

Town Manager's Report

Monday, March 14, 2011

To: Board of Selectmen
From Christopher Whelan, Town Manager

The following are some of the matters Town's Senior Management Team reported on this week:

POLICE (Chief Barry Neal)

Operational Services:

Thomas Coyne, age 21 of Danvers Mass, and Daniel Runyan, age 24 of Lynn Mass were arrested Thursday night both on Concord Police Department warrants for breaking and entering into a building and larceny of an ATM. Coyne and Runyan were identified as being responsible for the break-ins at Concord Gas and the Rte. 2 Sunoco. Both were arraigned at Concord District Court today.

On Thursday March, 10, Jillian Gapes, age 57 of Concord, Mass was arrested by Officer Moore for using a false prescription to obtain medication from the West Concord Pharmacy.

On Saturday March 12 Michael Mays, age 42 of Stoneham, MA was arrested by Officer Monahan for operating under the influence (OUI). This was the fourth offense for Mays.

Community Services:

The Department is currently running its successful RAD (rape aggression defense) course. Detective Camilleri, Officer Harrington and Dispatcher Campbell are currently conducting a class for teenage women from Concord.

The Department is also currently participating in the DVAAP volunteer program. Lieutenant Roy Mulcahy, Officer Tim Landers and Dispatcher Philip Seaward have all volunteered to learn more about the program by actively participating in the same training the volunteers go through.

The Department is also preparing for the annual April activities, including Patriot's Day. Inspector Tom Mulcahy is coordinating with other Town Departments to assist in the upcoming events.

On Saturday March 12 Congresswoman Nikki Tsongas visited the Harvey Wheeler Center in West Concord. Concord Police Officers assisted with the event.

LIBRARY (Kerry Cronin, Director)

Ace Painting completed the painting at the Harvey Wheeler Center last weekend and custodian Jim Gentile cleaned the carpets in-house during the week. The John Palmer Moving and Storage Co.

moved the furniture and collections on Thursday, and I returned the room to its original condition the same day. We are so appreciative that we were able to operate *Fowler Express* out of that space for the past ten months.

We have added five more Kindles to the collection, courtesy of the Friends of the Concord Free Public Library. It is great timing to be able to expand this popular service, as we have 100 people waiting in the queue to checkout a device. Amy Carboneau wrote an article entitled, "Concord Library embraces technology to provide more for readers," which appeared on the front page of the *Concord Journal* on February 28, 2011. This was a great way to spread the word regarding the availability of Kindles and other technology initiatives at the Concord Free Public Library.

The entrance to the Young Adults room has been reconfigured and the new end panels will arrive later this month. Staff and patrons alike are enjoying this change and the space feels far more open and spacious

On 3/3 the CFPL Long Range Planning Committee met for the fourth time. Working from data compiled annually by the Massachusetts Board of Library Commissioners and from data collected by CFPL staff. Bob Sekuler presented an analysis of some key trends, including trends in library resources and usage. Bob will share his findings at next month's Library Committee meeting. The two hour working session concluded with a preliminary review of key terms and/or concepts that Long Range Planning Committee Members feel should be included in the Library's mission.

At their monthly meeting on 3/10, the Library Committee hosted Chuck Flaherty, Director of the Brookline Public Library, to learn more about the implementation of Radio Frequency Identification (RFID) technology in Brookline. CFPL staff members are collaborating on creating a list of RFID FAQs and key talking points for distribution soon.

CFPL recently hired Laura Chrzanowski as a part-time library assistant at both the Main Library's circulation dept. and at the Fowler Branch. Laura is scheduled to begin work on March 14th. This position was most recently held by Alex De Bassio, who left CFPL in August to relocate to Virginia. There was one internal applicant for the Technical Services Assistant position and a job offer has been made and accepted. The applicant will officially begin in the position as soon as the requisite testing and background checks are complete. Caroline Nie and I are working on revisions to the second Technical Services Position to incorporate strong technology skills, so that the incumbent can help fill in for Caroline with IT / network troubleshooting as needed.

PUBLIC WORKS

Administration, Engineering, Highway and Grounds, Solid Waste and Recycling, Water and Sewer

Business Recycling Event - The semi-annual Business Recycling Event is scheduled for April 1st from 9-12 at the 300 Baker Avenue parking lot. Concord Public Works partners with Complete Recycling Solutions Inc. to provide Concord businesses an economical environmentally preferred option for recycling of fluorescent light bulbs, computers, monitors, fax machines, other electronics, batteries, etc. Paper Shredding, by Doc Shredding Corporation, will also be available at a cost of \$5.00 per box.

