

BOARD OF SELECTMEN
MINUTES
MAY 21, 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 Gregory P. Howes, Chair; Virginia McIntyre, Clerk; Anne D. Shapiro; and Stanly Black. Also present was Christopher Whelan, Town Manager.

ELECT CLERK PRO TEM

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to elect Virginia McIntyre as Clerk.

Elect Clerk

VISITOR

Mr. Howes stated that Mr. Osamu Ishihara of Miki Town Japan was visiting Concord and the Selectmen's Meeting. Miki Town is the sister city to Concord's Sister City Nanae, Japan. Mr. Ishihara is the Mayor of his city and interested in the history and culture of Concord. Mr. Ishihara presented a lovely carved bowl as a gift to the Town.

Visitor

CONSENT AGENDA:

- Town Accountant's Warrants
- Gift Acceptance: Conant Crossing LLC \$10,000 to be used for sidewalk and pathway improvements at Rideout Playground
- Minutes: April 2, April 9, and April 23, 2007

Consent Agenda

On a motion duly made and seconded, it was unanimously:
VOTED: To approve the Consent Agenda.

TOWN MANAGER'S REPORT:

1. The Purchase and Sale Agreement for the Ammendolia Land on Bedford Street will be presented to the Board in a few weeks. The survey of the land was completed and the documents are in the hands of the attorneys. Four units of Senior Housing will be created.
2. Volunteers are beginning to submit Green Cards for the Sustainable Energy Committee. The Town Manager anticipates making appointments soon.
3. Town employees are receiving training at the suggestion of the Town Auditors to help them recognize and prevent fraud.
4. Summer hours will be in effect at the Town House from Independence Day until Labor Day. This will allow contractors to install sprinkler and alarm systems.
5. The RPF for Warner Pond dam reconstruction has been published, bids have been received, but no contract has been signed. The Public Works Director hopes this comes together by June 15 and that construction can be completed in 4 to 6 weeks.
6. There has been no appeal by CitiBank of the Building Commissioner's opinion.

Town Manager's Report

LIAISON REPORTS

The Board has received the initial list of liaison assignments and will wait for Ms. Briggs to be present before taking any steps.

Liaison Reports

Ms. Shapiro noted that the Bruce Freeman Rail Trail Committee is in the midst of seven public meetings on various topics dealing with the proposed trail. The meetings are on Thursday evenings at the Town House and are being rebroadcast on CCTV. Ms. Shapiro asked the Town Manager what the purpose of the rail trail is.

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Mr. Black attended a Village Overlay meeting out of which came definitions of each village to present to consultants who are assisting in the study. It was determined that little change is possible in Concord center except at the edges, many changes are possible in the open spaces of West Concord, and the Depot area presents a combination of possibilities. Mr. Black will liaise with Village Overlay and the Planning Board.

Ms. McIntyre stated that she has received calls regarding the Bruce Freeman Rail Trail. Residents want to know what product the Board expects from the Committee, is it a recommendation, a report, or a guide, for instance.

Fire Chief Ken Willette reported to the Board on the recent fire in West Concord. The Dee Bus garage was completely engulfed before the fire spread to the two other businesses on the site. Ten towns responded to aid Concord as did other departments within the Town.

It is thought that the fire originated from a lightning strike and that the fire burned for a time before it was noticed. The Chief praised the prompt thorough, professional response of the seventy-five personnel who brought the fire under control and extinguished it. Booms were installed in the river at Main Street and at Route 2 to prevent environmental damage.

The lot is now vacant and secured. It was decided that fire debris could permit oil to wash into the river if not removed quickly and safely. The Town will make insurance claims against the owner's insurance company for damaged fire gear and clothing.

NEW CONCORD TOUR GUIDES

Court Booth and Jayne Gordon were present to give information about the program. Of the thirty people in the six-week program seventeen took and passed the test that permits them to be licensed.

Those needing tour guides can make contact through the Visitor Center and many of the cultural establishments. One new guide is planning a bicycle touring opportunity.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve the following as Concord Tour Guides- Sarah Armitage, Barbara Beckingham, MD; Anne Marie Bracco, Christine Brown, Veronica Brown, Charlotte Corcoran, Jeanne DeTemple, Sharon Donahue, Elizabeth Economou, Marie Gordinier, G. Peter Healey, Nancy Lilien, Elaine Mei, Susan Merlino, Amy Jane Newell, Lili Ott, Judith Raiguel

CONSERVATION RESTRICTION MIDDLESEX SCHOOL TO TRUSTEES OF RESERVATIONS

Natural Resources Administrator Delia Kaye was present to recommend that the Board accept a Conservation Restriction on sixty-six acres of land at Middlesex School. Middlesex is granting the Restriction to the Trustees of Reservations as part of 1997 settlement agreement between Middlesex School and the Natural Resources Commission regarding permitting other school land development.

The public benefit of this restriction includes well-established passive recreation trails as well as providing an important buffer to other protected land in Concord and Carlisle. The Conservation Restriction is a unique resource as there are few undeveloped parcels of this size.

Mr. James Saltonstall spoke on behalf of the School, stating that the Restriction will be added to prior restrictions and will result in more than one-third of the campus being protected. He stated that the Restriction includes trails, views, and geologic landmarks. The School feels that this is a positive outcome for the community and Mr. Saltonstall praised the tireless work over many years of the Concord Land Conservation Trust.

Concord Tour Guides

Conservation
Restriction

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Mr. Gordon Bell of the Land Trust stated his pleasure in completing the Restriction. He noted the fine-tuning of the attached exhibits to the document that have occurred upon the vote of the Trustees, for instance the bounds to be set. He recommended approval by the Board.

