



**SELECT BOARD
AGENDA
Tuesday, November 7, 2023
7:00pm**

Rich Maiore, Erin McBee, Kara McGuire Minar, Don Ludwig, Charles Oliver

Pursuant to 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 will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Select Board

Time: Nov 7, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86597921874?pwd=N2k4d0JTSWsyMzZDeIFlemZ0cXhIZz09>

Meeting ID: 865 9792 1874

Passcode: 149399

One tap mobile

+13017158592,,86597921874# US (Washington DC)

+13052241968,,86597921874# US

Dial by your location

Find your local number: <https://us02web.zoom.us/u/kcJeRCzqxz>

AGENDA ITEMS

- 1) Call meeting to order – Chair Rich Maiore
- 2) National Grid pole hearing – Fairbank Street (7:00)
- 3) Tax Classification Hearing (7:10)
- 4) Dog Hearing (7:30)
- 5) Public Communication (8:00)
- 6) Current activities and monitoring presentation from Bare Hill Pond Watershed Management (8:05)
- 7) Approve minutes 10/3 & 10/17 (8:20)
- 8) Staff Report/updates (8:25)
- 9) Action/Discussion Items:
 - a) Provide direction to the Permanent Bulidng Committee regarding the Fire Dept facility
 - b) Act on Eagle Scout proclamation
 - c) Fivesparks abatement request
 - d) Appoint Recreation Director Anne McWaters to the Open Space Committee
 - e) Discuss noncompliance of required training by Conservation Commission member
 - f) Review rental space agreement for the new Council on Aging building
- 10) Select Board Reports

***Next Regular Select Board Meeting
Tuesday, November 21, 2023
7:00pm***



October 3, 2023

Town of Harvard

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Please notify National Grid's Vincent LoGuidice of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845. Phone 978-725-1392.

Very truly yours,

Patrick Shea
Supervisor, Distribution Design

Enclosures

Questions contact – Javier Morales 508-860-6270

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Harvard, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Fairbanks St - National Grid to install 1 JO Pole on Fairbanks St beginning at a point approximately zero feet northwest of the centerline of the intersection of Fairbanks St and Old Littleton Rd and continuing approximately 130' feet in a northwest direction. Install one JO Pole about 130' northwest of the intersection of Fairbanks St and Old Littleton Rd.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Fairbanks St - Harvard - Massachusetts.

No. 30779916 September 13, 2023

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a

NATIONAL GRID *Pat Shea*

BY _____

Engineering Department

VERIZON NEW ENGLAND, INC.

BY *Albert E. Bessette* _____

Manager / Right of Way

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - Harvard, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 13th day of September, 2023.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Fairbanks St - Harvard - Massachusetts.

No. 30779916 Dated September 13, 2023. Filed with this order

There may be attached to said poles by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Fairbanks St - National Grid to install 1 JO Pole on Fairbanks St beginning at a point approximately zero feet northwest of the centerline of the intersection of Fairbanks St and Old Littleton Rd and continuing approximately 130' feet in a northwest direction. Install one JO Pole about 130' northwest of the intersection of Fairbanks St and Old Littleton Rd.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the of the City/Town of _____, Massachusetts held on the _____ day of _____ 20__.

Massachusetts City/Town Clerk.
20__

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on _____, 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of _____, 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest:
City/Town Clerk

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - Harvard, Massachusetts

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Massachusetts City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on _____ 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

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poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

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.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

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hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of _____ 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest:

City/Town Clerk



Fairbanks St

5

1-50

1-53

Request to the town of Harvard to approve a grant of location for one new utility pole #1-50. This new location is to satisfy a customer upgrade at 5 Fairbanks St.

LEGEND

 Proposed JO Pole

DRAWING NOT TO SCALE DISTANCES ARE APPROXIMATE

PETITION

HARVARD

MA

Petition To The Town of Harvard.

Date: 9/12/23

Designer: J.Morales

Work Request: 30779916

nationalgrid
& Verizon New England, INC



Fiscal Year 2024
Tax Classification Hearing

November 7, 2023

Harvard Town Assessor

David Manzello – Town Assessor

Harald M. Scheid – Regional Assessor

Michael J. Saltsman – Regional Assessor

Carol Dearborn- Assistant Assessor

Introduction

Prior to the mailing of 3rd quarter tax billings, the Select Board holds a public hearing to determine the percentage of the Town's property tax levy to be borne by each major property class. The responsibility and procedures are described in Chapter 40, Section 56 of the Massachusetts General Laws. The steps in completing the Classification Hearing are outlined below. Also provided is information about the levy, property assessments, and recommendations made by the Town Assessor.

Steps in Setting Tax Rates

Pre-classification Hearing Steps

- Step 1: Determination of the property tax levy (Budget Process)
- Step 2: Determine assessed valuations (Assessor)
- Step 3: Tabulate assessed valuations by class (Assessor)

Classification Hearing Steps

- Step 4: Classification hearing presentation (Assessor & Select Board)
- Step 5: Determine tax shift options (Select Board)
- Step 6: Voting a tax shift factor (Select Board)

Post Classification Hearing Steps

- Step 7: Sign the LA-5 Classification Form (Select Board)
- Step 8: Send annual recap to DOR for tax rate approval (Assessor)
- Step 9: Obtain DOR approval of tax rates (DOR)

Terminology

The following are definitions of the terms frequently used in the discussion of tax rates.

Levy: The Tax Levy (or Levy) is the amount of property taxes to be raised. The Levy amount is determined by the budget. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised from taxation. In Harvard, the Levy to be raised is estimated to be \$26,967,272. This represents a 2.26% increase over last year's Levy of \$26,371,298

Levy Ceiling: The Levy Ceiling is 2 ½ percent of the full value of the Town. Based on the Harvard aggregate valuation of \$1,811,341,662, the town could not levy taxes in excess of \$45,283,542

New Growth Revenue: Property taxes derived from newly taxable properties like new construction additions, renovations, subdivisions, and new personal property. The Assessors have tabulated new growth revenues of \$235,674

Levy Limit: The Levy Limit is calculated by increasing the previous year's Levy Limit by 2.5%, and adding the New Growth Revenue for the present fiscal year. Exceeding the levy limit requires an override of Proposition 2½. For Fiscal Year 2024, there are no new such overrides.

Maximum Allowable Levy: This is calculated by adding any excluded debt payments to the Levy Limit calculated above. The maximum allowable levy for Fiscal Year 2024 is \$27,138,370

Excess Levy Capacity: Excess levy capacity is the difference between the actual Levy and the Maximum.

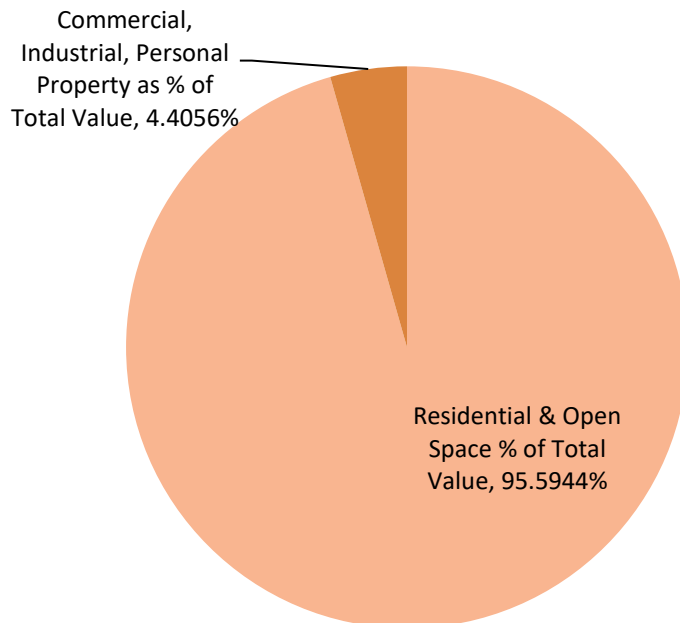
The Fiscal Year 2024 Levy Limit and Amount to be Raised

The following is a calculation of Harvard's levy limit for fiscal year 2024.

Fiscal Year 2023 Levy Limit	23,088,972
Levy Increase Allowed Under Prop. 2 ½	577,224
New Growth Revenue	235,674
Fiscal Year 2024 Overrides	0
Excluded Debt To Pay Bonds	3,236,500
Capital Expenditure Exclusions	0
Fiscal Year 2024 Levy Limit	23,901,870
Levy Ceiling	45,283,542
Maximum Allowable Levy	27,138,370
Levy to Be Raised	26,967,272
Excess Levy Capacity	171,098

Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Value</u>	<u>Percent</u>	<u>Res vs. CIP%</u>
Residential	\$1,731,541,400	95.5944%	95.5944%
Commercial	\$47,465,780	2.6205%	
Industrial	\$2,289,600	0.1264%	4.4056%
Personal Property	\$30,044,882	1.6587%	
Total	\$1,811,341,662	100.0000%	100%



Summary of Assessments (LA4)

The interim year value adjustment requires the verification, analysis, and use of arms-length sales from calendar year 2022 for the single family and condominium classes. Sales from calendar years 2021 and 2022 were used to value all other property classes, including the apartment, vacant land, commercial, and industrial classes. Market trends may indicate that each property type may change in value more or less than other property types.

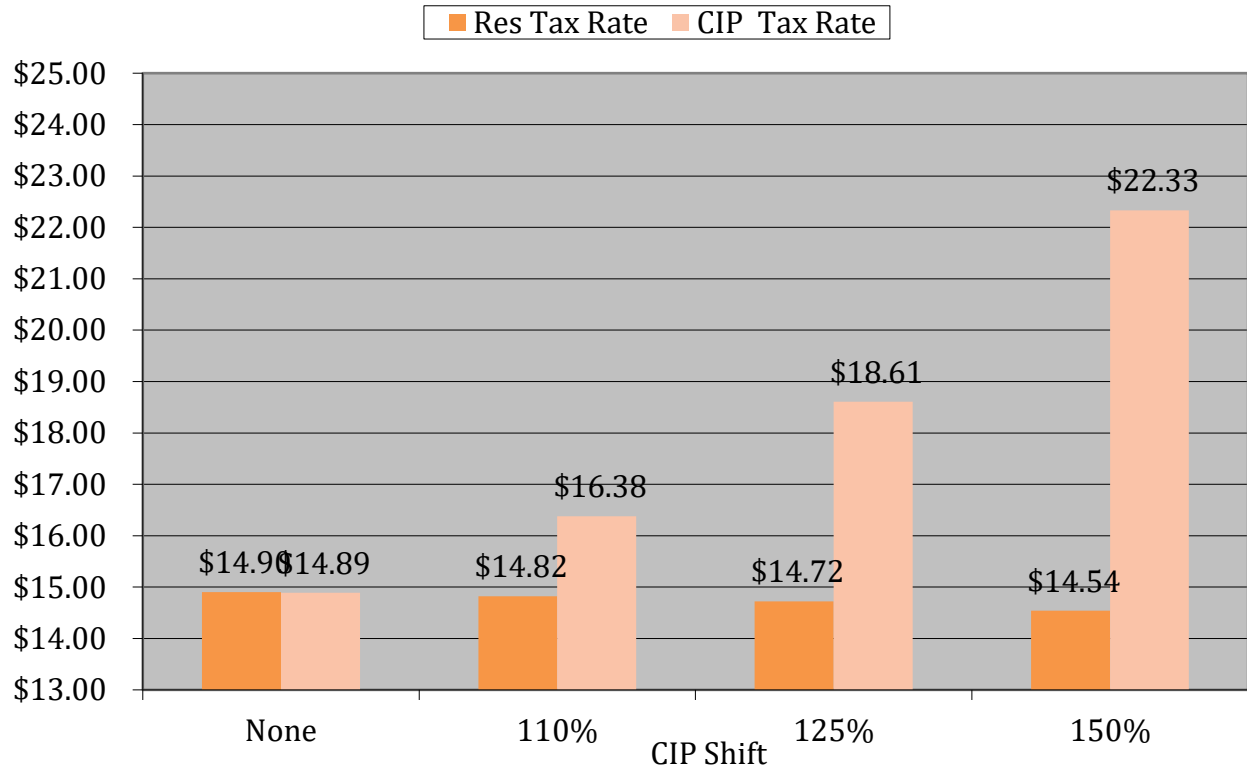
<u>Class</u>	<u>Count</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Personal Property</u>
101 Single Family	1,707	1,495,277,280	0	0	0
102 Condominiums	177	82,231,900	0	0	0
103,109 Misc. Res.	25	28,976,000	0	0	0
104 Two Family	17	15,425,300	0	0	0
105 Three Family	2	1,251,900	0	0	0
111-125 Apartments	4	6,448,900	0	0	0
130's +106 Vacant Land	219	16,578,500	0	0	0
300-393 Commercial	47	0	37,932,800	0	0
400-452 Industrial	11	0	0	2,214,900	0
600's Forestry	51	0	70,500	0	0
700's Agricultural	76	0	885,200	0	0
800's Recreation	30	0	2,315,800	0	0
012-043 Mixed Use	15	85,351,620	6,261,480	74,700	0
500-508 Personal Prop.	59	0	0	0	30,044,882
Total By Class	2,440	1,731,541,400	47,465,780	2,289,600	30,044,882
Total Taxable Properties					1,811,341,662
Total Tax Exempt Properties	307				192,389,900

Means Tested Senior Exemption

Harvard will be once again implementing its Means Tested Senior Tax Exemption applicable to certain long term residents who qualify for the Massachusetts Circuit Breaker Income Tax Credit, unless the program is extended by a vote at Town Meeting. After reviewing the applications received, the Assessor has determined that 5 applicants will qualify for the exemption, resulting in an estimated award of \$27,532.97 in total exemptions. Per the requirements of the exemption program as passed at Town Meeting, this amount will be raised through a burden shift to the rest of the Residential class. Based on this year's tax rate, this will result in a \$.01 increase in the Residential tax rate.

