

ANNUAL TOWN MEETING

April 5, 2016

The meeting was called to order in Bromfield's Cronin Auditorium by Moderator Robert Eubank at 7:07 p.m. The call of the meeting and the return of service were found to be in order by Town Clerk Janet A. Vellante.

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

Timothy Bragan	Town Administrator
Edward Denmark	Police Chief
Mark Lanza	Town Counsel
Lorraine Leonard	Finance Director
Richard Nota	Director of Public Works
Richard Sicard	Fire Chief
Debbie Thompson	Director, Council on Aging
Elizabeth Allard	Conservation Agent
Tammy Crockett	Monty Tech School Business Manager
William Scanlan	Planner

ARTICLE 1: ANNUAL REPORTS

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

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

Voted unanimously yes that the Town accept the reports of the Board of Selectmen, School Committee, and any other officers or committees as printed in the 2015 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 a sum of money to pay bills of Fiscal Year 2015, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted unanimously yes that the Town vote to transfer from Stabilization the sum of \$2,828. to pay the following outstanding bills from Fiscal Year 2015; \$2,708. to be paid to West Plumbing and Heating and \$120. to be paid to the Harvard Press.

ARTICLE 3: HOME RULE PETITION FOR SPECIAL ACT TO PAY BILLS OF PRIOR FISCAL YEARS

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act authorizing the Town to pay bills of the immediate prior fiscal year in the subsequent fiscal year, provided that the bills are received and paid by October 31 of the subsequent fiscal year and that any prior fiscal year bills received after October 31 shall be paid pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 64, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted unanimously yes to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act authorizing the Town to pay bills of the immediate prior fiscal year in the subsequent fiscal year, provided that the bills are received and paid by October 31 of the subsequent fiscal year and that any prior fiscal year bills received after October 31 shall be paid pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 64.

ARTICLE 4: OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, such sums of money as may be necessary to defray expenses for Fiscal Year 2017, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

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

Voted unanimously yes that the Town appropriate \$ 23,509,930. to defray the expenses of the Town for Fiscal Year 2017 as printed in the Finance Committee Report on pages 30 through 36, and that said appropriation be provided by raising \$23,299,809. by taxation and transferring \$11,983. from Wetlands Fees, transferring \$129,000. from Ambulance Receipts Reserved with unexpended funds being returned to their funding

source, transferring \$69,138. from Cable Access Receipts Reserved with unexpended funds being returned to their funding source; and appropriate \$191,483. to defray the expenses of the Harvard Wastewater Management District Commission for Fiscal Year 2016, and that said appropriation be provided by transferring \$191,483. from wastewater management system revenues in the enterprise fund established for the Town's wastewater management system.

ARTICLE 5: CHANGE COMPOSITION OF WARNER FREE LECTURE BOARD OF TRUSTEES

To see if the Town will vote to amend the vote of the Town of Harvard Annual Town Meeting held on March 2, 1891 under Article 24 of the Warrant by changing the composition of the Board of Trustees of the Warner Free Lecture Trust from three gentlemen and three ladies to six registered voters of the Town, regardless of gender, or pass any vote or votes in relation thereto.

(Inserted by Warner Free Lecture Board of Trustees)

On a motion by Timothy Clark, 114 Bolton Road, Warner Free Lecture Society, and seconded,

Voted majority yes to amend the vote of the Town of Harvard Annual Town Meeting held on March 2, 1891 under Article 24 of the Warrant therefor by changing the composition of the Board of Trustees of the Warner Free Lecture Trust from three gentlemen and three ladies to six registered voters of the Town, regardless of gender.

ARTICLE 6: RESERVE FUND – FISCAL YEAR 2017

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 2017, or pass any vote or votes in relation thereto. (Inserted by Finance Committee)

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

Voted majority yes that the Town appropriate \$350,000. for the Reserve Fund of the Town for unforeseen and extraordinary expenses for Fiscal Year 2017 and that said appropriation be provided by raising \$350,000. by taxation.

ARTICLE 7: ONLINE DOG LICENSING

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 Clerk to purchase an online dog

licensing program, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Town Clerk)

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

Voted majority yes that the Town appropriate \$2,300. to be expended by the Town Clerk to purchase an online dog licensing program, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$2,300. by taxation.

ARTICLE 8: SELF-CONTAINED BREATHING APPARATUS MASKS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase new self-contained breathing apparatus masks for the Fire Department, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

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

Voted majority yes that the Town appropriate \$6,650. to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase new self-contained breathing apparatus masks for the Fire Department, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$6,650. by taxation.

ARTICLE 9: DEPARTMENTAL MANAGEMENT AUDIT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Board of Selectmen, to conduct a Management Audit of the Town's Fire and Ambulance departments, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

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

Voted majority yes that the Town appropriate \$12,400. to be expended by the Board of Selectmen, to conduct a Management Audit of the Town's Fire and Ambulance departments, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$12,400. by taxation.

ARTICLE 10: UPDATE OF TOWN WEBSITE

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 update the Town's website, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town appropriate \$12,000. to be expended by the Town Administrator, with the approval of the Board of Selectmen, to update the Town's website, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$12,000. by taxation.

ARTICLE 11: REPLACE MUNICIPAL SERVERS

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 replace two fifteen year-old servers and install new ones, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

The following motion was made by Lucy Wallace, 18 Orchard Hill, Board of Selectmen, and seconded,

I move that the Town appropriate \$30,000. to be expended by the Town Administrator, with the approval of the Board of Selectmen, to replace two fifteen year-old servers and install new ones, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by transferring \$30,000. from Stabilization.

A motion was made by Paul Green, 288 Old Littleton Road, to amend the article by deleting "...and install new ones," and replace by "...with an appropriate replacement product or service", and seconded.

The Board of Selectmen accepted the motion to amend.

Voted greater than 2/3 yes that the Town appropriate \$30,000. to be expended by the Town Administrator, with the approval of the Board of Selectmen, to replace two fifteen year-old servers with an appropriate replacement product or service, with unexpended

funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by transferring \$30,000. from Stabilization.

ARTICLE 12: SEASONAL MOWING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to hire someone on a part-time basis to do seasonal mowing, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

The following motion was made by Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

Voted majority yes that the Town appropriate \$15,000. to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to hire someone on a part-time basis to do seasonal mowing, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$15,000. by taxation.

ARTICLE 13: ROADSIDE TREE MAINTENANCE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

The following motion was made by Leo Blair, 188 Prospect Hill Road, Board of Selectmen, and seconded,

I move that the Town appropriate \$20,000. to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$20,000. by taxation.

The following amendment was made by Mario Cardenas, 40 Oak Hill Road, and seconded, and was accepted as a friendly amendment by the Board of Selectmen:

" to contract with a professional company for tree removal and, under the supervision of the Tree Warden, to trim trees and large..."

Voted majority yes that the Town appropriate \$20,000. to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to contract with a professional company for tree removal and, under the supervision of the Tree Warden, to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$20,000. by taxation.

ARTICLE 14: GIS MAPPING OF WATER AND SEWER LINES

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 Department of Public Works Director, with the approval of the Water and Sewer Commission, to have Geographic Information System mapping of the water and sewer lines undertaken, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by Water and Sewer Commission)

On a motion by Richard Maiore, 12 Woodchuck Hill Road, Water and Sewer Commission, and seconded,

Voted majority yes that the Town appropriate \$7,800. to be expended by the Department of Public Works Director, with the approval of the Water and Sewer Commission, to have Geographic Information System mapping of the water and sewer lines undertaken, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$7,800. by taxation.

ARTICLE 15: LOCAL OPTION MEALS EXCISE

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 64L, Section 2(a) to impose a local meals excise tax, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

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

Voted 133 yes, 128 no, that the Town vote to accept the provisions of Massachusetts General Laws Chapter 64L, Section 2(a) to impose a local meals excise tax.

Suzanne Allen, 179 Littleton Road, made a motion that the Town take Article 23 before all remaining articles. The motion was seconded and approved. [See Article 23 in numerical order.]

ARTICLE 16: GASB 45 OPEB ACTUARIAL VALUATION

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended by the Finance Director, with the approval of the Board of Selectmen, to conduct the required bi-annual Government Accounting Standards Board Standard 45, Other Post-Employment Benefits (OPEB) actuarial valuation, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town appropriate \$10,000. to be expended by the Finance Director, with the approval of the Board of Selectmen, to conduct the required bi-annual Government Accounting Standards Board Standard 45, Other Post-Employment Benefits (OPEB) actuarial valuation, with unexpended funds as of June 30, 2017 being returned to their funding source and that said appropriation be provided by raising \$10,000. by taxation.

