



Posted 3.16.2023 at 4:30pm by JAD

**SELECT BOARD  
AGENDA  
Tuesday, March 21, 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: Mar 21, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84805932165?pwd=dG1Tdjk1TjVZN3hNbWROQTAXaTkrUT09>

Meeting ID: 848 0593 2165

Passcode: 234833

One tap mobile

+13126266799,,84805932165# US (Chicago)

+16469313860,,84805932165# US

Find your local number: <https://us02web.zoom.us/j/84805932165?pwd=dG1Tdjk1TjVZN3hNbWROQTAXaTkrUT09>

**AGENDA ITEMS**

- 1) Call meeting to order – Chair Rich Maiore
- 2) Appointments: Carl Sciple as DEC alternate & Patrick Vallaeyes to Cable Committee (7:00)
- 3) Finance Department fees; existing and new (7:10)
- 4) Public Communication (7:30)
- 5) Approve minutes 2/15 & 3/7 (7:35)
- 6) Action/Discussion: (7:40)
  - a) Vote to approve DPW Director Tim Kilhart to be the signatory for the Lead Service Line inventory grant.
  - b) Discuss Harvard Devens Jurisdiction Committee draft stakeholder framework.
  - c) Act to fund the landfill closing and monitoring project.
  - d) Discuss funding approaches for town meeting articles.
  - e) Finalize omnibus budget/town meeting warrant.
- 7) Staff Report/Updates
- 8) Select Board Reports

***Next Regular Select Board Meeting  
Tuesday, April 4, 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: 3/1/23

### Applicant Information:

Name: CARL SCIPLE

Address: 23 FAIRBANK ST

Home/Work Phone # 978 456 2375 Mobile Phone# [REDACTED]

Email Address: [REDACTED]

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

- REPRESENTATIVE
- DEVENS ENTERPRISE COMMISSION - ALTERNATE TOWN OF HARVARD
- COUNCIL ON AGING

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:

CONSERVATION COMMISSION; COUNCIL ON AGING; ZBA; HES BUILDING COMMITTEE

Do you have any time restrictions?  YES  NO  
Are you a registered voter?  YES  NO

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

RETIRED.

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.

PROFESSIONAL ENGINEER, RETIRED CERTIFIED CONSTRUCTION MANAGER, MILITARY TRAINING.

# TOWN OF HARVARD

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## 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:** March 10, 2023

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**Applicant Information:**

**Name:** Patrick Vallaeyes

**Address:** 101 So Shaker rd, Harvard

**Home/Work Phone #** [REDACTED]

**Mobile Phone#** [REDACTED]

**Email Address:** [REDACTED]

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

Cable Committee

**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:  
Harvard Historical Society 2022

**Do you have any time restrictions?**

YES

NO

**Are you a registered voter?**

YES

NO

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

Retired

**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.**

Masters in Electrical Engineering.  
30 years of executive positions in IT Industry

Received by Town of Harvard

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

# Patrick Vallaey



Patrick Vallaey was born in Belgium. He has a master's in electrical engineering. After working a few years in the family company, he opened the offices of Tandem Computers in Brussels. In 1993 he was offered a position at Tandem's main office in Cupertino, California. There he managed several projects that included negotiations with Microsoft and Intel amongst others. Five years later Tandem was acquired by Compaq and Patrick left to go into start-ups, one of which, Filepool, was acquired by EMC corporation of Hopkinton.

In 2006 he decided to retire early and buy a house in France. With his spouse, Marijke, he spent half of the year in Dordogne and the other half in Concord, MA where their daughter, Charlotte lived with her husband and two children. In 2015, Charlotte found the ideal family compound in Harvard. They all moved into the Shaker's South Family dwelling.

Marijke quickly became involved in the community. She volunteers at the COA, is in the cultural council and is an active member of the Garden Club. In particular, she takes care of the Bloom N Art exhibit for which Patrick made the website. Patrick became involved with the Harvard Historical Society for whom he also made a new website.

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**INTEROFFICE MEMORANDUM**

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**TO:** SELECT BOARD

**FROM:** JARED MULLANE, FINANCE DIRECTOR/TOWN ACCOUNTANT

**SUBJECT:** FINANCE FEES

**DATE:** MARCH 16, 2023

**CC:** TIM BRAGAN, MARIE SOBALVARRO

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The Finance Department is constantly thinking of creative ways to increase Town revenue and productivity. We are proposing three new fees.

A Municipal Lien Certificate (MLC) is a legal document that lists all unpaid taxes, assessments, and utility charges on a particular parcel. We have ten days to fulfill the request. We would like to add a \$10 "rush" fee if an attorney would like the MLC within 1-2 business days.