Chamber of Commerce Meeting – On February 28th Public Works Director, Richard Reine and CPW Environmental Services Program Administrator, Rod Robison attended a Chamber of

Commerce meeting to discuss recycling opportunities for Concord Businesses and debrief on this years winter snow removal activities. The meeting was well attended and business owners were interested in the opportunities for recycling and generally pleased with CPW's efforts during an extremely challenging winter season.

Residential Compost Testing, Bioassay Results - In the weeks ahead, CPW will be exploring the feasibility of selling both screen and unscreened compost when excess is available, in an effort to generate additional revenue for the solid waste fund in the future. Residents could continue to pick up smaller quantities of compost at no charge as in the past; sales would apply to commercial businesses and other organizations (bulk purchases).

In gearing up for this initiative, CPW recently completed a bioassay test to determine if there may be trace residues of herbicides in the compost. The bioassay test utilized was developed by Washington State University and is entitled *Washington State University Bioassay Test for Herbicide Residues in Compost*. The bioassay test was conducted over a period of twenty-one days (2/4/11 – 2/24/11) and involved growing pea plants in compost-amended potting mix and comparing them to pea plants grown in 100% potting mix (referred to as a negative control). The scoring scale for this protocol utilized four different ratings ranging from “no symptoms” to “severe damage, as outlined below:

- 0 “No symptoms” – Leaves lie flat before opening. Leaves do not cup or curl upward.
- 1 “Slight damage” – Leaves are somewhat cupped. Leaves do not lie flat before opening.
- 2 “Moderate damage” – Leaves are obviously cupped.
- 3 “Severe damage” – Most leaves are cupped. Stems are twisted.

All plants were scored as “0 - No symptoms”. There was no indication of plant growth symptoms consistent with herbicide damage. No cupping or upward curling of leaves was observed in any of the plants.

Westford Road Culvert – CPW completed design, permitting and the FEMA Hazard Mitigation Grant Program (HMGP) application for the culvert replacement project in November 2010 to meet the original FEMA deadline. CPW was informed that FEMA had extended the application deadline to March of 2011 and also delayed the HMGP grant award decisions to the fall of 2011. This will not allow the CPW to reconstruct the culvert within the 2011 low flow season as required by the Natural Resource Commission's Order of Conditions.

CPW had a structural engineer assess the culvert condition to evaluate the possibility of reopening the road on an interim basis until the HMGP grant application results are made available. It was the opinion of the structural engineer that the culvert could be opened temporarily, so CPW will construct the temporary embankment repairs and paving and open up the roadway within the spring of 2011. The road will then be closed once again in July of 2012 at the beginning of low flow season to begin the culvert replacement.

EPA NPDES MS4 Stormwater Permit - The EPA conducted a Public Hearing for the Draft Massachusetts Interstate, Merrimack and South Coastal Small MS4 NPDES General Permit on March 9th. Staff from CPW's Engineering Division attended the hearing which also included an informational meeting and briefing of the new permit requirements by EPA with a question and answer session prior to the hearing. The new permit will build on the requirements of the 2003 NPDES MS4 permit's minimum control measures and will have additional operational and capital costs associated with the new requirements. Highlights include new drainage outfall sampling and testing requirements, new site plan review requirements and new catchment mapping requirements,

among others. Town Engineer Bill Renault P.E. provided a technical comment letter to the EPA prior to the March 11, 2011 public comment deadline.

Energy Audit for Public Works and DPLM Keyes Road Buildings – Buildings located at the Keyes Road campus underwent an energy audit inspection that included an infra-red survey of the envelope of each building. The report was received in February and is under review to determine how the items identified will be addressed through construction and/or operational improvements. Several improvements are eligible for Sawyer Trust funding.

January 11- 12th Winter Storm Emergency, FEMA/MEMA Briefing Event Scheduled – The Town was recently notified of a scheduled FEMA/MEMA briefing meeting for the winter storm event for which Concord Public Works incurred costs for snow response exceeding \$99,429. An initial damage assessment was submitted by CPW on January 26, 2011 to determine if state, county and single day accumulation thresholds were met. This meeting will provide an update relative to any reimbursement for the expenses incurred during this winter storm emergency.

