



**Board of Selectmen  
Minutes  
Tuesday, February 24, 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/Blair motion, the board voted unanimously to approve the minutes of 1/26, as presented.

On a Wallace/Ricci motion, the board voted unanimously to approve the minutes of 2/3, as presented.

### **DPW APPOINTMENTS**

Director Rich Nota introduced Andrew Bernhardt for appointment to fill the vacant Truck Driver/Laborer position. Nota had Bernhardt plowing for the department during recent storms. He said Bernhardt is a hardworking young man who will be a great addition to the department. Nota confirmed he has already passed his pre-employment physical.

On a Blair/Ricci motion, the board voted unanimously to approve the appointment of Andrew Bernhardt as Truck Driver/Laborer in the DPW department.

### *Promotions*

Nota was pleased to present Ben Gilbert for promotion to Lead Groundskeeper. He said Gilbert has been in the department for six years and worked closely with Joe Canole before his retirement. Nota is confident Gilbert will do a great job in this new position. On a Wallace/Ricci motion, the board voted unanimously to promote Ben Gilbert to Lead Groundskeeper subject to obtaining a Hydraulic Engineers License (Class B) and a Pesticide Certification/License - Category within six months of his appointment.

Nota presented Nick Ammesmaki for promotion to Heavy Equipment Operator. He said Ammesmaki has shown interest in this position since he joined the department three years ago. He has taken the initiative to learn techniques from Foreman Ron Gilbert. Nota said Ammesmaki has shown great abilities and has the potential to be a very good operator. On a Wallace/Ricci motion, the board voted unanimously to appoint Nick Ammesmaki to position of Equipment Operator contingent on obtaining a CDL Class A designation and 4E, 4G endorsements on his Hydraulic Engineers License within six months of his appointment.

Ricci took this opportunity to express his gratitude to the DPW for all their hard work over the past few months. Nota complimented his department saying they are the most dedicated and hardest working group he has had and is very proud of them.

### **HISTORICAL COMMISSION**

#### *Preservation Agreement – Pollard Marshall House – 327 Still River Road*

Commission Chair Joe Theriault introduced Joe Cornish from Historic New England. He explained Historic New England is the largest and oldest historic preservation firm in New England who own several hundred historic properties in New England. He said the commission received a letter from them last month expressing their interest in securing an agreement with the owners of the Pollard Marshall House located at 327 Still River Road. Theriault explained MA General Law Chapter 184 requires approval by the Board of Selectmen for the agreement to be made in perpetuity. He said the MA Historical Commission has already approved the restriction. Theriault described the property as a very important historic site as it is a fine specimen from the revolutions days, was part of the Underground Railroad and also has the 4<sup>th</sup> largest sycamore tree in the state

located on the property. He said the commission has reviewed the agreement and recommends the Selectmen approve it. Theriault told the board Historic New England and the owners will work together on preservation of the property, there is no responsibility or obligation of the town within this agreement. Cornish described how the exterior and interior are preserved. He said the restriction will be registered with the deed and includes the entire 18 acre parcel. Leo Blair asked to have Town Counsel review the agreement prior to the board signing it. If the agreement is in good standing, the board will approve at their next meeting.

#### *Historic District Maps*

Theriault explained the warrant article they are proposing changes the maps to a digital format. He said this will make the maps compatible with the Harvard GIS maps. There are no changes being made to the district. The commission is holding a public hearing March 4<sup>th</sup> on the proposed article.

### **TOWN HALL CONSTRUCTION COMMITTEE UPDATE**

Committee member Laura Andrews, Pablo Carbonell and Jack Guswa were present to provide an update to the board.

Andrews reviewed their current schedule:

- 2/18 – nine subcontractors walked through the building with the architect, OPM, and Town Administrator
- 3/4 – subcontractor bids due
- 3/13 – general contractor bids due
- 3/13 – THCC, OPM, architect review bids and do due diligence on contractors
- 3/19 - THCC agrees on recommendation for BOS meeting 3/24
- 3/24 – THCC recommends GC to BOS
- 4/20 – building ready to start construction

She said they have instituted a payment approval process for invoices.

Jack Guswa has met with the Historical Commission where two issues have been discussed:

- 1) design of the end of the eaves
- 2) handicap ramp design

A four person team (two members from the HHC and two from the THCC) volunteered to work out a final configuration for the ramp. Guswa stated the commission will be drafting the certificate of appropriateness this week. Carbonell provided a summary of the discussions the four person working group had about the two issues. He asked the Selectmen to reaffirm their position on the ramp location. The Selectmen unanimously agreed the entrance will remain at the front of the building. They will make no changes to the existing design.

Guswa has given an information presentation to the Planning Board. They are satisfied with the plan. A formal site review is not necessary.

They distributed an updated cost impact summary. They have increased the contingency from 7.5% to 10% as recommended by Vertex (OPM).

