

BOARD OF SELECTMEN
Tuesday, March 26, 2019

The Board of Selectmen met on Tuesday, March 26, 2019 at 7:00 p.m. at the Town Hall (Clark Room). Those present were Chairman Nathan Brown, Kate Reid, Luke Ascolillo and Alan Lewis.

Kerry Kissinger participated remotely via Skype - In accordance with OML requirements for Remote Participation all votes taken during tonight's meeting shall be by roll call vote.

Community Input:

There were no requests.

Special 1-Day Liquor License Approval:

The Board of Selectmen reviewed a copy of the one day liquor license application as submitted by Library Director Martha Feeney-Patten and signed off by the Police Chief John Fisher for the Annual Art Reception to be held on April 5, 2019 during the hours of 7p.m. to 9p.m. at the Gleason Public Library.

No police detail is required for this event.

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen Board of Selectmen grant a One-day Wine and Malt Beverages License pursuant to MGL Chpt. 138, Section 14 to Gleason Public Library for an event to be held at 22 Bedford Road, Carlisle MA 01741 on April 5, 2019 from 7:00 P.M. – 9:00 P.M. subject to the applicant providing a host liquor liability insurance certificate.

ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye.

Carlisle Energy Task Force: Electric Vehicle Charging Station at Town Hall

The Board of Selectmen met with Deborah Bentley from the Carlisle Energy Task Force regarding a proposal for an Electric Vehicle (EV) charging station at Town Hall. Ms. Bentley explained that the Town of Carlisle Green Community Projects for 2018 which included an Electric Vehicle (EV) Charging Station at Gleason Public Library. However, the Library Trustees were not in support because of the limited parking and it would involve special approval from the Historical Commission.

It was explained that grant funds would pay for the installment of one mount (with dual port). Eversource installs wiring (no charge) and there is no cost for electricity and complete installation of the EV Charging Station is covered by the Green Community grant funding.

The Board agreed that Town Hall would not be their first preference for locating an EV Charging Station and other locations such as Center Park, Ferns Country Store, and Carlisle Public School would be more ideal in terms of usage.

Ms. Bentley explained that the grant funds will be lost if not acted upon before June 30th. The Energy Task Force will continue to pursue other locations as additional grant money becomes available.

Nathan Brown requested a sign to identify the designated EV Charging Station parking area and time restrictions.

On the motion made by Alan Lewis and seconded by Kate Reid, it was *VOTED* (4-1) to approve the location. ROLL CALL VOTE: K. Kissinger-Nay, K. Reid-Aye, N. Brown-Aye, L. Ascolillo- Aye and A. Lewis-Aye.

Personnel Requests:

Town Clerk

The Board of Selectmen met with Mary DeAlderete, Town Clerk to discuss the requested additional hours for Assistant Town Clerk.

1. Change title of current position to “Assistant Town Clerk
With the change in title comes more responsibilities (notary, vital records, election coverage, and confidentiality). The title change request has no increase in salary and was approved by Personnel Board.
2. Request for increase in hours (24hrs to 30hrs)
Allows coverage on Mondays, increased services available to residents, plans for succession. The additional hours were approved by Personnel Board but requires approval by the Board of Selectmen for the increase in budget (\$5,839.)

Conservation Commission

The Board of Selectmen met with Conservation Commission chair Angie Verge and Conservation Administrator Sylvia Willard as a follow-up to the January 29th discussion with the selectmen regarding their personnel request to revise the job description for the Administrative Assistant to the Conservation Commission. Angie Verge described the changing needs of their department relative to the enforcement of the Massachusetts Wetland Protection Act and management of conservation land in Carlisle in support of the position Grade Change from 5 to a Grade 6.

The Conservation Commission has also requested 5 additional hours for the administrative assistant. Three of the five hours requested are currently being paid from the Wetlands permit funds.

<u>Grade</u>	<u>Hours</u>	<u>General Fund</u>	<u>Total</u>
5	30	\$37,883.04	\$42,103.38
5	25	\$42,103.38	\$49,120.61
6	30	\$39,926.84	\$44,363.15
6	35	\$44,363.15	\$51,757.00

Total Funding Requested: \$10,766.00.

No action taken this evening.

