

BOARD OF SELECTMEN  
MINUTES  
DECEMBER 21, 2007

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 4:00 p.m. in the Selectmen's Room.

Present were Margaret B. Briggs, Chair; Virginia McIntyre; Anne D. Shapiro; Stanly E. Black, and Gregory P. Howes, Clerk. Also present was Christopher Whelan, Town Manager.

The Board signed the Town Accountant Warrants.

**TOWN MANAGER'S REPORT**

1. The Scimone family has thoughtfully sent a gift box of fruit for the Board.
2. The Department of Revenue has still not approved Concord's new valuation and is even holding up the mailing of the estimated third quarter tax bill. Lynn Masson, Connie Johnson and the Town Manager spoke with DOR representative Marilyn Brown who acknowledged that the department missed something in the Concord information and that the oversight is causing delay. Assessing staff has no information regarding what concerns DOR has with the valuation and DOR staff will come to Concord on December 31 to provide specifics as to where the problems lie. The Town Manager will discuss with the Finance Director the possibility of including information in the estimated tax bill that will alert homeowners to possible large increases in the fourth quarter due to the truing up that will occur.
3. Nearly 1/3 of the \$580,000 appropriated for the Snow and Ice account has been expended due to the unusually heavy snows in December. Concord is in better shape than some communities that seriously underfund the snow and ice budget.
4. The Personnel Board met to approve hiring a new Recycling and Disposal Coordinator above the mid-point in salary range. Rod Robinson is coming from the private sector. The Board also approved hiring a new Public Works Engineer above the mid-point in the salary range. Michael Gorenstein is coming from the Engineers' Office in the Town of Tewksbury and was trained in Leningrad.
5. The Town Manager met with Concord Academy officials to discuss the proposed crosswalk at Main Street and Academy Lane. It will include bricks set in concrete and a granite edging. A "neckdown" area will restrict parking on either side of the crosswalk.
6. The Town received word today that the ballot to repeal MGL Ch. 40B did not receive sufficient signatures to put it on the November 2008 ballot. Therefore 40B will remain in effect. In addition,, the Legislature is proposing new regulations that will limit the ability of communities to restrict 40B developments.
7. Avalon Bay has submitted a letter of intent to Massachusetts Housing Finance Agency for site approval to build 150 units of affordable housing on fifteen acres on Forest Ridge Road. Town Staff are drafting a response letter to MHFA for Board consideration. Avalon Bay representatives have offered to meet with the Board at the Selectmen's convenience. Regarding whether there is a maximum number of units that a town must accept under Chapter 40B, it was noted that if the Trammel Crow project to create 350 units is approved, the Town would meet its 10% requirement and would have the option of approving or not any other Ch. 40B projects.

**COMMITTEE LIAISON REPORTS**

Ms. Shapiro reported that she met with a member of the Lincoln Planning Board and toured the Pine Hill Reservoir that is owned by Concord but located in the Town of Lincoln. Lincoln has asked whether Concord would consider locating a wireless facility on the reservoir which is similar to a water tank. The wireless facility would not need to be above the tree line because there is an opening in the trees.

Town Manager's  
Report

Committee Liaison

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**ANNUAL RELICENSING**

The Board discussed the Starbucks Common Victualler License for the location on Thoreau Street. This location has been the source of considerable traffic congestion and concern for residents due to the inadequate parking and the tendency of some customers to violate traffic rules and clog the intersection when exiting the site.

Upon a Motion duly made and Seconded the Board UNANIMOUSLY

**VOTED:** to issue a thirty-day Common Victualler License and to invite the Starbucks Manager to meet with the Board on January 14 to discuss plans for improving traffic and parking management.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to approve a Common Vicutaller License and an All Alcohol Beverage License for Holder, Inc. d/b/a/ Vincenzo's.

The Town Manager explained that this license includes additional seating that had not been allowed in the past because the property owner was required to pay a sewer improvement fee, which has now been paid. The Building Commissioner has indicated the additional seating is permissible.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to approve the Emerson Hospital Common Victualler License.

**EMPLOYEE PAY AND CLASSIFICATION PLAN**

The Town Manager reported that the Town has had a consultant working for nearly a year on a revised pay and classification plan for non-union Town Employees. The Board had asked to be updated on the progress of the study. A draft copy of the plan with preliminary salary information has been provided to and reviewed by Department Heads and the Personnel Board. No decision is sought from the Selectmen at this time; however, the Town Manager would like to include the draft revised classification plan on the 2008 Town Meeting Warrant before the January 2 deadline. The Board will have an opportunity to review the Warrant, including the pay and classification plan on January 7.

Ms. Briggs asked whether this could wait another year until the study is complete and the final report is available for Board review. The Town Manager indicated that a similar study was done ten years ago. Employees have anticipated this study for three years, but it has been delayed due to recruitment of a consultant and his delay in completing the study. Further delay could be a matter of staff morale. Several Board Members commented that they would need a full understanding of the plan before agreeing to include it on the Annual Town Meeting Warrant.

**SAWYER TRUST GIFT**

Jack Clymer, attorney at Nixon Peabody and one of two Trustees for the Sawyer Trust, was present to discuss with the Selectmen two proposed gifts. The first gift is a donation of \$1.7MM to the Town from the Sawyer Trust to be used for green building initiatives, improvements in Town facilities intended to conserve energy and other resources. A draft Memorandum of Agreement was circulated to the Selectmen and Trustees was included that will required the Town manager to consult with the Town's Sustainable Energy Committee before making expenditures from the fund. The fund is intended to be expended in full over a period of time, not simply expending interest.

Ms. Briggs commented that the draft MOA appears to limit the buildings on which the funds may be used to existing facilities. That would seem to exclude the new Willard School. Mr. Clymer commented that that was not his intention, so he would be open to use of the funds for the new building and was willing to amend the MOA to that effect.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to accept with great appreciation the \$1.7MM gift from the Sawyer Trust and to approve the Memorandum of Agreement between the Sawyer Trust and the Board of Selectmen on the use of the funds.

Relicensing

Pay and Classification Plan

Sawyer Trust Gift

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Mr. Clymer also reported that the Sawyer Trustees would like to make a gift of \$300,000 as an endowment to be used for the capital maintenance and repair of the Beede Swim and Fitness Center. The Interest earned on the Endowment may be expended, but the Principal may not be expended. He presented a letter outlining the terms of the gift and hoped that the Trustees of Town Donations who would be managing the funds for the Town would sign off on the express terms of the gift.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to accept the gift of \$300,000 and to transfer the funds to the Trustees of Town Donations pursuant to the November 5, 2007 Special Town Meeting vote.

**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
Stanly E. Black	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

The meeting adjourned to Executive Session at 5:10 p.m.

Respectfully submitted,

Gregory P. Howes, Clerk

Adjourn