



**Board of Selectmen  
Minutes  
Tuesday, October 19, 2010, 7:00pm  
Town Hall Meeting Room**

The meeting was called to order at 7:01PM by Chair, Peter Warren in the Town Hall Meeting Room. Selectmen Peter Warren, Marie Sobalvarro, Ron Ricci, Tim Clark and Bill Johnson were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

**MINUTES** – On a Ricci/Sobalvarro motion, the board voted unanimously to approve the minutes of 10/5, as amended.

**SELECTMEN REPORTS**

**Council on Aging** – Marie Sobalvarro reported the COA is desperate for volunteers.

**Municipal Affordable Housing Trust** - Ron Ricci said Sherlie LaPierre, Barbara Brady and Bruce Nickerson appointments expire this month. He suggests the BOS make appointments at a future meeting to go in line with all other appointments that run from July –June. He also commented on the trust reviewing the existing accessory apartment bylaw to determine if this could generate affordable housing.

**Devens Economic Analysis Team** – Ricci reported he, Victor Normand and Stephen Finnegan met with Executive Vice President of Devens Operations George Ramirez. The meeting went well and a letter was sent to Mr. Ramirez framing the scope of their request for information.

**Devens Enterprise Commission/Devens Recycling Center** – Ricci said DEC voted to reconsider the request from the Devens Recycling Center to extend their hours. Ricci confirmed at the DEC meeting that the Harvard BOS did not object to granting the request for reconsideration.

**Poor Farm Adhoc Committee** - Peter Warren said the committee has toured the property and will hopefully meet next Tuesday.

**Monthly liaison reports – Tim Clark**

**Park & Recreation Committee** - Clark said the committee is pursuing development of a five year plan regarding facilities, fields, common areas and the town beach. He said the Harvard Athletic Association donated funds to improve and maintain the quality of town and school fields. The committee will revisit their partnership with the association and are extremely thankful for their recent efforts. Bill Johnson suggested the committee propose a plan for phosphate free maintenance for the fields located near the pond.

**Transfer Station Committee** – Clark reported there are currently two vacancies on the committee. The committee will continue to educate residents on how to navigate the station. He said the metal pile has been improved with the addition of jersey barriers and woodchips. Clark explained the Boy Scouts are still working on reconstruction of the

collection shed which will be relocated closer to the compactors. Once the shed is completed remaining site work will be done. Warren and Johnson suggested a space be designated for “assistance” and can later be relocated if necessary.

**Town Center Sewer Building Committee** – Clark reported the SRF application was completed and submitted on time. He thanked Tim Bragan, Lorraine Leonard, consultants and committee members for their efforts. He indicated the committee has 1 vacancy.

**Town Center Wastewater Policy Committee** – Clark said draft polices & procedures have been completed and should be reviewed by the BOS. Next steps include final approval of polices, creation of a Wastewater Management Commission and determination of how the Water Commissioners will be incorporated. Clark will request draft polices be distributed to BOS members. Bill Johnson asked if comparable organizational structures and policy statements in other towns have been evaluated for best practices.

**Agricultural Advisory Committee** – U-Pick Sign and off-site directional sign policies instituted last year to be discussed later on agenda.

**Water Commission** – Clark recommends the BOS meet with the commissioners to review operations, sourcing new wells, reviewing rates, capital projects and future integration with the Wastewater Management Commission. Marie Sobalvarro asked if the commission will be addressing rates. Clark was unsure but assumes with the sewer project moving forward fee discussion is inevitable.

**Energy Advisory Committee** – Clark indicated the committee has 1 vacancy, 1 associate vacancy, and 1 student vacancy. He commended the committee on their efforts to reducing energy consumption, lowering operating costs and planning for future projects. He thanked the League of Women Voters for sponsoring the informational forum on the Green Communities Act and the committee for bringing speakers and panelists. He reminded residents information on the stretch code was included in last years Annual Town Meeting warrant.

