

SELECT BOARD

MINUTES

JUNE 17, 2019

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

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, Susan Bates, and Jane Hotchkiss. Also present was Kate Hodges, Acting Town Manager.

The meeting was Called to Order by Chair Michael Lawson who announced it was being recorded.

**CONSENT AGENDA:**

Consent agenda

Mr. Lawson read the Consent Agenda and asked for a motion to approve.

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the consent agenda as read.

- Town Accountant Warrants
- Minutes – 4/22, 4/27
- Tour Guide license renewals
- Common Victualler renewal – Emerson Hospital
- Gift Acceptance · Nolan Roberts \$3,000 (est.) Bicycle fix-it station for Bruce Freeman Rail Trail

• One Day Special Licenses

• Saltbox Farm	7/20	6pm-9:30pm	40 Westford Rd	Wine & Malt
• Saltbox Farm	7/26	5pm-9pm	40 Westford Rd	Wine & Malt
• Verrill Farm	7/24, 8/23, 10/18	6pm-8pm	11Wheeler Rd	Wine & Malt
• Jay Scheffler	8/101	2pm-4pm	11Wheeler Rd	Wine & Malt
• Charles River Wheelman	9/15	4pm-8pm	11Wheeler Rd	Wine & Malt
• Umbrella	6/27	6:30-8:30PM	40 Stow St.	Wine & Malt

**TOWN MANAGER’S REPORT:**

TManager’s Rept

1. The Building Inspections division will have extended hours on Tuesday until 8 PM. Property owners will be able to review street address files and ask questions of staff. This is a Pilot to test whether there is interest in the opportunity.
2. A Coordination Meeting for all stakeholders of the Bruce Freeman Rail Trail Phase 2 occurred at the State Police Barn Facility in Acton. Final plans for Phase 2B, the bridge over Route 2, are expected to be submitted to MASS DOT for bid by the end of June.
3. Scout Nolan Roberts has proposed the purchase and installation of a Bicycle Fix-it Station for that portion of the rail trail as his Eagle Scout project.
4. Suspected blue algae bloom at the beach and cove affected today’s seasonal opening of White Pond. The Town will be coordinating with other local and State entities.
5. CMLP rolled out the SmartHub web portal to help customers manage their electrical accounts and usage. 800 customers have already signed up.

**AMEND EXISTING CLASS II USED CAR DEALER’S LICENSE – Nano’s Auto, Inc. 1211 Main St.**

Class II Nano’s

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to Open the Hearing.

Mr. Lawson explained that the owners of Nano’s Auto, Inc., which is entitled under the license to have 25 cars on site, is asking that the license be amended to 23 cars so that they can create Second Chance Cars Inc. and allocate the two spots to them. Second Chance Cars will repair and resell donated cars to eligible veterans so they may better access jobs. Ms. Akerman noted that this was an excellent project.

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Upon a motion duly made and seconded, it was UNANIMOUSLY  
VOTED: to Close the Hearing.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
VOTED: to amend the existing Class II Used Car Dealer's License of Nano's Auto, Inc. of 1211 Main St. The amended license will allow up to 23 used cars on the premises.

**NEW CLASS II USED CAR DEALER'S LICENSE** – Second Chance Cars Inc. 1211 Main St.

Class II License.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
VOTED: to open the Hearing.

Dan Holin of Derby St. was present to make the proposal and respond to questions. He stated that the mission of this concept is to break the cycle of poverty and enable less fortunate to more fully participate in the community. Typical recipients would be those coming out of prison, returning from military service, or low-income veterans. There would be two types of car – one that would be inexpensive to own and maintain and the other that may not be so inexpensive, but resale at market value would provide funds for refurbishing the award cars that are given away. The State and federal governments are in process of approving non-profit status.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
VOTED to close the Hearing.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
VOTED: to approve the Class II Used Car License for Second Chance Cars Inc. at 1211 Main St. The new license will allow up to two cars on the premises for sale.

