

ANNUAL TOWN MEETING

April 2, 2011

The meeting was called to order in the Bromfield Gym at 9:10 a.m. by Moderator, Robert Eubank. The call of the meeting and the return of service were found to be in order by Town Clerk Janet A. Vellante.

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

Timothy Bragan	Town Administrator
Thomas Jefferson	Superintendent of Schools
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Donald Hurme	Fire Chief

ARTICLE 1: ANNUAL REPORTS

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

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

Voted unanimously yes that the Town accept the reports of the Board of Selectmen, School Committee, and any other officers or committees as printed in the 2010 Annual Town Report and that we hear from the Devens Economic Analysis Team.

ARTICLE 2: RESERVE FUND - FISCAL YEAR 2011

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be added to the FY 2011 Reserve Fund for unforeseen and extraordinary expenses for the current fiscal year (Fiscal Year 2011), or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town vote to transfer the sum of \$300,000 from the Fiscal Year 2010 Certified Free Cash Account to the FY 2011 Reserve Fund for unforeseen and extraordinary expenses for the current fiscal year.

ARTICLE 3: FISCAL YEAR 2010 CERTIFIED FREE CASH

To see if the Town will vote to transfer a sum of money from FY2010 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes, that the Town vote to transfer \$705,556 from Fiscal Year 2010 Certified Free Cash to the Capital Stabilization and Investment Fund.

ARTICLE 4: OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, such sums of money as may be necessary to defray expenses for the ensuing fiscal year (FY2012), or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate the sum of \$ 20,368,098. to defray the expenses of the Town for Fiscal Year 2012 as printed in the Finance Committee Report on pages 34 through 40, and that said appropriation be provided by raising \$20,357,027. by taxation and transferring \$11,071. from Wetlands Fees.

Insert budget

ARTICLE 5: RESERVE FUND – FISCAL YEAR 2012

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the ensuing fiscal year (Fiscal Year 2012), or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town raise and appropriate \$350,000. to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for the ensuing fiscal year (Fiscal Year 2012).

ARTICLE 6: GASB 45 OPEB ACTUARIAL VALUATION

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Finance Director with the approval of the Board of Selectmen to conduct the required GASB 45, Other Post Employment Benefits (OPEB), actuarial valuation, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town vote to raise and appropriate \$8,000 to be expended by the Finance Director with the approval of the Board of Selectmen to conduct the required Government Account Standards Board 45, Other Post Employment Benefits (OPEB), actuarial valuation, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 7: FIRE DEPARTMENT – PROTECTIVE FIREFIGHTING GEAR

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 five (5) sets of protective firefighting gear (helmets, bunker coats, pants, protective hoods, boots and gloves) for use by the Fire Department, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted majority yes that the Town vote to raise and appropriate \$9,175 to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase five (5) sets of protective firefighting gear (helmets, bunker coats, pants, protective hoods, boots and gloves) for use by the Fire Department, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 8: FIRE DEPARTMENT – COMBUSTIBLE AND CARBON MONOXIDE GAS METER

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to be used to purchase a combustible and carbon monoxide gas meter for use by the Fire Department, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town vote to raise and appropriate \$2,250 to be expended by the Fire Chief, with the approval of the Board of Selectmen, to be used to purchase a combustible and carbon monoxide gas meter for use by the Fire Department, with unexpended funds as of June 30, 2012 being returned to their funding source

ARTICLE 9: CONTRACT – DISPATCHER WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #19, Communications Department Personnel of Article #4 of this Warrant in order to fund the collective bargaining agreement negotiated with the Dispatchers Union, or pass any vote or votes in relation thereto.

The following motion was made by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

I move that the Town vote to raise and appropriate \$3,823. to be added to appropriation line #19, Communications Department Personnel of Article #4 of this Warrant for the 2011 Annual Town Meeting in order to fund the collective bargaining agreement negotiated with the Dispatchers Union.

A motion by Timothy Clark to amend the article by changing line #19 to line #20 was seconded and voted unanimously yes,

Voted unanimously yes that the Town vote to raise and appropriate \$3,823. to be added to appropriation line #20, Communications Department Personnel of Article #4 of this Warrant for the 2011 Annual Town Meeting in order to fund the collective bargaining agreement negotiated with the Dispatchers Union.

ARTICLE 10: CONTRACT – PUBLIC WORKS EMPLOYEES WAGES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to line #31, Public Works Personnel of Article #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.

