

Board of Selectmen
Minutes
Tuesday, April 15, 2014 at 7:00PM
Town Hall Meeting Room

The meeting was called to order at 7:00 PM by Chair, Marie Sobalvarro in the Town Hall Meeting Room. Selectmen Ron Ricci, Lucy Wallace, Stu Sklar and Leo Blair were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

VERIZON POLE PETITION – AYER ROAD

Marie Sobalvarro opened the hearing by reading the legal notice.

She invited the representative from Verizon to come forward and explain why the petition has come before the board. He said pole 39S needs to be relocated so it is in line with the new poles being installed for the solar project at 285 Ayer Road. Sobalvarro said DPW Director Rich Nota inspected the location and requested the pole be located behind the guardrail. Lucy Wallace corrected the petition to say “approximately **1000** feet north from center line of **Old Mill Road**”. The Verizon representative confirmed the old pole will be removed. On a Ricci/Sklar motion, the board voted unanimously to approve the pole petition.

**ENTERTAINMENT AND ONE DAY LIQUOR LICENSE REQUEST
CONGREGATIONAL CHURCH**

Marie Sobalvarro opened the hearing by reading the legal notice.

Pat Jennings and Melanie Frost attended the meeting on behalf of the church. Jennings explained the church had recently voted to allow wine and beer at social events. She explained they plan to hold an auction on May 31st. Lucy Wallace said tickets sold for the event include dinner and drinks. Jennings added the wine and beer to be served has been donated. Sobalvarro noted a One Day Liquor License requires purchase of alcohol from a wholesaler. Jennings confirmed the public will attend the event from 6:00pm to 9:30pm. On a Ricci/Sklar motion, the board voted unanimously to approve an entertainment license and one day license as submitted.

TOWN ADMINISTRATOR REPORT

Tim Bragan asked the board to endorse the Waste Disposal Agreement amendment with Covanta that they approved at their 12/20/2013 meeting.

Bragan advised the Selectmen to coordinate a meeting in May with other pertinent boards/committees to discuss issues and address concerns related to the long term debt schedule.

Bragan said in collaboration with the digitization of documents the town hall staff will be concentrating on providing as many services as possible through the town website. He expects this will offer convenience and deliver better service to town residents.

Bragan asked the board to authorize him to move forward with the cell tower lease on Bolton Road. He explained the lease of town property had previously been approved at a Special Town Meeting. The board members agreed.

GARDEN CLUB – BANNER REQUEST

Club member Pam Marston presented the banner they are interested in hanging over Ayer Road for their plant sale on May 17th. She said John Lee has offered to hang the banner in front of his house. They plan to hang it a week before the sale and take it down soon after. On a Wallace/Sklar motion, the board voted unanimously to authorize hanging of the Plant Sale banner on Ayer Road across from John Lee's house beginning on May 10th and to be taken down soon after the event.

TOWN ADMINISTRATOR REPORT CONTINUED

Bragan announced Representative Jen Benson will hold office hours in the town hall meeting room on May 6th from 5:30pm to 6:30pm.

Bragan informed the board that MassDOT has established a program called the Rapid Recover Road Program. This program will offer direct aid to cities/towns considering the severe winter we had. He said Harvard can be reimbursed up to \$51,021 for eligible projects.

Bragan was pleased to inform the board an agreement had been reached between the town and the Bare Hill Rowing Association related to use of Bare Hill Pond. He thanked all parties involved for the time and effort spent toward finalizing an agreement for competing use of a limited town resource. On a Wallace/Sklar motion, the board voted unanimously to sign license agreement between Bare Hill Rowing and the Town of Harvard.

Ron Ricci asked Leo Blair to elaborate on what occurred. Blair explained a number of constituents, other boards, school department and the Selectmen, as owners of the property, were consulted. He said the Selectmen's involvement was required to protect the town against liability and balance demands on a limited resource even though the Selectmen never discussed this issue at any meetings prior. He recognized some of the negotiation did play out in the public and explained the Selectmen were unable to respond or deliberate due to open meeting law rules. They had to turn the matter over to the Town Administrator.