The Board of Selectmen is scheduled to vote on warrant articles at their next meeting pending final budget recommendation from the Finance Committee.

Review of Town Meeting Warrant Article Requests:

Recreation Commission – Spalding Field Study - \$20K

The Board of Selectmen met with the Carlisle Recreation Commission chair Andrew McMorro to review

the proposed warrant article requesting funding to pay for a Feasibility Study at Spaulding Field for \$20,000.00 to correct the existing site conditions (i.e., pooling of surface water, grading problems, drainage issues, overgrowth of trees causing sun blockage, grass erosion, sinkholes, etc.).

Mr. McMorrow explained that due to these current conditions, Spaulding Field will not be used at all this year. Carlisle Middle School and town recreation programs will instead have to use Banta-Davis or the Town of Concord.

Luke Ascolillo as the designated liaison to the School Committee volunteered to work with the Recreation Commission to finalize the warrant article language.

A full copy of the PowerPoint Presentation is attached.

Finance Committee - FY20 Budget Recommendation:

FY20 Budget Update

The final recommendation from Finance Committee regarding FY20 Operating Budget is still pending. The Finance Committee is scheduled to meet on Tuesday, April 2, 2019 to finalize the budget. There was no further discussion.

Cost of Living Adjustment (COLA) Recommendation:

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen approve the 2% Cost of Living Adjustment for Fiscal Year 2020 for non-contract town employees. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye

The Board of Selectmen requested that the Finance Committee submit their recommendation regarding Cost of Living Adjustment in writing next year.

Finalize Annual Town Meeting Warrant, Town Election Warrant/Ballot Questions:

- ART. 1 - Consent Agenda
- ART. 2 - Town Reports
- ART. 3 - Salaries of Elected Officials
- ART. 4 - Actuarial Valuation of Post-Employment Benefits
- ART. 5 - Revaluation
- ART. 6 - Real Estate Tax Exemption
- ART. 7 - FY 2020 Chapter 90 Authorizatio
- ART. 8 - Department Revolving Funds Authorization
- ART. 9 - PEG (Public, Educational, Government) Local Access Appropriation
- ART. 10 - Fiscal Year 2019 Budget Transfers
- ART. 11 - FY20 Operating Budget
- ART. 12 - Special Appropriations
- ART. 13 - Funding for Town Master Plan - \$160,000

- ART. 14 – Town of Carlisle Complete Streets and Crosswalk Safety Enhancements
- ART. 15 – Capital Funding - Technology
- ART. 16– CAPITAL EQUIPMENT
- ART. 17 - MUNICIPAL FACILITIES
- ART. 18 – Fund Fuel Spill Remediation
- ART. 19 – Police Station Renovation Project
- ART. 20 – Amend the Zoning Bylaws re: Ban Commercial Marijuana Sales:
- ART. 21 – Amend the Zoning Bylaws re: Establish requirements and restrictions (Recreational Marijuana Facilities)
- ART. 22 – Amend the Zoning Bylaws re: Medical Marijuana Medical Marijuana Bylaw Amendments
- ART. 23 - Public Safety Communications Equipment Tower Lease
- ART. 24 – CPA Annual Recommendations:
- ART. 25 – Amend the Carlisle Zoning Bylaws re: Section 5.12, Residential Open Space Community
- ART. 26 – Authorize solar facility lease(s), PILOT Agreements, easements for Transfer Station and CPS parking lot
- ART. 27 – Amend the Carlisle Zoning Bylaws – Section 5.8, Revisions to Solar District:
- ART. 28 – SCHOOL PARKING LOT RESURFACING PROJECT
- ART. 29 – Resolution regarding support for Pay-As-You-Throw (PAYT) solid waste disposal system **(WITHDRAWN)**
- ART. 30 – Amend General Bylaws - new section re: Right to Farm bylaw
- ART. 31 – Accept MGL Ch. 140, s. 139, no dog license fee for residents over age 70:
- ART. 32 – Amend General Bylaws – Section 12.1, add to list of scenic roads:
- ART. 33 – Funding for Spalding Field Study - \$20K:
- ART. 34 – Concord-Carlisle Regional School District Capital Project:
- ART. 35 – Vote to dissolve Carlisle Housing Authority
- ART. 36 - Amend General Bylaws – Section 3.26, change designation from Housing Authority to Affordable Housing Trust
- ART. 37 – Citizen Petition re: Easement from Town for nitrogen loading credits **(WITHDRAWN)**
- ART. 38 – Citizens’ Petition to Amend General Bylaws Section 10.1

Article 29. The Pay-As-You-Throw (PAYT) plan for the Transfer Station has been withdrawn by the Carlisle Household Recycling Committee (CHRC). The CHRC recommended that the Board of Selectmen implement a phased approach to changes of the Town’s solid waste program. The following items are recommended for implementation, in order of priority.

