

ANNUAL TOWN MEETING

May 1, 2010

The meeting was called to order in the Bromfield Gym at 9:02 a.m. by Moderator Robert Eubank. After the Pledge of Allegiance, the call of the meeting and the return of service were found to be in order by Town Clerk Janet Vellante.

Moderator Robert Eubank requested that the town allow the following non-voters to speak to the meeting if necessary:

Timothy Bragan	Town Administrator
Edward Denmark	Police Chief
Mark Force	Facilities Manager
Thomas Jefferson	Superintendent of Schools
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Robert Mignard	Fire Chief
Richard Nota	Director of DPW
Dona Neely	Devens Eco-efficiency Center
James O'Shea	Bromfield Principal
Andrea D'Eramo	student
Laura Jarvis	student

The motion was moved and seconded, and voted unanimously yes.

ARTICLE 1: ANNUAL REPORTS

To see if the Town will hear the reports of the Board of Selectmen, School Committee, and any other officers or committees that may be ready to make a report and act thereon.

(Inserted by Board of Selectmen)

On a motion by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept the reports of the Board of Selectmen, School Committee, and any other officers or committees as printed in the 2009 Annual Town Report.

ARTICLE 2: AMEND PROTECTIVE BYLAW - DRIVE-THROUGH FACILITIES

To see if the Town will vote to amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by:

1.) Inserting between the definition of the terms "COMMON OPEN SPACE (COS)" and "DRIVEWAY" in §125-2 thereof the following definition:

"DRIVE-THROUGH FACILITY - The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use (i.e. in combination with another use such as a bank or financial

institution or pharmacy). A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.”;

2.) Adding the following new Paragraph to §125-20 thereof:

“E. Drive-through facilities, except where such facilities are accessory to banks or financial institutions or pharmacies, are specifically prohibited. A drive-through facility which is accessory to a bank or financial institution or pharmacy may be established upon the issuance of a special permit from the Planning Board, provided that:

- (1) Not more than one drive-through facility for a principal use shall be permitted.
- (2) There are no residential uses within 500 feet of the drive-through facility, except for residential uses which are located within a mixed-use development.
- (3) There are no other drive-through facilities within 300 feet of the proposed facility except as may be otherwise determined by the Planning Board based on public safety and traffic circulation considerations as set forth in its special permit decision.
- (4) With respect to off-site effects, the drive-through facility shall not result in an increase in congestion, an impediment to parking areas, an impediment to pedestrian traffic, overflow into a street, double parking on a street or conflict with turning movements at intersections.
- (5) With respect to on-site effects, the drive-through facility shall not result in an impairment of the parking areas, an impairment of parking circulation, an impediment to trash storage or an impediment to loading or service areas.
- (6) The drive-through facility shall have not more than one stacking lane which shall have (i) a minimum of 9 vehicle spaces with a minimum length of 20 feet, one of which shall be at the window or transaction station; (ii) a minimum width of 11 feet straight; (iii) a minimum width of 12 feet on a curve; and (iv) a curb separating the lane and parking area.
- (7) Landscaping must obscure the drive-through facility from residential properties as set forth in §125-39 D. Screening
- (8) One sign shall be provided which (i) directs vehicular traffic in and out of the stacking lane; (ii) limits the direction of travel in the lane to one way; (iii) limits speed in the lane to 10 miles per hour; and (iv) directs pedestrian traffic around or through the lane.
- (9) Speakers, intercoms and vehicular traffic at the drive-through facility shall not be audible from adjacent properties.
- (10) Lighting of the drive-through facility shall not exceed one foot candle at adjacent properties and shall not be illuminated between 11:00 PM and 6:00 AM except as set forth in §125-40 D.
- (11) The drive-through facility complies with the site standards set forth in §125-39, except where such standards are inconsistent with any provision of this Paragraph E.”

Or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Kara Minar, 204 Still River Road, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as printed in Article 2 of the 2010 Annual Town Meeting Warrant.

Hal Korstvedt, 250 Stow Road, made a motion to amend section 2E by striking the words “or pharmacy”, which was seconded, and accepted by the Planning Board.

Steven Rowse, 214 Old Littleton Road, made a motion to add “or pharmacy” back into section 2E which was seconded, and accepted by the Planning Board.

Voted greater than 2/3rds yes, to amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by:

1.) Inserting between the definition of the terms “COMMON OPEN SPACE (COS)” and “DRIVEWAY” in §125-2 thereof the following definition:

“DRIVE-THROUGH FACILITY - The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use (i.e. in combination with another use such as a bank or financial institution or pharmacy). A drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.”;

2.) Adding the following new Paragraph to §125-20 thereof:

“E. Drive-through facilities, except where such facilities are accessory to banks or financial institutions or pharmacies, are specifically prohibited. A drive-through facility which is accessory to a bank or financial institution or pharmacy may be established upon the issuance of a special permit from the Planning Board, provided that:

- (1) Not more than one drive-through facility for a principal use shall be permitted.
- (2) There are no residential uses within 500 feet of the drive-through facility, except for residential uses which are located within a mixed-use development.
- (3) There are no other drive-through facilities within 300 feet of the proposed facility except as may be otherwise determined by the Planning Board based on public safety and traffic circulation considerations as set forth in its special permit decision.
- (4) With respect to off-site effects, the drive-through facility shall not result in an increase in congestion, an impediment to parking areas, an impediment to pedestrian traffic, overflow into a street, double parking on a street or conflict with turning movements at intersections.
- (5) With respect to on-site effects, the drive-through facility shall not result in an impairment of the parking areas, an impairment of parking circulation, an impediment to trash storage or an impediment to loading or service areas.
- (6) The drive-through facility shall have not more than one stacking lane which shall have (i) a minimum of 9 vehicle spaces with a minimum length of 20 feet, one of which shall be at the window

or transaction station; (ii) a minimum width of 11 feet straight; (iii) a minimum width of 12 feet on a curve; and (iv) a curb separating the lane and parking area.

