

BOARD OF SELECTMEN

May 22, 2012

Minutes

The Board of Selectmen met on Tuesday, May 22, 2012 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Douglas A. G. Stevenson, Peter Scavongelli, John Gorecki, and Timothy Hult. Town Administrator Timothy D. Goddard was also present. Selectman John D. Williams was not present.

Mr. Stevenson thanked everyone who worked on the preparations and the outcome of the 2012 Town Meeting.

Mr. Stevenson also acknowledged Marjorie Findlay and Geoff Freeman for their work on preserving Guy Clarks Farm.

Town Administrator Report

Mr. Goddard said Finance Director Larry Barton and Town Accountant Priscilla Dumka were present to introduce Andrew Platt, who will be working as an intern during the summer in the Finance Department. Larry said over the last few years the Town's auditors have suggested in their management letter that the Town should have written Policies and Procedures. He said the Audit Committee met last month and discussed bringing in an intern. He said Andrew is in his third year at Nichols College and he is studying accounting. Larry said Andrew will work on memorializing the procedures that we use in the Finance Department.

1) Mr. Goddard said that Council on Aging Director Debi Siriani has resigned, effective June 1st. He said he has met with the members of the Council on Aging Board to discuss the search process for a new director. The COA Board may wish to be on the Selectmen's first meeting agenda in June to speak with to the Board regarding the search process. Mr. Stevenson said he would like to have a letter prepared to Ms Siriani thanking her for her work while here in Carlisle.

2) Mr. Goddard said he has been discussing with Constellation Energy the possibility of locking in our cost for natural gas as the pricing is currently very favorable. He said we have the ability to enter into a 24 month contract at rates that are at a ten-year low point.

Mr. Hult said it was a good idea however it seems we are heading on a downside and prices could go lower. In reply to Mr. Stevenson, Mr. Goddard said we are not currently in a contract.

On a motion made by Mr. Scavongelli and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve entering into a contract with Constellation New Energy for the purchase of natural gas for a term of twenty-four months, in the form presented to the Board on behalf of the Town; and specifically authorize the Chair of the Board of Selectmen or the Town Administrator to negotiate, execute, and deliver the contract and take any additional action that he, with the advice of counsel, deems reasonable or necessary to consummate the contract.

3) Mr. Goddard pointed out to the Board that his employment agreement with the Town expires on October 1, 2012 and he would like to begin to negotiate a successor agreement with the Board. He suggested that

perhaps the Board may wish to appoint a subcommittee for this purpose that would negotiate a tentative agreement subject to ratification by the full Board.

Mr. Goddard added that Lt. Crowe's employment agreement also expires this year and he has also requested the Board enter into negotiations. Mr. Stevenson said he would like to begin with Lt. Crowe first. After a brief discussion it was decided that Mr. Stevenson and Mr. Williams will work on Lt. Crowe's employment agreement.

4) Mr. Goddard said he recently completed the requisite training to become a Municipal Hearings Officer under the Fire Safety Act. He said the Fire Safety Act requires that all establishments that sell or serve alcoholic beverages undergo an annual inspection by fire and building officials. If the proprietor of the business disagrees with the findings of the inspection he or she may file an appeal with the Town's Municipal Hearings Officer (MHO). The MHO will then conduct a hearing and issue an appropriate decision. The MHO cannot be a Fire Dept. or Building Dept. employee which is why Mr. Goddard took the training. Mr. Goddard pointed out in the interest of full disclosure, the statute provides that the MHO is paid an annual stipend of not less than \$2,500. Mr. Gorecki said after reviewing the documents presented, it seems that if there are no fines or fees, then there would not be any money for an annual stipend.

On a motion made by Mr. Scavongelli and seconded by Mr. Gorecki, it was unanimously **VOTED** to appoint Tim Goddard Municipal Hearings Officer, under the Fire Safety Act of 2004, the Legislature enacted G.L. c. 148A.