Shifting the Tax Burden

Harvard FY2024 Tax Classification Options Using a Residential Factor



Municipalities with a large commercial/industrial/personal property tax base often see fit to shift the tax burden to help maintain lower residential taxes. Given Harvard's very small commercial and industrial base, it would take a large shift in C/I/P taxes to yield a modest residential tax reduction. For every \$1.00 the commercial, industrial and personal property tax rate is increased, the residential rate would only see a decrease of 5¢.

Property Type Examples	FY2024 Valuation	Taxes by Shift			
		100%	110%	125%	150%
Residential Average Single Family	\$875,967.94	\$13,051.92	\$12,981.84	\$12,894.25	\$12,736.57
Tax Bill Change			-\$70.08	-\$157.67	-\$315.35
Residential Change %			-1%	-1%	-2%
Commercial Store/Restaurant	\$807,080.85	\$12,017.43	\$13,219.98	\$15,019.77	\$18,022.12
Tax Bill Change			\$1,202.55	\$3,002.34	\$6,004.68
Industrial Warehouse	\$201,354.55	\$2,998.17	\$3,298.19	\$3,747.21	\$4,496.25
Tax Bill Change			\$300.02	\$749.04	\$1,498.08
CIP Change %			10%	25%	50%

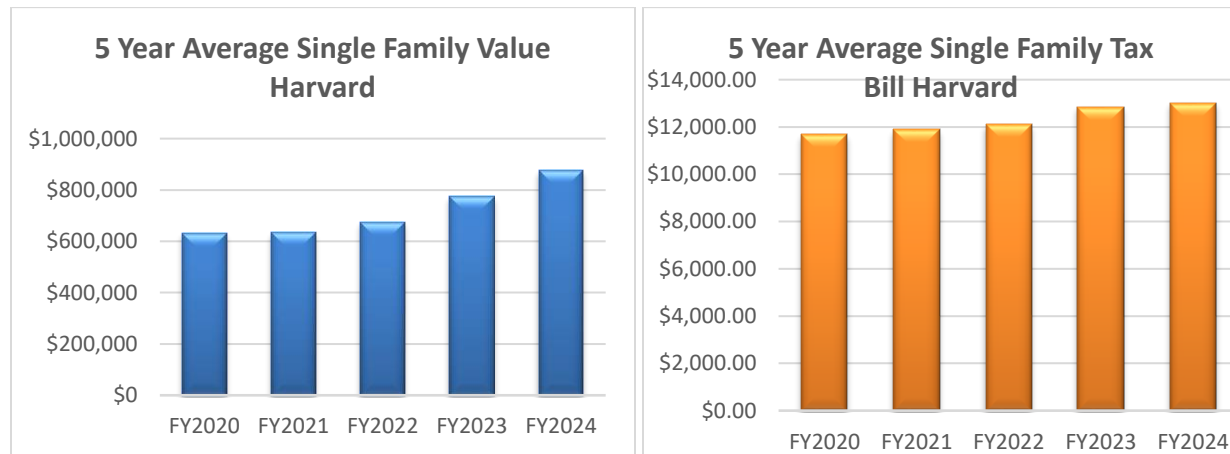
Tax Rates

Based on an anticipated vote to maintain a single tax rate, the Town Assessor has calculated the following tax rates needed to raise the tax levy:

<u>Property Class</u>	<u>FY2024</u>	<u>FY2023</u>
Residential	\$14.90	\$16.61
Commercial	\$14.89	\$16.60
Industrial	\$14.89	\$16.60
Personal Property	\$14.89	\$16.60

Note that the FY2024 tax rate is an estimate only and may change upon Department of Revenue review.

Tax Impacts



The average single-family parcel value saw an increase from \$773,419 in FY2023 to \$875,968 for FY2024 in response to the rising housing market. The average tax bill will increase by 1.6% from \$12,846.49 in FY2023 to \$13,051.92 in FY2024. The condominiums class median parcel value increase was 21.09% and the median commercial class increase was 1.36%, while the industrial class and vacant land remained basically flat. Individual parcel valuations may vary from the class average due to data updates and corrections, new construction, and the effects of market trends on their specific characteristics.

Town Assessor Recommendation

The Town Assessor recommends that the Select Board adopt a single tax rate to be applied to all classes of property in Harvard, with only the \$.01 increase to the Residential Class required to fund the Means Tested Senior Exemption.

Voting a Tax Shift Factor (proposed motion)

The Harvard Select Board votes 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.



Commonwealth of Massachusetts
Dog Complaint G.L. c. 140, §157

SEP 25 REC'D

DEFINITIONS (G.L. c. 140, §136A)

Dangerous Dog:

A dog that either:

- (i) without justification, attacks a person or domestic animal causing physical injury or death; or
- (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Nuisance Dog:

A dog that:

- (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or
- (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
- (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

COMPLAINANT INFORMATION

Name: Patrick and Leslie Bunnell Telephone #: [REDACTED]
Address: 186 East Bare Hill Road, Harvard, MA Email: [REDACTED]

Date and Time of Incident(s): Sunday August 27 2023 1:30 PM

Location of Incident(s): 186 East Bare Hill Road, Harvard MA - our front yard

Description of Incident(s): _____

My wife Leslie was playing with our dog George in the front yard. She was hitting plastic wiffle balls with a wiffle ball bat. George was chasing the balls. George is a 10 year old Pembroke Corgi. He is a small and timid dog. Suddenly, a large dog attacked George in our front yard. He had George's neck in his jaws. My wife Leslie was screaming at the top of her lungs. She struck the large dog several times with the plastic bat. I came running towards the dogs and the large dog ran away to the rear of our yard towards our neighbors house on 15 Abbott Lane. The dog is a large brown Mastiff. Not sure if it is a pitfall mix. This dog has been on our property on several times before this year. This was the first time he was outside while George was outside. We have since learned that this Mastiff is owned by Joshua Malam, who resides at 15 Abbott Lane, Harvard, MA with Joseph Gatto III. Mr. Gatto owns a pitbull. The dogs are left outside and we can hear them barking.

Please use the space allotted. Attach additional information by using the paperclip in the left margin.

DOG INFORMATION

Dog's Name (if known): Unknown
Description (breed, color, distinctive markings, etc.): _____
Mastiff (possible pitbull mix). brown in color.

OWNER INFORMATION (If Known)

Name: Joshua Malam Telephone #: _____
Address: 15 Abbott Lane, Harvard Email _____


COMPLAINT

I, the complainant named above, state the dog described in this complaint:

- Is a "Dangerous Dog"
- Is a "Nuisance Dog" because it (you must select at least one of the following):
 - Barks Excessively
 - Causes Damage
 - Has threatened or attacked livestock, a domestic animal, or a person
 - Other Interference: _____
- By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity

STATEMENT

This complaint is made under the pains and penalties of perjury.



Signature of Complainant

9.14.23

Date of Complaint

Return signed complaint to:

Harvard Select Board
13 Ayer Road
Harvard, Ma 01451

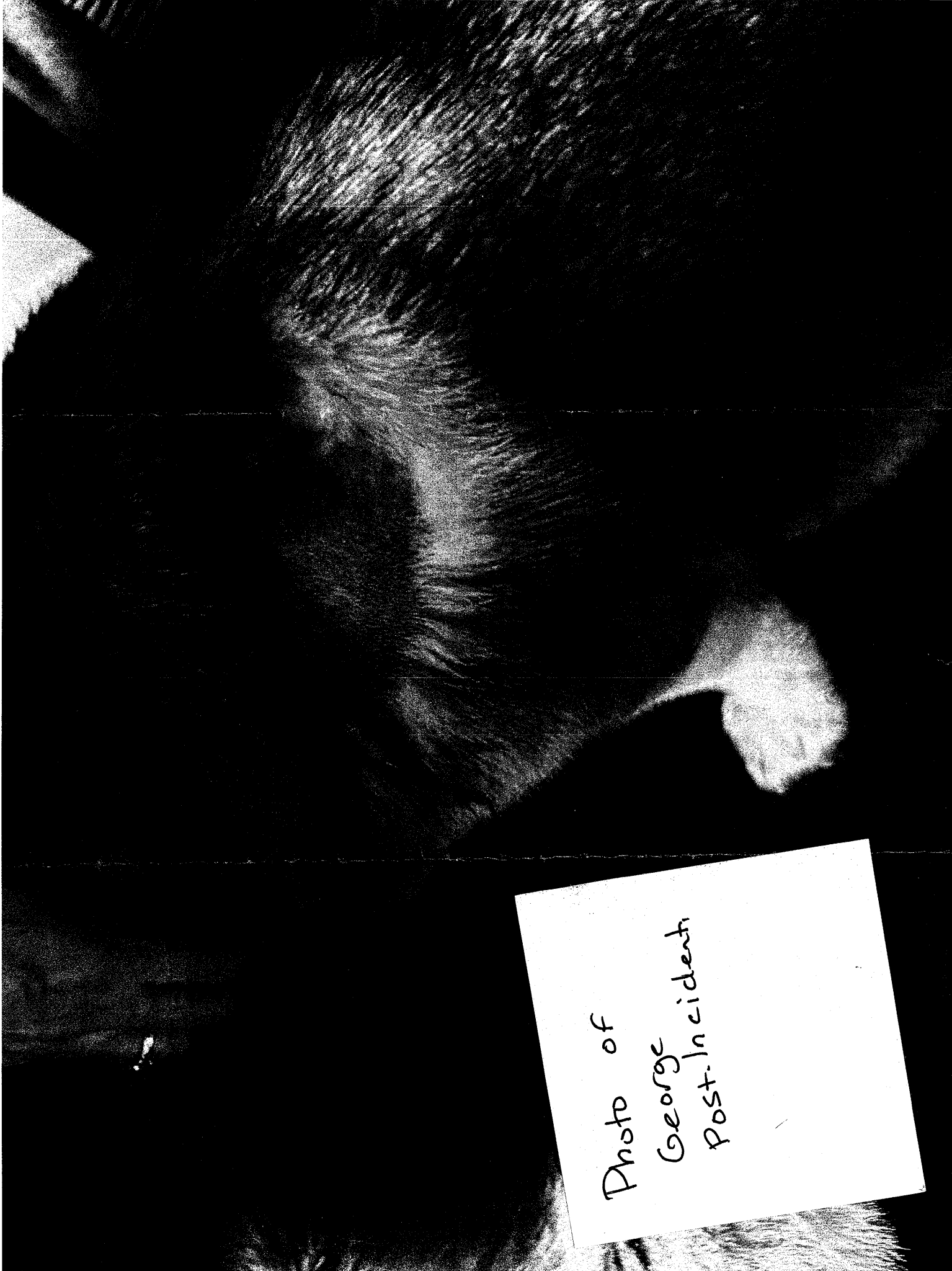
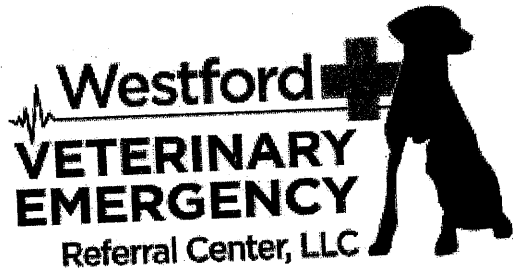


