

## **ANNUAL TOWN MEETING**

**March 28, 2015**

The meeting was called to order in the Bromfield Gym at 9:02 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
Edward Denmark	Police Chief
Linda Dwight	Superintendent of Schools
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Richard Nota	Director of Public Works
William Scanlan	Planner
Richard Sicard	Fire Chief
Debbie Thompson	Director, Council on Aging
Drayton Fair	LLB, Architect

### **ARTICLE 1: ANNUAL REPORTS**

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

(Inserted by Board of Selectmen)

On a motion by Stuart Sklar, 39 Scott 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 2014 Annual Town Report and hear the reports of any other Town committees or boards which have not included a report in said Town Report.

### **ARTICLE 2: CLOSEOUT PREVIOUSLY APPROVED DEBT SERVICE**

To see if the Town will vote to rescind the unused borrowings authorized under a.) Article 22 of the Warrant for the May 1, 2010 Annual Town Meeting for the purchase of a new fire truck in the amount of \$45,000; and b.) Article 27 of the Warrant for the April 28, 2012 Annual Town Meeting for the reconstruction and repair of Littleton County Road (from Old Schoolhouse Road to the Littleton town line) in the amount of \$87,519., or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town rescind the unused borrowings authorized under a.) Article 22 of the Warrant for the May 1, 2010 Annual Town Meeting for the purchase of a new fire truck in the amount of \$45,000; and b.) Article 27 of the Warrant for the April 28, 2012 Annual Town Meeting for the reconstruction and repair of Littleton County Road (from Old Schoolhouse Road to the Littleton town line) in the amount of \$87,519.

### **ARTICLE 3: COMMUNITY PRESERVATION COMMITTEE – EXTEND SUNSET DATE**

To see if the Town will vote to extend the sunset date on Article 27, Restore Bromfield Stone Wall, of the April 2013 Annual Town Meeting from June 30, 2014 to June 30, 2016, or pass any vote or votes in relation thereto.  
(Inserted by Community Preservation Commission)

On a motion by Alice vonLoesecke, 84 Warren Avenue, Finance Committee, and seconded,

Voted unanimously yes that the Town extend the sunset date on Article 27, Restore Bromfield Stone Wall, of the April 2013 Annual Town Meeting, retroactively, from June 30, 2014 to June 30, 2016.

### **ARTICLE 4: FILE CONVERSION – EXTEND SUNSET DATE**

To see if the Town will vote to amend its vote under Article 11, Convert Files, of the Warrant for the April 2015 Annual Town Meeting, by extending the sunset date from June 30, 2015 to June 30, 2016, 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 amend its vote under Article 11, Convert Files, of the Warrant for the April 2014 Annual Town Meeting, by extending the sunset date from June 30, 2015 to June 30, 2016.

### **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 expenses for Fiscal Year 2016, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

On a motion by Alice vonLoesecke, 84 Warren Avenue, Finance Committee, and seconded,

Voted majority yes that the Town appropriate \$22,666,024. to defray the expenses of the Town for Fiscal Year 2016 as printed in the Finance Committee Report on pages 28 through 34, and that said appropriation be provided by raising \$22,490,041. by taxation and transferring \$11,983. from Wetlands Fees; and transferring \$5,000. from interest on Library Trust Funds; by transferring \$159,000. from Ambulance Receipts Reserved for Appropriation Account with unspent funds to be returned to this funding source; and to further appropriate \$190,710. to defray the expenses of the Harvard Wastewater Management District Commission for Fiscal Year 2016, and that said appropriation be provided by transferring \$190,710. from wastewater management system revenues and fund balance reserved for debt in the enterprise fund established for the Town's wastewater management system.

### **ARTICLE 6: RESERVE FUND – FISCAL YEAR 2016**

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 2016, or pass any vote or votes in relation thereto.  
(Inserted by Finance Committee)

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

Voted majority yes that the Town appropriate \$350,000. for the Reserve Fund of the Town for unforeseen and extraordinary expenses for Fiscal Year 2016 and that said appropriation be provided by raising \$350,000. by taxation.

## **ARTICLE 7: BOARD OF SELECTMEN – 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 Department of Public Works, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town raise and appropriate \$10,000. to be expended by the Board of Selectmen, to conduct a Management Audit of the Town's Department of Public Works, with unexpended funds as of June 30, 2016 being returned to their funding source.

## **ARTICLE 8: POLICE – OUTFIT NEW POLICE HIRE**

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 Police Chief, with the approval of the Board of Selectmen, to outfit a new Police Department employee, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town raise and appropriate \$3,000. to be expended by the Police Chief, with the approval of the Board of Selectmen, to outfit a new Police Department employee, with unexpended funds as of June 30, 2016 being returned to their funding source.

## **ARTICLE 9: DPW – ROADSIDE TREE MAINTENANCE**

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 contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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 by taxation and appropriate \$20,000. to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2016 being returned to their funding source.

The following amendment was made by Debbie Ricci, 19 East Bare Hill Road, and seconded,

I move to amend the article by adding the phrase "in coordination with the Tree Warden" after Public Works Director.

The Board of Selectmen did not accept the amendment.

Voted majority yes to amend the article.

Voted majority yes that the Town vote to raise and appropriate \$20,000. to be expended by the Department of Public Works Director, in coordination with the Tree Warden, with the approval of the Board of Selectmen, to

contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2016 being returned to their funding source.

#### **ARTICLE 10: PLANNING BOARD – 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 2016, as an independent contractor, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

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

Voted majority yes that the Town vote to raise by taxation and appropriate \$60,000. to continue the position of Town Planner in Fiscal Year 2016, as an independent contractor, with unexpended funds as of June 30, 2016 being returned to their funding source.

