

ANNUAL TOWN MEETING

April 6, 2013

The meeting was called to order in the Bromfield Gym at 9:05 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
Joseph Connelly	Interim Superintendent of Schools
Edward Denmark	Police Chief
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Richard Nota	Director of Public Works
Richard Sicard	Fire Chief
Debbie Thompson	Director, Council on Aging
Mark Force	School Facilities Manager
Steven Sharek	Monty Tech, Superintendent
Tammy Lajoie	Monty Tech Business Manager

On a motion by Bill Johnson, 72 Warren Avenue, Board of Selectmen, and seconded,
Voted unanimously yes that the Town take Article 43 out of sequence and act on it immediately before Article 10.

On a motion by Tim Clark, 114 Bolton Road, Board of Selectmen, and seconded,
Voted unanimously yes that the Town take Article 42 out of sequence and act on it immediately after Articles 43 and 10.

On a motion by Tim Clark, 114 Bolton Road, Board of Selectmen, and seconded,
Voted unanimously yes that the Town take up Articles 10 and 43 concurrently and consolidate debate on the two articles.

On a motion by Joann Sueltenfuss, 21 Blanchard Road, and seconded,
Voted majority yes that the Town take Article 41 out of sequence and act on it immediately after Article 5.

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 Lucy Wallace, 18 Orchard Hill, 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 2012 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: PAY BILLS OF PRIOR FISCAL YEARS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds sums of money to pay bills of Fiscal Year 2011 and Fiscal Year 2012, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town transfer from Fiscal Year 2012 Certified Free Cash a.) \$265. to pay the outstanding bill of Fiscal Year 2011 of the Board of Health; and b.) \$14,316 to pay an outstanding bill of Fiscal Year 2012 of the Department of Public Works.

ARTICLE 3: FINANCE DEPARTMENT – TRANSFER OF INTEREST TO PRINCIPAL

To see if the Town will vote to amend the Fiscal 2013 budget, as voted under Article 4 of the Warrant for the April 28, 2012 Annual Town Meeting, by transferring a sum of money from the Excluded Debt Interest appropriation to the Excluded Debt Principal appropriation, or pass any vote or votes in relation thereto.

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

Voted majority yes that the Town amend the Fiscal 2013 budget, as voted under Article 4 of the Warrant for the April 28, 2012 Annual Town Meeting, by transferring \$60,000. from the Excluded Debt Interest appropriation to the Excluded Debt Principal appropriation in said budget.

ARTICLE 4: FISCAL YEAR 2012 CERTIFIED FREE CASH

To see if the Town will vote to transfer a sum of money from Fiscal Year 2012 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town transfer \$109,423. from Fiscal Year 2012 Certified Free Cash to the Capital Stabilization and Investment Fund.

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 2014, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate \$ 21,279,523. to defray the expenses of the Town for Fiscal Year 2014 as printed in the Finance Committee Report on pages 30 through 35, and that said appropriation be provided by raising \$21,268,005. by taxation and transferring \$11,518. from Wetlands Fees; and appropriate \$150,000. to defray the expenses of the Harvard Wastewater Management District Commission for Fiscal Year 2014, and that said appropriation be provided by transferring \$150,000. from wastewater management system revenues in the enterprise fund established for the Town's wastewater management system.

(Article 41 taken out of order before article 6)

ARTICLE 6: RESERVE FUND – FISCAL YEAR 2014

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 2014, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate \$400,000. for the Reserve Fund of the Town for unforeseen and extraordinary expenses for Fiscal Year 2014 and that said appropriation be provided by raising \$400,000. by taxation.

ARTICLE 7: FIRE DEPARTMENT – FIRE BRACKETS

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase Fire Brackets and install them on and in fire vehicles so as to allow faster and easier access to equipment during an emergency, with unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Ron Ricci, 39 East Bare Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town appropriate \$5,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase Fire Brackets and install them on and in fire vehicles so as to allow faster and easier access to equipment during an emergency, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by raising \$5,000. by taxation.

ARTICLE 8: TOWN CLERK – BALLOT BOX REPLACEMENT

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 Town Clerk, to purchase a new ballot box, with unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Janet Vellante, 83 Ann Lees Road, Town Clerk, and seconded,

Voted unanimously yes that the Town appropriate \$8,000. to be expended by the Town Clerk, to purchase a new ballot box, with unexpended funds as of June 30, 2015 being returned to their funding source, and that said appropriation be provided by raising \$8,000. by taxation.

ARTICLE 9: THE BROMFIELD SCHOOL – CURRICULUM MATERIALS

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 new curriculum materials for The Bromfield School, with unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by SusanMary Redinger, 121 Ayer Road, School Committee, and seconded,

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

Discussion on Article 10 & 43 taken jointly. See Article 43 for wording on vote.

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 establish the position of Town Planner in Fiscal Year 2014, with unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

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

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

(Article 42 taken out of order before article 11)

ARTICLE 11: 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 2014, with unexpended funds as of June 30, 2014 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 & Investment Committee, and seconded,

Voted unanimously yes that the Town appropriate \$107,563. 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 2014, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$107,563. from Fiscal Year 2012 Certified Free Cash..

ARTICLE 12: FIRE DEPARTMENT –FIRE POND EVALUATION AND ENGINEERING

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 evaluate all Town-owned fire ponds, with unexpended funds as of June 30, 2014 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 & Investment Committee, and seconded,

Voted unanimously yes that the Town appropriate \$52,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to evaluate all Town-owned fire ponds, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$52,000. from the Capital Stabilization and Investment Fund.

