

BOARD OF SELECTMEN

March 8, 2011

Minutes

The Board of Selectmen met on Tuesday, March 8, 2011 in the Town Hall Clark Room. Those present were Selectmen John D. Williams, Douglas A. G. Stevenson, William R. Tice, Jr., Peter Scavongelli, and John Gorecki. Town Administrator Timothy D. Goddard was also present.

Mr. Williams called the meeting to order at 7:00 p.m.

Mr. Williams said he would like to wish a speedy recovery to two individuals; Fr. Tom Donohoe who is recovering from surgery and Richard Metivier, a long time employee who has suffered an injury. Mr. Williams wished them both good health.

Town Administrator Report

Mr. Goddard presented Interim Chief Wetherbee's employment contract. He explained that this was presented at the last meeting and a few edits were made and incorporated into the present one. Mr. Goddard noted that Chief Wetherbee has expressly declined any employee benefits under the terms of the agreement. On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to approve the employment agreement [presented 3-8-11] with Leonard J. Wetherbee, Jr. for a period not to exceed six months and not to exceed \$17,600 in the total compensation, for 960 hours of service. It is understood that under the terms of the agreement, Chief Wetherbee is voluntarily waiving any rights to benefits he may be entitled to as an employee of the Town of Carlisle.

Mr. Stevenson said the Board is very happy with Chief Wetherbee thus far and is looking forward to working further with him.

Mr. Goddard said the Board is in receipt of an application under the recently- approved Carry-in Liquor policy from Carlisle Center Ventures to allow the possession and consumption of carry-in wine and malt beverages in the Smilin' Duck Café at Ferns Country Store. Mr. Goddard said the application appears to conform in all respect with the Board's new Carry-in policy and the applicant has paid the required fee of \$50.00. On a motion made by Mr. Scavongelli and seconded by Mr. Tice, it was unanimously **VOTED** to grant a Carry-In Liquor License for Carlisle Center Ventures, LLC, d/b/a Ferns Country Store, consistent with the terms and conditions of the Town's Carry-In Liquor Policy and during the days and hours of operation stated in the application filed with this Board. Said license shall be granted through December 31, 2011 and must be applied for to be renewed concurrently with the applicant's Common Victualler's License annual renewal.

Mr. Goddard said he has contacted the Personnel Committee, School and Council on Aging relative to the Board's intention that they have representation on the Police Chief Search Committee. He said so far the Personnel Committee has responded that their chair Diane Makovski is their choice. He expects to hear from the other two committees shortly. So far two residents have offered their services; they are Cynthia Schweppe and Ken Fong. Mr. Goddard said this matter has been advertised for only one week. Also, he

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Approved: 3-22-11

said the Chief's position and the RFP for consulting services have been advertised and he anticipates that the committee should be able to begin work in earnest with a consultant on board by the end of the month. Mr. Goddard noted that he has received many applications for the Police Chief's position already.

Mr. Goddard said he has attached a draft of the current Annual Town Meeting warrant for the Board to review. He said there have been some revisions since the last meeting and some comments from Town Counsel and the Town Moderator have been added. Mr. Goddard said he anticipates that the Board will be able to finalize the Warrant on March 22nd.

There was a discussion over some issues that have come-up concerning the Community Preservation Act Articles. Mr. Goddard said besides the Board's own article proposing to rescind the Community Preservation Act, there is another proposed article from Mr. Harte to increase the CPA percentage. He said both of these articles require a two-step approval process, similar to the way the CPA was adopted originally. Mr. Goddard said in 2001 a Special Town Meeting was held 35 days before the Town Election. He said in discussion with Town Clerk Charlene Hinton, there have been some thoughts of holding a Special Town Meeting in early April (2011) and then voting on this matter at the regular Annual Town Election in May (2011).

Mr. Williams said that means we would have a special Town Meeting on or about the first week in April. It was noted that the Planning Board is having a Public Hearing on April 11th for the Solar By-law. The Board then considered April 12th, but the Boy Scouts were holding an awards event at the Corey Auditorium that evening. After considerable discussion, the Board agreed to schedule the Special Town Meeting on either April 7th or April 12th, depending on the availability of the Corey Auditorium.

