

BOARD OF SELECTMEN
MINUTES
MARCH 19, 2007

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
- Gift Acceptance: Thoreau PTG - four benches with a total value of \$2,453 with the thanks of the Thoreau Community for the new Thoreau Elementary School
- One Day Special License: Emerson Hospital Auxiliary Spring Pops Concert, 51 Walden, April 14, 2007 6PM- 10PM

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

VOTED: To approve the consent agenda.

TOWN MANAGER'S REPORT:

1. The Town Manager reported that clean-up from the recent difficult snow storm was completed over the weekend. Snow was removed from the village centers on Sunday evening. The demands on the snow and ice account were less this year due to the predominantly open season. Therefore, the Finance Committee has adjusted the budget to eliminate the snow deficit. Those savings and additional State aid will leave the Town with about \$200,000 unused levy capacity. The impact to existing taxpayers will be 4% instead of the anticipated 5.19%.
2. Willard School Building Committee is hosting another meeting with the designer and the neighbors on March 29th in the Cafetorium. In addition, Matt Donovan of MSBA will be taking a walk through the building on March 26th to confirm the site conditions. This is an opportunity for MSBA to see how its regulations will be applied to a specific project.
3. Regarding the playing fields at the regional high school, the Public Works Commission voted unanimously to support the playing fields; the Zoning Board of Appeals voted unanimously to issue a special permit for development in the Groundwater Conservancy District; and the Finance Committee voted 12-0 to support Articles 30 and 32 which are the financing articles for the playing fields.
4. The Recreation Commission will host a public information meeting regarding playing fields needs, current inventory, plans for the future, and funding possibilities on April 10 in the Town House Hearing Room.
5. Common Cause has awarded Concord and 70 other communities recognition for the variety of governmental information that it makes available to the public via the Town website.

Ms. McIntyre noted that the Town has received a request from students at the regional high school for an increase in Library hours on the Sundays before exams. Mr. Whelan stated that he will research this matter with the Library Director. It is possible that the additional hours could be available within resources available. He will make a recommendation to the Board at a later date.

Ms. McIntyre noted an invitation from the Emerson Umbrella for an event on March 31st.

WILLARD SCHOOL BUILDING COMMITTEE REQUEST FOR COMMENT ON EDUCATION SPECIFICATIONS

The School Committee recently hosted a workshop on updated enrollment projections and approved educational specifications for the new Willard School being designed under the direction of the Willard School Building Committee. The specifications were provided to the Board of Selectmen and call for a 24-classroom building.

Consent Agenda

Town Manager's Report

Education Specifications

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Enrollment projections are lower than what was anticipated during the development of the Willard School Building proposal presented to Town Meeting and voted upon at the election of June 6, 2006 that approved \$1,800,000 to design the new school. This appears to be a regional phenomenon. The vote to consider construction costs of \$26,000,000, based on 80% of the design, is scheduled in the fall.

The responsibility of elected officials in the Town is to carry out the decisions of Town Meeting. The question before the Board is whether, in that role, it would offer an opinion to the School Building Committee regarding the design components of the building given new information. The Board suspended discussion to act on the Public Hearing matters.

PUBLIC HEARING: Change of Manager Papa Razzi

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to Open the Hearing.

Attorney Frank Bonnani was present with Richard Abbott to seek approval for a Change of Manager of Record at BBRG Operating Inc. d/b/a Papa Razzi. The Board had received a complete packet of materials including a vote of the corporate board, professional information regarding Mr. Abbott's experience, a copy of the alcohol policies of the restaurant, and a memo from the police chief noting no difficulties with the appointment.

After discussion, upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve Richard Abbott as Manager of Record at BBRG Operating Inc. d/b/a Papa Razzi at 768 Elm Street. The Manager must be engaged in the actual management of the Licensed Premises as his main occupation and must be present on the Licensed premises for not less than thirty (30) hours per week during the hours when Alcoholic Beverages are sold.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to Close the Hearing.

Return to Willard School Building Committee discussion

Discussion continued on educational specifications. On the one hand, the Board was loathe to insert itself into the purview of another elected Board; on the other hand, it has a responsibility to signal the basis of its potential support or lack thereof for the school building construction funding request in the fall, both to the School Committee and the Voters.

