



Posted 3.30.2023 at 4:00pm by JAD

**SELECT BOARD  
AGENDA  
Tuesday, April 4, 2023  
7:00pm**

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

**The Select Board Regular Meeting is being held virtually in accordance with legislation S. 2475, an act relative to extending certain COVID-19 measures adopted during the Covid Pandemic state of emergency. Interested individuals can listen in and participate by phone and/or online by following the link and phone # below.**

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Select Board

Time: Apr 4, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87066452963?pwd=ZkpUWllhV2M0OFIRWDB6WitTSFkrZz09>

Meeting ID: 870 6645 2963

Passcode: 064064

One tap mobile

+13052241968,,87066452963# US

+13092053325,,87066452963# US

Find your local number: <https://us02web.zoom.us/j/87066452963?pwd=ZkpUWllhV2M0OFIRWDB6WitTSFkrZz09>

**AGENDA ITEMS**

- 1) Call meeting to order – Chair Rich Maiore
- 2) Public Communication (7:00)
- 3) Approve minutes 2/28 (7:05)
- 4) Action/Discussion: (7:10)
  - a) Vote position on Town Meeting warrant articles and decide on article assignments
  - b) Vote on Townwide clean up; funding for supplies
  - c) Vote to act on right of first refusal for sale of affordable unit - 11-B Trail Ridge Way
  - d) Discuss repairs for town clock
  - e) Review FY23 Select Board goals
- 5) Select Board Reports
- 6) **Executive Session:** per MGL Ch. 30A, s. 21(a)3: To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares. The Select Board will reconvene into open session only to adjourn.

***Next Regular Select Board Meeting  
Tuesday, April 25, 2023  
7:00pm***



**Select Board Minutes**  
**Tuesday, February 28, 2023**  
**7:00pm**

The Select Board Regular Meeting was held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20.

**Select Board participants:**

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

**Town Department attendees:**

Town Administrator Tim Bragan and Assistant Town Administrator Marie Sobalvarro

**Additional participants:**

Barry Jordan, CPIC Chair Nate Finch, Finance Committee Chair Jennifer Finch

**Resignation**

The board accepted the resignation of Adam Meier from the Harvard Climate Initiative Committee.

**Elderly & Disabled Taxation Aid Committee Appointment**

Council on Aging Director Debbie Thompson recommended Barry Jordan for appointment. By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to appoint Barry Jordan to the Elderly & Disabled Taxation Aid Committee.

**Public Communication**

Town Conservation Agent/Employee Personnel Board Representative Liz Allard read a statement on behalf of the non-union staff regarding the cost-of-living increase for FY24. (Attachment A)

**Staff Report (Attachment B)**

Under personnel Tim Bragan reported on the hiring of the Park & Recreation Director. Discussion ensued on the location of the Rec Directors office. Town Administration has selected the downstairs space in the old library building as the optimal and only location currently. Park & Rec Chair Bob O'Shea and board members at Fivesparks have expressed concerns with the location.

Barry Jordan entered introduced himself.

**Capital Planning & Investment Committee (CPIC) recommendations**

CPIC Chair Nate Finch shared the list of projects requests received. He included which projects were supported and the funding amounts decided upon. Kara Minar was surprised at the high-cost estimate for the design of the DPW building. Assistant Town Administrator Marie Sobalvarro explained the schematic designs have been completed and this request is to develop construction ready documents. Minar asked the reasoning behind support the DPW design over the Fire Dept. Finch explained the DPW facility is in very bad condition and is staffed on a regular basis whereas the Fire Station is not. He admitted both buildings are in need however the Fire Dept was slated for next year originally. The Fire Chief had been hopeful of a new state program to assist with Fire Station funding but the legislation did not make it to law.

### **Finance Committee recommendations**

Finance Committee Chair Jennifer Finch shared the budget detail document. She noted the state cherry sheets were higher than expected which relived some of the pressure on the budget. She was pleased to report there is currently a surplus of \$83,000. Town Administrator Tim Bragan worked with Assistant Town Administrator Marie Sobalvarro and Finance Director Jared Mullane worked together on cuts made to the budget on the town side. Finch said the final state budget and outcome of teacher negotiations are the remaining variables. Bragan reviewed the small warrant articles.

### **Worcester retirement cost of living increase**

The Select Board did not take any action on this item. They will defer until June when far more communities will have responded.

