



Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency and signed into law on June 16, 2021, this meeting was conducted via remote participation.

Select Board members present:

Stu Sklar, Alice von Loesecke, Kara Minar, Rich Maiore
Erin McBee was absent

Town Department attendees:

Town Administrator Tim Bragan, Assistant Town Administrator/HR Director Marie Sobalvarro and Executive Assistant Julie Doucet

Additional participants:

John Connell, Frank Carlson

Carlson Orchards Entertainment License Hearing

Stu Sklar opened the hearing by first confirming appropriate notice was made to the abutters and publish in the Harvard Press. Carlson's attorney John Connell confirmed notices were mail and Executive Assistant Julie Doucet confirmed the legal notice ran in the press.

Applicant Frank Carlson is requesting 14 one day entertainment licenses:

October 22, 23, 24, 29, 30, 31 & November 5, 6, 7, 12, 13, 14, 19, 20

Initially they applied for an annual entertainment license but due to septic capacity limitations that was not an option. Connell confirmed they have applied to the Board of Health for portable restrooms to address the issue with capacity. They have received approval for temporary use of portable toilets for a period not to exceed the 14 calendar days and times being requested. Frank Carlson expressed his frustration with the process but is trying to be legal in his operations.

Sklar asked if there had been any feedback submitted through the Select Board office from the public. Doucet confirmed she received one email from abutter Susan Tarrant which was shared with the board members.

Sklar opened the hearing to the public.

Public speaking in favor

Linda Hoffman owns Old Frog Pond Farm. Her orchard is smaller in comparison to Carlson's but she still understands how much work it takes to grow apples, maintain the farm and find ways to bring the public in. She said the town should do all they can to show support for the orchards.

Beth Williams said we need to support our orchards as best we can so they do not end up as open fields or 40B developments.

Karen Fisher lives across the street from Carlson Orchards and said the communication from Frank Carlson and his daughter Katie has always been very collaborative. Her and her husband enjoy the music. They attended the meeting to show their support.

Bill Carrol lives on Old Mill Road spoke in favor of the request. He views this as an opportunity to enjoy live music outdoors and with the early end time he cannot imagine this could be an issue.

Arlene Genova lives on Still River Road and supports entertainment ending by 7pm.

Sue Reedich lives on Partridge Hill Rd and supports the request. She enjoys visiting Carlson's as a wonderful place to get together and listen to live music.

General comments/feedback

Robin Calderwood lives on Woodchuck Hill Rd. She asked if the weekend traffic detour would be put in place for entertainment dates. She said more monitoring or enforcement of speed limits will be necessary if that is the case. She has witnessed a large increase in traffic since the detour began and wondered if it makes more sense for traffic to be directed through the town center instead of windy back roadways.

Susan Kilroy-Ames lives on the corner of Slough Road and Woodchuck Hill. She has noticed a constant volume of cars from when the detour began and is surprised there has not been an accident. She agrees a route toward the center may make more sense.

Stu Sklar expected a roving officer to help with the traffic detour. He recalls speaking with Acting Police Chief James Babu and Mr. Carlson about two details; one at the entrance and one roving.

Gwen Leonard lives on Woodchuck Hill Road. She asked for clarification on the hours being requested and on capacity limits from the Board of Health. Attorney Connell confirmed hours being requested are 1pm to 7pm. Leonard added in a previous hearing Attorney Connell alluded to the fact that some neighbors had sued the Carlson's which she stated was not true. She agrees speeding and volume of traffic has increased in the area and suggested Harvard consider a noise ordinance.

Pat Cooper is working as the entertainment director for Carlson Orchards. She said they are always very careful with volume when bands are playing. She has been in direct contact with neighbor Karen Fisher about this very issue. She said sometimes bands are even unplugged but when music is amplified, they are always mindful of the volume. She indicated Carlson's does not charge admission or a cover charge for the entertainment and are doing it primarily as a way to say thank you to their customers.

