



**Select Board Minutes**  
**Tuesday, November 7, 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:**

National Grid Representative Javier Morales, Regional Assessor Mike Saltsman, Josh Malam, Joe Gatto, Patrick & Leslie Bunnell, BHPWMC Chair Bruce Leicher, PBC Chair Pablo Carbonell, Mark Mikitarian

**National Grid Pole Hearing – Fairbank Street**

Representative Javier Morales explained this request is for the installation of a new pole to serve an upgrade of service at 5 Fairbank Street. He explained the utility poles in the area are congested therefore a new pole is necessary. He said when homes become fossil fuel free it requires more equipment to satisfy the increase in electricity demand.

The Select Board members asked Morales to have the unnecessary pole in the Bromfield School driveway removed. They reminded him of this request being made many times over the past few years with no response from National Grid. The board decided to not act on this recent request until there are substantial efforts to act on this previous request made by the town to National Grid.

Homeowner Fay Martin asked the board to not put her project on hold due to this issue.

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to continue the hearing to the 21<sup>st</sup> of November.

**Tax Classification Hearing**

Regional Assessor Mike Saltzman recommends the town maintain a single tax rate. His presentation included the fiscal year 2024 calculation of the levy limit, amount to be raised and valuations by class. He said property values continue to rise therefore the tax rate will be lower than last year. The average property value in Harvard is \$875,968. He does anticipate a slowdown however they have not seen that yet. By a roll call vote, Minar – aye, Ludwig – aye, Oliver – aye, McBee – aye, Maiore – aye, the board voted unanimously in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2024 tax rates and set the Residential Factor at 1.0, with a corresponding CIP shift of 1.0, pending approval of the town’s annual tax recap by the Massachusetts Department of Revenue.

### **Dog Hearing – November 7, 2023**

Chair Rich Maiore opened the hearing being conducted under Chapter 140 of the MGL's at 7:30pm by outlining the hearing process and noted a decision is not required this evening.

Rich Maiore read aloud the victim's statement. He then swore in the parties that all information and statements are the whole truth and nothing but the truth.

#### *Testimony of complainant*

Patrick Bunnell said his home abuts the Gatto property. He explained during the spring, summer and fall months you are unable to see their home through the trees. They do not interact. They have seen the Mastiff on their property prior to this incident. Once in June prior to their son's graduation party. It was stressful because the dog would not leave their property however, he was not aggressive. They had no idea where the dog came from. Patrick Bunnell explained on the day in question he and his wife were doing yard work. He suddenly heard an awful sound which was his wife screaming. He immediately ran to where she was and saw a large brown Mastiff violently attacking their dog, George. He was able to scare the dog off. The dog ran towards the Abbot Lane property. The Bunnell's brought George to the Westford Veterinary Emergency Center. He was treated for large puncture that required he be shaved and have a drain. Patrick Bunnell shared a picture of the injury his dog sustained. His wife Leslie Bunnell put a picture on Next Door Harvard of a dog that looked like the one who attacked George to try and find out any information they could on this dog. They contact Dog Officer Paul Willard and the Police Department. Willard suspected it could be a dog living at 15 Abbott Lane because dog owner Josh Malam reported his large brown Mastiff missing which fits the description of the dog that attacked George. Willard confirmed there was no other Mastiffs in the neighborhood. Patrick Bunnell has lived next to Gatto, owner of 15 Abbott Lane, for quite some time. He said the dogs are left outside and bark incessantly at all hours of the day and night. He understands Mr. Malam is disputing this was his dog but then whose dog, was it? This incident has been a nightmare for the Bunnell family. They are seeking reimbursement for the costs incurred but more importantly want to feel safe in their yard. This was a horrific incident for them and they want something done about it. He indicated his youngest brother will not allow his children to be outside in their yard after this incident.

#### *Dog Officer Report*

Dog Officer Paul Willard agreed with the testimony given by Patrick Bunnell. He has no doubt George was attacked by Mr. Malam's dog. He believes the dog is dangerous to other dogs however not sure how he is with people. He knows this dog lives at 15 Abbott Lane.

