



**Board of Selectmen
Minutes
Tuesday, October 5, 2010, 7:00pm
Town Hall Meeting Room**

The meeting was called to order at 7:00PM by Chair, Peter Warren in the Town Hall Meeting Room. Selectmen Peter Warren, Marie Sobalvarro, Ron Ricci and Tim Clark were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Bill Johnson was absent.

MINUTES – On a Ricci/Sobalvarro motion, the board voted unanimously to approve the minutes of 9/21, as amended.

SELECTMEN REPORTS

Planning Board - Tim Clark reported the Planning Board concurred with the amendment the BOS made to the Economic Development Committee (EDC) charter. He said they also voted unanimously to endorse the “Green Communities Action Plan” as outlined by the Energy Advisory Committee. They agreed to hold a special town meeting in November to amend the zoning map and designate a solar intake district. The town must take this step in order to continue to pursue Green Community Status.

Municipal Buildings Committee – Peter Warren said the workshop held on October 2nd was productive with 31 attending including the 7 members of the committee. He anticipates the next workshop to focus on potential design plans.

Poor Farm Adhoc sub-committee – Peter Warren confirmed the group will hold their initial meeting on Thursday, October 7th at 8:00am. Participants include a member from the Community Preservation Committee (CPC), Conservation Commission, Conservation Trust, Capital Committee, Municipal Affordable Housing Trust and hopefully a representative from the Planning Board.

Peter Warren and Tim Clark briefly reviewed the next steps for the recreation trail extension program. They said a stripping of a walking lane from Depot Road to the Ryan playing fields will begin soon. The Selectmen stated no objection with the proposal.

STATE ELECTION WARRANT

On a Clark/Sobalvarro motion, the board voted unanimously to approve ballot for election on November 2nd 2010.

HARVARD ENERGY ADVISORY COMMITTEE – Committee members Brian Smith and Eric Broadbent were in attendance along with Kelly Brown and Felipe Shores from the Department of Energy Resources. Smith said the main reason the committee recommends the town strive to become a “Green Community” is so we can be eligible for green community funds. He explained the application deadline is November 19th. At this time, the committee is requesting the BOS endorse the plan as presented and secondly to call for a Special Town Meeting to be held in early November. A Special Town Meeting

must be held on November 9th to approve a zoning bylaw change required for the As-Of-Right Siting location and to adopt the MA Stretch Energy Code. They are also requesting the BOS adopt the Energy Baseline and Reduction Plan. Felipe Shores gave a brief overview of the Action Plan highlighting the five required criteria:

1. As-Of-Right-Siting – provide zoning w/o special permit for renewable energy
2. Expedited Permitting – Permits for Criteria 1 facilities to be issued within 1 year.
3. Energy Baseline and Reduction Plan – Defines the plan and the monitoring needed to meet the 20% reduction.
4. Procurement of Fuel-Efficient Vehicles – Formalizes a policy to purchase fuel-efficient vehicles where practicable.
5. Minimize Life-Cycle Costs in Energy Construction – Adopt the MA Stretch Code.

Eric Broadbent said the committee understands concerns the BOS members and residents may have regarding the extensive criteria. They are hopeful to addressing all concerns and establishing the Green Communities designation as a good thing for the town. Peter Warren asked if the committee has held a public forum recently on the subject. Smith and Broadbent said they plan to hold a public forum immediately and are working with the League of Women voters on this. Marie Sobalvarro confirmed the League is holding the date of October 14th for them. Warren expressed his concern for the BOS to act on this request this evening without having held a public forum and without having the entire BOS in attendance. Tim Clark asked the chair how the committee should proceed considering the time constraints they are under. Clark said he is fine with the BOS not taking a final vote until their October 19th meeting but said the committee needs consent to move forward as if a special town meeting will be held. Warren was okay with this but stressed the importance of holding a public forum covering all views before the BOS October 19th meeting. Eric Broadbent said the committee understands substantial public input is necessary and will move forward immediately. Ron Ricci strongly recommended the public forum include an objective look at the stretch energy code. Ricci wants to be certain the public fully understands what they will be voting on. He said he is in favor of optimizing energy use and resources even if the town is not designated as a green community. He said the challenge will be holding a fair and balanced forum. Ricci complimented the Energy Advisory Committee on their efforts but said as BOS members it is their duty to be sure the public is fully educated on the subject. Tim Clark asked for some guidance from the board members on what would constitute an adequate forum. Ron Ricci suggested including the Building Inspector, local builders, realtors, Finance and Capital Committee members to name a few. Marie Sobalvarro volunteered to contact Audrey Ball from the League of Women voters to get the ball rolling. Tim Clark and Ron Ricci were chosen to work with the committee on the organization and participants for the forum. Marie Sobalvarro asked about the status of the As-Of-Right-Siting and the Energy Baseline & Reduction Plan. Brian Smith confirmed the committee is working with the Planning Board to determine the best site designation and bylaw change recommendation. He said they will also be meeting with the School Committee to discuss the energy reduction and vehicle policy. In conclusion, Peter Warren urged citizens to make a strong effort to attend the public forum to be held on October 14th at Volunteers Hall in the library.

