



Select Board Minutes
Tuesday, August 30, 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

Additional participants:

Park & Recreation Chair Bob O'Shea, Dave Maxson from Isotope, TAC members Gabriel Medjanis & Bruce Leicher

Appointment to Park & Recreation Commission

Chair Bob O'Shea was present to recommend Matt Benway for appointment. By a roll call vote, Ludwig - aye, Oliver – aye, McBee – aye, Minar – aye, Maiore – aye, the board voted unanimously to appoint Matt Benway to the Park & Recreation Commission.

Define Select Board criteria/framework for cell tower lease RFP

Dave Maxson from Isotope came to review options for a cell tower on town land. Maxson outlined various options to either own the tower or enter into a lease agreement. Maxson shared the RFP issued by the town of Dover for personal wireless providers to lease space on their tower and site to be constructed by personal wireless Service providers to be owned by the town. He favors this agreement as a good approach. Questions around insurance liability and tower maintenance were asked. Assistant Town Administrator Marie Sobalvarro will contact the towns insurance company for their insight on the town's liability with respect to ownership versus lease of a cell tower. The board will revisit this topic at their September 20th meeting.

Public Communication

Dan Daley, Open Space Committee member, thanked the Select Board for committing to a strategic plan for athletic fields in town. His only concern is with utilizing the funds allocated to Park & Rec at the last town meeting to hire another consultant. His impression is the town has the data they need to move forward and if a consultant is indeed necessary, he wonders if there could be another way to fund it.

Meet with the Park & Recreation Commission to discuss an RFP for a field's consultant

Commission Chair Bob O'Shea shared an outline of the field studies completed and changes that have been made along the way. He was able to export data from the CivicRec program with respect to field wear and tear, capacity, and daily utilization. O'Shea is cautious hiring a consultant may simply take what we have and regurgitate what has already been prepared. He explained the funds allocated will be used for civil engineering on the property behind the Harvard track. He explained this was decided upon once it was obvious a land swap with the Conservation Commission would likely not occur. Rich Maiore and Don Ludwig explained the consultant would focus on identifying future trends for the town and the school. Kara Minar noted the other positive to hiring a consultant is to have an independent analysis

with no bias to any one entity. Maiore views this as an initiative that must serve the community as a whole today and as the town's population and needs grow. The board will move forward with hiring a consultant.

Meet with the Transportation Advisory Committee (TAC) to discuss transportation related objectives

TAC Chair Gabe Medjanis and fellow member Bruce Leicher were in attendance to seek guidance from the Select Board on how they expect to leverage this group to accomplish transportation initiatives and goals. Medjanis admitted with Chris Ryan's exit it has been a bit of an adjustment. Leicher added the communication between the TAC and the Select Board has suffered. Rich Maiore was interested in what TAC views as areas they could focus on. Medjanis identified their role to include work toward shared use paths such as foot/bike to improve connectivity while also acting as the voice of the community interacting with MRPC on various products. They did not have any specific projects at this time but were concerned their comments on the Ayer Road project were not shared adequately thus their request to meet with the Select Board. Everyone agreed to revisit the current TAC charge to determine what is the best next steps to take.

Discuss zoning change to allow entertainment for commercial farms

Town Administrator Tim Bragan began the discussion by explaining this issue was revealed when an annual entertainment license was requested by Carlson Orchards. Apparently, properties within an agricultural/residential area under current zoning does not permit the issuance of an annual entertainment licensing. A bylaw to address this would allow this for all commercial farms in town. Bragan has spoken with Town Counsel to help draft a possible zoning change. He explained further clarification is necessary for the town center, possibly in an overlay district, to address the same issue for the town center. This is necessary to accommodate the General Store and Fivesparks who also attain annual entertainment licenses. The board members were agreeable to spearheading these changes and open to holding a special town meeting in January if necessary to accommodate annual licensing for the coming year.

Discuss proposed 40B project – Mill Pond Estates on Mill Road

Erin McBee participated in a walk through with the developers of the proposed unfriendly 40B on the corner of Ayer Road and Old Mill Road. The development will consist of 24 units. She reported the developer offered to extend the comment period by 15 days. Tim Bragan will draft a letter requesting the extension along with another site walk if possible.

