

BOARD OF SELECTMEN

MINUTES

JUNE 19, 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 Ms. McIntyre, Chair; Anne D. Shapiro; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager. Not present Margaret B. Briggs.

Ms. McIntyre commented on the death of Ms. Briggs' father in a plane crash. She extended prayers for the family.

As a result from a comment of Mr. Benincasa at the Selectmen's Workshop last week, there is a new table configuration tonight. The need to view each other during deliberations was mentioned.

**CONSENT AGENDA:**

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

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

- Town Accountant's Warrant
- Gift Acceptance: Garden Club, \$785 for Arbor Day Tree

Consent agenda

**TOWN MANAGER'S REPORT:**

1. Town Engineer Jim Shuris announced that Mass Highway Department has scheduled a pre-construction hearing this week on Thursday relative to Heath's Bridge on Sudbury Road. It would appear the contractor will be reporting when he will be making those repairs which are expected to take approximately two months.

Also the Town Engineer learned that the reconstruction of Route 62 in West Concord is on the short list for the TIP (Transportation Improvement Program) in the amount of \$1.2MM. We intentionally deferred undertaking that project with Town resources this year so we could be in a position to take advantage of state money next year. Our understanding is the foot print design will apply so we won't be expected to widen the road. A new sidewalk is included and the engineering department will complete the design this coming fall for construction next spring. It is understood that we will sign a contract and the work will be done and paid for with Town funds before we would petition for reimbursement similar to Chapter 90. It will be necessary to press our legislators and friends at Mass Highway to be sure the money will be forthcoming.

Drainage work is now complete on Commerford Road, Martin Road, and Cottage Lane which is a prelude to resurfacing of those streets. Paving is being done today on Heath Bridge Road and tomorrow on Holdenwood Road.

2. The Board of Appeals approved the three units of affordable housing at 129 Old Bedford Road as applied for by Concord Housing Trust. There will be a 20 day appeal period.
3. The highway department removed the rails on Commonwealth Avenue near the prison. This was done at Town expense, which was relatively modest, and will greatly improve the traffic flow.

A Smart Growth Technical Assistance Grant Fund, \$30K an application, recently appeared on the clipboard. An application is being put together by Planning Director Marcia Rasmussen with the deadline being the end of this month. It is not clear whether the application will be completed by this time.

Town Manager's  
Report

**COMMITTEE LIAISON REPORTS:**

Liaison Reports

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s. Ms. McIntyre noted this was a new feature in the meetings. Not that everyone has to report on every meeting they have attended the previous week, but this is following the model the Finance Committee uses with its Observer Reports and should keep everyone up to date on other committee meetings.

Mr. Howes said an email regarding the Housing Authority had been received on issues

Regarding the CHA paying the Town, followed by an email from Finance Director Tony Logalbo saying everything is all right. A check was delivered today to compensate the Town. The request was that it not be deposited until the draft deed had been reviewed. This is for a half an acre of land which was part of the Ammendolia acquisition for the Housing Authority which has frontage on Old Bedford Road. The Housing Authority has agreed to allow the sewer contractor to continue until July 1<sup>st</sup> at which time construction activity should be off that site. It will continue on the adjacent site with the pump station because there is work to complete. This will be in time for Tony not to have to issue permanent debt.

Ms. Shapiro said the CCTV board met and are wondering about the television cameras which have been promised for the Ripley School Committee meeting. They would rather not install cameras at 141 Keyes for Planning Board, Zoning Board of Appeals, etc. and suggested a better use of the money would be using the Town House Hearing Room cameras in the same section of Town instead and finding another site, (for example Harvey Wheeler) another section for large meetings. It was clarified there is room for Ripley and another site. The Harvey Wheeler Community Center was suggested as a possibility though they would like to review the capital budget to make sure they have adequate funds to do the job. It was wondered as we look towards building a new school whether this sort of CCIV capacity could be built into the planning for that building.

**CITIZEN COMMENTS:**

There were no citizen comments.