TOWN CENTER SEWER PROJECT UPDATE - Town Center Sewer Building Committee Chair Chris Ashley was present. He indicated Town Center Wastewater Policy Committee Chair Scott Hayward was unable to attend but had provided Ashley with some information to share. Ashley said after the All Boards meeting he met with the Water Commissioners to review opportunities of project overlap and where efforts/contracts could be combined to minimize cost and disruption. He reported the Policy Committee has been meeting regularly and have a first draft of policies which Ashley was able to review. He anticipates the draft Rules & Regulations to be distributed shortly to the BOS and Town Counsel for their review. He explained the SRF loan application is due on October 15th. After consulting with state officials, NRG/Weston & Sampson as well as Finance Director Lorraine Leonard (town Procurement Officer) he reviewed the “Clean Water State Revolving Fund Program Loan Application Checklist” and has come across a number of items that must be submitted with the application. One item on the checklist is Appendix A – Authority to File & Certifying Authority to File. He said the BOS must vote to designate an officer to file the application and one to sign the application. On a Ricci/Sobalvarro motion, the board voted unanimously to authorize the Town Administrator authority as described in Appendix A to file and authority to the BOS Chairman to sign application as indicated in Appendix A. Item number six of the checklist is Title/Easements. Ashley explained an opinion must be given by Town Counsel confirming the town owns property where the system will be installed. Under the SRF they can not loan money for infrastructure not owned by the utility. The lender wants to know that the borrower has the right to build on the proposed site since it would be hard to claim ownership of infrastructure built on someone else’s property. Ashley will provide the request in writing to the Town Administrator for the approval. Ashley informed the board of additional items that will be due shortly after the application due date. He said at this point the BOS own the overall process until a Sewer Commission is established. He recommended the BOS schedule a meeting in early November to focus on the sewer project and to specifically review the Rules & Regulations. Marie Sobalvarro asked if Ashley could forward the SRF checklist for the board members to review.

TRINITY FINANCIAL – Representatives Abby Goldenfarb & Dan Drazen were present to review the vision sessions for Vicksburg Square. Goldenfarb described Trinity to be a Boston based real estate developer who generally works on projects in urban areas. She said they are aware the redevelopment project at Vicksburg Square will be a challenge and they have begun to develop a community outreach process. Trinity Financial plans to organize an extensive public planning process using a series of planning meetings. This process will include baseline information gathering, significant stakeholder involvement, and public review and comment to maximize the opportunity for public input. She said the process will include three sessions with the first being a listening session, second a presentation of site concept and thirdly a presentation of development plan and program. Tentatively they have set the dates of Saturday, October 23rd and 30th as the days for the first vision sessions and Thursday, November 11th for the Tour of Trinity properties. They anticipate the second vision session (presentation of site

concept) to be in the winter of 2011 as well as the final session (presentation of development plan and program).

Peter Warren questioned the October 30th date due to a Municipal Buildings workshop to be held that day as well as Halloween. Warren said he would check into this and report back to Trinity so the dates can be finalized.