5) Mr. Goddard said the Board is in receipt of a letter from the Town of Westford requesting that the Town of Carlisle appoint a liaison to the Bruce Freeman Rail Trail project. Mr. Stevenson said Alan Cameron has been the representative previously. Mr. Goddard will ask Alan if he would be interested in continuing in this position.

6) Mr. Goddard said the New England Chapter of the Multiple Sclerosis Society has requested permission to conduct a portion of their July 14th fundraising bicycle race over the streets of Carlisle. He added that they will inform and coordinate with the Police Department of their proposed bike route.

On a motion made by Mr. Scavongelli and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the New England Chapter of the MS Society's request to conduct a portion of their July 14th bicycle race in the Town of Carlisle with the understanding that they shall consult with the Police Department regarding traffic and roadway safety issues and will comply with the Town's policy regarding the marking of bicycle routes.

7) Mr. Goddard informed the Board that they have received a request from Eagle Scout candidate Patrick Bourque to use the Transfer Station on Saturday, June 2nd for a town-wide food drive of non-perishable items. Gary Davis is aware of the request and has no objections. Mr. Gorecki recused himself from this discussion as he is the Scout Master.

On a motion made by Mr. Hult and seconded by Mr. Scavongelli, it was **VOTED** to approve Eagle Scout candidate Patrick Bourque's request to use the Transfer Station on June 2nd for a Town-wide food drive of non-perishable items.

8) Mr. Goddard presented an invoice from Safe Harbors in the amount of \$4,800.00 for the cost of the May 7, 2012 Hazardous Waste Collection day. The invoice has been approved for payment by the Board of Health chairman and it requires approval by the Board of Selectmen as well.

On a motion made by Mr. Gorecki and seconded by Mr. Hult, it was unanimously **VOTED** to authorize the expenditure of \$4,800.00 from the Transfer Station/Stickers account to cover the cost of the May 7, 2012 Hazardous Waste Collection day.

Annual Town Meeting Debriefing

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Approved: June 12, 2012

Town Clerk Charlene Hinton and Town Moderator Wayne Davis were present for this discussion. Mr. Stevenson said in his memory this Town Meeting was one of the most uneventful and notably efficient Town Meetings. Wayne agreed with Mr. Stevenson but added one suggestion. He said as he thought back over the last two years, and noted that it is not Town Meeting itself, but there seemed to be a little disconnection between the Planning Board and the Board of Selectmen on a few articles. He felt that the two boards need to get on the same page before Town Meeting.

Charlene commented that she receives many questions every year about when the Warrant will close; and she suggested posting the Town Meeting Timeline on the Webpage. Charlene also asked if the Annual Town Report will be put on the Website. Mr. Hult said that was a very good idea.

Mr. Hult made a few suggestions about the list of Rules that Wayne reads at Town Meeting. Mr. Hult commented that the quality of the presentations were very good this year. He added that he agreed with Wayne's comments relating to the Planning Board and the Selectmen; both have work to do in order to work together better.

Mr. Gorecki said he received comments from residents asking that the Board increase the use of the Consent Agenda. Mr. Stevenson said he did not want to over-use the Consent Agenda because he did not want to discourage voters from asking questions and discussing issues.

Charlene mentioned that she will need additional election officers for the upcoming primary in September and election in November. In response to Mr. Scavongelli, Charlene said the qualifications necessary to become an election officer are that you have to be a resident of the Town, a registered voter, and you have to attend one training during the day or evening.

Affordable Housing Update

Housing Coordinator Elizabeth Barnett and Affordable Housing Trust Chair Greg Peterson were present for this discussion. Mr. Stevenson thanked and congratulated everyone involved with the Benfield Project, noting that the funding has been approved on the State level for this project. Elizabeth had a statement from Alan Lehotsky, Chairman of the Carlisle Housing Authority [who could not be present tonight]. Greg said in terms of the next steps, he said that will depend upon the Housing Authority and NOAH, the community development corporation. He said in the meantime we will all have to continue to work together, that is, the Board of Selectmen, the Planning Board, Housing Trust and Zoning Board of Appeals.

