



Posted 7.13.2023 at 4:00pm by JAD

**SELECT BOARD
AGENDA
Tuesday, July 18, 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: Jul 18, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87234283915?pwd=cXk4bEg5TXlaK3k2WTVmWGNCMnpidz09>

Meeting ID: 872 3428 3915

Passcode: 271831

One tap mobile

+19294362866,,87234283915# US (New York)

+13017158592,,87234283915# US (Washington DC)

Find your local number: <https://us02web.zoom.us/u/kvb7D1beT>

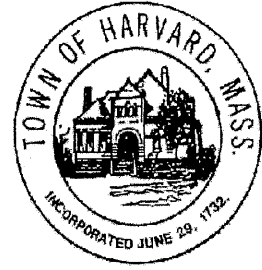
AGENDA ITEMS

- 1) Call meeting to order – Chair Rich Maiore
- 2) Announcement of upcoming Historical Society event – Pat Jennings (7:00)
- 3) Appointment of Bonnie Chandler to the Board of Registrars (7:05)
- 4) Harvard Conservation Trust presents restriction for property on Mettacomett Path/Jacob Gates Rd (7:10)
- 5) Annual appointment corrections; Planning Board, Conservation Commission, Historic Commission (7:20)
- 6) Public Communication (7:30)
- 7) Approve minutes from 6/6, 6/20, 6/21 (7:35)
- 8) Staff Report/Updates (7:40)
- 9) Action/Discussion Items: (8:00)
 - a) Appoint Kerri Green to the Open Space Committee as Agricultural Advisory Committee member
 - b) Accept resignation of Corey Dufresne from the Permanent Building Committee
 - c) Review and accept FY24 Goals
 - d) Review and discuss budget calendar for the 2024 annual town meeting
- 10) Select Board Reports
- 11) **Executive Session:** per MGL Ch. 30A, s. 21(a)2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. The Select Board will reconvene into open session only to adjourn.

***Next Regular Select Board Meeting
Tuesday, August 8, 2023
7:00pm***

TOWN OF HARVARD

VOLUNTEER APPLICATION (12/02/2008)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

Date of Application: June 14, 2023

Applicant Information:

Name: Bonnie Chandler

Address: 183 Prospect Hill Road

Home/Work Phone # 978-456-3169

Mobile Phone# 000-000-0000

Email Address: bchandler1@charter.net

Indicate below which Board(s) or Committee(s) are of interest to you:

Board of Registrars

Have you previously been a member of a Board, Committee or Commission (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:

No.

Do you have any time restrictions?

YES

NO

Yes.

Are you a registered voter?

YES

NO

Please list your present occupation and employer (you may also attach your résumé or CV)

Self-employed farmer.

Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest? (If YES, please describe the possible conflict) No.

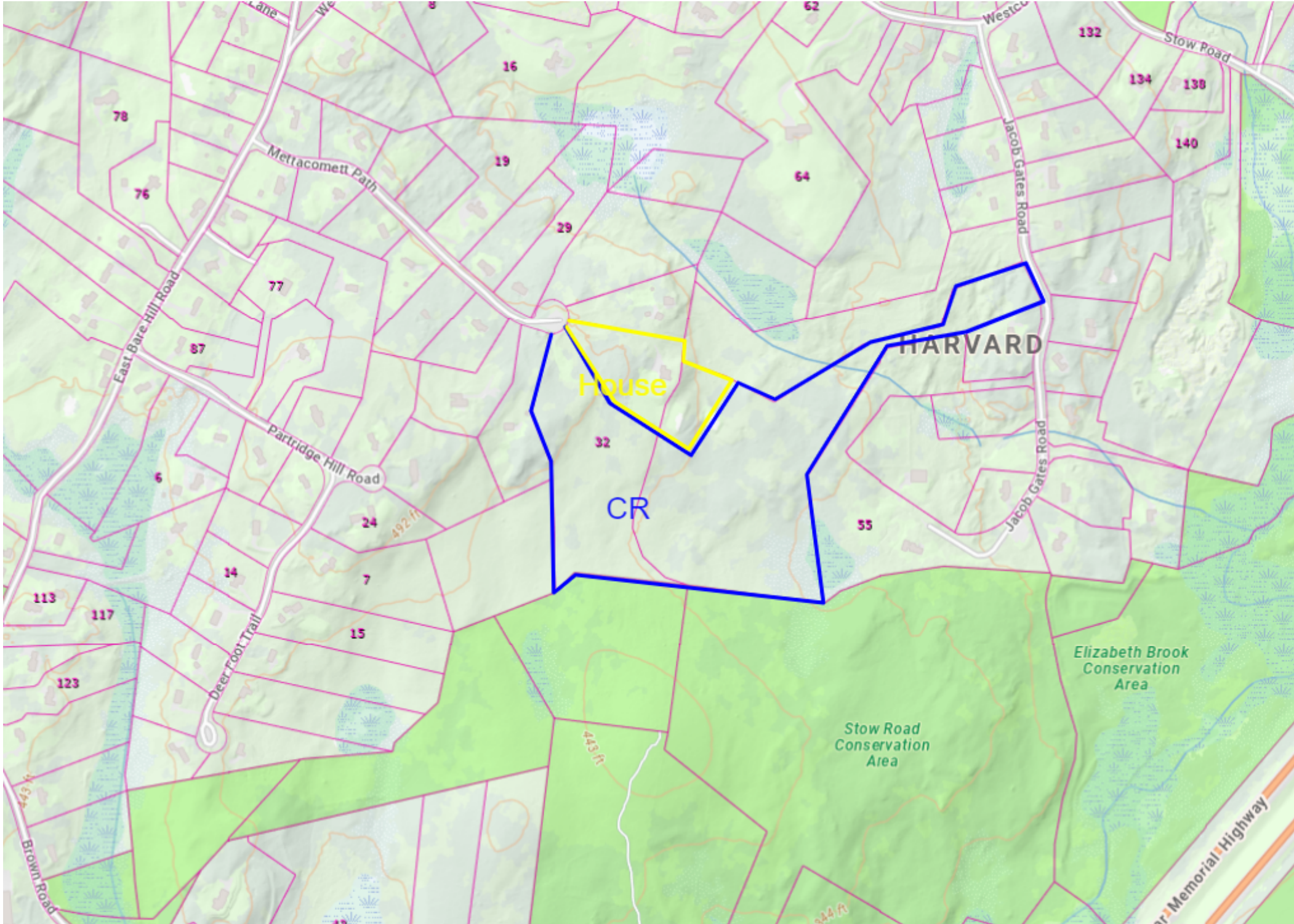
Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.

