



Ad Hoc Government Study Committee

Report to the Select Board

Submitted March 13, 2024

Members:

Emily Taylor, Chair

David Mallette

Susan Munyon

Anne Ogilvie

Russ Williston

Chief of Police Everett Moody, ex-Officio

In memory of GSC member and champion of Lancaster, Jay Moody.

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March 13, 2024

Dear Select Board Chair Kerrigan, and Members Mr. Allison and Ms. Turner,

It is a pleasure to present this report to the Select Board. It is a privilege to live in a town where residents can have such access to the means by which we affect change. The ongoing work of these volunteers, the Select Board included, is fundamental to the success of Lancaster.

This report reflects many hours of work, by many people, including those who are no longer on the committee. I am personally grateful to each committee member and staff liaison for their time, energy, and dedication to fulfilling the mandate of this committee. I am particularly grateful to my fellow committee members for their support in my role as chair.

The Committee worked exceptionally well together, despite some differences of opinion, because of our collective goal: to make substantive recommendations, backed by data, that would reflect the feedback we received via the survey and informal interactions with residents. The collective goal motivated us to engage in respectful, thoughtful, reflective conversations. I am proud to report that all three recommendations considered by the committee for presentation to the Select Board were approved unanimously, with all members present.

Importantly, we were diligent in producing recommendations that we believe fulfill our charge as mandated by residents at the Annual Town Meeting in May of 2022. “To provide a written report to Town Meeting...which recommends any amendments to bylaws and governing practices so as to improve the Town’s form of government and governance.”

This report is presented in service of making Lancaster’s town government work better for residents, staff, and board and committee members. I ask that you, the Select Board, review and consider the report for what it is: the work of an appointed committee, voted into existence through Annual Town Meeting. I present this report with a belief in the covenant our form of government stands for; may it be received in the same spirit.

It has been an honor and a privilege to serve as the chair of this committee for the past several months. I thank you in advance for your feedback and considerations of the recommendations made within the report.

Sincerely,

Emily Taylor, Chair

Ad Hoc Government Study Committee

Introduction

Committee Background

The Government Study Committee is an ad-hoc committee comprised of Lancaster residents whose mission “surrounds the need for the Town to review the efficacy of Lancaster’s current Form of Government and organizational structure. Additionally, the committee will recommend changes to Lancaster’s form of government and operations, as necessary, to reflect best practices and assure effective and equitable town management, policy adherence, and the timely and consistent delivery of excellent public service.”¹. A key part of the mandate of the committee is to make a recommendation to the Select Board, via a non-binding report, as to whether Lancaster should pursue the creation of a Town Charter.

At the May 2022 Annual Town Meeting (ATM), Lancaster residents voted on Warrant Article 11. Residents voted in favor of this article with a vote of 146 Yes, 12 No and 0 Abstaining.

<p style="text-align: center;">ARTICLE 11 Government Study Committee Select Board</p>
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To see if the Town will vote to direct the Select Board to appoint a Government Study Committee pursuant to Section 304-21 of the Town of Lancaster’s General Bylaw and consisting of seven members to (a) study the Town’s form of government and governance, (b) examine models of government in comparable communities, (c) identify strengths and opportunities for growth and improvement in the Town’s current government, (d) facilitate public engage on the committee’s work, and (e) provide a written status report to the Select Board no later than March 15, 2023, and a final written report to Town Meeting no later than May 1, 2023, which recommends any amendments to the bylaws and governing practices so as to improve the Town’s form of government and governance, or to act in any manner related thereto.

Select Board recommendation:
Finance Committee recommendation:

Summary: *The article directs the Select Board to appoint a committee to study Lancaster’s form of government as outlined above.*

Source: 1 Warrant Article from May 2022 Annual Town Meeting

Direction from Town Administrator

“The Work of the GSC is critical for the Town to be successful in modernizing and conducting business in an efficient and effective manner. That said, there are many decisions and discussions which need to take place at the committee level. As members of the GSC, you will determine

¹ Appendix A

what may be in the best of Lancaster relative to its form of government and how Town business should be conducted. This affects Lancaster’s current and future community members and businesses.”²

Committee Composition

The Select Board solicited applications from residents to be part of this appointed, ad hoc committee. At the Select Board Meeting on June 15, 2022, the Select Board appointed Monica Tarbell, Steve Kerrigan, Emily Taylor, David Mallette, Christine Burke, Russ Williston, Anne Ogilvie, Jay Moody, and Sue Thompson to the committee. Fire Chief Michael Hanson and Police Chief Everett Moody were appointed as non-voting, ex-officio members. Town Administrator Kate Hodges was appointed as the Town Staff liaison.³

The Committee convened on September 8, 2022. At that meeting, Steve Kerrigan was appointed as the Chair by a roll call vote of the committee members.

Between November 2022 and October 2023, Ms. Tarbell, Ms. Thompson, Ms. Burke and Chief Hanson resigned from the committee. In October of 2023, Mr. Kerrigan stepped down from the committee. Jason Allison was invited to be the Select Board Representative, but declined. TA Hodges notified the committee that she had been reassigned by the Select Board and would no longer serve as the staff liaison. Chief Moody was appointed as the Town staff liaison. On November 6, 2023 Emily Taylor was elected the Chair and Anne Ogilvie was elected as Clerk by a roll call votes of the committee. Also in October of 2023, Susan Munyon was appointed to the committee.

Member Jay Moody tragically passed away in January. Chief Moody stepped back from the day-to-day of the committee’s work to focus on his increased role and responsibilities while Fire Chief Hanson is on leave. He has affirmed his interest in participating in the proposed Standing Committee.

As of March 5, 2024, the members of the committee are Ms. Taylor, David Mallette, Susan Munyon, Anne Ogilvie, and Russ Williston.

Meeting Frequency

Between May of 2022, when the Town Meeting voted to approve the creation of the Government Study Committee and October of 2023, the committee met twelve times with Select Board member Kerrigan as chair. During that time, there were nineteen meetings scheduled, twelve

² *Government Structure Overview*. Hodges, Kate. August 16, 2022. Appendix B.

³ Select Board (2022). VIII. Appointments and Resignations: Government Study Committee'. *Minutes of Select Board Meeting 15 June 2022*, Nashaway Room, Lancaster Town Hall.
www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/minutes/select_board_special_mtg_minutes_6.15.22.pdf

held, and seven canceled. Between October 30, 2023 and March 5, 2024 with Emily Taylor as chair, the committee scheduled ten meetings. Nine were held, and one canceled due to illness. Agendas and minutes for each of these meetings are available in the appendix to this report and on the town website. (Please note we are working on the backlog of minutes. In the interim, please refer to the recordings of the meetings as posted on the town website.)

Overview of Relevant Municipal and State Government Regulations

Form of Government, MGL, Existing Town Bylaws, and Town Charter

Imperative to the work of this committee, and to those considering its recommendations, is an understanding of the current Form of Government (FOG) of Lancaster, and the relationship between Massachusetts General Law (MGL), Existing Town Bylaws (sometimes referred to as “Town Code”), and a Town Charter.

Current Form of Government

The Town’s current governmental structure is Open Town Meeting – Select Board – Strong Town Administrator.

MGL Authority

Ultimately, Massachusetts General Law is the authority of record for non-Federal laws and regulations used in municipalities in Massachusetts.

Home Rule Amendment of 1966

“Massachusetts state law provides several routes for cities and towns to make changes in the organizational structure of local government: election of a charter commission and subsequent adoption of the commission’s proposed charter; a petition for enactment of special municipal legislation; and using bylaws and “permissive” legislation to enact structural change.”

As summarized in the document “Government Structure Overview” (Appendix C), created by Town Administrator Kate Hodges on August 16, 2022:

In Massachusetts, municipalities have limited powers under state law. A Home Rule Petition is a request from a community to the State for a new type of power from the Legislature. One example of this type of power is the ability to enact new tax regulations or exemptions from a certain aspect of state law.

The strongest exercise of Home Rule rights for any community is through actions within that entity’s charter (or, once a charter change or creation has begun, through that community’s Charter Commission). In that process, the municipality can organize their own local government in a way that best meets the needs of their citizens...There are significant limitations to Home Rule rights including some local actions which require the approval of the State Legislature.

It is important to note that while each governmental body has the ability to propose and accept their own Home Rule Petitions, local laws or regulations can only be upheld by the legislature if the laws and regulations proposed are deemed not to be in conflict with the Commonwealth’s Constitution or any of the MA General Laws. There are specific constitutional clauses (Amendment Article 89, Section 7) which reserve the State’s authority to regulate certain areas of local government – a veto, of sorts, to Home Rule Petitions. These include any municipality’s ability to: govern its elections; set levy limits; assess and collect revenues and taxes; design and implement processes relative to borrowing money or bonding capital projects; pledge a municipality’s credit; dispose of

parklands, conservation restrictions or open space; enact private or civil laws; or impose criminal penalties.

