



**Board of Selectmen
Minutes
Tuesday, April 3, 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, Peter Warren and Tim Clark were all in attendance as well as Executive Assistant Julie Doucet. Town Administrator Tim Bragan was absent.

MINUTES

On a Warren/Ricci motion, the board voted unanimously to approve minutes of 3/6, 3/13 and 3/20.

PUBLIC COMMUNICATION

Bill Salter (3 Elm St) read aloud a statement on behalf of Paul and Susan Morris of 14 Lovers Ln. The statement reflected their concern the granting of an entertainment license to the Unitarian Church's Fellowship Hall. They have substantial concerns about the church's ability and willingness to meet any commitments that it might make related to entertainment at the Fellowship Hall. They feel the entertainment license is incompatible with the purpose of the building expressed to the Planning Board and should be flat out denied.

Bill Salter, 3 Elm Street, reported the Gala which was held on Saturday, March 28th did not pose any parking problems. He explained the church placed signs on the abutters' lawns indicating no parking and police would take notice. He contacted the church to find out if they had contacted the police department about the signs but they had not. He was hopeful neighbors may have received a call from the church prior to the event but that did not happen. He said he was unsure if placing the signs was legal but does recognize their effort was well intended but it is apparent they can not seem to get it right. An attempt to reach out to the neighbors would have been a good start. He said maybe a formal process for permitting would assist with this. He added mission driven is sometimes better than rules driven. He is hopeful the Selectmen will be able to help with this.

Chris Ashley, 21 Woodside Road, expressed his absolute and utter disappointment in the board regarding the Town Hall proposal that represents a complete failure of process and an abdication of their responsibilities to serve this community. He suggested the BOS set up a process to explore a full range of options, present the information to the community in an unbiased fashion and then rely on the collective wisdom of the community to determine the right solution.

SELECTMEN REPORTS

Bill Johnson reminded the BOS of our goal to develop a utilization plan for old library. He pointed out we need resolution regarding relocation of Town Hall. Marie Sobalvarro said Tim Bragan has more specifics on the cost for relocation. Johnson said the board needs to resolve this as soon as possible.

Ron Ricci reported the Municipal Affordable Housing Trust Fund (MAHTF) will make another mortgage payment for the Harvard Inn and Great Elms. He said the foreclosures are scheduled for May 17th (Elms) and 24th (Inn). He said a relocation plan has implemented with help from local realtor Rhonda Sprague.

HARVARD GENERAL STORE – LIQUOR LICENSE CHANGE

Marie Sobalvarro explained the current Manager Amy Bernhardt was relocating to Maine so the store needs to change the Manager. She said owner Evelyn Horowitz was requesting the license be changed to reflect her as the Manager. On a Johnson/Ricci motion, the board voted unanimously to approve the change manager request.

REVIEW OF ENTERTAINMENT LICENSE POLICY AND PROCEDURES

Marie Sobalvarro began the discussion asking the board members for their thoughts on mandatory public hearings for all one day licenses even if they are held on an annual basis. Police Chief Ed Denmark was also present to provide his input. Denmark said he met with Mr. Salter to discuss his concerns. He supports Mr. Salter's assertion that a public hearing be required for any issuance of a one day license. He said holding a hearing would allow information to be passed on to the Police Department and Board of Selectmen that may not have otherwise been reported. He added it would also give an opportunity for neighbors to express concerns without having to lodge an official complaint. He believes this would help to preserve good relationships. The board discussed several options: dual notice of license request on two consecutive agendas, notice in papers with no notice to abutters, maintain a list of abutters contact through email or possibly hold an annual hearing for all one day licenses. Executive Assistant Julie Doucet explained if a public hearing is held a notice must run in a local newspaper with certified notices mailed to all abutters. The Selectmen's office would handle this but the cost is paid for by the applicant. The board members discussed holding a legal hearing as opposed to a public hearing where notifying abutters directly may not be required. Ron Ricci said it is unfair to penalize all one day license holders because one applicant can not follow the rules. Sobalvarro offered amending the current policies to require notice to the board under the Town Administrator's report (detailed on the agenda) and then at the next consecutive meeting (detailed on the agenda) hold a legal hearing as opposed to a public hearing which may require less notification. Tim Clark views the issue to be with the communication between the church and its neighbors. Sobalvarro invited Bill Salter to respond to their suggestions. Salter expressed disappointment stating this is not more or better communication it is less. He wants notices sent to all abutters. As he identified in the current policies and procedures any violations to the license will trigger a public hearing so he promised in the future official complaints will be logged with the public safety department. Johnson recognizes this really does not address the problem of making sure abutters know when an entertainment

license hearing may be held or a license may be granted. He said at the very least a notice must run in the local newspapers. Sobalvarro offered to make adjustments to the current policy for review at the next meeting.