BA English and Music, Wellesley College; MAT in English, Smith College; many years of watching elections and legislation, interacting with discussion groups, lobbying for pet legislation, writing to politicians, and reading as much as possible on such subjects. By the way, I am a registered voter, but that question on the form was not live and wouldn't let me answer it. It also wouldn't let me submit it electronically, so I am printing it and bringing it in in person.

Received by Town of Harvard

Return to: Town Of Harvard, 13 Ayer Road, Harvard MA 01451 or email jdoucet@harvard-ma.gov

Rathore Conservation Restriction



Property Tax Parcels

MUNICIPAL CERTIFICATION

We, the undersigned Conservation Commission of the Town of Harvard, hereby certify that the proposed conservation restriction is in the public interest in that:

- 1) The Premises contributes to the protection of the scenic and natural character of Harvard, and the protection of the Premises will enhance the open-space value of these and nearby lands, to include: the Town-owned Tripp Conservation Area and Elizabeth Brook Conservation Area, and nine protected parcels owned by the Harvard Conservation Trust (the so-called Eastern Greenway Central).
- 2) The protection of the Premises will help meet multiple goals listed in the Town of Harvard's Open Space & Recreation Plan, 2016-2023. These goals include:
 - develop a system of interconnected trails for non-vehicular access,
 - create wildlife corridors,
 - preserve habitat for native plants, animals and threatened species.
- 3) A significant portion of this Premises includes areas identified by the UMass Conservation Assessment and Prioritization System (CAPS) as Medium Priority Parcels with an IEI index of greater than 50% for the forested landscape. CAPS measures the ecosystem integrity of land and can be used to demonstrate the value of land as having outstanding unfragmented habitat value. The woodland on the Premise is entirely "Prime Forest" land (Prime 1, Prime 2 and Prime 3) as categorized in MassGIS.
- 4) The Premises will allow for trail connections to the existing trail systems on the adjacent Eastern Greenway Central land and the Tripp Conservation Area, and the Premises has the potential to provide additional trail connections to other open space to the north in the future. These connections will improve public access to existing conservation lands while maintaining the ecological integrity of sensitive areas.

Date: _____ Signed: _____

GRANTOR: Nahid Rathore, as Trustee of the Nahid Rathore 2012 Revocable Trust u/d/t dated February 7, 2012, as amended

GRANTEE: Trustees of Harvard Conservation Trust
ADDRESS OF PREMISES: 32 Mettacomett Path and Jacob Gates Road, Harvard, Worcester County, MA 01451

FOR GRANTOR’S TITLE SEE: 32 Mettacomett Path: Worcester County Registry of Deeds Registered Land Department, Certificate of Title 16673 at Book 84 Page 73, Instrument No. 121486, Trustee Certificates dated December 9, 2022, filed as Document Nos. 121484 and 121485 and Jacob Gates Road: Recorded Land Department at Book 68830 Page 49, Trustees Certificate dated December 9, 2022, Recorded Land Department at Book 68830, Page 46.

**GRANT OF CONSERVATION RESTRICTION
AND
EASEMENT**

I. STATEMENT OF GRANT

Nahid Rathore, as Trustee of the Nahid Rathore 2012 Revocable Trust u/d/t February 7, 2012, as amended, evidenced by a Trustee’s Certificate filed herewith, being the sole owner of the Premises as defined herein, constituting the only owner of the Premises as defined herein, for my successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to Michael Morton, Abbe Alpert, Gina Ashe, John Lee, Shannon R. Kelley, David Burney, Matthew Cronin, Peter Foley, Robert Douglas, Anya Kane, Will Kemeza, Margaret Coyle Nestler, Lynn Thornton, Richard E. Pride and Benjamin Urquhart, as Trustees of Harvard Conservation Trust, u/d/t June 16, 1973 and recorded with the Worcester District Registry of Deeds at Book 5356, Page 462 and registered as Document No. 35112, as amended of record and having an address of 102 Prospect Hill Road, Harvard, Worcester County, Massachusetts 01451, their permitted successors and assigns (“Grantee”), for Three Hundred and Sixty-Five Thousand Dollars and No Cents (\$365,000.00), IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on approximately 26.29 acres of land located at 32 Mettacomett Path and Jacob Gates Road, in Harvard (“Premises”), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan (the “Plan”) in Exhibit B, both of which are incorporated herein and attached hereto. Specifically excluded from the Premises and therefore not subject to this Conservation Restriction is the approximately 6.68-acre area shown on said Plan as the “Excluded Building Area”.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction (“Purposes”) are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for forestry and passive outdoor recreational uses, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The Conservation Values protected by this Conservation Restriction include the following:

- Open Space. The Premises contribute to the protection of the scenic and natural character of Harvard and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including the 110-acre Eastern Greenway Conservation Land now owned by the Harvard Conservation Trust, and beyond to the adjacent 44-acre Tripp Land, and the Stephenson, Perini and Slattery Land, totaling 216 acres of contiguous conservation land.
- Public Trail Access. Protection of Premises will provide for public access by right and allow hikers, cross country skiers, horseback riders, bird watchers and other outdoor enthusiasts to pass to and from other conservation lands as an important link in the trail systems in the Town of Harvard.
- Protection of Wildlife Habitat. The Premises contains a varied array of habitat types from forested wetland and upland forest, adjacent to a 216-acre complex of existing conservation lands. The Premises is identified by The Nature Conservancy and Massachusetts Audubon Society’s *Mapping and Prioritizing Parcels* as a “medium priority” parcel for protection based on “critical linkages priority” and “resilient sites for conservation”.
- Habitat Connectivity and Ecosystem Integrity. The Premises includes areas identified by the UMass Conservation Assessment and Prioritization System (CAPS) as Medium Priority Parcels with an IEI index of greater than 50% for the forested landscape. CAPS measures the ecosystem integrity of land and can be used to demonstrate the value of land as having outstanding unfragmented habitat value. The woodland is entirely Prime forest land (Prime 1, Prime 2 and Prime 3) in MassGIS.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities

or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;