**Montachusett Regional Planning Commission** – The Commission will hold a press conference at Evergreen Solar to announce Federal Funding for a Regional Energy Plan Friday, October 22, at 9:00am. Clark explained the project will examine existing infrastructure in place related to energy consumption, renewable energy production, trends and projections of future energy demands.

#### **TOWN ADMINISTRATOR REPORT**

Tim Bragan informed the BOS of the Attorney Generals recent determination posting of agendas to the towns website meets all legal requirements under the Open Meeting Law. Town Clerk Janet Vellante has confirmed the website to be the official posting place for Harvard. All boards/committees have been informed of the new process by the Town Clerk. Tim Clark expressed his interest in continuing to post meetings in the traditional

fashion as well as on the website. Peter Warren suggested the BOS discuss this item further at an upcoming meeting and invite Janet Vellante to attend. Bragan said lighting upgrades recommended by the Energy Advisory Committee have been completed in the town hall, old library and Hildreth House.

Bragan reported MassDevelopment will hold a Board of Directors meeting on Wednesday, November 10<sup>th</sup> and discussion items must be submitted by November 4<sup>th</sup>.

Bragan stated all department budgets are due October 29<sup>th</sup>. The BOS will discuss submissions at their November 2<sup>nd</sup> meeting.

### **MUNICIPAL BUILDINGS COMMITTEE UPDATE**

Committee Chair Ron Ostberg was present to provide an update on the committee's progress. He reviewed the main topics the committee is working on:

- Senior Life
- Cultural Life group/Pilot Project
- Civic life/Town Government

Each program has a working group assigned to it and they are developing a program for each function and then testing the fit of those programs in the three structures. They will also develop and price several alternative development scenarios (hard construction & sources of revenue). The committee plans to complete this work by February 2011 and provide recommendations to the Board of Selectmen and Capital Committee in preparation for the Annual Town Meeting. Ostberg said the recent workshop devoted to programming had a reasonably good turnout. The next workshop to be held on November 13<sup>th</sup> and will be primarily to discuss design ideas. He explained they have contracted with consultants to prepare base drawings for the buildings/sites including input from mechanical, civil and structural engineers. They are also looking into financial issues such as opportunities for grants and real estate initiatives. He explained the cost estimator will benchmark the cost and performance of this type of renovation/construction and site work against several similar municipal projects in MA; and generate construction cost estimates using conceptual drawings from the architects and narratives from the engineers. The cost estimator shall advise on selection of alternative construction strategies, techniques, materials and systems. The finance work done has included: local resident/real estate developer looked at old library and possibly spinning off a lot near Hildreth House and characterizing grant potentials. Ostberg said the next steps will be to complete desirable profiles for senior center, town offices and possible community center and to determine how well the buildings can accommodate the functions. At the November 13<sup>th</sup> workshop cost numbers will be included so the public can understand cost relative to the benefit. He confirmed the date of the last workshop will be held on December 18<sup>th</sup>. Bill Johnson asked if the committee has investigated the opportunity for community space beyond the town buildings. Ostberg said some research was done early in the project but due to limited volunteers they have not investigated further. He did agree with Johnson that this is an important aspect that must be explored and soon. Johnson also suggested in order for the committee to reach a broader audience an electronic survey would be valuable.

Ostberg suggested a possible survey in January. Ron Ricci acknowledged the difficult task the committee has and echoes what Johnson stated about determining if there are other existing resources available to accommodate program functions they must be considered. Ricci offered to assist the committee if necessary. Ron Ostberg asked the BOS to keep in mind there has been very sensitive tension between consolidation and displacement of programs. Johnson said he is in favor of increasing community activities, but that we should use the existing and immediately usable space we already have in our schools and churches before we invest money into building new municipal spaces. Peter Warren thanked Ostberg for coming in.

