

## **BOARD OF SELECTMEN**

June 10, 2014

Minutes

The Board of Selectmen met on Tuesday, June 10, 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 not present.

Also in attendance:

Ann Marie Bracko, West Street

Ernie Huber, Partridge Lane

Greg Peterson, Chair /Affordable Housing Trust

Elizabeth Barnett, Housing Coordinator

David Freedman, Planning Board

### **Community Input**

Ann Marie Brako spoke to the Board about an interesting art exhibit at the Peabody Essex Museum by artist J. M. W. Turner. Ann Marie supplied the Board with information regarding an upcoming tour on June 17<sup>th</sup> to this exhibit.

Mr. Ernie Huber spoke to the Board about *Pesticides in Carlisle* and the results of tests that were taken for neonicotinoids from April to October 2013. Neonicotinoids are toxic to honey bees. He said there is a bill in Congress known as 'Save America's Pollinators Act of 2013', or HR 2692. It would ban the use of neonicotinoids. Mr. Huber suggested that the Town write a letter to the Massachusetts Joint Committee on the Environment Natural Resources and Agriculture informing them of our support of this Bill. Mr. Huber said he would send this information to Mr. Goddard.

### **Affordable Housing Trust Meeting**

At 7:10 p.m. the Affordable Housing Trust meeting was called to order by Chairman Greg Peterson. The following Trustees present: Mr. Scavongelli, Mr. Gorecki, Mr. Stevenson, Mr. Brown, Mrs. Moroney, and Mr. Peterson. The discussion was a continuation of some issues relative to the former Goff property at 338 Bedford. Mr. Peterson presented a copy of the Lease [To Be Utilized in Connection With Disposition of Land Owned By the Town of Carlisle for Affordable Housing Development for Individuals with Intellectual Disabilities] between the Carlisle Affordable Housing Trust and the Carlisle Housing Authority. A copy of Exhibit 'A' was also presented. Mr. Peterson said the plan is to lease, pursuant to the Master Plan, approximately 1.3615 acres of the front of the property for one dollar to the Housing Authority. The Housing Authority will then issue a Request for Proposals to developers and operators of group homes for the mentally disabled and enter into a sub-ground lease with a selected developer. The Trust would retain the unleased area [approximately 3.5 acres] for potential other uses. Mr. Peterson said the Lease is modeled in likeness to the Benfield Lease because that stood up to the stress test in financing. Mr. Peterson noted that Town Counsel has reviewed the lease twice.

Mr. Peterson said tonight he would like to get authorization from the Trust to sign the lease so that the Housing Authority could have site control and that they could then move forward with the

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Request for Proposals. Mr. Brown said because he did not have the opportunity to read the entire Lease he preferred to abstain when voting on this matter.

On a motion made by Mr. Gorecki and seconded by Mrs. Moroney it was **VOTED 5 yes 1 abstain** to approve the lease in the form presented with the two changes made by the Housing Authority [last night] and authorize Mr. Peterson to sign the Lease.

Mr. Peterson spoke about the house that remains on the property. He said Mrs. Goff's grandson has been living there pursuant to a reserved right in the Purchase and Sale agreement and a use and occupancy license that was signed. He said this current license arrangement expires on August 9, 2014. He said he spoke with Town Counsel to see if we could, without going through a procurement process, extend the term of the existing license. Town Counsel said yes, as long as the term of the extension was not longer than one year.

On a motion made by Mr. Brown and seconded by Mr. Gorecki, it was unanimously **VOTED** to authorize an extension [of the lease agreement] for one year, terminable August 9, 2015 and authorize Mr. Peterson to sign the necessary documents.

On a motion made by Mr. Stevenson and seconded by Mr. Gorecki, it was unanimously **VOTED** to extend gratitude and thanks to Greg Peterson for doing a lot of work, pro bono for the Trust and the Town and congratulate him on being a successful chair of the Housing Trust.

At 7:30 p.m. the Affordable Housing Trust meeting adjourned.

