

BOARD OF SELECTMEN

December 22, 2015

Minutes

The Board of Selectmen met on Tuesday, December 22, 2015 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Vanessa Hunnibell Moroney, John Gorecki, Nathan Brown, Lyn Lemaire and Claude von Roesgen. Town Administrator Timothy D. Goddard was also present.

Also in attendance:

Town Counsel – Tom Harrington

Alan Carpenito, South Street

Sean Flynn, Woodbine Road

Richard Kane, Lowell Street

Dr. Edward Bouquillon, Superintendent – Minuteman Regional School

Dan Dunn, Town of Arlington Selectman

Len Simon, Town of Sudbury Selectman

Jerry Lerman, Finance Committee member/Minuteman Reg. School Building member

Judy Taylor, Carlisle's Minuteman Reg. School Committee representative

Police Chief John Fisher

Fire Chief David Flannery

Lt. Robert Koning, Jr. Fire Dept.

Bob McCauley, Log Hill Road

Community Input

South Street resident Alan Carpenito gave a presentation relative to the Carlisle Affordable Housing Trust (AHT) and its ownership of the property at 338 Bedford Road. He said he was a member of the Board of Selectmen when the Housing Trust was established. He pointed out that the word 'shall' is present several times in the Declaration of Trust, such as properties held by AHT shall be used for affordable housing purposes. Alan said when the purchase of the property was being discussed; he was in favor of that purchase because the property could be used for some affordable housing, a senior center or community center. Alan said the Deed is held by the Affordable Housing Trust. He believes that because the deed is held by the AHT, it will not be possible for a senior/community center to be built there. Alan believed that this Deed has to be corrected.

Mr. Gorecki said that this matter will be discussed at a future meeting.

Woodbine Road resident Sean Flynn spoke about the next agenda item which was a request by a resident to change the current by-law relative to Solar Panels and extending the over-lay district to include this resident's land. Sean said he spoke with Town Building Commissioner Jon Metivier this morning in respect to his action of denying a building permit to build a solar system on this resident's property. Jon Metivier informed Sean that he spoke with Town Counsel about this matter in regard to accessory use and power generation. Mr. Metivier said it was his understanding that if you were to build a solar system it should be in the overlay district. If it is used for accessory use/residential use, it can be on private property.

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Approved: 1/26/16

Request for Solar By-Law

Lowell Street resident Richard Kane spoke to the Board about sponsoring a warrant article to amend/ expand the Solar Overlay district for the specific purpose of bringing Community Shared Solar to Carlisle. He explained that one of the stipulations for acquiring the 'Green Community status' was to establish a district where solar can be permitted as of right. He stated further that the Town designated an overlay district which is unfortunately not suitable for solar. Mr. Kane said the State has a policy called Community Shared Solar which is designed to provide access to solar for households and businesses that cannot avail themselves to this opportunity because of various constraints or conditions.

Mr. Kane would like to implement a medium scale solar system in the back of his property to serve as a community shared solar resource for residents in Town who cannot get solar on their property. He said the current zoning by-laws only permit solar as of right in the overlay district. His building permit to establish a solar system was denied and therefore he was asking the Selectmen to sponsor a warrant article to expand/enhance the size of the overlay district to include [either all or a portion of] his property which abuts the current overlay district for the explicit purpose of constructing a Community Shared Solar system for Carlisle residents. Mr. Kane added that this is a time-sensitive request due to impending reductions in Massachusetts solar incentives. He asked the Board to sponsor a warrant article for the Special Town Meeting in February 2016 and if not at that time then at the Spring Town Meeting.

Mr. Gorecki asked if Mr. Kane if he would prepare a citizen's petition for this article if the Board of Selectmen did not sponsor same. Attorney Harrington clarified the citizen's petition issue stating that Mr. Kane can put this item on the warrant as long as it has a sufficient number of signatures. He said he would re-check the terms by which a landowner can petition a warrant article regarding zoning by-laws as they pertain to his own property.

It was noted that the Board can support a warrant article to include Mr. Kane's lot within the solar overlay district to avoid the citizen petition process. Attorney Harrington said this would be an uncomplicated warrant article to draft. He said it requires amending the by-law to include this property to the current overlay district. He added that the Board should be specific as to which properties they want to add to the overlay district. The Board will discuss this item again at a future meeting.

Proposed Revisions to Minuteman Regional Agreement/ Consideration of intent to withdraw from the district

Dr. Bouquillon said last night [12-21] the School Committee unanimously approved the new Regional Agreement which will now go to all sixteen towns for approval. He said the new agreement will impact all of our communities in a positive way. He noted that there are some communities that are analyzing and discussing leaving the district because they send so few students.

