

BOARD OF SELECTMEN

November 10, 2009
Minutes

The Board of Selectmen met on Tuesday, November 10, 2009 in the Town Hall Clark Room. Those present were Selectmen Timothy F. Hult, John D. Williams, William R. Tice, Jr., Douglas A. G. Stevenson, and Peter Scavongelli. Town Administrator Timothy D. Goddard was also present.

Town Administrator Report

Mr. Goddard brought forth additional pathway easements on Hanover Hill for the Board to approve. After a brief discussion the Board decided to review this matter at the next meeting.

Mr. Goddard said at the Board's October 13th meeting it was voted to affirm the Town's practice of paying overtime to Special Police officers who were called in for training outside of their regular patrol shifts. He said the Town Accountant and Police Chief are seeking clarification of this vote. On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to authorize the Police Chief to pay overtime rates to Special Police Officers when they are called or ordered in outside of their regular patrol shifts.

Mr. Goddard said because of the 9% cuts announced by the Governor last week, Representative Cory Atkins has requested that local officials compile a list of the unfunded state mandates that municipalities are required to comply with and also the reports they are required to submit to various state agencies. Mr. Goddard said the Town is being asked to prioritize the mandates that should be amended or eliminated altogether and reply by November 30th so that Rep. Atkins can make a report to House Ways and Means Chair Charles Murphy for consideration during the FY2011 state budget cycle. The Board asked Mr. Goddard to work with Finance Director Larry Barton on this matter. Mr. Stevenson said that since the whole nature of 40B, requires municipal funding to make it happen, perhaps this item should be included on the list of unfunded mandates. He felt strongly that it qualified as an unfunded mandate. Mr. Hult said he felt that CORI checks and the new ethics test were costly examples of unfunded mandates.

Mr. Goddard asked the Board to review the spreadsheet provided and give direction as to how they would like to resolve paying the outstanding invoices for the Honor Roll Memorial project. The invoices totaled \$7,240.10 and the remaining funds in that account were \$3,761.64 [leaving a shortfall of \$3,478.46]. Mr. Stevenson said the Committee is determined to pay the invoices. He asked the Board of Selectmen to authorize payment of the invoices; however payment to the Clerk of the Works would have to be slightly postponed. Also, Mr. Stevenson asked the Board to authorize a Gift Account for the Honor Roll Memorial. The amount that is collected in the Gift fund would pay for the Clerk of the Works stipend and future maintenance of the Memorial.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to authorize the remaining payments for the Honor Roll Memorial project in the amount of \$5,240.13 allowing the account to go into deficit by approximately \$1,500.00.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to establish a Gift Account for the purpose of paying any outstanding invoices for the Honor Roll Memorial project,

specifically the stipend for Stanley Durlacher [clerk of the works] in the amount of \$2,000.00 and any ongoing maintenance for the Honor Roll project.

Mr. Goddard said he would like to have two seminars in January, one during the day for employees and one in the evening for Board members for free on-site training programs offered from the State Ethics Commission.

Mr. Goddard said he was informed that the Town has received a Clean Energy Choice grant in the amount of \$335.00. Mr. Goddard said due to the types of items that can be purchased with these funds, he was suggesting that they be offered to the Carlisle Public School. He noted that the money must be committed by November 30th. On a motion made by Mr. Williams and seconded by Mr. Stevenson it was unanimously **VOTED** to offer the Clean Energy Choice grant funds to the School assuming that they want to do the required paper work to obtain such grant.

Mr. Goddard said the Traffic Safety Advisory Committee has met to discuss safety concerns at the Transfer Station. Police Chief Sullivan, Fire Chief Flannery and DPW Superintendent Gary Davis are in the process of implementing improved signage and lane markings to improve the flow of traffic within the Transfer Station and also to make the access/egress onto Elizabeth Ridge Road safer. Mr. Goddard said the second issue that was discussed was the possible sale of the Transfer Station stickers at Town Hall. He said it would be a convenience to the residents. Mr. Goddard said he will discuss this further with the Department Heads at their next meeting, as it will require coordination.