Minutes

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve minutes of 7/19 & 8/9, as presented.

Staff Report/Updates (Attachment A)

Act on request from the Conservation Commission to erect signs in the towns right of way

Liaison Erin McBee reported the commission received a waterways and watershed awareness grant to install signs at road crossings along Bowers Brook. The signs will be placed in the towns right of way therefore approval from the Select Board is required. By a roll call vote, Ludwig – aye, McBee – aye, Minar – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve the signs.

Carlson Orchards entertainment license date change

Executive Assistant Julie Doucet explained Carlson Orchards was unable to utilize one of the dates previously requested due to Covid therefore are requesting November 29th instead. By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve date change to October 29th.

One-Day Liquor License Lions Club

By a roll call vote, Ludwig – aye, Oliver – aye, McBee – aye, Minar – aye, Maiore – aye, the board voted unanimously to approve a one-day license for the Lion’s Club Fall Festival.

Out of state travel request from the Finance Director for the Assistant Assessor

By a roll call vote, Oliver- aye, Ludwig – aye, McBee – aye, Minar – aye, Maiore – aye, the board voted unanimously to approve the request.

Recognize resignation of Sue Tokay from the Commission on Disabilities

A letter of thanks will be sent.

Select Board Reports

Charles Oliver reported the Municipal Affordable Housing Trust are working on goals may come to an upcoming meeting. He also confirmed the Cable Committee will be able to attend the September 6th meeting.

The meeting was adjourned at 9:00pm.

Documents referenced:

- Benway vol form – dated 8.2.2022
- Isotorpe letter initial site concept – dated 8.4.2022
- Cell Tower example agreement (Dover MA) – dated 2004
- Park & Rec presentation – dated 8.30.2022
- Mill Pond Estates – dated 8.10.2022
- Conservation sign request – dated 8.16.2022
- Entertainment License request – dated August 2022
- One-Day Liquor License request – dated 8.15.2022
- Tokay resignation – dated 8.25.2022

**Staff Report
August 30, 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. This is still in third reading, in the State Legislature, has not yet been voted, approved or signed by the Governor. I have requested an update from Representative Sena's office.
 - b. H5019 (formerly H3734) - The **earlier** version of the property tax cap for seniors was signed by the Governor on August 24. Our next iteration will be submitting the changes made at the May 2022 Annual Town Meeting for legislative approval; in the interim, though, our Assessors are pleased that the recently-approved language more accurately reflects the Town's intent when adopting the program. The legislation for local speed limits (H. 4739) has not moved since late July.
2. Update on Tim Kilhart being successful in getting the State to agree to grind and pave Ayer Road from Route 2 to the town line at their expense. This is ~\$700,000 worth of work that the State will be paying for.
3. Eve Wittenberg has completed the Fundamentals for Conservation Commissioners certificate training program, which consisted of 8 units of training. This program is done by the Massachusetts Association of Conservation Commissions (MACC). (see attached)
4. We have been working with Harvard Climate Initiative Committee (HCIC) and Harvard Energy Advisory Commission (HEAC) of putting a questionnaire in the tax bills to collect data about types of vehicles we have in Town. This info is not on state documents and will be helpful to these groups as they move forward on environment and energy issues. This needs to be approved by the SB in order to go out in the tax bills.
5. Attached is the Inn Holders application that Julie has finalized and is now being utilized.
6. Local Board/Budget Happenings:
 - a. The Capital Planning and Investment Committee is using a new form this year that will not be constrained by the amount of characters that can be used. The Chair, Nate Finch, drafted it in Google Documents. Submissions are due September 30th.
 - b. FinCom has met and picked Eric Ward to be their new Representative to CPIC. This means that CPIC is now comprised of the following voting members: Nate Finch, Eric Ward, Sharlene Cronin, Jeffery Lin, and Don Ludwig.

