

## BOARD OF SELECTMEN

October 25, 2011

Minutes

The Board of Selectmen met on Tuesday, October 25, 2011 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Douglas A. G. Stevenson, Peter Scavongelli, John Gorecki, John D. Williams and Timothy F. Hult. Town Administrator Timothy D. Goddard was not present this evening.

Mr. Stevenson said this is the Board's last meeting before the Special Town Meeting on Tuesday, November 8<sup>th</sup>. He said the Town of Concord is holding their Special Town Meeting on November 7<sup>th</sup>. Mr. Stevenson said both communities will be holding the required debt exclusion Election on November 15<sup>th</sup>.

### Town Administrator Report

The first item on this report was the finalization of the Comcast Cable Contract. Comcast has requested a minor revision to one of the dates in the cable television contract renewal, which began on October 14<sup>th</sup> for a ten year term. The revision was in Article 6, Section 6.4 (b) and (c) referenced the dates for Comcast to make quarterly support payments. The fourth quarterly payment was listed as *October 15<sup>th</sup>*, and it should be November 15<sup>th</sup>. Comcast has made this correction and is requesting the Board to initial two originals of an attached letter (dated Oct. 10, 2011) signifying agreement.

In regard to the School Building Committee, this week the Board is asked to approve a change order, which has been previously approved and recommended by the School Building Committee. This pertains to additional architectural costs associated with the fire protection cistern on the school site.

On a motion made by Mr. Scavongelli and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve Contract Amendment #4 for HMFH Architects in the amount of \$13,000.00 for additional permitting and cistern design costs associated with the Carlisle School Building project.

Mr. Stevenson, DPW Superintendent Gary Davis and Mr. Goddard met with the Conservation Commission and the Historical Commission last week relative to the Library Pathway Project. The Conservation Commission gave approval for the paving and they also gave approval for the culvert underneath the pathway. The Historical Commission discussion was less formal however and they agreed there were no major issues with the project. A public hearing has been scheduled with the Historical Commission on November 1<sup>st</sup> and there is fairly high hope that this will be approved. The Library Pathway Project should get underway shortly thereafter.

The final item on the Town Administrator's report was the Massachusetts Film Office/Survey of Interest. The Survey, if completed would indicate whether the Town of Carlisle was interested in becoming a 'film-friendly' community and thereby encourage television and film producers to consider Carlisle as a location for films. The Board agreed that they were not interested in completing the Survey of Interest.

### Minutes

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of October 7, 2011.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of October 11, 2011.

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Mr. Stevenson said he attended the ribbon cutting ceremony for the new Barn at the Great Brook State Farm on October 12<sup>th</sup>. He said the more important and interesting thing happening at the Barn was the robotic cow-milking machine. He encouraged everyone to visit the Great Brook State Farm and view the new equipment.

### **Community Input**

Liz Bishop of Kimball Road spoke about the last minute change in date and time for Halloween 'trick or treating' event. Liz did not agree that the Police Chief should have made this decision. She said many citizens are confused about this change of date.

Amy and Matthew Coloian of Hartwell Road- Amy said she agreed with Liz Bishop. She added that not everyone reads the *Carlisle Mosquito* and therefore was not aware of the date change. Matthew said kids from other towns will come here on Sunday, and then go out on the 31<sup>st</sup> in their own Town.

Ken Grady of Bedford Road wanted to re-iterate what those before him said.

Heidi Harring said the intention was correct, but the process was too short.

Mr. Stevenson said Chief John Fisher's goal was public safety and convenience. Those issues were the basis of his decision. He said he had a long conversation with Chief Fisher this afternoon. Chief Fisher took considerable input from members of his police force and he also took into account that Monday is the worst commuting night in Carlisle. Mr. Stevenson said his request is that there is some opportunity for him to make those decisions and that he did it with the safety of our children in mind.

Mr. Scavongelli said if the Board had had the opportunity to deliberate on this matter, he would have been opposed to it. On the other hand, he was pleased that the Chief was taking a leadership roll, however he was concerned over the process. He said he did not know if anything could be done at this point, because it may just create more confusion.

