

CONCORD SELECT BOARD
MINUTES
JANUARY 14, 2019

APPROVED: MARCH 11, 2019

Pursuant to notice duly filed with the Town Clerk, a meeting of the Concord Select Board was held at 7 p.m. in the Select Board Room at the Town House.

Present were Thomas McKean, Chair; Michael Lawson, Clerk; Alice Kaufman, Jane Hotchkiss and Linda Escobedo. Also in attendance was Christopher Whelan, Town Manager. Mr. McKean called the meeting to order at 7 p.m. and announced that it was being broadcast on Minuteman Media Network.

CONSENT AGENDA

- Town Accountant Warrants
- Gift Acceptance
 - Alcott School Parent Teacher Group \$1,000 Recreation Scholarship Fund
 - Upgrown Productions \$4,000 Visitors Center Gift Account
- One Day Special Licenses
 - Robin Deutsch 2/4 6:30pm-9:30pm 40 Westford Road Wine & Malt
 - The Umbrella 1/31, 2/1, 2, 7, 8, 9 6pm-11pm 57 ORNAC Wine & Malt

Upon a motion duly made and seconded the Board UNANIMOUSLY
VOTED: To approve the consent agenda.

REVIEW & APPROVE EXECUTIVE SESSION MINUTES

None

TOWN MANAGER'S REPORT

- There was a technical issue with the audio output during last week's Board meeting.
- The Town of Concord has received from the Town of Carlisle the executed inter-municipal agreement relative to Minuteman Media Network providing PEG access services for the two communities.
- Town representatives are working with National Grid to ensure that ongoing projects remain on schedule.
- The Town is seeking legal guidance regarding bids submitted for the Cambridge Turnpike Improvement Project Phase II RFP.

CHAIR'S REPORT

- The Massachusetts Municipal Association annual meeting is this Saturday in Boston.
- The Town Manager Search Committee will hold a Public Forum tomorrow night at the Town House. There will be two additional forums in the next few weeks as well.
- Town Offices will be closed on January 21 in observance of Dr. Martin Luther King, Jr. Day. The Town Caucus will be held on January 28.

PUBLIC HEARING – CONCORD MUNICIPAL LIGHT PLANT AND VERIZON NEW ENGLAND, TO RELOCATE UTILITY POLE #3 ON WARNER STREET

On a motion duly made and seconded, it was:

MOVED: To open the Public Hearing.

Jeff Cosgrove, Electrical Engineer for Concord Municipal Light Plant (CMLP), appeared before the Board and reviewed the joint petition of Concord Municipal Light and Verizon New England to relocate utility pole #3 on Warner Street in accordance with the plan #18-1217 dated December 17, 2018. The proposed plan is to relocate joint pole No. 3 and remove joint pole No. 4. The relocation request originated from the homeowner. CMLP has worked with adjacent property owners throughout

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the process and the costs associated with the relocation will be the responsibility of the requesting party. All parties have agreed to the recommendations provided by Concord Public Works.

Mr. McKean asked for Public Comments and there was none.

On a motion duly made and seconded, it was:

MOVED: To close the Public Hearing.

Mr. Lawson inquired if this request would negatively impact routine CMLP operations. Town Manager Whelan opined that it would not.

On a motion duly made and seconded, it was:

VOTED: To approve the petition to relocate utility pole #3 on Warner Street as requested in the joint petition of Concord Municipal Light and Verizon New England in accordance with the plan #18-1217 dated December 17, 2018.

REVIEW AND FINALIZE WARRANT FOR 2019 TOWN MEETING

Town Manager Whelan and the Board reviewed the draft 2019 Annual Town Meeting warrant. Town Manager Whelan noted that possible minor adjustments to Article 5 were contingent upon confirmation from the Personnel Board. The budget proposed in Article 6 was in line with the recommendations of the Finance Committee Guidelines Subcommittee. Town Manager Whelan reviewed the breakdown of Article 7 and noted that additional information was added to the explanatory box for Article 13. At the request of the Board, Finance Director Kerry Lafleur reviewed Article 8 regarding the revolving funds.

Mr. McKean discussed Article 18 and the definition of sustainable growth rate. Town Manager Whelan noted that additional language was added to the explanatory box to help clarify what sustainable growth rate meant.

Tom Tarpey, Finance Committee Chair, discussed the definition of sustainable growth rate with the Board. Mr. Tarpey and Mr. Lawson discussed the responsibilities of the Finance Committee for making recommendations for Town Meeting.

Town Manager Whelan reviewed Articles 19 and 20 which both pertained to possible General Bylaw amendments. He noted that Article 22 was the Community Preservation Act appropriation recommendations. The placement of articles related to funding for affordable housing were together at the recommendation of the Town Moderator. Town Manager Whelan discussed Article 23 and Board members reviewed how free cash could be appropriated on an annually basis. The Town's financial policies consider 5% to be a floor below which the Free Cash balance should not fall. Finance Director Lafleur and Board members discussed how to accommodate for future free cash appropriations.

Tom Tarpey, Finance Committee Chair, discussed potential issues with future free cash appropriations. There were concerns with whether the appropriations could be interpreted as a tax. Mr. Lawson and Mr. Tarpey discussed different methods of designating free cash. Board members and Mr. Tarpey discussed how the Finance Committee has historically made recommendations regarding the use of free cash.

