



**Board of Selectmen
Minutes
Tuesday, July 30, 2013 at 6:50PM
Town Hall Meeting Room**

The meeting was called to order at 6:50PM by Chair, Marie Sobalvarro in the Town Hall Meeting Room. Selectmen Ron Ricci, Lucy Wallace and Leo Blair were all in attendance as well as the Town Administrator Tim Bragan and Executive Assistant Julie Doucet. Stu Sklar entered at 6:55pm.

MEET WITH TOWN COUNSEL – Conflict of Interest

Mark Lanza was present to give the BOS an overview on when municipal employees (elected or appointed, full or part-time, paid or unpaid) could find themselves in a conflict. He acknowledged in many cases situations arise unwittingly or innocently. He explained a conflict can be described as a direct conflict or appear as a conflict. He indicated often times conflict issues are raised to challenge a decision. Lanza said disclosures can be filed allowing the Board of Selectmen to make a determination if any financial gain is small enough to not affect the person's objectivity. Lanza explained another option available to the BOS is to designate an employee as a *Special Municipal Employee*. The law applies less restrictively to this type of designation. Ron Ricci asked if the BOS members should be doing anything differently related to the conflict of interest law. Lanza said by law all employees are required to take the conflict of interest training and provide a certificate of completion to the Town Clerk. Marie Sobalvarro asked if the financial interest statement the BOS received recently is something others need to file. Lanza advised the BOS to accept this type of disclosure sparingly. Leo Blair asked if a BOS member becomes aware of a situation are they obligated to react. Lanza responded there is no legal obligation to report anything to the State Ethics Commission and if you did it would have to be filed as a formal complaint. Blair asked if a BOS member is aware of a situation do they have an affirmative obligation to inform the other members of the committee/board during deliberations. Lanza recommended doing this. He said this will provide validity to the discussion at hand. He advised caution in filing any formal complaints as it is a serious allegation. He suggested seeking advice from counsel first and if the situation does warrant action it should be handled in a private manner by the Chair of the committee/board. The BOS members discussed Lanza and Bragan drafting a memo to be sent to all municipal employees outlining the law and providing some examples.

POLE PETITION HEARING – EAST BARE HILL ROAD

Marie Sobalvarro read the legal notice allowed outlining National Grid's request to install 1 SO pole beginning at a point approximately 320' North of the centerline of the intersection of Partridge Hill Road.

National Grid Representative Iris Geeston-Price was present. She explained National Grid needs to remove a tree guide requiring a stud pole to keep the line straight.

Ron Ricci asked who was putting the pole up. Geeston-Price responded National Grid. Ricci expressed his concern over Verizon setting poles closer to the road making it increasingly difficult for the DPW department. He said the DPW Director has made numerous requests to Verizon about this but has been unsuccessful in his efforts. Ricci said most likely the poles have power wires on them and their close vicinity to the road is unsafe. Geeston-Price said she did see the pictures Ricci had sent and was in agreement the placement is not suitable. However, she said the poles are not solely for power and Verizon is responsible for setting jointly owned poles. She offered to provide contact information for the foreman and engineering department at Verizon. She assured Ricci they could assist with his concerns.

There was no public comment.

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

On a Wallace/Ricci motion, the board voted to the grant request. Ricci proposed an amendment adding: *at a location as approved by the Director of the Harvard DPW at least 5' from the paved part of the road.*

The board voted to grant the request with amendment. (Blair – Nay)

ECONOMIC DEVELOPMENT COMMITTEE (EDC) UPDATE TO PB & BOS

EDC members Rich Maiore and Duncan Chapman were in attendance to provide the update and answer questions. Planning Board members Kara Minar, James Breslauer, Tim Schmoey, Joe Hutchinson and Erin McBee were also present.

Chapman explained the committee utilized results from a survey conducted in the winter of 2011 to prepare a presentation for a public forum they held. He said the feedback was very helpful in providing them with some activities for FY2013.

These activities included:

- Grocery Store White Paper
- Business contact and outreach
- ETA Legislation

Maiore said the committee is working on a request for information so they can understand what grocery stores may be looking for in order to consider coming to Harvard. PB Chair Kara Minar asked if they had heard anything on future plans for the Hannaford Grocery Store in Ayer. Chapman said it does appear our location may be a possible solution for them but they are not aware of any plans at this time. He said Roche Brothers has shown interest. The committee sent a letter to owners along the commercial district from Route 2 to the Ayer line and received some positive feedback on additional development. Joe Hutchinson asked if the updated white paper will include a better understanding of what businesses need and what they are willing to invest in as far as infrastructure goes. Chapman said they do plan to work on this but pointed out a grocery store is not in need of sewer as other businesses may be because they can work off a domestic system.

