Select Board
Minutes
Tuesday, May 28, 2019 at 7:00pm
Town Hall Meeting Room, Harvard, MA

The meeting was called to order at 7:00pm by Chair Lucy Wallace in the Town Hall Meeting Room.
Select Board members Rich Maiore, Alice von Loesecke and Stu Sklar were in attendance as well as Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Kara Minar was absent.

Introduction of new Police Sergeant
Chief Ed Denmark described the competitive promotion process he utilized for selection of the new Sergeant. Denmark was pleased to present Officer Matthew Callahan for this promotion. The board members congratulated Callahan and his wife did the official pinning.

South Shaker Conservation Restriction
Harvard Conservation Trust Executive Director David Outman and Trustee Jim Lee explained the restriction is being granted by Andy and Judy Warner on a portion of their property that is located on South Shaker Road. The 4.5 acres abuts existing conservation land. Outman noted the conservation values this restriction will provide are open space/scenic protection, agricultural soils/farmland protection, consistency with clearly delineated federal, state or local governmental conservation policy and historical purposes. The land will continue to be privately owned therefore management of land falls on the landowners. On a Sklar/Maiore motion, the board voted unanimously to approve conservation restriction. Outman will bring a clean copy to the Select Board office for the board members to sign.

Minutes
On a Sklar/von Loesecke motion, the board voted unanimously to approve minutes of 5/7, as amended.

Town Administrator report
Bragan reported on the following items:

- Harvard Elderly and Disabled Taxation Committee voted to have the new Elderly Tax Abatement program handled by the Assessors and their request will be on your next agenda.
- Harvard's Economic Development Director, Chris Ryan, has coordinated a "Harvard Open for Breakfast" event this Thursday morning May 30, 2019 from 8:00-10:30 AM here at Town Hall. You have to be registered to attend. Chris coordinated this with the local Chamber and the 495 Group.
- The last Municipal Vulnerability Program will be this Thursday night May 30, 2019 starting at 6PM.
- We are in the process of trying to fill the Assistant Treasurer/Collector position as Lindsay Ames was promoted to the Treasurer Collector position after the departure of Amy Haley. We have received multiple applications and will be conducting interviews within the next couple of weeks.
- The year end is upon us and quite busy with staff reviews being done, Fy2019 books be closed and getting ready for Fy2020. If there is anything of interest to you prior to the end of June please let me know.
- We received a request from an individual on Mill Road about the possibility of connecting to our well at the Ryan Land. He is currently going through old materials from the mid 1980s to see what the issue was and how it was resolved.
- Carlson Orchards will be submitting applications for a common victualler license as well as pouring license for your next meeting. Also they have requested 30 one-day licenses and are looking to get an additional 50 to 60 one-day licenses. This is a gray area as the law says an individual can request up to 30 one day licenses and it is expected that three different Carlsons would be making these requests.

The ABCC says it is up to the Local Licensing Authority as to whether or not they wish to approve the multiple requests.

- He asked for all final items for the Strategic Planning meeting by Friday of this week.

Nashua, Squannacook & Nissitissit Rivers Wild and Scenic Stewardship Council appointments
On a von Loesecke/Maiore motion, the board voted unanimously to appoint Michele Girard as alternate and Lucy Wallace as representative to the council.

Water/Sewer request from Ayer
Bragan explained the Town of Ayer is asking permission from Harvard to install water/sewer pipes within the layout limits of Shaker Road at the Ayer Harvard town line. These utilities will service a proposed subdivision located on the south side of Mill Pond along the golf course service road. Select Board members asked questions about the impact to traffic with concern for the Shaker Village area. Wallace suggested Community & Economic Development Director Chris Ryan contact Ayer's Planner to get more details on the proposed project prior to the Select Board taking any action. The board members were in agreement. The request will be added to the next agenda.

OPEB (Other Post-Employment Benefits) policy
Bragan explained the language in the policy needed to be updated to include the retired teachers now that they are no longer in the state retirement system and are Harvard's responsibility. On a Sklar/Maiore motion, the board voted unanimously to accept changes.