Photo of
George
Post-Incident

INVOICE



Invoice date:
27th August 2023

Invoice number:
#596612

Customer name:
Bunnell, Patrick

Animal name:
George

Description	Staff Member	Qty	Price	Discount	Discount (%)	Total
Emergency Consult and Exam	Stacey Lauer, DVM	1	\$205.95			\$205.95
Methadone 10mg/ml	Stacey Lauer, DVM	0.2	\$57.22			\$57.22
Sedation & Monitoring (ER/ICU)	Stacey Lauer, DVM	1	\$297.69	\$202.69	68.09%	\$95.00
Rabies Vaccine, Canine	Stacey Lauer, DVM	1	\$42.09			\$42.09
Laceration Repair - Level 1	Stacey Lauer, DVM	1	\$137.60			\$137.60
Minor Surgery Pack and Sterilization	Stacey Lauer, DVM	1	\$41.50			\$41.50
Penrose Drain .25" x 16"	Stacey Lauer, DVM	1	\$5.25			\$5.25
E-Collar 20 cm	Stacey Lauer, DVM	1	\$26.56			\$26.56
Codeine 15 mg Tablet	Stacey Lauer, DVM	6	\$56.43			\$56.43
Blood gas, electrolytes, metabolic	Stacey Lauer, DVM	1	\$94.50			\$94.50
Amoxicillin/Clavulanate 875mg/125mg (20)	Stacey Lauer, DVM	1	\$56.90			\$56.90
Suture; 3-0 PDS FS-1 Cutting	Stacey Lauer, DVM	1	\$35.18			\$35.18
Carprofen 25mg Tablet	Stacey Lauer, DVM	10	\$46.04			\$46.04
Gabapentin 100 mg Capsules	Stacey Lauer, DVM	21	\$33.13			\$33.13
Base Hospitalization - Partial Day up to 6hrs	Stacey Lauer, DVM	1	\$32.45			\$32.45

Subtotal:	\$958.44
Including tax:	\$965.80
Discount:	-\$202.69
Total:	\$965.80
Payment method:	Visa : -945.00 Visa : -20.80
Amount paid:	\$965.80
Balance:	\$0.00

Thank you for choosing Westford Veterinary Emergency and Referral Center, LLC
Suite 100 Westford, Massachusetts, 01886 • (978)577-6525 •



Harvard Police Department
Incident Report

Incident #: 23HAR-179-OF
Call #: 23-52686

Date/Time Reported: 08/29/2023 1841
Report Date/Time: 08/29/2023 1912
Status: No Crime Involved

Reporting Officer: SERGEANT MATTHEW CALLAHAN
Approving Officer: SERGEANT MATTHEW CALLAHAN

Signature: _____

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
---	----------	-----	------	-----	-----	-------

1	BUNNELL, PATRICK R 186 EAST BARE HILL RD Apt. #E HARVARD MA 01451-1850	M	W	58		
---	--	---	---	----	--	--

Military Active Duty: N
 BODY: NOT AVAIL
 DOB: [REDACTED]
 LICENSE NUMBER: MA
 GENDER IDENTITY: Male
 PRONOUNS: he/him/his
 PRIMARY CARETAKER: Y

COMPLEXION: NOT AVAIL.
 PLACE OF BIRTH: NOT AVAIL.
 ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary)
CallBack Number (Primary)

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: Unknown
OCCUPATION: LAWYER

2	MALAM, JOSHUA ROBERT 15 ABBOTT LN HARVARD MA 01451	M	W	30		
---	--	---	---	----	--	--

Military Active Duty: N
 BODY: NOT AVAIL
 DOB: [REDACTED]
 LICENSE NUMBER: MA

COMPLEXION: NOT AVAIL.
 PLACE OF BIRTH: NOT AVAIL.
 ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

CallBack Number (Primary)

Harvard Police Department
Incident Report

Page: 2
09/23/2023

Incident #: 23HAR-179-OF
Call #: 23-52686

EVENTS (S)

LOCATION TYPE: Residence/Home/Apt./Condo Zone: HAR - SOUTH SIDE
BUNNELL, PATRICK & LESLIE
186 EAST BARE HILL RD
HARVARD MA 01451

1 DOG BITE (DOG VS DOG)

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 GATTO, JOSEPH P OTHER M W 66
15 ABBOTT LN
HARVARD MA 01451-1813
[REDACTED]

EMPLOYER: CLOCKTOWER PLACE
CONTACT INFORMATION:
Home Phone (Primary)
Cell Phone

NARRATIVE FOR SERGEANT MATTHEW D CALLAHAN

Ref: 23HAR-179-OF

Entered: 08/29/2023 @ 2157	Entry ID: MDC816
Modified: 08/29/2023 @ 2213	Modified ID: MDC816
Approved: 09/06/2023 @ 2205	Approval ID: MDC816

On 8/29/23 Patrick Bunnell, a resident of 186 E Bare Hill Road entered the station to speak with an officer.

He reported to me that three days prior his dog, a 10-year-old Corgi, had been attacked by another loose dog in his yard on E Bare Hill Road. His dog suffered significant injury included to different deep lacerations, one of which requires a temporary fluid drain. The dollar amount for the veterinarian visits has totaled over \$1000. Mr. Bunnell did not know where this dog came from, but it has been in his yard on at least two other occasions. He provided me with a picture of the approximation of the dog, a Mastiff and pit bull mix he believed.

Mr. Bunnell lives at the Harvard end of E Bare Hill Road on the southern side of the street. His home is within sight, thru the woods, of 15 Abbott Lane. This residence is known to me as having more than one vicious dog. Mr. Bunnell knew the home and knew the sound of barking dogs at all hours but believed the home had fencing or an electric fence. I informed him that the Gatto home may have a new resident a tenant or roommate named Josh Malam. I suggested the dog might belong to the new resident. Mr. Bunnell told me that this dog in question is very animal aggressive but no people aggressive like most of Mr. Gatto's dogs.

An area check of Abbott Lane, after dark hours, produced one barking dog on the Gatto property but the dog did not appear to resemble the animal we were looking for. I updated Mr. Bunnell via email and he had provided me with a copy of the form he sent to the animal control officer as well as a picture of a dog resembling the suspect animal, and not an actual depiction.

I informed him I would try again the following day before sundown, and I may contact the homeowner. A check of the dog tag list, which was not current, having been issued a year prior, revealed no animals in the area that were licensed that could be considered.

SUPPLEMENTAL NARRATIVE FOR SERGEANT MATTHEW D CALLAHAN

Ref: 23HAR-179-OF

Entered: 09/06/2023 @ 2051 Entry ID: MDC816
Modified: 09/06/2023 @ 2205 Modified ID: MDC816
Approved: 09/06/2023 @ 2205 Approval ID: MDC816

On 9/6/23 I received a call from the victim dog owner in this case, Mr. Bunnell. He informed me that he had been called by Paul Willard, the dog officer, who advised him that a dog owned by Joshua Malam had been reported missing yesterday, 9/5/2023. The dog was described as a brown Mastiff which would resemble the dog described by Mr. Bunnell in this report. Mr. Bunnell provided me with the information and asked what they should do. I informed him I was attempting to contact the dog owner and the home owner and would keep him informed.

At 8:55 PM I attempted to contact Joshua Malam and the home owner Joe Gatto. Mr. Gatto answered the phone and advised me he has not been home for a few days but Josh stays at his home sometimes. He informed me he would try to contact Mr. Malam and call me back.

In a return call by Mr. Malam, at about 9 PM, I informed him of why I was calling. He said his dog had gotten out yesterday into the conservation land and reported it to the police immediately. I informed him of the incident that led to me calling, and the injured dog. Initially the conversation was productive but Mr. Malam began to argue, he would not allow me to speak, and then he accused me of having no reason to call him except for the missing dog report. We both talked over each other and it became difficult to understand each other. He told me his dog had a collar tied to an electric fence, and the dog is watched at all times. He also told me that his dog had never gotten out before yesterday, and he was very upset at my accusations. I asked him if his dog was licensed but he failed to answer and kept talking. I asked him that question more than once and he finally told me his dog was licensed in another town. I told him it needed to be licensed in Harvard, and he said he did not live here permanently and planned to move away within a month. He again challenged me and my accusations and I told him that the incident was still active, so I had been looking to speak to him for a week. He claimed that the only reason I called is because he had called to report his dog missing the day before. I then told him that before yesterday I was not certain of his address, if he had a dog. The last question I asked him was how many dogs were in the home and he told me there were three others. Mr. Malam told me how upset with me he was, he would not entertain allowing anyone to view his dog, and rambled on so much I had to put an end to the phone call. I told him if I learn of more information, I would be contacting him and told him the conversation was over.

According to the 2023 Dog License list there are no registered dogs at 15 Abbott Lane.

Paul Willard, the dog officer, called me in response to a very upset Joshua Malam after my call. We discussed the situation and Mr. Willard pointed out that the dog fight on E Bare was over a week before this dog went missing and the dog was found right away. I told him that I suspected the dog might have escaped more than once, and dogs have been known to escape wearing electric fence collars. We also discussed the problems at the address in the past, and that there might be four unregistered dogs on the property. He informed he would contact Town Hall to determine what cases were open if any, and suggested there might be a pending legal matter.

Callahan, M.
Sergeant

Harvard Police Department
Incident Report

Page: 2
09/23/2023

Incident #: 23HAR-200-OF
Call #: 23-57199

OFFENSE(S)	ATTEMPTED	TYPE
NOISY & DISORDERLY HOUSE, KEEP 272/53/I 272 53 OCCURRED: 09/20/2023 2350 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias	N	Misdemeanor
DISORDERLY CONDUCT 272/53/F 272 53 OCCURRED: 09/20/2023 2350 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias	N	Misdemeanor

PERSON(S)	PERSON TYPE	SEX RACE	AGE	SSN	PHONE
BUNNELL, PATRICK R 186 EAST BARE HILL RD Apt. #E HARVARD MA 01451-1850 [REDACTED]	WITNESS	M W	58		
CONTACT INFORMATION: Home Phone (Primary) CallBack Number (Primary)					
MALAM, JOSHUA R 15 ABBOTT LN HARVARD MA 01451 [REDACTED]	REPORTING PARTY	M W	30		
CONTACT INFORMATION: CallBack Number (Primary)					

NARRATIVE FOR OFFICER SCOTT T HUGHES

Ref: 23HAR-200-OF

Entered: 09/21/2023 @ 1748 Entry ID: STH803
Modified: 09/22/2023 @ 0023 Modified ID: CDD818
Approved: 09/22/2023 @ 0024 Approval ID: CDD818

On 09/20/23 at 22:51 hrs. I Officer Hughes was dispatched to the area of 15 Abbot Lane regarding an on going barking dog situation. The reporting party was located at 186 East Bare Hill Road Mr. Patrick Bunnell. I arrived at 186 East Bare Hill Road and spoke to Mr. Bunnell. I could immediately hear several dogs barking from the direction of 15 Abbot Lane. Mr. Bunnell explained that the dogs bark like this almost every night and into the late night hours. Mr. Bunnell stated a few months ago one of the dogs from 15 Abbot lane came into his back yard and attacked his own dog, his wife grabbed a bat and was able to get the dog off her dog. Mr. Bunnell explained that his dog was badly injured from being attacked and the Veterinarian bill was \$ 900.00.

I told Mr. Bunnell that I would document this incident with a written report and speak with a supervisor about possible criminal charges regarding this on going problem in the neighborhood.