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

Voted unanimously yes that the Town vote to raise and appropriate \$6,482. to be added to appropriation line #32, Public Works Personnel of Article #4 of this Warrant for the 2011

Annual Town Meeting in order to fund the collective bargaining agreement negotiated with the Public Works Department Employees Union.

ARTICLE 11: THE BROMFIELD SCHOOL – REPAIR/REPLACE THE MIDDLE SCHOOL WALKWAY STRUCTURE

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to repair/replace the middle school walkway structure, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town vote to transfer from the Capital Stabilization and Investment Fund the sum of \$20,000 to be expended by the School Department, with the approval of the School Committee, to repair/replace the middle school walkway structure, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 12: THE BROMFIELD SCHOOL – CONVERT FROM OIL HEAT TO GAS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to convert the Bromfield School from oil heat to gas heat, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town vote to transfer from the Capital Stabilization and Investment Fund the sum of \$30,000 to be expended by the School Department, with the approval of the School Committee, to convert the Bromfield School from oil heat to gas heat, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 13: HILDRETH ELEMENTARY SCHOOL – FRONT OFFICE FLOORING

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to purchase and install new flooring in the front office areas of the Hildreth Elementary School, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any

vote or votes in relation thereto.

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

Voted unanimously yes the Town vote to transfer from the Capital Stabilization and Investment Fund the sum of \$10,000 to be expended by the School Department, with the approval of the School Committee, to purchase and install new flooring in the front office areas of the Hildreth Elementary School, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 14: HILDRETH ELEMENTARY SCHOOL – MECHANICAL UPGRADES

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 upgrade the mechanical systems within the Hildreth Elementary School and that this article may be offset by other funding sources, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Keith Cheveralls, 21 Quarry Lane, Planning and Investment Committee, and seconded,

Voted unanimously yes to take no action.

ARTICLE 15: HILDRETH ELEMENTARY SCHOOL – BOILER AND WINDOWS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, for a new boiler and the replacement of windows at the Hildreth Elementary School, which funds may be offset by other funding through the MSBA and or Green Communities Grant Funding, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$38,000, to be expended by the School Department, with the approval of the School Committee, for a new boiler and the replacement of windows at the Hildreth Elementary School, which funds may be offset by other funding through the Massachusetts School Building Assistance and/ or Green Communities Grant Funding, with unexpended funds as of June 30,

2012 being returned to their funding source.

ARTICLE 16: HILDRETH ELEMENTARY SCHOOL – PLAYGROUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Department, with the approval of the School Committee, to fund a portion of the new playground at the Hildreth Elementary School, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$65,000 to be expended by the School Department, with the approval of the School Committee, to fund a portion of the new playground at the Hildreth Elementary School, with unexpended funds as of June 30, 2012 being returned to their funding source, or.

ARTICLE 17: MUNICIPAL BUILDINGS

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 be used for professional services including but not limited to architectural; structural engineering; mechanical, electrical and plumbing engineering; civil engineering; owner's project manager, surveys, legal services, and cost estimating to develop Schematic Design Plans for the renovation and expansion of (1) the Town Hall to serve town government offices, meeting space, civic and community space, and other uses as appropriate; and (2) the Hildreth House to continue as the center for senior life, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

The following motion was made by Peter Warren, 52 Lancaster Road, Municipal Buildings Committee, and seconded,

I move that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$185,000. to be expended by the Board of Selectmen to be used for professional services including but not limited to architectural; structural engineering; mechanical, electrical and plumbing engineering; civil engineering; owner's project manager, surveys, legal services, and cost estimating to develop Schematic Design Plans for (1) the renovation of the Town Hall to serve town government offices, meeting space, civic and community space, and other uses as appropriate; and for (2) the renovation and expansion of the Hildreth House to continue as the center for senior life, contingent upon the passage of the

proposition two and one half debt exclusion question, question #1, on the April 5, 2011 Annual Town Election ballot.

Peter Warren read a statement of agreement prepared by the Board of Selectmen and Ron Ostberg read a statement for the Municipal Buildings Committee.

The following motion was made by Donald Boyce, 310 Stow Road, seconded, and

I move that the town amend to the original motion as printed in the warrant book and to raise and appropriate \$225,000.

The amendment was not accepted by the Board of Selectmen.

The Finance Committee stated that the article could not raise and appropriate because the budget was already approved.

The motion to amend was voted majority NO.

