



**Board of Selectmen
Minutes
Tuesday, August 7, 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 a Johnson/Sobalvarro motion, the board voted unanimously to approve the minutes of 7/10, as presented.

APPOINTMENTS

Annual re-appointments

On a Sobalvarro/Johnson motion, the board voted unanimously to appoint Deborah Nygren as the Access to Services liaison and Chris Ryan to the Transfer Station Committee. Both are yearly appointments.

Conservation Commission

On a Sobalvarro/Clark motion, the board voted unanimously to appoint Patrick Doherty to a three year term on the Conservation Commission.

Capital Planning & Investment Committee

On a Sobalvarro/Clark motion, the board voted unanimously to appoint David Kassel to the position previously occupied by Cindy Russo on the Capital Planning and Investment Committee.

Election Officials

On a Clark/Ricci motion, the board voted unanimously to appoint election officials as listed for Democratic, Republican and Unenrolled as offered in the Town Clerk's memo dated August 8, 2012.

TOWN CENTER SEWER PROJECT

Town Administrator Tim Bragan updated the BOS on the project thus far. He indicated a soft test of the system would be occurring the next day in preparation for DEP testing the following week. He said the plant is expected to be up and operational by August 27th. He added the project is off schedule but still on budget.

Rules & Regulations

Bragan said the Sewer Commissioners are awaiting feedback from the Board of Selectmen but they have had a chance to meet with a member of the Board of Health. He confirmed the Commissioners plan to hold another public meeting in September once they have a draft version which has been reviewed by the BOS, BOH and Town Counsel.

Marie Sobalvarro asked when a draft with the estimated costs would be available. Bragan said a matrix is being worked on now which he expects will be complete for the August 28th BOS meeting. Sobalvarro recommended the rules and regulations include clarification on the definition of change in use. Bragan asked the board members to provide him with feedback by next Tuesday, August 14th. Lucy Wallace suggested inviting the Sewer Commissioners to the next BOS meeting so they can help to explain the document. Bragan said the BOS make the final approval of the rules and regulations.

TOWN HALL BUILDING COMMITTEE – Contract approvals

Committee members Doug Coots, Pete Jackson, Eric Broadbent and Chris Cutler were all present. Jackson explained the contract with Design Technique Inc. (DTI) for the Owners Project Manager (OPM) is almost finalized. He indicated the contract with LLB Architects is still being negotiated. The BOS members asked questions about the DTI contract mostly related to meeting the completion date, how extra costs would be handled, how ongoing disputes or performance issues may be handled and how to avoid any liquidated damages. Jackson said the contracts are important from a legal standpoint but a lot of this process is a partnership where there will be give and take on both sides. Coots and Jackson are both comfortable with a completion date of June 30, 2014 and are confident in DTI's abilities. Jackson is hopeful the contract will be ready for signature by the end of the week. He said they will continue to negotiate the LLB contract so it can be signed at the next BOS meeting. The BOS reaffirmed their recent motion (see 7/10/12 meeting minutes) to allow the Chair to sign the DTI contract when it is ready.

HILDRETH HOUSE IMPROVEMENT COMMITTEE

Council on Aging board member Connie Larrabee was present. Lucy Wallace began the discussion suggesting the BOS move forward with appointments to this committee at the next BOS meeting so the project could continue to move ahead. Ron Ricci expressed his reluctance to move on this too quickly. He pointed out the other large projects (sewer/town hall) already underway and is skeptical what needs to be done can be done in time for the 2013 Annual Town Meeting (ATM). He suggested targeting a recommendation for the 2014 ATM. Larrabee supports the idea of creating a path forward as she anticipates the project will not be an easy sell. Tim Clark added the current design may need to be revised once we have a better understanding of what the town wants and will support. He added the senior center design should be program driven and this committee will need to focus on what the real expectations are. Larrabee agreed and said it will also be helpful to understand the goal when it comes to the fundraising piece. The board members revised the charge to include quarterly updates with a report expected at the 2013 ATM. Bill Johnson asked to include the term "right sizing" for the project. All agreed public input from all demographics is essential to the success of this project. On a Ricci/Johnson motion, the board voted unanimously to adopt charge as revised.

TOWN ADMINISTRATOR REPORT

Tim Bragan informed the board of the recent approval of the transfer of license and change of manager by the Alcoholic Beverages Control Commission (ABCC) for the Harvard General Store. The BOS signed the official license with the changes.

Bragan received a request from resident Peter Warren asking the BOS to send a letter in support of House Bill 3917. He explained the bill will prevent insurance companies from paying the insured directly. On a Ricci/Johnson motion, the board voted unanimously to send a letter in support.

Bragan asked the BOS to endorse Chapter 90 reimbursements.
On a Clark/Ricci motion, the board voted unanimously to endorse the Chapter 90 reimbursements.

FARM WINERY LICENSE – Turtle Creek Winery

On a Clark/Ricci motion, the board voted unanimously to approve the request from Turtle Creek Winery for a Farm Winery license to sell at the Harvard Farmers Market from August 11 to October 27, 2012.

STATE PRIMARY WARRANT

On a Sobalvarro/Clark motion, the board voted unanimously to endorse the state primary warrant for September 6, 2012.

ANNUAL BIKE RIDES

On a Ricci/Johnson motion, the board voted unanimously to approve the ALS ride on September 9th.

On a Ricci/Johnson motion, the board voted unanimously to approve the Ken Harrod bike ride on the September 22nd.

BOARD OF SELECTMEN FIVE YEAR STRATEGIC PLAN

On a Ricci/Sobalvarro motion, the board voted unanimously to appoint Bill Johnson to prepare the five year strategic plan for the BOS.

DLTA INVOLVEMENT/JBOS PARTICIPATION

Lucy Wallace referred to a recent memo received from MRPC cancelling the DLTA initiative. She said there is no need for the BOS to take any action.

The board decided to send a letter to JBOS indicating Harvard's suggestion to convene only in case of specific matters which require consideration by all three towns abutting Devens or if any member of the JBOS calls a meeting should a specific need arise.

SPECIAL TOWN MEETING

Tim Bragan said the final warrant will be ready by next Tuesday. He confirmed the draft warrant includes two articles related to solar, an article to discontinuance Elm Street and articles related to leasing rental space and renting the old library. On a Sobalvarro/Ricci motion, the board voted unanimously to set the Special Town Meeting date for August 29th in the Cronin Auditorium.

**** On a Sobalvarro motion, the Board voted unanimously by a roll call vote (Sobalvarro – Aye, Johnson – Aye, Wallace –AYE, Ricci – Aye, Clark - Aye) to enter into executive session at 9:20pm, as authorized by Chapter 30A, Section 21.3 of the Massachusetts General Laws, at a meeting for which 48-hours notice has been given, to discuss potential litigation. Following the executive session, the Board will reconvene into open session only to adjourn. ****

The meeting was adjourned at 9:40pm.

Documents Referenced:

APPOINTMENTS

Patrick Doherty volunteer form dated 7/16/2012

David Kassel volunteer form dated 4/11/2012

Election officials – request from Town Clerk dated 8/8/2012

TOWN CENTER SEWER PROJECT

Draft rules & regulations – dated July 2012

TOWN HALL BUILDING COMMITTEE – DTI contract dated 8/2/2012

HILDRETH HOUSE IMPROVEMENT COMMITTEE – draft charge dated 8/1/2012

FARM WINERY LICENSE – Turtle Creek Winery – application dated 7/6/2012

STATE PRIMARY WARRANT – dated 9/6/2012

DLTA INVOLVEMENT/JBOS PARTICIPATION - letter dated 8/8/2012