Greg said on Saturday, June 2nd, from 9 am to 12 pm in the Town Hall Clark Room, the Affordable Housing Trust with various Town Boards will be hosting an Educational Day on 40B's. He said there will be discussions on what it would cost to get things done, what the requirements are, and what are the potential alternatives. Greg said the public is invited.

Mr. Hult said in regard to the Benfield project, the sooner we come-up with a timeline the better. He said that would help us answer a lot of questions.

Discussion of Historic preservation restriction – FRS Steeple

Mr. Hult recused himself from this discussion [due to his connection with the church].

Mr. Stevenson said Town Meeting authorized \$47,000.00 of CPA funds to the First Religious Society (FRS) Church for the replacement of the steeple, noting that this came from the Historical pocket of the CPA. He said what was not realized was that by State law, the recipient of said Historical Funds is required to grant a permanent restriction on that project back to an entity, in this case, the Town. He said he has been working with a few people from the FRS and Town Counsel to draft a Preservation Restriction and Agreement.

Mr. Stevenson said basically the restriction requires the Board of Selectmen, as the representatives of the Town to sign-off on changes to the building, specifically the exterior of the 1811 building.

Mr. Stevenson said the Church Officials have reviewed drafts of the Restriction. He said the next steps are if this Board approves the principles of this draft, he will report that back to the FRS. Their next step is to speak to their Counsel and get a final review from their Counsel.

Mr. Stevenson the FRS is eager to start work on the steeple and they need a contract to begin the work. He said Town Counsel has advised against releasing the funds until we have a signed agreement however, this

process may take up to four or six weeks and the Church may miss their opportunity. Mr. Stevenson said at the Board's next meeting we can discuss releasing some of the funds as a down payment. Mr. Stevenson said if their Counsel comes back with changes; he would like someone from the Board to review them with him. Mr. Gorecki said he would work with Mr. Stevenson.

Discussion on Town Government Study with Collins Center

Michael Ward, Director of Municipal Services at the Collins Center and Associate/Consultant Rob Haley were present from the Collins Center for Public Management. Michael Ward said the Collins Center works with Towns and communities on anything related to public management and Town projects.

Rob Haley said he has worked with many communities and local governments where the common theme is that budgets are being cut and costs are going up. He said their job is to work with communities to find ways to address this problem, whether it is through shared services, consolidation, outsourcing or reducing staff.

Mr. Haley said before they begin on site, they collect a lot of data, such as Management Reports, Annual Town Reports, and previous studies that were done in order to have a descriptive profile of the Town. He said it will be the most valuable document they have.

In response to Mr. Stevenson, Mr. Haley said since this study will most likely not begin until mid June, the Collins Center will have a draft final report to the Board of Selectmen in approximately 90 days after they begin their work. This draft final report will consist of a descriptive profile, a discussion of the issues, and a clarification of what those issues are.

In response to Mr. Scavongelli, Mr. Ward said their job is not to write grants but they will look into ways to increase revenue such as fees and getting the most out of grant writing.

Mr. Hult clarified that this study is relative to the employees within Town Hall. He added that it is important that we keep a positive approach to this study. Mr. Hult suggested that a member from each of the six departments in Town Hall have a representative on a newly formed advisory committee together with one or two Selectmen to focus on the study. Mr. Haley said the establishment of a steering committee is very helpful. Mr. Stevenson said in terms of the timing, do we need the steering committee first, before the documents and records we previously discussed are gathered. Mr. Haley said the first thing is the steering committee.

On a motion made by Mr. Hult and seconded by Mr. Gorecki it was unanimously **VOTED** to authorize the Chairman of the Board of Selectmen to enter into an agreement with the Collins Center for a Management Study in the amount of \$7,000.00 with expenses not to exceed \$1,000.00.

Cemetery Deeds

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

On a motion made by Mr. Gorecki and seconded by Mr. Hult, it was unanimously **VOTED** to transfer to Nancy L. Risso of Carlisle, Massachusetts the following: Deed No. 658 for Cemetery Lot D 155 Graves 1, 2, 3 and 4 in the Town of Carlisle, Green Cemetery.