Carlson Orchards one day liquor license requests
On a Maiore/Sklar motion, the board voted unanimously to approve 30 one day requests for July & August.

Public Communication
Dan Daly, 15 Littleton Road, has student athletes at Bromfield and wanted to speak about the issues the town is facing with athletic playing fields. He has spoken with various groups from parents to volunteers all trying to understand what happened that got us here with the Ann Lee field project still under construction and no completion date in sight. This situation leaves no field in town for the girls' softball team to play or practice on this season. He said it is obvious communication was inadequate and this issue was never a priority. Daly encouraged the board to discuss athletic fields at their upcoming Strategic Planning Session and recommit to the Master Plan goals by assisting boards/committees to advance toward theirs. He said the girls certainly deserve better and he is willing to help anyway he can.

Larry Feinberg, President of Harvard Athletic Association (HAA), advocated for improvement of town playing fields. He said this is a much broader issue than the Ann Lee field. Feinberg noted Harvard being known for its value of education however he along with many others in town believe athletics are equally important. He acknowledged losing the two softball fields for construction of the new school was a huge oversight by the School Building Committee with the problem being worsened due to delays with the Ann Lee field project. He feels strongly this situation could have been avoided. He urged the board to create a committee of stakeholders to develop a shared vision. Feinberg suggested a multiyear plan that could include the creation of a paid full time employee for Park & Recreation. He is also happy to help anyway he can.

Bob Miller, Softball Head Coach, introduced players from his team to speak.

Philip Havey, Softball Captain, expressed her extreme disappointment about lacking a playing field this season not to mention lack of support from the town overall. She said this situation gave her team zero opportunity for success. She said it was embarrassing to be treated this way and wondered if it was a Title 9 violation.

Sadie Caron, sophomore softball player, spoke on behalf of her team. She said many of them feel humiliated and have been mocked by other students. They are extremely disappointed in the progress made on the Ann Lee field project.

Joe Reynolds, Park & Rec member, realizes the Ann Lee field is not ideal but completion is a must. He suggested conducting a post mortem to identify where improvements can be made so this type of situation does not happen again. He noted the Park & Rec Commission has created a sub-committee to deal with this issue.

Paul Cohen, Candleberry Lane, serves on the Harvard Athletic Association (HAA). He said the issue goes beyond the Ann Lee field noting there is an insufficient supply of fields in Harvard. Cohen has visited many other communities similar to Harvard and our facilities are adequate at best. His son plays on the middle school baseball team and with only one 90 ft. baseball diamond in town it is almost impossible for his son's team to practice. Cohen mentioned with so much emphasis on living a healthy lifestyle it seems wrong we are not providing our children with the proper facilities to do so. He agrees a committee should be formed to develop a plan including the steps necessary to act on it. He too is willing to participate. In addition, Cohen noted no bathroom facilities if the library is closed, no adequate shelter for players in the event of inclement weather and lack of proper signage to help direct out of towners.

Amy Bassage, 224 Littleton County Rd, and her husband attended Bromfield. She thinks over the years with more focus on soccer baseball/softball fields fell to the way side contributing to the issues the town is dealing with now. She remembers when the two softball fields were in front of the library and then moved over to HES. Bassage believes baseball is making a comeback and with the opportunity for athletic scholarships it makes sense for Harvard to get this program going. She also supports having fields closer to the school campuses.

Paul Cohen, Candleberry Lane, asked about improving wireless reception in town and encouraged the board to investigate ways to improve this necessary service.

Melissa Tracey, Shaker Road, came to comment on the request from Ayer to install water/sewer pipes on Shaker Road. As a resident in that area she is concerned about increased traffic in Shaker Village and along Shaker Road which is very winding and narrow. She also expressed concern for digging along Mill Pond and Bennet's Brook. Tracey asked the board to attain more information before taking action on this request.

Catherine Sheilds, 157 Shaker Road, echoed sentiments from Tracey. She is concerned the septic lines and increased traffic could compromise the water and sewer already in that area.

