

CONCORD SELECT BOARD
MINUTES
FEBRUARY 19, 2019

APPROVED: MARCH 18, 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
- Minutes – 12/3, 12/17
- Gift Acceptance
 Sony Pictures \$10,000 Old Calf Pasture Restoration Project
- Proclamations
 Concord Band 60th Anniversary
- One Day Special Licenses
 Lauren Pincus 3/30 6pm-10pm 40 Westford Road Wine & Malt
 Military Friends Foundation 4/14 1pm-7pm 269 Monument Street All Alcohol

Upon a motion duly made and seconded the Board UNANIMOUSLY

VOTED: To approve the consent agenda.

TOWN MANAGER’S REPORT

- The Concord Independent Battery has received permission to fire the Town’s cannon during the internment services for former Board member and 1998 Honored Citizen Fan Cabot Lerner.
- The Bruce Freeman Rail Trail 100% design drawings on the Bruce Freeman Rail Trail Advisory Committee website.
- 23 Church Street will be converted to theater

CHAIR’S REPORT

- The Board’s letter of support for SD.1817 has been sent to Senator Mike Barrett and other officials.
- The Town Meeting planning process and Public Hearings are underway.
- The Board has received correspondence related to several Warrant articles.
- The annual Rabies Clinic is March 2nd at 141 Keyes Road.
- The Judge in the Chase Road Dog Order matter has taken the case under advisement.

GREEN NEW DEAL RESOLUTION – CONCORD ACADEMY STUDENTS

Concord Academy (CA) students presented the Board with a proposed Green New Deal Resolution.

Sae Gleba, CA student, briefly reviewed the purpose of the Green New Deal Resolution. CA students are working on a climate campaign in Concord with the Sunrise Movement, which is a national organization of young people uniting to stop climate change. The students sought local officials to pass the resolution to demonstrate a symbolic commitment to climate action. She discussed how climate change is effecting the environment on a local level.

Angie Minichiello, CA student, spoke about the impact that climate change has and will have on her family and friends. She spoke about the impact that rising temperatures are having on the environment.

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Audrey Lin, CA student, urged the Board to take action on the Resolution and reviewed three key items of the proposed Green New Deal. Those items are: 1) Eliminate greenhouse gas emissions by 2030; 2) Invest in communities on the frontlines of poverty and pollution; and 3) Guarantee a good job to anyone who wants to help make this happen. She requested that the Board send a letter of support to other elected officials.

Anna Sander, CA student, commended the Town for its progress thus far on climate action. She noted that over 290 members of Concord Academy community and over 35 members of the greater community have signed onto the initiative.

Board members thanked the students for their work on this topic. Ms. Kaufman noted the importance of local action and opined that the resolution is in line with goals set forward by the Town. Ms. Hotchkiss said it was impressive to see students taking the lead on this issue and she encouraged collaboration with students at Concord-Carlisle High School and Middlesex School.

Upon a motion duly made and seconded the Board UNANIMOUSLY

VOTED: To approve the Green New Deal resolution as drafted and for the Chair to transmit letter of support.

DISCUSS MIDDLE SCHOOL BUILDING PROJECT – SCHOOL COMMITTEE

Johanna Boynton, Concord School Committee Chair, and Dr. Laurie Hunter, Superintendent of Schools, appeared before the Board. Ms. Boynton reviewed the Concord Middle School (CMS) facilities planning process. She said that the Town is facing a time-sensitive planning challenge related to both middle school buildings. The buildings, infrastructure, and equipment are all beyond their lifecycle. The Schools have applied twice for Massachusetts School Building Authority (MSBA) support and were denied both times. As a result, there are two options going forward – 1) Reapply for MSBA support; or 2) Move ahead without MSBA support. The decision of which way to proceed comes down to cost and control. Self-funding will be more expensive though increased costs could be offset by avoiding escalations that are likely if the MSBA declines to support the project in 2019. Waiting for MSBA approval is risky and system failures and cost escalations are likely. Although there are no designs in place, the School Committee has received input from an architect regarding the construction of one new building that would merge the student bodies from both of the existing buildings. All cost estimates for the proposed new CMS building are based upon the best available data.