Highway and Grounds Division, Spring Maintenance – The 2010/2011 winter season was particularly harsh greatly impacting Concord's roadways and drainage infrastructure. This was due to the significant storm activity and numerous freeze/thaw cycles. Highway and Grounds staff are preparing for and commencing with regular spring maintenance work which includes street sweeping, parking meter repairs, sign repairs, winter plow damage repairs (mailboxes and loaming and seeding), debris clean up and road and drainage investigations in preparation of structure and roadway repairs. Staff are also very much engaged in preparing the town for the annual Patriot's Day celebration on April 18th. In addition, Park and Tree staff will soon be focusing their efforts on the preparation of the Town's sports fields, tennis courts and recreation sites as conditions allow. CPW's goal is to prepare the artificial turf fields to allow use on or around March 21st; however, this goal will be influenced by weather and site conditions. Most other fields will require considerably more time to allow for sufficient drainage and drying before work can commence.

Deaconess Well Replacement Project - Weston & Sampson installed two groundwater test wells at the Deaconess well site to evaluate the favorability of moving forward with the siting and development of a large diameter replacement well(s). Preliminary findings indicate there is at least one potential location on this site where a large diameter replacement well may yield sufficient capacity to develop. A report will be generated characterizing the hydrogeologic conditions at each test well location with a recommendation of a final well design which will be incorporated into a future bid specification.

White Pond Replacement Wells - The White Pond well is a single gravel packed well installed in 1970 with a registered withdrawal of 550 gallons per minute (gpm). Approximately ten years ago, the Town installed two smaller diameter gravel packed replacement wells at this site for the purpose of improving water quality from this well site. After extensive water quality assessment, it was determined that the activation of these wells would not have provided sufficient water quality benefit and no further action was taken. Now that the water from this site is pumped to and treated at the Deaconess Water Treatment Facility, it has been determined that the activation of these replacement wells can restore the available yield from this site without compromising water quality. Stantec Consulting Service has developed plans and specifications for the installation of mechanical, electrical and instrumentation systems required to bring these two replacement wells on-line. The project has been advertised with bids due on March 18.

DEP Water Conservation Grant - Terms of a \$30,000 grant received by the Town have been finalized with Massachusetts Department of Environmental Protection coordinator. Following the

execution of the agreements by the Town Manager, CPW Water and Sewer Division staff will begin to promote opportunities which will include toilet replacement rebates; clothes washer rebates; leak detection study; soil moisture sensor and controller incentive for in-ground irrigation customers, installation of lavatory proximity faucet retrofits; and general outreach and education materials.

Cross Connection and Control Program Compliance Update - All property owners who previously received a violation notice last summer have, or are in the process of, addressing all outstanding plumbing system compliance requirements in order to meet all state and CPW Water & Sewer Division regulations

PLANNING & LAND MANAGEMENT

Planning Division

- **HOME Consortium:** On Monday night, the City of Newton held a public hearing on the FY12 Annual Action Plan for the WestMetro HOME Consortium in Newton City Hall. This public hearing reviewed the projects proposed in the member communities and the accomplishments of the programs to date, as well as the anticipated funding levels for the program beginning in July. Because Congress has yet to finalize the budget, the anticipated funding for all of the HOME Consortium communities is not clear yet and Newton will be issuing further information on each community's funding allocations as soon as additional information is available.
- **Planning Board:** Tuesday night, the Planning Board held its Public Hearing on Zoning Bylaw Amendments (articles 43-56). Articles 45, 46, 48 and 49, which the Board considers housekeeping items, were presented without further discussion. It was recommended that Articles 43 and 44, regarding side yards and height within the Residence C Zoning District, be clarified with diagrams. There was a brief discussion on Article 47, regarding the size of commercial vehicles, and Articles 54 and 55, regarding Formula businesses. Chairman Sgarzi, also a member of the West Concord Task Force, presented and answered questions on Articles 50-53, which propose changes in West Concord. Article 56, Extended Stay Hotel, was presented by petitioner Dan Holmes. The Planning Board also continued its discussion of the warrant articles proposed for the Special Town Meeting and voted on some changes to the West Concord Mixed Use Overlay District article.
- **Bike Racks:** Senior Planner Julie Vaughan is coordinating the installation of and reimbursement for the bike racks that were ordered through the 2010 MAPC bike rack grant program. The bike racks, which are currently being stored at 133 Keyes Road, need to be installed by the end of May for full reimbursement. Three of the bike racks are for the Concord Housing Authority properties at Walden Street, Powder Mill Road and Strawberry Hill Road; two will go to the Emerson Umbrella; and 7 are for the public schools. There is one remaining from the 2009 order that will be installed at the Public Safety building.

