

## BOARD OF SELECTMEN

September 25, 2012

### Minutes

The Board of Selectmen met on Tuesday, September 25, 2012 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Peter Scavongelli, John Gorecki, John D. Williams, Timothy Hult and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present.

#### Town Administrator Report

1. Mr. Goddard spoke about the upcoming Special Town Meeting which will be held for the purpose of considering the purchase of the Moseley-Goff property. He said it seems that November 13<sup>th</sup> is available at the Corey Auditorium and is also a good date for the Town Moderator. Mr. Goddard said the Special Election will be held two weeks later which is November 27<sup>th</sup>. He suggested opening the warrant tonight and closing it on October 9<sup>th</sup>.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** that the warrant be opened for the submission of articles for a Special Town Meeting which shall be held on Tuesday, November 13, 2012.

2. Mr. Goddard asked the Board to approve the attached proclamation declaring October 24, 2012 as 'United Nations Day' in the Town of Carlisle. [Copy attached hereto]

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to declare October 24, 2012 as 'United Nations Day' in the Town of Carlisle in recognition of the 67<sup>th</sup> anniversary of the founding of the United Nations and to sign a proclamation to that effect.

3. Mr. Goddard said the Board has received a request from the League of Women Voters to use the Clark Room on Friday, October 12<sup>th</sup> for a discussion regarding Campaign finances.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the use of the Clark Room on Friday, October 12<sup>th</sup> by the League of Women Voters for a forum on Campaign Finance Reform.

4. Mr. Goddard said the Board has received a request from the Cystic Fibrosis Foundation to conduct a portion of their fundraising bicycle race through some of the streets in Carlisle. He said they have consulted with the Police Department regarding their proposed bike route.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to approve the Cystic Fibrosis Foundation's request to conduct a portion of their October 6<sup>th</sup> 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.

5. Mr. Goddard said Amanda Hickman, representative from the Concord-Carlisle Committee Chest is present tonight to talk to the Board about some of the services the Committee Chest provides and to ask the Board for their support. Ms Hickman, a Carlisle resident said the goal of the Community Chest this year is \$650,000.00. She said they usually receive donations from about fifteen to sixteen hundred households from both Towns. Ms Hickman said they support over 30 human and social service agencies all of which have some activity in the combined Towns. She said the funds that are given to the Community Chest are allocated by a committee of citizen representatives from the Towns of Carlisle and Concord who visit each of the agencies to determine the distribution of the funds.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to declare October 2012 as 'Concord-Carlisle Community Chest Month' in the Town of Carlisle in recognition of its'

65<sup>th</sup> year of providing funding to local agencies and programs and to sign a proclamation to that effect.

The Proclamation for the Concord-Carlisle Community was read by Mr. Williams. [Attached hereto]

6. Mr. Goddard said the Board has received a Change Order from HMFH to amend the contract with H.V Collins Co., Inc., contractors for the School Building Project, in the amount of \$38,731.00. The School Building Committee has recommended approval of this change order.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to approve Change Order # 016 for the Carlisle Public School Building project with H.V. Collins Co., Inc. for a total amount of \$38,731.00.

7. Mr. Goddard said the Board has a request from Finance Director Larry Barton who is preparing the borrowing authorization that we will see within a few weeks. One of the requirements is a vote from the Board to establish the useful life of the equipment that we are borrowing for. He said in this case it is the Dump Truck for \$134,000.00.

On a motion made by Mr. Stevenson and seconded by Mr. Gorecki it was unanimously **VOTED** to establish that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$134,000 borrowing authorized by the votes of the Town passed May, 2011 (Article 14) and May 17, 2011 (Question 1) is hereby determined pursuant to G.L. c.44, section 7(9) to be as follows: One (1) Dump Truck in the amount of \$134,000; and the maximum useful life of 20 years.

Mr. Goddard said he included in this report a 2013 Annual Town Meeting Timeline, noting that this timeline takes into account the Special Town Meeting in November and the Annual Town Meeting, which has been tentatively scheduled on April 29, 2013 and the Town Election on May 7, 2013. Mr. Scavongelli said that this document is just for information purposes and not for discussion tonight.

