



LANCASTER SELECT BOARD – AMENDED*
Regular Meeting Agenda - Hybrid
Prescott Building – Nashaway Room
Monday, April 29, 2024
6:00 P.M.

In accordance with the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over Sterling-Lancaster Community TV. Members of the public are welcome to attend this in-person or by the remote zoom connection which is provided as a courtesy. Please note that the in-person meeting will not be suspended or terminated if technological problems interrupt the remote connection.

I. CALL TO ORDER

Chair Stephen J. Kerrigan will call the meeting to Order at 6:00 P.M. in the Nashaway Room, located on the second floor of the Prescott Building, 701 Main Street, Lancaster, MA.

Time: Apr 29, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88252281879?pwd=RTlIaU9vMC9NSHUwZ3lHcFBPVm1mQT09>

Meeting ID: 882 5228 1879

Passcode: 156246

One tap mobile

+13126266799,,88252281879#,,,,*156246# US (Chicago)

+16465588656,,88252281879#,,,,*156246# US (New York)

Find your local number: <https://us02web.zoom.us/u/kqIXfLTaH>

Residents Have the Ability to Ask Questions via ZOOM.

II. APPROVAL OF MEETING MINUTES

Review and take action on Select Board Regular Meeting Minutes of April 1, 2024

III. PUBLIC COMMENT PERIOD

IV. APPOINTMENTS & RESIGNATIONS

Zoning Board of Appeals

Dennis Hubbard – Moving from Associate Member to Full Member

Michael Bray – Associate Member

V. LICENSES AND PERMITS *

1. Application for Special (One Day) Liquor License (Beer & Wine)
Event: FC Stars Night
Location: FC Stars Soccer Field – 70 McGovern Blvd
Date & Time: May 23, 2024 from 4pm-8pm



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2. Application for Public Amusement License Weekday & Sunday
Event: Profound Market
Location: The Lancaster Fairgrounds – 318 Seven Bridge Road
Date & Time: June 8, 2024 from 8:30am – 5pm
3. Application for Special (One Day) Liquor License (All Alcohol)
Event: Event: Profound Market
Location: The Lancaster Fairgrounds – 318 Seven Bridge Road
Date & Time: June 8, 2024 from 8:30am – 5pm
4. Application for Public Amusement License
Event: 3rd Annual Nashoba Rock-N-Brew Fundraiser for the Carr Foundation
Location: The Lancaster Fairgrounds – 318 Seven Bridge Road
Date & Time: June 15, 2024 from 2pm-6pm
5. Application for Special (One Day) Liquor License (All Alcohol)
Event: 3rd Annual Nashoba Rock-N-Brew Fundraiser for the Carr Foundation
Location: The Lancaster Fairgrounds – 318 Seven Bridge Road
Date & Time: June 15, 2024 from 2pm-6pm
6. Application for Public Amusement License (Sunday)*
Event: Touch a Truck event
Location: Brazilian SDA Church, 357 Sterling Road, Lancaster
Date & Time: May 5, 2024 from 10:00am-12:00pm

VI. PUBLIC FORUM – 6:30 PM

- Review of 2024 Annual Town Meeting Warrant Articles
Article reviews are meant to provide background and clarity for each article discussed, it is not a means to debate the merits of the Articles which is reserved for Town Meeting.
- Acceptance of Fair & Concise Summary authored by Town Counsel per Lancaster Special Act of 2004
- Acceptance of Proponent and Opponent Statements relative to Question 1, consisting of 250 words or less, pursuant to Lancaster Special Act of 2004, “Rescinding the Town’s acceptance of Section 48 of Chapter 31 of the MA General Laws” (i.e. Civil Service) appearing on the 2024 Annual Town Election Ballot May 13, 2024.

IX. NEW BUSINESS*

- Campaign & Political Signs - Feedback Received & Bylaw Adherence
- Right of First Refusal: Kalon Farms, Inc. Seven Bridge Road (Lot 4)*

X. COMMUNICATIONS

- Annual Town Meeting will be held on Monday, May 6, 2024
- Annual Town Election will be held on Monday, May 13, 2024
- Miscellaneous Correspondence & Memorandums

**TOWN OF LANCASTER
OFFICE OF THE SELECT BOARD
PRESCOTT BUILDING
LANCASTER, MA 01523**



WARRANT FOR ANNUAL TOWN MEETING

MAY 6, 2024*
7:00 PM

**Meeting may be continued to 5/7/24, starting at 7 PM should business not conclude.*

MARY ROWLANDSON ELEMENTARY SCHOOL
&
LUTHER BURBANK MIDDLE SCHOOL
103 Hollywood Drive • Lancaster, MA 01523

The Town of Lancaster is an Open Town Meeting form of Government. The Town is committed to ensuring that each person who wishes to participate can do so in a manner that is consistent with the Americans with Disabilities Act (ADA.) Any individual requesting a reasonable accommodation should contact Health and Human Services Director Kelly Dolan via email: kdolan@lancasterma.gov or by telephone 978-365-3326 ext. 1055. Reasonable accommodations are determined on an individual and confidential basis. Please make any requests for a reasonable accommodation on or before April 22, 2024; requests for accommodations received after this date may not be able to be fulfilled.