Mr. Goddard said the Board of Health agent asked him to announce that they will be sponsoring an H1N1 vaccination clinic in Town Hall. He listed the appropriate groups of people that would be allowed to receive the vaccine and noted that it would be administered by appointment only because of the limited amount of vaccine.

Community Input

There was no community input.

FY10 Tax Classification Hearing – Assessors

Finance Director Larry Barton said the Assessor's Office has not received the certified values from the Commonwealth, although they were submitted three weeks ago. Consequently, the recap sheet has not been completed, and therefore the Tax Classification Public Hearing cannot move forward this evening. He asked the Board to open the Public Hearing and then continue it until the next meeting.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to open the Public Hearing for the FY 10 Tax Classification.

On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to continue the Public Hearing until November 24, 2009.

Authorization of BANS –

Larry Barton, Finance Director was present this evening with a Bond Anticipation Note in the amount of \$465,000.00 for the signatures of the Selectmen. Larry said as he discussed a few weeks ago, the BAN will include an amount for the school building project, the installation of a cistern and a roll-off truck. This note was dated November 19th, and it will be due November 19, 2010 with an interest rate 1.55%.

LWV Request for Bottle Bill Resolution

Launa Zimmaro from the League of Women Voters was present to ask the Board to sign a Resolution in Support of Updating the Massachusetts Bottle Bill. She said over 150 Massachusetts cities and towns signed this resolution. Launa said this Bottle Bill is known as House Bill 3515 and Senate Bill 1480 and Representative Cory Atkins and State Senator Susan Fargo are supporting and endorsing this Bill. Launa said on the local level, the Energy Task Force, the Carlisle Climate Action Committee, Household Recycling Committee and DPW Superintendent Gary Davis have all shown support of this Bill.

Launa said this expanded Bottle Bill will greatly reduce trash and litter, increase recycling rates; provide local jobs at redemption centers and save municipalities energy and money spent on collection and disposal fees.

Launa added that Gary Davis said the new updated bottle bill will reduce the loads by 1 to 2 loads per year at the Transfer Station. The Board briefly discussed this matter. Mr. Scavongelli asked why the Town would not want to support this Bill. Mr. Stevenson was concerned with the wording in the last paragraph. However it was noted that the same wording was used in all of the Resolutions.

Mr. Hult said he spoke with Cory Atkins this morning about this Resolution, and she was in favor of the Bill. On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to adopt the Resolution In Support of Updating the Massachusetts Bottle Bill dated November 10, 2009. (Copy attached)

School Building Committee Update

Lee Storrs was present with Laura Wernick, A.I.A. from HMFH. This presentation was about the location of the new construction, renovations and repairs at the School. The slides presented provided various insights to angles of construction from School Street and the Corey Building. Laura Wernick, who gave the presentation, described the floor plans for the first and the second floors. She pointed out the special music room that was out off in the distance. Laura said they are proposing a new parking area off School Street. She said there was an entrance to the School through the Corey Building and the new construction. There was also a new entrance through the preschool class rooms. Ms. Wernick also pointed out where the new middle school administration office was located. She spoke about a new engineering lab for the middle school for hands on activities.

Lee said the public presentation on this project will be on November 17th. He said in December the School Building Committee will submit the project scope and budget to MSBA and meet with them to review same. Lee said in January there will be the finalization of the project cost and budget agreement with MSBA. He said they hope to attain MSBA Board approval. Lee said at the Spring Town Meeting the School Building Committee is hoping to request funding for the balance of the project.

Mr. Tice said the layout was very nice, specifically the engineering room. He was concerned with security because of all of the entrances to the building.

