

ANNUAL TOWN MEETING

April 1, 2017

Recessed and Continued until April 3

Due to an expected winter storm, Moderator Eubank declared a recess and continuance under MGL Chapter 39, section 10A. The meeting was not opened on April 1, but was recessed and continued until April 3 instead. As required by law, public notice was posted in each place the Warrant had been posted, and also in the front window of the Town Hall, the Front Entryway of The Bromfield Middle/High School and on the Town Website. A reverse 911 message was also sent to make residents aware of the change.

On April 3, the meeting was called to order in Bromfield's Cronin Auditorium by Moderator Robert Eubank at 7:04 p.m. The call of the meeting and the return of service were found to be in order by Town Clerk Amy R. McDougall.

Moderator 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 Lanza	Town Counsel
David Nalchajian	Finance Director
Richard Sicard	Fire Chief
Debbie Thompson	Director, Council on Aging
Elizabeth Allard	Conservation Agent
William Scanlan	Planner
Amy McDougall	Town Clerk

ARTICLE 1: ANNUAL REPORTS

To see if the Town will vote to 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 Alice von Loesecke, 84 Warren Avenue, Board of Selectmen, and seconded,

Voted unanimously yes that the Town 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.

Charter Commission presented a report

Brian Smith of the Energy Advisory Committee presented a report.

The 2016 Annual Town Report is on file at the Town Clerk's Office.

ARTICLE 2: PAY BILL OF PRIOR FISCAL YEAR

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay bill of Fiscal Year 2016, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Kenneth Swanton, 14 Fairbank Street, Board of Selectmen, and seconded,

Voted greater than 4/5ths majority yes (1 vote in opposition) that the Town transfer \$5,345 from the Stabilization Fund pay the outstanding Nashoba Associated Boards of Health, Fiscal Year 2016 fourth quarter bill.

ARTICLE 3: EXTEND SUNSET DATES

To see if the Town will vote to extend the sunset dates of Article 12 (Seasonal Mowing), Article 13 (Roadside Tree Maintenance) and Article 14 (GIS Mapping of Water System) of the Warrant for the 2016 Annual Town Meeting from June 30, 2017 to June 30, 2018 or take any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Kenneth Swanton, 14 Fairbank Street, Board of Selectmen, and seconded

Voted unanimously yes to extend the sunset dates of Article 12 (Seasonal Mowing), Article 13 (Roadside Tree Maintenance) and Article 14 (GIS Mapping of Water System) of the Warrant for the 2016 Annual Town Meeting from June 30, 2017 to June 30, 2018.

ARTICLE 4: CONTRACT – POLICE DEPARTMENT EMPLOYEE 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, Police Department Personnel of Article #4 of the 2016 Annual Town Meeting Warrant and an additional sum to be added to line #19, Police Department Personnel of Article #5 of this Warrant in order to fund the collective bargaining agreement negotiated with the Police Department Employees Union, or pass any vote or votes in relation thereto.

(Inserted by the Board of Selectmen)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded,

Moderator declared voted by 2/3rd majority yes that the town transfer \$22,745 from the Stabilization Fund to be added to line #19, Police Department Personnel of Article #5 of the 2016 Annual Town Meeting Warrant and further appropriate an additional sum of \$33,120 to be added to line #19, Police Department Personnel of Article #5 of this Warrant and that said appropriation be provided by raising \$33,120 by taxation, in order

to fund the collective bargaining agreement negotiated with the Police Department Employees Union.

ARTICLE 5: OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, such sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2018, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

Donald Ludwig, 23 East Bare Hill Road, Finance Committee moved that the town appropriate \$24,081,612 to defray the expenses of the Town for Fiscal Year 2018 as printed in the Warrant and Finance Committee Report for the 2017 Annual Town Meeting on Pages 31 through 37, and that said appropriation be provided by raising \$24,064,389 by taxation and transferring \$12,223 from Wetlands Fees, and transferring \$5,000 from Library Expendable Trust Funds; and appropriate \$191,657 to defray to expenses of the Harvard Wastewater Management District for Fiscal Year 2018, and that said appropriation be provided by transferring \$191,657 from wastewater management system revenues in the enterprise fund established for the Town's Wastewater Management System. Motion seconded.

Kara Minar, 204 Still River Rd, Planning Board, on behalf of the Land Use Boards moved to amend line 42 of the article by increasing the amount raised and appropriated by \$3,498 to provide 4 (four) hours of clerical support for the Conservation Commission, Zoning Board of Appeals and Planning Board. Motion seconded.

Paul Green, 288 Old Littleton Rd, moved the question. Motion seconded. Moderator declared voted by 2/3rd majority yes to move the question.

Voted majority yes to accept the amendment.

Ronald Ricci, 19 East Bare Hill Rd, Board of Selectmen moved to add the amount from Article 4 to article 5 if it is not included in it. Motion seconded. Voted majority yes to accept the amendment. [Note: since the appropriation was made in Article 4 for those funds, it was not necessary to increase the funding in this article].

Vote on main motion as amended. Vote by majority yes to pass the motion as amended: that the town appropriate \$24,085,110 to defray the expenses of the Town for Fiscal Year 2018 as printed in the Warrant and Finance Committee Report for the 2017 Annual Town Meeting on Pages 31 through 37, and that said appropriate be provided by raising \$24,067,887 by taxation and transferring \$12,223 from Wetlands Fees, and transferring \$5,000 from Library Expendable Trust Funds; and appropriate \$191,657 to defray to expenses of the Harvard Wastewater Management District for Fiscal Year 2018, and that said appropriation be provided by transferring \$191,657 from wastewater management

system revenues in the enterprise fund established for the Town's Wastewater Management System.

The amended budget as voted is at the end of these minutes.

ARTICLE 6: RESERVE FUND – FISCAL YEAR 2018

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 Fiscal Year 2018, or pass any vote or votes in relation thereto. (Inserted by Finance Committee)

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

Voted unanimously yes that the town appropriate \$350,000 to be placed in the Reserve Fund of the Town for unforeseen and extraordinary expenses for Fiscal Year 2018 and that said appropriation be provided by raising \$350,000 by taxation.

