



**Board of Selectmen  
Minutes  
March 2, 2010  
Town Hall Meeting Room**

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

**PLANNING BOARD APPOINTMENT** – Planning Board Chair Joe Sudol introduced Michelle Catalina as their recommendation to appoint Michelle Catalina as an associate member. Catalina said she has been in town for 8 years, has a background in science and has volunteered in many ways over the years. By a roll call vote the board of Selectmen and Planning Boards voted unanimously to appoint Michelle Catalina as an associate member through June 30, 2011. (Warren – Aye, Clark – Aye, Ricci – Aye, Wallace – Aye, Sudol - Aye, Fox – Aye, Minar – Aye, McFarland – Aye)

**PROGRAM COORDINATOR FOR THE CABLE COMMITTEE** – Chairperson Pat Natoli was present to introduce Robert Fernandez as their selection for the Program Coordinator position. Natoli explained the position was appropriately advertised and interviews were held. She said the committee voted unanimously in favor of hiring Fernandez for the position. Peter Warren as the liaison agreed Fernandez is the most qualified and best fit for the position. Fernandez was in attendance and expressed his eagerness to being working for the Cable Committee. He explained he has lived in town for many years and has extensive experience in advertising and video production. Tim Clark asked Mr. Fernandez what his top priorities will be. Fernandez said he looks forward to a fresh start for the committee. Plans include, increasing the cable committee’s involvement with the student population at the schools and develop meaningful programming beyond governmental meetings.

On a Wallace/Sobalvarro motion, the board voted unanimously to appoint Robert Fernandez to position of Program Coordinator.

**EDAT PRESENTATION**– Chair Bill Johnson came to provide a progress report to the board. He first stated Joe Sudol replaced Craig Bardenheur from the Planning Board and explained Carrie Fraser is working long distance due to work out of state. Johnson said the EDAT survey results are posted on the town website and this information assisted in developing the proposed target businesses identified as a Village-style shopping plaza with grocery market anchor, assisted living facility and business/medical office complex. The committee identified the high potential commercial sites as: 40.94A area on NW corner of Ayer Road and Old Mill Road, 13.69A area across Ayer Road from Old Mill Road, 10.03A area on SW corner of Ayer Road and Old Mill Road and 15.93A area across Ayer Road from Dunkin’ Donuts. He explained the engineering firm Chris Ashley is employed with has assisted with evaluation of infrastructure investments. Suggestions are a sewer backbone connecting Old Mill Road/Ayer road to the Devens sewer system on Barnum road, changes to manage Ayer Road traffic flow and address safety issues, and reduce side street commuter traffic. Lucy Wallace expressed concern with crossing wetlands and asked about an onsite package treatment plant. Johnson said this idea was ruled out early considering the cost, required maintenance and environmentally safer

options. Johnson agreed there is a wetlands issue but stated there is very accepted technology available which provides ways to do this if desired. He said EDAT has developed a conceptual look at what could be done while addressing traffic and water supply issues. He stated the committee has been referencing the CDM traffic study completed in May of 2008. Johnson said management structures and funding town-managed development are being investigated.

He indicated the goal is to look at best practices and bring ideas forward on implementing an Economic Development Commission/Corporation and establishing an economic target area. By designating a target area the ability is available to offer developers access to state investment credits and enables the town to legally negotiate partial tax exemptions (TIFs) and declining tax abatements (STAs) to stimulate business development. Johnson said the committee plans to close their investigation by the end of March early April with a goal of holding a public forum to establish a sense from residents of what economic development would be acceptable to them. Lucy Wallace asked if the committee was investigating a split tax rate and Johnson said no. He did indicate alternative evaluation models that could be of interest but the affect to current businesses must be understood. Johnson said the state is encouraging regional ETA's and explained there is no commitment required from the town but this does provide more opportunities. Tim Clark asked about expanding an Economic Target Area (ETA) to join with the development that has already been create at Devens. Clark also asked questioned what principles that the EDAT had chosen to guide their planning – Was it to maximize revenue from commercial property taxes or to provide focused services to meet the needs of the adjacent residential neighborhoods. Wallace also asked if the assisted living could count toward the town's affordable housing. Johnson said the assisted living could offer an affordable component but said the component is not clear. Wallace said we must be mindful of this and Johnson agreed stating expert advice is necessary. Johnson indicated the next steps involved are:

**Commercial development targets**

Solicit resident input on acceptable building/landscape characteristics and verify tax revenue potentials

**Infrastructure investments**

Define cost and funding models for proposed road changes and explore implementation issues for proposed sewer district

**Model investments/revenues**

Analyze alternative assessment models

**Town management of commercial development**

Research successful economic development entities in other towns and develop a recommended model for Harvard

Johnson explained the public forum will be an interactive discussion of the EDAT findings and recommendations to be held in early April. The committee will finalize a formal report of EDAT's investigation, findings and recommendations with a very specific vision of what could be including associated costs/benefits. He anticipates a warrant article for Town Meeting vote, directing the Board of Selectmen to:

1. Create and appropriately empower a permanent **Economic Development Commission/Corporation (EDC)** to define and manage the implementation process for the proposed commercial expansion and infrastructure investment
2. Direct the EDC to achieve designation of Harvard as an **Economic Target Area**

Marie Sobalvarro asked if numbers would be presented to determine if development is viable or not. She recommends the committee present the maximum commercial revenue net considering the task is to set a commercial strategy to possibly reduce the burden on the residential tax payer. Johnson reported the committee targeted the businesses ideas suggested by town residents in the EDAT survey. He said the business ideas are what residents indicated acceptable and also offer tax revenue. Johnson commented on being consistent with the market when considering the scope of expansion. He also stated the importance for the town to embrace possible commercial tax relief to serve local needs. He said the bottom-line is for the town to agree on the best mix with limited possibilities and strategic long term residual benefits. Johnson confirmed EDAT would wrap up their work by May 1<sup>st</sup> pulling together everything necessary to develop a warrant article for town meeting. He suggested an Economic Development Commission be established to move forward. Lucy Wallace commented on discrepancies with the initial charge and wondered when Devens would be considered. Johnson said Devens was not part of the charge for EDAT but did agree if an Economic Development Commission is establish Devens should be included in the charge. As liaison to EDAT, Peter Warren commented on the tremendous amount of work the committee has done and complimented them on their efforts.

**MINUTES** – On a Warren/Wallace motion, the board voted unanimously to approve the minutes of 2/19, as amended.

On a Warren/Wallace motion the board voted unanimously to approve the executive session minutes of 2/19, as presented.

**SELECTMEN REPORTS** – Peter Warren said Ambulance Director Steve Beckman has requested appointment of Joan Ojemann to full member status.

On a Clark/Wallace motion, the board voted unanimously to appoint Joan Ojemann to full member status of ambulance squad.

Marie Sobalvarro said her and Steve Miller are meeting with a core group of volunteers to begin work for the 4<sup>th</sup> of July celebration. She indicated volunteers are still needed and a location and date for the meeting has yet to be determined. Sobalvarro asked for guidance considering the 4<sup>th</sup> of July falls on a Sunday this year. Board members suggested possibly holding events at a later time than usual and maybe holding events on July 3<sup>rd</sup> instead. Sobalvarro also confirmed she has forwarded the Energy Advisory Committee's request for funding within the budget.

Lucy Wallace stated the Municipal Building workshop held on Saturday, February 27<sup>th</sup> had a great turnout. She reported the Municipal Buildings Task Force is now meeting weekly and intend to hold another workshop on March 22<sup>nd</sup> to present recommendations for annual town meeting. She said the next step will be to present recommendations to the Capital Committee. Wallace told board members she attended the Library Trustees meeting and presented their request for an override to meet the MAR requirement if the funds are not provided in their operating budget. She commented on her concern with the budget process because the three main committees have not met to review budgets. She said the library is concerned not knowing if budgets have been approved and if certain departments will be approved with a reduced budget, their main fear is losing certification. Ron Ricci said the library ought to apply for a waiver and considering the economic environment it is highly unlikely a waiver would not be granted. She asked

when all three boards would meet to review final budgets. Tim Bragan said a date has not yet been set but at the last tri-board meeting it was decided they would meet again pending the result of a few remaining issues. Marie Sobalvarro did indicate the school budget has not yet been voted on.

Tim Clark asked if the Capital or Finance Committee has begun to develop a policy on stabilization and all reserve funds in anticipation of the next year. He said clear guidance needs to be established with that how to look at capital for future. Clark reported he attended the Park & Recreation meeting when DPW Director Rich Nota was present. They discussed privatizing services to rehab of four baseball fields. He said Nota was very helpful and continues to work with Park & Rec to develop a strategy that will benefit all. Clark announced the preliminary approval to develop a dog park adjacent to the Ryan land on Depot road and asked any interested dog owners to contact him.