Mr. Hult said he was a little confused because maybe he recalled this a little inaccurately. It was his interpretation that the Board would discuss this matter and after input from the Chief, a decision would be made. However that did not happen. The problem is with clarity with information.

Mr. Williams said at this point we should not override the process that has been followed and support the Chief.

Mr. Hult said perhaps we should put this on a future agenda to see how this Halloween actually worked out.

### **FY12 Tax Classification Hearing**

Finance Director Larry Barton, Assessor Melissa Stamp and Board of Assessors member Ken Mostello were present for this Hearing and discussion. Larry said the Board of Assessors usually speaks to setting the tax rate. Larry said in order to establish the tax rate; the following three elements are involved. One is the amount of money appropriated at Town Meeting, 2) looking at the resources we have to support that appropriation including local receipts and transfers), and, 3) the valuation of the community. Larry said the amount of money appropriated at Town Meeting was \$24,558,817.00. Other amounts to be raised were from Tax Title, Cherry Sheet Offsets, State & County Cherry Sheet charges and allowances for abatements (overlay). These totaled \$24,722,156.05. Larry said receipts other than from taxes came from state aid, local receipt estimates, support by CPA, Free Cash to Stabilization Fund, transfers from other accounts and free cash. These items totaled \$3,165,047.00. He said that would leave an amount \$21,557,109.05 to raise.

Larry said in regard to the tax rate, the residential portion takes up 97.96% and commercial only .69%. There are two other categories; industrial at .09% and personal property at 1.12%. Larry said our Towns' total property value is \$1,257,707,646.00.

Larry spoke about the elements of the tax rate change. He said the valuations in 2011 were \$1,301,285,299. In 2012 they went down to \$1,257,707,646.00, for a reduction of over \$43million dollars. Larry said if the valuations remained the same our tax rate would have been \$16.57. However the increase of \$.44 is due valuation changes and the other \$.57 is due to additional spending and appropriations. The new tax rate for FY12 will be 17.14 per thousand.

Larry said tonight the Selectmen will be asked to establish the residential factor; that is a residential factor of 1 which yields a uniform tax rate for all classes of property. He said there is the ability to have a duo tax rate

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however, he did not remember the Town ever having that type of tax rate.

The Board will also be asked to vote not to adopt a residential or a small commercial exemption.

Mr. Hult asked Larry to explain what residential and commercial exemptions were. Larry said there are some communities in Massachusetts that have very large commercial bases and the residential exemption would allow for the Board to exempt from the valuation a fixed dollar amount, for example, the first hundred dollars would be exempt from taxation on residential property. He said that would not serve any purpose in Carlisle since it would lower the residential burden. The same thing is true with small commercial exemptions. There is a possibility of reducing valuation on small commercial, thereby increasing taxes on residential.

Assessor Melissa Stamp, Board of Assessor Member Ken Mostello were present for this discussion. Jim Marchant and Mike Coscia were not present.

Melissa said they were present this evening and at this Tax Classification public hearing to ask the Selectmen to adopt a factor of 1 for the purpose of establishing the property tax rate for FY12 thereby creating a uniform tax rate across all classes of property. Melissa passed forward a document that described a 'What If...Scenario' explaining what would happen if we shifted the tax rate. It would make the residential tax rate \$17.10 and the commercial tax rate 18.85.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to adopt a Factor of 1 for the purpose of establishing the property tax rate for fiscal year 2012, thereby creating a uniform tax rate across all classes of property.

On a motion made by Mr. Gorecki and seconded by Mr. Scavongelli, it was unanimously **VOTED** that a residential exemption not be adopted for fiscal year 2012.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** that a small commercial exemption not be adopted for fiscal year 2012.

Melissa said the Board of Assessors would like to inform the Board of Selectmen that the LA-5 excess levy capacity has been calculated to be \$58,438.95 for fiscal year 2012.

