

## BOARD OF SELECTMEN

November 22, 2011

Minutes

The Board of Selectmen met on Tuesday, November 22, 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 also present.

Mr. Stevenson thanked and congratulated all who were involved in the CCHS Building Project and vote. He said we had a sound turnout at the Town Meeting and election. Mr. Stevenson thanked the Carlisle members of the School Building Committee: Selectmen Tim Hult, former Selectman Bill Tice, School Committee members Louis Salemy and Carla Johnson and Stan Durlacher. He also thanked Superintendent Diana Rigby and her Staff at CCHS.

Mr. Stevenson spoke about the Art Gala at the Gleason Library that occurred a few weeks ago, which he said was a lot of fun. He thanked Angela Mollet and her staff for their hard work on this event.

Mr. Stevenson said the Carlisle Education Foundation (CEF) has received a check in the amount of \$300.00 from the Northeast Bicycle Club. The donation was made in appreciation for the Town hosting the Bicycle Club's trial series last summer. Present to accept the check on behalf of the CEF, was President Peg Gladstone, who was very pleased with this donation.

### Town Administrator Report

Mr. Goddard spoke briefly about the recent debt exclusion election for the CCHS project. He attached to this report the voting statistics from the Town Clerk's office. Mr. Goddard said that many voters commented that the wording of the referendum was confusing; however the language was certainly legal.

Enclosed in tonight's books was a Change Order (#007) with the general contractor for the Carlisle School Building Project, H.V. Collins. This Change Order has been reviewed and recommended to the Board by the School Building Committee. The total amount of the proposed change order is \$24,132, which is inclusive of several small changes that have been made to the scope of the overall project.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to amend the contract with H.V. Collins Co., Inc. in the amount of \$24,132 as specified in the attached Change Order #007 as prepared by HMFH Architects.

Mr. Goddard said Larry Bearfield, owner of Ferns Country Store has requested permission to conduct the annual *Christmas on the Common/Tree Lighting* event on Tuesday, December 6<sup>th</sup> at 6:00 p.m.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to authorize Larry Bearfield to conduct the annual Christmas on the Common/Tree Lighting event on Tuesday, December 6<sup>th</sup> from 6:00 p.m. to 7:00 p.m. on the Town Common.

Mr. Goddard spoke about 'remote participation' which the Attorney General has approved under the Open Meeting Law. He said in order for Towns to take advantage of this new regulation under the Open Meeting Law, the Selectmen have to vote to authorize its use. Mr. Goddard said this feature will allow a member who is unable to physically attend a meeting to participate remotely provided that there is a quorum present, including the chairman at the location of the meeting. The member who is attending remotely cannot vote.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** that pursuant to MGL, Ch. 30A, §§ 18-25 and 940 C.M.R. § 29.10, the Board will allow all Town boards and committees to utilize remote participation in public meetings as appropriate, consistent with these statutes

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and regulations.

Mr. Hult said it is necessary to consider the equipment we will need in order to have the dialogue with the outside member.

Mr. Goddard spoke briefly about snow removal on public and private ways in the Town. He said he learned from Gary Davis that in addition to 96 public ways, the DPW plows 2 private ways out of 46 private ways. He felt this was very inconsistent. Mr. Goddard said Gary was not sure why this has been this way. Mr. Goddard said the Town does not have any legal requirement to plow private-ways. His recommendation to the Board was that the residents of those two private ways be notified that as of a certain date their street would no longer be plowed by the Town. Mr. Hult agreed with this action, however he suggested giving them a sixty day notice. Mr. Stevenson suggested less than a sixty day notice, but perhaps limiting it to December 31<sup>st</sup>. The Board agreed with that date.

Mr. Goddard asked the Board to consider the dates for their December schedule. The Board agreed to meet on December 13<sup>th</sup> and if necessary on December 27<sup>th</sup>.

### **Finance Director – Discussion of Health Insurance Reform**

Finance Director Larry Barton said he was present tonight to start the discussion and ask the Board if they are prepared to adopt some new legislation involving the New Municipal Health Insurance Reform Law. This is relative to Ch.32B, Sec.21-23B. He said in this reform law, nothing will change in regard to the benefits to our employees however the co-payments and the deductibles will change. Larry said the Town shares the cost of Group Health Insurance at a 50/50% rate. Last year our Group Health Insurance cost in full was about \$1.5 million. He said by changing co-payments and deductibles we could see a savings of about 12% (about \$180,000). Larry spoke about the process that needs to be followed to move forward. The Board of Selectmen will be asked to adopt sections of the plan.