ARTICLE 17: OTHER POST-EMPLOYMENT BENEFITS (OPEB) FUNDING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, in the Town's OPEB Trust Fund, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen and Finance Committee)

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

Voted majority yes that the Town transfer \$150,000. from the Town's Overlay Surplus Account to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, in the Town's Other Post-Employment Benefits Trust Fund.

ARTICLE 18: CAPITAL PLANNING AND INVESTMENT FUND FUNDING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be deposited by the Town Treasurer, with the approval of the Board of Selectmen, into the Capital Planning and Investment Fund, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee and Capital Planning and Investment Committee)

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

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

ARTICLE 19: BOND ANTICIPATION NOTE PAYOFF

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 pay off the Bond Anticipation Notes for Article 17, Municipal Buildings [a.k.a. Town Hall Schematic Design] of the April 2, 2011 Annual Town Meeting; for Article 2, Re-Vote of Article 20 [a.k.a. Forestry Fire truck] of the April 28, 2012 Annual Town Meeting and finally Article 15, The Bromfield School, Pond Road Parking Lot, of the April 6, 2013 Annual Town Meeting , or pass any vote or votes in relation thereto.

(Inserted by Capital Planning and Investment Committee)

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

Voted majority yes that the Town transfer \$282,250. from Certified Free Cash to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to pay off the Bond Anticipation Notes for Article 17, Municipal Buildings [a.k.a. Town Hall Schematic Design] of the April 2, 2011 Annual Town Meeting; for Article 2, Re-Vote of Article 20 [a.k.a. Forestry Fire truck] of the April 28, 2012 Annual Town Meeting and Article 15, The Bromfield School, Pond Road Parking Lot, of the April 6, 2013 Annual Town Meeting.

ARTICLE 20: AMEND FUNDING SOURCES FOR TOWN HALL RENOVATION PROJECT

To see if the Town will vote to amend its vote under Article 18 of the Warrant for the 2012 Town of Harvard Annual Town Meeting held on April 28, 2012 by reducing the amount to be borrowed pursuant to the provisions of Massachusetts General Laws Chapter 44 from \$2,970,000 to \$2,250,000 for a reduction of \$720,000 and by transferring \$720,000 from Free Cash to compensate for said reduction in the amount to be so borrowed, or pass and vote or votes in relation thereto.

(Inserted by Capital Planning and Investment Committee and Finance Committee)

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

Voted majority yes that the Town vote to amend its vote under Article 18 of the Warrant

for the 2012 Town of Harvard Annual Town Meeting held on April 28, 2012 by reducing the amount to be borrowed pursuant to the provisions of Massachusetts General Laws Chapter 44 from \$2,970,000 to \$2,250,000 for a reduction of \$720,000. and by transferring \$720,000 from Certified Free Cash to compensate for said reduction in the amount to be so borrowed.

**ARTICLE 21: 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 2017, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Capital Planning and Investment Committee)

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

Voted unanimously yes that the Town transfer \$82,213. from Certified Free Cash 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 2017, with unexpended funds as of June 30, 2017 being returned to their funding source.

ARTICLE 22: FISCAL YEAR 2015 CERTIFIED FREE CASH

To see if the Town will vote to transfer a sum of money from Fiscal Year 2015 Certified Free Cash to the Capital Stabilization and Investment Fund, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

On a motion by Donald Ludwig, 23 East Bare Hill Road, Finance Committee, and seconded,

Voted less than 2/3 yes [DID NOT PASS] that the Town transfer \$295,599. from Fiscal Year 2015 Certified Free Cash to the Capital Stabilization and Investment Fund.

Article 23 was taken after article 15. [See motion after Article 15.]

**ARTICLE 23: HILDRETH ELEMENTARY SCHOOL FEASIBILITY STUDY
AND DESIGN**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for a feasibility study, including schematic designs for the Hildreth Elementary School at 27 Massachusetts Avenue, Harvard, Massachusetts, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA) and acknowledge that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and to determine whether such appropriation shall be provided by a borrowing pursuant to the provisions of Massachusetts General Laws Chapter 44, contingent upon the passage of a Proposition Two and One-Half debt exclusion ballot question at the April, 2016 Annual Town Election, or pass any vote or votes in relation thereto.
(Submitted by School Committee)

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

Voted greater than 2/3 yes, that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$500,000. to be expended under the direction of the School Building Committee for a feasibility study, including schematic designs for the Hildreth Elementary School at 27 Massachusetts Avenue, Harvard, Massachusetts, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA) and acknowledge that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town contingent upon the passage of the proposition two and one-half debt exclusion question, Question #1, on the April 12, 2016 Annual Town Election ballot.

ARTICLE 24: PURCHASE NEW LIGHT DUTY PICKUP TRUCK WITH PLOW

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new light duty pickup truck with plow, with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

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

Voted greater than 2/3 yes, that the Town vote to transfer \$45,200. from the Capital Stabilization and Investment Fund, to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new light duty

pickup truck with plow, with any unexpended funds as of June 30, 2017 being returned to their funding source.

ARTICLE 25: WIDE AREA MOWER

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new wide area mower, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

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

Voted greater than 2/3 yes, that the Town vote to transfer \$49,600. from the Capital Stabilization and Investment Fund, to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new wide area mower, with any unexpended funds as of June 30, 2017 being returned to their funding source.

ARTICLE 26: REPLACE DPW SEPTIC SYSTEM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to replace the failed septic system at the Department of Public Works facility, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

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

Voted greater than 2/3 yes that the Town vote to transfer \$40,000. from the Capital Stabilization and Investment Fund, to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to replace the failed septic system at the Department of Public Works facility, with unexpended funds as of June 30, 2017 being returned to their funding source.

ARTICLE 27: POND ROAD HAZARD MITIGATION DRAINAGE PROJECT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money, less any grant funding received, to be expended by the

Department of Public Works Director, with the approval of the Water and Sewer Commission, to install a new drainage system on Pond Road that will prevent hazardous materials from getting to the water system, with unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Water and Sewer Commission and Capital Planning and Investment Committee)

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

Voted unanimously yes that the Town vote to transfer \$69,000. from the Capital Stabilization and Investment Fund, to be expended by the Department of Public Works Director, with the approval of the Water and Sewer Commission, to install a new drainage system on Pond Road that will prevent hazardous materials from getting into the water system, with unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 28: REPLACEMENT OF PLAYGROUND 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 Park and Recreation Commission, to replace the playground equipment at the Town Beach, with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

On a motion by Theresa Jardon, 80 Bolton Road, Capital Planning and Investment Committee, and seconded,

Voted greater than 2/3 yes that the Town vote to transfer \$25,000. from the Capital Stabilization and Investment Fund, to be expended by the Park and Recreation Commission, to replace the playground equipment at the Town Beach, with any unexpended funds as of June 30, 2017 being returned to their funding source.

ARTICLE 29: TRACTOR WITH FRONT END LOADER & SNOW BLOWER

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the School Superintendent, with the approval of the School Committee, to purchase a new tractor for the School Department, with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

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

Voted greater than 2/3 yes that the Town vote to transfer \$31,000. from the Capital Stabilization and Investment Fund, to be expended by the School Superintendent, with the approval of the School Committee, to purchase a new tractor for the School Department, with any unexpended funds as of June 30, 2017 being returned to their funding source.

ARTICLE 30: BELLEVUE CEMETERY ROAD PAVING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Cemetery Commission, to pave the roads in Bellevue Cemetery, with any unexpended funds as of June 30, 2018 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Cemetery Commissioners)

On a motion by John Spero, 22 Deerfoot Trail, Cemetery Commission, and seconded,

Voted unanimously yes that the Town vote to transfer \$50,000. from the Sale of Cemetery Lots Fund, to be expended by the Department of Public Works Director, with the approval of the Cemetery Commission, to pave the roads in Bellevue Cemetery, with any unexpended funds as of June 30, 2018 being returned to their funding source.

