



**Board of Selectmen
Minutes
Tuesday, September 20, 2011 at 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, Bill Johnson and Tim Clark were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

DEVENS ECONOMIC ANALYSIS TEAM (DEAT) - Vicksburg Square Report

Committee Chair Victor Normand was present to review the report and field any questions the board members may have. DEAT members Paul Green and Duncan Chapman were also present as well as Planning Board member Michelle Catalina. Normand noted the goal of the committee was to pull together enough information for voters to be able to make an informed decision. He said much of the data was gathered by two firms (Byrne McKinney & Associates and ConsultEcon Inc.) hired by the developer to conduct research for the project including estimating the number of children likely to reside at Vicksburg Square. The DEAT report is faithful to the charge which was to investigate the fiscal impacts of the proposed residential development. The report essentially looks at the basic economic impact related to tax revenue generation and anticipated municipal costs. He noted public education as an obvious area to be considered and this is why the school committee was consulted. Normand explained the project will consist of 246 housing units (1 to 3 bedrooms) with the major funding sources including Low Income Housing and Historic Tax Credits. Eighty percent of the units will be income restricted and twenty percent will be market rate units. The tax credits will be sold at discount to investors to raise up front cash needed to make the project economically feasible. The report includes a comparison of the Trinity proposed project and an alternative development proposal, demographics, education costs and anticipated demand (workforce). The area median income numbers came from Middlesex county rates. Peter Warren was skeptical of the market rate numbers for condos in the report. Paul Green acknowledged any numbers in the report can be challenged. He also pointed out the full build out of the project will likely take up to four years with the financing model for each building liable to be diverse. Normand said in the report they did not consider if Devens were to become its own town or regionalization. Tim Clark suggested they include an increase for EMS services considering the increase need for elder and veteran services. The report estimates \$8 million in total disposable income with \$6 million collected by Trinity in rents. Normand stated this project is not designed for residents in the abutting communities. He noted the market study conducted by Trinity was designed to determine the market acceptance of the project. The market acceptance is important for the sale of tax credits. Paul Green said he visited two similar projects in Leominster and they both have long waiting lists for housing. In conclusion, Normand noted zoning changes will be necessary and make sense but any changes to the Reuse Plan will need to be carefully considered.

He also referred to the School Committee's view the town should not rely on Devens as a way to meet affordable housing numbers. Marie Sobalvarro asked if DEAT has seen the proposed zoning changes. They have not. The board members were interested in seeing some variations on the affordable housing and rental percentages with lower tax credits. Ron Ricci stated his interest in Harvard coming up with its own vision for the redevelopment. He thanked the committee for their short term guidance and acknowledged there are a wide range of possibilities. The board members agreed the next step needs to come from Trinity in a written proposal. It will be up to them to find a way to address the concerns and opinions of the abutting communities. Bill Johnson suggested sharing the DEAT report with Trinity to get their feedback on it.

MINUTES

On a Ricci/Johnson motion, the board voted unanimously to approve minutes of 8/23 & 9/6, as presented.

APPOINTMENTS

Community Cable Access Committee

On a Johnson/Warren motion, the board voted unanimously to appoint Paul Lierhaus to the Cable Committee with a term expiring in June 2013.

Devens Enterprise Commission – associate member

On a Ricci/Clark motion, the board voted unanimously to appoint Duncan Chapman as the DEC alternate member. A letter with this request will be sent to the Governor's office for approval.

SELECTMEN REPORTS

Ron Ricci reported at the Water Commission hearing the rates were increased by 20%. He noted the rates have not been increased in five years. They have adopted a six month rate review at which time payments will be made on a quarterly basis.

Peter Warren said the Municipal Facility Manager ah-hoc committee will meet Thursday morning. He reported the cable equipment installation at the DEC offices is nearly complete and training on the equipment will be held next week.

Tim Clark reported the sewer contract has been signed and the building process will be moving forward. He also reported the Park & Recreation Commission is investigating the creation of a full time Director position. Bill Johnson asked if any progress has been made on the cooperative effort between Park & Rec, DPW Director and the schools regarding the management of the fields. Clark said not further progress has been made.

TOWN ADMINISTRATOR

Tim Bragan informed the board that approval from the State Revolving Fund (SRF) program has been received for the town center sewer project. A meeting has been scheduled for next week with the contractor and other parties involved to develop a timeline and process for the construction project.

Bragan requested the BOS members appoint special police officers to assist with ongoing road construction projects. This will save the town money in detail payments. On a Ricci/Johnson motion, the board voted unanimously to appoint special police officers as presented by Chief Denmark through June 30th of next year.