### **Scheduling Concord St. Safety Hearing – Discussion**

Mr. Gorecki gave a brief description of the events leading to this discussion. He said we are here to discuss the stonewall that was built at the corner of Rt.225 and Concord Street. Mr. Gorecki said the process that this stonewall has gone through has been interesting. The Planning Board has jurisdiction over stonewalls on scenic roads and therefore has held an open hearing for this matter. The Historic Commission has jurisdiction over what a new wall will look like because it is in the Historic District. The Board of Selectmen is in charge of road safety. Mr. Gorecki said we have three Boards that need to come together and give the Ratcliffe's a definitive answer on the height for the stonewall.

Mr. Gorecki said the Selectmen talked with the Police Chief regarding the safest level/height for the wall. Mr. Gorecki said Chief Fisher measured the height set by national safety transport guidelines. He identified a row of stones that needed to be removed from the wall to satisfy the guidelines. Mr. Gorecki said the Board will decide tonight if they want to hold a public hearing on this matter to determine if more should be done to improve public safety. He said at their meeting last night, the Planning Board stated that the Historic Commission is in charge of the overall look and aesthetics of the wall and they will accept the Historic Commission's guidance on that; while the Board of Selectmen are commissioned to the safety of the wall and our determination will be accepted by the Planning Board as well.

Mr. Stevenson was concerned that the Town has created a convoluted process over this wall. He did not feel that we needed to add new steps to this process. Mr. Gorecki agreed that the Board should move this along as quickly as possible and he suggested meeting with the Historic Commission next week (June 17<sup>th</sup>). This way the Planning Board could hear what was determined by the Historic Commission and Board of Selectmen by their June 23<sup>rd</sup> meeting.

Mr. Gorecki reiterated that the reason for holding this public hearing next Tuesday was to consolidate the two Boards, the applicant; all interested citizens, on one night to discuss the same issue.

Mr. Scavongelli said he thought we should be able to just adopt the position of the Police Chief and not second guess the standards of the national guidelines.

Mr. Brown said it looks like a work in progress, and he supported the idea of a public hearing. He wanted to finish this matter, hear the citizens and complete the process.

Mr. Gorecki said the Board of Selectmen will post a public hearing on June 17<sup>th</sup> at approximately 8:00 p.m. to discuss the safety aspects of the stonewall at the intersection of Concord and Westford Street. He said at that meeting we will make a determination as to the safety hazards of the wall. Mr. Stevenson suggested that the Board of Selectmen, Historic Commission, and Planning Board should develop a flow-chart or process for future applicants to follow relative to putting up stonewalls.

### **Cutters Ridge Road Betterment Process – Discussion**

Mr. Gorecki said Cutters Ridge was built to Town standards during the 1990's however it was not brought to Town Meeting because there was a Conservation issue with the road and it could not be moved. It was never brought back to Town Meeting and therefore it has remained a private road. The residents have now asked to have the road accepted as a public way and we have asked the Planning Board to look into this matter. Mr. Gorecki said because the road was built in the early '90's it now has issues, such as cracks, pot holes, etc. Mr. Gorecki said we have consulted with Town Counsel as to what the process of fixing the road to a standard that would be acceptable to the Town so that it could be accepted at Town Meeting. The cost for repairing the road is the issue. The residents could pay for this road upgrades through a betterment which is a *special property tax that is permitted when a public improvement gives a benefit to a discrete area of real property, other than enjoyed by the Town generally*. Mr. Gorecki said there is a limit as to how much can be assessed as a betterment. It is based on the value of the property before the betterment and after the work is complete. Mr. Gorecki said the betterment process would work in this case. He said we would have to get agreements from all the residents stating that they would not contest the betterments after the work is complete.

Mr. Gorecki said the Planning Board should inform us as what needs to do be done to bring the road up to acceptable standards for road acceptance at Town Meeting.

David Freedman said the idea of a betterment initially came from the residents and therefore he did not think it would be difficult to have them sign an agreement prepared by Town Counsel saying that they would not contest this. The second issue, would the Town be the contractor for getting the work done; or will it be the resident's responsibility? There was a discussion on various ways to have the work done on the road and at which point would the residents begin to pay back the betterment. David suggested that he and Mr. Gorecki and Town Counsel work on this matter together and who would actually be contracting for the work.

Mr. Gorecki asked if the Board was willing to pay up front to have the road made acceptable in exchange for the betterment that would be assessed on the residents' taxes. He said if we decide to support this, we will have to go to Town Meeting. He added that there is also a question as to whether we can use Ch. 90 funds to pave this road.

