

BOARD OF SELECTMEN
MINUTES
APRIL 2, 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
- One Day Special Wine and Malt Beverage License for Rotary Club of Concord for Spring Pops at 51 Walden on April 13, 2007 from 7PM – 11PM

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

VOTED: To approve the Consent Agenda.

Consent Agenda

TOWN MANAGER'S REPORT:

1. Under the requirement of MGL 68A, the Town has been notified by Northern Bank and Trust of the foreclosure of Arena Farm. The property will be sold at a public auction on July 10. The property is in Chapter 61A program and therefore the Town will have 120 days to respond to a bona fide offer. The Town has not dealt with a foreclosure in the program, but procedurally the Town will file a claim against the bankruptcy court as an alert to any buyer that the Town has rights. Town Counsel has been asked to provide guidance.
2. Citibank has proposed to locate to a site on Walden Street. The Building Commissioner has reported that this will be a change of use and therefore will require an application for a Special permit from the Zoning Board of Appeals. There will be an opportunity for public comment. The date has not been set.
3. There will be a Zoning Board of Appeals Hearing on April 12th on the 23 units of affordable housing planned on Old Bedford Road.
4. There will be a Public Meeting on Tuesday, April 10th at the Town House regarding Playing Fields.
5. Public Works Director Rich Reine has reported that spring clean-up efforts have begun. This will include sweeping and line painting. The compost site at the former landfill is open to accept yard waste Saturdays from 9AM to 3PM. The water and sewer rate hearing is on May 9th to consider the budgets approved at Town meeting and set rates based thereon.
6. Water and Sewer Superintendent Alan Cathcart reports that the Water Quality Report has been mailed to residents. The report is informative and the results reported are good.
7. The Concord Municipal Light Board will hold a meeting on April 4th at 8AM to try to work out a compromise with the Comprehensive Sustainable Energy Committee regarding Article 37.
8. The Town has received a public records request from Mr. Edward Sinni relating to condominium documents for Concord Greene. Those documents are not in the possession of the Town.
9. The Town will be moving its website to Virtual Town Hall on April 12th. The company will provide unlimited data space for each department to post information about its services. The home page will look different, but the web address will remain the same. The cost will be \$5,000 per year with unlimited support services. The Town also owns the address ConcordMa.us that it will change to over time.

Town Manager's Report

PUBLIC HEARING VERIZON POLE PETITION

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to Open the Pole Petition hearing.

Verizon Pole Petition

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Mr. Dan Fitzgibbon was present to petition the Board for permission to install 450 feet of conduit and manholes on Virginia Road. The Board had a complete packet of information from Verizon and from staff commenting on the proposal.

Ms. McIntyre stated that the Town is very dissatisfied with Verizon's seriously delinquent response to implementation of its obligation to underground services. The record includes Massachusetts General Laws, Town Meeting Votes, and extensive correspondence with the Light Plant Superintendent, the Board, and Counsel.

Mr. Fitzgibbon stated that this was not his area of expertise and that his task was to permit connections in Concord near the Town line. He offered to make contact with the proper person in the company. He stated that the connection would service commercial centers near Hanscom Air Field that want to ensure that access will not be disrupted.

Mr. Fitzgibbon stated that even with this permit, Verizon will not remove aerial service on Virginia Road. The only underground service in the area is due to the flight path of the air field.

Dan Sack, Superintendent of the Light Plant, reported that underground conduits designed to Verizon specifications have been in place and cable ready since 1992. Power lines have been removed from the poles.

Ms. Shapiro noted that Verizon has been collecting a surcharge from its customers to pay for undergrounding and asked how much was available at this time. Nearly \$1,000,000 is available and no further permitting by the Town is required. Mr. Sack stated that the job of undergrounding Virginia Road from this location to Old Bedford Road could probably be done in 2 months.

Mr. Benincasa stated that he felt something was awry in the proposal when Verizon ignores its 16,000 residential customers yet acts to service a large commercial undertaking. He would not be open to approving a permit until he saw action by Verizon to correct the problem.

Mr. Howes asked what actions should be implemented before any permits to Verizon are approved. It was the consensus of the Board that it would continue the hearing on this petition until the Board is satisfied that specific actions will be completed.

Ms. Kelly Condon, Verizon Right of Way Manager, stated that she shared the Board's frustration, but that it was not her department. She offered to make contact with the proper department as she has in the past. In her opinion, it was unreasonable to hold up the needs of customers until another department acts. Ms. McIntyre noted that this rationale has been ineffective in getting satisfaction for the Town in the past.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to Continue the Hearing until May 7th at which time Verizon will provide information on how it intends to meet its obligations for undergrounding.

