

Posted 1.13.2022 at 3:45pm by JAD SELECT BOARD AGENDA Tuesday, January 18, 2022 7:00pm

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: Jan 18, 2022 07:00 PM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/88910376716?pwd=WWFhcGZBNXRCQjNkUTA3Z1AyaUtLUT09

Meeting ID: 889 1037 6716 Passcode: 155927 Find your local number: https://us02web.zoom.us/u/kL5LGz3D +1 253 215 8782 US One tap mobile +1 301 715 8592 US +13126266799,,123906012# US (Chicago) +19294362866,,12390012# US (New York)

Agenda Items

- 1) HDJC Chair Victor Normand will discuss the rezoning of Vicksburg Square (7:00)
- 2) Report on FY22 goal to review Town Charter & Select Board polices (7:20)
 - a) Discuss policy for use of common areas
- 3) Approve Minutes 12/21 & 1/4(7:30)
- 4) Public Communication (7:35)
- 5) Staff Report/Updates (7:40)
- 6) Action/Discussion items: (8:00)
 - a) Decide next steps for the appointments to the Climate Initiative Committee
 - b) Act on the Code of Conduct
 - c) Discuss details for the spring Annual Town Meeting
 - d) Discuss State House Bill 1833: An Act relative to exemptions from taxation of structures and buildings essential to the operation of agricultural and horticultural lands.
 - e) Discuss Select Board FY23 budget proposal
- 8) Select Board Reports

Next Regular Select Board Meeting Tuesday, February 1, 2022 7:00pm

All times are approximate except for scheduled public hearings.

Harvard-Devens Jurisdiction Committee Rezoning Vicksburg Square

Recommendation

The Harvard Devens Jurisdiction Committee (HDJC) believes firmly that it is critical for the stakeholders to come to consensus on final disposition and local governance of Devens before taking a proposed rezoning of Vicksburg Square to the three towns for approval at a Super Town Meeting. In addition, HDJC believes that any rezoning effort should provide clarity on the type and mix of residential uses, along with any ancillary uses, in order to estimate the population to be served by the local governing entity and the degree to which local housing needs are being met.

Changing zoning in Devens requires approval by all three towns voting simultaneously in a Super Town Meeting. It is a complicated and time-consuming process under the best of circumstances. And until the governance question is resolved, it is not actually clear what the towns would be voting for...a recipe for failure or for poor decision-making.

In fact, the three towns have voted down the rezoning idea twice in the past....in 2009 and 2012. And if it fails yet again, the outlook for a successful redevelopment will seem even more elusive.

<u>Rationale</u>

Our reasoning here is straightforward: until final disposition and local governance are resolved, any effort to rezone and redevelop Vicksburg Square for largely residential use will most likely fail. There are simply too many unknowns for voters, as witnessed by the previous two failed votes. Without having clarity on the character of the housing to be developed and who will be permanently providing services, the towns will, once again, be reluctant to approve a rezoning.

The HDJC offers the following further detail for its recommendation:

TOWNS WON'T SUPPORT: Until the residents of Ayer, Harvard, and Shirley know what town (or towns) will have ultimate responsibility for Devens (and for Vicksburg Square in particular), they will be unlikely to vote in support of a zone change that could add several hundred new households to Devens. They won't know – no one will know -- the most basic implications of a zoning change: Who will levy and collect property taxes on Vicksburg Square? Will there be a mix of rental/ownership? Only rental? Only ownership? What will be the number of units, estimated number of residents? Of seniors? Of children? In what town would the children attend school? What town would be responsible for providing services for these residents? Should the town and county lines through Vicksburg Square which is presently divided 70% in Ayer (Middlesex County) and 30% in Harvard (Worcester County) be changed so it is all in one town?

Given that Devens does not have its own school district; MassDevelopment has been contracting with neighboring towns for this service. Currently, MassDevelopment has chosen

to contract with Harvard to educate the students residing in Devens. The potential addition of several hundred units at Vicksburg Square means there will be a significant number of new children to educate. It is unlikely that Harvard residents will endorse the redevelopment of Vicksburg Square without having a good understanding of its impact on the schools. Discussions and planning for where students will be educated permanently must take place before any proposals about Vicksburg Square are put forth in order for the effort to succeed.

DEVELOPERS WON'T BITE: Until governance is resolved, even if the three towns did vote to change the zoning, developers are unlikely to take full advantage of the opportunity to develop mixed use housing. Why? Developers, and their lenders, succeed when there are the fewest unknowns and uncertainties. Marketing residential development also involves marketing the larger community. Potential home buyers or renters want to know "where they are living."

Furthermore, current Devens homeowners will want the future redevelopment of Vicksburg Square to enhance, not decrease, their investment in their homes. With certainty of future governance known, a wider and deeper pool of developers will vie for Vicksburg Square. MassDevelopment took advantage of such a competition when choosing a developer for Emerson Green, which is now becoming a new neighborhood, all in one town. And in the end, they chose a developer whose proposal will result in a mix of housing; two thirds homeownership and one third rental, both with affordable housing components. Should Vicksburg Square be developed as all rental, as both MassDevelopment and the Devens Enterprise Commission expect, over sixty percent of all the housing in the Devens community will not be owner occupied. This would drastically change the character of the community and would not be a consistent distribution of housing types with either the current mix or that of surrounding towns.

