered, but no new members beyond Concord and Carlisle will be sought.
5. The MBTA has responded with interest to the recent letter from the Board regarding restoration of the West Concord Depot. However, dependence upon TIP funding could delay the project.
6. Public Works Director Bill Edgerton will be retiring on September 1<sup>st</sup> after 9 years of service to the Town. He has declined a celebration. The Town Manager recommended that people send their congratulations personally.
7. The Playing Fields Study group has had an initial meeting with residents from the Brister's Hill neighborhood. Issues raised include noise, lighting, litter, and the impacts of games will large numbers of spectators. Additional meetings are planned.

**Committee Liaison Reports**

Consent Agenda

Minutes

Town Manager's  
Report

Liaison Reports

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Greg Howes reported that the three proposals received for the Strawberry Hill Road Land are diverse and give the Review Panel material to consider. The bids range from \$1.2MM to \$3.2MM. The Panel met to discuss the criteria to evaluate as listed in the RFP. The proposers are Hurley Associates partnering with Panetta, Obrien Construction partnering with Concord Housing Trust, and Bentley Building Corporation. Mr. Howes noted that all were Concord-based and all met the review criteria. The Panel anticipates making its recommendation to the Board within the allotted time period. The Town is seeking guidance from Town Counsel regarding one proposal that may have been conditioned on aspects out of the control of the Town or the Proposer. Mr. Howes anticipates reporting progress weekly.

**Water Pollution Abatement Trust, treatment plant project – interim loans**

Water Pollution  
abatement trust

Finance Director Tony Logalbo provided background documents to the Board for consideration. In 2005, Town Meeting authorized \$12MM in long-term debt to improve the 20-year-old wastewater treatment plant, the cost to be borne by the Sewer Enterprise Fund. Design and bidding the project cost \$1MM. Construction will be financed by a state-subsidized long term loan. The Board was asked to approve an \$11,000,000 loan for 20 years at 2% interest through the Massachusetts Water Pollution Abatement Trust, and to authorize short-term interim financing through the Trust at an interest rate of 1.88% until the permanent loan closes.

Upon a Motion duly made and seconded, the Board unanimously

- VOTED:**
- 1) that the Town shall issue bond or bonds in an aggregate principal amount not to exceed \$11,000,000 (the “Bonds”) pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 27, 2005 (Article 47), for construction of sewer and other water pollution control facilities (the “Project”);
  - 2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$11,000,000;
  - 3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the “Trust”) at a price determined pursuant to the Loan Agreement;
  - 4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
  - 5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
  - 6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement and the Project Regulatory Agreement relating to the Project.

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**Local Official Bond Renewals**

Local Official  
Bond Renewals

Finance Director Tony Logalbo reported that performance bonds are required by the state for those employees who handle significant sums of money. In the event of the loss of public funds, the Town would be able to make a claim upon the personal bonds. The minimum amount of each bond is set forth in guidelines issued by the Commissioner of Revenue. On a Motion duly made and seconded, it was unanimously:

**VOTED:** To approve the local official bond renewal amounts for the year beginning June 1, 2006 for as follows:

Town Clerk Bond	\$10,000
Town Collector Bond	\$150,000
Town Treasurer Bond	\$200,000
Assistant Treasurer Bond	\$50,000

**Draft Economic Development Committee Charge - discussion**

Draft EDC  
Charge

The Board had a draft of an Economic Development Committee Charge for its consideration. The draft included a wide range of duties depending upon the direction and purpose that the Board decides the Committee should take. It was agreed that the range of materials to be considered be compiled for review by interested parties and that the Board would host a breakfast meeting on September 12<sup>th</sup> at 8AM to brainstorm with those interested. Residents were requested to submit Green Cards to serve on the Committee.

**Community Preservation Act discussion –Selectmen priorities**

CPA priorities

Town Manager Chris Whelan referred the Board to memos of August 7 and 18 as well as a background 5-Year Capital Improvement Plan document and comments from Marcia Rasmussen, Director of Planning and land Management to inform their discussion regarding potential projects to be recommended for Community Preservation Act funding. The funding available in years '07 through '11 is an estimate as is the potential cost for the various projects.