Work Phases

The committee began meeting in September of 2022. The Committee met to discuss its charge and the question presented. Based on these discussions, the Committee developed a phased approach to the work:

Phase 1: Articulation of Scope

Phase 2: Data Collection, Evaluation and Synthesis

Phase 3: Deliberation

Phase 4: Report Development, Iteration and Submission

Phase 1: Articulation of Scope

During the first several meetings, the committee engaged in substantive discussions about the scope of the work, the technical components that would be referenced (i.e. Charter, Home Rule, Form of Government, MGL, etc.). These discussions led to a plan for how to engage in the work mandated.

Phase 2: Data Collection, Evaluation and Synthesis

The Committee deliberated on data collection methods and sources, ultimately agreeing on a combination of quantitative and qualitative methods. A brief summary of the Committee's methods and key results are presented below.

Benchmarking

In order to understand how neighboring and similar towns have elected to organize their government, and to better understand the process of government study, a subcommittee was formed to conduct benchmarking. Members Christine Burke and Anne Ogilvie gathered information about 16 towns that were nearby and of similar population size to Lancaster. Two towns further away but of similar population size were also examined (Georgetown and Rowley).

Ashburnham	Georgetown	Princeton	Stow	Pepperell
Ayer	Harvard	Rowley	West Boylston	Sterling
Berlin	Littleton	Rutland	Westminster	
Bolton	Lunenburg	Shirley	Boxborough	
Boxborough	Pepperell	Sterling		

For our benchmarking exercise, we looked at area, population size, and road miles in each town. We also examined government structure, including form of government, elected vs. appointed boards and committees, and residency requirements to serve on boards and committees. We also looked at financial characteristics such budget size and tax rates to get a sense of how Lancaster compared against peer towns in these areas.

Lancaster was 5th largest in population size out of our 19 town sample at 8455, but this total includes the Souza-Baranowski Correctional Center, which houses an estimated 672 people. Accounting for the incarcerated residents brings the population to 7783, which would make us the 8th largest town by population. Lancaster is the 13th in area at 27.7 square miles, the 13th largest in the sample group by area and has 75.14 road miles, the 10th largest number of road miles amongst the 18 towns.

We also collected benchmarking data on finances. Lancaster had the 11th largest overall budget in our sample, and the 7th largest school budget. We had the 3rd highest residential tax rate for FY2022, with only Bolton and Stow ahead of us, and the 7th highest average annual tax bill (\$7842). Lancaster ranked 15th out of 19 towns in Department of Revenue income per capita (\$40,295).

Benchmark Findings

Appendix E provides the benchmarking results.

Form of Government and Town Charters

Of the 18 peer towns that we looked at, all had Open Town Meeting forms of government and only five had charters: Ashburnham, Harvard, Lunenburg, Pepperell, and Stow. Four of the towns that did not have charters: Ayer, Boxborough, Sterling, and Westminster had chartered Government Study Committees in the last 6-15 years, but either the committees did not recommend a charter (Ayer, Boxborough, Sterling), or the charter was rejected by voters (Westminster).

Select Board Size

Select Board size was mixed within our sample towns. Nine towns had three-member boards, and nine towns had five-member boards. In Sterling, which currently has a three-member board, the Government Study Committee recommended a change to a five-person board that has not yet been adopted. The Sterling Government Study Committee cited the following benefits of a five-member board in its recommendation:

- Promote diversity of the board and reduce the chances of divisive polarity of opinions that can be counterproductive to the proper functioning of the board.
- Provide a lighter workload for each member which would encourage others to run for office, as the workload would be less intimidating.
- Encourage more vigorous debate and decision-making.

Executive Leadership

The chief executive officer is the town administrator in all 18 benchmarked towns except for Lunenburg (the only town in our sample to have a town manager), and Sterling (where the SB has executive authority).

Board Formation

All 18 towns we benchmarked elect their Select Board, Moderator, Library Trustees, and School Committees. 17 towns elect their Planning Boards, with Harvard, MA being the only exception in our sample. Other popular elected boards in our sample towns were: Board of Assessors (13 towns) and Board of Health (14). Lancaster is one of six towns that appoints, rather than elects the Board of Assessors. Lancaster is one of only three towns that elects the Board of Public Works, and one of only two towns that elects their Finance Committee.

It is interesting to note that in 11/18 towns we examined, the Moderator has a more prominent role in appointing town officials to boards and committees. This appears to be done to balance the powers within town leadership. In these towns, the Moderator appoints members of the Finance Committee, and also shares appointing authority with the Select Board for various committees. Some towns also appoint members to committees by the authority of the town meeting body. Again, this appears to aim to balance or share the powers within town government to some degree.

Residency Requirements for Board or Committee Membership

Of the 18 towns we looked at, 17 had residency requirements that require board and committee members to be residents. Littleton, Rutland, and Westminster have added this residency requirement to their Town Codes. Of the 17 towns with residency requirements, five allow non-residents such as property, business owners, or farmers to serve on boards related to their interest or expertise (such as the Economic Development Committees or Agricultural Commissions). Sterling lists no residency requirement on their website or in their bylaws and did not answer emails requesting if they had a residency requirement.

Board Training and Filling Vacancies

In an effort to better understand how similar towns train board members and help them perform effectively, we searched for board handbooks, orientation practices, and information systems. Nine out of 18 towns we looked at had published board handbooks that were tailored to town policies and practices. Topics ranged from appointment policies and practices, to duties,

attendance, vacancies, posting meetings, Open Meeting Law, codes of conduct, purchasing rules, public records policies, meeting room policies, and agenda formation. These were excellent resources and could be very helpful for board training and the development of more knowledgeable volunteer leaders in Lancaster.

In addition to handbooks, six towns are using an online platform called Board and Committee Information System to house and organize all town board information. This platform has directories, lists vacancies, and has an online citizen engagement form that helps new residents and other interested citizens connect with the town to share their expertise. This kind of centralization of board information could be very useful to Lancaster.

Several towns we sampled had published practices for filling board vacancies. For example, Ashburnham has a rolling board application process that accepts applications even when a committee is full, and defined two-week posting period for members when a vacancy occurs. And in West Boylston, the town code requires all town board chairs and department heads to report any vacancies to the Clerk by April 1st so that vacancies can be filled after May elections each year.

These kinds of organizational supports for boards and committees could be very helpful to Lancaster, and the GS Committee recommends a future subcommittee review these findings and related tools and polices and make recommendations for Lancaster to adopt.

Resident Survey Methodology

From approximately May 2023 to June 2023 the Committee developed a survey, to be distributed to adult residents of Lancaster to solicit information and feedback about Lancaster's form of government, its efficacy and opinions on ways to improve. TA Kate Hodges worked with Chiefs Hanson and Moody to draft the initial survey, basing it on similar surveys conducted by other Government Study Committees in Massachusetts towns.

Distribution

The survey was available to residents from September 25, 2023 to October 20, 2023. The committee gathered responses for the survey via a web-form based online survey service (SurveyMonkey.com) and via paper surveys made available in the Community Center and Library.⁴

⁴ Appendix E: Full survey.

We gathered a total of 260 responses: 242 were submitted electronically and 18 were submitted via paper survey. The full survey is available as Appendix F.

Committee Inclusion in Survey Distribution

The survey was available from September 25 to October 20. During that time, the committee did not meet, and had not met since June 29, 2023. The survey was distributed via official town channels including the distribution lists for the Community Center, and the library. It was also posted by the town on the official town Facebook page. The committee was unfortunately not directly notified of the survey being distributed, except through the aforementioned channels, and was therefore unable to participate in alerting the community to the survey's existence and availability.

Limitations of the Survey

Although generally intended to be a survey of Lancaster adults, respondents were not required to verify their age or Lancaster residency. One electronic respondent indicated they had lived in Lancaster for "0" years and 8 paper respondents did not self-report how many years they had lived in Lancaster. Only two respondents reported being less than 18 years old.

Estimating the Adult Population in Lancaster at the Time of the Survey

At the time of the 2020 US Decennial Census, there were 8441 residents in Lancaster. 17.7% (roughly 1494) were under Age 18, leaving 6,947 adults.

The census population of Lancaster includes some number of incarcerated adults at the Souza-Baranowski Correctional Center. They had no opportunity to respond to the survey, and should be excluded from the survey population. According to the "[Weekly Inmate Count](#)"⁵ published by the state for September 18, 2023 the prison population that week was 1074 against a maximum capacity of 1492.

After the 9/25/2023 Special Town Election the Town Clerk reported that there were 5370 registered voters in Lancaster.

It seems reasonable to assume that the adult population of Lancaster at the time of the survey, excluding prisoners, was no more than 6,500.

⁵ Appendix G: Full statistics from September 18, 2023 Weekly Inmate Count.

Survey Margin of Error

The margin of error for the survey should be 6% at 95% confidence or 8% at 99% confidence, assuming the adult population at survey time was between 6,000 and 7,000.

