

**WARRANT FOR THE 2015 TOWN OF HARVARD
ANNUAL TOWN MEETING AND ELECTION
COMMONWEALTH OF MASSACHUSETTS**

To the Constable of the Town of Harvard: Greetings:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town, who are qualified to vote in Town affairs, to meet in The Bromfield School on Saturday, the 28th day of March, 2015 at 9:00 a. m. by the clock to act on the following articles.

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)

ARTICLE 2: CLOSEOUT PREVIOUSLY APPROVED DEBT SERVICE

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

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS -- the previously authorized and unused debt service in the sums of \$45,000. and \$87,519 as outlined in the article be rescinded.

ARTICLE 3: COMMUNITY PRESERVATION COMMITTEE - EXTEND SUNSET DATE

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

(Inserted by Community Preservation Commission)

FINANCE COMMITTEE RECOMMENDS -- extending the sunset date.

ARTICLE 4: FILE CONVERSION - EXTEND SUNSET DATE

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

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - extending the sunset date.

ARTICLE 5: OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, such sums of money as may be necessary to defray expenses for Fiscal Year 2016, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS - the total amount of the Omnibus Budget for FY15 as detailed on the following pages.

ARTICLE 6: RESERVE FUND - FISCAL YEAR 2016

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be placed in the Reserve Fund Account for unforeseen and extraordinary expenses for Fiscal Year 2016, or pass any vote or votes in relation thereto.

(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS -- the sum of \$350,000 for the Reserve Fund. This includes \$175,000 for traditional emergency needs plus \$175,000 to cover potential unforeseen Special Education costs.

This account is under the control of the Finance Committee, to cover unforeseen and extraordinary expenses not anticipated at Annual Town Meeting. This process saves the Town from having to hold numerous Special Town Meetings to authorize the expenditures of small sums. Please refer to the schedule at the front of this book for FY14 Reserve Fund Transfers.

ARTICLE 7: BOARD OF SELECTMEN -- DEPARTMENTAL MANAGEMENT AUDIT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Board of Selectmen, to conduct a Management Audit of the Town's Department of Public Works, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - the sum of \$10,000 be raised and appropriated to conduct the departmental management audit.

ARTICLE 8 POLICE - OUTFIT NEW POLICE HIRE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Police Chief, with the approval of the Board of Selectmen, to outfit a new Police Department employee, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - the sum of \$3,000 be raised and appropriated to outfit a new Police Department Employee.

ARTICLE 9: DPW - ROADSIDE TREE MAINTENANCE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to contract with a professional company to trim trees and large brush along Harvard's roadsides, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - the sum of \$20,000 be raised and appropriated to contract with a professional company to trim trees and large brush along Harvard's roadsides.

ARTICLE 10: PLANNING BOARD - TOWN PLANNER

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to continue the position of Town Planner in Fiscal Year 2016, as an independent contractor, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto

(Inserted by Planning Board)

FINANCE COMMITTEE RECOMMENDS - the sum of \$60,000 be raised and appropriated to fund the continuation of the position of Town Planner as an independent contractor for fiscal year 2016.

ARTICLE 11: DPW - SCADA SYSTEM UPGRADE (WATER SYSTEM)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to upgrade the Town's Supervisory Control and Data Acquisition system, for the Town water system, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - the sum of \$10,058 be raised and appropriated to upgrade the Town's SCADA system.

ARTICLE 12: COUNCIL ON AGING - PART-TIME OUTREACH WORKER

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Council on Aging Director, with the approval of the Board of Selectmen, to hire a part-time Outreach Worker, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by COA and Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - the sum of \$20,000 be raised and appropriated to fund this new part-time position. This item will become part of the COA annual budget in future years.

ARTICLE 13 BOARD OF SELECTMEN - MUNICIPAL PERMITTING SOFTWARE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Town Administrator, with the approval of the Board of Selectmen, to purchase new municipal permitting software, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS the sum of \$15,000 be raised and appropriated to purchase municipal permitting software in fiscal year 2016.

ARTICLE 14: CAPITAL PLANNING AND INVESTMENT FUND - FUNDING

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

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

FINANCE COMMITTEE RECOMMENDS - the sum of \$40,000 be raised and appropriated and then deposited into the Capital Stabilization and Investment Fund.