Voted greater than 2/3 yes that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$185,000. to be expended by the Board of Selectmen to be used for professional services including but not limited to architectural; structural engineering; mechanical, electrical and plumbing engineering; civil engineering; owner's project manager, surveys, legal services, and cost estimating to develop Schematic Design Plans for (1) the renovation of the Town Hall to serve town government offices, meeting space, civic and community space, and other uses as appropriate; and for (2) the renovation and expansion of the Hildreth House to continue as the center for senior life, contingent upon the passage of the proposition two and one half debt exclusion question, question #1, on the April 5, 2011 Annual Town Election ballot.

ARTICLE 18: MUNICIPAL BUILDINGS

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 be used for professional services including but not limited to architectural; structural engineering; mechanical, electrical and plumbing engineering; civil engineering; owner's project manager, surveys, legal services, and cost estimating for the following:

1) To develop appropriate plans and specifications for the construction, reconstruction and renovation of the Town Hall for municipal government uses only. All construction, reconstruction and renovation will be limited to the existing building footprints with the exception of any necessary expansion solely for providing elevator access to the upper floor. The design will not include but will accommodate possible future expansion; and

2) To develop appropriate plans and specifications for the construction, reconstruction and renovation of the Old Library for use as temporary town offices during reconstruction of the Town Hall; additional space for Council on Aging functions and offices; community center usage and meeting space. All construction, reconstruction and renovation will be limited to the existing building footprint with the exception of any necessary expansion solely for providing elevator access to the upper floor(s); and

3) To preserve the Hildreth House as is for continued use by the Council on Aging and meeting space without expansion or renovation at this time.

The following motion was made by William Johnson, 72 Warren Avenue, and seconded,

Voted majority yes to take no action under this article.

ARTICLE 19: DEPARTMENT OF PUBLIC WORKS – HIGHWAY GARAGE FLOOR

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 DPW Superintendent, with the approval of the Board of Selectmen, to repair the damaged DPW floor and install an epoxy sealer, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$40,000 to be expended by the Director of Public Works DPW Superintendent, with the approval of the Board of Selectmen, to repair the damaged DPW facility floor and install an epoxy sealer, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 20: FIRE DEPARTMENT – PURCHASE NEW FORESTRY FIREFIGHTING TRUCK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new forest fire fighting truck that will replace the current 1986 forest fire fighting truck, with any unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

The following motion was made by Peter Warren, 52 Lancaster County Road, Capital Planning and Investment Committee, and seconded,

I move that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$145,000 to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new forest fire fighting truck that will replace the current 1986 forest fire fighting truck, with any unexpended funds as of June 30, 2013 being returned to their funding source.

The following motion was made by Marie Sobalvarro, seconded, and approved by the Capital Planning and Investment Committee,

I move to amend the article by adding “from non-excluded debt”

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$145,000, from non-excluded debt, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new forest fire fighting truck that will replace the current 1986 forest fire fighting truck, with any unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 21: WATER DEPARTMENT – INSTALL FENCE AT WATER TANK

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Director of Public Works and Water Commissioners, with the approval of the Board of Selectmen, to install a security fence around the Bolton Road Water Tank, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$15,000 to be expended by the Director of Public Works and Water Commissioners, with the approval of the Board of Selectmen, to install a security fence around the Bolton Road Water Tank, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 22: WATER DEPARTMENT - UPGRADES TO WATER 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 Director of Public Works and Water Commissioners, with the approval of the Board of Selectmen, to do various upgrades to the water system as per the

plan submitted to the Capital Planning and Investment Committee, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to vote to borrow the sum of \$340,000, financed through non-excluded debt, to be expended by the Director of Public Works the Board of Water Commissioners, with the approval of the Board of Selectmen, to do various upgrades to the water system in accordance with the plan submitted to the Capital Planning and Investment Committee.

ARTICLE 23: MUNICIPAL BUILDINGS SEWER CONNECTIONS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to connect municipal buildings to the sewer system, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to vote to borrow the sum of \$125,000 to be expended by the Board of Selectmen, to connect municipal buildings to the Town sewer system, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 24: RECONSTRUCT AND REPAIR LITTLETON COUNTY ROAD (Cleaves Hill to Old Schoolhouse)

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 Director of Public Works, with the approval of the Board of Selectmen, to reconstruct and repair Littleton County Road from Cleaves Hill Road to Old Schoolhouse Road, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$250,000 to be expended by the Director of Public Works, with the approval of the Board of Selectmen, to reconstruct and repair Littleton County Road from Cleaves Hill Road to Old Schoolhouse Road, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 25: POLICE RADIO SYSTEM UPGRADE