MassDevelopment has taken great pains to develop the commercial and industrial areas of Devens with diverse, stable, growing, and ground-breaking businesses, resulting in the successful implementation of the Devens Reuse Plan. In order to attract residential development as complimentary to the commercial development, the need is to attract the same level of committed developers. The need for a significant percentage of housing available for first time homebuyers is important to the region, where such buyers have been priced out of the market, and to the Devens workforce whose average annual income exceeds \$90,000. With future governance known, developers will respond to this opportunity.

UNKNOWNS CAN BECOME KNOWNS SOONER RATHER THAN LATER: It is likely that resolving the unknown of Devens disposition could happen sooner rather than later. The structure and charge of the existing Devens Jurisdiction Framework Committee could produce a consensus recommendation on permanent government in a timely manner, ready for a Super Town Meeting, which could also include the re-zoning of Vicksburg Square. The enabling legislation, Chapter 498 of the Acts of 1993, Section 23 provides that the decision on permanent governance can be made anytime **on or before July 31, 2030**. Section 12 of the Act also provides that MassDevelopment (successor to the Massachusetts Government Land Bank) **shall be the interim government until July 31, 2033**. Determining future local governance now will be good for the redevelopment of Vicksburg Square and not interfere with the ongoing implementation of the Reuse Plan by MassDevelopment. The HDJC wants Devens to continue to thrive and is particularly interested in helping to bring about a resurgence of development at historic Vicksburg Square, an iconic property on Devens. We know that rezoning, if supported by the towns, could bring exciting housing opportunities to the area. All the parties involved in this process want it to succeed. The most effective way to do that is to resolve unknowns, and then move ahead with the rezoning effort. Attempting to do the reverse would divert the time and energy from the work of resolving the all-important governance question and likely lead to another failed Super Town Meeting vote.

Unanimously approved: Harvard Devens Jurisdiction Committee January 6, 2022

Select Board Minutes Tuesday, December 21, 2021 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:

Stu Sklar, Rich Maiore, Kara Minar, Erin McBee, Alice von Loesecke

Town Department attendees:

Assistant Town Administrator Marie Sobalvarro, Executive Assistant Julie Doucet, Police Chief James Babu, Police Officer Tyler Forbes, Superintendent Linda Dwight, Community & Economic Development Director Chris Ryan

Additional participants:

CRWG Chair Ellen Leicher, CPIC Chari Nate Finch, Ambulance Director Jason Cotting, Bromfield Trustee Pete Jackson, School Committee Chair SusanMary Redinger, Commission on Disabilities Chair Davida Bagatelle

Police Department announcements

Chair Stu Sklar began by congratulating Sargent James Babu on his promotion to Police Chief. Chief Babu took a moment to thank those involved in the hiring process. He expressed his gratitude for the opportunity and is extremely honored to have been chosen to lead the department. He will focus on a community style of policing and is excited to move the department forward.

Chief Babu was pleased to introduce new officer Tyler Forbes. Chief Babu is impressed with Forbes's experience in various departments from larger cities to small towns. He is also encouraged by Forbes interest in serving the elderly population in Harvard. Chief Babu expects Forbes will be a great addition to the department.

Officer Forbes thanked Chief Babu for the opportunity. Forbes grew up in Marlboro and started his career in public safety when he was 21 years old. He is looking forward to policing in Harvard and using his experience to make a positive impact. He understands the value social media can have on creating a positive outlook on policing. He is also an avid sports fan and enjoys interacting with members of the community.

Assistant Town Administrator Marie Sobalvarro presented the Select Board with a contract that adequately reflects the 18 years of dedicated service Officer James Babu has given to the Town of Harvard. By a roll call vote, Minar – aye, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to approve contract for Chief James Babu as written.

Climate Initiative Committee; finalize charge/membership

Community Resiliency Working Group (CRWG) Chair Ellen Leicher came to review the draft charge and discuss the membership. She indicated the charge as written enables the committee to continue their work utilizing state grant funds. Rich Maiore questioned the membership size as typically the Select Board does not create committees of that size. Leicher said based on the workload and the enthusiasm of the current volunteers she is confident nine members with two associates is the best way to proceed. Select Board Minutes 1 December 21, 2021

Assistant Town Administrator Marie Sobalvarro confirmed the committee charge will be announced seeking volunteers for the Select Board to consider. It was decided the committee membership will mirror the CRWG with representatives from the Energy Advisory Committee, Planning Board, Board of Health, Harvard Conservation Trust, Agriculture Advisory Commission, Conservation Commission, two citizens at large and a member representing public safety. In addition, two members of the Energy Advisory Committee. By a roll call vote, McBee – aye, Minar – aye, Maiore – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve charge for Climate Initiative Committee with makeup to mirror the CRWG including two associate members and public safety.

