

## BOARD OF SELECTMEN

April 27, 2010  
Minutes

The Board of Selectmen met on Tuesday, April 27, 2010 in the Town Hall Clark Room. Those present were Selectmen Timothy F. Hult, John D. Williams, Douglas A. G. Stevenson, William R. Tice, Jr., and Peter Scavongelli. Town Administrator Timothy D. Goddard was also present.

The meeting was called to order at 7:00 p.m.

Mr. Hult spoke about the Dorothy Clark who passed away on April 12, 2010 at the age of 94. He said she was born in Vermont in 1915 and she moved to Carlisle with Guy Clark when she was 17 years old. They resided together at the well-known Clark Farm. Mr. Hult noted that she was on several committees, such as the Council on Aging, Unity Club, (President of) the Ways and Means Committee, and a member of the First Religious Society.

### Town Administrator Report

Mr. Goddard said the Carlisle Garden Club has requested permission to conduct a portion of its annual plant sale on May 22<sup>nd</sup> on the Town Common. On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to grant permission to the Carlisle Garden Club to conduct their annual plant sale on the Town Common from 9:30 a.m. to 1:00 p.m. on May 22, 2010.

Mr. Goddard said another application has been submitted for the vacant position on the Personnel Board. Mark Hersey, who has experience in the area of human resources, has submitted a letter of interest and resume for the Board to review. On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to appoint Mark Hersey to the Personnel Board effective this date (4/27/10) for a term of three years, to expire in June 2013.

Mr. Goddard said the Board of Health has submitted a memo regarding a town-wide Emergency Notification System. He said this system would be a complement to the system used by the School Department and would be focused on Town emergencies/events such as the recent flooding. Mr. Goddard said the Board of Health hoped to use the remaining H1N1 grant funding to purchase the Emergency Notification System but has been told that the DEP will only contribute 50% funding and the remainder needs to come from other Town sources. Mr. Goddard said there is money in the small capital account for this use.

Mr. Tice suggested combining this type of system with the program that the school uses to notify parents of emergency early releases. He felt that the Town could piggyback with the school without causing any confidentiality issues.

The Board discussed various ways of finding money to cover the \$1,500 for future year payment, since this year would be covered already. It was agreed that it was not a good idea to amend the budget now. Mr. Hult suggested having another discussion on this idea over the next week and talk about this with the Finance Committee to see what they may recommend. Larry Barton said it was his understanding that the Board of Health had to have an answer by April 30<sup>th</sup>. Mr. Goddard said he spoke with Chief Flannery who supported this purchase. Mr. Tice asked how many times the Town would have used this over the past year. The Board will make a decision on this matter at their May 10<sup>th</sup> meeting.

Mr. Williams said that this meeting will be Mr. Hult's last routine Board of Selectmen meeting that he will attend as a Selectman and chairman. He said that Mr. Hult has been a Selectman for nine years however, he also has served on the School Committee and the Scholarship Advisory Committee. He spoke about Mr. Hult's energetic and intelligent leadership. Mr. Williams thanked him for his service to the community.

### **Community Input**

Alan Carpenito from South Street said at a meeting where the Board had discussed the appointment for a vacancy on the Zoning Board of Appeals, a statement was made to influence the Board. He said in the context that it was used; it was also a violation of the state ethics rules. He wanted the Board to take some serious consideration about this because if this type of activity is condoned, then it is like promoting it. Mr. Carpenito added that shortly after that, other statements were made in public documents that he believed to be inappropriate. Mr. Hult said he has formally communicated with Alan Lehotsky on these issues.

Mr. Stevenson said the Board of Selectmen cannot rule on ethics issues. He said the Board of Selectmen is not the arbiters of state ethics issues. Mr. Stevenson added that the Board expects people to come here and to be honest and as accurate as possible.

Mr. Goddard said the Board does not have the funding agreement from MSBA as expected, so Larry Barton, Finance Director would like to talk to the Board about the construction budget and the schedule of borrowing for the School Building project.

Larry passed forward the project cash flow spreadsheet prepared by Daedalus Projects, Inc., the OPM for the project. The spreadsheet identified the months with the issues that we will have with the project timeline from April 2010 to July 2012. Larry said the plan is to begin spending about \$100,000 beginning in April and that will run through June. He said that amount will rise through the summer and then come down a little by the Fall. He said he would like to borrow one million dollars which would cover the cash flow requirements through then end of this calendar year. He pointed out that we will need a funds flow.