On a motion made by Mr. Gorecki and seconded by Mr. Hult, it was unanimously **VOTED** to transfer to David B. and Marjory B. Stickler of Carlisle, Massachusetts the following: Deed No. 657 for Cemetery Lot D 220 Graves 1 and 2 in the Town of Carlisle, Green Cemetery.

Appointments

On a motion made by Mr. Gorecki and seconded by Mr. Hult, it was unanimously **VOTED** to appoint Michael Bishop to the Finance Committee for a three year term that will expire at the end of the 2015 Annual Town Meeting.

On a motion made by Mr. Gorecki and seconded by Mr. Hult, it was unanimously **VOTED** to appoint Jerry Lerman to the Finance Committee for a one year term that will expire at the end of the 2013 Annual Town Meeting.

Consideration of OPDMD Policy

Dwight DeMay from the Land Stewardship Committee gave a presentation on the Other Power-Driven Mobility Devices (OPDMD) Policy. He spoke about the background of the Americans with Disabilities Act and the March 2011 update that includes OPDMD. He explained that an OPDMD was anything if used by a person with a mobility disability. Dwight said the purpose for this amendment was to allow an immobile person to go anywhere a pedestrian is allowed. An OPDMD user has the right to expect reasonable access on all trails and other recreation facilities, unless the Town has completed an assessment that a type of OPDMD cannot be used in that location due to one or more assessment criteria. He said the burden of proof is on the Town to define why access cannot occur.

Dwight also talked about the types of vehicles that were considered other power-driven mobility devices. He said the vehicles can be a golf cart, an ATV or a scooter. Dwight said the spirit of OPDMD is to provide access.

In summary, Dwight re-iterated that anyone with a mobility disability can use an OPDMD and they must provide credible assurance that the mobility device is required because of their disability. Dwight said this ruling applies to publicly accessible land, including public land and private land with allowed public access to Conservation Commission land, Federal property, and State-owned land.

Dwight said the Conservation Commission has prepared Rules and Regulations of the Town of Carlisle Conservation Commission On Use of Other Power-Driven Mobility Devices on Town of Carlisle Conservation Land, Per the Americans with Disabilities Act (ADA) (attached hereto). He said they want to put the policy in place with a starting date of March 2012. Dwight said the policy is in line with other jurisdictions relative to trail width limits, battery powered Motors, wheel types, speed limits and trail etiquette.

Mr. Stevenson said the Conservation Commission would like the Selectmen to adopt this policy relating to all Town-owned properties. Mr. Hult asked if this policy will be printed and posted somewhere. Dwight said no, there will be normal monitoring of conservation land and if there seems to be a problem, then that person or individuals will be spoken to and the regulations will be referenced.

In response to Mr. Hult, Dwight said the Town did not have to make any improvements to the trails so as to make it accessible to these types of vehicles. Mr. Hult asked if allowing the use of these types of vehicles would add potential liability to the Town. Sylvia and Dwight agreed the answer was no.

The Board thanked Dwight for his work on this presentation.

Mr. Goddard brought the Board's attention to a memo from Sylvia Willard relative to the Land Grant Application for the Elliott Preserve. Sylvia is requesting to be appointed project manager.

On a motion made by Mr. Scavongelli and seconded by Mr. Gorecki, it was unanimously **VOTED** to appoint Sylvia Willard as the Project Manager as it relates to the Land Grant Application for the Elliott Preserve.

Mr. Goddard said there was a request from the Conservation Commission to approve use of funds from the Intents Account for the purpose of funding Conservation Commission wages for the remainder of FY2012.

On a motion made by Mr. Gorecki and seconded by Mr. Scavongelli, it was unanimously **VOTED** to approve the use of \$8,214.42 from the Wetlands Protection Aid "Intents" account for the purpose of funding Conservation Commission wages for the remainder of FY2012.