Ms. Boynton reviewed the history of the Sanborn and Peabody buildings. Sanborn is 55 years old, 84,438 sq. ft., and has had three modular buildings added to it over the past 15 years. Peabody is 49 years old and consists of 56,388 sq. ft. In 2016, the School Committee formed the Facilities Planning Committee to review what would it take to remain in the current buildings for 10 years, what are the options and estimated costs for a renovation project, and what are the options and estimated costs for a new building. Finegold Alexander Architects found that Peabody and Sanborn conditions are deteriorated/obsolete, the two campus configuration is inefficient and expensive, and the current condition creates struggle for the School community. The estimated cost to remain in current buildings is approximately \$34 million to \$47 million. Ms. Boynton noted that the firm's findings are available of the Schools website.

Ms. Boynton reviewed the current conditions of the two buildings. Operating two buildings is operationally inefficient. There are several components of outdated infrastructure present such as the original heating lines, plumbing lines, and electrical systems. The roofs are at the end of the projected lifespan. Dr. Hunter noted that the septic systems are outdated and have caused recent issues.

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Hazardous materials are present in both buildings, neither building has a fire suppression system, and ventilation systems are lacking. Most of the mechanical and electrical systems are original to the buildings. Both buildings are overcrowded and each lack a floorplan conducive to a productive educational environment. At the request of Ms. Hotchkiss, the Superintendent reviewed the different types of classrooms available and noted concepts found in the recently constructed high school.

Ms. Boynton reviewed the process and timeline. She discussed repairs that have been made over the years. Concord submitted a Statement of Interest to the MSBA in 2017 and 2018 and was turned down both times. The application review process is based on need and urgency as determined by the MSBA. The next submission deadline is April 2019 for 2021 construction. At the request of Mr. McKean, Ms. Boynton stated that if Article 14 – Concord Middle School Feasibility Study passes at Town Meeting, the yet to be formed Middle School building committee would be responsible for overseeing that process. The proposed committee could be appointed by the Board and/or Town Manager. Dr. Hunter noted that elements of the MSBA process could be incorporated in to the purview of the committee. Dr. Hunter noted that the discussions in 2015 that indicated the buildings had a longer life left included a long list of infrastructure projects projected over the next five years. After review by the Facilities Planning Committee, it was determined that these projects might not be the best use of funding and a feasibility study was necessary. Ms. Boynton briefly reviewed the projects invited to the MSBA program.

Ms. Boynton reviewed the estimated project cost for construction. The total estimated cost in 2019 is \$81 million and the cost to build a new middle school will increase substantially each year. Given the best timeline, the likely cost is approximately \$90+ million. Dr. Hunter and the Board discussed what areas of the project would be eligible for MSBA funding. Ms. Boynton discussed the estimated tax impact of a \$90 million building.

Ms. Boynton reviewed the potential issues of waiting to move forward on the project. There are major infrastructure failure risks as the heating lines show signs of corrosion, the PVC roofs are at end of their projected lifespan, and the septic systems are several decades old. She summarized projected estimates of waiting one year to reapply for MSBA funding. Given the assumptions, expected costs, and additional potential costs, the total cost of waiting one year was estimated to be in a range from \$6.3 million to \$22.3 million.

Ms. Boynton discussed potential reimbursement from the State. Reimbursement is based on a town's "wealth factor". The CCHS project baseline reimbursement rate was 34.5% and the CCHS project effective reimbursement rate (after exclusions) was 27%. It was noted that the list of exclusions has continued to grow over time and middle school are likely to have more exclusions. The CMS project effective reimbursement rate is estimated to be 20-25% and on a \$90 million building the estimated reimbursement is \$18 million to \$22.5 million. The reimbursement benefit is significantly consumed by the costs of waiting.

