



**Board of Selectmen
Minutes
Tuesday, September 9, 2014 at 7:00PM
Town Hall Meeting Room**

The meeting was called to order at 7:00 PM by Chair, Stu Sklar in the Town Hall Meeting Room. Selectmen Lucy Wallace, Ron Ricci and Leo Blair were in attendance as well as Town Administrator Tim Bragan and Executive Assistant Julie Doucet.

POLE PETITION HEARING – Under Pin Hill Road

Iris Geeston Price from National Grid explained the petition is requesting the installation of a stud pole and anchor. The tree has rotted and the existing tree guy needs to be removed.

Sklar invited members of the public to comment.

Bob Jarrat, 20 Under Pin Hill, reviewed the map and realized the pole was not near his property so he did not have any issue with it.

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

On a Wallace/Blair motion, the board voted unanimously to grant permit to National Grid for stud pole.

MINUTES

On a Wallace/Blair motion, the board voted unanimously to approve minutes of 8/5, as presented.

On a Wallace/ Blair motion, the board voted unanimously to approve the minutes of 8/19, as presented.

APPOINTMENTS

Cultural Council

On a Wallace/Ricci motion, the board voted unanimously to appoint Debra Vanderwerf to the Cultural Council.

On a Wallace/Ricci motion, the board voted unanimously to appoint Lily Moore-Eisenberg as the student member to the Cultural Council.

Election Official

On a Ricci/Wallace motion, the board voted unanimously to appoint Mary Jarvis as election official.

Personnel Board

Victor Normand presented Diana Harte as an excellent candidate to serve on the board.

On a Wallace/Ricci motion, the board voted unanimously to appoint Diana Harte to the Personnel Board.

Minuteman Nashoba Health Group

On a Wallace/Ricci motion, the board voted unanimously to appoint HR Director Marie Sobalvarro as alternate to the Minuteman Nashoba Health Group.

WORCESTER REGIONAL MEDICAL RESERVE CORPS.

Northeast Division Leader Lois Luniewicz introduced herself and gave a brief overview of how the reserves began and what their mission is. She explained they are a federally recognized volunteer organization that assists communities across central Mass in disaster response, public health preparedness and community service events. She explained pre-registering volunteers allows for organized response participation during emergencies. She distributed a map showing region 2 medical units and divisions. Luniewicz will be giving a presentation to the Council on Aging and has already met with the Board of Health.

PUBLIC COMMUNICATION

Emma Stoffel, said being on the varsity rowing team is important to her as it keeps her physically healthy and strong. She is saddened by the negative publicity the rowing association has received and said if adults knew just how much rowing creates a healthy body and mind there would be no worry about ratios because all students would want to row.

TOWN HALL

Ballot question

Sklar asked the board members their thoughts on crafting a ballot question about the town hall for the town election on November 4th. He said this is a unique opportunity for the board to receive input from a high number of registered voters. The board members discussed how important public education will be and ways they can get information out quickly. Sklar is open to holding an answer/question session through the local cable channel and have it posted on UTube. They discussed pros and cons to the question being non-bidding or binding. Ricci and Blair were skeptical an appropriate question can be framed correctly and that the board will have enough time to get the necessary information out to the public.

Special Town Meeting (STM)

The board members discussed reasons why a STM may be the better direction to take. Ricci favors this option because it allows time for discussion and the opportunity for questions to be answered directly. Leo Blair asked about the likelihood of a Devens disposition question being ready for a Special Town Meeting or ballot question. Lucy Wallace said the Master Plan Steering Committee scheduled a public forum on Devens for November 15th and thus being ready for a ballot or earlier STM would be untimely at this point.

Sklar offered to work on crafting a couple of questions for the board to consider at their next meeting. He asked each board member to provide him with some suggestions. The board decided any question drafted should be specific to town hall.

TOWN HALL UPDATE

Bragan expects the envelope assessment report to be finalized next week and is working to coordinate a meeting with John Holland.

Lease Space

Bragan asked the board to authorize himself and Leo Blair to negotiate the lease agreement in preparation for a STM. Stu Sklar said he was very impressed with the site visit and is confident the space will fulfill our needs for town office space. Lucy Wallace described the space as being able to accommodate more of the original program the town was looking for. She believes we may even be able to do more with this space than we can do with the remaining funds dedicated to renovation of town hall. She said the space provides area for volunteer government, is well laid out to serve the public and has additional storage space.

Bragan advised the board to be well prepared with information for the public whether there is a ballot question or a STM on the town hall. He noted a vote by a Special Town Meeting is required to enter into a long term lease and the proposal in hand is for 5 years.