### **Community Input**

There was no community input tonight.

### **Appointments**

On motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to appoint Alan Ankers to the Trails Committee for a one year term that will end on June 30, 2013.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to appoint Warren Spence to the Trails Committee for a three year term that will end on June 30, 2015.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to appoint Michelle Small to the Carlisle Youth Commission for a three year term to end on June 30, 2015.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to appoint Sara Smith as an associate member on the Carlisle Youth Commission for a three year term that will end on June 30, 2015.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to appoint Randy Brown to the Highland Committee for a term that will end on June 30, 2013.

Mr. Scavongelli said this committee has not met yet. He added that we need a member from both the Board of Selectmen and the Carlisle School Committee on this committee.

### **New Business**

Mr. Scavongelli said that Police Chief John Fisher is presently out of Town at a conference however, he would like to discuss with the Board the purchase of a police cruiser. Mr. Goddard said he would like to have both Chief's attend one of the Board's meetings in October to discuss their FY2014 budgets.

### **Liaison Reports**

Mr. Scavongelli said he and Mr. Gorecki attended the Financial Management Team meeting yesterday. Mr. Gorecki said the Finance Director reported that Free Cash was certified in the amount of \$2,577,531.00.

Mr. Williams said the Luge Clinic was a huge success this past weekend. He also spoke about the Wounded

Warrior Bicycle ride through the Town. Mr. Williams gave special thanks to Larry Bearfield of Ferns Country Store for sponsoring this event. Mr. Scavongelli said he was very appreciative to have been there and been a part of the event.

Mr. Stevenson reminded everyone that the Honor Roll Committee will be accepting all additional names and adjustments to the Honor Roll display until October 1<sup>st</sup>.

Mr. Stevenson said in regard to the Finance Committee meeting last night, he and Mr. Williams and Greg Peterson spoke to the FinCom about the Moseley Goff property purchase.

In reply to Mr. Hult, Mr. Williams said the well on Benfield Farms has been dug at this point.

Mr. Hult said at our last meeting he reported that the CCHS School Committee was going to meet with MSBA the day after our meeting. At this meeting there was going to be a report from the sub-committee. He said basically they were going to take \$50,000.00 out of the contingency funds for the project to study potential alternatives for a site for a bus facility at the High School. He said they received a report of those five alternatives which were done by the builder and the architects. Mr. Hult said the cost of the alternatives ranged from \$2million to \$4½ million. He said the committee considered that, and voted unanimously in favor to continue to proceed with the current plans that we have for the High School. Mr. Hult said what that means is this; that decision will go back to the School Committee. What is important to Carlisle is that there is a waste site on the property that has to be capped but it will need additional remediation. He said there will be an expense that might have to be shared by both Towns.

Mr. Stevenson spoke about the Minuteman Regional School. He and Mr. Hult attended a meeting recently at Minuteman. Mr. Hult said the Superintendent is trying to decide which levels of enrollment to study for the Feasibility Study. Mr. Stevenson said one important point brought up was that there are some very specific maintenance issues that have to be addressed at the School.

### **Road Layout Hearing – Hanover and Johnson Roads**

Mr. Scavongelli said the purpose of the Public Hearing on Hanover and Johnson Road is to close the loop on the discussion over whether the Board will Layout Hanover and Johnson Roads. Mr. Scavongelli briefly went over the history of this matter. He said in January, 2012, the Wilkins Hill Realty requested that the Board of Selectmen place an article on the Warrant for road acceptance of Hanover and Johnson Roads. In February, 2012 the Board of Selectmen referred the proposed layout to the Planning Board for a formal report, pursuant to MGL. Ch. 41,§811. He said in March, the Planning Board gave their report and recommended that the Selectmen not accept Hanover and Johnson Roads as public ways at that time. Mr. Scavongelli said in July the Selectmen voted to acknowledge the withdrawal of the road acceptance request by Wilkins Hill Realty, however the Board was advised by Town Counsel in August that in order to bring this matter to resolution it was necessary to schedule a formal road layout hearing for Hanover and Johnson Road even though Wilkins Hill Realty had formally withdrew their request for road acceptance.