Larry talked about the 40% reimbursement rate from MSBA. He said not all expenditures are reimbursable. Larry said he has been discussing with the fiscal advisor whether he should borrow this money for twelve months and other terms of borrowing. There was a discussion on the possibility of borrowing the entire \$13million.

Larry informed the Board that the Town's Bond rating has gone from AA to AA1

On a motion made from Mr. Stevenson and seconded by Mr. Tice it was unanimously **VOTED** to authorize the Town's Financial Director to pursue a short term Bond Anticipation Note for up to \$1million for the initial stages of the School Building Project.

### **Public Hearing – Site Plan Review Bylaw/Rules and Regulations**

Mr. Hult said at the last meeting the Board went over a set of Regulations associated with the changes in the Site Plan Review Bylaw. The amendments to the Bylaw will be discussed at the Town Meeting and there are a set of Regulations that will accompany the changes in the bylaw. Mr. Hult said tonight the Board will hopefully agree to the changes to the regulations and adopt same. He explained that it is necessary to adopt the Rules and Regulations in anticipation of the passing of the revised Site Plan Review Bylaw at Town Meeting. He said we are approving them contingent upon the passing of the amended bylaw at Town Meeting. David Freedman, chair of the Planning Board was present and he said a Public Hearing on this matter was held on April 12<sup>th</sup>. That fulfilled the requirement in the bylaw that says any changes to the Regulations have to be discussed in a Public Hearing. The Planning Board also has notified the Board of Selectmen that they recommend the adoption of the Regulations. David said a draft of the Regulations is with the Town Clerk for the Public to review.

On a motion made by Mr. Williams and seconded by Mr. Scavongelli it was unanimously **VOTED** to adopt the Site Plan Review Rules and Regulations to go into effect when and if the new bylaw is adopted at Town Meeting as outlined April 20, 2010.

## **Cemetery Deeds**

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

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was unanimously **VOTED** to transfer to Jianhong Zhao of Carlisle, Massachusetts, Deed 644 Cemetery Lot D220, Graves 3 and 4 in the Town of Carlisle, Green Cemetery.

On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to transfer to Deborah W. Edgar of Concord, Massachusetts, Deed 645 for Cemetery Lot C38, Grave 1 in the Town of Carlisle, Green Cemetery.

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On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to approve the minutes to the Board of Selectmen meeting of March 23, 2010.

On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to approve the minutes to the Board of Selectmen meeting of April 5, 2010.

## **Police/Fire – Communications Cable project**

Fire Chief David Flannery and Long Term Capital Requirements Committee chair Don Rober were present for this discussion. David said they were exploring costs but mainly pursuing what the costs would be for the interfaces at each end, which were about \$10,000 each. He said more planning and more engineering has to be done. David said he would like to go forward with the long term planning but it depends on the funding. Mr. Hult said there seemed to be a lot of details to this entire project. He was worried that because there is only \$45,000 he wanted to make sure the funds were handled responsibly and then next year it could be funded again, such as in phases.

Carolyn Luby from Woodbine Road was present to share her thoughts on this matter. She said the major costs in this project are pulling the cable. Mr. Tice said as far as the priorities go the first one is public safety that is police, fire and communications. Number two is to expand the opportunities this will provide at the school and number three, the internet and future communications and other purposes. Mr. Stevenson said we should make every effort to pull all those cables at the same time. He said once the cables are pulled, then we can work on the list of priorities. Mr. Hult agreed. He said we need to get the public safety project done first.

Don Rober from LTRC asked who will be the point person in this project. Mr. Tice said it will be the Board of Selectmen's decision.

Bill Risso from the Board of Health came to the Board of Selectmen's meeting to briefly discuss the Emergency Notification System that was discussed earlier in this meeting. He said the Board of Health will receive \$1,500 per year funding for this system. He said for next year they will be able to fund 50% through some training funds that they receive from the same source.

David Flannery said the Emergency Notification System that Linda Fantasia has found is great for the price as he has seen this type of system for more money. In response to how many times a year this system would be used, David said most likely no more than a handful of times. He said we don't want to over use it. It was noted that Chief Sullivan endorses it. Bill Risso said they lose the funding on April 30<sup>th</sup>, so that is the reason for the urgency.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** to authorize the Town Administrator and the Finance Director to identify and encumber up to \$1,500.00, 50% of the annual price for the Communications System proposed by the Board of Health.

