

BOARD OF SELECTMEN

January 12, 2016

Minutes

The Board of Selectmen met on Tuesday, January 12, 2016 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:

Gleason Library Director, Christine Schonhart

Finance Director, Larry Barton

Finance Committee Chair Kevin Perkins

Finance Committee members: Jerry Lerman and Scott Triola

Long Term Capital Requirements member, David Guarino

Community Preservation Committee Chair Luke Ascolillo

Christopher Barnhart, Rutland Street Resident

School Committee members, Melissa McMorrow and David Model

Donna Brewer, Town Counsel

Judy Taylor, Carlisle's Minuteman School Committee representative

Kevin Mahoney, Assistant Superintendent of Finance at Minuteman

Cindy Nock, League of Women Voters

David Freedman, Noise By-law Committee

Board of Assessor Appointment

The Board of Assessors recommended the appointment of David Boardman to fill the position recently vacated by Michael Coscia. Mr. Boardman's term of will end at the end of the 2016 Annual Town Election and he can choose to run for this position again at that time.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to appoint David Boardman to the Carlisle Board of Assessors for a term that will end with the Spring Annual Town election.

Town Administrator Report

1 Affordable Care Act the Board discussed this matter briefly at their last meeting. Tonight Finance Director Larry Barton was present to answer questions regarding the affordable care act (ACA). He explained that the Town of Carlisle is categorized as a large employer under the ACA and may be subject to an Employer Share Responsibility Payment (ESRP) if one of its full-time employees purchases health insurance through the Massachusetts Health Connector and receives a tax credit for that purchase. This policy is designed to protect the Town [as best it can] in avoiding or minimizing this liability. It provides for a 12 month look-back. Larry explained that the Town, pursuant to ACA, is obligated to offer Town-sponsored health insurance to any employee[their spouses, and dependents up to age 26], who works an average of 130 hours per month. He said currently Carlisle offers insurance to full-time employees and he did not believe this policy would need to be enforced, however if an employee works more than 130 hours in a month, this would trigger this employee to

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get insurance from the Town. This policy provides for a review of the collected hours from January 1st to December 31st and if the average hours divided by 12 equals at least 130 hours then the Town of Carlisle shall offer the employee Town sponsored health insurance for the 12 month following the measured period. Larry said this policy has been recommended by three attorneys and our healthcare consortium Minuteman Nashoba. He believes that this policy should be ratified by the Town's leaders.

On a motion made by Mr. Brown and seconded by Mr. Gorecki, it was unanimously **VOTED** to adopt the Policy and Procedures for Health Insurance under the Federal Affordable Care Act as amended.

Larry asked the Chair of the Board of Selectmen to sign a certificate stating that the debt authorization passed by the Concord-Carlisle Regional district School Committee was received by the Town within seven days of the District Committee meeting on November 24, 2015, at which the authorization was passed.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to authorize the chairman to sign the Certificate presented this evening relative to the bus purchase borrowing authorization.

2 Collective bargaining with Local #201 Mass Cop the Board of Selectmen have been contacted by the Carlisle Police Officers' Union, Mass Cop Local 201, stating that they wish to begin negotiations toward a successor collective bargaining agreement. Mr. Brown and Ms. Lemaire will work on the negotiations with Chief Fisher and Mr. Goddard and possibly a member from the Personnel Board. Mrs. Moroney suggested a member from the Finance Committee join the negotiations.

3 Sorli Conservation Restriction/Request for letter from the Historic Commission for CPA application The Board received two letters of support for the Sorli Conservation Restriction acquisition and a request from Historic Commission chair Neal Emmer for a letter of support for their application for CPA funds for historic preservation efforts at the Old Burying Ground. Mr. Gorecki said he would like to talk about this application with Neal Emmer before the Board supports same.

4 Planning Board memo re: acceptance of Hanover/Johnson Roads the Planning Board received a request for release of security for the Hanover Hills subdivision from the attorneys for Wilkins Hill, LLC. If the Planning Board approves that release then Wilkins Hill will most likely ask the Selectmen to lay out Hanover and Johnson Roads as public ways at the 2016 Annual Town Meeting.

5 Change COA Van gift account to COA Van Transportation Gift Account the Board received a request from the Council on Aging to rename and repurpose the COA Van gift account to the COA Van/Transportation gift account to better reflect the use of the account. The Town Accountant concurs with this request.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to rename and repurpose the COA Van gift account to the COA Van/Transportation gift account.

The Town Administrator's Report was stopped at this point to address the 7:45pm Public Hearing for the Cont'd Site Plan Review for the Telecommunications Tower.