ARTICLE 31: AMEND CHAPTER 17 OF THE CODE OF HARVARD

To see if the Town will vote to amend the Code of the Town of Harvard, Chapter 17, Capital Planning and Investment Committee; Capital Stabilization and Investment Fund, section 17-2. Duties, paragraph A by making the following changes:

[key to revisions: underlining = additions; ~~strike through~~ = deletions]

- A. 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. The Committee shall study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000 or greater and/or 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 30th 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.

Or pass any vote or votes in relation thereto.
(Inserted by Capital Planning and Investment Committee)

The following motion was made by Deborah Ricci, 19 East Bare Hill Road, Capital Planning and Investment Committee, and seconded,

I move the Town amend the Code of the Town of Harvard, Chapter 17, Capital Planning and Investment Fund, section 17-2. Duties, paragraph A by making the revisions thereto as printed on Page 43 of the Warrant and Finance Committee Report for the 2016 Annual Town Meeting.

Voted majority yes that the Town will vote to amend the Code of the Town of Harvard, Chapter 17, Capital Planning and Investment Committee; Capital Stabilization and Investment Fund, section 17-2. Duties, paragraph A by making the following changes:

- A. 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. 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 30th 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.

Approved by the Attorney General on July 25, 2016.

ARTICLE 32: HOME RULE PETITION – ENCOURAGE SMALL BUSINESS PARTICIPATION AND PRIVATE FUNDING 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 to 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.

(Inserted by the Board of Selectmen)

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

I move 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, with the provisions as printed in Article 32 on Page 44 of the Warrant and Finance Committee Report for the 2016 Annual Town Meeting.

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 to 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 33: Charter Committee to prepare "home rule petition" charter, a.k.a. "special act charter"

To see if the Town will vote to create a Charter Committee to prepare a "home rule petition" charter for the Town of Harvard. The Committee shall comprise nine (9) members, all registered voters of the Town of Harvard, appointed by the Moderator to serve until such time as the charter is adopted, or deemed by the committee unable to be adopted. Committee to operate as follows:

- All committee deliberation shall be according to Open Meeting Law, M.G.L. c. 30A, §§ 18-25 (Effective July 1, 2015)
- First public hearing to be held not more than 45 days after committee is created, to invite public input to the scope of the committee's work.
- All public hearings to be posted at least ten (10) days prior to each hearing.
- Preliminary report to be published at least two months prior to 2017 annual town meeting, to include committee's preliminary recommendations including the text of proposed charter. Public hearing to be held to give voters an opportunity to comment, and to give committee an opportunity to respond, before publishing final recommendations.

- Committee shall hold a public hearing and publish final recommendations at least two weeks prior to 2017 town meeting, in a form suitable to be voted by town meeting for enactment by the legislature as a “special act charter”, subject to confirmation by town election ballot.

In the event the “home rule charter” ballot question requested by petition is approved at the April 12, 2016 Town Election, and a Charter Commission has been elected, this article will be nullified, no committee will be appointed, and the Charter Commission will proceed according to MGL 43B.

(Inserted by Citizen Petition)

The following motion was made by Worth Robbins, 115 Massachusetts Avenue, and seconded,

I move that the Town create a Charter Committee, as printed in the Warrant.

The following motion was made by Worth Robbins, 115 Massachusetts Avenue, and seconded,

I move to amend article #33 by deleting in their entirety the 4th and 5th bullet points and replacing them with the following:

- Preliminary report to be available by January 16, 2017, with public hearing to be held to give voters an opportunity to comment, and to give committee an opportunity to respond, before publishing final report, in a form suitable to be voted by Town Meeting as petition to the legislature for enactment as a "special act charter". Final report to be ready by February 27, 2017 so that it may be included in the Finance Committee's Book, and mailed to all households at least two weeks before Town Meeting. Charter Committee to hold at least one interactive informational public hearing no less than one week prior to Town Meeting.

The amendment was accepted.

Voted majority yes the Town create a Charter Committee to prepare a "home rule petition" charter for the Town of Harvard. The Committee shall comprise nine (9) members, all registered voters of the Town of Harvard, appointed by the Moderator to serve until such time as the charter is adopted, or deemed by the committee unable to be adopted. Committee to operate as follows:

- All committee deliberation shall be according to Open Meeting Law, M.G.L. c. 30A, §§ 18-25 (Effective July 1, 2015)
- First public hearing to be held not more than 45 days after committee is created, to invite public input to the scope of the committee's work.

- All public hearings to be posted at least ten (10) days prior to each hearing.
- Preliminary report to be available by January 16, 2017, with public hearing to be held to give voters an opportunity to comment, and to give committee an opportunity to respond, before publishing final report, in a form suitable to be voted by Town Meeting as petition to the legislature for enactment as a "special act charter". Final report to be ready by February 27, 2017 so that it may be included in the Finance Committee's Book, and mailed to all households at least two weeks before Town Meeting. Charter Committee to hold at least one interactive informational public hearing no less than one week prior to Town Meeting.

In the event the "home rule charter" ballot question requested by petition is approved at the April 12, 2016 Town Election, and a Charter Commission has been elected, this article will be nullified, no committee will be appointed, and the Charter Commission will proceed according to MGL 43B.

ARTICLE 34: TOWN ADMINISTRATOR ADDITIONAL AUTHORITY SPECIAL ACT

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act substantially the same as the following act, or take any other action in relation thereto.

An Act authorizing the granting of additional authority by Harvard Board of Selectmen to the Harvard Town Administrator

Be it enacted, etc., as follows:

Section 1. Upon the effective date of this act, the Board of Selectmen, by majority vote, may delegate additional authority to the Town Administrator as pursuant to the provisions of this act. To the extent that the provisions of this act are inconsistent with any general or special law the provisions of this act shall govern.

Section 2. Except as provided herein, nothing in this act shall affect the authority, duties and terms of office of any appointed or elected official of the town..

Section 3. The executive powers of the town shall continue to be vested in the Board of Selectmen which shall serve as the chief policymaking board of the town. Said Board of Selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen under the General Laws or by vote of the town, except as otherwise provided herein.

Section 4. The Board of Selectmen shall appoint, for a term of three years, a Town Administrator who shall be eligible for reappointment for successive terms of not more than

three years each. The Town Administrator shall perform such other duties as deemed necessary or as may be authorized by this act, by by-law, Town Meeting vote or vote of the Board of Selectmen. Before entering upon the duties of his office, the town administrator shall be sworn to the faithful and impartial performance thereof by the Town Clerk.

Section 5. Subject to approval by the Board of Selectmen, the Town Administrator shall designate a qualified person other than a Selectman, the Town Moderator, a member of the School Committee or of the Finance Committee to perform the Town Administrator's duties during his/her temporary absence or disability.

Section 6. The Town Administrator may be granted the authority, by the Board of Selectmen, to appoint all employees under the jurisdiction of the Board of Selectmen. Additionally, this appointing authority may be granted by the Town Administrator to Department Heads under his/her supervision subject to his/her approval. Fire Department employees lower in rank than the Fire Chief shall continue to be appointed by the Fire Chief. Appointments to the following positions by the Town Administrator shall be subject to confirmation by the Board of Selectmen.

- a. Ambulance Director
- b. Council on Aging Director
- c. DPW Director
- d. Finance Director
- e. Fire Chief
- f. Police Chief
- g. Town Counsel
- h. Treasurer/Tax Collector

Section 7. The Board of Selectmen may delegate the authority to the Town Administrator to act in its behalf on all disciplinary matters relative to all employees under the jurisdiction of the Board of Selectmen.

Section 8. The Board of Selectmen may delegate the authority to the Town Administrator to approve the payroll and vendor warrants on behalf of the Board of Selectmen. In the absence of the Town Administrator, these warrants shall be approved by any member of the Board of Selectmen.

Section 9. The Board of Selectmen may grant the authority to the Town Administrator to approve all operating and capital budget requests prior to submission to the Board of Selectmen for all departments, boards and committees under the jurisdiction of or appointed by the Board of Selectmen. Said budgets will be approved by the Board of Selectmen prior to submission to the Finance Committee or Capital Planning and Investment Committee as appropriate.

Section 10. Subject only to the express prohibition in a General Law or this act to do so, the Town Meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide or alter the term of office, the manner of selection, or if a multiple member body, the number of members of any town body, in whole or in part, or establish new

agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

Section 11. This act shall take effect upon passage.
(Inserted by Board of Selectmen)

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

I move in the words of the article as printed in the 2016 Annual Town Meeting Warrant Page 45.

