

Board of Selectmen Meeting  
Tuesday, July 14, 2020  
Remote participation: Zoom Meeting

Meeting ID: 845 6804 9270

The Board of Selectmen met on Tuesday, July 14, 2020 at 7:00 p.m. by remote participation via Zoom Meeting (Meeting ID: 845 6804 9270). Those present were Chair Alan Lewis, Barney Arnold, Kate Reid, Luke Ascolillo and David Model.

\*This meeting was live streamed and recorded <https://www.youtube.com/watch?v=Gwvzvs59zwk>

In accordance with Massachusetts Open Meeting Law Remote Participation 940 CMR 29.10 all votes shall be by rollcall.

Community Input:

The Board of Selectmen welcomed new member David Model.

LEPC Update/Public Information Session re: Coronavirus (COVID-19)

Police Chief John Fisher and Alan Lewis on behalf of the Local Emergency Planning Committee (LEPC) reported two new COVID-19 cases in Carlisle, bringing the total current case count to 19. Carlisle residents urged to continue to practice social distancing and hand washing protocols, cautioning young people that they can unknowingly transmit the disease to elderly or infirm family members.

Reorganization of the board:

On the motion made by Barney Arnold and seconded by Luke Ascolillo, it was VOTED to appoint Alan Lewis as chair of the Board of Selectmen.

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, D. Model-Aye, K. Reid-Aye and Alan Lewis- abstained.

On the motion made by Kate Reid and seconded by Luke Ascolillo, it was VOTED to appoint Barney Arnold as vice-chair of the Board of Selectmen.

ROLL CALL VOTE: L. Ascolillo-Aye, A. Lewis-Aye, D. Model-Aye, K. Reid-Aye, and B. Arnold-abstained.

On the motion made by Kate Reid and seconded by Luke Ascolillo, it was VOTED to appoint David Model as the clerk of the Board of Selectmen.

ROLL CALL VOTE: L. Ascolillo-Aye, A. Lewis-Aye, K. Reid-Aye, B. Arnold- Aye, and D. Model-abstained.

Town Accountant - Year End FY20 Transfers and Board of Health Revolving Fund

Board of Health 53E ½ Revolving Fund limit

Cathy Galligan from the Board of Health (BOH) provided an explanation for the request for an additional increase to annual spending limit on the BOH 53E1/2 revolving account.

In early June, FinCom and BOS approved an increased limit for the 53E1/2 account; from \$60,000 to \$70,000. The Board of Health is now requesting a further increase to \$80,800 for services performed through June 30, 2020. The new increase reflects the comprehensive review of the Benfield Farms failed sewage disposal system, done primarily by an independent engineering firm. The review is being paid for by NOAH, the community development organization that owns and operates Benfield Farms, with funds passing through the 53E1/2 account to the engineers. The previously approved \$70,000 cap was developed during the time when most services were on hold or extremely limited due to COVID-19. At the time, the \$70,000 cap appeared to cover the cost of services completed between mid-May and the end of June. Much of the initial work for Benfield Farms needed to be performed in the BOH office or in groups, on site at Benfield Farms. Due to the partial re-opening of Town Hall, the consultant was able to make rapid progress in June and the invoices reflected more work than what was projected.

The \$80,800 cap allows BOH to pay for services provided through June 30<sup>th</sup>.

Ms. Dumka explained that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Board of Selectmen.

On the motion made by Kate Reid and seconded by Barney Arnold, it was VOTED to increase the spending limit for the FY20 Board of Health Section 53 E ½ revolving fund from \$70,000 to \$80,800, per the Board of Health's request.

ROLLCALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, A. Lewis-Aye, D. Model-Aye, and K. Reid-Aye Year End

FY20 Transfers

Town Accountant Priscilla Dumka has requested that the Board of Selectmen vote, pursuant to MGL C.44, §33B, to approve year-end transfers between various line items of the Fiscal Year 2020 budget, as follows:

- \$14,750.00 to Audit for the cost of the Fraud Audit;
- \$49,448.30 to Vocational Education for actual tuition & transportation costs;
- \$41,895.85 to Snow & Ice for actual snow & ice costs;
- \$11,044.69 to Veteran's Benefits for actual cost of Veteran's benefits;
- \$25,000.00 to Blanket & WC Insurance for actual insurance costs;
- \$18,104.00 to State & County Charges for actual costs charged by the State;

From:

\$83,166.42 from Group Insurance

\$77,076.42 from Long Term Debt Interest.