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 Chief of Police, with the approval of the Board of Selectmen, to upgrade the Police radio system, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town transfer from the Capital Stabilization and Investment Fund the sum of \$15,000 to be expended by the Chief of Police, with the approval of the Board of Selectmen, to upgrade the Police radio system, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 26: TOWN HALL ENERGY 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 Harvard Energy Advisory Committee, with the approval of the Board of Selectmen, to be used in conjunction with grant funds provided by the Massachusetts Department of Energy Resources for the purpose of conducting a deep energy retrofit study of Town Hall, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town vote to raise and appropriate the sum of \$8,300 to be to be expended by the Harvard Energy Advisory Committee, with the approval of the Board of Selectmen, to be used in conjunction with grant funds provided by the Massachusetts Department of Energy Resources Green Communities Grant Program for the purpose of conducting energy retrofit studies and making energy efficiency improvements to Town-owned buildings, with unexpended funds as of June 30, 2012, being returned to their funding source.

ARTICLE 27: WEST NILE VIRUS AND EEE PREVENTION

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 Health for the purpose of obtaining biological control measures (mosquito larvacide) as part of an initial step in the mitigation of the proliferation of disease carrying mosquitoes which measures will include the placement of

biological larvacide in the town's storm water catch basins and/or other stagnant water locations by a licensed applicator in accordance with State regulations and safe handling practices, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

The following motion was made by John Spero, 22 Deerfoot Trail, Board of Health, and seconded,

I move that the Town raise and appropriate the sum of \$5,000 to be expended by the Board of Health for the purpose of obtaining biological control measures (mosquito larvacide) as part of an initial step in the mitigation of the proliferation of disease carrying mosquitoes which measures will include the placement of biological larvacide in the town's storm water catch basins and/or other stagnant water locations by a licensed practitioner in accordance with State regulations and safe handling practices, with unexpended funds as of June 30, 2012 being returned to their funding source.

The following motion was made by James Breslauer and seconded,

Prior to any application, the Board of Health shall present any plan for mosquito control measures to the Conservation Commission for its review and approval,

The Board of Health did not accept the amendment. The Amendment voted 149 yes, 78 no

Voted majority NO that the Town raise and appropriate the sum of \$5,000 to be expended by the Board of Health for the purpose of obtaining biological control measures (mosquito larvacide) as part of an initial step in the mitigation of the proliferation of disease carrying mosquitoes which measures will include the placement of biological larvacide in the town's storm water catch basins and/or other stagnant water locations by a licensed practitioner in accordance with State regulations and safe handling practices, with unexpended funds as of June 30, 2012 being returned to their funding source. Prior to any application, the Board of Health shall present any plan for mosquito control measures to the Conservation Commission for its review and approval.

ARTICLE 28: CONSERVATION FUND FUNDING

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money not to exceed \$100,000 to be placed in the Conservation Fund, or pass any vote or votes in relation thereto.

On a motion by Donald Ritchie, 6 Glenview Drive, Conservation Commission, and seconded,

Voted majority yes that the Town take no action under this article.

ARTICLE 29: UPDATE OF MASTER PLAN

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the update of the 2002 Master Plan, with unexpended funds as of June 30, 2013, being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Kara Minar, 204 Still River Road, Planning Board, and seconded,

Voted greater than 2/3 yes that the Town transfer from the General Stabilization Fund the sum of \$35,000. to be expended by the Planning Board to update the 2002 Master Plan, with unexpended funds as of June 30, 2013, being returned to their funding source.

Planning Board unanimously supported this article.

ARTICLE 30: HOME RULE LEGISLATION - JOIN THE DEVENS ECONOMIC TARGET AREA

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act further amending Section 18 of Chapter 498 of the Acts of 1993 by adding the Town of Harvard to the areas designated in said Section 18 as Commonwealth Economic Target and Opportunity Areas so that certain development projects within the Town of Harvard shall be eligible for tax deductions, credits and abatements and other economic incentives provided for in Chapter 19 of the Acts of 1993, or pass any vote or votes in relation thereto.

On a motion by William Johnson, 72 Warren Avenue, Board of Selectmen, and seconded,

Voted majority yes that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act further amending Section 18 of Chapter 498 of the Acts of 1993 by adding the Town of Harvard to the areas designated in said Section 18 as Commonwealth Economic Target and Opportunity Areas so that certain development projects within the Town of Harvard shall be eligible for tax deductions, credits and abatements and other economic incentives provided for in Chapter 19 of the Acts of 1993.