#### **ARTICLE 11: DPW – SCADA SYSTEM UPGRADE (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 Department of Public Works Director, with the approval of the Board of Selectmen, to upgrade the Town's Supervisory Control and Data Acquisition system, for the Town water system, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town vote to raise by taxation and appropriate \$10,058. to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to upgrade the Town's Supervisory Control and Data Acquisition system, for the Town water system, with unexpended funds as of June 30, 2016 being returned to their funding source.

#### **ARTICLE 12: COUNCIL ON AGING – PART-TIME OUTREACH WORKER**

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 Council on Aging Director, with the approval of the Board of Selectmen, to hire a part-time Outreach Worker, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by COA and Board of Selectmen)

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

Voted majority yes that the Town raise by taxation and appropriate \$20,000. to be expended by the Council on Aging Director, with the approval of the Board of Selectmen, to hire a part-time Outreach Worker, with unexpended funds as of June 30, 2016 being returned to their funding source.

#### **ARTICLE 13: BOARD OF SELECTMEN - MUNICIPAL PERMITTING SOFTWARE**

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 purchase new municipal permitting software, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town vote raise by taxation and appropriate \$15,000. to be expended by the Town Administrator, with the approval of the Board of Selectmen, to purchase new municipal permitting software, with unexpended funds as of June 30, 2016 being returned to their funding source.

#### **ARTICLE 14: 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 and the Capital Planning and Investment Committee)

On a motion by Alan Frazer, 157 Bolton Road, Finance Committee and Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town vote to raise by taxation and appropriate \$40,000. to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, into the Capital Stabilization and Investment Fund.

#### **ARTICLE 15: 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 2016, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Planning and Investment Committee)

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

Voted unanimously yes that the Town transfer \$161,889., 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 2016, with unexpended funds as of June 30, 2016 being returned to their funding source.

#### **ARTICLE 16: POLICE DEPARTMENT – UPGRADE POLICE RADIOS**

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 Police Chief, with the approval of the Board of Selectmen, to purchase and install a new ultra high frequency radio system (portable radios, mobile radios, radio console at the Police Station, repeater and antennae), with any unexpended funds as of June 30, 2017 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 Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

Voted greater than 2/3 yes that the Town transfer \$85,000., from the Capital Stabilization and Investment Fund, to be expended by the Police Chief, with the approval of the Board of Selectmen, to purchase and install a new ultra high frequency radio system (portable radios, mobile radios, radio console at the Police Station, repeater and antennae), with any unexpended funds as of June 30, 2017 being returned to their funding source.

**ARTICLE 17: PARK AND RECREATION – REPLACEMENT OF WOODEN SECTION OF TOWN DOCK**

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 Park and Recreation Commission, to replace the wooden section of the town dock, with any unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park and Recreation Commission and Capital Planning and Investment Committee)

On a motion by Steve Gordon, 244 Stow Road, Park and Recreation Commission, and seconded,

Voted greater than 2/3 yes that the Town transfer \$18,000., from the Capital Stabilization and Investment Fund, to be expended by the Park and Recreation Commission, to replace the wooden section of the town dock, with any unexpended funds as of June 30, 2016 being returned to their funding source.

**ARTICLE 18: DEPARTMENT OF PUBLIC WORKS – PURCHASE NEW HEAVY DUTY DUMP 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 Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new heavy duty dump truck, with any unexpended funds as of June 30, 2016 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 Ken Swanton, 14 Fairbank Street, Board of Selectmen and Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer \$175,000., from the Capital Stabilization and Investment Fund, 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, with any unexpended funds as of June 30, 2016 being returned to their funding source.

**ARTICLE 19: DEPARTMENT OF PUBLIC WORKS – FUEL DEPOT 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 Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new fuel depot dispensing system, with unexpended funds as of June 30, 2016 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 Ken Swanton, 14 Fairbank Street, Board of Selectmen and Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer \$19,000., from the Capital Stabilization and Investment Fund, to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new fuel depot dispensing system, with unexpended funds as of June 30, 2016 being returned to their funding source.

**ARTICLE 20: HILDRETH ELEMENTARY SCHOOL – BATHROOM RENOVATION AND REPAIRS**

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 repair bathrooms at the Hildreth Elementary School, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

On a motion by Patty Wenger, 2 Westcott Road, School Department and Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer \$30,000., from the Capital Stabilization and Investment Fund, to be expended by the School Department, with the approval of the School Committee, to renovate and repair bathrooms at the Hildreth Elementary School, with unexpended funds as of June 30, 2017 being returned to their funding source.

#### **ARTICLE 21: SCHOOL DEPARTMENT – NEW VOIP PHONE SYSTEM FOR SCHOOL DEPARTMENT**

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 Superintendent, with the approval of the School Committee, to purchase a new voice over internet protocol phone system for the entire School Department, with any unexpended funds as of June 30, 2017 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 Patty Wenger, 2 Westcott Road, School Department and Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer \$100,000., from the Capital Stabilization and Investment Fund, to be expended by the School Superintendent, with the approval of the School Committee, to purchase a new voice over internet protocol phone system for the entire School Department, with any unexpended funds as of June 30, 2017 being returned to their funding source.