### **Revisit Cost of Living Adjustment (COLA) recommendation and discuss Merit for FY2024**

Tim Bragan reminded the board of their vote back in November to approve an 8.2% COLA and revisit if economy improves by March 1<sup>st</sup> 2023 to lower the COLA but not increase it. Maire Sobalvarro said the Consumer Price Index (CPI) has gone down to 6.4% in January with the average being 7.52%. Bragan said in 2018 the Select Board moved from a system structure with step and grade increases to a recommendation from the Personnel Board based on the CPI and a merit increase based on performance. He asked if the board was interested in moving back to the old system? He cautioned if they were to go back on their previous vote it would appear that way. Member Don Ludwig and Erin McBee have served on the Personnel Board and agree the current system is better. By a roll call vote, Ludwig – aye, McBee -aye, Minar – aye, Oliver – aye, Maiore – aye, the board voted unanimously to stay with the Personnel Board recommendation.

### **Select Board Reports**

Planning Board liaison Erin McBee asked the board to vote in favor of the Planning Board submitting a grant for the connection of Old Mill Trails to Devens under the DLTA grant program. Kara Minar agreed this was a good idea. By a roll call vote, Minar – aye, McBee – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously in favor to allow the Planning Board to go forward with DLTA-A grant funding.

### **Executive Session per MGL Ch. 30A, s. 21(a) 1 & 2**

By a roll call vote, Minar–aye, Oliver – aye, McBee– aye, Ludwig – aye, Maiore – aye, the board voted unanimously to enter executive session at 8:48pm as per MGL 30A Sec. 21.1&2 To discuss the physical condition of an employee who has waived their right to be present and to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

The meeting was adjourned at Executive session at 9:00pm

Documents referenced:

Meier resignation letter – dated 2.9.2023

Barry Jordan vol form – dated 1.31.2023

CPIC recommendations dated March 2023

**WARRANT FOR THE 2023 TOWN OF HARVARD  
ANNUAL TOWN MEETING AND ELECTION  
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in the Cronin Auditorium located in The Bromfield School on Saturday, the 29th day of April 2023 at 12:00 p.m. by the clock to act on the following articles:

**ARTICLE 1: ANNUAL REPORTS**

To see if the Town will vote to hear the reports of the Select Board, School Committee, and any other officers or committees that may be ready to make a report and act thereon.

(Inserted by Select Board)

**ARTICLE 2: PAY BILLS OF PRIOR FISCAL YEARS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to pay bills of Fiscal Year 2022, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

**ARTICLE 3: AYER ROAD TITLE RESEARCH**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account to conduct title research for properties along Ayer Road, between Route 2 and the Ayer Town Line, as part of the Transportation Improvement Program's requirements for the \$12+ Million road reconstruction grant, to be expended by the Department of Public Works Director, with the approval of the Town Administrator, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

*FINANCE COMMITTEE RECOMMENDS – the sum of \$60,000. be transferred from the General Stabilization Account, for the purpose of conducting title research for properties along Ayer Road, between Route 2 and the Ayer Town Line, as part of the Transportation Improvement Program's requirements for the \$12+ Million road reconstruction grant.*

**ARTICLE 4: TOWN'S FINANCIAL SOFTWARE (MUNIS) UPGRADE and TRAINING**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account, to be expended by the Finance Director, to upgrade the Town's financial software, MUNIS, and to provide for the necessary training as well, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

*FINANCE COMMITTEE RECOMMENDS – the sum of \$22,326. be transferred from the General Stabilization Account to upgrade the Town's financial software, MUNIS, and to provide for the necessary training as well.*

**ARTICLE 5: TAX TITLE LEGAL REQUIREMENTS**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account, to be expended by the Treasurer/Collector with the approval of the Finance Director, to provide for hiring a tax title legal expert to assist the Finance Department with its legal work related to tax title, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

*FINANCE COMMITTEE RECOMMENDS – the sum of \$75,000 be transferred from the General Stabilization Account to provide for hiring a tax title legal expert to assist the Finance Department with its legal work related to tax title.*

**ARTICLE 6: BARE HILL POND ALGAE BLOOM MONITORING**

To see if the Town will vote to transfer a sum of money from the General Stabilization Account, to be expended by the Bare Hill Pond Watershed Management Committee, to provide the Bare Hill Pond Management Committee with the necessary funds to assist them in monitoring and treating algal blooms on Bare Hill Pond, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

*FINANCE COMMITTEE RECOMMENDS – the sum of \$7,000. be transferred from the General Stabilization Account to provide the Bare Hill Pond Management Committee with the necessary funds to assist them in monitoring and dealing with algae blooms on Bare Hill Pond.*

**ARTICLE 7: OPIOID SETTLEMENT FUNDS**

To see if the Town will vote to transfer a sum of money from the Fiscal Year 2022 Certified Free Cash to be placed in an Opioid Settlement Account to be expended by various public safety departments, with the approval of the Select Board, in conformance with the legal requirements of the various legal settlements, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