A motion made by Perry Wotring, 21 Quarry Lane, to amend the article by considering section 8 separately, was seconded,

Voted majority yes to divide the question.

Voted majority no [DOES NOT PASS] to approve the article without section 8 [1,2,3,4,5,6,7,9,10,11].

The Moderator asked the meeting to consider the divided article [Article 34A] which included sections 1,2,8,and 11.

A motion made by Lucas Thayer, 92 South Shaker Road, to add section 10 to 34A was voted majority no.

Voted majority yes to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact a special act as follows:

An Act authorizing the granting of additional authority by Harvard Board of Selectmen to the Harvard Town Administrator

Be it enacted, etc., as follows:

Section 1. Upon the effective date of this act, the Board of Selectmen, by majority vote, may delegate additional authority to the Town Administrator as pursuant to the provisions of this act. To the extent that the provisions of this act are inconsistent with any general or special law the provisions of this act shall govern.

Section 2. Except as provided herein, nothing in this act shall affect the authority, duties and terms of office of any appointed or elected official of the town.

Section 3. The Board of Selectmen may delegate the authority to the Town Administrator to

approve the payroll and vendor warrants on behalf of the Board of Selectmen. In the absence of the Town Administrator, these warrants shall be approved by any member of the Board of Selectmen.

Section 4. This act shall take effect upon passage.

ARTICLE 35: CHANGE MODE OF SELECTION OF TOWN CLERK

To see if the Town will vote to change the mode of selection of the Town Clerk from election by ballot at the Annual Town Election to appointment by the Board of Selectmen, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted 96 yes, 81 no the Town vote to change the mode of selection of the Town Clerk from election by ballot at the Annual Town Election to appointment by the Board of Selectmen.

ARTICLE 36: CHANGE MODE OF SELECTION OF CONSTABLES

To see if the Town will vote to change the mode of selection of the Constable from election by ballot at the Annual Town Election to appointment by the Board of Selectmen, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted 89 yes, 103 no **[DOES NOT PASS]** that the Town change the mode of selection of the Constable from election by ballot at the Annual Town Election to appointment by the Board of Selectmen.

ARTICLE 37: COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to accept the report and recommendations of the Community Preservation Committee on the Fiscal Year 2017 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

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

Voted majority yes that the Town hear the report and recommendations of the

Community Preservation Committee on the Fiscal Year 2017 Community Preservation Budget.

**ARTICLE 38: COMMUNITY PRESERVATION COMMITTEE – EXTEND
SUNSET DATE**

To see if the Town will vote to extend the sunset date on Article 33, Replace Windows at Hildreth House, of the April 2014 Annual Town Meeting from June 30, 2016 to June 30, 2017, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Commission)

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

Voted unanimously yes that the Town vote to extend the sunset date on Article 33, Replace Windows at Hildreth House, of the April 2014 Annual Town Meeting from June 30, 2016 to June 30, 2017.

**ARTICLE 39: COMMUNITY PRESERVATION COMMITTEE
ADMINISTRATIVE EXPENSES**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 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, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by the Community Preservation Committee)

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

Voted majority yes that the Town appropriate and transfer from Fiscal 2017 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, 2017 being returned to their funding source.

**ARTICLE 40: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST
FUND**

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

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

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

Voted majority yes that the Town appropriate and transfer from the Community Preservation Fund Fiscal Year 2017 revenues \$26,100 which shall be deposited in the Town of Harvard Municipal Affordable Housing Trust Fund.

ARTICLE 41: INVASIVE PLANT MANAGEMENT

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the sum of \$26,100 to be expended by the Conservation Commission for the purpose of controlling invasive plants on conservation land, with unexpended funds as of June 30, 2019 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Conservation Commission and Community Preservation Committee)

On a motion by Joanne Ward, 19 Eldridge Road, Community Preservation Committee, and seconded,

Voted majority yes that the Town appropriate and transfer from the Community Preservation Fund Fiscal Year 2017 Revenues \$26,100 to be expended by the Conservation Commission for the purpose of controlling invasive plants on conservation land, with unexpended funds as of June 30, 2019 being returned to their funding source.

ARTICLE 42: PRESERVATION OF HISTORIC TOWN DOCUMENTS

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the sum of \$26,100 to be expended by the Town Clerk for the purpose of preserving and restoring historic town documents with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Town Clerk and Community Preservation Committee)

On a motion by Pamela Marston, 47 Madigan Lane, Harvard Historical Commission and Community Preservation Committee, and seconded,

Voted majority yes that the Town appropriate and transfer from the Community Preservation Fund Fiscal Year 2017 Revenues \$26,100 to be expended by the Town Clerk for the purpose of preserving and restoring historic town documents with unexpended funds as of June 30, 2017 being returned to their funding source.

**ARTICLE 43: AMEND FUNDING SOURCES FOR TOWN HALL
RENOVATION PROJECT**

To see if the Town will vote to amend its vote under Article 18 of the Warrant for the 2012 Town of Harvard Annual Town Meeting held on April 28, 2012 by reducing the amount to be borrowed pursuant to the provisions of Massachusetts General Laws Chapter 44B, Section 11 from \$1,000,000 to \$700,000 for a reduction of \$300,000 and by transferring \$300,000 from the Community Preservation Fund and revenues to compensate for said reduction in the amount to be so borrowed.

(Inserted by Community Preservation Committee)

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

Voted majority yes that the Town amend its vote under Article 18 of the Warrant for the 2012 Town of Harvard Annual Town Meeting held on April 28, 2012 by reducing the amount to be borrowed pursuant to the provisions of Massachusetts General Laws Chapter 44B, Section 11 from \$1,000,000 to \$700,000 for a reduction of \$300,000 and by transferring \$200,000 from unreserved funds in the Community Preservation Fund and \$100,000 from the Community Preservation Fund Fiscal Year 2017 revenues to compensate for said reduction in the amount to be so borrowed.

ARTICLE 44: PAYMENT OF DEBT ON TOWN HALL RENOVATION

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the sum of \$63,000, to be expended by the Town for payment of debt for the renovation of Town Hall, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

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

Voted majority yes that the Town appropriate and transfer from the Community Preservation Fund Fiscal Year 2017 revenues \$63,000, to be expended by the Town for payment of debt service costs for bonds issued to fund the renovation of Town Hall.

ARTICLE 45: REVOLVING FUNDS

To see if the Town will vote to:

- 1) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Council

On Aging with the balance of this account not to exceed \$35,000 in Fiscal Year 2017;

2) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Fourth of July Committee with the balance of this account not to exceed \$25,000 in Fiscal Year 2017;

3) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Harvard Ambulance Service with the balance of this account not to exceed \$50,000 in Fiscal Year 2017;

4) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Fire Department's S.A.F.E. Program with the balance of this account not to exceed \$15,000 in Fiscal Year 2017;

5) continue the Revolving Fund account as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund advertising, professional and/or legal opinions and any other activity required to be paid for by an applicant with the balance of this account not to exceed \$1,000 in Fiscal Year 2017, and

6) continue the Revolving Fund account as allowed by Chapter 30 of the Acts of 2014 for Tax Title collections,

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

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

I move that the Town continue the revolving fund accounts for purposes and with the expenditure and revenue limitations as printed on Page 48 of the Warrant and Finance Committee Report for the 2016 Annual Town Meeting.

Voted unanimously yes that the Town:

1) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Council On Aging with the balance of this account not to exceed \$35,000 in Fiscal Year 2017;

2) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund the activities of the Fourth of July Committee with the balance of this account not to exceed \$25,000 in Fiscal

Year 2017;

3) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Harvard Ambulance Service with the balance of this account not to exceed \$50,000 in Fiscal Year 2017;

4) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Fire Department's S.A.F.E. Program with the balance of this account not to exceed \$15,000 in Fiscal Year 2017;

5) continue the Revolving Fund account as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund advertising, professional and/or legal opinions and any other activity required to be paid for by an applicant with the balance of this account not to exceed \$1,000 in Fiscal Year 2017, and

6) continue the Revolving Fund account as allowed by Chapter 30 of the Acts of 2014 for Tax Title collections.