#### **ARTICLE 22: COUNCIL ON AGING – HILDRETH HOUSE ACCESSIBILITY, SAFETY and SITE IMPROVEMENTS**

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 Council On Aging, with the approval of the Board of Selectmen, to make accessibility, safety and site improvements to the Hildreth House, the space used by the Senior Center and Council on Aging staff, and to determine whether such appropriation shall be provided by a borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44, contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot question at the April 2015 Annual Town Election, or pass any vote or votes in relation thereto.  
(Inserted by Council on Aging, Board of Selectmen and Capital Planning and Investment Committee)

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

Voted greater than 2/3 yes that the Town appropriate \$1,360,000. to be expended by the Council On Aging, with the approval of the Board of Selectmen, to make accessibility, safety and site improvements to the Hildreth House, the space used by the Senior Center and Council on Aging staff; and provide for said appropriation by a.) transferring the remaining funds from Community Development Block Grant Account, at the time of closing the account; and b.) authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow up to \$1,241,000. pursuant to the provisions of Massachusetts General Laws Chapter 44, contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot question under Massachusetts General Laws Chapter 59, Section 21C(k) at the April 2015 Annual Town Election.

#### **ARTICLE 23: THE BROMFIELD SCHOOL – INSTALL AIR-EXCHANGE SYSTEM in SCIENCE LABS**

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 install an air-exchange system in the science labs at the Bromfield School, contingent upon the passage of a Proposition Two and One-Half capital outlay expenditure exclusion under Massachusetts General Laws Chapter 59, Section 21C(i½) ballot

question at the April 2015 Annual Town Election, with any unexpended funds as of June 30, 2017 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 Patricia Wenger, 2 Westcott Road, School Committee and Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town appropriate \$315,000. to be expended by the School Department, with the approval of the School Committee, to install an air-exchange system in the science labs at the Bromfield School; and provide for said appropriation by raising \$130,000. by taxation, contingent upon the passage of a Proposition Two and One-Half capital outlay expenditure exclusion ballot question under Massachusetts General Laws Chapter 59, Section 21C(i½) ballot question at the April 2015 Annual Town Election, with any unexpended funds as of June 30, 2017 being returned to their funding source.

#### **ARTICLE 24: FIRE DEPARTMENT – TANKER 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 Tanker Truck to replace the Tanker Truck purchased in 1989, contingent upon the passage of a Proposition Two and One-Half Debt Exclusion ballot question at the Annual Town Election to be held in April 2015, or pass any vote or votes in relation thereto.

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

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

Voted greater than 2/3 yes that the Town appropriate \$350,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new Tanker Truck and equipment to replace the Tanker Truck purchased in 1989; and provide for said appropriation by authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$350,000. pursuant to the provisions of Massachusetts General Laws Chapter 44, contingent upon the passage of a Proposition Two and One-Half Debt Exclusion ballot question under Massachusetts General Laws Chapter 59, § 21C(k) at the Annual Town Election to be held in April 2015.

#### **ARTICLE 25: FIRE DEPARTMENT – PUMPER 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 Pumper Truck to replace the broken Pumper Truck purchased in 1999, with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Ken Swanton, 14 Fairbank Street, Board of Selectmen and Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town transfer \$515,000., from the Capital Stabilization and Investment Fund, to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new Pumper Truck and equipment to replace the broken Pumper Truck purchased in 1999, with any unexpended funds as of June 30, 2017 being returned to their funding source.

#### **ARTICLE 26: 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 2016 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)



On a motion by Didi Chadran, 206 Stow, 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 2016 Community Preservation Budget.

#### **ARTICLE 27: COMMUNITY PRESERVATION FUNDS – TRANSFERS**

To see if the Town will vote to transfer the sum of \$26,100 from the Community Preservation Fund unspecified reserves to the Community Preservation Fund Historic Reserves, or pass any vote or votes in relation thereto.  
(Inserted by Community Preservation Committee)

The following motion was made by Beth Williams, 3 Granite View Lane, Community Preservation Committee and seconded,

I move that the Town transfer \$26,100. from Community Preservation Fund unspecified reserves to Community Preservation Fund Historic Reserves.

The following amendment was made by Didi Chadran and seconded,

I move that the Town transfer \$26,100. from FY16 Community Preservation Committee revenues to Community Preservation Fund Historic Reserves.

Voted unanimously yes that the Town transfer \$26,100. from FY16 Community Preservation Committee revenues to Community Preservation Fund Historic Reserves.

#### **ARTICLE 28: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

To see if the Town will vote to appropriate and transfer \$26,100 from Fiscal 2016 Community Preservation Revenues, to be placed in the Municipal Affordable Housing Trust Fund, or pass any vote or votes in relation thereto.

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

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

Voted majority yes that the Town appropriate and transfer from Fiscal Year 2016 Community Preservation Revenues \$26,100. to be placed in the Harvard Municipal Affordable Housing Trust Fund.

#### **ARTICLE 29: CONSERVATION COMMISSION – INVASIVE PLANT MANAGEMENT**

To see if the Town will vote to appropriate and transfer from Fiscal 2016 Community Preservation Revenues the sum of \$26,100, to be expended by the Conservation Commission for the purpose of controlling invasive plants on conservation land, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission and Community Preservation Committee)

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

Voted majority yes that the Town appropriate and transfer from Fiscal Year 2016 Community Preservation Revenues \$26,100. to be expended by the Conservation Commission for the purpose of controlling invasive plants on conservation land, with unexpended funds as of June 30, 2018 being returned to their funding source.

#### **ARTICLE 30: HARVARD PARK TRUST – HARVARD PARK CROSS COUNTRY TRAIL**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund unspecified reserves the sum of \$75,000., to be expended by the Harvard Park and Recreation Commission for the construction of a cross country trail starting and ending at the playground located at Harvard Park, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

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

Voted majority yes that the Town appropriate and transfer from Community Preservation Fund unspecified reserves \$75,000. to be expended by the Harvard Park and Recreation Commission for the construction of a cross country trail starting and ending at the playground located at Harvard Park, with unexpended funds as of June 30, 2017 being returned to their funding source.

