



**Board of Selectmen
Minutes
Tuesday, July 10, 2012 at 7:00pm
Town Hall Meeting Room**

The meeting was called to order at 7:00PM by Chair, Lucy Wallace in the Town Hall Meeting Room. Selectmen Lucy Wallace, Marie Sobalvarro, Ron Ricci, Tim Clark and Bill Johnson were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

MINUTES

On Sobalvarro/Clark motion, the board voted unanimously to approve minutes of 6/5, 6/12 & 6/19.

APPOINTMENTS

Municipal Affordable Housing Trust Fund

MAHTF member Mort Miller was present to recommend Leo Blair for appointment on behalf of the trust members. He said the trust has voted unanimously for this appointment. On a Ricci/Sobalvarro motion, the board voted unanimously to appoint Leo Blair to a two year term.

Montachusett Regional Vocational Technical School Representative

Joanne Sueltenfuss was present to express her interest in serving as Harvard's representative and described her qualifications. On a Ricci/Clark motion, the board voted unanimously to appoint Joanne Sueltenfuss as the Harvard Monty Tech representative.

Ambulance Squad

Ambulance Director Steve Beckman was present to recommend Earnest Johnson IV for appointment as a driver/first responder. Johnson introduced himself and articulated his eagerness and capabilities to serve the community in this capacity. On a Sobalvarro/Johnson motion, the board voted unanimously to appoint Ernest Johnson to the ambulance squad as a driver/first responder.

Town Hall Building Committee

New volunteer forms were submitted by Eric Broadbent, Stu Sklar, Leo Blair and Chris Ashley. The three remaining members of the Municipal Building Committee (Pete Jackson, Doug Coots and Chris Cutler) also expressed their interest in continuing. Chris Ashley and Chris Cutler were unable to attend the meeting.

Lucy Wallace began the discussion by explaining the committee charge calls for five voting members including the Town Administrator. She asked each candidate to briefly describe why they were interested in serving on the committee. Leo Blair said due to the sufficient number of capable candidates he will withdraw his request for appointment.

Pete Jackson and Doug Coots both articulated the importance of maintaining continuity moving forward. They are also both interested and eager to see the project through to completion. Eric

Broadbent, as member of the Energy Advisory Committee, is interested in ensuring the building is energy efficient and has previous experience serving on a building committee (Unitarian Fellowship building). Stu Sklar said he is very enthusiastic about the project and is available to assist in any way needed. Bill Johnson spoke on Chris Ashley's behalf stating his expertise as an engineer and his previous experience on a building committee (Congregational Church) along with his involvement in the sewer project make him an attractive candidate. Wallace asked if the board members had any questions for the candidates. Ron Ricci asked the candidates for their ideas on how this project can be less costly to maintain over the life cycle. After more discussion, the following motions were made:

On a Sobalvarro/Clark motion to appoint Eric Broadbent, the board voted unanimously in favor of his appointment.

On a Johnson/Ricci motion to appoint Chris Ashley, Clark, Sobalvarro and Wallace voted nay. The motion did not pass.

On a Clark/Sobalvarro motion to appoint Pete Jackson Clark, Sobalvarro and Wallace voted yes, Johnson and Ricci abstained. The motion passed.

On a Clark/Sobalvarro motion to appoint Doug Coots, Clark Sobalvarro and Wallace voted yes, Johnson and Ricci abstained. The motion passed.

On a Clark/Ricci motion to appoint Chris Cutler, the board voted unanimously in favor of his appointment.

The board voted unanimously to appoint Town Administrator Tim Bragan.

The Town Hall Building Committee members are: Town Administrator Tim Bragan, Eric Broadbent, Pete Jackson, Doug Coots and Chris Cutler.

Bill Johnson made a motion seconded by Ron Ricci asking the BOS to consider appointing the Town Administrator as the Chair of the committee. He feels Bragan's leadership as the main landlord of the building is crucial to ensuring the best perspective regarding building functionality for town government. After some discussion and input from the Town Administrator the motion did not pass. Clark, Wallace and Sobalvarro voted nay.