ARTICLE 31: HOME RULE LEGISLATION – ADOPT MGL CHAPTER 138 S.14 RE: ONE-DAY LIQUOR LICENSES

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act authorizing the Board of Selectmen of the Town of Harvard to issue one-day liquor licenses for the sale of alcoholic beverages in accordance with Massachusetts General Laws Chapter 138, Section 14, or take any vote or votes in relation thereto.

The following motion was made by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

I move that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act authorizing the Board of Selectmen of the Town of Harvard to issue one-day liquor licenses for the sale of alcoholic beverages in accordance with Massachusetts General Laws Chapter 138, Section 14.

William Salter made the following motion which was seconded, and then withdrawn,

I move that we amend Article 31 by inserting after “Section 14,”

with the proviso that there shall be a public hearing for any such license where there are abutters within 50 yards of the actual physical location on the licensee’s site where alcoholic beverages may be served and/or consumed.

Voted majority yes that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act authorizing the Board of Selectmen of the Town of Harvard to issue one-day liquor licenses for the sale of alcoholic beverages in accordance with Massachusetts General Laws Chapter 138, Section 14.

ARTICLE 32: HOME RULE LEGISLATION – PROPERTY TAX RELIEF FOR SENIOR CITIZENS

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act providing a tax exemption for certain qualifying senior citizens owning real estate in the Town of Harvard substantially the same as follows, or take any vote or votes in relation thereto:

Chapter __. An Act Providing a Tax Exemption for Certain Qualifying Senior Citizens Owning Real Estate in the Town of Harvard.

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the town of Harvard, and as established more specifically by the Board of Selectmen in said town annually under section 2, there shall be a cap on property taxes equal to 10 per cent of the total annual household income, except that in no event shall property taxes be reduced by more than 50 per cent of the tax due, including all tax abatements and exemptions, but excluding state circuit breakers. The exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes.

SECTION 2. Real property shall qualify for the exemption set forth in section 1 if all the following criteria are met:

- (a) the qualifying real estate is owned and occupied by a person or family where the total annual household income shall not exceed the following ranges: single applicant \$33,000 to \$49,499; married applicant filing jointly \$49,500 to \$74,250;
- (b) the qualifying real estate is owned and occupied by at least 1 person having reached age 65 or 70 at the close of the previous tax year, as established annually by the Board of Selectmen for such tax year;
- (c) the qualifying real estate is owned and occupied by the applicant at least 6 months plus 1 day each year;
- (d) the applicant has resided in the town of Harvard for at least 10 consecutive years before filing an application for the exemption; and
- (e) the maximum assessed value of the applicant's primary residence is no greater than the median assessed value of a single family residence in the town of Harvard plus 10 per cent, as measured for the tax year immediately previous to the tax year for which the application for exemption is filed.

SECTION 3. The exemption provided for in this act shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap of \$175,000 for all tax abatements, excluding circuit breakers. After the first year of enactment, the total cap of all real estate abatements, excluding circuit breakers, may be set annually by the board of selectmen within a range of \$175,000 to \$350,000.

SECTION 4. A person who seeks to qualify for this exemption shall file with the Board of Assessors an application for abatement on a form to be adopted by the Board of Selectmen and available at the assessor's office with the supporting documentation as described in the application. The application shall be filed by January 31 each year for which the applicant seeks the exemption for the fiscal year commencing the following July 1.

SECTION 5. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors in accordance with the deed for the property and shall include a condominium unit.

SECTION 6. For purposes of the exemption, "total annual household income" shall be the sum of the applicant's "total taxable 5.3 per cent income" on Massachusetts Form 1 and those same incomes for other income-producing members of the household. The income shall be increased by amounts that may have been excluded or subtracted from calculation, such as income from social security benefits, cash public assistance, tax-exempt interest and dividends, capital gains, income from a partnership or trust, returns on capital reported on schedule C and excluded income from any other source.

SECTION 7. Acceptance of this act by the Town of Harvard shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance was

placed on the ballot and, if necessary, by approval of the appropriate override. This act shall become effective on the thirtieth day following the affirmative vote.

SECTION 8. The acceptance of this act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation has been placed on the ballot by a two-thirds vote of then sitting members of the board of selectmen. Revocation of this act shall become effective on the thirtieth day following that affirmative vote.

SECTION 9. After 1 year of implementation, the Board of Selectmen of the Town of Harvard, after a public hearing, may vote to suspend implementation of this act for any year. Acceptance of this act by the Town of Harvard shall automatically expire after 3 years of implementation unless reaffirmed by the affirmative vote of a majority of the voters at a town meeting and no further action of the general court shall be necessary.