LONG-BOARDING EVENT

Police Chief Ed Denmark asked for the BOS to hold off on approval. He has some details he would like to discuss with the event organizer first.

ALZHEIMER'S ASSOCIATION ANNUAL BIKE RIDE

On a Clark/Ricci motion, the board voted unanimously to approve request subject to authorization from police chief related specifics of the course.

CHAPTER LAND

On a Clark/Warren motion, the board voted unanimously to take no action on notice for lot zero Westcott road map 32 parcels 90 & 91.

REVIEW & TAKE POSITION ON THE ANNUAL TOWN MEETING WARRANT ARTICLES

Marie Sobalvarro indicated some articles will need to be revisited at the next meeting due to the absence of the Town Administrator. She added the MBC would be meeting on Thursday evening to formalize a statement related to questions about relocation, partitions and the cable committee so it would make sense to wait on further discussion of Article 18. They also decided to wait on Planning Board Article 43 related to signs as it may directly affect the BOS policies.

Articles discussed in detail:

Article 28 – Update of Master Plan

Bill Johnson stated he does not agree with the proposed \$100,000 funding at this time. He pointed out that there is no statutory time constraint as to when we must update our Master Plan, as we continue to be eligible for all grant opportunities because our current plan meets all statutory requirements. He said the phase 1 input process related to data collection was very inclusionary for existing Town boards and committees, but the process to define the RFP and funding for Phase II was not. Rather than giving a blank check for \$100K based on the opinions of the MSPC steering committee alone, he would like to distribute the phase 1 report to all boards/committees to get their feedback through our recently institutionalized five year planning process to define the specific requirements for the phase 2 RFP in a more inclusive and more informed manner. He suggested phase 2 funding be delayed until the fall or next spring to allow this to happen. Peter Warren and Ron Ricci were in agreement with Johnson. Tim Clark said he would provide feedback to the Master Plan Steering Committee. He expects a final draft report of phase 1 by the end of April but will try to have it for the April 17th meeting. He explained the committee worked diligently to expand into diverse working groups.

On a Clark/Warren motion, the board voted to support article 28.

(Clark – Aye, Sobalvarro – Aye, Ricci – Nay, Johnson – Nay, Warren – Nay)

The vote was 3/2 against therefore the motion did not pass.

Article 36 – Modification of CPA Surcharge

Peter Warren said a caveat stating the extra funding would be explicitly used to fund the Town Hall building project was not included. He is hopeful the Community Preservation Committee (CPC) will provide some assurance to support the concept. Ron Ricci said there continues to be unanswered questions on how CPC funds can be used for new construction. Marie Sobalvarro confirmed accessibility requirements will qualify for CPC funding. Bill Johnson said he was a strong proponent for the increase and even lobbied the CPC to support it but his understanding was the increase would be project specific to the town hall project. Now that the increase is not tied to a specific capital project need, he no longer supports it as a generic funding pool given the statutory constraints on how the funds can be allocated in the future. He believes we should wait until CPIC comes back with a clear plan on how CPA funding ties into future projects. Marie Sobalvarro said this is an opportunity for us to do some forward planning which we have not done in the past. She said if we do not start saving now we will always be playing catch up. Ron Ricci feels it unfair to ask taxpayers to commit to long term funding without a viable plan.

On a Clark/Ricci motion, the board voted to support article 36.

(Clark – Aye, Sobalvarro – Aye, Ricci – Nay, Warren – Nay, Johnson – Nay)

The vote was 3/2 against therefore the motion did not pass.

The board agreed to make no comment on CPC articles 29, 30, 31, 32, 33, 34, and 35.

The board agreed to discuss articles 18, 37, 40, 41, 42, 43 and 44 at the April 17th meeting. They will invite a member of the Planning Board to attend.

On Clark/Warren motion, the board voted unanimously to support articles in the warrant as written excluding articles 18, 37, 40, 41, 42, 43 and 44.

The meeting was adjourned at 8:56PM.

HARVARD GENERAL STORE – LIQUOR LICENSE CHANGE

Form 43 dated 4.3.2012

REVIEW OF ENTERTAINMENT LICENSE POLICY AND PROCEDURES

Dated 3.4.2008

ALZHEIMER'S ASSOCIATION ANNUAL BIKE RIDE

Dated 2.28.2012

CHAPTER LAND – Purchase & Sales dated 2.24.2012

REVIEW & TAKE POSITION ON THE

ANNUAL TOWN MEETING WARRANT ARTICLES – Dated 3.20.2012