Select Board Minutes
Tuesday, March 15, 2022
7:00pm

The Select Board Regular Meeting was held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20.

Select Board participants:
Stu Sklar, Kara Minar, Erin McBee, Alice von Loesecke, Rich Maiore
Town Department attendees:
Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet and School Superintendent Linda Dwight
Additional participants:
Town Clerk Lynn Kelly, Community & Economic Development Director Chris Ryan, Planning Board Chair Justin Brown, Finance Committee Chair Jennifer Finch, Frank Carlson, School Committee members SusanMary Redinger & Sharlene Cronin, BoH Chair Libby Levison, Keith Turner, Transportation Advisory Committee member Bruce Leicher

Code of Conduct
Marie Sobalvarro recapped the code of conduct was initially discussed at Select Board's Strategic Planning Session last spring, has been fully vetted and on the agenda numerous times awaiting action from the board. She explained having a code of conduct in place sets expectations for town volunteers similar to policies in place for town employees. Kara Minar offered a minor edit. By a roll call vote, McBee – aye, Minar – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve as amended.

Select Board Policies & Procedures
Alice von Loesecke and Erin McBee worked on updating the policies. Their draft was shared at previous meetings. Kara Minar offered a minor edit. By a roll call vote, McBee – aye, von Loesecke – aye, Minar – aye, Maiore – aye, Sklar – aye, the board voted unanimously to adopt changes to policies and procedures as discussed.

Town Common Rules/Regulations
The Select Board reviewed rules and regulations established by the Park & Recreation Commission when they were responsible for use of the common areas. The Select Board/Town Administrator's office will take on this role moving forward. A few minor edits were made. By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve as amended.

Remote work policy
Marie Sobalvarro stated the policy is the same as shared prior. She reported the Personnel Board held the required hearing and voted unanimously to recommend the Select Board include this policy in the personnel bylaws.
By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve.

Next steps on cell tower
The Select Board members decided to add the lease of land for installation of a cell tower to the town meeting warrant and in the meantime an RFP (Request for Proposals) will be advertised to provide additional information at the town meeting. By a roll call vote, Minar – aye, Maiore – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to include the cell tower on the warrant for the may town meeting.

Formal comments to the state on the MBTA-related multifamily zoning draft guidelines
Planning Board Chair Justin Brown and Community & Economic Development Director Chris Ryan came to review the draft letter worked on with their liaison Kara Minar and PB member Richard Cabelus. Brown explained the state guidelines apply to Harvard as an MBTA adjacent community requiring bylaws be establish for a 50-acre multifamily district at 15 units/acre density (750 units). He noted non-compliance results in loss of eligibility for specific State Grant Funding. The Planning Board understands the complexity of these requirements especially for the school system and is utilizing this letter as an attempt to emphasize commonalities among communities that may find this mandate difficult to comply with. The draft letter had some areas those involved in the drafting did not agree upon therefore those sections were highlighted for consideration by the Select Board. The board members made their suggested edits.
By a roll call vote, McBee – aye, Maiore – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to empower the chair to work with Justin and Planning Board members to draft changes discussed and to sign the completed letter.

Rantoul Trust funding request for the Ayer Road Vision Plan next phases
Planning Board Chair Justin Brown said they discussed this request previously however due to recent changes with the consultant hired there is no urgency on this matter.

Staff Report/Updates (Attachment A)

Update on Senior Means Tested Tax Exemption
Stu Sklar explained the legislation that was passed three years ago as a trial requires additional action at the upcoming town meeting. He expects to have more information at the next meeting.

Update on Carlson Orchards entertainment license request
Stu Sklar reported as it turns out in an A/R district an annual entertainment license cannot be issued. He learned it is permissible to issue up to 30 (calendar year) one day entertainment licenses instead. Sklar has spoken with Frank Carlson who will submit a request with specific dates for entertainment. The board can act on this at their next meeting once the dates are determined. License conditions will be discussed as well.

FY23 budget discussion
Alice von Loesecke offered some possible changes to the overall budget for consideration by the Finance Committee. She raised concerns due to the outyear projections being high growing the deficit by half a million each year which is more rapid than traditional. She has met with the Finance Director and town administration to understand the assumptions used. Von Loesecke highlighted positions within the school department that are funded through an increase in ESSR funds due to Covid however what happens once those additional funds are gone. Will those positions still be needed and then be rolled into the omnibus budget moving forward? She recommended leaving a 150,000 surplus for next year to help avoid an override later down the road.

School Committee Chair SusanMary Redinger commented on the out of district expenses for special education and district placement tuition increases. She is reluctant about reducing their budget. School Committee member Sharlene Cronin added the increases for ELA (English Language Arts) services to support diversity, for example with the Afghan refugees, this requires more services.