ARTICLE 13: FIRE DEPARTMENT – REPLACE RESCUE EQUIPMENT

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 replace rescue equipment, with unexpended funds as of June 30, 2014 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 & Investment Committee, and seconded,

Voted unanimously yes that the Town appropriate \$40,000. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to replace rescue equipment, with unexpended funds as of June 30, 2014 being returned to their funding source ,and that said appropriation be provided by transferring \$40,000. from the Capital Stabilization and Investment Fund.

ARTICLE 14: HARVARD CABLE TELEVISION/THE BROMFIELD SCHOOL - AMERICANS WITH DISABILITIES ACT ACCESS

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 provide for the Americans with Disabilities Act requisite access requirements and other related work for the new Harvard Cable Television Studio located at The Bromfield School, with unexpended funds as of June 30, 2014 being returned to their funding source or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate \$39,000. to be expended by the School Department, with the approval of the School Committee, to provide for the Americans with Disabilities Act requisite access requirements and other related work for the new Harvard Cable Television Studio located at The Bromfield School, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$39,000. from the Capital Stabilization and Investment Fund.

ARTICLE 15: THE BROMFIELD SCHOOL – POND ROAD PARKING LOT

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 refurbish The Bromfield School parking lot off Pond Road, contingent upon the passage of a Proposition Two and One-Half Capital Exclusion referendum ballot question at the Annual Election to be held on April 30, 2013, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes that the Town appropriate \$157,000. to be expended by the School Department, with the approval of the School Committee, to refurbish The Bromfield School parking lot off Pond Road, and, to provide for said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$157,000. under the provisions of Massachusetts General Laws Chapter 44 or any other enabling authority, for which borrowing the debt service costs shall be paid with funds transferred from the Capital Stabilization and Investment Fund.

ARTICLE 16: THE BROMFIELD SCHOOL – SCIENCE LAB RENOVATION DESIGN

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 design the renovation of the science labs at The Bromfield School, with any unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate \$19,000. to be expended by the School Department, with the approval of the School Committee, for the design costs associated with the renovation of the science laboratories at The Bromfield School, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$19,000. from the Capital Stabilization and Investment Fund.

ARTICLE 17: THE BROMFIELD SCHOOL – CHEMICAL STORAGE VENTILATION

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 provide for the required chemical storage ventilation at The Bromfield School, with any unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate \$10,000. to be expended by the School Department, with the approval of the School Committee, for the costs of providing the required chemical storage ventilation at The Bromfield School, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$10,000. from the Capital Stabilization and Investment Fund.

ARTICLE 18: HILDRETH ELEMENTARY SCHOOL – STORAGE SHEDS

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 remove the storage trailer and build new storage sheds at the Hildreth Elementary School site, with any unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate \$10,000. to be expended by the School Department, with the approval of the School Committee, to remove the storage trailer and build new storage sheds at the Hildreth Elementary School site, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$10,000. from the Capital Stabilization and Investment Fund.

ARTICLE 19: HILDRETH ELEMENTARY SCHOOL – SAFETY GATES

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 safety gates at both ends of the Hildreth Elementary School emergency driveway, with any unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes that the Town appropriate \$14,000. to be expended by the School Department, with the approval of the School Committee, for the installation of safety gates at both ends of the Hildreth Elementary School emergency driveway, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$14,000. from the Capital Stabilization and Investment Fund.

ARTICLE 20: THE BROMFIELD HOUSE – STRUCTURAL ASSESSMENT 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 undertake both a structural assessment and several necessary repair projects at the Bromfield House, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted greater than 2/3 yes that the Town appropriate \$75,000. to be expended by the School Department, with the approval of the School Committee, for a structural assessment and several repair projects at the Bromfield House, with unexpended funds as of June 30, 2015 being returned to their funding source, and that said appropriation be provided by transferring \$75,000. from the Capital Stabilization and Investment Fund.

ARTICLE 21: LIBRARY – WIRING FOR EMERGENCY GENERATOR

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 Library, with the approval of the Library Trustees, to install wiring at the Library so as to be able to easily connect to an emergency generator when necessary, with any unexpended funds as of June 30, 2014 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 Capital Planning & Investment Committee, and seconded,

Voted unanimously yes that the Town appropriate \$21,000. to be expended by the Library Department, with the approval of the Library Trustees, for the installation of wiring at the Town Library in order to easily connect to an emergency electricity generator when necessary, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by transferring \$21,000. from the Capital Stabilization and Investment Fund to be used in conjunction with \$16,000. which is currently available to the Library Trustees for such purposes.

ARTICLE 22: CENTER FIRE STATION/HILDRETH HOUSE – SEWER CONNECTION

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 connect the Center Fire Station and the Hildreth House to the Town sewer system, with any unexpended funds as of June 30, 2015 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by David Kassel, 112 West Bare Hill Road, Capital Planning & Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town appropriate, \$175,000. to be expended by the Town Administrator, with the approval of the Board of Selectmen, to connect the Center Fire Station and the Hildreth House to the Town's sewer system, with any unexpended funds as of June 30, 2015 being returned to their funding source, and, to provide for said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$175,000. under the provisions of Massachusetts General Laws Chapter 44 or any other enabling authority.

ARTICLE 23: 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 2014 Community Preservation Budget, or pass any vote or votes in relation thereto.

On a motion by Debbie Ricci, 39 East Bare Hill 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 2014 Community Preservation Budget.

