



LANCASTER BOARD OF SELECTMEN
Regular Meeting Minutes
Of May 18, 2020

I. CALL TO ORDER

Chairman Stanley B. Starr, Jr. called the Regular Meeting of the Board of Selectmen to Order at 12:00 P.M. in the Nashaway Meeting Room, located in the Prescott Building, 701 Main Street, Lancaster, Massachusetts, and via Zoom. Present were Selectmen Walter F. Sendrowski, Jay M. Moody, Town Administrator Orlando Pacheco and Executive Assistant Kathleen Rocco.

Meeting ID

821 7455 3228

Invite Link

<https://us02web.zoom.us/j/82174553228>

II. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes of May 4, 2020 and Special Meeting Minutes of April 30, 2020.

Selectman Sendrowski moved to accept the Regular Meeting Minutes of May 4, 2020. Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

Selectman Moody moved to accept the Special Meeting Minutes of April 30, 2020. Chairman Starr Seconded. Jay M. Moody vote Aye, Stanley B. Starr, Jr. vote Aye. [2-0-0]

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - TABLED

12:00PM Notice is hereby given that a Public Hearing will be continued to Monday, May 18, 2020 at 12:00 P.M., Nashaway Meeting Room, on the 2nd floor in the Prescott Building, 701 Main Street, Lancaster MA., to consider and act upon the Notice of Intent to Sale land at 0 Sterling Road, Assessors' Parcel ID: 147/041.0-0000-034.A, provided to the Town in accordance with G.L. c.61A, s.14. Votes may be taken. All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing.

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

V. TOWN ADMINISTRATOR REPORT

1. Surplus Property

The Fire Department will be selling a forestry truck that was taken out of service last year. The equipment will be placed on www.govdeals.com which is an online auction site used by the Town.

2. Assabet Regional Housing Consortium

The Town has been accepted to become a member of the Assabet Regional Housing Consortium. This is a regional group of towns that utilize housing planning and consulting services through 1 single contracted vendor. The Town of Hudson is the lead community. This will give the Town an independent place to verify information and assist with housing planning initiatives/tasks.

3. Main Street Grant Award

The Town was awarded a \$15,000 grant from DHCD as part of the Massachusetts Downtown Initiative. The purpose of the grant is to conduct a mixed use zoning market study for Lancaster from AUC to the Clinton town line. AUC did provide a letter of support for the grant.

4. 70/117 Intersections

The 75% design plan is complete. MassDOT on behalf of the Town will be filing a Notice of Intent with the Conservation Commission and an Environmental Notification Form with the state. Once those reviews are completed the design can move forward incorporating any necessary changes.

5. Green Communities

The Town has submitted a Green Communities Competitive Grant that will encompass weatherization measures for the building envelope at the Community Center and Police Station. As well as a new Energy Management System for the Police Station. The application submitted was for 200,000.

6. PJ Keating EPR Review

The Town's consultant, Tighe and Bond, has reviewed the hydrologic report from North American Reserve regarding the water balance at the Keating Quarry. There were some concerns that that precipitations numbers being used to calculate the water balance not correct and have requested clarification. Once they receive the necessary clarification they will issue a final report to the Board and recommend any conditions needed for a permit renewal.

7. Census

The Town's self-response percentage to date has been 58.4%. This is above the National average of 53.4 and Massachusetts average of 55.1%. The census bureau has reached out to various department and entities locally to make sure we get the most "complete count" for the Town. The census bureau recently started a social media campaign to encourage more census responses electronically.

VI. ADMINISTRATION, BUDGET, AND POLICY

1. Reorganization of the Board of Selectmen

[Traditionally, the Board of Selectmen reorganizes in the month May after Annual Town Election. However, due to the Pandemic, the Annual Town Meeting as well as Annual Town Election has been rescheduled to June 22nd and June 29th respectively.]

Chairman Starr would like to step down as Chair at this time.