Larry said the Board of Selectmen is being asked to authorize the Town Accountant to sign the electronic submission of the Recap Sheet on behalf of the Board of Selectmen. In response to Mr. Stevenson, Larry said the Town Administrator has reviewed the Recap Sheet.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to authorize the Town Accountant to sign the electronic submission of the 2012 Recap Sheet on behalf of the Board of Selectmen.

### **FY11 Audit Report**

Audit Committee members Simon Platt and Deb Belanger were present for this discussion. The Board received copies of the Town of Carlisle Audit Report and Management Letter for the Fiscal Year ended June 30, 2011, prepared by Sullivan, Rogers & Company, LLC (CPA). Simon said the Audit Committee is present tonight to recommend that the Board of Selectmen adopt the Financial Statements for the Town for the year ended June 30, 2011. He said they have met on several occasions with Finance Director Larry Barton, and Town Accountant Priscilla Dumka and the Town Administrator together with the Auditors and there were no problems or disagreements.

Simon said relative to the Financial Statements, there was a clean audit opinion. He referred to several pages in the Financial Statements, pointing out that these documents show where the Town is financially. Simon said they reflect a sound fiscal management. In regard to the Balance Sheet, Simon said we are two months ahead of schedule, which reflects how well prepared Larry and Priscilla are.

Simon pointed out that there was a brief discussion on page 26 in the Financial Statements regarding the School Committee and the Town's overlapping debt associated with the CCRSD. Simon said as a member of the Region, we are obligated to pay that debt.

The last item Simon spoke about was post employment benefits (OPED) on pages 42 and 43.

Simon spoke about the Management Letter. He said the Audit Committee spent considerable time talking with Larry and Priscilla about how we pay hourly employees and the level of internal control over the

recording and paying for those hours. He said the supervisory level is doing a good job of documenting these timesheets, but the preparing of these timesheets did not seem consistent.

Simon said relative to the Financial Policies and Procedures Manual, Risk Assessment and Monitoring and Developing and Document a Disaster Recovery Plan, these three items have been mentioned before.

Simon said in regard to the Financial Policies and Procedures Manual, it would not be very difficult to create because there is a small Financial staff and the Town is small. However, he said it would be good to have a road map of key activities that are taking place.

On a motion made by Mr. Williams and seconded by Mr. Scavongelli, it was unanimously **VOTED** to adopt the Independent Auditors Report for the fiscal year ending June 30, 2011.

### **Anticipated Tax Impact of CCRSD Building Project – Finance Director**

Finance Director Larry Barton prepared figures that would help everyone understand what the ‘anticipated’ tax impact of the CCRSD Building Project will have on the residents. Larry said the full estimated cost of the project is \$92,515,524.00. He said MSBA has indicated initial support in the amount of \$28,781,100.00. Therefore, the net support by the two communities will be \$63,737,424. For purposes of the plan which was developed by the Business Manager at the Regional School District, he is using \$63,400,000.00.

Larry said the CCRSD will be financing the project with a series of Bond Anticipation Notes and Permanent General Obligation Bond Issues beginning in March 2012. The final issuance is scheduled for fiscal 2017. Larry said the debt obligations are scheduled to expire in 2040. The Town of Carlisle is responsible for its assessed portion of the debt.

Larry showed a schedule of the Regions Annual Debt Service from 2013 to 2023. He said the highest point for the annual debt service will be in 2018, at \$4,440,548.00. Larry explained the formula he used to calculate the amount of additional tax that would be added to houses that were valued from \$500,000.00 to \$1,000,000.00. The example he spoke about was the average single family home valued at \$693,216. He said in 2018, \$686.29 would be added to this tax bill due to the CCRSD project. Larry said 2018 is the year the highest level the tax rate reaches, and then it starts to drop after that. Mr. Hult said we need a similar tax chart for the Carlisle School Project too.