Community Input

Ralph Andersen of Baldwin Road spoke about the Highland Building Stabilization Project. He said he was here tonight to request that the Board delay any formal approval of contracts until after the Town Meeting in May. He pointed out that the bids for painting and roofing were opened last week and the bids for the general contracting will be opened this week. It was his opinion that these bids would be good for ninety (90) days. Mr. Anderson said so far no acceptable use for this building has been defined. He said structural changes would be needed for any use. Mr. Andersen also noted that the building needed many updates to meet present building codes. Mr. Anderson was of the opinion that if the Board waits until after Town Meeting, that is, to see how the Town votes on whether to 'terminate the Highland Building Preservation Activities' then they will not have wasted the money starting on the project.

Mr. Williams said the language in the motion is not legally binding; it is a request. He also said he did not know if the Community Preservation Committee would make that recommendation on this matter.

Mr. Goddard said that Town Counsel reviewed both of the articles proposed by Mr. Andersen and because it is a request to the Board of Selectmen, it has no legal binding affect to pass at Town Meeting. They did not say it was an improper motion, they said it was not legally binding.

Mr. Stevenson said at our next meeting the Board will have all the bids, and whether we act on them will depend on whether they have met the numbers.

Mr. Scavongelli said he would like to comment on Mr. Andersen's statements. He said yes, Mr. Andersen has raised some valid points relative to the issues with parking and zoning. He said John Ballantine has been working on these issues. Mr. Scavongelli said there was however a Town Meeting with a vote which was somewhere around 3-1 that said the Town wanted to go forward with stabilizing the Building and finding some future use. He said it was his opinion that it is incumbent upon this Board and the Highland Committee to act in good faith and to respond to the Town as they requested without letting our own personal opinions interfere.

Dedication of Town Annual Report

Mr. Goddard said he attached a copy of the Board of Selectmen's Annual Report drafted by chairman John Williams, to be placed in the Town's 2010 Annual Report.

On a motion made by Mr. Scavongelli and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve the Board of Selectmen's Annual Report as drafted by the Chairman for inclusion in the Town's 2010 Annual Report and to dedicate the Town's 2010 Annual Report in memory of Ben Benfield.

Chief Flannery – Emergency Management/Fire Dept. Update

David Flannery said he had three items he would like to discuss with the Board this evening. First, he said was an information matter regarding the departments recruiting efforts to hire new EMTs. David said he has advertised in the *Carlisle Mosquito*. He said their traditional method for hiring Firefighters and EMTs has been by word-of-mouth and very low-keyed. He would like to let anyone who is interested to know that they can call him. He added that there is a time commitment, but he is willing to train interested candidates.

The second item David spoke about was the National Incident Management System (NIMS). He said the Town has been required to implement this system and he has been working on this since 2005. David said he has been busy training all of our Department employees and implementing all of the policies and procedures required by the National Incident Management Systems. He said this is a public law, but it is also a requirement for any community to receive Homeland Security Grant Funds. David said as the Emergency Management Director he is responsible for overseeing that we have this implementation.

David then spoke about the law that the Governor signed in 2010, which is Chapter 188 of the Acts of 2010 (An Act Relative to Municipal Relief). He said this legislation created, among other provisions, two new statewide mutual aid laws. David said the one he was referring to was the Fire Mutual Aid –MGL c 48. §59A, which formalizes the state-wide mutual aid network. He said this particular law actually formalizes those informal agreements where towns come to the aid of each other (contiguous towns or across the state). David said the action tonight would be for the Board to formalize and adopt this law. He said basically the Town of Carlisle has been doing this for about 60 to 70 years however this is really about liability. David noted that a lot of communities are moving forward to adopt this law.

In reply to Mr. Williams, David said the idea behind this law is to define liability.

In reply to Mr. Stevenson, David said there would not be any change in practice. David said nothing changes in regard to whether we help our neighbors or not.

David said the Board did not have to adopt this tonight. Mr. Stevenson suggested that the Board postpone approving this law until the next meeting.

Jay Luby of Woodbine Road was present to ask the Board to clarify some statements that were printed in the *Carlisle Mosquito*. Mr. Luby wanted to know why the Selectmen did not mandate or stipulate at the outset that no abutters could serve in a decision making role in [Robert Hilton/Ferns Matter] this case or any case involving the Town. He also wanted to know if it was true if the Selectmen asked Bob Hilton to delay the filing of his appeal multiple times. Mr. Luby expressed concern over the credibility of the Board of Selectmen. He asked what the Selectmen might consider in the future to avoid any potential conflict of interest when an issue involves a Town committee member who is also an abutter in the matter.

