



**Board of Selectmen  
Minutes  
May 11, 2010  
Town Hall Meeting Room**

The meeting was called to order at 7:01PM by Vice Chair, Marie Sobalvarro in the Town Hall Meeting Room. Marie Sobalvarro, Ron Ricci, Bill Johnson and Tim Clark were all in attendance. Peter Warren was not present.

Marie Sobalvarro opened the meeting by announcing the current vacancies the town has on several boards and committees. She encouraged residents to contact the Selectmen's office for further information.

**MINUTES** - On a Clark/Johnson motion, the board voted unanimously to approve minutes of 4/27, as amended.

**TOWN CENTER WASTEWATER POLICY COMMITTEE APPOINTMENT** – Chairman Scott Hayward was present to request Kyle Hedrick be appointed to fill vacancy left by Laurance Yahia. Kyle Hedrick was there to express his interest in being appointed stating he has already been attending meetings and participating. Tim Clark asked if anyone else had expressed interest. Scott Hayward indicated Hedrick as the obvious choice considering his current involvement. On a Ricci/Johnson motion, the board votes unanimously to appoint Kyle Hedrick to replace Laurance Yahia.

**TOWN ADMINISTRATOR REPORT** – Tim Bragan reported he has received an appeal to the Board of Selectmen regarding the changes approved by the board on Fruitland's Entertainment and Liquor license conditions. He informed the board the appeal would be addressed at our next meeting.

Bragan said he received a call from former Selectmen Lucy Wallace regarding her ability to vote at the Municipal Affordable Housing Trust Fund meeting. She explained the trust understood because she was no longer a Selectman she could not vote. Bragan explained in section 11.2 of the Declaration of Trust it states: the Selectmen must recommend a BOS representative and until they do so the standing representative would continue. Wallace suggests the BOS officially appoint a representative to the Trust as soon as possible.

Bragan confirmed the Strategic Planning Session would be held on June 8<sup>th</sup>. He asked board members to provide items for discussion by May 25<sup>th</sup> and informed them they would be receiving a copy of the BOS policies and procedures for review prior to the meeting. He also confirmed the meeting dates in June to be the 8<sup>th</sup> and 22<sup>nd</sup>. Bragan said if any necessary issues come to light they could be addressed that night or as suggested by Ron Ricci possibly an early morning meeting. Bill Johnson said the Stormwater improvement project bid closes on May 27<sup>th</sup> so approval may be required. He asked to address this item if necessary on the 8<sup>th</sup> to maintain progress on the project.

## **SELECTMEN REPORTS–**

Tim Clark reported the Volunteer Fair is being held on May 15<sup>th</sup> at Volunteers Hall in the library from 11:30am to 2:30pm. He encourages residents to view the details posted on the town website and contact Betsy Kehoe for additional information: [sakbra@aol.com](mailto:sakbra@aol.com)

Tim Clark reminded the board of his request to discuss moving the Annual Town Meeting back to the last Saturday in March. Marie Sobalvarro remembered it was decided at the last meeting to discuss this at the upcoming Strategic Planning Session. Bill Johnson expressed the importance to receive input from the Finance Committee as well as the School Committee before a decision is made.

### **PUBLIC HEARING Light Tower Fiber LLC Petition for Grant of Location Installation of conduits 7:30pm**

Marie Sobalvarro opened the hearing by reading the notice that ran in the papers and was mailed to the abutters. Light Tower Fiber representative Herb Bertoni was present to give a description of the request and address any questions.

Bertoni explained he has been tasked with connecting Cisco's 2 campuses with a new fiber ring between 1414 Massachusetts Ave and 200/300 Beaver Brook Rd in Boxborough. The proposal is to place a conduit on Eldridge Rd, and Sherry Rd in Harvard in order to complete the necessary pathways to provide a connection to our existing fiber cable. He provided updated maps to the board and indicated the work to include installation of approximately 345' of 4" PVC from Pole 11 on Sherry Road to the Harvard/Boxborough and approximately 235' of 4" PVC from Pole 18 on Eldridge Rd to the Harvard/Boxborough. He stated this will provide a connection for the aerial fiber optic cable between Boxborough and Harvard to connect Cisco's two facilities. Tim Clark asked why they chose to cross the road and Bertoni said it was to stay on higher ground. Tim Bragan confirmed the DPW Director had reviewed the plans as well as the proposed conditions and was in agreement. His only comment was to be sure any cuts in the road are correctly addressed by the contractor. Bragan stated because the DPW Director has final sign off on the project he will be certain all work is done properly. Tim Bragan also confirmed Town Counsel Mark Lanza reviewed the draft documents; Order for Conduit Locations and Appendix A and found them to be in good legal order. Marie Sobalvarro asked the timeframe of the project. Bertoni said they are hopeful to be completed by August. He explained Boxborough has given them through October to accommodate for any unforeseen issues. Tim Clark reviewed Appendix A aloud in an effort to assure residents of due diligence. Bertoni also stated the Protection Plan must be revised and once that is completed they will go back to the Conservation Commission

