

BOARD OF SELECTMEN

January 26, 2016

Minutes

The Board of Selectmen met on Tuesday, January 26, 2016 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Vanessa Hunnibell Moroney, John Gorecki, Nathan Brown, and Lyn Lemaire. Town Administrator Timothy D. Goddard was also present. Claude von Roesgen attended the meeting remotely (by telephone).

Also in attendance:

Heald Street resident Debbie Bentley
Ferns Country Store owner Larry Bearfield
Lowell Street resident Bob Hilton
Lowell Street resident John Lee
Lowell Street resident Gale Constable
Lowell Street resident Annette Lee
Finance Director Larry Barton
Finance Committee member Jerry Lerman
Planning Board Chair Peter Gambino

Community Input

Co-chair of the Energy Task Force [ETF] Debbie Bentley spoke to the Board about the amount of fuel used by Town vehicles. The ETF wants to save the carbon footprint of the Town and would like to decrease the use of vehicle fuel of the Town fleet by 20%. Debbie said she would like to prepare a proposal that will explain what the ETF would like to do to accomplish this issue. Mr. Goddard agreed to work with Debbie on this proposal. She noted that this has to be a Town-agreed proposal. The ETF will need to apply for a Town grant for \$4million. The Board will review this proposal in two weeks.

Ferns Country Store – Carry-in Expanded hours/outdoor seating

Ferns Country Store owner Larry Bearfield presented a new application for a BYOB license which included extended hours [Mon. – Sat. 8 am – 9 pm and Sun. 10 am – 9 pm] and a request to allow consumption of beer and wine on the veranda. Mr. Gorecki said the most recent Site Plan Review for Ferns was in 2011 at which point the business hours were set for BYOB as Mon. – Fri. 4-9 pm, Sat. and Sun. 12-9pm. There was a discussion over whether Mr. Bearfield's current requests are an intensification of use and if they would need to be addressed through another Site Plan Review.

Mr. Gorecki pointed out that the reason for the current and approved hours for BYOB was that after 4:00 pm the number of children going in and out of Ferns decreases.

Mr. Bearfield did not agree with the suggestion that this proposal would result in an intensification of use. He believed that this matter did not require a Site Plan Review.

Mr. von Roesgen agreed with Mr. Bearfield and suggested granting him a temporary one year license to see how this proposal worked out. Mr. Bearfield pointed out that all of his licenses are for a one year time period.

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Mr. Gorecki said the Board needs to agree that this is not an intensification of use. Ms. Lemaire asked if we need to have a public input session on this matter. The Board discussed whether they should amend the Site Plan Review now or have a public hearing to receive input from the Townspeople.

Public input

Lowell Street resident Bob Hilton believed there must be a permitting process to follow for this matter. Mr. Gorecki said Ferns goes through a permitting process for a Victualler license, beer and Wine license and BYOB license every year.

Mr. Hilton said he read in the Carlisle *Mosquito* that there would be a public hearing on this matter. He added that he was not opposed to the change in hours however he believed that there should be a process that is clear to everyone. *Mosquito* reporter, Bob Zielinski said the newspaper did not print that information.

Lowell Street resident John Lee requested clarification of the new change to the BYOB hours. He agreed that it would make sense for the hours for the sale of beer and wine be consistent with BYOB however he did not support extending the hours.

Lowell Street resident Gale Constable did not support the proposed change in hours for BYOB because children will be in the store when people are drinking and then driving in their cars. She believed this set a bad example.

Lowell Street resident Annette Lee said she was not aware of this matter. She believed that the hours and beer and wine on the veranda were significant changes and would certainly have an impact on the neighbors in the center.

Mr. Gorecki said he did not believe this was an intensified use under by-law Section 7.6.1.4. He suggested amending the Site Plan Review rather than go through the Site Plan Review process.

Ms. Lemaire believed the Board should have a public input session on this matter. Mr. Gorecki suggested placing this item on the agenda on February 10th at 7:05 pm. Mrs. Moroney suggested inviting Police Chief John Fisher to answer questions.

