



**Board of Selectmen
Minutes
Tuesday, September 18, 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.

FINANCE COMMITTEE VACANCY

Lucy Wallace announced the recent resignation of Finance Committee member Marie Fagan. Moderator Robert Eubank informed Wallace by email that associate member Alan Frazer will fill Fagan's term which expires in 2014. She instructed anyone interested in filling the associate member vacancy to contact the Selectmen's office.

BOARD OF HEALTH (BOH) UPDATE

West Nile Virus and Eastern Equine Encephalitis Disease (EEE)

Board of Health Chairman Thomas Phillipou thanked the board for inviting him to attend the meeting. He said due to the recent confirmed cases of EEE in the surrounding areas the board felt it an appropriate time for them to come forward and provide the community with some up to date information. Phillipou suggested residents access the Board of Health page on the town website as a resource. He said the first line of defense is personal protection which includes avoiding outdoor activities between dusk and dawn when mosquitoes are most active, wearing long pants/long sleeved shirts and using repellent with DEET or oil of lemon eucalyptus. Phillipou noted Harvard does not participate in the mosquito control project. He explained the project includes more than just chemical spraying. They also offer monitoring which helps to determine the best control methods to use and they have the ability to customize services. Marie Sobalvarro asked if we could utilize just the monitoring but Phillipou said no. The BOH has been in contact with the School Department and they have informed parents of the increased risks. Bill Johnson suggested the BOH investigate other options for monitoring. He said having this data will assist us in making a decision later down the road if necessary. Lucy Wallace pointed out spraying would require approval at the Annual Town Meeting and there is no guarantee.

RENTAL AGREEMENT FOR THE OLD LIBRARY

Tim Bragan explained he and Center on the Common representative Bob Hubert have been working on the lease agreement over the past several weeks. He confirmed the agreement has been reviewed by Town Counsel. Hubert said the lease is structured as a typical landlord type lease. The tenant responsibilities include maintenance of the building and grounds. He noted the payment methodology is a bit unusual but works for this particular situation. The agreement includes an escape clause in the event the old library is chosen for the temporary town hall offices during the renovation project. Bragan and Hubert agreed upon a traditional sublease agreement to accommodate the spaces the town will continue to occupy. Bragan affirmed the Library Trustees were meeting the next day to formally authorize the town as sole authority to

the care, custody and control of the building. Tim Clark asked how snow removal would be handled. Bragan admitted they had not discussed snow removal in detail. Bill Johnson had some suggestions on how the agreement could include more explicit details on payment for utilities and the subleases. He also recommended they revise the dates implied in the special termination section as the dates are still uncertain. Ron Ricci suggested the BOS authorize the Town Administrator to sign the agreement after Hubert and Bragan have had a chance to revise it. Hubert said the intent of the agreement is to cover the space in an equitable way that meets everyone needs and will allow the Center on the Common to move forward. On a Sobalvarro/Clark motion, the board voted unanimously to authorize town administrator to execute said contract and prior to execution send to board members for their individual feedback to be received within 24 hrs.

TOWN ADMINISTRATOR REPORT

Tim Bragan informed the BOS members of the upcoming annual MassDevelopment Board of Directors meeting.

Town Hall Construction Project – zoning relief (LLB –Architects) (DTI – Owners Project Manager (OPM))

Bragan has received the written opinion from Town Counsel regarding required zoning relief. In the written opinion Lanza has confirmed variances will be required for the building height and street centerline setback requirements of the Bylaw and a special permit, with site plan approval, will be required for the planned addition at the rear of the building. Tim Clark said civil engineering firm Goldsmith, Prest & Ringwall (GPR) will contract with our design team LLB to assist the Town Hall Building Committee (THBC) with the variance application. He confirmed the THBC will be meeting this Thursday morning to discuss this situation further. After Bragan distributed the updated LLB contract to the board members, Bill Johnson and Ron Ricci said they could not understand why LLB needs to be involved at this juncture. They want the variance application process to be handled with minimal contractual exposure. Bragan reminded them the town only pays for services once they have been completed so we are protected. Clark said that is his understanding as well. Johnson and Ricci were uncomfortable with the 21 month project completion deadline and requested more time to review the contract. Lucy Wallace and Marie Sobalvarro expressed support in moving the project along as instructed at the ATM. Although Clark said he understands Johnson's concerns the contract has been reviewed by our team (Town Counsel, Town Administrator Tim Bragan and Finance Director Lorraine Leonard) and we have already voted to authorize the chair to sign. Johnson requested more time to review the contract. Wallace offered the BOS 24 hours to review and provide feedback. Ricci made a motion seconded by Johnson to suspend any further action with DTI (OPM) pending resolution of variance issue. With a 3-2 vote, the motion did not pass. (Nay – Wallace, Clark, Sobalvarro). Wallace finalized a deadline of 5:00pm the next day for board members to provide their feedback.

Snow Plowing for religious institutions

Bragan has been working with Town Counsel to determine if snow plowing for religious institutions is allowable. It has been verified it is not. He will be sending notification to the establishments affected that the previous practice can not continue.

Relocation

Bragan said he is investigating an opportunity of purchasing a fully equip doublewide trailer from UMASS Amherst. Although this could not house the entire town hall staff it is a starting point. He acknowledged rental of another trailer and additional office space in another town building would be necessary as space will be extremely limited. He said the trailer would be located on the land in between the library and the Bromfield School. Bragan will continue to investigate the options given to him by the BOS (trailers, Appleworks building, old library, and office space in Devens). Sobalvarro and Wallace said they would be interested in visiting the different locations. Johnson asked for Bragan to consider the long term value of each scenario.

Other Post Employment Benefits (OPEB)

Bragan clarified the group he assembled to work with him on making recommendations related to OPEB is not considered a public body. He has discussed this with Town Counsel who confirmed if the Town Administrator is given an issue/task to deal with by the BOS which requires assembly of a committee who are not appointed this group is not considered a public body and is not required to follow the open meeting law.

Calendar for upcoming budget cycle

Bragan said he is waiting on dates from the Capital Planning & Investment Committee so he can consolidate all dates and finalize a calendar.

Annual Town Meeting Date and details

On a Sobalvarro/Clark motion, the board voted unanimously to hold the annual town meeting on Saturday, March 30th with the annual election to be held on Tuesday, April 2nd.

Bragan said the Finance Committee is asking the BOS to consider only mailing a postcard with ATM and election information instead of mailing the entire Finance Committee booklet to every household in town. The card will include the ATM and election dates as well as locations in town (town hall, library, senior center) where the entire booklet can be picked up. Residents will also have the ability to view the booklet on the town website and can request one be mailed to their home. Bragan explained this is being suggested as a cost saving measure. The BOS agreed to try this approach and see how it works.

DPW DIRECTOR CONTRACT

On a Ricci/Johnson motion, the board voted unanimously to accept the DPW Director's contract as presented.

Documents referenced:

FINANCE COMMITTEE VACANCY - Resignation letter from Marie Fagan dated 9.9.2012

RENTAL AGREEMENT FOR THE OLD LIBRARY – dated 10.01.2012

TOWN ADMINISTRATOR REPORT

Town Hall Construction Project – zoning relief – Town Counsel opinion dated 9.12.2012

Calendar for upcoming budget cycle – Finance Committee calendar no date

DPW DIRECTOR CONTRACT – dated 9.18.2012