Present for this discussion were David Freedman Planning Board Chairman, Rob West from Wilkins Hill Realty and residents from both Johnson and Hanover Roads.

Yverre Bobay of Hanover Road said she supports the proposed acceptance of Hanover Road as a public road because she has two children who will need school bus service, and for mail service and for snow plowing.

Dwight Van Inwegen of Hanover Road said that he and his family were the first residents on this road. He said there are nine houses now that are fully built. He added that these residents are paying taxes and that the public uses these two roads to get to the trails. He felt the Town should plow these roads.

David Freedman, chair of the Planning Board read a brief summary of the Planning Board's Report and Recommendations on the layout of Hanover and Johnson Roads [attached hereto]. David said consistent past practice in Carlisle has been that a subdivision is built out before the roads in that development are considered for acceptance. He noted that at the time the Selectmen voted their intent to lay out these two roads and referred them to the Planning Board, only eight (8) out of thirty-four lots in Hanover Hills had been developed or were under development. David said with so many lots un-built it would be contrary to consistent past practice in Carlisle. He said it would be contrary to common consistent practice in neighboring towns to approve the layout of ways at this stage. Finally, David said the Planning Board believes that all developers and citizens should be treated equally with regard to whether and when

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sub-division roads should be considered for acceptance by the Town as public ways.

Mr. Hult asked David: if all the work is done in a development according to the Planning Board's specifications and the roads are built and it seems that everything is complete as a package, that was expected to be done, but it is not fully built out; would that alone be enough reason for the Planning Board not to release the security deposit? David said that is the standard policy. Mr. Hult said we will most likely talk about this subject again.

Mr. Stevenson said one of the reasons that Hanover is before us is because it is built precisely to the Planning Board's rules and regulations, specifically related to the construction. He added that this developer has chosen to complete the road, including the top coat, curbing and landscaping. Mr. Stevenson said this road would seem to be constructed according to the rules and regulation of the Planning Board. David said the Planning Board makes these determinations because that is their job.

Mr. Williams asked if the road was built according to Planning Board's standards. David said yes, however it was not built according to Planning Board Rules and Regulations.

Mr. Hult said he understands that past practice and precedent are very important.

Rob West from Wilkins Hill Realty said he would like to bring this matter to closure. He said there seemed to be a lot of questions about what has been past practice. Rob said what he would really like to see for the residents of Hanover and Johnson Roads is School Bus service.

Sheila Van Inwegen of Hanover Road said when she drives around Town she sees roads that are in very bad condition and they are accepted roads. She said the road she lives on is in perfect condition and the Town refuses to accept it. Ms Van Inwegen said they pay a lot of money in taxes and she really would like school bus service on this road.

Mr. Scavongelli said he is hearing general frustration among developers, builders, Boards and residents. He said the Board of Selectmen has an opportunity not only to address the issue of laying out the ways of Hanover and Johnson Roads but to provide guidance particularly to some developers as to when to approach the Board of Selectmen or the Planning Board regarding laying out ways.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to close the Public Hearing.

Mr. Stevenson said he feels a strong obligation to provide services to the taxpayers of the Town and to protect the interests of the Town. He said he would like to see the Board of Selectmen work with the Planning Board to resolve the issues that have come-up through this particular process. Mr. Stevenson said the difference with Hanover and Johnson Roads is that we have a developer who desired to complete the roads. He said this is a very different story than all of the other sub-divisions that we have talked about. Mr. Stevenson said if we follow along with the Planning Board's rules, an individual or a family could live on that road for their child's entire secondary school education and never see the school bus come down the street and at the same time pay the taxes for the same services.

Mr. Williams said he is sympathetic to the school bus issue and safety issue. He said he agrees with Mr. Stevenson regarding working with the Planning Board on eliminating the ambiguity issue in the by-law.