95% Confidence Level			99% Confidence Level		
<i>Population</i>	<i>Sample Size</i>	<i>Margin of Error</i>	<i>Population</i>	<i>Sample Size</i>	<i>Margin of Error</i>
6000	260	5.95%	6000	260	7.83%
6500	260	5.95%	6500	260	7.84%
7000	260	5.96%	7000	260	7.85%

Staff/Stakeholder Interviews

The committee was unanimous in its belief that engaging town staff was central to the charge of the committee. The Committee identified discrete categories of individuals with knowledge and experience from whom to request individual interviews. The first group identified was **Current Town Employees**. The second group identified was **Current or Former Town Employees or Officers from Nearby Towns**, and the committee began the creation of a specific questionnaire for each of the groups.

Unfortunately, the committee was not granted permission from the Town to conduct the confidential, anonymous survey with town staff. It is our fervent hope that this can be done under the purview of the proposed Standing Government Study Committee.

Evaluation

In November 2023, the Committee transitioned to data evaluation and analysis. Many survey responses, which are discussed further below, included thoughtful comments. In analyzing the quantitative and qualitative data from the survey, key informant interviews and observations of the committee, the GSC identified the most-cited “pain points” that were of high importance to a majority of survey respondents.

Based on the survey data, the committee decided to focus on three discrete issues:

1. Selectboard Size
2. Appointed vs Elected Boards/Committees
3. Residential Requirement for Serving on Elected/Appointed Boards/Committees

Areas Not Studied in Depth

The committee initially intended to also focus on the Municipal Reporting Structure and Town to Resident Communications based on feedback from the Ex-Officio members and the Town Administrator, but were not given permission to conduct any focus groups or administer a confidential, anonymous survey to the staff. Thus, there was insufficient data to evaluate, and the committee could not study the issue, or make any recommendations.

The committee was asked to review the data to determine if there was significant support for recommending a Charter Commission, with the purpose of creating a Town Charter. The survey did not indicate significant support for the creation of a Charter Commission. And, without access to Town Staff, the committee did not feel confident in a recommendation either way.

Phase 3: Deliberation

The committee deliberated and voted on its recommendations at a meeting on January 2, 2024. Two of these are specific recommendations on actions for the Select Board in the near-term. One of them is a less time-bound “summary of findings” that offers suggestions for future study.

Recommendation 1: Creation of a Standing Government Study Committee APPROVED by 5-0-0 roll call vote on January 2, 2024

This committee recommends, with the support of the Town Administrator, the development of a Standing Government Study Committee. **The committee believes that a Standing Government Study committee is a critical component to fostering a culture of continual improvement in Lancaster’s municipal government.**

Recommendation 2: Include a warrant article on the May 2024 Annual Town meeting to begin the process of expanding the Select Board

APPROVED by 5-0-0 roll call vote on January 2, 2024

The Government Study Committee recommends that Lancaster put a proposal before Town Meeting in May 2024 that Lancaster begin the process to adopt a five-person select board.

(Suggested language for how to propose this at Annual Town Meeting can be found in the section outlining the rationale and describing in depth the recommendation.)

Recommendation 3: Continued Study on the Identified Boards/Committees to determine if elected boards would better serve the town's needs.

APPROVED by 5-0-0 roll call vote on January 2, 2024

- **Residents seem content to continue to directly elect boards:** if a need is realized to convert an elected board to an appointed board, the town should be prepared to provide a rationale for the change.
- Our survey identified a strong **preference for an elected Zoning Board of Appeals** among respondents. If the town pursues a charter, we might investigate whether an elected Zoning Board of Appeals would better fit the town's needs.
- Survey respondents indicated a **preference for an elected Conservation Commission**, which state law does not provide for. Residents might prefer the structure Wellesley has adopted: they elect members of a "Natural Resources Commission", which in turn, appoints the 5 members of the "Wetlands Protection Committee", which serves as the Conservation Commission. Wellesley created that structure by requesting special legislation.

Recommendation 4: Residential Requirement for Serving on Elected/Appointed Boards/Committees

APPROVED by 5-0-0 roll call vote on March 4, 2024

That Lancaster put a proposal before the Annual Town Meeting in May 2024 to adopt a police that would limit the participation on Lancaster appointed and elected boards and committees to Lancaster residents.

Phase 4: Report Development, Iteration and Submission

The Ad Hoc Government Study Committee worked in January and February of 2024 to craft this report. The Committee presented a draft of the report at a Select Board Meeting on January 22, 2024. The committee then iterated based on the Select Board's feedback. The committee continued to review the iterative drafts to ensure agreement (votes were taken at several points).

The Committee submitted an advance copy of the first two recommendations to the Select Board for inclusion on the Select Board meeting on March 18; these were submitted in advance to meet the approaching deadline for the warrant closing for the Annual Town Meeting.

On March 12, 2024, the committee convened and approved the final draft; it was then submitted to the Select Board on March 15, 2024.

Recommendation 1: Development of a Standing Government Study Committee

Introduction

Lancaster, like all towns, is constantly evolving. The data gathered by the Ad Hoc Government Study Committee in the Fall of 2023 represents a snapshot in time. Through our work as a committee for the past year and a half, we have a renewed understanding of how the evolution of Lancaster will continuously demand a critical review of our town government so that it meets the needs of Lancaster.

Summary Recommendation

This committee recommends, with the support of the Town Administrator, the development of a Standing Government Study Committee. **The committee believes that a Standing Government Study committee is a critical component to fostering a culture of continual improvement in Lancaster’s municipal government.**

Rationale

In addition to our observations and conversations about the benefits of a Standing Committee, the Ad Hoc committee also draws evidence from a recent Department of Local Services Report.

On September 18, 2023, the Financial Management Resource Bureau from the Department of Local Services, a state agency under the purview of the Massachusetts Department of Revenue submitted a report to the town. The report had been commissioned by the Select Board. It was presented at the Select Board Meeting on October 2, 2023.⁶

The report explains its process as such:

“At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster’s implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services’ Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).”

⁶ Please see Appendix for full text of DLS Report.

The minutes from that meeting describe the presentation of the report to the Select Board (see below). Unfortunately, the audio-visual recording of the October 2, 2023, Select Board meeting was not on the Town website at the time this report was submitted (March 8, 2024).

*Lancaster Select Board
Meeting Minutes of October 2, 2023*

to provide concepts, and to bring these concepts forward to a developer. Ms. Turner would be in favor of more green space, preserving historic buildings, and low income senior housing.

- Division of Local Services – Financial Management Review & Update Report (Sept. '23)
This review was conducted for the first time since 1999 and seems positive, many of the recommendations have already been put in place. Several areas need to be discussed, such as how Water and Sewer Enterprises integrate into the Town. (Report available for review at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials). Mr. Kerrigan would like to have this as an agenda item at a future meeting.

This report outlined valuable insights and recommendations for the further refinement of the scope of the Ad Hoc Government Study Committee. While it is incumbent on town residents to avail themselves of the resources posted on the town website, the Ad Hoc Government Study Committee regrets that the report was never explicitly shared with the Committee. It is also regrettable that the report was not on the agenda of the Select Board, as requested by Mr. Kerrigan, in the months following the initial presentation.

Recommendations from DLS Report

The report makes two recommendations that are, in particular, relevant to the Ad Hoc Government Study's work. We will present one here, and one in Section 2 of this report.

Consider Key Structural Changes Through the Government Study Committee

“Lancaster’s town meeting authorized a government study committee in May 2022, citing the changing scope over government operations and the increased complexity of challenges facing local officials. The committee’s stated mission is to perform a comprehensive review of Lancaster’s form of government, structure, and operational methods and make recommendations for the town to better meet modern challenges. We recommend that the committee evaluate the following changes;

Comprehensive Bylaw Review/Town Charter

“Either through the committee as a whole or a subcommittee, review the town’s bylaws for recommendations to keep, amend, or delete (such as bylaws that are outdated, no longer applicable, or contradictory), or propose new bylaws for adoption. One point of focus should be ensuring that the bylaws outline responsibilities regarding budget preparation and clearly define

the roles of the select board, town administrator, finance director, and finance committee. In its review, the committee may recommend codifying the budget process through a town charter rather than town bylaws. An effective charter will document the town's structure, list all appointed and elected positions, boards, and committees, and clearly define duties, responsibilities, and lines of accountability, while granting town officers the authority they need to fulfill their stated roles.”

Benefits of a Standing Government Study Committee

A standing Government Study Committee would allow Lancaster to *continuously* identify areas of opportunity for improving the functions of town government, rather than periodically reviewing the whole of the town government. It would provide a forum for issues of town governance to be thoroughly examined. This ongoing, thorough examination of discrete topics would allow the level of detail and depth of analysis of something as complex and consequential as a town government deserves.

