

## **BOARD OF SELECTMEN**

July 12, 2016

Minutes

The Board of Selectmen met on Tuesday, July 12, 2016 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Nathan Brown, Luke Ascolillo, and William Risso. Town Administrator Timothy D. Goddard was also present. Selectman von Roesgen attended the meeting remotely by telephone.

**Community Input** West Street resident Lyn Lemaire was present to inform the Board that she would be filing an open meeting law complaint against the Board of Selectmen on Wednesday, July 13, 2016. This complaint is relative to the Working Group that has been meeting with the Fire Department [documents attached hereto]. Lyn said she will attach to the complaint a letter that she wrote to Fire Chief David Flannery thanking him for holding a Forum in April on the *Call* Fire Department. Lyn spoke about the work the Fire Fighters do and the number of training meetings they are required to attend. Lyn believed firefighters should be paid more and that they should be compensated for longevity.

Lyn was opposed to the Working Group, which included two Selectmen, two Firefighters and the Town Administrator. She said this group was created to reinforce the call fire department however Chief Flannery and Deputy Chief White were not included as members of this Working Group. Lyn said the Working group met behind closed doors without notice or minutes taken for many months. She perceived this as being a violation of the Open Meeting Law. Lyn asked that this Working Group stop meeting. Lyn said that at the Fire Department Forum in April, there was a request to hold several open forums during the upcoming year.

### **Acceptance of gift of land – Woodhaven Farm, Parcel X**

Marc Lemare of Rutland Street and a member of the Trails Committee said he has been working with the present owners of Woodhaven Farm on donating a piece of land called Parcel X to the Town. He described the location of Parcel X, which is a small parcel of land located on the north side of Woodhaven Farm which resembles a triangle. Marc said a boardwalk was constructed on this private property and a request was made of the new owners to donate the land after they purchased the property and they agreed. Marc said he was present tonight to ask the Selectmen to accept this small grant of land, and on Thursday (July 14<sup>th</sup>) he will ask the Conservation Commission to do the same.

Prospect Street resident Rick Amodei spoke to the Board about Woodhaven Farm/Parcel X. He and his neighbors are concerned about the affect some of the activities that are proposed for this property will have on the Prospect Street area. He said there were no notices to the neighborhood regarding this proposal. He said their concerns are about parking, traffic, and the young children on this narrow – one lane road. Rick was not sure if this was the right time to discuss these concerns however he added that the neighbors are seeking strict restrictions on the Prospect Street entrance to Woodhaven Farm.

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Marc said the Trails Committee has had discussions about trail easements. He invited Rick to attend the next Trails Committee meeting which is on Friday, July 29<sup>th</sup> to discuss his concerns. Marc noted that there is no defined parking on the trail easement section itself.

Steve Davis from Prospect Street said there are more issues regarding this matter than have been discussed tonight.

Mr. von Roesgen said there seemed to be a lot of moving parts regarding this parcel of land and perhaps the Board should hold off on accepting the Quitclaim Deed until some of these issues are resolved.

Mr. Brown said in this instance, the trail already exists and therefore accepting the Quitclaim Deed does not complicate the other issues. Marc said the current trail is on Woodhaven Farm. He noted that it is not a new trail, but an old, heavily used trail.

On a motion made by Mr. Risso and seconded by Mr. Ascolillo, it was unanimously **VOTED** to accept the Quitclaim Deed for Woodhaven Farm Carlisle/[as described as]Parcel X; a certain parcel of land, with the buildings and other improvements thereon, shown as 'Parcel X' on that certain plan entitled "Plan of Land in Carlisle, Massachusetts (Middlesex County) For Endicott, Scale 1" = 80'," dated April 7, 2016, prepared by Stamski and McNary, Inc., recorded with the Middlesex County Northern District Registry of Deeds.

