

SPECIAL TOWN MEETING

December 3, 2002

The meeting was called to order in the Elementary School Cafetorium at 7:32 P.M. by Moderator, William L. Patton. The call of the meeting and the return of service were found to be in order by Town Clerk Janet A. Vellante.

The meeting approved the following non-voters to speak:

Mark Lanza	Town Counsel
Evan Katz	Finance Director
Mihran Keoseian	Superintendent of Schools
Charles Horne	Director of Special Education
James McAuliffe	Elementary School Principal

ARTICLE 1: STABILIZATION FUND

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 Stabilization Fund, or pass any vote or votes in relation thereto.
(Inserted by Finance Committee)

On a motion by Paul Olsen, 35 Lancaster County Road, Finance Committee, and seconded,

Voted unanimously yes, that the Town transfer from Free Cash the sum of \$191,096 to the Stabilization Fund.

ARTICLE 2: RESERVE FUND

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 current fiscal year, or pass any vote or votes in relation thereto.
(Inserted by Finance Committee)

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

Voted majority yes, that the Town transfer from the Stabilization Fund the sum of \$250,000 to the Reserve Fund Account for unforeseen and extraordinary expenses for the current fiscal year.

ARTICLE 3: UNPAID BILLS

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

\$9,683 for the purpose of paying unpaid bills from Fiscal Year 2002 for the School Department; or pass any vote or votes in relation thereto.
(Inserted by School Committee) (9/10 vote required)

On a motion by Mark Hardy, 18 Ann Lees Road, School Committee, and seconded,

Voted unanimously yes, that the Town transfer from the Stabilization Fund the sum of \$9,683 for the purpose of paying unpaid bills from Fiscal Year 2002 for the School Department.

ARTICLE 4: TRANSFER AND CONVEY TOWN COMMON LAND

To see if the Town will vote to a.) instruct the Park and Recreation Commission or the Board of Selectmen, as the case may be, to transfer the care, custody, management and control of the fee or any lesser interest in all or any part of the areas of land comprising part of the Town Common shown as "Easement #1", "Easement #8", "Easement #9", "Easement #10" and "Easement #11" on a plan of land entitled "Plan of Easements – Harvard Common – Harvard, Massachusetts", dated December, 1992, prepared by David E. Ross Associates, Inc., which plan is recorded with the Worcester District Registry of Deeds in Plan Book 680, Plan 2, to the Board of Selectmen for the purpose of selling, conveying or otherwise disposing of said areas of land to the owners of the parcels of land abutting thereon; b.) authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or any lesser interest in all or any part of said areas of land to the owner of the parcels of land abutting thereon; and c.) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt an act authorizing a change of use and conveyance of said areas of land, 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 greater than 2/3rds yes, that the Town a.) instruct the Park and Recreation Commission or the Board of Selectmen, as the case may be, to transfer the care, custody, management and control of the fee or any lesser interest in all or any part of the areas of land comprising part of the Town Common shown as "Easement #1", "Easement #8", "Easement #9", "Easement #10" and "Easement #11" on a plan of land entitled "Plan of Easements – Harvard Common – Harvard, Massachusetts", dated December, 1992, prepared by David E. Ross Associates, Inc., which plan is recorded with the Worcester District Registry of Deeds in Plan Book 680, Plan 2, to the Board of Selectmen for the purpose of selling, conveying or otherwise disposing of said areas of land to the owners of the parcels of land abutting thereon; b.) authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or any lesser interest in all or any part of said areas of land to the owner of the parcels of land abutting thereon; and c.) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt an act authorizing a change of use and conveyance of said areas of land.

ARTICLE 5: RENUMBERING AND RECAPTIONING OF GENERAL BYLAWS

To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, and section titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the Office of the Town Clerk entitled "Town of Harvard Massachusetts Draft" dated October, 2002, prepared by General Code Publishers; or pass any vote or votes in relation thereto.
(Inserted by Town Clerk and Board of Selectmen)

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

Voted unanimously yes, that the Town renumber and recaption the General Bylaws of the Town by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, and section titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the Office of the Town Clerk entitled "Town of Harvard Massachusetts Draft" dated October, 2002, prepared by General Code Publishers.