ARTICLE 24: TOWN CLERK - PRESERVATION OF HISTORIC TOWN DOCUMENTS

To see if the Town will vote to appropriate and transfer from Community Preservation Fund historic reserves the sum of \$16,000 to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2014 Community Preservation Revenues the sum of \$16,000. to be expended by the Town Clerk, for restoration and preservation of historic town documents, with unexpended funds as of June 30, 2014 being returned to their funding source.

ARTICLE 25: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to appropriate and transfer from Fiscal 2014 Community Preservation Revenues the sum of \$25,000 and from Community Preservation Fund unspecified reserves the sum of \$75,000, for a total of \$100,000, to be placed in the Harvard Municipal Affordable Housing Trust Fund, or pass any votes or votes in relation thereto.

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

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2014 Community Preservation Revenues \$25,000. and from Community Preservation Fund unspecified reserves \$75,000. for a total of \$100,000. to be placed in the Harvard Municipal Affordable Housing Trust Fund.

ARTICLE 26: CONSERVATION COMMISSION – CONSERVATION FUND

To see if the Town will vote to appropriate and transfer from Fiscal 2014 Community Preservation Revenues the sum of \$100,000 and from Community Preservation Fund unspecified reserves the sum of \$100,000, for a total of \$200,000 to be placed in the Conservation Fund, to be expended by the Conservation Commission for the purpose of purchasing land and/or interests in land for open space purposes, or pass any votes or votes in relation thereto.

On a motion by Charlie Gorss, 99 Old Littleton Road, Conservation Commission and Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2014 Community Preservation Revenues \$100,000 and from Community Preservation Fund unspecified reserves \$100,000. for a total of \$200,000 to be placed in the Conservation Fund.

ARTICLE 27: PARKS & RECREATION COMMISSION – RESTORE BROMFIELD STONE WALL

To see if the Town will vote to appropriate and transfer from Fiscal 2014 Community Preservation Revenues the sum of \$25,000 and from Community Preservation Fund historic reserves the sum of \$30,000, for a total of \$55,000 to be expended by Parks & Recreation Commission for the restoration of the Bromfield Stone Wall, with unexpended funds as of June 30, 2014 being returned to their funding source, or pass any votes or votes in relation thereto.

On a motion by John Lee, 27 Ayer Road, Park & Recreation Commission, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2014 Community Preservation Revenues \$25,000 and from Community Preservation Fund historic reserves \$30,000. for a total of \$55,000 to be expended by Parks & Recreation Commission for the restoration of the Bromfield Stone Wall, with unexpended funds as of June 30, 2014 being returned to their funding source.

ARTICLE 28: COMMUNITY PRESERVATION COMMITTEE – ADMINISTRATIVE EXPENSES

To see if the Town will vote to appropriate and transfer from Fiscal 2014 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, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.

On a motion by Debbie Ricci, 39 East Bare Hill Road, Community Preservation Committee, and seconded,

Voted unanimously yes that the Town appropriate and transfer from Fiscal Year 2014 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, 2014 being returned to their funding source.

ARTICLE 29: 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 2014, 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 2014, 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 2014, 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 revenue or expenditures of this account not to exceed \$15,000 in Fiscal Year 2014.

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 that the Town continue the revolving fund accounts for purposes and with the expenditure and revenue limitations as printed on Page 41 of the Warrant and Finance Committee Report for the 2013 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 revenue or expenditures of this account not to exceed \$35,000 in Fiscal Year 2014, 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 2014, 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 2014, 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 revenue or expenditures of this account not to exceed \$15,000 in Fiscal Year 2014.

ARTICLE 30: EXTEND SUNSET DATE

To see if the Town will vote to amend its vote under Article 17, Municipal Buildings (Schematic Design), of the Warrant for the April 2, 2011 Annual Town Meeting, by extending the sunset date from June 30, 2013 to June 30, 2015, or pass any vote or votes in relation thereto.

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

Voted unanimously yes that the Town amend its vote under Article 17, Municipal Buildings (Schematic Design), of the Warrant for the April 2, 2011 Annual Town Meeting, by extending the sunset date from June 30, 2013 to June 30, 2015.

ARTICLE 31: HOME RULE LEGISLATION – ALLOWING DETAIL WORK FOR POLICE OFFICERS UNTIL AGE 70

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act to allow Town of Harvard Police Officers who have served at least 20 years of continuous, full-time service in the Harvard Police Department and terminated their service in good standing to be appointed special police officers so that they may work police details within the Town of Harvard until the age of 70 instead of the age of 65, provided that any such officer so appointed shall abide by all rules and regulations of the Police Department, including firearm qualification, Cardio-Pulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) and First Responder training, or pass any vote or votes in relation thereto.

On a motion by Ron Ricci, 39 East Bare Hill Road, Board of Selectmen, and seconded,

Voted majority yes that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act to allow Town of Harvard Police Officers who have served at least 20 years of continuous, full-time service in the Harvard Police Department and terminated their service in good standing to be appointed special police officers so that they may work police details within the Town of Harvard until the age of 70 instead of the age of 65, provided that any such officer so appointed shall abide by all rules and regulations of the Police Department, including firearm qualification and Cardio-Pulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) and First Responder training.

ARTICLE 32: ACCEPT MASSACHUSETTS GENERAL LAWS CHAPTER 140, SECTION 139, PARAGRAPH (c)

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 140, Section 139, Paragraph (c) which provides that no licensing fee shall be charged for all dogs owned by a person aged 70 years or over and for all service animals as defined by the Americans with Disabilities Act or the regulations promulgated thereunder, or pass any vote or votes in relation thereto.