Discussion of February 9th Special Town Meeting [BoS to vote position on articles]

The purpose for this discussion was for the Board of Selectmen to take positions on Articles 1 and 2 on the Special Town Meeting Warrant relative to the Minuteman Regional School. Article 1 is for accepting the amended regional agreement and Article 2 is for the withdrawal from the 16 member Minuteman Reg. District.

Ms. Lemaire said last fall she began attending meetings with the member district Selectmen. They discussed what to do with a proposed new \$145million regional high school. This matter has been discussed and negotiated with Mass. School Building Association (MSBA) for about five years.

The main issue is the enrollment which has been declining. Presently there are 380 students from the in-district towns and approximately 200+ students from out of district towns. The out-of-district students pay less than the in-district students. The out of district towns have stated that they do not want to pay any capital fees for the new building. The new regulations state that some towns will pay almost 100% of their share and some almost 75% of their share. The more out of district students that attend Minuteman will increase the burden of the cost for the in-district towns because they will be paying for both the operating and capital costs. This issue has been viewed as being unfair to some of the district towns. It was noted that the cost per student, without taking into consideration the new capital costs is about \$30,000. If the annual debt service was distributed evenly to all of the in-district towns, the cost would be an additional \$7,500 per student.

Ms. Lemaire spoke about the following option which was proposed by a Boxborough selectman. It stated that any in-district Town would have a one-time chance to declare that they wanted to withdraw from the district; and they would then be listed as a declarant in the amended regional agreement. The withdrawing Towns would need to vote to withdraw and vote to approve the

amended regional agreement. It was noted that this can occur only if all 16 member Towns vote to approve the amended regional agreement.

Ms. Lemaire spoke about other options the Town of Carlisle has for vocational education.

Ms. Lemaire suggested that Article 2 be addressed before the Article 1 because it was important to vote on withdrawing from the district. If the Town did not vote to withdraw from the district she did not feel that the new amended agreement should be approved.

Mr. Gorecki said leaving the Minuteman District is an important decision. He said although the cost for our students to attend Minuteman has increased significantly, his goal in this process is to make sure that our students have access to quality vocational education.

Mrs. Moroney said she would like to go in-line with the Finance Committee and Carlisle Public School Committee and support both articles.

On a motion made by Mr. Gorecki and seconded by Ms. Lemaire, it was unanimously **VOTED** to support Articles 1 and 2 on the warrant for the February 9, 2016 special Town Meeting.

On a motion made by Ms. Lemaire and seconded by Mr. Brown, it was unanimously **VOTED** if Article 2, which is taken first, does not pass, the Board of Selectmen will not support Article 1.

Mrs. Moroney announced that the League of Women Voters will host a public forum relative to this matter on Sunday, January 31st at 2:00 p.m. in the Town Hall Clark Room.

Approving Finance Director Job posting

The Board reviewed a draft of the advertisement for a new Finance Director. Larry Barton was present for this discussion to answer questions. Larry said as Finance Director he fills three jobs; Treasure, Tax Collector and Finance Director. The job posting should cover all three positions.

Mr. Goddard asked the Board if they were agreeable to the job posting presented this evening.

On a motion made by Mr. Brown and seconded by Mr. Gorecki, it was unanimously **VOTED** to request the Town Administrator to work with Finance Director Larry Barton in finalizing the job description and posting Finance Director/Treasurer/Collector advertisement.

Draft ATM Warrant / FY17 Budget Discussion

The first draft of the Warrant for the May 9, 2016 was presented for review and discussion. Larry Barton and Finance Committee member Jerry Lerman were present. Larry circulated a list of possible budget items that were requested but at this time not included in budget. Larry asked the Board to go through the list and decide which items have merit and which items should be placed on hold for a future year.