Public speaking against

Susan Tarrant lives at 136 Oak Hill Road. She said the noise level from music has been reasonable thus far. She suggested detail pay for officers at the corners to monitor speed especially in the darker evenings.

Don Green lives at 80 Oak Hill Road. He expressed his concern the board has given Carlson Orchards all they have asked for but they may want to go back and review to be certain everything is in order. Green said he is not against the request but feels it is imperative to make certain it is all being done legally. He also expects all orchards in town to be treated fairly. Green does not believe there is any potential threat of the Carlson family selling their property to developers.

Kerri Green lives on Oak Hill Road. It was important to her to point out some possible conflicts in the hours of operation for the pouring permit and the requested entertainment. Her understanding is that when alcohol is served and entertainment is offered a license for that entertainment is required. Green noted the action of the board to allow the extension of hours originally was in the height of the pandemic with patio allowances to expire in the spring. She also noted live entertainment is not allowed in the commercial district. She asked the board to consider postponing any decision to allow time for outstanding questions to be answered. This would assure the licenses are being granted correctly.

Gwen Leonard who spoke previously asked about the occupancy of 66 set for the building. Town Administrator Tim Bragan said this limitation by the Board of Health has been addressed for these dates by requiring portable restrooms.

Chris Green lives on Oak Hill Road in the same neighborhood and questions the need for this excess and what precedent this sets.

The public portion of the hearing was closed.

Select Board deliberations

Alice von Loesecke read allowed the memo from the Board of Health (Attachment A).

Kara Minar spoke about the desire to help the orchards be successful and wondered if there may be a better way to handle these requests with public concerns.

Rich Maiore asked Frank Carlson if they have had any noise complaints over the past few months. He has not neither has town hall or the public safety department. Frank Carlson said he met with Susan Kilroy-Ames resulting in an additional sign at the corner of Woodchuck and Slough to help with the traffic issues. Maiore agrees traffic has increased therefore he supports another review of the traffic plan. Maiore is confident the town has done everything right up to this point. All necessary hearings have been held. He understands there is frustration however unless there is evidence otherwise, he remains confident in what has been done thus far.

Alice von Loesecke was able to locate the current conditions. She noted the conditions state all patrons shall leave the licensed premises no later than one hour after the end of alcoholic beverages being served and amplified sound will cease at that time in addition, when any events occur where there will be an estimated 100 or more attendees/participants a police detail will be necessary. She is in agreement with what Rich Maiore stated earlier that all approvals have been done in accordance with town policies and state laws.

Stu Sklar asked if the requirement of an additional roving police detail should be a condition on the entertainment license but fellow members von Loesecke and Maiore did not agree. As a matter of public safety, they view it as the towns' responsibility. Frank Carlson spoke out that he too was not entirely sure about paying for a detail beyond his establishment. Maiore offered to meet with Acting Police Chief James Babu to discuss this further. He believes traffic is an issue regardless of the entertainment.

Town Administrator Tim Bragan made it known that various town departments have been doing their best to work with Carlson Orchards and their ever-changing requests. It is not only frustrating for neighbors but for town staff as well.

By a roll call vote, Maiore – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve entertainment licenses as submitted by Upton, Connell and Devlin letter October 5, 2021.

Sklar thanked everyone for their input and assured residents' issues raised will be addressed.

Public Communication

SusanMary Redinger, Ayer Road, urged the Select Board members not to rush into adopting a code of conduct before comments can be given by committee/board/commission members. She suggested naming it a code of governance. On a separate note, she asked about the traffic sign on Bolton Road and suggested they revisit signs with flashing lights as another way to try and slow traffic.

Follow up from town meeting

Stu Sklar began by remarking on how well attended the meeting was along with how successful it was with the majority of articles passing. Everyone was very pleased with the outcomes for the senior center and the fire truck. Tim Bragan will start the next steps related to the speed articles. Alice von Loesecke noted an article will be required in the spring to finesse some of the language in the erosion control bylaw. In the meantime, the DPW can file with the Planning Board if need be. The board members decided to discuss the town election vote on the Bromfield House and the letter from the School Committee related to educational uses for the building at their November 16th meeting.

