

**WARRANT FOR THE SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

WORCESTER, ss.

To the Constable of the Town of Harvard:

Greeting:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in the Town Hall on Monday, the 22nd day of October, 2018 at 7:00 p.m. by the clock to act on the following articles:

ARTICLE 1: AMENDMENTS TO TOWN BYLAWS

To see if the Town will vote to amend the Code of the Town of Harvard by making the following revisions to the Town's General Bylaws in order to bring them into conformity with the Harvard Charter approved at the May 8, 2018 Annual Town Election, or to take any vote or votes in relation thereto:

1. By substituting: (A) the term "Select Board" (a) for "Board of Selectmen" (and any variants such as "Board of Selectman" and abbreviations thereof), and (b) for "Selectmen" in contexts in which that term refers to the Select Board as a whole, acting as a board wherever the words "Board of Selectmen" and "Selectmen" so appear therein; provided, however, that Chapter 13 (Bare Hill Pond), Section 13.8 (Enforcement and penalties) shall be amended to substitute the words "Select Board is" for "Selectmen are";
(B) the term "Chair" for "Chairman" wherever the term "Chairman" appears therein;
(C) the term "Building Commissioner" for "Building Inspector" wherever the term "Building Inspector" appears therein; and
(D) substitute the term "Director of Public Works" for "Highway Superintendent" wherever the term "Highway Superintendent" appears therein.

2. By further amending Chapter 4 (Agricultural Advisory Commission) thereof by adding to the end of the first sentence, of Section 4-2(B) thereof " , each to serve for a term of one year" so that the first sentence of said Section 4-2(B) shall read:

"There may be up to three alternates appointed to the Commission by the Select Board, each to serve for a term of one year."

3. By further amending Chapter 10 (Appointed Board Members Meeting Attendance) thereof by::

(A) deleting "Meeting Attendance" from the title of the Chapter, so that the title of Chapter 10 is "Appointed Board Members";

(B) substituting "50%" for "30%" and "six" for "twelve" in the second sentence of Section 10-1 (Meeting Attendance) thereof, so that the second sentence of said Section 10-1 (Meeting Attendance) shall read:

"If a member of an appointed body is absent from 50% or more of the regularly scheduled meetings of the public body over a six-month period, the Chair or a majority of a quorum of the public body shall send a written notice of such member's absences to the public body's appointing authority with a recommendation."

(C) adding thereto a new Section 10-3 as follows:

“§ 10-3. Term of Service; Continuation of Office.

The term of service for appointed members of volunteer Town public bodies shall be as specified in the Harvard Charter and the Town bylaws. Upon the expiration of such term, each incumbent members of the appointed Town public body shall continue to hold office until the earliest of (i) the appointment of his or her successor, (ii) his or her resignation and (iii) June 30 following such expiration.”

4. By further amending Chapter 11 (Associate Member of Planning Board) thereof by making- the following revisions to Section 11-1 (Powers and duties) thereof:

[key to revisions: underlining = additions, ~~strikethrough~~ = deletions]

§ 11-1. Powers and duties.

The associate member of the Planning Board appointed pursuant to Subsection E of § 125-46 of the Code of the Town of Harvard may attend all Planning Board meetings, participate in discussions, and, at the designation of the Chair, may act as a regular member of the Board on administrative matters, including but not limited to providing a quorum ~~in~~ for discussion of agenda items, approving minutes, making motions and voting on other administrative tasks. The associate member may not act in lieu of a regular ~~elected or appointed~~ Board member on any nonadministrative issues, such as site plans and land division plans, which require a simple majority of the Board.

5. By further amending Chapter 17 (Capital Planning and Investment Committee; Capital Stabilization and Investment Fund) by:

(A) making the following revisions to Sections 17-1 (Establishment; membership) and 17-2 (Duties) thereof:

[key to revisions: underlining = additions, ~~strikethrough~~ = deletions]

§ 17-1. Establishment; membership.

. Section 6-5(a) of the Harvard Charter sets forth the membership of the Capital Planning and Investment Committee. Said Committee shall choose its own officers, set its own rules and shall serve without pay.

§ 17-2. Duties.

~~The Committee shall consider matters relating to appropriations from the Capital Stabilization and Investment Fund, and shall make recommendations to the Town or any board, committee or official thereof, and establish policies relative to the funding of capital projects of the Town and set priorities and schedules for such capital projects. Section 6-5(b) of the Harvard Charter sets forth the duties of the Capital Planning and Investment Committee. For purposes of Section 6-5(b) of the Harvard Charter, capital expenditures shall be~~ The Committee shall study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000 or greater and having a useful life of at least five years. All officers, boards, and committees, including the Board of Selectmen and the School Committee, shall by September 30 each year give to such Board, on forms prepared by it, information concerning all anticipated capital projects needing Town Meeting action during the ensuing five years. The Committee shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town.

