

## **BOARD OF SELECTMEN**

December 9, 2014

Minutes

The Board of Selectmen met on Tuesday, December 9, 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 also present.

Also in attendance:

Catherine (Kay) Woodward, South Street  
Angela Smith, Council on Aging, Outreach Coordinator  
David Klein, Council on Aging Director  
David Flannery, Fire Chief  
Virginia Lamere, Rutland Street  
Lauren Bakewell, Rutland Street  
Dr. Jean Barry, Lyme Disease Prevention Committee  
Jeffrey Brem, Developer of Long Ridge Road 40B  
Attorney Tom Harrington  
Steve Hinton, Zoning Board of Appeals  
David Freedman, Planning Board Chair

### **Community Input**

Virginia Lamere and Lauren Bakewell from Rutland Street spoke to the Board about the noise coming from the Chestnut Estates construction site. Ms. Lamere explained the noise is caused by a ram-hoe machine. She said she worked with the Planning Board and got a noise policy in place to address using such loud machines when the road to this development was being put in, so she thought she would not have this problem again however last Thursday, Friday and yesterday the ram-hoe was running constantly. Ms. Lamere said she went before the Planning Board last night with this problem and they said it was not within their purview. They did not feel they could help her.

The Board of Health felt they did not have any power to do anything. Ms. Lamere said the Building Commissioner was not helpful and consistently sides with the builders. She asked the Board to consider the severity of this problem.

Lauren Bakewell said we now have a situation where a builder can create any amount of disturbance he wants as long as he is within construction hours, regardless of the impact on the neighbors. She said they would like someone to do something regarding 'disturbance of the peace', because this is clearly beyond excessive noise.

Mr. Stevenson asked if Ms. Bakewell and Ms. Lamere could forward the current Planning Board's noise policy to Mr. Goddard. Mr. Gorecki said we will discuss this matter on January 13, 2015.

### **Boston Post Cane Presentation**

Mr. Gorecki said tonight we will present the Boston Post Cane to the oldest resident in Carlisle, Ms. Kay Woodward. He said as custodians of the cane, the following representatives from the Council

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on Aging are present tonight: Chair Liz Thiebeault, Director David Klein, and Outreach and Program Manager Angela Smith. Angela spoke briefly about the background and tradition of the Boston Post Cane.

Mr. Gorecki said our new recipient of the cane; Kay Woodward was born in Rhode Island in 1918 and has been a resident of Carlisle for 55 years. Mr. Gorecki presented the Boston Post Cane to Kay Woodward.

### **Fire Chief David Flannery – Letter of support for new Performance standards for gas/electric utilities**

Fire Chief David Flannery was present to provide the Board with an update on a matter he has been dealing with for a few years. He said this is relative to the utility companies, particularly to their response to service in Carlisle. He would like to have the Boards support in the form of a letter to the Dept. of Public Utilities in backing the Fire Chiefs Association of Mass. recommendation on adding some benchmarks to the current regulations 220 CMR Sec. 19.00 Standards of Performance for Emergency Preparation and Restoration of Service for Electric Distribution and Gas Companies, which is a regulation that exists now. He said the Dept. of Public Utilities opened an investigation to revise the response plan.

David said the Fire Chiefs Association of Mass. took a poll/survey in which they were asked to outline the difficulty they each had with the utility companies, specifically over our most recent storms. He said out of that survey, the president of the Fire Chiefs Association, John Grant wrote a letter, specifically [attached hereto, pg.2] relating to utility companies providing an estimated time of arrival (ETA) with a response time within five minutes of notification to each wire-down notification. David said what we are asking is that they provide a cut and clear crew to work with the local officials. He said we are also asking that they provide an updated report to the Emergency Management Director and/or Fire Chief electronically every 8 hours and a conference call every 24 hours. Finally, David said they were asking that they include any fines that may be levied against the Dept. of Public Utilities in the form of reimbursement to the cities and towns that were affected as a direct or indirect result of the violation by the company by these standards and assessment. David said he is asking for a letter to be sent the Dept. of Public Utilities in support of the Fire Chiefs of Mass. October 23, 2014 letter to establish these benchmarks as they are necessary for public safety.

Mr. Gorecki said this is a very important issue and he agreed with the points made and he supports writing a letter in support of the Chief's letter adopting these regulations.

