



**Board of Selectmen
Minutes
Tuesday, January 4, 2011, 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.

FOXGLOVE PROPERTY EASEMENT & RIGHT OF FIRST REFUSAL

Bruce Ringwall from the engineering firm GPR was present to explain the request in detail. He said the property is located on the corner of Old Mill and Ayer Roads. It was the first Local Initiative Property (LIP) in town. He explained the abutting properties owned by Foxglove and Pleasant Properties are granting each other easements for their respective existing and proposed Zone 1 Protective well radii. Prior to granting the easements a release of Right of First Refusal relative to the easement grant from Foxglove is necessary from the Town of Harvard to ensure clear title. Ringwall provided a draft Release of Right of First Refusal along with a map and the original Grant of Right of First Refusal. Peter Warren recommended having Town Counsel review the draft Release of Right of First Refusal prior to the board signing it. Tim Bragan said he did forward the draft to Mark Lanza but he had not had a chance to review it. Tim Clark asked if approval from the Conservation Commission had been granted considering they are abutting as well. Ringwall said approval was granted some time ago and he would supply the paperwork supporting this. Ringwall said they are still waiting for approval from DEP regarding the public water supply request so the radius could change. The board agreed to sign the document at their January 18th meeting.

SELECTMEN REPORTS

Library Trustees - Marie Sobalvarro plans to touch base with the library trustees on their recent meeting.

Peter Warren said he has spoken with Phoebe Walker from the Franklin Regional Council of Governments and she can come to give a presentation on February 2nd or 3rd. He wants to invite surrounding communities to attend. He said if there is a lot of interest it would make sense to form a committee with representatives from each community to continue to explore opportunities for regionalization of services. A letter will be drafted inviting the surrounding communities.

TOWN ADMINISTRATOR REPORT

Bragan reported he met with DPW Director Rich Nota, School Facilities Manager Mark Force and Town Counsel Mark Lanza to discuss the town's liability for snow and ice removal due to the new court ruling. He Mark Lanza will draft guidelines/policies to which he will develop an action plan. He anticipates revisiting this issue with the board at

their first meeting in February. Bill Johnson asked if we can cover our liability with existing personnel. Bragan said it will require some negotiations.

Bragan said he confirmed with the Town Clerk the Town Caucus will be held on February 12th. The warrant will be ready for signatures at the next meeting.

Bragan informed the board that the Planning Board will be looking to have Peter Brooks appointed at the next BOS meeting to fill their other vacancy they have. Peter Warren suggested handling the appointment when the BOS visits the Planning Board meeting with the Economic Development Committee.

Bragan reported the Department of Revenue plans to begin the Management Audit next week. They will need to meet with the BOS Chair and Bragan has recommended Tim Clark as well considering this was his idea.

Bragan expects the MOU for the Regional Household Hazardous Waste Collaborative to be ready for signatures at the next meeting.

Bragan said the Devens Enterprise Commission (DEC) will be meeting Thursday, January 6th to continue the discussion on the continuing Regional Household Hazardous Waste Collaborative.

Bragan updated the board on the flooding issue occurring in Harvard and Boxborough. He said Senators Kerry's office plans to hold another meeting and site visit. He will inform Ron Ricci and Tim Clark once he knows more details.

Bragan informed the board of another affordable refinance they will need to approve. Ron Ricci wondered if the approval of affordable refinances could be done solely by the Town Administrators office. Bragan will follow up with the Department of Housing and Community Development (DHCD).

Bragan received a request from a resident on Deerfoot Trail asking to have the DPW department add larvicide's to all the catch basins in town to kill the mosquito larvae. She is concerned about the disease carried by mosquitoes. The resident had spoken to the DPW Director about this and he told her the request must be approved by the BOS. Another issue she brought forward was concerning residents leaving trash receptacles out for extended periods of time. Bragan plans to work on this with the Board of Health.

