

# Town Manager's Report

## Monday August 17, 2009

**To: Board of Selectmen**  
**From Christopher Whelan, Town Manager**

1. **Police Chief Retiring.** Police Chief Leonard Wetherbee formally announced his plans to retire earlier this month. He will be leaving on or about February 2, 2010. He has served in the Police Department for more than 30 years, and has been Chief since 1993. Recruitment for a successor for Chief Wetherbee will begin shortly after Labor Day. At the moment, it is anticipated that an internal recruitment within the Concord Police Department will take place to determine if there is a qualified successor among the current staff. I am grateful to Len for his long years of service to the community, and I appreciate Chief Wetherbee providing sufficient advance notice of his retirement plans to allow for an orderly transition.
  
2. **Willard Elementary School.** Building Commissioner John Minty issued an Occupancy Permit for the new Willard School last Friday. This followed successful completion of the inspection of all life-safety systems, including elevator and fire alarm systems. There remains some punch list work that will take through the month of September to complete. But this issuance of the Occupancy Permit marks a major milestone for the building, and means that the building will be ready for the start of school in September. The contractors worked nights and weekends to get the building ready for the last week's inspection. The demolition of the old Willard building is expected to begin on Monday, August 24.
  
3. **US EPA Administrative Complaint.** I was disappointed to learn last week that Concord was identified as one of 9 communities the EPA is citing for failure to comply with Stormwater Management regulations. I have not received the official Complaint as of today, but the email copy cites the Town for several alleged failures, including not having a map of our stormwater system, not having an enforceable bylaw prohibiting illegal connections to the storm drain system and not having a plan to identify and disconnect illegal stormwater connections. The penalty proposed by EPA staff is \$50,000. I refute all of these allegations by EPA. We have a map, we have a policy and an enforceable bylaw and we have proactively investigated locations where we think there may be illegal connections. There is no evidence of any sewage getting into our rivers and streams through our stormwater system, unlike many Massachusetts cities, where combine sewer overflows CSO's cause dump raw sewage into the stormwater system and out to the ocean.

We take our responsibility to protect the environment very seriously. We were completely caught off-guard by this Administrative Complaint because we believe Concord is one of the leaders in this area. The Complaint requires a response within 30 days, and encourages an informal conference with EPA staff to discuss mitigation of the penalty. We have already contacted EPA's attorney to set up the informal meeting to discuss what I believe is a misguided enforcement action. .

4. **Ag Day September 12.** The Agriculture Committee has planned the third annual Ag Day for Saturday the twelfth of September from 10:00 a.m. to 2:00 p.m. The Police Department will be closing to vehicles the first block of Main Street along the Mill Dam to Walden Street to encourage free use by pedestrians. This will be a great chance for people to sample local produce and support our farmers.
5. **West Concord Task Force.** The Task Force is continuing to develop a Master Plan for West Concord, working with Ted Brovitz, a planning consultant from Stantech. The next meeting of the Task Force is set for Tuesday, August 25 at 7:30 p.m. at Concord Park, and they will meet again on Friday, August 28 for a 3-hour session. This is in preparation for the Task Force's planned two-day Community Design Workshop on Friday and Saturday September 11 and 12. The public is invited to participate in the West Concord Village Design Workshop, beginning Friday September 11 from 9:00 a.m. to 4:00 p.m. and later that day from 6:00 p.m. to 8:00 p.m. The workshop will resume on Saturday, Sept 12 from 9:00 a.m. to 1:00 p.m.. Ted Brovich will present the results in the form of preliminary concept plans on Saturday the 12<sup>th</sup> from 3:00 to 4:30 pm. Also, the Planning Board has issued a 2<sup>nd</sup> draft of the voluntary Design Guidelines for new construction in West Concord. The revised guidelines are posted on the WCTF page of the Town's website.

## 6. **PLANNING & LAND MANAGEMENT MATTERS**

### Planning Division

- **Caesar Robbins House:** Planning Division staff, Concord residents involved with the Drinking Gourd project and representatives from the Trustees of Reservations toured the Caesar Robbins house with Preservation Architect Larry Sorli once again to discuss the potential for relocating this historic structure on land owned by the Trustees. The Drinking Gourd Project is beginning fund raising activities to move the house from its current location and for future restoration purposes.
- **Green Communities Act/ICLEI:** Senior Planner Julie Vaughan began research and work on an application for Green Communities funds. Julie also attended the ICLEI Massachusetts - state networking meeting on Thursday where she met other people new to ICLEI, heard a presentation on the Green Communities program and toured the 100-watt wind turbine recently constructed in Medford.

