

## **BOARD OF SELECTMEN**

October 28, 2015

Minutes

The Board of Selectmen met on Wednesday, October 28, 2015 at 6:00 p.m. in the Town Hall Clark Room. Those present were Selectmen John Gorecki, Vanessa Hunnibell Moroney, Nathan Brown, Lyn Lemaire and Claude von Roesgen. Town Administrator Timothy D. Goddard was also present.

Ms. Lemaire said she will no longer recuse herself from discussions relative to 100 Long Ridge Road.

### **Executive Session**

At 6:01 p.m. a motion was made by Mr. Brown to enter into Executive Session pursuant to MGL Ch. 30A, §21(a) paragraph (3) to discuss strategy with respect to litigation pertaining to the Long Ridge Road 40B appeal as an open meeting may have a detrimental effect on the Town's litigating position and that afterwards the Board will return to open session. The motion was seconded by .. ? and the following roll call vote was taken: Gorecki – aye; Moroney – aye; Brown – aye; Lemaire – aye; and, von Roesgen – aye.

At 7:00 p.m. the Board returned to Open Session

Also in attendance:

Thomas Harrington, Town Counsel  
Bill Risso, Chair - Board of Health  
Sabrina Perry, Center Park  
Deb Belanger, Pathways II Committee  
David Flannery, Chief – Carlisle Fire Department  
Jonathan White, Deputy Chief – Carlisle Fire Department  
Alan Lehotsky, Chair – Carlisle Housing Authority

Mr. Gorecki welcomed new Selectman Claude von Roesgen to the Board. Mr. von Roesgen was elected to the Board of Selectmen on Tuesday, October 27, 2015 to fill the vacancy on the Board due to Peter Scavongelli's resignation.

### **Discussion of Center Park Committee**

Mr. Gorecki said *the park was born in 2006* when Sabrina Perry took on this project. He thanked her for the wonderful place she has created. Mr. Gorecki said he has been working with Sabrina and a group of volunteers on this committee and it has come to a point where this would be a good time for this to become a Town Committee so there can be some continuity in stewardship for the park, and consistent and maintenance of the park.

Mr. Gorecki asked the Board for their thoughts on the Center Park and whether a committee should be established. The Board unanimously agreed that the park was a beautiful asset to the Town and they supported creating the Center Park Committee.

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Approved: 12/22/15

The first draft of the *Mission Statement* [attached hereto] for the Center Park Committee was reviewed by the Board. Mr. Brown made a minor edit to this document relative to the ‘fundraising and recommendations to the Board’.

Mrs. Moroney raised the point that the Town has two parks; the Diment Park and the Center Park. She said the Diment Park is in great need of repair. She expressed concern for the young children playing there because of safety issues. It was suggested that the Recreation Commission have a budget item specifically for the repair and maintenance of this park.

The second reading and approval of the Mission Statement will occur at a future meeting and at that point the Board will appoint members to the standing committee.

It was noted that a list of potential members will necessary for these appointments.

### **Pathways Committee updates**

The Board reviewed a Mission statement [attached hereto] prepared for the Pathways II Committee. Deb Belanger and Pathway Committee members were present for this discussion. Deb said the Pathways Committee has met four (4) times since its formation, which included two site visits. She said they were proposing the following three (3) projects/jobs: 1) year round pathway maintenance which would include snow removal and other maintenance work [requiring an investment in equipment for same]; 2) prioritizing the expenditure of remaining capital funds for completion of the Bedford Road pathway along East Street to the Library crosswalk and further expenditure of the balance on pathway(s) from Kimball’s to Stearns Street; and 3) pursue an evaluation new phase 2 pathway project.

Deb said the committee has discussed their proposal regarding snow removal and maintenance with Gary Davis and he was very receptive of this idea. He believed that having the right equipment would be necessary to achieve this work. Deb pointed out that the Town has made a significant investment in the pathways and it is very important to maintain them and therefore they were recommending year-round maintenance. The Board agreed that the pathways should have snow removal due to safety of walking residents. A suggestion was made that the community set aside one day in the spring to clean-up the debris on the pathways in order to improve passage.