*FINANCE COMMITTEE RECOMMENDS – the sum of \$72,788.44 received from the State as a result of various legal settlements, to be transferred from the Fiscal Year 2022 Certified Free Cash, placed in an Opioid Settlement Account and be expended by various public safety departments, with the approval of the Select Board, in conformance with the legal requirements of the various legal settlements.*

**ARTICLE 8: OTHER POST-EMPLOYMENT BENEFITS (OPEB) FUNDING**

To see if the Town will vote to transfer a sum of money from the Fiscal Year 2022 Certified Free Cash, to be combined with the funds in the omnibus budget, and deposited into the Town’s OPEB account, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

*FINANCE COMMITTEE RECOMMENDS – the sum of \$50,000. be transferred from the Fiscal Year 2022 Certified Free Cash to be combined with the funds in the omnibus budget, and deposited into the Town’s OPEB account.*

**ARTICLE 9: TRANSFER FROM CERTIFIED FREE CASH TO THE STABILIZATION ACCOUNT**

To see if the Town will vote to transfer a sum of money from Fiscal Year 2022 Certified Free Cash to the Stabilization Account, in accordance with the Town Code, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

*FINANCE COMMITTEE RECOMMENDS – the sum of \$\_\_\_\_\_. be transferred from the Fiscal Year 2022 Certified Free Cash to the Stabilization Account, in accordance with the Town Code.*

**ARTICLE 10: TRANSFER FROM CERTIFIED FREE CASH TO THE CAPITAL STABILIZATION AND INVESTMENT FUND**

To see if the Town will vote to transfer a sum of money from Fiscal Year 2022 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

***FINANCE COMMITTEE RECOMMENDS – the sum of \$\_\_\_\_\_ be transferred from Fiscal Year 2022 Certified Free Cash to the Capital Stabilization and Investment Fund in conformance with the Town Code.***

#### **ARTICLE 11: OMNIBUS BUDGET**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, such sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024, or pass any vote or votes in relation thereto.

(Inserted by Select Board and Finance Committee)

***FINANCE COMMITTEE RECOMMENDS – the total amount of the Omnibus Budget and Enterprise Budgets for Fiscal Year 2024 as detailed on pages XX to XX.***

#### **ARTICLE 12: PERFORMANCE-BASED WAGE ADJUSTMENTS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to supplement the amount appropriated under Article 11 of the Warrant for the 2023 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2024, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

***FINANCE COMMITTEE RECOMMENDS – the sum of \$21,129. be raised and appropriated to supplement the amount appropriated under Article 11 of the Warrant for the 2023 Annual Town Meeting for salaries and wages of non-school officials and employees in order to fund performance-based wage adjustments for Fiscal Year 2024.***

#### **ARTICLE 13: APPROVE NEW DPW COLLECTIVE BARGAINING AGREEMENT AND FUNDS TO PAY FOR FISCAL YEAR 2024.**

To see if the Town will vote to approve the most recent Collective Bargaining Agreement between the Town and AFSCME 93, Harvard Department of Public Works which has been approved by said Union and the Select Board and to raise and appropriate, borrow, or transfer a sum of money to pay for the cost of funding Fiscal Year 2024 of said agreement, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

***FINANCE COMMITTEE DOES NOT HAVE A RECOMMENDATION – at this time as the contract negotiation are ongoing.***

#### **ARTICLE 14: CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMENDED EXPENDITURES**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the following sums of money to be expended by the following boards and officials for the capital projects and acquisitions described and numbered below, each of which shall be a separate appropriation, and to provide for said appropriations from the funding sources, and that any funds remaining will be returned to their funding source, or pass any vote or votes in relation thereto:

(Inserted by the Capital Planning and Investment Committee)

