



**Board of Selectmen  
Minutes  
March 16, 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.

**DPW APPOINTMENT** – DPW Director Rich Nota presented Sue Fitterman for appointment as part time Administrative Assistant to the DPW. Nota said he is extremely pleased with her resume and is confident she will be an excellent addition to the department. On a Wallace/Sobalvarro motion, the board voted unanimously to appoint Sue Fitterman as part time Administrative Assistant to the DPW.

**GOOGLE FIBER UPDATE** – Worth Robbins came to update the board on the progress of gathering information for Google. He indicated they are making great headway on the factual information and are now focusing on telling “the story” of our area. Robbins said Shirley, Ayer, and Devens are also involved. He mentioned the ability to install the fiberoptics underground as an option. Peter Warren expressed skepticism with the idea. Robbins asked the board to take an official motion in support of the endeavor. On a Wallace/Sobalvarro motion, the board voted unanimously “Be it resolved, the Board of Selectmen of the town of Harvard appreciates and supports Google’s fiber for Communities initiative. If our region is selected, we will do all within our power to simplify and expedite the licensing and permitting processes, to enable deployment to begin as soon as possible, and to proceed to completion as quickly as possible.”

**MINUTES** – On a Wallace/Sobalvarro motion, the board voted unanimously to approve all minutes of 3/2, as presented.

**SELECTMEN REPORTS**– Peter Warren thanked all emergency services for their efforts during the recent severe weather. He especially thanked the fire department. Warren reported the Municipal Buildings Task Force would be presenting a report to the Capital and Finance Committees. In addition, he explained the task force will hold a meeting on March 22<sup>nd</sup> to provide an update.

Marie Sobalvarro stated the Tri-Board meeting will be held on Saturday, March 20<sup>th</sup> at 9:00am. She updated the board on the status of the 4<sup>th</sup> of July Committee explaining more volunteers are needed and thanked the family association for their involvement. She confirmed the celebration will take place on Saturday, July 3<sup>rd</sup>. Lastly, she said the Energy Advisory Committee is researching ways to reduce electricity costs for the cemetery building.

Ron Ricci reported at a recent School Committee meeting they voted to accept their budget and spoke about partially funding user fees out of Devens funds incase the override does not pass.

**TOWN ADMINISTRATOR REPORT** - Tim Bragan provided the ballot question and stated the board must vote this evening to comply with the 35 day approval prior to the election. Lucy Wallace asked why the library trustees request to add an override question to cover delta up to the MAR was not included. Bragan said the ballot question must include a dollar amount which he does not have. Wallace asked if the question can be added and include the dollar amount once it is determined hopefully at Saturdays Tri-Board meeting. Tim Bragan said he could provide more clarify in executive session. On a Wallace/Sobalvarro motion, the board voted to add question number 2 and appropriate article on the warrant to allow for an override in the event that the budget proposed for the library in the omnibus is not sufficient to meet the MAR level budget as requested by the library trustees, override that amount, subject to our finding and confirming that amount in time for the ballot to go to press and if in executive session it is determined the override in not necessary the question will be dropped.  
(Wallace – Aye, Clark – Aye, Sobalvarro – Aye, Ricci – Nay, Warren - Nay)

### **FRUITLANDS PUBLIC HEARING**

#### **Request to amend Entertainment & Liquor license conditions**

On Warren/Wallace motion, the board voted unanimously to waive reading of the notice. Ron Ricci began the hearing explaining he will provide adequate time for the applicant, public, Fire and Police Chief and board members to discuss the issue. He said if time does not allow for deliberation and a decision the hearing will be continued to the first meeting in April. Ricci asked Fruitlands Manager Tim Firment to come forward to review his requested changes.

Mr. Firment thanked the board for seeing him and began with the Entertainment license. Condition #7a –Increase number of band and other concerts from 10 to **15**

Extend the outdoor permit timeframe from May 15<sup>th</sup> – Oct. 15<sup>th</sup>  
to **April 15<sup>th</sup> – November 15<sup>th</sup>**

7b –Remove: **Balloon rides (tethered or free), shall not to exceed 3 total balloons.**

Condition #8 - Police details - change to **at the Chief of Police’s discretion** and one police officer per 100 persons **may be required** instead of shall be present.