2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
12. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any

other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Septic. With prior written approval of the Grantee, the installation, maintenance, repair, and replacement of a septic system for the residence located within the Excluded Building Area. Said approval shall only be granted upon a showing that the Grantor's existing septic system has failed and that by reason of soil limitations, ground or surface water limitations, topography, or geology, no practical alternative site exists within said Excluded Building Area.
2. Water Supply. With prior written approval of the Grantee, the construction, maintenance, repair, and replacement of one (1) drilled or driven well outside of the Excluded Building Area for the residence located within the Excluded Building Area, for use as residential water supply, including domestic agricultural purposes, and the installation, maintenance, repair, and replacement of related underground utility lines. Any above-ground well structure shall be kept to the minimum size allowed under the Town of Harvard By-Laws, Part III, Regulations, Ch. 145, Board of Health, Article II: Private Wells.
3. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
4. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
5. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises.
6. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
7. Trails. Maintaining and constructing trails as follows:

- a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to six (6) feet in width overall, with a treadway up to three (3) feet in width.
 - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
 - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
8. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
9. Motorized Vehicles. The use of motorized vehicles in conjunction with the Permitted Acts and Uses described in this Paragraph III.B. No part of this Paragraph III.B shall be interpreted or understood to allow for the use of motorized vehicles solely for recreational purposes.
10. Outdoor Passive Recreational and Educational Activities. Hiking, cross-country skiing, snowshoeing, ice-skating, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities;
11. Forest Management.
 - a. Permitted Activities. Conducting sound silvicultural uses of the Premises, including the right to conduct forest management activities, reestablish historic woods roads and establish new woods roads, and the use of motorized vehicles, all as necessary to conduct such activities (“Forestry Activities”), provided that any Forestry Activities are carried out pursuant to a Forest Stewardship Plan (as defined below). All Forestry Activities shall avoid any stone structures or historical and cultural resources and shall prevent damage thereto to the extent feasible. Forestry Activities shall leave a 50’ buffer between any public trail and any cutting operations. All cutting operations shall be supervised by a licensed forester.
 - b. Requirement of a Forest Stewardship Plan. Before any Forestry Activities occur on the Premises, Grantor shall submit a Forest Stewardship Plan to the Grantee, the Massachusetts Department of Conservation and Recreation (“DCR”) or appropriate successor agency, and to any other required state agencies for their approval. The Forest Stewardship Plan shall:
 - i. be prepared by a forester licensed through DCR and shall follow the “Directions for the Preparation of the Chapter 61 Forest Management

Plans and Forest Stewardship Plans” (as such guidelines may be amended by DCR or its successor agency) and such statutes, regulations and directions in effect at the time of the approval of said Forest Stewardship Plan; and

- ii. include provisions designed to comply with the recommended activities and guidelines and required best management practices established in the Massachusetts Forestry Best Management Practices Manual (Catanzaro, Fish & Kittredge, University of Massachusetts, Amherst & DCR; 2013) and subsequent versions as may be approved by the Massachusetts Bureau of Forest Fire Control and Forestry (“Forestry BMPs”); and
- iii. be intended to increase forest health, improve wildlife habitat, restore old-growth characteristics, increase carbon sequestration, or improve forest resiliency; and
- iv. address how the Forest Stewardship Plan complies with this Paragraph II.B.11; and
- v. be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional Forestry Activities are desired.

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;

- b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request, except that in the case of an emergency, including but not limited to septic system or well failure, fire, flood, weather, climate-related impacts, and earth movement, Grantor may take any prudent action necessary without the required notice to the Grantee. In the event of an emergency, notice shall be given as soon practicable after discovery of the emergency. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights

described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.

3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS – GRANT OF EASEMENT

The Grantor grants a non-exclusive perpetual easement (the “Trail Easement”) to the Grantee and the public to enter upon a portion of the Premises shown as “Trail Area” on the Plan attached as Exhibit B (“Trail Area”). The Grantee shall have the right to construct and maintain two trails within said Trail Area areas in accordance with Paragraph III.B.7 above.

The Trail Easement granted to the Grantee and the public pursuant to this Conservation Restriction is granted subject to and upon the following conditions: (i) public access is limited to daylight hours, i.e. from dawn to dusk each day, (ii) public use is limited to the uses set forth in Paragraph III.B.10, (iii) public access is limited to the area shown as “Trail Area” on the Plan, which Trail Area includes presently existing trails as shown on the Baseline Report (see Paragraph XV) and which Trail Area may include trails created by the Grantee in the future; and (iv) Grantee may maintain and construct trails within the Trail Area pursuant to and subject to the limitations described in Paragraph III.B.7, and shall be responsible for maintenance and repair of said trails.

The Grantee may post on the Premises signage prohibiting any use by the public that results in material impairment of the Conservation Values. This Trail Easement is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor’s and Grantee’s Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee’s Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the

unrestricted Premises. The proportionate value of the Grantee's property right will be determined as of the date of termination, release, or extinguishment.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;

3. affect the qualification of this Conservation Restriction as a “qualified conservation contribution” or “interest in land” under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a “qualified organization” or “eligible donee” under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Harvard and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent via e-mail or first class mail, postage pre-paid, addressed as follows:

To Grantor: Nahid Rathore, as Trustee
32 Mettacomett Path
Harvard, MA 01451
e-mail: rathore.family.ma@gmail.com

To Grantee: Harvard Conservation Trust
P.O. Box 31
Harvard, MA 01451
e-mail: info@harvardconservationtrust.org

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Release of Homestead

The Grantor hereby agrees to waive, subordinate, and release any and all Homestead rights pursuant to Chapter 188 of the Massachusetts General Laws it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.