Lucy Wallace asked the board to authorize the Chair to sign contracts with LLB and DTI once negotiated. She does not want the committee to be held up given that the BOS will not meet again until August 7th. Ron Ricci was reluctant to agree to this without first having the opportunity to view the contracts. Marie Sobalvarro reminded the board this is the way it was done when she was Chair. Pete Jackson said the negotiation with LLB includes the fees and also to double check that the scope of the project is accurate. As a compromise, Bill Johnson suggests BOS members could attend the committee meetings if interested in the details and maybe the contract could be sent out electronically or viewed in the Selectmen's office prior to final signature. Johnson made a motion seconded by Ron Ricci to authorize the chair to sign contracts with LLB and DTI after BOS members have had 48 hrs to view. (Nay – Sobalvarro, Clark, Wallace) The motion did not pass. On a Sobalvarro/Clark motion, the board voted to authorize the Chair to sign contracts with LLB and DTI. (Nay – Ricci, Johnson) The motion passed.

PUBLIC COMMUNICATION

Bill Salter, 3 Elm Street, urged the BOS to become more engaged with the Sewer Commission. He noted none of the members were present at the public hearing held in June. He said considering the BOS will need to approve policies drafted by the commission it may be useful for them to understand the concerns of residents in the district.

LIQUOR LICENSE HEARING – HARVARD GENERAL STORE

Lucy Wallace opened the hearing at 8:00pm by asking Marie Sobalvarro to read aloud the legal notice that ran in the Harvard Press. Tim Bragan informed the BOS the Alcoholic Beverages Control Commission (ABCC) does not require notification to abutters for a transfer of license.

Scott Hayward, 5 Elm Street, was present as representative of the Hayward Company LLC. Also present was Christopher George, acquisition specialist from George & Company of Worcester, who has been advising Hayward. Hayward said the request is a simple transfer of the existing license. He said he will serve as the manager. He also requested a few changes to the existing conditions set by the BOS. The changes included a revision to condition 5, removal of condition 6, and for the age requirement to sell be at least 18 years of age with the manager or a certified store clerk at least 21 years old present in the facility.

Wallace welcomed public comment but there was none.

On a Clark/Sobalvarro motion, the board voted unanimously to close the public hearing.

On a Ricci/Johnson motion, the board voted unanimously to approve the transfer of license and conditions as amended.

SOLAR COMMUNITY GARDEN UPDATE

Worth Robbins and Eric Broadbent were both present and confirmed the building permit submitted for a community solar garden within the C-District was denied. Robbins said a Special Town Meeting (STM) to increase the overlay district by adding additional parcel(s) is the next obvious step. He said the Planning Board has scheduled the required hearing at their July 16th meeting of a proposed bylaw amendment to include the entire C district in the solar overlay district. Eric Broadbent confirmed the Energy Advisory Committee (HEAC) has discussed the potential site at the Transfer Station. They received input from the DPW Director Rich Nota while touring the site with him and received statements from commercial contractors. He read aloud the following motion made by the HEAC:

“I move that the HEAC report to the Board of Selectmen that:

- HEAC recommends that the town have land within it’s boundaries that is zoned so that it can be developed to provide solar generated electricity for municipal use to provide the town clean, predictably priced electricity.
- The solar overlay district as currently used by the town does not provide an economically viable site for solar development for the following reasons:

- The largest array that could be sited on the land currently available is ~200 kW – much smaller than the typical projects being developed to generate power for municipal use.
- Development on the landfill itself (the available land) would entail a highly uncertain permitting process and subject the developer to unknown liabilities from the prior use of the site.
- If the town had a viable town-owned site that could be developed to provide solar generated electricity for municipal use, the HEAC would recommend that the town retain that site for solar development to serve the town.
- To support and encourage clean energy generation and economic development within the town, HEAC recommends that the town have land within its boundaries that is zoned to allow development of solar systems larger and smaller than 250 kW that generate electricity for use that is not solely accessory to the property.

