



*Board of Selectmen
Minutes
Tuesday, March 1, 2011, 7:00pm
Volunteers Hall*

The meeting was called to order at 7:00PM by Chair, Peter Warren in Volunteers Hall at the public Library. 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.

MUNICIPAL BUILDING COMMITTEE PRESENTATION

Committee member Ron Ostberg began by providing a brief history on how the committee was established and what their charge is. He said the full report submitted by the MBC is posted on the town website and the presentation from this evening would be added as well. The presentation included the process/findings, recommendations, implementation/funding & phasing, proposed warrant article and the next steps/future choices. He explained concern has been expressed over the state of the town buildings relating to repairs as well as building compliance. The buildings the committee was tasked to focus on are the Town Hall, Hildreth House and the old library. He stated all the buildings are special and have a great history and a great future. The presentation included a diagram showing the process taken: workshops, studies including design concepts, costs, variables, alternatives, implementation strategy and recommendations. He reviewed the breakout for each building including building conditions, program analysis, design concepts and cost estimates. Ostberg said the committee also reviewed the site as a whole. The site includes the area from the Hildreth House down through the common and out toward the pond. Regarding the site, the committee identified issues to be addressed such as pedestrian safety, vehicular movements, parking and common enhancements. The committee also prepared alternative development scenarios for each property. The presentation included the following recommendations:

- All three properties shall remain in civic use.
- **Town Hall** shall be renovated and expanded.
- The **Town Hall** site shall be incorporated into the Common.
- **Hildreth House** shall remain as the center of senior life.
- **Old library** shall continue as a Cultural Center.
- The site around the **old library** shall be improved.
- Funding sources are both public and private.

Ostberg explained the next step in the process is the implementation and funding piece. He said the funding portion would include public and private partnerships. The implementation would be done in phases with the Town Hall schematic design as the next step. Ostberg said a draft of the warrant article is included along with next steps and future choices to be made. He ended the presentation by stating the importance to maintain the town values and stewardship. The town can do this by seeking ways to turn obligations into opportunities to enhance our community.

At this time, Peter Warren turned the meeting over to for Selectmen questions or comments.

Ron Ricci, Bill Johnson, Marie Sobalvarro and Peter Warren deferred comment at this time.

Tim Clark said the committee has done an excellent job. He said their investigation has moved him from wanting to move Town Hall to the old Library to remaining where it is. He supports their recommendation.

PUBLIC COMMENT ON MBC PRESENTATION

Connie Larrabee, 15 Under Pin Hill Road, spoke as a member of the Council on Aging thanking the committee for all their hard work and for honoring the history of the Hildreth House as the senior center. She appreciates them taking their dream seriously and giving hope to the seniors along with listening to their concerns. She presented a petition signed by 146 residents requesting the COA remain at the Hildreth House.

Peter Zuk, 258 Old Littleton Road, said he wants to be able to afford to stay in his home and if taxes continue to increase that may not be possible. It does not do any good if you can not stay in town.

Bill Salter, 3 Elm Street, said of course lower taxes are better but unfortunately you must pay for what you want. He reminded people of the context and history regarding the town center. He referenced the master plan as well as the town center sewer project. He said the project is not part of what the committee is proposing but will help to make it possible. He commented on the view shed that existed in the past and how you need to look past the cost and see the larger context. He said it may take many years and many committees to continue the work. It will be a long process but we should not be short sighted.

Steve O'Brien, 7 East Bare Hill Road, said beyond the conservation of properties it must be understood how much is driven by preservation or specific needs such as with the Hildreth House. Are we looking to improve existing uses or are our needs not being met? He asked what the ongoing operating costs will be once improvements have been completed. Is there a back up plan if the non-profit idea for the old library does not work? Ostberg responded by stating both preservation and program activities have been considered. There is no question the COA population will grow. The cultural center concept run by a non-profit may be viable and may not. He said there are other options so we try it and see what happens. He said it was too early to know the operating costs.

Pat White, 162 East Bare Hill Road, said the town hall does not support city government and we are in need of more designated meeting space.

Jack Spero, 22 Deerfoot Trail, commends the committee for their work. He is skeptical donations will be a practical way to fund some of these projects considering the increasing energy costs we are all dealing with. He thinks it is a gamble to depend partially on private donations.

Don Green, 90 Oak Hill Road, cautioned the Board of Selectmen to consider this during these economic times. He said roads are in desperate need of repair and we are receiving fewer funds in state aid. There is no money so the burden will fall on the taxpayers.

Worth Robbins, 115 Mass Avenue, said he is speaking as a citizen and not a representative of the paper. He believes the voters should be given the chance to approve or deny the recommendations; the comprehensive analysis needs to be replaced with schematic design plans. He said debt exclusion may not be the right option for funding. He said any plans developed will only be useful over time if the project is committed too. Why pay for something that may be worthless and considering we have money in free cash why not use those funds. He noted free cash is not a reliable source for ongoing expenses but it is appropriate to fund schematic design plans so we can get to a point where we feel comfortable to commit to construction.

