

BOARD OF SELECTMEN

March 24, 2009

Minutes

The Board of Selectmen met on Tuesday, March 24, 2009 in the Town Hall Clark Room. Those present were Selectmen Douglas A. G. Stevenson, John D. Williams, Alan Carpenito, Timothy F. Hult, and Town Administrator Madonna J. McKenzie.

Boston Post Cane Presentation to Edwin Sadler

Mr. Stevenson said before the regular meeting started the Board of Selectmen would like to honor Mr. Edwin Sadler by presenting him with the *Boston Post* Cane. Mr. Stevenson explained that this New England tradition started in 1909 when the *Boston Post* distributed 431 canes to various towns, no cities, and Carlisle was one of them. The cane was described as being made of black ebony, and having a gold filled head with the inscription that read 'by the *Boston Post* to the oldest citizen in Carlisle to be transmitted'. Mr. Stevenson noted that the first person to receive the cane was Mr. George Warren Wilkins, in 1909. Mr. Stevenson presented the cane to Mr. Edwin Sadler. Mr. Sadler thanked the Board for this special honor.

Town Administrator Report

Mrs. McKenzie asked the Board to give permission to the National Brain Tumor Society to conduct a portion of their 15th Annual Ride for Research in Carlisle. After a brief discussion over the details of the area where the ride will take place, a motion was made by Mr. Williams to approve the request of the National Brain Tumor Society to conduct a portion of their 15th Annual Ride for Research through the Town of Carlisle on Sunday, May 31, 2009 contingent upon their working out an acceptable route with the Chief of Police. The motion was seconded by Mr. Hult, and a **unanimous 4-0 vote** was taken.

Mrs. McKenzie said that a group of second grade Cub Scouts, lead by Craig Smith, would like permission to experience a few flag protocol lessons with the Town Hall Flag. At this time Mrs. McKenzie asked the Board for their permission for in future similar instances, that she may make this decision regarding the Town Hall flag. The Board agreed to allow the Boy Scouts some practice time with the Town Hall flag. Mr. Stevenson said that at the next Board of Selectmen's meeting the Cub Scouts will bring a Flag that they have purchased to replace the torn flag in front of Town Hall.

Community Input – Benfield

Mr. Stevenson said at the last meeting [March 10, 2009] there was not enough time to allow the abutters to the Benfield site the opportunity to comment on the presentation made by the Developer/ NOAH. At this point Mr. Carpenito recused himself from the Board. Mr. Stevenson said the first part of tonight's Community Input would be designated to the Benfield Matter.

Mr. Carpenito from 493 South Street approached the podium and said his concern was over how the process began with the RFP. He said the project was not reviewed by the people that were most important. Mr. Frank Proctor from 532 South Street was concerned that the project was changed from a LIP to a comprehensive permit. He needed to understand why this had happened. He asked

if this negated any community input on the project. Mr. Stevenson said that the requirements are the same and the opportunities for input from abutters are the same. However, in this case the Board of Selectmen is no longer a partner in the project. Mr. Lemmermann from 548 South Street spoke about his concern for his and Mr. Proctor's wells and septic systems. Ray Kubacki from 438 South Street sent a letter to the Board expressing his concerns over the size of the three story building, which he referred to as a 'mc-mansion'. He said it did not fit in with the Carlisle rural setting. Mr. Stevenson said the Board heard the comments tonight and they will try to attend to the issues in the neighborhood.

BAN – Finance Director

Finance Director Larry Barton was present to discuss the renewal of a Bond Anticipation Note. Mr. Barton said one year ago this bond was taken out and it is due on April 3rd. The items included in this bond are the School Boiler for \$300,000; the Fire truck for \$500,000; and the Cisterns for \$200,000. Mr. Barton said he went out to bid last week, and he received two bids. The lowest bid was from Eastern Bank at an interest rate of 2.25%. The term will be for one year. On a motion made by Mr. Hult and seconded by Mr. Carpenito, it was unanimously **VOTED** to authorize the Town Financial Director to renew a BAN (Bond Anticipation Note) in the amount of \$1,000,000.00 at an interest rate of 2.25% for a period of one year.

Invasive Plan Garden – John Bakewell

Mr. Bakewell was present to ask permission to plant a garden of invasive plants across from the Banta Davis baseball diamond. The area of planting would take-up about 500 square feet. Mr. Bakewell said the plants would be labeled with a description of their growth habits and negative impact on Carlisle's biodiversity. Mr. Bakewell said he spoke with DPW Superintendent Gary Davis who was supportive of this project and was willing to allow him to use the water spigot from the Green Cemetery for irrigation. It was pointed out that the purpose of this project was to educate people about native plants so that the evils of exotic invasive plants could be put into context. On a motion made by Mr. Hult and seconded by Mr. Carpenito, it was unanimously **VOTED** to allow John Bakewell to use an area across from the Banta Davis baseball diamond, approximately 500ft. to plant and grow invasive plants, with the understanding that the garden will be removed should other users, who are entitled to use the area need it.

