



**Board of Selectmen  
Minutes  
Tuesday, November 15, 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, Ron Ricci, Bill Johnson and Tim Clark were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Peter Warren was absent.

**MONTACHUSETT METROPOLITAN PLANNING ORGANIZATION (MPO) SUBREGION SELECTION**

Montachusett Regional Planning Commission Transportation Planner Sheri Bean was present. She explained an MPO is federally-mandated and federally-funded transportation policy-making body made up of representatives from local government and transportation agencies with authority and responsibility in metropolitan planning areas. She said Harvard is in sub-region four with four other communities. She indicated currently Ayer is representing our sub-region but moving forward it will be necessary for Harvard to designate an official sub-region representative for the MPO. Bean said a selection/caucus meeting will be held in December to finalize selections and determine communication process. She explained the Montachusett Joint Transportation Committee (MJTC) makes recommendations to the MPO. Both entities meet on a monthly basis. Bean said Harvard needs to choose representatives for the MJTC and the MPO. The board will make appointments at their December 6<sup>th</sup> meeting.

**BOARD OF SELECTMEN – POLICIES & PROCEDURES**

*Appointments*

Marie Sobalvarro began the discussion by stating her concern over recent actions taken by the board. She spoke about how important it is for the board to function in a fair and open manner especially when it involves the appointment of volunteers. She noted this will be the board's third time reviewing the Policies & Procedures. She referred to the appointment section noting a recent appointment was made not in accordance with our procedures. She expressed concern that feedback from the Historical Commission was not considered. Ron Ricci said there are other steps in the process the board has not followed precisely. Sobalvarro understands the BOS is not beholden to go with recommendations from the committee/board but their recommendation should be considered. She referred to how recent appointments to the Bare Hill Pond Watershed Management Committee were handled. The committee was allowed to vet the candidates as they felt appropriate. All committees/boards should be given the same opportunity and show the same respect. Ricci said the policies do not explicitly say this. He expressed concern over how the Council on Aging appointment was handled at that same meeting with no representative from the board present. Sobalvarro said an email was received from COA Co- Chair Lucy Wallace stating the board voted unanimously in support of this appointment. COA board members were unable to attend the morning meeting. Ricci agreed maybe we need to be more diligent when following our policies. Sobalvarro asked if board members had any amendments they would like to make to the policies. Bill Johnson thought it made sense to get feedback from board/committee and to allow written recommendations in place of actual attendance at a meeting. Sobalvarro said twice now an appointment has been added to the agenda without her knowledge. She requested the Chairman be notified as a common courtesy. Tim Clark added the sentence with most significance in the policy refers to proper notification to applicants, chairperson of

board/committee and BOS members which allows the process to flow smoothly. He said it is unfair to force items onto an agenda when it is apparent not all members are prepared to respond. Sobalvarro said she is interested in following a process that is consistent.

### *Special Meetings*

Ron Ricci suggested modifying the policy to allow the Vice-Chair to call a meeting in the absence of the Chairman.

Ron Ricci volunteered to draft some amendments to be discussed at a future meeting.

### **PUBLIC COMMUNICATION**

Roseanne Saalfield, Historical Commission Chair, asked the BOS to formally reconsider their recent appointment to the commission in light of two facts. First, she was specifically told by Executive Assistant Julie Doucet to not attend the meeting because no appointment was going to be made and secondly the commission has worked hard to develop a process for sourcing candidates for appointments. She informed the board she had spoken with seventeen residents as part of a recruiting process and had two other possible candidates who could not attend a meeting until December. Saalfield admitted the appointment process was a bit confusing but it was her understanding the BOS encouraged a thorough recruitment process. She noted at this point the commission was not pressed to fill the vacancy and that was why they were taking their time. She feels it is beneficial to the appointment process to allow the board/committee to make selection of candidate for appointment as no one knows what the board/committee needs better than the current members.

Ken Swanton, Historical Commission member, added he understands the official appointments are handled by the BOS but he hopes the opinions of the board/committee are considered as good input. He did note the snow storm on October 29<sup>th</sup> had an impact on the process. Swanton said he has been on the commission a year and a half now and has been impressed with the group. He noted the diversity of commission members related to their experiences and expertise. He also asked the BOS to reconsider their previous vote.