On the motion made by Kate Reid and seconded by Barney Arnold, it was VOTED pursuant to MGL C.44,§33B, to approve year-end transfers between various line items of the Fiscal Year 2020 budget, as detailed above.

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, A. Lewis-Aye, D. Model-Aye, and K. Reid-Aye

Reserve Fund Transfers (FRT)

The Finance Committee has approved(2) Reserve Fund Transfer (RFT) Requests submitted by the Town Accountant as part of the Fiscal Year 2020 Closeout process.

- \$20K to be transferred to the Town Administrator’s Expenses to pay remaining FY20 invoices by town departments
- \$10K RFT to be transferred to Police Department operating

budget All unspent funds will be returned to Free Cash.

Approval of Collective Bargaining agreement with Dispatchers union

On the motion made by Barney Arnold and seconded by Luke Ascolillo, it was VOTED to approve the proposed changes to the current collective bargaining agreement with Local 20A, as presented this evening by the Town Administrator, to be consolidated into a new three year agreement that will run from July 1, 2020 through June 30, 2023.

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, A. Lewis-Aye, D. Model-Aye, and K. Reid-Aye

Annual Appointments

On the motion made by Kate Reid and seconded by Barney Arnold, it was VOTED to appoint the following individuals to serve on town boards and committees shown below:

<u>Community Preservation Comm ( 3 Yr)</u>	Term Expiration
Peter Yelle from (Planning Board)	6/30/2023
Samantha Rottenberg (Citizen)	6/30/2023

Cultural Council (3 Yr)

Alain Bojarski	6/30/2023
Jill Henderson	6/30/2023
Dan Lennon (New member)	6/30/2023
Jenn Albanese(New member)	6/30/2023
Karin Kliger (New member)	6/30/2023

Deer Committee (1 Yr)

Alex Parra, ConsCom	6/30/2021
Todd Thorsen (BOH)	6/30/2021
Jonathan DeKock, chair (Trails)	6/30/2021
Barney Arnold (BOS)	6/30/2021
John Keating (Citizen at large)	6/30/2021

Energy Task Force (1 Yr)

Robert Zogg, Chair	6/30/2021
Jonathan DeKock	6/30/2021
Launa Zimmaro (New member)	6/30/2021

Finance Committee (3 Yr)

Scott Triola	6/30/2023
Victor Liang, Chair	6/30/2023
Melissa McMorrow	6/30/2023

Household Recycling Comm (3 Yr)

Rob Peary, Chair	6/30/2023
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Recreation Commission (3 Yr)

Amy Smack	6/30/2023
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Scholarship Advisory Committee (1 Yr)

Diane Powers, Chair	6/30/2021
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Senior Tax Advisory Committee (1yr)

Kimberley Kane, Finance Dir.	6/30/2021
Melissa Stamp	6/30/2021
Angela Smith	6/30/2021
Joan Ingersoll	6/30/2021
Walter Hickman	6/30/2021
Barbara Culkins	6/30/2021

Traffic Safety Advisory Comm (1 Yr)

Timothy D. Goddard	6/30/2021
Luke Ascolillo	6/30/2021
Gary Davis, DPW Gary Davis	6/30/2021
John Fisher, Police Chief	6/30/2021
Burt Rubenstein Fire Dept	6/30/2021

Lee Storrs 6/30/2021

Trails Committee (3 Yr)

Robert "Roy" Herold 6/30/2023

Veterans Committee (1 Yr)

Timothy Nickerson 6/30/2021

Greg Fairbank 6/30/2021

Christopher Eisenbies 6/30/2021

Youth Commission (3Yr)

Lauree Cameron Eckler, Chair 6/30/2023

Zoning Board of Appeals ( 3 Yr)

Travis Snell, Chair 6/30/2023

Emanuel Crespo, Clerk 6/30/2023

Associate members (3 Yr)

Eric Adams 6/30/2023

**Town Administrator's Report**

**1-Caroline Hill Scholarship Awards**

The Caroline Hill Scholarship Committee has made its' recommendations for scholarship awards for the 2020-21 academic year as described in a letter dated July 6, 2020 from Caroline Hill Scholarship Committee chair Diane Powers.