Liaison Reports

Mr. Williams gave a report on the Housing Authority. He said they had their first meeting this morning with the Town Hall Advisory Group [THAG]. He said Board of Health chairman Jeff Brem, who chaired the meeting, did a great job and is willing to do it again. Mr. Williams noted that the participation among the Boards was excellent. The meeting was relative to the Benfield Site. Mr. Williams said the question was asked at the meeting if there were any issues serious enough to stop the project; and it was agreed that there were none. NOAH, the Developer has asked that the Board of Selectmen write a letter that supports the project, the site, and the concept. Mr. Williams said at this point he was asking the Board for permission to draft the letter. He said it could be ready for the next meeting. Mr. Stevenson commented on the meeting. He said there were about 20 representatives present. Mr. Hult said that in reminding those who were watching this meeting, the Benfield Site project is not a LIP project, but a comprehensive permit, so therefore a letter from the Board of Selectmen would be a letter of 'support of the project itself'. He thought the Board should send a copy of the 'letter' to the Boards and Committees to let them know that is the letter the Board is considering sending. The Selectmen agreed to allow Mr. Williams to draft the letter. Mr. Carpenito had of course recused himself from this discussion.

Mr. Williams said the Teacher's contract negotiations have continued and he requested a brief Executive Session at the end of this meeting to discuss some of the details of same.

Mr. Hult said the Community Preservation Committee met recently [last week] and they have discussed the three projects they have chosen to support with CPA funds this year. They are as

Board of Selectmen

March 24, 2009

Approved: April 14, 2009

follows: The Gleason Public Library renovations/repairs for \$775,000.; the Highland Building restoration for \$445,000; and, Open Space and Recreation Plan for \$16,000.00. He asked the Board what their thoughts were about the Library renovations and using that specific amount for same.

Wireless - Request for Proposals

Brian Larsen was present from the Planning Board to discuss the Wireless RFP. Brian said he has worked on the RFP with Mrs. McKenzie, Selectman Bill Tice, outside consultant David Maxson, from Broadcast Systems and Peter Yelle, resident of Cross Street. Brian went through the RFP with the Board pointing out various highlights. He said there were two specific requirements that they were requesting. First, the tenant will have to provide an equipment shelter to house their equipment and any additional subtenant's equipment. Secondly, where a self-supporting CAM tower is proposed, it shall extend to no more than 80 feet in height above ground level. Brian talked about how the proposal was made more attractive to potential bidders. He said five sites in the Town have been pre-selected; they are: Rockland Street, Banta Davis (WWTP), Fire Station, Town Hall and the Department of Public Works. Brian said in addition, it is typical to require a \$10,000.00 deposit from the winning proposal; however, they have reduced this requirement to a \$5000.00 deposit. Brian said this proposal has been reviewed with the Planning Board and they are in agreement with same. Brian went over the Pre-lease Process and Requirements and the selection process.

Brian talked about the Lease Terms. He said the initial lease will be for a term of ten years beginning on the date of execution of the lease by the tenant. There was a discussion over the Rent Schedule and the amount of revenue that could be received from tenants. Mr. Stevenson asked what the next steps in the process were. Brian said the Board of Selectmen need to approve the RFP. It will then be sent out, that is, be made available to bidders. Mrs. McKenzie said it needs one more review before it can go out to bid. In reply to Mr. Hult, Mrs. McKenzie said it will be ready in about a month.

Planning Board – Proposed New Regulations

David Freedman, associate member of the Planning Board was present this evening with five (5) documents. They were the proposed LIP regulations; proposed Comprehensive Permit Regulations; and Attachments A, B, and C, which he said would be useful for the Land-Use Boards (attached hereto). David said Attorney Witton was present tonight to go over these documents with the Board. David briefly reminded the Board why Attorney Witton was hired in May of 2008, which was to review all of the Rules and Regulations across the Land Use Boards, the Zoning Board of Appeals and the 40B Working Group.

Attorney Witton talked about the purpose of adopting the LIP regulations. He said that all 40B projects need to go through the Comprehensive permit process and the Board of Appeals. The LIP process also goes through the Board of Appeals. He said the difference with the LIP is that the Board of Selectmen has the ability to negotiate with the developer in this process. He said by endorsing the LIP process, the Board of Selectmen will save on litigation fees. He said that it insures that the Board of Selectmen's stamp of approval is consistent at the Zoning Board of Appeals level. He said it is a sophisticated and secure process. Attorney Witton asked if the Board had questions. Mr. Stevenson thanked Attorney Witton for his presentation. In reply to Mr. Stevenson, Attorney Witton said the LIP Regulations are for the Board of Selectmen to approve and the Zoning Board of Appeals will approve the Comprehensive Permit Regulations. In response to Mr. Carpenito, Attorney Witton said, in the LIP process the Town has an opportunity to negotiate with the developer before it becomes an official project. Attorney Witton said the LIP Regulations and the Zoning Board of Appeals Regulations will benefit Carlisle in the long run.