Proposed Membership, Organization, and Responsibilities

The Ad Hoc Government Study Committee has drafted a Warrant Article, outlining the mandate of the proposed Standing Government Study Committee. (next page)

Draft Warrant Article: Adapted from the Ipswich Warrant Article

**ARTICLE _____
Government Study Committee
Select Board**

To see if the Town will vote to amend Chapter 17 of the Town of Lancaster’s General Bylaw by inserting new sections in Article XIII, as follows:

Article XI Town Government Study Committee

§17-47 Membership and Organization

A. The Town Government Study Committee will consist of five (5) members. Two (2) members will be appointed by the Select Board. One (1) member will be appointed by the Finance Committee. One (1) member will be appointed by the Board of Public Works. One (1) member will be appointed by the Town Moderator.

B. The members will serve three-year terms that begin on the first day and end on the last day of the Town of Lancaster fiscal years, except that the end dates of the terms will be staggered by shortening some of the initial terms after the establishment of this committee. The initial terms for all five members will begin on the first day of the fiscal year following initial approval of this Committee at Town Meeting. The initial term for the two members to be appointed by the Select Board will end three full fiscal years later on the last day of that fiscal year. The initial term for the member to be appointed by the Finance Committee will end two full fiscal years later on the last day of that fiscal year. The initial term for the member to be appointed by the Town Moderator will end on last day of that first fiscal year.

C. Vacancies among the members that will be appointed by the Select Board, Finance Committee or Board of Public Works will be filled by those boards by selecting the member during a meeting and submitting the new member in writing to the Town Clerk. The Town Moderator will fill a vacancy of the member they select by submitting a new member in writing to the Town Clerk.

D. The Government Study Committee will reorganize at the first meeting following the appointment of any new member to the committee or resignation of any Committee officer. The Committee’s officers will be Chair and Clerk. The Chair is responsible for posting the Committee’s meeting agendas and leading the Committee’s meetings. The Clerk is responsible for ensuring that written minutes of the committee are prepared and submitted to the Committee for approval. At any meeting where the Chair is absent, or if no current member of the Committee is the Chair, the Clerk will assume the additional responsibilities of Chair.

§17-48 Responsibilities.

A. Reports: before March 1st of each year the Committee will approve and submit a report with their annual recommendations to the Select Board. The Committee may review the Town Bylaws, opportunities to improve town government, or topics referred to it by another town body.

B. Best Practices Guide: the Committee will research, develop, and maintain a town “Best Practices” guide advising town’s public bodies on how best to operate, hold meetings and communicate with the town. The Committee should distribute the guide to town bodies in May each year.

C. Contribution to the Town’s Annual Report: the Committee will submit a report to the town’s “Annual Report” each year detailing the Committee’s activities and the progress of the Town’s public bodies in adopting the Committee’s “Best Practices.” or act in any manner relating thereto.

END OF DRAFT ARTICLE

Considerations

Considerations pertaining to structure and eligibility identified by the Ad-Hoc Government Study Committee, and submitted for consideration, include but are not limited to;

- Determination of whether someone can serve on another board during their term on the GSC
- If town employees will be eligible to serve on the committee, if residents.

Potential Topics for Proposed Standing Committee to Study

The mandate and scope of the initial Ad-Hoc Government Study Committee, as presented to the Committee by the Town Administrator in May of 2022, outlined the roles and responsibilities of the committee. The Ad-Hoc Government Study Committee has reviewed this list and the data collected in the Fall of 2023 and proposes the following be considered for defining the mandate of the Standing Committee's work. (Please see Appendix B for the complete list as presented by the Town Administrator.)

The Ad-Hoc Government Study Committee has compiled a list of topics about which we observed interesting data, but were unable to study during our term of service. They were identified by parsing the quantitative data collected via the survey and the review of the open-ended question responses. Please see Appendix H for complete transcription and analysis of the open-ended questions.

The topics identified by the Ad-Hoc Government Study Committee as meriting more study are;

Annual Town Meeting Organization

- scheduling, mechanics of voting, and accessibility

Town-to-Resident Communications

- quality, consistency, frequency

In-Depth Look at Bylaws, Determination of Solutions

- find inefficiencies, determine if they can/should be rectified by amending bylaws or if a Charter is required

Coordination Across and Between Boards and Committees

- alignment, cooperation, consultations
- reviewing board activity to support boards in being filled and meeting regularly

Suggested Considerations for Mandate

The Ad-Hoc Government Study Committee recommends that the mandate take into consideration;

- Determination of topics to be studied
- How the topics are triaged
- A well-defined process for evaluating recommendations and providing actionable feedback
- A well-defined process for how to ratify approved recommendations

Precedence

A standing government study committee has precedence in Ipswich, Massachusetts, where a standing GSC was voted into being in 1962. In 2022, the existence of the committee was formalized in the Ipswich Town Bylaws.⁷

Town of Ipswich, MA

§ 35-42

§ 35-44

ARTICLE X

Town Government Study Committee

[Adopted 5-10-2022 ATM by Art. 18 , approved by the Attorney General 8-11-2022]

§ 35-42. Establishment and membership.

The Town Government Study Committee was permanently established by the December 10, 1962, Town Meeting unanimous approval of Warrant Article 17. The Committee shall henceforth consist of five members with staggered three-year terms. The Select Board, Finance Committee, and School Committee shall each appoint one committee member or designee. Town Meeting shall appoint two at-large Committee members. The Committee shall post sixty-day public notice of Town Meeting at-large appointment vacancies and submit the Town Meeting warrant article for an appointment to the Committee. Should no one be appointed at Town Meeting, the first vacancy will be appointed by the Town Moderator and any second vacancy will be appointed by the Town Manager.

§ 35-43. Responsibilities.

The Select Board and Town Meeting will refer topics to the Committee for review and recommendation. The Committee makes annual reports and recommendations regarding these referred topics to the Select Board and Town Meeting on matters pertaining to Town Charter and Town Bylaws. The Committee will perform periodic broad review of Town government structure and may recommend Charter or bylaw changes or the filing of special acts with the State Legislature be considered, after conducting a public hearing thereon during a Select Board meeting.

§ 35-44. Quorum.

A quorum of the Town Government Study Committee shall consist of no fewer than three members.

END OF SECTION

⁷ Ipswich Town Bylaws. Accessed via ecode260.org

Recommendation 2: Expanding Select Board from 3 to at Minimum 5 Members

Introduction

The Lancaster Select Board

“The Town Bylaws and General Laws of Massachusetts grant the Select Board broad powers to govern the Town. Currently, the Lancaster Select Board has three members who are elected to serve three-year terms, as defined by Bylaw.

The Select Board [appoints] more than 20 boards and committees (*permanent and ad hoc*). The Select Board acts as the primary policy-making body for a wide variety of issues, which affect the Town's development and provision of services. They recommend the budget to the Annual Town Meeting, approve the reorganization of Town departments; provide oversight for matters in litigation; and act as the licensing authority for a wide variety of licenses and permits. The Select Board also [enacts] Rules and Regulations for such matters as traffic control, underground wiring and street lighting.”⁸

Summary Recommendation

The Ad-Hoc Government Study Committee recommends that Lancaster put a proposal before Town Meeting in May 2024 that Lancaster begin the process to adopt a five-person select board. We have included a draft warrant article in this report.

Rationale

There are two main sources of data, including qualitative and quantitative, that support the recommendation that residents in Lancaster have the opportunity to vote on whether the town should begin the process of expanding the Select Board.

Source 1: Department of Local Services Report, September 2023.

On September 18, 2023, the Financial Management Resource Bureau from the Department of Local Services, a state agency under the purview of the Massachusetts Department of Revenue submitted a report to the town. The report had been commissioned by the Select Board. It was presented at the Select Board Meeting on October 2, 2023. Please see Appendix I for the report in its entirety.

The report explains its mandate and process as such:

⁸ Town Website. <https://www.ci.lancaster.ma.us/administration-select-board> Accessed 1.1.24.

“At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster’s implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services’ Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).”

The minutes from that meeting describe the presentation of the report to the Select Board (see below). Unfortunately the audio-visual recording of the October 2, 2023, Select Board meeting is not available on the Town website as of this report’s submission.

*Lancaster Select Board
Meeting Minutes of October 2, 2023*

to provide concepts, and to bring these concepts forward to a developer. Ms. Turner would be in favor of more green space, preserving historic buildings, and low income senior housing.

- Division of Local Services – Financial Management Review & Update Report (Sept. ’23)
This review was conducted for the first time since 1999 and seems positive, many of the recommendations have already been put in place. Several areas need to be discussed, such as how Water and Sewer Enterprises integrate into the Town. (Report available for review at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials). Mr. Kerrigan would like to have this as an agenda item at a future meeting.

Of relevance to the Ad Hoc Committee’s recommendation to prepare a warrant article authorizing the town to begin the process of expanding the Select Board to 5 members is the following:

“We [DLS Report] recommend considering an increase of select board membership from three to five members. Two more members may allow discussion and deliberations to continue past where a three-member board could find itself deadlocked. Additionally, this would aid in the formation of subcommittees and liaising with other boards and committees, expanding communication with a reduced risk to open meeting law violations.”

While it is incumbent on town residents to avail themselves of the resources posted on the town website, the Ad Hoc Government Study Committee regrets that the report was never explicitly shared with the Committee. This additional data should be considered when assessing this recommendation.