ARTICLE 7: TRAFFIC ENGINEERING SERVICES

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Town Administrator, with the approval of the Board of Selectmen, to contract with an individual, company or organization to provide traffic engineering services to address traffic issues on Ayer Road between Shaker Road and Gebo Lane, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto. (Submitted by the Board of Selectmen)

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

Voted by majority yes that the Town appropriate \$15,000 to be expended by the Town Administrator, with the approval of the Board of Selectmen, to contract with an individual, company or organization to provide traffic engineering services to address traffic issues on Ayer Road between South Shaker Road and Gebo Lane, with unexpended funds as of Jun 30, 2018 being returned to their funding source and that said appropriation be provided by raising \$15,000 by taxation.

ARTICLE 8: PERSONNEL STUDY

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 Personnel Board in conjunction with the Human Resource Director, to contract with an individual, company or organization to conduct a study of the town's personnel system and to provide a report and

recommendation for updating the current system, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto. (Submitted by the Board of Selectmen on behalf of the Personnel Board)

On a motion by Stuart Sklar, 39 Scott Rd, Board of Selectmen and seconded

Voted by majority yes that the Town appropriate \$25,000 to be expended by the Personnel Board in conjunction with the Human Resources Director to contract with an individual, company or organization to conduct a study of the town's personnel system and to provide a report and recommendation for updating the current system and to provide a report and recommendation for updating the current system with the unexpended funds as of June 30, 2018 being returned to their funding source and that said appropriation be provided by raising \$25,000 by taxation.

ARTICLE 9: DEPARTMENTAL MANAGEMENT AUDIT

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 Board of Selectmen, to conduct a Management Audit of the Town's Police Department, with unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Ron Ricci, 19 East Bare Hill Rd, Board of Selectmen and seconded

Voted unanimously yes that the Town appropriate, \$15,000 to be expended by the Board of Selectmen, to conduct a Management Audit of the Town's Police Department, with unexpended funds as of June 30, 2019 being returned to their funding source and that said appropriation be provided by raising \$15,000 by taxation.

ARTICLE 10: SOLAR POWERED TRAFFIC SIGNS

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 Police Chief, with the approval of the Board of Selectmen, to purchase solar powered radar speed signs for deployment in various locations throughout the town to assist in reducing vehicular speeds on our public ways, with all unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott Rd, Board of Selectmen and seconded

Voted by majority yes that the Town appropriate \$17,843 to be expended by the Police Chief, with the approval of the Board of Selectmen, to purchase solar powered radar

speed signs for deployment in various locations throughout the town to assist in reducing vehicular speeds on the Town's public ways, with all unexpended funds as of June 30, 2018 being returned to their funding source and that said appropriation be provided by raising \$17,843 from taxation.

ARTICLE 11: FIRE HOSE

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 purchase fire hose, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Ron Ricci, 19 East Bare Hill Rd, Board of Selectmen and seconded

Voted unanimously yes that Town appropriate \$11,000 to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase fire hose, with unexpended funds as of June 30, 2018 being returned to their funding source and that said appropriation be provided by raising \$11,000 by taxation.

ARTICLE 12: SEASONAL MOWING

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 Department of Public Works Director, with the approval of the Board of Selectmen, to hire someone on a part-time basis to do seasonal mowing, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Ron Ricci, 19 East Bare Hill Rd, Board of Selectmen, and seconded

Voted by majority yes to appropriate \$15,000 to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to hire someone on a part-time basis to do seasonal mowing, with unexpended funds as of June 30, 2018 being returned to their funding source, and that said appropriation be provided by raising \$15,000 by taxation.

ARTICLE 13: 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 #34, Public Works Personnel of Article #4 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 the Board of Selectmen)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen, and seconded

Voted by majority yes to raise and appropriate, \$17,178 to be added to line #34 Public Works Personnel of Article # 5 of the Warrant for the 2017 Annual Town Meeting in order to fund the collective bargaining agreement negotiated with the Public Works Department Employees Union and that said appropriation be provided by raising \$17,178 by taxation.

ARTICLE 14: FULL-TIME FIREFIGHTER/EMT

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 create a full-time Firefighter/EMT position, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by the Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott Rd, Board of Selectmen and seconded

Voted by majority yes that the Town appropriate \$58,573 to be expended by the Fire Chief, to create a full-time Firefighter/EMT position, with unexpended funds as of June 30, 2018 being returned to their funding source and that said appropriation be provided by raising \$58,573 by taxation.

ARTICLE 15: COUNCIL ON AGING MOVEABLE CARTS

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 Council On Aging Director, with the approval of the Council On Aging, to purchase moveable storage carts, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen on behalf of the Council On Aging)

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

Voted by majority yes that the Town appropriate \$2,000 to be expended by the Council On Aging Director, with the approval of the Council On Aging, to purchase moveable storage carts, with unexpended funds as of June 30, 2018 being returned to their funding source and that said appropriation be provided by raising \$2,000 by taxation.

ARTICLE 16: PARK AND RECREATION BOATS

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 Parks and Recreation Commission, to purchase one small motor boat and one sail boat, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation)

On a motion by Douglas Thornton, 213 Littleton Rd, Park and Recreation Commission and seconded

Voted by majority yes to appropriate \$14,900 to be expended by the Park and Recreation Commission, to purchase one small motor boat and one sail boat, with unexpended funds as of June 30, 2018 being returned to their funding source and that said appropriation by provided by raising \$14,900 by taxation.

ARTICLE 17: TOWN PLANNER

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to continue the position of Town Planner in Fiscal Year 2018, as an independent contractor, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

Erin McBee, 221 Littleton Rd, Planning Board, moved that the town appropriate \$40,000 to continue the position of Town Planner in Fiscal Year 2018, as an independent contractor, with unexpended funds as of June 30, 2018 being returned to their funding source, and that said appropriation be provided by raising \$40,000 by taxation. Motion seconded

Erin McBee, 221 Littleton Rd, Planning Board, advised that the Planning Board had voted in favor of increasing the amount to \$52,000. Therefore, she proposed an amendment that the town appropriate \$52,000 instead of \$40,000. Motion seconded.

Voted by majority yes, to approve the amended amount of \$52,000.