Attention - Voters and Taxpayers

Please bring this Warrant to the Annual Town Meeting

**Insert A
Ballot Question**

Question 1

Shall the Town of Lancaster vote to rescind its acceptance of Section 48 of Chapter 31 of the General Laws?

Yes No

Fair and Concise Summary

Lancaster's sworn police officers are subject to the civil service laws based on Lancaster's 1968 acceptance of Section 48 of Chapter 31 of the General Laws. Other than the Chief of Police position, which was removed from the civil service system through special legislation, the remaining sworn police officer positions in the Lancaster Police Department are currently subject to the state civil service laws. Here, Question 1 seeks to rescind Lancaster's prior acceptance of Section 48 of Chapter 31 of the General Laws so the civil service laws will no longer apply to Lancaster's sworn police officers.

A **yes** vote on Question 1 would rescind Lancaster's prior acceptance of Section 48 of Chapter 31 of the General Laws, making the civil service laws in Chapter 31 of the General Laws inapplicable to any sworn police officer in Lancaster who is newly appointed or promoted to a higher rank after the effective date of the rescission, which would be the first day of the next month following the vote to rescind.

A **no** vote on Question 1 would not rescind Lancaster's prior acceptance of Section 48 of Chapter 31 of the General Laws, and the civil service laws in Chapter 31 of the General Laws would continue to apply to sworn police officers.

**WARRANT FOR ANNUAL TOWN MEETING
IN THE TOWN OF LANCASTER**

May 6, 2024

Mary Rowlandson Elementary & Luther Burbank Middle Schools - 7:00 PM

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 & Luther Burbank Middle Schools, 103 Hollywood Drive in said Lancaster on Monday, the sixth of May 2024, at 7:00 in the evening**, and to act on the following:

**ARTICLE 1
FY25 Operating Budget
Select Board**

To see if the Town will vote to raise and appropriate by taxation, or transfer from available funds and free cash, the sum of \$28,059,980 to defray the expenses of the Town and School Department beginning in FY2025, as follows:

ITEM	AMOUNT
Municipal Services	\$ 6,664,088
Risk Mgmt., Debt, Leases	\$ 2,369,198
Minuteman Regional Technical HS	\$ 2,138,738
Nashoba Regional School District	\$ 16,801,956
Assabet Valley Regional Technical HS	\$ 86,000
TOTAL	\$ 28,059,980

Or take any action relative thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION
FINANCE COMMITTEE RECOMMENDATION: AFFIRMATIVE ACTION

**ARTICLE2
Appropriation of Free Cash to Capital Stabilization
Select Board**

To see if the Town will vote to transfer one million, two hundred ninety-six thousand, five hundred dollars (\$1,296,500) from Free Cash to the Capital Stabilization Fund or take any actions relative thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION
FINANCE COMMITTEE RECOMMENDATION: AFFIRMATIVE ACTION

**ARTICLE3
Renewable Energy Enterprise Fund
Select Board**

To see if the Town will vote to appropriate one hundred seventy-six thousand, six hundred dollars (\$176,600), or any other sum of money, from the retained earnings of the Town's Renewable Energy Enterprise Fund to finance the operation of the Landfill Solar Array for the Fiscal Year beginning July 1, 2024, or take any action relative thereto.

REVENUES

Sale of Solar Energy Credits \$176,600
 Qualified Energy Bond Subsidy \$-

EXPENSES

Maintenance Expenses \$ 75,500
 Debt (P&I) \$101,100

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION
FINANCE COMMITTEE RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 4
Water Enterprise Fund Budget
Board of Public Works

To see if the Town will vote to appropriate the sum of\$ 1,228,250 or any other sum of money, from the Water Enterprise Fund, to finance the operation of the Water Department for the Fiscal Year beginning July 1, 2024, as outlined below:

Water Enterprise Appropriations

Salaries & Wages	\$4 2,360
Operational Expenses	\$ 467,890
Reserve Fund Transfers (out)	\$ 50,000
Debt Payments (principal)	\$175,000
Debt Payments (interest)	\$ 98,000
TOTAL	\$1,228,250

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION
FINANCE COMMITTEE RECOMMENDATION: DELIVERED AT TOWN MEETING

ARTICLE 5
Revolving Fund Account Budgets
Select Board

To see if the Town will vote pursuant to M.G.L. c.44 §53E1/2, to set the total amount that may be spent from the various revolving funds for the Fiscal Year beginning July 1, 2024, as follows:

<i>FUND / PROGRAM</i>	<i>FY25</i>
Health & Human Services	
Community Center	\$12,000
Recreation Committee	\$90,000
M.A.R.T. Services	\$50,000
Library Charges	\$ 9,500
Public Works Operations	
Stormwater Management	\$ 3,000
Duval Road Sewer	\$ 5,000
Recycling Center	\$ 258
Other Town Departments/Operations	
Planning Board	\$25,000
Community Development	\$ 2,500
Agricultural Commission	\$ 2,000
Publications	\$ 2,500

Or take any action relative thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE&
Compensation Plans
Select Board

To see if the Town will vote to accept the Compensation Plans effective July 1, 2024, as shown on the below charts, or take any action relative thereto.