Source 2: Benchmarking

Orienting Lancaster in the Massachusetts Municipal Landscape

There are 351 towns/cities in Massachusetts. Of those, 292 communities utilize a “Select Board – Town Meeting” form of government.

- One has 7 Select Board members (Wakefield)
- 148 have five Select Board members
- 143 have three Select Board members

Benchmarking

The GSC conducted a benchmarking exercise as part of our research. We looked at eighteen (18) towns that are geographically, economically and demographically similar (though not identical) to Lancaster. We looked specifically at the size of the Select Board in each town. Nine (9) of them had five-person select boards, and nine (9) had three-person select boards. The average population of the benchmarked towns with a three (3) person Select Board was 6,380 (rounded to the nearest whole number). The average population for benchmarked towns with a five (5) person Select Board was 7,992 (rounded to the nearest whole number).

Lancaster has a population of approximately 8,400 people, which includes the inmate population at the Souza-Baranowski. The incarcerated individuals at Souza-Baranowski, though, do not vote in Lancaster municipal elections or participate in Town Meeting, and therefore should not be included in the population total when discussing the Select Board. There are, as of September 18, 2023, 1,074 inmates at Souza-Baranowski. Therefore, the relevant population of Lancaster for the purposes of discussing a select board is 8,394-1,074, or 7,320.

With a population of approximately 7,320 people being represented by the Select Board in Lancaster, the town is ~600 residents shy of the average population for a town with a five-person board, and ~800 higher than the average population of the towns that have a three-person board.

Towns with a Select Board	Population	Five Person Select Board	Population
Princeton	3,499	Boxborough	5,425
Berlin	3,674	Harvard	5,844
Bolton	5,378	Rowley	6,131
Ashburnham	6,341	Stow	7,133
Shirley	7,279	West Boylston	7,855
Sterling	8,190	Georgetown	8,416
Westminster	8,275	Rutland	9,169
Ayer	8,400	Littleton	10,141
Pepperell	11,577	Lunenburg	11,816
<i>Average population</i>	6,957	<i>Average population</i>	7,992

Resident Survey Response

Question 10

The GSC administered a survey of residents in the Fall of 2023. Question 10 addressed the size of the Select Board. The exact text of the question was:

“The Select Board (SB) is currently made up of three (3) members. Communities with a SB/Town Meeting Form of Government have the ability to elect a three (3) member, five (5) member or seven (7) member Board. What do you believe to be the most advantageous number of SB members for Lancaster?”

The available responses were “Three (3) Members”, “Five (5) Members”, “Seven (7) Members”, “I do not have enough information to make a recommendation” and “I do not have a preference on the number of members”.

Response

Two hundred and forty-two (242) people responded to this question, from a total of two hundred and twenty-nine (259) surveys received.

Key insights:

- 18.6% of people indicated that the most advantageous number of Select Board members for Lancaster is 3
- 51.4% of people indicated that the most advantageous number of Select Board members for Lancaster is 5
- 7.85% of people indicated that the most advantageous number of Select Board members for Lancaster is 7

- 18.18% of people indicated they did not have enough information to make a recommendation on the most advantageous number of Select Board members for Lancaster
- 6.61% of people indicated they had no preference on the most advantageous number of Select Board members in Lancaster

In summary, 59.25% of people indicated that the most advantageous number of Select Board members for Lancaster is at least 5.⁹

Based on this data, the committee sees considerable support for expanding the Select Board. In the spirit of Lancaster's Form of Government - Open Town Meeting - the committee recommends that the Town be presented with the option to begin the process of expanding the select board (by authorizing the Select Board to request Special Legislation) at the Annual Town Meeting in May 2024.

Please see a draft warrant article for consideration on the following page.

⁹ Appendix I.

Draft Warrant Article

ARTICLE _____

Government Study Committee: Select Board Expansion

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. The requested legislation is as follows:

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.

END OF DRAFT WARRANT

END OF SECTION

Recommendation 3: Elected or Appointed Local Boards

Introduction

Lancaster's municipal government includes a mix of elected and appointed boards. Members of elected boards are chosen at the Annual Town Election (ATM) each May. With a handful of exceptions, the members of appointed boards are chosen by the Select Board from a pool of applicants.

The Ad-Hoc Lancaster Government Study Committee reviewed the current town boards and committees, attended a webinar that discussed the rationale for selecting a board by either appointment or election, and conducted a survey to gauge public preference regarding some of the town's boards.

Review of Current Permanent Town Boards: How are they currently selected?

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
Select Board	Elected	<p>Must be Elected</p> <p>“Every town at its annual meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law or by charter, choose by ballot from its registered voters the following town officers...Three or more selectmen for the term of not more than three years” (MGL Chapter 41, Section 1)</p>
Planning Board	Elected	<p>Could be Elected or Appointed</p> <p>Established as it exists at Town Meeting 2/10/1947 via question 27, to form a board as allowed by MGL Chapter 41 Section 81A: “...Such members shall in cities be appointed by the mayor, subject to confirmation by the city council and in towns be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine.”</p>
Conservation Commission	Appointed by the Select Board	<p>Must be Appointed</p> <p>One community has obtained special legislation to alter its Conservation Commission: Wellesley. According to Michelle Girard, MACC Education Coordinator on 11/27/2003, “MACC is aware that voters in the Town of Wellesley elect members of the Natural Resources Commission, which in turn, appoints the 5 members of the Wetlands Protection Committee, which serves as the Conservation Commission.”</p>
Library Trustees	Elected	<p>Could be Elected or Appointed</p> <p>MGL Chapter 78, Section 10: “A town which raises or appropriates money for the support of a free public library, or</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>free public library and reading room, owned by the town, shall, unless the same has been acquired entirely or in part through some gift or bequest which contains other conditions or provisions for the election of its trustees, or for its care and management, which have been accepted by the town, elect by ballot at a meeting a board of trustees consisting of any number of persons, male or female, divisible by three, which the town determines to elect.”</p> <p>Lancaster Bylaws 17-5: “The Board of Library Trustees shall be comprised of six members to be elected.”</p>
Board of Health	Elected	<p>Could be Elected or Appointed</p> <p>MGL Chapter 41, Section 1: “Every town at its annual meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law or by charter, choose by ballot from its registered voters the following town officers for the following terms of office... Three or more members of the board of health for the term of one or more years if the town provides for such board, otherwise the selectmen shall act as a board of health.”</p>
Zoning Board of Appeals	Appointed by the Select Board	<p>Could be Appointed or Elected</p> <p>Could be made elected, or appointed by another body, via a local charter.</p> <p>“Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen” (MGL Chapter 40A, Section 12)</p>
Board of Public Works	Elected	<p>Could be Elected, Appointed, or Select Board could act as Board of Public Works</p> <p>MGL Chapter 41, Section 69D</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>“Any town which has accepted the provisions of sections sixty-nine C to sixty-nine F, inclusive, shall elect in the following manner a board of public works, hereinafter called the board, to consist of three members.”</p> <p>Town would use the procedure in MGL Chapter 41 Section 21 to change method.</p>
Economic Development Committee	Appointed by the Select Board	<p>Could be Appointed or Elected</p> <p>Lancaster Bylaws 17-45: “The Economic Development Committee shall be comprised of five members appointed by the Select Board as follows: two members to be appointed for one year, two for two years, and three for three years. Thereafter, each member shall be appointed to a three-year term, as each term expires.”</p>
Board of Assessors	Appointed by the Select Board	<p>Could be Appointed or Elected</p> <p>MGL Chapter 41, Section 24: “There shall be one, three, five, seven or nine assessors in every city and one, three or five assessors in every town. The assessors in every city and town shall be elected or appointed as otherwise provided by law; but as nearly one-third of their number as may be shall be elected or appointed annually, each to hold office for three years and thereafter until his successor is duly elected or appointed.”</p>
Finance Committee	Elected	<p>Could be Appointed or Elected</p> <p>MGL Chapter 39, Section 16: “Every town whose valuation for the purpose of apportioning the state tax exceeds one million dollars shall, and any other town may, by by-law provide for the election or the appointment and duties of appropriation, advisory or finance committees, who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town; and such by-laws</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>may provide that committees so appointed or elected may continue in office for terms not exceeding three years from the date of appointment or election.”</p> <p>Lancaster Bylaws 17-1: “There shall be a standing Finance Committee consisting of five members elected at large. The members of the Finance Committee shall be elected for alternating three-year terms.”</p>
Recreation Committee		<p>Could be Appointed or Elected</p> <p>Lancaster Bylaws 17-10: “The Recreation Committee shall be comprised of seven members appointed by the Select Board as follows: two members to be appointed for one year, two for two years, and three for three years. Thereafter, each member shall be appointed to a three-year term, as each term expires.”</p>
Housing Authority	Appointed by Select Board	<p>Could be Appointed or Elected</p> <p>MGL Chapter 121B, Section 5: “Every housing and redevelopment authority shall be managed, controlled and governed by five members, appointed or elected as provided in this section, of whom three shall constitute a quorum.”</p> <p>Lancaster Bylaws 104-1: “The Lancaster Housing Authority is organized pursuant to the provisions of MGL c. 121, § 26K, and acts in amendment thereof and in addition thereto.” (Section was repealed)</p>
Taxation Aid Committee	Appointed by Select Board	Must be Appointed

