



**Board of Selectmen
Minutes
Tuesday, September 4, 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 Marie Sobalvarro, Ron Ricci, Tim Clark, Bill Johnson and Lucy Wallace 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 minutes of 8/7, as presented.

APPOINTMENTS

Community Preservation Committee (CPC)

Didi Chadran was present to introduce himself and express why he is interesting in serving on the CPC. By a roll call vote, Didi Chadran was appointed unanimously to the CPC through the next election. (CPC members: Charlie Gorss – Aye, Debbie Ricci – Aye, Rhonda Sprague – Aye, Caroline Ready – Aye, BOS members: Sobalvarro – Aye, Johnson – Aye, Wallace – Aye, Ricci – Aye, Clark – Aye)

Council on Aging (COA)

Applicant Henry Fitek was present to introduce himself and express why he is interesting in serving on the COA. Pam Frederick member of the COA was present to endorse the appointment on behalf of the COA. On a Johnson/Sobalvarro motion, the board voted unanimously to appoint Henry Fitek to a term expiring in 2015.

Community Cable Committee

Jeff Schwarz, Jonathan Williams and Stu Sklar all submitted volunteer forms to serve on the Cable Committee. Schwarz and Sklar were given opportunities to speak on why they are interested in serving on the committee. Williams was unable to attend but has served on the committee in the past so here presence was not required. Bill Johnson took a few moments to speak on his behalf. Committee member John Burns was present to express the committee's interest in having Williams and Schwarz appointed. He explained the reasons those two candidates were the best fit. He confirmed the committee formally voted on this.

Motions made:

Sobalvarro made a motion which was seconded by Tim Clark to nominate Stu Sklar to the 1st vacancy. (nay – Johnson/Ricci) The motion passed. Johnson made a motion which was seconded by Ricci to nominate Jonathan Williams to the 1st vacancy. (nay – Wallace/Clark/Sobalvarro) The motion did not pass.

Clark made a motion which was seconded by Sobalvarro to nominate Jeff Schwarz for the 2nd vacancy. Johnson made a motion which was seconded by Ricci to nominate Jonathan Williams to the 2nd vacancy. Schwarz came forward to formally remove his name for the running. He said after attending the recent Cable Committee meetings he too feels Williams would be the more appropriate chose. On a Johnson/Ricci motion, the board voted to appoint Jonathan Williams. (nay – Clark/Sobalvarro) The motion passed.

Dispatcher

On a Ricci/Clark motion, the board voted unanimously to appoint Nelson Perry as a full time dispatcher. Bragan said this was recommended by Chief Denmark.

SEWER RULES, REGULATIONS AND FEES

Tim Bragan reported a public hearing will be held on Tuesday, September 11th at 7:00pm in Volunteers Hall to review the rules and regulations. He said the document is posted on the town website and explained once the Sewer Commission receives feedback from the public they will finalize the document. In addition, he said another hearing on the fees will be held on Wednesday, September 26th at 9:00am in the Town Hall. Finance Director Lorraine Leonard said the Sewer Commissioners voted a three tier system for the rates which is 25% higher than the water rates. She said billing will begin in early 2013 and will move to a quarterly billing schedule. She explained the sewer and water fees will be included on the same bill. Marie Sobalvarro asked about the connection fees. Bragan said the connection fees will cost \$1,000 in the first year, \$2,000 in the second year and \$3,000 in the third year. He explained the initial connection fee may be lowered to provide incentive to those who hook up immediately.

PUBLIC COMMUNICATION

Paul Green, 288 Old Littleton Road, suggested the BOS investigate the use of trailers for the temporary town offices during the town hall construction project. He indentified the following locations as potential sites:

- Area between the Congregational Church and Bromfield parking lot
- Behind the new library on Pond Road
- Area between the General Store and the Congregational Church
- Near the Hildreth House

Leo Blair, 106 East Bare Hill Road, commented on a recent article in the local paper which referred to a letter he sent to the Board of Selectmen. The article noted his concern related to the zoning issues with the town hall project. Blair said his main reason for writing the letter was related to a vote the board took authorizing the Chair to sign contracts with LLB & DTI without further review. He views this as inappropriate and irregular. He recommends there be no more spending on the project until the zoning issues have been resolved. Blair wondered how this detail could have been missed. Was it an oversight or a conscious decision?

Tim Bragan responded there has been no additional spending at this time. Lucy Wallace acknowledged issues do arise with a project of this size and they will be addressed accordingly. Ron Ricci thanked Blair for bring the zoning issue to the forefront. He said we need to figure out what went wrong so it does not happen again. Marie Sobalvarro reminded Ricci it was the town's responsibility to provide a survey of the property which we did not do until late in the game.

Deborah Skauen-Hinchliffe, 221 Still River Road, also asked if the project has been stopped. She cautioned the BOS on further spending stating the project has been royally screwed up.

