



**Board of Selectmen
Minutes
October 6, 2009
Town Hall Meeting Room**

The meeting was called to order at 7:00 P.M. by Chair, Ron Ricci in the Town Hall Meeting Room. Ron Ricci, Tim Clark, Lucy Wallace and Peter Warren were all in attendance.

**** On a Wallace motion, the Board voted unanimously by a roll call vote (Clark – AYE, Wallace – AYE, Ricci – AYE, Warren - AYE) to enter into executive session at 7:00pm, as authorized by Chapter 39, Section 23B of the Massachusetts General Laws, at a meeting for which 48-hours notice has been given, to discuss negotiation strategy with respect to collective bargaining. Following the executive session, the Board will reconvene into open session, for the sole purpose of adjourning.

The Board reconvened into open session at 8:05pm.

AGRICULTURE ADVISORY COMMISSION – Al Combs attended the meeting on behalf of the Agricultural Advisory Commission. Combs confirmed the Commission requested in writing the Board of Selectmen establishes a policy of providing early and regular notice to the Commission of any pending items that may impact or effect issues of farms, farming or agriculture and the establishment of a \$500.00 budget. He explained the Commission members themselves often use personal funds and are truly limited without one. Combs explained funds would be spent on items such as handbooks, seminars, agriculture land maps, pamphlets to be distributed at the Farmer’s Market and possible signage. The Board members assigned Tim Clark as a liaison to the Agricultural Advisory Commission and asked him to work with the Commission regarding their request.

MINUTES – On a Wallace/Warren motion, the Board voted unanimously to approve the minutes of 9/9, 9/14 and 9/15, as amended.

SELECTMEN REPORTS -

Tim Clark said Walk to School Day had been postponed until October 8th.

Clark reported the Transfer Station Committee plans to finalize adjustments to the Transfer Station this fall and welcome input from residents in town.

Tim Clark said he spoke with Representative Jen Benson regarding the Home Rule Petition for Beer and Wine and she indicated it may be voted on October 7th. Clark reported the Home Rule Petition for the Sewer legislation was on its way out of the Ways and Means Committee. Clark stated the Town Center Sewer Building Committee would be meeting on October 15th.

Lucy Wallace said the Municipal Building Committee (Lucy Wallace, Peter Warren, and Town Administrator Tim Bragan) met and decided the primary focus should be on town hall and the former library buildings. Wallace said the committee discussed the idea of creating a small working group to establish conceptual ideas for the buildings which would include office space for employees and general meeting space. She said the conceptual ideas would then be presented in a public forum and if response was favorable work toward an article at Annual Town Meeting could begin.

Wallace informed the Board of an affordable unit for sale located at 31C Elm Street in Devens. She explained the seller must be notified if the town decides to exercise their right to sell and commented on the time and effort involved in the proper sale of an affordable unit. Wallace said she has contacted Elsa Campbell at DHCD (Department of Housing and Development) to see if they may have the funds to hire a local person to handle the lottery and resale as they have done it the past. As an alternative, Wallace said maybe the Municipal Affordable Housing Trust would have the funds to assist. On a Wallace/Warren motion, the Board voted unanimously to authorize the Town Administrator and Lucy Wallace to notify seller the town will exercise their option to sell and will proceed with the sale of the affordable unit.

Wallace mentioned MassDevelopment was holding a Board of Directors meeting on Thursday, October 8th and wondered if any Selectmen would be attending. Ron Ricci said he would attend and Board members asked him to discuss the following topics: Vicksburg Square, resolution for disposition and current status of Salerno Circle. Wallace also suggested asking Rich Montourri of MassDevelopment to coordinate with MRPC (Montachusett Regional Planning Commission) in establishing revenue and expense numbers for Devens that are easy to understand.

Peter Warren said DEC has an open alternate position as well as two at large positions. Warren thanked everyone who attended last weeks all boards meeting. He said he was impressed with Joe Sudol and agreed with his suggestion of holding a semi-annual all boards meeting. Peter Warren read aloud the resolution drafted regarding the bottle bill. On a Warren/Clark motion, the Board voted unanimously to sign resolution.

Ron Ricci informed the Board that he was contacted by Rich Montourri to set up a meeting of the Vicksburg Square sub-committee to review new information. Ricci said MassDevelopment has gone out for a request for information which means feedback from developers on what they see as possibilities for the area. He said he would report back on the details.

TOWN ADMINISTRATOR REPORT –

Tim Bragan said the Harvard League of Women Voters and the Schools Trust wish to erect a banner across Ayer Road to advertise their Flea Market to be held on Saturday, October 10, 2009. On a Wallace/Clark motion, the Board voted unanimously to allow the League of Woman voters and the Schools Trust to hang a banner over Ayer Road to be taken down once the Flea Market is over.

Bragan stated at our October 20th meeting we will be acting on a CR for Alice Thayer of South Shaker Road if you have any questions regarding it beyond the material provided

he asked that you get them to him before the next agenda goes out so that everyone can have the material.

