

BOARD OF SELECTMEN
MINUTES
FEBRUARY 11, 2008

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 Margaret B. Briggs, Chair; Virginia McIntyre; Anne D. Shapiro; Stanly E. Black, and Gregory P. Howes, Clerk. Also present was Douglas Meagher, Assistant Town Manager.

CONSENT AGENDA

- Town Accountant's Warrants
- Minutes: December 10, 2007
- Sunday Entertainment License: Nashawtuc Charities 2008 Bank of America Championship at 1861 Sudbury Road from noon to 7PM

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to approve the Consent Agenda as read.

Consent Agenda

ONE DAY SPECIAL ALCOHOL LICENSE

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to grant a One Day Special License to Nashawtuc Charities, Inc. d/b/a Bank of America Championship for the sale of alcoholic beverages for the PGA Golf Tournament to be held on June 16 through June 21, 2008 between the hours of 8AM and 10PM and June 22, 2008 between the hours of 12PM and 7PM at the Nashawtuc Country Club, 1861 Sudbury Road, **CONTINGENT UPON** receipt of approved TIPS or equivalent training for all bartenders. The alcoholic beverages are to be consumed on the premises.

One Day Special Alcohol

CLASS II LICENSE

Mr. John Bellantoni was present to seek approval for a Class II License for the sale of used cars at 135 Commonwealth Ave. This is a change from the current Class I License for the sale of new cars because the company has relinquished its Jeep franchise. They have been in business in Concord for twenty six years at the site. The packet of information is complete. Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to grant a Class II license to Concord Auto Sales & Service Inc, at 135 Commonwealth Ave., on premises described as: office with showroom and service department with additional parking at 13B Commonwealth Ave. for no more than 80 cars for sale at one time. All signage must be in compliance with the Concord Sign Bylaw. This license will expire December 31, 2008.

Class II

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to grant a Class II license to Concord Auto Sales & Service Inc, d/b/a Westgate Auto Sales at 24 Westgate Park, on premises described as follows: building of 5,000 square feet ; 600 sq. ft. of office and remainder the repair bays. Only 20 cars may be on the site per the Board of Appeals Special Permit. All signage must be in compliance with the Concord Sign Bylaw. This license will expire December 31, 2008.

TOWN MANAGER'S REPORT

1. The Public Works Director has reported that the entire Snow and Ice Account has been expended as well as \$130,000 of the \$135,000 of the snow and ice contingency. It has been a snowy and icy season with more predicted this week.

Town Manager's Report

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2. The Fire Chief has reported that the new Engine #3 funded by 2007 Town Meeting was delivered. It will be located at Station 1 on Walden St. as the first responding fire truck out of the station.
3. The Fire Department has received a proclamation acknowledging the gratitude of the Town of Uxbridge for the department's response to a serious fire event in June.

FY09 BUDGET UPDATE

Ms. Briggs announced that this item would be deferred until Mr. Whelan was able to be present. It was proposed that the Board convene after the Finance Committee Hearing on the Warrant. This meeting will be at the Alcott School and will be televised for rebroadcast. The Board acknowledged its appreciation for the full narrative that accompanied the budget.

Budget

VERIZON DISCUSSION

Mr. Stan Usovicz was present from Verizon to update the Board regarding Verizon's plans for providing FIOS to the Town. Mr. Usovicz stated that 63 of the 351 cities and towns in MA have had full installations with others in process. Each build-out is a 3-5 year process. Which towns or states to receive FIOS is a proprietary matter that Mr. Usovicz is not permitted to discuss.

Verizon

Mr. Usovicz has recently heard the rumor that Concord is preventing the company from installing FIOS. He stated that Verizon does not spread that rumor or believe it. He stated that which towns get FIOS installations depends upon marketing, engineering, and resources. It is not a political decision or one based on the density of the community. Unlike Concord, many surrounding Towns have FIOS.