#### *Dog owners' testimony*

Josh Malam apologized to Leslie and Patrick Bunnell. He stated he spoke with the Dog Officer and based on the timing of the events he thought they had an understanding that it was not his dog. He admitted to owning a brown Mastiff. He described his dog as kind and has never shown any tendencies to harm like the incident that has been explained. He said his dog does not leave the property unless on a leash and is in his crate most of the day. His dog is not connected to the wireless fence at the property. He was adamant it could not have been his dog. He is aware the dogs barking has been an issue as they were summoned into Clinton District Court to speak with the Clerk Magistrate. He explained the 15 Abbott Lane address is being considered as operating a disorderly household and if another complaint is filed within the year further action will be taken therefore the dogs have been kept inside. Josh Malam said he is moving to Colorado in December with his dog and another dog owned by Mr. Gallo. His stay in Harvard was temporary. He mentioned Mr. Gatto has plans to sell his home.

Town Administrator Tim Bragan clarified the summons was for the barking dogs and did not include this incident. The Bunnell's were unaware the court was involved.

#### *Select Board Questions/Discussion*

Rich Maiore asked if his dog goes outside without a leash. Charles Oliver asked if the dog can get out on his own. Josh Malam answered no. He said his dog does not get along with one of the other dogs therefore they are kept apart. Charles Oliver asked for confirmation on the number of dogs living at 15 Abbott Lane. Josh Malam said there were four but one recently passed away. Mr. Gatto confirmed the fourth dog passed on September 28<sup>th</sup>. There were some inconsistencies with the timeframe. Town Administrator Tim Bragan confirmed none of the dogs living at 15 Abbott Lane have been properly licensed with the town. Josh Malam indicated he was only in town temporarily but his dog was licensed in Brighton where he was living previously. Kara Minar asked if the brown Mastiff has had issues prior to this incident. Josh Malam answered no saying his dog is lazy in his crate most of the time.

#### *Additional comments*

Patrick Bunnell said they have seen the brown Mastiff a couple of times this spring. He indicated his property is about 75 yards from 15 Abbott Lane making it very easy for the dog to gain access to their property.

#### *Options outlined by Town Administrator*

Town Administrator Tim Bragan explained options available to the Select Board related to this incident. He said the board has a wide range of options when it comes to dangerous dogs. They can require leashing, muzzling, restricting to property as well as fencing requirements amongst other options. They can also not allow the dogs back into town once they leave. He said the one option the board does not have is banishing the dogs from town.

#### *Conclusion of Hearing*

The board members agreed that it is unlikely there is another dog in the neighborhood that fits this description. Charles Olivier said the dogs not being registered is troublesome especially with no confirmation of rabies vaccination.

Charles Oliver said based on the testimony there is not enough evidence to classify the dog a nuisance however there is enough evidence to classify the dog dangerous.

Charles Oliver made a motion to deem the brown Mastiff a dangerous dog; seconded by Rich Maiore. The board voted unanimously, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, to deem the brown Mastiff a dangerous dog.

#### *Decision conditions*

The board members decided on the following:

- Reimburse the Bunnell family within 30 days for veterinarian costs associated with this incident
- Dog (Ruben) must be on a leash and always muzzled while outside and must be accompanied by either Mr. Malam or Mr. Gatto
- Dog (Ruben) must be licensed immediately with proof of rabies vaccination
- All outstanding fines must be paid
- Notice of Mr. Malam moving from town with two dogs including Ruben by mid-December
- Homeowner (Joe Gatto) must supply proof of homeowners insurance for the dogs

The dog hearing was officially closed at 8:35pm.

## **Public Communication**

School Committee member Suzie Allen spoke on behalf of the Harvard Educators Association (HEA) about agreement during their last contract negotiations for the town to investigate offering a 100% employee paid dental insurance plan. HR Director Marie Sobalvarro confirm this topic will be on the Select Board's November 21<sup>st</sup> agenda.