Cont'd Site Plan Review for the Telecommunications Tower

At 7:30 p.m. Mr. Gorecki opened the Public hearing for the Site Plan Review for the Telecommunications Tower. Mr. Gorecki said the report/study on the Telecommunications Tower was released today. The working group for this matter will schedule a meeting in one month with the consultant to discuss the draft study and answer questions. Mr. Gorecki said after the Study has been evaluated, the Board will discuss the next steps for this matter at a future meeting.

On a motion made by Mr. Goddard and seconded by Ms. Lemaire, it 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, February 23, 2016 at 7:30 pm.

Town Meeting Coordination Meeting # 1

Members from the Finance Committee, Community Preservation Committee member Luke Ascolillo, Long Term Caps committee member David Guarino and Personnel Board chair Vanessa Brown were present for this discussion. Finance Committee Chair Kevin Perkins updated the Board on their progress with the annual budget process. He said the FinCom started meeting in September. At that time they prepared and issued a preliminary guideline letter to the Boards and committees asking for a zero percent increase for FY17. The Finance Committee met with boards and committees in October and November to discuss increases they were requesting. In December a final guideline letter was sent to the Boards and Committees and that is what is reflected in the budget tonight.

Summary of Revenue The budget this year (FY17) is \$28.6million compared to the budget for FY16 which was \$28.2million. This is the result of an increase in expenditures of 1.56%. This increase would also result in a tax growth of about 4.5%. Kevin said a significant amount of Free Cash was used for the FY16 budget however only \$200,000 of free cash was applied to this budget. Kevin noted that from a levy perspective, the FinCom does not anticipate any over-rides. At this point there is slightly under \$25million that the Finance Committee could raise using our levy capacity.

Summary of Expenditures The real increases outside of our revenue were in Public Safety and Education.

List of Requests These items included requests from the Police Department, Fire Department, Board of Health, Carlisle Public Schools, Library, Long-term Capital Requests, and separate warrant articles. [See appendix]

The Finance Committee is considering using more free cash if possible and/or defer some expenses. Community Preservation Committee chair Luke Ascolillo reported that very little has occurred at this point in regard CPA requests. He noted that the CPA applications are due on Friday, January 15th. Luke said the fund balances for this year are: Open Space and Recreation - \$55,000, Community Housing - \$200,000; Historic -\$157,000; and, Undesignated – \$835,000 Reserve Fund - \$354,000.

Mrs. Moroney said there was a brief discussion during the Financial Management Team meeting today regarding whether we as a Town want to continue contributing to the Community Preservation Act fund due to the decreasing amount we receive from the State as a match. Mr. Gorecki noted that this issue was brought to Town Meeting a few years ago and it was overwhelmingly affirmed that the residents preferred to continue with the Community Preservation Act. He said the CPA funds have allowed us to set money aside for many projects we would not have been able to afford.

Personnel Board chair Vanessa Brown spoke about the wage and classification study. She said the total cost to implement the wage adjustments from the study would be slightly more than \$139,000. She added that this amount did not include 'step increases' and the Cost of Living Adjustment (COLA). The Personnel Board is recommending a COLA of 2 % for FY17. The cost for a 2.0% COLA is \$52,000. The total cost for the COLA, and wage and salary adjustments was \$190,758. Last year's Town Meeting approved \$20,000 to fund the Wage and Classification Study which will reduce this year's amount to (approx.) \$170,000.

Discussion/approval of the February 9, 2016 Special Town Meeting Warrant

Carlisle Public School Committee members Melissa McMorrow and David Model were present to discuss the proposed amended Minuteman Regional School Agreement. Mrs. Moroney said there are two aspects to the Minuteman discussion; 1) the new Minuteman Regional School Agreement which will include input from Town Counsel; and 2) the Department of Elementary and Secondary Education (DESE) withdrawal approval process.

Melissa said the School Committee is happy to be involved in this process and the plan moving forward. She said the School Committee's obligation at this time is to provide vocational options for those students who want it. Melissa said the Town of Sudbury has created an educational Options sub-committee. Some of the vocational school options they have considered were: Boxborough-

Minuteman, Assabet and Nashoba and the options for Sudbury are: Assabet, Nashoba and Keefe. She said if the Town withdrew from Minuteman, we would need to consider whether we would stay with Minuteman as a non-member or explore other Technical Schools. Melissa said this is not a fast process and she believed there was a three-year time safe-harbor period whereby the students can attend Minuteman while we make our choice.

Mrs. Moroney said at the February 9, 2016 Special Town Meeting we will vote to 1) approve the amended Minuteman Regional agreement and 2) whether or not to withdraw from the District.