HOME RULE PETITIONS

Tim Bragan explained the Selectmen must formally vote to submit the petitions for special legislation. Bragan told the board they have the ability to revise the petition to be more specific or submit them as written. The board discussed possibilities but ultimately decided to submit them as written.

Article 47 – Manage the other post-employment benefits liability of the Town of Harvard
The board voted unanimously to submit the Home Rule Petition for management of other post-employment benefits liability of the Town of Harvard as presented at the Annual Town Meeting.

Article 48 – To make community solar shares exempt from local taxation
The board voted unanimously to submit the Home Rule Petition to make community solar shares exempt from local taxation as presented at the Annual Town Meeting.

JBOS UPDATE

Stu Sklar attended the last meeting which he described as contentious when discussing how to handle a non-binding referendum question related to the interim municipal governance of the Devens Regional Enterprise Zone (DREZ). He also mentioned it is Harvard's turn to Chair the committee. The board agreed to wait until after they meet with the Devens Economic Analysis Team (DEAT) at their May 6th meeting before deciding what to do next.

UPDATE FROM SENATOR JAMIE ELDRIDGE & REPRESENTATIVE JEN BENSON

Senator Eldridge reviewed his budget priorities which included education aid, lottery aid, special education circuit breaker funding and regional school district transportation. He highlighted a few bills he is working on and distributed updated cherry sheets.

Leo Blair spoke to Senator Eldridge and Rep. Benson about the new housing going in on Grant Road in Devens. He pointed out these homes fall within the boundaries of Harvard and will result in 100 to 150 eligible voters who pay no taxes to Harvard. He said this is an interesting dynamic which poses a potential political problem. The board members fully embrace those in Devens who live in the Harvard portion and feel they should be fully vested in the community. Blair also noted MassDevelopment has recently announced they plan to take a more permanent role in governance of Devens. He pointed out no other town in the commonwealth has this type of situation. Blair stressed the need for a decision on disposition. The board members expressed frustration with the current working relationship Harvard has with MassDevelopment and are asking the Senator and Representative for any assistance or guidance they can provide.

Ron Ricci asked about the home rule petition from last year related to prevailing wages on local projects. Rep. Benson confirmed this will not move forward as presented. She suggested it be part of a bigger package with cohesive legislation that makes sense for multiple municipalities.

Marie Sobalvarro asked about OPEB legislation. Benson said this is essentially a very tricky accounting standard change. She acknowledged OPEB affects the state in the same way as municipalities. She said the House proposed prepaying their pension liability.

AMBULANCE SQUAD APPOINTMENTS

Ambulance Squad member Bonnie Sweeney was present to request two appointments. On a Sklar/Ricci motion, the board voted unanimously to appoint Heston Chipman as driver. On a Sklar/Blair motion, the board voted unanimously to appoint Elizabeth Brew as an EMT.

TOWN HALL RENOVATION – COST ESTIMATES

Drayton Fair from LLB attended the meeting to review four options for the renovation of the building. He also provided updated cost estimates with a base construction cost of \$2.3 million. He noted option b requires changes to the existing floor plan and will cost an additional \$300,000. He also pointed out two of the options do not include air conditioning or an electrical upgrade on the second floor. Fair was also able to present the board with a rough design of how

the second floor would look if they decided to accommodate the school administration. After some discussion, the board decided this could not work as it would eliminate area for meeting space and drive the cost of the renovation up.

At this point, Fair said LLB requires guidance from Harvard as to the next steps.

Lucy Wallace proposed asking the public for their input on the designs. Stu Sklar was also interested in receiving feedback from the Town Hall Building Committee. Ron Ricci and Leo Blair were reluctant to hold another public meeting on the project. They said the town has already spoken and now it is time for the Selectmen to move the project along. Marie Sobalvarro recognizes some of the options may not be feasible but is open to providing the town another opportunity to understand the numbers. The board decided to hold a special meeting on Monday, April 28th at 7pm in the Town Hall Meeting Room to receive public input. They agreed to make a decision that night. Sobalvarro volunteered to draft a document outlining the differences between each design.