C. No Surety Interest

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

F. The following signature pages are included in this Grant:

Grantor
Grantee Acceptance

Approval of Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

G. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

WITNESS our hands and seal this 21st day of June, 2023,

Nahid Rathore

Nahid Rathore, Trustee
of the Nahid Rathore 2012 Revocable Trust, as amended

Middlesex County, ss: Massachusetts

On this 21st day of June, 2023, before me, the undersigned notary public, personally appeared Nahid Rathore as Trustee of the Nahid Rathore 2012 Revocable Trust, as amended, and proved to me through satisfactory evidence of identification which was MADL to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose as aforesaid.

Kaitlyn Mae Brochu

Notary Public

My Commission Expires: 02/01/2030



KAITLYN MAE BROCHU
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES FEB. 1, 2030

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from Nahid Rathore, Trustee of the Nahid Rathore 2012 Revocable Trust u/d/t dated February 7, 2012, as amended, was accepted by the Trustees of Harvard Conservation Trust this 22 day of June, 2023.

By: [Signature]
Michael Morton

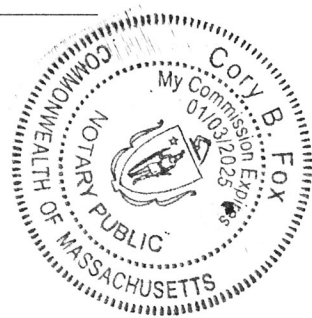
Its: President, duly authorized

THE COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss:

On this 22 day of June, 2023, before me, the undersigned notary public, personally appeared Michael Morton, and proved to me through satisfactory evidence of identification which was MA Driver's License to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

[Signature]
Notary Public
My Commission Expires:



APPROVAL OF TOWN OF HARVARD SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Harvard, hereby certify that at a public meeting duly held on _____, 2023, the Select Board voted to approve the foregoing Conservation Restriction from Nahid Rathore, Trustee of the Nahid Rathore 2012 Revocable Trust u/d/t dated February 7, 2012, as amended, to the Trustees of Harvard Conservation Trust in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF HARVARD SELECT BOARD

Donald Ludwig

Richard D Maiore

Erin McBee

Kara Minar

Charles Oliver

THE COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, _____, _____, _____, and _____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from Nahid Rathore, Trustee of the Nahid Rathore 2012 Revocable Trust u/d/t dated February 7, 2012, as amended, to the Trustees of Harvard Conservation Trust, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2023

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Description of the Premises

The land in Harvard, Worcester County, Commonwealth of Massachusetts shown as “Conservation Area = 26.29 Acres” on plan entitled “Conservation Restriction Plan of Land In Harvard, Mass. Prepared for The Nahid Rathore 2012 Revocable Trust” dated February 2023, prepared by David E. Ross Associates, Inc., and marked Job No. 34122, Plan No. L-14623 which plan is recorded with the Worcester District Registry of Deeds in Plan Book _____, Plan _____. Specifically excluded from the Premises is the \pm 6.68-acre area shown on said plan as “Excluded Building Area”.

A portion of the land is described as Lot 48 on Land Court Plan No. 14109-W, originally filed with Certificate #8614.

Annual Appointment corrections

Planning Board

John McCormack was listed for the alternate position however he will move into the full member position vacated by Brian Cook. This leaves the alternate position vacant.

Conservation Commission

Paul Willard was listed as a three-year term however he is now in the associate position with Jessie Panek taking the full member position.

Historical Commission

Marjike Vallaey's was listed for a full 3-year term however she is actually taking the one year alternate position.



Select Board Minutes
Tuesday, June 6, 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, Erin McBee, Charles Oliver, Don Ludwig, Kara Minar

Town Department participants:

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro and Executive Assistant Julie Doucet, Fire Chief Rick Sicard

Additional participants:

Beth Williams, John Lee, Jane Biering, Dolores Lee, Stu Sklar

Interview of volunteers for the Community Preservation Committee (CPC)

The Select Board conducted interviews of candidates interested in serving on the CPC. Each applicant was given time to explain why they are interested in serving on the CPC and answer questions from the Select Board members. The two incumbents Beth Williams and John Lee were first with new applicants Jane Biering, Dolores Lee and Stu Sklar next. Applicants are all long-time residents of town. The Select Board will make appointments to the CPC at their June 20th meeting when all annual appointments are handled.

Agricultural Preservation Restriction (APR) for the Community Harvest project orchard

Peter Dorward from the Harvard Conservation Trust came to request signatures from the Select Board to assist in finalizing the restriction. He indicated the document needs to be signed within the fiscal year and must happen prior to the closing.

Minutes

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve minutes from 5/9, as presented.

Harvard Climate Initiative Committee update (Attachment A)

Chair Ellen Leicher came to give a status report. The report included highlights and their progress in the following areas outlined in the [Climate Action Plan](#):

- Buildings
- Energy
- Transportation
- Natural Resources
- Agricultural
- Preparedness

Pubic Communication

Planning Board member Stacia Donahue reported finalization of the special permit for 203 Ayer Road is imminent. She asked former Planning Board members who are now serving on the Select Board to consider attending their meeting on the 12th to assist with the draft decision language.

Stacia Donahue also noted the Planning Board is supportive of the request from the Transportation Advisory Committee to seek quotes on a possible shuttle service in Harvard. Charles Oliver is interested in any data collected regarding interest in this type of service.

Staff Report/Updates (Attachment B)

Committee Charges

Open Space Committee

Current Chair Peter Dorward and SB member Rich Maiore proposed decreasing the membership to resolve quorum issues. The Select Board members were receptive to the changes however suggested the current membership have an opportunity to offer their perspective. The board decided to revisit at their next meeting.

Harvard Devens Jurisdiction

Rich Maiore proposed the committee members serve three-year terms with an opportunity for re-appointment and expanding the HDJC purview to include exploring additional options for deposition of land formerly under Harvard's jurisdiction. Kara Minar questioned the purview being revised as it was established based on the Devens non-binding referendum question from the April 2017 town meeting.