|    | <i>Description of Acquisition<br/>or Project</i>             | <i>Board or Official<br/>Authorized to Expend Funds</i>                     | <i>Amount</i> | <i>Funding Source</i>         |
|----|--|---|---------------|-------------------------------|
| 1  | Renovate Girls' Locker Room                                  | Superintendent of Schools<br>with School Committee approval                 | \$ 150,000    | Capital Stabilization<br>Fund |
| 2  | Passenger Van for Schools                                    | Superintendent of Schools<br>with School Committee approval                 | \$ 30,000     | Capital Stabilization<br>Fund |
| 3  | Bromfield School Flooring                                    | Superintendent of Schools<br>with School Committee approval                 | \$ 130,000    | Capital Stabilization<br>Fund |
| 4  | Bromfield School Gym: Painting,<br>Curtain, Basketball Hoops | Superintendent of Schools<br>with School Committee approval                 | \$ 125,000    | Capital Stabilization<br>Fund |
| 5  | Council on Aging Building Solar<br>Panels                    | Permanent Building Committee with<br>Select Board approval                  | \$ 170,000    | Capital Stabilization<br>Fund |
| 6  | Library Fire Alarm   | Facilities Manager with<br>Select Board approval                            | \$ 50,000     | Capital Stabilization<br>Fund |
| 7  | Painting of Municipal Buildings                              | Facilities Manager with<br>Select Board approval                            | \$ 185,000    | Capital Stabilization<br>Fund |
| 8  | Public Safety Building Elevator                              | Facilities Manager with<br>Select Board approval                            | \$ 150,000    | Capital Stabilization<br>Fund |
| 9  | Paving Public Safety Building<br>Parking Lot                 | Facilities Manager with<br>Select Board approval                            | \$ 100,000    | Capital Stabilization<br>Fund |
| 10 | Hybrid Fire Command Car                                      | Fire Chief with<br>Select Board approval                                    | \$ 65,000     | Capital Stabilization<br>Fund |
| 11 | Self-Contained Breathing Apparatus<br>(SCBA) Air Compressor  | Fire Chief with<br>Select Board approval                                    | \$ 60,000     | Capital Stabilization<br>Fund |
| 12 | Field Rotation/Restoration                                   | Recreation Director with<br>approval of Parks & Recreation<br>Commissioners | \$ 25,000     | Capital Stabilization<br>Fund |
| 13 | Road Maintenance   | Director of Public Works with the<br>approval of the Select Board           | \$ 200,000    | Capital Stabilization<br>Fund |
| 14 | Town Voice Over Internet Protocol<br>Phone System            | Town Administrator with the<br>approval of the Select Board                 | \$ 70,000     | Capital Stabilization<br>Fund |

***FINANCE COMMITTEE AND THE CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMEND – the passage of this article, all of the items 1 through 14 totaling \$1,510,000., and be funded from the Capital Stabilization and Investment Fund.***

**ARTICLE 15: CAPITAL PLANNING AND INVESTMENT COMMITTEE DEBT PAYMENT**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to be expended by the Town Treasurer, with the approval of the Select Board, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2024, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee and Capital Planning and Investment Committee)

***FINANCE COMMITTEE AND THE CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMEND – the passage of this article, and the sum of \$263,088. be funded from the Capital Stabilization and Investment Fund.***

**ARTICLE 16: CAPITAL PLANNING AND INVESTMENT COMMITTEE DEBT**

**RECOMMENDATIONS**

To see if the Town will vote to borrow the following sums of money to be expended by the following boards and officials for the capital projects and acquisitions described and numbered below, each of which shall be a separate appropriation, and to provide for said appropriations from the following funding sources, or pass any vote or votes in relation thereto:

(Inserted by Finance Committee and Capital Planning and Investment Committee)

|   | <i>Description of Acquisition<br/>or Project</i> | <i>Board or Official<br/>Authorized to Expend Funds</i>        | <i>Amount</i> | <i>Funding Source</i>      |
|---|--|--|---------------|----------------------------|
| 1 | Heavy Duty Dump Truck                            | Director of Public Works with the approval of the Select Board | \$ 240,000    | Borrowing<br>M.G.L. Ch. 44 |

**FINANCE COMMITTEE AND THE CAPITAL PLANNING AND INVESTMENT COMMITTEE RECOMMEND – the passage of this article and the sum of \$240,000., and that it be funded through debt authorization.**

**ARTICLE 17: AMEND USE OF PRIOR ARTICLES AND EXTEND SUNSET DATES**

To see if the Town will vote to amend its votes under: Article 9, #12, of the June 20, 2020 Annual Town Meeting; Article 8, #4, of the May 15, 2021 Annual Town Meeting; and Article 18, #1, of the May 24, 2022 Annual Town Meeting to allow the previously appropriated funds to be used to provide for an HVAC engineering study and that Article 9, #12, of the June 20, 2020 Annual Town Meeting and Article 8, #4, of the May 15, 2021 Annual Town Meeting by extending their respective sunset dates extended to June 30, 2025, or pass any vote or votes in relation thereto.

