



**Board of Selectmen  
Minutes  
Tuesday, November 2, 2010, 7:02pm  
Town Hall Meeting Room**

The meeting was called to order at 7:02PM 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 entered at 7:05PM.

**MINUTES** - On a Ricci/Sobalvarro motion, the board voted unanimously to approve minutes of 10/19, as presented.

**APPOINTMENTS**

Council on Aging – Lucy Wallace was in attendance to express her interest in serving on the Council on Aging. On a Ricci/Sobalvarro motion, the board voted unanimously to appoint Lucy Wallace to the Council on Aging.

Municipal Affordable Housing Trust – Trust Chairman Mort Miller was not able to attend the meeting but did request the appointments of Selectmen representative Ron Ricci, Sherlie LaPierre, Barbara Brady and Bruce Nickerson be extended to June 30<sup>th</sup>, 2011. On a Sobalvarro/Clark motion, the board voted unanimously to extend appointments for Ron Ricci, Sherlie LaPierre, Barbara Brady and Bruce Nickerson through June 30, 2011.

**SELECTMEN REPORTS**

**Council on Aging** - Marie Sobalvarro said she attended the COA volunteer appreciation day and commented on the large number of volunteers.

Tim Clark said a hearing notice regarding the Devens Recycling Center was received from the Devens Enterprise Commission with more recent reports attached. He also said he attended a press conference held at Evergreen Solar by the Montachusett Regional Planning Commission (MRPC). The commission was announcing the recent grant received for energy assessment in the MRPC region. The grant amount is \$66,000.

**Bare Hill Pond Management Committee** – Bill Johnson reported the stormwater collection and treatment project is wrapping up for this year with final touches on the last sites and minor repairs being completed. He said the Department of Environmental Protection and the committee are happy with the progress. He said because the project has been completed under budget DEP has encouraged the committee to pursue other potential sites over the winter and implement work next summer.

Ron Ricci reported he met with George Ramirez from MassDevelopment. They discussed ways to improve communication and establishing a reasonable timeframe for MassDevelopment to provide requested information. One idea proposed was to establish a single point of contact for the town. Ricci suggested the BOS discuss ideas further

before the next JBOS meeting. Marie Sobalvarro asked about the status of their five year review. Ricci said it may be a good idea to form a JBOS sub-committee to follow the review process. Tim Clark asked about the meeting between Ramirez, Ricci and DEAT members Victor Normand and Steve Finnegan. Ricci said Ramirez agreed to speak with MassDevelopment president Robert Culver about providing audit reports to the committee but final numbers would not be available until spring. The board members agreed this would adversely affect the schedule of the Devens Economic Analysis Team (DEAT). Ricci said he plans to talk to Victor Normand about how the committee will proceed but is hopeful everyone will be able work together.

Peter Warren said it has come to the attention of the board that Devens has entered into a contract for mosquito spraying. Tim Bragan said a letter referenced in the material was not included and he has requested it. Peter Warren said a plan will be presented at JBOS and at a public information session. The board agreed to discuss further at their next meeting.

### **TOWN ADMINISTRATOR REPORT**

Tim Bragan reported on the following items:

- On November 16, 2010 we will be having a hearing on the Shaker Hills liquor license for a change to the premise and renewal of all other liquor licenses.
- The BOH would like to know if you want to co-sponsor and be on the flyer for the Nov 30th Mosquito Control Meeting. BOS members said they would be happy to promote the information session.
- The office did receive a letter from MassDevelopment regarding Mosquito Control and one letter referenced was not included in the material. Bragan has since requested a copy of that letter. In short the material we did receive says that MassDevelopment does have the ability to join Mosquito Control on their own without need of consent from the three towns.
- MOU for the Household Hazardous Waste Collaborative which Town Counsel has reviewed will be distributed to the BOS before the next meeting to be acted on by the Board. Also we have received a grant to investigate the Pay-As-You-Throw (PAYT) program with the hope of transitioning to that system in the future.
- Bragan said he met with Chris Ashley the DPW, Police and Fire to clarify what will be required for details, blasting dovetailing of work with water projects. This was to get the bid documents ready and help with some items for the SRF program.
- Tim Clark, Ron Ricci, Rich Nota and Bragan attended a meeting in West Boylston that was coordinated by Representative Jen Benson with our Congressman Tsongas and Senator Kerry and State Senator Jamie Eldridge regarding the flooding issue on Eldridge Road and in Boxborough. Bragan confirmed no Harvard money would be spent to correct the problem.
- Bragan stated he needs a board member to work with Lorraine, a member of the HEAC and myself to meet with Solar Power Partners to discuss and help make a decision on purchasing the net metering credits of Devens Solar at a discount that

could then be used as payment towards our distribution charges from National Grid.