On the motion of Kate Reid and seconded by Luke Ascolillo, it was unanimously VOTED to approve the award of \$10,000 in scholarships from the Caroline Hill Scholarship Fund for the 2020-2021 academic year, to be dispersed as recommended by the Caroline Hill Scholarship Committee.

ROLLCALLVOTE: B. Arnold-Aye, L. Ascolillo-Aye, A. Lewis-Aye, D. Model-Aye, and K. Reid-Aye 2-

**Request to observe Indian Independence Day - August 15, 2020**

The India Association of Greater Boston, (IAGB) has requested permission for a flag raising ceremony on the Town Common on August 15, 2020 to commemorate India Independence Day. Police Chief John Fisher has offered the assistance of the Carlisle Police Department.

On the motion made by Kate Reid and seconded by Barney Arnold, it was unanimously VOTED that the Board approve the use of the Town Common and flagpole on Saturday, August 15, 2020 from 8:00am – 10:00am by the India Association of Greater Boston to observe Indian Independence Day, provided that they also obtain the permission of the First Religious Society and coordinate with the Carlisle Police Department.

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, A. Lewis-Aye, D. Model-Aye, and K. Reid-Aye

3- Carlisle Municipal Vulnerability Preparedness Grant Application

The Planning Board along with the Master Planning Steering Committee have requested a letter of support from the Board of Selectmen for a grant under the state's Municipal Vulnerability Preparedness program to study the effects of climate change in the Town of Carlisle.

On the motion made by Kate Reid and seconded by Barney Arnold, it was unanimously VOTED that the Board send a letter of support for the grant under the state's Municipal Vulnerability Preparedness program for the Town of Carlisle.

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, A. Lewis-Aye, D. Model-Aye, and K. Reid-Aye

Upcoming Meetings:

July 28<sup>th</sup> – Eversource pole location hearing (Church Street), Annual Town Meeting Recap with Moderator, Chapter 90 discussion with DPW Superintendent (Barney - away)

August 4<sup>th</sup> - Special Meeting (Clark Rm @ 6pm) – FY2021 Goals & Priorities

August 11<sup>th</sup> – Regular Selectmen's meeting, Discussion of merging Town/School facilities and procurement functions

August 25<sup>th</sup> - Regular Selectmen's meeting

On the motion made by Alan Lewis and seconded by Barney Arnold, it was unanimously VOTED to adjourn the meeting.

List of documents discussed during the meeting:

- BOS Meeting Packet Material
- Email from Jeanie Geneczko to Deer Control Committee regarding OML Violation

**From:** Jeannie Geneczko <jeanniegen@yahoo.com>  
**Sent:** Monday, July 13, 2020 9:42 PM  
**To:** Alan Lewis <alewis@carlislema.gov>; Luke Ascolillo <luke.ascolillo@comcast.net>; Kate Reid <kreid@carlislema.gov>; barney4carlisle@gmail.com  
**Cc:** Tim Goddard <tgoddard@carlislema.gov>; Jennifer Gibbons <jgibbons@carlislema.gov>  
**Subject:** Fw: MA Open Meeting Law, Violation of

Dear Board of Selectmen,

The email below was sent to the Deer Control Committee on 7/6/20. I have not yet heard back from them.

I am bringing this to your attention since the DCC members were appointed by you and were sworn to abide by the guidelines to convene.

Jenn, please forward as well to Dave Model as I do not have a contact email address for him.

