



**Board of Selectmen
Minutes
Tuesday, June 16, 2015 at 7:00pm
Hapgood Meeting Room**

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

Fruitland's Museum – One-Day Liquor License hearing

Ron Ricci opened the hearing by reading the legal notice. He invited Manager Wyona Lynch – McWhite to explain the request. She explained the event is held in a location on their property which is not within their licensed premise therefore they need a one-day license. She distributed a map of the property showing where the event will be held. The Summer Solstice dinner is a fundraising which is held annually. She confirmed the caterer has TIPS certified servers and they also coordinate with the Police Department.

Ricci invited members of the public in favor of the event to speak. There were no comments. Ricci invited members of the public opposed to the event to speak. There were no comments.

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

On a Swanton/Sklar motion, the board voted unanimously to approve the application.

Fruitland's Annual Liquor License – Change of Board of Directors

Ricci explained any change to the museum's Board of Directors requires approval of the Local Licensing Authority (BOS) and the Alcohol Beverages Control Commission (ABCC).

On a Blair/Swanton motion, the board voted unanimously to approve the change and sign the form 43.

Minutes

On a Blair/Swanton motion, the board voted to approve the minutes 5/19 minutes.

(Sklar – abstained as he was not present at the meeting)

On a Blair/Swanton motion, the board voted unanimously to approve the 6/2 minutes.

Town Hall Construction Committee update

Committee members Rick Maiore and Laura Andrews were present. Andrews began the report happily reporting the project is on schedule. To this point, mostly demolition and rough electrical have been done reporting \$708k has been expended. She did note \$366k of those funds were expended prior to the contract award. A final schedule of values has been compiled by LLB and will be available for July report.

She outlined the major actions the committee has taken:

- Decision to seek a variance on 12-foot limit for lift.
- Resolved a Certificate of Appropriateness monitoring issue with the Historical Commission by establishing a communication agreement.
- Decision to replace Marmoleum (natural linoleum) with lower cost material on break room floor.

THCC does not need any approval from the BOS at this time.

Ken Swanton requested a copy of the schedule. Also, he referred to the BOS goal to determine the best use of the second floor. He had begun discussion on this suggesting this be decided sooner rather than later.

Leo Blair recalled the THCC charge to include BOS approval of invoices. They discussed how to facilitate this process. Maiore will make this an action item at their next meeting.

In summary, the THCC will provide the BOS with a schedule including timeline, a budget and invoices for payment approval.

THCC charge

Ken Swanton worked with Lucy Wallace to amend the current charge to include the Hildreth House accessibility project. They recommend increasing the membership to seven to allow appointment of Connie Larrabee.

On a Swanton/Blair motion, the board voted unanimously to amend the THCC charge and add a 7th member. The motion was amended to include instructing the Town Administrator to incorporate the amendment with the original charge. The board voted unanimously in favor of the motion.

On a Swanton/Sklar motion, the board voted unanimously to appoint Connie Larrabee to fill the additional membership.

Tim Bragan confirmed he is negotiating with Vertex (OPM) to finalize a contract amount with them for the Hildreth House project.

Public communication

James DeZutter, Harvard's DEC representative, he felt after his last visit to the BOS and the Super Town Meeting there is a real misconception on how the DEC operates. He explained a committee was formed in 2008 with participants from Devens and surrounding towns to oversee the crafting of the IRD Regulations.

He provided the following timeline:

- Working sessions were held in 2013 on the proposed regulations
- Overview of the IRD Regulations were given to the JBOS in Sept. 2013
- Red-lined versions were distributed to Ayer, Shirley & Harvard
- DEC held the public hearing in October 2013

- State Regulations Division approved the regulations on November 22, 2013

The regulations and the affordability requirements fully compliant and consistent with Chapter 498, the Devens Reuse Plan and the Devens Bylaws.

DeZutter frankly asked the BOS if they wished to have him present more often. He made it clear he serves at the pleasure of the BOS and expressed his willingness to attend more meetings. He is interested in alleviating any confusion when situations arise.

Leo Blair is pleased DeZutter serves as Harvard's DEC representative. He acknowledged Harvard needs to be paying better attention and welcomes initiation from DeZutter when a proposal of significance comes up. He questioned the process with the current case because it creates regulations for the DEC which allows them to continue migrating to accomplish their mission but if this was done in Harvard it would be considered a zoning change requiring a town meeting vote.

Ken Swanton also welcomes more input and involvement from the DEC reps. He recommends Harvard get serious about figuring out what we want on Harvard's portion of Devens, as Shirley has done on theirs. Stu Sklar also welcomes more participation from the DEC reps.

David Hopper, Municipal Affordable Housing Trust member, was pleased to report at the trust's meeting last night they voted unanimously to authorize the chair to sign an agreement with the Grant Road developer. The agreement formalizing the \$140,000 subsidy from the trust and 25% of the 40 units to be 80% AMI. He explained this will allow all 40 units of rental housing will count toward Harvard's subsidized housing inventory. Hopper confirmed a letter has been sent by the DEC acknowledging the collaborative effort and their commitment to ensuring the units are deed restricted. They also received confirmation from the Department of Housing and Community Development (DHCD) that the project will qualify under the Local Action Unit Program (LAP). Sklar thanked the trust and Blair for their efforts on this agreement. Hopper noted this will give the town a two year moratorium on 40B projects.

Appointments

Ambulance

Squad member Bonnie Sweeney was present and asked the board if it was agreeable to them to make the appointments effective immediately instead of starting at the beginning of July. They wish to utilize a college student for the summer as soon possible.

