

## BOARD OF SELECTMEN

February 26, 2013

### Minutes

The Board of Selectmen met on Tuesday, February 26, 2013 at 7:45 p.m. in the Town Hall Clark Room. Those present were Selectmen Peter Scavongelli, John Gorecki, John D. Williams, Timothy F. Hult and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present.

#### **Annual Town Meeting Coordination Meeting #3/ Review draft of Town Meeting Warrant**

Finance Committee chairman Jerry Lerman, Town Moderator Wayne Davis and Town Clerk Charlene Hinton were present for this discussion.

Mr. Goddard spoke about the draft Town Meeting Warrant dated Feb. 25, 2013 and noted the changes and updates made to same. He said the items in the *Consent Agenda* which include *Articles 1 through 9* have not changed.

Mr. Goddard said *Article 13*, which is new, is for the purpose of allowing the transfer of funds from the overlay surplus to refund various overlay accounts to the Board of Assessors.

Mr. Stevenson asked to see the fund balance of the overlay account.

*Article 14* – Mr. Goddard said this is an article to approve any collective bargaining agreements that we may have a tentative agreement on. This would include the Police Union's agreement and perhaps the CCTV contract.

Mr. Stevenson asked about *Article 11*, which was the Concord-Carlisle Regional School District's Supplemental FY13 Assessment. Mr. Goddard said the Town's share of the unforeseen transportation costs is 29% of \$140,000.00. Mr. Stevenson questioned why this amount could not be covered under Concord's E & D funds. Mr. Stevenson suggested asking a representative from the Concord Carlisle High School to attend our next meeting for the purpose of answering some questions on this matter.

Mr. Goddard spoke about *Article 16*. He said this is the first attempt to bundle a group of professional service requests into one article. Mr. Gorecki said having one article instead of separate warrant articles for each of these items seemed to be less time consuming.

Mr. Goddard said *Article 17* is for Capital Equipment and Long Term Capital recommendations. He said *Article 18* is for the Library Septic System for an estimated amount of \$35,000.00.

Mr. Goddard said *Article 19* is for the Amendment to the General Bylaws. He said this amendment specifically focuses on the hours that the polls will be open.

*Article 20* is another General Bylaw Amendment. Mr. Goddard said this amendment refers to the Long Term Capital Requirements Committee membership. He said under the amended bylaw the committee will consist of seven (7) members; one appointed the Board of Selectmen, three appointed by the Finance Committee one appointed by the Carlisle School Committee, the Finance Director and the Town Administrator.

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Mr. Goddard said *Article 21* will give the Selectmen the opportunity to enter into a contract, not to exceed ten years with a provider of Public Education and Government Access services. He said currently that service is provided by CCTV; however after conferring with Town Counsel we were informed that it is necessary to put forward a Request for Proposals for this service. This is designed so that the most qualified (non-profit firm) respondent to that RFP would be recommended.

Mr. Scavongelli recommended placing Article 21 after Article 19.

*Article 22* refers to the Zoning Bylaw Amendment to Section 5.6, Accessory Apartments. Mr. Goddard said there is a placeholder for this article.

Mr. Goddard said *Articles 23 and 24* are also zoning bylaw amendments suggested by Town Counsel. The first one is relative to the dispensary of marijuana. Mr. Goddard said a number of communities served by Town Counsel are considering an interim moratorium regarding dispensing medical marijuana. Town Counsel suggested that if the Town officials felt they needed more time to see how the dispensary matter works out in this county, then perhaps this article should be considered.

Mr. Gorecki said he has looked into this matter and it seems many communities are placing this article on their Town Meeting warrants. Mr. Gorecki was concerned that if the Town does not do the same, we will leave our self open to being an attractive target and then be chosen as a dispensary area for medical marijuana. Mr. Goddard said if we chose to move forward with this article, the process would require the Board of Selectmen to refer it to the Planning Board.

In response to Mr. Williams, Mr. Scavongelli said if we do not have the moratorium, and all of the other area communities have voted to move forward with the moratorium, Carlisle can be targeted for the dispensary. Mr. Gorecki said the moratorium would give the Town some time to think about where a medical marijuana dispensary would be located in Carlisle and what it would look like. He said we would need to form a study group.

Moderator, Wayne Davis suggested referring this matter to the Planning Board to begin the process. He said this way the Selectmen will have a placeholder on the Warrant and at their next meeting they can discuss this matter further.

On a motion made by Mr. Gorecki and seconded by Mr. Hult, it was **VOTED: 3 YES /2 NO** to refer to the Planning Board the proposed Zoning Bylaw Amendment, Article 23 in draft Warrant dated Feb. 25, 2013 as well as the Zoning Bylaw Amendment under Article 24, in draft Warrant dated Feb. 25, 2013 for the purpose of bringing these two (2) zoning bylaw amendments to the Spring Annual Town Meeting.