- (7) Landscaping must obscure the drive-through facility from residential properties as set forth in §125-39 D. Screening
- (8) One sign shall be provided which (i) directs vehicular traffic in and out of the stacking lane; (ii) limits the direction of travel in the lane to one way; (iii) limits speed in the lane to 10 miles per hour; and (iv) directs pedestrian traffic around or through the lane.
- (9) Speakers, intercoms and vehicular traffic at the drive- through facility shall not be audible from adjacent properties.
- (10) Lighting of the drive-through facility shall not exceed one foot candle at adjacent properties and shall not be illuminated between 11:00 PM and 6:00 AM except as set forth in §125-40 D.
- (11) The drive-through facility complies with the site standards set forth in §125-39, except where such standards are inconsistent with any provision of this Paragraph E.”

Approved by the Attorney General on August 23, 2010.

SEE RECONSIDERATION OF ARTICLE 2 AFTER ARTICLE 29.

ARTICLE 3: AMEND PROTECTIVE BYLAW – ZONING MAP SUPPLEMENT

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by replacing the existing Zoning Map supplement referenced in to §125-43 and appended to the Protective Bylaw as Attachment 1 Town of Harvard Zoning Map [Amended last 3-25-2006 ATM by Art. 19] with the digitized and colorized version of said map entitled “Harvard, MA: Zoning & Zoning Overlay Districts”, a copy of which map is on file in the Office of the Town Clerk, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Craig Bardenheuer, 101 Ayer Road, Planning Board, and seconded,

I move that the that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by replacing the existing Zoning Map supplement referenced in to §125-43 as printed in the Town Meeting Warrant.

Voted greater than 2/3rds yes that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by replacing the existing Zoning Map supplement referenced in to §125-43 and appended to the Protective Bylaw as Attachment 1 Town of Harvard Zoning Map [Amended last 3-25-2006 ATM by Art. 19] with the digitized and colorized version of said map entitled “Harvard, MA: Zoning & Zoning Overlay Districts”, a copy of which map is on file in the Office of the Town Clerk.

Approved by the Attorney General on August 23, 2010.

SEE RECONSIDERATION OF ARTICLE 3 AFTER ARTICLE 29.

ARTICLE 4: AMEND PROTECTIVE BYLAW – SIGNS

To see if the Town will vote to amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the following revisions to § 125-41:

[Key to revisions: underlining denotes additions; ~~striketrough~~ denotes deletions]

HARVARD PROTECTIVE BYLAW CHAPTER 125-41 SIGNS

§ 125-41. Signs. [Added 3-4-1967 ATM by Art 21; amended 3-3-1973 ATM by Art 35]

I. Off-site signs on Town ways.

(1) Off-site directional signs shall:

(c) Not exceed three square feet in area, except for directional signs to commercial agricultural enterprises as defined by MGL Chapter 128, Section 1A which shall not exceed four square feet in area.

or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

(2/3 vote required)

The following motion was made by Joseph Sudol, 35 Lancaster County Road, Planning Board, and seconded,

I move that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, as printed in Article 4 of the 2010 Annual Town Meeting Warrant.

Voted greater than 2/3rds yes (unanimous) that the Town amend the Protective Bylaw, Chapter 125 of the Code of the Town of Harvard, by making the following revisions to § 125-41:

[Key to revisions: underlining denotes additions; ~~striketrough~~ denotes deletions]

HARVARD PROTECTIVE BYLAW CHAPTER 125-41 SIGNS

§ 125-41. Signs. [Added 3-4-1967 ATM by Art 21; amended 3-3-1973 ATM by Art 35]

I. Off-site signs on Town ways.

(1) Off-site directional signs shall:

(c) Not exceed three square feet in area, except for directional signs to commercial agricultural enterprises as defined by MGL Chapter 128, Section 1A which shall not exceed four square feet in area.

Approved by the Attorney General on August 23, 2010.

SEE RECONSIDERATION OF ARTICLE 4 AFTER ARTICLE 29.

ARTICLE 5: CLOSEOUT OF ARTICLE

To see if the Town will vote to transfer unexpended funds appropriated under the following article back to the original funding source:

- \$1,535.60 under Article 20 of the March 27, 2004 Annual Town Meeting which was for Installing Monitoring Equipment for the Water System,

or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Collyn Bradley, 18 Ayer Road, Finance Committee, and seconded,

Voted majority yes that the Town transfer \$1,535.60 of unexpended funds appropriated under Article 20 of the March 27, 2004 Annual Town Meeting, which was for Installing Monitoring Equipment for the Water System, to the General Fund – Unreserved Fund Balance.

ARTICLE 6: FISCAL YEAR 2009 CERTIFIED FREE CASH

To see if the Town will vote to transfer from Free Cash, a sum of money to be placed in the General Stabilization Fund, or pass any vote or votes in relation thereto.

(Inserted by the Finance Committee)

(2/3 vote required)

On a motion by John Sullivan, 37 Old Littleton Road, Finance Committee, and seconded,

Voted unanimously yes that the Town transfer from the Fiscal Year 2009 Certified Free Cash Account the sum of \$422,845. to the General Stabilization Fund.

ARTICLE 7: 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 expenses for the ensuing fiscal year (FY2011), or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Bob Thurston, 149 Bolton Road, Finance Committee, and seconded,

Voted unanimously yes that the Town appropriate the sum of \$ 19,843,850. to defray the expenses of the Town for Fiscal Year 2011 as printed in the Finance Committee Report on pages 34 through 40, and that said appropriation be provided by raising \$19,832,779. by taxation and transferring \$11,071. from Wetlands Fees.

INSERT BUDGET

ARTICLE 8: RESERVE FUND – FISCAL YEAR 2011

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be

placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the ensuing fiscal year (Fiscal Year 2011), or pass any vote or votes in relation thereto.
(Inserted by Finance Committee)

On a motion by Steven Colwell, 192 Littleton Road, Finance Committee, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$350,000 to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for Fiscal Year 2011.