CONSERVATION COMMISSION REQUEST

Commission member James Breslauer was present to request on behalf of the commission approval to use alternate legal service. The commission is requesting the authority to hire their own attorney when appropriate. He noted their legal fees do come from the conservation fund. Breslauer said they are interested in using Judith Picket who specializes in conservation issues. Tim Clark asked if the BOS has the authority to limit who the commission used. Tim Bragan said it is required by law for boards/committees to request approval from the BOS to access special counsel. Ron Ricci was curious how other towns handle this. Breslauer said he did not know. Bill Johnson asked how often special counsel may be required. Breslauer said it does not happen often but there are situations when it would be useful. He suggested trying the arrangement out for a year. Marie Sobalvarro asked if the commission had voted to support this. Breslauer responded yes. On a Sobalvarro/Clark motion, the board voted unanimously to permit the Conservation Commission to secure outside legal services for the coming fiscal year concluding June 30, 2013.

TOWN ADMINISTRATOR REPORT

Tim Bragan informed the BOS of a request from Ayer to send a letter in support of their MassWorks grant. He explained the grant funds will assist in construction of a new larger parking facility. On a Ricci/Sobalvarro motion, the board voted unanimously to authorize the chair to sign the attached letter.

TOWN HALL UPDATE

Zoning issue

Tim Bragan explained he is awaiting official analysis from Town Counsel Mark Lanza on the zoning issues with the town hall project. He said based on what we know now regarding the set back requirements he is suggesting a dual track approach. This would include filing for a variance with the ZBA and planning for a Special Town Meeting to amend the protective bylaw. He said this way if the variance is not granted we have another option in motion and will not delay the project further. He explained the earliest a Special Town Meeting could be held would be October 3rd. Bragan said the Building Inspector is aware the town will go directly to the ZBA instead of filing an application with him first. Tim Clark said the Town Hall Building Committee along with the design team should be the body preparing the application for the ZBA. He noted the importance of reviewing the analysis from Town Counsel first so we understand exactly what

approvals are necessary. He said at this point the committee needs direction from the BOS. Bill Johnson said he does not support the dual track approach as suggested by Bragan. He would first start by reviewing the design to see if it can be altered to meet the setback requirements and if that is not an option then seek relief through a variance and finally if necessary hold a Special Town Meeting to amend the protective bylaw. Clark said a credible application needs to be prepared and suggested retaining the services of an independent engineer. Marie Sobalvarro was supportive of the dual track approach but Ron Ricci was in favor of pursuing the variance first. Lucy Wallace added we need to be mindful of all municipal buildings when considering amending the bylaw. She summarized the discussion by stating we will move forward with the variance and begin to review the current bylaws to develop a vision for relief. Wallace wondered if it would be helpful to finalize contracts with LLB and DTI. She said this will keep the project moving. Johnson and Ricci did not feel their assistance at this time was necessary. Clark said he believes we have a strong opportunity to prevail with our variance request. He again stressed the importance of seeking independent engineering services to assist. Clark said we should not commit more time and money on the project until we have gotten through this hurdle. He also noted our case for hardship could be hurt if the ZBA believes we have another option. Clark made it a point to state if an appeal of the ZBA decision is filed it must have good standing. He also noted if an appeal is deemed frivolous cost for damages can be recovered. On a Ricci/Sobalvarro motion, the board voted unanimously to direct the Town Hall Building Committee to seek a variance as required to fit schematic design and seek appropriate expertise.

Relocation

On a Sobalvarro/Clark motion, the board voted unanimously to request the Town Administrator to look at four options for town hall relocation to include free standing trailers, the Appleworks building, Devens and old library in accordance with article 4 of the special town meeting.

Ron Ricci amended the motion which was seconded by Johnson to remove *with article 4*. The motion did not pass. (nay - Clark, Wallace, Sobalvarro)

OLD FROG POND SIGN REQUEST

On a Clark/Ricci motion, the board voted unanimously to approve the slow traffic crossing sign.

RESIGNATION

On a Ricci/Clark motion, the board voted unanimously to accept Bonnie Sweeney's resignation from the Council on Aging and send letter of thanks.

FIVE YEAR PLANS

Bill Johnson explained the self review he included with the updated BOS five year plan. He suggested this be distributed to all boards/committees as a guide for them. Tim Clark wondered how this "snap shot" can be turned into something actionable and meaningful. Marie Sobalvarro asked how the BOS members could assist with this initiative.

Johnson asked the BOS members to provide guidance to their liaison assignments by encouraging them to prepare a self evaluation and place emphasis on the strategic piece as more tactical and not day to day. The BOS members agreed to ask for plans to be submitted by October 1st.

The meeting was adjourned at 10:00PM.

DPW Director Rich Nota – in June tentative negotiated contract

**** 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 9:45pm, as authorized by Chapter 30A, Section 21.2 of the Massachusetts General Laws, at a meeting for which 48-hours notice has been given, to review and discuss non-union contract. Following the executive session, the Board will reconvene into open session only to adjourn. ****

The meeting was adjourned at 9:40pm.

Documents Referenced:

APPOINTMENTS

Didi Chadran volunteer form dated 5.15.2012

Henry Fitek volunteer form dated 5.2.2012

Jonathan Williams volunteer form dated 8.15.2012

Jeff Schwarz volunteer form dated 7.5.2012

Stuart Sklar volunteer form dated 6.14.2012

Nelson Perry (dispatcher) memo from Chief Denmark

OLD FROG POND SIGN REQUEST

Email from Linda Hoffman dated 8.16.2012

RESIGNATION

Letter from Bonnie Sweeney dated 7.31.2012

FIVE YEAR PLANS

BOS plan and report card dated 9.6.2012