Regular Status: Administration - DPW Units - Clerical Unit

GRADE	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Step11	Step12
A	48.02	49.22	50.45	51.71	53.00	54.32	55.68	57.07	58.50	59.96	61.46	63.00
B	43.83	44.93	46.05	47.20	48.38	49.59	50.83	52.10	53.40	54.73	56.10	57.50
C	40.01	41.01	42.04	43.09	44.17	45.27	46.40	47.56	48.75	49.97	51.22	52.50
D	34.30	35.16	36.04	36.94	37.86	38.81	39.78	40.77	41.79	42.83	43.90	45.00
E	28.97	29.69	30.43	31.19	31.97	32.77	33.59	34.43	35.29	36.17	37.07	38.00
F	25.91	26.56	27.22	27.90	28.60	29.32	30.05	30.80	31.57	32.36	33.17	34.00
G	24.39	25.00	25.63	26.27	26.93	27.60	28.29	29.00	29.72	30.46	31.22	32.00
H	22.86	23.43	24.02	24.62	25.24	25.87	26.52	27.18	27.86	28.56	29.27	30.00
I	19.05	19.53	20.02	20.52	21.03	21.56	22.10	22.65	23.22	23.80	24.39	25.00

Regular Status: Fire Unit

GRADE	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Step11	Step12
FF&	49.53	50.77	52.04	53.34	54.67	56.04	57.44	58.88	60.35	61.86	63.41	65.00
FFS	43.83	44.93	46.05	47.20	48.38	49.59	50.83	52.10	53.40	54.73	56.10	57.50
FF4	40.01	41.01	42.04	43.09	44.17	45.27	46.40	47.56	48.75	49.97	51.22	52.50
FF3	34.30	35.16	36.04	36.94	37.86	38.81	39.78	40.77	41.79	42.83	43.90	45.00
FF2	28.97	29.69	30.43	31.19	31.97	32.77	33.59	34.43	35.29	36.17	37.07	38.00
FF1	25.91	26.56	27.22	27.90	28.60	29.32	30.05	30.80	31.57	32.36	33.17	34.00

Regular Status: Police Unit

GRADE	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Step11	Step12
POS	49.53	50.77	52.04	53.34	54.67	56.04	57.44	58.88	60.35	61.86	63.41	65.00
P04	41.90	42.95	44.02	45.12	46.25	47.41	48.60	49.82	51.07	52.35	53.66	55.00
P03	31.25	32.03	32.83	33.65	34.49	35.35	36.23	37.14	38.07	39.02	40.00	41.00
P02	26.30	26.96	27.63	28.32	29.03	29.76	30.50	31.26	32.04	32.84	33.66	34.50
P01	18.29	18.75	19.22	19.70	20.19	20.69	21.21	21.74	22.28	22.84	23.41	24.00

Limited Status: Seasonal -Temporary- Part Time

GRADE	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10
1	\$21.46	\$22.10	\$22.77	\$23.45	\$24.15	\$24.88	\$25.62	\$26.39	\$27.18	\$28.00
2	\$20.44	\$21.05	\$21.68	\$22.33	\$23.00	\$23.69	\$24.40	\$25.13	\$25.89	\$26.66
3	\$19.46	\$20.05	\$20.65	\$21.27	\$21.91	\$22.56	\$23.24	\$23.94	\$24.66	\$25.40
4	\$18.54	\$19.09	\$19.67	\$20.26	\$20.86	\$21.49	\$22.13	\$22.80	\$23.48	\$24.19
5	\$17.65	\$18.18	\$18.73	\$19.29	\$19.86	\$20.47	\$21.08	\$21.71	\$22.36	\$23.03
6	\$16.81	\$17.32	\$17.84	\$18.37	\$18.92	\$19.49	\$20.08	\$20.68	\$21.30	\$21.94
7	\$16.01	\$16.49	\$16.99	\$17.50	\$18.02	\$18.56	\$19.12	\$19.69	\$20.28	\$20.89
8	\$15.25	\$15.71	\$16.18	\$16.66	\$17.16	\$17.68	\$18.21	\$18.76	\$19.32	\$19.90

SELECT BOARD RECOMMENDATION:

AFFIRMATIVE ACTION

ARTICLE 7
Pay Bills of Prior Year
Select Board

To see if the Town will vote to transfer Three Thousand Twenty-Nine Dollars and Four cents (\$3,029.04) from Free Cash to pay unpaid bills from Fiscal Year 2024 (detail below) or take any action relative thereto.

