



**Board of Selectmen
Minutes
Tuesday, May 17, 2011, 7:00pm
Town Hall Meeting Room**

The meeting was called to order at 7:00PM by Chair, Marie Sobalvarro in the Town Hall Meeting Room. Selectmen Marie Sobalvarro, Peter Warren, 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 7:05PM.

MINUTES - On a Warren/Johnson motion, the board voted unanimously to approve the minutes of 4/26 & 5/3, as presented.

PUBLIC COMMUNICATION

Historical Commission Chair Roseanne Saalfield was present to inform the BOS a violation of the historic district bylaw has occurred. She said the Cemetery Commission has removed twenty or so burial markers to be stripped of paint and restored. It is her understanding the process is almost complete. She said the Cemetery Commission is aware of the situation and has been contacted with no response. The Historical Commission is requesting the BOS ask the Cemetery Commission to cease the process and follow the required guidelines. Marie Sobalvarro asked how this was being paid for. Saalfield was uncertain. Town Administrator Tim Bragan said in speaking with Town Counsel the questionable section in the bylaw relates to the definition of "structure". He asked Saalfield to provide the Historical Commission description for review by Town Counsel. Once that is determined we can come to a resolution. Marie Sobalvarro clarified if markers are deemed a structure a violation has occurred.

SELETMEN REPORTS

Peter Warren

- National EMS week recognized Ambulance and EMS service
- Commented on public hearing to be held by the Conservation Commission regarding the demolition of the abandoned property on 48 Finn Road by DCR.
- Anticipates the Ayer Board of Selectmen signing letter supporting recording and televising DEC and JBOS meetings.
- Announced Cable Committee is in need of volunteers

Ron Ricci

- Municipal Affordable Housing Trust – Barbara Brady is heading the accessory apartment initiative. She has organized tasks for the trust and developed a plan outline.

Bill Johnson

- CPC will be discussing increase in contribution at their next meeting.

Tim Clark

- Met with Bill Johnson and Tim Bragan to discuss drafting a five year process plan which includes communication with department heads/boards/committees. The plan is not just related to budget it is a holistic approach.

Marie Sobalvarro

- BOS Master Plan Representative is needed:
On a Warren/Ricci motion, the board voted unanimously to appoint Tim Clark.
- Notified by Library Trustees the civil war tablets located in the old library basement are the responsibility of the Selectmen.
- Strategic Planning Session – all vacancies and re-appointments have been posted to the town website to encourage volunteerism. All committee/board chairman to be informed of this process.

MUNICIPAL BUILDINGS COMMITTEE

Owners Project Manager

Municipal Buildings Committee members Ron Ostberg, Lucy Wallace, Doug Coots, Willie Wickman and Pete Jackson were present. Marie Sobalvarro referenced memo received from the MBC outlining the critical path to be taken. Ron Ostberg said even after years of work this process which is about to begin will take 3-5 years. Upon request from Marie Sobalvarro and Peter Warren the MBC has provided a framework with six specific points for the BOS to consider moving forward. Ostberg spoke about the time consuming procedures governing the procurement of an Owner's Project Manager (OPM) and an Architect/Engineer (A/E). He said there are a number of firms that specialize in this and can provide formats to follow. He touched on the details of the process which include preparation of a "Request for Services" (RFS), advertisement, selection and final contract. He said this process will take about eight weeks. The MBC suggests a single building committee be appointed as soon as possible; retain a single OPM and single A/E, have a separate contract for a Civil Engineer and retain cost estimator. Ron Ricci asked how interface with other boards/committees such as the Finance Committee and Capital Planning and Investment would work. Ostberg said the committee suggested key points of coordination to address this. There was also some discussion around costs and what would be included in the schematic designs. Bill Johnson suggested the town Procurement Officer Lorraine Leonard and the Town Administrator handle coordination of participants and development of the RFS. He envisions this as a short term focus group. Ron Ricci agreed. Tim Clark commented on the process being complicated and how important it will be to maintain continuity. Marie Sobalvarro clarified the committee request is to kickstart the process for the RFS and determine composition and appoint a committee. The board members agreed it was imperative to take action on Item 1 of the memo (Items on the critical path). Peter Warren said we have the ability to move forward and hire an OPM and Architect while the BOS work out the other logistics. He is hopeful current MBC committee members will continue to provide input and assist in the process.

Tim Clark asked to briefly touch on item 5 which outlines the committee composition. He suggests they include skill sets outlined to any motion made regarding item 1. Bill Johnson again suggested the procurement process be handled by town professionals. He is confident Tim Bragan and Lorraine Leonard can handle this process. Marie Sobalvarro cautions the process must remain transparent. Bill Johnson said the process would be similar to the hiring of a new Fire Chief. Sobalvarro noted the recommendation of the Fire Association was a highly regarded.

On Ricci/Johnson motion, the board voted unanimously to proceed with hiring OPM and Architect as per item 1 as defined on the critical path.

Ron Ostberg cautioned the board to not fragment the process and in the opinion of the MBC appointment of a committee to follow the process through to the end is the best option. Ron Ricci said he understands the need to get through the critical path but is not prepared to make any appointments tonight. The board decided to discuss the configuration of a building committee later in the meeting.