Bragan attended a recent Minuteman Nashoba Health Group meeting where they discussed the new insurance guidelines. The advisory committee has recommended the group adopt a singular plan.

Bragan was contacted by the Town of Boxborough to move forward with the engineering piece necessary to correct the culvert problem on Eldridge Road. The FEMA grant application for the construction phase is due in November and must include the design plans. DPW Director Rich Nota has reviewed a proposal from a local contractor for \$21,000 which he felt was realistic. Bragan proposed use of funds from the Selectmen's budget for professional services and if we need a reserve fund transfer for some reason at a later date the Finance Committee said they will support it. Bragan suggests the board take this opportunity to rectify the situation. Selectmen Ricci and Johnson were reluctant to spend the funds and concerned Harvard will pay for the engineering designs but if the grant funding does not come through the actual construction could not be funded. Bragan said he is quite certain the grant funding will come through and noted unfortunately because the culvert is in Harvard it is our responsibility. He pointed out the amount of time already spent by Boxborough's Planner on this. Bragan said if we do nothing we could be subject to a lawsuit from residents in Boxborough. Johnson wondered if there was a way both communities could share in the cost for the engineering. Bragan said this was not discussed and does not see a feasible way to do it. On a Clark/Warren motion, the board voted to direct the Town Administrator to agree to appropriate \$21k from the professional services budget to attain appropriate culvert engineering services. (Clark – Aye, Sobalvarro – Aye, Ricci – Nay, Johnson – Nay, Warren – Aye)

MOSQUITO CONTROL IN DEVENS

Tim Clark began the discussion by reiterating the vote/position taken by the BOS in May of 2010: *BOS has no objection to the Devens Committee entering into the Mosquito Control Program to allow the area of the DREZ located within Harvard's boundaries subject to approval of the Attorney General for the legal basis of this authorization and the approval of setbacks or other mitigation strategies to address concerns of abutters.* Marie Sobalvarro noted the opinion given by MassDevelopment's Attorney Lee Smith was that Attorney General approval was not necessary. Sobalvarro said she spoke with Neil Angus at the Devens Enterprise Commission (DEC) who said spraying was done on Robins Pond Road (requested by neighbors) and catch basins were treated. She did have a list of other areas that may have been treated and referenced a notice on the spraying that was sent out by DEC. Tim Clark expressed his disappointment in the process and suggested a complaint be filed (breach of confidence) with DEC and copied to Central Mass Mosquito Control and MassDevelopment.

Clark suggested the complaint filed include the following items outlined below:

- larvicide treatment plan approved in advance of the season
- restricted areas be identified on a map of Devens indicating impacted wetlands on and adjacent to Harvard properties to include catch basins
- communication methodology to residents
- prepare a risk assessment by another agency other than Central Mass as to prior data and actual risk of exposure to WNV and EEE to justifying expenditure of funds and treatment methodology
- house by house assessment of Devens residences as to desire to participate in the program or designate their home as a no spray area
- all items to be performed prior to April 1 by the DEC acting as the Board of Health for DREZ

Ken Ash, a Devens resident, said he is opposed to mosquito straying and disappointed in DEC's efforts to notify residents. He said there has been no communication from DEC since early July. He said several of his neighbors feel the same way. Bill Johnson said it would be helpful for residents to make requests directly to DEC. He wondered what control we have over how they handle spending. Tim Clark said it is our responsibility to represent the residents in Devens who elect us. Marie Sobalvarro was in agreement DEC needs to follow a set process. Ron Ricci referred to the noise problems with Evergreen Solar. He said the right thing to do is for two members of the BOS to take a personal interest and partner with Devens residents to get on a DEC agenda. Tim Clark will draft a letter for the next meeting.

SAFE ROUTES TO SCHOOL PROGRAM

Tim Clark explained through the Safe Routes to School Program Harvard has an opportunity for an infrastructure assessment. This assessment is a no-cost evaluation of walking and bicycling access and improvement opportunities for our schools. He said a letter of support from the municipality must be submitted along with assessment request from the school department. Tim Clark presented the board with a draft letter to be signed. Clark noted if chosen all communities will receive the technical assistance grant but are not promised capital grant funds. He said we can pursue the technical assistance grant and if we are not awarded capital grant funds we can decline to move forward with the program. Bill Johnson questioned the level of commitment stated in this letter. He referenced the section about Harvard's responsibilities. It states we are responsible to execute the right-of-way process and the cost associated with this acquisition or any easements. He suggested the letter include wording related to opting out if we so chose to do. The other board members agreed. Tim Clark will redraft the letter for endorsement at the next meeting.

