

Annual Town Meeting Saturday, April 29, 2023

The Annual Town meeting of the Town of Harvard convened at 12:00 PM in the Cronin Auditorium of the Bromfield School, 14 Massachusetts Avenue, with Town Moderator William Barton presiding. The call of the meeting, and the return of service by Constable Gregory Newman were found to be in order by Town Clerk, Lynn Kelly.

The Citizens of Note, Paul and Marty Green, were presented by Kara Minar. Paul and Marty were been chosen by the Select Board for their many years of dedication, sharing their talents and expertise as citizen volunteers.

An announcement of sincere gratitude was offered by Moderator Barton to acknowledge the generous donation of our future electronic voting system, and two additional poll pads, by the League of Women Voters of Harvard.

Girl Scouts Molly Jackson and Jane Besse lead the Town in the Pledge of Allegiance.

The Moderator announced that the following people may be asked to speak as guests:

Tim Bragan	Town Administrator
James Babu	Police Chief
Richard Sicard	Fire Chief
Tim Kilhart	DPW Director
Jared Mullane	Finance Director
Debbie Thompson	-Council on Aging Director
Jeff Hayes	-Building Commissioner
Frank O'Connor	-Director of Planning
Lynn Kelly	-Town Clerk
Mark Lanza	-Town Counsel
Christa Collins	-Gaining Ground

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)

**On a motion by Rich Maiore, 50 Slough Road, and seconded,
it was moved that Town 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.

Vote Required for Passage: Majority

- Vote Article 1 Main Motion: Passed Unanimously**

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)

On a motion by, Rich Maiore, 50 Slough Road, and seconded, it was moved that the Town take no action on this article.

Vote Required for Passage: Majority

- Vote on Article 2 Main Motion: Passed Unanimously**

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)

On a motion by, Erin McBee, 221 Littleton Road, and seconded, it was moved that the Town transfer the sum of \$60,000. from the General Stabilization Fund for the purpose of conducting title research for properties along Ayer Road, between Route 2 and the Ayer Town Line, as part of the Transportation Improvement Program's requirements for the \$12+ Million road reconstruction grant.

Vote Required for Passage: Two-Thirds

- Vote on Article 3 Main Motion: Passed Unanimously**

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)

On a motion by, Erin McBee, 221 Littleton Road, and seconded, it was moved that the Town transfer the sum of \$22,326. from the General Stabilization Fund to upgrade the Town's financial software, MUNIS, and to provide for the necessary training as well.

Vote Required for Passage: Two-Thirds

- Vote on Article 4 Main Motion: Passed Unanimously**

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)

On a motion by, Erin McBee, 221 Littleton Road, and seconded, it was moved that the Town transfer the sum of \$75,000. from the General Stabilization Fund to provide for hiring a tax title legal expert to assist the Finance Department with its legal work related to tax title properties.

Vote Required for Passage: Two-Thirds

- Vote on Article 5 Main Motion: Passed by Two-Thirds**

ARTICLE 6: BARE HILL POND ALGAE BLOOM MONITORING

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

On a motion by Erin McBee, 221 Littleton Road, and seconded, it was moved that the Town transfer the sum of \$7,000. from the General Stabilization Fund to provide the Bare Hill Pond Management Committee with the necessary funds to assist it in monitoring and treating algal blooms on Bare Hill Pond.

Vote Required for Passage: Two-Thirds

- Vote on Article 6 Main Motion: Passed by Two-Thirds**

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)

On a motion by Rich Maiore, 50 Slough Road, and seconded, it was moved that the Town transfer the sum of \$72,788.44. from the Fiscal Year 2022 Certified Free Cash to be placed in an Opioid Settlement

Account and be expended by the Police Chief and the Fire Chief, with the approval of the Select Board, in conformance with the legal requirements of the various opioid legal settlements.

Vote Required for Passage: Majority

- **Vote on Article 7 Main Motion: Passed Unanimously**

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)

On a motion by Rich Maiore, 50 Slough Road, and seconded, it was moved that the Town transfer the sum of \$50,000. from the Fiscal Year 2022 Certified Free Cash to be combined with the funds in the Fiscal Year 2024 omnibus budget, and deposited into the Town's Other Post-Employment Benefits account.