Mrs. Moroney supported the amount of \$190,000 for the Town employee's wage and classification study and the steps and COLA. Mr. Gorecki said he supported the entire amount of \$315,846 which included Fire Department stipends, additional dog officer and Fire Department secretary wages.

Ms. Lemaire said the Town of Carlisle has one of the highest tax rates around, which has caused some residents to leave Town. She believed there needed to be some fiscal discipline. She suggested allowing the Townspeople to make the decision on these items.

Larry went through the list with the Board; giving a better explanation of each, providing consideration to their importance and suggesting how they should be funded.

In regard to the shared energy manager, The Board will meet with the Energy Task Force to discuss their request for \$24,000. Jerry said he did not have a complete sense of the need for full-time kindergarten. Mr. Gorecki said education is a very important issue in Carlisle. Mrs. Moroney said she would support this item however she was not a strong supporter of children of that age attending all-day kindergarten.

Warrant discussion Planning Board chair Peter Gambino was present to ask the Board to place on the Warrant a proposed amendment to the Zoning By-laws, Sec. 7.6 - Site Plan Review. The amended by-law would substitute the Planning Board for the Board of Selectmen as the reviewers of

applications for site plan approval. This would streamline the process for applicants and achieve consistency with the manner in which the process is conducted in the majority of other Massachusetts communities. Peter added that the proposed amendment will correct errors in the previous amendment of Sec. 7.6.10, relative to the appeal process of site plan approval decisions. He explained that the Planning Board is making this request/recommendation to address the complexities and some of the confusion in the current process that was experienced in the last two site plan review applications.

Peter said due to increasing costs for printing in the Carlisle *Mosquito*, the Planning Board would like to schedule one (1) public hearing for both the site plan review amendment and the Solar Over District amendment on March 14th.

On a motion made by Ms. Lemaire and seconded by Mr. Gorecki, it was unanimously **VOTED** to refer the proposed changes to the Site Plan Review zoning by-law to the Planning Board.

Mr. Gorecki spoke about a few additional articles for placement on the Warrant. They were: two (2) PEG Access articles for both FY16 and FY17, two zoning by-law amendments, two Home Rule Petitions, Double Pole home rule petition [to sponsor legislation which would allow the Board of Selectmen greater ability to negotiate with public utilities], and the noise by-law.

Mrs. Moroney spoke about a Home Rule Petition, Ch. 94, which is an act relative to the recall of elected officials. She presented a sample of the Ch. 94 Act relative to the elected official in the Town of Dighton [approved on Oct. 2, 2015], noting that this document could be used as a boiler plate document for the Town of Carlisle. Also presented was a document from the MA Dept. of Housing & Community Development that contained information explaining what a recall, and the steps in the recall process. Mrs. Moroney said she would have further information on this Petition at a future meeting. It was noted that this would be an authorization to request a Home Rule Petition from the Governor.

Mr. Goddard spoke about the Home Rule Petition relative to the Town Clerk's position and changing it from an elected position to an appointed position. This matter was proposed by the Board a few years ago and it received negative reviews and therefore was withdrawn for consideration. Mr. Goddard said since that time he has talked with the Town Clerk and the proposal now is to make the change from an elected to appointed position upon the retirement of the incumbent. He noted that this change has no reflection on the present Town Clerk Charlene Hinton. Mr. Goddard said this proposal would prepare the Town with a succession plan. The Town would have greater recruitment choices and adding that the Town Clerk's position requires a qualified individual as it has become more complicated and is no longer a learning position. He said as an elected Town Clerk, this employee cannot be a part of the compensation system which includes step increases and the wage and classification study. It was noted that Town Meeting sets the salary for this position as it stands.

Mr. Gorecki suggested asking the Town Clerk to attend a Selectmen's meeting to discuss this matter.