### **Board of Health – CHNA grant award**

Board of Health Chair Lee Storrs informed the Selectmen that the Town of Carlisle was awarded a Twenty thousand dollar planning grant. He said this grant is funded by the Lahey Clinic and is administered through Community Health Network Area (CHNA) 15. Lee said the funds from the grant will be used for conducting a community health assessment over the next eighteen months. Lee said after the planning phase, the Board of Health will be able to apply for another \$30,000 implementation grant which would be used to address the outcome from the planning phase. Lee explained how the grant works. He said it is a healthy communities approach and the Board of Health is asking the entire community to provide input. The BOH wants to develop an action plan that will strengthen the health of the Carlisle community. He said the BoH will take the lead in this matter however the Library and the Council on Aging are also collaborating on this project. Lee said within a month they want to establish a steering committee that will hopefully represent a wide variety of the community.

Lee thanked the Library and Council on Aging for their willingness to work on this project with the Board of Health. He suggested that a member of the Board of Selectmen join the overall steering committee.

Lee said they have received the *first \$10,000 disbursement* and they have heard from various planners. He believed that this project will be a big benefit to the community.

Mr. Brown said this was great news and he thanked Lee for working on this grant.

### **Continued discussion of dog issues/possible leash law**

Mr. Brown said he would like to start this discussion with public input.

Long Ridge Road resident Mike Hanauer said it is time for the Town of Carlisle to look at a leash law. He said while riding his bike he has been chased by barking dogs which is scary and has almost caused him to have an accident. Mike said a leash law and an enforced barking law would save the Town money because there would be fewer encounters.

Curve Street resident Melissa Webster spoke about her dog. She moved to Carlisle because there was no leash law in this town and she believes there is no need for one now.

Partridge Lane resident George Scarlett said a leash law is a method before going through a proper assessment of the dog issues.

Heald Road resident Peg Shaffer believed this issue was about educating the public relative to dogs and how to react when dogs approach you.

Acton Street resident David Ziehler agreed with George Scarlett and Peg Shaffer. He did not believe the Town needed a leash law.

Prospect Street resident Rick Amodei said he was speaking on behalf of the Recreation Commission. He said there is a percentage of dog owners in the Town whose dogs are not under control. Rick said there are many dog owners who allow their dogs to run around Banta Davis and leave their waste everywhere. He said RecCom has paid someone to clean –up the waste in the playing fields even though there are bags available there for dog waste. He added they are looking into a dog walking area in the future.

Mr. Brown said what we are talking about tonight is how to address the issues. He said a working group was established last year however there was no output from that group. Mr. Brown said the Board is trying to determine if we need another working group, who will be the members, what they will be charged with, and a timeline.

West Street resident Lyn Lemaire was strongly against creating a working group. She suggested the Board of Selectmen schedule public hearings on the outstanding dog issues.

Fifty Acre Way resident Stephanie Samman said she has two rescue dogs that are well behaved however they are on a leash. She believed education is the key factor.

Great Brook Path resident Eugenia Julio Bishop said she has had dogs that have both needed a leash others who did not. She did not believe that creating punitive situations for responsible owners is the answer to addressing the problem of irresponsible owners.

Baldwin Road resident Bruce Hall said he has a dog that is fine off-leash. He was concerned about dog waste and therefore suggested organizing a group that would go around the Town's trails and clean-up the dog waste.

Prospect Street resident Steve Davis said it is all about the owners. He said the dog officers do not have regulations to refer to. He supported having restrictions and enforcement.

School Street resident Mary Zoll said trying to educate dog owners or having punitive action against an irresponsible dog owner is after the fact of an attack. She said it is not reasonable to wait until someone is injured before taking some action. Mary said this matter is about public safety.

Craigie Circle resident Lynn Lipinsky said she is a responsible dog owner and she believes we have to give more authority to the dog officers to resolve these issues.

Eric Giniger of Hartwell Road did not believe that a leash law would address the issues brought forward this evening.

Mr. Brown agreed that these issues require enforcement and penalties and that it is important to work through these issues and hopefully find a balanced solution. He thanked everyone for their input.

Mr. Ascolillo said good comments were made tonight however he believed that a lot of the issues were the responsibility of the owner. He said even if we have a leash law, some of these issues may continue.

Mr. Risso said it is the responsibility of the dog owners. He believed the Board should look toward changing the by-law we have now. He said it would be best to create a working group.