The Board had not discussed who would present these articles on behalf of the Town. Ms. Lemaire said she would like to represent the Board of Selectmen in support of these articles. Jerry Lerman offered to speak on behalf of the Finance Committee.

Kevin Mahoney said we have a new Intergovernmental agreement [drafted by the school's legal counsel] which DESE approved. Melissa asked for a copy of the inter-municipal agreement.

Mrs. Moroney said this discussion will continue at the Board of Selectmen's January 26th meeting.

Ms. Lemaire requested that the Board postpone closing the Warrant for this special Town Meeting because the wording did not seem accurate. It was noted that the Board could close the Warrant tonight and still amend the language.

Town Counsel Attorney Donna Brewer said the articles were drafted by Minuteman's Counsel for all of the communities to consider. It was explained that the wording for the one or two articles on this warrant is the same for all district towns. The communities that want to withdraw from the district will have two articles. The communities that are not interested in withdrawing will have one article which is to approve the amended agreement. It was noted that the December date is important because if we want our withdrawal to be effective on July 1, 2017, under the State regulations, the DESE commissioner has to approve the withdrawal and the amendment to the agreement by December 31, 2016. All sixteen towns have to vote to approve the amendments to the agreement.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it unanimously **VOTED** to close the warrant for the Special Town Meeting on Tuesday, February 9, 2016 as presented this evening.

The League of Women's Voters will hold an informational forum on this matter before the Special Town Meeting.

The Board of Selectmen will vote on their position on the two articles on the Special Town Meeting Warrant during their January 26th meeting.

Public input re: proposed Noise Control By-law

David Freedman spoke to the Board about the Noise Control By-law working Group's preparation of a draft General Noise Bylaw. The Board of Selectmen charged the committee to look at noise issues, specifically complaints about roosters and hoe-ramming for ledge removal. The Board was looking for a specific structured set of actions to be taken when noise complaints arose and could not be resolved by the parties with these issues.

David said the committee reviewed how other Towns resolved these specific noises nuisances. They decided to stay away from noise measurement based bylaws and instead looked at what could be done by setting up some procedures on how to deal these issues. The by-law [attached hereto] posted on the Town website establishes conditions for dealing with roosters and hoe ramming.

Public Input

Westford resident Dini Healey Coffin expressed her concerns over whether the rooster 'by-law' has teeth in it and if the language in the by-law should be more definitive. Her question was relative to the two to five acre requirement – commercial farms and how the by-law does not apply to them. David said if you meet the State statute for agriculture, commercial farms are excluded from the nuisance regulations. Mr. Gorecki said when they started working on the bylaw they realized that it was impossible to regulate civility. He said if we cannot regulate it, it cannot be in the by-law and he was hopeful that the people in Carlisle would be good neighbors to one-another.

Andover resident Margaret Sargent Simkin spoke about her brother, Frank Sargent's situation with a neighbor's rooster. She asked the Board to continue pursuing the noise by-law.

Canterbury Court resident Cindy Nock asked if there had been any consideration given to the community for Restorative Justice Board as a way to address this issue. She was informed that by the time they were contacted by the community for restorative justice, this matter had already been in the court system. He agreed however that this would have been a good case for the community for restorative justice.

Agriculture Committee member Peter Mastromarino spoke about his experience while working on the proposed noise by-law. He said it is important to protect the rights of small commercial farmers.

Rutland Street resident Chris Barnhardt questioned the need for the noise by-law. He proposed non-discriminatory objective standards that were independent of the time of day.

David Freedman said the proposed by-law will not please everyone. The intent however is to provide structure whereby we are less likely to have issues.

Frank Sargent, EMT and Carlisle resident did not believe that the proposed by-law presented had 'enough teeth in it', and there was no accountability. He was concerned about how this was going to be enforced.

East Riding Drive resident Barbara Lewis said if she had a neighbor who was diminishing her quality of life she would like to know there was some recourse. After tonight's discussion she did not believe this by-law was the answer.

Mrs. Moroney said given the time, this item will be placed on the next Board of Selectmen's meeting agenda.

Preliminary FY17 Town Hall/General Expense Budget

Mr. Goddard said this budget includes Town Hall and all the buildings we are charged with. He said this budget which was presented to the Finance Committee recently does not have any increases and is consistent with their guideline. He spoke about the custodian position and pointed out that we could use a part-time custodian because the one full time custodian that we have serves the Town Hall, Police Department and the Fire Department. The Legal budget will remain at \$120,000. All other expenditures will stay flat.