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

Voted unanimously yes that the Town take no action under this article.

ARTICLE 33: HOME RULE LEGISLATION - WATER COMMISSIONERS ELECTED TO APPOINTED

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act to change of the mode of selection of the Water Commissioners from election by ballot to appointment by the Board of Selectmen.

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

Voted unanimously yes that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act to change the mode of selection of the Water Commissioners from election by ballot to appointment by the Board of Selectmen.

ARTICLE 34: DISSOLVE HARVARD HOUSING AUTHORITY

To see if the Town will vote pursuant to Massachusetts General Laws Chapter 121B, Section 3 to dissolve the Harvard Housing Authority, or pass any vote or votes in relation thereto.

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

Voted majority yes that the Town vote pursuant to Massachusetts General Laws Chapter 121B, Section 3 to dissolve the Harvard Housing Authority.

ARTICLE 35: CHANGE COMPOSITION OF COMMUNITY PRESERVATION COMMITTEE

To see if the Town will vote to amend Chapter 18 of the Code of the Town of Harvard by making the following revisions thereto relative to the composition of the Community Preservation Committee:

[Key to revisions: underlining = additions; ~~strikethrough~~ = deletions]

§ 18-1. Committee established; duties; appointment of members.

A Community Preservation Committee is hereby established pursuant to MGL Chapter 44B, said Committee to have the responsibilities and duties as outlined in MGL Chapter 44B, Section 5, which shall consist of nine voting members to be appointed by the Board of Selectmen as follows:

- A. One member of the Conservation Commission as designated by the Commission for a term of one year;
- B. One member of the Planning Board as designated by the Board for a term of one year;
- C. One member of the Historical Commission as designated by the Commission for a term of one year;
- D. One member of the Park and Recreation Commission as designated by the Commission for a term of one year;
- E. One member of the Board of Trustees of the Town of Harvard Municipal Affordable Housing Trust Fund ~~Housing Authority~~ as designated by the Board of Trustees ~~Authority~~ for a term of one year;
- F. Four members to be appointed by the Board of Selectmen for a term of one year and thereafter be elected as follows: one member to be elected for a term of one year and thereafter for a term of three years, one member to be elected for a term of two years and thereafter for a term of three years, and two members to be elected for a term of three years.
Or pass any vote or votes in relation thereto.

The following motion was made by Ronald Ricci, 19 East Bare Hill Road, Board of Selectmen, and seconded,

I move that the Town amend Chapter 18 of the Code of Town of Harvard as printed in the warrant, page 50

Voted unanimously yes that the Town amend Chapter 18 of the Code of the Town of Harvard by making the following revisions thereto relative to the composition of the Community Preservation Committee:

[Key to revisions: underlining = additions; ~~strikethrough~~ = deletions]

§ 18-1. Committee established; duties; appointment of members.

A Community Preservation Committee is hereby established pursuant to MGL Chapter 44B, said Committee to have the responsibilities and duties as outlined in MGL Chapter 44B, Section 5, which shall consist of nine voting members to be appointed by the Board of Selectmen as follows:

- A. One member of the Conservation Commission as designated by the Commission for a term of one year;
- B. One member of the Planning Board as designated by the Board for a term of one year;
- C. One member of the Historical Commission as designated by the Commission for a term of one year;
- D. One member of the Park and Recreation Commission as designated by the Commission for a term of one year;
- E. One member of the Board of Trustees of the Town of Harvard Municipal Affordable Housing Trust Fund Housing Authority as designated by the Board of Trustees Authority for a term of one year;
- F. Four members to be appointed by the Board of Selectmen for a term of one year and thereafter be elected as follows: one member to be elected for a term of one year and thereafter for a term of three years, one member to be elected for a term of two years and thereafter for a term of three years, and two members to be elected for a term of three years.

Approved by the Attorney General on May 3, 2011, and effective on posting date of June 1, 2011.

ARTICLE 36: COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation Budget, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation Budget.

ARTICLE 37: PRESERVATION OF HISTORIC TOWN DOCUMENTS

To see if the Town will vote to appropriate and transfer from Fiscal Year 2012 Community Preservation Revenues the sum of \$25,982 and from Community Preservation Fund Historic

Reserves the sum of \$1,018 (for a total of \$27,000) to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2012 Community Preservation Revenues the sum of \$25,982 and from Community Preservation Fund Historic Reserves the sum of \$1,018 (for a total of \$27,000) to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2012 being returned to their funding source.