Mr. Usovicz stated that Concord's undergrounding bylaw was an issue that he will need to work through with the Town. It is Verizon's position that the language of the bylaw permits Verizon, by an exception, to continue to install cables from poles rather than to underground. Since Verizon has an existing system in Concord, it believes that it can continue to use poles. This has a great deal to do with whether the Town can have FIOS. He proposed to meet regularly with the Town Manager to resolve the issue. Until there is full agreement in writing, he could not predict when Concord could expect FIOS.

Ms. Shapiro asked for confirmation that Verizon intends to use poles where present and would underground where conduits exist. Mr. Usovicz agreed and stated that Verizon is willing to discuss the areas that have conduit which the company has not converted its services to use. Ms. Shapiro stated that she had contacted the attorney who had negotiated the Town's contract with Comcast regarding PEG access and he stands ready to serve the Town again. She agreed to be the point person on the issue.

CITIZEN COMMENT

Bob Kusick of Ministerial Drive, a former member of the Communication Task Force and the Municipal Light Board, asked what business decision model Verizon used in installing FIOS, if it has nothing to do with density. Mr. Usovicz stated the decisions are based on engineering, the amount of investment available, and market penetration. He stated that Verizon is in negotiations with 12-15 towns now.

Citizen Comment

VERIZON PETITION

On January 7 the Board opened a Hearing on a Verizon installation of cable aloft on Lowell Road. It was continued pending a discussion on FIOS and confirmation by CMLP that the installation posed no problems for the carrying capacity of the poles.

Verizon Petition

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

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VOTED: to permit Verizon New England, Inc. to locate aerial cable, including such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to as requested in a petition of said Company dated the 10th day of December 2007: Lowell Road, Westford Road, and Spencer Brook Road to the Acton town line. Said cable is to be placed substantially in accordance with the Plan filed herewith marked Verizon New England, Inc. No. 6AARSE.

WASTEWATER CAPACITY STATUS

Ms. Briggs reminded the Board that the Public Works Director had made a report in October regarding the status of municipal wastewater capacity constraints in regard to planning efforts. The report is available on line. Wastewater capacity will be a limiting factor for those anticipating business expansion or creation of new housing in the sewerred areas of Town, primarily the three commercial areas.

It was suggested that there be a multidisciplinary task force from the Selectmen, Planning, Villages, and Public Works to address the constraints. Representatives of those areas were present and spoke to those perspectives.

Discussion included: there is no capacity remaining in the wastewater removal system that is not already committed to bettered properties; the task force would be an opportunity to integrate other division plans into capacity goals; doing nothing is not a choice; lack of capacity will affect municipal, housing, and non-profit agencies; the report outlined five questions that the community needs to answer regarding its goals for development; the State requires evidence of conservation practices before permitting an increase in capacity; the short term solutions have already been implemented; interim steps may be possible that would be less than building an entirely new plant;

it is not reasonable to expect to exploit the unused capacity of a sewerred parcel unless it is for the very short term; the greatest opportunity for conservation is outdoors in gardens and pools; the Villages study is at the mid-point and is seeking direction on zoning, signage, traffic and infrastructure that will enable the Town to retain its character; the study anticipates more changes in West Concord in the redevelopment of Commonwealth Ave, Bradford and Beharrell streets and in Concord Center at Keyes Road, and the Crosby market area; by focusing development in the commercial centers the impact on open space and farm land will be minimized; there are areas in the commercial centers that are underutilized and under developed; some sites could come off the sewer and depend upon onsite treatment and removal;

additional issues include whether capacity will increase development beyond what the community wants; who will pay for increased capacity is important; onsite wastewater disposal may be cost effective in scale; package treatment plants can retain the flow in the aquifer rather than putting it into the river; a twenty year plan must be developed; eventually Town Meeting will need to consider funding for wastewater treatment and for zoning changes; the Town Manager will convene a group made up of members from each board.

