



Select Board Minutes
Tuesday, July 19, 2022
7:00pm

The Select Board Regular Meeting was held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20.

Select Board participants:

Rich Maiore, Erin McBee, Kara Minar, Don Ludwig, Charles Oliver

Town Department attendees:

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Town Clerk Lynn Kelly

Additional participants:

Julia Karr, DEC reps. Peter Lowitt & Neil Angus, MassDevelopment President/CEO Dan Rivera

Chair Rich Maiore opened the meeting by first acknowledging the tragic passing of resident Mary Anderson. He offered sincere condolences to her family.

Town Clerk Election Items

Clerk Lynn Kelly came to inform the Select Board of an election advisory that requires their action. She explained a police officer assignment at polling places is now their responsibility instead of the chief of police which is how it was previously handled. Kelly has spoken with Chief Babu. In addition, she asked the Select Board to act on early voting hours for the September primary. Based on the requirements she is recommending early voting hours of 9am to 12 at Town Hall and 10am to 12pm at the library. Kelly will utilize all avenues of communication to distribute this information to residents. Kelly also provided a list of election workers to be appointed. By a roll call vote, McBee – aye, Ludwig – aye, Oliver – aye, Minar – aye, Maiore – aye, the board voted unanimously to approve the appointment of the FY23 election workers, approve Chief Babu to designate officers as poll works for the polling stations and adopt early voting hours as recommended.

Bikes not Bombs special event request

Organizer Julia Karr said this event has been held in town prior, however it was never officially approved by the Select Board with submission of a formal application. Karr explained the bike route will not change with Fruitlands Museum as a rest stop. She expects 75 riders to come through Harvard. By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously in support of the bikes not bombs special event to be held on Sunday, Sept. 11.

Devens Commercial Development Cap

Devens Enterprise Commission (DEC) Director/Land Use Administrator Peter Lowitt began by welcoming DEC Commissioners William Marshall, Duncan Chapman and James DeZutter along with DEC Environmental Planner Neil Angus. Lowitt also welcomed MassDevelopment President & CEO Dan Rivera. The Commissioners and Rivera spoke briefly in favor of eliminating the commercial cap.

Lowitt and Angus gave a detailed presentation on approaching the Devens Commercial Development Cap. The DEC is interested in bringing their bylaws into alignment with the 2008 MEPA notice of project change. During a district development review they learned Devens is approaching 6 million sq. ft. of commercial development. They expect to reach the 8.5 million sf. ft. commercial development cap sometime in late 2022 or early 2023 based on projects in the development pipeline. Neil Angus

confirmed this requested change is solely for commercial development and will not affect and residential development. They are asking the Select Board to signal support to the legislative delegation that the development cap be lifted by the end of the current legislative session by July 31, 2022.

Rich Maiore affirmed Harvard's commitment to being a good partner but the communication from MassDevelopment prior to this request has been nonexistent in areas important to Harvard. Dan Rivera admitted collaboration needs improvement and agreed to attend an upcoming Select Board meeting to discuss this further. Kara Minar expressed her support for development in Devens but echoed concerns articulated by Maiore. She is uncomfortable about negating the standard process of a Super Town Meeting to make changes to the Reuse Plan. Peter Lowitt appreciates the willingness from Harvard to consider this change and committed to signing a letter as confirmation eliminating the need for a Super Town Meeting in the future will not be an option. Erin McBee wondered if we may be waiving any other rights inadvertently by supporting this change in such an expeditious fashion. Don Ludwig welcomes the opportunity to better understand the financials at Devens and the long term impacts related to commercial development. Charles Oliver suggested they consider raising the cap instead of eliminating it.

Rich Maiore invited public comment on this topic.

David King is not a resident however has long deep ties to the community. He urged the Select Board to vote in favor of the change as limiting development in Devens will only have a negative impact.

Resident Ben Myers had written a letter in the Harvard Press about Devens financials as he has been unable to find them. He is interested in this information more so than an increase in the commercial development cap.

Resident Lucy Wallace stated concern with this being considered only a small administrative change. She liked the idea Charles Oliver had to increase but not eliminate the cap. She suggested revisiting the metrics used in 1995 with the current standards.