Chris Ashley, 21 Woodside Road, said having been involved in the sewer project and attending the Town Center Wastewater Policy Committee meetings contention arises on the issue of how to honor the pledge by the Selectmen made to reserve capacity from property owners paying for the infrastructure. He said this issue needs to be resolved before capacity is available for use. He cautions how this could affect land sales and development in the town center.

Steve O'Brien, 7 East Bare Hill Road, asks what the consensus of the Selectmen is. Do they agree buildings are in disrepair but are divided on the scope? The board said they are in agreement the buildings are deplorable but they do have different views on the scope.

Stu Sklar, 39 Scott Road, thanked the MBC for their comprehensive report which includes a high level of detail, interviews, charettes, and integrates the town's history. He said it is important to keep the town vibrant with the fast growing population. He suggested use of free cash for schematic design instead of debt exclusion. He encouraged the Selectmen to allow the town the opportunity to vote.

Whit Sprague, 160 Prospect Hill Road, agreed the ideas are good and hates to criticize the hard work of the committee but questions the necessity of their recommendations. He thinks we should be realistic on the cost and make do with what we have considering the economic environment we are in.

Don Green, 90 Oak Hill Road, commented on the condition of other town buildings such as the fire station which is in need of serious repairs. He feels we should fix these problems first.

Eric Broadbent, 73 Oak Hill Road, said tough decisions have been made before concerning direction and financing for large projects. He feels if a plan is in place that makes sense and will benefit the community it can be done.

Wade Holtzman, 104 Bolton Road, said looking around town at infrastructure there is serious decay and he is surprised this has not been taken care of. He suggests we take care of what we have now before adding any more.

Paul Green, 288 Old Littleton Road, said he has had the privilege of serving on many committees over the years. He expressed concern that we are second guessing this committee or rushing them to judgment. He said part of the motivation for volunteers is achieving success and even if we are not ready to make this decision the committee has done a great job. His greatest concern is the financing and suggests we sharpen up the finance end of things and fine tune the charge. He referenced the church project by stating if it takes a bit more time then so be it and maybe by then the economy will pick up.

Lucy Wallace, MBC member, clarified the request for funding is actually to help us refine our understanding and further investigate the projects through a schematic planning stage. The decision now is do we want to continue forward and come back in a year with our pencils sharpened.

After the public comment ended, Peter Warren said further discussion by the Selectmen will resume during the review of the warrant. Warren thanked the committee for their dedication and understanding of the public comments given. He said another public hearing would be held on Thursday, March 10th by the League of Women Voters.

PUBLIC COMMUNICATION

Samantha Allen, 43 Under Pin Hill Road, asked for clarification on what free cash is. Tim Bragan said he would send her documentation on this. He indicated most of the free cash we have came from federal reimbursements related to the ice storm of 2008.

MINUTES

On a Johnson/Ricci motion, the board voted unanimously to approve the minutes of 2/1, as amended and 2/15, as presented.

SELECTMEN REPORTS

Bill Johnson said the DPW is working on the final improvements to the dam.

Tim Clark asked Chris Ashley to come forward to provide an update on the sewer project. He said they are awaiting approval for the technical design from the DEP central Worcester office. They need additional time so an extension has been requested. He indicated it is unlikely we will receive construction cost numbers in the next twelve weeks. Ashley is hopeful we can get a handle on what the issues are so we can proceed.

Peter Warren reported he has sent a follow up letter to the communities who attended the regionalization presentation. He is awaiting their responses.

Warren said the Cable Committee is working with Ayer and Shirley relative to setting up equipment to record the JBOS and DEC meetings. He indicated Shirley is not interested in operating the equipment.

Warren said the next liaison report will be given by Marie Sobalvarro.

Tim Clark said the Town of Shirley has sent a letter to Senator Eldridge and Representative Benson in support of opening bids for municipal services in Devens to the public.

TOWN ADMINISTRATOR REPORT

Tim Bragan invited Energy Advisory Committee member Eric Broadbent to come forward to explain the recent developments regarding the Green Community application projects. Broadbent said an email was received from the DOER representative Kelly Brown indicating the projects that have been approved from the list submitted. Due to some of the projects not being approved others moved up causing the total cost to be \$149,500. The grant amount is \$141,200. There is a difference of \$8,300 that the DOER needs to know where the funds will come from to pay the difference. Broadbent explained he has been working with the Finance Director Lorraine Leonard on the projects that also require MSBA funding. They have run into a couple issues but are still working on this. He said it is still possible the other projects not approved now will be shortly. The issue is DOER needs confirmation from us by March 2nd (tomorrow) because all projects are being formally announced. After some discussion and considering the time constraints, the board members decided to add an article to the warrant to cover the difference in hopes the issues with the other projects will be taken care of and the warrant article will not be necessary.