ARTICLE 6: REPEAL OF CERTAIN GENERAL BYLAWS

To see if the Town will vote to repeal the following General Bylaws adopted by the Town at the following Town Meetings under the articles of the warrant therefore set forth below:

- A. Article 2 of the 1881 Annual Town Meeting, as amended, regarding truant children;
- B. Article 12 of the 1957 Annual Town Meeting, regarding boating;
- C. Article 36 of the 1958 Annual Town Meeting, regarding building permits;
- D. Article 33 of the 1968 Annual Town Meeting, regarding the sale of obsolete town personal property;
- E. Article 36 of the 1977 Annual Town Meeting, regarding swimming pools; and
- F. Article 25 of the 1991 Annual Town Meeting, regarding the power to contract;

or pass any vote or votes in relation thereto.
(Inserted by Town Clerk and Board of Selectmen)

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

Voted unanimously yes, that the Town repeal the following General Bylaws adopted by the Town at the following Town Meetings under the articles of the warrant therefore set forth below:

- A. Article 2 of the 1881 Annual Town Meeting, as amended, regarding truant children;

- B. Article 12 of the 1957 Annual Town Meeting, regarding boating;
- C. Article 36 of the 1958 Annual Town Meeting, regarding building permits;
- D. Article 33 of the 1968 Annual Town Meeting, regarding the sale of obsolete town personal property;
- E. Article 36 of the 1977 Annual Town Meeting, regarding swimming pools; and
- F. Article 25 of the 1991 Annual Town Meeting, regarding the power to contract.

ARTICLE 7: AMEND CHAPTER 6, ALARM SYSTEMS, OF THE GENERAL BYLAWS

To see if the Town will vote amend Chapter 6, Alarm Systems, Section 6-1 of the Town Code by: (a) changing the wording “To require the issuance of permits” to read “The issuance of a permit is required”; (b) changing the wording “and to authorize the Board of Selectmen” to read “, and the Board of Selectmen is authorized”; and (c) changing the wording “Board of Selectmen who” to read “Board of Selectmen, which”; or pass any vote or votes in relation thereto.
(Inserted by Town Clerk and Board of Selectmen)

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

Voted unanimously yes, that the Town amend Chapter 6, Alarm Systems, Section 6-1 of the Town Code by: (a) changing the wording “To require the issuance of permits” to read “The issuance of a permit is required”; (b) changing the wording “and to authorize the Board of Selectmen” to read “, and the Board of Selectmen is authorized”; and (c) changing the wording “Board of Selectmen who” to read “Board of Selectmen, which”.

ARTICLE 8: AMEND CHAPTER 9, ALCOHOLIC BEVERAGES, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 9, Alcoholic Beverages, Section 9-2 of the Town Code by changing the wording “in violation of this ordinance” to read “in violation of this bylaw”; or pass any vote or votes in relation thereto.
(Inserted by Town Clerk and Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town amend Chapter 9, Alcoholic Beverages, Section 9-2 of the Town Code by changing the wording “in violation of this ordinance” to read “in violation of this bylaw”.

ARTICLE 9: ACCEPT MGL CHAPTER 140, SECTION 147A

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 140, Section 147A, relative to the regulation of dogs, or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town accept the provisions of Massachusetts General Laws Chapter 140, Section 147A, relative to the regulation of dogs.

ARTICLE 10: AMEND CHAPTER 24, DOGS, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 24, Dogs, of the Town Code by:

- A. changing the wording in Section 24-1 “As used in this bylaw, unless the context otherwise indicated” to read “As used in this bylaw, unless the context otherwise indicates, the following terms shall have the meanings indicated.”;
- B. changing the wording in Section 24-8A “to a penalty of \$15 on that date, or within five days of the rabies clinic in Harvard” to read “to a penalty of \$15 five days after that date or the date of the Town’s rabies clinic”;
- C. changing the reference in Section 24-9A to “Section 130 and 139 of Chapter 140 of the Massachusetts General Laws” to read “Section 139 of Chapter 140 of the Massachusetts General Laws”; and
- D. changing the reference in Section 24-9B to Section 139A of Chapter 140 to refer to Section 137A;

or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by Larry Finnegan, 12 Tahanto Trail, Board of Selectmen, and seconded,

Voted majority yes (1 no), that the Town amend Chapter 24, Dogs, of the Town Code by:

- A. changing the wording in Section 24-1 “As used in this bylaw, unless the context otherwise indicated” to read “As used in this bylaw, unless the context otherwise indicates, the following terms shall have the meanings indicated.”;
- B. changing the wording in Section 24-8A “to a penalty of \$15 on that date, or within five days of the rabies clinic in Harvard” to read “to a penalty of \$15 five days after that date or the date of the Town’s rabies clinic”;

- C. changing the reference in Section 24-9A to “Section 130 and 139 of Chapter 140 of the Massachusetts General Laws” to read “Section 139 of Chapter 140 of the Massachusetts General Laws”; and
- D. changing the reference in Section 24-9B to Section 139A of Chapter 140 to refer to Section 137A.

ARTICLE 11: AMEND CHAPTER 32, FEES, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 32, Fees, of the Town Code to correct the following typographical errors in the fee schedule in Section 32-2 by:

- A. changing “or a statement of change” to “of a statement of change” and by changing “retirement, withdrawal from” to “retirement or withdrawal from” in Clause 21; and
- B. changing “or his discontinuance” to “of his discontinuance” in Clause 22;

or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town amend Chapter 32, Fees, of the Town Code to correct the following typographical errors in the fee schedule in Section 32-2 by:

- A. changing “or a statement of change” to “of a statement of change” and by changing “retirement, withdrawal from” to “retirement or withdrawal from” in Clause 21; and
- B. changing “or his discontinuance” to “of his discontinuance” in Clause 22.

