



**Board of Selectmen
Minutes
Tuesday, March 6, 2012 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 Peter Warren were all in attendance as well as the Town Administrator Tim Bragan.

FRUITLANDS MUSEUM PUBLIC HEARING

Marie Sobalvarro opened the hearing by reading aloud the legal notice that ran in the Harvard Press. She explained this hearing was held as required due to the request from Fruitland's Museum and Fireside Catering to establish an operating agreement. She invited those from the public in favor or in opposition to come forward and speak. There was no public comment thus Sobalvarro closed the public comment section of the hearing. Sobalvarro noted the agreement allows Fireside Catering will assume components of the liquor license although the Manager will remain Marie LeBlanc. She asked if the board members had any questions or comments. Tim Clark asked if all necessary documentation has been received and Tim Bragan answered yes. Peter Warren asked about permit sign off related to renovations to the kitchen. Sobalvarro invited Marie LeBlanc to come forward who stated all renovations done in the kitchen had been signed off by the Building Inspector and the Fire Chief. On a Clark/Ricci motion, the board voted unanimously to approve the amendment to the operating agreement for Fruitland's Museum. The board members signed the Form 43 for submission to the ABCC.

MINUTES

On a Ricci/Warren motion, the board voted unanimously to approve minutes from 1/25, 2/7 and 2/13, as submitted.

LEGISLATIVE UPDATE:

SENATOR JAMIE ELDRIDGE & REPRESENTATIVE JENNIFER BENSON

Senator Jamie Eldridge provided a handout outlining his priorities for the upcoming budget process. He highlighted protecting local aid, maintaining funding for vital social safety net services, fair and adequate stable tax system that will raise sufficient revenue to support state goals and priorities, promoting budget transparency and accountability and preventing deeper cuts in spending on environmental protection, stimulating economic development and investing in transportation. He added he is advocating for passage of bills for the Community Preservation Act (CPA) reimbursement to be reinstated at 75% and make it easier to protect land for recreational purposes as well as the Bottle Bill. The Senator also noted work being done related to future funding for improvements to Water and Sewer infrastructure.

Representative Jennifer Benson said the house budget process will be underway in April and she is gathering amendments now. She noted her recent role change to Vice Chair of small business and community development. She said the committee is working hard on the CPA bill which has a lot of support.

She reviewed local bills that have been filed and are actively being pursued:

- One day liquor license was engrossed in the House now in the Senate, March timeframe
- Inclusion in Devens ETA: waiting on letters from communities in the ETA for their support
- Water Commissioners change from elected to appointed is in the Elections Division.

Marie Sobalvarro thanked the Senator and Representative for supporting Chapter 498 Section 13 by encouraging MassDevelopment to go out to bid for fire and police services. She did note however nothing has changed with MassDevelopment as they are entering into a three year police contract with the state police. Ron Ricci said it is frustrating this section continues to be ignored. Eldridge offered to revisit this issue by encouraging continual compliance with Chapter 498. Peter Warren thanked Representative Benson for her assistance with the home rule petition for a senior citizen tax exemption. He said the revenue committee should have feedback sometime this week. Benson said allowing towns to speak directly with the researchers and lawyers on the committees assists with maintaining a good flow of communication. Finally, Sobalvarro said the Finance Committee has voted to support an increase in the CPA surcharge to 3% and adding an elderly and disabled exemption. The board thanked the Senator and Representative for their time.

TOWN ADMINISTRATOR REPORT

Tim Bragan began his report by distributing a copy of the deed for the old library. He said due to the relocation discussions he was prompted to review the deed. It has come to his attention after consultation with Town Counsel Lanza that the current use of the library is not inline with the deed as written. Lanza recommended the town determine if this is a deed restriction or a trust restriction and once that is determined we can take any necessary action required. Bragan will determine what the restriction is and if it is a trust restriction it must be vacated. Bragan will work with Lanza to resolve this issue and if the trust must be vacated the board instructed him to do so.

Bragan distributed the job description for a Facility Manager which does not specify full or part time employment. Warren said the ad-hoc committee met to review the document and were comfortable with the draft. Bragan said the next step will be for the Personnel Board to review and set a specific grade for this position. On a Warren/Sobalvarro motion, the board voted unanimously to request that the Town Administrator bring the description to the Personnel Board for approval.