(Inserted by the Capital Planning and Investment Committee)

**ARTICLE 18: COMMUNITY PRESERVATION COMMITTEE REPORT**

To see if the Town will vote to accept the report and recommendations of the Community Preservation Committee on the Fiscal Year 2024 Community Preservation budget as printed in the 2023 Finance Committee Report, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

**ARTICLE 19: COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to appropriate and transfer the following sums of money to be expended by the following boards and officials for the projects and purposes described and numbered below, each of which shall be a separate appropriation and transfer, and to provide for said appropriations from the funding sources with expenditures to begin in Fiscal Year 2024, and that any funds remaining will be returned to their funding source, or pass any vote or votes in relation thereto:

(Inserted by the Community Preservation Committee)

|   | <i>Description of Acquisition<br/>or Project</i> | <i>Board or Official<br/>Authorized to Expend<br/>Funds</i> | <i>Amount</i> | <i>Funding Source</i>  |
|---|--|---|---------------|--|
| 1 | ADA Playground Upgrade                           | Parks and Recreation<br>Commission                          | \$ 50,000     | Fiscal 2024 Community<br>Preservation Fund<br>Unspecified Reserves |



|   |  |                                    |            |  |
|---|--|------------------------------------|------------|--|
| 2 | Baseball and Softball Field Improvements                 | Parks and Recreation Commission    | \$ 35,404  | Fiscal 2024 Community Preservation Fund Unspecified Reserves |
| 3 | Littleton County Road Conservation Restriction           | Conservation Commission            | \$ 200,000 | Fiscal 2024 Community Preservation Fund Unspecified Reserves |
| 4 | Fire Reports Preservation                                | Harvard Fire Department            | \$ 5,760   | Fiscal 2024 Community Preservation Fund Unspecified Reserves |
| 5 | Affordable Housing Reserves                              | Municipal Affordable Housing Trust | \$ 36,100  | Fiscal 2024 Community Preservation Fund Unspecified Reserves |
| 6 | Debt Payment on Town Hall                                | Finance Director                   | \$ 45,938  | Fiscal 2024 Community Preservation Fund Unspecified Reserves |
| 7 | Community Preservation Committee Administrative Expenses | Community Preservation Committee   | \$ 2,000   | Fiscal 2024 Community Preservation Fund Unspecified Reserves |

**ARTICLE 20: LEASE OF LAND FOR INSTALLATION OF SOLAR ARRAY AT THE DPW**

To see if the Town will vote to authorize the Select Board to lease the Old Landfill Area at the Department of Public Works, located off Depot Road, for the purpose of installing a ground mounted solar photovoltaic system for a term to be specified in a Power Purchase Agreement and lease agreement between the Town and the company chosen to install the photovoltaic system, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

**ARTICLE 21: FY2024 ENTERPRISE FUND BUDGETS**

To see if the Town will vote to raise and appropriate or transfer from available funds sums of money to defray the regular expenses of both the Town Sewer, and Ambulance Enterprise Funds, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F ½ for Fiscal Year 2024, or pass any vote or votes in relation thereto.  
(Inserted by Finance Director)

*FINANCE COMMITTEE RECOMMENDS – the passage of this article.*

**ARTICLE 22: HARVARD PARKS AND RECREATION NON-BEACH REVOLVING FUND**

To see if the Town will vote to amend Chapter 21 of the Town Code, Departmental Revolving Funds, by adding thereto the following new section to authorize the establishment of a revolving fund, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E1/2, for the Parks and Recreation non-beach and non-field revenue, or pass any vote or votes in relation thereto.  
(Submitted by Harvard Parks and Recreation Commission)

**§21-5.10 Parks and Recreation Revolving Fund.**

**A.** Fund name. There shall be a separate fund called the Parks and Recreation Revolving Fund, authorized for use by the Harvard Parks and Recreation Director.

**B.** Revenues. The Town Accountant shall establish the Parks and Recreation Revolving Fund as a separate account and credit to the Fund all of the fees charged and received by the Harvard Parks and Recreation Director in connection with various non-beach activities.

**C.** Purposes and expenditures. During each fiscal year, the Harvard Parks and Recreation Director may incur liabilities against and spend monies from the Parks and Recreation Revolving Fund for the expenses of the programs for which the fees are collected.

**D.** Fiscal years. The Parks and Recreation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2023.

*FINANCE COMMITTEE RECOMMENDS – the passage of this article.*

### **ARTICLE 23: REVOLVING FUNDS**

To see if the Town will vote to set the following limits on the amounts to be expended from the following revolving funds during Fiscal Year 2024, or pass any vote or votes in relation thereto:  
(Inserted by Finance Committee)

| <b>Revolving Fund</b>   | <b>Expenditure Limit</b> |
|---|--------------------------|
| Council on Aging  | \$ 35,000.               |
| Fourth of July Committee                                      | 40,000.                  |
| Fire Department S.A.F.E. Program                              | 30,000.                  |
| Application Review Advertising<br>& Professional Service Cost | 1,000.                   |
| Harvard Community Cable<br>Access Committee                   | 25,000.                  |
| Parks and Recreation Beach                                    | 120,000.                 |
| Parks and Recreation Field Maintenance                        | 65,000.                  |
| HES EVCS Revolving Fund                                       | 20,000.                  |
| Parks and Recreation Revolving Fund                           | 120,000.                 |

*FINANCE COMMITTEE RECOMMENDS – the passage of this article.*

### **ARTICLE 24: AMEND CHAPTER 39, FIREARMS and EXPLOSIVES, of the CODE of HARVARD**

To see if the Town will vote to amend Chapter 39, Firearms and Explosives, of the Town Code by making the following revisions or take any vote or votes in relation thereto.

