



Select Board Minutes

Tuesday, December 20, 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:

Assistant Town Administrator Marie Sobalvarro and Executive Assistant Julie Doucet

Additional participants:

Tree Warden JC Ferguson, Park & Recreation Chair Bob O'Shea and member Marissa Steele

Minutes

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve minutes of 12/1 & 12/6, as presented.

Tree Warden Requests

Murray Lane tree removal

Tree Warden JC Ferguson received a request from Sean Bilodeau to remove two public shade trees on Murray Lane. He shared pictures of the trees and explained tree one creates a blind spot when exiting the driveway onto Murray Lane and tree two is leaning considerably onto private property. Ferguson conducted the required shade tree hearing and received some objections to the trees being removed. He explained because of MGL 87 section 4 and a written objection received, he denied the request to remove the trees, deferring the decision to the Selectboard as per the law. Ferguson is inclined to approve the request as it is based primarily on safety. The Select Board members had a few questions or clarification before taking a vote.

By a roll call vote, McBee – aye, Minar – nay, Ludwig – aye, Oliver – aye, Maiore – nay, the board voted to remove tree one. (3-2, motion passed)

By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to remove tree 2.

136 Oak Hill Road

Resident George Lewinnek requested a convex mirror be mounted on a tree across from his driveway. He explained how difficult and dangerous it can be to enter and exit his driveway. JC Ferguson suggested instead of using a tree they consider the installation of a pole that can accommodate the mirror necessary to improve safety for the residents. Lewinnek was agreeable to this option however would rely on the town for the installation. Ferguson will coordinate efforts with the DPW Director.

By a roll call vote, Minar – aye, McBee – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve the Tree Warden's recommendation for use of a post installed by the DPW in coordination with the Tree Warden at 136 Oak Hill Road.

Discuss increasing the Community Preservation surcharge

Assistant Town Administrator Marie Sobalvarro gave a history of when the town initially adopted the CPA and when a subsequent vote was taken to increase the percentage. She explained CPA changes require a vote at town meeting and then a vote at the town election. She has learned many

communities have a higher percentage than Harvard has now. They discussed a 1.9% increase and how these additional funds can assist with necessary land purchases. The Select Board members were in agreement this approach makes sense and will require making a case to the voters as to why this is a good option. Additional questions will be directed to Marie Sobalvarro with further discussion at their next meeting.

Town Center/Agriculture overlay district update

Erin McBee reported the Planning Board met again last night. She said the revised town center map was helpful and most everyone is comfortable with the proposed language for the overlay district. The Select Board members agreed this article is ready for a special town meeting.

McBee said the agricultural overlay district continues to be a bit more complicated and the Planning Board members are reluctant to fully support without a clearer understanding of appropriate guardrails and/or conditions.

Public communication

Chris Green, Oak Hill Road, expressed his displeasure with the proposed agricultural overlay district because of the focus on Carlson Orchards. He is not aware of any other farms asking for this to be done. Green said over the past four years while attending Select Board meetings when Carlson Orchards is the topic he does not feel respected by the Select Board as a neighbor to Carlson Orchards.

Annual license renewals

Executive Assistant Julie Doucet informed the Select Board members of the establishments that require an annual license for liquor, entertainment, common victualler and used auto. She confirmed license holders are in good standing with requirements and the public safety and board of health departments have been consulted as well as confirmation from the tax collector that all taxes are paid to date.

Doucet explained Carlson Orchards has a condition under their pouring license that requires a hearing upon renewal however the hearing was not scheduled. Town Administrator Tim Bragan informed the board based on the circumstances they do have the ability to remove the hearing requirement.

By a roll call vote, Minar – aye, McBee – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve all annual licenses with the exception of the General Store and Carlson Orchards.

By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to approve the General Store annual license and entertainment dates.

(Member Charles Oliver recused himself from the vote due to business dealings he has with the General Store)

The board decided to hold the renewal hearing for Carlson Orchards on Thursday, January 5th. They will revisit the license conditions at that time to decide if this requirement is still necessary. Carlson Orchards owner Frank Carlson noted none of the other license holders have this requirement. He understood the reasoning initially for the condition but based on operations thus far without any issues he would like the board to revisit this requirement.

Proposals (RFP) for athletic fields and funding

Chair Rich Maiore opened the discussion about the needs assessment for athletic field needs in town. Assistant Town Administrator Marie Sobalvarro is working to draft the RFP and is seeking high level details from the board to obtain a clear good result. They discussed important elements such as

current/future needs assessment, projected sport uses, school growth model, and maintenance requirement's with the goal of providing validation to support the next steps in this process. Don Ludwig said having independent third party data is essential in this process.

Park & Rec Chair Bob O'Shea shared the commission's thoughts on the parameters for this needs analysis study. He explained the school department is the biggest user of the athletic fields and the importance of understanding field maintenance to optimize use of the current facilities. Park & Rec field liaison Marissa Steele asked about funding of this needs assessment. Everyone agreed use of the \$50,000 capital funds granted to Park & Rec makes the most sense and if the funding source needs to be changed they can address that if need be. Steele added many times the current fields are unusable based on conditions due to weather therefore maintenance is an important factor. Steele and Ludwig will work with Sobalvarro on this.