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>MGL Chapter 60 Section 3D: “In any city or town establishing an aid to the elderly and disabled taxation fund, there shall be a taxation aid committee to consist of the chairman of the board of assessors, the city or town treasurer and three residents of the city or town to be appointed by the mayor or board of selectmen as the case may be.”</p> <p>Lancaster established this fund at the 1999 Annual Town Meeting.</p>
Historical Commission	Appointed by Select Board	<p>Must be Appointed</p> <p>MGL Chapter 40, Section 8D: “...in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen.”</p>
Energy Commission	Appointed by Select Board	<p>Must be Appointed</p> <p>Could not identify how this committee was established.</p> <p>MGL Chapter 40, Section 8I: “A city or town which accepts this section may establish an energy resources commission, hereinafter called the commission, for the promotion and development of the energy resources of said city or town... in towns the members shall be appointed by the selectmen, except that in towns having a manager form of government appointments shall be made by the town manager, subject to the approval of the selectmen”</p>
Cultural Council	Appointed by Select Board	<p>Must be Appointed</p> <p>MGL Chapter 10, Section 58: “Local cultural councils shall consist of at least five and not more than twenty-two members to be</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.”
Council on Aging	Appointed by Select Board	<p>Could be Elected or Appointed</p> <p>Lancaster Bylaws 17-20: “Regular Members. Until June 30, 2023, said Council shall consist of nine regular members, after which time said Council shall consist of five regular members. All members shall be at-large and appointed by the Select Board. Regular members shall be appointed on a rotating basis, each for a term of three years.”</p>
Community Preservation Act Committee	Appointed	<p>Could be Elected or Appointed</p> <p>Lancaster Bylaws 17-39: “...the Committee members shall be as follows:</p> <ol style="list-style-type: none"> 1. One member of the Planning Board (created by MGL c. 41, § 81a) as designated by the Board for a term of three years. 2. One member of the Conservation Commission (created by MGL c. 40, § 8C) as designated by the Commission for a term of three years. 3. One member of the Historical Commission (created by MGL c. 40, § 8D) as designated by the Commission for a term of three years. 4. One member of the Recreation Committee (created by MGL c. 45, § 2) as designated by the Board for a term of three years. 5. One member of the Housing Authority Board (created by MGL c. 121B, § 3) as designated by its Board of Directors for a term of three years. 6. Two at-large members of the general public, not Town employees or currently holding elected or appointed positions, for a term of three years, as designated by the Select Board.”

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
Commission on Disability	Appointed by Select Board	<p>Must be Appointed</p> <p>MGL Chapter 40, Section 8J: “in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town.”</p>
Animal Control Commission	Appointed by Select Board	<p>Could be Appointed or Elected</p> <p>Lancaster Bylaws 10-8 D: “The Commission shall consist of not less than five nor more than seven members who shall be appointed by the Select Board. Membership should include a cross section of the community and include individuals with professional knowledge pertinent to the member’s responsibilities, (i.e., an attorney, veterinarian, police officer, humane society representative, etc.)”</p>
Agricultural Commission	Appointed by Select Board	<p>Must be Appointed</p> <p>MGL Chapter 40, Section 8L (f): “In a town, the members of the commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a town manager form of government, the appointments shall be made by the town manager subject to the approval of the board of selectmen.”</p>
Affordable Housing Trust	Appointed	<p>Could be Appointed or Elected</p> <p>Lancaster Bylaws 17-24: “There shall be a Board of Trustees of the Lancaster Affordable Housing Trust Fund (the</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>"Board"), composed of one ex officio non-voting member and five 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 Select Board (chosen by the Select Board) and four members appointed by the Select Board. Members must be residents of the Town of Lancaster."</p>
Board of Registrars	Appointed	<p>Must be Appointed</p> <p>MGL Chapter 51, Section 15: "Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk."</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
Personnel Board	Appointed	<p>May be Elected or Appointed</p> <p>Chapter 41, Section 108C: “A town may consolidate, in a single chapter or article, all provisions of its by-laws pertaining to the administration of its personnel, including, among other things, the compensation plan established pursuant to paragraph (b) of section five of chapter thirty-one, the plans established pursuant to section one hundred and eight A of this chapter, and any by-laws adopted pursuant to section twenty-one A of chapter forty, and may provide by by-law for the establishment of a personnel board or other agency for the purpose of administering said plans or other provisions of its by-laws pertaining to personnel, determining any questions arising thereunder, and advising the town in any matters pertaining thereto; provided, however, such consolidated by-law shall not be subject to the approval of the attorney general as provided in section thirty-two of chapter forty.”</p> <p>Lancaster Bylaws 140-3: This Personnel Bylaw shall be administered by a Personnel Board, consisting of three voting members appointed by the Select Board.</p>

Rationale for deciding whether a board should be appointed or elected

Members of the Committee attended a “Form Government” webinar featuring a panel of experts, hosted by the Massachusetts Municipal Association, on November 30th, 2023.

Some rationale for selecting a committee by appointment or elections was discussed. Among the considerations mentioned:

- State Requirements: in some cases the state requires that a board be elected, like the Select Board, or appointed, like the Conservation Commission.
- Desire for Direct Voter Control: the town may simply prefer to directly select members of decision-making boards.
- Desire for Board Diversity: if a board is appointed, the board responsible for appointing its members can work to seat a board that reflects a broader sample of the community.
- Need to include members who are not town residents: as only town residents can stand for election, only town residents can fill elected positions. For this reason, positions like “Treasurer” and “Town Clerk” are often appointed now, so that communities can recruit outside of their borders.
- Desire for contested elections: if there are unlikely to be contested elections for seats on a board, it may be more desirable to appoint members to that board.

Survey Results Related to this Topic

The Government Study Committee surveyed town residents in Fall 2023 about a number of matters relating to town government. Among them were questions about resident preference in regard to elected or appointed local boards. The specific survey questions were:

Currently Elected Committees/Boards

- Should the Board of Health be elected or be appointed by the select board?
- Should the Finance Committee be elected or be appointed by the Select Board or Moderator?
- Should the Library Board of Trustees be elected or be appointed by the Select Board?
- Should the Planning Board be elected or be appointed by the Select Board?
- Should Public Works Commissioners be appointed or be elected?

Currently Appointed Committees/Boards

- Should the Conservation Commission be appointed or elected?
- Should the Zoning Board of Appeals be appointed or elected?

Responses for Currently Elected Boards

	Board of Health		Finance Committee		Library Trustees		Planning Board		Public Works	
	#	%	#	%	#	%	#	%	#	%
Number of Responses/Percentage of Total Responses										
Remain Elected	172	66%	199	77%	186	72%	212	82%	172	66%
Be Appointed by SB	35	14%	22	8%	40	15%	26	10%	49	19%
No preference	50	19%	22	8%	31	12%	19	7%	35	14%
Be appointed by Moderator*	N/A	N/A	9	3%	N/A	N/A	N/A	N/A	N/A	N/A
Blank	2	1%	2	1%	2	1%	2	1%	3	1%
Other	0	0%	5	2%	0	0%	0	0%	0	0%
Total recorded responses	259	-	259	-	259	-	259	-	259	-

Responses for Currently Appointed Boards

	Conservation Committee		Zoning Board of Appeals	
	#	%	#	%
Number of Responses/Percentage of Total Responses				
Be Elected	139	54%	156	60%
Remain Appointed	74	29%	67	26%
No preference	44	17%	34	13%
Blank	3	1%	2	1%
Total recorded responses	259	100%	259	100%

In all cases, respondents preferred an elected board over an appointed board. For the Zoning Board of Appeals and Conservation Commission, both of which are currently appointed boards, that seems to indicate a preference for a change.

Note on Process

Survey respondents indicated a preference for elected boards over appointed boards, *given a binary choice* between the two. Survey respondents considering a binary choice might not have considered (or been aware) that the town would need to assess whether MGL requirements make a change impossible or impractical. In some cases, Massachusetts law requires that a board be elected or appointed, and in other cases, it is a decision we can make locally.

Conclusions and Recommendations

What we learned through this study could be used to guide future town decisions, or as a topic for future studies:

- **Residents seem content to continue to directly elect boards:** if a need is realized to convert an elected board to an appointed board, the town should be prepared to provide a rationale for the change.
- Our survey identified a strong **preference for an elected Zoning Board of Appeals** among respondents. If the town pursues a charter, we might investigate whether an elected Zoning Board of Appeals would better fit the town's needs.
- Survey respondents indicated a **preference for an elected Conservation Commission**, which state law does not provide for. Residents might prefer the structure Wellesley has adopted: they elect members of a "Natural Resources Commission", which in turn, appoints the 5 members of the "Wetlands Protection Committee", which serves as the Conservation Commission. Wellesley created that structure by requesting special legislation.