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Purpose</u>
Police Department	Osterman Propane	\$1,020.16	3/9/23	Fuel
Police Department	Osterman Propane	\$ 697.49	4/6/23	Fuel
Fire Department	Superior Plus Propane	\$ 750.14	3/9/23	Fuel
Fire Department	Superior Plus <u>Propane</u>	\$ 561.25	5/31/23	Fuel

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 8
Community Preservation Committee - FY25 Budget
Community Preservation Committee

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2025 budget, to vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses and all other necessary and proper expenses of the Community Preservation committee, with each item to be considered a separate appropriation, or take any action relative thereto:

Appropriations:

From FY2025 estimated annual fund revenues for Committee Administrative Expenses: **\$ 10,568.00**

Reserves:

From FY25 estimated revenues (10%) for Historic Resources Reserve	\$ 21,136.00
From FY25 estimated revenues (10%) for Community Housing Reserve	\$ 21,136.00
From FY25 estimated revenues (10%) for Open Space/Recreation Reserve	\$ 21,136.00
From FY25 estimated revenues (65%) FOR Undesignated Budgeted Reserve	\$137,381.00

NOTE: This budget anticipates FY25 CPA revenue of **\$177,505.00** from the local CPA surcharge and an estimated distribution of **\$33,851.00** (19%) from the statewide CPA Trust Fund, for total revenue of **\$211,356.00**

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 9
Community Preservation Committee - FY25 Projects/Allocations
Community Preservation Committee

To see if the Town will vote to appropriate funds from the Community Preservation Fund, in the amounts recommended by the Community Preservation Committee, to be extended under the direction of the Town Administrator, for the projects listed and from the fund designation below, or to take any action relative thereto. **Each Project 1, 2, and 3, to be voted individually.**

Project 1: Vote to appropriate \$3,500 from the Recreation/Open Space Reserve to rehabilitate/replace the entry gate at the town beach and to create a small shelter structure for the town beach gate attendant.

Project 2: Vote to appropriate \$70,000, with \$19,520 from the Historic Resources Reserve and \$50,480 from the CPA Undesignated Budget Reserve, for the Thayer Memorial Library to rehabilitate/preserve failing roof and basement masonry. The work will also repair/preserve the interior ceiling and walls damaged from water infiltration.

Project 3. Vote to appropriate \$35,000, \$16,020.00 from Open Space/Recreation Reserve and \$18,980.00 CPA Undesignated Budget Reserve, for professional land conservation and project management services required to complete the conservation of some or all of the five (5) tracks of land, totaling approximately 648 acres, that are part of the Nashua Wild & Scenic Rivers and Forests Project and identified as Lancaster Assessors Parcels 25-29, 28-1, 28-18, 29-1, 29-2, 29-12A, 29-14, 33-80 and 33-18, and funded by the US Forest Service, Forest Legacy Program. CPA funds will be used to pay for professional services to negotiate and draft conservation restrictions for the conserved Project Tracts, to be held by the Conservation Commission, for which professional service costs are not reimbursable. These conservation restrictions must be conveyed to a land trust, pursuant to requirements of the Community Preservation Act for property acquired in a CPA-funded project.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 10 Adoption of Prudent Investment Rule <i>Select Board</i>
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To see if the Town will vote to accept the provisions of G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called "Prudent Investment Rule", or take any other action relative thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 11 Ratification of the Acquisition of North Lancaster Land <i>Select Board</i>
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To see if the Town will vote to authorize the Select Board to accept by gift, purchase, or eminent domain Assessor's Parcel Map 19, Lot 11 and Assessor's Parcel Map 14, Lot 15, on such terms and conditions the Select Board deems acceptable or take any action relative thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 12 Approval of Parcel Considerations for Lancaster's Abutter Lot Sales Program <i>Select Board</i>
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To see if the Town will vote to authorize the Select Board to dispose of the parcels listed below, consistent with the Town's *Abutter Lot Sales Program* adopted by Town Meeting in May 2023 (Article 13) which helps to facilitate the sale of certain smaller Town owned properties to abutting property owners consistent with the adopted policies and procedures; or take any action relative thereto.

