



**Board of Selectmen  
Minutes  
Tuesday, December 7, 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.

**MINUTES** – On a Ricci/Sobalvarro motion, the board voted unanimously to approve minutes of 11/16, as presented.

**AGRICULTURAL ADVISORY COMMISSION APPOINTMENT** – Agricultural Advisory Commission Chair Wendell Willard was present to recommend Tim Arnold for appointment to fill the vacancy left by Sean Bilodeau. On a Ricci/Sobalvarro motion, the board voted unanimously to appoint Tim Arnold to fill vacancy with a term expiring in 2011.

**SELECTMEN REPORTS**

**Municipal Affordable Housing Trust** – Ron Ricci reported the trust met with the Planning Board to discuss an initiative regarding accessory apartments as affordable housing. The trust is requesting some time to discuss this with the BOS at their January 18<sup>th</sup> meeting.

**Vicksburg Square Sub-Committee** – Ricci said the committee would be meeting Wednesday, December 8<sup>th</sup> at 9:00am. Marie Sobalvarro and Peter Warren said they would be attending.

**Economic Development Committee** – Bill Johnson reported the committee has had their first meeting and elected Rich Maiore as the Chairman. They plan to meet again before the end of the year.

**Historic Commission** - Marie Sobalvarro stated the commission has modified their application and it is being reviewed by town counsel.

**Monthly liaison reports – Peter Warren**

**Capital Committee** – Warren reported the committee is currently reviewing all capital requests and comparing them with prior years. The requests must have been included in the five year plan submitted unless something unforeseen has occurred and the request must be expedited. So far the committee has met with the Department of Public Works, School Committee and the Energy Advisory Committee. He indicated the requests total \$1 million dollars. He anticipates the review to be completed shortly and voting to approve or not approve quickly there after. Tim Bragan said he would provide the detailed list to all the board members.

**Elm Commission** – Warren said he attended a recent commission meeting. Currently, they are preparing a newsletter to solicit donations. The commission is responsible for the

preservation and care of elm trees from the Town Hall to the new Library. He reported forty older trees in the center are being treated for fungus of which 1/3<sup>rd</sup> are done each year. He said volunteers handle the pruning of trees and the commission has a short list of new trees to be planted around the common. He specifically thanked resident Bill Herbert for his efforts in watering new trees that have been planted. Marie Sobalvarro asked if the commission has an account that is set up as revolving fund or gift account to accommodate any donations received. Tim Bragan said he would check into this.

**Tree Warden** – Warren said the tree warden reported business as usual. He said the warden has established a good working relationship with National Grid to assist with tree trimmings when necessary and this saves the town money.

**Cable Committee** – Warren said the committee has settled in nicely to their new facility at the former library. He reported they are broadcasting 24/7 on channels 12 and 13 and are running a bulletin board with announcements on channel 15. The committee has started a Bromfield Video Production Club which has been successful and plan to run an adult club as well. The committee has made arrangements with Ayer and Shirley to provide a cooperative effort in airing the JBOS meetings. He said the committee is always looking for more volunteers. Program Coordinator Robert Fernandez is developing a business plan as well as taking on other duties to assist in any way he can. Warren said the committee has submitted their budget to the Finance Director Lorraine Leonard. Tim Clark asked for a copy of the budget and was given one.

**Ambulance** – Warren reported the daytime coverage for the squad has improved due to providing drivers with first responder training. The squad has five to seven members who are fully trained so full coverage is available during the day. He said the EMT basic class is being conducted through the schools with twelve adults and twelve students attending. Some accelerated courses are being taken as well. The squad submitted an IT infrastructure capital item so they can comply with the new requirement for electronic patient care reports. The software must be installed and operational in January. The cost is approximately \$25,000. Warren suspects they may delay the deadline for compliance. They are also investigating establishment of an ALS partnership with ProEMS. They are holding ongoing discussions with the billing company Medicomps to review contract in an effort to resolve issues with how the receipts of funds and reporting of uncollectibles are handled. He said resident Ed Barron is assisting with this.

## **TOWN ADMINISTRATOR**

Tim Bragan said he has received the traffic study done by MassDevelopment if board members would like to review.

Bragan explained the heating issue down at the former library is being addressed. Random Burner Service has been out to check the system and both boilers are running. Pilot Project programs were cancelled.

Bragan told members a DEC meeting will be held on Thursday, December 9<sup>th</sup> and another meeting to review the Sewer Policy recommendations will take place on Friday, December 10<sup>th</sup>.

Bragan updated the board on future energy cost savings with National Grid. He said we are interested in extending our contract with them and taking advantage of a lower rate. The town will go out to bid and see what happens.

Bragan reported he met with Representative Jen Benson and other area Town Administrators for a quarterly meeting. He said the meeting was helpful. The discussion included review of the state budget, timeline for next year's budget to be approved after June 30<sup>th</sup> and the expectation health insurance will be addressed.

