



***Board of Selectmen
Minutes
Tuesday, February 5, 2013 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, Bill Johnson and Tim Clark were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

ENTERTAINMENT LICENSE – CENTER ON THE COMMON

Chair Lucy Wallace opened the hearing by reading the legal notice aloud. She invited the applicant Robert Hubert to come forward and explain why he is requesting the license. Hubert explained the Center on the Common is planning to hold fundraisers including Friday music series, art programs and lectures. He intends to sell tickets for these events which requires an Entertainment License. Hubert said he has also taken the liberty of sending a personal letter to all the neighbors of the Center.

There were no questions from the public or from the Selectmen.

Ron Ricci presented the board with draft conditions for their consideration. After some discussion and input one revision was made.

Conditions approved:

1. Hours of Operation
 - a. Sunday -Thursday 10:00 A.M. to 9:00 P.M.
 - b. Friday - Saturday 10:00 A.M. to 10:00 P.M.
2. The Chief of Police, Fire Chief or Zoning Enforcement Officer shall be the Board of Selectmen's agents, as appropriate, for determining compliance with these conditions.
3. The licensee holder shall designate, for each event, an on-site manager who shall be responsible for compliance with the operational aspects of these conditions. The on-site manager shall have a cell phone with the number registered at the communications center.
4. The on-site manager shall not permit any loud music, noise or other sounds by means of phonograph, radio, or other broadcasting apparatus or other loud noise or other nuisance which disturbs the quiet and peace of the premises or the neighborhood. If a complaint arises related to loud noise the on-site manager will be expected to resolve said complaint within 24 hours.
5. All entertainment shall be performed indoors.

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

On a Johnson/Sobalvarro motion, the board voted unanimously to approve the Entertainment License subject to conditions submitted by Ricci and amended by Sobalvarro.

MINUTES

On a Ricci/Sobalvarro motion, the board voted unanimously to approve the minutes from 1.22.2013, as presented.

TOWN ADMINISTRATOR REPORT

Tim Bragan provided the BOS with a letter from the Town Clerk informing the BOS of approved legislation that will allow towns to change the date of their local election if it is already scheduled to be within 30 days of either the special state primary or special state election. In the letter the Town Clerk explained changing the date will save both time and money. The special state primary will be held on April 30th. Bragan said the caucus set for Feb. 9th can not be changed. On a Sobalvarro/Johnson motion, the BOS voted unanimously to hold the town election on April 30th coinciding with the special state primary.

POLE PETITION HEARING – WHITNEY ROAD

Chair Lucy Wallace opened the hearing by reading the legal notice aloud. Thomas Blicharz from Verizon was present. He explained the pole is necessary to extend cable lines for a new construction home. Wallace said the DPW Director Rich Nota had no problem with the pole but suggested it be placed at least 3ft from the pavement.

There was no public input.

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

On a Ricci/Johnson motion, the board voted unanimously to approve the pole petition request with recommendation from the DPW Director included.

ELDERLY & DISABLED TAXATION AID COMMITTEE

Committee member Laura Andrews was present to support the appointment of Ann Taylor. Taylor spoke briefly about her interest in serving on the committee.

On a Johnson/Clark motion, the board voted unanimously to appoint Ann Taylor to the Elderly & Disabled Taxation Aid Committee.

TOWN ADMINISTRATOR REPORT continued

Bragan informed the BOS he has spoken with the Sewer Commission members about them also taking on the role of Water Commissioners. He said they expressed interest and asked to have the DPW Director and a former Water Commissioner attend an upcoming meeting to provide them with more information. Ron Ricci offered to attend as the former Water Commissioner with the concurrence of Tim Clark.

Bragan said he received a request from the Schools Trust Gala for the BOS to donate a Transfer Station Sticker. The board agreed.

ENTERTAINMENT LICENSE – UNITARIAN UNIVERSALIST CHURCH

Lucy Wallace said the request is to accommodate the Schools Trust Gala event to be held on March 16th. She also briefly reviewed a letter from Police Chief Denmark. She invited representatives from the church Jeff and Deborah Levering to come forward. Jeff Levering explained this is the third year the church has hosted the event. He said they have met with the Town Administrator and the Police Chief to review details related to the event and they have also supplied contact information as required. Levering said they understand Mr. Salter's concerns and have spoken with him directly. They intend on being better neighbors. Lucy Wallace asked if there has been any communication with the neighbors. Levering said outreach is planned. Bill Johnson suggested in the future they reach out to the neighbors prior to issuance of the license.

Wallace asked if anyone from the public had anything to add.