Voted on the amended motion by majority yes that the town appropriate \$52,000 to continue the position of Town Planner in Fiscal Year 2018, as an independent contractor, with unexpended funds as of June 30, 2018 being returned to their funding source and that said appropriation by provided by raising \$52,000 by taxation.

ARTICLE 18: CONSERVATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$20,000 to be placed in the Conservation Fund, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen on behalf of the Conservation Commission)

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

Voted unanimously yes that the town appropriate \$20,000 to be placed in the Conservation Fund and that said appropriation be provided by raising \$20,000 by taxation.

At this point in the Meeting, Articles 22, 23, 27 and 47 were taken out of order.

Following Article 47, at 10:00pm, it was moved seconded and voted by majority to adjourn the meeting to April 5 at 7pm at Town Hall.

On April 5 the moderator opened the continued session of the Annual Town Meeting at 7:02pm in the upstairs meeting room at the Town Hall. The Moderator added two names to the list of non-voters allowed to speak at the meeting: Tim Kilhart, the Department of Public Works Director, and Terra Friedrichs, a former Selectman of Acton.

ARTICLE 19: CAPITAL PLANNING AND INVESTMENT FUND FUNDING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, into the Capital Planning and Investment Fund, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Don Ludwig, 23 East Bare Hill Rd, Finance Committee and seconded

Voted unanimously yes that the town appropriate \$40,000 to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, into the Capital Planning and Investment Fund and that said appropriation be provided by raising \$40,000 by taxation.

ARTICLE 20: CAPITAL PLANNING AND INVESTMENT COMMITTEE DEBT PAYMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2018, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

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

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

Voted unanimously yes that the Town vote to transfer \$76,045 from the Capital Stabilization and Investment Fund, to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2018, with unexpended funds as of June 30th, 2018 being returned to their funding source.

ARTICLE 21: UPGRADE TOWN'S FIRE ALARM SYSTEM

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 perform upgrades on the Town's fire alarm system, with any unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded

Moderator declared voted yes by 2/3 majority that the Town transfer \$49,598 from the Capital Stabilization and Investment Fund to be expended by the Fire Chief, with the approval of the Board of Selectmen, to perform upgrades on the Town's fire alarm system, with any unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 22: FIRE PONDS RESTORATION [Note: taken out of order on April 3]

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, in coordination with the Department of Public Works Director and with the approval of the Board of Selectmen, to restore selected fire ponds, contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot question under Massachusetts General Laws Chapter 59, Section 21C(j) ballot question at the April 2017 Annual Town Election, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

Ronald Ricci, 19 East Bare Hill Rd., Board of Selectmen moved that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$100,000 to be expended by the Fire Chief in coordination with the Department of Public Works Director and with the approval of the Board of Selectmen to restore selected fire ponds, contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot

question under Massachusetts General Laws Chapter 59, Section 21C(j) ballot question #1 on the April 4, 2017 Annual Town Election Ballot. Motion seconded.

Ronald Ricci, 19 East Bare Hill Rd., moved to refer articles 22, 23 and 27 to the Board of Selectmen so [they] can comply with the general bylaws of the Town of Harvard, specifically with regards to section 17.4 that states that the Town will put forth an article to transfer certified free cash to the Capital Stabilization and Investment Fund at the end of the fiscal year. This is a non-binding request that the Board of Selectmen and the Capital Planning and Investment Committee place the articles on a warrant for a meeting to be held before June 30, 2017 so that these three articles can be funded from the capital stabilization fund. Motion seconded.

Ronald Ricci withdrew his motion.

Ronald Ricci, 19 East Bare Hill Rd., moved to amend article 22 to authorize the Town Treasurer to use certified free cash with the approval of the Board of Selectmen and the Fire Chief in coordination with the Department of Public Works Director to restore selected fire ponds. Motion seconded.

Motion made and seconded to move the question on the amendment. Moderator declared voted 2/3rd majority to move the question.

Voted majority no [DID NOT PASS] on the amendment.

Ronald Ricci, 19 East Bare Hill Rd., moved again to refer articles 22, 23 and 27 to the Board of Selectmen so [they] can comply with the general bylaws of the Town of Harvard, specifically with regards to section 17.4 that states that the Town will put forth an article to transfer certified free cash to the Capital Stabilization and Investment Fund at the end of the fiscal year. This is a non-binding request that the Board of Selectmen and the Capital Planning and Investment Committee place the articles on a warrant for a meeting to be held before June 30, 2017 so that these three articles can be funded from the capital stabilization fund. Motion seconded.

Majority voted no [DID NOT PASS] on the motion to refer.

The moderator then called for a vote on the original motion.

Moderator declared voted by 2/3rd majority yes that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$100,000 to be expended by the Fire Chief in coordination with the Department of Public Works Director and with the approval of the Board of Selectmen to restore selected fire ponds, contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot question under Massachusetts General Laws Chapter 59, Section 21C(j) ballot question #1 on the April 4, 2017 Annual Town Election Ballot.

ARTICLE 23: PURCHASE NEW HEAVY DUTY DUMP TRUCK [Note: taken out of order on April 3]

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 Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new heavy duty dump truck, contingent upon the passage of a Proposition Two and One-Half debt exclusion under Massachusetts General Laws Chapter 59, Section 21C(j) ballot question at the April 2017 Annual Town Election, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

On a motion by Ron Ricci, 19 East Bare Hill Rd, and seconded

Moderator declared voted by 2/3rd majority yes that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$182,000 to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new heavy duty dump truck, contingent upon the passage of a Proposition Two and One-Half debt exclusion under Massachusetts General Laws Chapter 59, Section 21C(j) ballot question #2, on the April 4, 2017 Annual Town Election ballot.

