



**Select Board
Minutes
Tuesday, June 11, 2019 at 6:00pm
Town Hall Meeting Room, Harvard, MA**

The meeting was called to order at 6:00pm by Chair Lucy Wallace in the Town Hall Meeting Room. Select Board members Kara Minar, Rich Maiore and Stu Sklar were in attendance as well as Town Administrator Tim Bragan and Assistant Town Administrator Marie Sobalvarro. Executive Assistant Julie Doucet entered the meeting at 7:00pm. Board member Alice von Loesecke participated via phone prior to entering the meeting at 6:15pm.

Dog Hearing – Dezael (aka Diesel) a nine pound white pit bull residing at 39 Glenview Drive

Wallace noted letters were received from David Gowel, Julie Gowel and neighbor Elizabeth Begin. She indicated the letter from David Gowel was the initial complaint. Wallace asked the letters dated May 24 and May 26 be entered into the official record as all board members did receive hard copies of them. (See Appendix A) On a Maiore/Sklar motion, the board voted unanimously to enter letters into the official record. Wallace explained the hearing was being conducted due to an incident where a child was attacked by a dog in town. Dog Officer Paul Willard was also present for the hearing.

Wallace invited the complaintants David and Julie Gowel to come forward and testify.

Dog Officer Paul Willard said he received a call from David Gowel to report the dog bite. He placed the dog under a mandatory 10 day quarantine at that time. Willard spoke with the dog owner Anne Ferguson. Willard explained the quarantine is for rabies observation. There is no dispute that the dog did indeed bite the child. The complainants did not have any additional information to add. Wallace acknowledged this is a very difficult situation and expressed the board's compassion toward all of those involved.

Wallace invited the dog owners to come forward. She noted letters have been received from Ann Ferguson and dog trainer/behaviorist Ann Aho along with a copy of the dog's registration in Maine. On a Minar/Sklar motion, the board voted unanimously to attach letters received to the minutes. (See Appendix B) Wallace asked if they wanted to add anything. They did confirm the dog is now residing in Maine. Bragan noted the dog had only been in Harvard a couple of weeks and not months as indicated in his letter to the owners therefore there was no violation with respect to licensing of the dog.

On a Maiore/Sklar motion, the board voted unanimously to close the hearing.

Wallace confirmed Town Counsel has been consulted about the situation. The board can declare the dog as dangerous per MGL & Town Bylaws allowing notification to the town in Maine where he is now registered in and this would also permit the town to set specific parameters if the dog were to come back to Harvard. The board could also declare the dog as a nuisance but based on the incident Wallace assumed declaration as a dangerous dog would be more appropriate.

Member of the public Brenda Baer asked to speak. Wallace allowed this even though the hearing had been closed. Baer has worked with dogs for 32 years and has been bitten many times. She thought because the dog is deaf he was simply startled and should not necessarily be deemed a dangerous dog.

Select Board member Von Loesecke entered the meeting room at this time.

Based on the incident and information received, Sklar is ready to deem the dog as dangerous. The other board members were in agreement. Wallace thanked the owners for adhering to the quarantine, removing the dog from town and making their best efforts to rehabilitate the dog.

On a Maiore/Sklar motion, the board voted unanimously to declare “Dezael” a 9 year old white Pit Bull, formerly residing at 39 Glenview Drive, by virtue of its attack on a three year old neighbor boy and in accordance with our bylaws and state laws a dangerous dog and that “Dezael” be confiscated and euthanized if it is ever seen in the Town of Harvard in the future.

Bragan will officially notify all parties involved of the decision made by the board along with the town in Maine where Dezael will not reside.

Minutes

On a von Loesecke/Sklar motion, the board voted to approve minutes of 5/28, as written. Minar abstained as she was not present for that meeting.

Town Administrator Report

Bragan reported the Trustees of Bromfield School approved take down of the second horse chestnut tree. They will be removed next Wednesday. Bragan explained the request came in last fall but had we needed a legal determination from Counsel since the land is that of the Trusts. We are now informed that the 99 year lease means that it is the Town’s but we need the approval of the trustees. Now all is in order and the trees will be coming down.

The Harvard 4th of July Committee will be holding the parade and field events on Thursday July 4th. If you plan to march please notify Christopher Chalifoux by June 20th at cmchalifoux@yahoo.com

Loaves and Fishes invites you to Connect, Communicate and Collaborate with other Harvard and Devens community leaders at a breakfast on June 25th from 8AM to 9:30A RSVP by June 18th.

Bragan announced Ken Swanton has resigned from the Old Library Accessibility Committee.