Staff Report/Updates (Attachment A)

Increase Senior Tax Work-off hourly rate along with the overlay account

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to increase as proposed.

(Hourly rate from \$8 to \$12 - max work off amount of \$1500 - increase overly to \$12,000 from \$10,000)

Hazardous Mitigation Plan

By a roll call vote, Minar – aye, Ludwig – aye, McBee – aye, Oliver – aye, Maiore – aye, the board voted unanimously to endorse Hazardous Mitigation Plan.

Discuss the 2023 spring annual town meeting date

The board members decided to hold the spring annual town meeting on Saturday, April 29th instead of May 6th to accommodate the Moderator.

Discuss letter from Harvard Devens Jurisdiction Committee (HDJC)

The board agreed with the request from the HDJC. A letter will be drafted for consideration at their next meeting.

Review and discuss draft memo from the Climate Action Committee; next steps

Rich Maiore suggested they include contact information. The board members decided to send it out in January to kick off the new year.

The meeting was adjourned at 9:30pm.

Documents referenced:

Tree Warden materials (presentation/minutes/requests) – dated 12.20.2022

Annual license renewal listing – calendar year 2023

Haz Mitigation Plan – dated Dec 2022

HDJC request – dated 12.14.2022

Staff Report
December 20, 2022

Speed, Signage, Traffic:

- The radar sign in Still River is being repaired after sustaining just under \$1,000 worth of damage.
- Chief Babu applied for a MassDOT solar-powered combination speed feedback/school zone speed limit signs for the school on Still River Road. If selected, MassDOT provides the equipment and training, the Immaculate Heart school would be responsible for maintenance.
- Attached is a copy of the 2020 traffic monitoring program for Devens (VHB's ongoing five-year comparison of Devens traffic, surrounding area traffic, etc.)

Legislative Updates:

- We have filed the requisite paperwork with Sen. Harrington's office for the \$100k earmark in the 2022 Economic Development Bill, and await next steps from Harrington's office (and the monies) for Bromfield House repairs, which will be under the director of our Facilities Manager.
- No progress on H4739; Rep. Sena's aide said that if it does not pass by the end of the legislative session, he will re-file it next year.

Building Related:

- The new COA project (as of early December) was at 60%+ completion, still on-track for a CO in February 2023.

Personnel:

- Congratulations to Jeff Hayes, who has attained Building Commissioner status via the BBRS on 12/5/22.
- We have received 9 applications for the Park & Recreation Director; preference given to applicants who apply by 12/21 and we're working to have the position filled by February 1.
- We are again seeking applications for the Administrative Assistant (Land Use/Building Department), and now a Recording Secretary (aka 'minute-taker), due to a resignation. Interested applicants should look at our website (or the mma.org), and/or contact Marie Sobalvarro msobalvarro@harvard-ma.gov
- We are again seeking a Truck Driver/Laborer at the DPW due to staffing changes. Interested applicants should contact tkilhart@harvard-ma.gov (978-456-4130).

Notices, Reminders, Updates:

- Charter Communications has announced it is increasing fees as per the attached 12/16/22 communication.

- Annual Town Report submissions are due to Julie by 1/23/23. The Select Board needs to determine the Citizen of Note, as well.
- We are working with Attorney Bill Solomon regarding the Cable Television renewal (our existing contract with Charter/Spectrum ends 1/2025), and tentatively looking at Wednesday January 11, 2023 for a public hearing.

State Updates: (State House News Service)

- Financial information coming from the State will be later this season due to the changing of Governor. Normally the Governor has until the 3rd week of January to file a budget, called House #1, for the following fiscal year. This budget season will be delayed to March 1st so that the new Governor has some time to put her stamp of the FY24 budget.
- The State's Cannabis Control Commission is looking at a significant budget request for Fy24. Due to new rules and regulations the CCC is looking at a \$4.5 million increase in its budget. The current budget is \$19.22 million and its new request is \$23.7 million.
- Last week the State was part of the Opioid settlement with CVS and Walgreens. Cities and Towns will have the opportunity to join the resolution during the first quarter of 2023, once the states approve it, and then payments would be expected to flow out in the second half of the year. These funds will have to go to remediate the opioid crisis and be used for prevention, harm reduction, treatment and recovery.
- The new on-line lottery app, which allows winners to claim prizes on-line, has been a nice success and has had an impact on the environment. To date, 39,000 prizes have been claimed using the app totaling some \$50 million. This has also saved winners, collectively, some \$310,000 in gas costs and stopped some 1.5 million pounds of carbon from being emitted into the atmosphere. The State Treasurer will continue pushing to offer lottery games on-line to help maintain/increase lottery sales so as to compete with other gambling offerings in the State.
- Commonwealth Wind filed to scrap the power purchase agreements with utilities back in May citing that current economic factors which include sharp rise of inflation and the war in Ukraine have significantly imperiled it ability to finance the project.