Ian Rhames, Assistant Business Manager for the Schools, elaborated about how the range of baseline reimbursement and effective reimbursement was determined by the MSBA.

Ms. Boynton reviewed the benefits for self-funding the project. The benefits included: an accelerated construction timeline by one to two years; potential savings of \$6.3 million to \$22.3 million through elimination of cost escalations, operating inefficiencies, and maintenance costs; and a school design that meets the needs of students and teachers while also enabling incremental community value. Ms. Hotchkiss and Dr. Hunter discussed possible grants through programs such as the Green Communities.

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Mr. McKean asked for Public Comments.

Nick Pappas, 300 Virginia Road, inquired what would be the impacts to the student's education during construction. Dr. Hunter note that some minor disruptions would be likely because it would be a construction site. However, the construction would take place in the area next to Sanborn so classes should be able to proceed as scheduled.

Louis Salemy, 68 Great Meadows Road, advised that he was on the former High School Building Committee and is familiar with the MSBA funding process. He suggested that Concord was lucky to be accepted into the MSBA program for that project and he interpreted that acceptance as being possibly politically motivated by individuals that were running for State office at the time. He discussed the purview of the MSBA. Mr. Salemy agreed with the cost estimates provided by Ms. Boynton.

APPROVE 2019 ELECTION WARRANT

Board members reviewed the drafted 2019 Election Warrant and there were no questions.

Upon a motion duly made and seconded the Board UNANIMOUSLY

VOTED: To approve 2019 Election Warrant as drafted.

UPDATE FROM TOWN DEPARTMENTS ON 2030 LONG RANGE PLAN

Continued without to discussion to a future meeting.

ELECTRONIC VOTING UPDATE – CARMIN REISS, TOWN MODERATOR

Town Moderator Carmin Reiss appeared before the Board and provided an update on electronic voting (e-voting) at the upcoming Town Meeting. She advised the Board that she has been meeting with various community groups to educate them on the e-voting process. There will be a pilot demonstration of e-voting at the second night of Town Meeting on Tuesday, April 9. Town Meeting will then vote on use of the clickers to vote on Tuesday's articles.

Town Moderator Reiss reviewed the reasons why to use electronic voting. She noted that the time it takes to tally votes would be drastically cut down with e-voting. As a result of quicker vote tallies, the overall length of Town Meeting would be shortened. She reviewed the budget for Town Meeting and discussed costs associated with e-voting. She said that many other communities have had positive experience of with e-voting and the Town of Wayland was the local pioneer in this technology.

Turning Technologies is the company selected to provide e-voting services. Ms. Reiss briefly reviewed the voting devices. They are simple clickers with individual SKU codes. The clickers will operate on a local secure radio frequency network. Eleven communities in Massachusetts use Turning Technologies clickers for their Town Meetings. Ms. Reiss and the Board discussed possible procedures to ensure that clickers are not inappropriately handled. The Town Moderator mentioned that there were initial discussions of voting through an app. However, this method was not pursued because it required additional technology and higher costs.

Ms. Reiss and the Board discussed the steps for incorporating e-voting into the standard procedures of Town Meeting. The Board would have to make a motion to change the standard voting tools. Board members mentioned that residents may perceive e-voting as something that would stifle voter accountability among the public because it will allow people to cast their vote anonymously through a

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clicker. Ms. Hotchkiss urged the Town Moderator to take every measure possible to inform and educate the public about e-voting.