Larry briefly explained the membership of the Minuteman Nashoba Health Group, of which the Town of Carlisle is a member. He said in April they had 4,190 Health Insurance Contracts under the plan covering about 8,515 employees and spouse and retirees under this program.

Larry said the process is somewhat complicated. First, the plan has to be adopted by the Board. Secondly an Insurance Advisory Committee (IAC) has to be formed. The third step is that the IAC has to develop a Mitigation plan.

Larry said he wants to move forward quickly with this because our group health insurance plan's anniversary date is June 1<sup>st</sup>. He said we need to provide notification of all these plan changes no later than March 31<sup>st</sup>.

Mr. Scavongelli asked what the down-side is to adopting this new law. Larry said he was not sure there was a downside. Mr. Stevenson asked Larry to prepare a timeline so the Board will be aware of what needs to be done in sequence.

Mr. Hult said it was his opinion, but he thought that the success of this depended greatly upon respectful collaborative discussions with the employees. It is very important regarding the notification of meetings and respectful collaboration of the employees. It cannot simply be about saving money.

Mr. Stevenson said it seems that we do not have a choice not to do something. He re-iterated that we needed a detailed timeline relating to the Boards actions between now and March 31<sup>st</sup>. The Board decided to take a vote at the next meeting to adopt the new legislation.

### **LEPC – Debriefing on October Snowstorm Response**

Mr. Stevenson began this discussion by thanking Chief David Flannery and the members of the Local Emergency Planning Committee (LEPC) and all the Departments and Staff who worked during and after the October 29<sup>th</sup> snowstorm. David Flannery said the LEPC met on November 14<sup>th</sup> to review their actions before, during and after the storm. David said a State of Emergency was declared locally on October 29<sup>th</sup> and on November 1<sup>st</sup>, President Obama issued an Emergency Declaration for the eight counties, which included Middlesex County, and that began the process for any Federal support for any expenses we might incur during that time. David said the LEPC met at the Emergency Operation Center (EOC) on Sunday, Oct. 30<sup>th</sup> at 9:00 a.m. and then continued to meet twice a day at the EOC, a.m. and p.m. on October 31<sup>st</sup> and Nov. 1<sup>st</sup>.

He said he requested additional assistance with getting the utility companies to respond from MEMA Region 1 on Oct. 30<sup>th</sup>. At that time, he said we had ten roads that were impassible due to trees and lines that were down. David said the DPW worked with Nstar to get all ten roads open.

David noted that special needs residents were contacted by phone and many were visited by the police. He also mentioned that the Carlisle Public School was opened for warming and showers in the evening and for cell phone charging. He said the Board of Health, MRC and the Council on Aging were of great assistance.

David said he has actively solicited input from residents and has received an overwhelmingly positive response. He said we need to follow-up with Nstar. David said Carlisle however faired very well with the utility companies compared to other communities. He thanked Chief Fisher for his skill in using his own 'blackberry'. All the messages were sent through his 'blackberry' because we lost power. David said the biggest cost from this storm was the damage to our roads.

David said for those who have not taken the time to prepare for an emergency in the future, please do so. He said there are booklets available at the station, Town Hall and on-line.

Mr. Williams said the Town as a community was fantastic. He was very disappointed in Nstar's service.

David said the committee worked as a 'team' and it was a very good feeling. He also thanked Larry Bearfield and Robin Emerson at Ferns.

Mr. Scavongelli asked if there was a separate process for notifying the Board of Selectmen. David said the Chairman is on the LEPC. Mr. Goddard said he would make those arrangements.

Mr. Stevenson thanked Chief Flannery and the following members of the LEPC: Police Chief Fisher, Deb Siriani, Linda Fantasia, Gary Davis, John Luther, Tim Goddard, and Angela Mollet.

### **Conservation Commission – Cranberry Bog / various issues**

Conservation Commission member Kelly Guarino was present to talk to the Board about hiring special legal counsel for the Cranberry Bog. She provided a brief background of the events at the Bog. Kelly said the Town purchased the Cranberry Bog in 1986. The Carlisle portion of the Bog is approximately 151 acres and the operating Cranberry Bog part is in Carlisle.

