



Posted 3.10.2022 at 3:45pm by JAD

**SELECT BOARD  
AGENDA  
Tuesday, March 15, 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: Mar 15, 2022 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81188041861?pwd=ZGgyM1ZvRjdydXRqb1I1R0pyYINBUT09>

Meeting ID: 811 8804 1861

Passcode: 700848

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

+1 253 215 8782 US

One tap mobile

+1 301 715 8592 US

+13126266799,,123906012# US (Chicago)

+19294362866,,12390012# US (New York)

**AGENDA ITEM**

- 1) Action/discussion items from the last meeting: (7:00)
  - a) Code of Conduct
  - b) Select Board polices; town common use
  - c) Work From Home Policy
  - d) Next steps on cell tower
- 2) Planning Board items: finalize letter to the state on the MBTA-related multifamily zoning mandate and act on their request for Rantoul Trust funding of the Ayer Road Vision Plan Phases 2 & 3 (7:30)
- 3) Staff Report/Updates (7:50)
- 4) Update on Senior Means Tested Tax Exemption (8:00)
- 5) Update on Carlson Orchards entertainment license request (8:10)
- 6) Public Communication (8:25)
- 7) Action/Discussion items: (8:30)
  - a) FY23 budget discussion
  - b) Appoint Frank Carlson as the Agricultural Advisory Committee rep. on the Open Space Committee
  - c) Act on Eagle Scout proclamations
  - d) Discuss formalizing use of the patio by the Harvard General Store
  - e) Update from the Transportation Advisory Committee regarding Ayer Rd reconstruction
- 8) Select Board Reports
- 9) **Executive Session:** per MGL Ch. 30A, s. 21(a)3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body. The Select Board will reconvene into open session only to adjourn.

*Next Regular Select Board Meeting  
Tuesday, April 5, 2022  
7:00pm*

*All times are approximate except for scheduled public hearings.*

**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.<sup>1</sup>
- 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 law<sup>2</sup>.

---

<sup>1</sup> 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.

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

## Select Board Policies

### RESPONSIBILITIES OF THE CHAIR

The Chair of the Board shall:

1. Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.

2. Sign official documents that require the signature of the Chair.

3. Call special meetings in accordance with the Open Meeting Law.

Page 4 of 14

4. Prepare agendas with the Town Administrator and Executive Assistant.

5. Arrange orientation for new members.

6. Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chair.

7. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair.

8. Make liaison assignments and assign overview responsibilities for project and tasks to Board members unless otherwise determined by the Board.

9. Conduct an annual review of the Town Administrator **by the end of March each fiscal year, unless the TA contract is set to be renewed that year and requires the review to be completed earlier in the calendar.** The Chair and Vice Chair should **solicit individual feedback from each Select Board member, send structured feedback questions to key personnel the Town Administrator interacts with (e.g., department heads, chairs of volunteers),** draft the review, discuss it with the Town Administrator in a meeting with the Vice Chair, and share it with other Select Board members at a public meeting for their input.

The Chair shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

## **Town Administrator Contract**

**4. TERM:** The term of this agreement shall be for a period beginning July 1, 2021 through June 30, 2024. The Town Administrator has been appointed in accordance with the Town Charter. This Agreement between the parties shall be formally reviewed prior to its termination, and the Town Administrator shall be evaluated and advised of the Selectmen's intention to renew or not to renew this Agreement prior to January 1, 2024. If the decision is to renew, then either party may request that its provisions be renegotiated. It is expressly understood and agreed that the decision to terminate the Town Administrator by the Select Board would have to conform to what is listed in the Town Charter. The Town Administrator is to be paid a lump sum cash payment equal to ninety (90) calendar day's aggregate salary on the date of termination. The expiration of this Agreement or any renewal or extension thereof shall not be construed as a termination.

Should the Town Administrator decide to retire before the end of this contract he shall provide the Board with notice five months prior to the date of retirement and agrees to be available to his successor, via phone or in person (this is his choice), for up to one year after his retirement.

## ABSENTEE MEMBER PARTICIPATION.

Any member may participate remotely according to the Massachusetts General Laws currently in effect. Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Additionally, a quorum of the Board, including the chair or, in the chair's absence, the person chairing the meeting, must meet quorum standards currently in effect under Massachusetts General Law; members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and All votes taken during a meeting in which a member participates remotely must be by roll call vote.