### **Public Comment**

There was no public comment.

Marie Sobalvarro closed the public comment section of the hearing at this time.

## Board Deliberations

Marie Sobalvarro reviewed Appendix A conditions with the board and asked if there were any suggested changes or additions.

Bill Johnson said the DPW Director should be added to the last condition as the person who will visit the site with the contractor team once the work is completed to ensure that all conditions are met.

On a Johnson/Ricci motion, the board voted unanimously to add the DPW Director.

Bill Johnson asked about closing up trenches if not filled in that day. Tim Bragan said state law requires trenches to be filled or covered.

On a Clark/Johnson motion, the board voted unanimously to close the public hearing.

On Clark/Johnson motion, the board voted unanimously to endorse request of Light Tower Fiber Networks for installation of conduit on Sherry Road and Eldridge Road as outlined in application.

**ANNOUNCEMENTS** - Marie Sobalvarro made the following announcements:

- Devens Enterprise Commission will hold a public hearing on May 25<sup>th</sup> to review application to construct new public safety building on Barnum Road in Devens.
- JBOS will meet on Thursday, May 13 at 7:30pm. She requested a link to the agenda be placed on the town website.

Tim Bragan reminded the board of the new Open Meeting Law requirements that will go into effect on July 1, 2010. He commented on the current public notice board not being large enough to adequately comply. He is currently working with the Town Clerk on this. He confirmed all committees/boards will be informed of the new regulations. Executive Assistant Julie Doucet indicated MRPC will be holding an information session regarding the changes on May 25<sup>th</sup>.

## **PUBLIC COMMUNICATION**

Laura McGovern, 62 Old Mill Road, said she understands the Mosquito Control Project has made this request the past few years and no action has been taken by Harvard. She said personally she does not support the program. She asked if a response has been received from the Attorney General's office. Tim Bragan said no.

Gary Helmstetter, 48 Blanchard Road, expressed his concern over the Mosquito Control Project. He said he already smells fumes from the trains and is skeptical Devens spraying would not affect Harvard residents.

Michele Catalina, 15 Myrick Lane, asked if Harvard has an official position on Mosquito spraying. Tim Clark explained for the town to do spraying a Town Meeting vote would be required.

Janice Perry, 42 Old Mill Road, said she opposes the spraying and feels there are fewer mosquitos now than in the 80's.

Ron Ricci said the request has come from the Devens residents so maybe a request to limit spraying to the residential areas may be an option. He said most of the residential areas are not adjacent to Harvard. Marie Sobalvarro encouraged residents to attend the May 13<sup>th</sup> JBOS meeting for further discussion on the subject. Tim Clark recommended the Harvard BOS schedule time on an upcoming agenda to address the subject and Marie Sobalvarro agreed. She said this will provide ample notice to the public if they wish to participate in the discussion. Ron Ricci and Bill Johnson recommended any further discussion involve a representative from mosquito control. Johnson said it makes sense to use JBOS as the forum but Sobalvarro and Clark felt strongly the issue should be on a Harvard BOS agenda. Ron Ricci strongly suggested if the Harvard BOS do have this as an agenda item a representative from MassDevelopment and Mosquito Control must be present.

On a Ricci/Johnson motion, the board voted unanimously to direct the Town Administrator to arrange a representative from MassDevelopment and Mosquito Control and any other interested parties to attend the earliest available regular Selectmen's meeting in Harvard.

\*\*\*\* On a Johnson motion, the Board voted unanimously by a roll call vote (Johnson– AYE, Sobalvarro – AYE, Ricci – AYE, Clark - AYE) to enter into executive session at 8:15pm, 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 non-union contracts. Following the executive session, the Board will reconvene into open session only to adjourn. \*\*\*

The meeting was adjourned at 8:40pm.