I drove over to 15 Abbot Lane and observed three dogs running around my cruiser barking and making lots of noise. I contacted Nashoba Dispatch to contact the owner of the house Mr. Joseph Gatto. Dispatch advised that a Mr. Joshua Malam has been renting the house from the owner for a period of time. Dispatch advised that she made contact with Mr. Malam he stated that he was thirty minutes away and would bring dogs inside for the night.

I spoke to SGT. Dirienzo regarding this on going dog barking situation. He believed that chapter 272 section 53 Keeper of a Disorderly house as well as chapter 272 section 53 Disturbing the Peace would apply in this situation. I spoke to Detective Genetti about this incident, he pulled log entries involving animal complaints from the area of 15 Abbot lane going back several years. There were several calls in 2023 regarding noise or animal complaints from neighbors.

Mr. Joseph Gatto will be Summoned into Clinton District Court on above charges.

**OFFICES OF THE
SELECT BOARD
TOWN ADMINISTRATOR**

13 Ayer Road, Harvard, Massachusetts 01451
(978) 456-4100

www.harvard-ma.gov
(978) 456-4107 fax



CERTIFIED MAIL

October 23, 2023

Mr. Joseph Gatto
15 Abbot Lane
Harvard, Massachusetts 01451

Dear Mr. Gatto:

This communication is being written on behalf of the Animal Control Officer and the Harvard Select Board's office and relates to an instance involving a large brown Mastiff (name unknown), which is not licensed but is housed on your property and owned by Joshua Malam, who also resides at your property, on Sunday, August 27, 2023.

As the owner of the property you are considered, under the Massachusetts General Laws and the town's Bylaws, to be the keeper of the dogs and as such you are liable for the actions of the dogs while living with you. We have received a complaint about this Mastiff leaving your property, uncontrolled, and attacking another dog. The dog that was attacked is named George which is a ten-year-old Pembroke Corgi owned by Patrick and Leslie Bunnell of 186 East Bare Hill Road. This is a serious issue and violates various sections of our bylaws. Having three dogs of your own (Dootzle, Dippy, and Nola) means you are aware of the Town's dog bylaws and the fact that they do not have to be leashed, but do have to be under your control all of the time. You are responsible for preventing the dogs, that reside on your property, from becoming a nuisance or dangerous. In this instance, one of the dogs you are keeping/housing attacked another dog and caused harm to that dog. This easily rises to the Mastiff being considered dangerous.

The complaint was made to the Animal Control Officer, Mr. Willard, and he has, acting within the laws of the Commonwealth of Massachusetts and the Town of Harvard, ordered you to restrain all of your dogs to your property (15 Abbott Lane). Your failure to comply with this order will mean that the Animal Control Officer will have the authority to confiscate and impound any of the dogs that reside with you. This order is in place until a hearing before the Select Board can take place.

The Select Board, in accordance with the bylaw, will hold a hearing, on November 7, 2023 at 7:30PM, to determine if the Mastiff dog is dangerous and what actions need to be taken. You should know the Board has broad authority under Massachusetts General Laws, to have the dogs permanently restrained to your property, via any means necessary, or they can order them euthanized.

You are also being fined \$50 for the Mastiff per section 24-5 of the Bylaw, and an additional \$145 (\$25 to license the dog, \$15 for not licensing, and \$15 per month for 7 months) as it has been determined that the dog has been in town at least since before April and is unlicensed. We also noticed that your three dogs are also unlicensed and have been unlicensed since 2019. The fees and fines for your three dogs comes to a total of \$860. All of these fines are payable to the Town of Harvard and you have 30 days to pay them.

I have worked with the Town's legal counsel and the Animal Control Officer on this issue in order to come up with this appropriate and legally responsive action.

Please contact me at telephone number 978-456-4100 x. 313 or via e-mail at tbragan@harvard.ma.us, should you need any further information about this matter.

Sincerely,



Timothy P. Bragan
Town Administrator

cc: Select Board
Animal Control Officer
Town Clerk
Town Counsel
Mr. Joshua Malam, 15 Abbott Lane
File



Current Activities and Update

Bare Hill Pond Watershed Management
Committee

Select Board Meeting Nov. 7, 2023

Topics

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

Bare Hill Pond

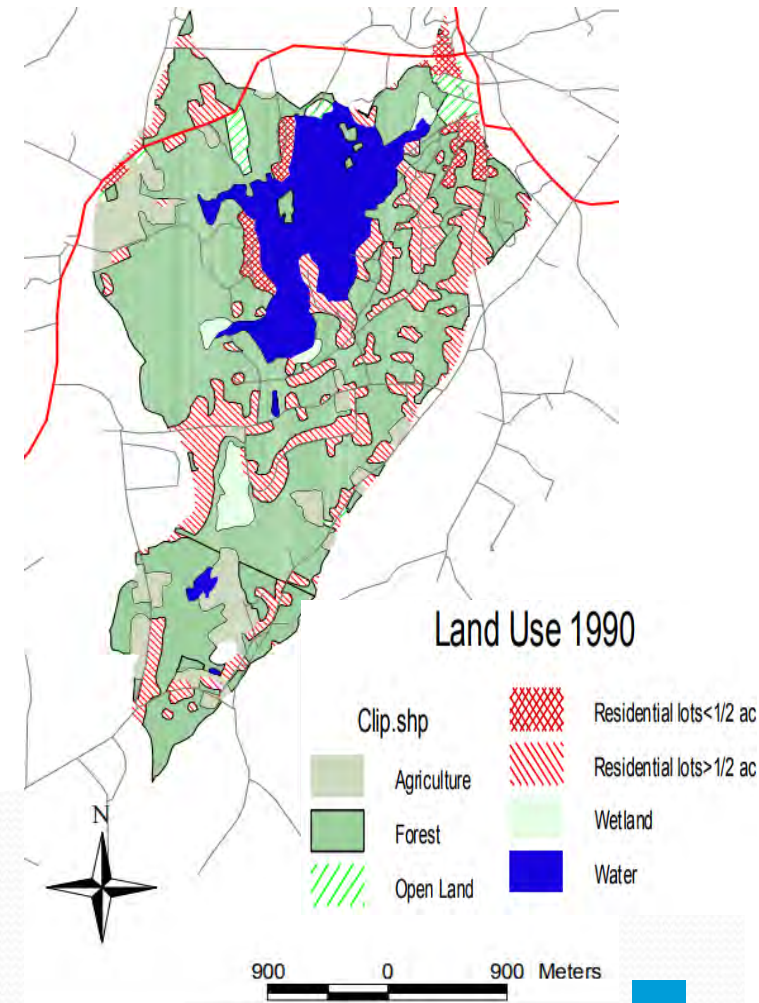
Lake & Watershed Characteristics

Lake

- 321 Acres
- Originally 200 acres prior to construction of dam in 1838
- Water level varied based on industry usage
- Size and depth has remained relatively constant since 1920
- Multiple beaches; Girl Scout Camp, Town beach, informal beach
- Lakeshore is moderately developed

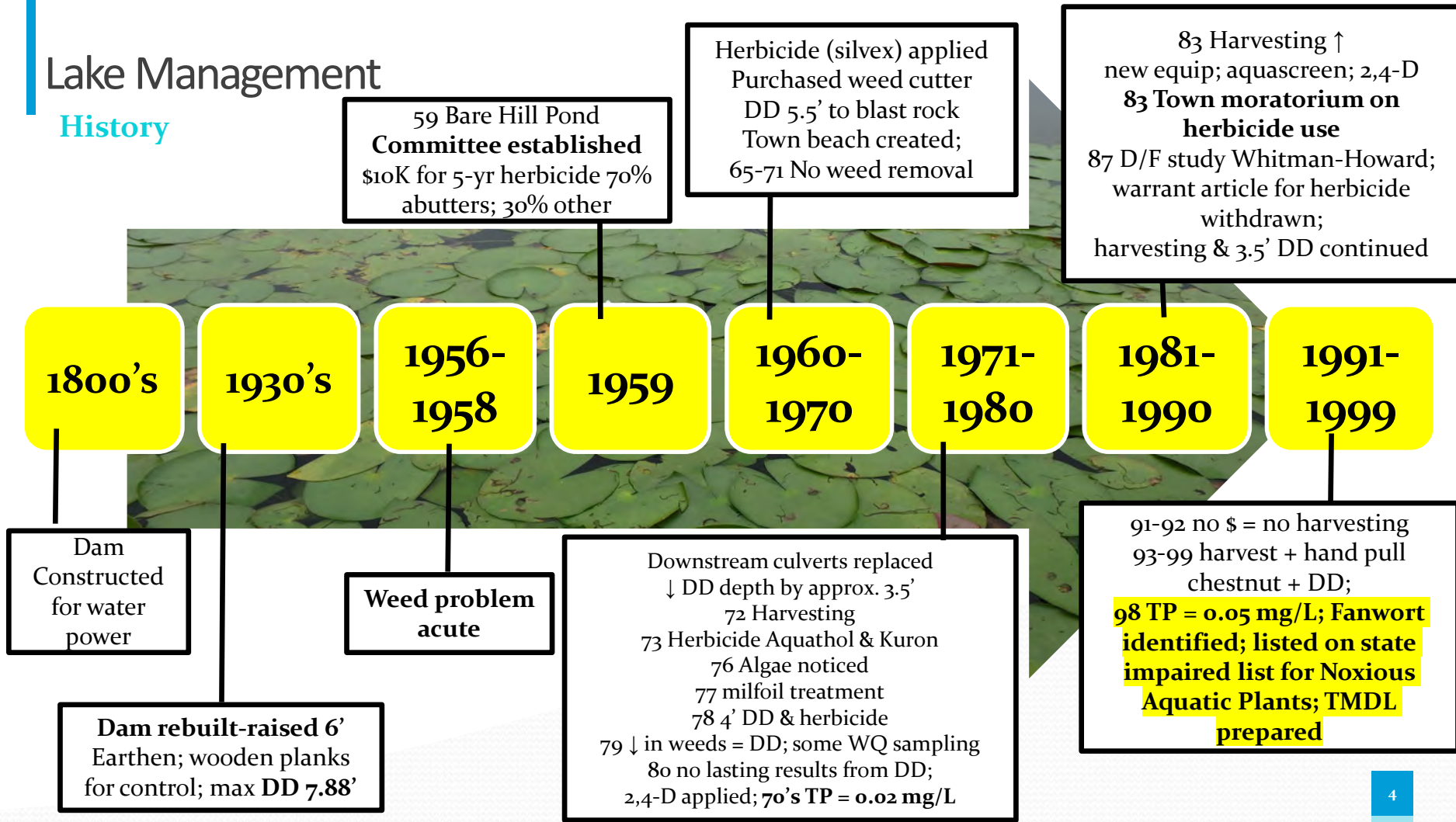
Watershed

- 2,674 Acres
- Historically surrounded by pasture land
- Land use 64% forest; 16% residential; 15% Other; 5% agriculture
- Three tributaries
 - Clapp's Brook.
 - Thurston's Brook
 - Bowers Brook



Lake Management

History

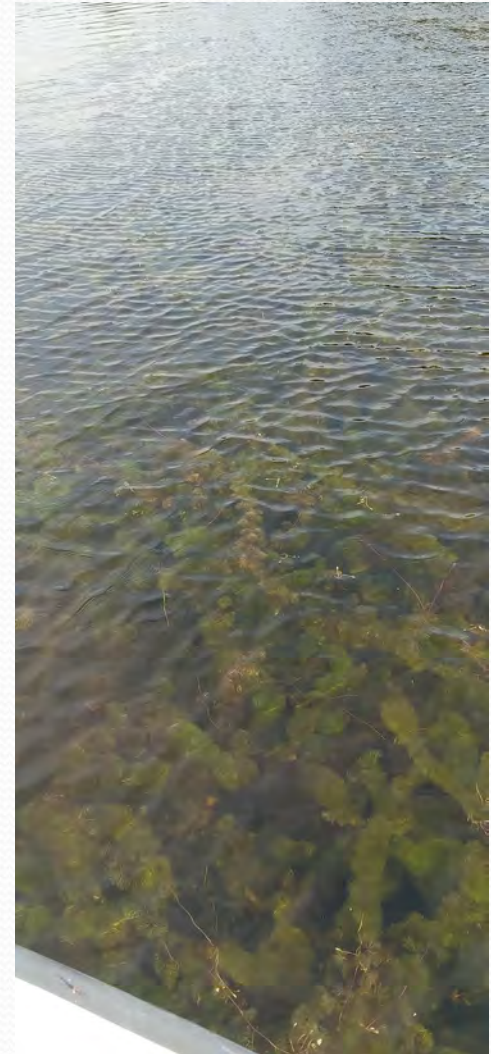


1999 MA DEP TDML Goals to lower Phosphorus and Control Invasives

Millfoil in 2003; Fanwort 2023



Milfoil as seen underwater



History of Bare Hill Pond Winter Drawdowns

- Started with Gravity Draw Downs 2002
- Developed Monitoring Methodology
- Determined Deeper Draw Downs were necessary for beneficial impact
- Obtained 319 DEP/EPA Funding for Pumping Station
- Deep Draw Downs initiated in 2006

