

## **BOARD OF SELECTMEN**

October 28, 2014

Minutes

The Board of Selectmen met on Tuesday, October 28, 2014 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen John Gorecki, Douglas A. G. Stevenson, Peter Scavongelli, Nathan Brown, and Vanessa Hunnibell Moroney. Town Administrator Timothy D. Goddard was also present.

Also in attendance:

Dr. Chantel Nouvellon

Judy Taylor, Minuteman School Committee Representative

Fire Chief David Flannery

Deputy Fire Chief Jonathan White

David Freedman, chair – Planning Board

Melissa McMorrow, chair – School Committee

Paul McCormack, School St. Resident

Rob Scholfield, School St. Resident

Carol White, School St. Resident

John Reed, School St. Resident

Dan Cook, chair – Carlisle Energy Task Force

Steven Hinton – Carlisle Energy Task Force

Deb Belanger, Palmer Way Resident

### **Community Input**

Dr. Chantel Nouvellon said she was present tonight to share her difficulties with the Board of Health regarding the installation of her septic system. She explained to the Selectmen that on several occasions she has received biased and unfair treatment from the Board of Health. She said they are not here to help people with their health, but to destroy their health. Dr. Nouvellon said this has been an extremely stressful situation for her and therefore she is asking the Board of Selectmen to allow her to be under the Town of Concord Board of Health due to these ongoing difficulties.

Mr. Gorecki thanked Dr. Nouvellon for her comments and he said the Board understands that she is involved in a dispute with the Board of Health regarding the design and installation of her septic system. He said in regard to her request that this Board intervene in this matter; the Selectmen have no legal authority over the Carlisle Board of Health. In regard to transferring the review and design of the septic system to the Concord Board of Health, Mr. Gorecki said Town Counsel has confirmed that this Board has no statutory authority to assign or transfer her application. Mr. Gorecki urged Dr. Nouvellon to continue to work with the Carlisle Board of Health to resolve the issues associated with the septic system design and installation so that she could move toward completion of her construction project.

### **Minuteman Update**

Minuteman Regional School Committee Representative Judy Taylor was present to talk about the proposed revised Regional Agreement and the School Building project. She said this is her second

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year in this position. She said the first year she felt lucky to meet with the working group that was organized by and included Tim Hult and Jerry Lerman, Wayne Davis Larry Barton, and Doug Stevenson. Judy said after those meetings she would have a good deal of the substance to present to the School Committee and she was more prepared than others. She would like to continue in that way if possible.

Judy asked the Board if they had any questions for her. Mr. Gorecki wanted to know about what Minuteman would be proposing for the upcoming Town Meeting. Judy said six towns have not approved the revised agreement. She said the administrators and officials of these six Towns have met and developed an inter-governmental agreement for towns that leave the region but still want to send their students under some special arrangement to whatever school that happens to be there. She said there are about three to four towns that are ready to go; and maybe two towns that are not. Mr. Gorecki asked if the revised agreement does not pass, will this project go forward. Judy did not know. In regard to a new school, Judy said for any decent building to be constructed we need MSBA funds. Judy said every two (2) weeks there will be an updated revision to what the architect and planners are proposing to the School Committee and the sub-committee, which is led by Ford Spalding of Dedham. She said they have three options based on a student enrollment of 628. She said by December or early January we should know if this will be a totally new building; not a new building, but a renovated building; or a mix in between. Judy said we will also know what it will cost to bring the School up to compliance without MSBA support and what amount will be charged to the Towns. Mr. Gorecki thanked Judy for her report. Mr. Goddard will reorganize the working group.

#### **Public Hearing – Site Plan Review/Telecommunications Tower**

At 7:30 p.m. Mr. Gorecki opened the Public Hearing for the Telecommunications Tower Site Plan Review. Fire Chief David Flannery, Deputy Fire Chief Jonathan White and Planning Board chair David Freedman were present for this discussion. Mr. Gorecki asked where we were in this process. He noted that several Boards have not provided input on this matter. David said he has been working with Jonathan. He added that Jonathan is trying to set-up a meeting with the Congregational Church and he will attend that meeting. A list of questions relative to the Communications Tower was submitted from the Carlisle School Committee (attached hereto). Mr. Gorecki read through the questions and responses were provided.

Question 1 asked about the risks associated with locating the monopole close to the electric and gas lines. Jonathan said they are looking into this matter but did not have an answer yet.

Question 2 asked how other schools addressed the issue of shielding the base of the tower to discourage youth exploration and whether there were electrical or other components that must be fenced in. Jonathan said the current plan is to put up a stockade fence unless the School requested something more than that.