Dr. Bouquillon intends to go to all the Towns that are considering leaving to urge them to talk with the School Committee members and parent associations about the impact on their children moving forward.

Arlington Selectman Dan Dunn said he hoped the Carlisle Board of Selectmen would support the Regional Agreement tonight and at the upcoming Special Town Meeting. He pointed out that the new Agreement represents a way out for those Towns who want to leave the District.

Sudbury Selectman Len Simon also urged the Board to approve the new Regional Agreement. He said the Town of Sudbury, through much consideration, has decided not to remain a member of the District Towns. Their decision is based on declining enrollment trends, the size of the building and the cost per district Town. Len added that they have other options to choose from for good vocational education for their students. Mr. Simon added that the students from Sudbury or Carlisle that are currently attending Minuteman will be allowed to finish and graduate under this agreement even if their Towns pull out [assuming they pay the normal operating and capital costs]. He

discussed the cost of the building per student. Len said the cost of neighboring vocational schools is nearly half of the amount charged by Minuteman, noting that Minuteman has the highest cost per student in the Commonwealth of Massachusetts. The issue of the size of the school made most of the Towns uncomfortable. They felt that they were not asked for their input on the enrollment number. Len noted that about six (6) district towns wrote to MSBA asking that they not approve a school of this size.

Finance Committee member Jerry Lerman said at their meeting on Dec. 14th the Finance Committee voted unanimously on the following resolution: Due to the uncertainties in the apportioned capital costs for District towns and out-of-district towns we recommend declaring our withdrawal from the Minuteman Regional School District. Jerry added that he is strongly in favor of building a new school to replace an aging building however he has a problem with the definition of 'regional'. He would prefer to define region as the Greater Boston area including all cities and towns that send students to Minuteman. The new agreement only includes the 16 District Towns that are obligated to pay the capital costs for the new building.

Mrs. Moroney said there are two aspects of this discussion. The Board will have to vote their intentions regarding withdrawing from the District and announce that we are a declarant. This is a non-binding vote. A Special Town Meeting will need to be held before February 15, 2016 for the Town to vote on this matter. The Board agreed that the residents should be provided with a choice in this matter and they were supportive of becoming a declarant, placing this item on a Special Town Meeting warrant and voting to withdraw from the district.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to declare our intent to leave the District and become a Declarant under the new proposed amended regional agreement.

A motion was made by Mr. Gorecki to call a Special Town Meeting for Tuesday, February 9, 2016 at 7:00 pm and the Warrant will remain open [for the Special Town Meeting] until January 12, 2016.

Ms. Lemaire wanted the motion to include that the Warrant have just the two Articles that pertain to Minuteman placed on the Special Town Meeting Warrant.

Mr. Gorecki said if we open the Warrant anyone can prepare a citizen's petition (with the correct number of signatures) for an article to be placed on the Warrant. Ms. Lemaire asked that the Board agree that nothing else be placed on this warrant before January 12th. The motion was seconded by Mr. Brown and the Board **VOTED unanimously** to approve same.

Review/discuss draft Site Plan Approval Conditions – 338 Bedford Road

Mr. Gorecki spoke about the Site Plan Review for TILL, INC., 338 Bedford Road Carlisle. He said we have had a public hearing for the Site Plan Review. The public hearing has been closed and a proposed Order of Conditions has been prepared by Town Counsel. It was noted that the only conditions that could be placed on this project were those that relate to the number of parking spaces. It was unanimously agreed that nine parking spaces would be adequate. A draft order of conditions was presented for review [attached hereto]. No public input was taken on this project as it was stated earlier that the public hearing was closed. The Board reviewed and deliberated the presented order of conditions.

Ms. Lemaire presented additional conditions for the Site Plan review [attached hereto 'Summary of Required Conditions and Additional Conditions'].

Under these new conditions Mr. Gorecki said changing the ownership from Affordable Housing Trust to TILL cannot happen because this is out of TILL's control.

Ms. Lemaire's concern with the application was that the 'Owner' of the property is also the applicant. She noted that the application was never reviewed and that specific memo's regarding the Stormwater issue from the Planning Board have been ignored. She believed that the application needed to be changed to listing TILL as the applicant. It was noted that Town Counsel has said on a

few occasions that the important document now is the decision going forward, the Order of Conditions.

Ms. Lemaire believed that Town Counsel has a conflict of interest in this matter because he is representing the Housing Trust, and the Board of Selectmen.

