

## **ANNUAL TOWN MEETING**

**March 25, 2000**

The meeting was called to order in the Bromfield School Gym at 9:14 A.M. by Moderator, William L. Patton. The call of the meeting and the return of service were found to be in order by Town Clerk Janet A. Vellante.

The meeting approved the following non-voters to speak:

John Petrin	Town Administrator
Mark Lanza	Town Counsel
James Smith	Director of the DPW
Evan Katz	Finance Director
Mihran Keoseian	Superintendent of Schools
Delma Josephson	Assistant to the Principal
James McAuliffe	Principal
Mark Weismann	Kaestle Boos, Architect
Charles Hay	Tappe Associates, Architect

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

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

(Inserted by Selectmen)

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 Selectmen, School Committee, and any other officers or committees as printed in the 1999 Town Report.

### **ARTICLE 2: SUPPLEMENTAL APPROPRIATIONS - FISCAL YEAR 2000**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to certain line items appropriated under Article 6 of the 1999 Annual Town Meeting of March 27, 1999 or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

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

Voted unanimously yes, that the Town transfer \$7,000 from line 2, Selectmen Personnel and \$65,000 from line 37, Public Works Personnel of Article 6 to be added to Article 8, Reserve Fund of the 1999 Annual Town Meeting of March 27. 1999.

### **ARTICLE 3: FUND TRANSFERS**

To see if the Town will make certain transfers of money, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Randy Dean, 48 Madigan Lane, Finance Committee, and seconded,

Voted unanimously yes, that the Town transfer the following amounts from the following funds and accounts to the following line item appropriations under Article 5 of the 2000 Annual Town Meeting:

- 1) \$ 4,000 from Wetlands Protection Fund to line 13, Conservation Commission;
- 2) \$ 4,445 from trust funds to line 48, Library.

#### **ARTICLE 4: REVOLVING FUNDS**

To see if the Town will vote to continue the Revolving Fund Account for Elm Commission Activities established at the Special Town Meeting of June 27, 1991 pursuant to Massachusetts General Laws Chapter 44 Section 53E 1/2, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

On a motion by Kerry Curley, 306 Still River Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town continue the Revolving Fund Accounts for Elm Commission Activities established at the Special Town Meeting of June 27, 1991, pursuant to MGL Chapter 44 Section 53E 1/2 with all departmental receipts being credited to the fund and that the fund shall expend no more than \$7,500 under the authority of the Board of Selectmen during the ensuing fiscal year.

#### **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 the ensuing fiscal year, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Donald K. Boyce, 310 Stow Road, Finance Committee, and seconded,

Voted majority yes, that the Town appropriate the sum of \$13,861,444 to defray the expenses of the Town for Fiscal Year 2001 as printed in the Finance Committee Report on pages 17 through 23 and that such appropriation be provided by raising \$13,861,444 by taxation.

This Budget includes \$178,750 which is contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Town Election on March 28, 2000.

#### **ARTICLE 6: RESERVE FUND**

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

(Inserted by Finance Committee)

On a motion by Henry Lefkovits, 18 Depot Road, Finance Committee, and seconded,

Voted majority yes, that the Town raise and appropriate the sum of \$75,000 and to transfer the sum of \$50,000 from Overlay Surplus to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for Fiscal Year 2001.

#### **ARTICLE 7: LEVY LIMIT OVERRIDE - COA/COMMUNITY COUNSELOR**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$58,000 for funding a coordinator and van for the Council On Aging and the community counselor support position, contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000 or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

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

Voted majority yes, that the Town raise and appropriate the sum of \$58,000 for funding a coordinator and van for the Council On Aging and the community counselor support position, contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000.

A motion to amend the article by unbundling the article was made by William Salter, 3 Elm Street, but the wording was not accepted by the Moderator.

A motion made by Bruce Blain, 40 Blanchard Road, to move the question was seconded and approved.

#### **ARTICLE 8: MONTACHUSETT REGIONAL TRANSIT AUTHORITY**

To see if the Town will vote to join the Montachusett Regional Transit Authority pursuant to Massachusetts General Laws, Chapter 161B, Section 3, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

On a motion by Cynthia Russo, 116 Oak Hill Road, Board of Selectmen, and seconded,

Voted majority yes, that the Town join the Montachusett Regional Transit Authority pursuant to Massachusetts General Laws Chapter 161B, Section 3.

## **ARTICLE 9: LEVY LIMIT OVERRIDE-SCHOOL/TOWN ADMINISTRATIVE SERVICES**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$42,000 for the purpose of funding curriculum coordinators for the Harvard Elementary School, administrative support for the school superintendent, and town and school computer network management, contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000 or pass any vote or votes in relation thereto.

(Inserted by School Committee and Selectmen)

The following motion was made by Cliff Scott, 94 Old Shirley Road, School Committee, and seconded,

I move that the Town raise and appropriate the sum of \$42,000 for the purpose of funding curriculum coordinators for the Harvard Elementary School, administrative support for the school superintendent, and town and school computer network management, contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000.

David Kay, 126 Massachusetts Avenue, made the following amendment to the motion:

I move that the town vote to raise and appropriate, a sum of money, the total to be determined by three separate votes, yes or nay, on the following items: \$20,000 to fund curriculum coordinators in the Elementary School, \$7,000 to provide administrative support for the School Superintendent position and \$15,000 to provide computer network management support for the Town and school departments., contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000.

The amended motion was accepted by the School Committee.

The motion, as amended, was voted separately. Each of the three parts was voted majority yes.

## **ARTICLE 10: LEVY LIMIT OVERRIDE - SCHOOL OPERATIONS**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$94,000 for the purpose of funding a library aide for the Harvard Elementary School, an increase in teaching staff at The Bromfield School, and books and supplies for the Harvard Public Schools, contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000 or pass any vote or votes in relation thereto.

