



**Board of Selectmen  
Minutes  
Tuesday, March 20, 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, Tim Clark and Peter Warren were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Bill Johnson was absent.

### **MINUTES**

On a Ricci/Warren motion, the board voted unanimously to approve minutes of 2/21, as presented.

### **SELECTMEN REPORTS**

Peter Warren said at a recent Cable Committee, after discussion the members agreed they wished to remain in the old library.

Warren suggested the BOS invite Harvard Representative on the Devens Enterprise Commission (DEC) Jim DeZutter to an upcoming meeting for an update on real estate happenings as discussed at the DEC meeting.

### **PUBLIC COMMUNICATION**

Bill Salter, 3 Elm Street, said a year ago when the Unitarian Church first hosted the Harvard Schools Trust Gala a public hearing was held to approve an Entertainment license for the event. He reminded the BOS of the discussion held with abutters about their concerns and that the church promised to adequately communicate with the neighbors in the future. The only letter he has received since last year was basically an apology letter on March 14<sup>th</sup>. He continued by explaining issues he has had with parking in front of his driveway and along the neighbor side of Elm Street instead of on the common side as instructed. This occurred during a craft fair. He was shocked to find out an Entertainment license and carry-in license had been granted for the same event this year with no public hearing held. He referred to the Entertainment License Policies and Procedures that he interprets to mean a hearing should be held each year. He acknowledged the wording may not adequately reflect the intention of the BOS but nonetheless he feels a hearing should have been held. Marie Sobalvarro clarified the craft fair is not approved by the BOS therefore it is not under our jurisdiction to monitor. Salter said his point is not to call out the BOS as to whether legally they followed the rules. He is mostly concerned over the lack of communication from the church. He does not think the church has lived up to their commitment of being a good neighbor. He is asking the BOS to do what they can to encourage the church to improve their communication. He added an updated contact person has not been given to the public safety and when he contacted them the officer who came said due to no laws specific to parking there was nothing he could do. Salter found this to be surprising. He also said the woman in charge of the craft fair said she was not informed of any parking restrictions. He ended by stating the church needs to determine a better way to communicate and the BOS should assist with this.

Dennis Lyddy, Veteran's Service Agent, came forward stating his primary mission is to assist veterans and their families with their eligibility to services, benefits and entitlements. He said he is in favor of the Vicksburg Square proposal which includes a veteran's preference. He acknowledged this as a moment in time when Harvard can demonstrate its willingness to support active military, their families and veterans. He strongly endorses the project and encourages all veterans to participate in the Super Town Meeting on March 28<sup>th</sup>.

Tom Kinch, Vice Chair of the Devens Committee, reported all residents of Devens were surveyed. He explained documentation was mailed out which included a ballot to vote. Those who qualify as residents are registered voters in Ayer or Harvard or those who are domiciled in Devens. This includes renters, homeowners, and veterans. 110 ballots were cast with 55 in favor and 55 against. Kinch admitted with a split vote not much is learned but he assumes more information will become available before the Super Town Meeting which will assist voters in making an informed decision.

#### **ZONING BOARD OF APPEALS APPOINTMENT**

ZBA Chair Chris Tracey was present to introduce Michael Lawton for appointment as alternate member. On a Clark/Ricci motion, the board voted unanimously to appoint Michael Lawton to the ZBA as an alternate member with a term to expire June, 30 2012.

#### **SELECTMEN REPORTS continued**

Marie Sobalvarro reported the Finance Committee has voted to support the CPA surcharge increase from 1.1% to 3%. Community Preservation Committee member Deborah Thompson said the committee has not taken a formal vote yet but will be meeting later this week.

#### **TOMN ADMINISTRATOR REPORT**

Tim Bragan revisited the issue brought up by Mr. Salter during public communication. He said he met with Salter last week to listen to his concerns. He explained the intent of the policy to Salter and did agree the policy may need to be clarified. Bragan does recognize there is an issue with communication. Marie Sobalvarro questioned the authority of the BOS related to events we do not approve. Tim Clark said in terms of public safety it may make sense to have the Police Chief contact the church formally to discuss how to better manage traffic and parking.

Bragan reported Elsa Campbell from the Department of Housing and Community Development (DHCD) contacted him about a Local Initiative Property (LIP) for sale in Devens. The town has the right of first refusal on the property. On a Clark/Warren motion, the board voted unanimously to take no action of right of first refusal on 5D Walnut St, Devens.