Capital Planning & Investment Committee (CPIC) recommendations

CPIC Chair Nate Finch reported the committee has not finalized all their votes. He noted they have voted in favor of the Fire Dept. air tanks, fire ponds and the Ayer Rd study. They voted against the DPW building design study. The Park & Rec request on the athletic fields has been put on hold for now. Alice von Loesecke spoke in favor of the Fire Dept. fire apparatus noting this item has been moved and delayed already.

School Committee Chair SusanMary Redinger explained they had difficulty attaining quotes for the Bromfield locker room therefore the facility manager will have his staff do the work in house.

Commission on Disabilities Chair Davida Bagatelle explained the accessibility self-evaluation plan analyzes the town as a whole to identify areas where accessibly improvements are necessary in an effort to set goals moving forward. She said grant funds may be available and if that is the case the request can be withdrawn.

Park and Rec liaison Kara Minar said a phased approach could be taken with the athletic fields. Von Loesecke mentioned the prior ideas for land swaps between park & rec and the Conservation Commission should be revisited prior to purchasing of other land. All agree the Select Board need to take a position on this item. Cop

The Fire Station study has been reviewed by the Permanent Building Committee. The original study was really for a larger community therefore the scope of work must be revised by the Select Board.

The CPIC will be meeting tomorrow to continue their process.

Ambulance billing rates

Director Jason Cotting said billing rates have not been adjusted since 2011. He is recommending an adjustment based on the current Medicare rates. In addition, Cotting asked the Select Board to consider reviewing rates on an annual basis. By a roll call vote, von Loesecke – aye, Maiore – aye, McBee – aye, Minar – aye, Sklar – aye, the board voted unanimously to accept proposed rates from HAS in terms of billing rates and will review these rates an annual basis moving forward.

Minutes

By a roll call vote, Minar – aye, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to approve minutes from 11/9, 11/16 and 12/2.

Staff Report/Updates (Attachment A)

Public communication

Bev Rodrigues. Old Littleton Road, encouraged the Select Board to remember a majority in town voted in October to sell and preserve the Bromfield House. On behalf of those who voted for it she asks the board to affirm this vote by making a commitment to move forward with the sale. She is excited about the plan for Afghan refugees to use the house in the interim. She understands there are legal issues to tend with as well.

Continue discussion on Bromfield House

Stu Sklar began by sharing information he learned from Town Counsel Mark Lanza that a special town meeting will not be necessary to lease the property. He explained the citizens petition voted on in October empowered the Select Board to sell or lease the property. Sklar supports leasing the property for housing Afghan refugees until a long-term plan can be decided upon. Lanza told Sklar if the town and the Bromfield Trustees come to an agreement and petition the probate judge he suspects there would not be any issues. Erin McBee offered her professional opinion that the ultimate disposition of the property must be prioritized for the town to be granted this use in the interim. Rich Maiore emphasized the importance of finalizing a long-term plan for the property instead of focusing solely on the short term. Alice von Loesecke agrees with Maiore the long-term plan must be a priority. Kara Minar added leasing the building provides the time and opportunity to finalize the longer-term decision. Maiore has spoken with the Bromfield Trustees and is confident they will support the lease if the Select Board enters into an agreement about the longer-term plans. Discussion ensued around terms of the lease and agreement between the town and the trustees for final disposition of the Bromfield House. Bromfield Trustee Pete Jackson was invited to speak and said the trustees can schedule a meeting expeditiously to discuss details of an agreement on the short and long term plans for the Bromfield House. Superintendent Linda Dwight said the school department is excited about the opportunity to educate not only Afghan refugee students but also assist their families with learning English as a second language. By a roll call vote, Minar – aye, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to have member Erin McBee meet with the trustees to draft a Memorandum of Understanding (MOU) for the disposition of the Bromfield House with a short term lease for resettlement of Afghan refugees. Von Loesecke suggested a one year lease. The motion was amended to include lease for up to 18 months. All voted unanimously in favor of the amendment. This item will be on the January 4th meeting agenda.

Appointments

Commission on Disabilities

By a roll call vote, von Loesecke – aye, McBee – aye, Maiore – aye, Minar – aye, Sklar –aye, the board voted unanimously to appoint Sue Tokay to the Commission on Disabilities.

Revenue Ideation Committee

By a roll call vote, Minar – aye, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar –aye, the board voted unanimously to appoint Jane Biering & Dan Daly to the Revenue Ideation Committee.

Finalize Liquor License conditions for 204 Lanes/Harvard Bowling Lanes

By a roll call vote, Minar – aye, McBee – aye, Maiore – aye, von Loesecke – aye, Sklar –aye, the board voted unanimously to approve sale of wine/malt conditions and issue license for 204 Ayer Road LLC.

State grant appropriations versus Select Board appropriation

Community & Economic Development Director Chris Ryan reported grant from the state has been awarded and can cover the \$45,000 for phase 1 of the Ayer Road Commercial District Study. The Select Board had previously voted to use funds from the Rantoul Trust account however that may not be necessary now. Ryan wanted to consult with the board on this development. The Select Board agreed it is prudent to use the grant funds if available instead of the trust account.