Mr. Howes stated that the vote regarding design funds was based on timing and money. In his opinion the latest information concerning enrollment does not invalidate the basis of that decision or cast the School Committee in a bad light. It does add a new variable to the decision matrix. The community will look to the elected Boards for insight on the impacts of Town growth, enrollment changes, educational program, available resources, provision for special education students, and timing. He stated that the School department would likely want to hear from the public whether that is in a Hearing or a survey. This is the responsibility of the School Committee, not the Board of Selectmen.

Ms. Briggs noted the Board's responsibility to signal any concerns early. The Board of Selectmen and the community at large is looking at enrollment projections as a subject that the School Committee needs to take very seriously. The School Committee must prepare its best case for construction funding in a way that responds to questions from the community. Ms. Briggs indicated that she would be very disappointed if the \$1.8 MM of design funds were expended for a building that does not get built because the community does not acknowledge the need. Proceeding with design without adjusting for the latest information would be a huge disservice and a loss of scarce resources that cannot be recouped.

Change of Manager

Educational Specifications

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Ms. Shapiro noted that the new information about lower enrollment projections is a substantial issue. The sooner it is discussed the better the outcome. In her opinion, this is an opportunity for the School Committee to reach out to the Town to frame opportunities for children in terms of social and emotional well-being as well as academics. With the projected numbers of students, a K-8 system might be possible in two buildings as is a K-6 system. Both would mean substantially less investment of limited Town resources. She would like the Schools to reach out to the community with information and then listen to the informed response.

Mr. Benincasa recognized that the Willard School Building Committee was Charged by the Board of Selectmen, while the School Committee has created the educational specifications that Building Committee must use to design the new building. In his opinion, given an enrollment that warrants a 24-classroom school, the specifications are just fine. However, the enrollment data available can be analyzed in different ways. The Building Committee is asking the Board whether it intends to support the building that the Committee will spend many months designing.

Mr. Benincasa stated that he did not know whether he would. He knows that the Town has built two state of the art elementary schools and wants children to be educated in an up to date, safe building. The unknowns at this time are: the likelihood of MSBA funding, the final cost of the building which seems to be dramatically rising, and whether there are sufficient youngsters to justify construction of the building. In his opinion, if the process does not go well, it will damage the chances of implementing renovations and improvements at the regional high school. At a minimum, the Boards and Committees should go forward cautiously and thoughtfully so that the Town can have confidence that the Boards have been as judicious as possible and that the needs of youngsters cannot be achieved in another way.

Ms. McIntyre noted that while the Building Committee letter seeks comment on education specifications, its ultimate purpose seems to be to determine whether the Selectmen will support construction funding for the building once designed.

Mr. Whelan stated that the Building Committee Charge requires it to review the educational specifications, but the meaning of that review is unclear. He believes that it does not require the Building Committee to delve into the underlying data of the specifications.

Mr. Whelan stated that there is a very short period in which the design components such as number of classrooms or size of gymnasium can be changed. Now is the time to alert the Building Committee to any changes it should instruct the architect to make.

Ms. McIntyre stated her intention to respond to the letter, not the underlying unstated purpose of the letter. The response would be that 1) Town Officials are bound to carry out the will of Town Meeting and the election in June; 2) the vote was to design a building for which construction funds would be voted later; 3) the Building Committee should be instructed to design the building as per the educational specifications prescribed by the School Committee.

Ms. McIntyre stated that personally she could not support construction funding for the new building. In her opinion, enrollment projections for the Willard neighborhood, the Town and region are dropping, and dropping faster than was projected last year; consideration of Town-wide redistricting should occur before taking the step of constructing a new building; and the Willard building should be re-roofed to keep it safe for whatever is the duration of its use.

It was the consensus of the Board that its reply to the Willard School Committee's education specification letter should note its intention to fulfill the vote at the election and 2006 Town Meeting regarding designing a new Willard School, as well as concerns and reservations due to the more rapid decrease in enrollment than was projected, the impact this project could have on construction of a new regional high school, and the need for adequate information on which to make a decision regarding \$28,000,000 construction funding.