QUESTION #4 – DEVENS NON-BINDING REFERENDUM Should the Board of Selectmen of the Town of Harvard begin planning for and initiate discussions with appropriate parties with the goal of presenting a plan to the Town of Harvard voters to resume jurisdiction over the land which is part of Devens formerly under the jurisdiction of the Town of Harvard, provide services to the residents of such area and collect property taxes?

The board members decided to vote on the membership and revisit the topic of Devens in more detail at their Strategic Planning Session.

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted to change terms as listed.

Transfer Station Committee

Rich Maiore was seeking feedback on a committee tasked with assessing the long-term plan viability or the Transfer Station and to investigate townwide private pick up. The members decided to discuss Devens at their Strategic Planning Session.

Discuss proceeding with an RFP to investigate available parcels for Fire Station project

Assistant Town Administrator Marie Sobalvarro reported the Permanent Building Committee suggested issuing a Request for Proposals to identify any available parcels in town. The board members agreed this is a good first step to take and will be beneficial to the process.

Act on Worcester County Retirement 2% cost of living adjustment

By a roll call vote, McBee – aye, Ludwig – aye, Oliver – aye, Minar – aye, Maiore – aye, the board voted unanimously to approve the additional one-time cost of living adjustment for retirees.

Act on asset cap for senior tax program

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to increase the asset cap for the senior tax program to \$250,000.

Act on increasing the PEG Access Operating Support percentage

Assistant Town Administrator Marie Sobalvarro reported the current Charter Communications contract allows the town to request an increase in the access support fee in the last year of the contract. Therefore, they are recommending an increase to 4.85%. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to increase the PEG Access Operating Support percentage from four and one-half percent (4.5%) of Gross Revenue to four and eight-hundredths’ percent (4.85%) of Gross Revenue beginning January 1, 2024.

Summer Schedule

The board will meet on July 18th, Aug 8th, and August 22nd. They will also meet the week of July 10th during the day for any year end transfers that are required.

Select Board Reports

Erin McBee said she will attend the June 12th meeting of the Planning Board.

The meeting was adjourned at 9:40.

Documents referenced:

- Volunteer forms - Beth Williams dated 2.14.2023
 - John Lee dated 3.9.2023
 - Jane Biering dated 5.1.2023
 - Dolores Lee dated 2.15.2023
 - Stu Sklar dated 3.23.2023

- APR materials – dated 6.1.2023
- HCIC presentation – dated 6.6.2023
- Open Space charge – 5.30.2023
- HDJC charge – dated 6.1.2023
- Transfer Station draft charge – dated 6.1.2023
- PEG letter – dated 5.30.2023



Select Board Minutes
Tuesday, June 20, 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, Erin McBee, Charles Oliver, Don Ludwig, Kara Minar

Town Department participants:

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Finance Director Jared Mullane,

Additional participants:

National Grid Rep. Connor Reynolds, Jessie Panek, CoD Chair Davida Bagatelle, Laura Sullivan, James O'Shea, Rebecca Sewall, Marijke Vallaey, Angela Chang, TAC Chair Gabriel Medjanis and member Stacia Donahue

National Grid - Pole Petition Hearing – Fairbank Street

National Grid Rep. Connor Reynolds was present. Executive Assistant Julie Doucet confirmed the hearing was properly noticed in the Harvard Press with notice to abutters mailed. She reported the request has been vetted by the DPW and Public Safety departments as well as the Tree Warden. National Grid is aware any tree work will require consult with the Tree Warden.

Kara Minar asked National Grid to consult with neighbor Carl Sciple before any work is done. She noted there had been issues with the brightness of the light located on that pole. She estimated this property is 30 to 40 ft from the pole. By a roll call vote, McBee – aye, Minar – aye, Ludwig -aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve location of pole with satisfactory consult with neighbors about the light.

In addition, the board asked for help to expedite a previous request to National Grid to remove two poles in the Bromfield parking lot. Reynolds offered to investigate further.

Annual Appointments

Rich Maiore announced new volunteers for appointment.

Conservation Commission

Jessie Panek will serve on the commission filling the term of commission member Paul Willard who will move into the associate position. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Jessie Panek to the Conservation Commission. Panek will fill the seat Paul Willard currently holds and Willard will move to the associate position.

Council on Aging

Executive Assistant Julie Doucet confirmed Ira Okene was recommended by the Council on Aging board for appointment. He was not present. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Ira Okene to the Council on Aging.

Commission on Disabilities

CoD Chair Davida Bagatelle introduced Laura Sullivan for appointment to the commission. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Laura Andrews to the Commission on Disabilities.

Elm Commission

James O’Shea or Chair Bill Calderwood were not present but were aware of the appointment. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint James O’Shea to the Elm Commission.

Historic Commission

Chair George Triantaris recommended Wendy Cote Magan, Rebecca Sewall and Marijke Vallaeyes for appointment to the commission. He indicated Magan fills the architect requirement. The commission will have a full membership after these appointments. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Wendy Cote Magan, Rebecca Sewall and Marijke Vallaeyes to the Historic Commission.

Municipal Affordable Housing Trust

Executive Assistant Julie Doucet confirmed Angela was recommended by the MAHT for appointment and resides in Devens. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Angela Chang to the MAHT.

Community Preservation Committee

Charles made a motion to appoint Stu Sklar to a three-year term on the CPC seconded by Kara Minar. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Stu Sklar to a three-year term on the CPC.

Don Ludwig made a motion to appoint Jane Biering to a three-year term on the CPC seconded by Charles Oliver. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to appoint Janie Biering to a three-year term on the CPC.

Erin McBee made a motion to appoint Beth Williams to a two-year term on the CPC seconded by Don Ludwig. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board unanimously to appoint Beth Williams to a two-year term on the CPC.

Rich Maiore publicly thanked John Lee for the years he served on the CPS. A letter of thanks will be sent.

Appointments to various committees/boards/commissions

By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve list of annual appointments as presented. (Attachment A)

Increase Revolving Funds

Finance Director Jared Mullane explained under MGL Chapter 44, Section 53E ½ the Select Board and Finance Committee can vote to allow the spending limit for revolving funds to be increased during the year. He asked they do this for the Fire SAFE and 4th of July funds. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve the increase in the SAFE and 4th of July funds.