Fire Chief's request for use of burning permit funds for next phase of fire station study

The Select Board members are agreeable to this request but first wish to review the scope of work. Assistant Town Administrator Marie Sobalvarro will relay this to the Fire Chief and schedule this as agenda item for the second meeting in January.

Annual license renewals

Executive Assistant Julie Doucet prepared the annual listing confirming those license holders that were in good standing with all town departments and all taxes are paid to date. Friendly Crossways located at 247 Littleton County Road is typically issued annual licenses for common victualler and innkeeper. The Board of Health (BoH) provided a memo notifying the Select Board that the facility does not currently hold all required approvals from the Board of Health. The BoH recommended the Select Board consider not issuing the requested licenses unless the above BoH approvals have been issued.

By a roll call vote, Maiore – aye, Minar – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to approve annual licenses in good standing.

The board members had additional questions on the memo from the BoH and will follow up with applicants at a subsequent meeting. They decided to approve the licenses through the end of January. By a roll call vote, Maiore – aye, Minar – aye, McBee- aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to extend Friendly Crossway licenses for the month of January. They will revisit this item at a subsequent meeting.

Code of Conduct

Assistant Town Administrator Marie Sobalvarro shared an updated version of the code after feedback was requested and received from various town boards/committees/commissions. She asked the board members to read through this draft, contemplate and provide feedback for discussion at a future meeting.

The meeting was adjourned at 10:00pm

Documents referenced: MVP summary dated – Dec2021 Climate Initiative Committee draft charge - dated 12.7.2021 CPIC rating sheet – FY23 Ambulance billing; proposed rate sheet & change chart - dated 1.1.2022 Volunteer forms: Tokay – dated 12.2.2021, Biering – dated 11.18.2021, Daly – dated 12.20.2021 Annual license renewals – dated Jan2022 Draft Code of Conduct - dated 12.21.2021

- Transfer Station update:
 - a. On Saturday, Christmas Day and Saturday, New Years' Day, the transfer station will be CLOSED. Saturday hours have been rescheduled <u>for the following Monday</u> (12/27: 8:00 a.m. – 2:00 p.m., and 1/3: 8:00 a.m. – 2:00 p.m.)
 - b. Kudos to Tim Kilhart for working with the non-profit Big Brother/Big Sister, which has supplied new clothing and book donation boxes at the Transfer Stations. They will be regularly picking up for re-use the take-it-or-leave-it items remaining at the end of the day, in addition to the boxes for clothing/textiles and books.
- Health Insurance:
 - a. MIIA and BCBS will be meeting with Town Hall staff in early January to discuss the logistics for the enrollment/re-enrollment process, billing, and payment remittance. Attached FYI is a list of the member communities in MIIA/BCBS; this was a component of the Trust Agreement the Board signed at their meeting on 12/14.
 - b. MNHG, our current provider, had a Board meeting last week and opted to push back their FY23 rate-setting to early February 2022; the fund balance is declining more than expected as 5 months of data indicate Tufts EPO claims are outstripping Tufts premiums by \$1M, Fallon EPO claims outstripping premiums by \$550k.
- Surplus: Two auctions closed yesterday on govdeals.com, netting the Town \$18,500. We will be putting two of the school's vans on govdeals.com this week.
- The Finance Committee approved the reserve fund transfer for the cell tower balloon test at their last meeting, logistical details with Isotrope are being worked out.
- Facilities (Permanent Building Committee-related):
 - a. Old Library: MJM, the contractor for the Old Library, is working on submittals with expected on-site mobilization in April 2022.
 - b. HH2: A draft scope proposal from DAI, the selected (and former) architect was reviewed by a subset of the PBC yesterday; follow-up with the architect would be during the week of the 27th
- The State held its FY23 Consensus Revenue Hearing today, a range of predictions but seemingly a slower/lower increase in revenues for FY22→FY23 (than from FY21→FY22), prior to looking at the impact of inflation.
- Grants:
 - a. We'd received news that our application to the Massachusetts Office on Disability (MOD) for \$29k was not funded. These monies would have funded making the beach house handicapped accessible; although disappointed, Town admin will be pursuing dual submissions to CPIC and the MOD for FY24.
 - b. We were awarded a Cybersecurity Awareness Training Grant from the state for our staff (this encompasses assessments, bi-monthly assignments, testing users via phising campaigns, and a final assessment).