Mr. Goddard said *Article 25* is the article that would change the Town Clerk's position from an elected position to an appointed position. He said this will be a two-part approval because it also is a ballot question.

Mr. Goddard said *Article 26* is the CPA annual authorization. He said we will discuss some of this under Agenda item 2, the Elliott Preservation Discussion. Mr. Goddard said at our next meeting the Board can review the articles again and decide which articles will remain on the Warrant and which will be deleted.

Jerry said the Finance Committee is meeting on March 4<sup>th</sup> and on March 11<sup>th</sup>, however Finance Director Larry Barton will not be present at the March 11<sup>th</sup> FinCom meeting. Jerry said when they meet with the Selectmen on March 12<sup>th</sup> they will have finalized the budget, but they will still have a few issues relative to use of Free Cash and about funding various requests. Jerry said at the March 12<sup>th</sup> coordination meeting with the Selectmen he will be prepared to go through all of the various requests above guideline, that is, the ones that they approved and the ones they rejected. Mr. Stevenson said the timing issue is a problem. Jerry said at their March 4<sup>th</sup> meeting they will come up with a budget and give it to Mr. Goddard.

## **Elliott Preserve Discussion**

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Kelly Guarino, chair of the Conservation Commission, Krista Collins, Director of Land Protection for the Sudbury Valley Trustees and Steve Tobin from the Carlisle Conservation Foundation were present to discuss the Elliott Preserve Conservation Restriction. Kelly said they came before the Selectmen about a month ago to ask for their support of this project.

Kelly gave a brief history about the project. She said it is approximately 9 acres of property along the Concord River with 1,000 ft. of frontage. Kelly said the total project amount is \$750,200.00. She said a number of different sources have contributed to this amount. They are: the CPA, private funding, Wild and Scenic River Stewardship Council, Sudbury Valley Trustees, Carlisle Conservation Commission and the Carlisle Conservation Foundation. Kelly said the reason they are asking for support for another CPA application is because the Land Grant that they applied for did not come through and they are at a shortfall. The amount they are asking for is \$150,000.

Mr. Hult said this is an excellent project and a fantastic piece of land. Mr. Scavongelli reminded Kelly that they had the Board of Selectmen's support when they applied for the Land Grant, and the Board's support of the project is still in force.

### **Public Input re: Change to Appointed Town Clerk**

Mr. Goddard said the Collins Study of Town Hall recommended that the Town may wish to consider transitioning the position of Town Clerk from an elected position to an appointed position. When making this recommendation, the Collins Center pointed out that state-wide, elected Town Clerks greatly outnumbered appointed Town Clerks. He said one of the reasons we asked the Collins Center to look into this issue was that we have to consider the future. Mr. Goddard said if our present Town Clerk should retire, we will have to look for a replacement that can attend to the scope and increased responsibilities of this job. He said we may want to look further than the Town of Carlisle for a replacement.

Mr. Goddard noted that this will be a two-part approval; it will require a Town Meeting vote and a question on the ballot.

Mr. Hult said the reason we are doing this has nothing to do with the present Town Clerk's work performance. It is about the appropriate way to proceed from an elected position to an appointed position. Mr. Hult said he believes it would be better government to have this position appointed. He said the Townspeople will make the right decision on this matter.

Town Clerk Charlene Hinton spoke to the Board about the Town Clerk's position. She said in regard to the number of Town Clerks across Massachusetts that are appointed or elected, out of a nearly 350 city and towns, 115 are appointed. Charlene said in regard to being a town resident, she feels it is important that the Town Clerk is a town resident because the residents can have a local person in this job, which means that they have one person that they put in Town Hall as their representative.

Mr. Scavongelli said because the Carlisle *Mosquito* did not publish this public input notice, which was included in the agenda last week, he suggested that it be placed on the agenda for the March 12, 2013 meeting too.

### **Energy Task Force – Solarize Mass Program**

Dan Cook chair of the Energy Task Force was present to provide the Board with an update on their latest work. He said they submitted a proposal to the Mass DOER to participate in the Solarize MASS program.

Dan said they have revised the Carlisle Energy Task Force web site as a part of the Green Communities funding. In the process, he said they re-named it [www.GreenCarlisle.org](http://www.GreenCarlisle.org). The web site will be a resource for Town residents.

Dan gave an update on a few projects. He said the Town Hall energy efficiency and building automation system project is almost complete. Because some of the Green Community projects are coming in under budget they are considering a lighting project at the Gleason Library to help the Library reduce energy costs.