Winter Season	Water Level Reduction and Summary of Following Growing Season Observations
2002-03	1.5 Feet
2003-04	3.5' gravity drawdown
2004-05	3.5' gravity drawdown
2005-06	3.5' gravity drawdown. These first few created evidence of efficacy in drawdown zone and no evidence of substantial issues
2006-07	5' gravity and pump drawdown. Some increase in efficacy
2007-08	5' gravity and pump drawdown. Good freeze and improvement
2008-09	3.5' gravity drawdown. Per request to see if a year off pumping would work - limited efficacy and rebound in plants
2009-10	6' gravity and pump drawdown. Planning started for beach excavation and the storm water rain gardens
2010-11	6.5' gravity and pump drawdown. Continued incremental efficacy and no harm detected
2011-12	7' gravity and pump drawdown. More efficacy and depth needed for the beach excavation project
2012-13	6' gravity and pump drawdown. Backed off partway through process to see if efficacy could be maintained
2013-14	No drawdown. Year off to see if lower frequency worked - phosphorous stable, some re-emergence in spots
2014-15	5.5' drawdown. Heavy snowfall runoff - phosphorous increase and increased observance of invasives by residents in 5 - 8 foot zone but overall reduction in plant volume and at transect sites
2015-16	6.0' drawdown. Very mild winter with an extended warm, dry and sunny growing season following
2016-17	5.75' drawdown. Very mild winter, even warmer than previous year. Wet spring and summer; water level higher than past years
2017-18	6' drawdown. Cold long winter with freezing temperatures into April. Period of hot humid weather leading to a pattern of extended wet weather. Water levels remained high throughout the summer.
2018-19	4.5' drawdown. While 6' was the goal, it was difficult to achieve the desired drawdown depth due to precipitation. The early portion of the summer was wet and overcast but come July it was warm and dry.
2019-20	6.0' drawdown. Warm November and March. Very low precipitation/snow cover
2020-21	Attempted 6.5'. Equipment issues prevented holding that depth beyond November. Lake was about 3.0' down during a short period of freezing
2021-22	6.5' drawdown. This season was typical in terms of temperatures and precipitation for most months except November which was below average. Snowpack was slightly below normal.
2022-23	7.5' due to operator error; Corrective actions were taken in as discussed with the Conservation Commission. Warmer & wetter winter.

Environmental Requirements

- Notice of Intent – Permit
- Environmental Monitoring
 - Professional
 - Phosphorous
 - Sediment
 - Native and Invasive Plants
 - Wetlands
 - Volunteer (Defined Protocols)
 - Frog Counts
 - Turtle Counts
 - Fish Derby Monitoring
- Careful timing to protect habitat
- Subject to DEP review and Fish & Wildlife Comments