Bragan reported Assistant Town Administrator Marie Sobalvarro is working on an application form for the Assessors to use for the FY2020 Means Tested Senior Exemption and will model it after Concord’s application but with all of Harvard’s requirements and limits. Overseeing of this program has been included in the latest version of RRG’s contract.

Resident Sydney Blackwell shared information on a workshop being held at the Harvard Public Library on June 18 from 6:30PM to 8:30PM and is about Protecting and Preserving Harvard’s Indigenous Ceremonial Stone Landscape and will be led by Doug Harris, Deputy Tribal Historic Preservation Officer for the Narragansett Indian Tribal Historic Preservation Office.

Bragan announced upcoming events to be held at the Harvard Unitarian Universalist Church.

Bragan announced the Town offices will be closed on Friday, July 5, 2019 and employees will be using their paid time off for that day.

Bragan has met with Noyan Kinayman regarding the 5G issue I brought to you early last month and said what he is proposing will not interfere with what his group is doing. Furthermore, that given the state of 5G now would be good for the board to put rules and regulations in place. He will bring the proposal back to the Board at its next meeting.

Bragan reported the staff at the front office have sold approximately 272 Transfer Station stickers in the first 6 days. They are working on the number of small and large bags that have given out.

Old Library lease addenda

Mark Mikitarian and James Breslauer from Fivesparks were present. They are in agreement with the two addendums being presented to accommodate ongoing repairs and reentry to the building. On a Minar/Maiore motion, the board voted unanimously to endorse Lease Addendum #3 as of 6/11/2019f or the property known as the Old Library, located at 7 Fairbank Street in Harvard Massachusetts 01451 and Addendum #4 as of 6/11/2019f or the property known as the Old Library, located at 7 Fairbank Street in Harvard Massachusetts 01451.

Wallace revisited the MOU from the last meeting. She noted questions that arose at the last meeting about insurance and utilities have been resolved and signed the MOU as previously authorized by the Board.

Girl Scout Proclamations

On a von Loesecke/Maiore motion, the board voted unanimously to endorse proclamations for seven Girls Scouts receiving the silver awards.

Devens Framework Committee

On a Sklar/Maiore motion, the board voted unanimously to appoint Lucy Wallace, Victor Normand and Town Administrator Tim Bragan to the Devens Framework Committee.

Alternate appointment

On a Minar/Sklar motion, the board voted unanimously to appoint Finance Director Lori Bolasevich as alternate to the Minuteman Nashoba Health Group and Nashoba Valley Regional Dispatch District Finance Committee.

Hildreth House Phase 2 Architect

Wallace reported the Permanent Building Committee has completed interviews of architects and a scope of services has been agreed upon. On a von Loesecke/Sklar motion, the board voted unanimously to appoint DAI Architects to do schematic design for Hildreth House Phase 2.

Purchase of voting machine

On a Sklar/von Loesecke motion, the board voted unanimously to approve the purchase of a DS200 Optical Scan Voting Machine from Election Systems and Software LLC.

Elderly & Disabled Taxation Aid Committee recommendation

Wallace explained the request is for the Board of Assessors to manage the senior tax write-off program, as the EDTA believes that this will both make the administration of the Act more efficient and make it easier to comply with state regulations. Sobalvarro serves on the committee as a citizen member and explained the committee voted unanimously for this. She explained much of the information required is from the Assessing Department and having employees rather than residents acting in this capacity seems more appropriate and efficient. In addition, Sobalvarro noted the Assessing Department handles exemptions currently. Sklar is agreeable as long as this process is revisited along with the entire program after the three year trail. Everyone was in agreement. On a Sklar/Maiore motion, the board voted unanimously to approve recommendation with caveat during trail period as the program runs now.

Fairbank Street Road closure request

On a Maiore/Sklar motion, the board voted unanimously to approve the road closure request for June 22nd from 1 – 4pm.

Old Library Payment Request #6

On a Minar/Sklar motion, the board voted unanimously to approve payment of \$135,682.56 to Rinaldi Inc.

Carlson Orchards Inc. – Public Hearing - Liquor and Common Victualler license requests

Wallace opened the hearing introducing applicant Franklin “Frank” Carlson. He was joined at the table by Steve Rowse.

Carlson explained his requests:

Common Victualler for the sale of his fruit, ciders, frozen pies & crisps, salsas, honey, maple syrup, jams, jellies, dried apples, sauces and gift items. These products are sold during retail store hours daily from 9am to 6pm.