Resident Paul Green has been a member on the Harvard Devens Jurisdiction Committee (HDJC) for the past four. He knows firsthand the frustrations when trying to work with MassDevelopment. He urged MassDevelopment to revisit their commitment to the Devens disposition process and commitment to helping fund necessary consultant costs.

Resident Stu Sklar previously served on the Select Board and most recently as Chair. He echoed the frustrations with lack of communication from MassDevelopment. He urged Rivera to do all he can to repair the relationship. Sklar noted disposition is eight years away and MassDevelopment needs to help the towns by committing to the process outlined in Chapter 498.

Resident Victor Normand serves as the chair of the HDJC and co-chair on the framework committee. He noted the recent bond issued for a new public safety building which could be for twenty years or more. Normand said the towns need a full understanding of Devens financials, the public safety building in a prime example of why. Any decisions made now by the DEC will affect the future governance of Devens.

Don Ludwig made a motion to accept the proposal to eliminate the cap and revisit MEPA parameters. Erin seconded the motion for further discussion. An amended motion was made:
To accept proposal to include a limit of 12 million sq ft on commercial development and to codify there will be no future bylaw revisions presented without going through a super town meeting; codify Dan

Rivera will meet with Harvard in August, support for Senator Jamie Eldridge request to MassDevelopment to fund consultant. Ludwig accepted the amendment to his motion. By a roll call vote, Ludwig – aye, Oliver – aye, McBee – aye, Minar – aye, Maiore – aye, the board voted unanimously in favor of the amended motion.

Public Communication

Carle Schiple, Fairbank Street, came to speak on behalf of his neighborhood regarding their concerns with the National Grid streetlight program. They are unhappy with the brightness and location of the light recently installed on their street. They have spoken with the Energy Advisory Committee about their concerns however felt it was important to also contact the Select Board.

Greg Winter from Winter Real Estate Investors spoke about potential development they are interested in doing in Harvard. He explained it would be a facility for assisted and independent living that would include some retail, grocery, restaurant and salon services. He realizes this would require approval of an overlay district therefore he will give a more in-depth presentation at the next meeting.

James O’Leary lives on Candleberry Lane. He serves as president of the Harvard Youth Soccer Association and is a member of the Harvard Athletic Association. He is pleased with the progress towards addressing the playing fields issue. He is hopeful the short-term solution for softball does not hamper any longer-term efforts. O’Leary views this as real opportunity for the community as a whole and does not want the focus to fall in any one area but shared by all.

Minutes

By a roll call vote, Ludwig – aye, McBee – aye, Minar – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve minutes from 6/21 & 7/7, as presented.

Staff Report/Updates (Attachment A)

Recognition of long-standing volunteers

Rich Maiore publicly recognized Wendy Sisson for the twenty years she served on the Conservation Commission and Ann Taylor for the ten years she served on the Elderly & Disabled Taxation Aid Committee. They have both decided to not seek reappointment.

Maiore also thanked the Fourth of July Committee and specifically their Chair Anne Hentz for their efforts this year.

Appointment Items

Clarification

By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Rich Maiore as the SB member on the HDJFC and Victor Normand to continue as the citizen at large on the HDJC.

Correction

By a roll call vote, Ludwig – aye, McBee – aye, Minar – aye, Oliver – aye, Maiore – aye, the board voted unanimously to revise Robert Curran’s term on the Cable Committee from one year term to three years.

Proclamation

The board recognized Tucker Madison for achievement to Eagle Scout.

Cell tower next steps

Assistant Town Administrator Marie Sobalvarro reviewed letter from Isotope which outlined the RFP scope proposal, schedule and hourly rates. The board confirmed the funding source will be the Select Board professional services account. Isotope will attend their meeting on August, 9th to collaborate on details for the RFP.

Discussion of FY23 Goals

The board members were in agreement the items codified in the Strategic Planning Session minutes will be their FY23 goals. Rich Maiore commented on the playing fields goal as a town issue to solve with cooperation, compromise and creativity from all the parties involved. They all agreed having an independent consultant involved will be very useful to define a desired end goal that can be shared by all. Liaisons to the Park & Rec and the Conservation Commissions will be instrumental in shepherding the process.

Select Board Reports

Erin McBee reported the Conservation Commission has created best practices for controlling the robust invasive Japanese Knotweed.