On a motion made by Mr. Stevenson and seconded by Mr. Brown, it was unanimously **VOTED** to draft and send a letter to the Secretary to the Department of Public Utilities in support of the Fire Chiefs Association of Massachusetts petition to strengthen the regulations for utilities companies as it relates to power outages in the community, specifically in support of the October 23, 2014 letter from the Fire Chiefs Association of Massachusetts, to be signed by the Chair of the Board.

### **Regional Tick Tack Force – Deer hunting proposal**

Jean Barry, M.D. Chair of the Lyme Disease Prevention Committee said they have been working on many projects over the last two years relative to tick borne diseases. She said they would like to introduce to the Town their most recent idea of responsible deer management in an effort to curb the tick population. She said this has worked in other communities such as Dover and Westford. Dr. Barry said they are proposing to schedule a panel discussion on January 15<sup>th</sup> at the Gleason Public Library and they are inviting the Chair of the Board of Health from the Town of Dover with two deer management agents, who also are hunters, and a representative from the Division of Fisheries and Wildlife. Dr. Barry said they want to get input from citizens on this issue. Dr. Barry said it would take a few years to see results. In response to Mrs. Moroney, Dr. Barry said bow season is from (approx.) October 18<sup>th</sup> to December 23<sup>rd</sup>.

Mr. Brown reaffirmed with Dr. Barry that the hunting area she referred to would be only Town land, and not the State Park.

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### **Council on Aging Preliminary FY 16 Budget Presentation**

David Klein Director of the Council on Aging was present with their 2016 Budget and Transportation Initiatives. He said the COA was not asking for an increase from Town funding for their general fund. He said they have some existing money in their general fund and they would like to have the ability to use it on a flexible basis for up to 12 additional hours for Outreach, Programing and general staff coverage assistance via the COA admin assistant position.

David spoke about other transportation initiatives. He said even before he started working here, the COA Board has been exploring the idea of acquiring a smaller vehicle. David said someone has stepped forward and pledged \$20,000 toward the purchase of this vehicle. He said he will be meeting with the Board of the Friends to the COA to see if they would be willing to fund the remaining amount for this purchase. David said if they do not want to fund the remaining amount, he would like to place this amount for this item on the Annual Town Meeting Warrant.

In regard to the COA's long range capital expense requests, David said it may be they have none this year. He said last year they asked for \$25,000 for a small van and for an unknown amount for a senior center.

David said for FY16 they will ask for in the form of a Town Meeting warrant article up to \$8,000 to cover the remaining amount of the smaller vehicle COA transportation. The second item would be up to \$10,000 for operational expenses for the van.

In regard to the Carlisle Pilot Transportation Program, David provided a timeline of the events that have occurred so far and the remaining steps that need to be taken.

Mr. Gorecki said it seems the COA presently has two large vehicles and there is an opportunity to get the majority of the funding for a smaller vehicle, plus we have the money to purchase another vehicle through a the grant which is still in the process. He said that would be a total of four vehicles and he was concerned with the parking issue.

In regard to the cost/figures, Mr. Gorecki asked if we would be adding another driver as well as another vehicle. David said no.

Mr. Scavongelli asked if the COA considered eliminating the second large vehicle since it doesn't seem to be used that often. David said it has been considered, however that vehicle is a 2006 model and has approximately 35,000 miles on it. He said they will phase-out this vehicle after the other vehicle arrives.

Mr. Gorecki said he would support a fuel efficient vehicle for the Council on Aging.

### **Long Ridge Road 40B – Consultants**

Mr. Gorecki said this evening's discussion with Town Counsel will not include input from neighbors and abutters. He said Attorney Tom Harrington is present to have a discussion with the Board on how we will be involved in the 40B process. Attorney Harrington said he would like to have a discussion on where this Board would like to go as opposed to what he thinks the Board should do. He said he has had discussions with Mr. Goddard and John Gorecki about the 40B process and how this Board might participate in that. He said the obvious way would be to hire an attorney to represent the Town. Attorney Harrington said right now Miyares and Harrington are representing the ZBA and it would be inappropriate for them to assist them in that process and represent the Town too. He said it is important that the ZBA have their own representation so they can run a good, fair and defensible process. If they are going to produce a decision, we want it to be defensible. He said if the Board feels that they need special counsel, then they should pursue that option. In response to Mr. Gorecki, Attorney Harrington said a good time to start looking for special counsel would be in the beginning of the year. He said it is not too early to start looking.

Mr. Scavongelli said he did not think the neighbors and abutters were asking for very much; a dye test, that the process be monitored, and legal advocacy for the Town by-laws. He said he would be in favor of lining up whatever resources the Town needs now.