Mr. Whelan indicated that there are a range of municipal projects that are not yet sufficiently planned to be ready for consideration. In addition, there are projects, such as the West Concord Depot, 51 Walden, and Emerson Umbrella, that will be proposed by community groups. Regarding the Depot, Mr. Whelan indicated that the primary limiting factor will be the MBTA's ability to secure Transportation Improvement Plan (TIP) federal funding, which is often a long process.

Possible 2007 Town-sponsored CPA projects include: creation of multiple community playing fields, perhaps including borrowing against future revenues; acquisition of farm lands expected to come to market soon; a variety of housing proposals; reconstruction of walls at Heywood Meadow; West Concord Depot restoration. The total expenditure of all these options is \$4,850,000.

Mr. Whelan reported that the two primary municipal needs that could be addressed by CPA funding are creation of new playing fields and land acquisition. Once the Board has identified its 2007 priorities, he will develop the proposals and application to CPC by the September 29<sup>th</sup> deadline.

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Discussion included: the status of Warner Pond dam, whether the projects listed would have been done with tax dollars through the CIP; which projects on the 5-Year CIP would be deferred to make space for CPA projects; when the deferred projects would be reprogrammed; what investment has already been made in preparing to rehabilitate the fire station; whether recent land purchases would make good sites for playing fields development given that they are in high water areas; whether CPA funds could be used to buy down housing costs; whether the Housing Corporation legislation could appropriately apply for CPA funds or depend upon private donations; should funds for housing acquisition be separated from land acquisition at this time in the process; whether there is Board comfort with the option of borrowing against future local CPA funds; borrowing against future years will require Concord to remain in the CPA program for the duration of the bonds;

maintenance is not a permitted use of CPA funds; West Concord Depot restoration funding from MBTA would require the Town to make matching funds available quickly; the regional high school football field could be a candidate for artificial turf as would a field created in the Emerson Field track oval; the Playing Fields Study Committee should continue its progress on usage analysis and its meetings with the school committee, neighbors, and Carlisle officials; regardless of whether the entire Playing fields plan can be implemented, it is important that some part of it be implemented; creation of two fields on water department land on Walden St. will not be possible due to the wetlands in the area, however, the new Alcott School has an added playing field; artificial turf is not a better playing surface, but one that allows access for longer seasons; land purchases have been made without implementing playing fields use while the number of youngsters and the variety of sports has increased;

the Agriculture Committee is likely to recommend attention to the drainage system that has historically drained the many farms in Town, this would reduce the water problem for other activities as well; youth sports provide maintenance of Town fields as well as some landscaping that Town crews cannot accomplish; never resting fields increases the possibility of injuries; whether additional information this early in the process would enable a greater comfort with the direction the Board will decide to go.

Without taking a Vote or reaching consensus, the members of the Board indicated the following: Ms. McIntyre would support reserving a substantial portion of funds for land acquisition and the creation of playing fields, perhaps not at the level of investment proposed by the study group. In her opinion the first field should be built on the Ammendolia land which was purchased for playing fields. Ms. McIntyre is not committed to future CPC borrowing to implement the plan and neither does she believe that all Town-sponsored projects must come from the 5-Year CIP. She believes that the West Concord Depot is not ready for action at this stage and that the Heywood Meadow walls could be accomplished with private funding. In addition, she is aware that the Walden Woods Project is in discussions with the Town regarding their participation in meeting Town housing goals. Ms. Briggs identified few items on the list of possible projects that met the philosophy the Board established when it recommended CPA to Town Meeting as one method of funding capital projects that are already necessary and programmed, e.g., Town House sprinklers and Warner Pond. There are few of these remaining, possibly Hunt Gym HVAC, Deed

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House, Emerson Track, cemetery improvements and the Rideout play structure. She needs to know when projects deferred to make space for CPA priorities would be reprogrammed so that she has a better idea of the financial impact of that reprogramming in the out years. Ms. Briggs is uncomfortable with the notion of CPA borrowing for future years of a project. Regarding fields, Ms. Briggs thought there are other ways to phase the playing fields and that the emphasis should be on multiple community-use youth fields rather than one turf field at twice the cost.