Selectman Sendrowski moved to remove Stanley B. Starr, Jr. as Chair. Walter F. Sendrowski vote Aye, Jay M. Moody abstains and Stanley B. Starr, Jr. vote Aye. [2-0-1]

Chairman Starr nominated Walter Sendrowski as Chair, effective June 1, 2020. Walter F. Sendrowski vote Aye, Jay M. Moody abstains and Stanley B. Starr, Jr. vote Aye.. [2-0-1]

Selectman Sendrowski nominated Stanley B. Starr, Jr. as Clerk, effective June 1, 2020. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

2. Review and may take action on Right of First Refusal – 103 Red Tail Way (and is a part of Blue Heron Pond, Chapter 40B project for which Citizens' Housing and Planning Association aka CHAPA serves as a Monitoring Agent).

David Gasser, Program Manager for CHAPA clarified any concerns regarding 103 Red Tail Way, which is part of the Blue Heron Pond, Chapter 40B project. He did note that there is a buyer for said property, and is a resident of the Town of Lancaster.

Selectman Sendrowski moved to not to exercise the Right of First Refusal for 103 Red Tail Way subject to CHAPA (Citizens' Housing and Planning Association) securing an eligible purchaser for the property. Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

3. Review of Draft Warrant Articles (See attached)

Town Administrator Pacheco explained that he now has the go ahead to place the article as it relates to certain positions of the Police Department of the Town of Lancaster form the Civil Service Law. He had been waiting for response from the Police Department Union.

Further discussion on when the Annual Town Meeting Warrant was opened and closed, and did the Selectmen vote on this action. It was explained that this was an agenda item on March 3, 2020 and reflected in the minutes.

4. Take action on Town Administrator's and Finance Director's Contracts.

Chairman Starr noted the contracts for Town Administrator Pacheco and Finance Director Cheryl Gariepy were reviewed by Town Counsel Mirick & O'Connell.

Selectman Sendrowski moved to approve the Town Administrator Orlando Pacheco's contract for a four year term, July 1, 2020 to June 30, 2024 with an annual salary of \$135,000 with \$8,000 deferred compensation. Chairman Starr Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody Abstains, Stanley B. Starr, Jr. vote Aye. [2-0-1]

Selectman Moody moved to approve the Finance Director Cheryl Gariepy's contract for a five year term, July 1, 2020 to June 30, 2025 with an annual salary of \$102,413. Selectman Sendrowski Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

5. Discussion on the Collins Center Human Resources' scope of services.

Town Administrator Pacheco discussed with the Board of Selectmen the Scope of Services with the Collins Center Human Resources. He noted that the proposed scope of work is a review of the human resources structure, practices, procedures, and policies.

The all-inclusive professional fee for the project is \$12,000. Mr. Pacheco spoke to the Finance Director and both agreed to recommend the project fee be split with \$6,000 in FY20 and \$6,000 in FY21.

Selectman Moody made the Motion to approve the Collins Center Human Resources' scope of services through UMass Boston Edward J. Collins, Jr. Center for Public Management. Selectman Sendrowski Seconded with the understanding that \$6,000 will be paid in FY2020 and \$6,000 will be paid in FY2021. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

6. Executive Session M.G.L. c.30A, §21 (a)(3) – to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on litigating position of the public body and if the chair so declares.; and may or may not reconvene back into open session

Chairman Starr moved to go into Executive Session M.G.L. c.30A, §21 (a)(3) – to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on litigating position of the public body and if the chair so declares.; and will not reconvene back into open session.

*Stanley B. Starr vote Aye
Walter F. Sendrowski vote Aye
Jay M. Moody vote Aye*

VII. APPOINTMENTS AND RESIGNATIONS

Consider to take action on the following annual appointments, terms to expire June 30, 2021:

- . *Tony Zahariadis – Fence Viewer*
- . *Edwin Burgwinkel, Chief of Police – Keeper of the Lockup*
- . *Ronald W. Valinski – Measurer of Wood & Bark and Sealer of Weights & Measures*
- . *K/P Law & Mirick O'Connell - Town Counsel & Special Town Counsel*
- . *Michael Antonellis – Appointment to the Montachusett Joint Transportation Committee (MJTC)*
- . *Michael Antonellis– Appointment as alternate to the Montachusett Regional Planning Commission(MRPC)*
- . *Dianne Reardon & Kathleen Rocco - Records Access Officers*
- . *Bentley Herget, Alternate Building Inspector*
- . *Dennis Monteiro, Electrical Inspector*
- . *Dave Hinckley, Assistant Electrical Inspector*
- . *Thomas Soldi, Plumbing /Gas Inspector*
- . *Kenneth Poulin, Assistant Plumbing/Gas Inspector*

Selectman Moody raised concern regarding K/P Law as Town Counsel, noting that Town Counsel failed to give correct opinions to the Town. He further noted that he has no issue continuing with the law firm Mirick O'Connell.

Selectman Sendrowski moved to appoint Mirick O'Connell as Town Counsel, term to expire June 30, 2020. Chairman Starr Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye, Stanley B. Starr, Jr. vote Aye. [3-0-0]

Selectman Sendrowski moved to approve the following annual appointments, term to expire June 30, 2021. Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

- . *Tony Zahariadis – Fence Viewer*
- . *Edwin Burgwinkel, Chief of Police – Keeper of the Lockup*
- . *Ronald W. Valinski – Measurer of Wood & Bark and Sealer of Weights & Measures*
- . *Michael Antonellis – Appointment to the Montachusett Joint Transportation Committee (MJTC)*
- . *Michael Antonellis– Appointment as alternate to the Montachusett Regional Planning Commission(MRPC)*

- . Dianne Reardon & Kathleen Rocco - Records Access Officers
- . Bentley Herget, Alternate Building Inspector
- . Dennis Monteiro, Electrical Inspector
- . Dave Hinckley, Assistant Electrical Inspector
- . Thomas Soldi, Plumbing /Gas Inspector
- . Kenneth Poulin, Assistant Plumbing/Gas Inspector

Chairman Starr asked Selectman Moody for specifics why they should not appoint KP/Law as Town Counsel.

Selectman Moody noted the Right of First Refusal for 0 Sterling Road and Counsel's error in the Purchase and Sale Agreement was not a Bonafide Purchase.

Town Administrator Pacheco noted that may be a little excessive to not reappoint Town Counsel.

Chairman Starr noted that KP/Law has huge exposure in the Commonwealth and have been the Town of Lancaster's Town Counsel for several years.

Selectman Sendrowski moved to appoint K/P Law as Town Counsel, term to expire June 30, 2020. Chairman Starr Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody abstains, Stanley B. Starr, Jr. vote Aye. [2-0-1]

VIII. LICENSES AND PERMITS - NONE

IX. NEW BUSINESS *

**This item is included to acknowledge that there may be matters not reasonable anticipated by the Chair.*

Discussion of signage on the Prescott Building-Jay Moody

Selectman Moody discussed the need to have signage for the Prescott Building, in which would identify the building.

Chairman Starr suggested to reach out to the Historical Commission regarding an acceptable sign for the building.

Discussion on Jones Crossing-Jay Moody

Selectman Moody discussed the concern on Jones Crossing and who is overseeing the process, noting does Jones Crossing even exist. He asked about the permitting process and the expiration of the permits such as the sewage.

Town Administrator Pacheco noted that the ZBA does oversee the Comprehensive Permit and may want to contact Attorney Adam Costa, ZBA's counsel.

Katherine Holden, member of the Board of Health noted that they are investigating the situation, and all permits have expired on that property.

Discussion on Hawthorne Lane Booster Pump-Jay Moody

Selectman Moody stated that he is worried about the Hawthorne Lane Booster Pump Station and how the decision was made. He noted that the Planning Board voted 4-1 against and now ZBA is handling it. He further noted his concern of the Planner did not look up what the laws are. Selectman Moody stated that he does not want this to happen again.

Further discussion:

- Legal Information
- Compliance
- Building Inspector/Zoning Enforcement Official following or not following the process
- Certificate of Occupancy
- Board of Selectmen's role in understanding the whole situation and improvements to be made.