Question 3 referred to the risks associated with a lightning strike or other weather events, and how that will be mitigated. Jonathan said the monopole will be grounded according to the building code. He added that no engineer would sign-off on what lightning will or will not do.

Question 4 referred to what testing could be done at a reasonable cost to have an adequate degree of confidence that the structure will improve the functionality of the Town's public safety and school bus communications system and support the cost, potential utility disruption, etc. Jonathan replied that the Fire Department has an adequate degree of confidence that the monopole will improve the functionality of the Town's public safety and communication systems. He said this is not a new site for a public safety system. He added that we have had adequate reception for 60 years; however the new tree growth has caused a problem with the reception of the signals. Jonathan said it is therefore their belief that the new monopole with the proposed height of 150ft. will solve the problem.

Questions 5 asked what will be the ongoing maintenance requirements and how will the Town assure that it will be maintained. Mr. Gorecki said he was sure these issues would be flushed out.

Question 6 referred to the expected useful life of the tower and to the process of removing the existing tower. Jonathan said the useful life of the new tower will be about 40 to 50 years.

Question 7 asked if there were potential practical alternative site locations on school property that would be less constrained by existing utility connections and more out of the way of school activities.

Chief Flannery said no.

Question 8 asked how much green space will be lost by the installation of the monopole, the protective surrounding, and the proposed planting and will this disrupt/displace any activities currently using the space. Chief Flannery and David both agreed that the evacuation route will not be affected by the installation of the monopole.

Question 9 asked if the existing radios and consoles will work with the new tower. Chief Flannery said yes.

Question 10 asked if a road will be required to access the tower. Jonathan said no.

Question 11 asked about the RF emissions from the tower, and will a sign be required warning of emissions. Jonathan said the amount of emissions that will be produced will be no greater than those that are already emitted.

Question 12 referred to the Town's liability and coverage in the event of problems with the tower, that is, if it falls over, etc. Mr. Goddard said our Town insurance carrier has been contacted relative to this question and we are waiting for a reply.

Question 13 asked if there are any fire department needs that might affect the project budget that should be considered now. Jonathan said the only thing that will affect the budget now is if the Town wants them to do further studies. In reply to Mr. Gorecki, Jonathan said those costs would be between eight and ten thousand dollars.

Question 14 asked for a concise, written description of the problems with the current tower that the new tower will resolve.

Mr. Stevenson asked Chief Flannery and David Freedman where they were in this process with the School Committee. David said they had a preliminary meeting with the School Committee and they discussed questions individually and then they developed this list of questions. He said the School Committee is meeting again on November 12<sup>th</sup> and he will send a note to them requesting that they be placed on their agenda. David said hopefully by their December meeting they will give their approval.

Mrs. Moroney expressed concern about the propagation study. Mr. Gorecki said the Board decided to move forward without the propagation study. Mr. Brown said he was not sure we voted on that matter. He asked if we had a quote on what it would cost to do the study. Mr. Gorecki said we should have two quotes. He noted that the School Committee has asked how much it would cost. Mr. Stevenson said this is very frustrating and we should make every effort to move forward and support this as oppose to asking the same questions.

Chief Flannery said that this was not a new site. It is the same site that we have been using for many years.

Mrs. Moroney said she would like to see some evidence from an engineer that says to what level of improvement raising the monopole will increase communication transmission.

David said we are all in agreement that the Town needs the best communication system it can have for its emergency responders. He added that it is true that when they have raised the Tower in the past, it has improved coverage. David said the engineers he has spoken to have said that raising the tower again does not necessarily mean that it will improve coverage. There is no clear engineering statement that says raising the tower will do that.

Mr. Scavongelli said he advocates that we go forward with the study. He asked when the Fire Department will ask to raise the Tower again. David Flannery said not for another 50 years.

Mr. Gorecki said the original question from the School Committee was what testing could be done for a reasonable cost. He said he would like to get two (2) quotes on the cost of a propagation study.

### Comments from Public:

Paul McCormack, resident of School Street expressed concern about the tower falling down on the school and pre-school. His other concern was that although it was stated that the tower would last 50 years forward, he believed that in ten years another form of communication would be introduced and the tower would not be needed.

Rob Scholfield, resident of School Street asked if soil samples had been done to make sure the tower would stand up. Jonathan said they did the soil testing on October 12<sup>th</sup>. Mr. Scholfield suggested testing the grounding system.

Mr. Scavongelli said Mr. Scholfield raised some good points about the testing for safety of electric and gas lines.