ARTICLE 46: AMEND ARTICLE 29 OF THE MAY 2010 ANNUAL TOWN MEETING

To see if the Town will vote to amend its vote under Article 29 of the Warrant for the May 2010 Annual Town Meeting, Resolution to Proactively Pursue Commercial Development in Harvard's Commercial District, by deleting section (1) in its entirety which will effectively abolish the Economic Development Committee (EDC), or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town vote to amend its vote under Article 29 of the Warrant for the May 2010 Annual Town Meeting, Resolution to Proactively Pursue Commercial Development in Harvard's Commercial District, by deleting section (1) in its entirety which will effectively abolish the Economic Development Committee (EDC).

ARTICLE 47: EMT PER-CALL STIPENDS

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 Harvard Ambulance Service, subject to a fee schedule approved by the Board of Selectmen, to provide per-call stipends to Emergency Medical Technicians and Drivers, with unexpended funds as of June 30, 2017 returning to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town appropriate \$60,000 to be expended by the Harvard Ambulance Service, subject to a fee schedule approved by the Board of Selectmen, to provide per-call stipends to Emergency Medical Technicians and Drivers, with unexpended funds as of June 30, 2017 returning to their funding source, and that said appropriation be provided by transferring \$60,000 from the Ambulance Receipts Reserved Account.

ARTICLE 48: HARVARD CABLE TELEVISION STATION MANAGER

To see if the Town will vote to create a Harvard Cable Television Station Manager position, to be paid from revenues generated through the Town's cable contract with Charter Communications, Inc., or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted majority yes that the Town create a Harvard Cable Television Station Manager position, to be paid from revenues generated through the Town's cable contract with Charter Communications, Inc.

ARTICLE 49: TOWN PLANNER

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to continue the position of Town Planner in Fiscal Year 2017, as an independent contractor, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Planning Board)

The following motion was made by Kara Minar, 204 Still River Road, Planning Board, and seconded,

I move that Town vote to raise and appropriate \$52,000. to continue the position of Town Planner in Fiscal Year 2017, as an independent contractor, with unexpended funds as of June 30, 2017 being returned to their funding source.

A motion by Billy Salter, 3 Elm Street, to amend the amount from \$52,000. to \$60,000. was seconded, and passed majority yes.

Voted majority yes that the Town raise and appropriate \$60,000. to continue the position of Town Planner in Fiscal Year 2017, as an independent contractor, with unexpended

funds as of June 30, 2017 being returned to their funding source.

ARTICLE 50: APPOINTED BOARD MEMBERS MEETING ATTENDANCE

To see if the Town will vote to amend the Code of the Town of Harvard by adding thereto the following new Chapter:

Chapter 10 – Appointed Board Members Meeting Attendance

§10.1 Meeting Attendance. Members of appointed public bodies shall attend all regularly scheduled meetings of the public body unless they are unable to do so for reasons beyond their control. If a member of an appointed body is absent from thirty percent (30%) or more of the regularly scheduled meetings of the public body, 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.

§10.2 Removal of Frequently Absent Members of Public Bodies. Upon receipt of a written notice pursuant to Section 10.1 of this Chapter, the appointing authority of the public body may remove the member so absent by written notice to such member, a copy of which notice shall be filed with the Town Clerk, whereupon the frequently absent member's removal from the public body shall become effective. Thereafter, the appointing authority shall fill the vacancy created by such member's removal in due course.

Or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

I move that the Town amend the Code of the Town of Harvard by adding thereto the new Chapter 10 – Appointed Board Members Meeting Attendance as printed on page 49 of the Warrant and Finance Committee Report for the 2016 Annual Town Meeting.

The following motion was made by Paul Green, 288 Old Littleton Road, seconded, and accepted by the Board of Selectmen,

I move to amend the motion by adding, in section 10.2, after the first comma, "and after offering the member an opportunity to respond,"

Following a question by Bruce Nickerson, 212 Stow Road, regarding section 10.1, "30% of what?", the Board of Selectmen recommended changing the wording to the following,

Thirty percent (30%) or more of the regularly scheduled meetings of the public body "over a twelve (12) month period,"

The following motion was made by Tom Gormley, 46 Warren Avenue, seconded, and accepted by the Board of Selectmen,

I move to amend the motion by adding, at the end of section 10.1, "...with a recommendation."

Voted majority yes to amend the Code of the Town of Harvard by adding thereto the following new Chapter:

Chapter 10 – Appointed Board Members Meeting Attendance

§10.1 Meeting Attendance. Members of appointed public bodies shall attend all regularly scheduled meetings of the public body unless they are unable to do so for reasons beyond their control. If a member of an appointed body is absent from thirty percent (30%) or more of the regularly scheduled meetings of the public body over a twelve (12) 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.

§10.2 Removal of Frequently Absent Members of Public Bodies. Upon receipt of a written notice pursuant to Section 10.1 of this Chapter, and after offering the member an opportunity to respond, the appointing authority of the public body may remove the member so absent by written notice to such member, a copy of which notice shall be filed with the Town Clerk, whereupon the frequently absent member's removal from the public body shall become effective. Thereafter, the appointing authority shall fill the vacancy created by such member's removal in due course.

Approved by the Attorney General on July 25, 2016.

ARTICLE 51: AMEND THE PROTECTIVE BYLAW 125-3 EXISTING LOTS, STRUCTURES AND USES

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions to the figures within Section 125-3, thereof regarding pre-existing non-conforming structures, or take any vote or votes in relation thereto.

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

Figure 1

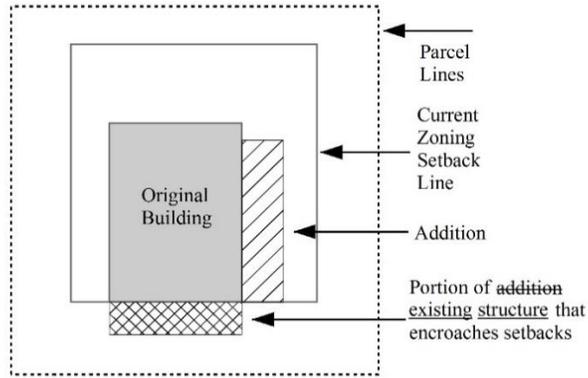


Figure 2

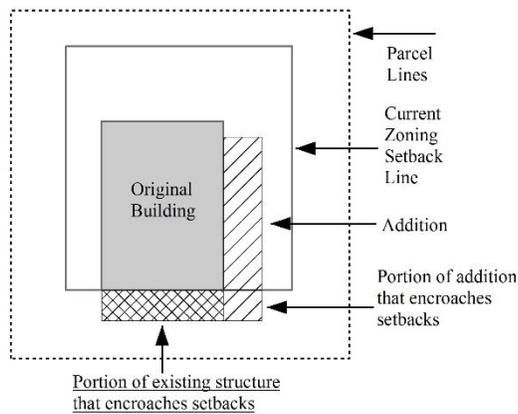
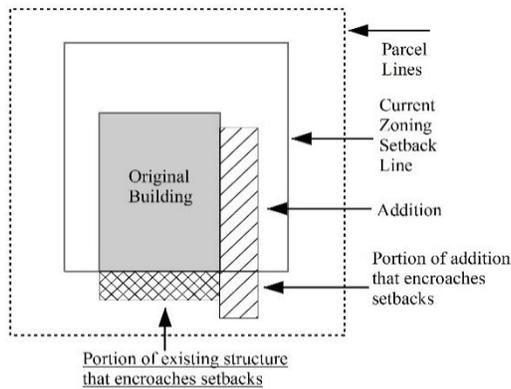


Figure 3



(Inserted by Planning Board)

The following motion was made by Michelle Catalina, 37 Old Littleton Road, Planning Board, and seconded,

I move that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the revisions to the figures in Section 125-3 thereof

regarding pre-existing non-conforming structures as printed on Page 50 of the Warrant and Finance Committee Report for the 2016 Annual Town Meeting.

Voted greater than 2/3 yes to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions to the figures within Section 125-3, thereof regarding pre-existing non-conforming structures, or take any vote or votes in relation thereto.