After a lengthy discussion on this item, Chairman Starr suggested the Selectmen have joint meeting with the Planning Board and other officials regarding this matter.

Nashoba Regional High School Request

Selectman Moody mentioned the request of a possibility of putting a banner across Main Street regarding the Nashoba Regional High School Seniors graduating.

Selectman Moody moved to put a Banner across Main Street for the Nashoba Regional High School Seniors. Selectman Sendrowski Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

X. COMMUNICATIONS


Next Selectmen's Meeting will be held on June 1, 2020.

XI. ADJOURNMENT

Seeing no further business, on Motion by Selectman Sendrowski, seconded by Selectman Moody, it was unanimously voted. The Board of Selectmen adjourned at 2:15 P.M.

Respectfully submitted

Kathleen Rocco
Executive Assistant


Walter F. Sendrowski, Clerk
Approved and accepted: 6-1-20

**WARRANT FOR
ANNUAL TOWN MEETING
FOR FISCAL YEAR 2021
JUNE 22, 2020
THE COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

To any Constable of the Town of Lancaster in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet at **Mary Rowlandson Elementary School Auditorium, 103 Hollywood Drive, in said Lancaster on Monday, the twenty-second day of June, 2020, at 7:00 o'clock in the evening,** then and there to act on the following Articles:

**ARTICLE 1
Finance Committee
Board of Selectmen**

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, from the Omnibus Operating Budget, by borrowing, by transfer from Overlay Surplus, by transfer from fund balance reserved for school debt, or any combination thereof; to defray the expenses of the Town for the Fiscal Year beginning July 1, 2020, or act in any manner relating thereto.

The Budget for Fiscal Year 2021 will be available at Town Meeting
The Finance Committee will make a recommendation from the floor.

Summary: This article presents the proposed omnibus operating budget for the Town for FY2021, together with prior year appropriations and actual expenditures for comparison. A majority vote is required for the passage of this article.

[If any funding is to come from borrowing or transfer from Stabilization, a two-thirds majority vote will be required for passage.]

**ARTICLE 2
Water Enterprise Fund
Board of Public Works**

To see if the Town will vote to appropriate **\$1,067,854** (One Million Sixty-Seven Thousand, Eight Hundred Fifty-Four Dollars,) from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2019 (*detail below*), or act in any manner relating thereto. The operating expenses for the Water Enterprise are entirely funded by water revenue.
The Finance Committee recommends passage of this article.

I. Water Enterprise Revenues	
User Charges	\$1,052,854
Connection Fees	\$15,000
Water Enterprise Available Funds	0
Investment Income	0
Total Revenues	\$1,067,854
II. Costs Appropriated in the Enterprise Fund	
Salaries and Wages	\$273,783
Expenses	\$347,486
Reserve Fund	\$0
Debt Principal	\$297,418
Debt Interest	\$149,168
Indirect Costs to General Fund	0
Total Costs Appropriated in E. F.	\$1,067,854

Summary: This article presents the proposed Water operating budget for the Town for FY2021. A majority vote is required for passage of this article.

<p align="center">ARTICLE 3 Finance Committee Board of Selectmen</p>

To see if the Town will vote to appropriate **\$143,000** (One Hundred Forty-Three Thousand Dollars) from the Renewable Energy Enterprise Fund to finance the operation of the Landfill Solar Array for the fiscal year beginning July 1, 2019 (*detail below*), or act in any manner relating thereto. The operating expenses for the Renewable Energy Enterprise Fund are entirely funded by solar array revenue. *The Finance Committee recommends passage of this article.*

I. Renewable Energy Enterprise Revenues	
Sale of Solar Energy Certificates	\$127,000
Qualified Energy Bond Subsidy	\$16,000
Total Revenues	\$143,000
II. Costs Appropriated in the Enterprise Fund	
Maintenance Expenses	\$25,600
Debt Principal and Interest	\$117,400
Total Costs Appropriated in E. F.	\$143,000

Summary: This article presents the proposed Renewable Energy operating budget for the Town for FY2021. A majority vote is required for the passage of this article.