A means to achieve these recommendations would be to expand the solar overlay district and remove the reference to the 250 kW from the language that currently establishes the solar overlay district.”

Broadbent added it is difficult to make an economic case to develop this site.

Bill Johnson suggested considering the expiration of the tax credits for Solar Garden I & II we create an effective solution for this specific situation before we delve into the larger issue. He said it is apparent a long term strategy for development of municipal power or to create opportunities for solar gardens will be an area the town will need to investigate further. There was some discussion about the implications of approving the entire C - District for solar instead of one specific spot and the concern regarding spot zoning. Lucy Wallace noted these details will be part of the Planning Board hearing process and the location can be altered at the STM. The BOS finalized the date of August 22nd for the STM.

FARM WINERY LICENSE – STILL RIVER WINERY

On a Clark/Ricci motion, the board voted to grant request for a farm winery license for sale and sampling at the Harvard Farmers Market on 27 Mass Ave, August 11, 2012 through October 27, 2012 operating on Saturdays 9am-12am.

COMMUNITY PRESERVATION COMMITTEE (CPC) RESIGNATION

On a Ricci/Clark motion, the board voted to accept the resignation of Don Boyce from the Community Preservation Committee (CPC) and send a letter of thanks.

Lucy Wallace formally announced the vacancy on the CPC.

ENTERTAINMENT LICENSE – LIONS CLUB – FALL FESTIVAL

On a Clark/Ricci motion, the board voted unanimously to approve the Lions Club Entertainment License for their Fall Festival (2012) to be held Friday, September 14th 4pm – 10pm, Saturday, September 15th 10am – 10pm and Sunday, September 16th 10am – 4pm.

TOWN ADMINISTRATOR REPORT

Tim Bragan informed the BOS he and Finance Director Lorraine Leonard have been discussing ideas and are forming a working group to deal with other post employment benefits (OPEB). He confirmed a new actuarial study will be prepared to determine the fiscal impact based on the town's current scenario. He expects the working group to complete their work by the end of the year.

Bragan updated the board on the sewer project stating there have been some delays due to issues with materials but the contractor is on schedule to finish in August.

Bragan distributed a draft charge for the BOS to review related to the Hildreth House building project. He asked the BOS to provide comment to him for discussion at the next meeting.

**** On a Ricci motion, the Board voted unanimously by a roll call vote (Sobalvarro – AYE, Johnson – Aye, Wallace – AYE, Clark – AYE, Ricci - Aye) to enter into executive session at 9:10pm, as authorized by Chapter 30A, Section 21.6 of the Massachusetts General Laws, at a meeting for which 48-hours notice has been given, to discuss on-going legal issues and potential litigation. Following the executive session, the Board will reconvene into open session only to adjourn. ****

The meeting was adjourned at 9:45pm.

Documents referenced:

APPOINTMENTS

MAHT – volunteer form from Leo Blair dated 6.13.2012

Monty Tech – volunteer form from Joann Sueltenfuss dated 6.28.2012

Ambulance – email request dated 7.7.2012

Town Hall Building Committee – volunteer forms: Leo Blair dated 6.13.2012

Chris Ashley dated 6.5.2012

Stu Sklar dated 6.14.2012

Eric Broadbent dated 6.27.2012

LIQUOR LICENSE HEARING – HARVARD GENERAL STORE

Application with business plan dated 6.25.2012 and Form 43 dated 7.10.2012

SOLAR COMMUNITY GARDEN UPDATE – letter from SPGSolar dated 7.10.2012

FARM WINERY LIC. – STILL RIVER WINERY – application dated 6.14.2012

CPC RESIGNATION LETTER FROM DON BOYCE – dated 6.18.2012

ENTERTAINMENT LIC. – LIONS CLUB – FALL FESTIVAL – dated 7.10.2010