Citizen Comments

**REQUEST OF MINUTEMAN TECH FOR ACTION FOR APPROVAL OF REVOLVING FUNDS:**

Mr. Whelan said schools often use revolving funds for various activities. The state changed the revolving fund law some years ago and requires reauthorization on an annual basis on the use of some of these funds that were not grandfathered. The regional school has to work through the process of asking all the boards of selectmen and member communities to reauthorize use of these revolving funds in accordance with MGL Chapter 74 section 1 4B.

Minuteman Tech  
Approval

A discussion was held regarding the types of funds involved. Where this is an operational budget, not income, the Selectmen will approve the request.

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

**VOTED:** To approve the action of the Minuteman Regional School Committee in its acceptance of the provisions of MGL Chapter 74 Section 14B with regard to the reauthorization of vocational technical program revolving funds held by the Minuteman Regional Vocational Technical School District.

**BRUCE FREEMAN RAIL TRAIL: Discuss Committee Membership**

Mr. Whelan noted the committee will be looking at the request for proposals for the planning effort funded by the Community Preservation Act after last week's meeting. There were some opinions expressed in terms of undertaking an environmental study, some advocates for the White Pond

Bruce Freeman  
Rail Trail

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area, and some for the entire length of the trail.

Ms. Ms. McIntyre said a deadline of last Thursday was given for an additional committee member from the nine original slots. There was a petition to appoint a particular member on the list as well as a number of other green cards submitted.

The Selectmen will wait until Ms. Briggs is back before making a change in the membership. This issue will be on next Monday's agenda. It was suggested that interested applicants attend the BFRT Committee meetings on June 22 at 8:00 AM or on June 26 at 7:30 AM in the Town House.

**THOREAU FARM TRUST:** Request for Extension of Time to do the necessary fund raising to satisfy the purchase & sale agreement

Thoreau Farm  
Trust

President Lucille Stott said the Trust was founded in 1998 shortly after the Town purchased the Thoreau birth house property on Virginia Road. For several years they worked with the Town building a plan for that property and in 2004 a Purchase & Sale agreement was signed with the Board of Selectmen stating that when they had raised \$800K towards the restoration of the property, they could take Title from the Town for \$1. Part of that agreement had a preferred timeline which was within two years. There was also an understanding that if by this time, they needed one more year to complete the fundraising, it would be necessary to request the Selectmen to agree with this. During the first year, \$60K was raised, with a total of \$366K during the second year or five times what was raised in the first year.

Gaining Ground has been using the land since the property was purchased. The property has now been cultivated for some 300 years and part of their goal of using the house is to celebrate the agricultural tradition of Concord.

The committee has talked about how the house will be used and a three pronged use for the house itself now exists. In phase II it is hoped to build a barn.

- Birth room will be restored for public viewing on the second floor.
- The Thoreau Society has expressed strong interest in renting a piece of the upstairs of the house which would provide funding for the ongoing upkeep.
- Another downstairs room will be made into a community meeting space.

Ms. Stott gave a web address, [www.thoreaufarm.org](http://www.thoreaufarm.org) as well as her home phone number 978 369-0706 for residents who would like to get in touch. An Open House will be held on Sunday, July 9 from 2:00-4:00 PM as well as a celebration of Henry's birthday.

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

**VOTED:** To extend the request for time for the Thoreau Farm Trust until July 1, 2007.

**WILLARD SCHOOL BUILDING COMMITTEE:** Discuss Charge and Membership

Willard School

Ms. Briggs was working on collecting our comments for the draft charge. Ratification is needed from the SBA to make sure what has been done in our planning effort is substantially equivalent to the stages outlined in the draft regulation. This will be an ongoing responsibility of the committee and woven into the charge that talk about the construction of the design phase and pre-design phase. Through various encounters with the SBA, the Selectmen will be able to ask if the plan is meeting draft regulations, 1.7, 1.8, and 1.9 and ask if it would be amiss to proceed on that basis. It was felt this would be a committee function until the designer has been selected,

Building Committee

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then it would be their business to be in communication with SBA.

