Select Board Minutes
Tuesday, April 12, 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, Rich Maiore, Erin McBee, Kara Minar, Alice von Loesecke
Town Department attendees:
Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Community & Economic Development Director Chris Ryan, Town Clerk Lynn Kelly
Additional participants:
Planning Board Chair Justin Brown, Community & Economic Development Director Chris Ryan, Fivesparks Rep. Mark Mikitarian

Community briefing on the draft MBTA Multi-Family Guidelines
Community & Economic Development Director Chris Ryan gave the briefing which included a background, summary of the draft guidelines, compliance Issues, the comments submitted to state, Important dates and resources. Stu Sklar and Planning Board Chair Justin Brown will draft the comment letter together with input from all stakeholders. Chris Ryan will submit the community information form that is the next step in the process.

Minutes
By a roll call vote, Maiore – aye, von Loesecke – aye, McBee – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve the minutes of 3/15, as presented.
By a roll call vote, Maiore – aye, von Loesecke – aye, McBee – aye, Minar – aye, Sklar – aye, the board voted unanimously to approve minutes of 3/16, as presented.

Public Communication
Paul Green, Littleton Road, noted the importance for the MBTA multi-family zoning to consider Devens with respect to affordable housing. He referenced potential housing in Vicksburg Square and the importance of including Devens as part of this discussion.

Rebecca Kelley asked about her request for benches in the common area and a sign for town hall building.

Staff Report/Updates (Attachment A)

Resignation of Lisa Foley from Warner Free Lecture
By a roll call vote, Minar – aye, von Loesecke - aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to announce the vacancy. They thanked Lisa for all her years of service.

Issue liquor license to the Bowling Lanes
Executive Assistant Julie Doucet confirmed the fire safety certificate, insurance coverage and payment have been received. She reported a temporary certificate of occupancy will be issued for renovations made to the building based on feedback from the Building Inspector.

By a roll call vote, von Loesecke – aye, Maiore -aye, Minar – aye, McBee – aye, Sklar – aye, the board voted unanimously to issue license as suggested pending certificate of occupancy.

Act on Mass Works Infrastructure grant application
By a roll call vote, Minar – aye, McBee– aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the Board voted unanimously to submit the 2023 Mass Works Infrastructure grant application for road safety improvements on Stow Rd.

Girl scouts bake sale at Town Meeting
By a roll call vote, McBee – aye, Minar – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve the girl scouts bake sale at the annual town meeting and further requests for similar activities be vetted through appropriate town hall staff.

Girl Scouts request to plant flowers on the town common near the war monument
By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve plantings in coordination with War Monument Restoration Committee for the monument on town common.

Town Clerk request to establish an annual $50 fee for Certificates of Registration
Town Clerk Lynn Kelly noticed there is no fee established for flammable storage. She did research from other comparable communities and is suggesting a $50 annual fee. By a roll call vote, von Loesecke – aye, Minar – aye, McBee – aye, Maiore – aye, Sklar – aye, the board voted unanimously to establish a $50 annual fee for certificates of registration similar to other communities.

Discuss terms of lease for the Bromfield House
Stu Sklar asked his fellow board members to consider finalizing details of the lease tonight. His reasoning is to have the lease in place so when the probate court takes action there will be nothing to hold up Ascentria (refugee resettlement services) in their next steps. Assistant Town Administrator Marie Sobalvarro has been working with town counsel on the draft lease. Lease terms to note are waiving of the security deposit, town knowledge of who and how many renters there will be, renters will assume all utilities, any major system failures will be handled at the discretion of the owner and the long-term intent is to sell property. The board members offered their input with respect to maintenance/repairs, insurance/town liability and the expectation the property will be returned in the same condition if not better. They agreed on monthly payments for up to one year with a six-month extension based on the commencement date. They discussed the lease option to end no later than December of 2023. Sobalvarro will continue to work with town counsel to finalize the details within the lease.
By a roll call vote, von Loesecke – aye, Minar -aye, Maiore – aye, McBee -aye, Sklar -aye, the board voted unanimously to accept residential lease agreement as presented with following changes, to be organized and worked on through Marie Sobalvarro and town counsel and those changes/clarifications are security deposit, status of required liability insurance with a June 1, 2022 commencement date and June 1, 2023 end of lease date with a month to month extension end date of extension to be December 2023 and authorize the chair to sign the lease.