## **Annual Town Meeting Warrant – Review / Support Warrant Articles**

Mr. Hult said the goal tonight is to consider each article and determine whether the Board supported the article and also decide who will deliver each motion. The Board went through the entire Warrant and identified the articles that required further discussion.

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Mr. Hult said he will present Article 1.

There was a discussion over the Consent Agenda. It was concluded that one person would make the motion for the Consent Agenda and then the Moderator would explain the process. Mr. Hult will make this motion.

Mr. Goddard said there may not be a need to move Article 10 however if things change, Mr. Williams will deliver the motion.

Mr. Hult will deliver Article 11, the Operating Budget.

Article 12, Long term capital requirement will be spoken to by Don Rober.

Article 13, Capital Expenditures, will also be delivered by Don Rober.

Article 14, Fire Engine, will be spoken to by Mr. Stevenson.

Article 15 will be delivered by Louis Salemy. The Board decided to discuss this article again.

Article 16, which is the CCHS Feasibility Study, was also pulled aside for further discussion.

Article 17 the Feasibility Study for the Minuteman Regional School was held aside for discussion. Mariellen Perugini will present this motion.

Article 18 for the Council on Aging Professional Services will be read by Mr. Williams.

Article 19 for Professional Services for the Planning Board will be presented by Mr. Tice.

Article 20 for the CPA surcharge was held aside for discussion however, Mr. Hult will read the motion.

Article 21, the CPA requests, will be presented by Kelly Guarino.

Article 22, Stabilization Account for debt service, will be presented by Mr. Stevenson.

Article 23, which is the Free Cash transfer to Stabilization Fund, will be presented by Mr. Scavongelli.

Article 24, which is the Free Cash transfer to support the operating budget, will be presented by the Finance Committee.

Mr. Williams will make the motion for the Wetland/Flood Hazard District Article 25, but Mr. Goddard will explain the purpose for same.

Article 26 is the second part of Article 25.

Article 27 is the Site Plan Review Zoning Bylaw amendment article which will be presented by Mr. Hult.

Article 28 is the Stretch Code and will be presented by Mr. Hult. The Board decided to discuss this again.

Mr. Scavongelli will present Article 29, the Hanover Hill Pathway Easements.

Mr. Scavongelli will present Article 30, the Acquisition of the Bruce Freeman Rail Trail Easement.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was unanimously **VOTED** to support all of the Articles on the Warrant for the May 10, 2010 Annual Town Meeting except for Articles 15, 16, 17, 20, 21, and 28.

The Board discussed (CCRSD Technology Stabilization Fund) Article 15, which was an article for a savings mechanism for future technology purchases. Mr. Stevenson pointed out that it was a small amount of money, that is, \$5,000 and it can only be used for technology. On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was unanimously **VOTED** to support **Article 15**, CCRSD Technology Stabilization Fund.

The Board discussed Article 16, the Feasibility Study for the CCRSD. This article was authorizing the amount of \$1.3million for a Feasibility Study at the Concord-Carlisle Reg. School. Mr. Stevenson said his concern is the affordability. He said at one point Louis Salemy spoke about setting-up a committee consisting of members of the Concord and Carlisle Selectmen and Concord and Carlisle FinCom to work together to have some understanding of the affordability of the project. He said he wants to make sure this happens. He also wanted to establish some limitations on the costs. Mr. Williams said he was supporting this with the contingency that it is affordable and not more than \$75million.

On a motion made by Mr. Tice and seconded by Mr. Williams it was unanimously **VOTED** to support **Article 16** for the Feasibility Study for the CCRSD.

Superintendent Dr. Edward Bouquillon from the Minuteman Regional High School was present to discuss the proposed article for their Feasibility Study. He said that MSBA has guaranteed Minuteman a 40% reimbursement. Dr. Bouquillon said the concerns he is hearing from the other member Towns are on the

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enrollment issues. The question most asked is how many students come from member Towns and how many are from non-member towns. He said the Feasibility Study will begin with an enrollment analysis for our 16 member towns. He noted that there will be no hiring of an OPM or design firm until such time that the Enrollment Study is fully articulated.

Dr. Bouquillon talked about enrollment issues and he said the applications to Minuteman for next year are double than what they were at this point last year at this time (for member towns). He said he was going to remain cautiously optimistic. He said they will be looking at enrollment very carefully and working with MSBA. Mr. Hult said he believed in this school; he said it was an excellent alternative to the high school.