Mr. Gorecki spoke about the cost for the equipment and alternative ways to pay for it. He added that it was the sense of the Board to ask Gary Davis to take care of cleaning- up the pathways.

Deb spoke about the funds remaining in the Pathways (capital funds) account in the amount of approximately \$80,000 plus the additional \$12,000 remaining in the pathways gift account. Deb said the committee suggested prioritizing this work according to sections of the Pathways that were not completed from previous projects. She said after that, if there are any funds remaining they would like to apply that money to future pathway projects.

There was a discussion on placing crosswalk signs on Bedford Road at the crossing of Kimball’s Ice Cream stand as it is very dangerous to cross over Bedford Road to get there. It was suggested that placing a blinking light at that crossing to alert oncoming vehicles that someone is about to cross the road. Deb said this item would be covered under an Engineering Plan for continuing pathways in that area.

In reply to Mrs. Moroney, Deb said she has spoken with the owners of the few remaining properties regarding easements and they were very responsive to completing East Street over to the Library path in order to continue the pathways in that area.

In regard to the Pathways Committee seeking money from the Community Preservation Act, Deb said Mr. Goddard indicated that the CPA committee would be accepting applications (for a Phase 2) and she wanted to know when the deadline was. Mr. Goddard was not sure if the pathways would be covered under CPA funds. He will follow-up with CPC Chair Luke Ascolillo on this item.

On a motion made by Ms. Lemaire and seconded by Mrs. Moroney, it was unanimously **VOTED** to approve the release of funds that have been held for the installation of a Pathway from East Street to

the crosswalk in front of the Gleason Library and for engineering and for potentially installation cost of a pathway to run from Kimball's to Stearns Street.

### **Cont'd Site Plan Review Hearing for Telecommunications Tower**

At 7:50 p.m. Mr. Gorecki opened the Public Hearing for the Site Plan Review of the Telecommunications Tower at the Carlisle Public School. Fire Chief David Flannery and Deputy Fire Chief Jonathan White were present for this discussion. Mr. Gorecki said the Site plan review is linked to the Isotrope Study but it is not the Isotrope Study. The Study is separate. He said when the Study is finalized it will be forwarded to everyone for review and we will discuss same. After that, if we decide to move forward with the Telecommunications Tower, then the Board of Selectmen will refer the Site Plan Review application to the Planning Board. Mr. Gorecki said there will not be a ground breaking in January 2016.

Update The working group for this matter received the preliminary report from Isotrope on October 8, 2015. The working group provided feedback to Isotrope and a second version of the Study was sent on October 27<sup>th</sup>. The working group will reconvene on November 3<sup>rd</sup> to review the second draft. Mr. Gorecki said tonight he was proposing continuing the public hearing on the Site Plan Review until January 12, 2016.

Chief Flannery expressed his frustration with the amount of time it was taking for the (study) report and for the Site Plan Review. He said the money that was appropriated at the 2014 Annual Town Meeting will be insufficient in January 2016 to move this project forward. Chief Flannery was frustrated and disappointed over the amount of time this is taking, and he added that this is a matter of public safety. He wanted to know why there was this extreme delay in receiving the Study. Deputy Chief White said we were looking for a propagation study.

Mr. Gorecki said he believed that we are closer than we were before because we actually have the Study with recommendations as to whether we should move the tower up; or not.

Ms. Lemaire suggested proceeding with the Site Plan Review of the Tower first, and then review the Study. Mr. Gorecki said the Site Plan Review requires a lot of work from the Planning Board and other Boards and Committees that submit recommendation on same. He said if we decided not to move forward with the Tower, then all of this work will have been done for something that will never be built. Mr. Gorecki said the working group is meeting on Tuesday, November 3<sup>rd</sup> at 8:00 a.m. to review the second draft of the Study.

On a motion made by Mr. Brown and seconded by Mr. von Roesgen, was unanimously VOTED to continue the Site Plan Review public hearing for the construction of a 150' telecommunications tower on the Carlisle Public School campus to Tuesday, January 12, 2016 at 7:30 p.m.

### **Site Plan Review for Till Inc., Group Home at 338 Bedford Road**

Mr. Gorecki said the Planning Board has asked that the Site Plan Review public hearing be continued as they need more time to collect comments.

