

## BOARD OF SELECTMEN

May 27, 2014

Minutes

The Board of Selectmen met on Tuesday, May 27, 2014 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen John Gorecki, Douglas A. G. Stevenson, Nathan Brown, and Vanessa Hunnibell Moroney. Town Administrator Timothy D. Goddard was also present. Selectman Peter Scavongelli was not present.

Also in attendance:

Marc Lamere, Chairman Planning Board

Bill Risso, Chair of Board of Health

Mr. Stevenson spoke about the Town's Memorial Day celebration yesterday. He thanked everyone who participated in the event. Mr. Stevenson also presented a framed picture and narrative honoring Douglas A. Cann and John F. Kazanowski who were two young Carlisle residents who served and died in the Vietnam War. Mr. Goddard will find an appropriate place to hang this item in Town Hall.

### **Discussion of Waiver of First Refusal rights under Ch. 61A – 81 Russell Street**

Mr. Gorecki stated that at the Board's last meeting there was a discussion on Chapter 61A and the Town's right of first refusal if the property was going to be sold. [Mr. Brown recused himself from this discussion] Mr. Gorecki said in regard to 81 Russell Street, the Developer has asked that the Selectmen waive their right of first refusal. He said the Board has tentatively agreed to do that however we would like to make our waiver subject to some contingencies. The Board has asked the Land Use Boards what we should include in our notice of non-exercise of first refusal option. Town Counsel has prepared a draft Notice of Non Exercise of First Refusal Option and it has been provided to the attorneys for the development and they are satisfied with it.

Mr. Goddard said Town Counsel has shared this draft with them and additionally asked for a narrative and a plan of the project to be built from the developer. He said this is necessary because what is permitted by the Planning Board and Conservation Commission has to match with what is actually being built. Mr. Goddard this is just a draft notice and not ready to be finalized.

Mr. Stevenson pointed out that the reason we are doing this is that the Town recognizes that this Senior Residential Community as it is currently being presented offers to the Town almost the same amount of acreage at no cost to the acreage we would have the rights to acquire through 61A.

Mr. Stevenson added that if for some reason this does not work out, our rights under 61A would be re-triggered. Mr. Gorecki said we should have a more detailed description of the plan.

### **Town Administrator Report**

Spalding-Banta Davis Boardwalk Mr. Goddard reported that this project is now out to bid with a due date of June 19<sup>th</sup>. He said the bid packages can be picked up in the Selectmen's office.

In response to Mr. Gorecki, Mr. Goddard said the work on this project should be done this year.

Board of Selectmen

May 27, 2014

1

Approved: 6/10/14

Multiple Sclerosis Fundraiser/Bike Ride The New England Chapter of the Multiple Sclerosis Society has requested permission to conduct a portion of their July 19<sup>th</sup> fundraising bicycle race through the streets of Carlisle. Mr. Goddard said they have agreed to coordinate this event with the Police Department.

On a motion made by Mrs. Moroney and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve the New England Chapter of the MS Society's request to conduct a portion of their July 19<sup>th</sup> bicycle ride in the Town of Carlisle with the understanding that they will consult with the Police Department regarding traffic and roadway safety issues and will comply with the Town's policy regarding the marking of bicycle routes.

Cutter's Ridge/Butterick Lane Mr. Goddard attached to this report the Board will find a memo from Planning Board Administrator George Mansfield which summarizes the condition of Cutter's Ridge. George and Gary Davis recently visited Cutter's Ridge and found all of the stone bounds in place and all of the drainage facilities in reasonable shape. Mr. Goddard said the Planning Board's peer review engineer must confirm these findings. He added that there is paving work that must occur before this road could be accepted as a public way. Mr. Goddard said at a previous meeting there was a discussion over the Town paving the road and charging the residents betterment [charge] for the work over a period of time. In reply to Mr. Gorecki, Mr. Goddard said the money would come from Town Meeting. Mr. Gorecki suggested that this item be placed on a subsequent agenda to discuss the process for this road.

Mr. Goddard said the Board has received a letter from residents on Butterick Lane requesting that the Selectmen consider asking Town Meeting to accept Butterick Lane as a Town way. He said he spoke briefly with George Mansfield about this matter and George explained to him that the way this development was originally permitted, it could not be accepted as a public way. Mr. Goddard said there was also damage to the road during a recent police incident in Town and pictures of the damage were attached to this report. Gary Davis will go out to assess the damage.