(Inserted by School Committee)

The following motion was made by Cliff Scott, 94 Old Shirley Road, School Committee, and seconded,

I move that the Town raise and appropriate the sum of \$94,000 for the purpose of funding a library aide for the Harvard Elementary School, an increase in teaching staff at The Bromfield School, and books and supplies for the Harvard Public Schools, contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000.

Robert Lerner, 101 West Bare Hill Road, made the following amendment to the motion:

I move that the town vote to raise and appropriate a sum of money, the total to be determined by four separate votes, yes or nay, on the following items: the sum of \$20,000 to fund a part-time library aide at the Harvard Elementary School, \$40,000 to add a non-core specialist at The Bromfield School, \$20,000 for a part-time foreign language teacher at The Bromfield School and \$14,000 for books and supplies system-wide, contingent upon the passage of a proposition two and one-half levy limit override ballot question at the Annual Election on March 28, 2000.

The School Committee accepted to the motion to amend.

All four sections were passed by a majority yes.

George McKenna, 41 Old Littleton Road, Finance Committee, made a presentation on the capital program prior to the following articles.

#### **ARTICLE 11: DEBT EXCLUSION - PUBLIC SAFETY BUILDING**

To see if the Town will vote to appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, a sum of money to fund the construction of a public safety facility for the police and ambulance departments, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

(2/3 vote required)

The following motion was made by Cynthia Russo, 116 Oak Hill Road, Board of Selectmen and chairman of the Public Safety Building Committee, and seconded,

I move that the Town appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, the sum of \$2,650,000 to fund the construction of a public safety facility for the police and ambulance departments, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000.

The following motion to amend was made by Ron Ricci, 19 East Bare Hill Road, and seconded, I move that the Town appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, a sum of money not to exceed \$2,000,000 to fund the construction

of a public safety facility for the police and ambulance departments, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000.

This motion was not accepted by the Public Safety Building Committee.

The motion to amend was voted majority NO.

Voted greater than 2/3rds yes, that the Town appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, the sum of \$2,650,000 to fund the construction of a public safety facility for the police and ambulance departments, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000.

A presentation was made by the following members of the Public Safety Building Committee: Cindy Russo, David Durrant (Ambulance Director), William Chase (Chief of Police), and Kim McCourt.

#### **ARTICLE 12: PUBLIC SAFETY BUILDING TOWN WATER SYSTEM HOOK-UP**

To see if the Town will vote to authorize the Board of Water Commissioners to extend the Town's water distribution system to the so-called Feltus property on Ayer Road, Harvard, Massachusetts to provide water service for the new public safety building to be constructed thereon, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

On a motion by Cynthia Russo, 116 Oak Hill Road, Board of Selectmen, and seconded,

Voted unanimously yes, that the Town authorize the Board of Water Commissioners to extend the Town's water distribution system to the so-called Feltus property on Ayer Road, Harvard, Massachusetts, which property contains 1.5 acres and is described in an order of taking dated March 7, 2000 and recorded with the Worcester District Registry of Deeds in Book 22386, Page 391 to provide water service for the new public safety building to be constructed thereon.

#### **ARTICLE 13: DEBT EXCLUSION - SCHOOL BUILDING ARCHITECTURAL FEES**

To see if the Town will vote to appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, a sum not to exceed \$775,000 for professional consulting services for the expansion of The Bromfield School, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

(2/3 vote required)

On a motion by Molly Cutler, 56 Stow Road, School Committee, and seconded,

Voted greater than 2/3rds yes, that the Town appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 (21) of the Massachusetts General Laws, or any other enabling authority, the sum of \$700,000 for professional consulting services for the expansion of The Bromfield School, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000.

A presentation was made by the Bromfield School Building Committee.

#### **ARTICLE 14: DEBT EXCLUSION - LAND ACQUISITION**

To see if the Town will vote to appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, a sum not to exceed \$227,300 in order to acquire property for conservation purposes, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

(2/3 vote required)

On a motion by Sarah Hamill, 34 Oak Hill Road, Board of Selectmen, and seconded,

Voted greater than 2/3rds yes, that the Town appropriate, and authorize the Town Treasurer, with the approval of the Selectmen, to borrow pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, the sum of \$227,300 in order to acquire 44 acres of land situated on Brown Road, which land is shown on Assessors' Map 35, Parcel 10, owned by Joseph E. Tripp, for conservation purposes, and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise said land for the aforesaid purpose, contingent upon the passage of a proposition two and one-half debt exclusion ballot question at the Annual Election on March 28, 2000.

**\*Article 36** was taken out of order after the lunch break. Please see numerical listing for wording.

#### **ARTICLE 15: PROFESSIONAL CONSULTING SERVICES**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of providing professional consulting services for various projects, with unexpended funds as of June 30, 2002, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

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

Voted majority yes, the Town raise and appropriate the sum of \$17,500 for the purpose of providing professional consulting services for various projects, with unexpended funds as of June 30, 2002, being returned to their funding source.

## **ARTICLE 16: FIRE DEPARTMENT STORAGE BUILDING**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of building a storage building for the Fire Department, with unexpended funds as of June 30, 2001, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

On a motion by Cynthia Russo, 116 Oak Hill Road, Board of Selectmen, and seconded,

Voted majority yes, that the Town raise and appropriate the sum of \$7,500 for the purpose of building a storage building for the Fire Department, with unexpended funds as of June 30, 2001, being returned to their funding source.

## **ARTICLE 17: AMBULANCE DEPARTMENT PORTABLE RADIOS & PAGERS**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of purchasing portable radios and pagers for the Ambulance Department, with unexpended funds as of June 30, 2001, being returned to their funding source, and to authorize the sale or trade of existing equipment, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

On a motion by Kerry Curley, 306 Still River Road, Board of Selectmen, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$5,200 for the purpose of purchasing portable radios and pagers for the Ambulance Department, with unexpended funds as of June 30, 2001, being returned to their funding source, and to authorize the sale or trade of existing equipment.