- c. The All-Boards meeting is set for the 28th of September and notice has gone out to all departments, boards, and committees. A reminder will be sent out next week as well.
7. I am still trying to get a date for the Board to visit the DPW and have sent out a new Doodle Poll.
8. Department Heads met with the consultants working with the Town to update our ADA assessment and self-evaluation. This is being done under our Commission on Disabilities.
9. Police Updates for July and August
 - a. July was a very busy month for the Police department. As you are all aware, a tragedy has struck our community as evil knows no boundaries. Mary Anderson, a 23-year-old young woman that resided on Still River Road was killed by her estranged boyfriend. The case is being finalized and Harvard Police are working closely with the Vermont State Police and Massachusetts State Police but more important they are keeping Mary's family in their thoughts and prayers. Mary's Family is constantly being updated on the investigation.
 - b. The Police Department received their free doses of Naloxone (Narcan) by Department of Public Health. We were able to secure more doses of Naloxone so they can issue them to the Hildreth and Bromfield school nurses. Officer Cavanaugh will be training the three nurses on 8/30 and issuing them the Narcan (Naloxone) medication.
 - c. The Police Department met with the four new principals and Dr. Dwight on preparing for the new school year. One of the primary functions of the department this year will be to review the action response plans for "lock-down" and "shelter in place". Another important action item that was discussed is an MOU (Memorandum of Understanding) between the police department and the School District. The final draft is being finalized and Chief Babu will be sitting down with the stakeholders so they may tweak all the items before implementation. An MOU is required under Chapter 71 Section 37P of the Mass General Laws.
 - d. The "Radar Trailers" are in and we are waiting for the titles to come in so that we can register them. The police will be working closely with DPW in setting up the permanent mounting of the two existing radar signs and re-locating one radar sign from one location on Bolton Road to another. After the bases for the radar trailers are installed, a company will finish the conversion work for the two radar signs. Safe Streets grant money for the additional four radar signs will be released sometime in November.
 - e. The Police Chief worked with the DPW for new signage that was erected on Still River Road by the DPW at the Immaculate Heart of Mary High School. Clinton District Court required clarification in regards to school zone speed limit "When Children are Present" to include a time. New signs were ordered to establish the school time enforcement for "7AM-4PM".

- f. The Police completed their first portion of hands-on Active Shooter Training on 7/13. They hosted the training event at the Public Safety Building and invited officers from Bolton and Boxborough PDs to join them. They will be scheduling a full day second portion of this training this Fall as they are awaiting our Airsoft weapons delivery.

10. Building Related Updates:

- a. Jeff is working on the Beach House scope of service to make that ADA compliant.
- b. The renovation project at 16 Lancaster County continues apace, and interior demolition is almost complete. A subset of the Permanent Building Committee is pursuing rooftop solar in conjunction with a representative from HEAC, and our Facilities Manager is working with the contractor and architect to obtain heat pump incentive reimbursements from National Grid.
- c. The Old Library Roof replacement is 95%+ complete; the remaining work is obtaining and installing the copper rooftop finials (picture attached of former finials); fabrication has been delayed, project close-out expected by mid-September.

11. Procurement Items:

- a. The Procurement Officer successfully sold the 1999 Pierce Tilt Cab, which was sold on govdeals.com, for \$7,800.
- b. The Executive Assistant has signed up to take the courses required to become a certified procurement officer. She will be taking these courses online in October and as they are all-day event for several day and she will be working from home during this period.

12. Notice and Reminders:

- a. Ira Grossman, Sanitarian, retired from Nashoba Associated Boards of Health this week and will no longer be our Sanitarian. Jim Garreffi the head of NABOH will be taking on Ira's duties here in Harvard, at least temporarily.
- b. North Central Massachusetts Chamber of Commerce is having their Annual Legislative and Candidates Reception on Thursday, September 22, 2022 from 5 to 7 PM at the Chocksett Inn, 59 Laurelwood Road in Sterling.
- c. Town Meeting is coming up in 32 days. If there is anything the Board would like to see on the warrant you need to let us know as soon as possible as you will have a draft for next week's meeting.