Ms. Shapiro had concerns regarding bonding into the future for CPA unless there was compelling information. To be confident on her assessment of priorities Ms. Shapiro needs clarification on the terms restoration, preservation, and repair as well as new field construction versus maintenance of fields. In her opinion Cousins field was not removed from the 2005 priority list because of a prohibition on using CPA funds for maintenance, but because of neighborhood opposition. Ms. Shapiro fully supports the philosophy of using CPA funds to offset 5-Year CIP projects such as Deed House restoration. She wanted more information on TIP designations for Town projects. Ms. Shapiro supports community- use playing fields on the Ammendolia land and questions whether that would augment the Playing Fields Study recommendation. In her opinion, artificial turf for the regional high school football field and an artificial turf field within the Emerson Track oval are good options. Ms. Shapiro would defer decisions until more information is available, particularly whether the school committee supports fields on the high school campus.

Mr. Benincasa supported the philosophy that CPA offset costs usually borne by the taxpayers. He also was comfortable with the focus on land acquisition and creation of playing fields at the regional high school and on the Ammendolia land. Mr. Benincasa supported restoration of the West Concord Depot as well as ensuring the affordability of housing units at places like Emerson Annex. On the other hand he believes the Heywood Meadow walls or a bridge over the Mill Brook could be built with funds from the Chamberlin Park Trust. He stated that the Agriculture Committee was interested in a proposal to refurbish culverts to improve drainage and prevent the loss of farm fields, which would improve drainage for other purposes as well.

Mr. Howes had two priorities: to build the fields and to build a land fund as it becomes available. He thought that it was too early to break out acquisition funds for housing from acquisition of land, land acquisitions should be multi-purpose. Mr. Howes stated that he was interested in buying down the mortgages on Emerson Annex homes to increase affordable housing. He also wanted to learn more about the potential for the Housing Corporation. He supported making the broadest proposals to the CPC to consider.

Mr. Howes pointed out that  $\frac{1}{3}$  of the cost of the playing fields would be paid through private donations. In his opinion, several items needed to be addressed before the Board can prioritize further than the Town Manager's suggestions: the School Committee needs to confirm its support of playing fields at the regional high school by a vote; a decision regarding borrowing against future local CPA funds needs to be resolved as well as whether there is a plan without a reliance on borrowing; finally, the Board need to see the revised CIP that shows items that will be deferred and the financial plan for reprogramming them in the future.

**2007 Community Preservation Draft Plan – Board comment**

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The deadline for comments on the Community Preservation Plan is September 15, 2006. This is in addition to the Board's recommendations for Town-sponsored CPA projects. The substantial element of the plan is to set aside a substantial amount of money for land acquisition. The Board will vote on the principle of the plan at the meeting on September 11.

**Citizen Comment**

Dekkers Davidson commented on the sixteen-year process that is coming to fruition in the Playing Fields Study recommendation. There is pent up frustration on the part of the many volunteers who have devoted themselves to children's activities and have watched those children grow up without the Town making them a priority. The Playing Fields study group is trying to move the solution forward in a positive way.

Citizen Comment

**MISCELLANEOUS:**

1. Mr. Benincasa offered condolences to the family of Gigi Kussin who passed away recently.
2. Ms. McIntyre recommended that the Board review the Draft Heritage Landscape Plan in preparation for comment. The inventory suggests additional land protection actions, some of which Town Meeting has considered and rejected. If implemented there could be additional burdens on the Town and private property owners. The Board needs to study the document to understand its details and impacts.
3. Ms. Briggs commented on the Recreation Department-sponsored Concord Open Golf Tournament held recently. It was well attended and a huge success. The proceeds will enable seventy youngsters to attend summer camp on scholarships.

Miscellaneous

**COMMITTEE NOMINATIONS:**

Ms. Briggs nominated Julie Melbin, of 210 Stone Root Lane to the White Pond Advisory Committee, term to expire May 31, 2009.

Committee  
Nomination

**Adjournment**

On a motion duly made and seconded, it was:

**VOTED:** To adjourn the meeting at 9:55PM.

adjourn

Respectfully submitted,

Philip H. Benincasa, Clerk