# Select Board Minutes
# Tuesday, October 3, 2023
# 7:00pm

The Select Board Regular Meeting was held virtually in accordance with Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting was conducted via remote participation.

**Select Board participants:**
Rich Maiore, Charles Oliver, Don Ludwig, Kara Minar, Erin McBee
**Town Department participants:**
Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, and Executive Assistant Julie Doucet
**Additional participants:**
Todd Currie, Wade Holtzman, Sarah Bunce, Planning Board Chair Richard Cabelus, Richard Abt, Bill Johnson, Police Chief James Babu

**Interview/Appointment to the Community Preservation Committee**
Resident Todd Currie was invited to speak about his interest in serving on the Community Preservation Committee. Dolores Lee who applied for CPC earlier this year also expressed her interest in being considered for the open seat. She was interviewed previously. The board members asked a few questions of Currie and after some discussion motions were made.
Don Ludwing made a motion to appoint Dee Lee seconded by Erin McBee.
By a roll call vote, McBee – nay, Minar – abstain, Ludwig – aye, Oliver – nay, Maiore – aye, the motion did not pass. (2 – 2 and 1 abstention)
Kara Minar made a motion to appoint Todd Currie seconded by Charles Oliver.
By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – nay, the board voted to appoint Todd Currie to the CPC. (4 -1)

**Transfer Station Committee appointments**
Residents Wade Holtzman and Sarah Bunce were present to express their interest in serving on this committee. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to appoint Wade Holtzman and Sarah Bunce to the Transfer Station Committee.

**Planning Board associate member appointment**
Planning Board Chair Richard Cabelus introduced Richard Abt for appointment to the vacant associate position. Abt is excited to serve on the Planning Board.
By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the Select Board voted unanimously to appoint Richard Abt to the Planning Board as associate member.

**Planning Board Bylaw review for Town Meeting**
Planning Board Chair Richard Cablelus came asking for support from town residents at the October 21st town meeting to help pass protective bylaw amendments to the Open Space and Conservation Planned Residential Development. Cablelus said this bylaw has been in place since 2003 but has only been used

once. He gave an overview of the importance of this bylaw and why revisions are necessary. The Planning Board has held the required public hearings. Kara Minar offered some points of clarification on the minimum acreage required and suggested the inclusion of a cap. The members thanked the Planning Board for their hard work and efforts to craft a bylaw that will be better utilized.

**Discuss HCTV's FY25 budget & act on an increase to the PEG Access Fee revenue rate to 5%**
Town Administrator Tim Bragan invited resident volunteer Bill Johnson to speak. Johnson served on HCTV for several years and has been assisting the current members with their budget specific to the renewal of the 10-year cable contract. As part of this negotiation, they are recommending the Select Board formally request to Charter Spectrum an increase in the PEG Access Fee revenue rate to 5%, effective January 1, 2024. He explained this will supersede the previous request for a rate increase to 4.85%. He explained recent work to develop HCTV's FY25 Operating Budget underscored the need to increase the Charter PEG access fee revenues to cover increased operating costs, to keep supplemental funding from the Town and the Schools flat relative to previous years. He said proactively moving the PEG Access fee rate to 5%, the maximum allowed by contract, negates Charter's primary negotiating strategy in the upcoming contract renewal to substitute PEG Access fee increases for capital funding. He is hopeful this will maximize our capital request while maintaining the maximal revenue sharing income. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to increase the PEG Access Fee revenue rate to 5%.

**Public Communication**
Stephanie Opalka, League of Women Voters, read a statement on behalf of the LWV encouraging the Select Board to work with the town administrator and the Fourth of July Committee to create a parade code of conduct that is truly fair and welcoming and, importantly, constitutional to all participants.

**Minutes**
By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee -aye, Maiore – aye, the board voted unanimously to approve the minutes of 9/5, as presented.

**Staff Report/Updates** (Attachment A)

**Appoint Board of Health members to the Transfer Station Committee**
By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to Libby Levison and Chris Mitchel to the committee.

**Act on ratification of DPW contract**
Town Administrator Tim Bragan reported the contract details have been finalized to include cost of living adjustment, additional steps, longevity, and removal of comp time. Bragan reported the contract is ready for ratification by the Select Board. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to approve the contract.

**Act on sale of affordable unit – 27B Elm Road, Devens**
Town Administrator Tim Bragan confirmed the unit has been approved for sale by the Dept of Housing and Livable Communities and will remain an affordable unit. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to not exercise the right of first refusal.

**Community Harvest Project special permit request with MDAR**
By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to endorse the special permit.

**Vote to surplus DPW 2009 Ford Explorer**
By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to surplus the 2009 Ford Explorer.

**Finalize town meeting warrant**
Town Administrator Tim Bragan reviewed the draft with a total of eleven warrant articles. He explained article #3 is long but it is the final version of the Planning Board's OSC-PRD Bylaw.

He reported articles #5 and #8 for vehicles and traffic are not necessary as the SB can act on these under the authority you already have. He explained they will need to be advertised and implemented sooner rather than later. Police Chief James Babu reported on the numerous issues his department is dealing with at the Prospect Hill look out/gathering spot. He said incidents are becoming more and more frequent and it is essential his staff has enforcement methods to discourage unwanted activities there as well as trespassing. He said this will be enforced from dusk till dawn. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to approve the addition of chapter 140 – 8.5 to our bylaw. Chief Babu explained article 8 is about civilian traffic control agents. This is necessary as many of the officers are not able or willing to do extra hours for traffic details. He explained many towns are dealing with the same issues. This amendment will also allow agents to direct traffic. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to approve article 8.