Ron Ricci commented on past grocery investigation not going very far so he was curious what other businesses may generate more traffic. PB member Tim Schmoyer said typically businesses need to have an anchor such as a grocery store to create a village type development which could also include a bank or pharmacy. They discussed tax benefits, vacancies in the district and how Devens and the Master Plan relate.

All parties agreed the EDC has a full plate so it was decided to not add any other areas in town to their charge. They also discussed encouraging Harvard businesses to utilize the Nashoba Valley Chamber of Commerce. Minar did bring up Westward Orchards as maybe one area outside of the district that may be of interest in pursuing for possible expansion similar to Idylwilde in Acton. Chapman said the committee will work with the Master Plan Steering Committee to generate objectives and financial support. Maiore summarized the discussion stating the EDC will outline their direction with the Planning Board at a meeting in September and will come back to the BOS in January.

PLANNING BOARD APPOINTMENT

By a roll call vote, Ricci – Aye, Wallace – Aye, Sobalvarro – Aye, Sklar – Aye, Blair – Aye, Hutchinson – Aye, Minar – Aye, Schmoyer – Aye, Breslauer – Aye, the boards voted unanimously to appoint Erin McBee to fill the vacancy left by Peter Brooks through the next election.

HILDRETH HOUSE IMPROVEMENT COMMITTEE UPDATE

Committee members Laura Andrews, Connie Larrabee, Pat Jennings and David Vannicola were all present. Larrabee began by explaining the goal of the committee has been to scale back the initial design by identifying the primary cost drivers and working to develop a plan which will serve the needs of the COA at a reduced cost. She identified parking as one of the major cost drivers in the earlier plan. The new plan will keep the parking where it is allowing the site work costs to be cut in half. They do realize safe and adequate parking is essential. She explained committee members Richard Blinn and David Vannicola developed a plan with the architect that includes an addition on the back of the building and the entrance on the side. They had diagrams with them so the BOS members could see the design. Vannicola explained another big cost driver was an elevator. He said they worked hard to find alternatives. They have opted for a wheelchair lift which is more cost effective and acceptable. Larrabee said the committee is still fine tuning the site plan and the heating and ventilation systems.

Larrabee confirmed the preliminary total cost estimate for the renovation and expansion of Hildreth House is roughly \$3.5 million. She added the estimates do not include new kitchen appliances, furniture, computers and AV equipment. They expect those items to be funded through private donations.

BOS liaison Lucy Wallace commented on the excellent job the committee is doing. She is hopeful other sources of funding besides fundraising may be available. Ron Ricci

asked when the committee would be meeting with the Capital Planning and Investment Committee. Larrabee said they are completing the necessary paperwork now.

ELDERLY & DISABLED TAXATION AID COMMITTEE REQUEST

Committee member Laura Andrews was in attendance and explained the committee has reviewed the applications for FY14. She said it has been determined they will be short the funds necessary to cover the costs for this year. She said the committee has raised \$11,500 in donations but are requesting a transfer of \$4,000 from the Rantoul Trust. She explained the committee will be pursuing adding a check-off box on all property tax bills so residents can easily contribute to the EDTA fund in the future. On a Wallace/Sklar motion, the board voted to approve distributing \$4,000 from the Rantoul Elderly Trust Fund to the Elderly & Disabled Taxation Aid Committee for fiscal 2014. (Blair - Nay)

PUBLIC COMMUNICATION

Paul Richards, 63 Westcott Road, spoke in support of the town hall building project. He understands the BOS wants to make some cuts to the project in order to stay within the budget. He said at the ATM the community voted on a project renovation of a certain level which would include the stage. He urged the BOS to please be political leaders and push forward the project as intended by voters. He feels if additional funds are necessary for the project it should be up to the voters to make the decision to move forward or not. He said it may not be worth moving forward if the project has to be substantially revised. He suggested the building committee hold another public meeting to gain more support for the project. He commented on the importance of community gatherings and a space to have them in. He also expressed his appreciation for everyone's efforts.

TOWN ADMINISTRATOR REPORT

Tim Bragan reported the draft request for proposals for cell towers needs to be reviewed by town counsel and other department heads before a final draft will be ready. He expects to have the request out by the end of August with bids due back by September 26th.

Legislative update:

- Elderly & Disabled Taxation Aid legislation has been reported positively and is headed to the floor for approval
- Regional dispatch has been reported positively and has gone back to the House
- Police Legislation for work after age 65 has moved forward but has not yet been acted on
- No word on prevailing wage
- Liquor legislation has generated a flurry of calls to clarify some questions but still has to go through the ABCC, General Counsel and then back to the DOR, House and Senate.