Town Administrator's Report

1 Proposed FinTeam Changes The Board reviewed the current charge for the Financial Management Team [FinTeam]. It has been proposed that the FinTeam cease to exist as a formal committee and therefore would not be subject to the Open Meeting Law. The FinTeam meetings consist of the Town's financial officers and no quorum of any Board is present. It was noted that the FinTeam would continue to meet informally and Minutes will still be taken for record-keeping purposes.

The Board decided to review this matter with a revised draft of the charge at a future meeting.

2 Board of Selectmen 2015 Annual Report A copy of the revised 2015 Annual Report for the Board of Selectmen was presented. Mr. Gorecki said the changes as suggested and monetary amounts were implemented to the report since the last meeting.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to approve the Board of Selectmen's 2015 Annual Town Report.

3 Cranberry Bog/Curve Street Dam Reports The dam inspection reports for both the Cranberry Bog Dam #1 and the Curve Street Dam were presented. It was reported that the Cranberry Bog dam is in poor condition and the Curve Street dam is in fair condition. Mr. Goddard suggested that the Board schedule a meeting with the Conservation Commission to discuss the issues with the dams.

4 Telecommunications Report Available A draft of the Telecommunications report was available for the Board to review on the Town web site and also on the consultant's web-site [<http://www.isotrope.im/Carlisle>], password: Public\$afety.

5 Requests for Permission for Fundraising Bicycle Rides Requests were made from the Boston Brain Tumor Society and the N.E. Chapter of the Multiple Sclerosis Society for permission to conduct part of their annual fundraising bike rides through the streets in Carlisle.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to approve the Boston Brain Tumor Society' request to conduct a portion of its' Sunday, May15, 2016 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 comply with the Town's policy on Marking of Routes.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to approve the Greater N.E. Chapter of the Multiple Sclerosis Society's request to conduct a portion of its' Saturday, July 16, 2016 bicycle ride in the Town of Carlisle with the understanding that they shall consult with the Police Department regarding traffic and roadway safety issue and comply with the Town's policy on Marking of Routes.

6 42 Lowell Street A letter was sent from Cushing, Jammallo & Wheeler, Inc. (CJW) on behalf of Barbara Culkins, requesting access to the Town-owned property known as Center Park, 42 Lowell Street for the purpose of installing monitoring wells at three locations. Mr. Gorecki said he met with the individuals who will be performing this work and the coordinator of the Center Park. Three areas were selected for the drilling. It was noted that the drilling will occur while the ground is still frozen. Mr. Gorecki said we have to supply CJW with an 'access plan'. Mr. Gorecki noted that one item that was discussed with CJW was left out of the access plan. The item was that CJW agreed to repair any damage to the grass and the plantings.

On a motion made by Ms. Lemaire and seconded by Mr. Brown, it was unanimously **VOTED** to authorize Selectman John Gorecki to engage Cushing, Jammallo & Wheeler, Inc. to negotiate the agreement presented tonight [with amendment] and sign same on behalf of the Board.

Liaison Reports

Mr. Gorecki spoke about the Greenough Barn. He said in order for the Barn to be removed from the property, it needs to be declared surplus personal property by the Board of Selectmen.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, to declare the Greenough Barn as surplus personal property. This matter will be voted on at a future meeting.

Mrs. Moroney reported that Housing Production Plan committee is having its last meeting this week solely to review Minutes.

Mr. Brown said the Technology committee scheduled a meeting on Thursday, January 28th to outline projects that would span over the next few years.

Minutes

The Minutes to the Board of Selectmen meeting of December 22, 2015 were approved as presented.

The meeting adjourned at 10:35 p.m.

Respectfully submitted by Margaret Arena

Appendix

Documents presented during the meeting:

Warrant for Special Town Meeting

Finance Director/Treasurer/Collector advertisement

List of Requests identified by FinCom – not included in Guideline

Annual Town Meeting Warrant – May 9, 2016

Financial Management Team Charter

Board of Selectmen's Annual Town Report – Final

DCR dam inspection report(s)

Ch. 94 Recall Act

Cushing, Jammallo & Wheeler, Inc. – Request to Access