- Yesterday, our Zoning Enforcement Officer served a stop-work order to Pine Hill Village until Friday 12/24. This was violated earlier today, and was enforced this morning by our ZEO (and HPD staff); the ZBA is aware of the situation.
- Electricity:
 - a. Our Community Choice Aggregation provider released Q3 performance (attached); the program remains competitive for residential users.
 - b. As of December 1, we have contracted with Direct Energy Business (fixed at \$0.105 kwh) for 36 months due to their price and flexibility when the Solect array is operationalized. Our former 36-month contract with First Point was at \$0.0986/kwh
 - c. Solect Energy sent the required regulatory documents to the Town Hall for signature last night; we have completed and returned them to Solect (who are ideally also completing and returning National Grid's required documents as the Interconnecting Customer).
- Following Friday's five-minute Special Town Meeting (70 attendees, 5 minutes!), DOR approved our tax rate on Monday, 12/20. Shortly after, the Assessors office entered the bill file into Munis. The file was then sent to our third-party vendor who is doing their review of the file while the town does their review of the file. The review process is expected to be finished by end-of-day Wednesday, one day before the vendor's deadline (this is a flexible deadline). Bills will be printed and mailed by the vendor next week.
- COVID-related:
 - a. We were not one of the 102 communities to receive rapid tests from the Commonwealth, but we will be able to order tests on state contract (price, vendors, and availability TBD) in late January 2022.
 - b. The testing bottleneck (~3+ days for an appointment) for maybe-symptomatic staff has made things trickier. Our claims to the State's COVID-sick leave program (up to \$850, up to 40 hours @max \$25/hr per employee) has been used multiple times and reimburses within a week.
 - c. The BOH will be mailing a notice to residents regarding the MassNotify site later this month the QR codes are posted at Town Hall (and in this packet). The BOH coordinated (with COA & HAS) a booster clinic at Foxglove yesterday, and Nashoba BOH will be running a regional booster clinic the first week in January. Stay tuned for further news from the BOH.
- Staffing:
 - a. Responses to the Town Clerk's advertised position have unfortunately been low.
 - b. Four staff are being commended for their years of service to the Town of Harvard (2 @ 10 years, 1 @ 15 years, 1 @ 20 years)
- FY23 Budget for the Town: Tim distributed budget Qs this weekend to departments, answers are due back on January 4 and will be distributed to FinCom and the Select Board that day.
- Board and Committee submissions for the Town Report are due to Julie Doucet (jdoucet@harvardma.gov) by January 31, 2022. Select Board members are also encouraged to begin thinking of their Citizen of Note recommendation.
- Following tonight's appointments, there will be 21 vacancies on Select Board-appointed Boards and Committees.

Select Board Minutes Tuesday, January 4, 2022 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:

Stu Sklar, Rich Maiore, Kara Minar, Erin McBee, Alice von Loesecke

Town Department attendees:

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

Additional participants:

Bromfield Trustee Pete Jackson, Friendly Crossway owners Mary Helen & Keith Turner, Resident Bill Ference perspective buyer of Friendly Crossways

Monty Tech School Committee Representative

Stu Sklar announced Amy Morton gave her resignation as Harvard's rep on the committee. Resident Jeanne Bartlett has stepped forward to the fill the vacancy after speaking with Superintendent Linda Dwight. Bartlett's son attends Monty Tech and has been extremely happy there. She is excited to help spread the word on what Monty Tech has to offer. By a roll call vote, McBee- aye, Maiore – aye, Minar – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to appoint Jeanne Bartlett as the Monty Tech Rep.

American Rescue Plan Act (ARPA) Consultant

Finance Director Jared Mullane is recommending the town consider hiring a CPA firm to assist with managing the ARPA funds. Mullane has been in contact with the firm Clifton Larsen Allen (CLA). He presented the board with a proposal that includes assistance with determination of allowable expenses under ARPA, assistance with tracking and reporting of ARPA funds and other ARPA related finance support as requested. Mullane has had a positive experience working with Hannah York from CLA while employed in Andover. He recommends additional professional assistance in the event there is a federal audit later down the road. Mullane plans to utilize grant funds to pay the CPA firm. The Select Board members agreed this was a good idea and will act on the proposal after review by Town Counsel.

Minutes

By a roll call vote, Minar – aye, von Loesecke – aye, Maiore – aye, McBee – aye, Sklar – aye, the board voted unanimously to approve minutes of 12/7, as presented.

Staff Report/Updates (Attachment A)

Bromfield House – Memorandum of understanding/Lease

Erin McBee reported she met with the Bromfield Trustees to discuss their concerns and convey the position of the Select Board. She said the trustees are amenable to leasing the building for up to a year to provide a location for the resettlement of Afghan refugees in conjunction with an agreement that will determine the future disposition of the Bromfield House. McBee would expect the Attorney General's office to be supportive of the lease if an agreement between both parties has been codified. She

Select Board Minutes

proposed they move forward on an agreement with the trustees to be presented to the probate court. McBee indicated as long as the parties agree to lease the property in the interim the actual terms of the lease will be under the purview of the Select Board with advisement from Town Counsel. She noted the trustees would consider an extension of the lease as long as the sale of the property is not delayed. All parties agree proceeds from the sale of the property will be utilized for educational purposes. By a roll call vote, Minar – aye, Maiore – aye, McBee – aye, von Loesecke – aye, Sklar – aye, the board voted unanimously to direct town counsel to move forward on agreement for sale of the property to the probate court with prior review by the Select Board. In the meantime, Town Administrator Tim Bragan will follow up with the Sewer and Historical Commissions related to this project. Alice von Loesecke recommended the least not be extended past 18 months in order to protect the town as best we can. Stu Sklar will work with Bragan and Town Counsel to finalize the MOU.