Ms. Carol White, resident of School Street said she has lived in Carlisle for 40 years. Her concern was more related to aesthetics. She said she recently spent an hour at Town Hall with Planning Administrator George Mansfield and he said he believes that when this monopole is erected people are going to be outraged. He also told her he was not so sure this tower was going to work.

John Reed, resident of School Street said he was concerned about the safety of the children in the area and the placement of the tower. He pointed out that monopoles sway in the wind and he feels that this project has not been truly vetted.

Mr. Gorecki said we need to continue this public hearing to Tuesday, November 25<sup>th</sup> and extend the Planning Board's deadline to provide their response/recommendation to the Board of Selectmen. Mr. Gorecki said under the guidelines the Planning Board has 45 days to provide the Selectmen with their recommendation however the Planning Board clearly needs more time. He suggested giving the Planning Board an extension of 90 days.

On a motion made by Mr. Brown and seconded by Mr. Stevenson, it was unanimously **VOTED** to continue the public hearing to November 25, 2014.

On a motion made by Mr. Stevenson and seconded by Mr. Brown, it was unanimously **VOTED** to extend the Planning Board's deadline for their report relative to the telecommunications tower site plan review for 90 days from the end of the original 45 day deadline.

### **Town Administrator Report**

1) Solar MOU Dan Cook and Steve Hinton were present for this discussion. Mr. Goddard said that Town Counsel reviewed the proposed MOU with BarnRaise, LLC and his opinion is attached to this report (hereto). Mr. Goddard said although the procurement process does not require competition, best practices would suggest that more than one firm should have been interviewed for this service. Town Counsel does not have any specific reservations with the MOU, but if the Board believes the process was flawed, we could ask the Energy Task Force to solicit additional proposals.

Dan said they would prepare an RFP as quickly as possible. He said there is a State site that this can be placed on for a reasonable cost and he is hopeful there will be a fair amount of responses.

Mr. Gorecki said he was greatly in favor of this project and felt it was important to allow other vendors have the opportunity to do this beside BarnRaise.

On another matter, Dan said Pamela Cady has been hired as the Energy Manager that will be shared between Concord and Carlisle. She will work with the Town of Carlisle one day a week.

2) Community Preservation Committee Appointments Mr. Goddard said he reviewed the by-law regarding the make-up of the Community Preservation Committee (Section 3.26 Gen. By-laws). He said there should be seven members appointed to staggered 3-year terms. Mr. Goddard suggested using the following list to get us back on track with the staggered appointments.

Conservation Commission – one member for 2 years through 2016;

Historic Commission – one member for 2 years through 2016;

Planning Board - one member for 2 years through 2016;

Recreation Commission – one member for 1 year through 2015;

Housing Authority – one member for 1 year through 2015;

Board of Selectmen – one member for 3 years through 2017; and  
Community at large – one member for 3 years through 2017

The Board discussed who would represent the Selectmen on the CPC. Mr. Brown said he would be willing to represent the Board of Selectmen.

On a motion made by Mr. Stevenson and seconded by Mrs. Moroney, it was unanimously **VOTED** to make the Community Preservation Committee Appointments as listed in our books this evening with the addition of Nathan Brown as the Board of Selectmen's representative for a three year term to expire June 30, 2017.

On a motion made by Mr. Stevenson and seconded by Mrs. Moroney, it was unanimously **VOTED** to recommend the appointment of Jerry Lerman to the Minuteman School Building Committee.

3) Christmas on the Common Mr. Goddard said Larry Bearfield owner of Ferns Country Store has requested permission to conduct the annual Christmas on the Common/Tree lighting event on Tuesday, December 9<sup>th</sup> at 6:00 p.m.

On a motion made by Mr. Brown and seconded by Mrs. Moroney, it was unanimously **VOTED** to authorize Larry Bearfield to conduct the annual Christmas on the Common/Tree lighting event on Tuesday, December 9<sup>th</sup> from 6:00 p.m. to 7:00 p.m. on the Town Common.

4) Green Sale/Banner Mr. Goddard said the First Religious Society has requested permission to hang a banner over School Street advertising their Greens Sale from November 24<sup>th</sup> to December 6<sup>th</sup>.

On a motion made by Mrs. Moroney and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve the First Religious Society's request to hang a banner across School Street from November 24<sup>th</sup> to December 6<sup>th</sup> to advertise their Greens Sale.