One day liquor licenses (additional 60 day requested) for sampling & tasting of Carlson Orchards cider blends. The requests are for Thursdays & Sundays from 11am to 6pm and Friday, Saturday and Monday holidays 11am to 8pm. The dates requested begin in July and end in December. The one day license designated area includes the tap/tasting building & adjacent patio area (see attached map).

Farmer Series Pouring Permit to allow customers to sample/taste and purchase Carlson Orchards Blends of Hard Cider. This request is for pouring on Mondays, Tuesdays & Wednesdays in the 800 sq. ft. retail store from 9am to 6pm. Sale of product will occur during normal store business hours; 9am to 6pm daily for off premise consumption.

Carlson acknowledged his request is a bit confusing due to the two differing liquor license requests he is asking for. He explained the Farmer Series Pouring Permit limits him to only his product therefore if he were to rent the tap/tasting room for a private event those renting the space would be unable to offer other libations.

Select Board questions

Minar asked for clarification on the areas to be licensed and if they plan to hold special events that would require additional licensing. Carlson is only acting on the applications he has submitted at this time. Minar asked for confirmation only Carlson products will be offered. Carlson answered yes.

Maiore asked about traffic mitigation. Carlson said currently they are able to park 350 vehicles in the field. He explained past practice has always been to not allow additional cars once they are at capacity and patrons are never encouraged to park on the roadway. In addition, they have employees on site during busy weekends to help control the traffic flow.

Minar asked if police details would be required and how long Carlson expects patrons to mill around after last call at 8pm. Carlson admitted there are many unknowns until they actual begin operating under the new licenses.

Minar and Maiore asked about future plans as far as events. Carlson plans to first see what the response is before he decides exactly how things will operate in the future. He is interested in maximizing his potential but in a reasonable manner.

Public Input

Bragan distributed a letter from an abutter (see attached) expressing concern from traffic in surrounding neighborhoods and hours going beyond 6pm.

Chris Green, 102 Oak Hill Road, was confused about the two different license requests before the board and where on the property the pouring will occur. In the tap/tasting room or at the stand? He expressed concern for the future if this type of licensing is granted in a residential area. He questioned how many accessory uses a farmer can utilize? Carlson answered the pouring license is intended for when the tap/tasting room is not open allowing patrons to sample ciders.

Kerri Green, 102 Oak Hill Road, has done research on the farmer series pouring license and wondered if they will offer a 16 oz. pour or larger. Carlson understood this to be up to the Local Licensing Authority to regulate however he plans on only 16 oz.

Mary Arata, 155 Ayer Road, asked about the measurement for tasting. Town Administrator Tim Bragan said the amount is set by the Alcohol Beverages Control Commission (ABCC). Arata noted any one applicant cannot be granted more than one 30 day license in any calendar year. Bragan corrected her that the requests before the board are from three different applicants and the law does allow for this however the decision is left up to the discretion of the Local Licensing Authority. She views this approach by Carlson Orchards Inc. as a way of gaming the system.

Judith Schutzman, 70 Littleton County Rd, asked about the applicant's intent requesting so many one day licenses. Are we pushing the envelope here? Bragan said we are within the law to grant as requested and the applicant has the right to apply. Schutzman spoke about Oak Hill being a dangerous roadway. She wants to prevent any terrible mishaps from happening because of someone having a couple of drinks.

Susan Tarrant, 136 Oak Hill Road, loves Carlson Orchards and all their products. She agrees with concerns expressed by Schutzman. She is also aware of a town in Rhode Island that granted this same type of license which brought on issues that have since turned the town and business against each other. She would hate for this to happen here. We need to be mindful of what we are getting into by granting such licenses.

Don Green, 80 Oak Hill Road, expressed support for Carlson Orchards however he is skeptical of the request without knowing the whole picture. He seeks more information on the long term plans.

Carlson said his intent currently is for what is requested in the applications submitted. He would prefer asking for more now and then cutting back instead of asking for less and having to come back before the board. His understanding is that the Select Board holds the cards on what can and cannot be allowed. Bragan noted licenses are renewed on an annual basis therefore if issues arise they can be addressed. Executive Assistant Julie Doucet added the Local Licensing Authority will craft conditions to be issued with the license.

Kerri Green asked again for detail on future events. Carlson does not have specifics now but will do what works best for the facility, business and community.

Kerri Green asked the Select Board to not issue any licenses past 6pm.

Chris Green was still confused on the areas for each license and asked the board to consider outdoor lighting and music when granting any licenses to Carlson Orchards.