HR Director Marie Sobalvarro reviewed article 6 which is updates to the Personnel Bylaw.

By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously to approve 10.21.2023 warrant articles as amended.

**Recognize resignation of Cindy Russo from the Permanent Building Committee**
Assistant Town Administrator Marie Sobalvarro expressed immense gratitude for Cindy's work on the new Could on Aging building as well as her many years of service volunteering on various boards/committees. She will remain on the Water & Sewer Commission.

**Select Board Reports**
Charles Oliver reported the Capital Planning & Investment Committee has begun their review of requests.

Kara Minar acknowledged the many house volunteers contributed at the Council on Aging. She also reported the Harvard Devens Jurisdiction Committee became aware of a developer interested in a land swap with Shirley. This is something to keep an eye on as it would likely require a super town meeting vote.

Erin McBee reported Planning Board member John McCormack is keeping close eye on the proposed development in Boxborough where Cisco was. They are hopeful more information will be provided soon.

The meeting was adjourned at 9:05pm.

Documents referenced:
Todd Currie vol form – dated 8.30.2023
Dolores Lee vol form – dated 2.15.2023
Wade Holtzman vol form – dated 9.14.2023
Sarah Bunce vol form – dated 9.21.2023
Richard Abt vol form – 8.18.2023
HCTV correspondence – dated 9.15.2023
Community Harvard special permit request – dated 9.15.2023
Russo resignation letter – dated 9.11.2023

**Staff Report, September 19, 2023**

**Building/Facility/Project Related:**

- Proposals for Cell Tower are due at the end of this month.
- Permanent Building Committee voted to move forward with the full project for the DPW.
- Tighe and Bond filed the initial documents with DEP for the landfill project and now DEP has a number of months to review it.
- Tim Kilhart and Tighe and Bond are working on the filing for the State Revolving Fund (SRF) loan for the Water Project Connecting to Devens which is due this month.
- Solect Energy has provided a draft system purchase and installation agreement for the 62.4kW array on the COA roof, with details being finalized.
- We attended a National Grid webinar outlining their specific mid- and long-range plans for the Commonwealth (and the Ayer-Clinton study area). The complete report is available here: https://www.mass.gov/doc/gmacesmp-draftnational-grid/download

**Appointments:**

- Deadline for applications for vacant School Committee seat is next Tuesday the 10th of October. We have received two applications so far. Hopefully we can coordinate with the School Committee a date to hold interviews and make the appointment.

**FY24 Operations:**

- The Police Chief is happy to have Tim Shaeffer back and he is the new School Resource Officer. The Chief is also happy to announce the new School Zone speed signs are up in Still River and he finally received his 4th hybrid vehicle for the department.
- The DPW continues to work on fields when it is not raining or fields aren't soggy. There is great concern about the field in front of Bromfield this coming weekend as rain is being forecasted for Friday, Saturday, and Sunday and the Flea Market is also planned for the same time. The concern is having vehicles driving on a wet field and damaging it (ruts, defoliation, pooling of water) and making it non-playable for the sports teams that utilize it.
- COA is enjoying having more people show up for programs and the new facility seems to be more inviting and people are responding.
- We continue to work on the Fire and Ambulance merger and have brought back the Collins Center to assist with the financial review. Marie was successful in

getting a Community Compact Grant from the State to fund the Collins Center's work. We are working with them on a timeframe and once that is set we will inform the SB and Fire Chief.

- Community Choice Power Supply Program serviced by Dynegy Energy have secured rates $0.14841 per kWh for 100% renewable (default) and $0.14692 for optional basic. These rates are fixed for 24 months.
- Drop and Ride to Littleton train station will start on the 6th of November.

**FY25:**

- Departments are continuing to work on their budget submissions and we are working on our budgets as well. We are planning on submitting for a Grant Writer as discussed at the Strategic Planning Session and need input on whether the SB wants full-time or part-time position and if the wages will be defined or if they will be paid as a percentage of the grants they get or a combination of both?
- Is there anything else that the SB would like us to submit?

**Notices, Reminders, Dates of Note:**

- The next regional household hazardous waste days at Devens are October 4 and 7, 9:00 a.m. – 1:00 p.m.
- Covid continues to resurface locally, and we continue to follow the CDC protocols. The FDA extension dates for the ihealth rapid tests (the tests most commonly received from the Federal government) can be looked-up here via the lot number: https://ihealthlabs.com/pages/news#expiration
- The COA is having another open house at the Senior Center tomorrow, Wednesday, October 4, from 1-3pm at 16 Lancaster County Road. Senator Eldridge and Representative Sena will be in attendance.
- There will be a flu clinic is at the new COA Senior Center on Tuesday, October 10 from 9-11am, 16 Lancaster County Road. This is the high dose quadrivalent vaccine clinic for those over the age of 65 or with any secondary health concerns. The Pepperell Family Pharmacy will be giving the shots and you need to bring your insurance card to cover the cost. Call the COA or email them to set up an appointment.
- The SHINE (Serving the Health Information Needs of Elders) Counselor will be at the COA on Tuesday 10/24 at 10:30 a.m. to answer questions during Medicare Open Enrollment season.