1. *Discontinue the collection of Construction & Demolition Debris.*
2. *Initiate a municipal composting program.*
3. *Implement fees for bulky items.*
4. *Increase Transfer Station sticker fees.*
5. *Monitoring of sticker compliance.*

Article 37 – Citizen Petition re: Easement from Town for nitrogen loading credits has also been withdrawn by the petitioner.

ELECTION OF OFFICERS

To see if the Town will vote on the election of the following Town Officers:

Moderator	one for a term of one year
Selectmen	two for a term of three years
Board of Assessors	one for a term of three years

Board of Health	two for a term of three years
Library Trustees	one for a term of three years
Planning Board	three for a term of three years
School Committee	two for a term of three years
Housing Authority	one for a term of five years
Housing Authority	one for a term of three years
Housing Authority	one for a term of two years

Question 1: Shall the Town of Carlisle be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town’s allocable share of the bond issued by the Concord-Carlisle Regional School District for improvements including the reconstruction of the access road and designing and constructing a new parking lot?

Question 2: Shall the Town of Carlisle be allowed to exempt from provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund a construction project on the Carlisle Police Station?

Question 3: Shall this Town adopt the following Bylaw?

Town Counsel Summary

Section 5.11 of the Zoning Bylaw, Marijuana Establishments, the full text of which is provided below, would prohibit all types of Marijuana Establishments regulated under *M.G.L. c.94G* from being sited in the Town. The adoption of Section 5.11 would not prevent a Medical Marijuana Treatment Center from operating in the Town, nor would it prevent the personal use of marijuana for medical or adult use, in accordance with other laws.

Question 4: Shall this Town adopt the following Bylaw?

Town Counsel Summary

The Town’s Zoning Bylaw currently prohibits all types of marijuana establishments and the commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana, unless permitted as Medical Marijuana Treatment Center in accordance with Section 5.10 or as a Permitted Marijuana Establishment in accordance with this Section 5.11.

Section 5.11 of the Zoning Bylaw, Permitted Marijuana Establishments, allows for the siting of “Permitted Marijuana Establishments” by special permit within the Business District (but not the Carlisle Center Business District). This proposed Bylaw amendment would define “Permitted Marijuana Establishment” as either a “Craft Marijuana Cooperative or a Marijuana Cultivator” regulated under *M.G.L. c.94G*, which allows for the adult use of marijuana.

Because only Permitted Marijuana Establishments are allowed under the Town’s Zoning Bylaws, adopting this definition into Section 5.11 will have the effect of prohibiting all other types of adult use Marijuana Establishments regulated under *M.G.L. c.94G*, including, but not limited to, Marijuana Testing Facilities, Marijuana Product Manufacturers, and Marijuana Retailers, from being sited in Town. Incorporating the proposed definition into Section 5.11 would not prevent a Medical Marijuana Treatment Center from operating in Town, nor would it prevent the personal use of marijuana for medical or adult use, in accordance

BoS Vote to approve Debt Exclusion questions

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen include a question on the May 7, 2019 Town Election ballot for a Debt Exclusion pursuant to MGL Ch. 59, s. 21C (k) to consider excluding the debt service associated with the CCRSD access road

reconstruction and new parking lot project and to notify the Town Clerk in writing regarding this vote. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye.

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen vote to include a question on the May 7, 2019 Town Election ballot for a Debt Exclusion pursuant to MGL Ch. 59, s. 21C (k) to consider excluding the debt service associated with the Police Station renovations project and to notify the Town Clerk in writing regarding this vote. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye.

Vote to close 2019 Annual Town Meeting/Election warrants

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen vote to close the warrants for the April 29th 2019 Annual Town Meeting and the May 7th Town Election based on the draft warrants presented this evening subject to final review by Town Counsel and the Town Administrator as to language and form. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye.