OWNERS PROJECT MANAGER (OPM) CONTRACT

Municipal Building Committee Co-Chairs Pete Jackson and Wade Holtzman were present. Marie Sobalvarro gave a quick recap of the process thus far. The contract has been reviewed by town counsel with some revisions made. Jackson confirmed Design Technique Inc. (DTI) is ready to sign the document now. He did note there are a couple

minor items to be changed but nothing of great significance. Ron Ricci commented the entire MBC has not seen this final version. Jackson said the first version was sent to all with very little feedback. On a Warren/Ricci motion, the board voted unanimously to approve contract for project management services between DTI and the town of Harvard

Request for Qualifications (RFQ) for Architect

Jackson reported the RFQ went out to the central register last week with several requests so far. The RFQ has not been finalized and new dates have not been determined for re-advertisement.

AMBULANCE –VARIOUS ITEMS

Ambulance Director Steve Beckman and Squad member Ed Barron were present.

Write-Off requests

On a Clark/Warren motion, the board voted unanimously to approve write offs for Mass Health in the amount of \$11, 410.42.

On a Warren/Clark motion, the board voted unanimously to approve write off requests of \$3,987.42 per the recommended disposition in document of 6.27.2011.

Peter Warren said a policy will be drafted to propose a formal write off process. They envision the Ambulance Director working directly with the Finance Director or Town Administrator instead of needing approval from the BOS.

Rates

Ed Barron explained the rate increases suggested are inline with surrounding communities. On a Warren/Clark motion, the board voted unanimously to adopt rates effective October 1st as presented.

Roster updates

Steve Beckman explained due to the fall EMT class the roster needed to be updated.

On a Warren/Ricci motion, the board voted unanimously to adopt roster for fall 2011 EMT-B Certification Class as presented 9.20.2011 and two new drivers.

FRUITLANDS MUSEUM – CHANGE OF MANAGER

On a Clark/Warren motion, the board voted unanimously to accept the request for change of manager for Fruitland’s Museum dated September 12, 2011.

THE GRAPEVINE – ALL ALCOHOL LICENSE REQUEST

Marie Sobalvarro reported a request has been received from The Grapevine located at 104 Massachusetts Avenue asking the BOS to consider changing their license from malt & wine to all alcohol. She explained due the bylaw adopted we do not have the ability to grant this request. A letter will be sent to the owner explaining this.

FIVE YEAR STRATEGIC PLAN

The BOS reviewed the revised plan and Marie Sobalvarro asked if the members had any more input. Peter Warren only saw some concern on hiring a Planner in 2012. All members were satisfied with this first draft.

Tim Bragan gave a brief review of how the All Boards meeting will be run. He said the challenge will be how to manage expectations and prioritize goals. Bill Johnson said we will be off to a good start if we can establish a top list of initiatives.

The board voted unanimously to continue the meeting beyond 10:00PM.

JBOS PARTICIPATION

The BOS agree it is our responsibility to continue participation in some form with JBOS. It was noted Shirley has decided to not continue. Tim Clark said a status report on funds from the Treasurer should be requested. Ron Ricci and Peter Warren volunteered to attend the Thursday JBOS meeting and based on how the meeting goes the BOS will decide how to proceed.

**** 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 10:12pm, 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 non-union contract. Following the executive session, the Board will reconvene into open session only to adjourn. ****

The meeting was adjourned at 10:35pm.

DOCUMENTS REFERENCED:

DEVENS ECONOMIC ANALYSIS TEAM (DEAT) - Vicksburg Square Report

Dated 9.20.2011

APPOINTMENTS – volunteer form Paul Lierhaus dated 9.20.2011

volunteer form Duncan Chapman dated 9.20.2011

SAFE ROUTES TO SCHOOL PROGRAM – letter from MassDOT dated 8.25.2011

Draft letter from TC dated 9.20.2011

SAFE Routes to school application

OWNERS PROJECT MANAGER (OPM) CONTRACT – dated 9.14.2011

AMBULANCE –VARIOUS ITEMS – write off requests dated 6.27.2011

New rate sheet dated 9.20.2011

Revised Roster dated 9.20.2011

FRUITLANDS MUSEUM – CHANGE OF MANAGER

ABCC packet dated 9.20.2011

THE GRAPEVINE – ALL ALCOHOL LICENSE REQUEST

letter dated 9.10.2011

FIVE YEAR STRATEGIC PLAN – revised version dated 9.14.2011