Mr. Williams said the individual of whom Mr. Luby was referring to disclosed to the Board of Selectmen that he did not have a financial interest in this matter. Therefore the Board did not oppose allowing him to continue on and the Board feels he did a very fine job. Mr. Williams explained the Zoning Board of Appeals process to Mr. Luby relative to the matter he referred to. Mr. Williams was confident that a mistake was not made. Mr. Stevenson said we have very strict State ethic laws and in his opinion this matter was handled correctly.

Board of Selectmen FY 11 Goals

Mr. Williams said he would like to talk about financial management and making it easier for Senior citizens to stay in Carlisle. In regard to Financial Management, he said our intent was to follow-up on the hard work that was done by the Special Committee for Structural Planning. He said initially the Board was going to review the variables; look at core services, critical attributes, and talk about regionalization. The candidates for regionalization were the Board of Health and Recreation Commission. He said both have come up

empty. Mr. Williams said there is one more candidate we are currently looking at, which is Communications. He said they have also discussed the School population, which they believe is declining.

Mr. Williams said he spent time with Larry Barton, Finance Director, and he will present a spreadsheet on March 22nd. The Board can then decipher what changes we would like to see, the variables we would like to question and see what progress we are actually making. Mr. Stevenson suggested doing a comparison chart from last year to this year.

Mr. Williams spoke about the housing diversity. He proposed scheduling an Affordable Housing Trust meeting on Thursday, April 14th. He said some items on that agenda will be 'by-right' issues, the Housing Production Plan, Village Court, Banta Davis and zoning issues.

Mr. Williams said regarding CCHS, the Building Committee will attend our first meeting in April to discuss the education specifications. He said it is important to have a project that is affordable.

Building Committee Mr. Williams prepared a charter for this committee. The committee is charged with overseeing the town owned buildings in Carlisle. Their goal is to maintain the properties in good repair and report to the Board of Selectmen, FinCom and Long Term Caps at regular intervals. The Committee will also be required to work closely with the Energy Committee. Mr. Tice said this was a great start however he wanted to task them with developing a long term replacement plan, so we will be aware of when capital improvements will be needed.

Mr. Stevenson said this committee should be the 'parent' committee for all other Building committees who are doing construction projects. They could lend considerable assistance to these committees.

The Board discussed membership to this committee and decided five members would suffice.

Cemetery Deeds

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

On a motion made by Mr. Tice and seconded by Mr. Gorecki, it was unanimously **VOTED** to transfer to William E. Morgan of Carlisle, Massachusetts, Deed #649, for Cemetery Lot D91, Graves 3 and 4 in the Town of Carlisle, Green Cemetery.

Liaison Reports

Mr. Tice spoke about CCTV and the contract negotiations. He said because he is on their Board of Directors, he cannot be in on the negotiations. After a brief discussion, Mr. Goddard said he would attend and represent Carlisle during the negotiations with CCTV. On a motion made by Mr. Stevenson and seconded by Mr. Gorecki, it was unanimously **VOTED** to authorize Tim Goddard to represent the Town in negotiations with CCTV for the up coming contract.

Mr. Williams said the Investment Advisory Committee was able to meet last night and they have been working on how to better manage the Trusts. He said the Trust funds will be running more smoothly.

He said the Community Preservation Committee will be meeting on Wednesday March 9th. He said this will be the last meeting before they vote on the projects on March 23rd.

Mr. Scavongelli said the Highland Building Committee will meet on Thursday, March 10th to review any contractor bids that we have received to date and to discuss various uses of the building, in particular the Carlisle Kids House.

Minutes

On a motion made by Mr. Tice and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of February 22, 2011.

Resignations

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to accept the resignation of Judy Larson from the Carlisle Celebrations Committee with gratitude for her many years of service to the Town.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to accept the resignation of Gregory Bondick from the Long Term Capital Requirements Committee with gratitude for his service to the Town.

On a motion made by Mr. Tice and seconded by Mr. Gorecki, it unanimously **VOTED** to adjourn the Board of Selectmen meeting at 9:25 p.m.

Respectfully submitted by Margaret demare