Ron Ricci asked about next steps related to forming a Town Hall Construction Committee. He asked if the board should be working to recruit residents or if the Town Administrator should be tasked with seeking community help. Wallace is confident once the Selectmen have a clearer path forward more residents will be interested in volunteering. Ricci recommended the board have a plan ready for the town hall building to be presented to the voters if we do decide to move forward with leasing space. Sklar expects the board to understand more of what to do with the building once the envelope analysis report is received.

TOWN ADMINISTRATOR REPORT

Bragan reported he is dealing with a resident complaint associated with a business being run on Whitcomb Road in Boxborough which is creating increased truck traffic on Sherry Road. He is working to resolve the situation.

Bragan announced Municipal Affordable Housing Trust member Sherlie LaPierre is unable to perform her duties as a trustee due to increased work travel. She did provide an electronic resignation but the trust has specific rules as to how a trustee can be removed. Blair said LaPierre has been a wonderful trustee and will be sorely missed. He said this is merely a housekeeping action. On a Blair/Ricci motion, the board voted unanimously to remove LaPierre from the trust.

Bragan reported the Town Clerk will be requesting the appointment of another election official. He said resident Joan Dillard has decided to step down after over 40 years of service. The board discussed sending her a letter or proclamation of acknowledgement.

Bragan said work has begun to repair the Powder House. It will be taken down and put back together in the spring.

Bragan reminded the board capital request forms are due on September 26th and budgets will be due to the Finance Committee in November. He asked the board members to submit any requests they may have to him as soon as possible.

Bragan informed the board that notice of delinquent tax payers will run in this week's Harvard Press. He said letters have been sent to the residents on the list in an effort to collect what is due.

On a Wallace/Ricci motion, the board voted unanimously to set the caucus date for Saturday, September 27th.

ANNUAL TOWN MEETING (ATM) AND ELECTION DATES

The board discussed possible dates for holding an evening or Saturday ATM. The members were agreeable to holding the ATM on consecutive evening nights again to gain a real sense of how it affects the attendance. However, Lucy Wallace is concerned the evenings make it difficult for seniors to attend, limits availability for babysitting and eliminates the overall feel of a community event. Sklar did indicate most communities in the area hold their ATM's during evening nights. The board members discussed a few dates for the public to consider with a decision being made at the next meeting. They did agree to hold the election on Tuesday, April 7th which is an early release day for the schools. Dates discussed were Tuesday, March 31st continuing to Wednesday, April 1st or Saturday, April 4th.

MONTACHUSETT HAZARD MITIGATION PLAN

Fire Chief Rick Sicard was present to answer questions. He explained the plan is created by MRPC with input from the communities. Ron Ricci noticed the plan did not include the brush fire which occurred in November 2013. Chief Sicard said even though that particular event was not referenced in the plan brush fire mitigation is addressed in the plan. He was not certain on the exact timeframe MRPC used for the plan. Lucy Wallace questioned the accuracy of the population and housing numbers included. The board members were reluctant to approve the plan with the inaccuracies pointed out. Ricci also pointed out our emergency call system Connect CTY was not included in the report either. On a Blair/Ricci motion, the board voted unanimously to defer approval of the plan dated 2014 until such time it is updated with current information. They asked the Fire Chief to follow up with MRPC to determine what timeframe they used for the plan and ask them to address some of the inaccuracies in the plan.

RESIGNATION – Capital Planning & Investment Committee

On a Wallace/Ricci motion, the board voted unanimously to accept resignation of David Kassel from the CPIC.

PURCHASE & SALES AGREEMENT – 121 Old Littleton Road

Harvard Conservation Trust President Molly Cutler and Conservation Commission member Don Ritchie attended the meeting. Cutler confirmed the Conservation Commission did vote and sign the P&S at their meeting last week. She has signed on behalf of the Trust. Ritchie said the commission was very happy to work with the trust on this purchase. They briefly reviewed the plan details. On a Ricci/Blair motion, the board voted unanimously to endorse Purchase & Sales agreement for 121 Old Littleton Road.

BARE HILL ROWING (BHR) AGREEMENT

Pam Erdos and Jim Ware were present to represent the Bare Hill Rowing Association. Erdos confirmed the agreement was signed and voted on by the Park & Recreation Commission and the School Committee. Sklar acknowledged BHR has put in a lot of work in a short amount of time to draft an agreement which satisfies all parties involved. Sklar asked the Selectmen how they wished to proceed. Lucy Wallace said when reviewing the changes it is clear additional changes were made. Sklar explained the School Committee had their counsel review the agreement which resulted in some additional language.