Drawdown Zone < 4ft

Deeper Zone > 4ft

**Impact of 3 years of
drawdowns**

**Area to benefit from Deeper
Drawdowns**

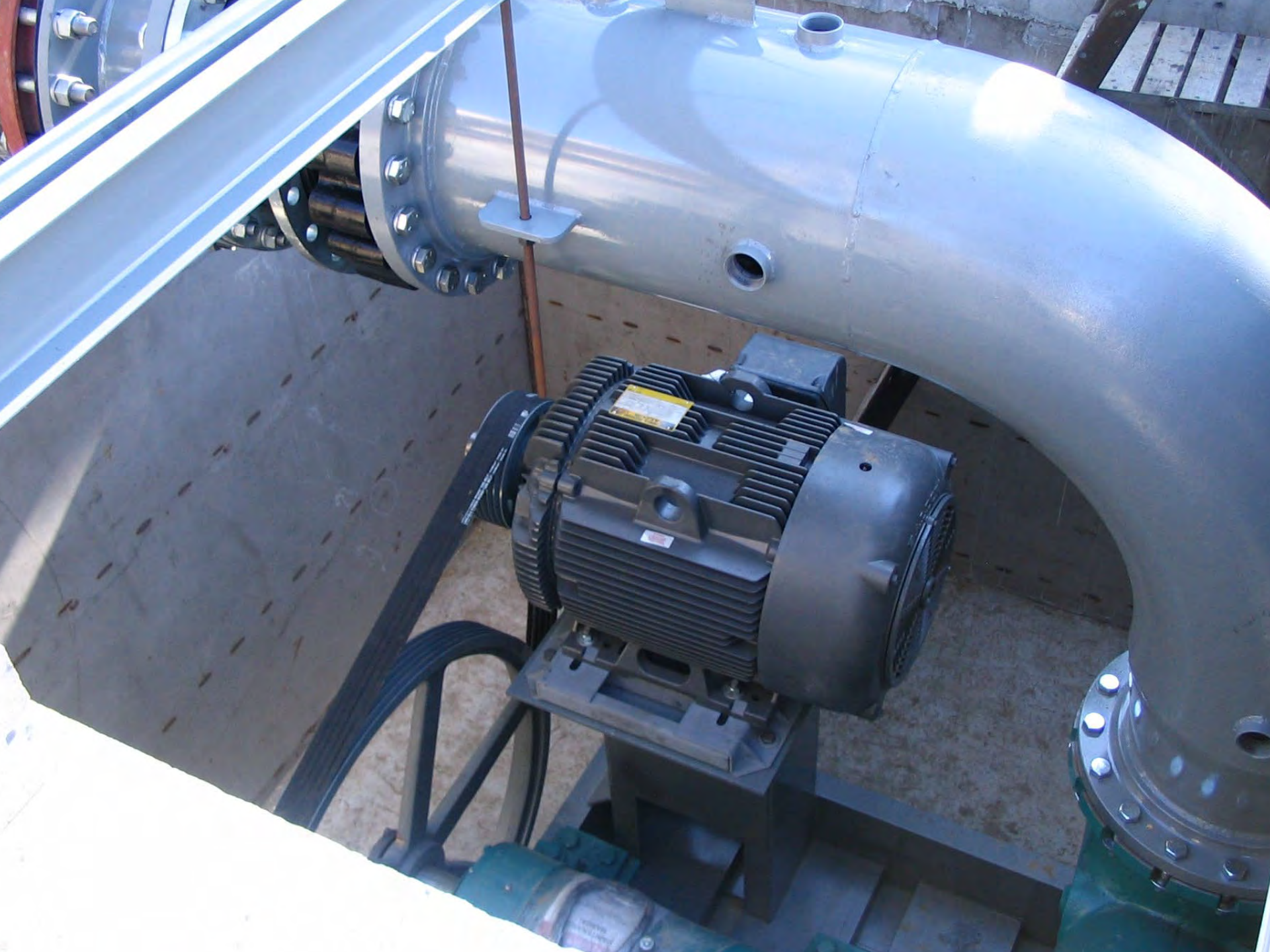


Deeper Zone > 4ft

Drawdown Zone < 4 ft

**Area to benefit from deeper
drawdowns**

**Impact of 3 years of Grav
Drawdowns**









The Drawdown Project Building the Pipe



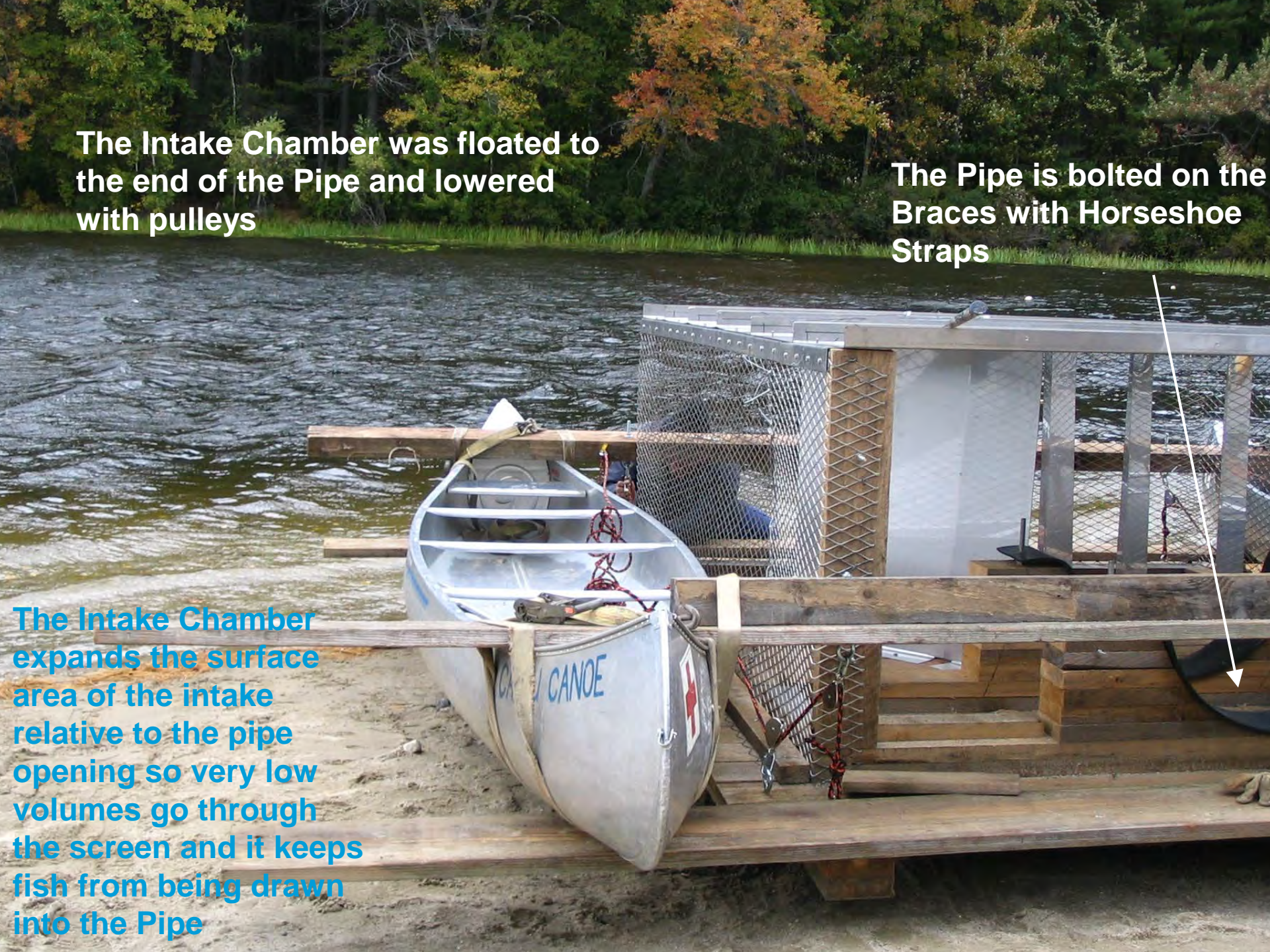
The pipe itself floats with air in it



The Intake Chamber was floated to the end of the Pipe and lowered with pulleys

The Pipe is bolted on the Braces with Horseshoe Straps

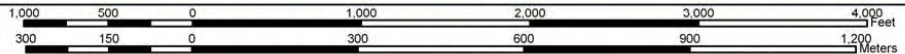
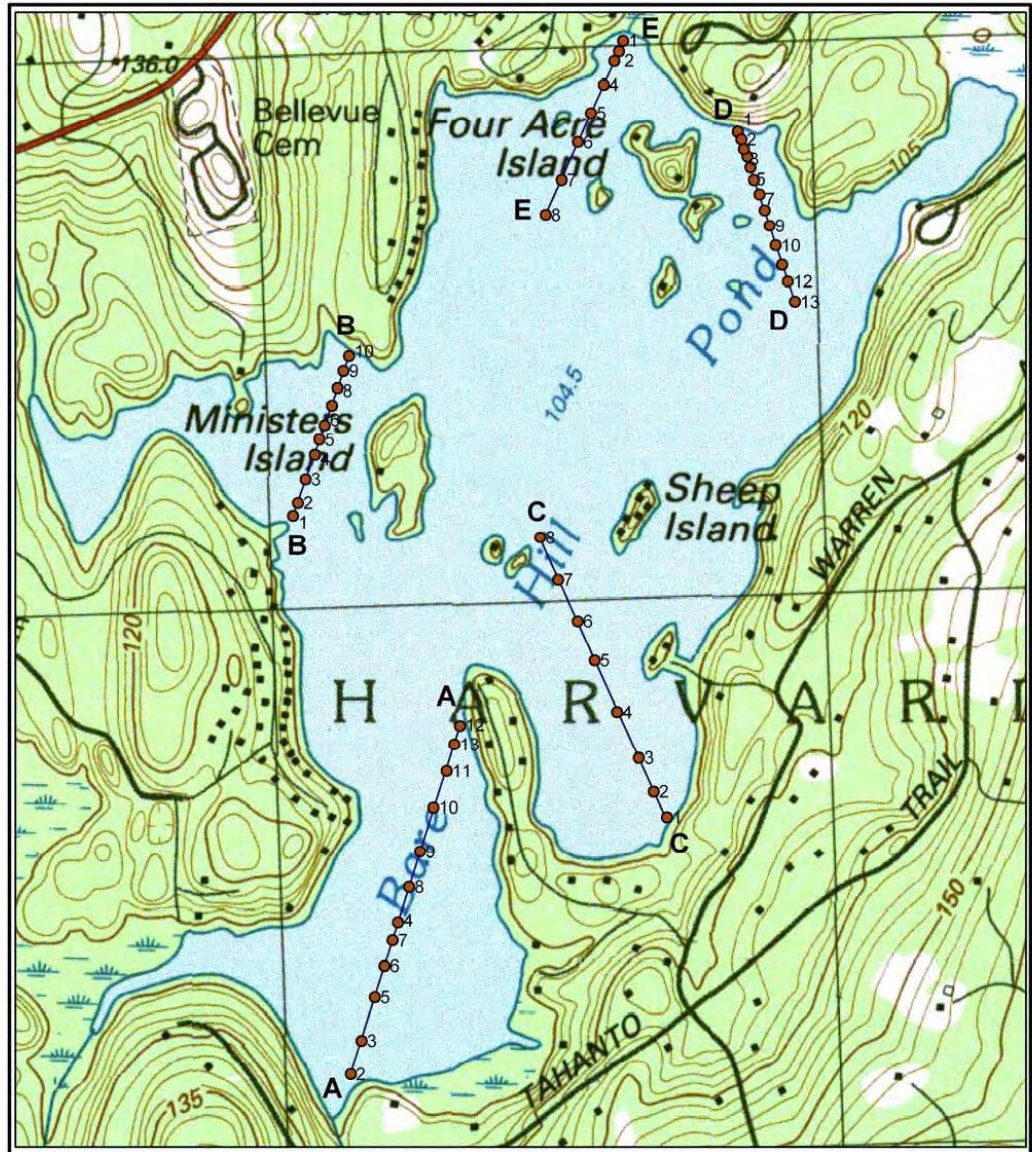
The Intake Chamber expands the surface area of the intake relative to the pipe opening so very low volumes go through the screen and it keeps fish from being drawn into the Pipe



Interesting Facts

- Pump system specs
 - Capable of pumping 10,500 gal/min
 - Intake pipe:
 - Construction and installation led by Jim Clark, a town resident and marine construction expert
 - 800ft of 28" diameter HDPE pipe sunk at its far end in about 13 feet of water
 - 48,000 lbs. of pipe with an additional 53,000 lbs of concrete weights attached along 15 foot intervals -- 50 tons in total!
 - At maximum flow rate, water is moving at 5-6 ft/sec in the pipe





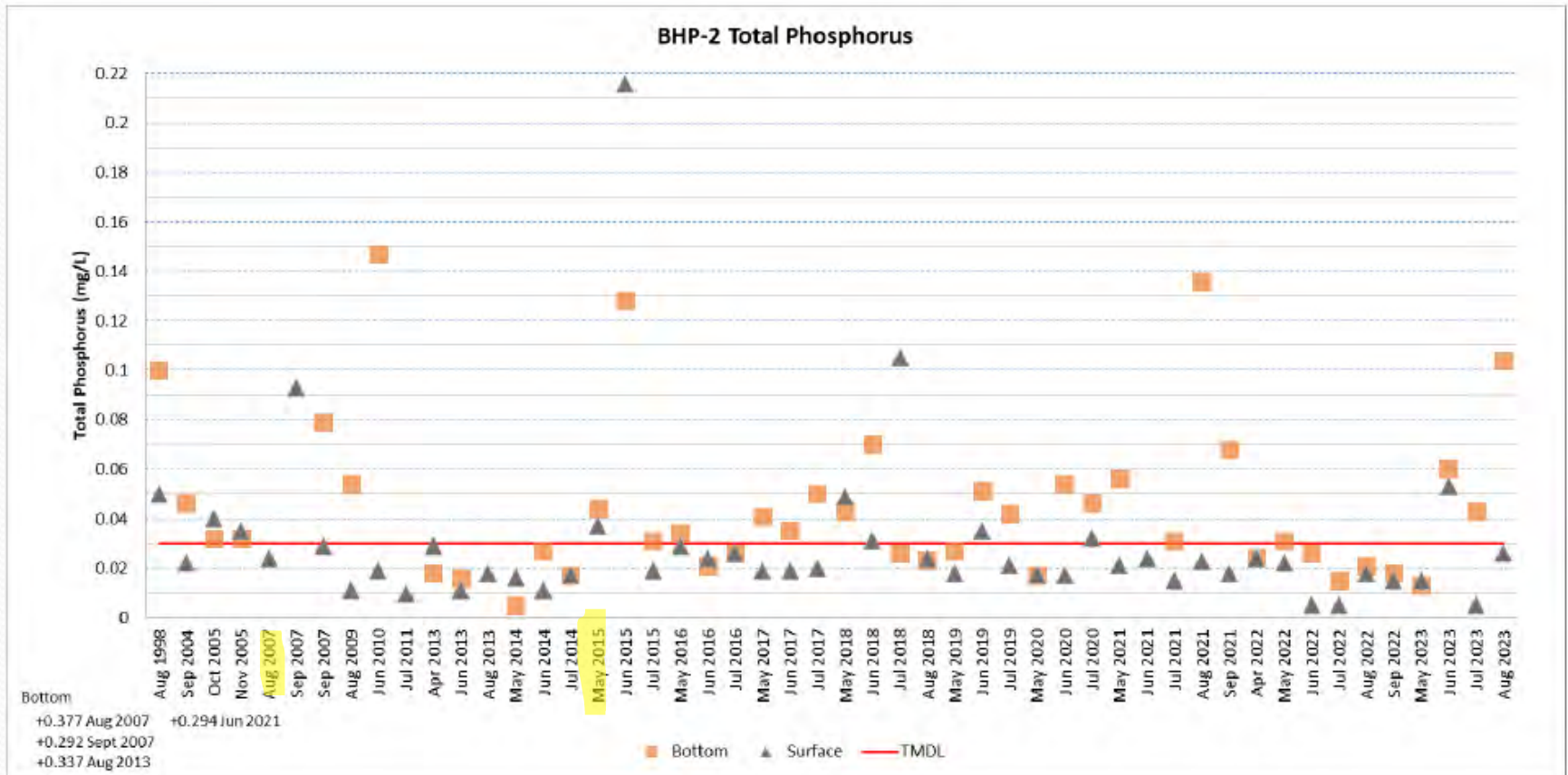
	<p>Legend</p> <ul style="list-style-type: none"> ● Transect Points — Transects 	<p>Bare Hill Pond Vegetation Survey Locations Harvard, Massachusetts</p>	<p>Figure -1</p>
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Results over 17 Years

- Invasive Species were significantly reduced after the 1st deep drawdown and in years with a freeze
- Phosphorus reduced by 50% in most locations
- Fish, Amphibians and Reptiles had normal counts
- Wetland species downstream were not altered

- Taking a year off created a setback (e.g, 2008, 2014)
- 2023 – A valve failed Dec 2022, causing an early refill
 - Freeze impact was limited to 3.5 feet depth due to early refill

Substantial Reduction in Phosphorus



New Challenges

- 2020-2021 - Algal Blooms followed years in which full draw down was not achieved. (2019-20 Heavy rain; 2020-21 pump electrical failure and early refill)
 - None before and since with deep draw downs achieved
- 2023 – Pump’s Variable Frequency Drive has failed –
 - 17 years old - repaired twice – expected useful life 10 years
- DEP questioning the Order of Conditions
- Control of Invasives at Beach
 - Discussions with Bob O’Shea, Harbormaster

VFD Drive Replacement

Action Items

- Bid documents are being prepared (Est. \$40K)
- Long lead time (est. 6 months so need to act now to be in place next year)
- Reserve fund transfer for Budget Excess (Est. \$30K)
- Potential Section 319 Grant funding which could repay the transfer.



Other Options

- Gravity Draw Downs –
 - Data shows that they did not significantly control phosphorous or invasive species > 3.5 ft – (like this year)
 - Significant risk of algal blooms with higher phosphorus
- Herbicides
 - Very expensive
 - Requires multiple annual treatments (during the plant growing season) of whole Pond ((Est. \$500K per year)
 - Town Voted not to use them at 1983 Town Meeting
- Harvesting – made the problem worse
- Localized removal at Beach by divers with vacuums

References for More Information

- [2023 Annual Report to Conservation Commission](#)
 - Depth data
 - Frog and Turtle counts
- [2023 ARC Habitat Monitoring Assessment](#)
 - Phosphorus data
 - Invasive and native plant data
 - Oxygen data
- [1999 MA DEP TDML Report on Bare Hill Pond](#)



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 Ludwig 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 Cabelus 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. Cabelus 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



Select Board Minutes
Tuesday, October 17, 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:

School Committee members Abby Besse, Shannon Molloy, Suzanne Allen, and Amy Morton

Appointment to the School Committee

The Select Board met with School Committee members Abby Besse, Shannon Molloy, Susie Allen, and Amy Morton to interview and appoint a member to fill the committee's recent vacancy. Resident Liz Joyce submitted her application for consideration. She is employed as a school counselor with years of experience in the education field. School Committee members had the opportunity to ask questions of Joyce as well as the Select Board members. She has served on the School Improvement Council and is familiar with the challenges facing the district. She is eager to help and everyone thanked her for stepping forward. Abby Besse nominated Liz Joyce to fill the vacancy on the School Committee. By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Maiore – aye, Besse – aye, Molloy – aye, Allen – aye, Morton, the boards voted unanimously to appoint Liz Joyce to the School Committee.

Revisit Personnel Board recommendation on the Cost-of-Living for town non-union employees

Assistant Town Administrator/HR Director Marie Sobalvarro reported the Personnel Board met and decided to take no action regarding their earlier COLA recommendation. Their memo reaffirmed their diligence regarding the decision to use a 12-month CPI-U lookback. They agreed to investigate use of a regional CPI. Personnel Board member Don Ludwig stated the recommendation for 5.48% cost of living adjustment was unanimous. Rich Maiore made a motion to accept the recommendation which was seconded by Erin McBee. Charles Oliver was not convinced the 12-month average was the proper approach to take and questioned why the process previously used was being changed now. He agreed focusing on one point in time may be problematic. Oliver proposed looking ahead instead of back. He was reluctant to act on the cost-of-living adjustment now and suggested the board wait. Sobalvarro reminded the board with the town meeting scheduled for the first Saturday in April this decision requires action sooner. She also noted leaving this unresolved leaves staff feeling unappreciated and works against town recruitment efforts. By a roll call vote, McBee – aye, Minar – aye, Ludwig – nay, Oliver – aye, Maiore – aye, the board voted to follow the Personnel Board recommendation. (4-1)

Public Communication

School Committee Chair Abby Besse advocated for the exploration and investigation into a dental plan for the Harvard Educators as stipulated in their recent contract.