ARTICLE 9: CAPITAL STABILIZATION AND INVESTMENT FUND

To see if the Town will vote to amend the Code of the Town of Harvard by adding to Chapter 17, Capital Planning and Investment Committee and Capital Stabilization and Investment Fund, by adding thereto the following section:

§17-3 Capital Stabilization and Investment Fund. The Town of Harvard hereby establishes and shall maintain a special fund to be known as the Capital Stabilization and Investment Fund. The Town may appropriate funds into the Capital Stabilization and Investment Fund by a two-thirds vote at an annual or special town meeting. Any interest earned on the assets of the Fund shall be added to and become part of the Capital Stabilization and Investment Fund. The Treasurer of the Town shall be the custodian of the fund and may deposit proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the Commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. Monies in the Capital Stabilization and Investment Fund may be appropriated at any annual or special town meetings by a two-thirds vote. Said fund may be appropriated for any purpose for which the Town would be authorized to borrow money under sections seven and eight of Chapter 44 of the Massachusetts General Laws, other than clauses (1) and (2) of said Chapter 44 Section 8, and to pay the debt service on said projects, which are recommended by the by the Capital Investment Committee. Or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

(2/3 vote required)

On a motion by Peter Warren, 52 Lancaster County Road, Capital Planning and Investment Committee and Board of Selectmen, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town amend the Code of the Town of Harvard by adding to Chapter 17, Capital Planning and Investment Committee and Capital Stabilization and Investment Fund, by adding thereto the following section:

§17-3 Capital Stabilization and Investment Fund. The Town of Harvard hereby establishes and shall maintain a special fund to be known as the Capital Stabilization and Investment Fund. The Town may appropriate funds into the Capital Stabilization and Investment Fund by a two-thirds vote at an annual or special town meeting. Any interest earned on the assets of the Fund shall be added to and become part of the Capital Stabilization and Investment Fund. The Treasurer of the Town shall be the custodian of the fund and may deposit proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the Commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. Monies in the Capital Stabilization and Investment Fund may be appropriated at any annual or special town meetings by a two-thirds vote. Said fund may be appropriated for any purpose for which the Town would be authorized to borrow money under sections seven and eight of Chapter 44 of the Massachusetts General Laws, other than clauses (1) and (2) of said Chapter 44 Section 8, and to pay the debt service on said projects, which are recommended by the by the Capital Investment Committee.

ARTICLE 10: CAPITAL STABILIZATION AND INVESTMENT FUND – INITIAL FUNDING

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money as start-up funding to be deposited in the Town's Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

(2/3 vote required)

On a motion by Peter Warren, 52 Lancaster County Road, Capital Planning and Investment Committee and Board of Selectmen, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer, from the General Stabilization Fund, the sum of \$400,000 as start-up funding to be deposited in the Town's Capital Stabilization and Investment Fund.

ARTICLE 11: CAPITAL STABILIZATION AND INVESTMENT FUND – FUNDING MECHANISM

To see if the Town will vote to amend the Code of the Town of Harvard by adding to Chapter 17, Capital Planning and Investment Committee and Capital Stabilization and Investment Fund, by adding thereto the following section:

§17-4 Capital Stabilization Funding Mechanism. In order to meet the current and long-term requests of the Capital Plan the Town will put forth an article to transfer Certified Free Cash to the Capital Stabilization and Investment Fund at the end of each fiscal year provided that there were no critical, extenuating circumstances in the current year budget cycle that were unforeseen when the budget was voted that would materially affect the level of required services or the invested balance in the General Stabilization Fund fell below 5% of the Omnibus budget as of the preceding July 1st, or pass any vote or votes in relation thereto.

(Inserted by Capital Planning and Investment Committee and Finance Committee)

The following motion was made by George McKenna, 41 Old Littleton Road, Capital Planning and Investment Committee and Finance Committee, and seconded,

I move that the Town amend the Code of the Town of Harvard by adding to Chapter 17 the new section as printed in Article 11 of the 2010 Annual Town Meeting Warrant.

Voted majority yes to amend the Code of the Town of Harvard by adding to Chapter 17, Capital Planning and Investment Committee and Capital Stabilization and Investment Fund, by adding thereto the following section:

§17-4 Capital Stabilization Funding Mechanism. In order to meet the current and long-term requests of the Capital Plan the Town will put forth an article to transfer Certified Free Cash to the Capital Stabilization and Investment Fund at the end of each fiscal year provided that there were no critical, extenuating circumstances in the current year budget cycle that were unforeseen when the budget was voted that would materially affect the level of required services or the invested balance in the General Stabilization Fund fell below 5% of the Omnibus budget as of the preceding July 1st.

Approved by the Attorney General on November 17, 2010, and effective on posting date of November 23, 2010.

ARTICLE 12: HARVARD SCHOOLS – ONE TON PICK-UP TRUCK

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be

expended by the School Department, with the approval of the School Committee, to purchase a one (1) ton pick-up truck, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Keith S. Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee and School Committee, and seconded,

Voted greater than 2/3rds yes that the Town transfer \$40,000 from the General Stabilization Fund to be expended by the School Department, with the approval of the School Committee, to purchase a one (1) ton pick-up truck, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 13: HARVARD SCHOOLS – MECHANICAL UPGRADES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to upgrade the mechanical systems within The Bromfield School, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

On a motion by Keith S. Cheveralls, 21 Quarry Lane, Capital Planning and Investment and School Committee, and seconded,

Voted unanimously yes that the Town raise and appropriate the sum of \$95,960. to be expended by the School Department, with the approval of the School Committee, to upgrade the mechanical systems within the Bromfield School, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 14: HILDRETH ELEMENTARY SCHOOL – RETAINING WALL AND FENCE

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to replace the retaining wall at the Hildreth Elementary School and to install a fence, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Keith S. Cheveralls, 21 Quarry Lane, Capital Planning and Investment Committee and School Committee, and seconded,

Voted greater than 2/3rds yes that the Town transfer the sum of \$30,000 from the General Stabilization Fund to be expended by the School Department, with the approval of the School Committee, to replace the retaining wall at the Hildreth Elementary School and to install a fence, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 15: DEPARTMENT OF PUBLIC WORKS – HIGHWAY GARAGE ROOF