Next, Mr. Firment reviewed the requested Liquor license changes.

Condition #3 - Increase number of people expected to attend an event from 50 to **100** to require a fire watch or **delete entire condition.**

Condition #4 - Add **at the Chief of Police’s discretion**, one police officer per 100 and **may be required** to a police detail or **delete entire condition.**

Condition #7 – Change Sunday hours from 1:00pm – 10:00pm to **11:00am – 10:00pm**

Condition #8 - Change Tea (Restaurant) Room or Tent (Function) Room to **licensed premises.**

Conditions 15, 17, 18 and 19 – Suggested deleting conditions entirely.

Condition #20 – Remove **approved by the Chief of Police** for consistency.

Lucy Wallace commented on the suggested revision of condition 8 stating the premises should be in accordance with the original plan. Marie Sobalvarro also asked for clarity on this. Tim Bragan explained the BOS has the ability to modify the conditions relating to the liquor license but Fruitlands must also consult with the ZBA regarding any special permit requirements. His understanding is the special permit does not allow any sales or consumption outside of the tea room or tent. Lucy Wallace asked about the additional band concerts and Firment explained interest in attracting diverse options to the community. He gave the examples of the Worcester Orchestra and Indian Hill Music School Orchestras. He confirmed all 10 allowable concerts are booked and an additional 5 would allow for a concert to be held on July 3<sup>rd</sup>. Firment stated the conditions to be deleted for consistency are based on the conditions set for Shaker Hills Golf Course. All board members confirmed they understand all requested amendments.

Fire Chief Bob Mignard said he has worked with Mr. Firment over the past year on various issues all of which have been adequately addressed. He indicated no problem with the requested changes.

Police Chief Ed Denmark said he has no problem with loosening the requirements for police details. He did suggest having the condition state mandatory but on a case by case basis. Denmark had no problem with the increase to the event number due to limited complaints over the past year. On condition 8, the Police Chief said it is not a deal breaker but explained it is nice to know when an event is being held with 50 or more attending allowing him the ability to staff appropriately.

#### Public in favor

John Ott, Board of Directors member, said in the past 4 years he has been a board member there have been no significant problems. He feels it is important to support history museums by allowing additional ways to generate income. He encourages the board to approve the suggested amendments.

#### Public opposed

Don Green, 90 Oak Hill Road, expressed his concern relating to traffic and noise considering the museum is located in a residential neighborhood. He stated the conditions for Fruitlands should not be compared to the conditions for Shaker Hills Golf Course as they are entirely different. Green also commented on the ability for all abutters to view the suggested changes in writing ahead of the public hearing.

Bill Barton, 180 Prospect Hill Road, a new comer to the area expressed his apprehension about the museum gradually becoming an entertainment complex. He said the amplified music travels and if restrictions are continually relaxed the trend is heading towards commercial endorsement.

Whit Sprague, 160 Prospect Hill Road, agrees with neighbor Bill Barton and suggests maybe Fruitlands request is happening too quickly considering the liquor license has only been issued for a year. He too agreed the conditions for Fruitlands should be different from Shaker Hills Golf Course.

Pam Marston, 47 Madigan Lane, said she has lived in town for 40 years and is concerned about the noise after 11:00pm and traffic speed. She said on Madigan the speed limit is 25mph and patrons from out of town may not be aware of this. Her worry is for pedestrians.

Rhonda Sprague, 160 Prospect Hill Road, asked if band concerts are held all day and cautioned the approval of amendments due to the increase in traffic in combination with the sale of alcohol.

Deborah Skauen-Hinchliffe, 221 Still River Road, said on two separate occasions last summer she made complaints and the noise was not quieted. She encourages the board to not extend the event season another two months.

Ron Ricci read aloud a letter submitted by Doug & Dolores Lee of 170 Prospect Hill Road. They expressed serious concerns with the dramatic increase in traffic over the past couple years.