HEA member Kathleen Doherty reiterated the same request as Allen. She asked the town implement this benefit as soon as feasible and practical.

## **Current activities/monitoring - Bare Hill Pond Watershed Management Committee**

Chair Bruce Leicher gave a presentation that included:

- Background/context
- Current State of the Pond and its Watershed
- 2023 Challenges
- DEP Review of Order of Conditions
- Pump Drive Repair
- Recommendations for Beach

Leicher highlighted new challenges facing the committee. The pond has experienced Algal Blooms when a full drawdown was not possible, pump repairs, DEP questioning the Order of Conditions and an increase of invasives at the town beach. Conservation Commission Chair Eve Wittenberg said the commission is fully supportive of the committee's efforts and is understanding of the challenges they are facing. Harbormaster Bob O'Shea has offered to work with the committee to clear invasives from the beach area.

## **Minutes**

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve the minutes of 10/3 & 10/17, as presented.

## **Staff Report/updates (Attachment A)**

### **Provide direction to the Permanent Building Committee (PBC) regarding the Fire Dept facility**

PBC Chair Pablo Carbonell spoke about efforts being made on the public works building. He shared pictures of the pole barn. The project estimates have come in higher than expected. Carbonell said the PBC is seeking guidance from the Select Board on the next steps regarding the Fire Station. Town Administrator Tim Bragan confirmed this project does not have funding currently and is on the capital plan for 2026. Chief Procurement Officer Marie Sobalvarro said if the current site is not the optimal location land acquisition would have to be done in tandem with the project itself even though a possible site is available for purchase now. It was decided the PBC will informally work with the Fire Dept to determine a path forward.

### **Eagle Scout proclamation**

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to endorse Eagle Scout Proclamation for Logan Ostaszewski.

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to extend their meeting past 10:00pm.

**Fivesparks abatement request**

The Select Board members agreed to approve rent abatement for costs incurred by Fivesparks during repairs to the old library building after flooding. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve rent abatement for Fivesparks in the amount of \$2001.00.

**Appoint Recreation Director Anne McWaters to the Open Space Committee**

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Anne McWaters to the Open Space Committee.

**Noncompliance of required training by Conservation Commission member**

The board will hold a hearing at their November 21<sup>st</sup> meeting to discuss how best to proceed. The member will be notified.

**Review rental space agreement for the new Council on Aging building**

The Select Board made a minor revision to the agreement for approval at their next meeting.

**Select Board Reports**

Erin McBee reported the Planning Board continues to work on sites to meet the MBTA community requirements.

Kara Minar reported the Climate Collaborative Committee will give a quarterly update in December.

Don Ludwig reported the Finance Committee is reviewing budgets along with the revenue report shared by Finance Director Jared Mullane.

The meeting was adjourned at 10:08pm.

**Documents referenced:**

National Grid hearing request – dated 10.3.2023

Tax Classification presentation – dated 11.7.2023

Dog complaint form w/ police reports – dated 9.25.2023

Letter from Town Administration to property owner Joseph Gatto – dated 10.23.2023

