

**WARRANT FOR THE ANNUAL TOWN MEETING AND ELECTION
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greeting:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in The Bromfield School on Saturday, the 1st day of May, 2010 at 9:00 a.m. by the clock to act on the following articles:

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)

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)

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)

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; ~~strikethrough~~ 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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

* * * * *

And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at The Bromfield School on Tuesday, the 4th day of May, 2010, to cast their ballots for the following officers and question:

Moderator, one position for one year; Selectman, two positions for three years; Cemetery Commissioner, one position for three years; Community Preservation Committee, one position for three years; Community Preservation Committee, one position for one year; Harvard Board of Health Member, one position for three years; Housing Authority, one position for five years; Housing Authority, one position for four years; Library Trustee, two positions for three years; Park and Recreation Commissioner, one position for three years; Planning Board, one position for three years; Planning Board, one position for two years; School Committee Member, one position for three years; Tree Warden, one position for one year; Warner Free Lecture Society Trustee, two positions for three years; Warner Free Lecture Society Trustee, one position for two years; Water Commissioner, one position for three years

QUESTION #1 – Proposition 2 ½ Levy Limit General Override


Shall the Town of Harvard be allowed to assess an additional \$107,000 in real estate and personal property taxes for the purposes of supplementing user fees at the Bromfield School for the fiscal year beginning July first, two-thousand and ten?


YES _____ NO _____
(Requires a majority vote for passage.)


All of the above officers and questions to be on one ballot. The polls will be open from 7:00 a.m. to 8:00 p.m.


And you are directed to serve this Warrant by posting three attested copies thereof, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, as directed by vote of the Town, seven days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.


Given under our hands this 12th day of April, Two Thousand and Ten.


Ronald V. Ricci, Chairman


Lucy B. Wallace



Marie C. Sobalvarro


Peter E. Warren


Timothy A. Clark

Board of Selectmen

I hereby certify that I have posted three attested copies of the Warrant for the Annual Town Meeting, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, as directed by vote of the Town, seven days at least before the time of holding said meeting.


Kerry L. Curley, Constable Date: 4-12-10