[key to revisions: underlining = additions; strikethrough = deletions]

Hunting, Trapping, Firearms, and Explosives

§ 39-1 ~~Discharge prohibited; exceptions:~~ Consent is required for hunting, trapping, or discharging of firearms or explosives on public or private property. It is expressly understood that hunting, trapping, or the discharging of firearms or explosives on public or private property is not allowed without written consent and having that consent on one's person at all times during any of these activities.

A. No person shall hunt, trap, or snare game, fire or discharge any firearms or explosives of any kind within the limits of any highway, park, or other public property, or Bare Hill Pond, ~~except~~ without the permission of the Select Board; or on any private property, ~~except~~ without the written consent of the owner or legal occupant thereof; ~~provided, however, that this bylaw shall not apply to the lawful defense of life or property nor to any~~

law enforcement officer acting in the discharge of their duties. And such consent shall be carried at all times by such person and, upon request, it shall be shown to any police officer, game warden, or to any other local or state law enforcement official or to the property owner, legal occupant, or his/her agent.

B. For the purposes of this bylaw, regulations promulgated by state agencies having jurisdiction over public property within the Town specifically authorizing hunting and/or fishing thereon shall constitute written consent.

#### § 39-2 Exceptions

A. This bylaw shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of their duties.

B. Person(s) legally licensed under M.G.L. Chapter 131 hunting on public land owned or maintained by the Town, so long as written permission of the Town is granted; said written permission shall be carried with the person hunting at all times and, upon request, it shall be shown to any police officer, game warden, or to any other local or state law enforcement official or Town official.

#### § 39-3 Violations and penalties.

A. Any police officer of the Town may enforce the provisions of this section..

B. As an alternative to criminal fines imposed under M.G.L. Chapter 131, Section 90, ~~Violations~~ Violators of this bylaw shall be punishable by a civil fine of not to exceed less than \$250 nor more than \$500, \$50.00 for each offense.

(Inserted by Police Chief)

### ARTICLE 25: CITIZEN PETITION

#### Resolution in Support of Changing the State Flag & Seal of Massachusetts

**Whereas** the history of the Commonwealth of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

**Whereas** members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

**Whereas** the Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

**Whereas** the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

**Whereas** the proportions of the body of the Native man in the Flag and Seal were modeled from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

**Whereas** the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

**Whereas** Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members considered wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self-governance by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

**Whereas** Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

**Whereas** the 400<sup>th</sup> anniversary of the landing of the colonists at Plymouth Plantation in the year 2020, afforded every citizen of the Commonwealth a chance to reflect upon this history and come to an awareness of the possibility of a better relationship between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

**Whereas** Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the loss of their ancestral lands and the encroachment of their cultural lifeways;

**Whereas** the land area now known as the Town of Harvard shares a rich Native history with modern tribal Nations like the Nipmuc, who lived here for thousands of years before the first colonial settlers arrived, in 1658;

Now, therefore, **BE IT RESOLVED** that the Town of Harvard hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, created by a Resolve of the General Court in 2021 and appointed by the Governor **to recommend changes to the current flag and seal of Massachusetts**; and in support of a new seal and motto for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall be advised to forward a copy of this resolution to Representative Antonio Cabral and to Senator Nick Collins, co-chairs of the Joint Committee on State Administration, and to Sen. Jamie Eldridge and Representative Danillo Sena, and request that they continue their strong advocacy and support for the work of the aforementioned Special Commission.