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to replace the DPW garage roof, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Deborah Ricci, 19 East Bare Hill Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer \$35,000. from the General Stabilization Fund to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to replace the DPW garage roof, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 16: DEPARTMENT OF PUBLIC WORKS – HEAVY EQUIPMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase a new heavy duty dump truck and appurtenant equipment, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Deborah Ricci, 19 East Bare Hill Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3rds yes that the Town raise and appropriate \$160,000. to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to purchase a new heavy duty dump truck and appurtenant equipment, with unexpended funds as of June 30, 2011 being returned to their funding source; and, to provide for said appropriation, the Treasurer, with approval of the Board of Selectmen, be authorized to borrow \$160,000. under the provisions of Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 17: DEPARTMENT OF PUBLIC WORKS – BARE HILL POND DAM REPAIRS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be used to repair the Bare Hill Pond Dam, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Deborah Ricci, 19 East Bare Hill Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer \$37,000. from the General Stabilization Fund to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to repair the Bare Hill Pond Dam, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 18: WATER DEPARTMENT - UPGRADES TO WATER SYSTEM

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Director of Public Works and Water Commissioners, with the approval of the Board of Selectmen, to remove water services on Fairbanks and Oak Hill Roads from the existing 80 -year old six-inch diameter unlined water main and reconnect them to newer eight-inch diameter cement lined water main and take this section of said existing six inch water main out of service, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Cynthia Russo, 116 Oak Hill Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer \$30,000. from the General Stabilization Fund to be expended by the Director of Public Works and the Board of Water Commissioners, with the approval of the Board of Selectmen, to remove water services on Fairbank Street and Oak Hill Road from the existing 80-year old six-inch diameter unlined water main and reconnect them to a newer eight-inch diameter cement lined water main and take this section of said existing six-inch water main out of service, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 19: WATER DEPARTMENT - UPGRADES TO WATER SYSTEM

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Director of Public Works and Water Commissioners, with the approval of the Board of Selectmen, to upgrade the water system from Littleton Road to the Town Hall, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Cynthia Russo, 116 Oak Hill Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer \$70,000. from the General Stabilization Fund to be expended by the Director of Public Works and the Board of Water Commissioners, with the approval of the Board of Selectmen, to upgrade the water system from Littleton Road to the Town Hall, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 20: FIRE DEPARTMENT – SELF-CONTAINED BREATHING APPARATUS AIR BOTTLES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Fire Chief to purchase new Self-Contained Breathing Apparatus (SCBA) air bottles for the Fire Department to replace all of the current SCBA air bottles, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Cynthia Russo, 116 Oak Hill Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer \$37,700. from the General Stabilization Fund to be expended by the Fire Chief to purchase new Self-Contained Breathing Apparatus (SCBA) air bottles for the Fire Department to replace all of the current SCBA air bottles, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 21: FIRE DEPARTMENT – REFURBISH ENGINE #2

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to be used to refurbish the 12-year old Engine #2, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Cynthia Russo, 116 Oak Hill Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer \$12,500. from the General Stabilization Fund to be expended by the Fire Chief, with the approval of the Board of Selectmen, to refurbish the 12-year old Engine #2, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 22: FIRE DEPARTMENT – PURCHASE NEW FIRE TRUCK

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 Fire Chief, with the approval of the Board of Selectmen, to purchase a new fire truck that will replace the current Engine #4, Hose Reel Truck, with any unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by Peter Warren, 52 Lancaster County Road, Capital Planning and Investment Committee and Board of Selectmen, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town raise and appropriate \$550,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new fire truck that will replace the current Engine #4, Hose Reel Truck, with any unexpended funds as of June 30, 2012 being returned to their funding source; and, to provide for said appropriation, the Treasurer, with approval of the Board of Selectmen, be authorized to borrow \$550,000. under the provisions of Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 23: MUNICIPAL BUILDINGS

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Board of Selectmen to develop plans for the reuse and renovation of the Town Hall, Old Library and/or Hildreth House for municipal government offices, community center, and/or senior center, such funds to be used for professional services including but not limited to structural engineering; architectural; mechanical, electrical and plumbing engineering; and cost estimating, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Municipal Building Task Force)

(2/3 vote required)

The following motion was made Lucy Wallace, 18 Orchard Hill, Municipal Building Task Force and Board of Selectmen, and seconded,

I move that the Town transfer \$70,000. from the General Stabilization Fund to be expended by the Board of Selectmen to develop plans for the reuse and renovation of the Town Hall, Old Library and/or Hildreth House for municipal government offices, community center, and/or senior center, which funds shall be used for professional services including but not limited to structural engineering, architectural, mechanical, electrical and plumbing engineering and cost estimating, with unexpended funds as of June 30, 2012 being returned to their funding source.

A motion by Donald Boyce, 310 Stow Road to add “, Bromfield House” after “Old Library”, was seconded.

The Municipal Building Task Force did not accept the amendment.

The motion to amend was voted majority no.

Voted greater than 2/3rds yes that the Town transfer \$70,000. from the General Stabilization Fund to be

expended by the Board of Selectmen to develop plans for the reuse and renovation of the Town Hall, Old Library and/or Hildreth House for municipal government offices, community center, and/or senior center, which funds shall be used for professional services including but not limited to structural engineering, architectural, mechanical, electrical and plumbing engineering and cost estimating, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 24: FUNDING OF BORROWING COST

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Finance Director, with the approval of the Board of Selectmen, to pay for the borrowing cost associated with the purchases of the vehicles associated with Article 16 and Article 22 on this Annual Town Meeting Warrant, or pass any vote or votes in relation thereto.

(Inserted by Capital Committee)

(2/3 vote required)

On a motion by George McKenna, 41 Old Littleton Road, Capital Planning and Investment Committee Finance Committee, and seconded,

Voted greater than 2/3rds yes (unanimous) that the Town transfer \$32,050. from the General Stabilization Fund to be expended by the Finance Director, with the approval of the Board of Selectmen, to pay for the borrowing costs associated with the purchases of the vehicles authorized under Article 16 and Article 22 of this Annual Town Meeting Warrant.