**7:20PM CONTINUED PUBLIC HEARING:**

ABC Hearing  
Concord Market

Alteration of Licensed Premise associated with existing Section 15 Retail Package Store Wine & Malt License: to remove entire second floor area (4542 sq. ft.) and portion of first floor (980 sq. ft.) from existing licensed premise — Concord Market 77 Lowell Rd.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
VOTED to Open the Hearing.

Mr. Lawson noted that this application is to amend the liquor license at Concord Market. At the same time, there is an application before the Zoning Board of Appeals to allow another business use in the space. In his opinion, it is not appropriate for the Select Board to act until ZBA has completed its work. Therefore, the Board will hear the applicant's presentation, ask questions, listen to public input and then Continue the Hearing until the Board meeting of July 1. A memo was distributed by the applicants.

James White and his daughter Elizabeth Akehurst-Moore were present to update the Board on the changes they are proposing to the premises. He stated that the mezzanine at Concord Market is an open space above the Market in which they plan to host and cater community events at which alcohol could be available, much like a One Day License at the Umbrella. The Alcohol Control regulations prohibit one-day service of alcohol at such events if they occur within a facility that already has a retail license. To make it possible to host events with alcohol sold by the glass, the portion of the Market must no longer have a retail license. Therefore, they seek to amend the retail license to remove entire second floor area from the license and also remove access to 2<sup>nd</sup> floor. Each time there is a proposed use of the second floor at which alcohol is available, they will need to apply for a One Day License.

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Mr. White indicated that regardless of the action of the ZBA, he believes there is a right to use the second floor for purposes that could bring them back before the Select Board in the future. Mr. White acknowledged that the Alcohol License Board gets the final decision. There were no questions or comments from the Board or the audience.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
VOTED to Continue the Hearing until July 1, 2019.

#### **UPDATE ON RFP 396 – PROPERTY LEASE/LICENSE FOR INSTALLATION OF TELECOMMUNICATIONS FACILITIES**

RFP 396 telecom

Ms. Hodges stated that the Town issued an RFP in February for two new telecommunications sites – the Keyes Rd campus or the Police/Fire Station on Walden St., or both. Proposals were due in March, but technical issues resulted in rejecting all bids. The RFP was reissued in May with responses due June 7. Three proposals have been received: US Wireless Inc. Waltham MA, Wireless Edge of Rhineback NY, and Partnership dba Verizon Wireless of NJ. At this time, the Keyes Rd. option seems a better benefit to the Town due to parking and building flow impacts at the Police/Fire Station. It is unlikely that the recommendation will be for two sites. Ms. Hodges stated that the team intends to review proposals and return to the Select Board in July or August with a synopsis of the responses and recommendations for going forward. It will be the role of the Board to decide whether to reject bids or to vote to begin negotiations with the preferred respondent. A tentative draft lease agreement must be in hand before the negotiations are final. The term of the bid is a twenty-five years in five-year increments. In addition to Ms. Hodges, the review team is Police Chief O'Connor, Fire Chief Judge, Planning Director Rasmussen, and Budgeting and Purchasing Administrator Harris.

Shelton Hines of The Valley Rd. had questions about the RFP – specifically whether it likely to be the last facility in Town to be considered.. Please ask the bidders for longer term requirements in Concord. Some applicants are not carriers but tower companies who will then find carriers. Ms. Hodges stated that the long-term carrier plans for the Town were not sought in the RFP.

Diane Proctor of Sudbury Rd. asked for clarification on whether the Keyes Rd campus continues to be a possibility. Ms. Hodges indicated that Keyes stays, and that the Walden St. location is unlikely to remain an option.

Melissa McBride of Stow St. asked whether it has been determined from the Historic Districts Commission what its requirements will be for the eventual telecommunications facility. Ms. Hodges stated height is an issue subject to terms of the permit.

Alisha Boyajian of Stow St. had a question about potential other sites for the future. Ms. Hodges stated that this particular RFP was only for two sites. In the past, other sites such as the landfill, have been considered when carriers attempted to fill gaps in coverage.