Workplace Safety and Health Program Report

Police Chief James Babu reported an initial limited-service safety visit was conducted at the Hildreth Elementary School under the workplace safety and health program. The report findings recommend maintaining crosswalk paint markings to ensure they are visible, prohibit parking adjacent to the

crosswalk where a crossing guard would be located and extend parking restriction to 20ft before and after the crosswalk. Chief Babu said large boulders will be used to help with site view acknowledging four parking spaces may be lost. He has consulted with the School Superintendent about the necessary adjustments. The Select Board members agreed with the safety improvements.

Public Communication

Mike Dempsey came on behalf of the ambulance service to answer any questions the board may have about the proposed department merger of the Fire and Ambulance departments. Rich Maiore said the board would be discussing this in more detail at their strategic planning session the following day.

Davida Bagatelle was walking along the path near the library with someone who unexpectedly stepped in dog poop. She has also noticed people leave bags of waste around town. She wondered if installing dog waste disposal stations near town center may help.

Minutes

By a roll call vote, McBee- aye, Minar – abstain, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted to approve them minutes of 5/23, as presented.

Staff Report/Updates (Attachment B)

Change of manager for Carlson Orchards

Executive Assistant Julie Doucet confirmed the necessary paperwork has been submitted. Katie Carlson was present to confirm she will indeed take on this roll at the orchard. By a roll call vote, McBee- aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve Kate Carlson as manager for the Carlson Orchards farmer series pouring permit.

Revisit Open Space Committee charge

Rich Maiore confirmed a meeting was held on June 8th to go over the committee composition. The school department will continue to have a representative on the committee. By a roll call vote, McBee- aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously on the committee composition change.

Request for quotes from MART for possible shuttle service

Transportation Advisory Committee (TAC) Chair Gabriel Medjanis was present to answer additional questions. It was confirmed this is a request for a drop and ride for now depending on the cost and interest. TAC member Stacia Donahue explained the locations (Town Hall & Council on Aging) were chosen based on proximity. Charles Oliver was curious about data to support the need. Donahue admitted there is no specific data to reference. She explained they are working to address action items assigned to them in the Master Plan and in the Climate Action Plan. By a roll call vote, McBee- aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to approve TAC letter to MRPC for investigate of commuter rail transportation to be signed by the chair.

Discuss co-sponsoring Devens Day

Tim Bragan was contacted by Meg Delorier Acting EVP, Devens Operations & Director of Military Initiatives MassDevelopment about the event. The daytime event includes fireworks later that evening. The Select Board members were receptive to the idea. Bragan offered to follow up with Delorier.

Select Board officers

Charles Oliver nominated Don Ludwig for clerk seconded by Kara Minar. By a roll call vote, McBee – aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously Don Ludwig as clerk.

Don Ludwig nominated Erin McBee for vice chair seconded by Maiore. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously Erin McBee as vice chair.

Erin McBee nominated Rich Maiore for Chair seconded by Don Ludwig. By a roll call vote, Oliver – aye, Ludwig – aye, Minar – aye, McBee – aye, Maiore – aye, the board voted unanimously Rich Maiore as chair.

Select Board Reports

Erin McBee reported on the following items:

- Planning Board is working on a cluster housing bylaw possible for a fall town meeting
- Ayer Road overlay hearing has been continued
- Community forum on the Housing Production Plan scheduled for June 28th

Executive Session per MGL Ch. 30A, s. 21(a)3

By a roll call vote, McBee– aye, Minar – aye, Ludwig – aye, Oliver – aye, Maiore – aye, the board voted unanimously to enter executive session at 8:45pm as per MGL 30A Sec. 21.3 To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government’s bargaining or litigating position. The Board will reconvene into open session only to adjourn.

The meeting was adjourned at 9:20pm

Documents referenced:

National Grid pole petition – dated 5.9.2023

Volunteer forms:

Jessie Panek – dated 5.9.2023

Ira Okene – dated 5.1.2023

Laura Sullivan – dated 5.10.2023

James O’Shea – dated 2.25.2023

Rebecca Sewall – dated 2.22.2023

Marijke Vallaeyes – dated 5.1.2023

Wendy Cote Magan – dated 6.8.2023

Angela Chang – dated 5.15.2023

FY 24 – Annual appointment spreadsheet

Safety Report – dated 5.31.2023

Carlson Orchards – change of manager – dated 6.10.2023

Open Space charge revised – dated June 2023

MART draft letter – dated 6.21.2023

**Harvard Select Board
Strategic Planning Session Minutes
Hildreth House – 15 Elm Street
Wednesday, June 21, 2023 – 1:00pm**

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

Town Administrator Tim Bragan, Assistant Town Administrator Marie Sobalvarro, Finance Director Jared Mullane and Executive Assistant Julie Doucet were in attendance.

The Select Board discussed their initiatives/goals for the coming year. The following topics were listed on the planning session agenda.

Improve Public Engagement

They discussed and decided to move the Town Meeting to the first Saturday in April, hold a volunteer appreciation event, outreach at local town events, and utilize Next Door/town website/social media as communication tool.

Financial

- Discussed importance of early collaboration to address any override. Budget letter will go out in September. Finance Director Jared Mullane will investigate override options.
- Discussed next steps for rental properties, Bromfield House sale and long-term leasing for the Old Library.
- The board will move forward with a Real Estate Transfer fee policy and prepare the required Home Rule Petition.
- Room Tax (Air B&B, VRBO) – nothing definitive was decided.
- Increase marijuana licenses – nothing definitive was decided.
- Starting a Film Commission – nothing definitive was decided.

Operational changes

Discussed the pros/cons on merger of Fire and EMT and agreed to develop criteria for making a decision, solicit input from the Finance & Capital Committees and set a timeline for decision.

Trash/Recycling

All agreed investigation into the Transfer Station vs. town wide pick up and/or improvements to increase usage will be a goal for the coming year.

Playing Fields will continue as a top priority; completion of the needs assessment, identify parcels for fields, develop timeline for field development and support application to CPA.