~~B. The Committee shall transmit its recommendations to the Town Administrator, as well as the appropriate officer, board, agency or department involved in the proposed capital improvement. Such recommendations shall constitute a Capital Improvement Program. The report of this program shall, as to items planned for the ensuing fiscal year, be given to the Town Administrator and Finance Committee for their review and possible~~

~~inclusion in the budget. The text and tables of the Capital Improvement Program for the following five years shall be published in the Town's Annual Report. Expenditures for surveys, architectural or engineering advice, options or appraisals and similar expenses relating to future capital projects shall be a part of the Capital Improvement Program, and no such expenditure shall be made without study and written report from the Committee.~~

(B) by substituting "meeting" for "meetings" in the fifth sentence of Section 17-3 (Capital Stabilization and Investment Fund) thereof , so that the fifth sentence of said Section 17-3 (Capital Stabilization and Investment Fund) shall read:

"Monies in the Capital Stabilization and Investment Fund may be appropriated at any annual or special town meeting by a two-thirds vote."

6. By further amending Chapter 18 (Community Preservation Committee) thereof by deleting from Section 18-1(F) thereof everything after "Select Board", so that Section 18-1(F) shall read:

"F. Four members to be appointed by the Select Board."

7. By further amending Chapter 19 (Council on Aging) and Chapter 78 (Personnel Board) thereof, in the third sentence of Section 19-1 and the first sentence of Section 78-3(A)(1) by substitute the term "residents" for "registered voters", so that:

(A) the third sentence of Section 19-1 shall read:

"All members shall be residents of the Town of Harvard."; and

(B) the first sentence of Section 78-3(A)(1) shall read:

"The Select Board shall appoint a Personnel Board consisting of any five residents of the Town, to be appointed for three-year overlapping terms."

8. By further amending Chapter 36 (Finance Committee) thereof by making the following revisions thereto:

[key to revisions: underlining = additions, = deletions]

§ 36-1. Membership; appointment.

Section 3-4(c) of the Harvard Charter sets forth the membership and appointment of the Finance Committee.

§ 36-2. Duties.

The Finance Committee shall perform the duties specified in Article 6 of the Harvard Charter

§ 36-3. Budget Process.

The budget process for the Town shall be as specified in Sections 6-2, 6-3 and 6-4 of the Harvard Charter. .

§ 36-4. Associate members.

The Moderator shall appoint two associate members to the Finance Committee who shall participate in the Finance Committee's duties and functions but without authority to vote. The associate members shall serve

one-year terms. Candidates for associate membership shall adhere to the same appointment process as set forth in Section 3-4(c) of the Harvard Charter, and may apply for reappointment to subsequent one-year term(s).

§ 36-~~5~~. Quorum.

Associate members may be impaneled by the Chair of the Finance Committee, or any member of the Finance Committee acting as Chair, for the purposes of establishing a quorum of the Finance Committee. Such associate members shall have the authority to vote during meetings of the Finance Committee, unless or until a member joins the meeting so as to constitute a quorum of the Committee, in which case any such associate member so impaneled shall be replaced by member without action by the Chair. The associate members will be impaneled by seniority, with the most senior associate member being impaneled first.

9. By further amending Chapter 48 (Historic Districts) thereof by making the following revisions to Section 48-4 (Establishment and membership of Commission) thereto:

[key to revisions: underlining = additions, ~~striketrough~~ = deletions]

§ 48-4. Establishment and membership of Commission.

An Historic District Commission is hereby established, to consist of seven members and two alternate members, appointed by the Select Board, under the provisions of Chapter 40C of the General Laws, as amended by Chapter 359 of the Acts of 1971:

A. Three residents of the Town

B. One member from nominees submitted by the chapter of the American Institute of Architects covering the area.

C. One member from nominees submitted by the Board of Realtors covering the area.

D. One member from nominees submitted by the Harvard Planning Board.

E. One member from nominees submitted by the Harvard Conservation Commission.

F. Two alternate members to serve for one-year terms.

G. Their successors shall be appointed in the same manner as the original appointment for terms, other than the alternate members, of three years. If practical, the Commission should include at least one resident of an historic district.

H. If no nominees have been submitted to Select Board within 60 days of a request for nominees by the Select Board to the appropriate Board, Commission or Organization, the Select Board may proceed to appoint a resident to the Commission to fill the position for which nominees were requested.

(Inserted by the Select Board)

ARTICLE 2: AMEND THE PROTECTIVE BYLAW

To see if the Town will vote to amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the following revisions thereto to bring the following sections thereof into conformity with the Harvard Charter approved at the May 8, 2018 Annual Town Election, or to take any vote or votes in relation thereto:

(1) By substituting the term "Select Board" (a) for "Board of Selectmen" (and any variants such as "Board of Selectman" and abbreviations thereof), and (b) for "Selectmen" in contexts in which that term refers to the Select Board as a whole, acting as a board wherever the terms "Board of Selectmen" (and any variants such as "Board of Selectman" and abbreviations thereof), and "Selectmen" appear in said Chapter 125;

(2) By further amending Section 125-45 (Board of Appeals) thereof by making the following revisions thereto:

[key to revisions: underlining = additions, ~~striketrough~~ = deletions]

§ 125-45 Board of Appeals.