#### **UPDATE ON WHITE POND GIFT AND OPERATIONS**

White Pond

Carmen Jaquier, Chair of White Pond Advisory Committee, stated that the Pond was clear first thing this morning, but immediately there was a cyano bacteria bloom that closed the pond for the day. The bloom was dispersed down sides and across the bottom of the pond. At Dover Beach there was an odor; at Sachem's Cove there were strings. In 2017, there were 17 blooms that closed the pond for an hour or two. It is not known how long the bloom will persist. Erosion control has improved situations that "feed" bloom conditions. The boat launch is the biggest polluter. The town and state can put funds together to tackle the issue. WPAC believes there is a problem with the selection of the fish in the stocking program. Rainbow trout is by far the largest quantity, but Clean Water Act documentation indicates that Rainbow should not be stocked in ponds that tend to bloom as the fish eats zooplankton that otherwise would be present to eat the cyano bacteria.

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Ms. Jaquier noted that the Pond would be a great place for high school and middle schoolers to get involved in their community. Mr. Lawson stated that the Board would like to continue to hear from the Committee as operations get underway at the pond.

#### **UPDATE ON LONG RANGE PLAN INITIATIVES**

LRP

Mr. Lawson stated that the Board has planned to pull together and prioritize recommendations from the Long-Range Plan into initiatives that will be led by Board members. Terri Akerman will take the lead on an action plan for Town-wide capital planning. Susan Bates will introduce the topic of business vitality at an upcoming meeting. Various stakeholders have been invited to discuss and volunteer their views.

This evening the Superintendent of Schools, Finance Committee Chair, Finance Director and Acting Town Manager are present to discuss current capital planning and whether we could get better results in timing, costs, and final product from working together. On July 15, the Superintendent of the National Park and members of the Concord Business Partnership have been invited already. The topic will include economic development, sustainability, tourism and the viability of the retail community.

#### **LONG RANGE TOWN-WIDE CAPITAL PLANNING DISCUSSION**

Long Range Plan

Mr. Lawson stated that there is already planning for budgets, capital items such as vehicles, but the impetus for the Finance Committee's Five- Year Plan was the incidence of large ticket items such as a new school that had not been on the horizon. The potential price of the middle school is \$90M. It is likely that there will be significant costs for town facilities. No one is denying the need, just trying to get a handle on phasing the tax burden.

Mr. Banfield, Chair of the Finance Committee, stated that the Finance Committee finds that large cost items are reviewed in separate "silos" and urgency of need causes them to jump the planning queue. The Finance Committee is searching for an integrated solution.

Laurie Hunter, Supt. of Schools stated that the school department capital planning has two prongs. The first and most costly is the new middle school. Schools are very grateful that Town Meeting recognized the need and the process is now underway to address feasibility and schematic design. Needs in other buildings are of lesser individual cost, but in total could be more than the Capital Plan funds in the Town Manager's Budget. Rather than bring any to Town Meeting this year, the School Department decided to work with Sustainability Director Kate Hanley to find grant funding, subsidies, efficiencies and other options to lessen the impact. She reiterated that the School Department is working with a Five-Year Plan, however, urgencies can shift over time. Now, schools can function within the Five-Year Capital Plan, the paving and parking issue will require further discussion.

Kerri LeFleur, Town Finance Director, stated that her role is not to decide which project to address, but rather, how to fund what Town Meeting decides is the priority. The Town Manager's Capital Plan is not built into the school or town budgets but presented as a separate Warrant Article. It is developed using town debt planning policies of which capital spending is 7-8% of the budget. It is the intention to bump up the school share of the Capital Plan funding from \$900,000 to \$1M by FY 2021. Expenditures exceeding \$100,000 usually trigger Capital Plan exclusion i.e., land and large equipment purchases. Ms. LeFleur noted that town facility planning is ongoing with Public Works needs identified, but no hard data available yet.

