



**Board of Selectmen
Minutes
Tuesday, November 16, 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, Bill Johnson and Tim Clark were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

DEVENS ECONOMIC ANALYSIS TEAM (DEAT) – Chairman Victor Normand was present to introduce Jean Russell for appointment to the team. Russell is a resident of Devens. She is currently a financial analyst and student advisor at UMASS Lowell and is pursuing an MBA in Regional and Economic Social Development. On a Ricci/Johnson motion, the board voted unanimously to appoint Jean Russell to the DEAT.

MINUTES – On a Johnson/Sobalvarro motion, the board voted unanimously to approve minutes of 11/2, as amended.

ECONOMIC DEVELOPMENT COMMITTEE (EDC) - Residents who submitted volunteer applications Al Combs, Elaine Lazarus, Rich Maiore, James Higgins and Bruce Stamski were all in attendance as well as Planning Board members Kara Minar, Wayne McFarland and Craig Bardenheuer. Each candidate gave a brief description of their background, qualifications and explained why they are interested in participating on the committee. All the candidates have lived in town for many years and share a joint interest in developing ideas that could create commercial development without jeopardizing the character of Harvard. They also agree community input will be instrumental in the process. The Selectmen and Planning Board members asked a few questions of the candidates such as their ideas on how to strike a balance between Harvard's character and development of a commercial base, how to incorporate good communication and their thoughts on what may be ok or not ok when considering commercial development. Kara Minar said it is important all the candidates understand the open meeting law and ethics guidelines. Each candidate was also asked their top goals in working with the committee. It seemed communication, community input, establishing direction and forward motion as key aspects they all expressed as significant. Wayne McFarland from the Planning Board commented on the importance of the committee to move forward and not rehash what has already been done but to build on it. The Selectmen and Planning Board members agreed the committee terms would be 3 years and a North Harvard resident should always be on the committee. Peter Warren recommended the EDC report to the BOS and Planning Boards on a regular basis with their first report in early February at a Planning Board meeting.

Terms are as follows:

- 3 years – Al Combs & Elaine Lazarus (2013)
- 2 years – Rich Maiore & Bruce Stamski (2012)
- 1 year – James Higgins (2011)

By a roll call vote, the Board of Selectmen and Planning Board voted unanimously to appoint all five candidates.

(Ricci - Aye, Johnson – Aye, Minar – Aye, Bardenheuer – Aye, Sobalvarro – Aye, Warren – Aye, Clark – Aye, McFarland – Aye)

Kara Minar said the Planning Board will appoint a liaison.

PUBLIC COMMUNICATION

Dan Justicz, 20 Woodside Road, expressed his concern regarding the leaky Sluice Gate which he says is wasting money.

SHAKER HILLS GOLF COURSE Liquor License Public Hearing 8:00pm

Peter Warren opened the hearing by reading aloud the notice that ran in the newspaper announcing the hearing. Agent for the establishment Joe Levine was present. Levine explained the hearing is for the change in premise due to the addition of a shed to the licensed premise. The ABCC requires a hearing due to this change. On a separate issue, Levine submitted a letter requesting amendment to conditions 1 and 7 issued by the Local Licensing Authority which is the Board of Selectmen.

Condition 7 was addressed first: All persons selling or serving alcoholic beverages on the licensed premises shall receive a certificate from a TIPS (Training for Intervention Procedures) program in education and training for the responsible service, sale, and consumption of alcohol. The board members were reluctant to amend this condition because it is a condition for all licensees in town. Levine explained it is difficult to comply with this condition due to the frequent turnover in employees the golf course experiences each season and is requesting just the manager be required to be TIPS certified. He said the condition requires the golf course to coordinate a training class to accommodate many different schedules which is difficult. Board members wondered what training employees would be given if not TIPS certified. Levine indicated all employees would be given similar training and are instructed to card anyone who looks under the age of 40. Levine also stated golfers on the course are constantly watched by marshals who are there to be sure things are moving along efficiently. Ron Ricci asked if the training could be taken online. Levine said he was not aware of this. On a Ricci/Johnson motion, the board voted unanimously to not grant request to amend condition 7.

Condition 1: No alcoholic beverages shall be served or sold on the golf course and function facility area before 11:00 AM weekdays and 12Noon Sundays. Levine requested the condition be amended to begin serving at 10:00am in accordance with the ABCC regulations.

