

BOARD OF SELECTMEN

April 10, 2012

Minutes

The Board of Selectmen met on Tuesday, April 10, 2012 at 8:00 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.

Chairman Doug Stevenson said he would like to wish all of the Carlisle residents who are participating in the Boston Marathon well, recognizing Selectman Williams who will be running in the race too.

Mr. Stevenson also spoke about the Patriot's Day Minuteman march from Carlisle to Concord starting early on Monday, April 17th at approximately 7:00 a.m.

Town Administrator Report

1. Mr. Goddard said the Metropolitan Area Planning Council (MAPC) is conducting a transportation survey to gather information from MAGIC member communities regarding commuting/travel patterns in order to develop strategies to meet regional transportation needs. Mr. Goddard said he would like to post the link to the survey on the Town web site and encourage Town residents to fill it out online. He said the deadline for participation is June 30th. The Board had no objections to the posting of this survey.

2. Mr. Goddard said the Board has received two e-mails from residents asking that they reconsider their decision [made in October] relative to not participating in a Mass. Film Office survey intended for 'film-friendly' communities. Mr. Hult said he has talked with a few people in the community who are in the film industry about this issue and he is reconsidering his decision. He said he does not see a significant downside to this and the Board has supported filming in the Town before. Mr. Gorecki said he did not have any objections to this issue.

On a motion made by Mr. Hult and seconded by Mr. Williams, it was unanimously **VOTED** to support the survey and support the process of Carlisle being a 'film-friendly' community.

3. Mr. Goddard said as previously discussed, the Board is aware that the Finance Committee is looking for two new members to fill two upcoming vacancies. The Board was provided with a letter of interest and a resume from Jason Walsh. Mr. Stevenson said he did not want to discourage anyone from applying to the Finance Committee however according to the Town By-laws we are expected to have a Finance Committee that represents as best as possible the demographics of the community. He said at the end of Town Meeting, we will not have a single woman on the committee as well as other demographic compliments. The Board agreed that Mr. Walsh was very qualified for the position on the Finance Committee.

4. Mr. Goddard said under Ch. 129 of the Mass. General Laws, the Board must annually nominate any individuals they wish to have appointed as animal inspectors. He said Deborah Toher and Lawrence Sorli have indicated that they are interested in being nominated for reappointment.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to nominate Deborah Toher and Lawrence Sorli for the position of Animal Inspector and their names submitted to the Department of Agricultural Resources for confirmation.

Carlisle Public Schools School Building Committee Update

School Building Committee Chairman Lee Storrs was present to give the Board an update on the project. Finance Director Larry Barton was also present for this discussion. Mr. Stevenson thanked Lee Storrs and OPM Sean Fennel for providing the Board of Selectmen with a tour of the nearly complete school last night. He said everyone was very impressed with the project. Lee said they are wrapping up and putting the final touches on the building. Lee said there are still a number of items that remain unfinished however they are still on schedule for moving into the building during the April vacation. Lee talked about some of the changes that will be seen when the students return from vacation in April. He said the Kindergarten, First and Second Grade students will be in the new building and the bus drop off/pick up will return to the Corey bus lot. Lee also noted that the work area will be relocated to the Spalding Building and parking area.

Lee gave the Board a Summary of Change Orders. He said they have expended approximately 34% of the net contingency committed to-date. He said there is potentially \$224,392.00 in additional change orders. Lee added that these Change Orders have not been reviewed and approved by the School Building Committee.

Lee said they have received a revised project funding agreement from the MSBA. He said this is a very standard practice for the MSBA. He said the revised funding agreement decreases the maximum potential grant on the project from just under \$7million to \$6,988,636 down to \$6,796,030. He said it is about a \$192,600.00 reduction. Lee spoke about the costs for the reduction, which included lower bid prices, an increase in ineligible costs, and an increase in the Scope of Excluded Items.

Lee said the School Building Committee has reviewed this document and recommends that the Selectmen enter into this agreement.

Mr. Hult asked how this revised funding agreement relates to the amount that we were originally going to bond. Larry Barton said based upon a \$20,000,000 project, had we received all of the reimbursements we were eligible for, that is \$7million, our net bonding would have been \$13million. He said the assumption from the beginning has been that we would bond \$13,000,000.00. This revised agreement means we will bond between \$12.5million and \$13.5million.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to accept and authorize the Chairman of the Board of Selectmen to sign the First Amendment to the Project Funding Agreement between the Town of Carlisle and the Massachusetts School Building Authority reducing the amount to \$6,796,030.00.

Elliott Preserve Warrant Articles

Greg Peterson, Steve Tobin, and Christa Collins, Land preservation specialist from the Sudbury Valley Trustees were present for this discussion. Greg Peterson began by discussing the financial end of this project. He said there will be a need for two Town Meetings at which they will request \$150,000 from the CPA. He said that money with other sums of money, that is, \$45,000 previously voted by the Conservation Commission [coming out of the ConsCom fund that was established over ten years ago], as well a potential state grant funding, and private donations of up to \$250,000, will go to this project. Greg said the Town of Carlisle will hold a permanent perpetual conservation restriction on the property. Greg said the \$150,000 does not leave the Town bank account until all of this money is in place.

Steve Tobin showed slides of the nine acres of land that was being discussed. He said the Elliot parcel has been divided into six lots and it is *lot six* that the Town is interested in. He said it will be a piece of land that can be enjoyed by people coming in from the water or coming from the road. Steve said they are offering public walks over the land on April 22nd and April 28th at 2:00 p.m.