We receive delinquent tax requests from various banks at different times throughout the month. Interest accrues daily, causing the file to have to be rerun every time we get a request. We are proposing adding a \$150 fee for these requests, only chargeable to the tax services so it would not impact citizens. We expect this to increase Town revenue while cutting down on requests which will increase office productivity.

Tax services often request replacement tax bills often times it may be a request for 20 tax bills. We're proposing a fee of \$2 per bill. This fee would only be assessed to tax services, and not citizens who are requesting a bill.

Communities that have adopted one or more of these fees are Lakeville, Dennis, Dartmouth, Leicester and Marion.



**Select Board Minutes**  
**Wednesday, February 15, 2023**  
**1:30pm**

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, Assistant Town Administrator Marie Sobalvarro, and Executive Assistant Julie Doucet

**Proposed Ayer Road Smart Growth Overlay District**

Town Administrator Tim Bragan explained in accordance with Harvard's Protective Bylaw (Chapter 125, section 50) and Massachusetts General Law (Chapter 40A Section 5), the Select Board must vote within 14 days to send any proposed zoning changes to the Planning Board. He confirmed this is just a required procedural vote by the Board and does not infer endorsement by the Select Board. Planning Board liaison Erin McBee noted the Planning Board process will require public hearings along with seeking feedback from all relevant town departments. Bragan said he has begun this process by holding a meeting with town side department heads such as Fire and EMS. He added the school department has contacted the state for assistance with their population growth formula.

By a roll call, Ludwig – aye, McBee – aye, Minar – abstain, Oliver – aye, Maiore – aye, the board voted to submit the smart growth overlay district to the Planning Board. (4-1)

Kara Minar would have preferred vetting the proposal before it is sent to the Planning Board therefore, she decided to abstain from the vote.

**Public Communication**

Steve Moeser, Park Lane, asked the Select Board to be cautionary based on materials provided. He noticed the proposed bylaw as written does not represent what the plan shows. Moeser serves as a member on the Permanent Building Committee and Zoning Board of Appeals.

Stu Sklar, Scott Road, said if indeed the motion today is not taking a stand passing it along is the right thing to do and allow the Planning Board to take this proposed bylaw from the developer under a microscope.

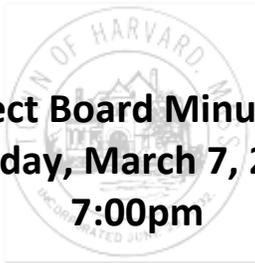
Marc Sevigny, Shaker Road, asked if the Planning Board receives this do they have to take the required action or can they reject without a public vote. He was questioning what act means.

Tim Bragan noted zoning articles require a 2/3rds vote to adopt or change. Rich Maiore said with the Planning Board process and town meeting there will be multiple times for the public/town departments to learn and debate the proposal.

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

By a roll call vote, Minar–aye, Oliver – aye, McBee– aye, Ludwig – aye, Maiore – aye, the board voted unanimously to enter executive session at 2:00pm 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 3:15pm.



**Select Board Minutes**  
**Tuesday, March 7, 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, Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Finance Director Jared Mullane, DPW Director Tim Kihart and Fire Chief Rick Sicard

**Additional participants:**

Library Trustee Marty Green

**Library Trustees present plans for an outdoor program space/pavilion**

Trustees Marty Green and Cary Browse came to present their plans for an outdoor program area. Green explained during the Covid pandemic the library began offering outdoor programs and quickly learned the outdoor spaces were very popular. She shared pictures of the proposed pavilion. They chose a location not heavily used by other town organizations. The trustees will work with other necessary town boards/committees to bring the pavilion to fruition although it will take some time. The Select Board was very supportive of proposal as a great extension to the services and programming offered by the library.

**Public communication**

Abbe Besse, School Committee Chair, reiterated the recent budget and small warrant article requests voted on by the School Committee. They are asking the surplus of \$83,000 be allocated to the school department allowing them to restore difficult cuts that were made and a small warrant article for Munis training (accounting system) for school department staff.

**FY24 operating budget review**

Finance Director Jared Mullane reviewed the revenue/expense projections, the detailed budget by department and category. He also gave a quick overview of the small warrant articles.

**Capital Planning (CPIC) recommendations**

Assistant Town Administrator Marie Sobalvarro said 24 requests were received. She reviewed each item and the recommendation from CPIC. (Attachment A)

Kara Minar advocated for funding of the Fire Dept facility design over the DPW facility design however it was determined the DPW facility is better positioned to be completed first for various reasons. Fire Chief Rick Sicard said the state is working on a potential program similar to the school building (MSBA) for funding of fire stations.