(Inserted by Citizen Petition)

## **ARTICLE 26: ACCEPTANCE OF GIFTS OF PROPERTY**

To see if the Town will vote to accept gifts of land or interests in land for any municipal purpose, and authorize the Select Board to acquire said parcels of land or interests therein so donated or purchased by eminent domain for the purpose of confirming and making clear the Town's title to said parcels of land or interests therein, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

***FINANCE COMMITTEE COMMENT -- We encourage residents to consider a tax-deductible donation of land to the Town. The Town gives thanks to those who have made such a donation.***

## **ARTICLE 27: ACCEPTANCE OF HIGHWAY FUNDS**

To see if the Town will vote to accept State funds to be used for reconstruction and improvements of public

ways, or pass any vote or votes in relation thereto.  
(Inserted by Select Board)

***FINANCE COMMITTEE RECOMMENDS – the passage of this article.***

\*\*\*\*\*

And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at The Bromfield School, 14 Massachusetts Avenue, on Tuesday, the 9th day of May, 2023, from 8 a.m. to 8 p.m., to cast their ballots for the following officers and questions:

Moderator, 1 position for 1 year; Select Board, 2 positions for 3 years; Library Trustees, 2 positions for three years; School Committee, 2 positions for 3 years; Warner Free Lecture, 2 positions for 3 years; Warner Free Lecture, 1 position for 2 years

**QUESTION #1 – Permanent Water Connection with Devens**

Shall the Town of Harvard be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the costs of making various water system improvements, including, but not limited to, (i) the construction of a new water system interconnection between the Town of Harvard and Devens water distribution systems; and (ii) an associated pumping system and chemical feed facility, and for the payment of all other costs incidental and related thereto ?

YES \_\_\_\_\_ NO \_\_\_\_\_

(Requires a majority vote for passage.)

Summary of ballot question: In February, at the Special Town Meeting held on February 13<sup>th</sup>, the Town voted to support this endeavor by passing Article 3. This ballot question is needed in order to finalize the funding for this project. The project itself will allow for a water connection to Devens and will help the Town deal with current and future water treatment issues. Most importantly, the water connection to Devens will provide for a source of water that is already treated for Per-fluorinated and Poly-fluorinated Substances (PFAS).

**QUESTION #2 – Department of Public Works Heavy Duty Truck Debt Exclusion**

Shall the Town of Harvard be allowed to exempt from the provisions of proposition two and one half, so-called, the amounts required to pay for the bond issued to purchase a new heavy-duty vehicle to replace a 1999 heavy-duty vehicle?

YES \_\_\_\_\_ NO \_\_\_\_\_

(Requires a majority vote for passage.)

Summary of ballot question: This ballot question will allow the Town to replace a twenty-four-year-old heavy duty plow vehicle with a newer more efficient heavy-duty plow vehicle.

**QUESTION #3 – Community Preservation Fund – Change Surcharge**

Shall the Town of Harvard amend its acceptance of sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body at its Special Town Meeting held on February 13, 2023, a summary of which appears below?

YES \_\_\_\_\_ NO \_\_\_\_\_

(Requires a majority vote for passage.)

Summary of ballot question: Harvard accepted Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, and established a “Community Preservation Fund” with a dedicated funding source. Fund monies may be spent to (1) acquire, create and preserve open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farmland, forests, marshes, beaches, scenic areas, wildlife preserves, and other conservation areas, (2) rehabilitate and restore land for recreational use, (3) acquire, preserve, rehabilitate and restore historic buildings and resources, (4) acquire, create, preserve and support affordable housing and (5)

rehabilitate and restore open space and affordable housing that was acquired or created with community preservation funds.

The current funding source is a 1.1% surcharge on the annual property tax assessed on real property. This amendment will increase the surcharge from 1.1% to 3% and add the following exemptions from the annual surcharge: (1) property owned and occupied as a domicile of a person who qualifies for low-income housing, or low or moderate-income senior housing, as defined in the Act; (2) \$100,000 of the value of each taxable parcel of residential real property as defined for property tax classification purposes; and (3) \$100,000 of the value of each parcel of commercial or industrial property as defined for property tax classification purposes. This amendment will take effect starting in fiscal year 2024, which begins on July 1, 2023. The surcharge will continue to be calculated in the same manner by multiplying the real estate tax on the parcel by the adopted percentage. A taxpayer receiving any other exemption or abatement of tax on real property receives a pro rata reduction in surcharge.

**QUESTION #4 – Charter Amendment – Moderator Term of Office**

Shall this town approve the charter amendment approved by the First Session of the 2022 Annual Town Meeting on May 14, 2022 as summarized below?

YES \_\_\_\_\_ NO \_\_\_\_\_  
(Requires a majority vote for passage.)

Summary of proposed Charter amendment: The Charter amendment proposed at the First Session of the 2022 Annual Town Meeting changes the term of office for the Moderator from one year to three years. The proposed Charter amendment has been approved by the Attorney General of the Commonwealth. If approved at this election, it will take effect at the next annual election.

(The polls will be open from 8:00 a.m. to 8:00 p.m.) And you are directed to serve this Warrant by posting three attested copies thereof, one at the Town Hall, one at the Post Office in Harvard, and one on the Town website, as directed by vote of the Town, seven days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 22nd day of March, Two Thousand and Twenty-Three.