### **ARTICLE 31: COMMUNITY PRESERVATION COMMITTEE – ADMINISTRATIVE EXPENSES**

To see if the Town will vote to appropriate and transfer from Fiscal 2016 Community Preservation Revenues 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, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

On a motion by Beth Williams, 3 Granite View Lane, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal 2016 Community Preservation Revenues \$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, 2016 being returned to their funding source.

### **ARTICLE 32: 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 2016;

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 2016;

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 \$150,000. in Fiscal Year 2016;; and

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 2016,

or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

The following motion was made by Alice vonLoesecke, 84 Warren Avenue, Finance Committee, and seconded,

I move that the Town continue the revolving fund accounts for purposes and with the expenditure and revenue limitations as printed on Page 40 of the Warrant and Finance Committee Report for the 2015 Annual Town Meeting.

Voted unanimously yes that the Town:

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 2016;

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 2016;

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 \$150,000. in Fiscal Year 2016;; and

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 2016.

### **ARTICLE 33: APPLICANT FEE REVOLVING FUND**

To see if the Town will vote to establish a new revolving fund account as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used 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 2016, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

Voted majority yes that the Town vote to establish an Applicant Fee revolving fund account as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used 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 2016.

### **ARTICLE 34: ESTABLISHMENT OF A TAX TITLE REVOLVING FUND**

To see if the Town will vote to accept the provisions of Chapter 390 of the Acts of 2014 to establish a tax title collection revolving fund.

(Inserted by Board of Selectmen)

On a motion by Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

Voted majority yes that the Town vote to accept the provisions of Chapter 390 of the Acts of 2014 to establish a tax title collection revolving fund.

### **ARTICLE 35: ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 44, SECTION 53F3/4 - PEG ACCESS and CABLE RELATED FUND**

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 44, Section 53F¾ in order to establish a separate revenue account to be known as the "PEG Access and Cable Related Fund", into which will be deposited funds received in connection with a franchise agreement between the Town's cable operator and the Town and from which monies shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitoring compliance of the cable operator with the franchise agreement; or (iii) preparing for renewal of the franchise license, or pass and vote or votes in relation thereto.

(Inserted by the Board of Selectmen)

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

Voted unanimously yes that the Town vote to accept the provisions of Massachusetts General Law Chapter 44, Section 53F¾ in order to establish a separate revenue account to be known as the “PEG Access and Cable Related Fund”, into which will be deposited funds received in connection with a franchise agreement between the Town’s cable operator and the Town and from which monies shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitoring compliance of the cable operator with the franchise agreement; or (iii) preparing for renewal of the franchise license.

#### **ARTICLE 36: AUTHORIZATION FOR AN EMPLOYMENT CONTRACT FOR THE DPW DIRECTOR**

To see if the Town will vote to authorize the Board of Selectmen to enter into and execute a written employment contract with the individual that holds the position of Department of Public Works Director, which contract may contain terms and conditions including, but not limited to term of appointment, salary, fringe benefits, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and for leave, but shall not grant tenure to said officer, or pass any vote or votes in relation thereto. (Inserted by Board of Selectmen)

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

Voted unanimously yes that the Town vote to authorize the Board of Selectmen to enter into and execute a written employment contract with the individual that holds the position of Department of Public Works Director, which contract may contain terms and conditions including, but not limited to term of appointment, salary, fringe benefits, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and for leave, but shall not grant tenure to said officer.

#### **ARTICLE 37: RATIFY AND FUND POLICE UNION CONTRACT**

To see if the Town will vote to ratify the Police Union Collective Bargaining Agreement and to fund this agreement by raising and appropriating, borrowing or transferring from available funds, a sum of money, to be added to the appropriate line(s) of Article 7 of the March 1, 2014 Annual Town Meeting Warrant in order to fund the collective bargaining agreement, or pass any vote or votes in relation thereto. (Inserted by Board of Selectmen)

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

Voted unanimously yes that the Town a.) ratify the Police Union Collective Bargaining Agreement relative to Fiscal Years 2014 through 2106; b.) appropriate \$27,200. to be added to the appropriate line(s) of Article 7 of the Warrant for the March 1, 2014 Annual Town Meeting Warrant in order to fund the collective bargaining agreement; and c.) provide for said appropriation by transferring \$27,200. from the Stabilization Fund.

#### **ARTICLE 38: AMEND HISTORIC DISTRICTS BYLAW TO CHANGE TO DIGITAL FORMAT MAPS**

To see if the Town will vote to amend Chapter 48 of the Code of the Town of Harvard by making the following revisions relative to Historic District Maps, or pass any vote or votes in relation thereto:

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

“48-3 Historic District Maps (printed separately).

A. Plan of Shaker Village Historic District — Revision ~~BC~~.  
[Amended 3-30-1974 STM Art. 1]

B. Plan of Harvard Common Historic District — Revision ~~ED~~.  
[Amended 3-29-1975 ATM, Art. 21; 6-28-1976 STM, Art. 6]”  
(Inserted by Historical Commission)

On a motion by Pamela Marston, 47 Madigan Lane, Historical Commission, and seconded,

Voted greater than 2/3 yes that the Town amend Chapter 48 of the Code of the Town of Harvard by making the following revisions relative to Historic District Maps, or pass any vote or votes in relation thereto:

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

“48-3 Historic District Maps (printed separately).