Rich Maiore asked Charles Oliver as liaison to HCTV to invite them to an upcoming meeting. He noted as we continue to lean on them with remote meetings it would be great to get their feedback. Tim Bragan also noted with the Charter cable contract renewal process is beginning which will require involvement from HCTV as well.

Kara Minar reported the Planning Board will need input from the Select Board on the proposal for an overlay district on Ayer Road mentioned during public comment earlier. She noted the Energy Advisory Committee has input to share with respect to the upcoming community choice aggregation contract. In addition, she reported the Revenue Ideation Committee will have a final report for September.

Executive Session

By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to enter into executive session at 10:00pm per MGL Ch. 30A, s. 21(a)1: To discuss the physical condition of an employee. The Select Board will reconvene into open session only to adjourn.

The meeting was adjourned at 10:10pm.

Documents referenced:

Town Clerk – election advisory - dated 6.23.2022 & election officials list for FY23

Bikes not Bombs special event application – dated 6.23.2022

DEC presentation approaching the commercial cap – dated 7.13.2022

HDJC memo on commercial cap – dated 7.7.2022

Proclamation request - dated 7.7.2022

Cell Tower RFP scope/proposal – dated 7.15.2022

**Staff Report
July 19, 2022**

1. **Updates on legislation:**
 - a. H4739 -An Act authorizing the town of Harvard to establish and enforce speed limits on certain public ways in the town.
 - b. H5019 (formerly H3734) - An Act authorizing the town of Harvard to establish a cap on property taxes for means tested senior citizens
2. The project to narrow the travel way on Still River Depot Road (in the village) is completed and noticeable when traveling along Still River and entering the village.
3. I would like to send a big thank you out to Anne Hentz and her team for another successful 4th of July celebration. Also, I want to thank the DPW, Police, Fire and other departments that were involved.
4. The DPW Director was successful in obtaining a grant in the amount of \$50,000 to help with the replacement of a culvert on Scott Road. These funds are part of the Culvert Replacement Municipal Assistance Grant from the State.
5. **State Updates:**
 - a. The State is expected (estimated) to end the fiscal year with a surplus in the vicinity of \$3.6 Billion per the attached State House news article.
 - b. The budget negotiators approved a \$52.7 Billion annual budget (see attached article).
 - c. The legislature approved the continuation of remote meetings up to March 31, 2023.
6. **Personnel Updates:**
 - a. We welcome Frank O'Connor as Director of Planning. Frank started Monday, July 18th, bringing 15+ years of experience in the City of Lawrence's Planning Department, and his most recent experience as Executive Director of the Marblehead Housing Authority. Our thanks also to the Boards and Committees who generously donated their time to participate in the interviewing process.
 - b. We likewise want to recognize employee Lisa Rosen, who has been promoted to COA Assistant Director. For the past four years Lisa has been the friendly first-contact for visitors and callers at Hildreth House, and she looks forward to continuing her involvement while gaining additional responsibilities.
 - c. The Administrative Assistant (Land Use Boards and Building Department) has been posted on the MMA website and likewise highlighted on Next Door

Harvard. Please encourage prospective applicants to contact Marie (msobalvarro@harvard-ma.gov).

- d. The Ambulance Directors, Fire Chief, and HR Director met last week to progress on posting the FF/EMT position approved at Town Meeting, and to discuss present staffing hurdles and prospective department(s) needs.