### **CCF – Presentation re: Elliott Property Conservation Restriction**

Sally Swift from the Carlisle Conservation Foundation (CCF) and Executive Director of the Sudbury Valley Trustees (SVT) Ron McAdow were present to discuss the Elliott Property Conservation Restriction on River Road. Sally said the River Road Farm consists of 42 acres, and it has been owned by the Elliott family since after World War II. Sally said after Paige Elliott passed away a few years ago, the property has been subdivided. She said there are six lots which CCF and SVT have negotiated with the Elliot’s to put aside as a permanent conservation. They have negotiated an option to purchase for \$650,000.00 (option is open until June 30, 2013). Sally said public/private projects have worked before but she added that a federal funding is a part of this project together with \$45,000.00 from the Carlisle Conservation Commission.

Sally said CCF has offered \$4,000.00 to put toward this project. It is their hope to receive a \$350,000 land grant from the state. Sally said the Town will have an interest in the property, which is, it will hold the Conservation Restriction. She said SVT will hold the title.

Mr. McAdow spoke about his position at the Sudbury Valley Trustees. He said the mission of the Sudbury Valley Trustees since 1953, has been to protect land. He said this land has regional significance because of its great visibility from the Concord River.

Sally said we have a total project cost of \$750,000. Sally said the State Land Grant would amount to \$365,000., \$20,000.00 from the Federal Government and \$45,000.00 from the Conservation Commission and \$170,000 from a private fund-raising goal. She said that leaves approximately \$150,000.00. She was hopeful that could come from Community Preservation Funds. Sally said in terms of funding all of this; the private funding is going on now. She said they have started discussions with the Community Preservation Committee, and the Spring Town Meeting is very important to this project because the Town has to vote to make the grant application, vote to support the project and vote to accept the award if it is awarded.

In reply to Mr. Hult, Mr. McAdow said the odds for getting this land grant are excellent.

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In reply to Mr. Scavongelli, Sally said there will be no ongoing expenses to Carlisle for maintaining the trails.

### **Proposed Planning Board Noise Control Policy Discussion**

Mr. Stevenson said the Board would go through [the Commonwealth of Massachusetts Department of Environmental Protection (DEP)] Noise Control Regulation 310 CMR 7.10. He said the purpose for this Policy is to establish procedures for addressing potential nuisance and health hazards from construction noise in the Town of Carlisle. Mr. Stevenson said it is the Planning Board's interpretation that under M.G.L.'s that they have through the Sub-division Control Law the right to establish policies for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect. He said they are developing this policy under the Subdivision Control Law. This policy will pertain to projects that come before them under Subdivision approval.

Mr. Stevenson said the primary impetus for this policy was the noise that came from a subdivision this past year. He went through the Policy explaining what types of noise it refers to. He said this Policy addresses construction noise of significant intensity and duration that can be expected from impact devices, including but not limited to hoe rams, rock drills and rock crushing devices.

Mr. Stevenson said as far as the construction management plan, the developer would be expected to estimate the amount of ledge and rock removal, and the noise related to that, and that information would be reviewed by the Planning Board and perhaps by a peer Review Engineer. Mr. Stevenson said there was a long list of mitigating measures that the developer may have to undertake. He said the Noise Control Plan is including a provision that requires that a daily log be kept for the length of the project recording the days and hours of the specific Impact Devices. Mr. Stevenson said there was an enforcement issue. He said he had a few questions about this enforcement policy.

The Planning Board establishes the Rules and Regulations as they relate to the Subdivision Control Law. They are required to hold a public hearing on these matters. Mr. Hult said if the Board has any questions or comments tonight, we should forward them to the Planning Board. He also said the Board of Selectmen should keep in mind what they want to achieve, which is reasonable noise. That means reasonable noise for the abutters and for the people who are trying to do the work. Mr. Hult said he can understand that they want the projects to be done with a reasonable noise level but he is interested in the planning process and the cost that is required to do this.

Planning Board Chair David Freedman was present to give input on this matter. He said the Planning Board has a meeting scheduled on November 7<sup>th</sup> to review any input they receive on the proposed Policy. David said the Policy was developed per the conversation the Planning Board had with the Board of Selectmen who endorsed the idea of a Policy for dealing with noise and sound after various citizens came to a Selectmen's meeting last summer. At that time there was a discussion to set-up a committee to develop a by-law. David said the Board of Health made an attempt at a by-law, but did not continue with it. The Planning Board however proceeded with a policy instead of by-law change. David said the Town already has within the Rules and Regulations for Development a requirement for Construction Management Plan (CMP). He said one of the things within the CMP is 'Control of Noise'. The Policy presented tonight takes the aforementioned policy one step further, that is, set-up a process of whereby that happens and what the expectations are. He said the Policy is designed to have a discussion with the developer and a peer review engineer.