Update on the 4th of July Committee's parade code of conduct

Town Administrator Tim Bragan shared the red line version of the parade code of conduct. The code was reviewed by town counsel after receipt of the letter from the ACLU. He explained the revisions and reported the committee has reviewed them. Bragan said the committee may have additional changes. He confirmed any additional changes will be reviewed by counsel and shared with the Select Board. Kara Minar asked about enforcement of the code. Bragan said the code indicates violations require immediate removal from the parade enforced by the committee members. He agreed the best method for enforcement needs defining.

Rich Maiore exited the meeting at this time. Vice Chair Erin McBee chaired the rest of the meeting.

Minutes

By a roll call vote, Minar – aye, Ludwig – aye, Oliver – aye, McBee – aye, the board voted unanimously to approve minutes of 9/19, as presented.

Act on request for no parking signs on Old Mill Rd

Tim Bragan reported Police Chief Babu submitted a letter requesting no parking signs in specific areas along Old Mill Rd to ensure safety and fluidity of traffic with the new 40B project coming in. The signs will be permanent. By a roll call vote, Ludwig – aye, Oliver – aye, Minar – aye, McBee – aye, the board voted unanimously to approve the Police Chief's recommendation for no parking signs on Old Mill Road.

Board of Health insert with property tax bills

By a roll call vote, Ludwig – aye, Oliver – aye, Minar – aye, McBee – aye, the board voted unanimously to approve an insert in the January tax bill as a reminder of the stable permit application.

Act on Eagle Scout proclamation

By a roll call vote, Ludwig – aye, Oliver – aye, Minar – aye, McBee – aye, the board voted unanimously to approve proclamation for Noah Picariello.

Attorney General response regarding article 24 from the spring town meeting; firearms and explosives

Tim Bragan shared the Office of the Attorney General has partially approved this article. They highlighted text they disapprove of and text to be removed or added. If changes require further action from the town, they will be included for the spring town meeting.

ARPA funds for Harvard Park

By a roll call vote, Ludwig – aye, Oliver – aye, Minar – aye, McBee – aye, the board voted unanimously to approve use of ARPA funds to complete assessment.

Transfer Station Committee appointments

By a roll call vote, Ludwig – aye, Oliver – aye, Minar – aye, McBee – aye, the board voted unanimously to appoint Don Ludwig and Erin McBee to the Transfer Station Committee.

Town Meeting article assignments

Charles Oliver said he would not be able to attend the Town Meeting on Saturday.

Article assignments were made:

Article #		Motion made by
1	DPW Contract	Don Ludwig
2	CPIC: Van to Vans	Kara Minar
3	OSRD	Planning Board
4	Local Option Room	Kara Minar
5	Personnel Board language	Don Ludwig
6	Traffic Control Agent	Erin McBee
7	Fire Emergency Generator	Nate Finch
8	Authority to Negotiate Easements: Ayer Rd	Erin McBee
9	Authority for Easements: Water	Erin McBee

They discussed article five. Tim Bragan explained this is being included to match the bylaw with the Town Charter. Kara Minar had questions about the authority and if it should include both the Town Administrator and the Select Board instead of only the Town Administrator. McBee made a motion to approve articles one through nine for the fall town meeting. Kara Minar had concerns with article three. The motion was amended by Don Ludwig to remove article three. By a roll call vote, Ludwig – aye, Oliver – aye, Minar – aye, McBee – aye, the board voted unanimously to approve all articles besides three. Kara Minar acknowledged the hard work of the Planning Board however expressed concerns on the fundamental changes this bylaw will make. Erin McBee is confident the special permit process offers the proper safeguards. Don Ludwig expects a good discussion at the Town Meeting. By a roll call vote, Ludwig – aye, Oliver – aye, Minar – nay, McBee – aye, the board voted to approve article three. (3-1)

Select Board Reports

Charles Oliver will respond to letters regarding the handling of the CPC appointment. He believes the process was not fairly represented.

Erin McBee reported the Library Trustees are moving along in the permitting process for their outdoor pavilion. She announced the Community Visioning workshop has been posted. She asked others to spread the word. Erin McBee mentioned a member of the Conservation Commission has not yet done the required trainings. Erin McBee announced the increase in the Title V Septic System Tax Credit. Kara Minar suggested including this information with the stable permit insert.

The meeting was adjourned sat 8:30pm.

Documents referenced:

Liz Joyce vol form – dated 9.20.2023

Memo from Chief Babu – dated 9.27.2023

Stable permit insert – dated Sept 2023

Eagle Scout request – dated 9.25.2023

From: Ralph Fehlberg <cougar6@mac.com>
Subject: Recognition of Harvard Scouts obtaining Eagle Scout Rank
Date: October 23, 2023 at 2:39:31 PM EDT
To: rdmaiore@gmail.com
Cc: don.ludwig@gmail.com

October 23, 2023

Town of Harvard Board of Selectmen

Dear Select Board,

The Boy Scouts, Troop Leaders, and Committee Members of the Town of Harvard Boy Scouts Troop 1 take great pleasure in announcing that, having completed the requirements for and having successfully passed an Eagle Scout Board of Review, the following scout has achieved the rank of **Eagle Scout**:

Noah Picariello on August 12, 2023

Logan Ostaszewski on October 18, 2023

We would appreciate a letter or certificate acknowledging his achievement. It will be compiled with acknowledgements from other national, state and community leaders in a scrapbook and presented publicly at his formal Eagle Ceremony to commemorate this special occasion.

For his Eagle Project Noah worked with Northstar Family Services in Leominster MA to plan, build and provide a sitting garden for the families that utilize the center. The project was his way to both honor the founder of the center as well as help the center provide for their clients. The project included the research, planning, coordinating, purchasing, construction, installation and completion of a sitting garden for the client's use.

For his project Logan Ostaszewski built storage boxes for use at Hildreth Elementary School. Logan recognized a dire need for storage of the outdoor play equipment that the K-5 graders used on a daily basis. Logan worked with the school district, school and teachers to design, build and deploy the wheeled storage containers. Feedback from both the school and students has been over whelming positive.

Please send the acknowledgement to:

Ralph Fehlberg
c/o Harvard Boy Scouts
61 Elm Rd
Devens, MA 01434

Thank you for taking time from your extremely busy schedule to help our Troop recognize the achievement and service of our new Eagle Scout.

Sincerely,

Ralph Fehlberg

Committee Chair
Troop 1 Harvard
Eagle Scout 1976



7 Fairbank Street | Harvard MA 01451

www.fivesparks.org

OCTOBER 23, 2023

Town of Harvard
13 Ayer Road
Harvard, MA 01451

TO: Town Administration

On May 18, 2023, the basement at 7 Fairbank Street, where Fivesparks is the current tenant, experienced flooding as the result of a failed water heater in the utility room. We were notified of the incident at approximately 10:15am by a Fivesparks volunteer, who learned of the issue from an elevator inspector visiting the basement. The inspector was able to stop the flow of water and mitigate further damage. I immediately notified the Town Facilities Manager of the incident by phone. The Town communicated later that day that a cleaning company would arrive the following day to begin work on the remediation effort. We were appreciative of the quick response.

As a result of the plumbing failure, the west end of the lower level of the building flooded to various degrees. The Town's contractor(s) eventually determined that water had penetrated the lower walls around the perimeter of the spaces, requiring partial removal of wallboard throughout the space, and leaving Fivesparks without restrooms for nearly 3 months. While the Town quickly arranged for a portable toilet outside, the absence of restrooms inside the building impacted our ability to schedule programs – particularly in the Movement Room, at the east end of the lower level – since program instructors and participants expect this amenity in the building. Also, we needed to temporarily move furniture and other items out of the west end, into the Movement Room, to enable workers access to the damaged areas. We were unable to use space in the basement for any programming, while work was taking place.

Cleaning company workers ran 15 fans and dehumidifiers 24x7 for a week or more to mitigate moisture in the basement. Fivesparks has responsibility (and is the account owner of record) for all utility costs associated with operation of the building, per its lease with the Town. Further to this point, throughout the project, lights in the basement of the building were found to be repeatedly left on by the contractors for extended durations when no work was taking place, including at least two instances where all lights in the basement were left on overnight.

As a direct result of the incident and elapsed time until the space was fully usable again, Fivesparks incurred the following damages:

1. Canceled Classes and Lost Revenue (program fees) totaling **\$660**:

- Canceled: Collage Workshop - \$462
- Canceled: Mask Making - \$198



7 Fairbank Street | Harvard MA 01451

www.fivesparks.org

2. Programs and revenue lost (due to space and/or restroom restrictions) totaling **\$2,520**:
 - Yoga and dance workshops/series with Abriana McCollum - \$300
 - Kids' multi-day programs with Rachel Benson and Abriana McCollum - \$360
 - Home Schooling Co-Op program - \$1,710
 - Printmaking workshop during "Zea Mays Prints" exhibit - \$150
3. Necessary relocation of Harvard Music Festival programming during the week of June 19-23 (due to space and restroom restrictions), resulting in rental payments of **\$450** to other venues.
4. Cleaning Costs:
 - Clean up of construction dust in areas contractors failed to adequately protect, including specialized cleaning of the Marley dance/movement room flooring totaling **\$250**.
5. Increased Electricity Costs: year over year comparison for the period of May 8 through August 7 shows \$1,226 in 2023, compared with \$680 in 2022, a difference of **\$546**.
6. Water/Sewer Costs: Charges for the period May 2 through August 2 were **\$175**. Since Fivesparks did not have use of any plumbing fixtures for the period, this cost is associated with the contractors performing work (e.g. plastering, etc.).

Fivesparks forfeited a total of **\$3,180** in lost revenue and incurred **\$1,421** in additional expenses due solely to this incident and associated costs. *While we are not seeking reimbursement for lost revenue, we do feel it is reasonable for the Town to reimburse us for the other expenses outlined.*

Further, despite the situation, Fivesparks timely paid its rent in full (May through August). There was no access to utilize 43% of the space we pay for, including restroom facilities, from the May 18 incident through August 22. Fivesparks requests a 43% abatement for 3 months' rent, totaling **\$580**.

Total damages: \$1,421 + \$580 = \$2,001

We hereby respectfully request that the Town, as Lessor, promptly, equitably and fairly remedy these matters. Please contact me regarding these issues or with any questions. You may reach me at (978)835-0850 or at mikitarian@gmail.com.

Thank you,

Mark Mikitarian
President, Fivesparks

Re: Fivesparks - Damages Reimbursement request

Marie Sobalvarro <msobalvarro@harvard-ma.gov>

Mon 10/30/2023 5:06 PM

To: Mark <mikitarian@gmail.com>; Fivesparks Administrator <admin@fivesparks.org>

Cc: Willie Wickman <wickmanwillie@gmail.com>; Kara Minar <kminar01451@gmail.com>; Rich Maiore <rdmaiore@gmail.com>;

Julie Doucet <jdoucet@harvard-ma.gov>; Tim Bragan <tbragan@harvard-ma.gov>

Greetings -- apologies for the delay, was waiting for feedback from MIIA regarding your request for reimbursement for expenses outlined in your correspondence.

MIIA **will** be remitting monies for the clean-up costs (i.e., the specialized cleaning of the Marley flooring). The additional expenses that were incurred by FiveSparks were not eligible for reimbursement, per Lee @ MIIA, as they are delineated as the tenants' responsibility (and would be something to submit to your insurer for business interruption).

This isn't the response that we were hoping for re. the insurer items. The rental abatement would be a topic for the Select Board (Tim and I are just living by the lease; the lease parameters are the Board's).