Mr. Stevenson said he was happy with the design of the project and pleased with the progress that is being made. He asked Lee to give the Board an update on what we are waiting for. Lee said MSBA is having concerns with the gym, and the cafeteria. Lee said although we have been told we will receive up to 40% reimbursement there are some areas that will not be covered.

Lee spoke briefly about the construction of the building and two different approaches. He said there is the traditional design bid build, where the architects take the plans to 100% complete. He said the second option is a CM at risk. He explained what a construction manager at risk is. He said this is a newer process. He explained the differences between the two and the Board agreed the construction manager at risk would be a better choice for the project.

Mr. Hult asked about the music room and the windows. He said the Committee should consider the school administration in the process.

Mr. Goddard presented to the Board for their signatures a contract between the Town of Carlisle and Provencher Engineering, LLC for Well Consulting for Carlisle Schools Project. On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to authorize the Agreement Between the Town of Carlisle, Massachusetts and Provencher Engineering, LLC for Well Consulting for Carlisle Public Schools, dated October 29, 2009 in an amount not to exceed \$3000.00.

Appointments

Ed Rolfe, chair of the Zoning Board of Appeals spoke to the Board spoke about the vacancies on the ZBA. Ed said the ZBA is a three member board and is allowed four (4) associate members. He said currently they have one vacant full time position and two vacant associate member positions. He said two candidates have come forward and after discussion, the ZBA has made a recommendation to the Selectmen to appoint them.

Mr. Hult said there are now three candidates that have come forward. They are Marty Galligan, Alan Carpenito and Kent Gonzales.

Mr. Hult said today some questions were raised relating to the way the Benfield Public Hearing was scheduled and the way the communication was done regarding notifying the abutters. He said Town Counsel was consulted relating to the notice, the hearing and issues relating to abutters. David Freedman from the Planning Board came forward and spoke to the Board relative to the legal notice. He said the Legal Notice refers to the property as *Map 5, Parcel A*. He said the legal description could have been more precise. David said that Town Counsel has recommended that the Hearing be re-noticed with a more precise description of the Assessor Map and parcel of the Benfield Farms property. David said the other issue was the notification of the abutters. He read from the Town Counsel communication, which basically stated that abutters, abutting any of the parcels on which any part of the project will be located; and all abutters within 300 feet of the project property line, must receive notification. He said Town Counsel advised that the Zoning Board of Appeals should convene the Hearing as posted on November 23rd, however, they should accept no testimony, but should continue the Hearing until a date and time certain and re-notice the Hearing with the proper description of the parcel and an expanded list of abutters. Ed Rolfe returned to the Podium. He said he would take the necessary steps to re-notice the Hearing and notify the expanded list of abutters.

Mr. Williams spoke in regard to the appointments. He said it was incumbent upon this Board to appoint someone to the Zoning Board of Appeals who does not have the appearance or perception or reality of a prior bias about the project. He said Mr. Carpenito is an abutter, so he should be eliminated. Mr. Williams said that although Marty Galligan has served the Town in previous years, he has been on record as having done a study, arriving at a conclusion, and making a request, to the housing authority to cut the project in half. Mr. Williams said by asking that the Benfield Farms project to be narrowed down to 13 units, would be a vote to kill the project. Mr. Williams said this is a prejudicial feeling against this project. Mr. Williams said Kent Gonzales has very impressive credentials and although he is on the Planning Board, this is not a Planning Board recommendation. It was noted that it is not a conflict to serve on the Planning Board and Zoning Board of Appeals. Mr. Williams said it was his hope that the Selectmen would appoint Kent to the Zoning Board of Appeals. Mr. Tice said presently we have three people here who have done a lot of things for the Town. If this is matter is a conflict of interest, then they could ask to be recused. The Zoning Board of Appeals handles many issues. Mr. Stevenson said it was rare that the Board of Selectmen made appointments without recommendations from the board or committee to which it is being made.

Mr. Hult opened the discussion to public comment.