ARTICLE 15: CAPITAL PLANNING AND INVESTMENT COMMITTEE - DEBT PAYMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Town Treasurer, with the approval of the Board of Selectmen, to fund the Capital Planning and Investment Committee's debt service for Fiscal Year 2016, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto. (Inserted by Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS -- the sum of \$161,889 be transferred from the Capital Stabilization and Investment Fund.

ARTICLE 16: POLICE DEPARTMENT -- UPGRADE POLICE RADIOS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Police Chief, with the approval of the Board of Selectmen, to purchase and install a new ultra high frequency radio system (portable radios, mobile radios, radio console at the Police Station, repeater and antennae), with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE RECOMMENDS -- the sum of \$85,000 be appropriated from the Capital Stabilization and Investment Fund.

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

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Park and Recreation Commission, to replace the wooden section of the town dock, with any unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE RECOMMENDS - the sum of \$18,000 be appropriated from the Capital Stabilization and Investment Fund.

ARTICLE 18: DEPARTMENT OF PUBLIC WORKS -- PURCHASE NEW HEAVY DUTY DUMP TRUCK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of Selectmen, to purchase a new heavy duty dump truck , with any unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE RECOMMENDS -- the sum, of \$175,000 be appropriated from the Capital Stabilization and Investment Fund.

ARTICLE 19: DEPARTMENT OF PUBLIC WORKS -- FUEL DEPOT SYSTEM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Department of Public Works Director, with the approval of the Board of

Selectmen, to purchase a new fuel depot dispensing system, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS— the sum of \$19,000 be appropriated from the Capital Stabilization and Investment Fund.

ARTICLE 20: HILDRETH ELEMENTARY SCHOOL -- BATHROOM RENOVATION AND REPAIRS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the School Department, with the approval of the School Committee, to renovate and repair bathrooms at the Hildreth Elementary School, with unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by School Department and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS -- the sum of \$30,000 be appropriated from the Capital Stabilization and Investment Fund. None of the bathroom renovation work will be within the K-wing.

ARTICLE 21: SCHOOL DEPARTMENT -- NEW VOIP PHONE SYSTEM FOR SCHOOL DEPARTMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the School Superintendent, with the approval of the School Committee, to purchase a new voice over internet protocol phone System for the entire School Department, with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.
(Inserted by School Committee and Capital Planning and Investment Committee)

FINANCE COMMITTEE RECOMMENDS - the sum of \$100,000 be appropriated from the Capital Stabilization and Investment Fund.

ARTICLE 22: COUNCIL ON AGING -- HILDRETH HOUSE ACCESSIBILITY, SAFETY and SITE IMPROVEMENTS

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

FINANCE COMMITTEE RECOMMENDS - the borrowing of \$1,260,000 to fund the design, construction, reconstruction and renovation of the Hildreth House.

Various committees have been studying the conditions and needs of this building for some time, and the current group has recently presented schematic design plans and cost estimates to address the accessibility, safety and site improvement issues. We believe that the Town should now move forward as proposed by the COA and others and begin to address the needs of the building and seniors of our community. This project will improve access to both levels of the building and create pleasant and safe atmosphere for COA seniors and staff

The bond of \$1,260,000 will be funded by excluded debt and is contingent upon the passage of a Ballot Question at the April 2015 Annual Town Election. Please refer to the text of the corresponding Ballot Question at the end of this warrant.

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

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the, School Department, with the approval of the School Committee, to install an air-exchange System in the science labs at the Bromfield School, contingent upon the passage of a Proposition Two and One-half capital outlay expenditure exclusion under Massachusetts General Laws Chapter 59, Section 21C(i 1/2) ballot question at the April 2015 Annual Town Election, with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE RECOMMENDS -- the sum of \$130,000 be raised and appropriated and an additional sum of \$185,000 be raised and appropriated through the passage of a Capital Outlay Expenditure Exclusion Ballot Question, thus the total sum of the article will be \$315,900.