Marie Sobalvarro
Assistant Town Administrator/HR Director
Town of Harvard
13 Ayer Road / Harvard MA 01451
msobalvarro@harvard-ma.gov
978-456-4100 x330

From: Mark <mikitarian@gmail.com>

Sent: Tuesday, October 24, 2023 10:20 AM

To: Tim Bragan <tbragan@harvard-ma.gov>; Marie Sobalvarro <msobalvarro@harvard-ma.gov>

Cc: Willie Wickman <wickmanwillie@gmail.com>; Kara Minar <kminar01451@gmail.com>; Rich Maiore <rdmaiore@gmail.com>; Julie Doucet <jdoucet@harvard-ma.gov>

Subject: Fivesparks - Damages Reimbursement request

Tim/Marie,

Please see the attached letter requesting reimbursement of costs/damages incurred by Fivesparks as a result of the basement flooding and subsequent construction. Please let Willie and me know if you have questions or require additional information to consider this request.

Copying Kara as SB Liaison, and Rich as SB Chair.

JULIE - Greatly appreciate you sharing this with rest of the SB members for informational purposes.

Thanks,
Mark

LEASE AGREEMENT

For the property known as the Old Library, located at 7 Fairbank Street in Harvard, Massachusetts 01451.

The parties to this agreement are the Town of Harvard Massachusetts, a Massachusetts municipal corporation having an address of 13 Ayer Road, Harvard, Massachusetts 01451, hereinafter, "Lessor" or "Town" and Harvard's Cultural Collaborative, Inc. (d/b/a "Fivesparks"), a Massachusetts charitable corporation, hereinafter "Lessee" having a current address of 7 Fairbank Street, Harvard, MA 01451-1239.

This agreement is a Massachusetts contract. It shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

I. PROPERTY

- 1) Lessor hereby agrees to lease the property known as the Old Library, located at 7 Fairbank Street in Harvard Massachusetts to Lessee for the term of this agreement.
 - a) Non-cosmetic changes to the building must be approved by Lessor (cosmetic changes, including, but not limited to: painting, carpeting, lighting, not-structural/weight-bearing walls, window treatments, and bookshelves may be made by Lessee.) Town may require building to be returned to original condition at termination of this lease for any non-cosmetic changes not previously approved by Lessor.
 - b) Spaces may not be sublet, although can be rented short-term.
 - c) Lessee to put all utilities (sewer, water, electricity, gas) in Lessee's name prior to occupancy.
 - d) Lessee shall be responsible to secure their leased area(s), and may install security systems.
 - e) Lessor will be responsible for all maintenance and repairs on exterior of building including, but not limited to: roof, windows, doors, entrances/egresses, exterior lighting.
 - f) Lessee will be responsible for all maintenance and repairs of the interior of the building, except for the heating systems, extensive repairs to the elevator, but Lessor shall be responsible for preventative maintenance and inspections of the elevator, and 2 potential Lessor spaces (Room 002 and 004 on attached document, "Old Library / Existing Conditions / Lower-Level Plan"). Lessee acknowledges and understands the elevator is over 30 years old and that many replacement parts are no longer manufactured which may limit the Town's ability to make extensive repairs to the elevator. If, during the heating season, the heating system fails and is not repaired within 48 hours, after notice and/or elevator is inoperable and is not repaired within 1 week of notice, Lessor and Lessee will renegotiate the terms of this lease and restrict public access to the mezzanine.
 - g) Lessor will be responsible for maintaining the integrity of the existing electrical and plumbing infrastructure.
 - h) Lessee will provide snow removal from the sidewalks and stairs, grounds maintenance, and trash removal service.

2) INSURANCE COVERAGES REQUIRED

Lessee shall carry appropriate liability insurance to protect the Town and to provide proof of such coverage; see attachment "Insurance Requirements: Leasing." Building shall not be occupied or used by Lessee if insurance is not in effect. Lessee agrees to hold Lessor harmless from any loss or damage to any of Lessee's property or leasehold improvements, and will carry own insurance for Lessee's contents. Lessor shall be responsible for damages to Lessee's leasehold improvements and contents due to Lessor's failure to enact

timely repairs of its areas of responsibility under sections I. 1) (e) (f) (g) above, unless the above-noted area issue was caused by Lessee's negligence.

III. CONDITIONS FOR TERMINATION

If any of the following conditions occur, this lease will be terminated and the Lessee will vacate the building upon 60 days' written notice of the following lease violation:

- Lapse of liability insurance.
- Rent 30 days in arrears.
- Use of third floor for public access.
- Material changes to the use of the building or imposition of limits to rights of public access from those described by lessee at lease inception.

IV. RENT

Rent is \$450.00 per month for the first 36 months, and \$600.00 per month for the months 37 through 60. Payment is due on the first day of the month.

V. LEASE TERM

Term of five (5) years, with option to extend for 1-year increments, if mutually agreed to by Lessor and Lessee by the 48th month. Lease term shall commence on June 1, 2022.

VI. SECURITY DEPOSIT

A security deposit of \$1800 has been provided by the Lessee.

The security deposit is held by the Town in a designated account that is credited with interest. The Town will be required to provide an annual report on the balance and interest accrued for the previous year. The interest will remain in the account and will only be paid out upon termination of the lease and only after any damage, exclusive of normal wear and tear, has been paid for through use of funds in this account.

VII. CONSTRUCTION

Lessor shall include in any contract with a contractor performing construction a clause (or clauses) requiring said contractor to: provide its own heat to the building (if necessary); and preserve and protect the interior of the building and its contents.

Lessor and Lessee shall agree to a prorated reimbursement to the Lessee for any utility usage by the contractor (heat, electric, water, sewer) during the construction period, for all periods extending beyond seven calendar days.

Lessor is responsible for ensuring that it or the contractor has sufficient insurance coverage to cover any damage or accident to the building during construction.

VIII. DAMAGE

Article 1 1)f) of this Agreement provides that Lessee will be responsible for all maintenance and repairs of the interior of the building, with certain exceptions. The parties agree that if damage to the interior of the building is caused by a compromised building envelope (roof leaks, outside brick damage, outside window casing for example), it is the Lessor's responsibility to make all necessary repairs to the interior, subject to adequate appropriation. For such damage which affects either the Lessee's full use of the building or the security of the

building, Lessor agrees to complete temporary repairs (such that Lessee can fully use the building or secure the building) within two business days (Monday through Friday) of notice of damage. Lessor will then make best efforts to complete all such repairs within 30 days of completing the temporary repairs. Should Lessor be unable or unwilling to complete such repairs within the 30-day time period mentioned above, the parties will negotiate in good faith as to whether a longer period is necessary or whether Lessee should undertake such repairs. Should the parties agree that the Lessee is to undertake the repairs, Lessee may deduct the cost of such repairs from future rent and furnish Lessor with receipts detailing the costs involved.

IX. LESSOR ENTRY

During business hours, the Town and its employees must have access to the office spaces described in I. Property (Rooms 002 and 004.) Upon reasonable notice the Town and its employees may have access at other times as agreed to by the parties. The Town shall have access for maintenance and repair of components described in I e), f), and g) above. In all instances, except those of emergency or abandonment, the Lessor shall give the Lessee reasonable notice (at least 24 hours) prior to such entry.

X. INDEMNIFICATION

Lessee shall indemnify and hold harmless the Town of Harvard, its officers, agents and employees from any and all suits, actions, claims, causes of action, damages, and liability whatsoever which may occur as a result of the operation of the LESSEE's program on the premises, unless said injury or damage is the result of the negligence of the Town of Harvard, its officers, agents, or employees.

XI. APPROPRIATION CONTINGENCY

Lessor's obligations under this lease agreement which involve the expenditure of Town funds are subject to appropriation of adequate fund therefor.

XII. DISPUTE RESOLUTION

All disputes between the Lessor and Lessee that cannot be settled by direct communication will be settled through mediation. In the event that the dispute(s) cannot be settled through mediation, Lessor and Lessee shall have all remedies available to them at law and in equity.

XIII. PARTIAL INVALIDITY

In the event that any one or more provisions of this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, the remainder of this Agreement shall not be affected.

XIV. NOTICES

The parties agree that notices to the Lessee should be mailed to the Lessee at 7 Fairbank Street, and if feasible via email to admin@fivesparks.org. Notices to the Lessor should be emailed to both the Town Administrator and the Assistant Town Administrator followed, if feasible, with a paper notice mailed or hand-delivered to Town Hall.

XV. AMENDMENT

This agreement may only be amended or modified by an amendment signed by both the Lessor and Lessee. The parties to the lease will negotiate by mutual consent any modifications to this lease.

In witness whereof, the parties have hereunto signed and sealed this Lease Agreement and a duplicate thereof this _____ day of May, 2022.

Town of Harvard, by:



Chair, Select Board

Its Select Board (designated signatory, April 26, 2022)

Harvard's Cultural Collaborative, Inc. d/b/a Fivesparks

By: 

Mark Mikitarian, President

USE POLICY
UPPER TOWN HALL AT HARVARD TOWN HALL
HARVARD, MASSACHUSETTS

SCHEDULING:

Scheduling for the use of the **Harvard Senior Center at 16 Lanaster County Road** will be done through the **COA Director's office Monday through Friday, 9:00AM – 3:00PM, holidays excluded.**

TIMES FOR USE:

1. **The Senior Center** is generally available to be scheduled from **Friday 5pm to Sunday at 5pm**, as well as on holidays.
2. **The Senior Center** can be used by town boards and commissions on most Monday through Thursday evenings. Other groups may schedule an event but will risk being bumped for a special meeting.
3. ~~When employees are downstairs during the days on Monday through Thursday and on Friday morning, Upper Town Hall is only available to be scheduled for quiet uses that do not disturb those on the first floor.~~

PRIORITY FOR USE:

The Senior Center is available for the use by groups in the following order of priority:

1. Meeting of Town Boards, Commissions, and Committees.
2. Use by town based non-profit organizations
3. Town resident private events
4. Other non-profit organizations
5. For profit organizations

FEE SCHEDULE:

1. Meetings of Town Boards, Commissions, and Committees – No charge.
2. Use by groups 3, 4 and 5: \$150 per use, plus insurance certificate up to 4 hours, ~~\$75 beyond 4 hours~~ **and beyond.**
3. ~~Use by group 5: \$75 per use up to 4 hours, \$150 beyond 4 hours.~~

Fees are payable by check, in advance, at the Town Administrator's Office. Checks should be made payable to the Town of Harvard.

REQUIREMENTS & RESTRICTIONS:

1. The facility is for the use by groups listed above.
2. Certificate of Insurance is required naming the Town of Harvard as an "additional insured" and providing evidence of no less than \$1,000,000 per claim/\$3,000,000 aggregate, in liability coverage.
3. Activities that have potential to cause damage to the **Senior Center** will not be permitted.
4. Alcoholic beverages – not permitted, except as per Harvard Board of Selectmen Liquor Policies.
5. Smoking is prohibited **anywhere in the building or on the grounds. Kitchen is not available for use.**
6. Groups that would like audio/visual support should contact Harvard Cable TV
7. No helium balloons are permitted **in the building or on the property.**
8. Total number of people not to exceed **90**. Note the Board of Selectmen Large Scale Event Policy may apply.

CLEAN UP PROCEDURES:

1. The premises, including tables and chairs, are required to be left in the order and condition in which they were found.
2. All trash and rubbish to be removed from the premises.
3. The bathrooms are to be left clean.
4. **Lights are on sensors, so no need to turn lights on or off.**
5. Make sure the doors are locked upon leaving.

Approved and enacted by the Board of Selectmen on June 7, 2016
APPLICATION FOR USE OF:
HARVARD SENIOR CENTER
AT **16 Lancaster County Road**, HARVARD MASSACHUSETTS

Please complete this form and return it with appropriate fee to:
Town Administrator's Office, Harvard Town Hall, 13 Ayer Road, Harvard, MA 01451

Date: _____

Name of Organization: _____

Type of Organization: _____

- Town Board/Committee Town based non-profit Town resident private event
 Other non-profit organizations For-Profit

Address (mailing): _____

Contact Name and Phone Number: _____

Email Address: _____

Date (s) of requested use: _____

Purpose/Event description (or attach event invitation):

Times needed – include set –up and clean-up: _____

Expected Attendance: _____ Open to Public: _____

Will catering be involved? _____ Name of caterer, if applicable: _____

A certificate of Insurance, is required at the time of application, in the amount of \$1,000,000 per claim/\$3,000,000 aggregate.

_____ hereby agrees that this event will be held in accordance with the

Organization Name

Use Policy of the **Harvard Senior Center**.

By: _____

Signature

Printed Name