Ms. McIntyre applauded the parties involved. She stated that the long process is a triumph of conservation and encouraged all to visit and enjoy the resource. Ms. Shapiro thanked Middlesex School for working together to accomplish this goal and commended Mr. Bell for his knowledge and persistence in following through on the task. She declared him a Concord treasure.

Ms. Peg Wheeler, representing the Trustees of Reservations, stated that the Trustees look forward to working with the Town and offered the congratulations of the Trustees to all parties for completion of the Restriction on a remarkable property. She stated that the Trustees will document the baseline conditions so that it can better enforce the restrictions.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve and sign a Conservation Restriction agreement on sixty-six one-half acres of land at Middlesex School pursuant to Massachusetts General Laws, Chapter 32 through 33 and Chapter 132A, section 11A through 11D.

AFFORDABLE HOUSING COMMITTEE STATUS

Mr. Howes reported that members of the Committee agree that it is premature to dissolve the committee until the Housing Corporation completes the formation process permitted by the Home Rule legislation. Attorney Peter Farrow is working on the matter.

Affordable Committee
Status

DISSOLVE STRAWBERRY HILL ROAD LAND REVIEW PANEL

Mr. Howes stated that the purchase and sale of the parcel is complete and the work of the committee is done.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to dissolve the Strawberry Hill Land Review Panel with great thanks.

Strawberry Hill Road
Land Panel

PUBLIC WORKS WEEK PROCLAMATION

Public Works Director Rich Reine was present to seek approval for a proclamation recognizing the range of services the department provides for the community. This year the department plans an event in partnership with the school department that will include 230 middle school students touring the five components of the public works mission. The celebration will end with pizza lunch for the youngsters and the CPW team.

Public Works Week
Proclamation

The sites that the students will visit include the wastewater treatment plant, a road project on Kenney Lane, the Deaconess well site, Sleepy Hollow Cemetery and 135 Keyes Road. Mr. Reine invited the Board to participate as a way to get to know the department better.

Mr. Reine reported that Mass Highway is expected to re-mobilize soon to continue replacing the deck of the Heath's Bridge. Flint Bridge and Pine Street Bridge are also Mass Highway responsibility. Progress there is slowed due to permit issues. The work on the Nashawtuc Bridge will be done by the Town. For safety reasons, Mr. Reine did not anticipate removing the jersey barriers during the design and bid process. He hopes the Town will be able to use CPA funds to construct the bridge in 2008. Regarding the TIP funds for Route 62 reconstruction, Mr. Reine reported that he hopes to see final design by this fall. This will be followed by bids and construction in 2008.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve the proclamation as read.

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SPECIAL TOWN MEETING UPDATE

The Town Manager reported on the meetings leading up to the Special Town Meeting at the high school. There will be a joint Hearing with the Finance Committee at Alcott School on June 6 at 7:30PM. There will be a pre-Town Meeting workshop at the Town House on June 7 at 4PM. This year that meeting will be posted and televised.

After discussion, there was no consensus regarding submitting an article on secret ballots. This article has been submitted by the Board since 1997. It asks the Meeting to allow a secret ballot if less than a majority of voters requests it before the question is called. The number of voters required was initially twenty-five; it has recently become 100. Ms. McIntyre was of the opinion that the use of the article was misused at the Annual Town Meeting. While ballots were being counted, deliberation continued on subsequent articles to the disadvantage of the process. In her opinion, the Meeting should return to the earlier process of allowing a secret ballot only upon majority vote.

Ms. Shapiro stated that the secret ballot was used three times, but all on the same article. In her opinion, it is important to make sure that Town Meeting traditions continue to work.

Mr. Howes agreed with Ms. McIntyre that allowing the secret ballot upon less than a majority of voters did not work. In his opinion, the secret ballot article is unneeded. If the Meeting wants a secret ballot it can vote by a majority to do it.

Mr. Black did not have an opinion on the article, but enquired about the history. The article appears to be intended to protect those who are sensitive to peer pressure. Mr. Whelan stated that the secret ballot article was one of the recommendations of the Town Meeting Study Committee. Others include the earlier start time, taking up no new business after 10PM, and convening Town Meeting on weekends.

Ms. McIntyre stated that any voter can present a petition article to accomplish the secret ballot.

CITIZEN COMMENT

Hasso Ewing and John Bolduc were present to encourage the Board to become involved in the Local Governments for Sustainability Program that focuses on solving environmental problems through local action. The program encourages communities to identify their carbon footprint and get help in reducing it. There are thirty-three such communities in Massachusetts. The organization can provide assistance in training, resources, conferences, grants, and networking

The program will require an inventory that is usually done by an intern. An NRC intern could be made available. After discussion, it was agreed to put this item on the agenda for a more thorough discussion.

Patty Hecht of Bristers Hill Road reported that she and opponents of playing fields at the high school have applied to MEPA for an environmental review. She asked whether the Board would suspend activity until that review is complete. Mr. Whelan stated that this is the first notice that the Board has received as the paperwork arrived during the day.

Mr. Howes stated that the Board would not be answering her question in the absence of counsel advice.

TOWN MANAGER RE-APPOINTMENTS:

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

Special Town Meeting

Citizen Comment

Town Manager
Reappointments

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VOTED: To approve the Town Manager's re-appointment of Constance Johnson of 86 Bartlett Hill Road to the **Board of Assessors** for a term to expire May 31, 2010.

Barbara Lynn Davis of 21 Davis Court to the **Historical Commission** for a term to expire May 31, 2010

ADJOURN

On a motion duly made and seconded, it was:

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

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Stanly E. Black	Aye
Gregory P. Howes	Aye

The meeting adjourned to Executive Session at 9:20 p.m.

Respectfully submitted,

Virginia McIntyre, Clerk

Adjourn