ARTICLE 24: FIRE DEPARTMENT -- TANKER TRUCK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new Tanker Truck to replace the Tanker Truck purchased in 1989, contingent upon the passage of a Proposition Two and One-Half Debt Exclusion ballot question at the Annual Town Election to be held in April 2015, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE RECOMMENDS - the sum of \$350,000 be borrowed using exempt debt to purchase a new Tanker Truck, contingent upon the passage of a Debt Exclusion Ballot Question at the Annual Town Election in April 2015. Please refer to the text of the corresponding Ballot Question at the end of this warrant.

ARTICLE 25: FIRE DEPARTMENT - PUMPER TRUCK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended by the Fire Chief, with the approval of the Board of Selectmen, to purchase a new Pumper Truck to replace the broken Pumper Truck purchased in 1999, with any unexpended funds as of June 30, 2017 being returned to their funding source, or pass any vote or votes in relation thereto.

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

FINANCE COMMITTEE RECOMMENDS -- the sum of \$500,000 be transferred from the Capital Stabilization and Investment Fund for the purchase of a new pumper truck

ARTICLE 26: COMMUNITY PRESERVATION COMMITTEE REPORT

To see if the Town will vote to hear the report and recommendations of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation Budget, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

ARTICLE 27: COMMUNITY PRESERVATION FUNDS -- TRANSFERS

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

ARTICLE 28: HARVARD MUNICIPAL AFFORDABLE HOUSING TRUST FUND

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

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

ARTICLE 29: CONSERVATION COMMISSION -- INVASIVE PLANT MANAGEMENT

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

(Inserted by Conservation Commission and Community Preservation Committee)

ARTICLE 30: HARVARD PARK TRUST -- HARVARD PARK CROSS COUNTRY TRAIL

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

(Inserted by Community Preservation Committee)

ARTICLE 31: COMMUNITY PRESERVATION COMMITTEE -- ADMINISTRATIVE EXPENSES

To see if the Town will vote to appropriate and transfer from Fiscal 2016 Community Preservation Revenues the sum of \$2,500 to be expended by the Harvard Community Preservation Committee for administrative expenses, including Community Preservation Coalition dues and necessary legal fees, with unexpended funds as of June 30, 2016 being returned to their funding source, or pass any vote or votes in relation thereto.

(Inserted by Community Preservation Committee)

ARTICLE 32: REVOLVING FUNDS

To see if the Town will vote to:

1) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E 1/2, to be used to fund the activities of the Council On Aging with the balance of this account not to exceed \$35,000 in Fiscal Year 2016;

2) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53E 1/2, to be used to fund the activities of the Fourth of July Committee with the balance of this account not to exceed \$25,000 in Fiscal Year 2016;

3) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E 1/2, to be used to fund the activities of the Harvard Ambulance Service with the balance of this account not to exceed \$150,000 in Fiscal Year 2016; and

4) continue the Revolving Fund Account, as allowed by Massachusetts General Laws Chapter 44, Section 53 E ½, to be used to fund the activities of the Fire Department's S.A.F.E. Program with the balance of this account not to exceed \$15,000 in Fiscal Year 2016,
or pass any vote or votes in relation thereto.
(Inserted by Finance Committee)

FINANCE COMMITTEE RECOMMENDS -- re-authorizing these revolving funds.

ARTICLE 33: APPLICANT FEE REVOLVING FUND

To see if the Town will vote to establish a new revolving fund account as allowed by Massachusetts General Laws Chapter 44, Section 53E ½, to be used to fund advertising, professional and/ or legal opinions and any other activity required to be paid for by an applicant with the balance of this account not to exceed \$1,000 in Fiscal Year 2016, or pass any vote or votes in relation thereto.
(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - the establishment of this revolving fund in order to help facilitate the paying of advertising, professional and/or legal opinions and any other service required by various permits, licenses and the like to be paid for by the applicant

ARTICLE 34: ESTABLISHMENT OF A TAX TITLE REVOLVING FUND

To see if the Town will vote to accept the provisions of Chapter 390 of the Acts of 2014 to establish a tax title collection revolving fund.
(Inserted by Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - the establishment of this revolving fund as it creates the account necessary to facilitate the tax title process.