- Bragan announced Town Hall will be closed on Thursday the 11<sup>th</sup> in observance of Veteran's Day, Thanksgiving and the day after Thanksgiving. The day after Thanksgiving employees have to use their PTO time or any compensatory time they have accumulated for that Friday.
- Bragan announced the Tri-board/All Board meeting will be held on the November 17<sup>th</sup> (mainly a financial meeting) and Special Town Meeting will be held on November 9<sup>th</sup> at 7:00PM at the Bromfield Auditorium. Bill Johnson asked to have boards/committees and departments reminded to submit ideas to reduce their projected structural deficit.

### **PUBLIC COMMUNICATION**

Jay Wallace, 62 Old Mill Road, wanted to make the board aware of the DEC meeting to be held on Thursday, November 4<sup>th</sup> where they plan to make a determination regarding Evergreen Solar's adherence to the protocol established in the Noise Violation Resolution approved by the DEC at their July 14, 2009 special meeting. He is hopeful a resolution is near considering it has been over 600 days since the initial violation. He said two sound walls have been erected and it is his understanding that Evergreen Solar plans to perform some sort of tests to demonstrate that under worst case operating conditions the plant will produce no more noise that permitted by the protocol as measures at R5 and R7. Wallace spoke with Neil Angus from DEC and it became clear DEC plans to affirm Evergreen Solar is in compliance and will put the issue to rest. Wallace is concerned about this because he feels it is important to continue ongoing permanent monitoring and compliance with conditions must be adhered too. Wallace asks the BOS to do what they can to enforce compliance with agreement established between the residents and Evergreen Solar.

Janice Perry, 42 Old Mill Road, also requests the BOS do what they can to help residents with this issue.

The board members agreed they should be informed if any changes are made to the agreement established on July 14, 2009. Ron Ricci and Bill Johnson said they would attend the meeting and convey the board's position.

### **REVIEW ENERGY REDUCTION PLAN, ENERGY POLICY & FUEL EFFICIENT VEHICLE POLICY**

Energy Advisory Committee members Brian Smith and Eric Broadbent were present to review and answer questions about the Energy Reduction Plan, Energy Policy and Vehicle Policy. Smith explained to qualify for Green Community designation criteria 3 and 4 require BOS approval. Bill Johnson wondered why they are using FY2009 as the baseline year instead of FY2008 considering changes were made then as well. Smith said after reviewing the data collected and anticipated projects they are confident in meeting requirements by choosing FY2009 as the baseline year. Johnson and Ricci asked the committee to include the previous numbers as a comparison for them to review at the next meeting. Eric Broadbent assured Johnson projects would not start unless the committee is positive reimbursement to the town will be made. Ricci and Johnson continued to strongly suggest use of the earlier numbers so the town can receive funds

now and continue to make energy improvements. Ricci and Johnson expressed concern regarding the funding of suggested projects on the chart. Brian Smith said the data indicates use of FY09 as the baseline is more beneficial. He will provide the backup data to the board members for their review. Tim Clark pointed out the plan is a living document that will be reviewed each year and can be amended. Ricci requested the inclusion of the FY08 data. He suggested the board revisit the plan at the November 16<sup>th</sup> meeting for approval. Marie Sobalvarro said the committee has provided the information prior to tonight and was expecting approval. She felt it unfortunate for the board to not act this evening. Johnson said it is important for us to review in detail this evening but agreed with Ricci to make final approval at the next BOS meeting in accordance with the Board of Selectmen's Policies and Procedures.