Greg gave an outline as to the necessary steps that need to be followed in upcoming months. He said Sudbury Valley Trustees owns the property and is responsible for managing the property. The town of Carlisle will own the perpetual Conservation Restriction.

Greg Peterson said assuming a positive vote is given at Town Meeting; the SVT will then work with the Conservation Commission Administrator and the Conservation Commission to prepare and file an application with the Commonwealth of Massachusetts for State Land Grant moneys. There will actually be a Purchase & Sale agreement between the Town of Carlisle as the buyer and the Sudbury Valley Trustees as the seller of the Conservation Restriction. He said the land was previously appraised at \$700,000.00.

It will be appraised again before Town Meeting. Greg said by December, we should know if the State will award the Land Grant.

Mr. Scavongelli asked a question relative to the Town's liability and responsibility to the property. Greg Peterson said the Town will own the Conservation Restriction but Sudbury Valley Trustees are responsible for the upkeep of the CR. He said they take their position of management very seriously. Greg also noted that part of this CR is also an affirmative easement to all those trails and access to the parking and to the canoeing.

In response to Mr. Gorecki, Greg said the Town's chances to receive the grant were about one in three.

In response to Mr. Hult, Greg said the clean-up vote in 2013 will be a question of cash flow timing. He said the State does not actually fund the \$300,000.00 until after the Town actually closes on the purchase. It is like a commitment letter, but you have to front the money. Greg said once you close, the state reimburses you the money 3 or 4 weeks afterward.

In reply to Mr. Scavongelli, Greg said there would not be any further financial obligations to town after the real estate transaction close. The Sudbury Valley Trustees would have to apply for a charitable exemption.

Mr. Stevenson said the Board will not take any positions tonight on these articles.

Review of Draft Town Meeting Motions (attached hereto)

Mr. Stevenson said Mr. Goddard has e-mailed these Motions previously to the Board. He said Town Counsel has also reviewed the Motions. The Board reviewed the motions and discussed those as needed.

The Board discussed *Article 10*, regarding Ch. 90 Funds. Mr. Williams asked which roads would be fixed this year. Mr. Goddard said he would get that list from Gary Davis.

In regard to the CPA Article 23, Mr. Stevenson said as discussed previously there are four motions and they will be moved separately. Mr. Goddard said since the last time the Board met, he has been informed that in respect to Motion 3 and the First Religious Society, Town Counsel pointed out that a Historical Preservation Restriction is a requirement under this motion and it will be part of this motion. In reply to Mr. Gorecki, Mr. Goddard said a meeting with two representatives from the First Religious Society and Town Counsel has occurred and the FRS understands that this is a requirement.

Mr. Stevenson said at the Boards next meeting positions on the Articles will be taken.

Draft Policy on Plowing/Sanding of Private Ways

Mr. Stevenson said the documents presented for review tonight are a draft policy prepared by Mr. Goddard and a Board of Selectmen Policy on Plowing of Private Ways that was adopted on January 11, 1994.

The meeting minutes of Jan. 11, 1994 were also provided. Mr. Stevenson said tonight he would like to put together a draft policy and then receive input from other entities. He said Tom Lane from the Planning Board is present to offer input. Mr. Stevenson said this will most likely be a multiple meeting process. Mr. Stevenson said it seems that the '1994' Policy grandfathered all the roads that the Town had been plowing for one year prior to 1994.

Mr. Hult said before we begin this process we have to clarify the differences between the private way, common driveway and a public road. Mr. Stevenson agreed and he added that we will need a list of the private ways and common driveways. He added that since some of these roads have been plowed for thirty to forty years that it would be reasonable for us to give the residents of these private ways the opportunity to petition the Board to continue plowing if they met certain criteria as it relates to the maintenance of the road's liability.

Mr. Hult said the other significant issue we are considering is a plowing private way that is totally completed and plowing that way before it has been approved. He said the 1994 Policy stated that the road would not be plowed until the road was accepted by the Town.

In response to Mr. Stevenson, Tom Lane said the Planning Board did not receive the documents the Board of Selectmen are looking at tonight, but once they have reviewed same they most likely will have comments.

Mr. Stevenson said perhaps someone from the Planning Board would like to participate in crafting a second draft of this policy based on the list we have.

Liaison Reports

Mr. Gorecki said at the FinTeam this morning it was reported by the Town Accountant that the Auditors will be at Town Hall on May 1st and 2nd. He said the Town Clerk reported that absentee ballots are now available for the upcoming election.

Mr. Gorecki said there was a discussion over the Concord School Bus situation. Concord is considering a bus depot for the High School and for the Concord Public Schools.

Mr. Gorecki added that the Finance Committee has scheduled their Budget Public Hearing on April 23rd.

Mr. Williams said the Banta Davis Task Force will be meeting on Thursday, April 12th in the morning. He said they will have their last meeting on April 26th and at that meeting they intend to have a recommendation prepared for the Board of Selectmen.

Minutes

On a motion made by Mr. Gorecki and seconded by Mr. Scavongelli it was **VOTED 4 yes 1 abstain** to approve the Minutes to the Board of Selectmen meeting of March 27, 2012.

Executive Session

At 10:10 a motion was made by Mr. Scavongelli to go into Executive Session pursuant to MGL Ch. 30A, §21 (a) paragraphs (3) and (6) to discuss litigation strategy and to consider the purchase, exchange, lease or value of real property as discussing the matter in open session may have a detrimental effect on the Town's litigating and negotiating positions. The Board will not return to open session. The motion was seconded by Mr. Gorecki and the following roll call vote was taken: Stevenson – aye; Scavongelli – aye; Gorecki – aye; Williams – aye; and, Hult – aye.

Respectfully submitted by Margaret Arena