Mr. Goddard spoke about the housing coordinator position. He said a few years ago this position was known as the administrative coordinator. It was created to assist the Town Administrator. Over time however, with the increase in housing activity, it was moved over to the housing support position. He wanted to bring it back to the original title and he outlined the duties for this position.

Mr. Brown said the Technology Committee intends to make a presentation to the Board relative to a request for approximately \$75,000 for the initiatives they are proposing. He noted that this request was on the Long Term Caps undetermined list.

Mr. Goddard \$10,000 was put in capital requests. Mrs. Moroney spoke about a request for \$10,000 which would cover the cost of crossing lights in three (3) places in Town. She said she worked with Police Chief Fisher to determine which areas would benefit from the crossing lights. They were: at the Gleason Library crosswalk; in front of her house on Bedford Road, and near Banta Davis. She said FinCom, long term caps and the Chief of Police suggested moving forward on this matter as a test and if it works out well, they may consider other areas.

Ms. Lemaire asked for a print-out of the Town Counsel invoices relative to 338 Bedford Road for the last twelve months.

Town Administrator Report (continued)

6 CCTV Board of Directors – Town representative The Board's current representative to the CCTV Board of Directors is Selectman John Gorecki. Since he has announced that he will not be running for re-election in the spring, the Board discussed appointing a new member to take his place. It was noted that CCTV recently had their annual election and they appointed a new slate of Board

members. Mr. von Roesgen volunteered to represent the Board of Selectmen on the CCTV Board of Directors. Mrs. Moroney thanked Mr. Gorecki for his service while on this Board.

On a motion made by Mr. Brown and seconded by Mr. Gorecki, it was unanimously **VOTED** to appoint Claude von Roesgen to the CCTV Board of Directors.

7 Municipal Building Committee (draft charge) A draft charge for the Municipal Building Committee was presented to the Board for review and discussion. Mr. Goddard said he is preparing a request for proposal for a Facility Inventory that will be funded by capital funds [voted at last year's annual Town Meeting]. This committee charter is designed mostly for maintenance of existing buildings instead of new construction. Ms. Lemaire commented that the attached charge gives a lot of power to an appointed committee with five year terms. She added that the Town has a [General] by-law that states that the Building Committee shall have general supervision over the design, construction or renovation of Town Buildings but does not say anything about dealing with contracts or preparing a report. Mrs. Moroney said that this matter came about because we were having difficulty forecasting maintenance issues which later became large expenses. We are in need of a group that oversees the town buildings and reports to the Board of upcoming issues. A few suggestions were made to amend the proposed draft charter. Mr. Brown said he will work with the Town Administrator on these changes to the charge.

8 Board of Selectmen 2015 Annual Report A draft Board of Selectmen's Annual Report prepared by Mr. Gorecki was presented to the Board for review. Comments and changes were made by the Board and Mr. Gorecki said he would incorporate the necessary revisions to the document.

9 Gleason Library – One day Alcohol Serving License Christine Schonhart was present to request a one day alcohol serving license for an Art Reception event to be held on Friday, February 26th at the Library from 7:00 pm to 10:00 pm.

On a motion made by Mr. Brown and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve a one-day liquor license for an Art Reception to be held at the Gleason Public Library on Friday, February 26th from 7pm to 10pm.

Mr. Goddard said on Tuesday, January 19th at 7:00 pm, Town Counsel will give a seminar in the Town Hall Clark Room relative to Ch. 61 and 61a.

Liaison Reports

Mr. Gorecki reported that the Greenough Barn committee met and they have clarification from Town Counsel as to the manner in which the Barn would need to be handled if it is to be disposed of. Town Counsel informed the committee that Greenough Barn is personal property and therefore the Town needs to declare the Greenough Barn as personal property and as surplus personal property. After that we can proceed with disposition of the property.

On a motion made by Mr. Brown and seconded by Mrs. Moroney, it was unanimously **VOTED** to declare the Greenough Barn as surplus personal property. This item will be discussed again at a future meeting.

The Fire Personnel Study group is meeting on Tuesday, January 19th.

Minutes

The Minutes to the Board of Selectmen meeting of November 10, 2015 were approved as presented
The Minutes to the Board of Selectmen meeting of November 24, 2015 were approved as amended.

The meeting adjourned at 11:35 p.m.

Respectfully submitted by Margaret Arena

Appendix

Documents presented during the meeting:

Planning Board memo re: Hanover Hills

Finance Committee Budget

Finance Committee List of Requests

Draft Charge for Municipal Building Committee

Draft Board of Selectmen's Annual Town Report

Draft General Noise Control Bylaw