Current activities/updated Bare Hill Pond – dated 11.7.2023

Proclamation request – dated 10.23.2023

Fivesparks request – dated 10.23.2023

CoA rental agreement – dated 11.7.2023

## **Staff Report, November 7, 2023**

### **Building/Facility/Project Related:**

- The deadline for Cell Tower bids were due on the 30<sup>th</sup> and we did not receive any bids. Marie reached out to David Maxson of Isotrope (our consultant) to get a read on what may have been the issue (see attached). This is a serious public safety issue for those in the area that do not have cell coverage or coverage that drops out and is unreliable. We need to do something and everything we can to get a cell provider interested. Perhaps we can deal with the planning and zoning piece or state we will work closely with the applicant on the zoning issues. Ultimately, we need a cell provider to step up.
- Our application for the site assessment at the old landfill was accepted and approved by DEP. Tighe and Bond will now move on to the next step, which is within 30-days they have to submit a work schedule and site plan showing proposed sample locations.
- The application for the Devens interconnection water project was filed on time and its receipt was confirmed by the State. We are now waiting until January to hear back from the State.
- Tim Kilhart, myself and TEC met with the State, Verizon, Charter, and National Grid regarding Article 97 lands and right-of-way issues so as to avoid those potential issues and the parties involved are working out a plan that will avoid any Article 97 issues.
- Marie continues to work with Solect and Counsel on the COA solar project. The interconnection agreement has been filed (expected installation 9/2024, and operational 11/2024)
- Marie has successfully brought on BSC to do the evaluation of the property beyond Harvard Park for ballfields and wetland remediation. They have started their work and their report is due by mid-December.
- The Police department is excited to announce that the road preparation and paving for the public safety building is set to commence during the week of 11/6, with Lazaro Paving overseeing the project. Simultaneously, DMH Electrical has made significant progress in installing the UPS power supply for the building, with half of the work already completed. They are working with Eaton to work towards scheduling a start-up and testing phase to ensure the seamless and reliable operation of the UPS power supply system for the public safety building.
- Solid waste disposal and transport bid documents are out, responses due December 14 at 1:00 p.m.
- The journey of a thousand steps for VoIP continues with an assessment/confirmation of the 5 sites (DPW, Hildreth House, Town Hall, Old Library, Library) with representatives of the platform hosting entity, the hosting company, and the Town's contracted I/T.

### **FY24 Operations:**

- The Police Chief is happy to announce that Officer Tim Shaeffer has agreed to take on the personal responsibility of having a comfort dog, which he just received and will start training with.
- Chief Babu is proud to share the first quarter update on the numbers the Stow-Harvard Co-Response Jail Diversion Program (see attached)

- COA is enjoying having more people show up for programs and the new facility seems to be more inviting and people are responding.
- Drop and Ride to Littleton train station started yesterday the 6<sup>th</sup> of November and will continue daily Monday through Friday. (see attached schedule)
- The Finance Director, the Treasurer Collector, and Counsel are moving forward with the next steps for dealing with parcels that are already in Tax Title and taking the necessary steps to move new tax delinquent parcels into tax title.

### **Police Report for October:**

- **Activity:** The department responded and/or initiated service calls for 973 calls from September 26, 2023 until October 23, 2023. Calls of service were self-initiated service calls (i.e., radar assignments, business checks) and dispatched calls, summonses, arrests and other incidents and investigations.
- **Staffing Changes:** With the recent approval of the "Civilian Traffic Agent" role, the Police Chief will be looking to appoint several agents to address the shortage in traffic details. This strategic move will not only help us efficiently manage traffic flow but also ensure the safety and convenience of our community members. They are committed to enhancing their traffic management capabilities and believe that the appointment of these agents will be a valuable addition to our efforts in this regard.
- **Grants:** The Chief is pleased to announce that his department has been awarded a generous grant of \$14,990 from the Executive Office of Public Safety under the Municipal Road Safety Program. These grants are a significant asset, providing police departments like ours with the necessary flexibility to address local traffic safety concerns comprehensively. Beyond enforcement, this grant allows them to allocate funding for equipment and innovative traffic safety programs. The primary objective is to support traditional enforcement efforts while also developing novel strategies aimed at reducing roadway crashes, injuries, fatalities, and the associated economic losses in Massachusetts. With this grant, the Chief will allocate \$10,000 towards additional patrols, enhancing their presence on the streets, and ensuring public safety. Furthermore, he will allocate \$4,990 to acquire a new Data Collector for street studies, three new portable breathalyzers, and a new LiDAR device. This funding will significantly enhance our capabilities to create a safer and more secure environment for our community.

The Police Department's recent application for a \$49,600 Mass DOT Shared Streets Grant represents a significant step towards enhancing safety in the vicinity of our schools. This grant, if approved, will enable the HPD to acquire two new Dynamic Speed Feedback Signs, similar to the successful installation in Still River, as well as a new flashing light crosswalk sign. These additions will not only help in slowing down vehicle speeds in school zones but also provide a clear visual indication for pedestrians and motorists, further ensuring the safety of our students and the entire school community. The Chief is eagerly awaiting the outcome of his application, with the hope that these measures will contribute significantly to creating safer surroundings for our schools.