Agenda items normally include:

1. Call Meeting to Order
2. Accept Minutes
3. Scheduled Appointments (resident/committee presentations)
4. Public Communication
5. Staff Report
6. Action Items (appointments, licensing, permits)
7. Issues and Discussion Items
8. Select Board member reports
9. Executive Session as needed.
10. Adjournment

## **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:

- **Day time use only** 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.

## REMOTE WORK POLICY

### I. PURPOSE AND SCOPE

The Remote Work Program (RWP) is a management tool that may be used to increase productivity and morale of employees, boost efficiency in the use of space, reduce operational costs, lessen the environmental impact of vehicle travel, and accommodate special needs of employees.

The Town encourages the use of the RWP where it will be to the mutual benefit of employees, the Town, and the Town's stakeholders. The RWP is not an employee benefit intended to be available to all Town employees, rather, it is a work option used at the supervisor's discretion, such as flexible work schedules and alternate work schedules. The purpose of this program is to define remote work guidelines and procedures.

### II. APPLICABILITY

This Policy applies to all full-time and regular part-time employees of the Town of Harvard (the "Town"), excluding those employees under the supervision and control of the School Committee. Employees subject to Collective Bargaining Agreements (CBA) are subject to the policy only if adopted as specified in CBA.

### III. DEFINITIONS

**AD HOC REMOTE WORK:** Identified as occasional remote work from various locations.

**OFFICIAL WORKSITE:** The employee's primary non-remote work location as assigned by the employee's supervisor that is in most cases, if not all, located within a Town-owned building.

**REGULAR OFFICE HOURS:** The agreed upon set of hours during the day when the supervisor and co-workers can always communicate with the remote worker.

**ROUTINE REMOTE WORK:** Remote Work which is a regular and recurring part of an employee's work schedule.

**REMOTE WORK:** Mutually agreed upon work arrangement between the Town and the employee where the employee performs work at an alternate worksite on specified days and retains flexibility as necessary to meet the needs of the ~~Supervisor~~/Department.

**REMOTE WORK AGREEMENT:** A written agreement between the Town and the employee outlining the work schedule, duties, and performance standards for the remote working employee.

**REMOTE WORK SITE:** A workplace other than the employee's regular work location that is approved by the employee's supervisor as suitable for remote working.

#### **IV. PROCEDURES**

- (A) The employee and his or her Department Head and/or supervisor ~~will~~ may collaborate to create a mutually suitable Remote Work Agreement including the tasks or scope of work to be completed at the remote work site, the time frames for completion, and how work will be reported and evaluated. Both parties sign the agreement and submit it to the Department Director or his/her designee. Once the agreement has received the necessary approval(s), a copy of the agreement will be placed in the employee's personnel file.
- (B) The Supervisor or Department Head shall contact CM Geeks for any technical support needs of the remote worker.
- (C) Employees and supervisors who participate in a Remote Work Agreement are expected to educate themselves on what their responsibilities are regarding Remote Work.

#### **V. TERMINATION OR SUSPENSION OF A REMOTE WORK AGREEMENT**

- (A) Remote Working is a privilege rather than a universal employee benefit or right. The Town has the right to offer remote work to an employee and to unilaterally terminate a Remote Work Agreement at any time. Employees do not have a property interest in Remote Work. In no circumstances are employees entitled to due process related to any Town decision on Remote Work issues, including approvals or denials, or a Town decision to discontinue a Remote Work Agreement
- (B) Remote Work is a voluntary program. Employees may decline remote work if the options presented are infeasible. The employee may also discontinue the arrangement at any time, unless otherwise specified in the Remote Work Agreement.
- (C) Remote Work may be temporarily suspended due to the Town's operational needs.
- (D) Supervisors should monitor the work environment for any negative effects a remote work assignment may have on the workload or morale of the co-workers of the remoteworker and may need to suspend or terminate the remote work assignment to ensure equal workloads and harmonious relations amongst staff.

#### **VI. EXCEPTIONS**

The Town Administrator has the discretion to make exceptions to this Policy in the best interest of the Town, such as during declared emergencies or other unique situations mandating remote work outside of a pre-approved agreements.



# Town of Harvard, MA Planning Board

## MEMORANDUM

**To:** Harvard Select Board c/o Tim Bragan, Town Administrator  
**From:** Justin M. Brown, Chair, Harvard Planning Board  
**CC:** Capital Planning and Investment Committee, Finance Committee  
**Re:** Request for Rantoul Trust Funding of Ayer Road Vision Plan Phases 2 & 3  
**Date:** February 24, 2022

The Planning Board requests consideration by the Select Board to reinstate direct financial support to the Ayer Road Commercial District Vision Plan with funds from the Rantoul Trust. Prior support enabled timely execution of the project, for which, the Planning Board is grateful. As the initial funding has been superseded by equivalent funds from an external grant from the Commonwealth's Executive Office of Energy and Environmental Affairs (EEA), the Planning Board believes that previously allocated Rantoul Trust funds, carried forward to Phases 2 and 3, is critical to execution of those phases.