ARTICLE 25: CONTRACT – POLICE WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #17, Police Department Personnel of Article 7 of this Warrant in order to fund the collective bargaining agreement negotiated with the Police Union, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate \$1,600. to be added to line #17, Police Department Personnel of Article 7 of this Annual Town Meeting Warrant in order to fund the collective bargaining agreement negotiated with the Police Union.

ARTICLE 26: CONTRACT – DISPATCHER WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #19, Communications Department Personnel of Article 7 of this Warrant in order to fund the collective bargaining agreement negotiated with the Dispatchers Union, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate \$2,578. to be added to line #19, Communications Department Personnel of Article 7 of this Annual Town Meeting Warrant in order to fund the collective bargaining agreement negotiated with the Dispatchers Union.

ARTICLE 27: CONTRACT – PUBLIC WORKS EMPLOYEES WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #31, Public Works Personnel of Article 7 of this Warrant in order to fund the collective bargaining agreement negotiated with the Public Works Department Employees Union, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate \$11,850. to be added to line #31, Public Works Personnel of Article 7 of this Annual Town Meeting Warrant in order to fund the collective bargaining agreement negotiated with the Public Works Department Employees Union.

ARTICLE 28: TOWN BUILDING LIGHTING UPGRADES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended to be expended by the Town Administrator, with the approval of the Board of Selectman, for lighting upgrades at Town Buildings, with any unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen on behalf of the Harvard Energy Advisory Committee)

On a motion by Timothy Clark, 114 Bolton Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate \$6,753. to be expended by the Town Administrator, with the approval of the Board of Selectman, for lighting upgrades at Town Buildings, with any unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 29: RESOLUTION TO PROACTIVELY PURSUE COMMERCIAL DEVELOPMENT IN HARVARD'S COMMERCIAL DISTRICT

To see if the Town will vote to ask the Board of Selectmen to:

- (1) Define and appoint a standing Economic Development Committee to act on the behalf of the Town for the proactive planning and implementation of desired commercial development in Harvard's Commercial District. This committee would:
 - a. be responsible for the creation and maintenance of a development plan for the Commercial District that is consistent with the overall Town Master Plan, incorporating the findings and recommendations of the Economic Development Analysis Team;
 - b. define, plan, and coordinate Town-approved infrastructure improvement projects for the Commercial District;
 - c. serve as the Town liaison for commercial landowners and developers to facilitate commercial project planning and coordination; and
 - d. advise the Board of Selectmen on policies to attract and retain businesses
- (2) Actively pursue the designation of Harvard as a new or part of an existing Economic Target Area to enable its participation in the Massachusetts Economic Development Incentive Program.

Or pass any vote or votes in relation thereto.

(Inserted by Economic Development Analysis Team)

The following motion was made by William Johnson, 72 Warren Avenue, Economic Development Analysis Team, and seconded,

I move that the Town ask the Board of Selectmen to:

- (1) Appoint an Economic Development Committee (EDC) to continue the initiative for commercial development in Harvard's Commercial District. The Board of Selectmen in conjunction with the Planning Board will define the EDC mission, specify its responsibilities, set goals for the committee, and periodically review progress against these goals. This committee would:
 - a. create and maintain a development plan for the Commercial District that is consistent with the overall Town Master Plan and the findings and recommendations of the Economic Development Analysis Team;
 - b. identify and advise the Board of Selectmen of potential infrastructure improvement projects for the Commercial District;
 - c. work with Town residents, appropriate town boards, commercial landowners and developers to facilitate commercial project planning and coordination; and
 - d. advise the Board of Selectmen on policies to attract and retain businesses
- (2) Actively pursue the designation of Harvard as a new or part of an existing Economic Target Area to enable its participation in the Massachusetts Economic Development Incentive Program.

A motion to amend was made by Marie Sobalvarro, 1 St. John Lane, to add "Town approved" in 1 b after "Board of Selectmen of ...", was seconded, and accepted by EDAT.

A motion by Paul Green, 288 Old Littleton Road, to move the question was seconded and voted greater than 2/3rds yes.

Voted majority yes to ask the Board of Selectmen to:

- (1) Appoint an Economic Development Committee (EDC) to continue the initiative for commercial development in Harvard's Commercial District. The Board of Selectmen in conjunction with the Planning Board will define the EDC mission, specify its responsibilities, set goals for the committee, and periodically review progress against these goals. This committee would:
 - a. create and maintain a development plan for the Commercial District that is consistent with the overall Town Master Plan and the findings and recommendations of the Economic Development Analysis Team;
 - b. identify and advise the Board of Selectmen of potential Town approved infrastructure improvement projects for the Commercial District;
 - c. work with Town residents, appropriate town boards, commercial landowners and developers to facilitate commercial project planning and coordination; and
 - d. advise the Board of Selectmen on policies to attract and retain businesses
- (2) Actively pursue the designation of Harvard as a new or part of an existing Economic Target Area to enable its participation in the Massachusetts Economic Development Incentive Program.

RECONSIDERATION OF ARTICLES 2, 3 and 4 after the lunch break:

On a motion by Joseph Sudol, 35 Lancaster County Road, Planning Board, and seconded,

Voted majority yes that the Town return to Articles 2, 3 and 4 for the purpose of reconsidering the action taken under these articles as a single measure.

The Planning Board presented an oral report to recommend the adoption of articles 2, 3 and 4.

On a motion by Joseph Sudol, 35 Lancaster County Road, Planning Board, and seconded,

Voted unanimously yes that the Town adopt the amendments to the Protective Bylaw as proposed under Articles 2, 3, and 4 of the 2010 Annual Town Meeting.