### **OLD LIBRARY & TOWN HALL OFFICE MOVE**

#### *Preparation for move to old library*

Town Administrator Tim Bragan told the board quotes for electrical and phone work will cost \$13,600 and installation of a temporary ramp for one year will cost \$17,715. He is working with the Director of Technology Chris Boyle to enhance the Wi-Fi in the building. Bragan plans to remove rugs due to their condition and

damage from recent ice dams. He is working with our insurance company to help with the cost. Bragan will be meeting with Jasonics to reactivate the alarm system and he plans to change all the locks. Bragan confirmed the offices will move the week of April 13<sup>th</sup>. Any items left in the building will be auctioned off. He is considering the date of April 18<sup>th</sup> to hold a town auction. He will provide the board with a list of items so they can determine if anything is worth keeping.

#### *Construction project update*

He noted during the construction parking spaces in front of the building will be lost. He will send a letter to the Unitarian Church notifying them of this. Bragan asked if the board was still agreeable to waiving town fees for the project with the understanding the inspectors will still need to be paid. They were. Bragan explained some of the notes the OPM provided to LLB were not incorporated into the drawings. An addendum is being prepared therefore they are considering delaying the bid due dates by one day.

#### *Future use of library*

Lucy Wallace said she has received many calls on the status of the lapsed lease asking if the board will consider renting to the Center on the Common in future. She thought the board needed to make it clear to others interested in use of the building that the prior tenant, known as the Center on the Common, would not be considered in the future. She said she did not believe they were good stewards or reliable tenants, based on lack of payment and the condition in which the building was left. She also noted they had ceased all activities shortly after the first of the year. The board members committed once more to discuss the future use of the building commencing six months prior to the town hall offices vacating the premise. Blair noted the board intended to start these discussion in June with the goal of reaching a decision 6 months prior to vacating the Old Library (September).

### **TOWN ADMINISTRATOR REPORT**

Bragan asked the board to vote to deficit spend the snow and ice budget. This is a state requirement and the Finance Committee has already done so. On a Wallace/Blair motion, the board authorized to deficit spending of the snow and ice budget for remained of the season. Swanton asked where the funds come from. Bragan answered the reserve fund and FEMA reimbursements can be used as well.

Bragan informed the board the Ginny Thurston Scholarship account has \$528 available for distribution. He asked the board to decide if they wish to award the scholarship this year or not. Ron Ricci suggested contacting the Thurston family to seek guidance. Tim will ask Marie Sobalvarro to do contact Bob Thurston. The board members agreed the award amount should not be less than \$500.

Bragan announced the Ayer Lions Club requested an entertainment license for the annual Apple Blossom Festival to be held on May 9<sup>th</sup>. He asked the board to act on the request at their next meeting.

Bragan informed the board of an affordable unit located at Harvard Green which is going into foreclosure. He is working with the Department of Housing and Community Development (DHCD) to stop the auction so the town can salvage this unit. He explained the procedures on any affordable unit require notification to the town and DHCD before any action is taken on a property but this protocol was not followed.

Bragan confirmed the All Boards meeting is being held Wednesday night in Volunteers Hall.

### **AMBULANCE BILLING CONTRACT**

On a Wallace/Ricci motion, the board voted unanimously to approve the contract.

## **LARGE SCALE EVENT POLICY**

Ron Ricci said he has been working with Assistant Town Administrator Marie Sobalvarro on this. They have incorporated feedback from the Police and Fire Chiefs as well as the Board of Health. He said once the policy is adopted they will develop and application to accompany it.

Ricci began the discussion stating there will be a non-refundable fee applied but will be waived for Harvard events and non-profits. Lucy Wallace asked how events such as Memorial Day parade, 4<sup>th</sup> of July and Halloween will be handled. She said many of these events happen annually and sometimes people do not even know who is in charge of the coordination. Ricci explained the policy allows for leniency when it comes to recurring events and realistically for everyone the first year the policy is in place. He said they should even consider waiving the application and 90 day requirement initially. Ken Swanton asked what qualifies as a large scale event. Leo Blair asked about weddings or parties held on private property are they considered large scale events? Ricci did not think so because they take place on private property. Ricci said the primary focus is on events which have an overall disruption to the public. Blair said he does not want to hinder unique community events. Bragan offered the idea of blocking off certain weekends or having a limit of the number of events approved. Wallace would like to see the policy exclude seasonal community events such as Halloween and Memorial Day parade. Ricci asked the board members to email him and Marie any comments or concerns they have so they can further revise the policy presented.

## **RESIGNATION**

On a Wallace/Blair motion, the board voted unanimously to accept the resignation of Jim Elkind from the Energy Advisory Committee and send a letter of thanks.