Leo Blair said he had been speaking with Pam Erdos about the agreement over the past couple of weeks. Blair explained when the agreement came the Selectmen initially there was a fundamental misunderstanding of what the parties were trying to agree too. He acknowledged the pond is a limited resource that is used extensively by many people. He understands many of the issues which arose about BHR are primarily during the summer months. He wants residents to understand the agreement before the Selectmen expires before the summer programs will begin in 2015. He is not entirely in favor of endorsing an agreement now that will need to be changed again later but he wants residents to be comfortable knowing their concerns will be heard. He asked what does BHR want, what is really important to them? He is fearful this agreement will keep coming before the board when they have already spent a great deal of time on it already. Wallace said after reading the terms of the agreement it is clear the provisions for a summer program on the pond expire before the summer season begins. She reviewed minutes from the previous meetings where the board seemed comfortable with the fall and spring programs going forward under the terms as currently presented. She remembers the summer program as being the season of the most contention. Erdos expects many of the summer issues to be discussed at the Harbormaster forum. She commented on the drafting of the agreement as a process driven approach. She said the document evolved many years ago through an informal understanding with Park & Recreation and BHR. She described the agreement as a living document which has evolved to accommodate town issues and a more sophisticated growing rowing program. She said BHR is interested in promoting clarity and dialogue to gain a better understanding of their rights and responsibility. She stated the agreement is critical to the operation of the program. They want their coaches and students to feel confident and supported when they are using the pond.

Blair assumes if the agreement is executed with an expiration of June 1, 2015 BHR will not be able to use the beach for summer programs unless agreement has otherwise been settled addressing additional issues brought forth by the public. Ricci wondered why the agreement could not be finalized after the Harbormaster form. Wallace said if the agreement is not amended to accommodate the summer program we can assume there will be no summer program on the pond. Blair wants to make it clear those residents who have expressed concerns will have the opportunity to give their input on the summer season. Erdos confirmed BHR has received a lot of feedback and is working proactively to address issues that have been raised. They are open to hearing from the community and resolving concerns. Blair wanted to make it clear if BHR cannot resolve issues raised by residents they may lose use of the beach during the summer. Sklar reiterated agreement on summer programs must be reached by May 31, 2015. Erdos understands there is no summer program if further compromise is not made. She said BHR has safety as their first concern when working with the athletes. BHR understands fully the

wonderful resource use of the pond is to their program and they realize it may not be able to accommodate the rowing program. She said BHR comes fully prepared with the understanding of the importance of safety, being good neighbors and the economics required to maintain the program. Ricci spoke about the challenge the Selectmen have trying to ensure balance of use on the pond. He recognizes BHR as a great program for those who participate however we must make certain all residents are treated fairly. Ricci questioned having the agreement expire only for the summer programs. He offered having the entire agreement expire by June 1, 2015 to allow any issues that may come up in the interim to be addressed. Sklar told Ricci this is not necessary because technically the contract can be cancelled at any time if necessary. Blair said as a practical matter BHR has more consequences with this new agreement than in the one they are working under now. Ricci is reluctant to sign the agreement minus without sign off from the pond committee. Erdos implored the Selectmen to give BHR a chance with this agreement. She said it can always be terminated.

On a Wallace/Ricci motion, the board voted unanimously to sign the license agreement between the town and Bare Hill Rowing as presented this evening dated September 4, 2014 signed by the School Committee and Park & Recreation Committee.

TOUR DE POND REGATTA

BHR Coach Holly Hatten said the Park & Recreation Commission has voted to unanimously support the event. Hatten took a few moments to explain the event which will be held on Sunday, September 21st.

**** On a Wallace motion, the Board voted unanimously by a roll call vote: (Ricci – Aye, Wallace – AYE, Sklar – Aye, Blair - Aye) to enter into executive session at 9:30pm, 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 strategy with respect to collective bargaining and litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Following the executive session, the Board will reconvene into open session. ****

Documents referenced:

Pole Petition – Request dated 7.17.2014

Appointments - volunteer forms – Vanderwerf dated 8.13.201, Eissenberg dated 4.30.2014
Jarvis dated 8.26.2014, Harte dated 7.18.2014

Mont. Hazardous Mitigation Plan – dated 2014

Resignation letter – Kassel dated 8.19.2014

P&S 121 Old Littleton Road – dated 8.28.2014

BHR agreement dated – 9.4.2014