Vote Required for Passage: Majority

- **Vote on Article 8 Main Motion: Passed Unanimously**

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)

On a motion by Jennifer Finch, 165 Codman Hill Road, and seconded, it was moved that the Town transfer \$68,074. from the Fiscal Year 2022 Certified Free Cash Account to the General Stabilization Account in accordance with Chapter 17, Section 17-4 of the Town Code.

Vote Required for Passage: Majority

- Vote on Article 9 Main Motion: Passed Unanimously**

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)

On a motion by Jennifer Finch, 165 Codman Hill Road, and seconded, it was moved that the Town transfer \$1,485,891. from the Fiscal Year 2022 Certified Free Cash Account to the

Capital Stabilization and Investment Fund in accordance with Chapter 17, Section 17-4 of the Town Code.

Vote Required for Passage: Majority

- Vote on Article 10 Main Motion: Passed Unanimously**

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)

On a motion by Kara Minar, 204 Still River Road, and seconded, it was moved that the Town vote to appropriate \$32,426,405. to defray the expenses of the Town for Fiscal Year 2024 as printed in the Warrant and Finance Committee Report for the 2023 Annual Town Meeting on pages 39 through 44 and that said appropriation be provided as follows:

Raise by Taxation	\$	31,990,614.00
Comm. Preservation Fund Transfer for Debt	\$	45,938.00
Sewer Betterments Fund Transfer for Debt	\$	92,324.00
Devens Fund Transfer for Debt	\$	200,000.00
BOH Title V Septic Betterment for Debt	\$	11,529.00

HCTV - Cable Access Receipts Reserved Transfer*	\$	81,000.00
Library - Expendable Trust Fund Transfer	\$	5,000.00
Total Appropriation	\$	32,426,405.00

With any remaining funds at the end of the fiscal year being returned to their funding source.

Vote Required for Passage: Majority

- Vote on Article 11 Main Motion: Passed by Majority

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)

On a motion by Don Ludwig, 23 East Bare Hill Road, and seconded, it was moved that the Town appropriate \$21,129., 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; and that said appropriation be provided by raising \$21,129. by taxation.

Vote Required for Passage: Majority

- **Vote on Article 12 Main Motion: Passed Unanimously**

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)

On a motion by Charles Oliver, 14 Simon Atherton Row, and seconded, it was moved that the Town take no action on this article.

Vote Required for Passage: Majority

- **Vote on Article 13 Main Motion: Passed Unanimously**

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)

Vote Required for Each Passage: Two-Thirds

	<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
	Vote on Item 1: Passed Unanimously			
2	Passenger Van for Schools	Superintendent of Schools with School Committee approval	\$ 30,000	Capital Stabilization Fund
	Vote on Item 2: Passed Unanimously			
3	Bromfield School Flooring	Superintendent of Schools with School Committee approval	\$ 130,000	Capital Stabilization Fund
	Vote on Item 3: Passed Unanimously			
4	Bromfield School Gym: Painting, Curtain, Basketball Hoops	Superintendent of Schools with School Committee approval	\$ 125,000	Capital Stabilization Fund
	Vote on Item 4: Passed by Two- Thirds			
5	Council on Aging Building Solar Panels	Permanent Building Committee with Select Board approval	\$ 170,000	Capital Stabilization Fund
	Vote on Item 5: Passed Unanimously			
6	Library Fire Alarm	Facilities Manager with Select Board approval	\$ 50,000	Capital Stabilization Fund
	Vote on Item 6: Passed by Two- Thirds			
7	Painting of Municipal Buildings	Facilities Manager with Select Board approval	\$ 185,000	Capital Stabilization Fund
	Vote on Item 7: Passed Unanimously			
8	Public Safety Building Elevator	Facilities Manager with Select Board approval	\$ 150,000	Capital Stabilization Fund
	Vote on Item 8: Passed by Two- Thirds			