Mr. von Roesgen said we need specific penalties. He also suggested getting the police and dog officers involved so that we can hold dog owners accountable. He supported establishing a working group that would include a Board of Health member, Police Chief, a Selectman, and the dog officers. Mr. Ascolillo said this should be a sub-committee with posted meetings and minutes taken.

Mr. Risso suggested adding a representative from the Conservation Commission and the Recreation Commission as members.

Mr. Brown said the charge for the new sub-committee will include: 1) controlling dogs, waste pick-up and make-up of the committee. He will prepare a charge for the sub-committee and present it at the July 26<sup>th</sup> meeting.

## **Town Administrator Report**

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1 Public Safety Communications Design Contract Fire Chief David Flannery was present for this discussion. Mr. Goddard said the Telecommunications Working Group recently met to review the response to our Request for Proposals for a Public Safety Communications System Design and Implementation. He said the working group unanimously recommends that the Board contract with Langone and Associates to conduct the study for a fixed fee of \$86,705.

Chief Flannery said he was both anxious and hopeful to move this project forward. He believed that we will have a good assessment and good recommendations.

On a motion made by Mr. Risso and seconded by Mr. Ascolillo, it was unanimously **VOTED** to award the contract for the Public Safety Communications System Design and Implementation to Langone & Associates of Tewksbury, Massachusetts in the amount of \$86,705.

2 Minuteman Election/Special Election Mr. Goddard said he consulted with the Town Clerk and Town Counsel relative to calling a Special Election for a new Selectman on Tuesday, September 20, 2016 to coincide with the vote to fund the Minuteman School Building project. He suggested that the nominating caucus be held on August 9<sup>th</sup>. Mr. Goddard said he would look into extending the hours of the Minuteman Election.

On a motion made by Mr. Ascolillo and seconded by Mr. Risso, it was unanimously **VOTED** to set the date of Tuesday September 20, 2016 for a special election to fill a vacancy on the Board of Selectmen and that a nominating caucus for this election [to be] held on Tuesday, August 9, 2016 at 7:00 p.m.

3 Veterans Gift Fund Mr. Goddard said MGL Chapter 44, § 53A (copy attached) covers the establishment of gift funds by the Selectmen. He recommended that the Board vote this evening to create a Veteran's Gift Fund Account.

On a motion made by Mr. Risso and seconded by Mr. Ascolillo, it was unanimously **VOTED** that pursuant to the requirements of MGL Ch. 44, §53A, the Board establish a Veteran's Gift Fund Account to be expended by the Veteran's Committee for the purpose of supporting programs and services for Carlisle's veterans.

4 Double poles Mr. Goddard updated the Board on Town's home rule petition to be able to fine utility companies for not removing double utility poles. He said this petition was heard by the Committee on Telecommunications, Utilities and Energy last week and Rep. Cory Atkins testified on the Town's behalf. Mr. Goddard noted that similar home rule petitions from the Towns of Natick and Framingham were not been approved therefore he was not too hopeful for Carlisle's petition. He will keep the Board updated on this matter.

5 Deer Task Force Attached to this report was a copy of the 2014 non-binding ballot referendum results regarding bow-hunting for deer on Town lands. A draft mission statement was prepared last fall by former Selectman John Gorecki. Mr. Brown said this is a committee that will work on controlling the tick population. Mr. Ascolillo was concerned about the conservation land. He was pleased to see that a member from the Conservation Commission was included in the membership of the working group.

Mr. von Roesgen was concerned that the committee would not take into consideration that reducing the number of deer will not necessarily eliminate lime disease.

Mr. Brown said we will read over the Mission Statement again and discuss same on July 26<sup>th</sup>. The Board was requested to send Mr. Brown their comments.

6 Long Ridge Road 40B project change – HAC ruling The Housing Appeals Committee (HAC) has ruled in the Town's favor that the recently proposed changes to Jeff Brem's Long Ridge Road 40B project do represent a significant change and has remanded the project back to the Zoning Board of Appeals. [copy of decision attached] Mr. Brown said he will meet with the ZBA to ask if the Board of Selectmen can assist in this process.

Mr. Goddard said a legislative update will be provided by Representative Atkins and Senator Barrett at the Boards July 26<sup>th</sup> meeting.

