

BOARD OF SELECTMEN
MINUTES
JANUARY 7, 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 Christopher Whelan, Town Manager.

CONSENT AGENDA

- Town Accountant's Warrants
- Minutes: September 24, 2007, October 29, 2007, November 13, 2007, November 19, 2007
- Gift Acceptance: Faith Howland \$1,000 gift to Emergency Responders gift account; Nashawtuc Charities gift of \$1,500 to the Visitor Center and Restroom Facility; Concord-Carlisle Community Chest \$6,600 to the Youth Coordinator Gift Account; Cheryl and Stephen Laverty \$750 to the Council on Aging gift account; Michael and Sara Schnitzer \$1,250 to the Main Street Information and Restroom Facility gift account; Neil and Anna Rasmussen \$1,000 to the Selectmen's Appeal
- One Day Special Alcohol License: Wine and Malt License for Concord Chorus for Cabaret and Silent Auction January 19, 2008 at 51 Walden

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

EXECUTIVE SESSION MINUTES

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: Approve the Executive Session Minutes of November 13, 2007, to be released at this time.

TOWN MANAGER'S REPORT

1. Assessing Staff met twice with representatives of the Department of Revenue regarding clarification of the new values. Minor adjustments are required and will be sent to DOR this week for certification. The Board of Assessors hopes to have a Public Hearing on January 28 and send out tax bills by mid-February.
2. Michael Gorenstein, a public works engineer with 25 years experience, and Rob Robison the new Recycling and Waste Coordinator have joined the Concord Public Works team.
3. At the end of 2007, \$220,000 of the \$580,000 snow and ice budget has been expended. There have been questions from residents regarding the plowing policy that dumps snow on the outside instead of inside a cul de sac. Residents would prefer to direct the snow away from driveways.
4. CCTV has had a successful third year and will make a presentation to the Board of Selectmen on January 14. CCTV encourages volunteer programming and has recently begun broadcast on Channel 10 the Education Channel.
5. Town online bill paying was not operative for five days, but has been repaired and is now functional.
6. The Library will have extended hours staffed by volunteers during the high school mid-term exam period. The Library will have a reception on January 13 to dedicate the Renee Garrelick Oral History Project.
7. A structure fire at 129 Plainfield Road caused the roof to collapse. The property is in tax title. Building Commissioner John Minty will ensure that the structure is safe.
8. The Board's Annual Appeal has received more than \$47,000 from more than 235 donors.

Consent Agenda

Executive Session

Town Manager's Report

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9. The Town has begun arrangements to locate Accounting Division staff at 30 Monument Square at a cost of \$50,000 per year for three years. There will be an Article on the Town Meeting Warrant to study long and short term space needs. Earlier plans called for preservation of the Deed House for office use, but the project did not secure CPA funding. Efforts will be made to ensure the preservation of the structure with other funds.

NEW CLASS II LICENSE

George Palli was present to seek a Class II license to buy and sell used cars on his property at 50 Concord Turnpike. The property has been the site of car dealerships for the past twenty-five years and operates with a Special Permit from the Zoning Board of Appeals. Mr. Palli indicated that he is in negotiations with a major manufacturer that would enable him to secure a Class I License. If successful he would return to the Board to seek a Class I License to sell new cars.

Ms. Shapiro stated that the ZBA considered a carwash on the site and seems to think that the Special Permit has been abandoned. Mr. Palli stated that this was not the case and that he had documents to prove it.

Ms. Briggs asked whether the ZBA had made a finding of abandonment and what relevance it would have for the Board's actions. Mr. Palli said that the ZBA denied the change of use, but did not make any declaration of abandonment which was raised by a competitor. This was more than a year ago.

Mr. Howes stated that the Building Commissioner has signed off on the application and he assumes that Mr. Palli has met all the requirements for the license.

Upon a Motion duly made and Seconded the Board UNANIMOUSLY

VOTED: to grant a Class II License to Village Saab Inc., D/b/a Village Auto Sales at 50 Concord Turnpike on premises described as follows: a two-story auto facility consisting of a four bay garage and a three car showroom on the first level, office and storage space on the second level and approximately one acre of land. Only 30 cars may be on the site per the Board of Appeals Special Permit. All signage must be in compliance with the Concord Sign Bylaw.

VERIZON PETITION TO PLACE CABLE ALOFT

Dave Wood of CMLP was present to respond to the Verizon petition. Because the proposal is to add to existing service, there is no formal hearing required. However, CMLP would have liked the company to review the plan, make a site visit, and explain the implications for loading and age of current poles. In addition, CMLP would like to know whether any unused service wires could be removed.

Mr. Wood stated that the poles are jointly owned by Verizon and the Town, although the Town is usually the first responder if a pole comes down in an accident or weather event. The service being installed is fiber to serve Acton, not Concord.