### Health Division

- **Willard School Kitchen Facilities:** Public Health Inspector Gabrielle White completed the facility inspection of the Willard School kitchen this week, and approved the kitchen for the Certificate of Occupancy purposes. In order to receive a Food Establishment Permit, the Concord Public Schools have additional criteria still to meet, including the stocking of the facility with the necessary ancillary equipment and supplies and passing an additional inspection once the kitchen facilities are under the control of the School Food Service Department.
- **Nashoba Brooks School Construction:** Construction activity at the Nashoba Brooks School is well underway for the planned addition to the facilities there. Environmental Health Inspector Stan Sosnicki has been inspecting the construction progress of the onsite wastewater system expansion currently underway. The expanded wastewater system will not only serve the school for the current construction plans, but will allow for flexibility in facilities planning in the future.
- **School Nursing H1N1 Summit:** Public Health Director Brent Reagor has invited school nurses from all of the public and private schools in Concord to the first in a series of coordination

summits on August 19<sup>th</sup>. Hosted by Brent, these coordination summits will allow for the exchange of clinical and epidemiological information and standardized updating of all stakeholders on current guidance documents from the Centers for Disease Control and Department of Public Health. This summit will focus on pre-planning for the return of H1N1 during the school year and its potential impact on the student and faculty populations.

### **Building and Inspections Division**

- **Concord Land Conservation Trust sign permits issued:** Sign permits have been issued allowing the Concord Land Conservation Trust to place signs on thirteen (13) parcels of land around Concord. These signs were considered to be “charitable” signs under the “Special Provision” Section 12 d) of the Sign Bylaw. Each sign will have the name of the location, such as “Annursnac Land” and in smaller type, “Concord Land Conservation Trust”. One sign being placed on the Hubbard Brook Farm field will include the statement that “the field has been conserved through the generosity of the members of CLCT and a grant from Concord’s Community Preservation Fund”. The signs will be made of Cedar and allowed to weather overtime.
- **Fenn School complaint:** John Minty received a “request for enforcement” last week from Attorney Dan Hill, representing Dr. Susanna Bedell of 131 Carr Road and Dr. Robert Coles of 81 Carr Road. Under MGL Chapter 40A, Section 7, John has fourteen (14) days to make a determination as to the zoning issues that have been raised in the request. Their request is as follows:
  - Order the Fenn School to submit its proposal to construct a synthetic athletic field to the Planning Board under the Site Plan Review provisions of Section 11.8.7 of the Zoning bylaw;
  - Order that Fenn cease and desist from using Carr Road as a parking or loading area;
  - Order that Fenn cease and desist from operating its “summer camp” program which is not protected under the Dover Amendment, and which currently violates the Zoning Bylaw; and
  - Order that Fenn cease and desist from enrolling more than 300 campers in its “summer camp” program, per the Planning Board’s 2000 site plan approval decision.
- **Grandfathered lot hearing:** John Minty has scheduled a public hearing on Wednesday, September 30th, 2009, at 7:00PM in the second floor meeting room at 141 Keyes Road, Concord, Massachusetts regarding the "Grandfathered" status of Parcel #2000-15-1, Commerford Road. This hearing is required under Concord’s Administrative Policy/Procedure #39, in order to help determine the "Grandfathered" status of this property as it relates to Concord’s Zoning by-law changes and Massachusetts General Laws, Chapter 40A, Section 6. As part of this process the Planning Board has been provided a copy of the “claim packet” and they will be making their recommendation and providing their comments to John to help in his decision making.