ARTICLE 38: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to appropriate and transfer from Fiscal Year 2012 Community Preservation Revenues the sum of \$25,000 to be placed in the Municipal Affordable Housing Trust Fund, or pass any vote or votes in relation thereto.

On a motion by Wendell Willard, 218 Still River Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Community Preservation Revenues the sum of \$25,000. to be placed in the Harvard Municipal Affordable Housing Trust Fund.

ARTICLE 39: BARE HILL POND – STORMWATER POLLUTION CONTROL

To see if the Town will vote to appropriate and transfer from Fiscal Year 2012 Community Preservation Fund Revenues the sum of \$73,750 to be expended by the Bare Hill Pond Watershed Management Committee for Bare Hill Pond Stormwater Pollution Control, with unexpended funds as of June 30, 2013 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Charles Gorss, 99 Old Littleton Road, Community Preservation Committee, and seconded,

Voted unanimously yes, that the Town appropriate and transfer from Fiscal Year 2012 Community Preservation Fund Revenues the sum of \$73,750 to be expended by the Bare Hill Pond Watershed Management Committee for Bare Hill Pond Stormwater Pollution Control, with unexpended funds as of June 30, 2013 being returned to their funding source.

ARTICLE 40: COMMUNITY PRESERVATION COMMITTEE – ADMINISTRATIVE EXPENSES

To see if the Town will vote to appropriate and transfer from Community Preservation Fund Unallocated 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, 2012 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Michelle Catalina, 37 Old Littleton Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town appropriate and transfer from Community Preservation Fund Unallocated 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, 2012 being returned to their funding source.

ARTICLE 41: AMENDMENT PROTECTIVE BYLAW ZONING MAP SECTION

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by changing the title of §125-42 from , “§125-42 Types of districts; interpretation.” to “§125-42 Zoning Map; types of districts; interpretation.” and by changing the designation of the Zoning Map entitled “Harvard, MA: Zoning & Zoning Overlay Districts” and appended to the Protective Bylaw from “125 Attachment 1” to “§125-42 Attachment 1”, or take any action in relation thereto.

On a motion by Michelle Catalina, 37 Old Littleton Road, Planning Board, and seconded,

Voted unanimously yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by changing the title of §125-42 from , “§125-42 Types of districts; interpretation.” to “§125-42 Zoning Map; types of districts; interpretation.” and by changing the designation of the Zoning Map entitled “Harvard, MA: Zoning & Zoning Overlay Districts” and appended to the Protective Bylaw from “125 Attachment 1” to “§125-42 Attachment 1”.

Planning Board unanimously supported this article.

Approved by the Attorney General on May 3, 2011.

ARTICLE 42: AMEND THE PROTECTIVE BYLAW – FLOODPLAIN DISTRICT

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by adding thereto the following new section:

§125-54 FLOODPLAIN DISTRICTS

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

A. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Harvard designated as Zone A, AE, AH, AO, A99, V, or VE on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Harvard are panel numbers 25027C0292E, 25027C0294E, 25027C0311E, 25027C0312E, 25027C0313E, 25027C0314E, 25027C0316E, 25027C0318E, 25027C0457E, 25027C0476E, 25027C0477E, 25027C0478E, 25027C0479E, 25027C0481E and 25027C0483E dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and Department of Public Works.

B. BASE FLOOD ELEVATION AND FLOODWAY DATA

- (1) **Floodway Data.** In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) **Base Flood Elevation Data.** Base flood elevation data is required for subdivision

proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

C. USE REGULATIONS

(1) REFERENCE TO EXISTING REGULATIONS

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) OTHER USE REGULATIONS

- (a) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (b) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Worcester County FIRM or Flood Boundary & Floodway Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (c) All subdivision proposals must be designed to assure that:
 - (1) such proposals minimize flood damage;

- (2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- (3) adequate drainage is provided to reduce exposure to flood hazards.
- (d) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- (e) There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Building Commissioner and Department of Public Works for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

D. PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (2) Forestry and nursery uses.
- (3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (4) Conservation of water, plants, wildlife.
- (5) Wildlife management areas, foot, bicycle, and/or horse paths.
- (6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- (7) Buildings lawfully existing prior to the adoption of these provisions.

E. DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed

on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, **NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see **BASE FLOOD**.

REGULATORY FLOODWAY - see **FLOODWAY**

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and **ZONE AE** (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE V1-30 and **ZONE VE** (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

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

I move that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by adding thereto a new section entitled “§125-54 FLOODPLAIN DISTRICTS” as printed in the Finance Committee Report on pages 52 through 56.