On a Ricci/Johnson motion, the board voted unanimously to amend the start time for serving alcohol at the Shaker Hills Golf Course to be in accordance with state law but no earlier than 10am.

Bragan suggested the BOS consider amending Fruitland Museum's license conditions to state the same. The board did not feel comfortable making the change without a formal request from the licensee.

At this time, the change in premise was discussed. Joe Levine indicated a 10x12 shed was constructed and added to the license premise simply to provide shelter for the individuals selling beverages. Peter Warren asked if a permit was required. Levine said due to the size a permit was not required. Tim Bragan explained the ABCC requires a hearing for any alterations to the premise. Levine said a golf cart with a cooler brings the beverages to the shed. He stated they may continue to use the golf carts every now and then but plan to primarily use the shed.

On a Ricci/Johnson motion, the board voted unanimously to approve the shed addition to the Shaker Hills gold course for their ABCC renewal application.

The hearing was closed at this time.

OTHER LIQUOR LICENSE RENEWALS

On a Ricci/Johnson motion, the board voted unanimously to renewal Fruitlands Museum's liquor license.

On a Ricci/Johnson motion, the board voted unanimously to renew the Harvard General Store's liquor license.

The next renewal application presented was for The Grapevine located at 285 Ayer Road. Tim Clark asked if site plan amendments had been approved by the Planning Board and the Zoning Enforcement Officer as stated in the conditions. Clark referred to the sign and driveway not being in compliance with the original site plan that was approved. Tim Bragan confirmed the new location of the sign was approved by the Planning Board. Bragan said he spoke with the Building Inspector regarding the temporary occupancy permit which expired on September 1, 2010 and he confirmed the property is in compliance. Clark said there has been no remedy for the jersey barriers located at the site entrance which is in violation of the initial site plan that was approved. Peter Warren referenced the motion made at the BOS meeting on May 25th which only referred to the sign. He said there was no issue with the jersey barriers. Clark said the driveway is not in compliance and condition B1. Condition B1 states: The licensed premises, including exterior signage and the access to the property at 285 Ayer Road, comply with current provisions of the Town of Harvard Protective Bylaw, or, alternatively, written evidence of prior nonconforming status or an exemption is provided.

Tim Clark suggested the board include in their motion to approve the renewal subject to receipt of written approval by the Building Inspector. Ron Ricci and Bill Johnson were reluctant to do this without including a timeframe for compliance. Johnson strongly recommended the BOS allow the licensee the opportunity to become compliant as they did before. He did not realize the jersey barriers were an issue and felt it unfair to spring this on them. Peter Warren agreed the jersey barriers are not in compliance but considering the motion made on May 25th a specific direction to remedy them was not given. Marie Sobalvarro suggested including in the motion *or alternatively written evidence of prior nonconforming status or an exemption is provided*. She said this will allow the Building Inspector to provide an exemption if he sees fit. The board debated several versions of a motion and finally the following motion was made:

On a Ricci/Sobalvarro motion, the board voted to renew the Grapevine liquor license subject to written receipt from the building inspector that the site entrance comply with current provisions of the Town of Harvard protective bylaw or alternatively written evidence of prior nonconforming status or an exemption is provided.

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

2011 ROADWAY PROGRAM

DPW Director Rich Nota was present to review the plan. Nota explained over time due to increased costs for bituminous concrete public works departments have changed their strategies when it comes to road maintenance. He said the program he is presenting is geared more toward road preservation. The total cost of the program is \$559,700 and this accounts for 20.79 miles of roadway.

The plan includes:

- Bituminous concrete leveler & overlay for Park Lane and Old Schoolhouse
- Bituminous concrete leveler & nova chip overlay on Ayer Road
- Liquid asphalt stone seal to be applied to existing roadway surface on Myrick Lane, Ann Lees Road, Simon Atherton row, Babbitt Road, East Bare Hill Road, Westcott Road, Cameron Road, Tahanto Trail, Poor Farm Road, Old Shirley Road, Under Pin Hill Road and Whitney Road.
- Liquid asphalt crack filler to be applied to existing roadway surface: Brown Road, Old Mill Road, Mill Road, Prospect Hill Road, Stow Road and Pinnacle Road

Tim Bragan said this plan does not include what was submitted to the Capital Committee. On a Johnson/Ricci motion, the board voted unanimously to accept the Harvard Roadway Plan for 2011 as submitted by Rich Nota.