The Board agreed that a letter should be sent to the residents of Butterick Lane explaining the issues with acceptance of this road. Mr. Stevenson said he believed that Butterick Lane was located in a Conservation Cluster and therefore the road was most likely never built to Town standards. He said before we tell the residents that this cannot be done, we should talk to the Planning Board about what steps would have to be taken.

Minuteman Resolution Mr. Goddard said several weeks ago the Board discussed a resolution [attached hereto] that several of the Minuteman communities have adopted which states that if and when a new regional agreement is adopted that the Selectmen would agree not to oppose the withdrawal of other member communities who wish to leave the District. In reply to Mr. Gorecki, Mr. Goddard said two (2) communities have not taken any action on the agreement; one community voted no; and, the remaining towns . . . 8 or 10 in favor or voted against it.

On a motion made by Mr. Stevenson and seconded by Mrs. Moroney, it was unanimously **VOTED** to approve Proposed Resolution re: Withdrawal from Minuteman Regional School District as presented this evening.

Caroline Hill Scholarship Fund Mr. Goddard said the Scholarship Committee has asked him if they would have approximately the same amount of money as last year, which was approx. \$11,000 to award as scholarships this year. Mr. Goddard said the Investment Advisory Committee suggested awarding a sustainable amount and according to Larry Barton that amount this year is \$9,800.

Mr. Gorecki said this issue was discussed at the FinTeam meeting today and a point was raised that we have an investment policy that we spent time developing and we should adhere to it. He did not want to award scholarships that would deplete the trust balance. He would prefer to stay with the \$9,800.

Mrs. Moroney said she was present at the FinTeam meeting this morning, and she agreed with Mr. Gorecki. She pointed out that if we don't abide to the policy it will be a dis-service to future students when the fund no longer exists.

Mr. Stevenson said he was comfortable with spending this stated amount.

Mr. Goddard said he would communicate this information to the Scholarship Advisory Committee.

Mr. Goddard spoke about the OPEB Trust. He said in regard to establishing the Trust, Town Counsel informed him that the Trust was established by the vote at Town Meeting and the statute names the Town Treasurer as the Trustee of the funds. Mr. Gorecki said the only other reason to have more than one person as a trustee would be the system of checks and balances. Mr. Goddard said Larry Barton's initial suggestion was to have the Treasurer, Town Administrator, and Board of Selectmen Chairman as Trustees. The Board decided to discuss the issue of additional trustees at a future meeting.

### **Telecommunications Tower – Discussion of Engineering Services**

Board of Health Chair Bill Risso and Planning Board Chair Marc Lamere were present for this discussion. Mr. Gorecki gave a brief background of this site plan application. He said the Fire Department has provided the Planning Board with a Site Plan Review application for this project. The Planning Board Administrator has looked at the application and identified all of the deficiencies. The Planning Board met again and suggested which ones the applicant could request to have waived and which ones the Fire Department should provide them with additional information. Mr. Gorecki said he met with George Mansfield Planning Administrator, Fire Chief David Flannery and Deputy Fire Chief Jonathan White to go over the application on May 22<sup>nd</sup>.

Mr. Gorecki said the discussion tonight is on two particular items; the timing of the entire process and the Planning Board's request that the Fire Department provide them with radio frequency propagation data. Mr. Gorecki said under the Site Plan Review guidelines, the Planning Board has 45 days to respond back to the Board of Selectmen regarding an application that has been submitted. He said the original application was submitted a few weeks ago, and currently the end of the 45 day period is June 19<sup>th</sup>. Mr. Gorecki said the Fire Department will most likely not submit a new application that addresses all of the Planning Board's requests until June 9<sup>th</sup>. This will not be enough time for the Planning Board to go through everything and therefore they have asked the Board of Selectmen to postpone opening their public hearing to July 22<sup>nd</sup>.

In response to Mr. Stevenson, Marc Lamere said the Fire Department has not submitted a complete Site Plan review application. Mr. Stevenson said if we do not have a complete application then we don't have to extend anything. Mr. Stevenson said the 45 days starts when we have a complete application. He added that the Board could open the hearing and then continue the hearing.

Mr. Gorecki the next issue is the signal test which the Planning Board has recommended. Mr. Gorecki said the cost for this test; whether it is done by using a balloon or by crane will be between five thousand and eight thousand dollars. Mr. Gorecki said he did not know if this amount was included in the contingency. Mr. Gorecki said however this issue seems like something that could have been addressed before Town Meeting.