PARCEL ID	VALUE (est.)	ADDRESS	ACRES	OWNER
147008000000035A	500	WHITE POND RD	0.08	LANCASTER TOWN OF
1470100000000310	900	SPEC POND BEACH AVE	0.147	LANCASTER TOWN OF
1470100000000710	8300	SPEC POND FULLER AVE	0.037	LANCASTER TOWN OF
1470100000000780	200	SPEC POND KINNEAR AVE	0.037	LANCASTER TOWN OF
1470100000001080	1700	SPEC POND VINCENT AVE	0.29	LANCASTER TOWN OF
147010000000108D	200	SPEC POND VINCENT AVE	0.037	LANCASTER TOWN OF
1470180000000500	1800	NO MAIN ST	0.301	LANCASTER TOWN OF

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 13
Adoption of M.G.L. Chapter 41 §21
Select Board

To see if the Town will vote, pursuant to G.L. c. 41, § 21, to direct the Select Board to include in the warrant for the 2025 annual town election the following question for submission to the voters:

Shall the town vote to have its Select Board appoint a chief of the police and fire departments who may be designated as the commissioner of public safety in accordance with Section 101 of Chapter 41 of the Massachusetts General Laws?

or take any action relative thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 14
Transfer of Care, Custody and Control of Blood Town Forest
Select Board

To see if the Town will vote pursuant to G.L. c. 40, § 15A, to transfer a parcel of land identified as Assessor Map Parcel 28-1 to the Conservation Commission to ensure the care, custody, control and management of said parcel is overseen by the Conservation Commission and to authorize the Conservation Commission to convey a permanent Conservation Restriction over said parcel to ensure its continued protection =or to take any action relative thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION
CONSERVATION COMMISSION RECOMMENDATION: AFFIRMATIVE ACTION
PLANNING BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 15
Ratification of Veteran's Tax Exclusion
Select Board

To see if the Town will ratify the vote to accept the provisions of Massachusetts General Law Chapter 59, Section SN, approved by the voters at Special Town Meeting on October 1, 2012, as Article 3, thereby establishing a Veterans Tax Abatement Program to take effect July 1, 2024, or take any action related thereto.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 16
Amendments to Town Code Part I, Chapter 92- "Hawkers & Peddlers"
Select Board

To see if the Town will vote to amend the Town's General Bylaws by regulating door-to-door soliciting and canvassing in the Town of Lancaster, as follows:

1. Amending the title of Chapter 92, to read as "Hawkers, Peddlers, and Canvassing and Solicitation";

And

2. By adding a new Article III in Chapter 92, entitled "Canvassing and Solicitation", as follows:

Article III Canvassing and Solicitation

Section 92-20: Purpose

This Article is for the purposes of protecting the privacy of the residents of the Town of Lancaster, to prevent fraud, to deter and protect the residents against crime, and to protect residents against annoyance. The provisions of this Article have neither the purpose nor intent of infringing upon or denying rights protected by the Constitutions of the United States and the Commonwealth of Massachusetts, and instead constitute reasonable time, place and manner restrictions on door-to-door soliciting and canvassing in the Town of Lancaster.

Section 92-21: Definitions

The following words as used herein shall be considered to have the meanings herein ascribed thereto:

- a. License - the photo identification on card issued to the licensee.
- b. Person - any individual, firm, co-partnership, corporation, company, association or joint-stock association, society, organization, or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise excluded by this article.
- c. Premises - a building or portion of a building used for residential purposes, including the real estate upon which any such building is located, provided that the predominant use of the real estate is for residential purposes.
- d. Solicit or Solicitation - includes any one or more of the following activities:
 - i. Seeking to sell or to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatever.
 - ii. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
 - iii. Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, organization, corporation, group or project except as otherwise excluded by this article. Seeking to distribute literature except as otherwise exempted.

Section 92-22: Application for Licensure

Every person who engages in door-to-door solicitation for any purpose, except as otherwise excluded by this article, either as a principal or agent, shall, before commencing business in the Town of Lancaster make written application under oath for a license to the Chief of Police, unless otherwise exempted under Section 92-34. The application form shall require the following information:

- (1) The name, permanent address, telephone number, and temporary address, if any.
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes.
- (3) A copy of the individual's driver's license, or other proof of identity, as may be reasonably required.

(4) The name, address and telephone number of the person, firm, association, or corporation that the person represents or is employed by, or whose merchandise is being sold.

(5) A brief description of the business the individuals wishes to conduct and of the methods to be used in furtherance of said business.

(6) The make, model, and license number of any vehicle to be used by the applicant in the conduct of the business.

(7) A statement as to whether the applicant has been convicted of any crime or ordinance violation related to any prior solicitation by the applicant within the last five years, the nature of the offense and the place of conviction.

(8) A statement as to the period during which the applicant intends to carry out the solicitation.

The Police Chief shall not issue a license unless the above required information has been provided by the applicant or an explanation has been given for the applicant's inability to provide any of the foregoing information.

Section 92-23: Photograph of Applicant

The applicant shall permit the Police Department of the Town of Lancaster to photograph said applicant for identification purposes.