9	Paving Public Safety Building Parking Lot	Facilities Manager with Select Board approval	\$ 100,000	Capital Stabilization Fund
	Vote on Item 9: Passed by Two-Thirds			
10	Hybrid Fire Command Car	Fire Chief with Select Board approval	\$ 65,000	Capital Stabilization Fund
	Vote on Item 10: Passed by Two-Thirds			
11	Self-Contained Breathing Apparatus (SCBA) Air Compressor	Fire Chief with Select Board approval	\$ 60,000	Capital Stabilization Fund
	Vote on Item 11: Passed Unanimously			
12	Field Rotation/Restoration	Recreation Director with approval of Parks & Recreation Commissioners	\$ 25,000	Capital Stabilization Fund
	Vote on Item 12: Passed by Two-Thirds			
13	Road Maintenance	Director of Public Works with the approval of the Select Board	\$ 200,000	Capital Stabilization Fund
	Vote on Item 13: Passed Unanimously			
14	Town Voice Over Internet Protocol Phone System	Town Administrator with the approval of the Select Board	\$ 70,000	Capital Stabilization Fund
	Vote on Item 14: Passed by Two-Thirds			

On a motion by Nathan Finch, 165 Codman Hill Road, and seconded, it was moved that the Town appropriate the sums of money to be expended by the Town boards and officials for the capital projects and acquisitions described and printed on pages 21 through 24 of Finance Committee Report

and Warrant for the 2023 Annual Town Meeting, each of which numbered items shall be a separate appropriation; and provide for said appropriations by transfer from the funding sources as printed on said pages 21 through 24 of said report and warrant, with unexpended funds being returned to their funding source at the end of the project or three years, in accordance with the Code of the Town of Harvard, whichever is sooner.

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)

On a motion by Nathan Finch, 165 Codman Hill Road, and seconded, that the Town transfer \$263,088., from the Capital Stabilization and Investment Fund, 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, with unexpended funds as of June 30, 2024 being returned to their funding source.

Vote Required for Passage: Two-Thirds

- **Vote on Article 15 Main Motion: Passed Unanimously**

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 Heavy Duty Dump Truck	Director of Public Works with the approval of the Select Board	\$ 240,000	Borrowing M.G.L. Ch. 44

On a motion by Nathan Finch, 165 Codman Hill Road, and seconded, it was moved that the Town appropriate the sum of \$240,000 to be expended by the Director of Public Works for a heavy duty dump truck, with the approval of the Select Board, and to provide for said appropriation, \$240,000 shall be transferred from the Capital Stabilization and Investment Fund.

Vote Required for Passage: Two-Thirds

- **Vote on Article 16 Main Motion: Passed by Two-Thirds**

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 14, 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)

On a motion by Sharlene Cronin, 220 Bolton Road, and seconded, it was moved that the Town, amend its votes under: Article 9, Item #12, of the Warrant for the June 20, 2020 Annual Town Meeting; Article 8, Item #4, of the Warrant for the May 15, 2021 Annual Town Meeting; and Article 18, Item #1, of the May 14, 2022 Annual Town Meeting to allow the previously appropriated funds under said articles to be used for an Heating Ventilating and Air Conditioning engineering study and that Article 9, Item #12, of the Warrant for the June 20, 2020 Annual Town Meeting and Article 8, Item #4, of the Warrant for the May 15, 2021 Annual Town Meeting by extending their respective sunset dates to June 30, 2025.

“Article 18, #1, of the May 24, 2022 Annual Town Meeting” was corrected on Town floor to be “Article 18, #1, of the May 14, 2022 Annual Town Meeting”

Vote Required for Passage: Majority

Vote on Article 17 Main Motion: Passed by Majority

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)

On a motion by Beth Williams, 3 Granite View Lane, and seconded, it was moved that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2024 Community Preservation Budget.