5) LRTA/COA Vehicle Mr. Goddard said recently the Town took delivery of a new 18 passenger, lift-equipped minibus through the sponsorship of the Lowell Regional Transit Authority. He said the LRTA would like to buy back the 2007 vehicle that the COA has been using and redeploy it in Groton for a new program that would provide medical trips to the Boston area, noting that Carlisle seniors would be eligible. Mr. Goddard said our partnership with the LRTA has been very rewarding and he recommended that we sell back the 2007 vehicle to them for the same \$1.00 we bought it for.

On a motion made by Mrs. Moroney and seconded by Mr. Stevenson, it was unanimously **VOTED** to sell back to the Lowell Regional Transit Authority the 2007 minibus previously acquired from them for the sum of \$1.00.

### **Pathways Committee – Discussion of Mission/Charge**

Deb Belanger was present to discuss the formation of a new Pathways Committee. Mr. Gorecki prepared a Mission Statement for the Carlisle Pathways Committee II. He said we have received letters of interest from several people who would like to be appointed to this committee. In response to Mr. Gorecki, Deb said the original Pedestrian and Bike Safety Committee had varying numbers of members. She said the model that seemed to work best was to have two people working on a section together. She liked the team approach.

Mr. Gorecki said there are funds for small segments of pathways. Deb said the most important issue is that there needs to be support for these projects. Mr. Gorecki said he supports a Phase 2 project.

Mrs. Moroney thanked Deb for stepping up to work on the Pathways projects again.

### **FY15 Tax Classification Hearing**

On a motion made by Mr. Stevenson and seconded by Mr. Brown, it was unanimously **VOTED** to open the FY 15 Tax Classification Public hearing.

On a motion made by Mr. Stevenson and seconded by Mr. Brown, it was unanimously **VOTED** to continue the Tax Classification Hearing to November 10, 2014 at 7:15 p.m.

### **Solid Waste Disposal Contract Extension**

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Mr. Goddard said last year Wheelabrator Systems approached the Town with an extension proposal to our agreement with them that would have reduced the tipping fee from \$74.00 to \$67.00 per ton in 2016 with a 2.5% annual increase. He said additionally Wheelabrator offered \$13,600 cash payment for signing the extension. Mr. Goddard said we declined that offer and a new offer has been made that is more favorable. In the new extension agreement, the tipping fee would drop \$11.00 per ton from \$74.00 to \$63.00 and would increase 2.5% over the remaining four years. He added that the cash 'signing bonus' is now \$20,400.

Mr. Goddard said he checked with other neighboring Wheelabrator communities and the terms offered were identical. He said he recommends that the Board vote to execute a five year extension of our Service Agreement with Wheelabrator effective July 1, 2015 through June 30, 2020. He added that Gary Davis feels that this is a good deal for the Town.

On a motion made by Mr. Scavongelli and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve the extension of the Wheelabrator Waste Disposal Agreement as presented at tonight's meeting.

#### **Board of Selectmen – Review of FY15 Goals**

Mr. Gorecki asked the Selectmen to let him know before the agenda is planned what items they would like to discuss or actions items we should be working on to ensure that our individual and Board of Selectmen goals are moving forward.

#### **New Business**

Mr. Gorecki said he and Mr. Brown are beginning the process of negotiating Mr. Goddard's employment contract. He said in connection with that we will need to do Mr. Goddard's review. Mr. Gorecki said we will present the review on the meeting of November 10<sup>th</sup>.

#### **Liaison Reports**

Mr. Gorecki reported that at the Financial Management Team meeting there was a discussion on the up-coming Re-Cap sheet, which will be ready for review and approval on Monday, November 10<sup>th</sup> at 8:00 a.m. Mr. Gorecki said the Audit Committee will meet with the Board on November 25<sup>th</sup>. He noted that Audit Committee member Bonnie Brown has moved to Acton and Tim Hult has volunteered to fill that vacant position.

#### **Minutes**

On a motion made by Mr. Stevenson and seconded by Mrs. Moroney, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen's meeting of October 14, 2014 as amended.

#### **Executive Session**

At 9:27 p.m. a motion was made by Mr. Stevenson enter into Executive Session pursuant MGL Ch. 30A, §21(a) paragraphs (3) and (6) to discuss strategy with respect to litigation and to consider the value of real property as an open meeting may have a detrimental effect on the Town's litigating and negotiating positions and that afterwards the Board will not return to open session. The motion was seconded by Mr. Scavongelli and the following roll call vote was taken: Gorecki – aye; Stevenson – aye; Scavongelli – aye; Brown – aye; and, Moroney – aye.

Respectfully submitted by Margaret Arena