**ENERGY COMMITTEE / SPECIAL TOWN MEETING** – Committee members Eric Broadbent and Brian Smith were present. Peter Warren opened the discussion by thanking Tim Clark, Ron Ricci, energy committee members and the League of Women Voters for their efforts in organizing the public forum held last week to discuss the Green Communities initiative. Brian Smith said he was impressed with the attendance and overall support in moving forward. He said most objections expressed were regarding the Stretch Code and the timing. Residents were most interested in how the code would affect renovations and additions. The committee will working on documents to show different scenarios on how this may have an effect on them. Smith indicated the recommendation from the committee still stands to move forward. Broadbent said a website has been set up with informational community context that luckily volunteers were able to assist with. The address is [harvardgreencommunity.org](http://harvardgreencommunity.org). The board members suggested a link be created on the town website. Ron Ricci thanked everyone for their efforts regarding the forum considering the last minute nature but wished the forum was not cut short due to the hours set at Volunteers Hall. Ricci said he would review the proposed vehicle policy and provide questions directly to the committee. Marie Sobalvarro expressed her regret in not being able to attend the forum but looks forward to learning more about the Stretch Code. Bill Johnson said the forum was a good experience and commented more investigation and education is needed to understand the implications for the commercial district. He said it would be helpful to the Economic Development Committee (EDC) to know if this would be a benefit or not. Tim Clark wondered if the town of Ayer may be able to provide some information considering they are about six months behind Harvard on the Green Communities designation. Peter Warren said the Town Clerk received a citizen petition calling for a Special Town Meeting. Tim Bragan provided a copy of the warrant which was reviewed by Town Counsel and the Land Use Administrator.

On a Clark/Johnson motion, the board voted unanimously to call a Special Town Meeting to be held on November 9, 2010 at 7pm at the Bromfield school to amend the protective bylaw as described in articles 2, 3 and 4 and as described by Town Administrator.

### **Public Comment**

Bill Barton, 180 Prospect Hill Road, said in his opinion this is a terrible idea for the town. He said it polarizing to adopt a view of just one group and make it law for everyone. He said people are used to the State & Federal governments doing this but to have your own neighbors restrict your rights is even worse. Right now people are focused on the mid term elections, to have a Special Town Meeting now will turn into a holy war. He does not understand why the town must rush into this considering the first he heard of it was this week. There is not enough time for residents to fully understand the issue and an issue he feels should be on an Annual Town Meeting.

Susie Macrae, 73 Oak Hill Road, began by reminding everyone this item was on the Annual Town Meeting warrant last year. She said the Energy Advisory Committee has gone to huge lengths and she sees this as something positive for the town. It will compel public interest and residents to work together for what is good. She said there is enough evidence to prove this is the right way to go and she believes change happens at a grassroots level. She encourages residents to see the opportunities this will provide for out town.

Stu Sklar, 39 Scott Road, said town meeting is the truest form of democracy and is the appropriate venue to debate the issue not here at a Board of Selectmen's meeting.

Tim Bragan began to review the remaining articles. He said Article 1 is amendment correction to the Zoning Map. He said there is a possibility it may be removed.

Bragan said Article 5 is to petition legislation for cities and towns to gain more control over plan design with respect to health insurance. He explained an email was sent by him to board members and union representatives detailing the recent movement by communities to gain plan design due to frustration that over the past three years the state government has failed to address the issue of municipal health insurance reform. He explained this was first done in Lowell and now other communities such as Chelmsford, Townsend, Pepperell and Groton are considering it as well. Bragan said this item would have come up at the Annual Town Meeting in April. He said it is unfortunate it must be done town by town instead of on the state level but this will provide towns the ability to discuss and weight in on the issue. Bragan explained this would give the town the ability to act but not required.

### **Public Comment**

Kathleen Doherty, President of the Harvard Teachers Association/teacher at Bromfield for 18 years, strongly suggests this article not be added to the Special Town Meeting warrant. She said the association believes collective bargaining is good for union and non-union employees, good for society and the economy. She said there are many misconceptions about unions and she is aware other cities/towns are considering this legislation due to the economic recession. She said the teachers association has made

significant successions over the past few years and this initiative actually sets a negative tone for all town employees. She said last year informal discussions between all unions during negotiations made a significant impact which resulted in a net savings for the town. She said this was a positive experience for everyone. She asked the board to consider if this does pass as a local home rule petition it may make Harvard less attractive to potential employees. Marie Sobalvarro stated as a reminder this gives the town the power but does not mean we will use it.