Ricci also shared an email from Town Counsel Mark Lanza stating he reviewed Fruitlands' requested changes to its Liquor & Entertainment licenses to determine whether they are in conflict with the terms and conditions of the Settlement Agreement between Fruitlands Museums and the Town (BOS & ZBA) relative to Fruitlands' appeal of the ZBA's special permit and admin. He found no conflicts. Tim Bragan again stated the Liquor license is a separate issue and the applicant is responsible to follow up with the ZBA.

On a Wallace/Sobalvarro motion, the Board voted unanimously to continue the hearing to April 6<sup>th</sup> at 7:30pm to take new public comment and to proceed into deliberation.

**DEVENS** – Steve Finnegan was present to respectfully ask the Board of Selectmen to include a warrant article within the upcoming 2010 Annual Town Meeting warrant to create a subcommittee similar to EDAT that would update and improve our understandings of the Devens fiscal picture, and its impact on Harvard. He suggested possible wording to say if the Town will vote to direct the Board of Selectmen to appoint a Devens Economic Analysis Team (DEAT) no later than June 30, 2010. The DEAT will analyze the current state of Devens finances as they relate to Harvard, and prepare their findings in a report on or before the 2011 Annual Town Meeting. The board members agreed this is a good idea and an important direction for the town to take. They decided to appoint Steve Finnegan as the Chair to the committee so he can begin to recruit a compatible team necessary to step in where EDAT leaves off. Lucy Wallace suggested announcement of the new committee as part of the EDAT report.

On a Clark/Wallace motion, the board voted unanimously to establish Devens Economic Analysis Team (DEAT) and staff team not later than June 30<sup>th</sup>, 2010 with a charge similar to proposal from Mr. Finnegan. On a Wallace/Sobalvarro motion, the Board voted unanimously to appoint Steve Finnegan as chairman and to start recruiting.

**CHAPTER 498** – The board members agreed to send comments related to Chapter 498 reuse plan and bylaws as discussion points to JBOS Administrative Assistant for distribution to JBOS members.

**LOCAL OPTION ROOM TAX** – Ron Ricci suggested the board discuss adding the local option room tax to the Town Meeting Warrant. Tim Bragan said the town can determine a tax amount up to 6%. Tim Clark said he spoke with the one innkeeper Mary Vesenska Truner (Friendly Crossways) and she felt the tax on just them would not provide much revenue but in the future if Devens is included it would make more sense. On a Wallace/Clark motion, the board voted to add a warrant article giving town the option to consider adopting the local option room tax not to exceed 6%. (Wallace – Aye, Clark - Aye, Sobalvarro - Aye, Ricci – Nay, Warren - Abstain)

**CHAPTER 90 REQUEST FOR LITTLETON COUNTY ROAD –**

Tim Bragan explained this was the first part of a project the BOS approved last year. Tim Clark said he was contacted by a resident on Littleton County Road saying he has made several inquiries regarding the condition of this road. Clark wondered if a different section of the road in worse condition could be addressed first. Bragan indicated the initial plan was approved and this is the first phase. His understanding from the DPW Director Rich Nota the road can only be done in sections due to limited funds and the initial plan approved can not be altered. Lucy Wallace suggested possibly extending the next phase to Trail Ridge.

On a Wallace/Warren motion, the board voted unanimously to authorize the chair to sign.

**LOCAL BUSINESS SECTION ON WEBSITE** – Ron Ricci suggested investigating providing a link on the town website for local businesses. He thought to start with a simple concept which would include a specific enrollment period. Marie Sobalvarro offered to work with Executive Assistant Julie Doucet on this.

**SURPLUS ITEMS** - On a Wallace/Sobalvarro motion, the board voted unanimously to declare four cardboard bailers as surplus.

On a Wallace/Warren motion, the board voted unanimously to declare government motors green pick up as surplus.

**TOWN MEETING WARRANT** – Tim Bragan reviewed the draft warrant with the board. Board members made suggestions on placement of articles. Marie Sobalvarro asked to add an article to address removal of abandoned vehicles. Bragan said the warrant will be finalized and ready for the board to vote on at their March 30<sup>th</sup> meeting.

\*\*\*\* On a Wallace 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 10:10pm, 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 and issues. Following the executive session, the Board will reconvene into open session, for the sole purpose of adjourning. \*\*\*

The meeting was adjourned at 10:45pm.