ARTICLE 24: CONSTRUCTION FOR HAPGOOD LIBRARY ADA ACCESSIBLE BACK ENTRANCE AND PARKING SPACE

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 Old Library Accessibility Committee, with the approval of the Board of Selectmen, to construct an Americans with Disabilities Act accessible back entrance and parking space at the Hapgood Library building, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen and seconded

Moderator declared voted by 2/3 majority yes that the town transfer \$55,000 from the Capital Stabilization and Investment Fundy to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, to construct an Americans with Disabilities Act compliant accessible back entrance and parking space at the Hapgood Library building, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 25: DESIGN, ENGINEERING AND COST STUDY FOR HAPGOOD LIBRARY ADA ACCESSIBLE FRONT DOOR AND ADA

COMPLIANCE ISSUES

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 Old Library Accessibility Committee, with the approval of the Board of Selectmen, to conduct a design, engineering and cost study for an Americans with Disabilities Act accessible front entrance at the Hapgood Library building and code compliance throughout the building, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

On a motion by Alice von Loesecke, 84 Warren Avenue, Board of Selectmen, and seconded.

Moderator declared voted by 2/3 majority yes that the town transfer \$20,000 from the Capital Stabilization and Investment Fund to be expended by the Old Library Accessibility Committee, with the approval of the Board of Selectmen, to conduct a design, engineering and cost study for an Americans with Disabilities Act compliant accessible front entrance at the Hapgood Library building and code compliance throughout the building, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 26: DOOR LOCKS FOR THE BROMFIELD SCHOOL

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 Superintendent of Schools, with the approval of the School Committee, to install and or replace all of the door locks within The Bromfield School, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

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

On a motion by Susan Mary Redinger, 121 Ayer Rd, School Committee and seconded

Moderator declared voted by 2/3 majority yes that the town transfer \$84,000 from the Capital Stabilization and Investment Fund to be expended by the Superintendent of Schools, with the approval of the School Committee, to install and or replace all of the door locks within The Bromfield School, with any unexpended funds as of June 30, 2018 being returned to their funding source

ARTICLE 27: SCIENCE LAB AT BROMFIELD [Note: taken out of order on April 3]

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 School Department, with the approval of the School Committee, to renovate and update a Science Lab at The Bromfield School,

contingent upon the passage of a Proposition Two and One-Half debt exclusion under Massachusetts General Laws Chapter 59, Section 21C(j) ballot question at the April 2017 Annual Town Election, or pass any vote or votes in relation thereto.

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

On a motion by Patricia Wenger, 2 Westcott Rd, School Committee and seconded

Moderator declared voted by 2/3rd majority yes to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$175,000 to be expended by the School Department, with the approval of the School Committee, to renovate and update a Science Lab at The Bromfield School, contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot question under Massachusetts General Laws Chapter 59, section 21C(j) ballot question #3, on the April 4, 2017 Annual Town Election Ballot.

ARTICLE 28: THE BROMFIELD MIDDLE SCHOOL BATHROOMS RENOVATION

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 Superintendent of Schools, with the approval of the School Committee, for the replacement of toilets, stalls and sinks in each of the four bathrooms within the 6th grade and 7th/8th grade wings of The Bromfield School, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

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

On a motion by Susan Mary Redinger, 121 Ayer Rd, School Committee and seconded

Voted unanimously yes that the town transfer \$20,000 from the Capital Stabilization and Investment Fund to be expended by the Superintendent of Schools, with the approval of the School Committee, for the replacement of toilets, stalls and sinks in each of the four bathrooms within the 6th grade and 7th/8th grade wings of The Bromfield School, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 29: MIDDLE SCHOOL RAMP STUDY

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 Superintendent of Schools, with the approval of the School Committee, to conduct a structural study, including Americans with Disabilities Act compliance measures, to determine the best option for a secondary required egress from the Middle School wing, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Susan Mary Redinger, 121 Ayer Rd, School Committee moved that the Town transfer \$20,000 from the Capital Stabilization and Investment Fund to be expended by the Superintendent of Schools, with the approval of the School Committee, to conduct a structural study, including Americans with Disabilities Act compliance measures, to determine the best option for a secondary required egress from the Middle School wing, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source.

Debbie Ricci, 19 East Bare Hill Rd., Capital Stabilization and Investment Fund, moved to amend the motion by increasing the amount from \$20,000 to \$30,000. Motion Seconded. Voted yes by majority to pass the amendment.

On the main motion as amended moderator declared voted by 2/3 majority yes that the Town transfer \$30,000 from the Capital Stabilization and Investment Fund to be expended by the Superintendent of Schools, with the approval of the School Committee, to conduct a structural study, including Americans with Disabilities Act compliance measures, to determine the best option for a secondary required egress from the Middle School wing, said funds to be available in Fiscal 2017, with any unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 30: PURCHASE NEW AMBULANCE

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 Ambulance Director, with the approval of the Board of Selectmen, to purchase a new ambulance, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

On a motion by Stuart Sklar, 39 Scott Rd, Board of Selectmen and seconded

Voted unanimously yes that the Town appropriate and transfer \$268,500 from the Ambulance Receipts Reserved for Appropriation Account to be expended by the Ambulance Director, with the approval of the Board of Selectmen, to purchase a new ambulance, with any unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 31: PURCHASE NEW AMBULANCE STRETCHER

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 Ambulance Director, with the approval of the Board of Selectmen, to purchase a new ambulance stretcher, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

On a motion by Stuart Sklar, 39 Scott Rd, Board of Selectmen and seconded

Voted unanimously yes that the Town appropriate and transfer \$28,000 from the Ambulance Receipts Reserved for Appropriation Account to be expended by the Ambulance Director, with the approval of the Board of Selectmen, to purchase a new power stretcher, with any unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 32: HILDRETH ELEMENTARY SCHOOL FEASIBILITY STUDY AND DESIGN REPORT

To see if the Town will vote to hear a report from the Superintendent of Schools, School Committee and the School Building Committee for the Hildreth Elementary School project at 27 Massachusetts Avenue, Harvard, Massachusetts, or pass any vote or votes in relation thereto.

(Submitted by School Committee)

On a motion by Susan Mary Redinger, 121 Ayer Rd., School Committee and seconded

Voted by majority yes to hear the report from the Superintendent of Schools, School Committee and the School Building Committee for the Hildreth Elementary School project at 27 Massachusetts Avenue, Harvard, Massachusetts.

