



Board of Selectmen
Minutes
Tuesday, March 17, 2015 at 7:00pm
Town Hall Meeting Room

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

MINUTES

On a Wallace/Ricci motion, the board voted unanimously to approve minutes of 2/24, as presented.

On a Wallace/Ricci motion, the board voted unanimously to approve minutes of 3/3, as corrected.

ACCESSIBLE WALKWAY PROJECT AT BARE HILL POND

Bromfield Senior Peter Donaldson reviewed his proposal to construct a walkway to Bare Hill Pond beach which will accommodate mobility for impaired people. He distributed photos outlining the location and design of the walkway that connects directly to a handicapped parking space. Donaldson chose constructing this walkway for his senior and Eagle Scout projects. He developed the design and will have fellow Boy Scouts and friends assist him with the construction. Lucy Wallace asked how the project will be funded. Donaldson said the Lion's and Women's Clubs have both offered to help with fundraising and Moore's Lumber plans to donate materials for the project. Donaldson has reviewed the project with the Building Inspector and has received endorsement from the Park & Recreation Commission. Wallace asked how those individuals who use the walkway will then be able to access the beach. Donaldson said the walkway will allow people to enjoy the beach closer than they would be able to from the parking lot. He is hopeful his project may be enhanced in the future with rollout pads that can be placed along the beach. On a Wallace/Ricci motion, the board voted unanimously to approve Peter Donaldson's proposal to make the beach more handicapped accessible.

DEVENS – PROPOSED ZONING CHANGES AND JBOS PARTICIPATION

Ron Ricci said MassDevelopment will be making a presentation at the next JBOS meeting on the feedback received from the public hearings and any revisions they have made to their proposal. Additionally, the new Senior Vice President will be introduced. Ricci confirmed the meeting will be held in Harvard, Thursday, March 26th in the Town Hall meeting room. Leo Blair was under the impression once the hearings were held the Selectmen would discuss whether or not to recommend holding a Super Town Meeting and provide formal feedback to MassDevelopment. He did hear the public hearing held in Harvard was not well attended with only a handful of residents there. He asked what the sense of the board is at this point. Lucy Wallace said many questions were asked at the hearing and until we hear back from MassDevelopment it is difficult to decide on the next steps. She restated her belief that we should not rezone any of the Grant Rd residentially zoned area for commercial use. Wallace noted that the current proposal for Grant Road (124 units of which 97 would be market rate and 27 would be affordable/mid-market and comprised of a mix of single family, duplexes, 3 or 4 unit-townhouses and multifamily) would offer Harvard, should the town resume jurisdiction, much needed housing diversity - a need noted in the current master planning process. She said given the existing infrastructure, the Grant Rd residential zone would offer Harvard opportunities for additional smart growth development - something we cannot do in Harvard because of our lack of infrastructure (water and sewer) and access to public transportation (rail access in Ayer). She does support rezoning of Adams Circle (for housing) and Rogers Field (to protect it). She expressed disappointment in leaving Vicksburg Square in limbo. Blair agreed with Wallace. He does not envision a Super Town Meeting coming together until next year which

give the JBOS members more time to vet the proposals. Ricci presumes MassDevelopment will not move forward without endorsement from the towns. He said they do not want a defeating vote.

TOWN ADMINISTRATOR REPORT

Tim Bragan informed the board the water leak has been found and a full report will be forthcoming from DPW Director Rich Nota.

Handicap access for municipal buildings

Bragan said the Public Safety, Department of Public Works and the Fire Department buildings are fully accessible. He noted the majority of employees within these departments cannot have mobility issues due to the nature of their work. He confirmed all the school buildings are accessible including the Bromfield House which has a ramp in the back. He admitted the Town Hall and Hildreth House are only accessible on the first floors. He explained this requires employees to use the first floor if someone cannot climb the stairs. Bragan stated the old library building is the only one which is not accessible. He said the architects have been given the reports from the Office on Disability so any issues can be incorporated into their designs. Lucy Wallace asked for clarification on when full ADA compliance is triggered? She assumes the ramp access for both the Bromfield House and the old library were appropriate at the time acknowledging these requirements are always changing. She wondered if it is now incumbent on us to now do things properly considering bids are being requests on projects at both the Town Hall and Hildreth House.

PUBLIC HEARING – 2004 COMMUNITY BLOCK GRANT PROGRAM

Sklar opened the hearing by reading the legal notice which announced \$120,795 was returned to the town in 2012 from a 2004 Community Development Block Grant program to fund a portion of the proposed Hildreth House senior center accessibility improvements that are on the warrant of this year's annual town meeting. Ken Swanton explained the funds have been dormant since 2012.

Sklar opened the hearing for public comment but there was none.