Section 92-24: Issuance of License and Fee

1. No later than ten (10) calendar days after filing of such application, the Chief of Police, or his designee, shall issue the applicant a license in the form of a photo identification card showing the name and address of the licensee and authorizing the individual to solicit for the purposes described in the application subject to the bylaws of the Town of Lancaster and the laws of the Commonwealth of Massachusetts. Failure by the Chief of Police to act on an application within ten (10) calendar days shall constitute approval of said application.
2. Grounds for disapproval of an application:
 - i. Applicant has a conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following named offenses committed within the last seven (7) years: burglary, breaking and entering, larceny, robbery, receiving stolen property, assault, fraud, sexual misconduct as specified in Chapter 265, Sections 13B and 22 through 24, and Chapter 272, Sections 53A, of the General Laws, unlawfully carrying weapons, or the attempt of any such offense.
 - ii. Applicant is a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such person have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes; or
 - iii. The failure to include any of the information requested in the application.
3. The fee for such license shall be \$25 and said license shall expire one year from the date of issue, or on the day of its surrender or revocation, or on the filing of an affidavit of its loss to the Police Department.
4. An applicant who has been a resident of the Town of Lancaster for at least six months shall be exempt from the fee.

Section 92-25: Nontransferable and Requirement of Display.

The photo identification card provided by the Police Department shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit in the Town of Lancaster, provided that the licensee shall always have in their possession while soliciting and shall further conspicuously display the photo identification card.

Section 92-26: Notification of Changes to Police Department

If while the licensee is pending or during the term of any license granted thereon, there is a change in fact, policy or method that would alter the information given in the application, the applicant or licensee shall notify the Police Department in writing within 24 hours of such change.

Section 92-27: License not to Constitute Endorsement

Said license does not constitute an endorsement by the Town of Lancaster nor by any of its departments or officers of the purpose or of the person conducting the solicitation.

Section 92-28: Posted Premises

No person shall engage in solicitation upon any premises without a prior invitation from the occupant thereof if such premises is posted against such solicitation by means of a notice prominently displayed upon which is printed the legend "no solicitors" or words of similar import. For the purposes of this section, the premises shall be deemed posted against solicitation if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches by four inches in size which bears the above legend in letters at least 1/3 inch in length.

Section 92-29: Prohibited Activities

1. No person shall engage in solicitation prior to 9:00 am or one half-hour after sunset, local time, on any day.
2. No person shall engage in solicitation in a manner that constitutes a nuisance under this bylaw.
3. No person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, fail to identify himself and the purpose of the solicitation.
4. No person engaged in solicitation shall misrepresent the purpose of his solicitation or use any false, deceptive, or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call. No person engaged in making a solicitation as defined in this article shall violate any of the provisions of Chapter 93A of the General Laws of Massachusetts said chapter being entitled "Regulation of Business Practices for Consumers' Protection," the current provisions of which are hereby adopted and by reference made a part hereof.

Section 92-30: Nuisance

The practice of any individual or group going in and upon private residences in the Town, not having been requested or invited to do so by the owner(s) or occupants of said private residences, for the purposes of soliciting after the owner has requested the individual to depart from the premises, either orally or in writing, is declared to constitute a nuisance under this article.

Section 92-31: Revocation of License

Any license issued under the provisions of this article may be revoked by the Chief of Police of the Town of Lancaster after notice and hearing for any of the following causes:

- Fraud, misrepresentation, or false statement contained in the application for license;
- Fraud, misrepresentation, or false statement made in the course of carrying on the business as solicitor;
- Any violation of this article;
- Conviction of a crime which would make the individual ineligible for a license under this article; or
- Conducting the business of soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Section 92-32: Revocation Hearing

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing at least three (3) calendar days prior to the hearing. Within three (3) calendar days of the close of the revocation hearing, the Chief of Police shall provide written notice of their determination to the licensee.

Section 92-33: Appeals

Any person aggrieved by the action of the Chief of Police in the revocation of a license shall have the right of appeal to the Select Board. Such appeal shall be taken by filing with the Select Board, within fourteen (14) calendar days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Select Board shall set a time and place for a hearing on such appeal, and at least five (5) calendar days prior to the hearing, provide notice of the hearing to the licensee in writing. The decision and order of the Select Board on such an appeal shall be issued within thirty (30) calendar days of the close of the hearing and be final and conclusive.

Section 92-34: Exemptions

1. The provisions of this article shall not apply to children 14 years old or younger who solicit under the supervision of an adult who shall be at least 18 years old and to whom the provisions of this article shall apply.
2. The provisions of this article shall not apply to any person delivering newspapers, fuel, dairy products or bakery or other foodstuffs to regular customers on established routes in the Town of Lancaster.
3. The provisions of this article shall not apply to route salesmen or other persons having established customers to whom they make periodic deliveries and who may from time to time call upon prospective customers along their regular service route to solicit an order for future periodic route deliveries.

Section 92-35: Violations

Whoever violates any provision of this article may be penalized by the noncriminal method of disposition as provided in MGL c. 40, § 21D, or by filing a criminal complaint at the appropriate venue. The penalty shall be \$100 for the first offense, \$200 for the second offense, and \$300 for the third offense.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 17
Acceptance of M.G.L. relative to creditable service for call Firefighters
Select Board

To see if the Town will vote to accept the provisions of M.G.L. c.32, §4(2)(b) and M.G.L. c.32, 84(2)(b½), to allow permanent, intermittent, or call firefighters to be credited with full-time service for the purpose of calculating retirement benefits in accordance with Chapter 32 of the Massachusetts General Laws and other applicable laws and collective bargaining agreements; or take any other action thereon.