ARTICLE 33: TOWN CLERK – PRESERVATION OF HISTORIC TOWN DOCUMENTS

To see if the Town will vote to appropriate and transfer from Fiscal 2018 Community Preservation Unspecified Reserves the sum of \$24,752, to be expended by the Town Clerk for the purpose of preserving and restoring historic town documents with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Town Clerk and the Community Preservation Committee)

On a motion by Pam Marston, 47 Madigan Lane, Community Preservation Committee and seconded

Voted by majority yes that the Town appropriate and transfer from Fiscal 2018 Community Preservation Unspecified Reserves the sum of \$24,752, to be expended by the Town Clerk for the purpose of preserving and restoring historic town documents with unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 34: CONSERVATION COMMISSION – CONSERVATION FUND

To see if the Town will vote to appropriate and transfer \$66,828 from Fiscal 2018 Community Preservation Fund Unspecified Reserves and \$33,172 from the Open Space and Recreation Reserves in the Community Preservation Fund, making for a total of \$100,000 to be placed in the Conservation Fund, to be expended by the Conservation Commission for the purpose of purchasing land and/or interests in land for open space purposes, or pass any vote or votes in relation thereto.

On a motion from Pam Marston, 47 Madigan Lane, Community Preservation Committee and seconded

Voted unanimously yes that the Town appropriate and transfer \$66,828 from Fiscal 2018 Community Preservation Fund Unspecified Reserves and \$33,172 from the Open Space and Recreation Reserves in the Community Preservation Fund, making for a total of \$100,000 to be placed in the Conservation Fund, to be expended by the Conservation Commission for the purpose of purchasing land and/or interests in land for open space purposes.

ARTICLE 35: COMMUNITY PRESERVATION COMMITTEE AFFORDABLE HOUSING RESERVES

To see if the Town will vote to appropriate and transfer \$20,268 from Fiscal 2018 Community Preservation Fund unspecified reserves to the Community Preservation Committee Affordable Housing Reserves, or pass any vote or votes in relation thereto. (Inserted by the Community Preservation Committee)

On a motion by Ron Ricci, 19 East Bare Hill Rd, Community Preservation Committee and seconded

Voted by majority yes that the town appropriate and transfer \$20,268 from Fiscal 2018 Community Preservation Fund unspecified reserves to the Community Preservation Committee Affordable Housing Reserves.

ARTICLE 36: PAYMENT OF DEBT ON TOWN HALL RENOVATION

To see if the Town will vote to appropriate and transfer \$50,838 from Fiscal 2018 Community Preservation Fund unspecified reserves for the payment of the debt service costs for the renovation of Town Hall, or pass any vote or votes in relation thereto. (Inserted by the Community Preservation Committee)

On a motion by John Lee, 27 Ayer Rd., Community Preservation Committee and seconded

Voted unanimously yes that the Town appropriate and transfer \$50,838 from Fiscal 2018 Community Preservation Fund unspecified reserves for the payment of the debt service costs for the renovation of Town Hall.

ARTICLE 37: COMMUNITY PRESERVATION FUNDS – ADMINISTRATIVE EXPENSES

To see if the Town will vote to appropriate and transfer from Fiscal 2018 Community Preservation Fund unspecified reserves, the sum of \$2,500 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, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

On a motion by Didi Chadran, 206 Stow Rd., Community Preservation Committee and seconded

Voted unanimously yes that the Town appropriate and transfer from Fiscal 2018 Community Preservation Fund unspecified reserves, the sum of \$2,500 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, 2018 being returned to their funding source.

ARTICLE 38: CONTINUATION OF BROMFIELD STONE WALL RENOVATION

To see if the Town will vote to appropriate and transfer from the Historic Preservation Reserves in the Community Preservation Fund the sum of \$41,089, and from Fiscal 2018 Unspecified Reserves in the Community Preservation Fund the sum of \$38,911, for a total of \$80,000 to be expended by the Harvard Historical Commission for the renovation of the section of stone wall between the Bromfield School driveway and the Old Bromfield School driveway, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

On a motion by Didi Chadran, 206 Stow Rd, Community Preservation Committee and seconded

Voted unanimously yes that that town appropriate and transfer from the Historic Preservation Reserves in the Community Preservation Fund the sum of \$41,089, and from Fiscal 2018 Unspecified Reserves in the Community Preservation Fund the sum of \$38,911, for a total of \$80,000 to be expended by the Harvard Historical Commission for the renovation of the section of stone wall between the Bromfield School driveway and the Old Bromfield School driveway, with unexpended funds as of June 30, 2018 being

returned to their funding source.

ARTICLE 39: REVOLVING FUNDS

To see if the Town will vote to:

- 1) continue the Revolving Fund 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 balance of this account not to exceed \$35,000 in Fiscal Year 2018;
- 2) continue the Revolving Fund 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 balance of this account not to exceed \$25,000 in Fiscal Year 2018;
- 3) continue the Revolving Fund 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 balance of this account not to exceed \$100,000 in Fiscal Year 2018;
- 4) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Fire Department's S.A.F.E. Program with the balance of this account not to exceed \$15,000 in Fiscal Year 2018;
- 5) continue the Revolving Fund account as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, authorized for use by a board or official reviewing an application for an approval, permit or project to fund advertising, professional and/ or legal opinions and any other activity required to be paid for by an applicant with the balance of this account not to exceed \$1,000 in Fiscal Year 2018, and
- 6) approve a new Revolving Fund Account as allowed by Massachusetts General Laws Chapter 44, Section 53E 1/2 , to be used to fund the activities of the Harvard Community Cable Access Committee with the balance of this account not to exceed \$25,000 in Fiscal Year 2018.

or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Don Ludwig, 23 East Bare Hill Rd., Finance Committee and seconded

Voted by majority yes, that the town continue and create the revolving fund accounts for purposes and with the expenditure and revenue limitations as printed on Page 46 of the Warrant and Finance Committee Report for the 2017 Annual Town Meeting.

ARTICLE 40: REVOLVING FUND BYLAW

To see if the town will vote to amend the Code of the Town of Harvard by adding thereto the following new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, or take any vote or votes in relation thereto.

CHAPTER 21: DEPARTMENTAL REVOLVING FUNDS

§21-1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, § 53E½.

§21-2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.

§21-3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

§21-4. Procedures and Reports. Except as provided in Massachusetts General Laws Chapter 44, § 53E½ and this by-law, the laws, by-laws/ordinances, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

(Inserted by Board of Selectmen)

§21-5.1 Council on Aging Revolving Fund.

