

BOARD OF SELECTMEN

November 12, 2013

Minutes

The Board of Selectmen met on Tuesday, November 12, 2013 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Timothy F. Hult, John Gorecki, Peter Scavongelli, John D. Williams and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present.

Also in attendance:

Larry Bearfield and Robin Emerson

Planning Board Members: Marc Lamere, Nathan Brown,

David Freedman, Jonathan Stevens, and Ed Rolfe

Brian Larson

Town Accountant, Priscilla Dumka

Finance Director, Larry Barton

Audit Committee members: Simon Platt, Debra Belanger and Bonnie Brown

Auditor Dan Sullivan

Assessor, Melissa Stamp

Jeff Brem

Joint meeting with Planning Board –

Appoint Associate Member

Mr. Hult said because of a few issues coming forward, the Planning Board has requested the appointment of two associate members. He said when we appoint new members to the Planning Board outside of Town Meeting; we do it in a joint meeting. Marc Lamere, chair of the Planning Board called their meeting to order. Marc said they are proposing the appointment of Thomas Lane and Brian Larson as associate members. Marc explained that both Tom and Brian have served on the Planning Board for a number of years and together have served 17 years as members/associate members on the Board.

Mr. Williams seconded the [proposed] motion and the following roll call vote was taken: Gorecki – aye; Hult – aye; Williams – aye; Stevenson – aye; Scavongelli – aye; Lamere – aye; Brown – aye; Freedman – aye; Stevens – aye; and, Rolfe – aye.

Marc Lamere closed the Planning Board meeting.

Community Input

Larry Bearfield spoke about the upcoming annual Christmas on the Common/Tree lighting event. He said this year the event will be held on Tuesday December 10th at 6:00 p.m.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to authorize Larry Bearfield to conduct the annual Christmas on the Common/Tree lighting event on Tuesday, December 10th from 6:00 p.m. to 7:00 p.m. on the Town Common.

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Liaison Reports

Mr. Scavongelli said the Medical Marijuana Committee met earlier this evening and they are getting closer to finalizing a proposed regulation/bylaw. Mr. Scavongelli said there are a few options they have considered. He said we could designate a new zone in Carlisle where marijuana could be grown and dispensed. The other option is a concept referred to as sensitive receptors. Mr. Scavongelli explained that when you find areas where children tend to congregate, like schools, playgrounds, and daycares, you draw a 1000 ft. circle radius around that sensitive area and you then know you cannot grow marijuana within that circle. Mr. Scavongelli said any area that is zoned business, and falls outside the circle is a viable growing area. He said an applicant would have to apply for a special permit from the Selectmen. Mr. Scavongelli also noted that a person can only sell the amount of marijuana that he/she grows.

Mr. Gorecki spoke about the Financial Management Team meeting that was held this morning. He said the Tax Collector reported that currently there are 108 outstanding tax bills.

Mr. Hult reported that the Technology Committee has been formed and their first meeting is scheduled on November 25th. Mr. Hult added that tonight, the Minutemen School Committee is meeting and they will discuss whether to approve changes to the Regional Agreement and to allow the Superintendent to begin the process of getting that revised Regional Agreement on the Town Meeting of the *16 Towns* to vote on. He said all 16 Towns have to vote on this to change the Regional Agreement.

Mr. Williams said on October 31st there was a meeting with State officials regarding Transportation issues for those people with disabilities. He said Council on Aging Director David Klein did a great job organizing this meeting. Mr. Williams said there is a program that is anticipated to be rolled out right after the first of the year and we are probably going to put a few ads in the Mosquito to find out how many people need this type of service. He said we may have to put a placeholder in the Warrant/ budget for this service, but we don't know the answer to the question, which is how many people may actually need this service.

Mr. Williams said the second charrette for the Goff property was recently held and as a result of that meeting came two different proposals. Those proposals will be presented to the various Boards and Committees for consideration.

Mr. Williams said the Insurance Advisory Committee met and they discussed how many employees under our insurance went through their out of pocket expenditures, which for a single/individual would be \$2,000.00 and for a family \$4,000.00. He said the number was six. Mr. Williams said the committee is going to meet again and try to establish a plan to assist these people.

Audit Committee -FY13 Audit /Financial Report

Simon Platt said this will be an unusual meeting and we will depart from our usual format. He said they are in a place where they need guidance from the Selectmen regarding a particular transaction. He introduced Deb Belanger and Bonnie Brown, who are also members of the committee and Dan Sullivan, a partner in Rogers and Sullivan, our Town Auditors.

Financials: Simon said the audit is complete and the Financial Statements are ready to be adopted and signed off by Dan subject to a particular transaction that relates to the Benfield land and the Carlisle Affordable Housing Trust.