Vote Required for Passage: Majority

Vote on Article 18 Main Motion: Passed Unanimously

ARTICLE 19: COMMUNITY PRESERVATION COMMITTEE

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

(Inserted by the Community Preservation Committee)

Vote Required for Passage: Majority

	<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
	Vote on Item 1 Passed by: Unanimously			
2	Baseball and Softball Field Improvements	Parks and Recreation Commission	\$ 35,404	Fiscal 2024 Community Preservation Fund Unspecified Reserves
	Vote on Item 2: Passed Unanimously			
3	Littleton County Road Conservation Restriction	Conservation Commission	\$ 200,000	Fiscal 2024 Community Preservation Fund Unspecified Reserves
	Vote on Item 3: Passed Unanimously			
4	Fire Reports Preservation	Harvard Fire Department	\$ 5,760	Fiscal 2024 Community Preservation Fund Unspecified Reserves
	Vote on Item 4: Passed Unanimously			

5	Affordable Housing Reserves	Municipal Affordable Housing Trust	\$ 36,100	Fiscal 2024 Community Preservation Fund Unspecified Reserves
	Vote on Item 5: Passed Unanimously			
6	Debt Payment on Town Hall	Finance Director	\$ 45,938	Fiscal 2024 Community Preservation Fund Unspecified Reserves
	Vote on Item 5: Passed Unanimously			
7	Community Preservation Committee Administrative Expenses	Community Preservation Committee	\$ 2,000	Fiscal 2024 Community Preservation Fund Unspecified Reserves
	Vote on Item 7: Passed Unanimously			

On a motion by Beth Williams, 3 Granite View Lane, and seconded, it was moved that the Town appropriate the sums of money to be expended by the Town boards and officials for the capital projects and acquisitions and other purposes described and printed on pages 31 and 32 of the Finance Committee Report and Warrant for the 2023 Annual Town Meeting, each of which numbered item shall be a separate appropriation; and to provide for said appropriations by transferring said amounts from the Community Preservation Fund funding sources as printed on pages 47 and 48.

**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)

On a motion by Charles Oliver, 14 Simon Atherton Row, and seconded, it was moved that the Town authorize the Select Board to lease, as lessor, a portion of the Town-owned Landfill, off of Depot Road, having an address of 40 Depot Road, Harvard, Massachusetts, for the purpose of installing and operating a ground mounted 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 said photovoltaic system.

Vote Required for Passage: Two-Thirds

- Vote on Article 20 Main Motion: Passed by Two-Thirds**

ARTICLE 21: FY2024 ENTERPRISE FUND BUDGETS

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

(Inserted by Finance Director)

On a motion by Kara Minar, 204 Still River Road, and seconded, it was moved that the Town appropriate the sums of money to defray the expenses of the Town's Enterprise Funds for Fiscal Year 2024, using the following revenue sources.

<u>REVENUES</u>	<u>SEWER</u>	<u>AMBULANCE</u>
User Charges	\$ 35,250	\$ 155,000
Betterments	\$ 92,324	N/A
FY 2022 Certified Retained Earnings.	\$ N/A	\$ 114,429
Raise & Appropriate	\$105,000	N/A
TOTAL REVENUE	\$ 232,574	\$ 269,429
<u>EXPENSES</u>	<u>SEWER</u>	<u>AMBULANCE</u>
Direct	\$ 232,574	\$ 269,429
TOTAL EXPENSES	\$ 232,574	\$ 269,429

Vote Required for Passage: Majority

- Vote on Article 21 Main Motion: Passed Unanimously

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

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

(Submitted by Harvard Parks and Recreation Commission)

§21-5.10 Parks and Recreation Revolving Fund.

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

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

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

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

On a motion by, Kara Minar, 204 Still River Road, and seconded, it was moved that the Town amend Chapter 21 of the Town Code, Departmental Revolving Funds, by adding thereto the new section entitled “§21-5.10 Parks and Recreation Revolving Fund”, as printed on page 49 -of the Finance Committee Report and Warrant for this Annual Town Meeting to authorize the establishment of a revolving fund, pursuant to the provisions of Massachusetts General

Laws Chapter 44, Section 53E1/2, for the Parks and Recreation non-beach and non-field revenue.

Vote Required for Passage: Majority

- **Vote on Article 22 Main Motion: Passed by Majority**

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)

Revolving Fund	Expenditure Limit
Council on Aging	\$ 35,000.
Fourth of July Committee	40,000.
Fire Department S.A.F.E. Program	30,000.
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.