Respectfully,

Jeannie Geneczko  
898 Maple Street

----- Forwarded Message -----

**From:** Jeannie Geneczko <jeanniegen@yahoo.com>  
**To:** deer@carlislema.gov <deer@carlislema.gov>  
**Sent:** Monday, July 6, 2020, 01:29:35 AM EDT  
**Subject:** MA Open Meeting Law, Violation of

Dear Deer Committee:

I am deeply concerned that the Deer Committee has been in violation of the Massachusetts Open Meeting Law. I know that being in violation with the OML is not what you want.

The Open Meeting Law website, <https://www.mass.gov/the-open-meeting-law>, includes not only the Massachusetts law and the Massachusetts regulations, but a detailed document titled, **“Frequently asked questions about the Open Meeting Law.”**

Of relevance to my concern is the following question asked in that document under a major subtitle, **“Frequently asked questions about the Open Meeting Law: deliberation and electronic communication.”**

That question is, **“May a public body member communicate with other public body members over email?”**

The response to that question is specific, “Yes, but only in limited circumstances. A member of a public body may email other public body members on matters within jurisdiction of a public body so long as the email does not reach a quorum of the public body. Communications between

and among a quorum of a public body on matters within the jurisdiction of the public body must occur during a noticed meeting. G.L. c. 30A, §§ 18, 20. A public body member may lawfully email a quorum of the public body only to discuss scheduling a meeting, distribute a meeting agenda, or to distribute reports or documents to be discussed at a meeting, *provided that no opinion of a member of the public body is expressed*. See G.L. c. 30A, § 18.” The italics are mine for emphasis.

The chair of the Deer Committee has in the past emailed at least a few different documents to all the members of the Committee (a quorum) requesting feedback from individual members to him alone (sub-quorum) to incorporate into a draft document that he was working on. That Chair's email has been sent either as a single email to all other committee members or a personalized, separate email to each committee member with the same request. Each committee member is expected to respond. The draft document with incorporated inputs by all the committee members was then emailed to the quorum of members for final review. This practice constitutes deliberation outside the Open Meeting Law and is not allowable by the OML.

Under a different major subtitle, “**Frequently asked questions about meetings,**” the following relevant question is asked, “**May a public body meet without a quorum?**”

The response to that question is also specific, “The Open Meeting Law requires that any communication between or among a quorum of a public body on any matter within its jurisdiction must be conducted during a noticed meeting. See G.L. c. 30A, §§ 18, 20. A “quorum” is defined as “a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.” G.L. c. 30A, § 18. The law defines a “meeting” as “a deliberation by a public body with respect to any matter within the body’s jurisdiction[.]” Id. Thus, when less than a quorum meets (and it is not a subcommittee of the public body), it is not considered a “meeting” under the law.

Nevertheless, we caution public bodies about meeting when a quorum is not present. *The Open Meeting Law prohibits **serial communication** between or among members of a public body that reach a quorum of members outside of a noticed meeting. Thus, when a sub-quorum discusses a topic, which is then shared with a quorum outside of a meeting, it may be considered improper deliberation.* See District Attorney for the Northern District v. School Committee of Wayland, 451 Mass. 561, 570-571 (2009) (“*Governmental bodies may not circumvent the requirements of the open meeting law by conducting deliberations via private messages, whether electronically, in person, over the telephone, or in any other form*”). The Attorney General recommends that a public body that does not achieve a quorum for a particular meeting consider postponing the meeting until a quorum is present, rather than proceeding with an informal discussion.” Bold and italics are mine for emphasis.

This term “serial communication” here would describe Deer Committee email communications that, for all intents and purposes, results in a meeting of the committee members although these members are not present at a publicly posted meeting. This is a violation of the Open Meeting Law.

Currently, the Chair of the Deer Committee is again writing a draft document, this time of a revised hunting plan, and at some point sending it out in an email to all committee members (quorum), either in a single email to the committee body or individually to each committee member. asking for individual opinions (multiple sub-quorums that include him) before he incorporates all into a final draft to email to the committee body (quorum) for review.

I ask the Deer Committee to immediately stop this email circumventing practice which is a violation of the OML.

Respectfully,

Jeannie Geneczko

898 Maple Street