RESTORATIVE JUSTICE

Barbara Chase President of Communities for Restorative Justice (C4RJ) was present to update the Board on the activities of the volunteer, community-based organization. The purpose of the organization is to work with youthful offenders, upon the referral of the Police Department, to avoid a court appearance while ensuring the victim of the crime restitution and the offenders' reconciliation with the community. Referrals are made by both Carlisle and Concord police, Acton and Boxboro are hoping to create a similar process with the help of Concord.

Wastewater discussion

Restorative Justice

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Ms. Chase stated that there has been an increase in the number and type of crimes in which Restorative Justice can assist. The typical infraction might be fire starting, vandalism, fraud or theft. C4RJ are building relationships and finding mentors who can help development agreements and restitution plans that will close the circle.

C4RJ is in a position to grow to meet the needs of youth and community, but funding will be an issue. Donors to annual appeal campaigns are increasing, but contributions are not growing apace. Currently the program is cost free for offenders, but fees may be the next approach.

Ms. Chase stated that financial support from the Town will be a great benefit. She knows that the Police Chief has spoken with the Town Manager about this. The Board indicated that they appreciate the work that C4RJ does in the community and suggested charging fees or slowing the budget growth, to reduce funding needs, and noted the C4RJ budget presented did not show a deficit. The Board pointed out that the current Town budget has already been developed.

Liaison Reports

COMMITTEE LIAISON REPORTS

Ms. McIntyre stated that the Bruce Freeman Rail Trail public meeting would be at the Harvey Wheeler Community Center on February 12 at 7:30PM. At that time the committee will take comment regarding the consultant's schematic design. The meeting will be televised for re-broadcast.

Mr. Howes stated that volunteers are needed to fill seats on the Concord Housing Development Corporation. Please complete green cards.

Mr. Black stated that the Trammel Crow development will be before the Planning Board on February 12 and the Zoning Board of Appeals on February 14.

Mr. Black stated that sub-bids for the Willard School project are due February 13 and the general contractor bids are due March 27.

Ms. Shapiro stated that the Finance Committee meeting heard a presentation on the Budget by Treasurer Tony Logalbo. There were questions that will likely be answered by the Town Manager when he makes the presentation to the Board on February 25.

Ms. Briggs reminded the Board that four years ago the Town began discussion with State legislators regarding preservation of the open space portion of Department of Corrections land in Acton and Concord. The land is the Prison Farm lower field and land on both sides of Route 2 at the Rotary. The legislation would not limit development at the top of the hill should it ever be declared surplus. The legislation is finally reaching the hearing stage. Mr. Howes stated that DOC supports the legislation, which supports the revenue stream for their successful recycling program. Sudbury Valley Trustees and the Concord Land Conservation Trust are committed to providing the revenue stream in return for the Conservation Restriction.

Ms. Briggs noted that MA Highway has selected EarthTech of Concord to prepare the 25% schematic design and Environmental Impact Report for the Prison Rotary safety improvements. Actual implementation of the design is several years in the future. The Prison Rotary is a separate project from the Crosby Corner which is close to 100% design. Unfortunately, while the Crosby Corner project is on the TIP, the non-construction costs have increased substantially.

CITIZEN COMMENT

Jane Cullinane of Anson Road stated that she had left a letter for the Selectmen regarding the Bruce Freeman Rail Trail. She urged that MA Highway and ADA guidelines be used for the tunnel. Ms. McIntyre thanked her and stated that this portion of the trail has not been designed at this time as it is not the portion that will be brought to Town Meeting in the spring.

Citizen Comment

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MISCELLANEOUS/CORRESPONDENCE

63% of registered voters voted in the recent Presidential Primary. In the local election, February 13 is the last day to file nomination papers. Nancy Crowley has submitted papers for the Concord Housing Authority position.

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 at 9:45p.m.

Respectfully submitted,

Gregory P. Howes, Clerk

Misc.

Adjourn