Redinger also noted the school bus contract is due this year which undoubtedly will increase is cost due to the limited amount of bus companies that will bid and the increase in fuel costs. Cronin added the need to consider increase in costs for most anything due to the high rate of inflation. They must also consider the aging Bromfield School which has costly unexpected repairs such as the fire panel this year. Redinger is skeptical not taking advantage of the full levy this year will only cause issues in the future.

School Superintendent Linda Dwight said each year positions are revaluated based on the needs of students. She added in some communities' town funds from Covid relief funding have been used for the schools. The Select Board will discuss the budget further at their meeting at 6pm tomorrow night before the Finance Committee meeting at 7pm.

Open Space Committee
By a roll call vote, McBee – aye, Maiore – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to appoint Frank Carlson as the Agricultural Advisory Committee rep. on the Open Space Committee.

Act on Eagle Scout proclamations
Erin McBee recognized Christian Lancellotti, Michael Bretz and Matthew Zobbi for their efforts to attain Eagle Scout designation.

Innholder license for Friendly Crossways
Board of Health Chair Libby Levison explained the complexities associated with Friendly Crossways admitting the board has spent several hours discussing and researching this topic. She noted the MGL does not clearly define how hostels should be permitted with each town having their own process. She explained the main factors to consider are whether or not food is served and the size of the hostel. Levison has learned towns can take a proactive approach to support commercial establishments in town with boards working together to ensure that the Town Code clearly defines the permits required for each business.

She codified the following points to consider:

- If Friendly Crossways operates only as a hostel, then an Innholder's License would be appropriate.
- If Friendly Crossways operates as a hostel and hosts 1-day conferences, (ie, no overnight stays) with catered food, then an Innholder's License would be appropriate.
- If Friendly Crossways operates as a hostel and hosts 1-day conference and day-of weddings, with no overnight guests and all food catered, then an Innholder's License would be appropriate.
- If Friendly Crossways hosts retreats, conferences or weddings that include overnight guests, then we believe that the closest match in MGL is a motel license.
- Because Friendly Crossways has plans to host 8 weddings and 5 retreats with overnight guests between April 28 and Oct 28, 2022 (that we know about), our Health Agent and the Board of Health do not think that the Innholder's license is appropriate, and Friendly Crossways should apply for a Motel License.
- Please note our assumption, based on extensive discussion with the Turners, that no meals will be prepared in the Friendly Crossways kitchen by either the Turners nor a caterer (self-catering is acceptable)

Current owner, Keith Turner, said they are requesting the innholder license be issued through the end of 2022. They are aware as well as the potential new owners all licenses will be null and void upon sale of the property. He said the new owner understands they will have to comply with all current regulations. Turner explained they would like to maintain the ability for guests to use the kitchen to make their own food however any retreats/weddings that will be held in 2022 will have outside catering. Based on the information provided by the Board of Health, statements made by the current owner/operators and the interest of the Select Board to issue the license a motion was made to that effect. By a roll call vote, Maiore – aye, McBee – aye, Minar – aye, von Loesecke – aye, Sklar -aye, the board voted unanimously to issue an innholder license to Friendly Crossways through December 31, 2022.

Discuss formalizing use of the patio by the Harvard General Store
Stu Sklar spoke about the interest of the General Store to continue outdoor dining. Tim Bragan said the state had extended the emergency use. Von Loesecke agrees with extending the emergency use but recommends a more permanent arrangement with the town be established for use of municipal property. By a roll call vote, von Loesecke – aye, Minar – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to extend the Town of Harvard temporary outdoor dining program through the end of 2022 with the General Store and extend all conditions.

Update from the Transportation Advisory Committee regarding Ayer Rd reconstruction
Committee Chair Bruce Leicher came to express their concern feedback from town residents at the 10% hearing about traffic calming has not been represented in the design plan. He had an opportunity to speak with Senator Jamie Eldridge

who had assisted Bolton with a project they were working on with DOT. He offered to do the same for Harvard. Leicher said DPW Director Tim Kilhart is doing a great job however if he is relying on the consultants there seems to be a disconnect on their end. They decided to set up a meeting with Select Board members Stu Sklar, Kara Minar, town administration and Bruce Leicher to meet with consultant TEC.

By a roll call vote, Minar – aye, Maiore – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to extend the meeting past 10:00pm to act on the executive session.

By a roll call vote, Minar – aye, Maiore – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to enter into executive session at 10:30pm per MGL Ch. 30A, s. 21(a)3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body. The Select Board will reconvene into open session.

The meeting was adjourned at 10:30pm.

Documents referenced:
Code of Conduct, Select Board Polices, town common rules/regs – dated 3.15.2022
Remote work policy – dated Feb 2022
Rantoul funding request – dated 2.23.2022
MBTA Multifamily PB memo – dated 3.15.2022
Proclamation requests – dated 1.24.2022