A. Plan of Shaker Village Historic District — Revision ~~BC~~.  
[Amended 3-30-1974 STM Art. 1]

B. Plan of Harvard Common Historic District — Revision ~~ED~~.  
[Amended 3-29-1975 ATM, Art. 21; 6-28-1976 STM, Art. 6]”

*Approved by the Attorney General on July 27, 2015.*

#### **ARTICLE 39: AMEND THE CODE OF HARVARD – CHAPTER 13: BARE HILL POND**

To see if the Town will vote to amend the Code of Harvard, Chapter 13: Bare Hill Pond, by adding the following new section 13-9:

.

The violation of any permit conditions established by the town’s appointed Harbormaster shall be punishable by fines established by the Board of Selectmen in accordance with this bylaw. Any such fines so levied shall not preclude revocation of any permit issued by the Harbormaster for such violations.”;

and to renumber the existing § 13-9, Effect of partial invalidity, as § 13-10, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

I move that the Town amend the Code of Harvard, Chapter 13: Bare Hill Pond, by adding thereto a new section 13-9:

“§ 13-9 Harbormaster Permit Conditions" as printed on Page 42 of the Warrant and Finance Committee Report for the 2015 Annual Town Meeting and by renumbering the existing § 13-9, Effect of partial invalidity, as § 13-10.

Voted majority yes that the Town amend the Code of Harvard, Chapter 13: Bare Hill Pond, by adding the following new section 13-9:

The violation of any permit conditions established by the town's appointed Harbormaster shall be punishable by fines established by the Board of Selectmen in accordance with this bylaw. Any such fines so levied shall not preclude revocation of any permit issued by the Harbormaster for such violations.”;

and to renumber the existing § 13-9, Effect of partial invalidity, as § 13-10.

*Approved by the Attorney General on July 27, 2015, and effective on posting date of July 29, 2015.*

#### **ARTICLE 40: NON-EXCLUSIVE UTILITY EASEMENT**

To see if the Town will vote to authorize the Board of Selectmen to a.) transfer the care, custody, management and control of an easement area on Still River Road containing 1,375 square feet and shown as “Proposed Utility Easement” on a plan entitled “Easement Plan in Harvard Massachusetts” dated December 9, 2014, prepared by Ducharme & Dillis Civil Design Group, Inc., a copy of which plan is on file in the Office of the Town Clerk, from the Board of Selectmen for highway purposes to the Board of Selectmen for the purpose of granting a nonexclusive utility easement to St. Benedict Center; and b.) grant a nonexclusive utility easement to St. Benedict Center in, on and under said easement area for the installation, repair, maintenance, improvement and replacement of subsurface utilities, or pass any 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 authorize the Board of Selectmen to a.) transfer the care, custody, management and control of an easement area on Still River Road containing 1,375 square feet and shown as “Proposed Utility Easement” on a plan entitled “Easement Plan in Harvard Massachusetts” dated December 9, 2014, prepared by Ducharme & Dillis Civil Design Group, Inc., a copy of which plan is on file in the Office of the Town Clerk, from the Board of Selectmen for highway purposes to the Board of Selectmen for the purpose of granting a nonexclusive utility easement to St. Benedict Center; and b.) grant a nonexclusive utility easement to St. Benedict Center in, on and under said easement area for the installation, repair, maintenance, improvement and replacement of subsurface utilities

#### **ARTICLE 41: AMEND CHAPTER 78. PERSONNEL of the CODE of HARVARD**

To see if the Town will vote to amend the Code of Harvard, Chapter 78. Personnel, section 78-3. Personnel Board, sub-section A. (1) by deleting the following in its entirety

“(1)

The Board of Selectmen shall appoint a Personnel Board consisting of any five registered voters of the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee or official not a member of the School Department or covered by any collective bargaining agreement, and one member of the Finance Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.”,

and replacing it with the following:

“(1)

The Board of Selectmen shall appoint a Personnel Board consisting of five members; four of whom must be registered voters of the Town and an employee representative, who does not have to be a registered voter of the Town or live within the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee not a member of the School Department or covered by any collective bargaining agreement, and one member of the Finance Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.”,

or take any votes or votes in relation thereto.  
(Inserted by Personnel Board and Board of Selectmen)

The following motion was made by Stuart Sklar, 39 Scott Road, Board of Selectmen, and seconded,

I move that the Town will amend the Code of Harvard, Chapter 78. Personnel, section 78-3. Personnel Board, by deleting therefrom sub-section A. (1) in its entirety and replacing said sub-section with the new sub-section A. (1) as printed on Page 43 of the Warrant and Finance Committee Report for the 2015 Annual Town Meeting.

Voted majority yes that the Town amend the Code of Harvard, Chapter 78. Personnel, section 78-3. Personnel Board, sub-section A. (1) by deleting the following in its entirety

“(1)

The Board of Selectmen shall appoint a Personnel Board consisting of any five registered voters of the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee or official not a member of the School Department or covered by any collective bargaining agreement, and one member of the Finance Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.”,

and replacing it with the following:

“(1)

The Board of Selectmen shall appoint a Personnel Board consisting of five members; four of whom must be registered voters of the Town and an employee representative, who does not have to be a registered voter of the Town or live within the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee not a member of the School Department or covered by any collective bargaining agreement, and one member of the Finance Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.”,

## **ARTICLE 42: AMEND ZONING MAP**

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by adopting the amended Zoning Map to correct an error that was made to the local Historic Districts when the map was approved by the 2010 Annual Town Meeting , and by adding thereto the Solar Photovoltaic Overlay District, which was approved by the 2010 Special Town Meeting , which amended Zoning Map is on file on the Office of the Town Clerk, or take any votes or votes in relation thereto.