SELECT BOARD RECOMMENDATION: AFFIRMATIVE ACTION

ARTICLE 18
Amendments to Town Code I, Ch.10 §1.0 & §10-8 "Animal Control"
Select Board

To see if the Town will vote to take the following action for the purposes of amending the Town's Animal Control Bylaw:

1. Amend the definition of Animal Control Officer, in Section 10-1 of the General Bylaws, by adding the bolded and underlined text as follows:

ANIMAL CONTROL OFFICER -An officer appointed by the Board of Selectmen, or its designee, and authorized to enforce Sections 136A to 174E, inclusive, of Chapter 140 of the General Laws and this bylaw.
2. Authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a

special law to dissolve its existing Animal Control Commission created by Chapter 179 of the Acts of 2004; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An act authorizing the Town of Lancaster to dissolve its Animal Control Commission

Section 1. Chapter 179 of the Acts of 2004, An Act Providing for An Animal Control Commission In The Town Of Lancaster, is hereby repealed.

Section 2. This act shall take effect upon its passage.

and

3. Striking Section 10-8 of the General Bylaws and inserting, in place thereof, the following:

§ 10-8. Animal Control Commission.

The Select Board shall act as Animal Control Commission and shall be charged with evaluating animal control problems by collecting necessary data, hearing expert opinions, holding public hearings, and other activities to ensure informed decision making and to make recommendations to resolve Animal Control matters.

Provided, however, that if said amendment to Section 10-8 of the General Bylaws is approved by the Attorney General pursuant to G. L. c. 40, § 32, the Town Clerk shall refrain from posting notice of this bylaw's adoption under said statute, until the effective passage of a special law repealing Chapter 179 of the Acts of 2004;

Or to take any other action thereon.

SELECT BOARD RECOMMENDATION:

AFFIRMATIVE ACTION

ARTICLE 19
Hawthorne Lane
Citizen's Petition

To see if the Town will vote to accept the layout of Hawthorne Lane as a public way, along with associated roadway improvements, water and drainage infrastructure, and open space access, in the location depicted as "proposed minor street" on the plan entitled "Definitive Subdivision Plan," prepared by Whitman & Bingham Associates, LLC, Leominster, dated October 6, 2015, said plan recorded with the Worcester County Registry of Deeds in Plan Book 934, Plan 43, or to act in a manner relating thereto.

SELECT BOARD RECOMMENDATION:

AFFIRMATIVE ACTION

ARTICLE 20
Act Increasing the Membership of the Select Board of the Town of Lancaster
Citizens' Petition

To see if the Town will vote to authorize the Select Board to file a petition with the General Court to enact legislation which would provide that notwithstanding any other general law or special law to the contrary, that at the next annual town election after passage of such legislation, but not earlier than the 2026 Annual Town Election, the Lancaster Select Board shall consist of five (5) members, and which would provide, without limitation, a process for an election to fill the two (2) new positions, for no change to the term of office of then currently serving members, and for staggered terms of the five (5) members of the Select Board; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; and to act on anything relating thereto.

**AN ACT increasing the membership of the
Select Board of the Town of Lancaster**

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as follows:*

SECTION 1: Notwithstanding any provision of any general or special law to the contrary, the number of members of the Select Board of the Town of Lancaster shall be increased from three (3) to five (5). The Select Board shall annually elect a chairperson from among its members.

SECTION 2: At the first Annual Town Election following acceptance of this act by the voters of the Town, but in no event prior to the 2026 Annual Town Election, three (3) Select Board members shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term, the candidate receiving the second highest number of votes shall serve a two (2) year term, and the candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Select Board members expire, successors shall be elected for terms of three (3) years.

The terms of those members currently serving as Select Board members at the time of adoption of this act shall be unchanged by the adoption of this act.

SECTION 3: This act shall be submitted for acceptance to the voters of the Town of Lancaster at the next Annual or Special Town Election following its passage, in the form of the following question which shall be placed on the official ballot:

"Shall an act passed by the General Court entitled, 'An Act increasing the membership of the Select Board of the Town of Lancaster' be accepted?"

If a majority of the votes cast in answer to the question is in the affirmative, sections 1 and 2 of this act shall thereupon take effect, but not otherwise.

SECTION 4: Section 3 of this act shall take effect upon its passage.

SELECT BOARD RECOMMENDATION: NEGATIVE ACTION

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.

SELECT BOARD OF LANCASTER



Stephen Kerrigan, Chair



Jason Allison, Members



Alexandra Turner, Clerk

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.