Ron Ricci said he spoke with Sue Tokay the town's Monty Tech Representative who will be providing a report to the school committee.

Ricci told board members he attended the DEC hearing on the Request for Reconsideration and indicated DEC will take action in April due to quite a bit of legal counsel conflicts. He said this is an on-going issue.

**TOWN ADMINISTRATOR REPORT** – Tim Bragan presented the board members with an email from Planning Board Chair Joe Sudol indicating MRPC's traffic count routes for its 2010 traffic count season. Board members suggested adding Still River Road from Prospect Hill to Bolton line.

Bragan said a draft warrant will be completed by Friday with placeholders. He indicated a possible meeting on March 30<sup>th</sup> to finalize warrant.

Bragan confirmed the Finance Committee plans to establish a policy regarding reserve funds.

**LOCAL HOUSING PREFERENCE CRITERIA** – Bragan informed the board members of changes DHCD has made to the Local Housing Preference criteria requiring the board to amend previously approved allowable preference categories.

On a Wallace/Warren motion, the board voted unanimously to approve categories as:

1. Current Harvard residents
2. Town employee and emergency service provider (fire and ambulance volunteer)
3. Family of school choice student attending Harvard schools

**FINAL APPROVAL OF THE LOCAL LIQUOR LICENSE POLICIES, REGULATIONS AND APPLICATION** – On a Wallace/Clark motion, the board voted unanimously to adopt liquor license policy as presented dated March 2, 2010.

**CHAPTER 498** - Ron Ricci presented the following ideas for discussion regarding changes to Chapter 498.

- **DEC Appointments:** The Board of Selectmen of the towns of Ayer, Harvard and Shirley shall each appoint three (3) members of the DEC for staggered three year

terms and one alternate for a one year term. The Governor shall appoint three members including the Chair and Vice Chair.

- **Reconsideration:** Requests for Reconsideration of a DEC decision shall be made to a (new) Joint ZBA Board consisting of three members of the ZBA of each town.
- **Disclosure:** The Boards of Health of each town shall promptly be provided written notification of any incidents involving hazardous materials or health code violations.
- **By-Law & Zoning Changes:** Changes made to DREZ zoning and/or the Devens reuse plan shall require a cumulative 2/3 vote at a simultaneous Special Town Meeting of the towns of Ayer, Harvard and Shirley. Three public hearings shall be held under the cognizance of the respective Planning Board of each town in each town.

After some discussion, Ricci asked board members to provide comments to the Executive Assistant Julie Doucet to comply into one document for further discussion at the next meeting.

**LOCAL OPTION MEALS TAX** – Lucy Wallace suggested adding the local option excise revenues to the agenda for discussion. She said the state has provided an additional revenue option to cities and towns allowing the use of a local meals or room occupancy excise tax. She realizes there are a limited amount of businesses in town that would be affected but given the current financial situation any additional revenue must be considered. She feels the town should be given the opportunity at town meeting to vote for or against this. Marie Sobalvarro concurred stating we should avail ourselves to any available opportunity to increase revenues. Peter Warren strongly stated he is not in favor of the tax after visiting with many business owners who would be affected. He said clearly this will be a hardship to the local businesses. Warren reported business owners said this will only hurt them and creates a large disadvantage. He said none of the neighboring communities have enacted this tax and encouraged the board to support our local businesses by waiting to see if other communities adopt this in the future. Ron Ricci agreed with Warren. Sobalvarro said it comes down to need versus want. Clark stated that \$10,000 was a significant enough sum of money to spur the board to action when looking for new sources of revenue. The board members discussed further and finally a motion was made.

On a Wallace/Sobalvarro motion, the board voted to place before town meeting the question of adopting the local option meals tax on the annual town meeting warrant. (Wallace – Aye, Clark – Aye, Sobalvarro – Aye, Ricci – Nay, Warren – Nay)

\*\*\*\* On a Warren motion, the Board voted unanimously by a roll call vote (Sobalvarro– AYE, Wallace – AYE, Ricci – AYE, Warren – AYE, Clark - AYE) to enter into executive session at 9:57pm, 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 on-going union negotiations. Following the executive session, the Board will reconvene into open session, for the sole purpose of adjourning. \*\*\*