On a motion by Janet Vellante, 83 Ann Lees Road, Town Clerk, and seconded,

Voted unanimously yes that the Town accept the provisions of Massachusetts General Laws Chapter 140, Section 139, Paragraph (c) which provides that no licensing fee shall be charged for all dogs owned by a person aged 70 years or over and for all service animals as defined by the Americans with Disabilities Act or the regulations promulgated thereunder .

ARTICLE 33: PARKS & RECREATION COMMISSION – RESTRICT USE OF BARE HILL POND

To see if the Town will vote to amend Chapter 13, Bare Hill Pond, of the Code of the Town of Harvard to impose restrictions related to the use of and access to Bare Hill Pond and the beach, boat launch area and parking area of said pond, or pass any vote or votes in relation thereto.

The following motion was made by BJ Pessia, 122 West Bare Hill Road, Park & Recreation Commission, and seconded,

I move that the Town amend Chapter 13, Bare Hill Pond, of the Code of the Town of Harvard as printed in the handout, except to delete the words “in the pond or” in § 13-7 Animals [See wording below]

Amend Chapter 13, Bare Hill Pond, of the Code of the Town of Harvard by making the following revisions thereto:

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

Chapter 13. BARE HILL POND

§ 13-1. General provisions.

No person shall operate any motor craft on Bare Hill Pond at a speed that is greater than reasonable and proper under the circumstances and conditions existing, or operate the same or manipulate water skis, a tube, surfboard, or similar device in a negligent manner so that the lives or safety of the public and property might be endangered. The Bare Hill Pond Committee shall post a navigation plan to aid in marking hazards and facilitate traffic control on Bare Hill Pond.

§ 13-2. Access.

Access to the beach area of Bare Hill Pond is restricted to residents and current taxpayers of the Town of Harvard and their guests. Access to the parking area of Bare Hill Pond is restricted to residents and current taxpayers of the Town of Harvard with a valid beach permit. Access to and the use of Bare Hill Pond for boating and fishing is open to all inhabitants of the Commonwealth of Massachusetts at locations designated and posted by the Bare Hill Pond Committee.

§ 13-~~23~~. General motor boating rules.

- A. All motor or power boats on the pond are to be registered under appropriate state law and shall display proper lighting, safety equipment, flotation devices, and be equipped with a proper muffler or underwater exhaust as is or may be required by Massachusetts General Laws Chapter 90B and 323 Code of Massachusetts Regulations 1 through 6.
- B. All boats traveling in excess of 20 mph shall follow the same counterclockwise traffic flow pattern described in § 13- ~~32~~-D applicable to boats with objects in tow.
- C. The maximum speed on Bare Hill Pond is 35 mph if traffic conditions so permit.
- D. No person operating a craft propelled by other than muscle power shall pass another craft within 150 feet, or circle around any craft, in a manner as to annoy or endanger the occupants of the other crafts, nor pass (other than at headway speed) within 150 feet of another craft or between moored crafts or floats and the shore. No craft shall operate at a speed that endangers the life, limb or property of any person.
- E. Between the hours of 8:00 p.m. (or sunset, if earlier) and 10:00 a.m. speeds will be limited to headway speed with no wake. Appropriate running lights in accordance with Inland Rules for Navigation of the U.S. Coast Guard must be shown.
- F. Motorboat speeds in the area adjacent to the swimming and the anchorage areas at the Town Beach will be limited to five miles per hour with no wake.
- G. Overnight occupancy of any craft is not permitted.
- H. Trailers at the Town launching area may not be loaded using the boat's engine power to drive the boat onto the trailer. Use of hand or powered winches mounted on the trailer only are permitted.
- I. Boats towing boats in distress may do so during daylight hours at headway speed.
- J. All out-of-town boats launched by nonresidents and nontaxpayers must pay a daily launch fee prior to launching. The use of the beach is prohibited to out-of-town boaters.

§ 13-34. Additional rules applicable to boats with objects or persons in tow (water skis, tubes, etc.).

- A. Boats with persons or objects in tow may operate only between 10:00 a.m. and 8:00 p.m. (or sunset, if earlier).
- B. No person operating a boat with a water skier, tube, skip board, or similar device in tow shall bring such a device or the boat within 150 feet of any boat dock, pier, raft, wharf, float, or a person or persons swimming unless to embark or disembark. Craft proceeding to dock or leaving from said dock shall enter and leave without delay from the area and shall be operated so as not to endanger any swimmer. No towline shall exceed 75 feet from the point of contact on the towboat to the object being towed.
- C. No person operating a boat towing a water skier, tube, skip board, aquaplane or similar device in tow shall bring such device in the Harvard Town Beach boating channel with persons in tow.
- D. All boating with objects or persons in tow, e.g., water skis, tubes, aquaplanes, etc., shall be done in a counterclockwise manner direction at least 150 feet from shore. This path pattern, shown on the chart, follows the shoreline inside Sheep Island, staying outside Four-Acre Island and the other six islands and between Ministers and Spectacle Islands.
- E. Each boat must have at least one observer and a maximum of two water skier(s) and/or other objects in tow.

§ 13-45. Swimming.

Swimmers who swim more than 100 feet off shore of the mainland or any island must be accompanied by a boat in close proximity.

§ 13-6. Beach.

The beach shall be closed from sunset to sunrise.

§ 13-7. Animals.

No animals, including, but not limited to dogs and horses shall be permitted in the pond or at the beach or in the parking area, except for service animals as defined in and in the circumstances allowed under the Americans with Disabilities Act and the regulations promulgated thereunder.

§ 13-58. Enforcement and penalties.

The Selectmen are authorized to adopt penalties for violations of these rules and regulations from time to time that are consistent with the laws and regulations of the Commonwealth of Massachusetts.