Rhonda Sprague, Historical Commission member, said she believes anyone willing to volunteer is entitled to come before the commission. She feels the BOS should make the ultimate decision not the commission.

Jonathan Feist, Historical Commission member, has been on the commission for nine years and he said nearly all this time the BOS has allowed the commissions to drive the appointment process and vet candidates as they see fit. He said there have been times in the past when an open position remained vacant for years. He explained the commission approaches the appointment process very seriously. They consider skill sets needed for upcoming projects. He said the commission members have the best sense of what they need and our opinion is what assists the BOS in making a well informed appointment.

Pamela Marston, Historical Commission member, explained her recent appointment is what started this whole mess. She said after living in town for many years she felt it was time to give back to the community. Marston was certain her qualifications could assist the commission although she was unsure the commissioners felt the same way. She listed the projects she has worked on for the commission so far and stated anyone willing to volunteer can contribute in a meaningful way.

## **SELECTMEN REPORTS**

Tim Clark requested he be designated as the representative for the Safe Routes to School Program. On a Ricci/Johnson motion, the board voted unanimously to nominate Tim Clark as the Safe Routes to School Czar.

Ron Ricci gave an update related to the pending foreclosures of the Harvard Inn and Great Elms properties. He said a meeting at DHCD has been set up to discuss the situation and how to protect the rights of those living in the properties. Tim Clark asked who would be attending the meeting. Ricci said representatives from North Middlesex Savings Bank and the Harvard Trust Non-Profit Properties. Ricci will also attend and is hopeful a developer of affordable housing from town may be able to attend as well. Ricci said the town's interest is to protect the rights of the tenants who are also Harvard residents but we must also respect the bank's interest. Marie Sobalvarro read in the paper that the bank foreclosed because the MAHTF had not engaged a consultant. Ricci said engaging the consultant alone would not have forestalled foreclosure because the bank had indicated it needed to see progress on the back taxes. Because the Harvard Trust Non-Profit Properties accounts have been seized there is no way for the trust to operate. Sobalvarro asked if the MAHTF discussed assisting with the payment of taxes. Ricci responded no. His impression is if the bank feels their interests are respected we may have a bit of breathing room to come up with a solution. Tim Clark wondered if there was nothing the MAHTF could do before then what makes them think there is something they can do now. He said the trust had their chance and blew it. Ricci pointed out the properties are a significant liability. Clark realizes this but still believes more could have been done. Ricci said he was open to suggestions.

Bill Johnson reported the five year strategic plans have been incorporated into one document by Finance Committee Chair Marie Fagan. He suggested this be distributed to all Chairpersons and posted to the town website. He noted this information will be helpful to the Master Plan Steering Committee and through the upcoming budget process. He expects to revisit the strategic planning process in the spring.

Johnson awaits an update from the Pilot Project which will provide necessary input for future discussions related to a utilization plan for the old library.

Johnson said the Economic Development Committee will have an update at the all boards meeting on November 30<sup>th</sup>. He reported they expect to visit the Planning Board to review proposed signage bylaws and are working to create a business development page on the town website. He also updated the board on the Economic Target Area proposal stating it has been submitted for review and will need formal approval at the Annual Town Meeting.

Marie Sobalvarro announced the Master Plan Steering Committee is hosting a visioning session at the old library on Saturday, November 19<sup>th</sup>. She noted the Pilot Project is holding a fundraiser that day as well.

Sobalvarro reported the Elderly & Disabled Taxation Aid Adhoc group continue their efforts and are working toward drafting a warrant article for the Annual Town Meeting.

## **TOWN ADMINISTRATOR REPORT**

Tim Bragan invited Fire Chief Rick Sicard to come forward. Bragan distributed an amended fee schedule submitted by the Fire Chief. He explained no action needs to be taken tonight but he asked the board to review for discussion at an upcoming meeting.