ARTICLE 4
Finance Committee
Board of Selectmen

To see if the Town will vote to request the Board of Assessors to commit \$20,000 (Twenty Thousand Dollars) from the FY2021 Overlay Account for Abatements to fund the Senior Citizen Tax Work-off Abatement Program, or act in any manner relating thereto. ***The Finance Committee recommends passage of this article.***

***Summary:** The Commonwealth of Massachusetts allows for the property tax liability to be reduced in exchange for volunteer services for persons over age 60 .*

ARTICLE 5
Nashoba Regional School District

To see if the Town will approve an amount not to exceed \$1,500,000. borrowing authorized by the Nashoba Regional School District, for the purpose of paying costs of a design and feasibility study for the purpose of a building/modernization project of Nashoba Regional High School, 12 Green Road, Bolton, MA 01740, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the Nashoba Regional High School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

***Summary:** This article presents the NRSD's requests for paying costs for the design & feasibility study for purpose of a building/modernization project of Nashoba Regional High School.*

Article 6
Pay Bills of Prior Fiscal Year
Finance Committee
Board of Selectmen

To see if the Town will vote to transfer Six Thousand and Five Hundred Seventy-Two Dollars (\$6,572) from available funds to pay an unpaid bills from Fiscal Year 2019 (detail below), or act in a manner relating thereto.

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Purpose</u>
General Insurance	Braley & Wellington	\$6,222.00	8/13/18	Insurance
Police Department	Impact Fire	\$ 350.00	6/19/19	Sprinkler Service

***Summary:** This article presents invoices received after Fiscal Year payments were due*

ARTICLE 7
Board of Selectmen

To see if the Town will approve the purchase of 0 Old County Road (Map 29 Lot 20) for an amount not to exceed Eighty-Six Thousand Dollars (\$86,000) and to authorize the Board of Selectmen to execute and record all documents related thereto.

Summary: This article presents the purchase of Atlantic Union College 28 Acres for the Forest Land Acquisition.

ARTICLE 8

Planning Board

To see if the Town will vote to amend the Zoning Bylaw, Section 220-8.7 Integrated Planning Overlay District (IPOD), as follows:

- 1) Delete Section 220-8.7.B.(6) in its entirety and replace it with the following:

Residential uses shall not be required, but if included shall not comprise more than 75% of the gross floor area planned within any Integrated Plan.

- 2) Add the following new Section F:

F. Waivers. The Planning Board may waive the compliance with any IPOD requirements upon a finding that the waiver is in the public interest and not inconsistent with the intent of this IPOD bylaw.

Or act in any manner relating thereto

ARTICLE 9

Community Preservation Act

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

ARTICLE 10

Affordable Housing Trust Creation

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a trust known as the Lancaster Affordable Housing Trust Fund, whose purpose shall be to provide for the preservation and creation of affordable housing in the Town of Lancaster for the benefit of low and moderate income households, and, further, to amend the General Bylaws of the Town to insert a new Chapter ____ of the Lancaster Town Code entitled: Affordable Housing Trust Fund, as follows, or act in any manner relating thereto:

Chapter ____ Affordable Housing Trust Fund

- | | |
|-------|---------------------------|
| § X-1 | Authority; establishment. |
| § X-2 | Purpose. |
| § X-3 | Composition. |
| § X-4 | Declaration of Trust. |

§ X-5	Powers.
§ X-6	Acts of Trustees.
§ X-7	Funds paid to Trust.
§ X-8	Meetings; quorum.
§ X-9	Custodian of funds.
§ X-10	Liability.
§ X-11	Taxes.
§ X-12	Governmental body.
§ X-13	Board of Town.
§ X-14	Compensation of Trustees.
§ X-15	Amendments.
§ X-16	Duration of Trust.

§ X-1 Authority; establishment.