Green Initiatives

Continue to support HEAC/HCIC goals; invest in solar PV projects/Investigate Stow Road gravel pit for a PV lease.

Other Priorities

- Improve infrastructure reliability (internet & electricity) nothing definitive
- Review Devens Strategy – nothing definitive – all agree important
- Prioritize accessibility issues and get to work on solving them will be a goal in the coming year.
- Preserve natural flora – eradicate Japanese knotweed & save Willard Farm – nothing definitive
- Work with the MAHT on housing production plan, focus on affordability, utilize legislators will be a goal in the coming year.

The meeting was adjourned at 4:00pm.

From: Corey Dufresne <coreyduharvard@gmail.com>

Sent: Thursday, June 15, 2023 4:43 PM

To: Cindy Russo <cynthiasrusso@gmail.com>; Tim Bragan <tbragan@harvard-ma.gov>

Cc: Lynn Kelly <lkelly@harvard-ma.gov>

Subject: Resignation from Permanent Building Committee

Cindy and Tim:

Please find attached a letter relating to my resignation from the Permanent Building Committee.

As I mentioned to Cindy during a phone call today, my family and I are moving to a new home in Hollis, New Hampshire next month.

I wish you and the Town all the best.

Regards,
Corey Dufresne

Select Board Goals for FY24

Determine Future of Town Fire & EMT departments

- Review potential merger plan
- Gain input from residents, town departments and committees
- Determine whether to move forward with proposed merger

Increase Resident Engagement in Town Governance

- Increase attendance at Town Meetings
- Increase number and diversity of volunteers
- Research new ways to regularly communicate SB activity to residents

Improve Town's Future Financial Stability

- Explore new revenue sources
- Assess budget process
- Develop plan to update and collaborate with Town Depts and Committees on potential override in 2024

Improve & Increase Town Playing Fields

- Share and gain feedback from Needs Assessment report scheduled for completion by Sept 2023
- Identify specific parcels for potential development
- Determine potential costs and funding sources

Develop Vision for the future of Transfer Station

- Create ad hoc committee to research needs, gain resident input and provide recommended plan
- Develop recommendations to increase usage by residents

Ensure Harvard is a More Accessible Community

- In collaboration with Town Depts & relevant committees implement priority tasks from Committee on Disabilities 2023 plan

Increase Affordable Housing in Town

- Work with Municipal Affordable Housing Trust to communicate and implement 2023 Housing Production Plan
- Conduct outreach with state and local elected officials

Expand Town's Green Initiatives

- Support HEAC to identify potential future solar and EV opportunities
- Work with Town Depts and relevant committees to implement HCIC plan

Chapter 14. Budget Process

§ 14-1. Budget timeline.

- A. The budget process will start no less than eight months prior to the date of the Annual Town Meeting as set by the Select Board. (August 6th)
- B. Departments, boards, and committees shall submit their budget requests, on forms approved by the Finance Committee, no later than two months after the start date of the budget process. (Oct 6th)
- C. The Finance Committee must provide an initial budget roll-up to the Select Board within a month after receipt of the budgets from the various departments, boards and committees. (Nov 6th)
- D. All financial warrant articles must be submitted to the Finance Committee and Select Board no later than three months prior to the Annual Town Meeting. (Jan 6th)
- E. The Finance Committee shall submit its budget recommendation to the Select Board no less than 60 days prior to the date of the Annual Town Meeting. (Feb 6th)
- F. The Select Board shall submit its recommended budget to the Finance Committee no less than 35 days prior to Town Meeting for inclusion in the warrant booklet. (March 1st)

§ 14-2. Expiration of appropriations.

[Added 10-28-2019 STM by Art. 7]

Following the conclusion of the October 28, 2019 Special Town Meeting, any warrant article approved by any subsequent Town Meeting and authorizing funding for any purpose, shall, after a period of three years has elapsed from the effective date of the original authorization, automatically terminate the funding authorization for further expenditure, and any remaining balance in the appropriation shall be returned to the original funding source without further action by Town Meeting. The provisions of this section shall not apply to any Town Meeting vote involving an Enterprise Fund, an authorization for borrowing, any appropriation authorized under a vote which clearly specifies an exemption from this section or a different timetable, a vote granting an extension of time to expend the authorized fund or an exemption to any previously voted funding authorization.

Fiscal Year 2025 Budget Memorandum

To: Department Heads, Boards, Committees, and Commissions
From: Select Board and Finance Committee
Subject: FY 2025 Budget Request Submission Process
Date: August 4, 2023

This document provides direction for Fiscal Year 2024 budget request submissions, which are to be completed and returned by October 6, 2023 no later than 10:00 AM.

The following are timeframes and deadlines for the FY 2024 budget process:

- October 6, 2023: Completed budget documents due to the Finance Director by 10:00 AM
- October 10, 2023: Budgets distributed to Select Board and Finance Committee
- October 30, 2023: Budget questions from the Board Chairs due to Finance Director by 12:00 Noon
- November 6, 2023: Initial Budget Roll-up is due to the Select Board.
- November 6, 2023: Budget questions distributed to departments
- December 6, 2023: Budget answers due back to Finance Director by 9:00 AM
- December 11, 2023: Budget answers distributed to FinCom and Select Board
- December 13 - February 1, 2024: Finance Committee and Select Board budget review meetings
- January 5, 2024: All Financial Warrant Articles (that do not need to be reviewed by CPIC) are due to the Finance Director by 12:00 Noon
- February 6, 2024: Finance Committee budget and recommendations due to SB
- February 7 and 21, 2024: Select Board budget review
- March 1, 2024: Select Board submits its recommended budget to FinCom.
- March 14, 2024: Budget book sent to print.
- April 6, 2024: Annual Town Meeting
- April 9, 2024: Annual Town Election

Budget Goals

The goals for the FY 2025 budget are to:

- Ensure alignment with the Town's Charter, Master Plan, and the goals outlined by the Select Board.
- Enable the Town and its boards to best serve the community and maintain natural and physical resources through strategic use of available funds.
- Provide operating funds that support a long-term view of capital investment and economic development.
- Provide support for open space needs, recreation, conservation, opportunity for housing diversity, and economic development.
- Provide a budget that is supportive of our climate resiliency goals

These goals are intended to serve the town's short and long-term goals. As such, the complete Omnibus Budget and each budget submission will be evaluated in the context of these goals.