At this time, Brian Smith gave a brief overview of each document. He explained the **Energy Reduction Plan** established a baseline for Town energy use and provides a goal to reduce the energy usage by 20% of the total baseline year usage within five years of the baseline year. He explained the decreased energy use reduces associated emissions and Town operating costs and taxes. Next, he reviewed the **Energy Policy**. This policy is to provide a formal policy on energy use that is consistent across all Town buildings and departments, identify parties responsible for the energy use of each building and for compliance to this policy, establish a culture of conservation, influence behavior and encourage individual initiative to identify further reductions and lastly use only as much energy as necessary while maintaining a comfortable and safe environment. He said the policy has been reviewed by the School Committee as well as their Facilities Manager Mark Force for comment. He suggested the policy be reviewed with employees for their input. Lastly, they reviewed the **Fuel Efficient Vehicle Policy**. Smith explained this policy is to reduce the Town's fuel consumption and energy costs. The policy will require the Town to purchase only fuel efficient vehicles for municipal/school use whenever such vehicles are commercially available and practicable and require that vehicles be operated and maintained in a manner to maximize fuel efficiency. Smith explained this policy only applies to non-exempt vehicles. He said vehicles greater than 8500lb are exempt. The Selectmen made some corrections to the list which included removing the Fire Chief's vehicle and Brush Truck from the list of covered vehicles. Brian Smith reviewed with the BOS the amendment they plan to make at the Special Town Meeting next week. They recommend adding "with such amendment to be effective July 1, 2011" to the article. Smith explained this will allow residents some time before the code goes into effect. The board members agreed this was a good idea. Peter Warren thanked Brian and Eric again for their efforts and invited them back to the November 16<sup>th</sup> meeting for final approval.

#### **ASSIGNMENT OF WARRANT ARTICLES FOR SPECIAL TOWN MEETING**

Articles 1-3 - Planning Board

Article 4 - Tim Clark

Article 5 - Marie Sobalvarro

Article 6 - Peter Warren

#### **DEC HEARING ON DEVENS RECYCLING CENTER**

On a Ricci/Sobalvarro motion, the board authorized the Chair to sign letter presented.

## **BOARD OF SELECTMEN BUDGETS**

Tim Bragan provided spreadsheets for each budget the Selectmen's office is responsible for. This includes: Personnel, Expense, Public Buildings Expense and other various accounts such as town report, legal counsel etc. Bragan included a 5 year projected budgets as requested.

**Personnel** – He explained this budget only includes increase in steps for current employees. The projected budget indicates step increases for two employees through 2018 but this depends on turnover in the department.

**Expenses** – He said most expenses are level funded but may need to increase postage and purchase of services due to issues beyond our control.

**Public Building Expenses** – He said this area will remain level funded knowing that there is nothing that will change this amount except for the possibility of having newer buildings which would allow us to reduce this line temporarily but increase purchased services for maintenance of an elevator in Town Hall or the Hildreth House. He explained the three energy accounts will remain at the collective amount of \$130,000 for the time being until we can see what our savings is from the changes that have been made with respect to making the buildings more energy efficient. He indicated we are also looking into converting two buildings that are on oil to gas and getting more efficient furnaces which would reduce the costs going forward. He also said we are looking into PPV credits at a discount that could possibly reduce our delivery portion of the electric energy bill by discounted amount. Any savings in these areas would be used back in the buildings to create more efficiency and better maintain the public building structures. He expects wastewater treatment costs to go down but remain constant in this budget though 2017 as the changes we are making to expand the system means we will have to pay our portion for the Town buildings as well as any other costs associated with the connection of the municipal buildings and discontinuance of the current septic systems.

He reviewed a few of the other Selectmen accounts:

- increase for the Town audit
- building and liability insurance continue to increase
- Town report, Monty Tech, and debt issuance are all level funded
- street lighting continues to rise

\*\*\*\* 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 9:55pm, 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 legal issues and a non-union contract. Following the executive session, the Board will reconvene into open session only to adjourn. \*\*\*\*

The meeting was adjourned at 10:15PM.

Documents referenced:

**APPOINTMENTS** – Lucy Wallace volunteer form dated 10.25.2010 and Barbara Brady dated 10.28.2010

**PUBLIC COMMUNICATION** – Letter from Jay Wallace dated 10.31.2010

**REVIEW ENERGY REDUCTION PLAN, ENERGY POLICY & FUEL**

**EFFICIENT VEHICLE POLICY** – Energy Reduction Plan dated 10.28.2010, Fuel Efficient Vehicle Policy 10.28.2010, Energy Policy dated 10.27.2010, Energy Reduction Projects chart

**DEC HEARING ON DEVENS RECYCLING CENTER** – dated 11.02.2010

**BOARD OF SELECTMEN BUDGETS** – budgets dated 11.02.2010