Ms. Condon stated that she would be in contact with the Town regarding her success in pursuing company policy on this matter. If Verizon can commit to action before the May date, she will ask to be on an earlier agenda.

CHANGE OF MANAGER LA PROVENCE

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to Open the Hearing.

Attorney Linda Butterworth-Till was present with Robert Didier to request a Change of Manager for La Provence. The Board was provided with a full packet of information. There were no questions for Mr. Didier.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

Change of Manager

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VOTED: to approve Robert A. Didier as Manager of Record at La Provence 105-107 Thoreau 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.

LIAISON REPORTS

Ms. McIntyre reported on a very successful Village Overlay meeting. The purpose of the task force is to preserve the look and feel of the village centers while making them business friendly. The Board noted that the Village process would be an opening to the owner of the Walden Street building that is possibly going to lease to another bank.

There was interest in making direct contact with the owner to give that person a Town perspective and seek to influence the re-use of the building.

Ms. Shapiro reported on a successful meeting of the parties interested in Article 35. She stated that there was a useful, open discussion. While the Petitioner still intends to move his article to preclude certain uses for the land, there was also a proposal to assign a task force to look at all of its uses of the parcel and to make a recommendation to 2008 Town meeting.

Ms. Briggs noted that the addition of "active recreation" to the Motion language would eliminate the controversy. Mr. Howes stated that if there is no altered language, it will be a rancorous discussion.

CITIZEN COMMENT

Jerry Deisenroth of Sandy Pond Road stated regarding the possible addition of Citibank to the Concord streetscape, that some towns have found a way to manage this. He noted Portsmouth NH as one. He asked which towns Concord hoped to model.

CORRESPONDENCE

Dr. Lauriat of Lowell Road has written to note that the sidewalk plow is wider than the sidewalk, which results in his lawn being torn up every winter. He suggests that the next plow to be purchased should match the sidewalk size.

Liz Awalt and Jon Conley of Hosmer Road wrote to protest the Board discussion regarding enrollment projections. She recommended that the Board not oppose the will of Town Meeting. Ms. McIntyre stated that such an action is a misunderstanding of the Board's discussion.

CROSBY CORNER PEDESTRIAN ACCESS OPTIONS

Ms. Briggs reported that she had attended a meeting with Mass Highway officials regarding the Crosby Corner safety improvements as which time she was asked which pedestrian access option the Town of Concord preferred. She explained the options briefly to the Board and assured the Board that the design time needed for any would not delay the construction phase of the project. Ms. Briggs provided maps that showed the three options. The options are the currently proposed cantilevered sidewalk, an underpass, and access through a new development in Lincoln.

It was the sense of the Board that while all were viable and all have issues that could be resolved, the preference was the underpass first followed by the access through Lincoln. It was stated that Mass Highway should be asked to design both for better understanding of issues. In the end, both could be built. Mr. Whelan will draft a letter that confirms the Board's position.

Ms. Briggs will attend the next TIP meeting with Corridor Advisory Officials to lobby for earlier funding of the Crosby Corner Safety Improvements.

TOWN MEETING UPDATE

Liaison Report

Citizen Comment

Correspondence

Crosby Corner pedestrian Access

Town meeting Update

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The Board noted that it had assigned responsibility for presentations at Town Meeting should it be needed. The protocol is to draft language, share with colleagues, and turn in to the Executive Assistant to the Town Manager for the record.

The Special Town Meeting Warrant has been mailed to all households. The Town Manager will be drafting the language of the Motion. Mr. Howes agreed to make the presentation.

CITIZEN COMMENT

Patti Hecht of Bristers Hill Road noted that the Town web site has information regarding contributions to private fundraising for playing fields. She questioned whether this was appropriate. Mr. Whelan stated that it was posted on Friday with his approval.

Citizen Comment

MISCELLANEOUS

Ms. McIntyre noted that the Conservation Challenge paperwork was due.

Ms. Shapiro noted upcoming meetings – April 11 the Town Meeting Coordination Meeting; April 14 the Patriots Ball; April 22 the Holocaust Memorial Observation;

Miscellaneous

EXECUTIVE SESSION RE:

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to enter into Executive Session to discuss land acquisition, not to return to Open Session.

Executive Session

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 9:30 p.m.

Respectfully submitted,

Philip H. Benincasa, Clerk