7. Police Update (from June)

- a. This month we are continuing training for all officers. Both Sergeants as well as Det. Fortunato are attending a 40 hours course on Critical Incident Management training. CIT training is recommended by POST in order to better train officers in responding to Mental Health Crisis calls and De-Escalation tactics. We will send every officer to this training which is fully funded by the state through state and federal grants. Det. Fortunato attended Female Enforcers class in Canton which was hosted by Massachusetts Association of Women in Law Enforcement. Rob Curran and I are training once a week with the drone and we deployed twice this month. Once for assisting Bolton PD in locating a missing Alzheimer's patient and for our annual Triathlon.
- b. We received our free doses of Naloxone (Narcan) by Department of Public Health. After successful negotiation with the HPD we are anticipating deploying them by 7/1. We only have a few more officers to be trained and anticipate that to be done by the end of the week.
- c. Jail Diversion (JD Associates) advised that we have a finalist selected for the Stow/Harvard position. Chief Saleese and I will be on the final round of interviews. Meanwhile as of 7/1 we will have two floating advocates start ride along with officers, responding to mental health crisis calls.
- d. The new radar trailers and hardware for conversions are in and was advised on 6/28 that they will be delivered in July. We have also received a Safe Streets grant of approximately \$23K for purchasing four more electronic speed signs. We are awaiting final approval from the state on releasing the funds and authorization to purchase the equipment. We also applied for a \$20K grant by Governor's Highway Safety Bureau which will give us approximately \$13,600 for additional traffic enforcement overtimes as well as \$6,600 for equipment. The equipment funds will allow us to purchase four new handheld radars and one new handheld LIDAR.
- e. We have been approved and will be fully funded by state grant to upgrade all our police vehicles with E-Citation (electronic citation) system. The e-Citation method has several benefits over the traditional paper method: -Officers spend less time at the side of the road. -Violators are on their way faster. -Fewer citations are dismissed for transcription errors, illegible handwriting, incorrect location (e.g. a stop sign violation written to have occurred at Mass Ave and Prospect Hill Rd., when they don't actually cross), and mismatched

ordinance/statute names and numbers are eliminated. -No need for clerks to manually enter information from paper tickets into a database. -Nearly instantaneous access to traffic violation and accident data. -Improved convenience for the violator, as there is no delay in processing the citation at the courthouse. - Less push-back from officers who are able to spend more time on both patrolling and enforcing traffic laws elsewhere.

- f. HPD recognizes Pride Month and we strive to build relationships with the community. Officer Cavanaugh is our newly designated LGBTQ+ liaison with a focus on building respect and mutual trust. With the recognition of Pride month, we have implemented a new department policy on “Interactions with Transgender People” (see attached policy).
- g. Our commitment to our community is paramount and we are continuing by offering various functions to our residents. Detective Fortunato, in cooperation with Force Defense and Fitness, hosted our first Female 18+ self-defense class. The class was free and was an overwhelming success with everyone that attended. We will definitely host this class again in the future.

8. Building Related Updates:

- a. The renovation of 16 Lancaster County Road has begun with today's issuance of the Notice to Proceed to the general contractor, Classic Construction of Littleton. (This is the same contractor who completed the Hildreth House renovation.) The project is estimated to take 6 months, give or take lead times for equipment. It's notable to reflect that the timeline from issuing an RFQ for the Architect to signing a contract for construction has been one year: a testament to the efforts of the Permanent Building Committee, the Architect DAI/Liro, the Council on Aging representatives, CPIC, Town Meeting voters and taxpayers, and most recently, the vote of the Select Board for ARPA funds.
 - b. The slate, gutters, snow rails, and snow tabs on the Old Library roof are complete. Open items such as downspouts, flat roofs, and masonry will be finished in the coming weeks. The contractor, MDM, has shown meticulous attention to detail, and we're grateful to their crew as well as the patience of abutting neighbors and Fivesparks. It was cheering to see that Fivesparks is engaged in interior painting, given the building envelope is now weathertight.
 - c. The lease for 39 Massachusetts Avenue was countersigned by Ascentria last Thursday, for a lease term commencing August 1. Senator Eldridge has encouraged a filing for earmarks to fund any short-term health-safety needs; the Facility Manager/Building Inspector and Ascentria representatives compiled and submitted the request to Senator Eldridge's office yesterday.
9. The House and Senate are actively working to further regulate Host Community Agreements (HCA) which will negatively impact the revenue the Town will receive from our one (and only marijuana) establishment. (see attached articles)

10. Notice and Reminders:

- a. Attached is a list of current vacancies.
- b. Both the Grapevine transfer of license/change to all alcohol and the General Store modification of licensed premises were approved by the ABCC. Note that these will require updated license conditions.
- c. On July 1, notary services for the general public re-started at the Town Hall and the Police Station.
- d. As you know, Walter "Wally" Shaw was injured when fireworks inadvertently went off at a pyrotechnical event he was working at in North Andover. He was severely injured and a GoFundMe page has been set up to assist with his long road to recovery.