Personnel Requests - Policy discussion:

The Board of Selectmen reviewed the draft copy a Personnel Policy outlining the process to submit personnel changes to be considered for the upcoming fiscal year.

The initial request would be submitted to the Town Administrator and then would be sent to the Board of Selectmen within two weeks for a preliminary approval (not final) to have the Personnel Board evaluate and decided whether to approve or disapprove the requested personnel change. The Personnel Board will be requested to schedule a meeting to discuss the personnel request within 30 days of receipt. If the Personnel Board approves the request it will be forwarded to the Finance Committee for their recommendation to the Board of Selectmen for final approval by the Board of Selectmen.

Nathan Brown volunteered to redraft policy document based on input discussed this evening.

Reestablish Cable Advisory Committee Discussion:

The Board of Selectmen will need to solicit volunteers to serve on Cable Advisory Committee to assist with the contract renewal process with Comcast that expires in 2021.

It was agreed by the board to schedule this matter as a future agenda item after the conclusion of Annual Town Meeting/Election.

Assignment of Rights to the Acknowledgement of Location and Confirmation of Easement Rights:

Town Counsel's summary of Assignment of Rights Certification: In 2012 the Carlisle Housing Authority and the Board of Selectmen executed and recorded an agreement entitled "Acknowledgement of Location and Confirmation of Easement Rights Agreement." This agreement described the ownership and uses of lots within the Benfield property, including "Lot 1", which was owned by the Housing Authority and was to be leased to NOAH. Now the Housing Authority is transferring ownership of Lot 1 to the Carlisle Affordable Housing Trust and is assigning its rights and obligations in all leases and agreements pertaining to that land, including this agreement. The original agreement specifically requires Selectmen approval before the Housing

Authority can assign the Agreement. This new agreement (the "Assignment of Rights to the Acknowledgement of Location and Confirmation of Easement Rights Agreement") provides that consent.

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen execute the Assignment of Rights to the Acknowledgement of Location and Confirmation of Easement Rights by and between the Carlisle Housing Authority, Carlisle Housing Trust and Board of Selectmen as outlined in Town Counsel's summary. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye.

Town Administrator's Report:

1-Appoint Finance Director to be Carlisle representative to MNHG

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen to appoint Finance Director Bonnie Fleck as Carlisle's new representative to to Minuteman Nashoba Health Group. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye.

2-Amended Municipal Facilities Committee Charge

The Board of Selectmen reviewed the request from the Municipal Facilities Committee to amend their "Charge" to appoint the Town Facility Manger and School Facilities Manager.

It was the consequences of the Board of Selectmen to replace "ex officio" with "non-voting".

Municipal Facilities Committee

"The Town shall have a Municipal Facilities Committee (MFC) consisting of seven (7) interested and qualified persons of whom five shall be appointed by the Board of Selectmen for staggered three year terms. The Town and School Facilities Managers shall be **non-voting ex officio** members of the committee. The Committee shall be responsible, when authorized by the Board of Selectmen, and/or Town Meeting vote, for investigating and advising the Town regarding the design, construction, reconstruction, maintenance alteration or enlargement of all buildings and facilities owned by the Town or constructed on land owned, leased or operated by the Town. The buildings within the scope of the Committee include, but are not limited to, the Town Hall, Library, , police and fire buildings, Department of Public Works building, the Highland building, and the Cranberry Bog House.

The Committee will also be responsible for developing and implementing long term maintenance plans and overseeing selection of maintenance contractors and major maintenance activities for all Town facilities.

The Committee will also recommend all facility projects that will be submitted to the Long Term Capital Requirements Committee (LTCRC) for funding requests. The committee will establish and maintain a 10-year master plan for each facility that will assure that the facility will maintain level performance and does not deteriorate.

All solicitations for maintenance and designer services and invitations for bids for construction shall be coordinated with the Town Administrator/Chief Procurement Officer to assure compliance with the applicable provisions of the General Laws. Per Town procurement policy and the General Laws, The Town Administrator/CPO and shall award and execute all services contracts and construction contracts of less than \$50,000, while the Board of Selectmen shall award and execute all contracts of \$50,000 and greater upon the favorable recommendation of the Municipal Facilities Committee

In support of major construction projects of \$150,000 or greater, the Board of Selectmen shall appoint the department head and/or two (2) committee members for which a project is being planned or constructed as non-voting ex officio members of the Municipal Facilities Committee for the duration of said project.