Simon brought the Boards attention to a few items in the Financial Statement. He noted that the level of debt rose substantially due to the bonding of the school project. Simon added that the Town's capital assets have increased from \$38,796,146 to \$43,730,057.

Simon spoke about the Elliott property, where the Town paid for the Conservation Restriction. He said the CR is a *right* relating to land. He said the amount paid for the Conservation Restriction (\$560,000) is an intangible asset and will remain so.

Simon said the transaction the Audit Committee has not resolved relates a note for the Benfield land and the Carlisle Affordable Housing Trust in the amount of \$425,000. He said the Audit Committee has seen the note but not seen the loan agreement. Simon said there are some uncertainties in the note. It was his observation that the Town committed to support the Benfield project in the amount of \$425,000. Simon said

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this was a thirty year - interest free loan. Simon said it is not accurate to say that the Town has an asset of \$425,000. It needs to be discounted. Larry and Priscilla are correct in saying that the discount rate is 3% of that amount or \$170,000. Simon said the key consideration for the Audit Committee is to know how that money will be paid back in 30 years.

Mr. Hult said the Board will take some time to consult about this matter and talk to the borrower of the loan.

Mr. Scavongelli if the conclusion is that there will be no repayment, does this convert from a loan to a gift?

Simon said he would not speak to the legality of that type of conversion.

Simon said they are not in the position to recommend adopting the Financial Statement. Mr. Hult suggested they come back on the November 26th Board of Selectmen Agenda to complete the audit report.

FY 14 Tax Classification Hearing

Assessor, Melissa Stamp was present to make a few recommendations to the Board relative to setting the tax rate for FY14. Melissa said the Board of Assessors recommends that the Selectmen vote for a residential factor of one for fiscal year 2014, which means there will be a uniform tax rate with no differential between commercial, industrial, and residential property tax rates for fiscal year 2014.

Melissa discussed the spreadsheet attached to her report. It showed a 'what if' scenario, that is, if the Town took into consideration the commercial factor.

Melissa said the Board of Assessors further recommended that the Selectmen vote not to grant an open space discount, vote not to adopt a residential exemption and vote not to adopt a small commercial exemption. At this point Melissa said the tax rate in 2013 was 17.68 and for FY14 it will be 18.64.

Melissa said as a result of the FY14 rate setting process, the excess levy capacity has been calculated to at \$1,377,347.07.

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

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** that for the purpose of setting the fiscal 2014 property tax rate, the Board approves a residential factor of one, thereby establishing a uniform tax rate with no differences between commercial and residential property tax rates, and that the Board not grant an open space discount, not adopt a residential exemption, and not adopt a small commercial exemption for fiscal year 2014. Further, we acknowledge that the Board of Assessors has informed the Board of Selectmen that the excess levy capacity for fiscal year 2014 is \$1,377,347.07.

Continued Discussion of LIP Request/Proposed Ch. 40B Affordable Housing project – 100 Long Ridge Road

Mr. Hult said resident/developer Jeffrey Brem has made a request of the Board of Selectmen to consider a project located at 100 Long Ridge Road as a LIP project, which is generally known as a 'friendly 40B'. Mr. Hult explained that a regular 40B requires an application for a comprehensive permit to MassHousing. Whereas in a friendly 40B or a LIP, the Town will make a positive statement that it wants to be a partner in accomplishing this project and Mr. Brem would make an application to DHCD. Mr. Hult said tonight our discussion is simply to determine whether the Selectmen will support this as a LIP/friendly 40B or not. He said we have regulations that the Town has approved for a standard comprehensive permit. He added that we have suggested regulations for a LIP process that are actually very similar, however they have not been approved yet. In those regulations there is a list of things the Town would consider as designating something as a LIP. Mr. Hult read the list of examples of public benefits that could be included in an application (list attached).

Jeff Brem spoke to the Board. He said his plan is based on affordable housing, but not 100% affordable housing. He said his plan offers diversity in costs and styles.

In terms of committees that have considered this project, Mr. Hult said he attended a Planning Board meeting and they voted unanimously not to recommend/ not to consider this as a LIP. The Housing

Authority has voted positively in terms of this project as a LIP. The Housing Trust has not taken a vote. The Conservation Commission voted unanimously not to recommend this project as a LIP.

Mr. Hult allowed those present to give their input on this project.

A statement was read by Dave Ringheiser of Garnet Rock, who was representing the Knollwood Preservation Association (attached hereto). The statement asked that the Board of Selectmen to respect the integrity and safety of the neighborhood. It also requested the Board of Selectmen not consider this project under the LIP proposal.

Leslie Thomas of Prospect Street said she was walking near Garnet and Long Ridge last Spring and she saw a yellow spotted salamander. She suggested that the Town do a wild life study of this area before anything is done. There may be some vernal pools in that area.