Mr. Howes asked why CMLP would support adding service aloft when the Town has an undergrounding policy and has been arguing with Verizon about living up to it. Mr. Wood stated that there are no underground conduits in the area of this service. In West Concord where conduits exist, Verizon has been very forthcoming in switching service underground in advance of the Route 62 road construction due to begin in the spring.

Verizon

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There was discussion regarding the undergrounding policy and Verizon's resistance. It was suggested that this is an opportunity to consult with Town Counsel. Under Chapter 164, Verizon has been collecting a 2% surcharge on all bills that should be directed to undergrounding. There has been no requirement for utilities to spend more than the surcharge on undergrounding. Verizon has not been cooperating with the Town and it is expected that as customers change their service from land lines to mobile phones, the company will collect less and less.

It was the consensus of the Board to defer action on the request until there has been a field review to the satisfaction of CMLP and the Town is able to get a response in writing to the lack of progress in providing FIOS to Concord when surrounding towns are getting service.

STARBUCKS TRAFFIC AND SAFETY DISCUSSION

Mr. Howes recused himself from discussion due to his financial relationship with the landlord of the building.

The 2007 Common Victualler License for Starbucks was issued with conditions. The Board of Selectmen sent a letter stating that it required improvements to the traffic and congestion problems or it would consider rescinding the license.

Officer Kevin Monahan was present to update the Board on the ongoing traffic and congestion issues at the intersection of Sudbury Road, Thoreau Street and the MBTA train crossing. Customers entering and exiting Starbucks have created gridlock and safety problems by illegally waiting in the traffic lane, illegally parking, illegally making left turns and travelling through the gas station area to avoid the traffic light. In addition, some customers are parking at the Dunkin Donuts across the street thereby limiting their customer parking.

Officer Monahan stated that the Police Department has increased patrols in the area by marked and unmarked cars as well as bicycles. Compliance appears to be dependent upon a police presence which is a very expensive use of Town resources. The Police Department has contacted the local, branch, and regional offices of Starbucks and has received cooperation, although their assumption is that they are not responsible for any activities beyond the store.

Starbucks has posted notices about compliance in several places and has placed an ad in the newspaper regarding parking and safety. There had been earlier discussion about installation of a surveillance camera at the intersection, but there was no action by Town Meeting.

The Board expressed its appreciation for the efforts of the Police Department to work with the store and with customers on this issue.

LIAISON REPORTS

Ms. McIntyre reported that the BFRT Committee had voted on the surface of the trail and is looking at the very tight schedule. The committee is suggesting a separate Town Meeting Hearing on March 17 at which all the rail trail articles will be heard. It would also be broadcast live and enable more exposure to the public. In the meantime, the consultant is expected to deliver its recommendations in January and the committee will hold a public hearing on February 12.

Ms. Briggs expressed her frustration that the petition articles on the Rail Trail were submitted after the Board agreed to bring the matter to Town Meeting. The Committee is working diligently and well and is reaching consensus. In the best of worlds, the petition articles would not be moved.

Mr. Black noted a letter regarding surface that Ms. McIntyre will bring to the Committee for discussion. He also noted that the surface proposed by the petitioner is not known at this time.

Starbucks traffic

Liaison Reports

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Ms. Shapiro noted that MBTA has instituted a study of the West Concord Crossing. She wondered whether the \$160,000 for rail trail design would be sufficient for this as well. Ms. McIntyre stated that it is not known at present. The West Concord Crossing design is grandfathered as appropriate at this time.

There will be full publicity on the change of date regarding the BFRT Hearing.

Ms. McIntyre reported that the Hugh Cargill Farm Management Task Force is preparing a plan for the site for Town Meeting. There is consensus that the site on Walden St. retains its open aspect, perhaps with a low impact playing field without the premium accommodations needed for tournaments.

Concord CAN will host a breakfast for community leaders at the Hunt Gym on January 17. The goal of the group is to education residents on how to reduce their carbon footprint.

Mr. Black reported that the Willard School Building Committee has worked with the architect and project manager to put the project out to bid. Bids are due on February 13 with sub-bids due on March 26. The Project Manager thought bids might be less than anticipated.

Mr. Black stated that he attended the ZBA meeting on Alexan Concord. Further meetings will cover single topics at each meeting to ensure that there is clarification of all aspects of the plan.

AGRICULTURAL PRESERVATION RESTRICTION

Natural Resources Administrator Delia Kaye was present to solicit the Board's support for an agricultural preservation restriction on the Hubbard Brook Farmfield. The Town and CLCT have worked cooperatively to preserve the 18 acres on Sudbury Road at Route 2. The parcel is adjacent to other CLCT land.

The negotiated price for the parcel is \$3.25MM, \$300,000 less than the asking price. \$750,000 is being sought in CPA funds, subject to a Town Meeting vote and private donations of \$2.25MM will be sought by CLCT. An APR valued at \$250,000 would complete the funding package.