Rich Maiore wondered if there could be another way to fund both worthy projects. All were pleased an override could be avoided this budget season.

**Staff Report/Updates** (Attachment B)

**Sale of affordable unit – 35 Lancaster County Rd #2-B**

By a roll call vote, McBee – aye, Minar – aye, Oliver – aye, Ludwig – aye, Maiore – aye, the board voted unanimously to not exercise their right of first refusal.

**Executive Session per MGL Ch. 30A, s. 21(a)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 8:10pm as per MGL 30A Sec. 21.2 To conduct strategy sessions in preparation for contract negotiations with nonunion personnel. The Select Board will reconvene into open session only to adjourn.

The meeting was adjourned at 8:40pm.

Documents referenced:

Library Trustees drawings – dated March 2023

FY24 budget & CPIC outline

Affordable unit sate – dated 2.6.2023

## AUTHORITY TO FILE

Whereas the Town of Harvard, after thorough investigation, has determined that the work activity consisting of:

### Lead Service Line Inventory and Replacement Plan

is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Drinking Water Protection Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by Town of Harvard as follows:

1. That the Town of Harvard DPW Director is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to planning activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

**CERTIFYING AUTHORITY TO FILE**

I hereby certify that the Select Board of the Town of Harvard (hereinafter referred to as the Applicant), at a meeting noticed and conducted in accordance with all applicable legal requirements, duly voted to authorize the DPW Director to act on behalf of the Applicant, as its agent, in filing applications for, executing agreements regarding, and performing any and all other actions necessary to secure for the Applicant such loan(s) for construction or planning of Drinking Water Protection Projects as may be made available to the Applicant pursuant to the provisions of the Massachusetts Clean Waters Act (M.G.L. c.21, section 27-33E, inclusive, as amended) and the Water Pollution Abatement Revolving Loan Program (M.G.L. c.29C) for the following project:

Water Service Inventory and Lead Service Line Replacement Plan

I hereby certify that Timothy B. Kilhart is the present incumbent of the position referenced above,  
and do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the governing body held on the \_\_\_\_ day of \_\_\_\_\_, 2023 and duly recorded in my office:
2. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice to such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; and that I am authorized to execute this certificate:
3. That if an impression of a seal has been affixed below, it constitutes the official seal of the Applicant and this certificate is hereby executed under such official seal; but if no seal has been affixed, the Applicant does not have an official seal:

IN WITNESS WHEREOF, I have hereunto set my hand this

\_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Authorized Signature)

# Outline of Issues Relating to Devens Jurisdiction

## Purpose

This memo offers an outline of issues pertaining to a permanent government structure for Devens, as identified by the HDJC following discussions with residents, boards and committees, other stakeholders, and interested parties. Questions pertaining to each issue are provided to focus attention on specific aspects of each issue. We suggest that each stakeholder address these issues as well as any other issues important to them in their proposed plan for permanent government structure for Devens.

The HDJC hopes that by following this process, stakeholders can quickly find consensus on proposals for some of these topics, while acknowledging that achieving consensus on other topics may require extended conversations, research, and negotiations.

A copy of the HDJC's proposed plan dealing with these matters is attached.

## Residential Community and Boundary Changes

Devens residents have consistently expressed a wish that all residents of Devens be a citizen of the same town, versus the current status where some residents live in historic Harvard and some residents live in historic Ayer. Should town (and county) boundaries be adjusted to satisfy this wish? What other changes will be needed if this happens?

## Municipal Services

How should municipal services such as schools, fire, police, public works, transfer station, etc., be handled? Stay with a regional approach? Handle each service on a case-by-case basis, with some regionalized and some handled by each town? Which services, if any, should be regionalized, and which should transfer to the towns?

## Utilities

Should the utility operations (fresh water, wastewater, electricity, natural gas) be converted to a stand-alone municipal utility with shared governance? Should the operations be put out to bid by investor-owned utilities?

## Unified Permitting

Should the existing unified permitting approach embodied by the Devens Enterprise Commission be retained? If so, how should members be appointed? How should it be funded?

## Zoning/Reuse Plan/By-laws

Are there changes to the zoning, reuse plan or by-laws that should be adopted at disposition? Independently, what changes, if any, should be made to the process by which changes to these areas are proposed and adopted? How will the existing housing cap be affected by disposition? How will current Devens by-laws be incorporated into existing local by-laws?