(Inserted by Planning Board)

On a motion by Kara Minar, 204 Still River 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 adopting the amended Zoning Map to correct an error that was made to the local Historic Districts when the map was approved by the 2010 Annual Town Meeting , and by adding thereto the Solar Photovoltaic Overlay District, which was approved by the 2010 Special Town Meeting, which amended Zoning Map is on file on the Office of the Town Clerk and is shown on the handout of the reduced version of the amended map, entitled § 125-42 Harvard Zoning Map, to be available as a handout at the ATM.

The Planning Board recommended this article unanimously.

*Approved by the Attorney General on July 27, 2015.*

## **ARTICLE 43: AMEND PROTECTIVE BYLAW 125 REGARDING ADULT ENTERTAINMENT**

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 thereto relative to Adult Entertainment, or take any votes or votes in relation thereto:

1) By adding to §125-2, Definitions, by adding new definitions for Adult Entertainment Uses, as follows:

Adult Bookstore – an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Adult Motion Picture Theatre – an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Adult Paraphernalia Store – an establishment having as a substantial or significant portion of its stock devices, objects, tools, toys or other matter which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Adult Video Store – an establishment having as a substantial or significant portion of its stock in trade, videos, any visual material, movies, digital media, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Establishment which Displays Live Nudity for its Patrons – any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in M.G.L. Ch. 272, § 31.

2) By adding to, §125-14, Large Scale Commercial Uses, by adding a new subsection H, Adult Entertainment, which uses will require a special permit from the Planning Board in the C District, as follows:

### **H. Adult Entertainment Uses:**

- (1) Purpose. This by-law is enacted pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interest of preventing the clustering and concentration of adult entertainment enterprises as defined herein because of their deleterious effect on adjacent areas and in response to studies demonstrating their effect in generating crime and blight.
- (2) Special Permit Criteria. In the C district, the Planning Board shall grant a special permit for an Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theatre, or Establishment which Displays Live Nudity for its Patrons unless the Board finds that :
  - a. The adult use would adversely affect the public health, safety or welfare.
  - b. The adult use would have severe traffic safety or congestion impacts that cannot be remedied without severe disruption to the neighborhood.
  - c. Sound produced by music, loudspeakers, or patrons would be discernible by the public beyond the walls of the premises.
  - d. Sign content identifies only the name of the establishment and contains no advertisement for activities within.
- (3) Standards. The adult use shall conform to the site plan standards in §125-38 and the following requirements:
  - (a) No such use may be located within five hundred feet (500') of a property in residential use, two hundred feet (200') of the Commercial district boundary, four hundred feet (400') of Ayer Road, or five hundred feet (500') of a school, church, child care facility, park, playground or another Adult Entertainment Use.
  - (b) No Special Permit shall be issued to any person convicted of violating the provisions of M.G.L. Ch. 119, § 63 or M.G.L. 272, § 28.
  - (c) No store which rents and/or sells videos shall have any adult videos openly displayed in the same



public viewing area as non-adult videos. Said adult videos shall be displayed in a separate room from the non-adult videos, which is to be constructed to prevent the view of adult video stock by the general public unless they enter the room itself. Said enclosure shall have only one entrance and be located to ensure proper monitoring.

- (d) No pictures, publications, videotapes, movies, covers, or other implements, items, or advertising that fall within the definition of adult entertainment enterprise merchandise or are erotic, prurient, or related to violence, sadism, or sexual exploitation shall be displayed in the windows of, or on the building of any adult entertainment enterprise, or be visible to the public from pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such establishments.

(Inserted by Planning Board)

The following motion was made by Kara Minar, 204 Still River 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 making the revisions thereto relative to Adult Entertainment as printed on Pages 43 and 44 of the Warrant and Finance Committee Report for the 2015 Annual Town Meeting, except that in §125-14, sub-section H (3) (b), line 2, of said revised bylaw "Ch." shall be inserted between "M.G.L." and "272".

Voted greater than 2/3 yes that the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by making the following revisions thereto relative to Adult Entertainment, or take any votes or votes in relation thereto:

- 1) By adding to §125-2, Definitions, by adding new definitions for Adult Entertainment Uses, as follows:

Adult Bookstore – an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Adult Motion Picture Theatre – an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Adult Paraphernalia Store – an establishment having as a substantial or significant portion of its stock devices, objects, tools, toys or other matter which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Adult Video Store – an establishment having as a substantial or significant portion of its stock in trade, videos, any visual material, movies, digital media, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, § 31.

Establishment which Displays Live Nudity for its Patrons – any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in M.G.L. Ch. 272, § 31.

- 2) By adding to, §125-14, Large Scale Commercial Uses, by adding a new subsection H, Adult Entertainment, which uses will require a special permit from the Planning Board in the C District, as follows:

H. Adult Entertainment Uses:

(1) Purpose. This by-law is enacted pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interest of preventing the clustering and concentration of adult entertainment enterprises as defined herein because of their deleterious effect on adjacent areas and in response to studies demonstrating their effect in generating crime and blight.

(2) Special Permit Criteria. In the C district, the Planning Board shall grant a special permit for an Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theatre, or Establishment which Displays Live Nudity for its Patrons unless the Board finds that :

- a. The adult use would adversely affect the public health, safety or welfare.
- b. The adult use would have severe traffic safety or congestion impacts that cannot be remedied without

severe disruption to the neighborhood.

- c. Sound produced by music, loudspeakers, or patrons would be discernible by the public beyond the walls of the premises.
- d. Sign content identifies only the name of the establishment and contains no advertisement for activities within.