§ 13-69. Effect of partial invalidity.

A determination by an appropriate authority or a court of competent jurisdiction that any section of provision of these rules and regulations is invalid or inconsistent with law shall not invalidate or affect the enforceability of any other section of provision hereof.

A motion by Marie Sobalvarro, 1 St. John Lane, Board of Selectmen, to change 13-2 “resident and taxpayers” to “residents or taxpayers” in line one and three, was seconded and accepted by the Park & Recreation Commission.

A motion by Jim Ware, 90 East Bare Hill Road, to add “and other groups authorized by the Harvard Park & Recreation Commission.” at the end of the first sentence of § 13-2, was seconded and accepted by the Park & Recreation Commission.

A motion by Alice vonLoesecke, 84 Warren Avenue, to add “unless authorized by Park & Recreation” at the end of §13-6, was seconded and accepted by the Park & Recreation Commission.

A motion to change §13-6 to “closed from 10:00 PM to sunrise.” was seconded and accepted by the Park & Recreation Commission.

A motion by Jim Breslauer, 130 Poor Farm Road, to change the second sentence in §13-2 from “Access to the parking area...” to “Parking in the parking area...” was not approved by the Park & Recreation Commission and was withdrawn.

A motion by Bruce Nickerson to amend §13-2 by starting the sentence with “During the hours that the beach area is staffed,...” was seconded and accepted by the Park & Recreation Commission, but a motion by SusanMary Redginger, 121 Ayer Road, to amend it back to the original wording was subsequently accepted by the Park & Recreation Commission.

A motion by Pamela Erdos, 4 Madigan Lane, to add “and other groups authorized by the Harvard Park & Recreation Commission.” at the end of the second sentence of § 13-2, was seconded and accepted by the Park & Recreation Commission.

A motion by Bill Johnson, 72 Warren Avenue, to move the question was seconded and voted unanimously yes.

Voted majority yes that the Town amend Chapter 13, Bare Hill Pond, of the Code of the Town of Harvard as printed in the handout. [See wording below]

Amend Chapter 13, Bare Hill Pond, of the Code of the Town of Harvard by making the following revisions thereto:

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

Chapter 13. BARE HILL POND

§ 13-1. General provisions.

No person shall operate any motor craft on Bare Hill Pond at a speed that is greater than reasonable and proper under the circumstances and conditions existing, or operate the same or manipulate water skis, a tube, surfboard, or similar device in a negligent manner so that the lives or safety of the public and property might be endangered. The Bare Hill Pond Committee shall post a navigation plan to aid in marking hazards and facilitate traffic control on Bare Hill Pond.

§ 13-2. Access.

Access to the beach area of Bare Hill Pond is restricted to residents or current taxpayers of the Town of Harvard and their guests and other groups authorized by the Harvard Park & Recreation Commission. Access to the parking area of Bare Hill Pond is restricted to residents or current taxpayers of the Town of Harvard with a valid beach permit and other groups authorized by the Harvard Park & Recreation Commission. Access to and the use of Bare Hill Pond for boating and fishing is open to all inhabitants of the Commonwealth of Massachusetts at locations designated and posted by the Bare Hill Pond Committee.

§ 13-~~23~~. General motor boating rules.

- A. All motor or power boats on the pond are to be registered under appropriate state law and shall display proper lighting, safety equipment, flotation devices, and be equipped with a proper muffler or underwater exhaust as is or may be required by Massachusetts General Laws Chapter 90B and 323 Code of Massachusetts Regulations 1 through 6.

- B. All boats traveling in excess of 20 mph shall follow the same counterclockwise traffic flow pattern described in § 13-32-D applicable to boats with objects in tow.
- C. The maximum speed on Bare Hill Pond is 35 mph if traffic conditions so permit.
- D. No person operating a craft propelled by other than muscle power shall pass another craft within 150 feet, or circle around any craft, in a manner as to annoy or endanger the occupants of the other crafts, nor pass (other than at headway speed) within 150 feet of another craft or between moored crafts or floats and the shore. No craft shall operate at a speed that endangers the life, limb or property of any person.
- E. Between the hours of 8:00 p.m. (or sunset, if earlier) and 10:00 a.m. speeds will be limited to headway speed with no wake. Appropriate running lights in accordance with Inland Rules for Navigation of the U.S. Coast Guard must be shown.
- F. Motorboat speeds in the area adjacent to the swimming and the anchorage areas at the Town Beach will be limited to five miles per hour with no wake.
- G. Overnight occupancy of any craft is not permitted.
- H. Trailers at the Town launching area may not be loaded using the boat's engine power to drive the boat onto the trailer. Use of hand or powered winches mounted on the trailer only are permitted.
- I. Boats towing boats in distress may do so during daylight hours at headway speed.
- J. All out-of-town boats launched by nonresidents and nontaxpayers must pay a daily launch fee prior to launching. The use of the beach is prohibited to out-of-town boaters.

§ 13-34. Additional rules applicable to boats with objects or persons in tow (water skis, tubes, etc.)_

- A. Boats with persons or objects in tow may operate only between 10:00 a.m. and 8:00 p.m. (or sunset, if earlier).
- B. No person operating a boat with a water skier, tube, skip board, or similar device in tow shall bring such a device or the boat within 150 feet of any boat dock, pier, raft, wharf, float, or a person or persons swimming unless to embark or disembark. Craft proceeding to dock or leaving from said dock shall enter and leave without delay from the area and shall be operated so as not to endanger any swimmer. No towline shall exceed 75 feet from the point of contact on the towboat to the object being towed.
- C. No person operating a boat towing a water skier, tube, skip board, aquaplane or similar device in tow shall bring such device in the Harvard Town Beach boating channel with persons in tow.
- D. All boating with objects or persons in tow, e.g., water skis, tubes, aquaplanes, etc., shall be done in a counterclockwise manner direction at least 150 feet from shore. This path pattern, shown on the chart, follows the shoreline inside Sheep Island, staying outside Four-Acre Island and the other six islands and between Ministers and Spectacle Islands.
- E. Each boat must have at least one observer and a maximum of two water skier(s) and/or other objects in tow.