On a motion by Jennifer Finch, 165 Codman Hill Road, and seconded, it was moved that the Town establish the Fiscal Year 2024 expenditure limitations on the revolving funds previously established by the Town as printed on Page 49 of the Warrant and Finance Committee Report for the 2023 Annual Town Meeting.

Vote Required for Passage: Majority

Vote on Article 23 Main Motion: Passed by Majority

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

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

Hunting, Trapping, Firearms, and Explosives

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

A person shall not fish, hunt or trap on private land without permission of the owner or tenant thereof, after such owner or tenant has conspicuously posted thereon notices which bear the name of such owner or tenant and which state that fishing, hunting or trapping on such land, as the case may be, is prohibited.

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.; ~~provided, however, that this bylaw shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of their duties.~~ and such consent shall be carried at all times by such person and, upon request, it shall be shown to any police officer, game warden, or to any other local or state law enforcement official or to the property owner, legal occupant, or his/her agent.

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

§ 39-2 Exceptions

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

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

§ 39-3 Violations and penalties.

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

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

(Inserted by Police Chief)

On a motion by Charles Oliver, 14 Simon Atherton Row, and seconded, it was moved that the Town amend Chapter 39, Firearms and Explosives, of the Town Code by making the revisions thereto as printed on the green handout made available at the Annual Town Meeting on April 29, 2023.

A friendly amendment by Kara Minar, 204 Still River Road, to add “within twelve months” to the end of the first sentence of § 39-1 was accepted by Chief James Babu.

A friendly amendment by Jason Cole, 67 Warren Ave, to add “trapping” after “hunting” to § 39-1, B, was accepted by Chief James Babu.

A motion was made by Paul Green, 288 Old Littleton Road, to move the question. The motion passed by two-thirds.

Vote Required for Passage: Majority

- Vote on Article 24 Main Motion as Amended: Passed by Majority

ARTICLE 24 AS AMENDED:

CHAPTER 39, FIREARMS and EXPLOSIVES

Hunting, Trapping, Firearms, and Explosives

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

A person shall not fish, hunt or trap on private land without permission of the owner or tenant thereof, after such owner or tenant has conspicuously posted thereon notices which bear the name of such owner or tenant and which state that fishing, hunting or trapping on such land, as the case may be, is prohibited.

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, without the permission of the Select Board.; 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, trapping and/or fishing thereon shall constitute written consent.

§ 39-2 Exceptions

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

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

§ 39-3 Violations and penalties.

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

B. As an alternative to criminal fines imposed under M.G.L. Chapter 131, Section 90, Violators of this bylaw shall be punishable by a civil fine of not 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 400th 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)

On a motion by Ginger Kendall, 16 Orchard Hill, and seconded, it was moved that the Town vote to support Article 25 and the resolution to change the State Flag and Seal of Massachusetts as printed on pages 50 and 51 of the Warrant and Finance Committee Report for the 2023 Annual Town Meeting.

Vote Required for Passage: Majority

- **Vote on Article 25 Main Motion: Passed by Majority**

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)

On a motion by Don Ludwig, 23 East Bare Hill Road, and seconded, it was moved that the Town take no action on this article.

Vote Required for Passage: Majority

- Vote on Article 26 Main Motion: Passed Unanimously**

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)

On a motion by Don Ludwig, 23 East Bare Hill Road, and seconded, it was moved that the Town accept the Fiscal Year 2024 State funds to be used for reconstruction and improvements of public ways.

Vote Required for Passage: Majority

- Vote on Article 27 Main Motion: Passed Unanimously**

A Motion was made by the Moderator, and seconded, to continue the second session of Annual Town Meeting on October 21, 2023. Town Meeting closed at 2:10PM.

Thank you to our election volunteers Audrey Ball, Anton Chernoff, and Peggy Chernoff, and Assistant Town Clerk Andrew Sammarco, for checking in voters. Of the 4,621 registered voters in the Town of Harvard, 192 voters were in attendance.