GREEN COMMUNITIES APPLICATION - ENERGY ADVISORY COMMITTEE

Energy Committee member Eric Broadbent was in attendance to review a list of potential projects for submission with the Green Communities application. The committee is looking to the BOS for their input and guidance. Broadbent provide a handout with an informal list of projects along with the Energy Reduction Plan previously distributed. Peter Warren asked if the School Committee has reviewed yet. Broadbent said not yet but they will be meeting with them. He indicated all the proposals did exist nothing new. Conversion to natural gas – not sure how much could be done by national grid

The board members agreed the following projects should be considered:

- Hildreth Elementary School – Mechanical upgrades – Demand-Controlled Ventilation, BAS Upgrade, Retro-commissioning
- Bromfield School – Conversion to Natural Gas
- Police Station – HVAC/BAS upgrade
- Hildreth Elementary School – K-wing window replacements
- Hildreth Elementary School – Secondary Boiler

On the list there were a couple of items relating to the Municipal Buildings Committee regarding energy studies and reports. It was decided these items were too premature at this time to consider for funding. Some questions that came up during the discussion were if Green Community funds can be matched with other grant funds, if more projects can be submitted that needed in the event other projects do not qualify and do we have to resubmit the application if projects fall through or can we re-purpose funds. Broadbent said he would send an email to reiterate what was discussed and Ron Ricci will follow up with the School Committee on this considering the application deadline is quickly approaching.

DISCUSS RECORDING FOR JBOS & DEVENS ENTERPRISE COMMISSION

Ron Ricci drafted a letter to be sent to DEC Board of Directors Chair William Marshall and Executive Vice President of Devens Operations George Ramirez requesting appropriate video and audio equipment be installed in Conference Room #1 at 33 Andrews Parkway to allow video recording of all DEC and JBOS meetings. On a Ricci/Johnson motion, the board voted unanimously to send the letter.

DEVENS REUSE PLAN 5 YEAR REVIEW APPOINTEE

Ron Ricci said it is not apparent if a review will be done but considering Harvard is leading the charge on this one it would make sense for us to put forth a name and see what happens. Ron Ricci nominated Marie Sobalvarro as the Harvard representative and the board voted unanimously in favor of her nomination.

INCREASE REVENUE IDEAS

Peter Warren said he added this as a friendly reminder for all the board members to follow up with their liaison assignments on this.

WATER LINES UNDER AYER ROAD – LD RUSSO

Lou Russo was present to continue with his request to authorize the installation of water lines under Ayer Road. Tim Bragan presented the board with a permit authorizing the laying of pipes under public way. He explained the document was reviewed by Town Counsel and Lou Russo attorney and was finalized earlier today. Tim Clark had some questions regarding the language. The board members agreed to two amendments and the following motion was made:

On a Johnson/Clark motion, the board voted unanimously to authorize the permit subject to the following amendments: removal of “*above in*” Section 2 and change fee in Section 4 to \$50.

TRANSFER STATION SENIOR CITIZEN PARKING SPACE

Peter Warren asked Tim Clark about the progress on this. Clark said he was unsure but would follow up with DPW Director Rich Nota.

APPOINTMENT OF INTERIM FIRE CHIEF

Tim Bragan reported a list of twelve candidates were reviewed and narrowed down to six names of which one person withdrew their name and another did not meet the requirements. Bragan said three candidates were interviewed. Tim Bragan worked with Selectmen Ron Ricci and Tim Clark and Firefighters Charles Nigzus and Bill Barton. Former Fire Chief Donald S. Hurme's name was recommended for appointment as the interim chief.

On a Clark/Johnson motion, the board voted to appoint former Fire Chief Donald S. Hurme to position of interim Fire Chief with a contract to be approved by the Town Administrator with formal approval by the Board of Selectmen at their next meeting. (Warren – Abstained)

Charles Nigzus thanked the Selectmen and Tim Bragan for expediting this process. He stated after review of all resumes it was apparent Hurme was the strongest candidate. He said the interview process was extensive stating each candidate was interviewed for about an hour and a half. He said the group broke out into two separate groups and reconvened with the same conclusion. Nigzus said Hurme should serve as a good interim and will be able to provide guidance in selection of a new Fire Chief as well.

**** 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 8:50pm, 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 potential litigation. Following the executive session, the Board will reconvene into open session only to adjourn. ****

The meeting was adjourned at 9:30PM.

Documents referenced:

FOXGLOVE PROPERTY EASEMENT & RIGHT OF FIRST REFUSAL

Release of First Right of Refusal and map dated December 2010

GREEN COMMUNITIES APPLICATION - ENERGY ADVISORY COMMITTEE

Energy Reduction Projects spreadsheet dated 11.14.2010

DISCUSS RECORDING FOR JBOS & DEVENS ENTERPRISE COMMISSION

Letter dated 1.4.2011

WATER LINES UNDER AYER ROAD – LD RUSSO

Permit authorizing the laying of pipes under public way dated 1.4.2011