Ms. Lemaire provided a document for the Board to review.(attached hereto). Mr. Gorecki said he will not review any document that is not relevant to the Site Plan review.

Alan Lehotsky, chair of the Housing Authority said it is part of the ConsCom's process however Till (developer) is in favor of the stormwater process. Alan said the stormwater management Plan is not applicable to this project. He spoke about specific items that fall under a Site Plan Review for a housing development that falls under the Doverman Amendment.

Mr. Gorecki said this discussion is not relevant to the Site Plan review and he wanted to end it. Alan suggested that the Board of Selectmen close the Public hearing and approve the project and let the Conservation Commission, Board of Health and Building Commissioner do their job. Mr. Gorecki said he does not support this recommendation because Site Plan Review approval is subject to appeal, which would delay the project even more.

Lee Tatistcheff, chair of the Conservation Commission said they have not supplied the Planning Board with any comment because they ran out of time at their last meeting. She said in regard to stormwater management, the ConsCom is waiting for between Nitsch and Samiotos, it her understanding that Nitsch has asked Samiotos for calculations and Samiotos has not replied to this request.

Lee said the ConsCom is looking for guidance from the Board of Selectmen and the Planning Board as to how to treat this property. Is it single family dwelling or a sub-division. Mr. Gorecki said this project is being permitted under the Doverman Amendment, as an educational institute, but it is a residence. He said he would treat it as two normal houses.

On a motion made by Mr. Brown and seconded by Ms. Lemaire, it was unanimously **VOTED** to continue the Site Plan Review Public hearing for the development of a group home complex at 338 Bedford Road, Carlisle, MA to Tuesday, November 10, 2015 at 8:15 p.m.

Mrs. Moroney said we have been instructed by the State to refrain from referring to Group Home site by the property address. She asked that the Board address this item with some suggestions at a future meeting.

### **Board Reorganization**

Ms. Lemaire circulated a document titled 'BOS Reorganization October 28, 2015 *New Composition – Fresh Approach*' [attached hereto]. She said the Goals the Board previously approved were for a time period that would end tonight. She suggested re-vamping the Goals and making them more aspirational.

Mr. Gorecki said he believes that when there is a new member on the Board the leadership should be discussed. He said he will not seek re-election in May 2016. Mr. Gorecki felt that for the sake of succession planning, he felt that stepping down as chair of the Board and allow someone else fill that position for the remainder of this year.

Mr. Brown nominated Vanessa Hunnibell Moroney as chair of the Board of Selectmen. This nomination was supported by Ms. Lemaire and the Board voted favorably on this motion.

Mr. Brown nominated Mr. Gorecki as vice-chair of the Board of Selectmen. This nomination was supported by Ms. Lemaire and the Board voted in favor of this nomination.

Ms. Lemaire nominated Mr. Brown as clerk of the Board of Selectmen. Mrs. Moroney supported this nomination and the Board voted in favor of this nomination.

### **Role of Carlisle Affordable Housing Trust - Discussion**

Mr. Gorecki said the 'affordable housing trust' was created by Town Meeting in 2006. It includes five selectmen and two people that are appointed by the selectmen. Mr. Gorecki said the Affordable Housing Trust has a Declaration of Trust which outlines the purpose for the trust [is to allow the Town to move quickly on real estate in the event that a parcel of land becomes available]. He said the trust has to its availability \$50,000 to pay for surveys, negotiate with the seller, hire an attorney to negotiate with a seller and to apply a portion of that money to use as a down payment on said property until Town Meeting can convene to discuss the purchase]. It does not have the ability to buy property.

Mr. Gorecki asked the Board to provide their views of the Trust. Is it working in the way we intended or does it need to be amended.

Ms. Lemaire circulated a document with a motion that asked the Board of Selectmen to direct the Housing Trust to exercise restraint until Town Meeting has [an] opportunity to modify the powers of the Trust. – She also asked that the Board of Selectmen to ask the Housing Trust to transfer title/ownership and control of 338 Bedford Road property to the Town. She outlined the reasons to support this transfer [attached motion].