Attorney Harrington addressed this issue. He said he does not have a conflict of interest in this matter or any matter the Board of Selectmen requests that he work on. He works for the Board of Selectmen. Attorney Harrington said he was instructed to work with the Carlisle Affordable Housing Trust and the Housing Authority.

Attorney Harrington said the application no longer exists as a pertinent document once you have a decision. The Decision is the controlling document.

It was noted that if the application is re-written with the applicant is listed as TILL, then the entire process of the Site Plan Review would start all over. Attorney Harrington said if you find something in the application that you don't like, you don't ask for a new application; instead, you 'find' that it was not persuasive or it was not necessary.

On a motion made by Mrs. Moroney and seconded by Mr. Brown, it was **VOTED 3 yes, 2 no** to approve and agreed to issue a Certificate of Decision for the Site Plan Review – TILL, INC. 338 Bedford Road as presented this evening [12/22/15] as amended and with attachments not considered.

On a motion made by Mrs. Moroney and seconded by Mr. Brown, it was **VOTED 3 yes, 2 no** to allow Selectman John Gorecki to sign and deliver the Certificate of Decision to the Town Clerk.

Police/Fire/Communications preliminary FY17 budgets

Police Chief John Fisher spoke about the Police Departments 10 year Capital Plan/Expenditure Schedule (attached hereto). The items included in FY17 were 1) computer replacement; 2) cruiser replacement; and 3) flooring. He noted that in FY18 he is requesting as a placeholder, refurbishment of the police station. Chief Fisher said he is requesting a cruiser replacement every year in order to keep all of the police department vehicles mileage less than 100,000 miles to ensure they are safe and will not breakdown at critical moments.

Chief Fisher said in regard to the budget, he has received a proposal from the Finance Committee which totals \$1,283,320 however he is requesting \$1,325,478. The difference in these two amounts is the cost for an additional full-time police officer that he is requesting. Chief Fisher explained the need for an additional officer.

The FinCom has not included all items that were requested until they are prioritized. This will be discussed at the first coordination meeting with the FinCom, BOS and Long Term Caps.

Chief Fisher added that the Police Officer's contract expires in FY16 and negotiations will begin soon. An amount for an increase in salaries should be noted in the budget planning process.

Communications Department Chief Fisher said that the budget he and Chief Flannery have prepared for the Communications Department aligns with the Finance Committee's guidelines.

Fire Department Chief Flannery said he was requesting a 7.4% increase in the Fire Departments operating budget [\$33,842.]. He said the largest amount is \$17,465.00 for Fire Officer's salaries and Firefighters stipends. He said there are now 31 firefighters.

Chief Flannery said because we continue to see a shortage of availability this year, he is requesting funds as a contingency in the amount of \$206,550 to provide staff during a shortage period in case this situation does not resolve itself in FY17.

Chief Flannery suggested establishing a small group that would include him, Mr. Goddard and a FinCom liaison to meet quarterly for the purpose of discussing where we are, and how things are going.

Fire Department Lt. Robert Koning said if per diem was implemented, the new firefighters would need to go through extensive training before they could work in this community.

Log Hill Road resident Bob McCauley presented a [Call Fire Department-Availability Pay Matrix](#)

prepared by the Concerned Carlisle Citizens in Support of Our Call Fire Department. It was a step function of increasing the amount of compensation based on how long a fireman is willing to keep his light on. He pointed out that the longer a firefighter keeps his/her light on, the more they should be recognized in compensation. He said this method may avoid the per diem issue.

Firefighter George Middleton added that where there are chronic shortages, having compensation to cover it would be a real incentive.

Chief Flannery listed the following items as long term capital requests: replacement of the 1951 Rescue boat, computer replacements, building maintenance, vehicle replacement [2005 Ford], outside shelter for back-up tanker, office trailer for additional space, and, communications equipment. These LTCR items total \$141,000.

Chief Flannery presented a proposal for an E-One Cyclone II Custom Pumper Tanker in the amount of \$649,490.56. He said the price for the pumper tanker is within the appropriation that was approved at the 2015 Annual Town Meeting.

On a motion made by Mr. Gorecki and seconded by Ms. Lemaire, it was unanimously **VOTED** to purchase an E-One Cyclone II pumper/tanker from Greenwood Fire Apparatus of Attleboro, Mass. under the MAPC/FCAM procurement bid process for the sum of \$649,490.56 and authorize the Town Administrator to execute all necessary contract documents.

It was noted that the new pumper tanker will be delivered to Carlisle in August, 2016.