ARTICLE 35: ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 449 SECTION 53F3/4 - PEG ACCESS and CABLE RELATED FUND

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 44, Section 53F 3/4 in order to establish a separate revenue account to be known as the "PEG Access and Cable Related Fund", into which will be deposited funds received in connection with a franchise agreement between the Town's cable Operator and the Town and from which monies shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitoring compliance of the cable operator with the franchise agreement; or (iii) preparing for renewal of the franchise license, or pass and vote or votes in relation thereto.
(Inserted by the Board of Selectmen)

FINANCE COMMITTEE RECOMMENDS - accepting MGL Chapter 44, Section 53F 3/4 as well as establishing the PEG Access and Cable Related Fund.

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

To see if the Town will vote to authorize the Board of Selectmen to enter into and execute a written employment contract with the individual that holds the position of Department of Public Works Director, which contract may contain terms and conditions including, but not limited to term of appointment, salary, fringe benefits, severance pay, relocation expenses, reimbursement for expenses

incurred in the performances of duties or office, liability insurance, and for leave, but shall not grant tenure to said officer, or pass any vote or votes in relation thereto
(Inserted by Board of Selectmen)

ARTICLE 37: RATIFY AND FUND POLICE UNION CONTRACT

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

(Inserted by Board of Selectmen)

FINANCE COMMITTEE DEFERS - making a recommendation at this time as the information required to make a recommendation was not available prior to the printing of the Finance Committee book.

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

To see if the Town will vote to amend Chapter 48 of the Code of the Town of Harvard by making the following revisions relative to Historic District Maps, or pass any vote or votes in relation thereto [Key to revisions underlining = additions, strikethrough = deletions]

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

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

B. Plan of Harvard Common Historic District – Revision CD [Amended 3-29-1975 ATM, Art. 21; 6-28-1976 STM, Art. 6]"

(Inserted by Historical Commission)

ARTICLE 39: AMEND THE CODE OF HARVARD - CHAPTER 13: BARE HILL POND

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

"§ 13-9 Harbormaster Permit Conditions.

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

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

(Inserted by Board of Selectmen)

ARTICLE 40: NON-EXCLUSIVE UTILITY EASEMENT

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

grant a nonexclusive utility easement to St. Benedict Center in, on and wider said easement area for the installation, repair, maintenance, improvement and replacement of subsurface utilities, or pass any votes in relation thereto.

(Inserted by the Board of Selectmen)

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

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

“(1)

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

and replacing it with the following:

“(1)

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

or take any votes or votes in relation thereto.

(Inserted by Personnel Board and Board of Selectmen)

ARTICLE 42: AMEND ZONING MAP

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

(Inserted by Planning Board)

ARTICLE 43: AMEND PROTECTIVE BYLAW 125 REGARDING ADULT ENTERTAINMENT

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by making the following revisions thereto relative to Adult Entertainment, or take any votes or votes in relation thereto:

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

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

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

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

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

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

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

H. Adult Entertainment Uses:

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

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

- a. The adult use would adversely affect the public health, safety or welfare.
- b. The adult use would have severe traffic safety or congestion impacts that cannot be remedied without severe disruption to the neighborhood
- c. Sound produced by music, loudspeakers, or patrons would be discernible by the public beyond the walls of the premises.

- d. Sign content identifies only the name of the establishment and contains no advertisement for activities within.
- (2) Standards. The adult use shall conform to the site plan standards in § 125-38 and the following requirements:
- (a) No such use may be located within five hundred feet (500') of a property in residential use, two hundred feet (200') of the Commercial district boundary, four hundred feet (400') of Ayer Road, or five hundred feet (500') of a school, church, child care facility, park, playground or another Adult Entertainment Use.
 - (b) No Special Permit shall be issued to any person convicted of violating the provisions of M.G.L. Ch. 119, § 63 or M.G.L. 272, § 28.
 - (c) No store which rents and/or sells videos shall have any adult videos openly displayed in the same public viewing area as non-adult videos. Said adult videos shall be displayed in a separate room from the non-adult videos, which is to be constructed to prevent the view of adult video stock by the general public unless they enter the room itself. Said enclosure shall have only one entrance and be located to ensure proper monitoring.
 - (d) No pictures, publications, videotapes, movies, covers, or other implements, items, or advertising that fall within the definition of adult entertainment enterprise merchandise or are erotic, prurient, or related to violence, sadism, or sexual exploitation shall be displayed in the windows of, or on the building of any adult entertainment enterprise, or be visible to the public from pedestrian sidewalks or walkways or, from other areas, public or semi-public, outside such establishments.