Voted greater than 2/3 yes to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by adding thereto the following new section:

§125-54 FLOODPLAIN DISTRICTS

The purposes of the Floodplain District are to:

- 7) Ensure public safety through reducing the threats to life and personal injury;
- 8) Eliminate new hazards to emergency response officials;
- 9) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 10) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 11) Eliminate costs associated with the response and cleanup of flooding conditions;

12) Reduce damage to public and private property resulting from flooding waters.

A. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Harvard designated as Zone A, AE, AH, AO, A99, V, or VE on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Harvard are panel numbers 25027C0292E, 25027C0294E, 25027C0311E, 25027C0312E, 25027C0313E, 25027C0314E, 25027C0316E, 25027C0318E, 25027C0457E, 25027C0476E, 25027C0477E, 25027C0478E, 25027C0479E, 25027C0481E and 25027C0483E dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and Department of Public Works.

B. BASE FLOOD ELEVATION AND FLOODWAY DATA

- (1) **Floodway Data.** In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

C. USE REGULATIONS

(1) REFERENCE TO EXISTING REGULATIONS

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) OTHER USE REGULATIONS

- (a) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (b) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Worcester County FIRM or Flood Boundary & Floodway Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (c) All subdivision proposals must be designed to assure that:
 - (1) such proposals minimize flood damage;
 - (2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) adequate drainage is provided to reduce exposure to flood hazards.
- (e) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- (e) There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Building Commissioner and Department of Public Works for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

D. PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- (8) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (9) Forestry and nursery uses.
- (10) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (11) Conservation of water, plants, wildlife.
- (12) Wildlife management areas, foot, bicycle, and/or horse paths.
- (13) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- (14) Buildings lawfully existing prior to the adoption of these provisions.

E. DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and **ZONE AE** (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE V1-30 and **ZONE VE** (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

Approved by the Attorney General on May 31, 2011.

ARTICLE 43: 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 revenue or expenditures of this account not to exceed \$35,000 in Fiscal Year 2012, and

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 revenue or expenditures of this account not to exceed \$25,000 in Fiscal Year 2012, and

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 revenue or expenditures of this account not to exceed \$100,000 in Fiscal Year 2012, and

4) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the costs associated with the reutilization of the old Library with the revenue or expenditures of this account not to exceed \$20,000 in Fiscal Year 2012,

or pass any vote or votes in relation thereto.

The following motion was made by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, and seconded,

I move this article as printed on page 56 [of the warrant].

Voted unanimously yes that the Town continue 1) 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 revenue or expenditures of this account not to exceed \$35,000 in Fiscal Year 2012; 2) 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 revenue or expenditures of this account not to exceed \$25,000 in Fiscal Year 2012, 3) 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 revenue or

expenditures of this account not to exceed \$100,000 in Fiscal Year 2012; and 4) the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the costs associated with the reutilization of the old Library with the revenue or expenditures of this account not to exceed \$20,000 in Fiscal Year 2012.

ARTICLE 44: ACCEPTANCE OF GIFTS OF PROPERTY – CONSERVATION LAND

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

On a motion by William Johnson, 72 Warren Avenue, Board of Selectmen, and seconded,

Voted unanimously yes that the Town a.) accept, as a gift, the parcel of vacant land located off Brown Road in Harvard, Massachusetts, shown on Assessors Map 35 as Lot 16, being a part of the land described in a deed dated July 28, 1926 and recorded with the Worcester County Registry of Deeds in Book 2417, Page 520, for municipal purposes, including, but not limited to conservation and other land preservation relates purposes, and b.) express its appreciation to the Costa family for its generosity in donating this land to the Town.

ARTICLE 45: 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.

On a motion by William Johnson, 72 Warren Avenue, Board of Selectmen, and seconded,

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

The meeting was dissolved at 2:41 P.M.

The Citizens of Note for 2010 were Christopher Ashley, and the members of Harvard Energy Advisory Committee: Brian Smith, Bill Blackwell, Eric Broadbent, David Fay, Forrest Hodgkins, and Rene Roy.

Checkers for the meeting were Anthony Fiore, Paul Green, Sandra Lefkovits, Ruth Miller, Marilyn Morgan, and Jane Venditti. They checked in 363 voters out of a total of 4003 registered voters (3775 active voters).

Tellers for the meeting were Donald Boyce, Piali De, Hal Korstvedt, Pat Jennings, Maggie Green, and Nick Browse.

Respectively submitted,

Janet A. Vellante
Town Clerk