Mr. Hult said he agrees with David that it is the Planning Board's responsibility to determine the rules and regulations and generally enforce them.

Mr. Gorecki said he understands that it is a Planning Board decision, but he could not understand why it had to be an all or nothing issue. He felt that the road should be separate from the development.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was **VOTED 4 yes 1 no** to adopt the recommendation of the Planning Board to not lay out Hanover and Johnson Roads as public ways at this time.

### **Amendment to ALS Agreement**

Mr. Goddard said effective July 1, 2013 all public safety answering points (PSAP's) will be required to provide emergency medical dispatch for callers reporting a medical emergency. Mr. Goddard said Chief Flannery explained to him that there were two options the community could choose to fulfill this requirement. He said we could train our own staff to the level required and purchase additional computer components needed for the dispatching or we could contract with a certified Emergency Medical Dispatcher (EMD). Mr. Goddard

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said Chief Flannery and Police Chief John Fisher reviewed these options and they recommend contracting Pro EMS with whom we already have a relationship for providing ALS services. Mr. Goddard explained that Pro EMS has been approved by the State and is currently receiving all of our EMD calls. It was noted that the amendment to the agreement just adds this function formally and at this time there are no additional costs to our community for this service.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to amend our agreement with the Central Middlesex Emergency Response Association by adding Amendment 1 to Article 1 – Authority and Purpose: Emergency Medical Dispatch service will be provided upon request to any CMERA participating community.

### **Continued Hearing re: Policy on Plowing of Private Ways**

Mr. Scavongelli began the continued public hearing by going over some of the issues. He said this matter started in November of last year when the Board voted to discontinue plowing Berry Corner Lane and Red Pine Drive, two private ways in Town. He said two months later the Board learned that East Meadow Drive and Cutters Ridge, also private ways were being plowed and that there was an existing 1994 Selectmen's policy that grandfathered all four private ways to be plowed by the Town. The Board of Selectmen voted to maintain the existing 1994 policy through this past winter and take up the plowing policy in the spring. In the spring the Planning Board prepared a comprehensive document at the request of the Board of Selectmen which included an inventory of ways in the Town, a history of plowing private ways, the current policy on plowing private ways and a recommendation to the Board of Selectmen, which was to discontinue plowing private ways. Mr. Scavongelli said on August 7<sup>th</sup> the Board of Selectmen held a Public Hearing whereby the residents in the community had the opportunity to voice their comments on this matter. After the Hearing the Board of Selectmen announced that a decision on plowing would be made at a future meeting and that meeting is tonight.

Mr. Scavongelli asked those members of the community that were present if they had any further comments. Laura Baliestiero of Red Pine Drive said she spoke with the son of the developer of Red Pine Drive. He said when Red Pine Drive was built; it was according to Town standards at that time. Laura said that is why the Town plows this road.

Michelle Coleman of Cutters Ridge Road said this road was close to becoming a public way however there were some issues with the Conservation Commission at the time and that held up the process. She said those issues were resolved after 1994 but the papers regarding ownership of the road seemed to be lost.

Ms Coleman said they are trying to work on becoming a public way, but they need help from the Town with the next steps. Mr. Stevenson said it is the obligation of the residents to complete the necessary work and provide us with research relative to ownership of the road.

David Freedman, Chairman of the Planning Board said Red Pine Drive said was not built to Town standards. He said it was built to the standards of a small subdivision road. He said in regard to Cutters Ridge, there was a meeting with Attorney Hucksam from Town Counsel who said that the residents need a deed to transfer to the Town. David said this was clearly going to be a complicated process, but that is what needs to be done. In response to Mr. Stevenson, David said if the deed issue is cleared up, there are no other issues on Cutters Ridge Road.

On a motion made by Mr. Gorecki and seconded by Mr. Stevenson, it was unanimously **VOTED** to close the Public Hearing.