Discuss upcoming budget season

Tim Bragan finalized the budget calendar and memo after input from the board members. He reported the information will go out to all boards/committees/commissions and town departments this week.

Staff Report/Updates (Attachment B)**Agricultural Advisory Commission appointment**

By a roll call vote, Maiore – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to appoint Matthew Varrell as a voting member on the commission from an alternate member.

Act on chapter land notice of intent – 39 Glenview Drive

Tim Bragan explained the notice of intent is from residents Dan and Anne Ferguson. They are dividing their property to create a buildable lot. Executive Assistant Julie Doucet confirmed no interest from pertinent town departments or the Harvard Conservation Trust. By a roll call vote, von Loesecke – aye, Minar – aye, Maiore – aye, Sklar – aye, voted unanimously not to exercise their right of first refusal on 39 Glenview Drive.

Discuss adopting the code of conduct

The board members asked the draft they discussed at their Strategic Planning Session be shared with all board/committee/commissions for their input as well. They set a deadline for the end of November. They will discuss and or act on this at their second meeting in December.

Select Board Reports

Rich Maiore asked about the Revenue Ideation Committee. Kara Minar may have two citizens at large interested. Maiore suggested revisiting the charge to remove any obstacles so the committee can get underway.

Alice von Loesecke said a resident contacted her to let her know how wonderful Marlene Kenney is as our Town Clerk. She wanted to mention this publicly.

The meeting was adjourned at 9:00pm.

Documents referenced:

Carlson Orchards – Entertainment License

Application dated 9.12.2021 and letter amending the request dated 10.5.2021

Chapter Land Notice of Intent – dated 9.14.2021

Draft Code of Conduct – June 2021



BOARD OF HEALTH

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MEMO

To: Select Board

CC: Tim Bragan, Town Administrator; John P. Connell, Esq.

From: Harvard Board of Health

Date: October 19, 2021

Re: Carlson Orchards' Temporary Use of Portable Toilets

In connection with Carlson Orchards' application for fourteen (14) One Day Entertainment Licenses, the Harvard Board of Health (HBOH) has approved the temporary use of portable toilets for a period not to exceed the fourteen (14) calendar days and times requested on Carlson Orchards' Portable Toilets Temporary Permit Application of October 18, 2021.

HBOH food service approval for the Tasting/Tap Room remains at 66 seats, inclusive of interior and exterior seats.

Use of portable toilets is not a long-term solution to septic capacity limitations.

Thank you.

Staff Report October 19, 2021

1. The Town with the help of our Commission on Disabilities and our Facilities Director has applied for a grant from the Massachusetts Commission on Disabilities in the amount of \$29,800. To redo the bathrooms and ramp at the beach house.
2. COA Proposed New Building:
 - a. Counsel is working on the official offer, the P&S, and deed documents and we have agreed that if the November 2nd vote passes then the closing will be the 18th of November.
 - b. Also, after the November 2nd vote, the architect will begin work on the final design and construction documents immediately.
 - c. If all goes well, we will be looking at a July or August move in.
3. Bromfield House:

Attached is a letter we just received from the School Committee regarding an educational use for the Bromfield property. In my opinion, this letter then nullifies the 2013 letter from the School Committee in which they said they had no educational use for the property and the amount required to restore the building was too great and not worth it (I am paraphrasing). Since the property has not been turned over to the Board yet and the school is still using it (for construction offices) and does have plans for it, I suggest the Board send a letter to the School stating that the property is still under their control and will remain in their control and that the Select Board will assist the School Committee as they pursue these alternative educational uses for the property.
4. Health insurance:
 - a. The IAC will be meeting on Tuesday, 10/26, and will be bringing their recommendation to the SB at the second meeting in November.
 - b. MNHG met Monday morning and voted to move the most-subscribed Medicare plan, Tufts Medicare PDP, from fully-insured to self-insured. This has reduced the CY22 rates.
 - c. Harvard's CY21 liability for MNHG Medicare subscribers is presently \$512k (~134 subscribers); the impact of today's vote would be a reduction for the Town to \$498k in **CY22**. (The Town's projected liability for ~134 Medicare subscribers with the MIIA plans in CY22 would be \$446k).
 - d. The first quarter funding analysis for MNHG non-Medicare plans was distributed (attached) – this is a snapshot of insurer performance which only reflects the first quarter of the plan year.

