

## BOARD OF SELECTMEN

July 10, 2012

Minutes

The Board of Selectmen met on Tuesday, July 10, 2012 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Peter Scavongelli, John Gorecki, John D. Williams, and Timothy Hult. Town Administrator Timothy D. Goddard was also present. Selectman Douglas Stevenson was not present.

Mr. Scavongelli spoke about the recent 100<sup>th</sup> anniversary of Old Home Day. He said this was a huge success, complete with live music and fabulous fire works. Mr. Scavongelli said the Board would like to extend a special thank you to David and Florence Reed, who were present this evening, for all that they have done for the Town. He spoke about the many things Mr. and Mrs. Reed have been involved with over the years. A proclamation was prepared in their honor to acknowledge and recognize their service to the Town with gratitude regarding Old Home Day.

Mr. Williams read the proclamation [attached hereto].

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** to accept the proclamation presented this evening with gratitude from the Town of Carlisle.

Dave Reed said they were happy to accept the proclamation.

### **Town Administrator Report**

Request for Speed limit changes on Lowell Street Chief Fisher was present to talk to the Board about a proposed change to the speed limits on Lowell Street going out of town and coming into town so that they would be more predictable for motorists. His proposed changes to the limits are:

Going out of town- 25mph for .2miles; 30mph for .4miles and 35mph for 1.8miles

Coming into town – 35mph for 1.8miles; 30mph for .4miles and 25mph for .2miles

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to accept the proposed speed limit changes as presented to Board of Selectmen this evening.

1 Mr. Goddard said from time to time the Board has discussed the cost for the legal services the Town receives from our current firm, Deutsch Williams. He suggested to the Board that the current arrangement with Town Counsel be reviewed. Mr. Goddard said at this time he is asking the Board to consider issuing a formal Request for Proposals to provide legal services to the Town. Mr. Goddard pointed out that this does not mean that we are dissatisfied with Deutsch Williams, as we have had a longstanding relationship with them for nearly 15 years. Mr. Goddard spoke about some of the issues that he felt argued in the Town's favor of testing the marketplace with an RFP for legal services. He asked for the Board's approval to draw together a small working group consisting of a Selectman, Planning Board member or other Town Board member and himself to be tasked with issuing the RFP, interviewing selected firms and making a recommendation to the Selectmen within 60 days.

Mr. Gorecki and Mr. Williams agreed that this was a good idea. Mr. Hult suggested that as a courtesy, Mr. Goddard call Attorney DeRensis and inform him of this plan. Mr. Gorecki said he would work on this matter with Mr. Goddard.

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Approved: 7/24/12

2 Mr. Goddard said a few meetings ago the Board heard a presentation from the Chairman of the Planning

Board regarding the Plowing of Private Ways in Carlisle. He said following the meeting the Board expressed a desire to schedule a public session to discuss this matter. Those who would definitely be invited to the Public Hearing would be the residents of the four private ways [currently plowed by the Town], DPW Superintendent, Planning Board, and possibly the Conservation Commission and our Public Safety Officials. Mr. Goddard said he did not want too much time to go by before we schedule this meeting. Mr. Scavongelli said the Board would select a date for the public hearing next month.

3 Mr. Goddard said following up on a matter that was discussed a few meetings past, Town Counsel has recommended that the Board bring the matter of the road layout process of Hanover and Johnson Roads to a close. Briefly Mr. Goddard reviewed what had happened; Wilkins Hill Realty requested that Hanover & Johnson Roads be considered for acceptance at the Annual 2012 Town Meeting, and the Board of Selectmen voted to consider the laying out of these ways and referred the plans to the Planning Board. The Planning Board issued a formal report recommending against acceptance at that time. Also at that time the Developer withdrew the request for the road acceptance articles to be placed on the Town Meeting warrant and so the Board never scheduled the road layout hearing to take a formal position regarding the laying out of the ways. Mr. Goddard said it is Town's Counsel's view that the Selectmen may wish to go on record with respect to the request made by the developer regarding whether the roads should or should not be accepted at this time. He said a negative response does not preclude the developer from making a subsequent request.