REVIEW MACLEAN DOG HEARING DECISION

Tim Bragan reported the draft decision prepared by Tim Clark was forwarded to Town Counsel and revisions were made. The board decided to add a bullet point f. in the conclusion stating in the event of non-compliance with this decision the animal control officer shall direct and ensure banishment. They also removed from bullet point c. within 14 days. On a Clark/Warren motion, the board voted unanimously to render decision on MacLean dog hearing as outlined in the draft decision as amended.

JBOS GOVERNANCE

The board briefly discussed how to move forward regarding JBOS governance. Bill Johnson said his impression from the last JBOS meeting was the focus of the subcommittee would be to initially focus on finding ways to reduce costs of operation. There was not much discussion on broader issues. Peter Warren said Shirley and Ayer were reluctant to commit their Town Administrators since they are new and do not want to overwhelm them. Marie Sobalvarro recommends the Harvard BOS reinforce the need for all towns to be committed and clear on the direction of this committee. Johnson agrees. He suggests the Harvard BOS maintain the focus of this committee to be on operational issues only and we will participate when all three towns are in agreement. He also recommended DEAT be the eyes and ears to this process as it consistent with their charge. Tim Clark said considering the dwindling finances of JBOS it may make sense to consider professional assistance from a retired Town Administrator. Sobalvarro restating the focus of the committee to be operations with all Town Administrators participation and maybe add this to the DEAT charge. Ron Ricci said more importantly we really need to reach agreement on Devens governance. Tim Bragan said for this to work a clear path must be set with all towns fully committed. The board will discuss further at the next JBOS meeting.

WATER COMMISSION/RATES

Marie Sobalvarro said she has minutes and other documentation that may be of interest regarding the commission. She will provide copies to the other members. She indicated the board will need to review rates and ongoing operations. She said the department is currently running at a deficit. The board discussed appointment of commission members to fill vacancies. Presently, there is no quorum so no votes can be taken. This will be an issue when rates need to be set. Tim Bragan explained the statutory obligation of the BOS is within 30 days of a vacancy they must be notified so appointments can be made until the next election. Ron Ricci noted the Town Meeting Home Rule petition to dissolve the commission. Bragan anticipates this will take time so in the interim a BOS member should be appointed to the commission. Ricci suggested Finance Director Lorraine Leonard review current rates and provide a reasonable recommendation to the BOS. Sobalvarro asked the members to be prepared to discuss further at a June meeting. On a Ricci/Johnson motion, the board voted unanimously to appoint Tim Clark.

TOWN CENTER SEWER POLICY

The board requested Tim Bragan, Tim Clark, Chris Ashley and Scott Hayward meet to prepare a final version for review by Town Counsel and approval from the BOS. The board will introduce the final version at the June 7th meeting and anticipate approval on June 21st.

TOWN ADMINISTRATOR

Tim Bragan said he has received a request to place turtle crossing signs for a conservation project by the boy scouts. On a Ricci/Johnson motion, the board voted unanimously to approve the request.

Bragan informed the board of the annual ALS ride to be held on Sunday, June 12th.

Bragan was contacted by Dan Drazen from Trinity Financial requesting time at an upcoming Selectman's meeting. He explained part of their public outreach would include a 30 minute presentation at a BOS and Planning Board meeting. Marie Sobalvarro and Ron Ricci will respond.

Bragan reported a Chapter 90 request for reimbursement has been submitted.

BUILDING COMMITTEE COMPOSITION

Marie Sobalvarro began the discussion by expressing her objective to reach a resolution that will best serve the town. Peter Warren suggested appointing two BOS liaisons along with qualified members of the current MBC to work with Tim Bragan and Lorraine Leonard on hiring of the OPM and Architect. Ron Ricci favors the idea of having the Town Administrator and Finance Director lead this process. He is interested in broadening the involvement from the community. Tim Clark envisions this as a similar approach to how DEAT was formed. He commented on the difficult political process the town went through regarding this initiative at the Annual Town Meeting. He said there are many strong opinions and it is imperative the committee moving forward can provide the trust and comfort the town needs. Bill Johnson said that is exactly why he feels

having Bragan head the process will deliver the skill sets needed as well as provide public confidence. Sobalvarro agrees Bragan is trustworthy. She referred to the process of hiring the new Fire Chief and pointed out the opinion of the association was greatly considered. The debate continued and it was clear the board members have differing views of how the schematic design process should go. As a compromise the board decided to advertise the schematic design committee skill sets and ask interested residents to submit a volunteer form. The committee appointed will develop criterion necessary for the RFS. Sobalvarro was concerned about the time this process will take.

On a Ricci/Clark motion, the board voted to seek volunteers for committee to select OPM and Architect for Town Hall and Hildreth House schematic designs consisting of chair and others as listed in 5a 1-4 to be interviewed and appointed at the next meeting.
(Warren, Nay)

The meeting was adjourned at 10:00PM.

Documents referenced:

MUNICIPAL BUILDINGS COMMITTEE - Owners Project Manager

Memorandum dated 5.13.2011 from the MBC

REVIEW MACLEAN DOG HEARING DECISION – Decision dated 5.17.2011