Mr. Gorecki said this is the first time the Board has reviewed these documents and motions. He suggested that this discussion include Karina Coombs and Carolyn Ing, who are also members of the

Trust. It would be unfair to have this discussion without having their input. Mr. Gorecki said he would like to continue this discussion to the Board's meeting on November 10<sup>th</sup>. Mr. Gorecki suggested that a better place to have this discussion would be during a Carlisle Affordable Trust meeting.

### **Approval of the Revised Housing Production Plan**

Mrs. Moroney reported that the Town's red-lined Housing Production Plan has been sent to the Department of Housing and Community Development (DHCD). She said they sent it back with a few comments and recommendations. Mrs. Moroney said the changes/amendments were made and that document was sent back to DHCD who has informed us that it now meets their requirements. Tonight she was requesting that the Board of Selectmen vote to approve the final Housing Production Plan and send it back to DHCD with official letters for final certification. The deadline for submission of this Plan is November 1, 2015.

Ms. Lemaire requested that the Housing Production Plan approval be tabled and she passed out a document [attached hereto] which provided her reasons for this request.

Mrs. Moroney said it was critical that the Board of Selectmen adopt the Housing Production Plan tonight.

On a motion made by Mrs. Moroney and seconded by Mr. Brown, it was **VOTED** to approve and adopt the Carlisle 205 Housing Production Plan dated October 28, 2015 and to authorize the chair to sign the letter to DCHD.

### **Discussion of Minuteman Issues**

Ms. Lemaire said she believes that everyone should be clear about Minuteman High School is that even without consideration of the new building that is required, it is already more expensive compared to other technical high schools. The consideration to understand is who is going to pay for the thirty year bond which will probably be in the neighborhood of \$150million. How are the forces aligning themselves in order to protect the district Towns from having to pledge to pay for this even though there may be a declining enrollment. The state has agreed to pay through MSBA 40% of the eligible costs. However the real problem is the declining enrollment.

There is a potential that the enrollment will greatly decrease however the bond payments will have to be made. Her solution: put some pressure on the State legislature to give some guarantee that the best case scenario is the worst case scenario, for the District Towns that the extra \$7,500 per student will be the most they will have to pay.

### **FY16 Board of Selectmen Goals**

The Board reviewed their Goals that were approved until October 28, 2015. Mr. Gorecki wanted to review the assignments of the Goals since the election of Claude von Roesgen. The focus was on education, financial, community services, utilities & technology, public safety, housing, conservation and Town Hall services. Mr. von Roesgen selected the following three areas: financial, housing and utilities & technology. The Board of Selectmen Individual Assignments as amended will be printed and sent to the Board

Ms. Lemaire expressed her concerns with the Board of Selectmen's goals. She presented a document relative to the Board of Selectmen Reorganization – *New Composition/New Approach*. She said the Selectmen's goals should be the goals of the entire Board.

Mr. Brown said Ms. Lemaire's goals were high level and very broad. He said when he thinks of goals he thinks of things that are concrete and measureable and at the end of the year we can see our progress.

Mr. Gorecki said there are two aspects to the goals; one is the higher level/overall picture and the other is a to-do list. He said the goals are basically a road map for the Board to refer to over the next six months.

Mrs. Moroney said the Board should do the sensible thing and approve the goals as they were presented on September 9, 2015 and begin working on them.

Mr. von Roesgen suggested a compromise which would be change the title to document from Goals and Objective to the *Board of Selectmen's Agenda*'.

On a motion made by Mrs. Moroney and seconded by Mr. Brown, it was unanimously **VOTED** to approve the FY16 Board of Selectmen Goals and Objectives dated 9/9/2015 [with adjusted individual assignments] and to change the title of the document to 'the Board of Selectmen's Agenda'.

### **Town Administrator Report**

1 A proposed contract Amendment (#3) with Nobis Engineering, Inc. was presented for the Board's review and approval. Mr. Goddard said Town Counsel has negotiated this amendment to our contract with Nobis to provide expert testimony and support for the Town before the Housing Appeals Court (HAC). The amendment to this contract is in the amount of \$9,000.00

On a motion made by Ms. Lemaire and seconded by Mr. von Roesgen, it was unanimously **VOTED** to approve the Contract Amendment #3 with Nobis Engineering, Inc. in the amount of \$9,000 to provide written testimony and support services to the Town of Carlisle.