## **DONATION OF TRANSFER STATION STICKER FOR SCHOOLS TRUST GALA**

On a Wallace/Sklar motion, the board voted unanimously to donate a Transfer Station sticker to the Harvard Schools Trust Gala

## **KEN HARROD BIKE RIDE – Saturday, May 30th**

Lucy Wallace wondered if it made sense to put a cap on the number of riders who can participate in the ride. She said concerns have been raised over the continuous flow of riders throughout the day. Blair agreed this was a good point. He is reluctant to continue approving so many events in town. His concern is for residents who just wish to enjoy a quiet weekend in the spring and summer months. He is actually quite surprised at how many events go on for such a small town. Bragan again offered his suggestion of blocking out weekends when no events will be allowed or maybe setting a limit. The board decided to ask organizers of the ride to attend the next meeting where they can discuss details and expectations of the event further.

## **REVIEW OF THE TOWN MEETING WARRANT**

Bragan distributed a final version of the warrant along with a summary of the articles for the board to review. When they got to article 22 (Hildreth House Access, Safety and Site Improvements) Swanton brought up the \$120,000 the town has in account from a past Community Development Block Grant (CDBG). He has spoken with the state and they said the funds can be used for the Hildreth House improvement project. Wallace said at the Council on Aging meeting last night they voted to not expend the funds. They instead feel the right thing to do is first see if there is a household in Harvard who may be eligible for the funds. Depending on the level of interest, remaining funds, if any, could be applied to the second phase of the project.. Swanton understood if the board were to choose to use the money for the Hildreth House project a hearing is required. Ron Ricci agreed with Swanton and made a motion to hold a hearing as soon as possible to see what the best use of the funds will be. His motion was seconded by Blair for further discussion. Sklar agreed with the COA's decision to first determine if there are any households in town which may meet the requirements is a good idea. Swanton strongly advocated using the funds now stating this is 10% of the overall project cost. He said this shows the town we are committed to using all the resources we have before going to the town for money. He believes this

will help the article pass at the ATM. Wallace does not want to cause any confusion by holding a hearing right before the ATM. Swanton indicated the COA Director prefers the funds be applied to the project. He also noted the process to qualify for the CDBG funds is quite lengthy and was previously administered by MRPC. Currently, the COA Director does not have the time or staff to handle it.

Wallace encouraged the board to seek feedback from the Council on Aging prior to making any decisions. Sklar agreed with her as he felt a bit rushed making the decision tonight as he was unaware a hearing was required. Bragan was familiar with the grant process as he was the Town Administrator in Sterling at the time. He corroborated what Swanton said about the qualifying process being very involved. Blair wants the article to pass as well so he is in favor of holding the hearing. He believes the money being spent on the Hildreth House serves a greater good instead of just one needy family. On a Ricci/Swanton motion, the board voted to hold a hearing on March 17<sup>th</sup>. (3 -2 Wallace & Sklar – Nay)

Bragan continued to review each article giving some brief explanations. It was decided article 36 for Senior Citizen Tax Relief will be removed. The board offered a few other minor edits to the wording in the warrant.

Bragan informed the board three additional articles will need to be added:

- 1) Planning Board - Traffic lights on Ayer Road
- 2) Article for the Lawton land
- 3) Set up a revolving fund for the Cable Committee

The board decided to continue the meeting until 6:45pm Wednesday, February 25<sup>th</sup> to finalize the warrant.

**Wednesday, February 25<sup>th</sup> - 6:47pm**

Opened meeting with Blair, Ricci, Sklar, Swanton & Wallace present

On Wallace/Ricci motion voted 5-0 to add 4 new warrant articles from WARRANT FOR THE ANNUAL TOWN MEETING 6.doc (Article 47 pending wording from Town Counsel):

ARTICLE 35: ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 44, SECTION 53F3/4 - PEG ACCESS and CABLE RELATED FUND

ARTICLE 37: POLICE CONTRACT– UNION WAGES

ARTICLE 45: ZONING – AMENDMENT SECTION 125-39B (5)(A)[2]

ARTICLE 47: LAWTON CONSERVATION LAND ACQUISITION

On Ricci/Wallace motion voted 5-0 to approve articles listed in WARRANT FOR THE ANNUAL TOWN MEETING 6.doc pending wording of Article 47.

7:03 Suspended meeting for All Boards meeting

8:13 All Boards meeting finished, resumed Selectmen's meeting.

On Blair/Wallace motion voted 5-0 to approve and sign warrant presented by Town Administrator

On Wallace/Blair motion voted 5-0 to close 2015 ATM Warrant

8:17 On Ricci/Sklar motion voted 5-0 to adjourn

Referenced documents:

DPW recommendation letters – dated 2/11 & 2/18

Preservation Agreement – supporting material dated 2.24.2015

BOS Minutes

Town Hall Construction Committee update – report dated 2.24.2015 & estimate dated 2.7.2015  
Large scale event policy – dated 2.19.2015  
Elkind Resignation letter – dated 2.5.2015  
Ken Harrod Ride request and map – dated Feb. 2015  
Draft warrant dated – 2.24.2015  
Final warrant dated – 2.25.2015