ARTICLE 12: AMEND CHAPTER 36, FINANCE COMMITTEE, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 36, Finance Committee, of the Town Code by:

- A. changing “Selectmen” to “Moderator” in Sections 36-1 and 36-4;
- B. changing the wording “They may also” to read “It may also” in Section 36-2; and
- C. changing the wording “who shall duly consider” to read “which shall duly consider” in Section 36-3;

or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town amend Chapter 36, Finance Committee, of the Town Code by:

- A. changing “Selectmen” to “Moderator” in Sections 36-1 and 36-4;
- B. changing the wording “They may also” to read “It may also” in Section 36-2; and
- C. changing the wording “who shall duly consider” to read “which shall duly consider” in Section 36-3.

ARTICLE 13: AMEND CHAPTER 53, HOUSE NUMBERING, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 53, House Numbering, of the Town Code by:

- A. changing “All houses, business, and structures” in Section 53-1 to read “All houses, businesses, and structures”: and
- B. changing “Zoning Officer” in Section 53-5 to read “Zoning Enforcement Officer”;

or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town amend Chapter 53, House Numbering, of the Town Code by:

- A. changing “All houses, business, and structures” in Section 53-1 to read “All houses, businesses, and structures”: and
- B. changing “Zoning Officer” in Section 53-5 to read “Zoning Enforcement Officer”;

ARTICLE 14: AMEND CHAPTER 62, LICENSES AND PERMITS, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 62, Licenses and Permits, of the Town Code by:

- A. changing “that issues licenses of permit” in Section 62-1 to read “that issues licenses or permits,”;
- B. adding the following wording to the first sentence of Section 62-2: “or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector”; and
- C. changing the reference to Chapter 268 of the General Laws in Section 62-4 to Chapter 268A;

or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by William Ashe, 25 Myrick Lane, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town amend Chapter 62, Licenses and Permits, of the Town Code by:

- A. changing “that issues licenses of permit” in Section 62-1 to read “that issues licenses or permits,”;
- B. adding the following wording to the first sentence of Section 62-2: “or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector”; and
- C. changing the reference to Chapter 268 of the General Laws in Section 62-4 to Chapter 268A.

ARTICLE 15: AMEND CHAPTER 96, STREETS AND SIDEWALKS, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 96, Streets and Sidewalks, of the Town Code to revise the wording of Section 96-1 to read as follows: “The issuance of a permit shall be required for any construction within a Town way or connection to a Town way. The Board of Selectmen is authorized to issue such permits, having due regard for public safety and convenience, drainage onto Town ways, and access to Town ways.”; or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by William Ashe, 25 Myrick Lane, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town amend Chapter 96, Streets and Sidewalks, of the Town Code to revise the wording of Section 96-1 to read as follows: “The issuance of a permit shall be required for any construction within a Town way or connection to a Town way. The Board of Selectmen is authorized to issue such permits, having due regard for public safety and convenience, drainage onto Town ways, and access to Town ways.”

ARTICLE 16: AMEND CHAPTER 107, VEHICLES, OPERATION OF, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 107, Vehicles, Operation of, of the Town Code to change “Town Dump” in Section 107-1 to “Town Transfer Station,” or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by William Ashe, 25 Myrick Lane, Board of Selectmen, and seconded,

Voted majority yes, that the Town amend Chapter 107, Vehicles, Operation of, of the Town Code to change “Town Dump” in Section 107-1 to “Town Transfer Station,”.

ARTICLE 17: AMEND CHAPTER 119, WETLANDS PROTECTION, OF THE GENERAL BYLAWS

To see if the Town will vote to amend Chapter 119, Wetlands Protection, of the Town Code by:

- A. deleting from Section 119-1F “clause (36) of” before “Section 5 of Chapter 40”; and
- B. deleting from Section 119-11 “not more than” before “\$200”,

or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town amend Chapter 119, Wetlands Protection, of the Town Code by:

- A. deleting from Section 119-1F “clause (36) of” before “Section 5 of Chapter 40”; and
- B. deleting from Section 119-11 “not more than” before “\$200”.