Strawberry Hill Road land Purchase and Sale

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The Town Manager introduced Ryan Pace of the law firm Anderson & Kreiger who has been handling the negotiations for the Town. Mr. Howes summarized the process to sell the Strawberry Hill Road land. The sale agreement meets the conditions set by Town Meeting to protect the ridge, wetlands, and vista. In addition, it 1) requires markers to indicate the location of the building envelope; 2) commits the buyer to move the permitting process along promptly; 3) identifies the permanent conservation restriction area; and 4) affordable housing will be approved by the state to ensure that it counts for the Town's 40B inventory.

Mr. Whelan stated that the agreement meets the terms of the request for proposals and the Town Meeting vote. The entrance road has been re-designed to put it a greater distance from the curve near the Housing Authority property. The balloon test confirmed that for the most part the buildings will be screened.

The Board discussed: the time line for developing the site, the time the buyer may withdraw and recoup his deposit, what happens to the deposit if permits are denied; the reverter clause that returns the parcel to the Town if the developer applied for 40B housing; the affordability and conservation restriction are in perpetuity; conditions are agreed that will shorten the developer' approval process.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve and sign the Purchase and Sale agreement dated March 14, 2007 conveying 14A Strawberry Hill Road to the Bentley Building Corporation for \$3,260,000 as authorized by Article 32 of the 2006 Annual Town Meeting.

LIAISON REPORTS

Ms. Shapiro reported that she attended the Lincoln Planning Board meeting at which development of a parcel on 2A as a conference center was considered. She stated that Lincoln has been dealing with development of non-residential buildings within residential areas and passed a bylaw at 2006 Town Meeting that addresses the issue. It has been acceptable to the Attorney General's Office.

Ms. Shapiro attended the ZBA meeting at which the playing fields proposal was discussed. In her opinion, it was a complete discussion and resulted in unanimous approval of two artificial turf fields at the regional high school.

Ms. Briggs reported that she hosted a meeting of CAC, Mass highway, and Lincoln officials regarding Crosby Corner. She circulated and the Chair signed a letter to the State regarding funding. She proposed that the Board discuss three options for pedestrian access across Route 2 at the next meeting of the Board. The State will look for the Board's input.

Mr. Howes mentioned the traffic analysis of the Grant Street neighborhood that was promised during consideration of the Farfalle license is due soon. Mr. Larew has provided traffic calming options. Representatives of the police department have met with neighbors recently.

Ms. McIntyre noted that the Honored Citizen Reception occurred on March 18th. Dot Higgins was honored in a moving ceremony.

CORRESPONDENCE

The Board has received a letter from the Zoning Board of Appeals asking for comment on the development of 40B housing at the Wayside Florist site on Bedford Road. The deadline for comment is April 2. The Board agreed to re-use the extensive negative comment that was created for the State housing office. The serious flaws include: number, configuration, wetlands delineation and intensive use of site, hydrology, and sewer hook-up issues.

Ms. McIntyre encouraged all to attend the Suburban Coalition Breakfast on April 2.

TOWN MEETING POSITIONS

Liaison Reports

Correspondence

Town Meeting

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The Finance Committee recommendations on the Warrant were provided. The Board reviewed and voted on the Articles about which the recommendation was clear and agreed to return to those needing more discussion.

Upon a Motion duly made and Seconded, the Board

VOTED: Affirmative Action on Articles 3, 5, 7, 8, 9, 15, 17, 19, 20, 21, 22, 26, 29, 32, 34, 36, 38, 42, 43, 44

VOTED: Affirmative Action on Article 10 in the amount of \$28,785,156

VOTED: Affirmative Action on Article 11 in the amount of \$26,423,840

VOTED: Affirmative Action on Article 12 in the amount of \$12,667,974 for CCHS and \$604,702 for Minuteman Regional High School

VOTED: Affirmative Action on Article 13 in the amount of \$500,000

VOTED: Affirmative Action on Article 16 in the amount of \$340,000

VOTED: Affirmative Action on Article 18 in the amount of \$120,000

VOTED: Affirmative Action on Article 24 in the amount of \$300,000 from borrowing

VOTED: Affirmative Action on Article 25 in the amount of \$860,000 from borrowing

VOTED: Affirmative Action on Article 27 in the amount of \$400,000 from borrowing