5. Old Library:
 - a. Attached are the preliminary bid results for the work to be done at the old Library. Gale Associates is reviewing all of the bids and doing the background checks as required. This is currently unofficial until they complete their work.
 - b. We are fighting with the State over their denial of the grant to Fivesparks. They believe that because the Town is the ultimate beneficiary that it amounts to revenue enhancement to the Town.
6. Budget Information:
 - a. There is still no indication from the State as to what their plans are for revenue in FY23. We expect this information in December.
 - b. The State does have a five-billion-dollar surplus from FY21 and have not decided what they are going to do with it. A portion of this does have to go to the rainy-day fund and there is approximately \$303 million of FY21 deficits that need to be filled. That said MTF expects that by the time the House and Senate are done that there would be approximately \$1.5 billion for them to spend along with the \$4.8 billion in ARPA funding the State has.
 - c. Gaming revenue to the State for three months (July, August, and September) were the highest three months to date with the state receiving \$27million, \$26.15 million, and \$25.1 million in taxes and fees for a three-month total of ~\$78,000,000.
7. Attached is the most recent document from the State regarding "Allowable uses of ARPA Funds".
8. Attached is a letter the HEAC sent to the State's Utility Division in support of the NGRID application to approve a lower kelvin option for streetlights.
9. Just another reminder that Annual License Renewals will be happening in December.
10. Carlson Orchards is required, per your license requirements, to have another hearing for their on-premise license. They are working on their sprinkler system, which will allow for a greater number of people inside the building. However, their septic is only for up to 66 people (using the facilities). This includes indoor and outdoor users. I have been informed that the BOH will have no option but to enforce the 66-person limit in the future. The Select Board can assist the BOH by limiting the licensing to just the 66 until the owner expands the septic system for the business.
11. There will be a hearing coming up for #2 Brown Road for an underground storage of propane permit.



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October 13, 2021

Dear Select Board Members,

The School Committee unanimously agreed at our March 8th meeting to support the town's continued ownership of the land associated with the Bromfield House. Unanimously, the committee endorsed the value of the town keeping the land adjacent to the schools, and expressed a desire to develop the land with an educational use to benefit all students in the district.

We are writing now in support of the emerging plan to develop the lot into a multi-purpose park that would contain facilities for both academic and physical recreation learning opportunities. Outdoor learning spaces, which the district has relied upon heavily during the pandemic, have provided multiple benefits to our students and teachers. The tents are not a permanent solution and the cost of them has been covered by one-time Covid-related grants. The Bromfield lot presents an obvious solution for year-round outdoor learning spaces, such as large pavilions, that would be in regular use.

The park could also include physical recreation opportunities for students as well as community members. Possible athletic uses brought forward by the chair of Parks and Recreation at a recent school committee meeting include pickleball courts, a skateboard park and a bicycle pump track, all of which have received support from residents in town and would benefit students either through school curriculum (e.g. pickleball for our elementary students), or after school hours for recreational use.

The School Committee is in support of partnering with the Parks and Recreation committee to develop a schematic plan for the lot in time for Town Meeting next spring so that residents can make a choice based not just on what is currently on the lot, but what the land could provide for its students and residents for the future. We therefore, reiterate our recommendation and desire to keep the lot as municipal land and hope the Select Board understands the long-term value this land represents for Harvard.

Sincerely,

A handwritten signature in cursive script that reads "Susan Mary Redinger".

The School Committee

Susan Mary Redinger (chair), Abby Besse, Suzie Allen, Sharlene Cronin, Shannon Molloy