2 The Council on Aging has asked the Board to establish a COA revolving account for Transportation Services. This account would be designated for the receipts for the sale of Transportation Vouchers from Carlisle's older adult and disabled residents and as an expense payments source for the payment of invoices from the transportation vendor.

The Council on Aging has also requested a Council on Aging Fuel Assistance Gift Account. This account would be assigned to tracking gifts to the COA specifically dedicated to helping Carlisle residents with fuel assistance.

Mr. Gorecki asked for additional information on these two new accounts. Mr. Goddard will discuss this issue with the Finance Director in order to provide a motion with specific a limit amount for the revolving account.

Mr. Goddard spoke about establishing a gift fund for the Trails Committee to benefit the many non-biker users of the trails. Donations have been made in the amount of \$400 to the Trails Committee, but we do not have a gift fund. Larry Barton has requested that the Board establish a gift fund for donations made to the Committee.

On a motion made by Ms. Lemaire and seconded by Mr. von Roesgen it was unanimously **VOTED** to establish a Gift fund for the Trails Committee

3 Mr. Goddard presented a letter from Frank Sargent's attorney, Daniel Cappetta. The letter was relative to Mr. Sargent's inability to return to his duties as a firefighter due to the age limitation. Attorney Cappetta asked if the Board of Selectmen would consider passing a resolution asking the jurisdiction's legislator to introduce a bill in the legislature allowing Mr. Sargent to return to duty. The bill would need to be passed by the legislature in order for him to return. Mr. Gorecki said he would like to address this matter at a future meeting.

In regard to a letter that was within the informational items, Mr. Gorecki said Federal Communications Commission (FCC) has adopted an order that affects basic service of cable in Massachusetts. He said it is very clear to the residents of Carlisle that there is no competition in relative to rates for cable service. Mr. Gorecki suggested writing a letter to FCC rate setting authority explaining the Town's situation which is there is no competition in Carlisle and therefore rate setting should continue in the Town of Carlisle. Mr. Gorecki asked for the Board's authorization to draft and sign the proposed letter asking that Comcast continue to be regulated.

On a motion made by Ms. Lemaire and seconded by Mrs. Moroney, it was unanimously **VOTED** to authorize the incoming Vice Chair, in consultation with Town Counsel to draft a letter to the Commonwealth of Massachusetts Department of Telecommunications and Cable requesting that Comcast continue to be subject to rate regulations because there is no active competition in Carlisle.

### **Liaison Reports**

Mrs. Moroney and Ms. Lemaire attended the Financial Management Team meeting today and the following items were reported and discussed. The Carlisle Public School submitted fiscal 2015 end of year report to the State. The School Committee is working with FinCom member Scott Triola on a possible .2% for the proposed all-day kindergarten. The Finance Committee has three (3) candidates for the vacancy on that committee. They will have a recommendation for the Board of Selectmen soon. The Gleason Library has requested a \$600 increase for their digital line item. The Town Clerk briefly discussed the Special Town Election that occurred yesterday. The Assessor reported that she should receive new value – certification this week. Public disclosure of these documents will begin on November 2<sup>nd</sup> to November 6<sup>th</sup>. The Finance Director noted that the Re-Cap sheet is near completion and is scheduled for review on November 10<sup>th</sup> prior to the FinTeam meeting. Larry added that for budget purposes, it is important for the Personnel Board to meet and discuss

### **Minutes**

On a motion made by ... and seconded by ... it was **voted 4 yes/1 abstain** to approve the Minutes of the Board of Selectmen's meeting of August 27, 2015.

On a motion made by ... and seconded by ... it was **voted 4 yes/1 abstain** to approve the Minutes of the Board of Selectmen's meeting of September 8, 2015.

On a motion made by ... and seconded by ... it was **voted 3 yes/2 abstain** to approve the Minutes of the Board of Selectmen's meeting of September 22, 2015.

On a motion made by ... and seconded by ... it was **voted 4 yes/1 abstain** to approve the Minutes of the Board of Selectmen's meeting of October 13, 2015.

The meeting adjourned at 10:55 p.m.

Respectfully submitted by Margaret Arena