Chief Sicard said the current fee schedule has not been revised since 2004. His proposed fee schedule reflects fees at the maximum allowable. He told the board a major reason he is pushing for these increases is so the Fire Department can continue to fund the Safe program and encourage ongoing training. He explained due to budget cuts these two areas have suffered greatly and he feels strongly about their importance. He noted the biggest change will be to begin charging a \$25.00 fee for a burning permit. He said the majority of the surrounding communities charge a fee for this. Bill Johnson reiterated the Fire Chief's intent for the additional funds will be to support training and the SAFE program. Tim Clark mentioned we will have to consider charging fines if the necessary permits are not obtained. Ron Ricci asked Chief Sicard to exercise his best judgment and return to the BOS at the December 6<sup>th</sup> meeting with some specific recommendations.

Bragan gave a brief update regarding the snow storm cleanup. He said FEMA has visited Harvard and are working toward submitting an estimate based on Worcester County in its entirety. He said the DPW Director Rich Nota is currently investigating ways to do a clean up that is efficient and affordable. Bragan said no decisions have been made.

## **TAX CLASSIFICATION HEARING**

Marie Sobalvarro opened the hearing by reading the legal notice and inviting Harald Scheid from Regional Resource Group to come forward. Scheid introduced himself as the Regional Tax Assessor for Harvard and said he is here on behalf of the Board of Assessors. He explained each year at this time the town is required to hold a public hearing to determine if the town will have a single tax or a split tax rate (commercial/residential). Due to the low amount of commercial/industrial properties in Harvard he does not recommend a split tax rate. He said in addition to deciding on the tax rate the board also needs to vote on adoption of residential and small commercial tax exemptions.

On a Ricci/Clark motion, the board voted unanimously to adopt a uniform tax rate.

On Ricci/Johnson motion, the board voted unanimously to not adopt a residential exemption.

On a Ricci/Johnson, the board voted unanimously to not adopt a small commercial exemption.

On a Ricci/Johnson motion, the board voted unanimously to close the tax classification hearing.

## **TOWN ADMINISTRATOR REPORT CONTINUED**

Bragan reported the Attorney General announced the release of amendments to 940CMR 29.00 that would allow members of public bodies to participate remotely in meetings. The BOS decided to distribute to all boards/committees for their feedback. The BOS will revisit at their December 6<sup>th</sup> meeting.

Bragan expects to have more detailed health insurance information from Minuteman Nashoba Health Group for the upcoming year. He plans to have an update for the December 6<sup>th</sup> meeting.

Bragan announced the town hall would be closed on Thursday and Friday for the Thanksgiving holiday. Those who normally work on Fridays will be using their PTO time.

Marie Sobalvarro asked if there would be a request to reconsider the Historical Commission appointment made at the November 10<sup>th</sup> meeting. No members responded.

**LETTER TO MASSDEVELOPMENT REGARDING TRINITY FINANCIAL PROPOSAL FOR VICKSBURG SQUARE**

Ron Ricci drafted a letter addressed to MassDevelopment President & CEO Marty Jones. Marie Sobalvarro thanked him and the board members discussed some minor amendments. On a Clark/Ricci motion, the board voted unanimously to make changes and distribute.

**JOINT BOARDS OF SELECTMEN (JBOS)**

Ron Ricci reported at the next JBOS meeting they will be discussing finalization of a new agreement (MOU) on how JBOS operates. Ricci is skeptical all three communities will be supportive of the changes. He said no action will be taken at the meeting but the BOS will need to discuss at the next BOS meeting. Ron Ricci requested JBOS minutes be posted to the town website.

The meeting was adjourned at 9:40pm.

Documents referenced:

**MONTACHUSETT METROPOLITAN PLANNING**

**ORGANIZATION (MPO) SUBREGION SELECTION** – MOU dated 4.13.2011

Summary dated 9.2011

**TOWN ADMINISTRATOR REPORT** – Remote participation document 11.16.2011

**TAX CLASSIFICATION HEARING** – Fiscal 2012 Tax Hearing document dated 11.15.2011

**LETTER TO MASSDEVELOPMENT REGARDING TRINITY FINANCIAL PROPOSAL FOR VICKSBURG SQUARE** – letter dated 11.15.2011