Finance Director search process-Discussion

Mr. Goddard gave the Board an update on the Finance Director Search process. He said the following members have been selected to be on the Search Committee: Tim Hult – Audit Committee; Lynn Lipinsky – Finance Committee; Melissa Stamp – Assessor and Priscilla Dumka – Town Accountant. A member of the Personnel Board will also assist in this search. He added that Larry Barton will help as a consultant. The existing job description has been revised and he added that the job will be posted in late January. The goal is to have a new Finance Director here by July 1, 2016. It was noted that the overlap costs have not been placed in the budget.

Cemetery Deeds

The Board of Selectmen, as Cemetery Commissioners, made the following deed transfer.

On a motion made by Mr. Brown and seconded by Mr. von Roesgen, it was unanimously **VOTED** to transfer to Eric Garnick of Cambridge, Massachusetts Deed No. 688 for Cemetery Lot D138 Graves 1 and 2 in the Town of Carlisle, Green Cemetery.

Appointments

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to appoint Recreation Commission member Mark Spears to the Community Preservation Committee for a term to end June 30, 2016.

Town Administrator Report

1 Tanker purchase/proposal. Approved during Fire Chief's budget discussion.

2 Request for groundwater testing – Center Park. Mr. Goddard said the Licensed Site Professional working on the Culkins property at 18 Lowell Street (Ferns) would like to install up to four groundwater monitoring wells on the Center Park property. He reminded the Board that there was a release of gasoline on this property several years ago and part of the due diligence is to monitor any possible effects on abutting properties. There is a benefit to the Town in knowing if there has been any impact to groundwater on our property.

The Board agreed to allow the installation of these wells by Jammallo, Cushing and Wheeler with the understanding that they work with the Center Park Committee in regard to locating the wells.

3 Town Meeting Timeline/Open 2016 ATM Warrant. The 2016 Town Meeting Timeline was presented for the Board to review. Mr. Goddard suggested moving up the 1st Town Meeting Coordination meeting from January 26th to January 12th. At this time he asked the Board to open the Warrant for the annual Town Meeting.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to open the Warrant for the Annual Town Meeting scheduled on May 9, 2016 and the Annual Town Election scheduled on May 17, 2016.

Mrs. Moroney requested that the important dates leading up to the Special Town Meeting in February be included in Annual Town Meeting timeline.

4 Affordable Care Act. Mr. Goddard said one of the requirements of the federal Affordable Care Act (ACA) is that communities establish clear eligibility policies that comply with the ACA. He said our healthcare consortium, Minuteman Nashoba is recommending to its' members that they vote to approve the attached policy. Finance Director Larry Barton agreed with this recommendation and has asked the Board to vote affirmatively to ratify this policy. The Board decided to postpone a decision on this matter until their meeting on January 12, 2016.

5 Manton Scholars Program. A new scholarship opportunity was introduced to the Board. The Manton Scholars Program seeks to assist/support students with various issues.

6 Conservation Commission – Wetlands Intent Account approval request. The Conservation Commission received approval from the Personnel Board for a temporary increase of 40 hours for their Conservation Commission administrative assistant. They propose to take \$955.60 from their Wetlands Intent Account, which currently has a balance of \$9,285.86 to cover the cost of the 40 additional hours.

On a motion made by Mr. von Roesgen and seconded by Ms. Lemaire, it was unanimously **VOTED** to approve \$955.60 from the Conservation Commission's Intents Account to pay for 40 additional hours for their administrative assistant.

Liaison Reports

Mrs. Moroney reported from the Financial Management Team meeting this morning. The Carlisle Public School has hired a search firm and started their search for a new superintendent.

Minutes

The Minutes for the Board of Selectmen meeting of October 28, 2015 were approved with amendments.

The Minutes for the Board of Selectmen meetings of November 10, 2015 and November 24, 2015 were not approved this evening.

The meeting adjourned at 10:50 p.m.

Respectfully submitted by Margaret Arena

Appendix

Documents presented at the Dec. 22, 2015 meeting.

1. Summary of Required Conditions - re: Site Plan Review – 338 Bedford Road
2. Additional Conditions re: Site Plan Review – 338 Bedford Road
3. Certificate of Decision – Site Plan Review Till, Inc.
4. Police Dept. 10 year Capital Plan
5. FY17 Proposed Carlisle Police Dept. Budget
6. Communications Dept. Budget
7. Fire Apparatus Proposal
8. Fire Dept. Budget
9. Affordable Care Act
10. Carlisle 2016 Annual Town Meeting Timeline