Constable Signature 

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Print

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Date" 7

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



**Warrant for Annual Town Election
May 13, 2024
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 elect by ballot, on Monday, the thirteenth day of May, 2024, at the Town Hall Auditorium, 695 Main Street, in said Lancaster, the following Town Officers:

Selectboard	One for three years
Finance Committee	Two for three years
Planning Board	One for five years
Board of Health	One for one year
Board of Health	One for three years
Board of Public Works	One for three years
Library Trustees	Two for three years
Nashoba Regional School District Committee	One for three years

Question 1

Shall the Town of Lancaster vote to rescind its acceptance of Section 48 of Chapter 31 of the General Laws?

The polls will open at 7:00 A.M. and will remain open until 8:00 P.M.

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 Town Hall, and the Fifth Meeting House, in said Town, seven days at least before the time of holding said Town Election. Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of elections aforesaid.

SELECT BOARD OF LANCASTER



Stephen Kerrigan, Chair



Jason Allison, Members



CONSTABLE'S CERTIFICATION

I hereby certify under the pains and pena/Jies of perjury that I posted an attested copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Town Hall and the Fifth Meeting House 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

Date _____

2024 ANNUAL TOWN ELECTION

Question #1 – ‘Removal from Civil Service’

Pursuant to the Commonwealth’s Acts of 2004 – FY2005 State Budget, §§ 285-288, ‘Town of Lancaster Voter Information,’ “...The Board of Selectmen of the Town of Lancaster shall, at least 10 days before any election at which a binding or non-binding question shall be submitted solely to the voters of said town, cause to be posted in one or more locations in the town and/or the Town’s official website ... and make available at each polling place, the full text of such questions, a fair and concise summary of each question...and said Board of Selectmen shall seek such written arguments [*proponents and opponents of any such question*]... containing no more than 250 words...” as outlined below.

Question 1

Shall the Town of Lancaster vote to rescind its acceptance of Section 48 of Chapter 31 of the General Laws?

Yes _____

No _____

Fair and Concise Summary

Lancaster’s sworn police officers are subject to the civil service laws based on Lancaster’s 1968 acceptance of Section 48 of Chapter 31 of the General Laws. Other than the Chief of Police position, which was removed from the civil service system through special legislation, the remaining sworn police officer positions in the Lancaster Police Department are currently subject to the state civil service laws. Here, Question 1 seeks to rescind Lancaster’s prior acceptance of Section 48 of Chapter 31 of the General Laws so the civil service laws will no longer apply to Lancaster’s sworn police officers.

A **YES** vote on Question 1 would rescind Lancaster’s prior acceptance of Section 48 of Chapter 31 of the General Laws, making the civil service laws in Chapter 31 of the General Laws inapplicable to any sworn police officer in Lancaster who is newly appointed or promoted to a higher rank after the effective date of the rescission, which would be the first day of the next month following the vote to rescind. This does not affect current sworn police staff.

A **NO** vote on Question 1 would not rescind Lancaster’s prior acceptance of Section 48 of Chapter 31 of the General Laws, and the civil service laws in Chapter 31 of the General Laws would continue to apply to sworn police officers.

A ‘YES’ VOTE



A **YES** vote removes Lancaster Police from Civil Service (CS). CS can best be defined as a tedious statute consisting of 233-pages of rules and precedents for roles and processes which no longer fit the standards for modern-day municipal personnel management. CS hampers Lancaster’s ability to recruit and hire the most talented candidates as the current weighted criteria and scoring matrix for appointments and promotions are based on test scores and local residency. A lack of modernization in CS has caused MA to fall behind other leaders in public sector administration. The repeal of CS affords the town better flexibility and freedom – the Town can hire people who are best suited for positions based on a *variety* of factors. Without the restraints of CS, town leaders can design hiring and promotional standards consistent with the values and priorities of the Town. Under the CS model, speed and efficiency are the last principles served as the State has historically been unable to keep up with community’s new and innovative recruitment and classification efforts. Lancaster’s list of eligible candidates is outdated and, in many cases, flawed. While we seek to modernize hiring and promotional procedures, neither process can advance using the current system. The removal from CS allows Lancaster the ability to assess candidates fairly and completely by considering the individual holistically – their education, experience, supervisory acumen, and professional capacity.

A ‘NO’ VOTE



A **NO** vote maintains the current practice whereby the Commonwealth of Massachusetts oversees the hiring and promotional opportunities for Lancaster Police. The current system boasts an established process for managing personnel that has been extended to cities and towns for decades. While many communities have chosen to remove themselves from Civil Service (CS), voting no allows Lancaster to continue its current practice of hiring, promoting, evaluating, and disciplining staff and continues to have the State’s central personnel office as overseer. Under the CS model, the State controls the entire HR processes for Lancaster Police –including approving new job titles, generating and scoring qualifying exams, maintaining lists of candidates, and monitoring agency compliance. State control of the process removes any notions or fear of political bias and provides applicants living in Lancaster a better chance of securing police positions in Town. Under the CS model, the Town *must* offer jobs to top scorers *only* and then work down the list of candidates, as ranked by score.