## **ARTICLE 18: AMBULANCE DEPARTMENT ADVANCED TRAINING**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of providing advanced training for the Ambulance Department, with unexpended funds as of June 30, 2003, being returned to their funding source, and to authorize the sale or trade of existing equipment, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

On a motion by Kerry Curley, 308 Still River Road, Board of Selectmen, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$5,800 for the purpose of providing advanced training for the Ambulance Department, with unexpended funds as of June 30, 2003, being returned to their funding source.

## **ARTICLE 19: SCHOOL KINDERGARTEN WING STUDY**



To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for professional consulting services for the kindergarten wing of the Harvard Elementary School, with unexpended funds as of June 30, 2002, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

On a motion by Linda Moore, 72 Slough Road, School Committee, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$15,000 for professional consulting services for the kindergarten wing of the Harvard Elementary School, with unexpended funds as of June 30, 2002, being returned to their funding source.

#### **ARTICLE 20: SCHOOL VAN**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of purchasing a van for the School System, with unexpended funds as of June 30, 2001, being returned to their funding source, and to authorize the sale or trade of existing equipment, or pass any vote or votes in relation thereto.

(Inserted by School Committee)

On a motion by Dwight Harshbarger, 4 Madigan Lane, School Committee, and seconded,

Voted majority yes the Town vote to raise and appropriate the sum of \$15,000 for the purpose of purchasing a van for the School System, with unexpended funds as of June 30, 2001, being returned to their funding source, and to authorize the sale or trade of existing equipment.

#### **ARTICLE 21: TECHNOLOGY HARDWARE/EQUIPMENT**

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

(Inserted by School Committee)

On a motion by Molly Cutler, 56 Stow Road, School Committee, and seconded,

Voted majority yes that the Town vote to raise and appropriate the sum of \$30,000 for the purpose of purchasing technology hardware and equipment, with unexpended funds as of June 30, 2002, being returned to their funding source.

#### **ARTICLE 22: MOWER**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of purchasing a mower for the Public Works Department and to authorize the sale or trade of existing equipment, with unexpended funds as of June 30, 2001, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park & Recreation Commission)

On a motion by Cynthia Russo, 116 Oak Hill Road, Board of Selectmen, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$8,000 for the purpose of purchasing a mower for the Public Works Department and to authorize the sale or trade of existing equipment, with unexpended funds as of June 30, 2001, being returned to their funding source.

### **ARTICLE 23: BEACH HOUSE EXPANSION**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the purpose of expanding the beach house, with unexpended funds as of June 30, 2001, being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Park & Recreation Commission)

On a motion by Jim Lee, 110 East Bare Hill Road, Park and Recreation Commission, and seconded,

Voted majority yes that the Town raise and appropriate the sum of \$10,000 for the purpose of expanding the beach house located on the Town Beach at Bare Hill Pond, with unexpended funds as of June 30, 2001, being returned to their funding source.

### **ARTICLE 24: 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 Selectmen)

On a motion by Kerry Curley, 306 Still River Road, Board of Selectmen, and seconded,

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

### **ARTICLE 25: ACCEPTANCE OF GIFTS OF PROPERTY - CONSERVATION LAND**

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

(Inserted by Selectmen)

On a motion by Sarah Hamill, 34 Oak Hill Road, Board of Selectmen, and seconded,

Voted to take no action.

## **ARTICLE 26: ACCEPTANCE OF EASEMENT - WHITNEY LANE**

To see if the Town will vote to accept an easement from David Berwind, Jeanne M. Berwind, Russell F. Shappy Jr., Linda Berwind Shappy and Whitney Lane Farms, LLC for vehicular access and egress by municipal public safety vehicles on, over, through and across the passageway known as Whitney Lane, Harvard, Massachusetts, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

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

Voted majority yes that the Town accept an easement from David Berwind, Jeanne M. Berwind, Russell F. Shappy Jr., Linda Berwind Shappy and Whitney Lane Farms, LLC for vehicular access and egress by municipal public safety vehicles on, over, through and across the passageway known as Whitney Lane, Harvard, Massachusetts as described in an easement agreement between David Berwind, et als. and the Town of Harvard dated February 1, 2000, a copy of which easement agreement is on file in the Office of the Board of Selectmen.

## **ARTICLE 27: ACCEPTANCE OF EASEMENT - LITTLETON COUNTY & MASS. AVE.**

To see if the Town will vote to accept an easement from Whitney Lane Farms, LLC for roadway, drainage, slope, sight distance and utility purposes in, on, over, under, through and across the areas of land shown as "Proposed Roadway, Sight Distance, & Slope easement E-1 Area = 16,899 +/- S.F." and Proposed Roadway & Slope Easement E-2 Area = 4,400 +/- S.F." on a plan entitled "Plan of Easements in Harvard, Mass., Massachusetts Avenue, Littleton County Road and Sherry Road": dated June 14, 1999, and revised on August 2, 1999 prepared by Goldsmith, Prest & Ringwall, Inc., a copy of which plan is on file in the Office of the Board of Selectmen, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

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

Voted majority yes that the Town accept an easements from Whitney Lane Farms, LLC, for roadway, drainage, slope, sight distance and utility purposes in, on, over, under, through and across the areas of land shown as "Proposed Roadway, Sight Distance, & Slope easement E-1 Area = 16,899 +/- S.F." and "Proposed Roadway & Slope Easement E-2 Area = 4,400 +/- S.F." on a plan entitled "Plan of Easements in Harvard, Mass., Massachusetts Avenue, Littleton County Road and Sherry Road": dated June 14, 1999, and revised on August 2, 1999 prepared by Goldsmith, Prest & Ringwall, Inc., a copy of which easement agreement is on file in the Office of the Board of Selectmen.

\*A motion was made by Sarah Hamill, 34 Oak Hill Road, Board of Selectmen, and seconded, to combine Articles 28 and 29.