Bragan announced the Entertainment License request from the Lion's Club for their annual Fall Festival to be held on September 14th & 15th. The BOS will need to act on this at their next meeting.

CHAPTER 90 REQUEST

On a Wallace/Blair motion, the board voted unanimously to endorse the Chapter 90 request for West Main Street.

BOARD OF SELECTMEN GOALS

Ron Ricci suggested changing the goal for the town hall project from supporting the project to ensuring the project is completed on budget without further delay. He was adamant the BOS continue with the budget voted on at the ATM. Leo Blair suggested simply stating support the town hall project as approved by town meeting. Ricci was not in favor of this. Blair tried to clarify his suggestion explaining if the project was on track as proposed and voted on at the ATM the BOS members would all be in support. He said if changes in the budget or the design are necessary then we will have no choice but to seek input from the voters. Stu Sklar agreed stating the BOS would have to hold a Special Town Meeting. Marie Sobalvarro was in favor of Blair's edit as was Lucy Wallace. On a Wallace/Blair motion, the board voted unanimously in favor of the modification. On a Wallace/Blair motion, the board voted to approve the Selectmen goals as modified. (Ricci – Nay)

TOWN HALL PROJECT FUNDRAISING

Marie Sobalvarro informed the board members Town Hall Building Committee member Tim Clark who is taking the lead on the fundraising is out of town and unavailable to provide an update at this time. She said he is able to attend the August 20th meeting. Ron Ricci expressed his concern over the amount of private fundraising needed to make commitments promised. Leo Blair requested a fundraising schedule to use as a guide.

MART

On a Ricci/Wallace motion, the board voted unanimously to appoint Jeff Ritter as the MART Representative.

ELECTION OFFICIALS

On a Blair/Sklar motion, the board voted unanimously to appoint election officials from Sept. 1, 2013 thru August 31, 2014.

MINUTES

Leo Blair made an addition to the 6/18 minutes. On a Wallace/Blair motion, the board voted unanimously to accept the minutes of 6/18, as amended.

Leo Blair made a correction to the 7/9 minutes. On a Wallace/Sklar motion, the board voted unanimously to approve the minutes of 7/9, as amended.

Sklar and Blair exited the meeting at 9:00pm.

PILOT PROGRAM – COMMUNITY SOLAR GARDEN

Present: Principal Assessor Harald Scheid and Solar Garden Manager Worth Robbins

Scheid said as a result of meetings held with Robbins, Town Administrator Tim Bragan and Chair Marie Sobalvarro it was decided a PILOT (payment in lieu of taxes) agreement may be a sensible option to accommodate the proposed Solar Garden projects.

He explained normally solar systems are taxed as personal property but they have found developers really need the benefit of a preferential tax agreement. Scheid said the main details of the agreement are outlined on the first page indicating payments shall be based on a rate of \$12.50 per kW (\$12,500/MW) with an annual 2 ½ percent rate escalator. He added the BOS define the terms of the agreement. Robbins requested the BOS vote to approve placing the agreement on the ATM warrant for the upcoming year. He understands details will need to be fine tuned but with a vote taken now it will show a commitment from the BOS allowing the projects to begin construction. He is confident the agreement would be voted upon favorably at the ATM. Scheid said the draft agreement still needs to be reviewed by Town Counsel and the members of the Solar Garden Projects. Lucy Wallace made a motion to approve the concept of PILOT for the Harvard Community Solar Group which was seconded by Sobalvarro for discussion. Ron Ricci said he did not have enough information to vote at this time. He was interested in seeing some projects of comparable size. Scheid will work on this. The board members decided to revisit the agreement at the August 20th meeting.

Robbins also asked if the BOS members would consider revisiting the fee schedule. Sobalvarro was unaware of any changes since the discussion was had before.

The meeting was adjourned at 9:48pm.

Documents referenced:

POLE PETITION – EAST BARE HILL ROAD – request dated 6.21.2013

EDC UPDATE – discussion topics dated 7.30.2013

PLANNING BOARD APPOINTMENT – McBee volunteer form dated 6.28.2013

HHIC UPDATE – report dated 7.30.2013

ELD & DIS TAXATION AID COM. – memo dated 7.30.2013

BOARD OF SELECTMEN GOALS – FY2014 (second draft)

MART – Ritter volunteer form dated 6.18.2013

ELECTION OFFICIALS – Town Clerk request dated 6.25.2013

PILOT PROGRAM – COMMUNITY SOLAR GARDEN – letter from Solar Garden Project Manager Worth Robbins dated 6.25.2013 and draft agreement dated 7.3.2013