Marc said the point of having the test and putting the antenna up is to have a radio frequency engineer go around to the different locations where we have our black spots to find out whether a tower of that height would really meet our needs. Marc said the Planning Board is questioning the expense of the additional 50 ft. because sometimes that really doesn't make that much difference with all the foliage and the trees. Marc said we need someone who is a civil engineer who will tell us where the dead zones are testing.

Bill Risso suggested using a few civil engineers who could perform a line of site study, which is much more economical. Marc said they want basic radio frequency questions answered to make sure we are doing the right thing.

Board of Selectmen

May 27, 2014

3

Approved: 6/10/14

Mrs. Moroney asked which comes first; the testing or the site plan.

Mr. Gorecki said he thought that the Site plan review was more focused for on the fiscal aspects and what it looks like after it is done. Marc said most site plans are, however this is different because it is a wireless tower. He said they don't want the tower to be put up if it is not going to be effective.

Mr. Stevenson asked if this matter was discussed with Chief Flannery and Deputy Chief. Mr. Gorecki said yes, and they were not in favor of spending money on radio frequency testing. Mr. Gorecki said he would like to see the Planning Board collect as much data that they need to be comfortable with the project but if that is based on maps and line of sites; he would like to do it in the least impactful way possible.

Bill said he was willing to work with Chief Flannery on this matter.

Mr. Stevenson said we should get the process started. Mr. Gorecki said we are not really keen on spending the money on the test right now but we can start with the other information and see if that is adequate. He said if we find that we ultimately need the test, then we will look at this later in the process.

### **Preliminary Discussion of FY15 Goal-setting Process**

Mr. Gorecki said he wanted to start early this year because he will not be present at one meeting in the summer and we also have two new members this year. Mr. Gorecki said he would like to follow the process that was used last year. He said he would meet various people in Town including the Selectmen individually, Town Administrator, Finance Director, Planning Board Chair, Finance Committee Chair, Housing Trust Chair and the School Committee Chair, and both the Police Chief and Fire Chief. He said he will gather as much information to form core goals in a similar way as Mr. Hult had last year. Mr. Gorecki said he would like to have that information ready by the Board's July 8<sup>th</sup> meeting. He said this meeting we will have a working document where the Selectmen can review and revise the core goals. At the Board's July 22<sup>nd</sup> meeting the Board will review the draft objectives for the year and circulate those to all the other Boards in Town for feedback. Mr. Gorecki said we will finalize the core goals for the year at our last meeting in August.

The Board reviewed the FY14 Goals and Objectives and discussed which items were completed during this year.

Mr. Gorecki spoke about the 2013/14 process initiatives and described the action taken on each one.

### **New Business**

Mrs. Moroney asked how a resident would report a serious problem, such as a sinkhole, in a road.

Mr. Goddard said a sinkhole should be reported to DPW Superintendent Gary Davis.

### **Liaison Reports**

Mrs. Moroney said she spoke with the Town of Concord's Town Clerk regarding whether attendance had improved when Town Meeting had been held on a Sunday. Mrs. Moroney said she reported that there was no improvement in attendance by moving Town Meeting to a weekend day and it did not seem like something they would do again. Mrs. Moroney added that Concord has a Town Government Committee that meets after Town Meeting and they look at and evaluate Town procedures. She said they also hold a few public forums each year and she is interested in.

Mr. Gorecki said at FinTeam meeting, the School reported that they are looking for a full-time Tech-support person for next year. The Assessor stated that so far she has \$9million in new growth.

### **Minutes**

On a motion made by Mr. Stevenson and seconded by Mr. Brown, it was **VOTED** to approve the Minutes to the Board of Selectmen meeting of May 13, 2014.

Board of Selectmen

May 27, 2014

4

Approved: 6/10/14

**Executive Session**

At 9:07 p.m. a motion was made by Mr. Stevenson to go into Executive Session pursuant to MGL 30A sec. 21a paragraphs 3 and 6 to discuss potential litigation and to consider the purchase or value of real property as in open meeting would have a detrimental effect on the Town's litigating and bargaining position and not to return to open session. The motion was seconded by Mr. Brown and the following roll call vote was taken: Gorecki – aye; Stevenson – aye; Brown – aye; and Moroney – aye.

Respectfully submitted by Margaret Arena