Figure 1

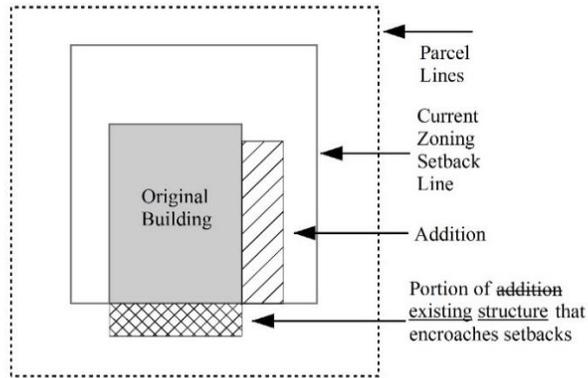


Figure 2

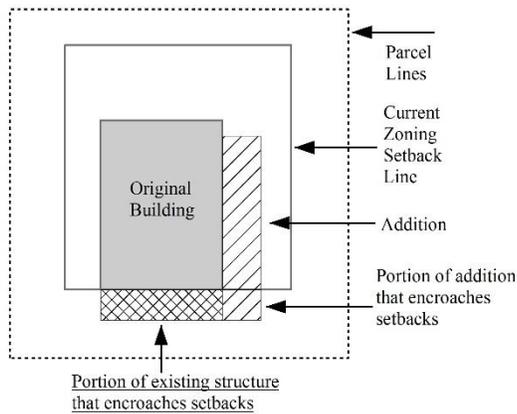
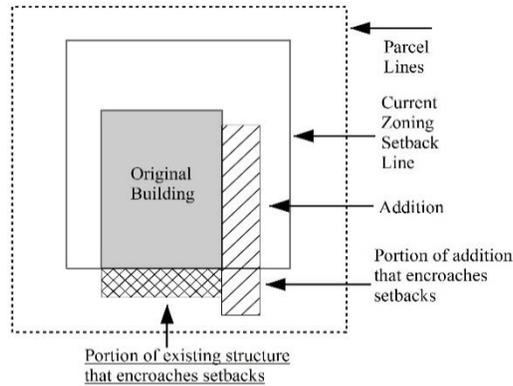


Figure 3



The Planning Board voted 4 - 0 to recommend this article.

Approved by the Attorney General on July 25, 2016.

ARTICLE 52: AMEND THE PROTECTIVE BYLAW 125-2, 125-13 AND 125-52 ASSISTED LIVING FACILITIES

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions in regards to Assisted Living Facilities, or take any vote or votes in relation thereto.

- (1) By adding the following new definition to §125-2 Definitions, for Assisted Living Facilities:

ASSISTED LIVING FACILITY – A combination of housing, support services, and health care designed to respond to the needs of those who require help in activities of daily living. Such facilities may include common dining and recreation areas, and may offer transportation services. Accessory uses may include beauty salons, medical offices, and other uses customarily incidental to assisted living facilities. The Mass. Department of Elder Affairs certifies assisted living facilities pursuant to Chapter 19D of the General Laws.

- (2) By adding the following new use to §125-13, Medium Scale Commercial Uses for Assisted Living Facilities:

AA. Assisted Living Facilities

- (3) By adding the following new section to §125-52 Ayer Road Village Special Permit:

- I. **Assisted Living Facility.** An assisted living facility may be permitted in an ARV-SP as a stand-alone use or as part of a mixed-used development. The lot shall have a minimum of five acres within the

Commercial District. The maximum building size shall be 50,000 square feet. The following additional standards shall apply:

- (1) At least fifty percent (50%) of the development shall be open space, of which not more than half shall be wetland. The open space calculation may include land within required setbacks.
- (2) No dwelling shall be located closer than 100 feet to an AR district boundary, and no parking area or accessory structure shall be located closer than 60 feet to an AR district boundary.
- (3) Permitted accessory structures include maintenance buildings, and other customary accessory structures for use of the residents and staff.
- (4) The proponent shall submit a fiscal impact analysis demonstrating likely revenues generated by the development and the estimated costs of providing municipal services. For uses exempt from local property taxes, the Board of Selectmen may negotiate a tax agreement for payment in lieu of taxes to offset the Town's costs of providing services to the development.

(Inserted by Planning Board)

The following motion was made by Michelle Catalina, 37 Old Littleton Road, Planning Board, and seconded,

I move that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the revisions thereto and adding thereto the provisions regarding assisted living facilities as printed on the yellow handout available and distributed at this town meeting, with one change. In section I, change 5,000 square feet to 3,500 square feet.

Voted greater than 2/3rds yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions in regards to Assisted Living Facilities.

(1) By adding the following new definitions to §125-2 Definitions, for Assisted Living Facility and Assisted Living Unit:

Assisted living facility - any entity, however organized, whether conducted for profit or not for profit, which is certified by the Executive Office of Elder Affairs and which meets all of the following criteria:

1. provides room and board; and
2. provides, directly by employees of the entity or through arrangement with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and

3. collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same.

Assisted Living Unit - a portion of an assisted living facility designed for and occupied pursuant to residency agreements by one or more individuals as the private living quarters of such individuals.

- (2) By adding the following new use to A §125-13, Medium Scale Commercial Uses for Assisted Living Facilities:

AA. Assisted Living Facilities

- (3) By adding the following new subsection 'I' to §125-52, Ayer Road Village Special Permit:

I. Assisted Living Facility. An assisted living facility may be permitted in an ARV-SP as a stand-alone use or as part of a mixed-used development. The lot on which an assisted living facility is located shall have a minimum land area of one and one-half (1.5) acres and at least 3,500 square feet of land area for each assisted living unit, inclusive of the 1.5 acres minimum land area, within the Commercial District and shall comply with all dimensional requirements for lots set forth in § 125-29. The maximum building size shall be 55,000 square feet of gross floor area. The following additional standards shall apply:

- (1) At least fifty percent (50%) of the development shall be open space, of which not more than half shall be wetland. The open space calculation may include land within required setbacks.

- (2) Unless otherwise modified by the Planning Board per §125-52G(1)(c), no building shall be located closer than 100 feet to an AR district boundary, and no parking area or accessory structure shall be located closer than 60 feet to an AR district boundary.

- (3) Permitted accessory structures include maintenance buildings, and other customary accessory structures for use of the residents and staff.

- (4) The proponent shall be required to pay for an independent fiscal impact analysis, to be contracted by the Planning Board, which shall demonstrate likely revenues generated by the development and the estimated costs of providing municipal services. The Board of Selectmen may negotiate and enter into an agreement with the developer or owner of an assisted living facility which provides for, among other things, for payments to the Town to offset the Town's costs of providing services to the development and/or for the provision of services to the development by service providers other than the Town at the developer's expense.

The Planning Board voted 4 - 0 to recommend this article.

Approved by the Attorney General on July 25, 2016.

**ARTICLE 53: AMEND THE PROTECTIVE BYLAW 125-30E AND 125-39C,
COMMERCIAL DEVELOPMENT**

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions in regards to Commercial Development, or take any vote or votes in relation thereto.

[key to revisions: underlining = additions; ~~strickethrough~~ = deletions]

(1) To see if the Town will vote to amend §125-30E (3) to eliminate the current side and rear setback requirement, i.e. 20% of the required lot width or of (maximum) lot width, to 20' from side and rear property lines, and secondly in the Commercial district, to increase the setback from abutting property in an AR or MR District from 60' to 100', as follows:

125-30E(3) Except for the Commercial district, structures other than fences, signs, and poles shall be set back from the lot boundaries by at least 20% of required lot width or of (maximum) lot width, whichever is lesser. In the Commercial District such structures shall be set back 20 feet from side and rear property lines. If property use is subject to §125-39, Site standards, such setback shall be at least 60 feet from abutting property in an AR or MR District. In the Commercial district, if property use is subject to §125-39, Site standards, such setback shall be at least 100 feet from abutting property in an AR or MR District. For an institutional use by the Town of Harvard ...

(2) By amending Section 125-30E(4) to eliminate the current minimum front setback of 125' from the centerline of Ayer Road to a minimum of 20', and a maximum of 50', from the front lot line, as follows:

125-30E (4) Structures other than fences, signs, and poles shall be set back from the center line of any roadway, provision for future roadway, or easement or right-of-way for vehicular access connecting three or more lots to the street, by at least 75 feet. Such setback shall also apply to swimming pools. However, except for swimming pools, such setbacks do not apply for roads serving only lots in an OSC-PRD. Excluding the Commercial District, Aalong arterial streets or if property use is subject to §125-39, Site standards, such setbacks shall be at least 125 feet. In the Commercial District such structures shall be set back from the front lot line a minimum of 20 feet and a maximum of 50 feet. However, for an institutional use by the Town of Harvard ...