There shall be a Board of Appeals of three members, plus three associate members, appointed by the Select Board as provided in Section 12 of the Zoning Act, with such associate members serving for one-year terms. The Board of Appeals shall act on matters under this Bylaw as provided in the Zoning Act (see Sections 9, 11, 12, and 15 thereof), and this Bylaw. The Board of Appeals shall also have jurisdiction under Section 81Z, Chapter 41, G.L.; and

(3) By further amending Section 125-46 (Special Permits) of said Chapter 125 by making the following revisions to subsections (B)(2) and (E) thereof:

[key to revisions: underlining = additions, ~~striketrough~~ = deletions]

§ 125-46 Special permits.

...

B. **Advice from Planning Board or other Town boards.** (See Zoning Act, Section 11, and G.L. Chapter 41, Section 81I.)

...

(2) The authorizing board may refer an application also to the Conservation Commission, the Historical Commission, the Director of Public Works ~~Highway Superintendent~~, the Building Commissioner ~~Inspector~~, or to any ~~elected~~ Town board for formal comment or advice; if such formal advice is sought in writing, the authorizing board shall not take final action on the application until such advice or comment is received or until 35 days have elapsed after the transmittal of the request.

...

E. **Associate member.** An associate member of the Planning Board may be appointed by a majority vote of the Select Board to serve for a term of one year ~~and the Planning Board combined at a meeting of both Boards~~. The ~~Chairman~~ of the Planning Board may designate the associate member to sit on the Board for the purposes of acting on the special permit application, in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

(Inserted by the Planning Board)

ARTICLE 3: HAPGOOD LIBRARY - CONSTRUCT ADA ACCESSIBLE FRONT DOOR AND ADDRESS ADA COMPLIANCE ISSUES – SUPPLEMENTAL APPROPRIATION

To see if the Town will vote to appropriate \$200,000 to be expended by the Old Library Accessibility Committee, with the approval of the Select Board, to construct an American with Disabilities Act (ADA) compliant accessible front entrance to the Hapgood Library Building and to make renovations, repairs and improvements thereto for code compliance , said appropriation to be provided by supplementing the amounts appropriated pursuant to Articles 6 and 7 of the November 6, 2017 Special Town Meeting amended by which a) \$191,000 was transferred from the Capital Fund; b) \$192,000 was provided through a Massachusetts Cultural Facilities Fund grant; b) \$50,000 was transferred from the Community Preservation Fund as authorized under Article 6 of said Special Town Meeting; and c) \$39,000 was transferred from Article 24 of the 2017 Annual Town Meeting as appropriated under Article 7 of said Special Town Meeting; which supplemental appropriation shall be provided by authorizing the Town Treasurer, with the approval of the Select Board, to borrow \$200,000 under the provisions of Massachusetts General Laws Chapter 44 or any other enabling authority, with any unexpended funds as of June 30,2020 being returned to their funding source.

(Inserted by Select Board and Capital Planning and Investment Committee)

ARTICLE 4: AMEND ARTICLE #6 LINE #23 FIRE DEPARTMENT PERSONNEL

To see if the Town will vote to amend its vote under Article #6 of the May, 2018 Annual Town Meeting, by adding a sum of money to Line #23 Fire Department Personnel, to cover the salary increase due to the Fire Chief in accordance with the recent personnel study, or pass any vote or votes in relation thereto.

(Inserted by Select Board)

ARTICLE 5: PURCHASE PAPER COMPACTOR

To see if the Town will vote to transfer from available funds a sum up to \$37,500 to be expended by the Department of Public Works Director, with the approval of the Town Administrator, to purchase an additional paper compactor for the Harvard Transfer Station, or pass any vote or votes in relation thereto.

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

ARTICLE 6: CONVERT PLAYING FIELD INTO SOFTBALL FIELD

To see if the Town will vote to raise, appropriate or transfer from available funds a sum of money, to be spent by the Director of the Department of Public Works, with the approval of Park and Recreation Commission, to convert the current Ann Lee ball field into a softball field, or pass any vote or votes in relation thereto.

(Inserted by Select Board and Park and Recreation)

ARTICLE 7: HILDRETH ELEMENTARY SCHOOL UPDATE/REPORT

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

(Inserted by School Committee)

And you are directed to serve this Warrant by posting three attested copies thereof, one at the Town Hall, one at the Post Office in Harvard, and one at the Post Office in Still River, as directed by vote of the Town, fourteen days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 2nd day of October, Two Thousand and Eighteen.

Harvard Board of Selectmen:

Lucy B. Wallace, Chairman

Kara McGuire Minar

Stuart Sklar

Alice von Loesecke