Kelly said the issue that has come up is the same issue we had in the year 2000, which is that the Water District Commission in Chelmsford wants to place a well adjacent to the Cranberry Bog wetland/pond in Chelmsford. Kelly said the last time this issue came up, Carlisle ended up getting into the issue late, and was not aware of all of the testing that had taken place and had to do a lot of catch-up work. This time she said they are more prepared. Kelly said upon the advice of the Selectmen, the Conservation Commission has been working on having better coordination with Chelmsford regarding the Cranberry Bog. They developed a Cranberry Bog Coordination Committee consisting of one Carlisle Conservation Commission member, one Carlisle Land stewardship member, and two people from Chelmsford. Kelly said this group has met, however the Chelmsford Water District, which is separate from the Town would like to meet with them also. They felt it was not appropriate and believed that the first step should be a meeting with the Conservation Commission. She said an action for Carlisle would be to be aware of what filings need to be done. This is where it would be helpful to retain counsel with special expertise in agricultural and water rights issues. It would be best for Carlisle to show up at the beginning of the process very strong and perhaps make the issue go away. Kelly said the Conservation Commission has determined that Attorney Frank DiLuna, who was involved in the previous matter, would be both helpful and efficient with the current case.

Mr. Stevenson said tonight's specific request is to authorize counsel outside of Town Counsel

In reply to Mr. Gorecki, Kelly said she was not sure what his hourly rate was. In response to Mr. Stevenson, Kelly said she heard there was going to be a meeting in November, but no meeting was set. The Conservation Commission's goal is to be ready when a meeting date is set.

Mr. Williams suggested that we engage Attorney DiLuna and request that he write a friendly communication to the Chelmsford Board of Selectmen and then a letter to the Chelmsford Water District. Mr. Stevenson agreed that we should engage Attorney DiLuna on a limited basis.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to engage Attorney DiLuna to send a letter to the Chelmsford Water District, outlining the Town of Carlisle's rights, as they relate to waters, associated with the Cranberry Bog and additionally have the Chair of this Board send a

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letter to the Chelmsford Board of Selectmen requesting their assistance in working together to help preserve our rights.

### **Carlisle Center Ventures, LLC – Renewal of Beer/Wine Package Store License**

Mr. Goddard said we are ready to move forward with the Package Store License, the Common Victualler's License and the Carry-In Liquor License. He said Fire Chief David Flannery and Police Chief John Fisher are present for any questions or comments on these license renewals.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** that the Board of Selectmen renew the Off-Premise License Renewal Application for Carlisle Center Ventures, LLC for the licensed year 2012.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to renew the Common Victualler's License for Carlisle Center Ventures, LLC for the year 2012.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to renew the Carry-in Liquor License Application for calendar year 2012.

### **Town Administrator Evaluation**

Mr. Stevenson spoke briefly about the process of evaluating the Town Administrator in an open meeting. He said according to the Open Meeting Laws it is a requirement. The Town Administrator is an employee of the Board of Selectmen and of the Town and it is appropriate to discuss his performance publicly. Mr. Stevenson said this will be a productive and constructive discussion with the Town Administrator.

The process to-date is that each member of the Board filled out our town performance review development form. Mr. Stevenson and Mr. Scavongelli met with the Town Administrator and reviewed all comments made by the Board and then Mr. Scavongelli consolidated evaluation ratings and comments and the goals and objectives for the current year.

Mr. Scavongelli explained the rating of seven different categories. A document was prepared that explained how Mr. Goddard did on the goals he was given last year. Mr. Scavongelli presented a spreadsheet with the ratings from the other Selectmen. He said in summary, the Board was pleased with Mr. Goddard, and he noted that he is very knowledgeable in town government matters. Mr. Scavongelli said the Board would like to see a few changes and therefore prepared a new set of goals for this year.

Mr. Scavongelli asked Mr. Goddard for his comments on this review. Mr. Goddard said he agreed with the majority of the points the Board made and he would have graded himself in a similar way. He said in the areas of management and motivation of the staff, exercising more leadership and more initiative, this gave him a number of areas to work harder and to improve. Mr. Goddard said he recognized these places that needed improvement.

Mr. Gorecki said he would like to have a written summary of Mr. Goddard's accomplishments.

Mr. Hult said the hardest thing for him was the Goals, because there are two parts to this subject. First, he asked, can these specific goals be accomplished? Secondly, there is a reaction to the goals and how they will be dealt with. Mr. Stevenson said the Board was very pleased with Mr. Goddard's performance and they are looking forward to another year. On a motion made by Mr. Williams and seconded by Mr. Gorecki it was unanimously **VOTED** to adopt this document as the Board's consolidated review of Tim Goddard for October 2011 and to present it to him for his signature.