#### **APPROVE SALE OF SURPLUS EQUIPMENT**

DPW Director submitted a letter requesting approval of for the sale of surplus equipment he put out to bid in November. On a Johnson/Sobalvarro motion, the board voted unanimously to accept bids as presented.

#### **RECOGNIZE RESIGNATIONS**

On a Sobalvarro/Clark motion, the board voted unanimously to accept resignation from Sean Bilodeau from the Agricultural Advisory Commission.

On a Sobalvarro/Clark motion, the board voted unanimously to accept resignation from Lisa Fox from the Planning Board.

A letter of thanks will be sent to both volunteers. Tim Bragan said the Planning Board is looking for two members.

#### **DISCUSS FY2012 BUDGET PARAMETERS**

Marie Sobalvarro said as a result of the "rosie picture" painted at the tri-board meeting she did not feel it necessary to discuss the FY2012 budget. However, she asked her fellow board members their ideas/solutions on how the town could arrive at the \$555,000 that will be necessary according to the five year capital plan. She suggested the board begin to think about how capital items can be funded in the future considering there is no funding source in place. She said now there are funds in free cash but this will not be the case in the future. She suggested investigating the increase of the CPC surcharge. She also spoke about the continued decrease in Chapter 90 funds over the years and how this adversely affects the town's ability to take on larger projects when it comes to the roadways. Bill Johnson asked if there was any discussion on structural improvements or new revenue sources at the All Boards meeting. Sobalvarro said most of the structural improvements have been done. Tim Clark wondered if there are other areas in town that could be set up as an enterprise and if that would help in reducing operating expenses. Ron Ricci was skeptical about the CPC idea but supports the five year long range planning approach. Peter Warren also questioned the CPC approach due the timing considering the real estate market. An increase to the CPC would add an increased burden to sellers. Johnson said he understands the demands of the future and again suggests ideas to increase the revenue base. The board members agreed this is an important issue that must be dealt with. Board members will approach their liaison assignments to generate ideas on how revenue can be increased. Ron Ricci said the town will have to prioritize and finance when necessary. Warren said this is a significant subject to revisit and the board agreed.

### **SINGLE POINT COMMUNICATIONS WITH MASSDEVELOPMENT**

Ron Ricci explained JBOS Administrative Assistant Liz Garner will be the first point of contact with George Ramirez's secretary on administrative exchanges. He said other issues will be communicated through the JBOS Chair. Tim Clark asked if all correspondence could be sent to all JBOS members to keep everyone aware of what is going on.

### **DISCUSS DEVENS MOSQUITO CONTROL**

Peter Warren began the conversation by suggesting a letter be sent to the Devens DPW requesting no treatment in the wetlands area parallel to the Barnum railroad bridge to the entrance of Devens. Marie Sobalvarro said the original agreement should be revisited. Ron Ricci said the request must be reasonable. Tim Clark expressed his reluctance to do anything further until a clear decision has been rendered by the Attorney General's office which was requested previously from the BOS. He said at the Board of Health mosquito information night it was clear there are real limitations in the fish and wildlife area. Bill Johnson said assuming they do go ahead with the spraying it makes sense to provide some protections for Harvard residents who may be affected. Clark reiterated his belief that nothing can be done unless the Attorney General ruled they could but the town has seen no proof of that. Warren read the letter which states they will be moving forward with the spraying. Ron Ricci said if the Attorney General is "bowing out" it is still our duty to address the concerns expressed by residents. Johnson agreed stating at this point we know they are moving forward so how can we best protect our border. Clark said this is a misrepresentation and we have nothing more than a few saying they are in favor but no full expression of interest from residents. Warren understands Central Mass Mosquito has GPS and can block areas if requested. Marie Sobalvarro said we are dealing with two separate issues; one being our original conditions have not been met and two how we can protect our residents. Sobalvarro suggests the board codify a reasonable buffer zone and notify abutters. Clark expressed his frustration with the BOS continually being ignored when it comes to this subject. Ron Ricci said we must stay focused on what we can control and try to accomplish that. Sobalvarro volunteered to delineate maps and prepare a notice to alert all abutters.

### **DISCUSS & REVIEW DRAFT ELECTRONIC COMMUNICATIONS POLICY**

Ron Ricci prepared a draft policy to address electronic communications usage during meetings. He said it may be a good idea to provide some guidance for other boards and to establish as a basic common business courtesy. The board members discussed different uses and decided an official policy is not necessary.

### **DISCUSS PROCESS FOR REPLACEMENT OF THE FIRE CHIEF**

Peter Warren recused himself from the discussion. Tim Bragan explained the current chief's contract will expire at the end of the month. He recommends the BOS appoint an interim Fire Chief as they did when replacing the Police Chief. He has met with Ron Ricci, Tim Clark and the Deputy Chief as well as the Lieutenants. The volunteer fire department has requested input into the process. Bragan said the town is looking for an individual who has worked in a similar call department Fire Department Lieutenant Tony

Shaw came forward. All agreed the selection process will require a committee made up of two Selectmen, two Fire Department members and the Town Administrator.