Bragan stated that with the changes to the State Ethics Law their needs to be a “senior level employee of the municipality” designated as the liaison to the Ethics Commission. The purpose of this is to centralize the dissemination of information and to help the municipality comply with the Commission’s regulations. On a Wallace/Warren motion, the Board voted unanimously to appoint the Town Administrator as the liaison to the Ethics Commission.

Bragan informed the Board of an Action Alert received from the MMA recommending communities contact their legislators asking them to support the following reforms.

- **HEALTH INSURANCE PLAN DESIGN POWER:** Pass the MMA’s plan to give cities and towns the power to update municipal health insurance plans outside of collective bargaining, which is what state government does, and would save tens of millions of dollars statewide
- **CLOSE THE TELECOM EQUIPMENT LOOPHOLE:** End the telecom property tax loophole on equipment, which would generate \$25 million locally (the state ended the loophole on poles and wires last summer);
- **STOP THE QUINN BILL UNFUNDED MANDATE:** Fix the Quinn Bill mess by passing legislation to clarify that cities and towns are NOT responsible for paying the state’s share of the police career incentive program – police unions are in court trying to force cities and towns to make up the \$48 million that the state cut from its share, which would represent an outrageous new unfunded mandate on municipalities; and
- **PASS PENSION FUNDING RELIEF:** Pass legislation allowing cities and towns to extend their pension funding schedules by 10 years, to 2040, to protect local taxpayers from unnecessarily high assessments during this time of fiscal crisis – unless the funding schedules are extended, market losses due to the recession will trigger steep increases in annual pension payments and force budget cuts to key municipal and school services.

On a Wallace/Clark motion, the Board voted unanimously to ask the Town Administrator or Chairman to sign a letter in support of these initiatives.

Bragan informed the Board that he met with the Police Chief, Fire Chief and Chairman Ron Ricci to attend a meeting in Devens with representatives of Ayer, Shirley, and Devens to discuss Regional Dispatch. This is the first time in a while they met and the purpose of the meeting was to discuss the updated data from the report that was generated back in 2006. Bragan provided a copy of the report to the BOS members and during discussions on the 30th they talked about the cost drivers of the model and the number of communities involved along with whether the parties wished to continue to look at the regional dispatch concept. A number of those in attendance said they were interested in continuing to look at it but also do not want to waste time if it is not going to come to fruition. It is understood that the potential political and community issues can all be answered but that the ultimate decision is that of the BOS to continue or not. At this time, Bragan stated this is an exploratory exercise in a very preliminary stage. Wallace noted the application for funding submitted by MassDevelopment included a letter of support signed by ex-chair Leo Blair and expressed concern that the Board had not discussed or

voted to support the application. She cautioned the Board must be transparent through this process. Bragan said they would be meeting again in the next few weeks.

HARVARD HISTORICAL COMMISSION – On behalf of the Historical Commission, Roseanne Saalfield was in attendance to request approval from the Board of Selectmen to install signs at the borders of the town’s two historic districts. She brought a sign for the Board members to view. Saalfield said she would be meeting with DPW Director Rich Nota and the Police to determine designated places for the signs to be posted. The Board members agreed the size and placement is their jurisdiction but the wording and design can be determined by the Historical Commission. Saalfield will return for final approval once the locations are finalized.

CULTURAL COUNCIL APPOINTMENT – On a Clark/Wallace motion, the Board voted unanimously to appoint Arlene Sullivan to the Cultural Council for a three-year term.

HISTORICAL SOCIETY – On a Wallace/Warren motion, the Board voted unanimously to approve the Historical Society’s request to hold their Holiday Arts Festival at the former Library on December 4th & 5th.

FALL FETE DONATION – On a Wallace/Warren motion, the Board voted unanimously to approve donation of a transfer station sticker for their fundraiser.

BITUMINOUS CONCRETE IN-PLACE BID – On a Wallace/Clark motion, the Board voted to approve awarding bid to PJ Keating for \$54.00 a ton.

DISCUSS LOCAL OPTION MEALS EXCISE TAX - The Board members had a brief discussion regarding the local meals tax option. Lucy Wallace urged the Board to take advantage of any opportunity the state provides and to allow the town to decide at the Annual Town Meeting. Tim Clark agreed the option ought to be proposed to the town. Peter Warren expressed his opposition to the tax stating no other communities in the area are considering it and now is not the time. Ron Ricci was reluctant to take a position. The Board members decided to revisit the discussion.

**** On a Wallace motion, the Board voted unanimously by a roll call vote (Clark – AYE, Wallace – AYE, Ricci – AYE, Warren - AYE) to enter into executive session at 10:05pm, as authorized by Chapter 39, Section 23B of the Massachusetts General Laws, at a meeting for which 48-hours notice has been given, to discuss a personnel matter. Following the executive session, the Board will reconvene into open session, for the sole purpose of adjourning. ****

The meeting was adjourned at 10:15 pm.