(Inserted by Planning Board)

ARTICLE 44: AMEND PROTECTIVE BYLAW 125-2 DEFINITIONS

To see if the Town will vote to amend Chapter 125, the Protective Bylaw, of the Code of the Town of Harvard by making the following revisions thereto relative, 125-2 Definitions, or pass any vote or votes in relation thereto:

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

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

(Inserted by Planning Board)

ARTICLE 45: ZONING BYLAW AMENDMENT - NONRESIDENTIAL DRIVEWAY STANDARDS

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

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

[a] total and peak hour trip generation,

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

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

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

or take any votes or votes in relation thereto

(Inserted by Planning Board)

ARTICLE 46: WILLARD CONSERVATION LAND ACQUISITION

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

(Inserted by Board of Selectmen)

ARTICLE 47: LAWTON CONSERVATION LAND ACQUISITION

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

Commission; and (c) appropriate the sum of \$1.00 for the acquisition of said parcel of land, or pass any vote or votes in relation thereto.

(Inserted by Board of Selectmen)

ARTICLE 48: TOWN CENTER SEWER DISTRICT EXPANSION

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

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

ARTICLE 49: ACCEPTANCE OF GIFTS OF PROPERTY

To see if the Town will vote to accept gifts of land or interests in land for any municipal purpose, or pass any vote or votes in relation thereto;

(Inserted by Board of Selectmen)

FINANCE COMMITTEE COMMENT— We encourage residents to consider a tax-deductible donation of land to the Town. The Town gives thanks to these who have made such a donation.

ARTICLE 50: ACCEPTANCE OF HIGHWAY FUNDS

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

(Inserted by Board of Selectmen)

FINANCE COMMITTEE COMMENT— We are pleased that these funds continue to be distributed and look forward to the release of Fiscal Year 2016 Chapter 90 awards.

And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at The Bromfield School on Tuesday, the 7th day of April, 2015, to cast their ballots for the following officers and questions:

Moderator, one position for one year; Selectman, one position for three years; Cemetery Commissioner, one position for three years; Community Preservation Committee, one position for three years; Harvard Board of Health Member, one position for three years; Library Trustee, two positions for three years; Library Trustee, one position for one year; Park and Recreation Commissioner, two positions for three years; Park and Recreation Commissioner, one position for one year; Planning Board, two positions for three years; School Committee Member, two positions for three years; Town Clerk, one position for three years; Tree Warden, one position for one year; Warner Free Lecture Society Trustee, two positions for three years.

QUESTION #1: The Bromfield School Science Labs Air-Exchange System Capital Exclusion

Shall the town of Harvard be allowed to assess an additional \$185,000.00 in real estate and personal property taxes for the purposes of purchasing and installing an air-exchange System for The Bromfield School science labs for the fiscal year beginning July first, two thousand and fifteen?

YES ___ NO ___

(Requires a majority vote for passage.)

QUESTION #2: Fire Department Tanker Truck Proposition 2 ½ Debt Exclusion

Shall the Town of Harvard be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bond issued in order to purchase a new Tanker Truck to replace the Tanker Truck purchased in 1989?

YES ___ NO ___

(Requires a majority vote for passage.)

QUESTION #3 - Hildreth House Building Project Proposition 2 1/2 Debt Exclusion.

Shall the Town of Harvard be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the design, construction, reconstruction and renovation of the Hildreth House, including, but not limited to handicapped accessibility improvements and safety issues?

YES ___ NO ___

(Requires a majority vote for passage.)

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

Given under our hands this 25 day of February, Two Thousand and Fifteen.

Harvard Board of Selectmen:

Stuart Sklar, Chairman

Leo F. Blair

Kenneth R. Swanton

Ronald V. Ricci

Lucy B. Wallace