



**Board of Selectmen
Minutes
Tuesday, April 5, 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 and Bill Johnson were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Tim Clark entered at 7:09PM.

MINUTES – On a Ricci/Sobalvarro motion, the board voted unanimously to approve the minutes of 3/1 and 3/15.

APPOINTMENTS

Part-time Dispatcher - Police Chief Ed Denmark introduced James Flanders for appointment as a part time dispatcher. He said Flanders has recently completed E911 certification and basic dispatch training through the Shirley Police Department where he is currently employed. Denmark said with his public safety and world experience he will be an excellent addition to the department. Flanders expressed his appreciation for the opportunity.

On a Sobalvarro/Ricci motion, the board voted unanimously to appoint James Flanders as part time dispatcher. Peter Warren asked for the status regarding the open full time dispatcher position. Denmark said with the hiring of Flanders this will allow another part timer to move to full time if interested. Warren also asked about the replacement of broken cameras at the entrance of the public safety building. Denmark said the budget has now allowed him to have them replaced. Warren suggested he request a reserve fund transfer to have this done.

Full time DPW employee – DPW Director Rich Nota recommended Duane Lee Hoaglund Jr. to fill the vacancy of the truck driver/laborer position. Nota said the vacancy was posted and advertised as required by the Personnel Policies. He said nine applications were received and three candidates were short listed and interviewed. Nota highly recommended Hoaglund for his experience and previous employment with the town in the same position from 2000-2005. On a Clark/Sobalvarro motion, the board voted unanimously to appoint Duane Lee Hoaglund of Sterling to the truck driver/laborer position as advertised.

ENTERTAINMENT LICENSE HEARING

Peter Warren opened the hearing by reading the public notice and then invited Didi Chadran, Building Use Manager for the Unitarian Fellowship Building, to come forward. Chadran said at this time the church is only requesting a one day Entertainment License to accommodate the Harvard Schools Trust annual Gala. He said if granted the Entertainment License they will also apply for one day *Carry-In* permission.

Warren asked if the church has discussed the event with the neighborhood. Chadran said they spoke with abutting neighbors Bill Salter and Scott Hayward. He indicated they plan to have further discussions to develop a mutual agreement with neighbors concerning noise, traffic and parking. Chadran expects once an agreement and set policies are established the church will come back to request an annual Entertainment License. Warren said considering other Entertainment Licenses that have been granted developing conditions is a good idea. Specific to this request, Warren and Sobalvarro met with neighbors and conveyed some of their concerns to be event hours and parking. Warren proposed the license hours to be 11am-10pm. Chadran said the hours suit the event and does not see a problem. Warren opened the hearing to the public at this time.

Public Comment

Bill Salter, 3 Elm Street, asked if the church has a building use policy. He said this is a trick question because there is a policy he found on their website but it does not seem to be followed and while he attended an event on March 26th it was apparent others were unaware of it as well. He said this is a key concern for abutters. They want to be confident the church is taking their responsibility to the neighbors seriously. He also stated he attended a party on March 19th and alcohol was served. He understands because it was a private party technically abutters do not need to be notified but considering they are in a residential area it is a concern. He is not worried about the occasional event or party but if it is going to be an annual license with many events held policies must be developed. He does not want to receive any more apologies from the church.

Scott Hayward, 5 Elm Street, supports the one day license. He agrees with Mr. Salter that moving forward a clear process for management of the facility must be in place. He said proactive management by the church is essential.

Paul Morris, 14 Lovers Lane, is gravely concerned by the application. He stated the fundamental issue he has is the building was constructed under religious purposes which allowed them to evade certain Planning Board rules. He asked if this hearing was restricted to the one day event to be held on Saturday, April 9th. In principal, he supports the one day license but noted he has relatives visiting from out of town and is concerned about noise at a late hour.

Molly Cutler, Co – President of the Harvard Schools Trust, spoke on behalf of the church stating from the very beginning when we approached them they were professional. She said they were very clear the event must end by 10pm and provided them with rules to follow.

Bill Salter, 3 Elm Street, added at the party he attended on March 19th it seemed no one was aware of any rules. He feels the church has not handled things professionally with abutters.