Update on Friendly Crossways

Town Administrator Tim Bragan was not present at the previous meeting but after reviewing the Board of Health (BoH) memo and letter from the Turner's, basically his understanding is the BoH is asking the Select Board to hold off on issuing permits to Friendly Crossways until they have satisfied requirements for food service. Owners Mary Helen and Keith Turner were present to explain without these permits they are unable to continue their operations.

Stu Sklar invited prospective buyer Bill Ference to give an overview of what he and his wife envision for the property if they do indeed purchase it. Ference intends to purchase the property and simply continue the existing use that has been done for many years. He and his wife love the beauty of the property and want nothing more than to maintain it as the Turners have done all these years. They feel Friendly Crossways is a quintessential part of Harvard and preserving the property is of utmost importance to them.

Town Administrator Tim Bragan previously distributed information to Mr. Ference with details on the "powers test" that may be required to determine if there has been a change in use at the property. Due to the potential sale of this property and questions arising related to specific permitting, the overall operations at Friendly Crossways have come under more scrutiny at this time. Kara Minar suggested Mr. Ference set up a consultation with the Planning Board and the Building Inspector to better understand how best to proceed. Alice von Loesecke pointed out a significant change in the number of events and/or size of events could trigger a change in use. In addition, von Loesecke said the Select Board must support the BoH compliance with their regulations.

Mary Helen Turner thanked everyone for their support. She expressed how happy they are to have potential buyers that will care for the property as they have. They are perplexed about what has changed with the retail residential kitchen permit they had received in the past. Turner said the BoH told her this permit no longer exists. She asked for further guidance navigating these next steps in order to continue operations until the new owners take over the business. Bragan offered to follow up with the Board of Health sanitarian Ira Grossman.

Discuss and act on the Code of Conduct

Tim Bragan reminded the board this topic is one of their goals for FY22. Alice von Loesecke was pleased with the changes in the enforcement section however continues to have questions related to the implementation portion. Bragan explained the code is an outline on how you're supposed to act as a volunteer. He said in most cases people act accordingly and properly. The code basically codifies what is

expected of all volunteers similar to how employees have policies in place that outline what is expected of them while representing the Town of Harvard. Kara Minar asked to have a set process added in prior to the Town Administrator stage. She also suggested a reference to the policy in place for employees on conduct. They will revisit a final version for action at their next meeting.

Select Board Budgets and Overall Budget Changes

Stu Sklar asked if more items can be funded through the capital fund. He is interested in funding options that could relieve the tax burden from taxpayers and taking advantage of low interest rates while they last.

Tim Bragan reviewed the Select Board budget narrative. This included the budget goals, financial expectations, personnel and expenses. In addition, Bragan included a narrative with respect to proposed changes and opportunities due to various offices moving up to the Hildreth House.

The Select Board members will review in more detail and this topic will be revisited at the next meeting.

Select Board Reports

Erin McBee requested time on the next agenda to go over the review of the Select Board policies & procedures she has worked with Alice von Loesecke on.

Kara Minar reported Senator Jamie Eldridge and Rep. Dan Sena are encouraging MassDevelopment President Dan Rivera to continue working with towns on affordable housing.

Minar reported the Revenue Ideation Committee will meet again next week.

Alice von Loesecke reported the school teachers contract has been approved for one year with a 2% COLA for FY23. They will begin negotiations for the next three year contract in January. She said the teachers are aware a change in health insurance costs will be included in negotiations.

The meeting was adjourned at 9:30pm.

Documents referenced: Morton resignation letter – dated 12.21.2021 Bartlett vol form – dated 12.22.2021 CLA proposal – dated 12.1.2021 Code of conduct – dated Dec 2021 SB budget docs – dated FY23

Staff Report January 4, 2022

- 1. Town Clerk:
 - a. We are receiving applications for this soon to be vacated position with preference granted to responses received before January 14.
- 2. Pond Road Water Project:
 - a. The initial portion of this project (installing the temporary water main) is finishing up this week.
 - b. Tighe and Bond have submitted the technical piece for the next phase to Department of Environmental Protection Water Division in Worcester. The DEP has to review the proposed plans and provide feedback before we can put this out to bid. Their review can be lengthy and take a few months. Once we get their approval, I will let the Board know and Tighe and Bond will put it out to bid. Once we get the prices back, I will bring it to the Board for your approval of the use of ARPA funding for the project.
- 3. COVID
 - a. As of today, we went back to a Team A and Team B approach with one half of the staff in the building and the other half working from home. (See attached)
 - b. We have also handed out KN95 masks to employees to wear (see email).
 - c. Marie put together the latest CDC guidelines and we supplied that to employees as well (see attached).
- 4. Police Contract:
 - a. We received notice from the Police Union that they wish to begin negotiation on their next Collective Bargaining Agreement (CBA). We responded to their request and are in the process of setting up dates to meet.
- 5. Fire Truck:
 - a. The new Fire Truck was finalized and agreement made with the company by the end of last year and in doing so we avoided a \$160,000 increase. Cost is \$1,601,563.41
- 6. Budget
 - a. Attached is a copy of the Budget Meetings FinCom will be having and the Select Board members are invited to attend as you see fit. Tomorrow night's meeting is just reviewing the smaller items and I will be answering questions or getting answers for them. The real meetings begin next week.