Bragan next distributed the Planner job description which does not specify full or part time employment. He said he has not received any feedback from the Planning Board. Bragan said development of the draft job description was initiated during a meeting with Planning Board member Michelle Catalina, Master Plan Committee member Joe Hutchinson, Selectmen Bill Johnson and Economic Development Committee member Elaine Lazarus. He explained the draft was distributed to Michelle, Bill and Elaine for feedback. Elaine and Bill responded and another draft was sent but there was still no official feedback from the Planning Board. Marie Sobalvarro asked if there was any feedback from the other Land Use offices. Bragan said he did not solicit feedback from the other Land Use boards. He added the Conservation Commission has included in their five year plan a full time Conservation Agent and he is unaware if the Planning Board

knew of this or how the communication between these boards is executed. Tim Clark thought it made sense for all the Land Use boards to weigh in on this. Johnson added when reviewing other Planner job descriptions the Conservation Agent role was not incorporated. He suggested the job description be submitted to the Personnel Board to keep the ball rolling. Warren was concerned if there are changes made by the Planning Board then what the Personnel Board approves will be void. Sobalvarro also suggested all the Land Use boards weigh in before the description goes to the Personnel Board. Bragan said there will be an opportunity to revisit the description if necessary.

PUBLIC COMMUNICATION

Paul Willard, Animal Control Officer/Conservation Commission Chair, addressed the Planner discussion stating he has only heard about it through gossip nothing official. He does not know if a Planner is needed or not but he would be very disappointed to see this proposal affect Land Use Administrator/Conservation Agent Liz Allard's position. He spoke about the Commission wanting a full time Conservation Agent but admits it seems to be more of a dream than reality. He asked the board to please not do anything that would affect Liz.

Jim Breslauer, Conservation Commission member, came forward to echo what Paul Willard said by acknowledging Liz Allard's value. He also noted the large overlap between her current responsibilities and the draft Planner job description. He said it is clear if approved this would have a large impact on her position. As a member of the Master Planning Steering Committee, he feels this is incredibly premature and encouraged the board to wait until Phase 2 is complete. He stressed the need for input from the community and consultants first.

Michelle Catalina, Planning Board Vice Chair, distributed a letter voted on unanimously by the Planning Board to be read aloud. She read the letter and added she had suggested involving other parties at the initial meeting held but was met with resistance.

Stu Sklar, 39 Scott Road, spoke on the following issues:

1. He said Concord has passed a local option income tax at their ATM after a study. He asked how Harvard could make this a formal study to investigate a way to reduce property taxes.
2. He asked if there has been a resolution related to moving the town hall to the old library. Bragan answered he is working on more concrete numbers related to this.
3. He reminded the board that 295 residents have signed a petition requesting the second floor of Town Hall remain an open space. He was concerned after the Quad Board meeting last week stating it is disingenuous at this time for committee members to express concern over lack of meeting space and parking when the same members have fought tooth and nail to keep the project within a specific footprint. He said it is important to be honest with town residents.

Mary Vesenka Turner, 247 Littleton County Road, spoke on behalf of the many residents in town who have expressed their desire to have a large communal space in upper town hall. She said space for meetings can certainly be accommodated as well.

Mark Vilain, 3 Oak Hill Road, applauds schematic design with open space and includes a stage funded by the public. He has no doubt this would be a great space to restore. He said questions have arisen around the practicality of the space. He referred to comparable spaces in Concord and Westford which are used for dances, art exhibits and musical performances. He said these facilities do not have large parking areas but are able to accommodate effectively.

Town Administrator Tim Bragan responded to earlier public comments made related to the Planner job description. He said adding a Town Planner has been included in the last two Master Plans and will likely be in this one as well. That said the initiative is not premature. With respect to the development of the job description, Bragan said after the meeting held he told those in attendance he would draft the description and distribute for comment and he did. He said it is obvious because Breslauer viewed the description it has been given out. Bragan added moving forward will be up to the Town, Board of Selectmen and honestly at this time we are financially unable to fund the position. Bill Johnson concurred stating the Planner discussion has been long overdue.