ARTICLE 18: RENUMBERING AND RECAPTIONING OF PROTECTIVE (ZONING)

BYLAW

To see if the Town will vote to renumber and recaption the Protective (Zoning) Bylaw of the Town by (a) designating the Protective Bylaw as Chapter 125 of the new Town Code; (b) renumbering each section of the Zoning Bylaw accordingly; (c) inserting section titles therein; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the Office of the Town Clerk entitled "Town of Harvard Massachusetts Draft" dated October, 2002, prepared by General Code Publishers; or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

The following motion was made by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

I move that the Town renumber and recaption the Protective (Zoning) Bylaw of the Town by (a) designating the Protective Bylaw as Chapter 125 of the new Town Code; (b) renumbering each section of the Zoning Bylaw accordingly; (c) inserting section titles therein; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the Office of the Town Clerk entitled "Town of Harvard Massachusetts Draft" dated October, 2002, prepared by General Code Publishers.

Tim Clark, 114 Bolton Road, Planning Board, stated that the Planning Board held a hearing and voted to recommend passage of this article.

Robert Lerner, 101 West Bare Hill Road, made the following motion to amend, which was seconded,

I move to amend the motion under Article 18 by substituting for it the following text:

The Town takes no action on the proposal under Article 18 to renumber and/or re-structure the Protective Bylaw, but does ask the Selectmen to appoint a committee to make a detailed comparison of the proposed new structure and numbering with the existing Bylaw, and to report their findings and recommendations to the Selectmen and to the Planning Board in time for action at the 2003 annual town meeting or at an earlier adjourned date of this town meeting.

The motion to amend was voted majority NO (did not pass).

Voted greater than 2/3rds yes, that the Town renumber and recaption the Protective (Zoning) Bylaw of the Town by (a) designating the Protective Bylaw as Chapter 125 of the new Town Code; (b) renumbering each section of the Zoning Bylaw accordingly; (c) inserting section titles therein; and (d) updating internal references to reflect the new numbering system, all as set forth in the document on file in the Office of the Town Clerk entitled "Town of Harvard Massachusetts Draft" dated October, 2002, prepared by General Code Publishers.

ARTICLE 19: AMEND CHAPTER 125, PROTECTIVE BYLAW,

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

- A. changing all references to the “Inspector of Buildings” to read “Building Inspector”;
- B. changing the definition of “section” in Section 125-2 by deleting therefrom the word “decimalized”;
- C. changing “results in use of occupancy” in Section 125-3D(2)(b) to read “results in use or occupancy”
- D. changing “Town Dump” to “Town Transfer Station” in Section 125-20A(5);
- E. changing “collection agency for a laundry or dry cleaner” to read “collection agency for utilities; pickup for laundry or dry cleaning” in Section 125-22A(2)(b);
- F. changing “line-of-sites” to “line of sight” and changing “don’t exist” to “do not exist” in Section 125-27E(3)(b);
- G. changing “automatic-membership homes association” to “qualified homeowners association” in Section 125-34B(2);
- H. changing the definition of “cluster development” in Section 125-35C by deleting therefrom “The first sentence of” before “Section 9 of the Zoning Act”;
- I. changing “(C or I) business district” to read “(C) business district” in Sections 125-39D(3)(a), 125-41H(2) and 125-41H(3), and 125-41J; and
- J. deleting from Section 125-42 all references to the Interim Planning Overlay (IPOD) District;

or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Board of Selectmen)

On a motion by Randy Dean, 48 Madigan Lane, Board of Selectmen, and seconded,

Voted greater than 2/3rds yes (2 no), that the Town amend Chapter 125, Protective Bylaw, of the Town Code by:

- A. changing all references to the “Inspector of Buildings” to read “Building Commissioner”;
- B. changing the definition of “section” in Section 125-2 by deleting therefrom the word “decimalized”;

- C. changing “results in use of occupancy” in Section 125-3D(2)(b) to read “results in use or occupancy”
- D. changing “Town Dump” to “Town Transfer Station” in Section 125-20A(5);
- E. changing “collection agency for a laundry or dry cleaner” to read “collection agency for utilities; pickup for laundry or dry cleaning” in Section 125-22A(2)(b);
- F. changing “line-of-sites” to “line of sight” and changing “don’t exist” to “do not exist” in Section 125-27E(3)(b);
- G. changing “automatic-membership homes association” to “qualified homeowners association” in Section 125-34B(2);
- H. changing the definition of “cluster development” in Section 125-35C by deleting therefrom “The first sentence of” before “Section 9 of the Zoning Act”;
- I. changing “(C or I) business district” to read “(C) business district” in Sections 125-39D(3)(a), 125-41H(2) and 125-41H(3), and 125-41J; and
- J. deleting from Section 125-42 all references to the Interim Planning Overlay (IPOD) District;

Tim Clark, 114 Bolton Road, Planning Board, stated that the Planning Board held a hearing and voted to recommend passage of this article

Checkers for the meeting were Marylin Morgan, Lisa Dagdigian, and Nancy Cronin. They checked in 86 voters out of a total of 3679 registered voters (3548 active voters).

The meeting was dissolved at 8:14 P.M.

Respectfully submitted,

Janet A. Vellante
Town Clerk