(3) By amending Section 125-39C(2) to lower the "green area" requirement for lots in the Commercial district to 50% of lot area, as follows:

125-39C(2) All lots developed under the provisions of the commercial uses sections (§§~~125-12, 125-13 and 125-14~~) shall provide a green area consisting of at least 50% of total lot area, ~~plus 25% of lot land area in excess of three acres~~. Further, all required setbacks shall be landscaped, planted as green space, or, where feasible, retained in a natural vegetative state.

(Inserted by Planning Board)

The following motion was made by Erin McBee, 221 Littleton Road, Planning Board, and seconded,

I move that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the revisions to Sections 125-30E and 125-39C thereof regarding commercial development as printed on the cream handout available and distributed at this town meeting.

Voted greater than 2/3rds yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions in regards to Commercial Development.

Amend §125-30E(3) to change the current side and rear setback requirement in the Commercial District, from 20% of the required lot width or of (maximum) lot width, to at least 20' from side and rear property lines, as follows:

- (3) Except for the Commercial district, structures other than fences, signs, and poles shall be set back from the lot boundaries by at least 20% of required lot width or of (maximum) lot width, whichever is lesser. In the Commercial District such structures shall be set back at least 20 feet from side and rear property lines. If property use is subject to §125-39, Site standards, such setback shall be at least 60 feet from abutting property in an AR or MR District. For an institutional use by the Town of Harvard.

By amending Section 125-30E(4) to change the current minimum front setback requirement in the Commercial District, from 125' from the centerline of Ayer Road, to 20' from the front lot line, as follows:

- (4) Structures other than fences, signs, and poles shall be set back from the center line of any roadway, provision for future roadway, or easement or right-of-way for vehicular access connecting three or more lots to the street, by at least 75 feet. Such setback shall also apply to swimming pools. However, except for swimming pools, such setbacks do not apply for roads serving only lots in an OSC-PRD. Excluding the Commercial District, along arterial streets or if property use is subject to §125-39, Site standards, such setbacks shall be at least 125 feet. In the Commercial District such structures shall be set back from the front lot line a minimum of 20 feet. However, for an institutional use by the Town of Harvard.

By amending Section 125-39C(2) to change the “green area” requirement for lots in the

Commercial District, from at least 50% of total lot area, plus 25% of lot land area in excess of three acres, to at least 50% of total lot area, as follows:

- (2) All lots developed under the provisions of the commercial uses sections (§§ 125-12, 125-13, and 125-14) shall provide a green area consisting of at least 50% of total lot area, plus 25% of lot land area in excess of three acres. Further, all required setbacks shall be landscaped, planted as green space, or, where feasible, retained in a natural vegetative state.

The Planning Board voted 4 - 0 to recommend this article.

Approved by the Attorney General on July 25, 2016.

ARTICLE 54: AMEND THE PROTECTIVE BYLAW 125-32C SEWAGE AND OTHER POTENTIAL SOURCES OF CONTAMINATION – SETBACKS

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions to Section 125-32C, thereof regarding setbacks, or take any vote or votes in relation thereto.

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

C. Setbacks

(5) For the purpose of the subsection (only), “street” includes any street, as defined in this bylaw; any provision for any future street; and any easement or right-of-way for vehicular access (including driveway) connecting two or more lots to the street. The term “absorption area” is the plan projection of the bottom of the excavation for the leaching facility as described in Title ~~V-5~~ of the State Environmental Code ~~(1978)~~; (1995 or as revised).

(6) The provisions of this subsection do not apply to revisions-the upgrade (as defined by Title 5) of sewage systems ~~which existed on March 31, 1984, and remains in use; or to the installation or revision of a sewage system in accordance with a valid unexpired permit from the Board of Health issued upon an application made prior to June 3, 1984; or to for an existing structure or dwelling, or would~~ restrict the execution of a mandatory order of the Board of Health to abate or forestall a threat or nuisance to health.

(Inserted by Planning Board)

The following motion was made by Michelle Catalina, 37 Old Littleton Road, Planning Board, and seconded,

I move that the Town amend Chapter 125 of the Code of the Town of Harvard, the Protective Bylaw, by making the revisions to Section 125-32C thereof regarding setbacks as printed on Page 53 of the Warrant and Finance Committee Report for the 2016 Annual Town Meeting.

Voted greater than 2/3 yes that the Town amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard, by making the following revisions to Section 125-32C, thereof regarding setbacks, or take any vote or votes in relation thereto.

C. Setbacks

(5) For the purpose of the subsection (only), “street” includes any street, as defined in this bylaw; any provision for any future street; and any easement or right-of-way for vehicular access (including driveway) connecting two or more lots to the street. The term “absorption area” is the plan projection of the bottom of the excavation for the leaching facility as described in Title ~~V-5~~ 5 of the State Environmental Code ~~(1978)~~ (1995 or as revised).

(6) The provisions of this subsection do not apply to ~~revisions to the upgrade (as defined by Title 5) of sewage systems which existed on March 31, 1984, and remains in use; or to the installation or revision of a sewage system in accordance with a valid unexpired permit from the Board of Health issued upon an application made prior to June 3, 1984; or to for an existing structure or dwelling, or would~~ restrict the execution of a mandatory order of the Board of Health to abate or forestall a threat or nuisance to health.

The Planning Board voted 4 - 0 to recommend this article.

Approved by the Attorney General on July 25, 2016.

ARTICLE 55: EROSION CONTROL BYLAW

To see if the Town will vote to amend the Code of the Town of Harvard, to include a new Chapter Erosion Control, or pass any vote or votes in relation thereto, by:

CHAPTER XXX EROSION CONTROL BYLAW

§XXX-1 Purpose

To protect the health, safety, environment and the property of residents of the Town of Harvard by regulating clearing and grading activities associated with land development. With due regard to the characteristics of the different parts of the Town, the purposes of this Chapter, among other things:

- A. To preserve existing trees and vegetation;
- B. To prevent erosion and the introduction of sedimentation into inland wetlands, ponds and other waterbodies;
- C. To protect the water quality of neighboring wetlands and surface waterbodies;

- D. To encourage the use of Best Management Practices that prevent and reduce nonpoint sources of pollutants;
- E. To minimize fragmentation of wildlife habitat;
- F. To limit land clearing and alteration of natural topography prior to development review;
- G. To protect specimen trees and significant forest communities from damage or excessive removal during site development;
- H. To promote land development and site planning practices that are responsive to the Town's scenic character without preventing reasonable development of land;
- I. To protect archeological and/or historic resources.

§XXX-2 Definitions

AGRICULTURE- Land in agriculture use means land presently and primarily used in production or raising agricultural commodities for commercial purposes.

APPLICANT - Any person proposing to engage in or engaged in any non-exempt clearing of trees or understory vegetation within the Town.

BEST MANAGEMENT PRACTICES (BMP's) - A structural, nonstructural, or managerial technique recognized to be the most effective and practical means to prevent and reduce nonpoint source pollutants. BMP's should be compatible with the productive use of the resource to which they are applied, and should be cost-effective.

CLEARING - Removal or causing to be removed, through either direct or indirect actions, trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

CLEARCUTTING- clearfelling, or clearcut logging is a forestry/logging practice in which most or all trees in an area are uniformly cut down

DRIP LINE - An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

ESSENTIAL ROOT ZONE - An area located on the ground between the tree trunk and 10 feet beyond the drip line of a tree which is required for protection of a tree's root system.

EROSION- The process in which the ground surface is disturbed or worn by either natural forces
Such as wind, water, ice, gravity, or by mechanical means.

DIAMETER/DIAMETER-BREAST HEIGHT (dbh) - The diameter of any tree trunk, measured at 4.5 feet above existing grade.

FILLING - The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

GRADING - Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.

HAZARDOUS TREE - A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.

PROTECTED TREE/VEGETATION - A tree or area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.

SPECIMEN TREE - A native, introduced or naturalized, tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6 inches or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4 inches or larger are eligible to be considered specimen trees.

SIGNIFICANT FOREST COMMUNITY - Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat patches.

SITE – A site shall include the lot (locus) which includes clearings, structures and utility, temporary earthen disturbances, excavations and trenching locations at a minimum.