Mr. Williams asked Attorney Witton a question regarding letters of support or endorsement on LIP 40B or Comprehensive Permit projects. Attorney Witton said if it is not a LIP project, then a letter to the Zoning Board of Appeals from the Board of Selectmen is an advisory letter. If it is a LIP, than it is a letter of endorsement/support.

Board of Selectmen
March 24, 2009
Approved: April 14, 2009

In response to Mr. Hult, Attorney Witton said through these new regulations, it is alright to ask for information 'up-front'. Mr. Hult asked if these regulations had been tested. Attorney Witton replied no, not specifically because the regulations are too new. Attorney Witton said there has been litigation on how much you can probe on the financials. Attorney Witton said the Board will have to work project by project with these regulations.

Warrant / Book – Annual Town Meeting

Mrs. McKenzie presented the Warrant, which she said she has made changes to upon the advice of Town Counsel. She also added an article that had been inadvertently omitted at the last meeting. Mrs. McKenzie said the Board needed to re-open the Warrant and take care of these few items plus there was a change to the Consent Agenda. Mrs. McKenzie said there are now only seven articles in the Consent Agenda because the Chapter 90 Article had to become Article 20. Mrs. McKenzie said the Board of Health has decided not to move the Mosquito Article, so that article was removed from the Warrant.

On a motion made by Mr. Williams and seconded by Mr. Hult, it was unanimously **VOTED** to re-open the Warrant for the Annual Town Meeting of May 4, 2009 and the Annual Election of May 12, 2009.

On a motion made by Mr. Williams and seconded by Mr. Carpenito it was unanimously **VOTED** to add to the Warrant Article 7 for Real Estate Tax Exemptions.

On a motion made by Mr. Carpenito and seconded by Mr. Williams, it was unanimously **VOTED** to move the Chapter 90 Authorization for FY2010 out of the Consent Agenda in the Warrant of May 4, 2009 and make it Article 20 in the regular Warrant.

On a motion made by Mr. Williams and seconded by Mr. Carpenito, it was unanimously **VOTED** to remove the Mosquito Control Article, known as Article 29, from the Warrant, at the request of the Board of Health.

Mrs. McKenzie went through the entire warrant pointing out all of the minor changes to the Warrant.

On a motion made by Mr. Williams and seconded by Mr. Hult, it was unanimously **VOTED** to approve and close the amended Warrant for the Annual Town Meeting of May 4, 2009 and the Town Election of May 12, 2009.

On a motion made by Mr. Williams and seconded by Mr. Carpenito, it was unanimously **VOTED** to sign the Warrant for the Annual Town Meeting of May 4, 2009 and the Annual Town Election of May 12, 2009.

Mr. Hult spoke about the Community Preservation Committee and the funds that were being requested for three projects. He said they had not come to an agreement [they were split on this matter] as to which projects to fund and therefore he was asking the Board for their input on this matter. Mr. Hult said funding all of them would cost \$1.5million. He said he talked to Finance Director Larry Barton about perhaps borrowing money for some or one of these projects and paying it back from future proceeds. Mr. Hult suggested another alternative, which would be paying for all three projects and using all of the money. He said or we could borrow a small amount of money for the Library and pay it back over the next few years.

Mr. Carpenito said there is a feeling that people don't want to take on anymore debt. However, he said it would be a disadvantage to do the Library piece by piece. He said it is important to do the Library all at once.

Mr. Stevenson said Mr. Hult could report back to the Community Preservation Committee that the Selectmen were mixed on this decision as well.

In regard to the Highland Building, Mr. Stevenson said he and Mr. Carpenito met with the Carlisle Public School Committee to discuss the building and the warrant article for transfer of same. He said the Committee was relieved that the Board was taking over, but they were concerned with the use of the building so that it would be compatible with the School.

Board of Selectmen

March 24, 2009

Approved: April 14, 2009

Mr. Stevenson said he and Mrs. McKenzie went to the Concord Chairs meeting. He said everyone was happy that a match was met on the operating budget for FY10. He said they also discussed the warrant article for the \$750,000 for the high school. The main focus was on the request for the \$250,000 Study. Mr. Stevenson asked Jerry Wedge to provide the Board with further details on how they intend to use that money. Mr. Stevenson said the Regional School Committee was concerned that the Selectmen were not as supportive as they hoped for.

Appointments

On a motion made by Mr. Hult and seconded by Mr. Williams, it was unanimously **VOTED** to nominate Larry Sorli and Deborah Toher as Inspector of Animals for the Town of Carlisle for a one year term that will end on April 30, 2010.

Minutes

On a motion made by Mr. Hult and seconded by Mr. Williams, it was unanimously **VOTED** to accept the Minutes from the Board of Selectmen meeting of March 10, 2009.

Executive Session

At 10:25 a motion was made by Mr. Williams to go into Executive Session for the purpose of discussing contract negotiations with union personnel, and not return to open session. The motion was seconded by Mr. Carpenito and the following **affirmative roll call vote** was given: Stevenson – aye; Williams- aye; Hult – aye; and, Carpenito – aye.

Respectfully submitted by Margaret M. deMare