The motion to combine was passed majority yes.

The motion as read is printed after the wording of the original two articles.

#### **ARTICLE 28: SALE OF SURPLUS LAND - STOW ROAD**

To see if the Town will vote to : a) transfer the care, custody, management and control of the parcel of land on Stow Road, Harvard, Massachusetts, containing 9.05 acres of land, more or less, shown as Lot 7 on a plan entitled "Plan of Land in Harvard, Mass. prepared for the Town of Harvard" dated February 24, 1987, prepared by Schofield Brothers, Inc., Professional Land Surveyors and Engineers, a copy of which plan is on file in the Office of the Harvard Conservation Commission, which parcel of land was acquired by the Town on August 15, 1985, for the expansion of municipal and services facilities purposes, from the Board of Selectmen to the Board of Selectmen for the purpose of selling said parcel of land, subject to a conservation restriction; and b) authorize the Board of Selectmen to sell said parcel of land, subject to a conservation restriction, in accordance with the provisions of Massachusetts General Laws, Chapter 30B, or pass any vote or votes in relation thereto.  
(Inserted by Selectmen)

#### **ARTICLE 29: SALE OF SURPLUS LAND - MURRAY LANE**

To see if the Town: a) transfer the care, custody, management and control of the parcel of land on Stow Road and Murray Lane, Harvard, Massachusetts, containing 6.60 acres of land, more or less, shown as Lot 6 on a plan entitled "Plan of Land in Harvard, Mass. Prepared for the Town of Harvard", dated February 24, 1987, prepared by the Schofield Brothers, Inc., Professional Land Surveyors and Engineers, a copy of which plan is on file in the Office of the Harvard Conservation Commission, which parcel of land was acquired by the Town on August 15, 1985, for the expansion of municipal and services facilities purposes, from the Board of Selectmen to the Board of Selectmen for the purpose of selling said parcel of land, subject to a conservation restriction: and b) authorize the Board of Selectmen to sell said parcel of land, subject to a conservation restriction, in accordance with the provisions of Massachusetts General Laws Chapter 30B, or pass any vote or votes in relation thereto.  
(Inserted by Selectmen)

The following motion was made by Sarah Hamill, 34 Oak Hill Road, Board of Selectmen, and seconded,

I move that (a) the Town transfer the care, custody, management and control of: 1) the parcel of land on Stow Road, containing 9.05 acres of land, more or less, as more fully described in Article 28 of the warrant; and 2) the parcel of land on Murray Lane, containing 6.60 acres of land, more or less, as more fully described in Article 29 of the warrant, from and to the Board of Selectmen for the purpose of selling said parcels of land, subject to a conservation restriction, and b) authorize the Board of Selectmen to sell said parcels of land subject to a conservation restriction, in accordance with the provisions of Massachusetts General Laws, chapter 30B.

A motion was made by Wendy Sisson, 281 Stow Road, to amend the motion by transferring the care, management and control... "from the Board of Selectmen to the Conservation Commission...", and seconded.

The Conservation Commission had no consensus on the amendment and it was voted majority NO.

A motion was made by Wendy Sisson, 281 Stow Road, to amend the article by adding “no less than \$270,000:

This motion was accepted by the Board of Selectmen.

Voted 92 yes and 34 no, that the Town a) transfer the care, custody, management and control of: 1) the parcel of land on Stow Road, Harvard, Massachusetts, containing 9.05 acres of land, more or less, shown as Lot 7 on a plan entitled “Plan of Land in Harvard, Mass. Prepared for the Town of Harvard” dated February 24, 1987, prepared by Schofield Brothers, Inc., Professional Land Surveyors and Engineers, a copy of which plan is on file in the Office of the Harvard Conservation Commission, which parcel of land was acquired by the Town on August 15, 1985, for the expansion of municipal and services facilities purposes; and 2) the parcel of land on Stow Road and Murray Lane, Harvard, Massachusetts, containing 6.60 acres of land, more or less, shown as Lot 6 on a plan entitled “Plan of Land in Harvard, Mass. Prepared for the Town of Harvard”, dated February 24, 1987, prepared by the Schofield Brothers, Inc., Professional Land Surveyors and Engineers, a copy of which plan is on file in the Office of the Harvard Conservation Commission, which parcel of land was acquired by the Town on August 15, 1985, for the expansion of municipal and services facilities purposes, from the Board of Selectmen to the Board of Selectmen for the purpose of selling said parcel of land, subject to a conservation restriction; and b) authorize the Board of Selectmen to sell said parcel of land, subject to a conservation restriction, for no less than \$270,000, in accordance with the provisions of Massachusetts General Laws, Chapter 30B.

### **ARTICLE 30: SALE OF FORMER WATT LAND**

To see if the Town will vote to: a) transfer the care, custody, management and control of the parcels of land located on and off Still River Depot Road, Harvard, Massachusetts, shown as Lot No. 4, Parcel B and Parcel BB on a plan entitled “A Plan of Land Located Southerly Adjacent to the Still River Depot Road, Still River, MA” prepared by DeFalco Engineering, Inc. dated August 7, 1999, and recorded with the Worcester District Registry of Deeds in Plan Book 745, Plan 106, which parcels of land contain in the aggregate, 8.71 acres, more or less, acquired by the Town on October 19, 1999 for municipal purposes, from the Board of Selectmen to the Board of Selectmen for the purpose of selling said parcels of land and b) authorize the Board of Selectmen to sell said parcels of land to the United States Fish and Wildlife Service, or pass any vote or votes in relation thereto.