Sklar confirmed the Finance Committee voted in favor of the town using the funds for the Hildreth House project. Swanton said the original program was administered in Lancaster. When Lancaster received funds they were divided up and given to each community that participated. Lucy Wallace said the Council on Aging voted in favor of using the funds for the project. However, she was cautioned by resident Bonnie Heudorfer on how this may affect our affordable housing inventory numbers. She explained this type of loan program counts toward our inventory therefore if we can find other residents who qualify for the funds we can restore lost units. She is confident after the rough winter there may be residents in need. Wallace strongly advocated for advertising the program again and volunteered to take the lead on this. She said the initial intent for the funds was for qualifying residents and she wants to be certain the funds are used as originally purposed before the Board of Selectmen vote to allocate them for the Hildreth House. Wallace said the impact to taxpayers will not be much more if the \$120,000 is not utilized for the project. Swanton reiterated administering the program is very complex. He is confident use of the \$120,000 for the Hildreth House project will help to pass the article at the ATM and ultimately benefits a wide variety of Harvard instead of just a few. Leo Blair agreed with Swanton. He then distributed a document which indicated Harvard has accounts which total close to \$5,000,000. He claimed Harvard has millions of dollars in various accounts that are never used. He requested the Assistant Town Administrator investigate all the accounts to determine what the funds can or cannot be used for. Sklar was shocked by Blair's announcement and asked why Blair did not share this information with his fellow board members prior to the meeting.

Blair made the following motion which was seconded by Swanton for further discussion. On a Blair/Swanton motion, the board voted to use the remaining Community Block Grant funds in the amount of \$120,795 towards the Hildreth House project.

Ron Ricci favors using the funds for the project. He is interested in the money benefiting a larger majority of Harvard residents. Sklar is inclined to support the motion but admitted he is not convinced the Selectmen have the authority to make this decision. Blair said it is our obligation to use the funds if we can. Swanton confirmed 2% of the funds must go back to the state. Wallace offered an amendment to the motion adding 2% must go back to the state and have counsel send a letter to assure this is proper and legal. Swanton assured the board based on correspondence with the Deputy Director they are well within their rights to use the funds for this project.

The motion was then voted on: On a Blair/Swanton motion, the board voted to use the remaining Community Block Grant funds in the amount of \$120,795 towards the Hildreth House project. (4-1, Wallace – Nay)

MUNICIPAL AFFORDABLE HOUSING TRUST APPOINTMENT

Chair Greg Schmidt introduced Emanuel (Manny) Lindo for appointment to fill a vacancy on the trust. Schmidt said Lindo has attended two meetings and the trust members voted in favor of his appointment. On a Wallace/Ricci motion, the board voted unanimously to appoint Emanuel Lindo to the trust.

OPM REVIEW OF HILDRETH HOUSE PROJECT

Ken Swanton reported he was able to briefly meet with the OPM and Tim Bragan this morning. He explained the OPM had a couple of misconceptions due to the many phases which have been discussed. He had only reviewed phase 1 and has not yet been able to visit the building hence his review has not been complete. Swanton does not believe the numbers will be much different after the review. His main concern is with the contingency percentage. Blair questioned why an OPM had not yet reviewed the numbers. Blair is fully supportive of Swanton's request considering errors made in the past by the architects. They expect the review to be completed by the meeting next week.

HANDICAP RAMP AT THE OLD LIBRARY

Stu Sklar explained the issue with needing a ramp is due to the existing access not being adequate. As the ADA Coordinator for the town Tim Bragan confirmed the existing ramp to the back door does not meet current regulations. Bragan asked for an opinion on this from the Building Commissioner. He responded stating use of the old library as a temporary town hall, during the renovations of the original town hall, constitutes a change in use. As such, you will have to provide handicapped access to the building along the normal access route. The access to the existing front door will require a ramp to be installed. Blair did not understand what the triggering event is to create a change in use. Bragan reminded Blair he began investigating access to the building last fall when the board was looking at temporary locations. Sklar asked if a variance for something like this could be granted. He said the Historical Commission is also concerned about the ramp. Bragan pointed out the Historical Commission does not have the authority to stop access. Blair continued to question the Building Commissioner's ruling. He referred to all the uses that have gone on in the building over the past few years and does not understand how town hall offices are any different. He respectfully disagrees. Lucy Wallace said it is inappropriate for us to not provide required access. Ron Ricci also questioned the Building Commissioner's ruling. He is interested in figuring out the best way to provide access. He is not convinced a ramp will do that. Ricci suggested Bragan (ADA Officer), a volunteer architect and two board members meet to try and find the best solution. Blair is concerned a change in use opens the town up to additional requirements that will be very costly and could force the building to remain vacant for some time after the town hall offices vacate the

building. Wallace said we have always known costly upgrades would be required in that building. She also added even though we have been doing it wrong does not justify us continuing this way. Ken Swanton agreed access is important but he would prefer the money be used toward the town hall renovation project. He is also skeptical this e institutes a change in use and expressed concern as Blair did on what else may be triggered. Bragan declared his faith in the Building Commissioner's opinion. Wallace is afraid if we do not provide what is required of us we may be opening up the town for future liability. Sklar said he can't support not doing anything. Ricci repeated his belief the ramp is not the best option. He believes there is still time to further investigate and determine the best option. Blair wonders if this could be considered selective compliance. Wallace and Ricci volunteered to meet with Building Commissioner Vellante.

**** On a Wallace motion, the Board voted unanimously by a roll call vote: (Wallace – Aye, Ricci –Aye, Sklar – Aye, Blair – Aye, Swanton - Aye) to enter into executive session at 9:00pm, 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 or 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 only to adjourn. ****

The meeting was adjourned at 9:15pm.

Documents referenced:

Bare Hill Pond walkway – schedule dated 3.12.2015 & drawing of walkway design & location
Public Hearing – Notice, Swanton letter dated 3.12.2015 & DHCD letter dated 3.2.2015
MAHT – Lindo volunteer form dated 11.4.2014