Discuss terms of lease for the old library
Stu Sklar will not be voting on this agenda item due to a potential conflict of interest. The board members are sensitive to the fact of how Covid has hampered the operations of the community center and are grateful for efforts Fivesparks has made to help the town attain grant funds for improvements to the building. They discussed seeking input from town counsel on appropriate language for the lease as

well as possible monthly rental amounts for a five-year lease beginning at $450 a month up to possibly $800. Fivesparks representative Mark Mikitarian will follow up with the Fivesparks board. They decided to finalize the lease at their next meeting after input from town counsel and the Fivesparks board.

Meeting schedule change
The board agreed to hold their next meeting on April 26th instead of on May 3rd. They agreed to hold a meeting on May 10th if need be prior to the annual town meeting.

Discuss the Transportation Improvement Program Project for Ayer Road Reconstruction
Tim Bragan began the discussion confirming comments to the state are due by tomorrow. Three members of the board were able to attend the MassDOT 25% hearing on this project. Bragan reminded the Select Board they voted unanimously in favor of the project after the 10% hearing. He said if the board has changes, they would like made there should be a vote of the board to do that. Stu Sklar has been involved with the project from the beginning and is concerned the town's objective to provide traffic calming measures is not being heard. He explained because Ayer Road is considered a principal roadway MassDOT is interested in moving traffic along. Erin McBee noted the project as proposed does include traffic calming measures such as narrowing the lanes and crosswalks however, they are not highlighted as such by DOT. They discussed varying ways to address their concerns and ideas on traffic calming measures that could be taken. Kara Minar expressed her apprehension with respect to future needs on the roadway not being addressed adequately. The board members remain in agreement they do not want to jeopardize the town's position in the TIP program or severely delay or increase project costs. Sklar and Town Administrator Tim Bragan will draft a letter outlining the boards' concerns, questions and specific items as listed below:

- the structural soundness of the bridge by the post office
- how best to incorporate green areas?
- adequacy of future growth planning
- possibility of including a windy multi-use path instead of straight paralleling the roadway; more astatically pleasing.
- the boards preference for 4ft shoulders with an 11' travel lane with shared path
- Ramifications if changes requested; could we lose prioritization or be removed from TIP program
- Was Indian Hill in Groton considered; likely to increase cut through traffic on Ayer Road
- Preference toward Roadway Section on slide #20

The meeting was adjourned at 10:00pm

Documents referenced:
MBTA Communities Draft Multifamily Guidelines Briefing – dated 4.12.2022
Foley resignation letter – dated 4.6.2022
Mass Works letters – dated 4.12.20222
Town Clerk request – dated 4.14.2022
Bromfield House draft lease – dated 3.31.2022
Fivesparks letter/draft lease – dated 4.6.2022
DOT presentation for reconstruction of Ayer Road (RT 110/111) – dated 3.30.2022

Attachment A

Staff Report
April 12, 2022

1. As you are aware Mass Development sent the attached email to all participants in the Devens Jurisdictional Framework Committee (DJFC) explaining that they, effective immediately, are discontinuing their participation in the discussions related to permanent governance of Devens.

2. Building Updates:

    a. Marie has informed me, the Old Library Mobilization will occur on Thursday, 4/14. The General Contractor's expectation is completion by 6/30.

    b. 16 Lancaster County: Marie in working with the architect has this project almost ready for bidding. Current calendar is sub-bids due 5/18, GC bids 5/27.

    c. School Committee voted last night to officially and legally relinquish the Bromfield House to the Select Board and they also wish the Board consider the property for a potential educational use in the future (see attached email).