It would be prudent to have a majority of members on the committee be residents of the Town. Most of the folks designated, other than the school committee representative who has been there forever, are employees: school facilities manager, superintendent, Town Manager, and the Finance Director. The Selectmen asked if that slot on the committee will be filled by Tony. Mr. Whelan said not necessarily but it would make sense for the Mass Municipal Association to comment on the draft SBA rules and advocate for some financial representation of the Town but it might be a former finance committee person or someone else. At the moment it appears it would have to either be the Finance Director or someone in his office or on the staff. Presently, he is overwhelmed with the amount of work he already has and is not able to take this on. The Selectmen will ask for clarification right now from the SBA. When those rules are actually in place it makes it much easier to formulate a plan when you know what you're working with. The Selectmen feel they can appoint their own committee and then seek approval.

Mr. Whelan will draw up a suggested list of changes the Selectmen might want to pursue and will present it June 26 He mentioned the high school site was a former dump and some clarification is needed so we don't put ourselves at a disadvantage should the high school reconstruction project proceed.

**Draft Matrix:** Many residents have expressed their concerns regarding the size of the committee; however, SBA regulations require a certain segment be appointed as below:

1. Member Board of Selectmen — Phil Benincasa
2. Administrator/Manager of Town —Town Manager Chris Whelan
3. Member School Committee — Jerry Wedge
4. Superintendent of Schools
5. Building Maintenance — Dave Anderson
6. Finance representation — Tony or a designee OR Local budget official or member of the Finance Committee
7. School principal Pat Fernandes ALSO another hat is for a member who has knowledge of the educational mission and function of the facility

3 members of the community with architecture, engineering, construction knowledge are required. Presently, the core required by the regulations is seven plus these three residents making it 10. The total number will be discussed next week. A green team member will also be needed.

**Matrix:** The matrix was reviewed by numbers and skill sets so as to keep the process private. One applicant was removed having stated a lack of time. This will reviewed again June 26 after the Selectmen narrow the list on the revised matrix. No more than six residents will be chosen.

Comments on the draft will go to the Town Manager.

### **FINALIZE LIAISON ASSIGNMENTS:**

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

**VOTED:** To approve the Liaison Assignments as amended.

### **REVIEW AND FINALIZE BOARD OF SELECTMEN GOALS FOR FY07:**

The Selectmen made several suggestions to the goals as follows: perambulation, housekeeping for the Recodification Committee, Recodification of the zoning bylaw, addition of village overlay, clarifying having continued discussions being a goal, going forward with the Home Rule petition raising the incomes of residents for tax deferrals.

Terri Ackerman, FinCom said there is some concern that large number of people could take

Liaison  
Assignments

FY07 BOS Goals

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advantage of the tax deferrals and impair our free cash position. As of yet the exact number is not known.

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

**VOTED:** To approve the Board of Selectmen's Goals and Objectives for FY05 as amended.

**REVIEW TOWN MANAGER GOALS FOR FY07:**

The Town Manager presented the 2007 goals for discussion. Public Works Director Bill Edgerton was praised for his work. The lack of playing fields was also discussed. The Board discussed and amended the goals. Ms. Shapiro requested Town Counsel provide the Selectmen with notes on various Town plans they have already studied that would coordinate previous Town plans and Concord's housing requirements. The amended version of the Town Manager's goals will be presented for approval next week.

FY07 Town  
Manager's Goals

**REVIEW LONG RANGE PLAN ACTION ITEMS FOR 2006-2007:**

The Board would like to focus on launching an economic development committee this year. This will be taken up in the end of July.

Long Range Plan  
Items

**DISCUSS BOS PRIORITIES FOR COMMUNITY PRESERVATION ACT PROJECTS:**

Mr. Whelan said the five year capital plan was included with the agenda. There are some recreation items which are scheduled for the coming year that would be voted on at Town Meeting: Hunt Gym HVAC, Emerson track (have the issue of whether CPA funds can be used to renovate existing facilities), playground structure. His major focus this year would be playing fields. A couple of recreation projects were deferred last year and some needed recreation programs may not be eligible because of verities in the law.