Mr. Hult said the consideration of this issue will take into account what we do with the policy for plowing private ways. He said until we establish a policy relative to plowing private ways which would affect private ways until they are accepted by the Town, that policy would affect our decision on what we want to do with Hanover and Johnson. Mr. Hult suggested that we inform the residents on Johnson & Hanover that we are considering a policy relative to private ways and there will be a 'hearing' on same. In response to Mr. Williams, Mr. Goddard said the Planning Board is ready to give a final report to the Board of Selectmen on plowing of private roads any day. Mr. Hult said he did not think we have a clear policy related to plowing, which is related to the other decision. He felt it was important to make a decision relative to plowing the private ways and then go back and deal with Johnson and Hanover, because we would have a policy in place to refer to.

Mr. Scavongelli said he agreed with the other Board members and he felt that it was right to go forward to tonight. On a motion made by Mr. Williams and seconded by Mr. Hult it was **VOTED 3-yes 1-no** that the Board of Selectmen acknowledges the withdrawal of the request to layout out Hanover and Johnson Road.

4 Mr. Goddard said he prepared proposed procurement guidelines intended to be incorporated into the financial Policies and Procedures that Larry Barton and Priscilla Dumka have been working on with their intern Andrew Platt. He said what is presented merely formalizes existing practices, but there are some proposed changes that he wanted the Board to be aware of. Mr. Goddard said as Chief Procurement Officer he would like to be responsible for signing all contracts less than \$25,000, while the Board would approve and sign all contracts over \$25,000.00. Secondly, he said, the new procurement procedures would standardize the format for requests for quotes and institute a checklist to insure that all statutory requirements are met. Mr. Goddard said Larry and Priscilla have reviewed these two documents, but have not made comments on either yet.

Mr. Hult said he did not have any issues with these procurement guidelines. It was suggested that perhaps Mr. Stevenson would like to review them before they are approved by the Board.

5 September 6<sup>th</sup> State Primary Election Warrant – Mr. Goddard presented six (6) original warrants for the September 6<sup>th</sup> Primary Election for the Board to sign.

### **License Agreement re Benfield Property**

Housing Authority Trust Chair Greg Peterson, Housing Coordinator Elizabeth Barnett and Toby Kramer for NOAH were present for this discussion. They presented a License agreement, which is multi-party agreement between the Board of Selectmen, Housing Authority, Conservation Commission, and NOAH which will provide NOAH access to the various portion of the Benfield property in which pre-construction work needs to be done over the next three months.

They were hopeful that the Board of Selectmen would sign it this evening and they would proceed to take it to the Housing Authority meeting on Thursday, July 12<sup>th</sup> and then onto the Conservation Commission meeting the following Thursday.

On a motion by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to execute the License Agreement with the Neighborhood of Affordable Housing, Inc. (NOAH) for the entry and use of the Benfield property for the purpose of conducting tests, surveys and obtaining public water supply and septic permits and approvals, and further, that the Chairman be authorized to approve and execute any future amendments to said License Agreement on behalf of the Board.

### **MOU with the First Religious Society re: FY 13 CPA Funds**

Mr. Scavongelli briefly explained that the First Religious Society (FRS) and the Board of Selectmen have to sign a permanent preservation restriction agreement. Secondly the Massachusetts Historical Commission has to approve that agreement. Mr. Scavongelli said we want to get started on the repairs of the Steeple, so Town Counsel suggested that the Town of Carlisle and the FRS enter into a Memorandum of Understanding (MOU) which essentially talks about the intent of the parties to negotiate and try to finalize a permanent preservation restriction agreement. Mr. Scavongelli said by executing this MOU, the construction can begin sooner, rather than later.