- b. The Finance hearing happened in Boston last month and the consensus was that FY22 revenue would continue to be robust and that FY23 would be somewhat sluggish. To quote the MTF, "To sum up, the Commonwealth will enjoy robust tax revenue growth through the end of FY 2022, but revenue growth will slacken in FY 2023. This is due to labor shortages that offset inflationary wage growth, less capital gain revenues, and only modest growth in sales tax revenue. While MTF did not enumerate external threats, it is worth noting that all of this takes place against a backdrop of inflation uncertainty, a persistent pandemic, and rising global geopolitical risk, any one of which could materially impact our forecast." (See attached documents)
- 7. Just a follow-up on the discussion about a balloon test for a cell tower. The Finance Committee approved the Reserve Fund Transfer and we are coordinating with Isotrope to have the balloon test done either this month or next month. We will keep the Board informed of the progress.

Rules & Regulations for use of town owned land in the town center

This includes the main common, small common (triangle), little common next to the General Store

- 1) The town common areas are open to the general public except during scheduled events.
- 2) All organizations interested in scheduling an event in these areas must be granted permission by the Select Board through the Town Administration office.
- 3) Permission may be revoked at any time due to inclement weather conditions.

The following apply unless otherwise specified:

- **<u>Day time use only</u>** unless given written approval (additional fees may apply)
- No motor vehicles
- No tents, trailers, or camping
- No golfing
- No metal detectors
- No snowmobiles
- No horseback riding
- No open fires of any type
- Organizers of events are responsible for removal of any rubbish from event.
- The use of malt or alcoholic beverages on Town property is prohibited under Chapter 138, sec 1 of the Mass. Gen. Laws (Voted as a by-law at annual Town meeting 1975). Violation is punishable by a fine of fifty dollars for each offence.
- A one-day liquor license (special license) may be granted. Details can be found here.

Fee Schedule

- Residents \$25/\$50 (Half/Full Day)
- Non-residents \$50/\$100 (Half/Full Day)
- The fees above are for regular day time use.
- Special events need to be negotiated with the town.
- Charity events may be free.

Posting of signs on the Common:

- Signs must be registered on the town website; fees do not apply.
- Signs must pertain to community or town events and must not advertise personal or commercial events.
- Signs may be posted up to 3 weeks prior to an event.
- Signs must be removed within 24 hours of event, or 3 weeks after posting
- Signs must be placed in southwest corner of the Civil War Monument Common
- Signs must be free-standing, a maximum of 10 square feet, and not attached to trees in any manner.
- Signs must be dated with an event date or a posting date.
- Signs of any type may be removed at any time if not following the above rules.

TOWN OF HARVARD

CODE OF CONDUCT

FOR TOWN ELECTED AND APPOINTED OFFICIALS

I. PURPOSE

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

II. APPLICABILITY

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

III. CODE OF CONDUCT

All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

A. Conduct Generally and in Relation to the Community

- Be well informed concerning the local and state duties of a board/committee member.
- Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Conduct yourself so as to maintain public confidence in our local government.

- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
 - Anti-harassment and Anti-discrimination Policy
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (G.L. c.268A).
- B. Conduct in Relation to other elected and appointed officials
 - Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
 - Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
 - Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
 - Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
 - Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
 - Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - Make decisions only after all facts on a question have been presented and discussed.
- C. Conduct in Relation to the Town Administrator
 - Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 - Give the Town Administrator full responsibility for discharging his or her disposition and/ or solutions.
 - Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee member.
 - Refrain from providing information to the Town Administrator that you would not be willing to share with other board/committee members.

- D. Conduct in Relation to Town Staff
 - Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
 - Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Administrator.
 - Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.¹
 - Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

IV. DISTRIBUTION AND EDUCATION

The Town Clerk shall provide a copy of this policy, the Town's Anti-Harassment and Anti- Discrimination policy and the Anti-fraud policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.

Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. ENFORCEMENT

In addition to any other remedies or enforcement options available under the law, each board/ committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If an elected or appointed official is accused of violating this Code of Conduct (*excluding* harassment of individuals in protected classes) the board/committee that the official represents or if applicable the appointing authority may: (a) take such action as is authorized by law and as it deems fit, or (b) vote upon request to the Town Administrator/Manager or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator.

If any elected or appointed official is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy (*Chapter 33: Harassment of Individuals in Protected Classes* in the Town's Personnel Policies & Procedures), the Town Administrator shall refer the matter for investigation to the contact(s) named in the Anti-Harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the elected official's board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law².

¹ Town employees' conduct is covered by the Town's Personnel Policies & Procedures, *Chapter 9: Standards of Conduct*, addressing appropriate behavior, attire, use of Town property, tardiness, insubordination, etc.. Remedies are defined in *Chapter 11: Discipline*, addressing verbal reprimand, written reprimand, suspension, demotion for cause, and dismissal.

² For harassment of individuals in protected classes, affected individuals may file with the MA Commission Against Discrimination or the Federal Equal Employment Opportunity Commission.