David suggested that he and Mr. Gorecki present these issues to Michelle Coleman, resident of Cutter's Ridge and she can talk to her neighbors. He said after that we will know how to proceed.

### **Annual Appointments**

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli it was unanimously **VOTED** to make the Annual appointments for the year 2014/2015 starting July 1, 2014 and ending on June 30, 2015 as listed on the first page of the document presented tonight.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli it was unanimously **VOTED** to make the Annual appointments for the Police Department, Inspectors, Patrol Officers, and Special Police Officers for the year 2014/2015 starting July 1, 2014 and ending on June 30, 2015 as listed on the second page of the document presented tonight.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli it was unanimously **VOTED** to make the Annual appointments of the Communications Department for the year 2014/2015

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starting July 1, 2014 and ending on June 30, 2015 as listed on the second page of the document presented tonight.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli it was unanimously **VOTED** to make the Annual Appointments of the four Constable for the year 2014/2015 starting July 1, 2014 and ending on June 30, 2015 as listed on the second page of the document presented tonight.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli was unanimously **VOTED** to make the three-year re-appointments that will end on June 30, 2017 as listed on the re-appointments document.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli was unanimously **VOTED** to make the one-year re-appointments to the various advisory committees that will end on June 30, 2015 as listed on the one year appointments documents.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli it was unanimously **VOTED** to appoint Santo Pullara to the Senior Tax Advisory Committee for a one year term that will expire on June 30, 2015.

On a motion made Mr. Stevenson and seconded by Mr. Scavongelli it was unanimously **VOTED** that 'pursuant to the provisions of Ch. 268A of the MGL', the Board of Selectmen hereby amend all prior action taken with respect to the classification of 'special municipal employee' status.

#### **Conservation Commission/Intents Account**

Conservation Commission Administrator Sylvia Willard was present to ask the Board to allow the Commission to use funds from their intents account to support additional hours for their administrative assistant for the month of June 2014. In response to Mr. Gorecki, Sylvia explained that the Commission has experienced a substantial increase in their workload which has required her assistant to work additional hours. The Conservation Commission requests 21 hours for the month of June 2014 at the rate of \$22.89/hour totaling \$480.69.

On a motion made by Mr. Scavongelli and seconded by Mr. Stevenson it was unanimously **VOTED** to authorize the Carlisle Conservation Commission to spend \$480.00 from the Conservation Commission's Intents Account to fund additional hours for their Administrative Assistant for the month of June 2014.

#### **Town Administrator Report**

- 1) Attached to the Board's documents was the current Investment Policy.
- 2) There will be an Eagle Scout Court of Honor on Saturday, June 21<sup>st</sup> at 10:00 a.m. at the Corey Auditorium to honor Richard Chelton and Michael Drinkwater.

On a motion made by Mr. Stevenson and seconded by Mr. Brown, it was unanimously **VOTED** to sign the Eagle Scout Proclamations for Richard Chelton, Michael Drinkwater, Matthew Gorecki and Andrew Gorecki.

- 3) Update on the Brook Street Gary Davis has submitted an application to replace a culvert on Brook Street however no action has been taken yet by the National Heritage so we are waiting to have the project approved before any work can begin.

- 4) Ferns Country Store Larry Bearfield has submitted a request for an Entertainment License for the Smilin' Duck Cafe' at Ferns Country Store and a request to change the hours of the package store and the Carry-In (BYOB) license by two hours per day to 11:00pm. This matter will be discussed further on June 24<sup>th</sup>.

**Liaison Reports**

Mr. Gorecki said at the Financial Management Team meeting this morning, the Assessor reported that she is approaching \$15million in new growth assessments.

**Minutes**

The Minutes to the Board of Selectmen meeting of May 27, 2014 were approved with one amendment.

**Executive Session**

At 9:03 p.m. a motion was made by Mr. Brown to go into Executive Session pursuant to MGL 30A §21(a) paragraph 3 to discuss litigation as in open meeting would detrimental effect on the Towns bargaining position and not to 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; Moroney – aye; and Brown – aye.

Respectfully submitted by Margaret Arena