5.1.1 Fund Name. There shall be a separate fund called the Council on Aging Revolving Fund authorized for use by the Council on Aging.

5.1.2 Revenues. The Town Accountant shall establish the Council on Aging Revolving Fund as a separate account and credit to the fund all of the user, program and

activity fees charged and received by the Council on Aging in connection with its programs and activities

5.1.3 Purposes and Expenditures. During each fiscal year, the Council on Aging may incur liabilities against and spend monies from the Council on Aging Revolving Fund for the expenses of its fee based programs and activities in connection with the services provided by the Council on Aging.

5.1.4 Fiscal Years. The Council on Aging Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

§21-5.2 Fourth of July Celebration Revolving Fund.

5.2.1 Fund Name. There shall be a separate fund called the Fourth of July Celebration Revolving Fund authorized for use by the Fourth of July Committee.

5.2.2 Revenues. The Town Accountant shall establish the Fourth of July Celebration Revolving Fund as a separate account and credit to the fund all of the program and activity fees charged and received by the Fourth of July Committee in connection with the annual Fourth of July celebration.

5.2.3 Purposes and Expenditures. During each fiscal year, the Fourth of July Committee may incur liabilities against and spend monies from the Fourth of July Celebration Revolving Fund for the expenses of the Fourth of July Celebration.

5.2.4 Fiscal Years. The Fourth of July Celebration Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

§21-5.3 Ambulance Service Revolving Fund.

5.3.1 Fund Name. There shall be a separate fund called the Ambulance Service Revolving Fund authorized for use by the Ambulance Director.

5.3.2 Revenues. The Town Accountant shall establish the Ambulance Service Revolving Fund as a separate account and credit to the fund all of the service fees charged and received by the Ambulance Director in connection with the Town's ambulance service.

5.3.3 Purposes and Expenditures. During each fiscal year, the Ambulance Director may incur liabilities against and spend monies from the Ambulance Service Revolving Fund for the expenses of the Town's ambulance service.

5.3.4 Fiscal Years. The Ambulance Service Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017

§21-5.4 Fire Department S.A.F.E. Program Revolving Fund.

5.4.1 Fund Name. There shall be a separate fund called the Fire Department S.A.F.E. Program Revolving Fund authorized for use by the Fire Chief.

5.4.2 Revenues. The Town Accountant shall establish the Fire Department S.A.F.E. Program Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Fire Department in connection with said program.

5.4.3 Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the Fire Department S.A.F.E. Program Revolving Fund for the expenses of said program.

5.4.4 Fiscal Years. The Fire Department S.A.F.E. Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017

§21-5.5 Application Review Revolving Fund.

5.5.1 Fund Name. There shall be a separate fund called the Application Review Revolving Fund authorized for use by a board or official reviewing an application for an approval, permit or project.

5.5.2 Revenues. The Town Accountant shall establish the Application Review Revolving Fund as a separate account and credit to the fund all of the fees charged and received by a board or official reviewing an application for an approval, permit or project.

5.5.3 Purposes and Expenditures. During each fiscal year, a board or official reviewing an application for an approval, permit or project may incur liabilities against and spend monies from the Application Review Revolving Fund for the expenses of advertising and professional services in connection such reviews.

5.5.4 Fiscal Years. The Application Review Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017

§21-5.6 Harvard Community Cable Access Revolving Fund

5.6.1 Fund Name. There shall be a separate fund called the Harvard Community Cable Access Revolving Fund authorized for use by the Harvard Community Cable Access Committee.

5.6.2 Revenues. The Town Accountant shall establish the Harvard Community Cable Access Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Harvard Community Cable Access Committee, excluding funds received from the Town's cable television provider, in connection with its activities and advertising programs.

5.6.3 Purposes and Expenditures. During each fiscal year, the Harvard Community Cable Access Committee may incur liabilities against and spend monies from the Harvard Community Cable Access Revolving Fund for the expenses of the Town's Community Cable Access Program.

5.6.4 Fiscal Years. The Harvard Community Cable Access Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017

On a motion by Don Ludwig, 23 East Bare Hill Rd, Finance Committee and seconded

Voted unanimously yes that the Town amend the Code of the Town of Harvard by adding thereto a new chapter entitled "Chapter 21: DEPARTMENTAL REVOLVING FUNDS" to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, section 53E ½ as printed on pages 47 through 49 of the warrant and Finance Committee Report for the 2017 Annual Town Meeting.

ARTICLE 41: MUNICIPAL RENTAL REVOLVING ACCOUNT

To see if the Town will vote to accept the provisions of the second paragraph of Massachusetts General Laws Chapter 40 Section 3, in order to create a municipal building and property rental revolving account and, further, that any balance at the close of the fiscal year shall remain in the account and may be expended for the upkeep and maintenance of the building or property by the board, committee or department head in control of the building or property, or take any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

Lucy Wallace, 18 Orchard Hill, Board of Selectmen moved that the town accept the provisions of the second paragraph of Massachusetts General Laws Chapter 40 Section 3, in order to create a municipal building and property rental revolving account and, further, that any balance at the close of the fiscal year shall remain in the account and may be expended for the upkeep and maintenance of the building or property by the board, committee or department head in control of the building or property. Motion seconded.

Lucas Thayer, 92 South Shaker Rd, made a motion to move the question. Motion seconded. Moderator declared voted 2/3 majority yes to move the question.

Voted by majority yes to pass the main motion.

ARTICLE 42: AMEND THE PROTECTIVE BYLAW 125-30C LAND- STRUCTURE RELATIONS - HEIGHT

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions to Section 125-30C thereof regarding height, or take any vote or votes in relation thereto:

[key to revisions: underline = additions; ~~strike through~~ = deletions]

- C. **Height.** The height of a building, other than a church, above average finished grade shall be less than three stories and ~~less than~~ shall not exceed 35 feet. Height shall be measured to the highest roof surface. Where a building has an egress from the basement at grade, height shall be measured from the average finished grade on the street side of the structure. For purposes of this provision, silos, and chimneys, ventilators, antennas (except for wireless communications towers and antennas), spires, and similar unoccupied projections above the roof are not included in building height.