### **Natural Resources Division**

- **The Old Manse:** DNR staff met at the Old Manse with Tom Beardsley, Historic Site Manager for the Old Manse, and Russ Hopping, Ecology Program Manager for The Trustees of Reservations for a pre-construction meeting to eradicate Black Swallowwort, an invasive plant, at the Old Manse. The NRC approved this project in June as a pilot program that includes strict controls on the methods and timing of herbicide application, and test plots to compare the use of herbicides with hand-pulling. This important project is necessary to prevent the field from serving as a regional seed source for the swallowwort. The Trustees of Reservations are working on interpretive signage and staking out the test plots and will begin treatment over the next month. The Trustees hope that this experimental effort will engage the public and facilitate stewardship efforts regarding the control of invasive species at the Old Manse and elsewhere.

- **Invasive Water Chestnut Control:** A member of the Warners Pond Stewardship Committee organized 14 people to handpull water chestnut from Warners Pond and upstream from Nashoba Brook. The river is high enough that boating is possible all the way to Route 2 from the pond. Conservation Crew hand pulled water chestnut from Macone Pond, Hutchins Pond, and in Fairhaven Bay with Concord Land Conservation Trust land manager Nat Marden and Lincoln's Conservation Crew.

## 7. PUBLIC WORKS MATTERS

### Administration and Engineering

- **Pine Street Bridge** - Mass Highway has approved the bridge rail modification and it is currently in fabrication. Remaining work includes installation of bridge rail and removal of scaffolding. Estimated completion date for the bridge, provided by MassHighway, is early September 2009.
- **2009 Roads Program** - Contractor P.J. Albert has completed reclaim, fine grading and binder course paving on Laurel Street, Walden Terrace and Middle Street. Additionally, top course pavement was installed on College Road. Upcoming work includes structure adjustment and top course pavement installation for Laurel Street, Walden Terrace and Middle Street and a sidewalk extension installation on Academy Lane, a section of which is within the HDC and was approved at the August 6th HDC hearing . This sidewalk will consist of stone dust sidewalk material used exclusively in the HDC jurisdictional area with the balance both bituminous asphalt and concrete ramps.
- **2008 Road Program Contract Completion** - Contractor D&R Paving completed final paving on Upland Road and Pine Street the week of July 27th and is scheduled to return during the week of August 12th to begin work on ORNAC . Additionally, Main Street from Sudbury Road to Monument Square, will receive a mill and overlay and the public parking lot behind Vanderhoof's will be reclaimed and paved. This will take place following the completion of the Mill Brook Culvert work is complete. This late fall (September/October) work is planned to include both nighttime milling and paving to minimize the disruption of the downtown area.
- **(PHOTOS) Thoreau Street and Sudbury Road Intersection** - Curb adjustments and sidewalk installation at the Thoreau Street Mobil station entrance will be completed shortly. The project contractor, Charles Contracting, has moved to begin demolition/excavation of the sidewalk at the Sudbury Road entrance of Dunkin Donuts. Curb adjustments along with sidewalk and conduit installation for this portion of the quadrant of the intersection will continue for the next two weeks. Depending on availability and shipment schedule of signalization equipment and mast arm, work will be completed in fall 2009 or spring 2010.
- **Mill Brook Culvert Rehabilitation** - Contractor Greener Excavating has returned to finish the liner installation from last construction season. The dewatering controls are installed with brook diversion scheduled to begin Monday August 10th. Initial work will include inspection of last year's work and cleaning of the work area of accumulated sediment followed by liner installation.
- **Route 62 Main Street West Concord** - Drainage work for this Transportation Improvement Program funded footprint road reconstruction project is ongoing and will continue for the upcoming weeks. The project remains on schedule to have reclaim, fine grading and binder course pavement installation completed by November 2009. Top course pavement installation and sidewalk installation will resume during the 2010 construction season.
- **Route 62 at Old Stow Road Retaining Wall and Sidewalk Improvements** - Bids were opened on July 2nd for this project. The apparent low bidder is Spinelli Development Corporation with a bid of \$271,130, which is within the engineer's

estimate and project budget. The project duration is anticipated to be two months and commence by mid August.