Health Division

- **Walden Grille:** Public Health Inspector, Gabrielle White responded to a complaint that Walden Grille was dumping food waste and grease into the storm drain adjacent to their back door. This violation was observed and documented. Illegal dumping has been a long standing issue with this facility and enforcement action dates back to 2000. An enforcement letter has been issued to the owners and a fine has been assessed.

- **Concord Public School Inspection:** Bi-annual food safety inspections have been conducted at all public schools this week. Gabrielle is working with Bonnie Hardy, Food Service Director, to resolve issues which were observed during inspections at a few of the facilities.
- **Mosquitoes:** David Henley, Superintendent of the East Middlesex Mosquito Control Project, posted a legal notice in the Globe for aerial applications to control mosquito larvae. The legal notice describing aerial Bti larviciding fulfills a regulatory requirement of the Massachusetts Pesticide Board. Although aerial Bti applications to control mosquito larvae have not been done in Concord, in the event of a summer flooding rain that occurred during a period of imminent EEE risk, the Concord Board of Health has left open the possibility that an aerial Bti application could be a response. In the event that an aerial Bti application is scheduled, a press release would be sent to the Concord Journal that would provide specifics relating to the plans for Concord.

Building and Inspections Division

- **New Mechanical Code licensing requirements:** On August 4, 2008, Governor Patrick signed legislation that established a Board of Examiners of Sheet Metal Workers. Beginning February 19, 2011 the Concord Building Inspections Division is now required to perform sheet metal inspections for any new HVAC sheet metal work done in the Town. The Board of Building Regulations & Standards will be providing training for building inspectors in the future.
- **T-mobile cell tower permit issued:** The Building Division has issued a building permit this week to allow the installation of T-Mobile wireless communications equipment in the old church tower at 100 Keyes Road. This work was approved by the Historic Districts Commission, reviewed by the Planning Board and issued a special permit by the Board of Appeals.

Natural Resources Division

- **Natural Resources Commission:** At the NRC meeting on March 9th, the Commission reviewed the following projects: Lowell Road Sidewalk Extension (Phase II); demolition and reconstruction of single family houses at 48 Upland Road, 144 Southfield Road, 466 Harrington Avenue and 709 Bedford Street; and an upgrade to a septic system at 24 Old Mill Road. An Order of Conditions was also issued to construct a public access trail to the Assabet River at Concord Riverwalk (1631/1641 Main Street).

The highlight of the evening was a presentation by Susan Erickson's 4th grade class (Thoreau School) who are head- starting Blanding's turtles in their classroom for eventual release at Great Meadows Wildlife Refuge in an effort delist the turtle from the threatened species list. The children have worked with local turtle specialist Bryan Windmiller to evaluate what habitats in Concord are used by the Blanding's turtle. Part of their efforts is to request the Town to install turtle crossing signs at known crossing



locations. This endeavor is in response to the Disney Planet Challenge (DPC), a project-based learning environmental competition for classrooms across the United States. DPC teaches kids about science and conservation while empowering them to make a positive impact on their communities and planet.



The Commission also voted to support the continued efforts of Bryan Windmiller to conserve and manage the Great Meadows population of Blanding's turtles. This includes rearing and releasing Blanding's turtle at Great Meadows, and educating local school children about this threatened species. The USFWS, Concord Land Conservation Trust, the NRC, and other conservation organizations have supported this work since 2003.

- **Walden Grille Violation impacts the Mill Brook:** DNR staff received a complaint that employees from the Walden Grille were flushing food waste (including oils) into a catch basin immediately behind the restaurant. This catch basin drains directly to the Mill Brook, as evidenced by the marker stamped onto the basin with the words "No Dumping – Drains to Mill Brook". The Board of Health and the owner signed a Consent Agreement in 2001 in which the owner agreed not to use this catch basin to dispose of any liquid waste, including but not limited to mop water, cleaning or rinse water, grease, or food waste. The DNR issued a violation letter ordering the owner to immediately cease and desist any and all dumping into this basin and to submit a plan to the Natural Resources Commission detailing how they will handle future disposal of mop water, cleaning or rinse water, grease, and food waste. The owner has 14 days to provide a plan to the NRC.