(Inserted by Selectmen)

On a motion by Sarah Hamill, 34 Oak Hill Road, Board of Selectmen, and seconded,

Voted majority yes that the Town vote to: a) transfer the care, custody, management and control of the parcels of land located on and off Still River Depot Road, Harvard, Massachusetts, shown as Lot No. 4, Parcel B and Parcel BB on a plan entitled “A Plan of Land Located Southerly

Adjacent to the Still River Depot Road, Still River, MA” prepared by DeFalco Engineering, Inc. dated August 7, 1999, and recorded with the Worcester District Registry of Deeds in Plan Book 745, Plan 106, which parcels of land contain in the aggregate, 8.71 acres, more or less, acquired by the Town on October 19, 1999 for municipal purposes, from the Board of Selectmen to the Board of Selectmen for the purpose of selling said parcels of land and b) authorize the Board of Selectmen to sell said parcels of land to the United States Fish and Wildlife Service and to grant on option to purchase said parcels of land and the Trust for Public Land, which option shall be assigned to and exercised by the United States Fish and Wildlife Service.

### **ARTICLE 31: DISCHARGE MORTGAGE ON WESTWARD ORCHARDS LAND**

To see if the Town will vote to authorize the Board of Selectmen to discharge a mortgage held by the Town on three parcels of land owned by Westward Orchard, Inc., located on Ayer Road, Oak Hill Road and Littleton County Road, Harvard, Massachusetts, which mortgage is dated February 26, 1999 and recorded with the Worcester District Registry of Deeds in Book 21119, Page 368, or pass any vote or votes in relation thereto.  
(Inserted by Selectmen)

On a motion by Kerry Curley, 306 Still River Road, Board of Selectmen, and seconded,

Voted unanimously yes that the Town vote to authorize the Board of Selectmen to discharge a mortgage held by the Town on three parcels of land owned by Westward Orchard, Inc., located on Ayer Road, Oak Hill Road and Littleton County Road, Harvard, Massachusetts, which mortgage is dated February 26, 1999 and recorded with the Worcester District Registry of Deeds in Book 21119, Page 368.

### **ARTICLE 32: ZONING**

To see if the Town will vote to amend the Protective (Zoning) By-law of the Town as follows:

- 1) Add the following new definition to Section 2 immediately after the definition of "Waterfront Structure" and immediately before the definition of "Wireless Communications Tower":

**"Wireless Communications Equipment.** Antennas and related transmission and reception equipment, including any accessory equipment or structures but excluding ground mounted structures used primarily for their support, which may be used for the provision of Wireless Communications Services."

- 2) Add the following new definition to Section 2 immediately after the definition of "CDOS" and immediately before the definition of "Common Open Space":

**"Co-location of Wireless Communications Services.** The addition of Wireless Communications Equipment to a Wireless Communications Tower permitted under Section 5.8 of the Harvard Protective (Zoning) Bylaws."

- 3) Amend the definition of Wireless Communications Tower to read as follows:

**"Wireless Communications Tower.** A structure having the primary purpose of providing personal Wireless Communications Services, including but not limited to, a ground mounted or otherwise supported structure with antenna(s) or other Wireless Communications Equipment, if any, together with any guy wires and accessory structures, which shall not include a service yard, a garage, or the outside storage of equipment or vehicles."

- 4) Amend Section 5.8.2 defining the Wireless Communications Overlay District by replacing it with the following definition:

### **5.8.2 DISTRICT DELINEATION**

"The Wireless Communications Towers Overlay District (WCTOD) shall include all land in the Town of Harvard with the following exceptions:

- a* all land that lies within a W District;
  - b* all land within Historic Districts as delineated under Section 3 of the Historic Districts and Historical Commission Bylaw of the Town of Harvard;
  - c* all land subject to an Agricultural Preservation Restriction."
- 5) Amend the second paragraph of Section 5.8.4 entitled "**SPECIAL PERMIT REQUIREMENTS AND USE RESTRICTIONS**" in its entirety to read:
- "Any extension of or addition to a wireless communications tower, or the construction of replacement towers, shall be subject to a modification of the Special Permit following the same procedure as for an original application for a special permit. Addition of a co-locator to an existing wireless communications tower granted under Section 5.8 of these bylaws shall be by a separate Special Permit, which may modify the conditions of the Special Permit granting the tower. No Special Permit authorizing the location of wireless communications equipment on a lawfully existing tower or authorizing a tower or other structure for the provision of wireless communication services granted under any section other than Section 5.8 of the Protective (Zoning) Bylaws of the Town of Harvard may be renewed or extended upon its expiration."
- 6) Amend Section 5.8.4.b in its entirety to read:
- b* The size and height of the tower is the minimum necessary for the purpose; provided, however, that the tower height, including any appurtenant equipment and devices:
    - (1) shall not exceed seventy five (75 feet) above the average grade of the existing terrain at the tower's base unless the applicant demonstrates to the satisfaction of the Planning Board that:

- i* the granting of a tower less than or equal to seventy five feet in height shall have the effect of prohibiting the provision of personal wireless services or shall unreasonably discriminate among providers of functionally equivalent services; or
  - ii* a taller tower will permit multiple users without detrimental impact upon the viewshed.

(2) in no event shall the tower height, including appurtenant equipment and devices exceed one hundred five (105) feet.

(3) in no event shall the tower, including appurtenant equipment and devices, be of such height as to require non-emergency lighting.

In making a determination under Section 5.8.4.b.(1).i the Planning Board must find that the services proposed are reasonable and technically feasible using the applicants technology, are consistent with generally accepted industry standards for the provision of such services, and can not be reasonably provided by a different type, location, or height of tower, or configuration of towers, or alternate installation of wireless communications equipment, which is technically feasible, permitted under this Bylaw, and is in greater harmony with the purposes of the Bylaw.

7) Amend Section 5.8.4.j by adding the following sentence to the end of the section:

“In any decision granting a Special Permit under Section 5.8 the Planning Board shall impose conditions and limitations on the exercise of the Special Permit specifying the maximum height and specific camouflaging techniques for the wireless communications tower and equipment which are needed to minimize the visual impact of the tower.”