Mr. John Lyons, chair of the Parish Committee of the First Religious Society was present for this discussion. He said they appreciate the Town's effort to get the work done, as well as the funds for the work itself. Mr. Lyons said he could not sign the MOU as the way it is written because he cannot agree to some of the terms in the agreement.

Mr. Scavongelli said the next step is to work through some of these issues with the FRS. Mr. Goddard agreed and he was sure we could work out the issues of this agreement. He said he would talk to Town Counsel about the agreement tomorrow.

In reply to Mr. Scavongelli, Mr. Goddard said the reason Town Counsel has insisted on the permanent preservation restriction is because it is required by the Community Preservation Act. The Town will hold the permanent restriction. Mr. Scavongelli said he did not think the issues at hand would be resolved this evening. It was decided that Mr. Goddard would talk with Town Counsel on the particular points and try to come up with alternative solutions.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was **VOTED 3 YES, 1 ABSTAIN** to authorize the Chair of the Board of Selectmen to negotiate with and reach agreement on terms of the Memorandum of Agreement by and between the First Religious Society of Carlisle and the Town of Carlisle as set forth this evening.

### **Review of FY12 Board of Selectmen Goals/**

#### **Discussion of FY Goal-Setting**

Mr. Scavongelli said (Selectmen) Stevenson is not present tonight so he would like to refrain from discussing new goals for FY13. He asked the present Board to look at the Goals for FY12 and they could discuss how we did in accomplishing those goals. Mr. Goddard said the Board could review the goals and check off the goals completed, and identify the goals that they would like carry over to 2013. At the goal setting meeting the Board can then add the new goals for 2013.

The Board reviewed the 2012 Goals, starting with #3 *Effective & Efficient Town Services*. Mr. Scavongelli said in regard to (1) he felt that the Board had worked on this by engaging the Collins Center to do the Study in Town Hall. Mr. Goddard said (3) would also fall under hiring the Collins Center; that is, looking into the organization of Town government and the efficiency and effectiveness of our delivery of Town services.

Mr. Hult said he did not think the Board completed (1) because he felt it referred to the Police Department and this was intended to look at each Department and make sure we didn't have any other management issues. He said we didn't do this, but we did (2), by hiring Driveteck for Computer Support for Town Hall.

Mr. Scavongelli spoke about #5 *Recreation & Community Activities*. The Board decided to carry over (1) 'Work with the Recreation Commission, Council on Aging, and related boards to understand the recreation and community facility needs for the next 3-5 years.

Mr. Hult talked about # 2 *Education*. He said in regard to the Carlisle School Building Project, so far we are on schedule and there is very little concern about the contingency funds. In regard to the Minuteman Regional High School, he said we have sent three letters relating to the Capital Plan. Mr. Hult said in regard to these goals under education, he believed the Board completed all of them. In reply to Mr. Scavongelli, Mr. Hult said he thought the Board would have new goals under Education for FY13.

Mr. Williams discussed #6 *Affordable Housing*. He the Banta Davis Task Force was established to work on Master Plan for that property. In regard to the Benfield project, Mr. Williams said it is very important that they work along with the timeline that was prepared and presented earlier. Mr. Williams said the Housing Trust's initiative to continue to explore Carlisle's housing options was evident by the June 2<sup>nd</sup> event held in Town Hall and the great attendance it brought in.

Mr. Gorecki spoke about Goal # 7 *Conservation Land & Open Space*. He said the Conservation Commission, Conservation Restriction Advisory Committee and Carlisle Conservation Foundation meet semi-annually and he attended their January session. Mr. Gorecki said he did not think this was something the Board needed to organize, it is set-up by the land-boards themselves and he was glad to be there. In regard to the lease for the Cranberry Bog House, Mr. Gorecki said he did not think has occurred yet. He did add that the water rights issue is ongoing and that it should stay on the Goals for FY13. Mr. Gorecki said the Board will need to continue to support the Elliot Preserve matter.