Kate Hodges, Acting Town Manager, stated that facility planning has been underway with a consultant for 18 months. It is currently determining need and current conditions. The Town operates under twelve department heads in 26 facilities. She anticipates a report from the consultant at the end of July or August. The report will include data collected as well as recommended options to go forward. Major renovations in place and purchase or building new buildings are likely options. Renovations have added expense from use of alternate spaces during the process; new facilities, although expensive, could result in less overhead, combined administration, and more efficiency. Ms. Hodges stated that the fear is that since the Town began the study later than schools, Town facility conditions will continue to deteriorate over time while

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waiting for the entire school debt to be paid off, before incurring any new debt. Town Meeting will decide.

#### **REVIEW DRAFT CAPITAL PLANNING TEAM CHARGE**

Draft Charge

Terri Akerman stated that it sounds like several types of capital planning are underway. Her first thought on being given this task was that there is not enough planning for major expenses like a new school. Secondly, she thought the planning group should be called a “team” and not a committee so that the Finance Committee can participate.

Mr. Banfield stated that the FinCom has been able to participate fully without membership on school committee subcommittees in all but the vote, contributing research and vocal opinions. In his opinion, the purpose of the new entity is to develop a multi-year capital plan and to update it annually, integrating both town and school. Every effort needs to be made to present an integrated picture with broad town benefits to Town Meeting. The hurdle is to plan how to fund the projects that are identified.

Ms. Akerman stated membership of such a committee could include town and schools appointed and elected officials, and citizens at large. The plan should prioritize by need and recommend not only optimal timing but funding sources. The purpose and duties are for tonight’s discussion. Would this be helpful or get in the way of other work. Ms. Hunter stated it would be incredibly helpful, but it must all mesh with two school committees and a building committee. Mr. Banfield stated the FinCom struggle every year to focus on warrant articles.

Ms. LeFleur stated it makes sense, in the context of the middle school discussion how to fit such a big undertaking in without additional tax peaks. It is not possible. Our Aaa bond rating could be impacted over the short term from large capital projects, but that doesn’t mean not to do a costly project, if it is the right thing to do.

Mr. Lawson noted the committee is poised to take information from already extant committees and consultants to integrate and minimize the tax burden on the community without getting in the way. He envisions this as an annual undertaking.

Ms. Hotchkiss noted the historic competition for finances between Town and Schools. While the Town does not get the larger share, it all goes to the quality of life community. In her opinion, this is an opportunity— to find financial benefits, efficiencies, and share in school discoveries.

Members of the community with suggestions and/or comments should send them to the Select Board’s Administrative Assistant. The Board will consider a revised draft at the next meeting.

Ms. Escobedo noted that there is a possible challenge between the school building committee and capital needs already identified in the town facility plan. She asked whether the new capital planning committee would be able to remain neutral in setting priorities or should a third party facilitator or capital planning consultant be hired. She noted that the 2002 Capital Plan was derailed by urgent needs. Mr. Lawson suggested that an at large member with such experience should be appointed to the committee.

Ms. Akerman stated that the primary outcome of the effort should be a collaborative consensus for Town Meeting to consider with confidence.

#### **DISCUSS POSSIBLE DATES FOR 2020 ANNUAL TOWN MEETING**

2020 ATM

Mr. Lawson reviewed the events of 2020 and the impact of scheduling Annual Town Meeting. As usual, Holy Days and Holidays are the primary limiting factors. In his opinion, rather than schedule earlier, say in March, we are better able to schedule it in the last week of April. This is better timing for the Finance Committee Report, which provides crucial information. Therefore, he recommends that the Board set the dates of April 27, 28, and 29 for Town Meeting at its next meeting.

#### **PUBLIC COMMENT**

Dorrie Kehoe asked whether comments would be accepted on capital planning or should residents only submit letters. She noted a letter from Mr. Tarpey referring to facilities planning and that the discussion this evening was on capital planning. Would that planning be limited to town

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and school buildings or could it include sewer and roads projects? No distinction has been mentioned at this time.