Mr. Goddard said during the Board's August 16<sup>th</sup> meeting there will be another public information session with Comcast.

Mr. Brown said several residents reached out to him inquiring about possible contacts with Verizon.

### **Municipal Facilities Committee Charge**

Mr. Brown presented a Charge for a Municipal Facilities Committee (MFC). He spoke about the contents of this charge and added that it was based on the template for the by-law committee. He noted that non-residents can serve on this committee. Mr. Brown suggested sending this Charge to the Boards and Committees that would be affected by any issues and maintenance planning discussions addressed by the committee. Those departments would be: Long Term Caps, Library, Carlisle Public School/ Wastewater Treatment Facility, Police Department, Fire Department, Mr. Goddard, and the Dept. of Public Works.

Mr. von Roesgen asked if the Energy Task Force (ETF) should be involved in this Committee. Mr. Brown said the ETF would work closely with MFC.

Mr. Brown said he would send this Charge out in a few days in order for the Board to make any additions or changes to same.

### **Liaison Reports**

Mr. Brown said he met with the Center Park Standing Committee. He said the Technology group continues to move forward. Mr. Brown said he will meet with a consultant from Drivetech tomorrow, Wednesday July 13<sup>th</sup>.

Mr. Risso reported on the Financial Management Team meeting that occurred this morning. He said the Reserve Fund Transfers will be made at a Finance Committee meeting on Thursday, July 14<sup>th</sup>. The focus will be on Snow & Ice and the Planning Board. Mr. Risso the Finance Director reported that the collection of local receipts has exceeded the amount targeted. In regards to tax collection, the Finance Director sent letters to seventeen taxpayers who owe approximately \$96,000 in taxes for FY16. There are seven personal property taxpayers who owe slightly under \$2,300. The Finance Director suggested that taxpayers, who are not in good standing in regard to paying their taxes, not be allowed to apply for building permits, liquor licenses or request site plan reviews. He said this could be a form of leverage to encourage them to pay their taxes.

The Town Accountant said she is completing 2016 financial documents.

### **Minutes**

The Minutes to the Board of Selectmen's meeting of June 9, 2016 were approved as presented.

The Minutes to the Board of Selectmen's meeting of June 14, 2016 were approved as amended.

### **FY17 Selectmen's Goals**

Mr. Brown asked the Board to send him a list of *high level* goals before the next meeting. He said these are high level goals and not projects. Mr. Brown also asked for a list of *tactical* goals, but not tasks.

### **Executive Session – Non-union employee bargain**

At 10:00 p.m. a motion was made by Mr. Ascolillo to enter into Executive Session pursuant to MGL Ch. 30A, §21(a) paragraph (2) to discuss bargaining strategy with a non-union employee, Kerry Colburn-Dion, as an open meeting may have a detrimental effect on the Town's negotiating position and that afterwards the Board will adjourn the meeting. The motion was seconded by Mr. Risso and the following roll call vote was taken: Brown – aye; Ascolillo – aye; Risso – aye; and, von Roesgen – aye.

Respectfully submitted by Margaret Arena

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Also in attendance:

West Street resident Lyn Lemaire  
Fire Chief David Flannery  
Rutland St resident Marc Lemare  
Prospect Street resident Rick Amodei  
Board of Health chair Lee Storrs  
Long Ridge Road resident Mike Hanauer  
Curve Street resident Melissa Webster  
Partridge Lane resident George Scarlett  
Heald Street resident Peg Shaffer  
Craigie Circle resident Lynne Lipinsky  
School Street resident Mary Zoll  
Prospect Street resident Steve Davis  
Great Brook Path resident Eugenia J. Bishop  
Fifty Acre Way resident Stephanie Samman  
Acton Street resident David Ziehler  
Hartwell Road resident Eric Giniger

Documents presented at the meeting

Open Meeting Law Complaint documents  
Woodhaven Parcel X grant to the Town  
Woodhaven Farm Quitclaim Deed  
Dog Issues Working Group Charge  
Municipal Facilities Committee Charge  
Deer Working Group Charge  
Public Safety Communications Design & Implementation Agreement  
Ruling on Appellant's Request for Project Change – Lifetime Green Homes, LLC