Rantoul Funding has the following advantages:

- **Visibly Communicates Select Board Support of Full 3 Phase Program** – Application of these discretionary funds is a visible way to show the public that the Select Board sees the merit of the program and is willing to put the weight of their support behind it. Actions speak louder than words and funding provides a clear example of this. Furthermore, explicit Select Board support serves as an example of leadership in this project, which we hope that other Town Boards and Committees can follow. The Planning Board is actively seeking visible and formal support through endorsement from the Finance Committee, the School Committee, the Park and Rec Commission, and others as we approach Annual Town Meeting.
- **Capital Planning and Investment Committee (CPIC) Coordination** – CPIC has unanimously approved funding for the project at the now required \$280,000<sup>1</sup>. However, it was made clear that this support is based on the expectation that the Planning Board will seek Select Board reinstatement of the \$45,000 previously allocated to Phase I. The EEA grant award notification arrived at the time of funding allocations. Later discussions with CPIC indicated that they had been made aware of the EEA grant and expected it to be applied to Phases 2 and 3 and adjusted the Planning Board's initial request downward. They were surprised that the Rantoul Funds were no longer in play.

---

<sup>1</sup> Based on latest estimates from the RFI respondents from 2019.

- **Timing is Everything** – The Planning Board is acutely aware of the problem that delay could impose on the community if project delays continue. These are summarized as follows:
  - Continued Annual Cost Escalation – Full funding to Phases 2 and 3 provides the most cost-effective approach to completion of the project and mitigates cost escalation due to delay. Stopping and starting phases adds additional cost the project as well as to the execution timeframe. As funds from CPIC fall short of the \$280,000 required, only Phase 2 can be funded at this time. Continued breaks between phases expects to add an estimated additional 10-20% cost burden to the program.
  - Growing Structural Budget Deficit – The Planning Board is acutely aware of the noted structural budget deficit facing the Town as originally identified in the Fiscal Impact Analysis Team (FIAT) report from 2009. We embrace the urgency that which this issue should be addressed and continue to support this project as a measure to reduce this burden on the taxpayers.
  - Ayer Road Devolution – Increasing inquiries in the corridor continue for uses and structures that are not in keeping with the vision of the rural community or Master Plan. New developments following the current zoning will not comply with the results of the vision plan and limit the feasibility of the proposed improvements in the plan. Timely development of new zoning regulations derived from a shared community vision provides a permanent solution.

The Planning Board feels that the success of this project moving forward is predicated on garnering the widest possible support. Having combined funding from both CPIC and the Select Board is an important step as we approach Town Meeting in May. In parallel, the Planning Board is actively organizing positive support for the project and understands that a highly coordinated effort is required; but also that this funding is a key part of that effort. We look forward to sharing the outcome of the Phase I: Market Study and Fiscal Impact Analysis as we continue our collaboration on this important project. Thus, at this time, we request reinstatement of the originally allocated \$45,000, to apply to Phases 2 and 3. Thank you for your consideration of this important matter.

If you have any questions or want to discuss further, please contact us and we would be glad to meet anytime.

January 4, 2021

Town of Harvard Board of Selectmen  
Town of Harvard, Massachusetts  
13 Ayer Road  
Harvard, MA 01451

Dear Select Board,

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

**Christian Lancellotti on November 30, 2021**

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

Please send the acknowledgement to:

**Randy Furmanick**  
**c/o Harvard Boy Scouts**  
**80 Bolton Rd**  
**Harvard, MA 01451**

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

Sincerely,



Randy Furmanick  
Troop Committee Chair  
Harvard Boy Scouts Troop 1

January 4, 2021

Town of Harvard Board of Selectmen  
Town of Harvard, Massachusetts  
13 Ayer Road  
Harvard, MA 01451

Dear Select Board,

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

**Michael Bretz on December 15, 2021**

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

Please send the acknowledgement to:

**Randy Furmanick  
c/o Harvard Boy Scouts  
80 Bolton Rd  
Harvard, MA 01451**

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

Sincerely,



Randy Furmanick  
Troop Committee Chair  
Harvard Boy Scouts Troop 1