(Inserted by Planning Board)

Frances Nickerson, 212 Stow Rd, Planning Board moved that the town amend Chapter 125, the Protective Bylaw of the Code of the Town of Harvard, by making revisions to Section 125-30C thereof regarding height as printed on Page 50 of the Warrant and Finance Committee Report for the 2017 Annual Town Meeting.

Planning Board had voted in favor of the article.

Paul Green, moved to amend the motion by replacing the word church with the word “religious building.” Friendly amendment accepted by the Planning Board.

Vote on the motion as amended. Failed to obtain 2/3 majority in favor. [DID NOT PASS.]

ARTICLE 43: AMEND THE PROTECTIVE BYLAW CHAPTER 125-56

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by adding a new section 125-56 Temporary Moratorium on the Cultivation, Manufacture and Retail Sale of Marijuana and Related Products as Authorized by the “Regulation and Taxation of Marijuana Act” (the Act) Adopted on November 8, 2016 or take any vote or votes in relation thereto:

- A. Purpose:** The purpose of this Bylaw is to give the Town of Harvard sufficient time to engage in a planning process to address the effects of the cultivation, manufacture, and retail sale of marijuana and related products and to enact appropriate land use controls consistent with the Town’s planning goals and objectives.

Marijuana land uses authorized by the Act are not permitted in the Town. Regulations yet to be promulgated by the Cannabis Control Commission will provide guidance as to permissible local authority. The regulation of marijuana land uses raises complex legal, planning, and public safety issues. The Town needs time to study and consider these issues and to understand the impact of the State regulations on local zoning. This temporary moratorium will provide a reasonable period of time to undertake a rational planning process to prepare a Zoning Bylaw amendment that will establish

workable standards for regulating marijuana land uses in order to protect the health, safety, and welfare of the Town.

B. Moratorium: For the reasons set forth above, the Town hereby adopts a temporary moratorium on the use of land or structures for marijuana cultivation, manufacture, and retail sales. The moratorium shall be in effect through April 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of land uses authorized by the Act, consider the regulations to be promulgated by the Cannabis Control Commission, and prepare a Zoning Bylaw amendment to mitigate the impacts of marijuana land uses on the Town.

(Inserted by Planning Board)

Erin McBee, 221 Littleton Rd, Planning Board moved that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by adding a new section 125-56 Temporary Moratorium on the Cultivation, Manufacture and Retail Sale of Marijuana and Related Products as printed on Page 50 of the Warrant and Finance Committee Report for the 2017 Annual Town Meeting. Motion seconded.

Ms. McBee, advised that the planning Board had voted to support the article with the following change:

Erin McBee, 221 Littleton Rd, Planning Board moved to amend the motion by inserting a sentence after the first sentence in Section A: "Said moratorium shall not apply to personal use and cultivation of marijuana." Since the amendment came directly from the Planning Board, the moderator advised that there would not be a need to vote on it.

Joseph Reynolds, 84 East Bare Hill Rd, moved to delete "cultivation, manufacture and" from each place it appears on the article. Motion seconded. Planning Board did not accept the amendment.

Motion made and seconded to move the question on the amendment. Moderator declared voted 2/3 in favor of moving the question. Voted by majority YES to accept the amendment.

Lucas Thayer, 92 South Shaker Rd, moved to change the moratorium duration to 30 days from today. Motion seconded. Erin McBee advised that the Planning Board would not accept the amendment. Bruce Nickerson, 212 Stow Rd., made a motion to move the question on the amendment. Voted by 2/3 majority yes to move the question. Voted by majority no; amendment defeated.

Vote on main motion as amended. Failed to receive 2/3 majority in favor. [DID NOT PASS.]

ARTICLE 44: COMMUNITY CABLE ACCESS COMMITTEE MEMBERSHIP

To see if the Town will vote to change the membership of the standing Community Cable Access Committee to be comprised of five voting Members appointed by the Board of Selectmen for overlapping terms of three years, plus one Associate Member to be appointed by the Board of Selectmen for a term of one year. The Associate Member may attend all Board meetings, participate in discussions, and, at the designation of the meeting chair, may act as a regular member of the Committee on administrative matters, including but not limited to providing a quorum in discussion of agenda items, approving minutes, making motions, and voting on other administrative tasks, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott Rd, Board of Selectmen and seconded

Voted by majority yes that the Town change the membership of the standing Community Cable Access Committee to be comprised of five voting Members appointed by the Board of Selectmen for overlapping terms of three years, plus one Associate Member to be appointed by the Board of Selectmen for a term of one year, which associate member may attend all Committee meetings, participate in discussions, and, at the designation of the meeting chair, may act as a regular member of the Committee on administrative matters, including but not limited to providing a quorum in discussion of agenda items, approving minutes, making motions, and voting on other administrative tasks.

**ARTICLE 45: CITIZEN PETITION - RESOLUTION CONFIRMING THE
TOWN OF HARVARD AS A COMMUNITY COMMITTED TO
EQUITABLE TREATMENT FOR ALL**

“Be it resolved, that the town of Harvard is a community that cares about its residents and those who work, play and visit in our community. Confirming Dec. 20, 2016 pledge by the board of Selectmen, each individual should be treated with equity, dignity, and respect, and we oppose all expressions of hatred, intolerance, and discrimination. We commit to showing that we are a caring and supportive community for all. To that end, we instruct the Board of Selectmen to appoint an existing or new employee to serve as the Town Equity Officer, responsible to review all bylaws, operations, regulations and procedures, budgets and capital plans, and to recommend such adjustments as may be indicated to remediate observed inequities.”

(Inserted by Citizen Petition)

Billy Salter, 3 Elm St., moved to strike after the 4th sentence: “To that end, we instruct” forward [to the end of the sentence]. This would essentially eliminate the Town Equity Officer. Motion seconded.

Lucas Thayer proposed an amendment to strike “to appoint an existing or new employee” and replace it with “to act as the Town’s Equity Officers.” This would have the Board of Selectmen act in the role, instead of one person. Moderator ruled the motion out of scope of the original article.

Perry Wotring, 21 Quarry Ln, made a motion to move the question on the amendment. Motion seconded. Moderator declared voted 2/3 majority yes to move the question.