MASTER PLAN STEERING COMMITTEE – Phase 2 approach/funding

Members Joe Hutchinson, Lucy Wallace and James Breslauer were present. Hutchinson began by thanking committee members for all their efforts. He said during Phase I the committee have met all their milestones. They prepared a Request for Proposals (RFP) focusing on Devens, Commercial District, Town Center, Conservation and Housing all areas that will be in need of decisions over the next ten years. He said the consultant hired interviewed citizens, held focus groups and assisted in conducting a town wide survey. Hutchinson said the consultant will assist with the RFP for Phase II and will prepare a final report on vision and goals. He said they are here tonight to seek support for the BOS to move forward on Phase II.

Hutchinson reviewed some of the data received and focused on feedback related to Devens. He explained a great deal of the responses said it is critical that the town decide on a direction to take with respect to the disposition of Devens. The committee has requested consultants provide an estimated cost for Phase II. Marie Sobalvarro asked how this would be different than what the Devens Economic Analysis Team (DEAT) has been tasked to do. Tim Clark said this research would be done in conjunction with DEAT to articulate what the town desires. Lucy Wallace added public forums would be held to assist in determining the sense of direction desired by the town. Peter Warren said in his opinion enough analysis has been done over the years and it is time to act with a vote at the annual town meeting. Ron Ricci agreed. Bill Johnson said he thinks it would make sense before entering into an expensive contract with consultants to provide education by public outreach with what we know. Clark said the approach presented will help to solidify the direction in a way that has not yet been attempted. Sobalvarro added it is obvious there is a huge demand for more education on the information we do have and determination of the best way to disseminate it. Johnson explained this is exactly why we need a Planner on staff to assist in areas such as this instead of hiring consultants who will do the work and then depart. He would rather invest in educating a Planner. Warren was interested to know exactly how much the town has spent over the years on the exploration of Devens. Ricci said this was a good question and added the question of Devens distracts from the management of Harvard. Lucy Wallace noted consultants generally consist of a number of individuals with varying areas of expertise which adds diversity. James Breslauer also sees great value in the use

of consultants. Hutchinson summarized the Phase II budget to include Devens impact analysis, master plan statutory elements, Ayer Rd C-District/economic development, education and public outreach. Hutchinson confirmed a warrant article will be drafted for Phase II and they have received positive feedback from the Capital Planning and Investment Committee, Finance Committee and the Planning Board.

MUNICIPAL BUILDING COMMITTEE REPORT ACCEPTANCE

Members present: Pete Jackson, Wade Holtzman, Chris Cutler, Lou Russo, Doug Coots Marie Sobalvarro said the latest presentation was given at a meeting on Thursday, March 1 which provided the layout of space for Town Hall and the Hildreth House. She understands the cost estimates have been reviewed in detail by Lou Russo and others. She wanted to begin by addressing board member questions. She began with Bill Johnson. His first question was related to the partitions on the second floor of the Town Hall. It was explained input from the acoustical consultant during the design development phase will be necessary to advise on the appropriate separations to use. The committee confirmed options will be investigated and the cost for this will be incorporated into the budget. Doug Coots said the committee is focusing on meeting program needs with the schematic design within a budget that is acceptable. Next, Sobalvarro moved on to Johnson's next question about the incremental cost for the raised stage and lift. MBC members Jackson and Russo confirmed the cost to be \$79,000. Johnson had also asked about ensuring relocation costs are identified and segregated. Sobalvarro referred to the \$60,000 estimate within the conceptual budget. Tim Bragan said he continues to refine the cost estimate. Tim Clark asked if historic preservation would go beyond the cupola. He referred to the front stair/foyer area and possibly light fixtures. Sobalvarro said historical preservation grant funds have restrictions and tight timeframes so this will be an area for more review. The MBC members affirmed their support of this final schematic design. Ron Ricci asked if they discussed space to accommodate the cable committee. Wade Holtzman said there seems to be a disconnect on this issue between the Cable Committee and the Pilot Project. The MBC will encourage the Cable Committee to attend upcoming meetings so they can discuss ideas further. Warren cautioned the board to let things move along as they are because with no option to expand the building it would be very difficult to accommodate cable in the Town Hall. Sobalvarro complimented the report and noted there continue to be details that will be resolved in the design development phase. On a Clark/Warren motion, the board voted to accept report as presented and place an article on the ATM warrant for the funding source. (Clark - Aye, Warren - Aye, Sobalvarro - Aye, Ricci - Nay, Johnson - Nay) Sobalvarro summarized the take away to be Peter Warren will follow up with the Cable Committee and with MBC, indications from acoustic engineer to finalize partition question and add into the final report the design requirements during the design phase. The board members debated the need and cost of the stage. Sobalvarro suggested the board discuss further at the Capital and Investment Committee meeting on Thursday.