#### **NOTICE OF UNIQUE REAL PROPERTY FOR 18 CAMBRIDGE TURNPIKE**

Unique Real Prop

The Ralph Waldo Emerson Memorial Association has agreed to sell and the Town of Concord acting through its Natural Resources Commission has agreed to buy 18 & 28 Cambridge Turnpike. The acquisition is part of the capital plan and is funded in part by the Community Preservation Act. Town Counsel has provided language for a Board vote that would allow the Town to make the acquisition that would otherwise require the 30B procurement process.

Upon a Motion duly made and seconded, it was UNANIMOUSLY

VOTED

with respect to the land known and numbered as 18 and 28 Cambridge Turnpike, Concord, MA 01742, containing 6.3965 acres, more or less, shown as "Lot 2" on a plan entitled "Plan of Land in Concord, Massachusetts, (Middlesex County)" dated February 12, 2019, prepared by Stamski and McNary, Inc., being a portion of the land described in a deed recorded with Middlesex South District Deeds in Book 5478, Page 46 (the "Property"):

That the Board has determined that advertising under General Laws Chapter 30B for the Town's acquisition of the Property will not benefit the governmental body's interest due to the unique qualities of the Property. Specifically, the Property, which contains the former home of Ralph Waldo Emerson, is historically significant, making the Property unique in that it provides the Town with the opportunity to highlight the history of the Town. The Property is also uniquely situated in that it consists of wooded wetland traversed by the Mill Brook and active agricultural land, all of which will be preserved through the Town's acquisition of the Property for conservation purposes.

#### **PUBLIC COMMENTS**

Public Comment

1. Sheldon Hines of The Valley Rd. stated that he and his wife had recently sent the Board correspondence and wondered whether it would be addressed. Mr. Lawson stated that Board is aware of the issue but does not know how it will be handling it. Mr. Hines further asked whether the Town employed an engineer with the skills to properly analyze the RFP responses. He hoped that it was not just the department heads mentioned on the team. Ms. Hodges stated that the Town employed a consulting RF engineer out of Littleton. In addition, when the Planning Board or Zoning Board of Appeals needs to address these issues, they also hire consultant engineers.
2. Mark Gailus of Prescott Rd. commended the Board on implementing coordinated capital planning. In addition, he and his wife had been having problems with Hanscom night flights with dramatic increase in frequency since April. Hanscom won't or can't tell what has occurred to make this happen. The Gailus' have no difficulty with military flights, but The Gailus requested help from the Town, perhaps working through HATS or HFAC, to clarify the source of the flights during the 11PM – 6AM closure of the tower and to give them relief.
3. Alisha Boyajian of Stow St. asked further about the telecommunications siting proposal. She stated that one installation at Keyes would seem to provide the coverage needed. She also asked whether height restrictions have been determined. Mr. Lawson reiterated that Walden St. is no longer an option. Ms. Hodges stated that height requirements need to be determined before respondents would agree to proceed.

#### **COMMITTEE LIAISON REPORTS**

Liaison Reports

1. Susan Bates attended West Concord Advisory Committee meeting at which the successful open house was discussed. She attended a MMA seminar on regional shared services. She attended a Tami Gouveia open house and learned more about legislation she intends to support.

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The Planning Board meeting discussed the Tree Bylaw. The Historical Commission heard applicants of 317 Garfield Rd. who will need to implement an historical preservation plan in order to implement their plan to divide their lot. The new tenants of the Wheeler Harrington House were also present to discuss conditions.

2. Linda Escobedo attended a Housing Authority meeting at which it was learned that CHA is considering repositioning its HUD federal properties per HUD's desire to eliminate its financial responsibility for its housing units. Concord has 18 units of federal housing. If the process goes forward, it may trigger a need for a separate 501(c)3 to proceed. She also reported that The Zoning Board of Appeals is in discussion with the Trustees of Reservations that wants permission to expand events for up to 500 guests, the increased size of which will impact their site, the National Park, and residential neighbors. ZBA also heard comments from residents complaining that the committee always permits requests regarding non-conforming lots.