Ron Ricci suggested we address this one event tonight and deal with how to handle longer term conditions at a later date. He said it is obvious one main concern for residents is the hours in which the event will be held. He agreed with the earlier suggestion to limit the event hours to 11am-10pm. Marie Sobalvarro reminded the public the BOS is limited in their authority. They can only condition publicized ticketed events not private parties. Warren stated he met with the Police Chief and he did express concern over parking. He

recommended parking restrictions be in place. Warren said due to the number of parking spaces there is not sufficient parking for the event. The Police Chief suggested excess parking be limited to the parking area around the church and town hall and limit parking on Elm Street to only the common side of the street. Molly Cutler assured the board an announcement will be made after the play encouraging attendees to maintain their parking at Bromfield. They expect the majority of attendees to walk over to the church. Cutler confirmed the entertainment will include acoustic piano with no dancing. Bill Salter asked if the trust plans on adhering to the church policy on alcohol which requires a \$500 deposit and licensed bartender on site. Warren said this event will only have Carry-In permission so that policy does not apply.

On a Clark/Johnson motion, the board voted unanimously to close the public comment portion of the hearing.

The board placed the following conditions on the license:

1. Hours: 11am – 10pm
2. Excess parking will be accommodated in the church and town hall parking areas. If additional parking is necessary on Elm Street vehicles may only park on the common side of the street.
3. A point of contact person from the Harvard School Trust and the Unitarian Church must be provided to the communication center.

On a Clark/Sobalvarro motion, the board voted unanimously to issue a one day Entertainment License to the Unitarian Fellowship Building as described.

SELECTMEN REPORTS

Peter Warren announced walking of town boundaries in Stow will be done on Saturday, April 9th. Tim Clark said this is a BOS legislative duty that must be done every five years.

TOWN ADMINISTRATOR REPORT

Tim Bragan announced Council on Aging Director Ginger Quarles has given her notice and has accepted a position as COA Director for the town of Concord. He said Quarles has been with the town since 2005 and will be missed. Tim Clark suggested a letter be sent to Quarles recognizing her significant impact on the Harvard Council on Aging. She will be leaving the third week of April. On a Clark/Ricci motion, the board voted unanimously to send a letter of commendation for her many years of service. Bill Johnson asked about the process moving forward. Bragan said the job description will be reviewed by himself and the Council on Aging Board. Once the description is finalized the position will be advertised and hopefully filled expeditiously.

Bragan said the DPW Director Rich Nota has submitted a one year and a three year waste hauling contract for the BOS to vote on. Nota recommends the three year contract to lock in the price for the next three years considering fuel cost increases.

On a Ricci/Johnson motion, the board voted unanimously to take recommendation of the DPW Director and do a three year contract with Mitrano.

Bragan reported Chapter 90 funds have increased this year.

Bragan said we have received notice from the Alcohol Beverages Control Commission requiring crowd managers and a safety checklist for Section 12 licenses with 100 or more seating and feature entertainment by a live band or recorded music generating band with music. He plans to review this in more detail.

Bragan distributed the Financial Management Review completed by the Division of Local Services technical assistance section. The review will be discussed at a future meeting.

Peter Warren excused Ron Ricci and Marie Sobalvarro at this time due to the impending election results.

TOWN CENTER SEWER PROJECT UPDATE

Town Center Sewer Building Committee Chair Chris Ashley was present. He reported in response to the letter received from DEP a meeting was held to address their technical concerns. He said they looked at a number of issues including the arrangement of processing units. They had strong preferences on arrangements that were different than what the engineers proposed. After review of a number of possibilities a conclusion to increase the up front intake will provide the town with a more robust arrangement. Ashley said the design work should be complete this week and ready for submission on Friday, April 8th. He anticipates a response from DEP within two weeks as promised. Then preparation to go out to bid will begin and he is hopeful for cost estimates by the end of June. He did ask the board to keep in mind if any circuit breakers are tripped a Special Town Meeting will be necessary. He wondered if a date should be set now just in case. He said we are finally on the cusp of really getting this project underway. The board will continue to monitor the situation and possibly map out a couple strategies in anticipation of how the bid process goes.

**** On a Johnson motion, the Board voted unanimously by a roll call vote (Johnson – Aye, Clark – AYE, Warren - Aye) to enter into executive session at 8:11pm, 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 8:30pm.

Documents referenced:

APPOINTMENTS - Letter from Police Chief Ed Denmark dated 4.5.2011 and letter from DPW Director Rich Nota dated 3.22.2011.

ENTERTAINMENT LICENSE HEARING – application dated 2.23.2011 and abutters notice dated 3.11.2011