Alan Lehotsky, chair of the Housing Authority spoke about a *rule of necessity*. He said it over-rides ethical conflicts when a Board needs a member in order to make a vote-able quorum. He said it was conceivable to him that even if one of these individuals says he would recuse himself from Benfield, that the rule of necessity would be used to say we need a third member in order to deal with or break a tie. Alan said he was concerned about any appointment that could potentially introduce a delay in the hearing process. He said he would rather see the Zoning Board of Appeals with only two people than with one person added who would slow matters down. Alan agreed that Alan Carpenito would not be a good candidate, and he added that he agreed with Mr. Williams that Marty Galligan also would not be a good candidate.

Steve Pearlman from Baldwin Road spoke for Marty Galligan, saying that he believed that although Marty may have desired 13 units at one time, this is no longer a problem.

Marty Galligan spoke to the Board. He said he wrote the letter [regarding the 13 units] more that a year ago. He understands that the Zoning Board of Appeals does not shape a project, that is, change the number of units.

David Freedman spoke to the Board about recusing oneself on issues. He said the Planning Board does not have issues before the Zoning Board of Appeals.

Susan Stamps said Kent Gonzales would be a good candidate for the Zoning Board of Appeals. She said she would also support Marty Galligan's appointment.

A motion was made by Mr. Tice to appoint Marty Galligan as a full member to the Zoning Board of Appeals for three years. No one seconded the motion.

On a motion made by Mr. Scavongelli and seconded by Mr. Williams, it was **VOTED 3-2** to appoint Kent Gonzales as full member to the Zoning Board of Appeals for a three year term.

On a motion made by Mr. Scavongelli and seconded by Mr. Tice it was **VOTED 3-2** to appoint Marty Galligan as an associate member on the Zoning Board of Appeals for a three year term.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was unanimously **VOTED** to appoint Kathleen Chick and Ceceila McNally to the Carlisle Cultural Council for a two year term that will expire on June 30, 2011.

Cemetery Deeds

The Board of Selectmen, in their capacity as Cemetery Commissioners, made the following deed transfer.

On a motion made by Mr. Williams and seconded by Mr. Tice, it was unanimously **VOTED** to transfer to Alan C. Merry of Carlisle, Massachusetts, Deed #640 Cemetery Lot # D82, Graves 1 through 4 in the Town of Carlisle, Green Cemetery.

Minutes

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen Meeting of October 5, 2009.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was **VOTED 4- 0 -1** abstaining to approve the Minutes to the Board of Selectmen Meeting of October 27, 2009.

Liaison Reports

The Board briefly discussed who among them would serve on the negotiating committee with the High School Teachers.

Mr. Tice spoke briefly about the High School. He said there will a Forum at the High School on Saturday, November 14th, from 8 a.m. to 1p.m. on the Master Plan.

Mr. Williams said the Housing Production Plan Committee met Thursday and they made very good progress.

Mr. Stevenson said he attended a School Committee meeting, and they are considering a recommendation on administration consolidation. He said they will meet again to discuss and make a decision. It was his understanding that they will make a decision on this very soon.

Mr. Stevenson said in regard to the matter discussed at the last meeting on Cross Street, the Conservation Area at Greystone Crossing that has been vandalized, Mr. Stevenson said he drafted a letter to developer Bill Costello. He circulated the letter to the Board and they verbally agreed that Mr. Hult should sign same.

Mr. Scavongelli spoke about the Highland Building Committees 1 and 2. He said new names have been chosen for both, that is Highland Building 1 is now Highland Stabilization and Highland Building 2 is Highland Future. Mr. Scavongelli said they have prepared a draft RFQ and submitted it to the Chief Procurement Officer.

Mr. Hult spoke briefly about the discussion at the FinTeam meeting this morning. He said it was discussed that the Concord FinCom Guideline Sub-Committee has issued a request that is \$150,000 less than what the High School has requested.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to adjourn the Board of Selectmen meeting of November 10, 2009.

Respectfully submitted by Margaret M. deMare