Darren Magan, 10 Warren Ave, was impressed with the showing of residents who came out in support of the athletic fields. He understands the issue being a baseball coach in town. He also believes much can be taught on the playing fields that cannot be taught in a classroom. Magan suggested the softball families consider creating a booster club similar to what baseball has done to help defray costs associated with maintenance of the fields. He also believes you have a stronger voice as group working together.

Wallace assured residents who spoke that no action will be taken tonight on the request from Ayer to install water/sewer lines on Shaker Road.

Wallace thanked all who came out to offer their input on the issues with playing fields in town. She did note the public procurement process requires accepting of the lowest qualified bidder to ensure wise management of public funds. In addition, she noted a subcommittee had been formed by Park & Rec to address the issue of adequate playing fields.

Maiore acknowledged the town failed its residents on this one. He apologized. Von Loesecke agreed the process in place did not work. She confirmed it will be discussed at the Select Board Strategic Planning Session in June.

Pattee Road – water line request

Dan Wolfe from Ross Associates came representing his client Jim Piper. He explained the Piper's will be removing their existing home to build a new structure on a parcel of land across the street. They are requesting approval to install new sewer & water lines to service the new leaching area created. Bragan has sent the draft agreement to Town Counsel for review. On a Sklar/von Loesecke motion, the board voted unanimously to grant license for water/sewer pipe pending Town Counsel approval and clarification for cost of paving the roadway.

Old Library Memorandum of Understanding (MOU)
Fivesparks representatives James Breslauer and Mark Mikitarian came to discuss the outcome from a meeting held a few weeks ago. Mikitarian distributed a document that provided language for a draft MOU along with proposed addendums #3 and #4. The MOU language basically outlines conditions to allow the lessee access to the building after the temporary certificate of occupancy is issued for the purpose of having damaged walls and/or ceilings in the Gallery and Fireplace rooms repaired and repainted. Bragan stated the two questions in need of answers are if the contractor's insurance company will allow access under their policy and how payment of utilities will be handled if Fivesparks gains entry while work is being completed. Currently, the expected completion date is July 9th with another week for punch list items. Bragan will work with the Assistant Town Administrator Marie Sobalvarro to get answers about the insurance and utilities.

On a von Loesecke/Maiore motion, the board voted unanimously to approve MOU between the Town of Harvard and Fivesparks subject to discussed changes and to allow the Select Board Chair to sign.

They discussed lease addendum #3:
Article I. 1) f) of the Lease Agreement entered into on the 15th day of March 2017 provides that the Lessee will be responsible for all maintenance and repairs of the interior of the building with certain exceptions. The Parties agree that if damage to the interior of the building is caused by a compromised building envelope (roof leaks, outside brick damage, outside window casing, for example) it is the Lessor's responsibility to make all necessary repairs to the interior. Should Lessor fail to promptly repair any such damage, Lessee may make repairs necessary in order to sustain ongoing operations and deduct the cost of such repairs from future rent.
Bragan reported Town Counsel suggested including a response time from the lessor. Fivesparks will consider and update the language for action at the next meeting. They decided to discuss both addenda at their next meeting.

Select Board reports
Von Loesecke gave an update on the school building project. She reported the soil removal is underway and trade bids came in $600,000 over estimates.

Maiore reported the Planning Board will hold their strategic retreat with priorities working from the Master Plan goals. They will be working on Rural Life Preservation (previously Agritourism), open space and Ayer Road zoning for the spring annual town meeting.

Sklar reported the Transfer Station Committee is ready for the SMART plan start in July. Stickers go on sale Monday, June 3rd and they will have volunteers at the Transfer Station in June to help residents understand the new program and answer questions they may have.

The meeting was adjourned at 9:20pm.

Documents referenced:
Letter from Chief Denmark on promotion – dated 5.22.2019
South Shaker Cons Restriction request – dated 5.21.2019
Town of Ayer water/sewer line request - dated 5.22.2019
OPEB policy – dated 5.20.2019
Pattee Rd water/sewer line request – dated 5.13.2019
MOU – dated 5.13.2019
MOU compilation sheet from Fivesparks – dated 5.13.2019