Discussion – Minuteman Tech

Mr. Stevenson said tonight the Board will discuss any updates and latest developments on the Minuteman Regional High School Capital Projects. He said we are proposing drafting another letter to some other communities to discuss our approach to the capital projects. Mr. Stevenson said he and Mr. Hult and School Committee Representative Don Rober and Mariellen Perugini attended a meeting to discuss the School project and it appears that the School Administration/School Committee are moving forward with the Building project and the day to day process. He said the outcome from that meeting was that there is still concern from Carlisle and other communities that the underlying issue of the out-of-district students attending that school and not having a method for contributing to capital expenditures has not been resolved.

Mr. Stevenson said we would like that issue to be addressed and it does not seem to be getting the attention that it needs.

Mr. Stevenson said at that meeting they discussed that someone from the Board of Selectmen would draft a letter to the 15 communities in the district, letting them know our concern. Mr. Hult said we should send a similar letter to the Superintendent too. Mr. Stevenson noted that 40 to 50 percent of the students attending the school are out of district students.

Don Rober, the Town's Minuteman School Representative was present for this discussion. He said there are basically three things going on. He said the first issue has to do with the size of the building, the number of students and how many are out of district students. The second is there are some communities that feel that *any* project is going to cost too much money. Don said the third issue is that the roof is failing and that is a serious problem. Don said the Minuteman School Building Committee has not met since December 2011.

Mr. Hult said the Board of Selectmen is very supportive of the education at Minuteman Tech. and we will continue to pay our share for our students who have chosen to attend the school. He said we believe there has to be a capital program for the repairs at the School that is proportionate and fair for all the students that go there.

Mr. Stevenson said our goal is to draft a letter and present it at the next meeting for the Board to review.

Highland Building Discussion

Mr. Stevenson said he wanted to remind the Board and the Community that we have a stabilized building and we cannot stop here. He said we need to figure out the next steps relative to the use of the Highland Building.

Mr. Scavongelli spoke about appointing another committee; however, he said, their charge would have to be very specific. Mr. Hult said we have to know what we want the committee to do. The questions of use and renovation both need to be addressed.

Mary Storrs, a representative from the School Committee to the former Highland Committee was present for this discussion. She said the School Committee voted not to pursue Housing in the Highland Building. Mr. Scavongelli said the new committee needs clear marching orders and a concise charter. Mr. Stevenson said he would like to see options where a large portion of the construction costs are covered. He suggested charging the committee to come-up with three options that address the financial issue. Mr. Scavongelli said he would draft a charter for the Board to review at their next meeting.

Liaison Reports

Mr. Gorecki said at the Financial Management Team Meeting this morning there was a discussion about the Mitigation Account and the money that was voted into that account at Town Meeting. Mr. Gorecki said Town Meeting voted \$33,000.00 into the Mitigation Account however that is not enough and we will need a Reserve Fund Transfer for \$1,900.00.

Mr. Gorecki said one borrower from the Septic Loan Program has defaulted on their loan account in the amount of \$34,000.00. Mr. Gorecki said the Assessor said new growth is accumulating. The target amount is \$15million and so far she has \$9million.

Mr. Stevenson reminded the Board about the memo they have received from the Planning Board relative to Plowing of Public and Private Ways. He said this matter will be discussed at the Boards next meeting on June 12th.

Mr. Hult said he and Mr. Stevenson prepared and sent a letter to the Regional School Committee and several people in Concord relative to the bussing issue at the High School. He said basically Carlisle has no issue with out-sourcing bussing or bussing the way it was before and we believe the issue right now is a Concord issue. He said if there is a facility to be built for the buses; it will be a Concord facility. Carlisle would then share a portion for the high school students only.

Mr. Stevenson said the Carlisle School Building project is nearly complete.

Minutes

Board of Selectmen
May 22, 2012

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Approved: June 12, 2012

On a motion made by Mr. Hult and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen Meeting of April 24, 2012.

On a motion by Mr. Hult and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen Meeting of April 30, 2012.

The meeting adjourned at 10:10 p.m.

Respectfully submitted by Margaret Arena