Mr. Gorecki said when he read through the Policy; his thoughts were that the primary reason to have it was for the abutters. He said the main reason to have the Policy is not to have noise, but the impact on the local residents.

David said the reason for the Policy is to make clear what the issues are.

Mr. Williams said how much of this Policy is already in existence? David said none of it is. This Policy is giving more detail than the Control of Noise in the CMP. Mr. Scavongelli said he found this discussion helpful. It is important to have a policy with an enforcement condition.

In reply to Mr. Stevenson, David said this Policy applies to Subdivisions, Conservation clusters, common driveways, and senior residences in an open space community.

Building Commissioner John Luther said this policy pertains to road construction of a development, not a house lot. An individual lot does not fall under this policy.

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Rob West spoke to the Board. He said enacting this type of policy is a slippery-slope. He asked where these types of regulations will end.

David said the Planning Board is having a public meeting on Nov. 7<sup>th</sup> relative to this policy and if anyone would like to offer any comments to them they will have time to do so before then.

**Board of Selectmen Recommendation re: November 8<sup>th</sup> STM Article 1  
And November 15<sup>th</sup> Referendum**

Mr. Stevenson said because this is our last meeting before the Special Town Meeting and Election the Board will take a position on Article 1 and the Referendum Question.

A motion was made by Mr. Gorecki and seconded by Mr. Hult that the Board of Selectmen support the November 8<sup>th</sup> Special Town Meeting Article 1 and the November 15<sup>th</sup> Referendum Question as they both relate to the capital project at Concord-Carlisle High School.

Discussion:

Mr. Williams said he will vote no. He said his reason had to do with the process which he believes could have been more aggressively engaged to bring the cost of the school down.

Mr. Scavongelli said he was going to vote no. He was concerned about the costs and that these costs will continue to creep up. He was also concerned about the process. The assumption that the cost will come from the Carlisle taxpayer is a process that is broken and needs to be fixed. He said this type of costly project will drive seniors and residents on fixed incomes out of Carlisle.

Mr. Gorecki said if we lose our accreditation status because of inadequate facilities, then students who have spent four years at the school will not be able to get into college because the college will not recognize the degrees that they worked so hard for and that would be a great disservice to our current students and our future students. Mr. Gorecki said he is voting in favor of this project.

Mr. Hult said he will whole heartedly support this project for a number of reasons. He said over the last 20 years he has been involved in many renovation projects at the High School. With that knowledge, he feels there is a compelling need for a major project at the High School. Mr. Hult said he was not concerned with accreditation issues. He said he was concerned with an organization [that is] concerned with education at its core who has issued a report that our facilities are not appropriate facilities for the education of the students and they are bordering on safety issues. Mr. Hult noted that the building is 50 years old and it is wearing out and needs to be replaced. As leaders of this community, he said, it is our responsibility to put this on the ballot.

Mr. Stevenson said he has previously stated his support for this project and will do so again tonight. The committee and the folks working on the project have spent a lot of time trying to put forward the best project. He said he believes we should be supporting this. He said he agreed with Mr. Hult that we should commit ourselves to look for ways to address the affordability issue as it affects some of the needy residents in the community and try to make sure the impact of this expenditure does not drive residents out of town.

Mr. Stevenson said this project is an investment in the education of our children's future and their children's future and therefore, he will be supporting the process.

**Liaison Reports**

Mr. Hult informed the Board that Don Rober will replace Mariellen Perugini as Carlisle's representative to the Minuteman Regional High School Committee.

At 10:35 a motion was made by Mr. Gorecki to adjourn the meeting. The motion was seconded by Mr. Williams and the Board voted unanimously on said motion.

Respectfully submitted by Margaret Arena