Margaret Nestler, 31 Cruft Lane, supports farmers and enjoys Carlson's cider. She asked questions about capacity in the tap room, capacity control, overflow parking and how many pours patrons can have. Carlson said the capacity of the tap/tasting room is 120 and they will control parking as they do now. Wallace noted those serving must be TIPS certified.

Kerri Green asked if Carlson's one day license could accommodate a caterer who may be hired for a private event in the tap/tasting room. The caterer may need to apply for their own license depending on the event.

Bill Calderwood, 54 Woodchuck Hill Road, agreed the Select Board must fully understand the request before them. He has ridden bicycles with his children on Oak Hill Road and is hopeful children will still be able to enjoy the neighborhood. He acknowledged traffic is an issue in town in other areas not just on Oak Hill Road.

Eric Fisher lives locally and requested the tasting hours coincide with the retail store hours. In addition, he asked if serving food is required when serving alcohol.

Mary Arata asked about the requirement of purchasing products for a one day license from a wholesaler and if the public safety department was consulted. Rowse confirmed a wholesaler will be used and Executive Assistant Julie Doucet confirmed Police Chief Ed Denmark has reviewed the application and will assist in crafting conditions for the license.

Maiores asked Carlson if there have been any notable issues at the farm. Carlson answered no.

Kerri and Chris Green spoke again to reiterate their concerns for the neighborhood and urged the Select Board to be mindful when setting conditions for the license.

Minar expects licenses issued to be very detailed with days, hours and detailed description for the licensed premise.

On a Maiores/Sklar motion, the board voted to close the hearing.

The Select Board members will send their conditions to Executive Assistant Julie Doucet. Draft conditions will be discussed at the June 25th meeting.

Maiores is unsure about granting of additional one day licenses and supports requests for 6pm instead of 8pm. von Loesecke recommended the common victualler license clearly state the items listed on his application.

Library Trustee communication follow up

Trustee Davida Bagatelle came as a follow up to the issue that arose around removal of trees near the library that were later discovered to be on town land. She is grateful for the recent visit from liaison Kara Minar. Bagatelle is hopeful communication and set protocols will be easier to navigate in the future. The Select Board members agreed.

Fire Department – Surplus of Tanker, Special Municipal Employees, Fire Pond

On a Maiores/Sklar motion, the board voted unanimously to surplus the second tanker truck.

On a Sklar/von Loesecke motion, the board voted unanimously to designate the call firefighter position as a special municipal position. The Chief has several new firefighters that work in other capacities within town therefore this designation is necessary.

Fire Pond study

Chief Sicard was pleased to report he found a company that is able to provide the necessary bathymetric study for the fire ponds in town. He expects them to begin the project toward the end of the summer.

On a Minar/Maiores motion, the board voted unanimously to approve \$21,440.00 to permit SOLitude Lake Management to move forward with the project.

Select Board reports

Minar reported the MVP listening session was held and a final report is being drafted.

Sklar reported the Transfer Station sticker sales have begun. Bags are now available at all locations. He complimented the Finance Department for their efforts during this transition. He noted frustration with the program and costs should be directed to the Select Board and not the Town Hall staff.

Sklar reported Park & Rec is getting their Field subcommittee underway. They discussed the importance of determining what sports can be played on what fields. Von Loesecke said a smaller field for t-ball age children will be located at the new HES school along with a bigger field for soccer and lacrosse. They also discussed determining which conservation lands allow for recreational use.

Board Reorganization

Sklar nominated Kara Minar as Clerk. The board voted unanimously in favor.

Von Loesecke nominated Rich Maiore for Vice Chair. The board voted unanimously in favor.

Maiore nominated Alice von Loesecke for Chair. The board voted unanimously in favor.

The meeting was adjourned at 9:00pm.

Documents referenced:

Dog Hearing – letters from David Gowel dated 5.21.2018, Julie Gowel dated 5.26.2019, Elizabeth Begin dated 5.28.2019, Ann Ferguson dated 6.7.2019 and Jennifer Aho dated 6.6.2019

Old Library Addendums #3 & #4 – dated 6.11.2019

Girl Scout proclamation request letter – dated April 2019

Devens Framework Committee letter – dated 4.30.2019

Hildreth House Phase 2 scope of services – dated 5.31.2019

Purchase of voting machine request – dated 5.4.2019

EDTA recommendation – dated 6.6.2019 Fairbank Road closure request – dated 6.6.2019

Old Library pay request – dated 5.31.2019

Carlson Orchards – Common Victualler application dated – 5.22.2019

One Day application – dated 6.7.2019

Farmer Series Pouring Permit – dated 5.23.2019

Fire Dept – Bathymetric Study Contract – dated 6.6.2019