#### **OUT OF STATE TRAVEL REQUEST**

Fire Chief Rick Sicard requested approval for out of state travel to have the final inspection of the new pumper completed. He will need to travel to KME in Pennsylvania. There is no cost to the town. On a Clark/Ricci motion, the board voted unanimously to approve out of state travel for the inspection of the pumper.

## **SUPER TOWN MEETING**

Marie Sobalvarro asked if the board was interested in making a statement or taking a vote on this proposed project. The board members each made a statement and then a roll call vote was taken.

Tim Clark said he is not in favor of the project for several reasons. He is concerned the project will not be sustainable due to limited access to transportation for low to moderate income families, skeptical the project will meet DHCD criteria to acquire necessary tax credits and he feels there are more deserving projects in the DHCD pipeline. He also commented on lack of support from the School Committee and he does not see how raising the housing cap is favorable.

Peter Warren shares a very different view than Clark. He referred to the affirmative vote taken back in 2009 which had 100 less units. He believes this project will provide a much needed economic boost to the area and the entire region. He said it is important we look beyond Harvard. Warren said as far as the schools go there is not as much of an issue as people may think and in the long range planning there is sufficient space to accommodate future Devens students. He added considering the latest contract discussions between the School Committee and MassDevelopment the financial picture looks good as well. Warren spoke highly of Trinity Financial and their capabilities. He views their involvement as a tremendous asset and is disappointed his fellow board members have not taken the time to visit properties they have developed. He challenges the DEAT report stating their real estate data is not accurate. He feels strongly if this does not pass we again have demonstrated our inability to get anything positive accomplished in Devens. He will vote yes at the Super Town Meeting.

Ron Ricci agrees with Warren stating there is no better developer to do this project but after he weighted the pros and cons he does not believe this proposal in its entirety is in the best interest of Harvard. He does not support this proposal.

Marie Sobalvarro said considering comments from Ayer and Shirley Finance Committees she too believes developing a project with low income credits works for Trinity but does not work for us. She said it will not be sustainable.

By a roll call vote, the board voted on the proposed changes to the bylaws.  
(Warren - Aye, Ricci - Nay, Clark – Nay, Sobalvarro – Nay)

## **REVIEW AND CLOSE ON THE ANNUAL TOWN MEETING WARRANT**

Tim Bragan presented a final version of the warrant for the board to review and provide comment on.

### Articles 8 & 9 – SAFE Program

Ron Ricci had drafted an article for the SAFE Program which was to raise and appropriate funds but a competing article authorizing a revolving fund specific to revenue from Burning Permits was the article chosen. Article 8 was removed.

Article 19 – Town Hall Building Project

Ron Ricci noted with private funding this article amount many change. Marie Sobalvarro said Block grant funds may be possible as well.

Article 29 – Update Master Plan

Ron Ricci and Peter Warren would like to see the article reduced from \$100,000 to \$60,000.

Article 37 – Modification of CPA Surcharge

Tim Clark asked why exemptions were removed from this initiative. Ricci said there was concern because it is hard to know the impact. Sobalvarro said the CPC is meeting later this week.

Article 39 – Town Planner

Bill Johnson submitted a written statement in his absence which included removal of this article considering the more appropriate need for a Facilities Manager. The article was removed.

Article 41 – Home Rule Petition – Means Tested Senior Citizens Property Tax Exemption

Peter Warren said this article will need to be revised due to the very recent approval of the Sudbury petition which includes language that is quite different. Bragan said the article can be revised to state “legislation substantially the same as follows:” per Town Counsel Lanza.

Article 42 – Massachusetts General Laws Chapter 59, Section 5K

Senior Work-Off Abatement Program

This article is sponsored by the COA. Ricci and Warren not in favor of the article but it was agreed to keep the article.

On a Warren/Clark motion, the board voted unanimously to accept debt exclusion questions.

On a Ricci/Warren motion, the board voted unanimously to accept articles in order as amended.

The meeting was adjourned at 9:00PM.

Documents referenced:

**ZONING BOARD OF APPEALS APPOINTMENT** – volunteer form 1.2.2012

**REVIEW AND CLOSE ON THE ANNUAL TOWN MEETING WARRANT**

Draft warrant not dated