On a Ricci/Johnson motion, the board voted unanimously to place Article 5 on the Special Town Meeting warrant.

Bragan explained Article 6 is to authorize a revolving account to be used to fund the costs associated with the reutilization of the old Library relating to the Pilot Project.

On a Clark/Ricci motion, the board voted unanimously to insert Article 6 as written in draft warrant.

On a Ricci/Johnson motion, the board voted unanimously to insert Article 1 in the Special Town Meeting warrant.

On a Ricci/Clark motion, the board voted unanimously to close the Special Town Meeting warrant.

On a Clark/Sobalvarro motion, the board voted unanimously to endorse Special Town Meeting to be held on November 9, 2010.

#### **ELECTION OFFICIALS APPOINTMENTS**

On a Clark/Sobalvarro motion, the board voted unanimously to appoint Deborah Kaegebin as Deputy Inspector for the Democratic Party.

The board members debated if they were following the Selectman's Policies and Procedures as related to the appointment process for a Board or Committees which is appointed by the Board of Selectmen. The policy requires new appointees to a Board or Committee appointed by the Board of Selectmen to be present. Nancy Reifenstein and Anthony Fiore were not in attendance. Board members agreed the appointment policy must be reviewed to accommodate for all situations.

On a Ricci/Johnson motion, the board voted to appoint Anthony Fiore and Nancy Reifenstein as ballot box clerk and member of the Board of Registrars.

(Ricci – Aye, Johnson – Aye, Warren – Aye, Clark – Nay, Sobalvarro – Abstain)

**ECONOMIC DEVELOPMENT COMMITTEE (EDC)** – Bill Johnson thanked Tim Clark for presenting the revised charter to the Planning Board for their approval. At this time, Johnson will move forward with the recruitment of prospective volunteers by posting skill sets on the town website. Tim Clark suggested the Planning Board be supplied with the skill sets as well. Johnson said the committee with consist of five members with staggered three year terms. The board members agreed to move forward with the recruitment process.

#### **AGRICULTURAL ADVISORY COMMISSION U-PICK DIRECTIONAL SIGNS**

Commission members Al Combs and Wendell Willard came to the meeting to discuss

limiting the number of U-Pick directional signs. Combs and Willard agreed they do not want to place a handicap on farmers trying to make a living. Clark asked if the BOS is acting on a complaint. Tim Bragan said yes a complaint from another farmer. Wendell said the commission has discussed this issue in the past but was reluctant to limit the number of signs due the various orchard locations. He did say signs in close proximity of each other are a problem. Wendell said this is a subject the commission should address and residents should contact the commission with concerns or complaints. The BOS agreed.

**STATE ELECTION BALLOT** – Marie Sobalvarro wondered if BOS members should take position on questions. Board members talked about how questions are inserted on the ballot, suggested the ballot be linked to the town website and decided to not take position on questions.

Tim Bragan said under the Open Meeting Law there is a requirement for the Chair or a designee authority to release executive session minutes.

On a Johnson/Sobalvarro motion, the board vote unanimously to designate the Chairman and Vice Chairman authority to release executive session minutes.

The meeting was adjourned at 9:50pm.

Documents referenced:

**MUNICIPAL BUILDINGS COMMITTEE UPDATE** - documents dated 10.14.2010

**ENERGY COMMITTEE / SPECIAL TOWN MEETING** – Special Town Meeting Warrant

**ELECTION OFFICIALS APPOINTMENTS** - email & volunteer form dated 10.12.2010 for Anthony Fiore, email & volunteer form dated 10.08.2010 for Debbie Kaegebein, email & volunteer form dated 10.04.2010 for Nancy Reifenstein