§ 13-45. Swimming.

Swimmers who swim more than 100 feet off shore of the mainland or any island must be accompanied by a boat in close proximity.

§ 13-6. Beach.

The beach shall be closed from 10:00 PM to sunrise unless authorized by Park & Recreation.

§ 13-7. Animals.

No animals, including, but not limited to dogs and horses shall be permitted at the beach or in the parking area, except for service animals as defined in and in the circumstances allowed under the Americans with Disabilities Act and the regulations promulgated thereunder.

§ 13-58. Enforcement and penalties.

The Selectmen are authorized to adopt penalties for violations of these rules and regulations from time to time that are consistent with the laws and regulations of the Commonwealth of Massachusetts.

§ 13-69. Effect of partial invalidity.

A determination by an appropriate authority or a court of competent jurisdiction that any section of provision of these rules and regulations is invalid or inconsistent with law shall not invalidate or affect the enforceability of any other section of provision hereof.

ARTICLE 34: BOARD OF HEALTH – COMMUNITY SEPTIC MANAGEMENT PROGRAM

To see if the Town will vote to appropriate a sum of money for the purpose of financing water pollution facility projects involving the repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof as defined in Massachusetts General Laws Chapter 29C, Section 1; and to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or pass any vote or votes in relation thereto.

On a motion by Tom Philippou, 254 Stow Road, Board of Health, and seconded,

Voted greater than 2/3 yes that the Town appropriate \$300,000. for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$300,000. and issue bonds or notes therefore under Massachusetts General Laws Chapter 111, Section 127B 1/2 and/or Chapter 29C of the Massachusetts General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to said Chapter 29C and, in connection therewith, to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

ARTICLE 35: HOME RULE PETITION SPECIAL ACT - ELDERLY AND DISABLED TAXATION AID COMMITTEE COMPOSITION

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act which provides that, notwithstanding any provision of the Massachusetts General Laws to the contrary, the Board of Selectmen is authorized to appoint an Elderly and Disabled Taxation Aid Committee consisting of the Council on Aging Director, who may or may not be a resident of the Town, the Town Treasurer and three residents of the Town, or pass any vote or votes in relation thereto.

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

Voted majority yes that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act which provides that, notwithstanding any provision of the Massachusetts General Laws to the contrary, the Board of Selectmen is authorized to appoint an Elderly and Disabled Taxation Aid Committee consisting of the Council on Aging Director, who may or may not be a resident of the Town, the Town Treasurer and three residents of the Town.

ARTICLE 36: BOARD OF SELECTMEN – ACCEPT M.G.L. CHAPTER 32B, SECTION 20 - OPEB TRUST FUND ESTABLISHMENT

To see if the Town will vote to a.) accepts the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 68, section 57 of the Acts of 2011 (the “Act”), and establishes an Other Post-Employment Benefits Liability Trust Fund (“OPEB Trust Fund”); b.) designate the Health Care Security Trust (“HCST”) board of trustees established in Section 4 of Chapter 29D of the Massachusetts General Laws to serve as custodian of the Town’s OPEB Trust Fund, provided that said board of trustees accepts the designation and c.) authorize the Town Treasurer and Assistant Town Treasurer to (i) execute and deliver the Custodian and Investment Agreement with HCST in substantially the form prescribed by HCST and made available at Town Meeting; (ii) sign checks and wire OPEB Trust Funds to HCST or to the Pension Reserves Investment Trust, or as it may otherwise be directed by HCST; and (iii) make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the Pension Reserves Investment Management Board may direct, 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 a.) accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 68, section 57 of the Acts of 2011 (the “Act”), and establishes an Other Post-Employment Benefits Liability Trust Fund (“OPEB Trust Fund”); b.) designate the Health Care Security Trust (“HCST”) board of trustees established in Section 4 of Chapter 29D of the Massachusetts General Laws to serve as custodian of the Town’s OPEB Trust Fund, provided that said board of trustees accepts the designation and c.) authorize the Town Treasurer and Assistant Town Treasurer to (i) execute and deliver the Custodian and Investment Agreement with HCST in substantially the form prescribed by HCST and made available at Town Meeting; (ii) sign checks and wire OPEB Trust Funds to HCST or to the Pension Reserves Investment Trust, or as it may otherwise be directed by HCST; and (iii) make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the Pension Reserves Investment Management Board may direct.

ARTICLE 37: BOARD OF SELECTMEN – OPEB TRUST FUND FUNDING

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money into the OPEB Trust Fund, 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 appropriate \$250,000. to be placed in the Town’s Other Post-Employment Benefits Liability Trust Fund and that said appropriation be provided by raising \$100,000. by taxation and by transferring \$150,000. from the Stabilization Fund .

ARTICLE 38: HOME RULE PETITION SPECIAL ACT – LIQUOR LICENSES

To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule Petition with the General Court of the Commonwealth to enact a special act to authorize the Board of Selectmen, acting as the local licensing authority for the Town under Massachusetts General Laws Chapter 138, to issue all types of licenses for the sale of alcoholic beverages that may be issued by a local licensing authority under said Chapter 138 which the Board of Selectmen has not heretofore been authorized to issue, or pass any vote or votes in relation thereto.