Voted my majority yes in favor of the amendment made by Billy Salter.

Mark Buell, 237 Littleton County Rd., made a motion to move the question. Motion seconded. Moderator declared 2/3 majority in favor of moving the question.

Vote on main motion as amended. Voted by majority yes that the town adopt the following resolution:

“Be it resolved, that the town of Harvard is a community that cares about its residents and those who work, play and visit in our community. Confirming Dec. 20, 2016 pledge by the board of Selectmen, each individual should be treated with equity, dignity, and respect, and we oppose all expressions of hatred, intolerance, and discrimination. We commit to showing that we are a caring and supportive community for all.

ARTICLE 46: CREATION OF A PUBLIC UTILITY FOR THE PURPOSE OF CREATING A MUNICIPAL INTERNET SERVICE PROVIDER

To see if the Town will vote to authorize the Board of Selectmen to take all necessary and appropriate actions to establish and to maintain, in accordance with the provisions of Chapter 164 of the Massachusetts General Laws and in accordance with the rules, regulations and orders of the Massachusetts Department of Public Utilities and the Massachusetts Department of Telecommunications and Cable, a municipal lighting plant for the specific purpose, allowable under the laws of the Commonwealth, of creating without limitation the operation of the telecommunications system and any related services in order to provide Municipal Internet Services, or take any vote or votes in relation thereto.

(Inserted by the Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott Rd, Board of Selectmen and seconded

Voted by majority yes to authorize the Board of Selectmen to take all necessary and appropriate actions to establish and to maintain, in accordance with the provisions of Chapter 164 of the Massachusetts General Laws and in accordance with the rules, regulations and orders of the Massachusetts Department of Public Utilities and the Massachusetts Department of Telecommunications and Cable, a municipal lighting plant for the specific purpose, allowable under the laws of the Commonwealth, of creating without limitation the operation of the telecommunications system and any related services in order to provide Municipal Internet Services.

ARTICLE 47: DEVENS DISCUSSION [Note: taken out of order on April 3]

To see if the Town will vote to hear a report from the Board of Selectmen regarding future action by the board with respect to Devens, or pass any vote or votes in relation thereto.

(Submitted by Board of Selectmen)

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

Voted by majority vote to hear a report from the Board of Selectmen regarding future action by the board with respect to Devens.

ARTICLE 48: PARK AND RECREATION DIRECTOR

To see if the Town will vote to create a Park and Recreation Director position to be under the jurisdiction of the Town's Park and Recreation Commission, this position will be funded with funds transferred from the School Department along with the Community Education Program to the Park and Recreation Commission, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation)

On a motion by Douglas Thornton, 213 Littleton Rd, Park and Recreation Commission moved that the town pass over the article.

Voted by majority yes to pass over the article.

ARTICLE 49: ACCEPTANCE OF GIFTS OF PROPERTY

To see if the Town will vote to accept gifts of land or interests in land for any municipal purpose, and authorize the Board of Selectmen to acquire said parcels of land or interests therein so donated or purchased by eminent domain for the purpose of confirming and making clear the Town's title to said parcels of land or interests therein, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted unanimously yes that the Town a.) accept as a gift from the Shakers' Quarry Property Owners Association, Inc., for conservation purposes, the parcel of land located off Stone Cutter's Path in Harvard, Massachusetts being shown as "Common Open Space", on a plan entitled "Shakers' Quarry Definitive Subdivision of Land in Harvard, Mass. Surveyed for Stephen Gold Design & Construction, Inc.", dated February, 1983 and revised through August 1, 1983, 2015, prepared by Charles A. Perkins Co., Inc., Civil Engineers and Surveyors, Clinton, Mass., and recorded in Worcester District

Registry of Deeds on September 14, 1983, in Plan Book 511, Plan 18, and containing 7.5 acres and express its appreciation to said donor for its generosity in donating said parcel of land to the Town; b.) accept as a gift from Charles A. Case, for conservation purposes, the parcel of land on the westerly side of Bolton Road, in Harvard, Worcester County, Massachusetts, being shown as Parcel "C", on a plan entitled "Plan of Land in Harvard, Mass., owned by Richard D. Case, Jr., and Charles A. Case, dated May, 2015, prepared by David E. Ross Associates, Civil Engineers – Land Surveyors, Ayer, Mass, and recorded in Worcester District Registry of Deeds on June 18, 2015, in Plan Book 913, Plan 93, and containing 2.02 acres; and c.) authorize the Board of Selectmen to acquire by eminent domain, for conservation purposes, said parcels of land and the parcel of land purchased by the Town, for conservation purposes, situated on Massachusetts Avenue in Harvard, Massachusetts having an area of 24.11 acres and described in the deed dated May 16, 2016 and recorded with said Registry of Deeds in Book 55358, Page 55, which takings shall be for the purpose of confirming and making clear the Town's title to said parcels of land.

ARTICLE 50: 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 Lucy Wallace, 18 Orchard Hill, Board of Selectmen and seconded

Voted unanimously yes that Town to accept the Fiscal Year 2018 State funds to be used for reconstruction and improvements of public ways.

Motion made and seconded to dissolve the meeting. Voted unanimously in favor of dissolving the meeting.

The session on April 3 covered Articles 1- 18, and Articles 22, 23, 27 and 47 which were taken out of order. It was called to order at 7:04pm and dissolved at 9:53pm. Checkers for the meeting were Sydney Blackwell, Barbara Kemp, Mary Jarvis and Janet Wilhelm. They checked in 248 voters.

The session on April 5 covered articles 19-21, 24-26, 28-46, and 48-50. It was called to order at 7:02pm and dissolved at 9:40pm. Checkers for the meeting were Meg Bagdonas, Nancy Cronin and Lisa Dagdigian. They checked in 139 voters.

At the time of the meeting there were 4,368 registered voters (4,176 active voters and 192 inactive voters).

Tellers for the meeting were: Laura Andrews, Nick Browse, Bob Jaratt, Pat Jennings, Libby Levinson, and Jim Ware.

The citizen of note was Constance (Connie) Larrabee

Respectfully submitted,

Amy R. McDougall, CMMC
Town Clerk

Attachment (FY 2018 Omnibus Budget as Amended - 8 pages)