8) Amend Section 5.8.5.1 in its entirety to read:

*l* “The applicant shall demonstrate that the proposed site for the tower will minimize the effect of the tower upon the viewshed from all residences, and from all areas of the Town of Harvard. The applicant must further demonstrate that the services proposed are reasonable and technically feasible using the applicants technology, are consistent with generally accepted industry standards for the provision of such services, and can not be reasonably provided by a different type or height of tower, or configuration of towers, or alternate installation of wireless communications equipment, which is technically feasible, permitted under this Bylaw, and is in greater harmony with the purposes of the Bylaw and the specific requirements of Section 5.8.4. As a part of these demonstrations, the applicant shall show that there is no federal or state land which would better protect the viewshed, or provide documentation that such sites are not available to the applicant. Failure of a federal or state agency, or instrument thereof, to make available lands or structures for the siting of a wireless communications tower or wireless communications equipment in such a way which would better protect the viewshed from all residences and



from all areas of the Town of Harvard, in violation of applicable federal and state laws governing the siting of these facilities, shall not relieve the applicant of the obligation to seek such siting to the maximum extent permitted under the law.”

9) Amend subsections *c* and *d* of Section 5.8.9 to read:

*c* A tower erected for educational or religious purposes as described in the second paragraph of Section 3 of the Zoning Act. Except for amateur radio use as permitted under Section 5.8.9.a, the use of such a tower under this exception may not be combined with any other use.

*d* A tower erected to serve communication between farm vehicles and/or farm units incidental to the use of the land for farming. Except for amateur radio use as permitted under Section 5.8.9.a, the use of such a tower under this exception may not be combined with any other use.

or pass any vote or votes in relation thereto.

(Inserted by Planning Board) (2/3 vote required)

A motion was made by William Marinelli, 50 Stow Road, Planning Board, and seconded, to amend the Protective (Zoning) Bylaw as printed above.

Paul Jagel, 145 Depot Road, made the following amendment, which was seconded,

“(2) In no event shall the tower height, including appurtenant equipment and devices, exceed ten feet above the height of surrounding trees or one hundred five feet whichever is less.”

The Planning Board did not accept the amendment.

The motion to amend was voted 35 yes and 57 no, does NOT pass.

Voted greater than 2/3 yes that the Town amend the Protective (Zoning) Bylaw of the Town as follows:

1) Add the following new definition to Section 2 immediately after the definition of "Waterfront Structure" and immediately before the definition of "Wireless Communications Tower":

**"Wireless Communications Equipment.** Antennas and related transmission and reception equipment, including any accessory equipment or structures but excluding ground mounted structures used primarily for their support, which may be used for the provision of Wireless Communications Services.”

2) Add the following new definition to Section 2 immediately after the definition of "CDOS" and immediately before the definition of "Common Open Space":

**“Co-location of Wireless Communications Services.** The addition of Wireless Communications Equipment to a Wireless Communications Tower permitted under Section 5.8 of the Harvard Protective (Zoning) Bylaws.”

- 3) Amend the definition of Wireless Communications Tower to read as follows:

**"Wireless Communications Tower.** A structure having the primary purpose of providing personal Wireless Communications Services, including but not limited to, a ground mounted or otherwise supported structure with antenna(s) or other Wireless Communications Equipment, if any, together with any guy wires and accessory structures, which shall not include a service yard, a garage, or the outside storage of equipment or vehicles.”

- 4) Amend Section 5.8.2 defining the Wireless Communications Overlay District by replacing it with the following definition:

### **5.8.2 DISTRICT DELINEATION**

“The Wireless Communications Towers Overlay District (WCTOD) shall include all land in the Town of Harvard with the following exceptions:

- a* all land that lies within a W District;
  - b* all land within Historic Districts as delineated under Section 3 of the Historic Districts and Historical Commission Bylaw of the Town of Harvard;
  - c* all land subject to an Agricultural Preservation Restriction.”
- 5) Amend the second paragraph of Section 5.8.4 entitled **“SPECIAL PERMIT REQUIREMENTS AND USE RESTRICTIONS”** in its entirety to read:
- “Any extension of or addition to a wireless communications tower, or the construction of replacement towers, shall be subject to a modification of the Special Permit following the same procedure as for an original application for a special permit. Addition of a co-locator to an existing wireless communications tower granted under Section 5.8 of these bylaws shall be by a separate Special Permit, which may modify the conditions of the Special Permit granting the tower. No Special Permit authorizing the location of wireless communications equipment on a lawfully existing tower or authorizing a tower or other structure for the provision of wireless communication services granted under any section other than Section 5.8 of the Protective (Zoning) Bylaws of the Town of Harvard may be renewed or extended upon its expiration.”
- 6) Amend Section 5.8.4.b in its entirety to read:
- b* The size and height of the tower is the minimum necessary for the purpose; provided, however, that the tower height, including any appurtenant equipment and devices:

(1) shall not exceed seventy five (75 feet) above the average grade of the existing terrain at the tower's base unless the applicant demonstrates to the satisfaction of the Planning Board that:

- i* the granting of a tower less than or equal to seventy five feet in height shall have the effect of prohibiting the provision of personal wireless services or shall unreasonably discriminate among providers of functionally equivalent services; or
- ii* a taller tower will permit multiple users without detrimental impact upon the viewshed.

(2) in no event shall the tower height, including appurtenant equipment and devices exceed one hundred five (105) feet.

(3) in no event shall the tower, including appurtenant equipment and devices, be of such height as to require non-emergency lighting.

In making a determination under Section 5.8.4.b.(1).i the Planning Board must find that the services proposed are reasonable and technically feasible using the applicants technology, are consistent with generally accepted industry standards for the provision of such services, and can not be reasonably provided by a different type, location, or height of tower, or configuration of towers, or alternate installation of wireless communications equipment, which is technically feasible, permitted under this Bylaw, and is in greater harmony with the purposes of the Bylaw.