Mr. Stevenson said there is a provision in Mr. Goddard's contract that allows the Board to offer him an additional 1% increase in salary for his third/final year of said contract. He and Mr. Scavongelli are recommending that the Board take advantage of provision.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to authorize an additional 1% increase to the Town Administrator's salary for the year October 1, 2011 to October 1, 2012.

### **New Business**

Mr. Williams said the Investment Advisory Committee is prepared to give its report to the Board of Selectmen. He noted that the report would take about thirty minutes and it would include about eleven

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slides. Mr. Stevenson said that can be scheduled on December 13<sup>th</sup> meeting.

Mr. Williams said in regard to the Banta Davis Task Force, he would like to extend the time for the committee to give the Board a report on their findings. He said he would like to change the date from four months to 12 months from today. On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to modify the timeline of the Banta Davis Task Force to be 12 months from today.

### **Appointments/Resignations**

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to appoint Alan Lewis to the Local Emergency Planning Committee (LEPC).

On a motion made by Mr. Scavongelli and seconded by Mr. Williams, it was unanimously **VOTED** to accept the resignation of Ann Wright from the Senior Tax Advisory Committee, with great appreciation for her service.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to appoint Barbara Culkins to the Senior Tax Advisory Committee for a term that will end on June 30, 2012.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to appoint Rick Amodei to the Open Space and Recreation Committee.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to accept the resignation of Kent Gonzales from the Zoning Board of Appeals with gratitude for his service.

### **Cemetery Deeds**

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

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to transfer to Eric and Carolyn Stein of Carlisle, Massachusetts, Deed #652 Cemetery Lot D17, Graves 1 through 6 in the Town of Carlisle, Green Cemetery.

### **Liaison Reports**

Mr. Gorecki spoke about the Financial Management Team that occurred this morning. He said that Larry Barton reported that the Bond Anticipation Note Closed. The Finance Committee is starting to meet with the Departments to discuss their budgets. Mr. Gorecki said the FinCom is also considering a 3-year plan and they are also looking at other towns that have 3 year plans for comparison.

Mr. Hult said the CCHS School Building Committee had their first meeting since the election on November 15<sup>th</sup>. He said in terms of the most immediate task, they will need to hire a contractor/CM at risk. He said this is the most important decision they will make. This will take place over the next two months.

Mr. Scavongelli said the Highland Building is stable and protected from the elements. He said they had a contractor look at the heating and fire protection system. He said they are getting bids for a forced hot air system to prevent freezing pipes in the basement. Mr. Scavongelli said in regard to a fire protection system, he said he met with Chief Flannery and he was comfortable with not having a temporary fire protection system in the building.

Mr. Scavongelli said the Future Use Group is very close to giving a report. It was decided that the report will be scheduled on the December 13<sup>th</sup> agenda.

Mr. Stevenson said the State has awarded the Town of Carlisle a grant for the Energy efficiency projects. He said he received an e-mail from Dan Cook who informed him that the State accepted all of our projects except a Solar water heater at the School and we will have to substitute this project. The good news is the State has granted the Town approximately \$139,000.00. Mr. Goddard said this amount has to be divided over two (2) years.

Mr. Stevenson added that he received a note from member Michael Epstein stating that the Planning Board adopted the Noise Policy.

### **Town Meeting Discussion**

Mr. Stevenson said he would like to briefly discuss the recent Special Town Meeting. He said it was well attended but he was a little concerned about people sitting in the aisles instead of seats.

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Mr. Scavongelli said some folks thanked him for taking the minority position on the matter. He said others said they thought it took longer than necessary.

Mr. Williams said the process is complete and the voters have voted overwhelmingly to support this project. He congratulated the committee. He added that right now it is our job to build a great school.

### **Minutes**

On a motion made by Mr. Williams and seconded by Mr. Hult, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of October 25, 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 November 8, 2011 as amended.

### **Executive Session**

At 10:00 p.m. a motion was made by Mr. Gorecki to into Executive Session pursuant to MGL Ch. 30A, § 21 (a)(3) to discuss potential litigation as discussing the matter in open session would have a detrimental effect on the Town's negotiating position, not to return to open session. The motion was seconded by Mr. Williams and the following roll call vote: Stevenson – aye; Scavongelli – aye; Gorecki – aye; Williams – aye; and Hult – aye.

Respectfully submitted by Margaret Arena