Bill Salter, 3 Elm Street, referred to bullet number 3 of the Entertainment License policy and procedures indicating a reason why a public hearing would be required. He said it was obvious from the beginning the church was going to have a difficult time managing the rental of this facility. He feels if they are unable to manage the facility appropriately they should not be granted the Entertainment License. He admitted the parking issues have been addressed but the communication with abutters by the church is seriously lacking. He said the rental policy put in place by the church has ignored abutters concerned and has in essence loosened the rules. He also expressed concern over the allowed capacity included in their policies. He said this is not about the Gala it is about lack of proper management of the facility.

Paul Morris, 14 Lovers Lane, said the context of the building escaped review of Planning Board (religious function) so there was no opportunity for discussion on set back requirements or buffers. He agrees with Salter and would like to see the application rejected.

Susie Macrae, member of the Governing Board of the UU Church, said the UU has been in town for twelve years and provides a great benefit to the town by having the Fellowship building. She acknowledged the unfortunate situation of difficult parking but feels the community can work together on this. She is quite saddened by the attacks being made. She believes the town should be able to come together to find solutions. She feels there is no reason to deny the request.

Jeff Levering clarified all events do end at 10pm with a defined clean up period after that. He added the alcohol policy has not changed.

Tim Clark said concerns expressed are specific to the management of the premise which is not the focus of the BOS in approving the license. He said it is disappointing this is an area of contention. Clark also said if the BOS Entertainment License policies read in its

entirety the section Mr. Salter questions does make sense. Marie Sobalvarro agreed the BOS action is limited to the specifics of the license.

On a Clark/Ricci motion, the board voted unanimously to grant a one day entertainment license to the Unitarian Universalist Church, 7 Elm Street, for the schools trust gala to be held on March 16, 2013 with conditions as listed on the draft license.

TOWN HALL BUILDING PROJECT UPDATE

Tim Clark said the project is at an interesting point with the ZBA hearing approaching on the February 13th. Clark suggested Town Counsel be present. Bragan said he would inform Mark Lanza his presence has been requested. Marie Sobalvarro was the only BOS member besides Tim Clark who will be able to attend. Clark confirmed the hearing will be held in Volunteer's Hall at 8:00pm. Lucy Wallace expects the Planning Board will be providing input. Clark said there have been some minor changes to the schematic design after input from the Town Administrator and other town hall employees. He asked if the BOS members had any guidance or input prior to the hearing.

Relocation discussion

Clark offered to work with volunteers to start inventorying items that will need to be moved or auctioned off prior to the town hall renovations beginning.

Tim Bragan provided the BOS with a final cost comparison for the office space in Devens, Appleworks and the old library. Marie Sobalvarro reminded the board the decision on the lease shall represent the best tradeoff of costs and benefits, including financial and non-financial costs and benefits. Tim Bragan included in the cost analyses his opinion. He believes Appleworks will provide the town with the best overall opportunity for providing both services to the public and giving the Center on the Common a chance to be successful and hopefully find a long term purpose for the old library building. Ron Ricci said even though Devens has the lowest cost the location is inconvenient. Bill Johnson added two things to consider:

1. We are taking a risk betting the Center on the Common will be successful.
2. Capital improvement to the old library will be necessary. He stressed the importance for cost recovery when renegotiation of the library lease occurs.

Wallace asked if the board was now comfortable in making a decision.

On a Sobalvarro/Ricci motion, the board voted unanimously to have the town hall relocation site be the Appleworks building.

JBOS

Police Contract

Ron Ricci reported two public input forums have been held to develop an RFP. He said residents expressed their pleasure with the state police and do not want to see the service level change. Ricci said our Police Chief attended the second forum and proposed Harvard could provide a better service at a lower price. Chief Denmark is working on a competitive proposal for submission in June. The process will take six months.

The board decided to not sign the amended MOU until they understood exactly what the change means. They did however decide to send a letter to Marty Meehan in support of Ayer's request that UMASS Lowell consider having a campus in Devens.

The meeting was adjourned at 10:00pm.

Documents referenced:

ENTERTAINMENT LICENSE – CENTER ON THE COMMON – license request form and actual license dated 2.5.2013

POLE PETITION HEARING – WHITNEY ROAD – letter from Verizon dated 1.9.2013 and supporting documentation (map and notice)

ELDERLY & DISABLED TAXATION AID COMMITTEE – volunteer form dated 1.22.2013

ENTERTAINMENT LICENSE – UNITARIAN UNIVERSALIST CHURCH

License request and actual license dated 2.5.2013

TOWN HALL BUILDING PROJECT UPDATE – letter from Tim Bragan no date