ARTICLE 30: OVERRIDE – BROMFIELD SCHOOL USER FEES

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to supplement Bromfield School user fees, contingent upon (i) the School Committee identifying \$31,000 in other funding to revamp the user fee program; and (ii) passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #1) at the Annual Town Election to be held May 4, 2010, or pass any vote or votes in relation thereto.

(Inserted by School Committee on behalf on the Bromfield School Council)

The following motion was made by Virginia Justicz, 20 Woodside Road, School Committee, and seconded,

I move that the Town raise and appropriate \$107,000. to be expended by the School Department, with the approval of the School Committee, to supplement Bromfield School user fees, contingent upon (i) the School Committee identifying \$31,000 in other funding to revamp the user fee program; and (ii) passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #1) at the Annual Town Election to be held May 4, 2010.

Deborah Ricci, 19 East Bare Hill Road, made a motion, which was seconded, to reduce the amount to \$50,000.

The School Committee did not accept the motion to amend.

Voted majority NO to amend the article.

Marie Sobalvarro, 1 St. John Lane, made a motion to move the question which was seconded and voted greater than 2/3rds yes.

Voted majority NO [DOES NOT PASS] to raise and appropriate \$107,000. to be expended by the School Department, with the approval of the School Committee, to supplement Bromfield School user fees, contingent upon (i) the School Committee identifying \$31,000 in other funding to revamp the user fee program; and (ii) passage of a Proposition Two and One-Half Levy Limit Override referendum ballot question (Question #1) at the Annual Town Election to be held May 4, 2010.

ARTICLE 31: COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Steven Rowse, 214 Old Littleton Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation Budget.

ARTICLE 32: RESTORATION OF TOWN HALL

To see if the Town will vote to appropriate and transfer from Community Preservation Fund Historic Reserves the sum of \$66,788 and from Fiscal Year 2011 Community Preservation Revenues the sum of \$33,212 (for a total of \$100,000), to be expended by the Board of Selectmen, with oversight by the Harvard Historical Commission, for restoration of the exterior of Town Hall, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Community Preservation Committee)

On a motion by Christopher Cutler, 56 Stow Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town transfer \$66,788. from Community Preservation Fund Historic Reserves and \$33,212. from Fiscal Year 2011 Community Preservation Revenues for a total of \$100,000. to be expended by the Board of Selectmen, with oversight by the Harvard Historical Commission, for restoration of the exterior of Town Hall, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 33: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to appropriate and transfer from Community Preservation Fund Budgeted Reserves the sum of \$27,441, from the Community Preservation Fund Housing Reserve the sum of \$18,529, and from Fiscal Year 2011 Community Preservation Revenues the sum of \$29,030 (for a total of \$75,000) to be placed in the Municipal Affordable Housing Trust Fund, or pass any vote or votes in relation thereto.

(Inserted by Harvard Municipal Affordable Housing Trust and Community Preservation Committee)

On a motion by Joseph Sudol, 35 Lancaster County Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town appropriate and transfer from Community Preservation Fund Budgeted Reserves \$27,441., from the Community Preservation Fund Housing Reserve \$18,529., and from Fiscal Year 2011 Community Preservation Revenues \$29,030. for a total of \$75,000. to be placed in the Harvard Municipal Affordable Housing Trust Fund.

ARTICLE 34: CONSERVATION FUND

To see if the Town will vote to appropriate and transfer from Community Preservation Fund Budgeted Reserves the sum of \$45,000 and from Fiscal Year 2011 Community Preservation Revenues the sum of \$30,000 (for a total of \$75,000) to be placed in the Conservation Fund and that any properties or interests in property purchased with these funds will require a permanent deed restriction limiting the use of the interest or property to the purpose for which it was acquired, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission and Community Preservation Committee)

On a motion by Donald Boyce, 310 Stow Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Community Preservation Fund Budgeted Reserves \$45,000. and from Fiscal Year 2011 Community Preservation Revenues \$30,000. for a total of \$75,000. to be placed in the Conservation Fund and that any properties or interests in property purchased with these funds shall be subject to a permanent deed restriction limiting the use of the interest or property to the purpose for which it was acquired.

ARTICLE 35: COMMUNITY PRESERVATION COMMITTEE – ADMINISTRATIVE EXPENSES

To see if the Town will vote to appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues the sum of \$2,000 to be expended by the Harvard Community Preservation Committee for administrative expenses, including Community Preservation Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Steven Rowse, 214 Old Littleton Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues \$2,000. to be expended by the Harvard Community Preservation Committee for administrative expenses, including Community Preservation Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 36: PRESERVATION OF HISTORIC TOWN DOCUMENTS

To see if the Town will vote to appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues the sum of \$33,000 to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Harvard Historical Commission and Town Clerk)

On a motion by Deborah Thomson, 130 Poor Farm Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues \$33,000. to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 37: PRESERVATION OF HISTORIC DOCUMENTS

To see if the Town will vote to appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues the sum of \$7,000 to Fruitlands Museum, for restoration and preservation of historic documents, provided that those documents are made available annually for display and public viewing in a Town of Harvard public building and may not be removed from the Town without the written consent of the Historical Commission, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Deborah Thomson, 130 Poor Farm Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town vote to appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues \$7,000. for the restoration and preservation of historic documents held by Fruitlands Museum, Inc., provided that those documents are made available annually for display and public viewing in a Town of Harvard public building and may not be removed from the Town without the written consent of the Historical Commission, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 38: PRESERVATION OF SHAKER GRAVE MARKERS

To see if the Town will vote to appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues the sum of \$5,655 to be expended by the Harvard Historical Commission, for development of a request for proposal to restore the grave markers at the Shaker Cemetery, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee and the Historical Commission)

The following motion was made by Charles Gorss, 99 Old Littleton Road, Community Preservation Committee, and seconded,

I move that the Town appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues \$5,655. to be expended by the Harvard Historical Commission for the development of a request for proposals to restore the grave markers at the Shaker Cemetery, with unexpended funds as of June 30, 2011 being returned to their funding source.