Bragan reported the snow and ice budget has been expended.

On a Clark/Johnson motion, the board voted unanimously to approve deficit spending of the snow and ice budget through the rest of the season.

REVIEW & APPROVE ATM WARRANT

Tim Bragan confirmed the warrant has been reviewed by Town Counsel Mark Lanza.

Articles 18-20

Bragan explained before he left for vacation Town Counsel advised amending the proposed article 18 to allow for general discussion on Town Meeting floor. This article was inserted by the Capital Planning & Investment Committee. Marie Sobalvarro was a little concerned over some of the changes made. Finance Committee representative on the Capital Planning & Investment Committee George McKenna spoke stating the article as written reflects the vote and sentiment of the committee. Discussion ensued over the difference between the original and new article. Tim Clark said it is important for the Selectmen to have input even though the article is authored by another committee. Ron Ricci proposed choosing between articles 18 and 19 considering article 20 was submitted by citizen petition and encompasses many of the concerns expressed over the

recommendation. There was discussion over how the Selectmen should vote to endorse articles.

On a Ricci/Johnson motion, the board voted to endorse both article 19 & 20 for thorough discussion on town meeting floor.

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

Sobalvarro questioned what endorse means in this motion. Ron Ricci and Bill Johnson feel it makes sense to frame discussion on town meeting floor. Sobalvarro struggles with this notion because the citizen's petition goes on regardless. She does not understand why endorse is included in the motion. Johnson said the idea is to give choices so the decision is not all or nothing considering the deferred maintenance that must be dealt with. Johnson said both articles provide a good statement that doing nothing is not an option. Tim Clark said it is not good service to have conflicting articles. Sobalvarro asked if the citizen's petition can be changed on ATM floor. Bragan said only if it is within the scope of the article submitted.

Peter Warren said historically schematic designs have been funded as debt exclusions. Sobalvarro agrees to fund as traditionally done. Johnson agreed. Finance Committee Chair Bob Thurston spoke in agreement as well. He said the Finance Committee recommends the ballot question to be available at the polls.

On a Sobalvarro/Clark motion, the board voted to place article 19 as presented by MBC on the town meeting warrant.

(Johnson - Abstain, Ricci - Abstain, Warren - Aye, Clark, Aye, Sobalvarro - Aye)

On a Clark/Johnson motion, the board voted unanimously to remove article 18.

Sobalvarro commented past practice as always been to place articles on the warrant as recommended by the committee appointed. She is concerned if we continue down this path volunteerism will be in jeopardy which will hurt the community as much as massive tax increases will. Tim Clark expressed concern over flexibility of the article which may be challenging to amend. Peter Warren understands but thinks article 20 addresses most concerns and with the MBC article first there is another opportunity to address if need be.

Article 28

There was discussion to remove article 28 due to no funding available but Tim Bragan said it was submitted as a citizen's petition so it can not be removed. The board did decide to change the placement of the article.

On a Sobalvarro/Johnson motion, the board voted unanimously to move article 28 to 20.

Article 34

On a Ricci/Johnson motion, the board voted unanimously to strike article 34.

Bragan said he will make amendments to the warrant and add the Finance Committee recommendations after tomorrow nights Finance Committee meeting.

On a Ricci/Johnson motion, the board voted unanimously to accept warrant as amended.
On a Johnson/Ricci motion, the board voted unanimously to set town meeting date as April 2, 2011.

On a Johnson/Ricci motion, the board voted unanimously to approve question 1 as presented.

On a Sobalvarro/Johnson motion, the board voted unanimously to continue the meeting past 10pm to finish the agenda.

AMEND LIQUOR LICENSE RULES & REGULATIONS

On a Clark/Johnson motion, the board voted unanimously to amend our liquor license rules and regulations as submitted.

FIRE CHIEF JOB DESCRIPTION

Tim Bragan said he did not receive any feedback after the last meeting when he provided an expanded version of the job description to include Emergency Management. Peter Warren reviewed some changes he felt would be necessary. The board agreed to have Tim Clark follow up with Firefighters Charles Nigzus and Bill Barton on the suggestions. Clark also suggested they ask Interim Chief Don Hurme his recommendation regarding the options Bragan supplied part time versus full time. They will approve at their next meeting.

**** On a Johnson 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 10:49pm, 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 litigation. Following the executive session, the Board will reconvene into open session only to adjourn. ****

The meeting was adjourned at 11:00PM.

Documents referenced:

MUNICIPAL BUILDING COMMITTEE PRESENTATION

Municipal Buildings Committee presentation dated March 2011.

PUBLIC COMMENT ON MBC PRESENTATION – COA citizen petition submitted
REVIEW & APPROVE ATM WARRANT – ATM Warrant for April 2, 2011.

AMEND LIQUOR LICENSE RULES & REGULATIONS – pages 2 & 3 of existing policy with additions.