(3) Standards. The adult use shall conform to the site plan standards in §125-38 and the following requirements:

- (a) No such use may be located within five hundred feet (500') of a property in residential use, two hundred feet (200') of the Commercial district boundary, four hundred feet (400') of Ayer Road, or five hundred feet (500') of a school, church, child care facility, park, playground or another Adult Entertainment Use.
- (b) No Special Permit shall be issued to any person convicted of violating the provisions of M.G.L. Ch. 119, § 63 or M.G.L. Ch. 272, § 28.
- (c) No store which rents and/or sells videos shall have any adult videos openly displayed in the same public viewing area as non-adult videos. Said adult videos shall be displayed in a separate room from the non-adult videos, which is to be constructed to prevent the view of adult video stock by the general public unless they enter the room itself. Said enclosure shall have only one entrance and be located to ensure proper monitoring.
- (d) No pictures, publications, videotapes, movies, covers, or other implements, items, or advertising that fall within the definition of adult entertainment enterprise merchandise or are erotic, prurient, or related to violence, sadism, or sexual exploitation shall be displayed in the windows of, or on the building of any adult entertainment enterprise, or be visible to the public from pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such establishments.

The Planning Board recommended this article unanimously.

*Approved by the Attorney General on July 27, 2015.*

#### **ARTICLE 44: AMEND PROTECTIVE BYLAW 125-2 DEFINITIONS**

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 thereto relative, 125-2 Definitions, or pass any vote or votes in relation thereto:

**Building Area** – The area included within surrounding exterior walls exclusive of vent shafts and courts. Interior firewalls shall not be used to determine building area.

**Grocery Store** – An establishment where at least 70% of the gross floor area is devoted to the sale of food products for home preparation and consumption.

The following motion was made by Kara Minar, 204 Still River 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 to 125-2 Definitions, in alphabetical order with the other terms defined therein, the definitions of the terms "Building" and "Grocery Store" as printed on Page 44 of the Warrant and Finance Committee Report for the 2015 Annual Town Meeting.

The following amendment was made by Duncan Chapman, 131 Littleton Road, and seconded,

I move that the Town amend the motion as follows:

. Building area - The area included within surrounding exterior walls exclusive of vent shafts and courts. Interior firewalls shall not be used to determine building area. For purposes of limiting a building size to 15,000 sq ft By-

Right per floor and that the area can be increased by special permit to 30,000 sq ft per floor.

Town Counsel stated that the amendment was not within the scope of the article.

A motion by Ronald Ricci, 19 East Bare Hill Road, to pull the wording about buildings, was seconded, but voted majority no to amend.

A motion by Kara Minar to amend the motion as made under Article 44 as follows: read the green sheet, was seconded.

Voted greater than 2/3rds yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by making the following revisions thereto relative, 125-2 Definitions, or pass any vote or votes in relation thereto:

Building – The area included within surrounding exterior walls exclusive of vent shafts and courts. Interior firewalls shall not be used to determine building area.

Grocery Store – An establishment where at least 70% of the gross sales floor area is devoted to the sale of food products for home preparation and consumption.

The Planning Board recommended this article unanimously.

*Approved by the Attorney General on July 27, 2015.*

#### **ARTICLE 45: ZONING BYLAW AMENDMENT - NONRESIDENTIAL DRIVEWAY STANDARDS**

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by revising Section 125-39B (5)(a)[2] thereof regarding Nonresidential Driveway Standards by deleting the text shown in strikethrough font and adding a new subsection [d] shown in italics as follows:

[2] Proponents of developments that will generate five hundred (500) or more trips per day (Average Daily Traffic) based on the most recent Trip Generation Manual of the Institute of Transportation Engineers shall prepare a traffic impact study. A professional transportation engineer shall prepare the study, which shall document:

[a] total and peak hour trip generation,

[b] existing and proposed levels of service of the roadway providing access to the site, ~~and~~

[c] projected conditions at the access points to the development; *and*

~~The study shall include recommendations whether separate right and/or left turning lanes are advisable to facilitate entry and exit from the site.~~

[d] *mitigation measures that could be taken to reduce the impacts of the proposed project and their estimated cost. These should include capacity enhancements such as added turn lanes, signalization, and improvements to intersections and medians. The traffic study shall make specific proposals for mitigation measures to be implemented by the applicant. The potential for driveway connections to neighboring lots must be explored. The study should take into account those improvements that are planned and/or currently implemented by the Town or the State, and any proposed improvements must be consistent with the Town's Master Plan.,*

or take any votes or votes in relation thereto  
(Inserted by Planning Board)

The following motion was made by Kara Minar, 204 Still River 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 revising Section 125-39B (5)(a)[2] thereof regarding Nonresidential Driveway Standards by deleting the text shown in strikethrough font and adding a new subsection [d] shown in italics on Page 45 of the Warrant and Finance Committee Report for the 2015 Annual Town Meeting.

The motion was withdrawn and re-moved "as printed on the yellow sheet", and seconded.

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

I move that the Town amend Article 45 by striking out the phrase "and any proposed improvements must be consistent with the Town's Master Plan."

The amendment was voted majority yes.

Voted greater than 2/3rds yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by revising Section 125-39B (5)(a)[2] thereof regarding Nonresidential Driveway Standards by deleting the text shown in strikethrough font and adding a new subsection [d] shown in italics as follows:

[2] Applicants proposing developments that will generate five hundred (500) or more trips per day (Average Daily Traffic) based on the most recent Trip Generation Manual of the Institute of Transportation Engineers shall prepare a traffic impact study. A professional transportation engineer shall prepare the study, which shall document:

[a] total and peak hour trip generation,

[b] existing and proposed levels of service of the roadway providing access to the site, ~~and~~

[c] projected conditions at the access points to the development; *and*

[d] mitigation measures that could be taken to reduce the impacts of the proposed project and their estimated cost. These should include capacity enhancements such as added turn lanes, signalization, and improvements to intersections and medians. The traffic study shall make specific proposals for mitigation measures to be implemented by the applicant. The potential for driveway connections to neighboring lots must be explored. The study should take into account those improvements that are planned and/or currently implemented by the Town or the State.