Holly Darzen, 155 Heath's Bridge Road and member of the Affordable Housing Funding Committee, said that it was her opinion that the Committee did not intend to have an annually occurring appropriation. She said that the Committee sought to get the funding process started and not create a

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new appropriation that could be considered a tax in effect for perpetually. It was possible that it would take a few years but not long-lasting.

Town Manager Whelan reviewed the proposed article to Authorize Special Legislation – Real Estate Transfer Tax for Affordable Housing. The Town Manager noted that they would need to determine who is in charge of managing the funds. He said that Town Counsel suggested an additional article to determine whether the Town will authorize the creation of a Municipal Affordable Housing Trust Fund. The Board and Town Manager discussed how the potential trust would be managed. The Town Manager and Finance Director Lafleur discussed how funding could be spent by the trust. Town Manager Whelan briefly reviewed the history/purview of the Concord Housing Development Corporation and how other communities manage similar trusts. Ms. Lafleur advised that she would consult with Town Counsel on these matters. It was noted that the proposed affordable housing articles were interconnected and the language would need to account for various outcomes. Board members agreed to add an article related to a Municipal Affordable Housing Trust and that it should be placed before the Real Estate Transfer Tax item.

The Board reviewed the remaining articles on the draft Warrant. Town Manager Whelan reviewed the potential schedule for the Public Hearings. It was agreed that it was best to have the four housing articles be presented at both the Select Board and Finance Committee Public Hearings. The Town Moderator has stated that electronic voting will be utilized at one night of Town Meeting.

Ms. Kaufman requested that the definition of formula business be added to explanatory box for that article. Board members agreed to Ms. Kaufman's suggestion. Town Manager Whelan advised that he will relay this request to the Planning Board.

Upon a motion duly made and seconded, the Board UNANIMOUSLY

VOTED: To approve the 2019 Annual Town Meeting Warrant as discussed, subject to minor edits as deemed necessary by the Select Board Chair, Town Manager, and/or Town Counsel.

CH. 61B 82 SHADYSIDE AVE, DISCUSS WAIVING RIGHT TO PURCHASE

Town Manager Whelan reviewed the request for the Town to waive the right to purchase for 82 Shadyside Avenue. The Town received a notice pursuant to MGL Ch. 61B regarding the property owners intent to sell the property located at 82 Shadyside Avenue and convert its use from forestry to residential. Under Ch. 61B, the Town has the first right of refusal to purchase the property. The Planning Board and Natural Resources Commission voted unanimously to recommend the Select Board not exercise the Town's first right of refusal. Community housing groups have reviewed the request and agreed that the Board should not exercise its first right of refusal.

Upon a motion duly made and seconded the Board UNANIMOUSLY:

VOTED: That in careful consideration of the recommendations of the Planning Board, Natural Resources Commission, and community housing groups, the Town not exercise its right of first refusal to purchase property located at 82 Shadyside Avenue.

PUBLIC COMMENTS

Mary Weinberg, 26 Hillside Avenue, spoke about the PayByPhone parking meters installed in Concord. Ms. Weinberg expressed concerns with the types of payment options available with the new meters and in the West Concord commuter lot. She does not have a cell phone and therefore couldn't pay for parking. She sought to remove technological barriers that would prevent the public from using public transportation.

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COMMITTEE LIAISON REPORTS

Ms. Escobedo summarized recent community housing meetings. At the Concord Housing Development Corporation meeting, it was discussed what could happen if Junction Village is not funded by the State. The Concord Housing Authority discussed how the Federal government shutdown impacted their operations.

Mr. Lawson attended the Hugh Cargill Trust Committee meeting. The Pollinator Health Advisory Committee has inquired about extending their Committee's charge.

Mr. McKean reviewed the Finance Committee's discussions regarding the proposed Warrant Articles. The Commission on Disability discussed the issue of wheel chair access/signage with businesses in Concord Center.

Ms. Hotchkiss attended a discussion at the Police Department that focused on the newly re-constructed intersection of Main Street and Commonwealth Avenue in West Concord. There are concerns for pedestrian/bicyclist safety in this area. She attended the Sierra Club's municipal leadership outreach discussion.

Lou Hills, 360 Harrington Avenue, advised the Board that Federal Rail has a public educational program designed to promote safety at rail crossings throughout the country.

Bill Montague, owner of Montague Gallery located at 10 Walden Street, spoke about the concerns mentioned during Mr. McKean's summary of the latest Commission on Disability meeting.

Ms. Kaufman attended the Planning Board meeting where they reviewed the proposed Warrant Articles. She also summarized the ongoing work of the Public Works Commission.

MISCELLANEOUS/CORRESPONDENCE

Ms. Kaufman said that she received a request from Mother's Out Front. The request called for Concord sign on to a multi-Town letter to National Grid requesting a meeting to discuss how to make progress on fixing existing gas leaks.

Upon a motion duly made and seconded the Board UNANIMOUSLY:

VOTED: To authorize the Chair to sign and transmit letter to National Grid requesting collaboration with National Grid on fixing gas leaks in Greater Boston.

COMMITTEE NOMINATIONS

None.

COMMITTEE APPOINTMENTS

None.

ADJOURNMENT

At 9 p.m. upon a motion duly made and seconded the Board UNANIMOUSLY

VOTED: to adjourn the meeting for the evening.

Respectfully submitted,

Michael Lawson, Clerk