3. Shade Tree Hearing Update: Julie has worked with the Tree Warden (JC Ferguson) and since the project does not involve construction there is no Planning Board involvement per the by-law. There are two hearings that will be held by the Tree Warden on May 10th (Underpin Hill Road) at 9 AM and another hearing on May 12th (Slough Road) at 9 AM. (see attached draft notices)

4. Spraying updates: (Mosquito and Pan Am Vegetative)

    a. Attached is a communication from Mary Dagoberto, Northeast Organic Farming Association, with updated guidance for 2022 Application for Municipality Opt-Out of broadcast mosquito spraying. The Board of Health is reviewing this material and will be providing the Board with input. This year applications to opt-out are due on May 27, 2022.

    b. Pan Am Railways provided us with the attached notice regarding their vegetative spraying along the rail lines which will start on May, 1, 2022 and go through August 15, 2022. We have provided the Conservation Agent with a copy of the notice for review.

5. State Updates: (see SHN articles attached)

    a. March proved to be another successful month for the State tax receipts with $3.8 billion collected in March which was $427 million more than expected and $802 million more than collected last March.

b. The MBTA still poses a threat to the budget especially after it exhausts the $2 billion it received from the Federal Government

c. The State will be receiving $525 million from the Opioid Settlement and will be distributing ~$210 million to cities and towns who have participated in the settlement, which Harvard has. There are guidelines on the use of these funds and the current estimate is that Harvard could receive ~$346,500 or 0.165% of the ~$210 million, which will be paid out over a 17-year period.

d. The House is looking to keep hybrid hearings as part of their long-term plan and will also remain hybrid until next January. By then they should have put in place new rules for them to be able to have hybrid meetings permanently. Hopefully they will pass legislation allowing cities and towns the same latitude for their public meetings too.

e. A recent report highlights hybrid and remote work are here to stay and that the legislature will have to address this issue with new legislation. Also, the Massachusetts Gaming Commission, with two years of hybrid working conditions under their belt, is looking at their office leases that will be expiring next year and determining what their smaller real estate leasing footprint will look like.

6. National Grid News Release:
   a. Attached is a news release from National Grid regarding their recent transfer of 199 acres of land to the Harvard Conservation Trust. This includes parcels from 2 acres to 52 acres in size.

7. Road Funding (update):

   a. Attached are article from the State House News from March 28 and 30, regarding Chapter 90 funding. The State has set the original $200 million and set aside $100,000 which is not yet determined how this will be spent or distributed. There is a notion that it will be distributed based of road miles, which was used in the past for a now defunct road funding program that included road miles and the amount a community spent on policing (vehicles and personnel). We will wait and see what twill come of this.

8. ABCC Advisory and Notice regarding Patio/Outdoor Expansions:

   a. Patio and outdoor expansions may continue (see attached), with approval of the Local Licensing Authority (LLA)(HSB). Providers are encouraged to apply for an alteration of premises with the LLA.

   b. ABCC set guidelines for outdoor alcoholic beverage service areas (see attached) which need to be complied with.

9. Town Meeting:

   a. The Finance Committee will finish the Book this week and it will be sent off to the printers. The FinCom and SB will get electronic copies of it sometime within the next week or two. The only change was the amount to be paid to NABH which the BOH was able to get reduced by approximately ~$2k.

   b. Julie has coordinated the tent, chairs and sound system and given the rise of the new Covid variant it looks like the SB made the right decision to hold this meeting outdoors.

   c. The Town Clerk, Lynn Kelly, has passed a request (see attached) from the 6th grade Girl Scout Troop on to the SB to determine if it is ok for the Troop to have a bake sale at the Town Meeting.

10. Notice and Reminders:

   a. (New) Holy Trinity Catholic Parish sent us the attached notice regarding their 14 annual Procession of the Cross, which will start on Friday, April 15, 2022 at 3:30 PM in Harvard and will end in Bolton at 6:00 PM.

   b. (New)There is a public hearing regarding Harvard's Hazard Mitigation Plan on Thursday, April 14, 2022 at 4:30 PM on Zoom (see attached). The consultants will provide an update and there will be plenty of opportunity for public input (see attached).

   c. Town wide Clean Up Day and Garlic Mustard pull is happening on Thursday April 28, 2022 at 8 AM to Sunday, May 1, 2022 at 12:00pm. If you have questions, you can email Harvard.cleanup@gmail.com.

   d. Earth Day Show and Tell Around Town will be happening on Saturday, April 30, 2022 from 11am to 4pm, with a rain date on Sunday May 1, 2022. You can register at https://tinyurl.com/3w4efcky