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

Voted majority yes that the Town to authorize the Board of Selectmen to file a Home Rule Petition with the General Court of the Commonwealth to enact a special act to authorize the Board of Selectmen, acting as the local licensing authority for the Town under Massachusetts General Laws Chapter 138, to issue all types of licenses for the sale of alcoholic beverages to be consumed off-premises and for the sale and consumption of alcoholic beverages to be consumed on-premise, regardless of the seating capacity of the restaurant or function room where such beverages will be consumed on-premises, that may be issued by a local licensing authority under said Chapter 138 (sections 12 and 15) which the Board of Selectmen has not heretofore been authorized to issue.

ARTICLE 39: HOME RULE PETITION – PREVAILING WAGES ON LOCAL PROJECTS

To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule Petition with the General Court of the Commonwealth to enact a special act, notwithstanding the provisions of any general or special law to the contrary, which will allow the town of Harvard be exempt from Sections 26 through 27H of Chapter 149 and Section 39M of Chapter 30 of the Massachusetts General Laws for projects estimated to cost \$50,000 or less; and to allow any and all leasehold improvements without the use of public funds undertaken on public property within the town of Harvard by private parties to be exempt from Section 38K of Chapter 7 and Chapters 149 and Chapter 30, Section 39M of the Massachusetts General Laws, or pass any vote or votes in relation thereto.

On a motion by Ron Ricci, 39 East Bare Hill Road, Board of Selectmen, and seconded,

Voted majority yes that the Town authorize the Board of Selectmen to file a Home Rule Petition with the General Court of the Commonwealth to enact a special act, notwithstanding the provisions of any general or special law to the contrary, which will allow the Town of Harvard be exempt from Sections 26 through 27H of Chapter 149 and Section 39M of Chapter 30 of the Massachusetts General Laws for projects estimated to cost \$50,000 or less; and to allow any and all leasehold improvements without the use of public funds undertaken on public property within the town of Harvard by private parties to be exempt from Section 38K of Chapter 7 and Chapters 149 and Chapter 30, Section 39M of the Massachusetts General Laws.

ARTICLE 40: AUTHORIZE TAKING OF LAND BY EMINENT DOMAIN FOR CONSERVATION OR GENERAL MUNICIPAL PURPOSES

To see if the Town will vote to authorize the Board of Selectmen to take, for conservation or general municipal purposes, the following parcels of land by eminent domain on a non-adversarial basis solely for the purpose of confirming and making clear the Town's title to said parcels of land:

- 1.) the parcel of land containing approximately 11.55 acres of land located off Still River Road in Harvard, Massachusetts described in the deed recorded with the Worcester South District Registry of Deeds in Book 5877, Page 294;
- 2.) the parcel of land in Harvard, Massachusetts known and numbered as 0 Codman Hill Road, Harvard, Massachusetts being "PARCEL TWO" as described in the deed dated October 15, 2007 and recorded with said Registry of Deeds in Book 41972, Page 46 and shown as Lot No. 36 on Town of Harvard Assessors Map 28;
- 3.) the parcels of land on St. John Lane in Harvard, Massachusetts being Lots 31, 32, 33 and 36 on Land Court Plan 5605-Z, Lot 80 Land Court Plan 5605-20 and Parcel "X" and Parcel "Y" as shown on a plan entitled "Plan of Land in Harvard, Mass. Owned by William Higgins, Jr." prepared by Nelson Engineering, Inc., Civil Engineers, dated October 6, 1982, and recorded with said Registry of Deeds in Plan Book 508, Plan 82, including the fee in St. John Lane adjacent to said Lots 31, 32, 33, 36 and 80 and said Parcels X and Y; and
- 4.) the parcel of land on the Southeasterly side of Prospect Hill Road in Harvard, Massachusetts, as shown on a plan entitled, "Land in Harvard, Mass., Surveyed for Hazel W. Newman" dated November, 1971, Charles A. Perkins Co., Inc., Civil Engineers & Surveyors, Clinton, Mass., and recorded with the Worcester County Registry of Deeds in Plan Book 357, Plan No. 65 and containing 6.69 acres according to said plan;

and raise and appropriate or transfer from available funds, a sum of money to compensate the owners of said parcels of land for the Town's taking thereof, or pass any vote or votes in relation thereto.

On a motion Lucy Wallace, 18 Orchard Hill, and seconded,

Voted unanimously yes that the Town a.) authorize the Board of Selectmen to take, by eminent domain, for conservation purposes, the parcels of land numbered 1.) and 2.) and, for conservation or general municipal purposes, the parcels of land numbered 3.) and 4.), provided that the Town shall not consummate its acceptance of said parcel of land numbered 3.) unless the Harvard Municipal Affordable Housing Trust accepts assignment of the Town's title to said land, all as described on Page 44 of the Warrant and Finance Committee Report for the 2013 Annual Town Meeting, which takings shall be consummated on a non-adversarial basis solely for the purpose of confirming and making clear the Town's title to said parcels of land; b.) authorize the Conservation Commission to grant a perpetual conservation restriction on said parcel of land numbered 1.) to a nonprofit organization, charitable corporation or foundation selected by the Town with the right to enforce the restriction for purposes of complying with the provisions of Massachusetts General Laws Chapter 44B, Section 12(a), as amended; c.) appropriate the sum of \$4.00 to compensate the owners of said parcels of land; and d.) provide for said appropriation by raising \$4.00 by taxation.