END OF SECTION

Recommendation 4: Residential Requirement for Serving on Elected/Appointed Boards/Committees

Introduction

As reviewed in the benchmarking findings, of the 18 towns we looked at 17/18 have a residency requirement for board, commission, and committee appointments. Three towns: Littleton, Rutland, and Westminster have added this residency requirement to their Town Codes.

Summary Recommendation

The Ad-Hoc Government Study Committee recommends that Lancaster put a proposal before Town Meeting in May 2024 that Lancaster adopt a residency requirement to serve on town boards, commissions, and committees.

We have included a draft warrant article in this report.

Rationale

The committee deliberated this topic on multiple occasions, taking the benchmarking and town resident survey data into account, and looking at how other Massachusetts towns beyond our benchmarked peers have handled this topic.

Respondents to the fall 2023 survey expressed an overwhelming preference for a residency requirement for serving on appointed town boards in Lancaster. Of the 235 residents that answered the survey, 211 believed it, “to be in the best interest of Lancaster to require that that all Board, Committee, and Commission members be current residents”.

Residency requirements for service on volunteer town boards, committees, and commissions, and are so common that they can be considered a best practice. The benchmarking data, combined with the support of 89% of survey respondents, prompted the committee to recommend a residency requirement for Lancaster. We included a provision that current members of boards, commissions, and committees who are not town residents shall be exempt from the residency requirement until the expiration of their current terms.

The following draft article language is adapted from Avon, MA, which passed a similar article in 2011, and from Sharon, MA, which has a similar bylaw:

Draft Warrant Article

The following draft article language is adapted from Avon, MA, which passed a similar article in 2011, and from Sharon, MA, which has a similar bylaw:

ARTICLE ____
Government Study Committee: Elected Boards

To see if the Town will vote to amend Chapter 17 of the Town of Lancaster’s General Bylaw by inserting new sections in Article XIV as follows:

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

No person shall be appointed to or serve on a board, commission or committee of the Town or any other board, commission or committee for which the appointment thereto is by a Town board or officer, unless such person is a resident of the Town. Any person serving as a member of a board, commission or committee who, during the term of office for which appointed, ceases to be a resident of the Town shall be deemed to have vacated such membership.

Non-residency may be indicated by removal from the voter list, by a census update, or by other means.

The provisions of this bylaw shall not apply to ex-officio members [including any nonresident Town officer(s) or employee(s) representing the Town in such capacity] and non-voting members. Additionally, nonresident members of a board, commission or committee holding such membership at the time this bylaw becomes effective shall also be exempt until the expiration of their terms.

END OF DRAFT ARTICLE

END OF SECTION

Closing Remarks

It is a pleasure to submit this report to the Select Board. The Ad Hoc Government Study has worked very hard for the past few months to parse data, identify topics to study, deliberate on recommendations, and craft this report. The Committee worked exceptionally well together, with a collective goal: to make substantive recommendations, backed by data, that would reflect the feedback we received via the survey and informal chats with residents. Moreover, we were diligent in producing recommendations that we believe fulfill our charge as mandated by residents at the Annual Town Meeting in May of 2022. “To provide a written report to Town Meeting . . . which recommends any amendments to bylaws and governing practices so as to improve the Town’s form of government and governance.”

<p style="text-align: center;">ARTICLE 11 Government Study Committee Select Board</p>
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To see if the Town will vote to direct the Select Board to appoint a Government Study Committee pursuant to Section 304-21 of the Town of Lancaster’s General Bylaw and consisting of seven members to (a) study the Town’s form of government and governance, (b) examine models of government in comparable communities, (c) identify strengths and opportunities for growth and improvement in the Town’s current government, (d) facilitate public engage on the committee’s work, and (e) provide a written status report to the Select Board no later than March 15, 2023, and a final written report to Town Meeting no later than May 1, 2023, which recommends any amendments to the bylaws and governing practices so as to improve the Town’s form of government and governance, or to act in any manner related thereto.

Select Board recommendation:

Finance Committee recommendation:

Summary: *The article directs the Select Board to appoint a committee to study Lancaster’s form of government as outlined above.*

APPENDICES

APPENDIX A: Committee Description from Town Website

Accessed 4 January, 2024.

The screenshot shows the Lancaster, Massachusetts town website. The header features the town seal and the text "Lancaster MASSACHUSETTS". Navigation links include "About", "Departments", "Boards & Committees", "Bids & Proposals", "Job Opportunities", and "Town Meetings Calendar". A "How Do I?" button is also present. The main content area is titled "Government Study Ad Hoc Committee" and includes a breadcrumb trail: "Home » Boards & Committees » Ad Hoc Committees".

Government Study Ad Hoc Committee

Home » Boards & Committees » Ad Hoc Committees

Government Study Ad Hoc Committee

Mission & Charge

MISSION: The Committee's mission surrounds the need for the Town to review the efficacy of Lancaster's current Form of Government and organizational structure. Additionally, the committee will recommend changes to Lancaster's form of government and operations, as necessary, to reflect best practices and assure effective and equitable town management, policy adherence, and the timely and consistent delivery of excellent public service.

COMMITTEE CHARGE: The charge and duties of the Government Study Committee shall be to gather, review and make recommendations to the Select Board relative to Lancaster's Form of Government and its overall operation. Recommendations will be made in the spirit of collaboration and transparency and in line with the goal of improving the Town's efficiency while ensuring the highest levels of professionalism, ethical standards, and transparency.

MEMBERS: The committee shall consist of seven (7) members, at large, appointed by the Select Board. The Committee shall appoint a chair, vice-chair, and clerk at their first official meeting. The committee will receive staff support from the Town Administrator or his/her designee. A member of the Select Board shall serve on the Committee as a liaison but shall not have voting rights.

CURRENT MEMBERS: Jay Moody, Russell Williston, Ann Ogilvie, Emily Taylor, David Mallette, Susan Munyon. Ex Officio - Chief Everett Moody, Chief Michael Hanson. Selectboard liaison: Jason Allison.

APPENDIX B: Committee Mandate and Charge

Committee Mandate and Charge.

May 16, 2022



Town of Lancaster
701 Main Street • Lancaster, MA 01523
www.ci.lancaster.ma.us
(978) 365-3326

Adopted: 05/16/22

TOWN GOVERNMENT STUDY COMMITTEE 2022 – 2023

Committee Mission & Charge

The residents of Lancaster, together during Annual Town Meeting May 2, 2022, voted to establish a Government Study Committee which will work to advise the Select Board on matters related to the structure and effectiveness of Lancaster’s form of government.

BACKGROUND: Local government operations have seen a great deal of change since Lancaster’s incorporation. Developments in technology and changes in Federal, State, and local laws have affected people’s lifestyles, the way we govern, and the way citizens and residents interface with government officials. Residents have requested greater transparency and open access to their government. Many Town services exist today that were simply not imagined decades ago. In recognition of these changes, Lancaster residents are faced with several questions and decisions. The formation of a Government Study Committee is based on the idea that a comprehensive study of Lancaster’s form of government is both necessary and prudent if we are to operate the Town in an effective, efficient, and transparent manner.

MISSION: The Committee’s mission surrounds the need for the Town to review the efficacy of Lancaster’s current Form of Government and organizational structure. Additionally, the committee will recommend changes to Lancaster’s form of government and operations, as necessary, to reflect best practices and assure effective and equitable town management, policy adherence, and the timely and consistent delivery of excellent public service.

COMMITTEE CHARGE: The charge and duties of the Government Study Committee shall be to gather, review and make recommendations to the Select Board relative to Lancaster’s Form of Government and its overall operation. Recommendations will be made in the spirit of collaboration and transparency and in-line with the goal of improving the Town’s efficiency while ensuring the highest levels of professionalism, ethical standards, and transparency.

General duties of the Committee shall incorporate:

- A Summation of Lancaster’s current form of government and governance practices.
- An examination of the various types of government used throughout the Commonwealth and within various comparable communities.
- The identification of the strengths and weaknesses of Lancaster’s *current* form of government.
- Recommendations to the Select Board relative to creating an official Town Charter or making various amendments to the current Town Code, Bylaws, and other governing practices.
- The facilitation of a robust and clear public engagement process that integrates diverse perspectives, comments and notions which are representative of Lancaster’s population.

APPENDIX C: *Government Structure Overview*. Hodges, Kate. August 16, 2022.



Town of Lancaster
701 Main St • Prescott Building
Lancaster, Massachusetts 01523
(978) 365-3326

MEMO

TO: Government Study Committee
CC: Lancaster Select Board
FROM: Kate Hodges, Town Administrator
DATE: August 16, 2022
RE: Government Structure Overview

The Government Study Committee was established pursuant to an affirmative action by Town Meeting in May of 2022. The idea of creating a Government Study Committee (GSC) was to engage a group of residents from a wide variety of backgrounds to take a critical look at Lancaster’s form of government (FOG), organization of Town boards and committees and whether the creation of a Town Charter would be in the best interest of Lancaster. The Town’s current governmental structure is Open Town Meeting – Select Board – Strong Town Administrator.