VOTED: Affirmative Action on Article 28 in the amount of \$195,000 from borrowing

VOTED: Affirmative Action on Article 30 in the amount of \$1,500,000 from borrowing

VOTED: Affirmative Action on Article 33 in the amount of \$1,431,383

VOTED: No Action on Articles 6, 31, 39, and 41

VOTED: No Motion Expected on Article 14

SPECIAL TOWN MEETING

The Board reviewed the draft Special Town Meeting Warrant. There were no additional Articles proposed by petition. There will be a joint Finance and Community Preservation Committee Hearing on Monday, April 9 at 8PM. The Board will sign the Warrants at the meeting of March 26th.

Mr. Howes summarized the history of housing at Emerson Annex. In 1987 the Annex was given to a developer for \$1 for the purpose of creating affordable housing. The State was involved in financing the project and therefore deeds established qualifications based on market rate formula. In the meantime, the real estate market has appreciated more rapidly than incomes have risen, making it difficult to identify qualified buyers.

The market rate for the unit at Emerson Annex that is for sale at this time is \$400,000. Discounted by the State formula, the affordable price is \$305,000 which is not affordable for families earning 80% of the Boston median income. In addition, there is a monthly condominium fee of \$300.

New deeds that the State is writing are income-based, similar to the Concord Housing Authority process. Under this scenario, the most that would be paid is 30% of income. The Town is able to change the underlying basis of Annex deeds if it owns the unit. The current owner of the unit is willing to work with the Town while funding is identified. Special Town Meeting is intended to solve this problem. The problem will continue when the other units turnover. Funds coming from Community Preservation Act vote at Town Meeting will be going to the Concord Housing Development Corporation so that it can purchase a unit, change the deed and re-sell it under new basis.

Mr. Whelan reported that the owner is entitled to recoup \$305,000 from the sale. The State has agreed to contribute \$30,000. The outlay for the Town would be \$275,000. Once the deed has been re-configured, the unit could be re-sold for \$180,000. The net outlay is \$90,000.

Special Town Meeting

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The Community Preservation Committee is meeting to consider whether this project is an eligible use. There is \$213,000 of unallocated CPC funds in the Annual Town Meeting Warrant for a Housing Reserve that could be dedicated to this purchase. The process entails voting to put the money into reserve at Annual Town Meeting and then voting to use it for this specific purpose at the Special Town Meeting. The Town Counsel has drafted the language of the Warrant and will be consulted regarding the permissibility issue.

TOWN POLICY REGARDING NAMING OF PUBLIC FACILITIES

The Board received the Administrative Policy and Procedure that guides the naming or re-naming of property. The procedure is that this will be done sparingly, for good cause, and only after a public hearing. It was noted that there was no requirement that the honoree be deceased. The issue has come to the Board due to the offer by an individual to create a new playing field on the Ammendolia property in return for naming rights.

The Board did not amend the policy and agreed to entertain a request should it come to them.

SUMMER HOURS AT THE TOWN HOUSE

The Town House sprinkler system will be installed during the summer while the building is open for business. Part of the project will require access to areas where employees work. Mr. Meagher recommended that work hours be altered on Friday afternoons from July through Labor Day so that employees might work different hours, work elsewhere, or use vacation time. This could also have the consequence of reducing the cost of operations at the Town House. Altering the hours will allow the contractor unimpeded access for staging work that will be done on the weekend.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve the recommendation to permit alteration of Town House hours of work during summer Friday afternoons to allow access for the sprinklering project.

MISCELLANEOUS:

1. Mr. Benincasa wanted the Board to follow-up allocation of annual appeal undesignated funds to the Hugh Cargill Trust Committee. Input from the Committee is needed on what would be an expansion of its Charge.

COMMITTEE NOMINATIONS:

Anne Shapiro nominated Russell Beede of 8 South Meadow Ridge to the Trustees of Town Donations to fill the unexpired term of Renee Garrelick, term to expire May 31, 2007.

ADJOURNMENT

On a motion duly made and seconded, it was:

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

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 10:10 p.m.

Respectfully submitted,

Philip H. Benincasa, Clerk

Summer Hours

Miscellaneous

Committee Nomination

Adjournment

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