Article 41 was taken after Article 5.

ARTICLE 41: MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT - STABILIZATION FUND

To see if the Town will vote to approve the establishment of a Stabilization Fund by the Montachusett Regional Vocational Technical School District to pay the costs of capital repairs, renovations and improvements to the regional district school and its facilities in accordance with the provisions of Massachusetts General Laws Chapter 71, Section 16 G1/2 for, or pass any vote or votes in relation thereto.

On a motion by Joann Sueltenfuss, 21 Blanchard Road, Montachusett Regional Vocational Technical School District representative, and seconded,

Voted majority yes that the Town approve the establishment of a Stabilization Fund by the Montachusett Regional Vocational Technical School District to pay the costs of capital repairs, renovations and improvements to the regional district school and its facilities in accordance with the provisions of Massachusetts General Laws Chapter 71, Section 16 G1/2.

Steve Colwell stated that the Finance Committee did not recommend passage of this article.

Article 42 was taken after Article 9.

ARTICLE 42: CITIZEN PETITION - ZONING BYLAW AMENDMENT

We the undersigned registered voters of Harvard request that the Selectmen insert in the warrant for the April 6, 2013 Annual Town Meeting a zoning bylaw amendment that adds the following new paragraph to section 125-3 A of the Code of the town of Harvard :

“(5) Any lawful nonconforming existing structure that is either owned or occupied by an Institutional use (as defined in § 125-16) and located on land that is within 2,500 feet of the Town center intersection of Routes 110 and 111 may be repaired, moved, enlarged or altered without requiring any zoning relief and shall be exempted from any and all provisions of the Protective Bylaws.

The following motion was made by Joseph Hutchinson, 25 Westcott Road, Planning Board, and seconded,

I move that the Town the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by adding the following new subparagraph to § 125-3 A thereof.

“(5) The repair, moving, enlargement, alteration and extension of and addition to any lawful nonconforming existing structure and the construction of new on-site and off-site accessory structures owned by the Town of Harvard or leased by the Town, as lessor or lessee, and used for a Town library, Town museum, Town office, Town hall, Town protective services or other use by the Town of Harvard or its lessee and located on a parcel of land situated within 2,500 feet of the Town Center Intersection of Routes 110 and 111 shall be exempt from all provisions of this Bylaw, except for § 125-39, Site Standards .”

The Planning Board submitted an oral report stating their approval of the motion as read.

The following motion was made by Billy Salter, 3 Elm Street, and seconded,

I move that the Town the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by adding the following new subparagraph to § 125-3 A thereof.

“(5) The repair, moving, enlargement, alteration and extension of and addition to the Harvard Town Hall shall be exempt from all provisions of this Bylaw, except for § 125-39, Site Standards .”

The Planning Board accepted the amendment, but the meeting chose to continue discussion and the amendment was subsequently withdrawn.

The following motion was made by Peter Brooks, 12 Orchard Hill, Planning Board, and seconded,

“(5) The repair, moving, enlargement, alteration and extension of and addition to the Harvard Town Hall and the construction of new on-site and off-site accessory structures for such purpose, shall be exempt from all provisions of this Bylaw, except for § 125-39, Site Standards .”

Amendment was defeated, majority no.

Voted greater than 2/3 yes that the Town the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by adding the following new subparagraph to § 125-3 A thereof.

“(5) The repair, moving, enlargement, alteration and extension of and addition to any lawful nonconforming existing structure and the construction of new on-site and off-site accessory structures owned by the Town of Harvard or leased by the Town, as lessor or lessee, and used for a Town library, Town museum, Town office, Town hall, Town protective services or other use by the Town of Harvard or its lessee and located on a parcel of land situated within 2,500 feet of the Town Center Intersection of Routes 110 and 111 shall be exempt from all provisions of this Bylaw, except for § 125-39, Site Standards .”

Article 43 was taken after Article 9.

ARTICLE 43: CITIZEN PETITION – TOWN PLANNER

“To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to establish the position of Town Planner in Fiscal Year 2014, with unexpended funds as of June 30, 2014 being returned to their funding source, or pass any vote or votes in relation thereto.”

The following motion was made by Tim Schmoyer, 278 Stow Road, Planning Board, and seconded,

I move that the Town appropriate \$40,000. to establish the position of Town Planner in Fiscal Year 2014 as an independent contractor who may be an individual or business entity, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by raising \$40,000. by taxation.

A motion by Billy Salter to delete “who may be an individual or business entity” was accepted by the Planning Board.

A motion by Peter Warren, 52 Lancaster County Road, to move the question, was seconded, and voted unanimously yes.

Voted 119 yes, 101 no [passed] that the Town appropriate \$40,000. to establish the position of Town Planner in Fiscal Year 2014 as an independent contractor, with unexpended funds as of June 30, 2014 being returned to their funding source, and that said appropriation be provided by raising \$40,000. by taxation.

ARTICLE 44: 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.

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

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

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 Tim Clark, 114 Bolton 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.

The Harvard Conservation Trust was recognized as the Citizen of Note.

The meeting was dissolved at 2:29 pm.

Checkers for the meeting were Patti Anklam, Nancy Cronin, Steve Cronin, Fran Maiore, Jane Venditti, and Nancy Reifenstein. They checked in 286 voters out of a total of 4184 registered voters (3978 active voters)..

Tellers for the meeting were Victoria Hayao, Jeff Levering, Libby Levison, Maureen Phillips, Jim Ware, and Peter Warren.

Respectfully submitted,

Janet A. Vellante
Town Clerk