Initially the plan was for a Conservation Restriction and an agricultural Restriction on the entire parcel. However, the Department of Agriculture is suggesting an APR only on the pasture and crop land and a CR on the woodlands and access trail. Ms. Kaye stated that there is still work to be done to resolve this aspect.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to support an Agricultural Preservation on the Hubbard Brook Farmfield as another thread in preserving Concord's rural character and agricultural base.

AVALON BAY DEVELOPMENT COMMENTS

Avalon Bay Communities has submitted an application to Massachusetts Housing Finance Agency regarding a development of 150 units of apartments on Forest Ridge Road. The Board is asked to comment on the proposal. The Board reviewed draft comments that included staff responses and asked Mr. Howes to amend the draft for the Chair to sign and transmit, in particular, noting the close proximity of the Alexan Concord development of 350 units, the Town's expectation of reaching its 10% affordable housing commitment with the Alexan development, the input of the 2229 Main Street Committee, concerns for density if both developments are constructed, the loss of industrially zoned land, and the Town's support for smart growth goals.

REVIEW 2008 ANNUAL TOWN MEETING WARRANT

Town Manager Chris Whelan presented the draft Warrant and noted that the Board usually makes suggestions for the order of articles and notes which Hearing each would be presented.

APR

Avalon Bay

2008 Town Meeting
Warrant

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Mr. Whelan noted that through an oversight, the Stabilization Fund Article proposed by the Finance Committee was not included. The Board agreed to insert it unless and until Town Counsel recommends removal.

There was discussion regarding the current draft versus clustering similar topics to be heard on the same evening. It was generally thought that the Bruce Freeman Rail Trail Articles should be clustered and presented early in the evening. Other than that there were natural breaks in the flow. The Board agreed to discuss this with the Town Moderator.

Upon a Motion duly made and Seconded, the Board

VOTED: to leave Articles 1-25 in place, to cluster the Bruce Freeman Articles together to be considered on the first Tuesday preceded by the CPC articles and followed by the Hugh Cargill Farm Management Plan and then zoning and planning articles. (yes-4; no-Shapiro)

EMPLOYEE PAY AND CLASSIFICATION STUDY

Town Manager Chris Whelan stated that the Personnel Board had reviewed the plan created and made minor revisions. Some titles have changed. The plan removes Electrical Labor and Electrical Management and Professional Employees from their current classes so that compensation can be competitive with public utilities.

The Town goal is to pay its employees at the 85th percentile. The Study found that in some areas adjustments need to be made; however, the adjustments need not occur in one step. The plan alters the scale and steps for compensation to increase the opportunities for earnings, but will depend upon Town Meeting funding the plan each year. There will be further information regarding the Human Resources articles before Town Meeting Hearings.

CITIZEN COMMENT

Tom Anzer, Finance Committee Chair, stated that the Finance Committee voted on December 20 to propose the Stabilization Fund and to ask the Town Treasurer to put it on the Warrant. Unfortunately, it was learned after the Warrant Closed that the language had not been provided.

The Finance Committee intends to continue to allocate funds to the levy and to use the stabilization fund be used to mitigate the impact of the high school construction debt. This year the allocation would be \$600,000 from Free Cash to reduce the levy and \$2,500,000 to be transferred from Free Cash to create the Stabilization Fund. It would take a $\frac{2}{3}$ vote of Town Meeting to put money in or remove money from the Fund.

After discussion the Board agreed that the situation was awkward. It would be important to bring this to Town Meeting for full discussion, but it could be seen as precedent-setting for other matters that did not get submitted to the Warrant in a timely way. It was agreed to put the matter on the Warrant and to be prepared to remove it upon the opinion of Town Counsel. Given that, it was agreed to place this in front of the Free Cash Use Article.

MISCELLANEOUS/CORRESPONDENCE

1. Citizens have written to support the environmentally friendly holiday decorations and suggested the addition of more lights in the garlands.
2. The Town Manager confirmed that he will withdraw from the Willard School Building Committee, which will create a vacancy. Mr. Black stated that he will check with the Committee regarding which skill sets would be of most assistance to the work of the committee. Residents are encouraged to submit Green Cards.

TOWN MANAGER APPOINTMENTS (BOS confirm or not)

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

Pay and Classification Study

Citizen Comment

Misc./Correspondence

Town Manager Appointments

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VOTED: to confirm the Town Manager's Appointment of Mark Engerman of 105 Walden Street as an Associate Member of the Board of Assessors, term to expire May 31, 2010.

COMMITTEE APPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to appoint David O'Brien of 510 Barrett's Mill Road to the Concord Housing Development Corporation for a term to expire May 31, 2011.

Appt./Re-appt.

ADJOURNMENT

On a motion duly made and seconded, it was:

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

Adjourn

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

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Gregory P. Howes, Clerk