In response to Mr. Stevenson, Dan said it is too early to see any significant changes in heating costs in Town Hall since the project is just at completion. He added that we should see significant savings with energy costs in the summer too.

Dan said the solar PV system installation at the school has been delayed due to weather and structural issues, but hopefully next month it will be ready to begin.

In regard to Residential Energy assessments, Dan said over 110 people in Carlisle have signed up for the MASS Save energy audits through the Next Step Living.

### **Town Administrator's Report**

Mr. Goddard said Finance Director Larry Barton was present to ask the Board to authorize borrowing for the Septic Loan program and the Carlisle Public School project and the Moseley-Goff purchase.

Larry said the Massachusetts Water Pollution Abatement Trust (MWPAT) loan program is for loans to homeowners for repair and replacement of their septic systems. He said this is the second time we have gone through this process with the Board of Health. Larry said tonight he would like the Board of Selectmen to sign the loan documents and have these documents entered into record.

On a motion made by Mr. Gorecki and seconded by Mr. Stevenson, it was unanimously **VOTED** to move the motion presented by Finance Director Larry Barton in the memorandum dated February 26, 2013 regarding the MWPAT Loan. (attached hereto)

Larry requested the Board to approve and sign a Bond Anticipation Note (BAN) in the amount of \$1,200,000. Larry said that this amount includes \$400,000 for the Moseley-Goff purchase and \$800,000 for the Carlisle Public School Building project. He said the eight hundred thousand dollars is made up of two elements. Larry explained that MSBA is holding back \$300,000 pending completion of the project and an audit. Larry said the \$500,000 represents the expected difference between the maximum grant which MSBA offered and the expected grant that we will receive. Larry said the interest rate for the BAN is .55%.

On a motion made by Mr. Stevenson and seconded by Mr. Gorecki, it was unanimously **VOTED** that the Town, by their Treasurer, shall issue a bond anticipation note in the aggregate principal amount of \$1,200,000 as authorized by Town Meeting passed on April 5, 2010 and November 13, 2012, such note to be dated March 6, 2013, and due March 6, 2014. \$800,000 of the proceeds shall be used for the school building project, and \$400,000 shall be used for land acquisition.

Mr. Goddard said he would like to ask the Board to defer action on item (2) *Ch. 61A Request for 776 East Street*. He said a request was sent to the Planning Board, Board of Assessors and Conservation Commission for comments on this property and the owners request to remove it from Ch. 61A, an Agricultural designation. Mr. Goddard said the Conservation Commission has asked for additional time to consider this request. This item will be discussed at the March 12<sup>th</sup> meeting.

Mr. Goddard reminded the Board that if their intention is to dedicate the Annual Town Report to an individual, a vote must be taken this evening. The Board briefly discussed dedicating the Report to the three former Selectmen who have recently passed away.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to dedicate the 2012 Annual Report to former Selectmen David Stewart, Hal Sauer, and Grant Wilson.

### **Liaison Reports**

Mr. Hult said he and Mr. Stevenson discussed the Superintendent's screening process. He said he would be able to represent the Board in this process.

Mr. Hult said he moderated the Caucus last night [2/25] and he was pleased to report that there was a candidate for every position.

Mr. Stevenson said the Carlisle School Building Committee is meeting tomorrow night. He said they are working through the final punch list. He said as in the case of many projects, they are working out the final payments, and will follow through with those payments when the work is sufficient.

Mr. Stevenson said the Honor Roll Committee met last week. He said there are a few corrections that have to be made to the Honor Roll and many new names to be added. Mr. Stevenson said their goal is to have this work done prior to Memorial Day.

Mr. Stevenson said the Police Contract negotiations are in progress and that will be discussed in Executive Session.

Mr. Gorecki said the Financial Management Team met on Monday March 11<sup>th</sup>. He said almost everything that was discussed at the meeting has been covered by Larry Barton tonight. Mr. Gorecki said the next FinTeam meeting is scheduled on March 25<sup>th</sup>.

Mr. Scavongelli said the Highland Committee is not ready to have an article on the Annual Town Meeting Warrant. He said the Committee has gone down several paths to identify solutions that meet the objectives of the Mission Statement. Mr. Scavongelli said one path they have focused on is the Community Cultural Center. He said they have been meeting regularly, however they may need an extension of their service.

### **Minutes**

On a motion made by Mr. Gorecki and seconded by Mr. Hult, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of February 12, 2013.

### **Executive Session**

At 9:30 p.m. a motion was made by Mr. Williams to go into Executive Session pursuant to MGL Ch. 30A, s21 (a) paragraph (3) to discuss strategy with respect to collective bargaining and litigation as an open session may have a detrimental effect on the Town's negotiating and litigating positions. The Board will 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