Financial Expectations

Each department is expected to submit a **detailed budget narrative** explaining how the budget supports the goals and what decisions have been made with regards to what services will be provided. Additionally, provide a prioritized list of the top additional spending opportunities with an explanation of the value created for the Town.

Specific Guidelines for Budget Development

The Finance Committee relies on the submitted narratives to assess Department, Board, and Committee budgets, in addition to the budget templates. The budget submission forms have been updated for this year. All budgets are required to use the following guidelines:

- Explain the goals and objectives of the budget, how this compares to prior year's goals, and how these address the overall budget goals.
- Explore any changes to service delivery that will realize savings. Can departmental costs be combined with other departments or communities to improve services and/or reduce costs? Are there new sources of revenue or grant funding that could reduce the net cost of operations?
- Provide a detailed report of all non-tax revenues anticipated or received in FY 2024 and anticipated in FY 2025. Include the dollar amounts received, what the money was/is used or intended for.
- All budget forms must be completed as directed and submitted **electronically**. Paper copies will **not** be accepted. Use the forms and format provided and include the narrative with this submission. Should any submissions not use the proper form or format, it will not be reviewed by the Finance Committee or Select Board.
- Outside of COLA and contractual agreements, the intention is to provide, at a minimum, a level service budget increase budgets no more than 2.5%.

Please direct questions regarding how to fill out these forms to Jared Mullane.

All **budgets are due** to Jared Mullane no later than **October 6, 2023 at 10:00 AM**

Finance Committee Recommendations

The Finance Committee will determine whether the total Towns FY 2025 budget:

- Maintains a service level that is commensurate to an expected progression of service, based on pre-pandemic service levels.
- Expands services or service quality through strategic application of budget principles.
- Provides sufficient funds for building and other infrastructure maintenance to ensure that capital facilities and equipment are properly maintained.
- Maintains adequate reserve and contingency funds for future expenses and unforeseen circumstances.
- Is supported by the Town's tax base and other revenue sources, without jeopardizing the Town's operations, credit ratings, and ability to service its debt in coming years.

Fiscal 2025 CPIC Memorandum

To: Department Heads, Boards, Committees and Commissions
From: Finance Director and CPIC
Re: FY25 Capital Submission Process
Date: August 6, 2023

All Departments, Boards and Committees are requested to submit their proposed capital expenditures for fiscal years 2025-2029 to us by **12 noon, Friday September 1, 2023**. All information provided will support our recommendations to the Finance Committee, Select Board, and ultimately the Town.

You are required to submit:

- (a) Any capital expenditures (including land acquisition) for FY25 that are \$20,000 or more and have an expected useful life of 5 years or greater, with an accompanying quote to substantiate this request.
 - (b) Out-year items (capital expenditures previously submitted in prior years): submit **again**, on this year's form. (Please include a schedule of proposed expenditures for surveys, studies or professional services relating to future capital requests if you currently have any plans for such services.)
 - (c) Any potential future capital needs (FY **2030-2035**) which have a cost of \$500,000 or more.
- ➔ If you are CHANGING anything in your plan from last year then please explain in detail why an item is being added/removed, accelerated/decelerated, or why the quoted dollar amount changed.
- ➔ If you are NOT submitting ANY requests, please provide a letter saying that you have no requests for CPIC.

We are using **Google Forms**: your request must be submitted electronically.

You will need a google account to access the form. The new form is here:

https://docs.google.com/forms/d/e/1FAIpQLSdIMWM_UTG7A929p6MsBjHLd3GoaObd6povY7tcCTbkF6NsQ/viewform).

When filling out your form(s) for submission, confirm all information is complete and that all requirements have been met, including **a copy of a quote**.

The Committee applies a rating system to evaluate each project. The rating criteria includes:

1. Justification for the project (legally-mandated, critical safety need, or protect/enhance Town assets)
2. Project justified as a priority for the Town
3. Substantiation of project cost with a detailed project plan
4. Availability of non-tax grants/funding to offset cost
5. Impact on future operating budgets or revenues
6. Environmental considerations
7. Usage and service impact on Town's residents

Again, all request(s) are due no later than **12 noon on Friday, September 1, 2023**. We sincerely appreciate your effort and look forward to working with all of you.

FY25 Budget Calendar

Draft

DUE DATE	WHAT	FROM	TO
October 6, 2023 by 10:00 a.m.	FY25 Budget	Departments, Boards, Committees & Commissions	Finance Director
October 10, 2023	FY25 Budget	Finance Director	Select Board, Finance Committee
<i>October 21, 2023 Special Town Meeting</i>			
October 30, 2023 by 10:00 a.m.	FY25 Budget QUESTIONS	Chair, Select Board Chair, Finance Committee	Finance Director
November 6, 2023	FY25 Budget Initial Roll-up/Summary	Finance Director	Select Board
	FY25 Budget QUESTIONS	Finance Director	Departments, Boards, Committees & Commissions
December 6, 2023	FY25 Budget ANSWERS	Departments, Boards, Committees & Commissions	Finance Director
December 11, 2023	FY25 Budget ANSWERS	Finance Director	Select Board, Finance Committee
<i>December 13, 2023 - February 1, 2024 Finance Committee and Select Board budget review meetings</i>			
January 6, 2024	All non-CPIC Financial Warrant Articles	Departments, Boards, Committees & Commissions	Finance Director
February 6, 2024	FY25 Budget and RECOMMENDATIONS	Finance Committee	Select Board
<i>February 7, 2024 - February 26, 2024 Select Board Budget Review</i>			
March 1, 2024	FY25 Budget and RECOMMENDATIONS	Select Board	Finance Committee

*March 6, 2024 **deadline for Ballot Questions** for Town Election*

March 16, 2024 Finance Committee's Budget Book sent to printer

April 6, 2024 Annual Town Meeting

April 9, 2024 Annual Town Election