Pursuant to the authority of MGL c. 44, § 55C, there is hereby created a local municipal affordable housing Trust fund to be known as the "Lancaster Affordable Housing Trust Fund" (hereinafter "the Trust").

§ X-2 Purpose.

The purpose of the Trust shall be to provide for the preservation and creation of affordable and community housing in the Town of Lancaster for the benefit of low and moderate income households.

§ X-3 Composition.

There shall be a Board of Trustees of the Lancaster Affordable Housing Trust Fund, composed of one ex officio non-voting member and five (5) voting members. The Town Administrator or the Town Administrator's designee shall serve as the ex officio member. The voting members shall include: a member of the Board of Selectmen (chosen by the Board of Selectmen) and four (4) members appointed by the Board of Selectmen. Members must be residents of the Town of Lancaster. The Board of Selectmen shall appoint the Trustees for terms not to exceed two (2) years, except that three (3) of the initial Trustee appointments shall be for a term of one year, so as to allow staggered terms. Trustees may be re-appointed at the discretion of the Board of Selectmen. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by a vote of the Board of Selectmen for cause after the opportunity of a properly noticed public hearing.

§ X-4 Declaration of Trust.

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Lancaster Affordable Housing Trust Fund, to be recorded with the Worcester District Registry of Deeds and filed with the Worcester Registry District of the Land Court.

§ X-5 Powers.

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c.44, §55C, and inclusive of any future amendments to that section, and shall include the following:

A.

To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or Bylaw or any general or special law or any other source, including money from MGL c. 44B; provided, however, that any such money received from G.L. c.44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said G.L. c.44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

B.

To purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;

C.

To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

D.

To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

E.

To employ advisors and agents, such as consultants, accountants, appraisers and lawyers, full-time or part-time staff, and to contract for administrative and support goods and services, as the Board deems necessary;

F.

To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

G.

To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;

H.

To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

I.

To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;

J.

To carry property for accounting purposes at other than acquisition date values;

K.

With Town Meeting approval, to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;

L.

To make distributions or divisions of principal in kind;

M.

To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;

N.

To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;

O.

To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

P.

To extend the time for payment of any obligation to the Trust.

Q.

To take any other action relative thereto.

§ X-6 Acts of Trustees.

An affirmative vote of three (3) voting Trustees is required to exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and three voting Trustees may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any borrowing by the Trust shall require the prior approval of the Lancaster Town Meeting.

§ X-7 Funds paid to Trust.

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning Bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

§ X-8 Meetings; quorum.

Meetings of the Board shall be held on a regular basis. Special meetings may be called by the Chairperson or two Trustees. A Trust is a governmental body for purposes of G.L. c.30A, §§18 through 25, the Open Meeting Law; notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law. Three (3) voting Trustees shall constitute a quorum and shall also be required to approve any motion. Minutes of all meetings shall be kept with the Town Clerk in accordance with the provisions of the Open Meeting Law, G.L. c.39, §§23A, 23B and 23C.

§ X-9 Custodian of funds.

The Town of Lancaster's Treasurer/Collector shall be the custodian of the Trust Fund's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with G.L. c.44, §55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

§ X-10 Liability.

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the members of the Board are public employees for the purposes of G.L. c.268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for purposes of G.L. c.268A.

§ X-11 Taxes.

The Trust is exempt from G.L. c.59 and c.62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

§ X-12 Governmental body.

The Trust is a governmental body for purposes of the Open Meeting Law, G.L. c.30A, §§18-25.

§ X-13 Board of Town.

The Trust is a board of the Town of Lancaster for the purposes of G.L. c.30B and G.L. c.40, §15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said G.L. c.30B.

§ X-14 Compensation of Trustees.

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Lancaster. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

§ X-15 Amendments.

The provisions of this Trust can only be amended by a vote of the Lancaster Town Meeting.

§ X-16 Duration of Trust.

This Trust shall be of indefinite duration until terminated by a vote of the Lancaster Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Lancaster and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Lancaster. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the Lancaster Town Meeting has voted to terminate the Trust, the Board of Selectmen shall have the power to approve all financial transactions made on behalf of the Trust.