On a motion made by Mr. Williams and seconded by Mr. Tice, it was unanimously **VOTED** to support **Article 17** the Feasibility Study for the Minuteman Regional School.

The Board discussed Article 20, the CPA surcharge. This article is both on the warrant and a ballot question. Mr. Hult said the Structural Financial Planning Committee brought this item up for discussion in order to get the Town's sense of whether to continue with the CPA considering the two school projects that the Town will be voting on this spring. Mr. Stevenson said he supports this article because it gives the taxpayers an opportunity to reduce some of their tax burden.

On a motion made by Mr. Williams and seconded by Mr. Tice, it was **vote 4 yes 1 no** to approve **Article 20**.

The Board discussed Article 21, the CPA annual authorization, which included the following four requests: the Bog House Restoration for \$165,000; the Housing Coordinator's position for \$50,000.00; the Trails system for \$15,000.00; and, the Bruce Freeman Rail Trail for \$5,000.00.

Mr. Tice asked about the extra funding for the Bruce Freeman Rail Trail and it was explained that it pays for the building of the trail and it is our part of the inter-municipal agreement.

Mr. Stevenson was concerned about the Bog House. He said we did not have a solid long term plan of management going forward. Warren Lyman from the Land Stewardship Committee was present to talk about plans for the Bog House. Warren said it was not a long term plan, but a series of steps. He said the \$165,000.00 will help save this building. He said we are not saving the building just because it is an historic building. Warren said we want to save the agricultural operations at the Cranberry Bog. Without a Bog House and a place to store equipment for agricultural workers in the future, when the current lease expires in 2015, we may not be able to find another farmer willing to maintain and grow crops on those agricultural fields. So, Warren reiterated that the \$165,000.00 will just save the building in the interim. He talked about the Conservation Commission working on a new lease for the third floor apartment in the Bog house, which will be done relatively soon and will cover issues relating to maintenance of the third floor apartment.

On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to support **Article 21**, the CPA Annual Authorization Request.

The Board discussed Article 28, the Stretch Code. Mr. Stevenson said he did not support this article because it lacks uniformity. Also most builders in Carlisle are already meeting these requirements. He said it adds costs in the Town of Carlisle. Mr. Scavongelli said he had the same concerns. Why do we need the Stretch code if we are meeting these requirements, he asked? Mr. Williams said he does not support the stretch code. He did not think this was a good use of the Energy Task Force's time. Mr. Tice agreed with him. Mr. Hult said he supported the Stretch Code. He said it is being passed in many Towns. He felt that there was an obligation for the Town to lead in the area of conservation.

On a motion made by Mr. Williams and seconded by Mr. Scavongelli, it was **VOTED 1 yes 4 no** to support **Article 28**, Stretch Code.

Town Moderator Wayne Davis said in regard to reading each motion, he would prefer that the presenter of each motion simply say 'I move the motion as printed under Article...' He said this is a very common practice.

The Board reviewed the list of former Board and Committee members and employees who have served the Town during the period of May 2009 to April 2010.

### **Liaison Reports**

Mr. Tice gave a report on the Cable Advisory Committee. He said the committee met with their attorney (William Solomon) for the first time two weeks ago. Attorney Solomon pointed out to them that they should include their CCTV contract negotiations in with the Comcast negotiations. This would mean that they would have to expand the charter. Mr. Tice said if we get certain things from Comcast then we can negotiate certain things from CCTV and vice-versa. Mr. Tice was proposing to 'expand the charter of the Cable Advisory Committee to include negotiations with CCTV'.

On a motion made by Mr. Tice and seconded by Mr. Stevenson, it was unanimously **VOTED** to expand the charter of the Cable Advisory Committee to include any relationship with CCTV.

Mr. Williams said at the FinTeam meeting this morning it was reported that Local Receipts were off by approximately \$100,000.00, which was mostly due to a low collection of motor vehicle excise taxes.

### **Executive Session**

At 10:00 p.m. a motion was made by Mr. Stevenson to go into Executive Session for the purpose of discussing litigation and collective bargaining, with no intent to return to open session. The motion was seconded by Mr. Williams and the following roll call vote was taken: Hult –aye; Williams – aye; Tice – aye; Scavongelli – aye; and, Stevenson – aye.

Respectfully submitted by Margaret M. deMare