DEVENS ECONOMIC ANALYSIS TEAM APPOINTMENTS – Chairman Victor Normand was in attendance to recommend Willie Wickman and Jean Russell for appointment to the committee. Normand explained both candidates have been attending meetings and on behalf of the committee he respectfully requests their appointment. The BOS asked Willie Wickman to come forward. Wickman began by stating her interest in Devens has developed over the years and she is somewhat familiar with the revenue and expenses due to her time served on the School Committee. She said she is most familiar with the education piece and feels this is an important piece to be considered. She expressed her interest in the bigger picture. Peter Warren asked Wickman if she has a strong opinion about Devens. On a Clark/Sobalvarro motion, the board voted to appoint Willie Wickman to DEAT (Clark – Aye, Sobalvarro – Aye, Ricci - Nay, Warren – Nay) The motion failed to carry no appointment was made. Marie Sobalvarro commented on how hard it is to get volunteers and hopes this does not deter others. Ron Ricci said it is very important for DEAT to proceed with the School Committee on board and he would like to have their input. He also stated the significance for the team to work with a fair and balanced perspective. Warren agreed. Tim Clark asked if there has been any communication from the School Committee. Ricci as liaison said there had been none. Clark said he is at a loss as to how Wickman’s application does not meet criteria and expressed his disappointment. Ron Ricci said he would be fine with making the appointment once the School Committee has had their opportunity to weight in. Clark stated the appointment was not the pervue of the School Committee. Ricci said he would follow up with the School Committee and the board agreed to revisit at their next meeting. Jean Russell was not present so her appointment was not considered at this time.

DEVENS RECYCLING CENTER APPEAL OF DEC DECISION – Town Administrator Tim Bragan said the appeal to the decision has been filed and will be taken up on Thursday, October 7th at the DEC meeting. The commission will first vote upon reconsideration and then move on from there. Devens Recycling Center owner Kurt MacNamarra was present. MacNamarra first wanted to be sure the board members had received the report from Nashoba Board of Health, he then informed the board members of Ayer’s decision to retract their letter opposing the extended hours. MacNamarra reminded the board the extended hours request will be granted for a six month trial period and will create twelve new jobs. He expressed his displeasure with the amount of rumors going around about his facility and said he is only a business owner trying to make the best of the tough economy we are in. He urged the board members to reconsider their initial decision. Tim Clark asked when they were approved for municipal solid waste. MacNamarra said in July of 2009. Clark asked if any formal complaints have been filed. DEC Environmental Planner Neil Angus confirmed they have received no formal written complaints and at public hearings held related to the request he asked residents to express concerns. Angus said since July 2009 the Recycling Center has been continually

monitoring the facility to ensure they are complying. Clark suggests the board consider all information received and think about providing no objection on the request for reconsideration. Marie Sobalvarro said she has been able to review all documents and visit the facility. She does not see any substantial concerns with the facility. She did make reference to truck traffic but MacNamarra assured her he addresses any issues immediately. Ricci recommends the board ask DEC to accept the appeal to reconsider the decision and let the parties involved handle the request.

Jay Thompson, 20 Auman Street, was the only concerned Devens resident who spoke against the facility.

Deborah Skauen – Hinchliffe, 221 Still River Road, asked about the conditions of the \$12 million dollar loan given to the facility by MassDevelopment.

Peter Warren suggested the facility find a better method to control truck traffic but agreed this is a DEC issue not a Harvard issue.

On a Ricci/Sobalvarro motion, the board voted unanimously to recommend DEC reconsiders their decision made relative to the Devens Recycling Center with out any comment from Harvard.

The meeting was adjourned at 9:50pm.

Documents referenced:

HARVARD ENERGY ADVISORY COMMITTEE – letter dated 9.30.2010,
Action Plan dated 9.2010, summary table and executive summary dated 9.2010
As-Of-Right-Siting dated 9.30.2010

TOWN CENTER SEWER PROJECT UPDATE – talking points draft dated
10.05.2010, Appendix A Authority to file & sign sample form

TRINITY FINANCIAL – Vision sessions handout

DEVENS ECONOMIC ANALYSIS TEAM APPOINTMENTS – volunteer forms
Willie Wickman dated 5.18.2010 & Jean Russell dated 8.2.2010