The following motion to amend was made by Peter Warren, 52 Lancaster County Road, and seconded,

I move the Town vote to appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues \$5,655. to be expended by the Harvard Cemetery Commissioners for the purpose of restoring the grave markers at the Shaker Cemetery with consultation with the Harvard Historical Commission, with unexpended funds as of June 30, 2011 being returned to their funding source.

The Community Preservation Committee did not accept the amendment.

A motion by Gary Helmstetter, 48 Blanchard Road, to move the question was seconded and voted unanimously yes.

Voted majority NO to amend the motion.

The following motion to amend was made by Ronald Ricci, 19 East Bare Hill Road, and seconded,

Add “and Cemetery Commission” after “Harvard Historical Commission”

The Community Preservation Commission accepted the amendment.

Voted majority yes that the Town appropriate and transfer from Fiscal Year 2011 Community Preservation Revenues \$5,655. to be expended by the Harvard Historical Commission and Cemetery Commission for the development of a request for proposals to restore the grave markers at the Shaker Cemetery, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 39: RELEASE AND MODIFY RESTRICTION TO PROPERTY AT 105 STOW ROAD

To see if the Town will vote to authorize the Board of Selectmen to execute and record a release of the restrictions and right to repurchase set forth in a deed from the Town to Harvard Trust Non-Profit Properties, Inc. dated July 24, 1987 and recorded with the Worcester District Registry of Deeds in Book 10700, Page 328, as amended by the Agreement to Release and Modify Restrictions dated May 15, 1995, and recorded with said Registry of Deeds in Book 17510, Page 378 and to accept an affordable housing restriction in a form acceptable to the Board of Selectmen affecting the property located at 105 Stow Road, Harvard, Massachusetts, or take any other action relative thereto which may include the removal of all restrictive covenants on said property.
(Inserted by Board of Selectmen)

On a motion by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen and seconded,

Voted greater than 2/3rds yes that the Town authorize the Board of Selectmen to execute and record a release of the restrictions and right to repurchase set forth in a deed from the Town to Harvard Trust Non-Profit Properties, Inc. dated July 24, 1987 and recorded with the Worcester District Registry of Deeds in Book 10700, Page 328, as amended by the Agreement to Release and Modify Restrictions dated May 15, 1995, and recorded with said Registry of Deeds in Book 17510, Page 378 and to accept an affordable housing restriction in a form acceptable to the Board of Selectmen affecting the property located at 105 Stow Road, Harvard, Massachusetts.

ARTICLE 40: GENERAL BYLAWS – CHAPTER 110: VEHICLES, UNREGISTERED OR JUNKED

To see if the Town will vote to amend the Code of the Town of Harvard by adding to Chapter 110, Vehicles, Unregistered or Junked, Section 110-5 – Violations and Penalties by adding the following language at the end of the section:

“If any person continues to violate the provisions of this bylaw after 60 days following receipt by him of written notice of such violation from the Police Department, the Chief of Police may pursue the appropriate legal process or processes for the removal and storage of any and all vehicles identified in the violation notice at the expense of the owner(s) of said vehicle(s).”

or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

The following motion was made by Peter Warren, 52 Lancaster County Road, Board of Selectmen, and seconded,

I move that the Town amend the Code of the Town of Harvard by adding to Chapter 110, Vehicles, Unregistered or Junked, Section 110-5 – Violations and Penalties, the sentence as printed in Article 40 of the 2010 Annual Town Meeting Warrant.

Voted unanimously yes that to amend the Code of the Town of Harvard by adding to Chapter 110, Vehicles, Unregistered or Junked, Section 110-5 – Violations and Penalties by adding the following language at the end of the section:

“If any person continues to violate the provisions of this bylaw after 60 days following receipt by him of written notice of such violation from the Police Department, the Chief of Police may pursue the appropriate legal process or processes for the removal and storage of any and all vehicles identified in the violation notice at the expense of the owner(s) of said vehicle(s).”

Approved by the Attorney General on August 23, 2010.

ARTICLE 41: AMEND GENERAL BYLAWS – STRETCH ENERGY CODE

To see if the Town will vote to amend the Code of the Town of Harvard by adding thereto Chapter 98 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto, as set forth below:

Chapter 98 STRETCH ENERGY CODE

§98-1 Definitions.

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing on July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code will default to IECC 2009 and Massachusetts amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

§ 98-2 Purpose. The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ 98-3 Applicability. The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in the scope of this code shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§98-4 Stretch Code. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications thereto, is herein incorporated by reference into this Chapter.

§98-5 Enforcement. The Stretch Code shall be enforced by the Building Commissioner.

Or pass any vote or votes in relation thereto.

(Inserted by Harvard Energy Advisory Committee)

On a motion by Eric Broadbent, 73 Oak Hill Road, Harvard Energy Advisory Committee, and seconded,

Voted unanimously yes to take no action.

ARTICLE 42: REGIONAL HOUSEHOLD HAZARDOUS WASTE

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be used in conjunction with the funds in Line #34 of the Fiscal Year 2011 budget found in this Warrant for the purpose of joining with other communities to form a Regional Household Hazardous Waste program, with unexpended funds as of June 30, 2011 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by the Board of Selectmen and DPW Superintendent)

On a motion by Timothy Clark, 114 Bolton Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate \$4,271. to be used in conjunction with the funds in Line #34 of the Fiscal Year 2011 Budget in Article 7 of the 2010 Annual Town Meeting Warrant for the purpose of joining with other communities to form a Regional Household Hazardous Waste program, with unexpended funds as of June 30, 2011 being returned to their funding source.