Appropriations.

A. The funds for construction activities for facilities and for capital expenses of existing facilities shall be appropriated to and expended under the direction of the Town Administrator and Board of Selectmen.

B. Whenever funding approval is sought from Town Meeting, the Committee and the Board or committee for which a project is being planned, or capital expenses for a building being requested, shall provide a detailed report to Town Meeting that includes an explanation of the project need, scope of work, alternatives, schedule, costs, and how it fits into an overall cohesive plan.

C. Funding for some projects may also come from existing department budgets to enable the town to leverage services and contracts across municipal facilities.

3-Conservation Commission Appointment

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that the Board of Selectmen appoint Alex Parra (31 Bellows Hill Road) as a full-time member of the Conservation Commission with a term expiring June 30, 2020. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye

4- Nomination of Animal Inspectors

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** that Deborah Toher (536 Curve Street) and Lawrence Sorli (1022 Westford Street) to be nominated for the position of Animal Inspector and their names be submitted to the Department of Agricultural Resources for confirmation. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye

5-Municipal Solar Projects Informational Meeting - Tuesday, April 2nd

The Solar Lease Working Group will be holding an informational meeting on Tuesday, April 2nd at 7:00pm here in the Clark Room for those residents interested in learning more about the solar projects proposed at the Transfer Station and Carlisle Public School.

Upcoming Meetings:

- April 9, 2019 – BoS review of ATM warrant articles, taking positions of support/non-support, review of Comcast license renewal process
- April 23, 2019 – Final Selectmen's meeting prior to Town Meeting

*April 22, 2019 –FY20 Budget Hearing

*April 29, 2019 – Annual Town Meeting

*May 7, 2019 – Town Election

Approval of Minutes:

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** to approve the minutes February 26, 2019 and March 12, 2019 as amended.

ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo- Aye and A. Lewis-Aye.

Executive Session:

Purpose: MGL Ch. 30A, §21(a) paragraph (3) (Non-union negotiations)

On the motion made by Kate Reid and seconded by Alan Lewis, it was unanimously **VOTED** to enter into executive session pursuant to MGL Ch. 30A, §21(a) paragraph (2) to discuss strategy with respect to non-union (Police/Fire Chief) negotiations, as an open meeting may have a detrimental effect on the Town's negotiating position and that afterwards the Board will not return to open session. ROLL CALL VOTE: K. Kissinger-Aye, K. Reid-Aye, N. Brown-Aye, L. Ascolillo-Aye and A. Lewis-Aye.

List of documents presented at meeting:

1- Park & Recreation PowerPoint Presentation – Proposed ATM Warrant Article for Feasibility Study for Spaulding Field.

Issues at Spalding

- Sinkholes
- Surface water
- Grading
- Sun coverage
- Animal waste
- Interaction with wetlands
- Solar orientation
- Configuration
- Degradation of hardscape
- Limited use

Sinkholes Are a Frequent Problem



Proposed Language

To see if the Town will vote to raise and appropriate up to \$20,000, to be expended by the Board of Selectman, for an architectural and engineering study of Spalding Field for the purpose of planning future recreational use by the School and the Town. The study would conduct soil cores and test pits to test issues related to drainage; architect an undersurface drainage system; assess the risk of finding hazardous materials left from prior use of the site; scope any needs for variances or other permitting issues related to new field construction; make recommendations related to field configuration, solar orientation, use, and maintenance plans; make recommendations for tree and foliage setbacks for solar coverage; recommend variations of grass, clay, or other materials; and assess the suitability of the site, or some portion thereof, for artificial turf.

How an engineering study will help

- Advise on what kinds of fields and configuration of fields would work best given the conditions
- Analyze soil composition to advise on:
 - How to address drainage issues
 - Advise on potential difficulties for field construction (such as landfill or leach field issues)
- Assess the feasibility of building an artificial turf field on the site
- Recommend how best to maintain the site
 - Best surface materials given location
 - Fencing or other animal control measures