Tim Clark suggested an open discussion begin considering this is the first time the subject has been discussed in an open meeting. As the Vice Chair, Marie Sobalvarro ran the discussion and began by asking if any BOS member had questions or input. Bill Johnson asked about the timeline. Bragan said he envisions three to four months for an interim and depending on what changes are made to the job description will dictate how long before a new Fire Chief is hired. He said there is a retired Fire Chiefs network that can be accessed for potential candidates. Tim Clark said the interim would take over the administrative duties as well as the inspectional services. Bragan said the interim will also be a good asset in providing some guidance possibly act as a consultant. Lt. Shaw assured the board the leadership in the department will continue seamlessly and they appreciate their input being considered. Lt. Shaw said the department has chosen Lt. Charles Nigzus and Firefighter Bill Barton as their representatives.

On a Johnson/Sobalvarro motion, the board voted unanimously (minus Peter Warren) to appoint Ron Ricci and Tim Clark as the BOS representatives, two Fire Fighters Charles Nigzus and Bill Barton and Town Administrator Tim Bragan to the recruit, interview and recommend a candidate to commence as soon as possible for the interim Fire Chief.

Next, Sobalvarro began discussion relating to the timeline for hiring a new Fire Chief. Bragan said he would provide the current Fire Chief's job description for the BOS members to review. He said firefighters can provide input as well. Bragan confirmed any changes made to the job description will require approval from the Personnel Board. He anticipates the committee revisiting the BOS in January once the job description has been reviewed. Tim Clark said an internal and pier review will be necessary. Once the review has been completed a firmer timeline and process can be defined to fill the long term position.

#### **REQUEST TO PLACE WATER LINE UNDER AYER ROAD**

Town resident and real estate developer Lou Russo was present to request approval from the board to place water piping under Ayer Road. He explained this is to provide drinking water from his property on one side to the other. He said in Chapter 40 Section 42 of the Massachusetts General Laws it states the BOS has the authority to authorize the laying of pipes and conduits for the conveyance of water under any public way in their town to provide drinking water. He presented a plan showing where the directional drilling would occur and confirmed there would be no disturbance to the road. He also confirmed he would be consulting with Dig Safe to be certain drilling is done under utilities. Tim Clark wondered why an easement would not be required. He used St. Benedicts as a reference. Peter Warren said St. Benedicts requested doing an easement. Clark understood granting an easement to be customary to provide protection to the town. Clark requested verification with National Grid and review of Russo's DEP permit prior to any approval. Russo did not understand why the DEP permit would need to be reviewed by the Selectmen. Clark referenced the well head protection which Russo said was an entirely different issue and has nothing to do with this request. Bill Johnson agreed this was unrelated and suggested each agency deal within their jurisdiction. Clark asked why a

request was not presented in writing. Russo said he did speak with DPW Director Rich Nota about a street opening permit and was told to request approval from the BOS. Clark said he is not against approving the request but wants to be certain the town is protected and any agreement made is approved by Town Counsel. Marie Sobalvarro asked why he is seeking approval from the BOS versus an easement. Russo said typically this is how it is done with utilities and he does not feel an easement is necessary. Also, he said an easement would require town meeting approval and his project is ready to be completed. His legal counsel also told him an easement was not necessary. Sobalvarro understands an approval is more expeditious but with no easement how is the town protected. Russo said actually an easement would be to protect him not the town. Russo assured the members he has not problem handling any issues that may arise. He suggested terms & conditions would be similar to what is stated in a street opening permit regarding indemnity. Peter Warren suggested draft language be reviewed by town counsel and Russo's attorney to be approved at the next BOS meeting on December 21<sup>st</sup>.

The meeting was adjourned at 9:30pm.

Documents referenced:

**AGRICULTURAL ADVISORY COMMISSION APPOINTMENT** – Tim Arnold  
volunteer form dated 11.30.2010

**APPROVE SALE OF SURPLUS EQUIPMENT** – Letter from DPW Director dated  
11.23.2010

**RECOGNIZE RESIGNATIONS** – letter from Sean Bilodeau dated 11.23.2010 and  
letter from Lisa Fox dated 11.10.2010

**DISCUSS & REVIEW DRAFT ELECTRONIC COMMUNICATIONS POLICY**  
Draft policy dated 12.1.2010

**DISCUSS PROCESS FOR REPLACEMENT OF THE FIRE CHIEF**  
Memo from Town Administrator dated 12.7.2010

**REQUEST TO PLACE WATER LINE UNDER AYER ROAD**  
GPR map dates 10.20.2010