The Planning Board recommended this article unanimously.

*Approved by the Attorney General on July 27, 2015.*

#### **ARTICLE 46: WILLARD CONSERVATION LAND ACQUISITION**

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain by agreement or otherwise, for open space purposes, to be held in care, custody, management and control of the Conservation Commission, the parcel of land containing approximately 48.5 acres of land located on Willard Lane in the Still River section of Harvard, Massachusetts described in the deed recorded with the Worcester South District Registry of Deeds in Book 4196, Page 588 and shown as "Parcel 1" on the plan recorded with said Registry of Deeds in Plan Book 403, Plan 89; (b) authorize the Conservation Commission, in connection with the acquisition of said parcel of land, to grant a permanent conservation restriction on said parcel of land to a nonprofit organization, charitable corporation or foundation selected by the Commission; and (c) appropriate the sum of \$1.00 for the acquisition of said parcel of land, or pass any vote or votes in relation thereto.  
(Inserted by Board of Selectmen)

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

Voted greater than 2/3 yes that the Town (a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain by agreement or otherwise, for open space purposes, to be held in care, custody, management and control of the Conservation Commission, the parcel of land containing approximately 48.5 acres of land located on Willard Lane in the Still River section of Harvard, Massachusetts described in the deed recorded with the Worcester South District Registry of Deeds in Book 4196, Page 588 and shown as "Parcel 1" on the plan recorded with said Registry of Deeds in Plan Book 403, Plan 89; (b) authorize the Conservation Commission, in connection with the acquisition of said parcel of land, to grant a permanent conservation restriction on said parcel of land to a nonprofit organization, charitable corporation or foundation selected by the Commission; and (c) raise by taxation and appropriate the sum of \$1.00 for the acquisition of said parcel of land.

#### **ARTICLE 47: LAWTON CONSERVATION LAND ACQUISITION**

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain by agreement or otherwise, for open space purposes, to be held in care, custody, management and control of the Conservation Commission, the parcel of vacant land containing approximately 3.81 acres of located off Old Littleton Road in the Town of Harvard, Worcester County, Massachusetts, shown as Parcel A on an unrecorded plan filed in the Office of the Town Clerk entitled "Plan of Land in Harvard, Mass. Owned by Trustees of the Harvard Conservation Trust" dated November, 2014, prepared by David E. Ross Associates, Inc., which parcel of land is a portion of the property described in the deed recorded with the Worcester South District Registry of Deeds in Book 26607, Page 8; (b) authorize the Conservation Commission, in connection with the acquisition of said parcel of land, to agree to the express reservation of or to grant a permanent conservation restriction on said parcel of land to be held by a nonprofit organization, charitable corporation or foundation selected by the Commission; and (c) appropriate the sum of \$1.00 for the acquisition of said parcel of land, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted greater than 2/3 yes that the Town (a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain by agreement or otherwise, for open space purposes, to be held in care, custody, management and control of the Conservation Commission, the parcel of vacant land containing approximately 3.81 acres located off Old Littleton Road in the Town of Harvard, Worcester County, Massachusetts, shown as Parcel A on an unrecorded plan filed in the Office of the Town Clerk entitled "Plan of Land in Harvard, Mass. Owned by Trustees of the Harvard Conservation Trust" dated November, 2014, prepared by David E. Ross Associates, Inc., which parcel of land is a portion of the property described in the deed recorded with the Worcester South District Registry of Deeds in Book 26607, Page 8; (b) authorize the Conservation Commission, in connection with the acquisition of said parcel of land, to agree to the express reservation of or to grant a permanent conservation restriction on said parcel of land to be held by a nonprofit organization, charitable corporation or foundation selected by the Commission; and (c) raise by taxation and appropriate the sum of \$1.00 for the acquisition of said parcel of land.

#### **ARTICLE 48: TOWN CENTER SEWER DISTRICT EXPANSION**

To see if the Town will vote to a.) extend the Harvard Wastewater Management Service Area boundaries, which existing boundaries are shown on a plan entitled "Proposed Sewer Service Plan, Town of Harvard, Mass. prepared for Town of Harvard", dated November 19, 2008, and revised on March 30, 2009, prepared by Norfolk Ram in association with Weston & Sampson by adding to said service area the areas of land shown on the plan entitled [insert title, date and preparer of plan], which plans are on file in the Office of the Harvard Town Clerk; and b.) appropriate, and authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow pursuant to Massachusetts General Laws Chapter 44, Sections 7 and 8, or any other enabling authority, a sum of money to be expended by the Harvard Sewer and Water Commission for the costs of the design and construction of a sewer system to serve said expanded service area, which costs shall be recovered by betterment assessments on the benefited properties, or pass any vote or votes in relation thereto.

(Inserted by Sewer District Commissioners, Board of Health and Conservation Commission)

On a motion by Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town take no action on this 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, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

On a motion by Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

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

#### **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 Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

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

During the lunch break, the meeting acknowledged Charles Gorss as Citizen of Note.

The meeting was dissolved at 1:49 PM.

Checkers for the meeting were Mary Jarvis, Marylin Morgan, Lisa Dagdigian, Jane Venditti, Paul Green and Abbe Alpert. They checked in 270 voters out of a total of 3848 registered voters.

Respectfully submitted,

Janet A. Vellante  
Town Clerk