7) Amend Section 5.8.4.j by adding the following sentence to the end of the section:

“In any decision granting a Special Permit under Section 5.8 the Planning Board shall impose conditions and limitations on the exercise of the Special Permit specifying the maximum height and specific camouflaging techniques for the wireless communications tower and equipment which are needed to minimize the visual impact of the tower.”

8) Amend Section 5.8.5.1 in its entirety to read:

- l* “The applicant shall demonstrate that the proposed site for the tower will minimize the effect of the tower upon the viewshed from all residences, and from all areas of the Town of Harvard. The applicant must further demonstrate that the services proposed are reasonable and technically feasible using the applicants technology, are consistent with generally accepted industry standards for the provision of such services, and can not be reasonably provided by a different type or height of tower, or configuration of towers, or alternate installation of wireless communications equipment, which is technically feasible, permitted under this Bylaw, and is in greater harmony with the purposes of the Bylaw and the specific requirements of Section 5.8.4. As a part of these demonstrations, the applicant shall show that there is no federal or state land which would better protect the viewshed, or provide documentation that such sites are not available to the applicant.

Failure of a federal or state agency, or instrument thereof, to make available lands or structures for the siting of a wireless communications tower or wireless communications equipment in such a way which would better protect the viewshed from all residences and from all areas of the Town of Harvard, in violation of applicable federal and state laws governing the siting of these facilities, shall not relieve the applicant of the obligation to seek such siting to the maximum extent permitted under the law.”

9) Amend subsections *c* and *d* of Section 5.8.9 to read:

- c* A tower erected for educational or religious purposes as described in the second paragraph of Section 3 of the Zoning Act. Except for amateur radio use as permitted under Section 5.8.9.a, the use of such a tower under this exception may not be combined with any other use.
- d* A tower erected to serve communication between farm vehicles and/or farm units incidental to the use of the land for farming. Except for amateur radio use as permitted under Section 5.8.9.a, the use of such a tower under this exception may not be combined with any other use.

### **ARTICLE 33: ZONING**

To see if the Town will vote to amend the Protective (Zoning) By-law of the Town as follows:

Amend Section **5.2 PERMITTED USES IN AR DISTRICTS** to add the following sub-section k:

- k* Wireless Communications Services as provided by the installation of Wireless Communications Equipment in any structure existing prior to 1 June 1999. The Wireless Communications Equipment shall not alter the exterior appearance of the structure. For structures in existence prior to 1 June 1999, no portion of the structure which was or will be created by the enlargement in either volume or height of the structure after 1 June 1999 may be used for the purposes of providing wireless communications services unless, in the opinion of the Planning Board, the provision of wireless communications services in this portion of the structure is in harmony with the purposes defined in Section 1 of this bylaw.

or pass any vote or votes in relation thereto.

(Inserted by Planning Board) (2/3 vote required)

The following motion was made by William Marinelli, 50 Stow Road, Planning Board, and seconded,

I move that the Town amend the Protective (Zoning) By-law of the Town as follows:

Amend Section **5.2 PERMITTED USES IN AR DISTRICTS** to add the following sub-section k:

- k* Wireless Communications Services as provided by the installation of Wireless

Communications Equipment in any structure existing prior to 1 June 1999. The Wireless Communications Equipment shall not alter the exterior appearance of the structure. For structures in existence prior to 1 June 1999, no portion of the structure which was or will be created by the enlargement in either volume or height of the structure after 1 June 1999 may be used for the purposes of providing wireless communications services unless, in the opinion of the Planning Board, the provision of wireless communications services in this portion of the structure is in harmony with the purposes defined in Section 1 of this bylaw.

or pass any vote or votes in relation thereto.

Robert Lerner, 101 West Bare Hill Road, made a motion to add the word “permanent” before the word structure in the first sentence under ‘k’.

The amendment was accepted by the Planning Board.

Voted unanimously yes that the Town amend the Protective (Zoning) By-law of the Town as follows:

Amend Section **5.2 PERMITTED USES IN AR DISTRICTS** to add the following sub-section k:

- k Wireless Communications Services as provided by the installation of Wireless Communications Equipment in any permanent structure existing prior to 1 June 1999. The Wireless Communications Equipment shall not alter the exterior appearance of the structure. For structures in existence prior to 1 June 1999, no portion of the structure which was or will be created by the enlargement in either volume or height of the structure after 1 June 1999 may be used for the purposes of providing wireless communications services unless, in the opinion of the Planning Board, the provision of wireless communications services in this portion of the structure is in harmony with the purposes defined in Section 1 of this bylaw.

## **ARTICLE 34: ZONING**

To see if the Town will vote to amend the Protective (Zoning) By-law of the Town of Harvard as follows:

1) Amend Section **6.4.3 SETBACKS** by changing subsection *a* in its entirety to read:

- a shall be entirely within the lot being served unless such means is owned, operated, monitored, maintained, repaired, and subject to replacement by the Town of Harvard or any other entity all of whose expenditures are subject to authorization by the Harvard Town Meeting.

2) Amend Section **6.4.3 SETBACKS** by changing subsection *b* in its entirety to read:

- b shall be set back from lot boundaries and drainage easements by at least the same distance as required for structures from lot boundaries for the particular lot. However, this setback

does not apply to solid wall pipes with leak tight fittings (including cleanouts) which are part of a domestic sewage system. Setback increases for use or intensity of use which may be specified in the Bylaw shall not apply to such means.

Note: Underlining above indicates material changed or added from the existing Bylaw, and is not part of the proposed amendments.

or pass any vote or votes in relation thereto.