Mr. Hult asked questions about #4 *Stable & Responsive Public Utilities*. Mr. Gorecki said the CCTV contract is up for renewal next year. He said former Selectman Bill Tice and the remaining cable advisory committee members are willing to assist him on this contract negotiation. No dates have been set to start negotiations.

Mr. Williams discussed Goal #1 *Financial Management*. In regard to the Model OPEB liability, he said this matter did not move forward in April as planned because new numbers came in and Larry Barton asked if this discussion could be postponed. Mr. Hult said we need to work on a five-year capital plan.

Mr. Goddard spoke about #8 *Safety & Security*. He said all of the items under this topic have been completed.

Mr. Hult said it seems we are looking forward to a goal-setting session where we go over each section and people are prepared with what that person thinks should be the Goals and come prepared with the three areas that you would like to work on.

### **Appointments**

Mr. Goddard said he has spoken with former Cultural Council Chair Patricia Koenitzer and she has recommended the four individuals who have submitted letters of interest to be appointed to the committee.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to appoint Cynthia Sorn, Karen Shaver, Beth Galston, and Jennifer Woodward to the Cultural Council for a two year term(s) that will expire on June 30, 2014.

### **New Business**

Mr. Scavongelli asked the Board to refer to their calendars and discuss the August meeting schedule. The Board tentatively agreed on scheduling their meetings in August to the 7<sup>th</sup> and 21<sup>st</sup>. These dates will be confirmed with Mr. Stevenson.

### **Liaison Reports**

Mr. Hult spoke about the Concord-Carlisle High School Building Project. He gave a brief background of what has occurred since September, 2011; noting that the Towns entered into an agreement with MSBA that they would fund approximately \$30 million of a \$92.4 million project to rebuild the high school. Mr. Hult

said on June 26<sup>th</sup> the School Building Committee was informed that MSBA was suspending all payments relating to the project because they were concerned with the scope budget and schedule. He said in that letter MSBA listed nine (9) issues that had to be addressed and if these are not addressed there will be no more funding.

Mr. Hult said in the beginning the architect and the OPM and the School Building Committee worked closely together to verify costs and schedule. Mr. Hult said a Construction Manager was chosen. At about the same time the design team continued to improve the design and the Committee put forward a proposal to move the second gym closer to the main building for safety and cost issues. Mr. Hult said the Construction manager then discovered there was a \$10 million gap in the construction costs. Mr. Hult said the architect, OPM and the Builder began looking into this difference and tried to work out the issue. He said MSBA became concerned because they knew the building was late on a self-imposed date and therefore sent the June 26<sup>th</sup> letter.

Mr. Hult felt that the Building Committee and the Project Team were not effective in several ways, including communicating the value of the engineering process and progress and partnering with the MSBA during the process.

Mr. Hult said now, the leadership of the Committee has changed. The new leader of the Committee is Stan Durlacher. He said the Committee has voted, as requested, that they will comply with the MSBA process, guidelines and all terms of the agreement. In specific response to the MSBA letter, Mr. Hult said the project is focused on a detailed response to all points in their letter. He said there is a meeting with MSBA on July 16<sup>th</sup> to focus on whether we are on the right track. Mr. Hult said on August 15<sup>th</sup> the Design Development Submittal is due, which is what is going to be built. Mr. Hult said the Building Committee and Project Team is committed to do whatever is necessary to get this force back on track.

### **Minutes**

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve to the Minutes to the Board of Selectmen's June 12, 2012 meeting.

### **Executive Session**

At 8:55 a motion was made by Mr. Williams to enter into Executive Session pursuant to MGL Ch. 30A, §21(a) paragraph (2) and (6) to discuss strategy with respect to contract negotiations with non-union personnel and the value of real property as an open session may have a detrimental effect on the Town's negotiating position and that the Board shall not return again to open session.

Respectfully submitted by Margaret Arena