§ X-16 Annual Report.

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Lancaster Board of Selectmen by February 12th of each year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

<p style="text-align: center;">ARTICLE 11 Board of Selectmen</p>
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To see if the town will vote to declare as surplus and available for disposition by lease the Memorial Elementary School, located at 695 Main Street in Lancaster and shown on the Lancaster assessors' map as Map 31, Parcel 94, for the purpose of soliciting proposals for renovation and re-use of the building via a lease agreement with public and/or private organizations. The Selectmen and the Memorial School Reuse Committee will solicit ideas and input from the town through public forums, evaluate proposals from potential lessees, and move ahead with the proposal deemed to be in the best interest of the town based on compatibility with the town green area, leasing terms, and other considerations. If a suitable lessee is not secured, the

town can leave the surplus building vacant as today, or seek town meeting approval for funding to demolish the building. This article applies only to the single-story portion of the Memorial School that is currently vacant, and not to the adjoining portion that houses the Lancaster Community Center, or take any other action relative thereto.

Summary: This articles presents the Board of Selectmen may declare as surplus and available for disposition by lease the inactive Memorial Elementary School building.

ARTICLE 12

Citizens Petition

To see if the Town will vote to adopt general regulations for scenic roads as described in the attached document titled "Chapter 157. Scenic Roads". The Town has a list of 31 scenic roads that were approved by residents at town meetings in 1987 and 1989, but it does not have any corresponding rules describing purpose, procedures, notification, authorities, or enforcement for these roads.

Massachusetts General Law Chapter 40, Section 15C, the Scenic Roads Act, allows the Town to designate scenic roads and regulate public trees and historic stone walls within their right-of-way. Its purpose is to preserve the qualities and character of the Town's public ways by establishing rules for the cutting of trees or the alteration of stone walls within these designated rights-of-way's.

The proposed regulation provides procedures applicable to the existing 31 scenic roads as well as any new roads that the Conservation Commission, Historical Commission, or the Planning Board may designate in the future in accordance with MGL Chapter 40, Section 15C. It also provides a place to maintain the Town's official list of designated scenic roads.

The bylaw allows the Tree Warden to determine whether public hearings for work along designated roads is required and provides a process for notification and facilitation of those hearings.

The proposed Scenic Roads bylaw was composed using examples of established regulations from the nearby towns of Groton, Harvard, and Sterling who adopted their rules in 2005, 2008, and 2004, respectively. In addition, the bylaw has been reviewed at public hearings held by the Conservation Commission, Historical Commission, and the Planning Board.

Comments and concerns from the town boards directly involved with the bylaw have been incorporated in the attached final draft. In addition, the input from several interested Lancaster residents has been received and considered in the preparation of the document. It has been endorsed by the Conservation Commission and the Historical Commission, and the Planning Board has given its feedback.

Adoption of this bylaw will provide the necessary rules for thoughtful administration of Lancaster's scenic roads.

ARTICLE 13

Citizens Petition

To ensure independence of thought and decision of the Lancaster Town Planning Board and to ensure independence of thought and decision of the Lancaster Town Board of Appeals, there must be a clear distinction between the approval and appeal decision process. Thus a resident may serve on either board but not on both boards simultaneously

And you are directed to serve this Warrant by posting up attested copies thereof at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House and the Prescott Building, in said Town seven days at least before the time for holding said meeting. Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

SELECTMEN OF LANCASTER

Stanley B. Starr, Jr., *Chairman*

Walter F. Sendrowski, *Clerk*

Jay M. Moody., *Member*

Date of Execution _____

CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested a copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House, and the Prescott Building on the date attested. I further certify that this Warrant was posted in accordance with the By-laws of the Town of Lancaster and the provisions of M.G.L. c.39, §10.

Attest:

Constable Signature

Print

Date: _____

The full text of the Warrant is available in the Prescott Building and Thayer Memorial Library. The Warrant will also be available at Town Meeting.