HAZMAT DRILL – June 6th

Ambulance Squad member Ruth Myles was present to inform the board of an upcoming HazMat drill Harvard will host on the morning of Friday, June 6th. She explained Nashoba Valley Medical Center is required to hold the drill annually to test our emergency response to a multiple casualty incident involving hazardous material. She said an educational debriefing will be done afterwards to determine if changes are necessary. Fire Chief Rick Sicard and Police Chief Ed Denmark were also present. Chief Denmark confirmed the schools are aware of the drill.

LONGBOARDING EVENT – August 15th – 17th

Event organizer Michael Girard attended the meeting along with Police Chief Ed Denmark to request permission to hold the 5th annual longboarding event in Harvard. He is interested in holding early registration on Friday, August 15th with the competitive events taking place on Saturday, August 16th and Sunday, August 17th. He intends on using Old Littleton and Old Schoolhouse Roads as he has done in the past. Girard wants to expand the early registration by renting a small half pipe for the General Store parking lot. He envisions this as a general attraction creating a central area for those involved to congregate. He is asking the town for permission to use the parking lot. He indicated General Store owner Scott Hayward is in full support of the event and he has also reached out to the Congregational Church. He will take all safety precautions as in previous years and is able to obtain the required liability insurance. Chief Denmark spoke highly of the event and recommended having the police assist with parking. Leo Blair questioned what economic benefit the event brings to Harvard residents.

On a Wallace/Ricci motion, the board voted to authorize use of the parking area on August 15th and 16th for long board event. (Blair - Nay).

On a Wallace/Ricci motion, the board voted to approve the 5th annual longboarding festival. (Blair - Nay).

SENIOR TAX EXEMPTION

Stu Sklar is interested in possibly proposing home rule legislation for a senior tax exemption. He said the town of Sudbury has recently implemented a means tested senior citizen property exemption for a three year trial. Sklar offered to discuss this with the Elderly & Disabled

Taxation Aid Committee and the Council on Aging. The board supported the idea and encouraged him to move forward with it.

ENTERTAINMENT LICENSE REQUEST

Tim Bragan announced the Ayer Rotary Club has submitted an Entertainment License request for the Apple Blossom Festival to be held on Saturday, May 10th. This will be acted on at the next meeting.

CHAPTER 90 REQUESTS & REIMBURSEMENTS

On a Wallace/Ricci motion, the board voted unanimously to endorse all Chapter 90 requests and reimbursements.

BOARD RE-ORGANIZATION

Sobalvarro nominated Sklar for Chair seconded by Ricci. All voted in favor.

Sobalvarro nominated Wallace for Vice Chair seconded by Blair. All voted in favor.

Wallace nominated Ricci for Clerk seconded by Sobalvarro. All voted in favor.

**** On a Wallace motion, the Board voted unanimously by a roll call vote:
(Sobalvarro – Aye, Ricci – Aye, Wallace –AYE, Sklar – Aye, Blair - Aye) to enter into executive session at 10:00pm, as authorized by Chapter 30A, Section 21.3 of the Massachusetts General Laws, at a meeting for which 48-hours' notice has been given, to discuss strategy with respect to collective bargaining and litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. . Following the executive session, the Board will reconvene into open session. ****

The meeting was adjourned at 10:15pm.

Documents referenced:

VERIZON POLE PETITION – AYER ROAD – request dated 2.6.2014

ENT. & ONE DAY LIQ. LIC. REQUEST – CONGO CHURCH – dated 3.11.2014

GARDEN CLUB – BANNER REQUEST – email dated 3.24.2014

AMBULANCE SQUAD APPOINTMENTS – email dated 3.27.2014

TOWN HALL RENOVATION – cost estimate: dated 2.18.2014

grand summary: dated 4.8.2014

HAZMAT DRILL – June 6th – email dated 3.26.2014

LONGBOARDING EVENT – August 15th – 17th email dated 2.7.2014

SENIOR TAX EXEMPTION – example application/instructions from Sudbury