**Harvard Select Board:**

Richard Maiore, Chair  
Kara McGuire Minar

Donald Ludwig  
Charles Oliver

Erin McBee

## request to hold 2023 Townwide Cleanup and Garlic Mustard Pull

Libby Levison <llevison@toast.net>

Fri 3/17/2023 1:22 PM

To: Julie Doucet <jdoucet@harvard-ma.gov>; Rich Maiore <rdmaiore@gmail.com>

Cc: Erin McBee <emcbee01451@gmail.com>; Tim Bragan <tbragan@harvard-ma.gov>; Paul Manning <paul@theplateau.com>; Brian McClain <brianrmcc1@gmail.com>; Barbara Romero <barbaralromero@yahoo.com>; Jessie Panek <brumbydesign@me.com>; heidi siegrist <hhsiegrist@yahoo.com>

Hi Julie, Rich and Tim,

The Townwide Cleanup and Garlic Mustard gang are discussing the 2023 Cleanup/GM pull.

The Select Board has supported this event since we started in 2016 (with 2020 off due to COVID19). In both 2021 and 2022 about 300 people collected 484 bags of trash and garlic mustard (2021 was 483.5 bags and 2022 was 484 bags!!). Residents are already asking us if there will be a Cleanup/GM pull this year. We'd like to say yes.

In order to not conflict with Annual Town Meeting, we are looking at holding the event May 4-May 7. The cost to the town will remain what it was last year -- we need to buy bags and some vinyl gloves. Once we are approved by the Select Board we will coordinate with DPW to collect the filled bags.

One of the organizers is happy to join a Select Board meeting, but the past two years, the Select Board approved based on an email. Please let us know if you would like us to come speak to the SB this year.

Thank you in advance for your continued support of this event.

Libby

for the Cleanup & GM organizers

Brian J. Pearly  
15 Littleton Rd.  
Unit 3B  
Harvard, MA 01451  
(617) 842-0693

March 29, 2023

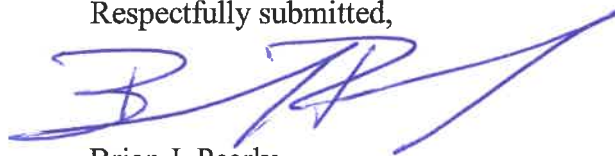
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|---|---|
| Town Administrator<br>Town of Harvard<br>13 Ayer Rd.<br>Harvard, MA 01451 | The Department of Housing and Community Development<br>100 Cambridge Street, Suite 300<br>Boston, MA 02114<br>Attn: Division of Housing Development - LIP Program |
|---|---|

**Re: Conveyance Notice, for 15 Littleton Rd., Unit 3B**

To whom it may concern:

Please accept this as formal notice of my request to sell 15 Littleton Rd., Unit 3B. I look forward to hearing from you.

Respectfully submitted,



Brian J. Pearly



# Select Board Goals for FY23

## Parks and Recreation

- 1) Strategic plan to address playing fields:
  - a) Phase one – immediate solution- convert Ryan 2 field to a softball field for use by Spring 2023
  - b) Phase two – investigate potential for land swap/conversion of Stone Land/ Old Mill Rd, determine allowable uses under Chapter 97
  - c) Phase three – longer term – hire consultant firm to prepare a comprehensive needs assessment accounting for future trends as well as how to address upkeep/maintenance.

Relevant notes: Determine where/must accommodate 3 diamonds & 2 rectangle fields/Sudbury complex ideal

- 2) Explore a true Park & Rec Department
  - a) Survey communities such as Littleton, Ayer, Bolton to learn how they operate and fund a town recreation department.

## Green Initiatives

- 1) Utilize the capital fund for at least one solar PV project on a town-owned building
- 2) Meet with HEAC on the status of their investigation into a municipal solar panel field to generate revenues
- 3) Request quarterly reports to the Select Board from the Climate/Energy Committees in an effort to align priorities in a more collaborative way

## Financial

- 1) Formulate a Real Estate Transfer fee policy; prepare a Home Rule Petition submission if necessary
- 2) Explore CPA increase
- 3) Use ARPA funds to implement form-based code

## Operational changes

- 1) Investigate the feasibility of a grant writing position
- 2) Review Department of Public Works operation and schedule visit to facility
- 3) Evaluate options for waste removal; Transfer Station versus curbside pick-up cost benefit analysis. Public outreach and feedback in this process is imperative.
- 4) Assess delivery of municipal services in post-Covid world in the workplace

## Miscellaneous

- 1) Improve SB leadership and collaboration with various boards/committees/commissions