SENATE No. 1833

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Cronin

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to exemptions from taxation of structures and buildings essential to the operation of agricultural and horticultural lands.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
John J. Cronin	Worcester and Middlesex	
David F. DeCoste	5th Plymouth	2/26/2021
Susan Williams Gifford	2nd Plymouth	2/26/2021
Mathew J. Muratore	1st Plymouth	2/26/2021
Steven S. Howitt	4th Bristol	2/26/2021
Joanne M. Comerford	Hampshire, Franklin and Worcester	2/26/2021
Joan B. Lovely	Second Essex	3/24/2021
Norman J. Orrall	12th Bristol	3/31/2021

SENATE DOCKET, NO. 1843 FILED ON: 2/18/2021

SENATE No. 1833

By Mr. Cronin, a petition (accompanied by bill, Senate, No. 1833) of John Cronin, David F. DeCoste, Susan Williams Gifford, Mathew J. Muratore and other members of the General Court for legislation relative to exemptions from taxation of structures and buildings essential to the operation of agricultural and horticultural lands. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. *1792* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

An Act relative to exemptions from taxation of structures and buildings essential to the operation of agricultural and horticultural lands.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1	Chapter 61A of the General Laws is hereby amended by striking out section 15, as
2	appearing in the 2016 Official Edition, and inserting in place thereof the following section:-
3	Section 15. (a) Except as provided for in this section, all buildings located on land which
4	is valued, assessed and taxed on the basis of its agricultural or horticultural uses in accordance
5	with the provisions of this chapter and all land occupied by a dwelling or regularly used for
6	family living shall be valued, assessed and taxed by the same standards, methods and procedures
7	as other taxable property.

8 (b) Structures and buildings essential to the operation of lands actively devoted to the 9 primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or 10 viticulture and actually used and occupied to carry out such operation as set forth in section 1A 11 of chapter 128, which are constructed or reconstructed subsequent to July 1, 2015 shall be 12 exempt from taxation under chapter 59 to the extent of any increase in value thereof by reason of 13 such construction or reconstruction for a period of 10 years.

14 The term "structures and buildings" shall include: (1) structures and buildings or portions 15 thereof used directly and exclusively in the raising and production for sale of agricultural and 16 horticultural commodities or necessary for the storage thereof, including structures and buildings 17 or portions thereof used for the processing of agricultural and horticultural commodities, or the 18 retail merchandising of such commodities produced or raised in the commonwealth; (2) 19 structures and buildings used to provide housing for regular and essential employees and their 20 immediate families who are primarily employed in connection with the operation of lands 21 actively devoted to agricultural and horticultural use, but not including structures and buildings 22 occupied as a residence by the applicant and his immediate family; (3) structures and buildings 23 used as indoor exercise arenas exclusively for training and exercising horses in connection with 24 the raising and production for sale of agricultural and horticultural commodities or in connection 25 with a commercial horse boarding operation; (4) structures and buildings used in the production 26 of maple syrup; (5) structures and buildings used in the production of honey and beeswax 27 including those structures and buildings used for the storage of bees. For purposes of this section, 28 the term "indoor exercise arenas" shall not include riding academies that solely provide equine 29 riding lessons or dude ranches. As used in this section, the term "agricultural" shall include the

activity of raising, breeding and boarding of livestock, including commercial horse boardingoperations.

32 (c) Such exemption from taxation shall be granted only upon an application by the owner 33 of the building or structure on a form prescribed by the commissioner. The applicant shall 34 furnish such information as such board of assessors shall require. Such application shall be filed 35 with the assessor of the municipality having the power to assess property for taxation on or 36 before the appropriate taxable status date of such municipality and within 1 year from the date of 37 completion of such construction or reconstruction.

38 If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this 39 section, he shall approve the application. Such structures or buildings shall be exempt from 40 taxation as herein provided.

(d) The assessed value of any exemption granted under this section shall be entered by
the assessor on the portion of the assessment roll provided for property exempt from taxation. An
exemption granted pursuant to this section shall continue only while the buildings and structures
are actually used and occupied as provided herein, but in no event for more than 10 years.

In the event that land or buildings or structures in agricultural or horticultural use are converted to non-agricultural or non-horticultural use during the period of an exemption granted pursuant to this section, the structures or buildings upon which the exemption was granted shall be subject to roll-back taxes for the period during which the exemption was operative. Structures and buildings subject to roll-back taxes shall be taxed as provided herein.

50 The assessors of the appropriate assessing unit shall enter on the taxable portion of the 51 assessment roll of the current year the assessed valuation or valuations of the structures or

3 of 4

buildings on which exemption was granted in any prior year or years at the assessed valuation or
valuations as set forth on the exempt portion of the assessment roll or rolls.

54 The amount of roll-back taxes shall be computed by the appropriate tax levying body by 55 applying the applicable tax rate for each such prior year to the assessed valuation, as set forth on 56 the exempt portion of the assessment roll, for such structures or buildings for each such prior 57 year during such period of exemption.

Such roll-back taxes shall be levied and collected in the same manner and at the same
time as other taxes are imposed and levied under this chapter.