(Inserted by Planning Board) (2/3 vote required)

On a motion by William Marinelli, 50 Stow Road, Planning Board, and seconded,

Voted unanimously yes, that the Town amend the Protective (Zoning) By-law of the Town of Harvard as follows:

- 1) Amend Section **6.4.3 SETBACKS** by changing subsection *a* in its entirety to read:
  - a shall be entirely within the lot being served unless such means is owned, operated, monitored, maintained, repaired, and subject to replacement by the Town of Harvard or any other entity all of whose expenditures are subject to authorization by the Harvard Town Meeting.
- 2) Amend Section **6.4.3 SETBACKS** by changing subsection *b* in its entirety to read:
  - b shall be set back from lot boundaries and drainage easements by at least the same distance as required for structures from lot boundaries for the particular lot. However, this setback does not apply to solid wall pipes with leak tight fittings (including cleanouts) which are part of a domestic sewage system. Setback increases for use or intensity of use which may be specified in the Bylaw shall not apply to such means.

## **ARTICLE 35: ZONING**

To see if the Town will vote to amend the Protective (Zoning) By-law of the Town of Harvard as follows:

Amend sub-section k of **SECTION 8. DISTRICT LOCATIONS AND BOUNDARIES** to remove the words "defined in Section 5.8."

or pass any vote or votes in relation thereto.

(Inserted by Planning Board) (2/3 vote required)

On a motion by William Marinelli, 50 Stow Road, Planning Board, and seconded,

Voted unanimously yes that the Town vote to amend the Protective (Zoning) By-law of the Town of Harvard as follows by deleting from sub-section h of **SECTION 8. DISTRICT LOCATIONS AND BOUNDARIES** thereof the words "defined in Section 5.8."

### **\*ARTICLE 36: REPORT OF COMMITTEE - DEVENS REUSE**

To see if the Town will hear a report from the Devens Reuse Committee.  
(Inserted by Devens Reuse Committee)

On a motion by Richard DeBoalt, 79 Shaker Road, Devens Reuse Committee, and seconded,

Voted unanimously yes that the Town hear the report of the Devens Reuse Committee.

A presentation was made by Richard DeBoalt.

### **ARTICLE 37: CITIZENS PETITION**

To see if the Town will vote to direct the Selectmen to directly negotiate for the transfer of water rights in the Devens aquifer to the Town of Harvard by gift, purchase, eminent domain, petition to the legislature, or otherwise; to appoint a committee to determine the feasibility of future uses of the Devens aquifer for a town water supply; and to transfer or raise and appropriate a sum of money in support thereof, substantially as follows

**Whereas** the aquifer under Devens lies in large part within or adjacent to the historic boundaries of the Town of Harvard, and

**Whereas** there is no other known comparable supply of water within the boundaries of Harvard available for future use as public water supply, and

**Whereas** a continuing pattern of land development and dumping sites within Devens, if allowed to continue unabated, may prejudice the possibility of using the aquifer for a public water supply for the Town of Harvard, and

**Whereas** memoranda of understanding or municipal jurisdiction cannot clothe the Town with the same rights as would accompany actual ownership in the protection, preservation and management of this resource,

**Whereas** no reliance can be placed on the future availability of aquifer water unless specific sites complying with all provisions of law for water supply have been identified and the rights to use them have been secured:

**Now therefore**, the Town hereby votes

a. To direct the Board of Selectmen to negotiate for the transfer of the ownership of the Devens underground water within the historic boundaries of the Town of Harvard from the Massachusetts Development and Finance Authority, and its successors, to the Town, in whole or in part, whether by gift, by purchase, by taking by eminent domain, by home rule petition to the legislature, or otherwise; and to report their progress to the Town no later than the 2001 Annual Town Meeting.

b. That the Town Moderator appoint a Committee of citizens, not to exceed five in number, to be known as the Devens Well Site Committee, to determine an actual envelope of land acquisition and/or control that would be required to establish one or more Town well sites on the Devens aquifer in compliance with all provisions of law; and to report their findings and

recommendations to the Town no later than the 2001 Annual Town Meeting. Said committee shall include a nominee of the Planning Board and a nominee of the Water Commission.

C. To raise and appropriate or to transfer from available funds a sum of money to be expended under the direction of the Planning Board by said Devens Well Site Committee in carrying out its studies.

(Inserted by 10 or More Citizens)

On a motion by Robert Lerner, 101 West Bare Hill Road, and seconded,

Voted unanimously yes that the Town appoint a committee to determine the feasibility of future use of the Devens aquifer for a Town water supply, as follows:

**Whereas** the aquifer under Devens lies in large part within or adjacent to the historic boundaries of the Town of Harvard, and

**Whereas** there is no other known comparable supply of water within the boundaries of Harvard available for future use as public water supply, and

**Whereas** a continuing pattern of land development and dumping sites within Devens, if allowed to continue unabated, may prejudice the possibility of using the aquifer for a public water supply for the Town of Harvard, and

**Whereas** memoranda of understanding or municipal jurisdiction cannot clothe the Town with the same rights as would accompany actual ownership in the protection, preservation and management of this resource,

**Whereas** no reliance can be placed on the future availability of aquifer water unless specific sites complying with all provisions of law for water supply have been identified and the rights to use them have been secured:

**Now therefore**, the Town hereby votes

That the Town Moderator appoint a Committee of citizens, not to exceed five in number, to be known as the Devens Well Site Committee, to determine an actual envelope of land acquisition and/or control that would be required to establish one or more Town well sites on the Devens aquifer, sufficient to serve the Town's possible future population in compliance with all provisions of law; and to report their findings and recommendations to the Town no later than the 2001 Annual Town Meeting. Said committee shall include a nominee of the Planning Board and a nominee of the Water Commission.

The meeting adjourned at 1:20 PM for lunch and reconvened at 2:25 PM.

The Board of Selectmen honored Virginia Thurston and Walter Levison, both posthumously, as Citizens of Note.

Checkers for the meeting were Roberta Atkinson, Marilyn Morgan, and Helen Fiore. They checked in 453 voters out of a total of 3605 registered voters (3329 active voters).



The meeting was dissolved at 4:28 P.M.

Respectfully submitted,

Janet A. Vellante  
Town Clerk