3. Terri Ackerman reported that she attended the Bruce Freeman Rail Trail Meeting and learned more about the Eagle Scout project to install a fix-it station. She attended the Middlesex Jazz Festival, the Melvin Memorial rededication, and a library visioning discussion, as well as a meeting regarding the Assabet River pedestrian bridge.

4. Jane Hotchkiss stated she attended a Natural Resources Commission meeting at which the frustrating discussion focused on Keuka, a paper street between Route 2 and the railroad underpass. She also met with US Rep. Lori Trahan in Acton. The topic was the opioid epidemic, business climate and housing affordability

Michael Lawson attended the Hugh Cargill Trust Committee at which discussion focused on senior tax relief. He thanked Andrew Mara for providing the data that was needed. He and Linda Escobedo met in Boston with Senator Barrett regarding the Town's Home Rule Petition on the real estate transfer tax. Three other towns have proposed something similar and it may result in a state-wide result. He was cautioned to expect opposition. Mr. Lawson met with Kate Hodges and the Chair and Executive Director of the Umbrella to discuss noise issues.

#### **MISCELLANEOUS/CORRESPONDENCE**

Misc. Coord.

Mr. Lawson reported that the Board has received correspondence from the US Air Force regarding the need for off-base commercial space within 10 miles of the airfield. He noted that surrounding towns had also received the letter, and it has been discussed at MMA.

The Board also received correspondence referred to in public comment. The airfield tower is closed from 11PM to 6AM and therefore there are no records of flights operating under visual flight rules.

#### **APPOINT INTERIM TOWN MANAGER:**

Appt. Interim TM

Mr. Lawson stated that there is a gap between the time Chris Whelan has retired and the new Town Manager begins his duties. During that period, Kate Hodges has agreed to act as Interim Town Manager. The Board expressed its gratitude to Kate.

On a motion duly made and seconded, it was unanimously:

VOTED: To appoint Kate Hodges as Interim Town Manager effective June 29, 2019 through August 11, 2019 under the terms and conditions outlined in the proposed Agreement as presented at the June 17, 2019 Select Board meeting.

#### **COMMITTEE NOMINATIONS:**

Nominations

Jim Terry of 368 College Rd. and Linda Miller of 300 Main St. to the Affordable Housing Trust Fund Study Committee; Peter Lowitt of Westvale Drive to Concord Housing Development

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Corporation; James Burns 1515 Main St. and Andrew Boardman of 110 Hillcrest Rd to Nuclear Metals/Starmet Reuse Committee.

COMMITTEE APPOINTMENTS:

Upon a Motion duly made and seconded, it was

Committee  
Appointments

VOTED: to appoint Charles Parker of 105 Chestnut Street to the Middle School Building Committee for term to expire upon completion of project; Steven Ledoux of 89 Heath's Bridge Road to Minuteman Regional Technical High School Committee for a term to expire May 31, 2022. (yes-4, Ms. Akerman -abstained)

COMMITTEE REAPPOINTMENTS:

Upon a motion duly made and seconded, it was UNANIMOUSLY (term dates to be provided)

Committee  
Reappointments

VOTED: to reappoint Brian Cramer of 820 Monument Street, Sarah Grimwood of 520 Lexington Road, Mark Hanson of 340 Holden Wood Road, Christian Krueger of 85 Alcott Road, Joseph Levine of 29 Temple Road, Stanley Lucks of 165 Indian Spring Road, and Sigmund Roos of 36 Wood Street to the Pollinator Health Advisory Committee for terms to expire May 31, 2020.

ADJOURN

Upon a motion duly made and seconded, it was UNANIMOUSLY

Adjourn

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

Respectfully submitted,

Linda Escobedo, Clerk

Approved: 9/23/19

Meeting Documents

<https://www.concordma.gov/1067/Comprehensive-Long-Range-Plan-Comm>

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=qnZzmlw1J10>