Alan Carpenito of South Street said although he was not an abutter of this project he had a question. He wanted to better understand the 'protection issue', that is, when the protection starts, and who makes these decisions. (He was referring to Benfield Farms and when our protection started.)

Elizabeth Barnett, Housing Coordinator said DHCD makes these Rules. She said the clock or "protection" started in July 2010 and ended July 2012. The permit was taken out in July of 2010 and the Town had two (2) years from that time. She explained that once you get the comprehensive permit, the clock starts.

Mr. Hult closed the public input session.

Mr. Williams said he did not think it would be right to support this as a LIP. He believed it was important to focus our attention on rental affordable housing. He said he is a strong proponent of a pro-active plan that focuses on rental housing where all of the units count and to oppose those projects that are for sale projects that have only 25% affordable.

Mr. Scavongelli acknowledged that Jeff put a lot of effort into this plan. He said we asked the Boards and Committees for their input for a reason and we take their input very seriously. The Housing Trust was going in the direction of not supporting this. He therefore was not supporting this project.

Mr. Gorecki said he did not see how this project would benefit the Town.

Mr. Stevenson said that Mr. Williams stated a number of solid reasons why this should not be supported as a LIP project. He agreed with Mr. Williams.

Mr. Hult said this is a difficult issue. He said he would like to see a project like this where the neighborhood and the developer can work together for a shared interest.

Mr. Stevenson said if as a community we try to manage the Town's growth, there is a lot of work we have to do. As a Board we have to find ways to do this. Mr. Hult said what we can do is get a good understanding on the water impact.

On a motion made by Mr. Stevenson and seconded by Mr. Gorecki, it was unanimously **VOTED** the Board of Selectmen do not to support the Brem property 40B project at 100 Long Ridge Road as a LIP (Local Initiative Program)

Town Administrator Report

669 Bedford Road Mr. Goddard said the property located at 669 Bedford Road was sold at the auction on October 31st for \$275,000.00. He said after covering the amount of the back taxes, the Town will realize approximately \$225,000.00 in miscellaneous receipts for the General Fund. Mr. Goddard noted that the closing date for this sale is scheduled for December 3rd and will be handled by our Tax Title Attorney James Coppola. Mr. Hult thanked Mr. Goddard and the financial team for their hard work on this matter.

Comcast Issues Mr. Goddard said attached to this report the Board would find a letter sent to Comcast from our Town Counsel regarding two issues. It seems many Carlisle residents are unable to receive Channel 99 the educational channel. The second issue was the recent decision of Comcast to encrypt their basic cable service. Comcast did respond and after some investigation they reported that there was a cable transmission issue from Bedford and Maynard. Mr. Goddard said they have promised to resolve this matter. In regard to the encryption of basic cable, Mr. Goddard said Comcast informed him that they received a waiver from the FCC which allowed them to encrypt the basic service. He said a decryption device was offer free of charge

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for two years to all basic cable customer and five year in the case of Medicare eligible seniors. He said they will follow up on these issues with Comcast.

95 Hanover Road – update Mr. Goddard said he has received reports from Building Inspector John Minty regarding 95 Hanover Road and so far, they have been encouraging. Mr. Goddard said Mr. Minty has met with the property owner and her engineer, architect and contractor and they have agreed to the corrective actions that our Building Department had suggested.

Northern Middlesex Stormwater Collaborative Mr. Goddard said the Town has received an invitation from the Northern Middlesex Council of Governments to join their Stormwater Collaborative at no cost to Carlisle. He said several of our neighboring communities have already joined, including: Billerica, Chelmsford, and Westford and are taking advantage of NMCOCG's technical support and training for employees regarding stormwater management activities. Mr. Goddard said he sent this letter around to our Planning Board, Conservation Commission and Board of Health to assess their level of interest in participating.

New Business

Mr. Stevenson spoke about Veteran's Day and noted the Town of Carlisle has not had a Veteran's Day event. He said currently we have a Celebrations Committee. Mr. Stevenson said in 2007 we started the Honor Roll Committee with the specific plan to update the Honor Roll. He said he and Larry Bearfield have discussed Veterans Day and thought a Veteran's Committee would be a good idea because it could serve as an outreach and support for our veterans and establish a Veterans Day ceremony. He said they will talk with the Honor Roll Committee regarding this idea. Larry Bearfield noted that we have 202 veterans in the Town of Carlisle.

Minutes

On a motion made by Mr. Scavongelli and seconded by Mr. Williams, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen's meeting of October 8, 2013.

On a motion made by Mr. Stevenson and seconded by Mr. Gorecki, it was **VOTED 4 yes 1 abstain** to approve the Minutes to the Board of Selectmen's meeting of October 22, 2013.

The meeting adjourned at 9:10 a.m.

Respectfully submitted by Margaret Arena