- **Crosby's Corner Reconstruction** - Over the last several weeks the MPO has held several public meetings to discuss reprogramming of the Long Range Transportation Plan and the 2010 - 2013 Transportation Improvement Program (TIP) to address funding constraints. The Town Manager, CPW and DPLM staff along with Town of Concord BOS representatives have been actively participating in this process, with Lincoln and Acton, to advocate for continued inclusion of the Crosby's Corner Project. The MPO committee has recently voted to continue to support inclusion of this 4 year \$70 Million dollar project in the TIP and will formally vote on the 2010-2013 amended TIP at their August 27th meeting in Boston.
- **Route 2 Rotary Project** - Due to the budgetary constraints mentioned above in the State's Transportation Improvement Program (TIP), the Rotary Project has not been included in the 2010 -2103 amended TIP or Long Range Transportation Plan. This project is proposed to be designated by Mass Highway as a "illustrative project", a new project category, which emphasizes the critical importance of this project which could allow design efforts to continue to take place as construction funding options are investigated.

### **Water and Sewer**

- **Primary Clarifier Rehabilitation** - Construction activities continue to be performed by Hemi Enterprises at the Concord Wastewater Treatment Plant. The project involves sandblasting and coating of structures and appurtenances associated with the two 40-foot diameter primary clarifiers and one concrete grit detritor. The contractor has sandblasted, primed and applied two coats of epoxy paint to one of the two clarifiers with the unit expected to be place on line shortly.
- **Verizon Wireless Cell Tower located at Treatment Plant** - Verizon has contacted the Water/Sewer Division to inform them that have begun to mobilize for the construction of a second cell tower immediately adjacent to the existing cell tower located on the Wastewater Treatment property situated off of Bedford Street.
- **EPA Promotional Video** - CPW's Water/Sewer Division has been asked to participate in an EPA sponsored promotional DVD designed to draw interest to potential career opportunities within the water works industry.

### **Solid Waste and Recycling**

- **Landfill Gas and Groundwater Monitoring Contract** - The current landfill monitoring contract with Environmental Partners is scheduled to expire on August 31, 2009. An RFP has been advertised and bid sets have been sent to qualified vendors who responded to the bid advertisement. The bid opening date is August 25, 2009. Services will include ongoing quarterly monitoring of soil gas probes and semi-annual monitoring of ground water wells and surface water monitoring, all consistent with the Town's DEP permit requirements.
- **Unwanted Medication and SHARPS (needles, lancets, syringes) Collection Event** - CPW is currently researching the feasibility of hosting an unwanted medication & SHARPS collection event this fall. This could likely be included at the October 17<sup>th</sup> Drop Off-Swap Off Event. CPW receives an increasing amount of calls from residents regarding unwanted medication and SHARPS disposal. Effective July 1, 2010, all MA municipalities will be required to have a SHARPS disposal program in place.

### **Administration and Engineering**

- **2009 Road Program Updates** - Roads contractor P.J. Albert has begun the construction of the 2009 Roads Program. The status is as follows:

College Road: Drainage improvements, reclamation, fine grading and paving of binder course pavement was completed prior to 7/10. Berm installation will begin the week of 7/27. Top course pavement is anticipated to be installed in August.

Laurel Street: Drainage improvements were completed the week of 7/20. Reclamation and fine grading has been reschedule to take place at the end of the week of July 27<sup>th</sup> to allow for installation of new Comcast infrastructure.

Academy Lane/Middle Street: P. J. Albert is performing drainage improvements which will continue through the middle of the week of July 27<sup>th</sup> .

Walden Terrace: Pavement reclamation and fine grading will begin on Monday July 27<sup>th</sup> . The reconstruction of the roadway will include the installation of berm within the cul-de-sac to divert wetland flow around the paved portion of the cul-de-sac.

Plainfield Road: CPW Highway Division performed spot repairs on a collapsed drain near the intersection of Plainfield and Wheeler Road. The drain will be replaced during the reconstruction of Plainfield Road.

8. **National Grid Gas Main.** National Grid will be making repairs to a major gas main that lies under Route 2 at Old Road to Nine Acre Corner near Emerson Hospital. The work will begin this coming Thursday, August 20, and is expected to take about 10 days. Crews will work from 10:00 a.m. to 3:00 p.m.. This work will address a problem with repeated leaks from the existing gas main in that area.



New Concrete Sidewalk on Thoreau Street at Sudbury Road



- Sidewalk Nearly Complete on East Side of Thoreau Street



- Turning Lane Being Added on Sudbury Road - Traffic Lights will be relocated.