On a Blair/Swanton motion, the board voted unanimously to approve the Ambulance service as presented effective now through June 30, 2016.

Council on Aging

COA Chair Sue Guswa explained Connie Larrabee and Charlene Phillips are not seeking re-appointment therefore the COA board is recommending Beth Williams and Deb Thomson be appointed to fill those vacancies. She explained the board also changed their policies creating an

alternate position that Larrabee has agreed to fill. She asked the board appoint her to this position.

On a Blair/Swanton, motion the board voted unanimously to appoint Deb Thomson and Beth Williams to the COA with terms expiring in June 2018.

On a Blair/Swanton motion, the board voted unanimously to appoint Connie Larrabee to the alternate position on the COA.

Employee appointments

On a Blair/Swanton motion, the board voted unanimously to appoint employees as presented adding in temporary Veteran's Agent Mike Detillion. Blair make as presented second by

Committee/Board appointments

On a Swanton/Sklar motion, the board voted unanimously to approve those indicating yes on page 1.

On a Swanton/Sklar motion, the board voted unanimously to approve those indicating yes on page 2 and DEAT appointments through Sept. 30, 2015.

On a Swanton/Sklar motion, the board voted unanimously to approve those indicating yes on page 3.

On a Swanton/Sklar motion, the board voted unanimously to approve those listed for the 4th of July Committee.

On a Swanton/Sklar motion, the board voted unanimously to approve those indicating yes on page 5.

On a Swanton/Sklar motion, the board voted unanimously to approve those indicating yes on page 6 and MAHT appointments through Sept. 30, 2015.

On a Swanton/Blair motion, the board voted unanimously to approve those indicating yes on page 7.

The board members decided to discuss at an upcoming meeting the current committee/boards to determine if any can be dissolved such as the Transfer Station Committee.

Town Administrator report

Tim Bragan reported the town continues to maintain a triple AAA rating from Standard & Poor's Rating Services. He noted they highlighted our management to be strong due to financial and capital planning evidenced by our five-year capital needs budget and ten-year facilities replacement plan.

Bragan informed the board at a recent Capital Planning and Investment Committee meeting they voted (3-2) to dissolve the 10 year facilities replacement plan. He missed the meeting and was surprised to hear this. He plans to discuss this vote further with the Finance Committee because he recalls this approach was supported by the BOS, Fin Com and CPIC. He did not understand the change. Swanton who serves on the CPIC for the BOS explained why he did not support the vote. His experience with the 10 year plans is only one department submitted it, and the others were not followed up on. His concern was for department heads working on projects that are not

necessary. He also thought it may be difficult for the BOS to look that far ahead. The other board members supported the CPIC process and want to continue with the 10 year plans and said they would ask departments to do them, and then would review them. Swanton said he would report back to the CPIC, and ask that 10 year plans be done.

4th of July parade

Bragan asked the board members who is available to judge floats on the 4th of July. Sklar will be able to judge. The other board members could not.

Calendar dates

Bragan is working on a comprehensive calendar including important dates including CPC, CPIC and the Finance Committee. He asked the board when they wanted to review capital requests.

They selected their first meeting in October which is the 6th and selected November 17th to review operating budgets.

Bragan reminded the board members of the Open Meeting Law Seminar being held in Stow on Thursday.

Annual Town Meeting date

They briefly discussed dates for the Annual Town Meeting dates for 2016. They decided to check with the schools on Tuesday, April 5th, Wednesday, April 6th, Tuesday, April 12th and Wednesday, April 13th. They will chose a date at their July 14th meeting.

Bond Anticipation note

On a Swanton/Sklar motion, the board voted unanimously to approve and sign the BAN.

BOS Policies

Ron Ricci reviewed the changes he made which were previously discussed by the board:

- unanimous consent
- clerk description
- Town Administrator requirement to attend meetings unless excused by the chairman

The board will vote on the changes at their next meeting.

Wild & Scenic River Study Committee appointment

On a Sklar/Swanton motion, the board voted to appoint Lucy Wallace to the Wild & Scenic River Study Committee and Michele Girard as our alternate. (3-1 – Blair – opposed)

Selectmen reports

Stu Sklar will ask the board to consider revisiting the way we deal with trash removal in town.

Sklar has received complaints about the road surfacing program. He has met with the DPW Director and Ricci where they discussed it. He will get cost differentials and add as an agenda item at an upcoming meeting.

Leo Blair reported the MAHT has received one bid on the 166 Littleton Road property and are working toward and purchase and sales agreement. He stated it will be a single owner and not a developer.

The board members decided to hold the next JBOS meeting in Harvard on June 25th. They will all attend.

BOS goal review

Ron Ricci took a moment to review which goals the board has already achieved. He has begun working on the Ayer Road calming method by meeting with MRPC, PB Chair Kara Minar, Planner Bill Scanlan and DPW Director Rich Nota. They discussed pursuing consultants to model traffic to determine what makes the most sense. They may focus on stretch between Route 2 and Poor Farm Road as most accidents occur there.

**** On a Swanton motion, the Board voted unanimously by a roll call vote: (Ricci –Aye, Sklar – Aye, Blair – Aye, Blair - Aye) to enter into executive session at 9:10pm, 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 10:10pm.

Documents referenced:

Fruitlands Museum – applications dated 5.11.2015 & 6.4.2015

THCC update – dated 6.10.2015

Appointments – Volunteer form Thomson dated 5.12.2015 & Williams dated 4.22.2015

Ambulance roster dated 6.2.2015

FY16 committee/board & employee lists

Wild & Scenic River – letter dated 2.11.2015