SLOPE - For the purposes of the erosion control provision, slope shall be measured using the two-foot contours on the required erosion control plan. The slope percentage will be the change in elevation divided by the shortest distance between two contour lines. Slope percentages may be averaged across specified horizontal distances.

UNDERSTORY VEGETATION - Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

§XXX-3 Applicability

No person shall undertake land clearing/grading activities of an area with greater than a 25% slope or 30,000 square feet or more on a single, or adjoining parcels without first

obtaining an Erosion Control Permit from the Conservation Commission, unless specifically exempted under §XXX-4 of this bylaw. Any owner, contractor or persons considering land clearing/grading as defined above shall submit an application for review in accordance with this Bylaw.

§XXX-4 Exemptions

The provisions of this Bylaw shall not apply to the following activities:

- A. The removal of hazardous trees.
- B. The routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with a Commonwealth of Massachusetts Department of Environmental Management (DEM) - approved Forest Management Plan.
- C. To remedy a potential fire hazard
- D. The construction and maintenance of public and private streets and utilities within town-approved roadway layouts and easements, approved in accordance with the Planning Board's Subdivision Rules and Regulations
- E. Work conducted in accordance with a valid earth removal permit issued by the Town of Harvard.
- F. Agricultural activities in existence at the time this Bylaw is adopted.
- G. Work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in Massachusetts General Laws Chapter 40A Section 3.
- H. Construction of any State or Town agency project approved by the Board of Selectmen.
- I. Non-commercial cutting for fuel, provided that clear-cutting does not occur.

§XXX-5 Regulations

- A. After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when adopted by the Commission and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not operate to suspend or invalidate the effect of this bylaw.

- B. At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw, and procedures governing the amount and filing of fees.

§XXX-6 Applications and Fees

- A. Written application shall be filed with the Conservation Commission to perform activities affecting areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Conservation Commission to describe proposed activities and their effects on the areas. No activities shall commence without receiving and complying with written consent issued pursuant to this bylaw.
- B. At the time of an application, the applicant shall pay a filing fee as specified on the Erosion Control Application
- C. The Conservation Commission may waive the filing fee, consultant fee and costs and expenses for an application filed by a government agency, the Town, or a non-governmental organization working the interest of the Town.
- D. The Conservation Commission and/or Conservation Agent may post the site with a Stop Work order directing that all site disturbances in violation of this Chapter cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before construction activities may resume. No person shall continue working in an area covered by a Stop Work order, except work required correcting an imminent safety hazard as directed by the Town.

§XXX-7 Review Standards

The applicant shall demonstrate that the following measures are employed in development of the site:

- A. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.
- B. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.
- C. In the design of a site, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

- D. Understory vegetation beneath the drip line of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.
- E. Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.
- F. Other efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.
- G. Finished grades should be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.
- H. The proper site management techniques that will be followed during construction:
 - (1) BMP's shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems; and
 - (2) The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.
- I. Protection of the site during construction through adequate erosion and sedimentation controls:
 - (1) Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Commission to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or re-vegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed to BMP's such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 2:1.
 - (2) Erosion and sedimentation controls shall be constructed in accordance with the DEP Stormwater Guidance manual.

- (3) Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.
- (4) Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 2:1 or exceed 10 feet in height. During the months of October through March when seeding and sodding may be impractical, anchored mulch may be applied at the Conservation Commission's discretion.
- (5) Runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps. The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

J. Re-vegetate the site immediately after grading:

- (1) Proper re-vegetation techniques shall be employed using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Re-vegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species;
- (2) A minimum of 4" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted; and
- (3) Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of 6" or more at the base of the tree is proposed, a retaining wall or tree well may be required.

§XXX-8 Monitoring and Inspections

- A. After installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, an initial site inspection and approval, by the Conservation Agent or designee, of erosion and sedimentation controls and placement of tree protection measures shall occur. This inspection shall occur before any clearing or grading has begun.
- B. Routine inspections, by the Conservation Agent and/or designee, of preserved areas and erosion and sedimentation controls shall be made at varying intervals

depending on the extent of site alteration and the frequency and intensity of rainfall.

- C. Effective stabilization of re-vegetated areas must be approved by the Conservation Agent or designee before erosion and sedimentation controls are removed. The Conservation Agent shall complete an inspection prior to removal of temporary erosion and sedimentation controls.
- D. The applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections following any storm that totals one inch of rain within a 24-hour period.

§XXX-9 Appeal of Permit

- A. Any person aggrieved by the decision of the Conservation Commission, whether or not previously a party to the proceeding, may appeal according to the Massachusetts General Laws.
- B. The appeal shall be made within ten (10) days of the signing and/or issuance of said decision, whichever is the later. Notice of the appeal and a copy of the complaint shall be sent by Certified Mail, or hand delivered, to the Commission, its authorized representative or assigns, and the Town Counsel so as to be received within the ten (10) day appeal period.
- C. The appeal shall contain any facts pertinent to the issue, a copy of the decision being appealed bearing the date of filing thereof, the complete name and address of the attorney, if any, representing the person filing the appeal, and the relief being sought.
- D. If the complaint is filed by some person or persons other than the original Applicant, appellant or petitioner, such original applicant, appellant and all members of the Conservation Commission shall be named as parties' defendant.

§XXX-10 Enforcement

- A. This Chapter shall be administered and enforced by the Conservation Commission and/or the Conservation Agent, who shall take appropriate action in the name of the Town of Harvard to prevent, correct, restrain, or abate violations of thereof. Each day that any violation continues is a separate offense. Violators shall be subject to a fine not exceeding \$300 for each offense.
- B. A member of the Conservation Commission and/or Conservation Agent may post the site with a Stop Work order directing that all site disturbances in violation of this Chapter cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before construction activities may resume. No person shall continue working in an area covered by a Stop Work order, except work required correcting an imminent safety hazard as directed by the Town.

(Inserted by Conservation Commission)

The following motion was made by Donald Ritchie, 6 Glenview Drive, Conservation Commission, and seconded,

I move that the Town amend the Code of the Town of Harvard by adding there to the new Chapter 28 entitled "Erosion Control Bylaw" on Pages 53 through 59 of the Warrant and Finance Committee Report for the 2016 Annual Town Meeting, except that "XXX", wherever it is so printed, shall be replaced with "28".

A motion to move the question by Laura Andrews, 13 Scott Road, was seconded and voted greater than 2/3rds yes.

Voted majority no **[DOES NOT PASS]** to amend the Code of the Town of Harvard, to include a new Chapter Erosion Control.

ARTICLE 56: 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, and authorize the Board of Selectmen to acquire said parcels of land or interests therein so donated or purchased by eminent domain for the purpose of confirming and making clear the Town's title to said parcels of land or interests therein, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

Voted greater than 2/3rds yes that the Town authorize the Board of Selectmen to take by eminent domain, for conservation purposes, to confirm and make clear the Town's title thereto: (1) the parcel of land known and numbered as Lot 1, 100 Shaker Road, Harvard, Massachusetts and described in a deed recorded with the Worcester District Registry of Deeds in Book 54769 , Page 242 ; and (2) the parcel of land known and numbered as Parcel D, off Brown Road, Harvard, Massachusetts and described in a deed recorded with said Registry of Deeds in Book 55001 , Page 101.

ARTICLE 57: ACCEPTANCE OF HIGHWAY FUNDS

To see if the Town will vote to accept State funds to be used for reconstruction and improvements of public ways, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

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

seconded,

Voted majority yes that the Town accept the Fiscal Year 2017 State funds to be used for reconstruction and improvements of public ways.

The first session on April 5 covered Articles 1 through 25 and was adjourned at 10:01 PM. The second session on April 6 covered Articles 26 through 57, was called to order at 7:01 PM and was dissolved at 10:17 PM.

Checkers for the meeting were Patti Anklam, Nancy Cronin, Steve Cronin, and Debbie Kaegebein, on the first night and, Lisa Dagdigian, Paul Green, Dorothy Solbrig, and Rhonda Sprague on the second night. They checked in 326 voters on April 5, and 192 voters on April 6, out of 4269 registered voters (3960 active voters).

The Citizen of Note was Richard F. Maiore.

Tellers for the meeting were: Libby Levison, Nick Browse, Peter Warren, Pat Jennings, Paul Green, and Marc Sevigny.

Respectfully submitted,

Janet A. Vellante, MMC, CMMC
Town Clerk