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Mr. Stevenson said he supported hiring special counsel to defend our by-laws however we have to have a clear understanding with the ZBA that they cannot look at this in an adversarial way.

In response to Mrs. Moroney, Mr. Stevenson said the funds to pay for the legal fees will come from the legal budget.

Mr. Gorecki said when we have a 40B we will hire special counsel to defend our by-laws.

Mr. Brown said he supported hiring special counsel. He felt it would minimize the impact on the community.

David Freedman, chair of the Planning Board said in regard to Coventry Woods, the special counsel did both roles; they did the advising and the advocacy. The conflict came when the conditions were being put together.

Mr. Scavongelli asked Attorney Harrington if the abutters relinquished their agreement/association with Scott Horsley, would it be possible for the Town to hire him to do the water study.

Steve Hinton, Zoning Board of Appeals said he felt it would be inappropriate for Scott Horsley to work for the Town as a technical consultant.

Mr. Goddard will work with Mr. Gorecki and Mr. Stevenson on finding a special counsel firm.

### **Finalize Housing Production Plan charge**

The final Housing Production Plan charge was presented for the Board to review and approve. Mr. Gorecki reaffirmed that the committee would consist of two representative from the Board of Selectmen; two representatives from the Planning Board and two representatives from the Housing Authority and the Housing Coordinator.

On a motion made by Mr. Stevenson and seconded by Mr. Brown, it was unanimously **VOTED** to adopt the charge for the Housing Production Plan Committee as presented at tonight's meeting.

### **Town Administrator's Report**

1) Mr. Goddard said the New England Chapter of the Multiple Sclerosis Society has made a request to hold their July 18, 2015 fundraising bicycle ride in Carlisle. He said they will coordinate with the Police with their proposed bicycle route.

On a motion made by Mr. Brown and seconded by Mrs. Moroney, it was unanimously **VOTED** to approve the New England Chapter of the MS Society's request to conduct a portion of their July 18<sup>th</sup> bicycle ride in the Town of Carlisle with the understanding that they shall 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.

2) Mr. Goddard attached a list of equipment that the DPW wishes to declare surplus for the purpose of disposing it. Mr. Goddard said are proposing to dispose of this surplus property through an online auction.

On a motion made by Mr. Stevenson and seconded by Mrs. Moroney, it was unanimously **VOTED** to declare the attached list of Department of Public Work's equipment dated 12/09/14 as surplus to the Town's needs and to authorize the Town Administrator to dispose of it.

3) Mr. Goddard asked the Board to vote to open the warrant for the 2015 Annual Town Meeting to be held on Monday, April 27, 2015 for the acceptance of possible warrant articles. He also asked the Board to establish the date for the Annual Town Election as Tuesday, May 5<sup>th</sup>. Mr. Goddard said the proposed deadline for submission of warrant articles is January 27<sup>th</sup>.

On a motion made by Mrs. Moroney and seconded by Mr. Stevenson, it was unanimously **VOTED** to declare open the warrant for the 2015 Annual Town Meeting to be held on Monday, April 27, 2015 in the Corey Auditorium at 7:00 p.m., and, pursuant to the same warrant, to set the date for the Annual Town Election as Tuesday, May 5, 2015.

### **Liaison Reports**

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Mrs. Moroney said at the Financial Management Team meeting the Schedule 'A' was reported to be complete and therefore was reviewed and sent to the State today. She said the Assessor reported that the guidelines for the exemptions will be going out at the end of the month.

Mrs. Moroney said the Town Clerk reported that she is preparing for the upcoming Town census in January.

Mr. Brown reported on CCTV. He said they are trying to find a time to meet next month. It will most likely be the first week in January. He said the Technology Committee met early this week and they have identified many process things and some immediate fixes that they might want to get into next year's budget.

Mrs. Moroney said the next Affordable Housing Trust meeting is scheduled on December 16<sup>th</sup>.

#### **Executive Session – Personnel**

At 9:45 a motion was made by Mrs. Moroney to enter into Executive Session pursuant to MGL Ch.30A §21 (a) paragraph (1) to discuss the reputation, character, physical condition or mental health of an individual, afterwards the Board will not return to open session. The motion was seconded by Mr. Stevenson and the following roll call vote was taken: Gorecki – aye; Stevenson – aye; Scavongelli – aye; Brown – aye; and, Moroney – aye.

Respectfully submitted by Margaret Arena