TAKE POSITIONS ON WARRANT ARTICLES

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

VOTED: to recommend Affirmative Action on the following articles:

- #3 Meeting Procedure
- #4 Ratify Personnel Board Classification Actions
- #5 Classification & Compensation Plan for Regular Status Positions
- #6 Town Budget in the amount of \$49,052,504 as printed in warrant
- #7 Appropriate Funds - Municipal Capital Projects in the amount of \$3,950,000 as printed in warrant
- #8 Authorize Expenditure of Revolving Funds under MGL ch.44, §53E ½
- #9 Authorization to Accept MGL ch.32B, §20 - Other Post-Employment Benefits Liability Trust Fund
- #17 Use of Free Cash in the amount of \$1,000,000 as printed in warrant

REVIEW LETTER TO MASSDOT RE: RT 2 CULVERT FOR NASHOBA BROOK (BRIDGE C-19-18)

Town Manager Whelan briefly reviewed the background information of the proposed letter to MassDOT regarding the Route 2 culvert for Nashoba Brook. MassDOT has recently entered a contract with Brox Industries, Inc. on Project # 608478 – Resurfacing and Related Work Including 5 Bridges along a Section of Route 2. In the early stages of review and comment periods for this project, Concord officials and staff requested that the culvert for Nashoba Brook under Route 2, be replaced to accommodate all Route 2 traffic. This replacement was not included within this project or added as a separate project prior to the re-surfacing. The existing culvert and the associated weight restrictions result in continued negative impacts to the operators of the commercial vehicles along with the residents, and business owners of Concord and Acton. This restriction forces large and heavy commercial vehicles which exceed the weight limit to unnecessarily exit Route 2 in Acton and travel through Acton and West Concord Center. This has caused unnecessary traffic delays, additional wear and tear on local roadways, and sporadic hazardous situations. It has been recommended that the Board send a letter to MassDOT asking if they can address these concerns and prioritize the replacement of this culvert to improve the negative impacts for those directly affected in Concord and Acton.

Upon a motion duly made and seconded the Board UNANIMOUSLY

VOTED: To approve letter to MassDOT re: Route 2 culvert for Nashoba Brook (Bridge # C-19-18) substantially as drafted.

PUBLIC COMMENTS

Laura Strong, 16 Bartkus Farm, asked when will the Board take their position on Article 30 Zoning Article Amendment - Personal Wireless Communications Facility Overlay District Map. The Board noted that the Article was scheduled for the Planning Board Public Hearing on March 5th and the Board will take a position after that.

Matt Johnson, 21 Winthrop Street and member of the Planning Board speaking on his own behalf, commented on correspondence submitted to the Board pertaining to Article 29 - Zoning Article Amendment – Formula Business. He sought to counter assertions that the language of the Article was similar to a bylaw in Wellfleet that was struck down by Land Court and further clarify the differences between the proposed Article and Wellfleet’s repealed bylaw.

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COMMITTEE LIAISON REPORTS

Ms. Escobedo summarized the recent Concord Housing Development Corporation meeting. The CHDC is interested in 930 Main Street. She attended a Mass Audubon discussion on the relationship between open space and housing.

Mr. Lawson reviewed the work of the Town Manager Search Committee. The TMSC is working towards developing ethics-related questions for potential candidates. Their next meeting is April 4.

Ms. Kaufman also attended the Town Manager Search Committee meeting. Ms. Kaufman noted that the Board of Health has actively been discussing the impacts of electronic cigarettes on teenagers.

MISCELLANEOUS/CORRESPONDENCE

The Board acknowledged receipt of correspondence regarding upcoming Town Meetings articles.

COMMITTEE NOMINATIONS

Richard Higgins of 15 Grove Street to the Conservation Restriction Stewardship Committee; Carlene Hempel of 50 Highland Street to the Junction Village Open Space Task Force; Jennifer Montbach of 45 Pine Street to the West Concord Junction Cultural District Committee

COMMITTEE APPOINTMENTS

Upon a motion duly made and seconded the Board UNANIMOUSLY

VOTED: To appoint David Witherbee of 195 Heaths Bridge Road to the SuAsCo River Stewardship Council for an unexpired term to expire May 31, 2021

ADJOURN

At 9:15 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