ATM WARRANT ARTICLE REVIEW

Tim Bragan distributed a rough draft of the ATM warrant articles for an initial review. He explained the Finance Committee (Fin Com) has reviewed and discussed the articles. Bragan reported Fin Com discussed in detail the articles for Facilities Manager and Planner. He said they understand the relevance of the positions but can not support them both. They have agreed if the grant funding comes through for the Facilities Manager they will move forward to fund as a part

time non-benefited position. If the grant funds do not come through they will support the position with town funds and contract out for services to address issues highlighted in the Galeota report. He said Fin Com believes there will be a greater return quicker with the Facility Manager position than with a Planner. Peter Warren said with the initiative by MRPC to provide planning services to the DREZ maybe an opportunity will arise to offer regional planning services as well. Bragan took some time to review the warrant articles but the board decided to discuss the warrant in more detail at a morning meeting next week.

SUPER TOWN MEETING WARRANT

Marie Sobalvarro acknowledged revisions have been made to the warrant which was received earlier in the day from MassDevelopment. She said it appears revisions were related to suggestions made at the public hearing held on February 21st. Sobalvarro was still interested in details from a recent meeting between MassDevelopment and the Harvard School committee and if there had been any feedback from the Devens residents on the proposed development. Warren said the School Committee Chair told him the meeting went well and full disclosure of what was discussed will be presented at their Monday meeting. Ron Ricci reported on a meeting he attended with Sobalvarro, Bragan and representatives from MassDevelopment including President Mary Jones. He said areas of interest discussed included water & sewer accessibility, open bidding on fire/police contracts and requested to view the audit report of police operations in Devens. Ricci and Sobalvarro were both disheartened by answers given by MassDevelopment. Sobalvarro said it is obvious they are not taking our concerns seriously and suggested we wait on signing the warrant until we receive more feedback from the School Committee on Monday. Additionally, Ricci referred to requirements Harvard has related to housing within the Housing Production Plan. He is concerned the Vicksburg Square project will saturate the market making it difficult for Harvard to meet their goals. The board agreed to meet on Tuesday, March 13th to endorse the warrant.

RESIGNATIONS

On a Clark/Ricci motion, the board voted unanimously to accept resignations from Mark Cooper (MBC), Jane Andrew (Warner Free Lecture) and Jonathan Williams (Cable Committee). Thank you letters will be sent.

MBTA FARE & SERVICE CHANGES

Marie Sobalvarro said a hearing will be held on Wednesday, March 7th in Fitchburg related to this issue. Peter Warren will attend.

MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST INTERIM LOAN

On a Clark/Ricci motion, the board voted unanimously to endorse the loan agreement and project regulatory agreement from the trust for the town center sewer project.

DISTRICT LOCAL TECHNICAL ASSISTANCE PROGRAM (DLTA)

Marie Sobalvarro said this was discussed at JBOS and is a tri-town plus Devens request from MRPC which will enable them to provide Planning services to benefit the DREZ. Shirley and Ayer have endorsed this request. Peter Warren recommended the BOS endorse the request as MRPC will be responsible for funding. On a Warren/Ricci motion, the board voted unanimously to approve the DLTA request for services from MRPC.

The meeting was adjourned at 10:00PM.

Documents referenced:

FRUITLANDS MUSEUM PUBLIC HEARING – ABCC application dated 3.7.2012

LEG. UPDATE: SEN. JAMIE ELDRIDGE & REP. JENNIFER BENSON – Handouts dated 3.6.2012

PUBLIC COMMUNICATION – Planning Board letter dated 3.6.2012

TOWN ADMINISTRATOR REPORT – Hildreth House deed dated 1903, Facility Manager job description draft 1 dated 3.2.2012, Planner job description dated 3.2.2012

MASTER PLAN STEERING COMMITTEE – summary dated 3.6.2012

MBC REPORT ACCEPTANCE – presentation dated 3.1.2012

ATM WARRANT ARTICLE REVIEW – warrant article draft no date

SUPER TOWN MEETING WARRANT – warrant for 3.28.2012

RESIGNATION LETTERS – Cooper date 2.2.2012, Andrew dated 2.17.2012, Williams dated 2.22.2012