CPA Projects

Ms. Shapiro wanted to make certain that the priority status of these particular items is determined, not only from staff but also from the commissions/committees of the town. Mr. Whelan said we operate in a unique fashion where it's really the youth sports folks who are most knowledgeable about the playing field conditions. The recreational department signs off on the use of the fields but the commission doesn't really get actively involved in the management or their assignments. The use of the playing fields is divided up among the baseball, soccer, etc. and is done largely through the youth sports organizations. He wouldn't expect the commission to know therefore Ms. Shapiro wants the projects put out early so the Recreation Commission will not be compelled to say at the end of the process, "well intended, but not a priority.

Ms. McIntyre said land acquisition numbers for the fiscal year 2009 and 2010, \$200K and \$300K, might be considered in order to avoid a Burke/Strawberry Hill situation in coming years to build up a land acquisition fund that could be matched by private donations. Mr. Whelan said this is a debt plan so the land in the past, \$150K, is not money that can be borrowed and put it in the bank for a future need. Each year as the item comes up, if there isn't a land acquisition matter directly on the table, this actually gets reallocated to other uses and deferred. It has to be an actual project.

Ms. Shapiro asked how land acquisitions are put into the capital program if nothing in particular is in mind. Mr. Whelan said it can't be put in the debt schedule but it can be decided to set aside some amount of annual money as an appropriation for the land fund. Then it would be necessary to see what services would be displaced to accommodate that. The finance director has to keep the accounts of the CPA separate. The suggestion is the Board may want to allocate funds to the housing land acquisition or the open space land acquisition without defining what the parcel is they have in mind. For many years, the Town has had a land fund and an annual appropriation was made. The land fund can also be used more broadly for non-CPA related uses. It appears

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we are destined to have two different land funds.

Land in Acton along Route 2 is presently being used for playing fields access. The land in Concord is either wet or prime agriculture land but could possibly be pursued. Mr. Whelan recommended this year having the Board allocating funds to actually developing some fields: Burke, high school, Ammendolia, etc.

**CITIZEN COMMENTS:**

There were no citizen comments.

Citizen Comments

**MISCELLANEOUS:**

1. Ms. Shapiro noted the Rotary is doing a project to get supplies for troops that would go to the Air Force Base with collections here in Concord. She requested this appear on our website so that we all can easily know what those items might be.

Miscellaneous

2. Ms. McIntyre said Sally Schnitzer has circulated a proposal that is in the Senate for Martha's Vineyard and Nantucket about a housing bank financed by property transfers over a million dollars. She wondered if something like that would be of interest to the Selectmen. If properties under a certain value were exempted, it would generate funds that could be used for housing.

**COMMITTEE APPOINTMENTS:**

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

**VOTED:** To appoint Dorcas Miller to the Community Preservation Committee as the Planning Board Liaison, term to expire May 31, 2007.

Committee  
Appointments

**COMMITTEE REAPPOINTMENTS:**

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

**VOTED:** To reappoint Christopher Painter, 114 Upland Road, to the Trustees of Town Donations, term to expire May 31, 2009.

Committee  
Reappointments

**TOWN MANAGER APPOINTMENTS:**

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

**VOTED:** To approve the Town Manager's appointment of Deborah Farnsworth as the Board of Health Liaison to the 2229 Main Street Committee with a term expiring May 31, 2007.

Town Manager  
Appointments

**ADJOURNMENT:**

On a motion duly made and seconded, it was:

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

Adjourn

Anne D. Shapiro Aye  
Virginia Ms. McIntyre Aye  
Philip H. Benincasa Aye  
Gregory P. Howes Aye

The meeting adjourned at 10:05 PM.

Respectfully submitted,

Philip H. Benincasa, Clerk

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