ARTICLE 43: AGRICULTURAL ADVISORY COMMISSION – BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to provide the Agricultural Advisory Commission with a budget for Fiscal Year 2011, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Agricultural Advisory Commission)

On a motion by Timothy Clark, 114 Bolton Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town raise and appropriate \$2,000. to provide the Agricultural Advisory Commission with a budget for Fiscal Year 2011, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 44: EASEMENT FOR AFFORDABLE SENIOR APARTMENTS ON AYER ROAD

To see if the Town will vote to authorize a.) the Harvard Conservation Commission to grant a Nitrogen Loading Restriction and Easement on a portion of the land owned by the Town of Harvard on Ayer Road, described in a deed recorded with the Worcester South Registry of Deeds in Book 6223, Page 264, the easement area being shown on a plan dated May 29, 2009, entitled “Exhibit Plan – Public Water Supply Zone 1 and Nonfacility Credit Land” prepared by Goldsmith, Prest & Ringwall, Inc., a copy of which plan is on file in the Office of the Town Clerk, said easements to be granted to Wheeler Realty Trust, or its successor, Bowers Brook Apartments LLC, Ayer Road Realty LLC, and Harvard Office Park LLC, being the owners of the land located at 196, 198 and 200 Ayer Road in order to permit the construction of forty-two affordable senior apartments at 196 Ayer Road; and b.) the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act authorizing said grant of a nitrogen loading restriction and easement and a change of use in said portion of Town-owned conservation land, or pass any vote or votes in relation thereto.

(Inserted by the Conservation Commission)

On a motion by James Breslauer, 130 Poor Farm Road, Conservation Commission, and seconded,

Voted greater than 2/3rds yes that the Town authorize a.) the Harvard Conservation Commission to grant a Nitrogen Loading Restriction and Easement on a portion of the land owned by the Town of Harvard on Ayer Road, described in a deed recorded with the Worcester South Registry of Deeds in Book 6223, Page 264, the easement area being shown on a plan dated May 29, 2009, entitled “Exhibit Plan – Public Water Supply Zone 1 and Nonfacility Credit Land” prepared by Goldsmith, Prest & Ringwall, Inc., a copy of which plan is on file in the Office of the Town Clerk, said easements to be granted to Wheeler Realty Trust, or its successor, Bowers Brook LLC, Ayer Road Realty LLC, and Harvard Office Park LLC, being the owners of the land located at 196, 198 and 200 Ayer Road in order to permit the construction of forty-two affordable senior apartments at 196 Ayer Road; and b.) the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act authorizing said grant of a nitrogen loading restriction and easement and a change of use in said portion of Town-owned conservation land.

ARTICLE 45: LOCAL OPTION MEALS TAX

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 64L, Section 2A to impose a local meals excise tax, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

Voted majority NO that the Town that the Town accept the provisions of Massachusetts General Laws Chapter 64L, Section 2(a) to impose a local meals excise.

ARTICLE 46: ACCEPT M.G.L. CHAPTER 40, SECTION 22F

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 22F, which provides as follows:

“Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 138, sections 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a new fee or charge is fixed under this section.

The provisions of this section may be accepted in a city by a vote of the city council, with the approval of the mayor if so required by law, and in a town by vote of the town meeting, or by vote of the town council in towns with no town meeting.”

(Inserted by Board of Selectmen)

On a motion by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

Voted unanimously yes that the Town that the Town accept the provisions of Massachusetts General Laws Chapter 40, Section 22F.

ARTICLE 47: TOWN CLERK – CHANGE SUNSET FOR BALLOT BOX REPLACEMENT

To see if the Town will vote to extend the expenditure sunset clause of Article 14, Ballot Box Replacement, of the May 2, 2009 Annual Town Meeting Warrant from June 30, 2010 to June 30, 2012, or pass any vote or votes in relation thereto.

(Inserted by Town Clerk)

On a motion by Janet Vellante, 83 Ann Lees Road, Town Clerk, and seconded,

Voted unanimously yes that the Town extend the expenditure sunset clause of Article 14, Ballot Box Replacement, of the 2009 Annual Town Meeting Warrant from June 30, 2010 to June 30, 2012.

A motion to consider combining articles 48, 49, and 50 was made by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, was seconded, and voted unanimously yes. [See wording after article 50.]

ARTICLE 48: REVOLVING FUND – COUNCIL ON AGING (COA)

To see if the Town will vote to re-authorize a revolving account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Council On Aging with the revenue or expenditures of this account not to exceed \$30,000 in Fiscal Year 2011, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

ARTICLE 49: REVOLVING FUND – FOURTH OF JULY

To see if the Town will vote to re-authorize a revolving account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Fourth of July Committee with the revenue or expenditures of this account not to exceed \$25,000 in Fiscal Year 2011, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

ARTICLE 50: REVOLVING FUND – AMBULANCE

To see if the Town will vote to authorize a revolving account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Harvard Ambulance Service with the revenue or expenditures of this account not to exceed \$85,000 in Fiscal Year 2011, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

Voted unanimously yes that the Town re-authorize a revolving account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Council On Aging with the revenue or expenditures of this account not to exceed \$30,000 in Fiscal Year 2011; that the Town re-authorize a revolving account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Fourth of July Committee with the revenue or expenditures of this account not to exceed \$25,000 in Fiscal Year 2011; and that the Town vote to re-authorize a revolving account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Harvard Ambulance Service with the revenue or expenditures of this account not to exceed \$85,000. in Fiscal Year 2011.

ARTICLE 51: ACCEPTANCE OF GIFTS OF PROPERTY – CONSERVATION LAND

To see if the Town will vote to accept the gifts of land or interests in land for conservation or other land preservation related purposes, previously accepted by the Conservation Commission and approved by the Board of Selectmen, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

On a motion by Timothy Clark, 114 Bolton Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town take no action on Article 51 of the 2010 Annual Town Meeting Warrant.

ARTICLE 52: 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 Board of Selectmen)

On a motion by Timothy Clark, 114 Bolton Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town accept State funds to be used for reconstruction and improvements of public ways.

The meeting was dissolved at 3:48 P.M.

Lucy Wallace was recognized as Citizen of Note.

Elizabeth May, 103 years old, is the oldest citizen in the Town of Harvard. She will receive the Boston Post Cane Award.

Checkers for the meeting were Gail Conlin, Robert Hughes, Frances Maiore, Marylin Morgan, Ruth Miller, and Jane Venditti. They checked in 300 voters out of a total of 4031 registered voters (3784 active voters).

Respectively submitted,

Janet A. Vellante
Town Clerk