With the assistance of Marie Sobalvarro and MIIA, the Police Department received a \$7,000 grant that will significantly enhance their public safety camera system. This

upgrade entails the installation of an external pole-mounted camera, as well as an additional camera strategically positioned by the ambulance side entrance.

The Benefits of this Upgrade are Two-fold:

- **Enhanced Recording for Custody Child Drop-offs:** The primary advantage of this new camera placement is the improved surveillance of areas designated for custody child drop-offs. The safety and well-being of children during these often-sensitive exchanges are of paramount importance, and having high-quality video documentation can serve as an impartial record in the event of any disputes or concerns.
  - **Internet Sales Exchange Point Surveillance:** In the digital age, a growing number of individuals engage in transactions initiated online, with physical exchanges of goods frequently occurring in public areas for safety reasons. The enhanced camera system will provide an added layer of security to those utilizing the vicinity of the police department for such exchanges, thereby fostering a safe environment for e-commerce activities. This upgrade reflects our commitment to leveraging technology to improve safety and serve our community better.
- **Technology:** The Police Department received and is in the process of setting up their state-of-the-art Automated Fingerprint Identification System for our prisoner booking area. Having secured all necessary approvals and IP addresses from the State, this advancement ensures their steadfast compliance with Massachusetts General Law 6A and 501 CMR 18.00. Not only does this maintain their commitment to top-notch standards, but it also positions us favorably for continued grant eligibility, like the Byrne Grants
  - **Community Activity.** The second annual "Coffee with the PD" event was a great success, and the Chief extends his heartfelt thanks to everyone who was able to attend. It was a fantastic opportunity for our community to engage in open and meaningful discussions with our police department, fostering stronger connections and understanding between law enforcement and the public we serve. They also met with Loaves & Fishes, where he met and connected with dedicated leaders and passionate volunteers engaged in the fight against hunger was an incredible experience. The Chief is grateful for the opportunity to collaborate with the Loaves and Fishes Pantry and its exceptional team as they work together to combat hunger.
  - **Training Update:** The Police Chief's commitment to ongoing training and certification updates remains steadfast. Starting last month, they put in place a comprehensive schedule of training, ranging from on-site sessions to internal training initiatives. To enhance the proficiency and capabilities of our police officers, they are introducing new elements into our training regimen. The Chief is pleased to announce that training for Taser and Less-lethal shotguns has been finalized, and equipped all our vehicles with less lethal shotguns. They are hosting the 40-hour Crisis Intervention Training class this week, marking the third such class at our PD. The Police Chief takes pride in not only certifying all our officers but also in their role as a training resource for officers from other agencies through their partnership with Open Sky. The department's commitment to excellence in law enforcement training continues to be a top priority.

**FY25:**

- The CPIC, FinCom, and CPC are all working toward having their recommendation done in accordance with the schedule set in place earlier this fiscal year (see attached). Budgets have been submitted or requests made and questions and answers are flowing between the committees and departments.
- There is no info from the State on revenue projections as of yet. We expect some info in mid to late December with the Governor's budget due mid January.

**Legislature/Beacon Hill: (information from State House News unless otherwise noted)**

- The tax relief plan was approved by the Legislature (attached is an article from NBC Boston on what it could mean for you.)
- The Governor came up with a very novel idea to use Rainy Day Fund Interest to attract federal funds to the State. It is a novel approach and one that should be very productive as well.
- The lottery is seeing record profits due in large part to Power Ball jackpots (see attached)

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

- Julie sent out the 2023 Town Report notice to all departments, boards, and committees and the deadline for submitting the material is January 18, 2024.
- Town Offices will be closed the day after Thanksgiving as staff will be using PTO for that day.
- 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>
- Annual Licensing will be coming up at the Board's second meeting in December (12/19/23).