Mr. Scavongelli provided his perspective on this issue. He said we have heard arguments, both for and against continuing to plow the four (4) private roads in question. Mr. Scavongelli said he was sensitive to the fact that the homeowners of the four private roads will now be faced with this unanticipated expense. He said there is however an ongoing matter of inequity within the community if we continue plowing four private ways. Mr. Scavongelli said he believes the Board of Selectmen should rescind the 1994 Selectmen's plowing policy, thereby rescinding the provision within that policy that grandfathers plowing of Berry Corner Lane, Red Pine Drive, and Cutters Ridge.

Mr. Williams said he was surprised that we have more private roads than public roads. He said it is not fair to continue the 1994 Policy and plow only four private ways while other private ways are not plowed. He agrees that the Board should rescind the 1994 Policy.

Mr. Gorecki said he agreed with rescinding the 1994 Policy.

Mr. Stevenson asked if we rescind this policy, will the Board rewrite a new Snow Plowing Policy.

Mr. Hult said the Town should plow public roads and the issue with Hanover/Johnson Roads is acceptance of being public roads. In regard to these four private roads, he suggested plowing them until June 30, 2013, so the homeowners can make arrangements for their own plowing situation. Mr. Hult re-iterated that this is the last extension.

Mr. Goddard pointed out that one of the private ways is in very poor condition. Gary Davis, DPW Superintendent was present and spoke to the Board about Berry Corner Lane. He said it is in very bad shape and many times it is not plowed. In response to Mr. Scavongelli, Gary said he had no problem with plowing those four private ways for one more year.

Mr. Williams said he did not support plowing these roads for another year. Mr. Stevenson said since we are leaning towards fazing-out the Board of Selectmen's 1994 Policy, someone should take the time and draft a replacement policy that clarifies all of those items that we have discussed. He said at our next meeting we could vote on that policy.

On a motion made Mr. Hult and seconded by Mr. Gorecki, it was **VOTED 4 yes 1 no** to rescind the 1994 Selectmen's Policy on Plowing Roads effective July 1, 2013.

Mr. Goddard and Mr. Stevenson will work on a Plowing Policy.

#### **Discussion re: Funding of Housing Coordinator position**

Mr. Gorecki said two years ago the Housing Coordinators position started to be funded through CPA funds. He said the end of those two years is approaching at the close of this fiscal year. Mr. Gorecki said he feels that her salary should be funded as a salary Town employee. Mr. Scavongelli said he spoke with Alan Lehotsky from the Housing Authority relative to this matter. Alan said because there are certain restrictions associated with using CPA funds, he thought it would be beneficial to have the position funded through a combination of CPA and General Account funds.

Mr. Williams said he was on the Community Preservation Committee at the time this position was voted to be funded through the CPA. He said Kelly Guarino who was also on the CPA questioned whether CPA funds should be used to fund positions. Mr. Williams agreed that the Housing Coordinator's position should be a Town employee position.

Mr. Hult said he agreed with Mr. Williams.

Mr. Stevenson said he agreed too. He said since this position will be under the Town Administrator, it will allow her to do other things.

#### **Town Administrator – Renewal of Employment Agreement**

Mr. Scavongelli said Mr. Goddard's employment contract is up for renewal effective October 1<sup>st</sup>. He said through a series of Board of Selectmen Executive Session meetings and we talked about the negotiations and we reached an agreement for Mr. Goddard's employment agreement for the next three years.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to accept the Town Administrator's employment agreement presented tonight.

#### **Minutes**

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of September 11, 2012.

#### **Executive Session**

At 9:50 p.m. a motion was made by Mr. Williams to go into Executive Session pursuant to MGL Ch. 30A, §21(a) paragraph (2) and to discuss strategy with respect to contract negotiations with non-union personnel as an open session may have a detrimental effect on the Town's negotiating position and that the Board shall

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not return to open session. The motion was seconded by Mr. Stevenson and the following roll call vote was taken: Scavongelli – aye; Gorecki – aye; Williams – aye; Hult – aye; and Stevenson – aye.

Respectfully submitted by Margaret Arena