ENERGY REDUCTION PLAN AND FUEL EFFICIENT VEHICLE POLICY

Energy Advisory Committee members Brian Smith and Eric Broadbent were present. Peter Warren confirmed with the other members that they reviewed the amended policies. The BOS members did not have any further questions or changes.

On a Clark/Johnson motion, the board voted unanimously to endorse the Town of Harvard Energy Reduction Plan dated 11.14.2010 and attachments 1, 2 &3

On a Clark/Johnson motion, the board voted unanimously to endorse the Fuel Efficient Vehicle Policy.

TOWN ADMINISTRATOR REPORT

1. Tim Bragan said he is working with the Energy Advisory Committee to meet their deadline for the Green Communities application.
2. Bragan reminded the BOS the Friday after Thanksgiving the Town Hall will be closed.
3. Bragan reported a letter has been sent from the Boxborough Town Administrator and himself to Senator Kerry's office as a follow up regarding the flooding on Eldridge Road.
4. Bragan reported articles 9 & 11 from the Annual Town Meeting have been approved by the Attorney General's office.
5. Bragan informed the BOS members of insurance changes relating to snow and ice liability. He will be meeting with Rich Nota and Mark Force to create a plan regarding snow & ice removal in town.
6. Bragan announced he, Tim Clark and Ron Ricci will be moving forward with the pending vacancy regarding the Fire Chief.

SELECTMEN REPORTS

Peter Warren wanted to remind all boards/committees of the All Boards meeting to be held on Thursday, December 2nd. Tim Bragan explained this meeting is a Tri-Board financial meeting which now includes the Capital Committee. This meeting is lead by the Finance Committee. Warren encourages all boards/committees to attend.

Warren spoke about the 2010 Annual Town Report coming up and Marie Sobalvarro volunteered to prepare the BOS submission. Warren also asked the members to begin thinking of candidates for the Citizen of Note.

Warren said a meeting regarding the Town Center Sewer project will take place on Friday, December 3rd at 9:00am. He said Chris Ashley from the Building Committee, Scott Hayward from the Policy Committee and Water Commissioner Rick Dickson will be in attendance. All BOS members said they could attend.

Warren commented on the Trinity Financial tour of properties stating it was very interesting and if offered again it would be beneficial for people to attend.

JBOS COMMUNICATION WITH MASSDEVELOPMENT

Ron Ricci reported he met with George Ramirez and JBOS Administrative Assistant Liz Garner to discuss how to better improve communication. They spoke about holding a monthly meeting with the JBOS Chair and Vice Chair. Ricci said Ramirez seemed to be onboard with this. Ricci also suggested contacting Peter Lowitt regarding Evergreen Solar because the agreement made last year seems to be falling to the wayside.

**** On a Ricci motion, the Board voted unanimously by a roll call vote (Sobalvarro – AYE, Johnson – Aye, Ricci – AYE, Clark – AYE, Warren - Aye) to enter into executive session at 10:00pm, 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 union contracts. Following the executive session, the Board will reconvene into open session only to adjourn. ****

The meeting was adjourned at 10:20PM.

Documents referenced:

DEVENS ECONOMIC ANALYSIS TEAM (DEAT) – volunteer form for Jean Russell dated 8.2.2010

ECONOMIC DEVELOPMENT COMMITTEE (EDC) – volunteer forms for Al Combs dated, 10.19.2010, Elaine Lazarus dated 10.18.2010, Rich Maiore dated 10.28.2010, James Higgins dated 10.28.2010, Bruce Stamski dated 10.28.2010

SHAKER HILLS GOLF COURSE - Liquor License Public Hearing – Plan showing the altered premise, letter dated 11.5.2010 requesting amendments to conditions

OTHER LIQUOR LICENSE RENEWALS - Renewal forms for the Grapevine dated 11.4.2010, Harvard General Store dated 11.16.10, Shaker Hills dates 11.8.2010, Fruitland’s Museum dated 11.15.2010, memo from Police Chief dated 11.15.2010

2011 ROADWAY PROGRAM – dated 11.10.2010

ENERGY REDUCTION PLAN AND FUEL EFFICIENT VEHICLE POLICY

Revised Energy Reduction Plan dated 11.14.2010 with attachments 1-3, Fuel Efficient Vehicle Policy dated 11.14.2010