# Outline of Issues Relating to Devens Jurisdiction

## Public Lands

Devens contains many acres of conservation and recreation spaces, e.g., along the Nashua River, the areas around Mirror Lake, Little Mirror Lake, Robbins Pond, Cold Spring Brook, etc. Many of these spaces are covered by existing conservation restrictions that are the responsibility of various organizations, such as the Trustees of Reservation, the US Fish and Wildlife Service, and others. How will disposition affect the roles of local, state, and federal government entities?

## Public Buildings

How will disposition affect the use of existing public buildings on Devens like the Eisengrein Community Center, Public Works Building, and the Public Safety Building? Will some buildings become surplus? Will some existing public services need space on Devens? Which government entity will take responsibility for each public building?

## Connectivity, Traffic and Transportation

What changes or improvements should be implemented to improve access to Devens from the neighboring towns? What can be done to improve public transportation to and within Devens? What changes, if any, should be made to the internal traffic patterns to better serve workers, visitors, residents and businesses? What changes can be made to improve access between Devens and its neighboring areas for people who walk, cycle, or drive? What changes are needed to improve access for emergency services?

## Environmental

Devens contains several “areas of concern” that require environmental monitoring and cleanup. While the cost will be borne by the US Army, which entity or entities should oversee the process and set priorities? How will local government, residents, and businesses meet the state environmental greenhouse gas reduction goals?

## Taxation and Municipal Finance

What process should be used to transition the existing pseudo-taxation scheme to a more standard taxation method? If regional entities are established to manage aspects of Devens, how should they be funded? When should control over tax revenue transition from MassDevelopment to the future local government(s)? If a town resumes jurisdiction over some or all of Devens, what additional expenses will it incur, and will revenues that it receives from Devens be sufficient to cover those expenses? Will there be a “cliff” transition at a specific date, or should some sort of gradual transition plan be used? What capital equipment will be transferred to the local governments? What funds will be available to pay the one-time transition costs?

**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)

**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)

**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)

**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 Committee, to provide the Bare Hill Pond Committee with the necessary funds to assist them in monitoring and dealing with algae blooms on Bare Hill Pond, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

**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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

#### **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)

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

## **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 or Project</i>	<i>Board or Official Authorized to Expend Funds</i>	<i>Amount</i>	<i>Funding Source</i>
1 Design of Public Works Buildings	Permanent Building Committee with Select Board approval	\$ 600,000	Borrowing M.G.L. Ch .44
2 Heavy Duty Dump Truck	Director of Public Works with the approval of the Select Board	\$ 240,000	Borrowing M.G.L. Ch. 44

## **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 2023, 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 or Project</i>	<i>Board or Official Authorized to Expend Funds</i>	<i>Amount</i>	<i>Funding Source</i>
1 ADA Playground Upgrade	Parks and Recreation Commission	\$ 50,000	Fiscal 2024 Community Preservation Fund 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 1/2 for Fiscal Year 2024, or pass any vote or votes in relation thereto.  
(Inserted by Finance Director)

**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 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.

### **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	15,000.
Application Review Advertising & Professional Service Cost	1,000.
Harvard Community Cable 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.

### **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 Code of the Town of Harvard by making the following revisions or take any vote or votes in relation thereto.

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

#### Hunting, Trapping, Firearms, and Explosives

§ 39-1 ~~Discharge prohibited; exceptions:~~ Consent required for hunting, trapping or discharge of firearms or explosives on public or private property.

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 office 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, 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., for each offense.

## 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)

**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)

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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 12 p.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 position 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.)

**QUESTION #2 – Department of Public Works 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 in order to fund the design and engineering of the Harvard Public Works Facility (Mechanic's Service Garage, Department of Public Works Office Connector Building, Six-bay Vehicle Storage Garage, and Pole/Barn Storage Building), including, but not limited to building envelope systems (roofs, walls, doors, windows and siding), and correcting building code and life safety concerns?

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

(Requires a majority vote for passage.)

**QUESTION #3 – 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.)

**QUESTION #4 – 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, farm land, 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 #5 – 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 24, 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 12:00 p.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 \_\_\_th day of \_\_\_\_\_, Two Thousand and Twenty-Three.

**Harvard Select Board:**

\_\_\_\_\_  
Richard Maiore, Chair

\_\_\_\_\_  
Donald Ludwig

\_\_\_\_\_  
Erin McBee

\_\_\_\_\_  
Kara McGuire Minar

\_\_\_\_\_  
Charles Oliver

I certify that I have posted two attested copies of the warrant for the April 29, 2023 Annual Town Meeting, one at the Town Hall, and one at the Post office in Harvard, at least seven days before the time of holding said meeting.

\_\_\_\_\_, 2022.  
Constable/Police Officer (month and day)

\_\_\_\_\_, 2022  
Town Clerk (month and day)