I. TOWN CHARTER PURPOSE

A municipal charter is the basic document that defines the organization, powers, functions, and essential procedures of the government. It is comparable to the Constitution of the United States or a State’s constitution. The charter is, therefore, the most important legal document of any government entity. Charters are granted either *directly* by a State Legislature, by way of local legislation, or *indirectly* under a general municipal corporation law following a referendum vote of the proposal by the population. In its simplest form, a municipal charter establishes the Town’s name, date of incorporation, FOG and its boundaries. The charter also includes the municipality’s procedures for electing or appointing its administrative officials and officers. A charter may also outline how the municipality handles certain public services or financial matters, such as the power to tax or to incur debt.

All 351 municipalities in Massachusetts must conform to state statutes when forming a city or Town Charter. Charters are required to outline all details of how the city or Town will be run. The Charter must include the FOG chosen and must detail who has what powers.

A Town Charter is the basic framework of the government form in a community and outlines:

- ✓ Town Name & FOG
- ✓ Number of Select Board or Council Members and mode of election and terms
- ✓ COO Name (Manager or Administrator) and defined roles and contract terms
- ✓ Other governmental bodies, or officials, and their means of appointment or election
- ✓ Town Moderator term and means of appointment

- ✓ Designation of a legislative branch (ex. Open Town Meeting) including size, term, composition, and what authority it encompasses.

II. FORMS OF GOVERNMENT (FOG) IN MA

There are four basic forms of government which municipalities in Massachusetts may implement according to state legislation. Many Massachusetts communities also utilize Town Meeting as their main legislative branch. Town Meeting is a unique form of legislation almost entirely based in the Commonwealth and is not seen in other parts of the United States. There are four ways that communities are governed in the State of MA which include:

- (1) Mayor-Council,
- (2) Council-Manager,
- (3) Open Town Meeting/Select Board/Town Manager or Administrator, and
- (4) Representative Town Meeting/Select Board/Town Manager or Administrator.

Mayor-Council Form: The Mayor-Council FOG is seen mostly in cities in Massachusetts, however being a city is not a prerequisite for the Mayor-Council form. The Mayor-Council form of local government parallels the Federal American government almost exactly. Both have an elected legislature and executive branches that are elected separately. Voters elect a Mayor and a Council through open elections. As the chief executive, the Mayor appoints key officials and boards, however the Council may also have the power to appoint certain boards. In this system, very few boards and/or commissions are elected by the public. The Mayor is also the creator of the budget and oversees unions, contracts, personnel, and the complete administration of the city. In terms of legislative powers, the Council adopts the rules and regulations of the city after a series of public hearings or solicits resident input via referendums (votes).

Council-Manager Form: The governing legislative body in this system is the Council who are elected by the voters of the municipality. Their main responsibility is to provide legislative direction to the Manager. The Council also adopts budgets, laws, and may be able to approve or veto certain appointments made by the Manager. In this system, the Council is comprised of five to nine members that involve a Council President as its head. The Manager acts as the chief executive and administrative officer for the community. The Manager is appointed by the Council. The responsibilities of the Manager include the day-to-day and overall operations such as appointments, budgets, contracts, and union management. Similar to the Mayoral FOG, the legislative body in this form either includes Council-led referendums or, in some cases, a Representative Town Meeting legislative process which is discussed in more detail below.

Open Town Meeting-Select Board-Town Manager/Administrator: This FOG has three different aspects to it: Town Meeting, Select Board, and Town Manager or Administrator. Since the legislative body is made up of all citizens of the municipality there are many different opinions considered. In this FOG, an Open Town Meeting acts as the legislative body of the Town. All citizens who are registered voters meet on a given day(s) and place to elect certain board or committee members, including the Select Board, and to accept or reject other policy decisions or bylaws. The voters are given an opportunity to debate and vote on budgets, by-laws, and other issues brought forward during Town Meeting. The Select Board is generally three to five members elected by the people and collectively they make up the executive branch of the

government. The Select Board members appoint the Manager, certain board or committee members, and set municipal policy and goals.

The Town Manager or Administrator is an arm of the executive body of the Town and serves as the chief administrative, or operations, officer (CAO/COO). This authority allows them to appoint department heads, create budgets, sign contracts, negotiate with unions and run the general administration of the Town. The level of authority which is afforded to the Town Manager or Administrator depends on the language within the Town Charter which outlines their position. If the charter does not clearly define this, then specific authorities are granted through actions and affirmative votes of the Select Board relative to the delegation of duties and of certain authorities.

Town Managers tend to have more central authority than Administrators but in both instances, the differences are defined by the Board, the Town's Charter or some combination of both. The Manager or Administrator takes on the role of Chief Operations Officer (COO) and the individual serves in many capacities taking on various obligations that range from supervising the administration to ensuring the efficiency of Town activities and departments. Another difference in a Managerial FOG versus an Administrative FOG is that a Town Manager generally appoints all non-regulatory board and committee members (Recreation Committee, COA, Disability Commission, Historical, etc.) while the Select Board appoints certain regulatory boards such as the Planning Board, Board of Health, Zoning Board of Appeals and Finance Committee. Elected positions in a Select Board-Managerial FOG are generally restricted to the Select Board, Housing Authority, Town Moderator and those regulated through MA General Law.

The benefit to both the Administrator and Manager FOGs includes the ability for direct and extensive citizen participation – both at the committee level and at Open Town Meeting. In both instances, the Select Board seeks to appoint a well-qualified chief executive and that individual's focus should surround the operational needs of the Town while the Select Board, and the other related Town officials, provide policy direction and bylaw management. *If* there is a downside to this FOG, it would surround the idea of a 'shared' executive branch -- between the Select Board and the Manager/Administrator. If the Board does not clearly define the roles and authorities of the Manager or Administrator, that lack of direction *may* cause confusion regarding what responsibilities belong to whom and who supervises and is responsible for staff development and productivity. The larger the size of the legislative body, the greater the chances are that some members of the community *may* not be as well versed on issues prior to being asked to vote at Town Meeting. Therefore, regardless of the title – Manager or Administrator, this FOG relies heavily on the Select Board, as the Town's Chief Executives, dedicating time to hold consistent and frequent meetings with the community and their ability to set clear policies and delegate certain tasks and authorities to the Manager in order to efficiently handle Town business.

Representative Town Meeting (RTM)-Select Board-Town Manager/Administrator: Like the previous FOG, this too has three aspects to it: Representative Town Meeting, Select Board and Town Manger/Administrator. In order to create the Representative Town Meeting, a limited number of community members are elected, usually by district, who then represent all citizens at Town Meeting. The size of the RTM varies but can range from smaller than one hundred to more than three hundred. The RTM is the legislative body for the municipality meaning that it debates

and passes budgets, by-laws, and all other issues that arise during the Town Meetings. The executive branch is the same as in the Open Town Meeting form of government. The Select Board and Town Manager or Administrator share the responsibilities of the executive branch. The individual roles of the Select Board and the Town Manager/Administrator are the same as described in the Open Town Meeting segment above. Representative Town Meeting, for some, allows a more pointed or segmented legislative body to be involved in the government than that of an Open Town Meeting. In this form, because the Town Meeting members are elected, they *may* be more likely to be well versed in issues than those who participate in an Open Town Meeting only once or twice a year. The idea, theoretically, is that those who 'run' for a representative seat at Town Meeting would have campaigned or lobbied for their appointment and likely would be well informed about Town business. A drawback to this FOG, however, surrounds the community's ability to truly create a diverse representation of the community within the elected representative body. Additionally, it can be difficult for RTM's to reach the required quorums or to ensure that all members of the legislative body remain knowledgeable about current issues post-election. This FOG relies heavily on those elected to Town Meeting to self-govern and regulate their personal community engagement in order to stay informed about Town business and represent their district(s) effectively.

III. CHARTER CREATION & REVISIONS

Occasionally, a governmental body may seek to revise its charter. There are several reasons to do so since the charter affects everything the governmental body does. Since it provides the basis for *most* of the municipal regulatory functions and outlines the delivery of municipal services, periodic charter reviews are both necessary and prudent to keep community's up-to-date. The process of charter changes varies, but in Massachusetts there are two ways to revise municipal charters. The key distinction between the two is the time required to complete the processes.

Home Rule/Charter Commission: Under the Home Rule Amendment to the Massachusetts Constitution and the Home Rule Procedures Act (M.G.L. Ch. 43B), cities and Towns can form a Charter Commission to adopt a new charter, entirely revise an existing charter, or amend selected charter sections. Under Section 3 of Ch. 43B, the process to form a Charter Commission is initiated when 15 percent of the voters petition the Select Board to order a local ballot question on whether to adopt a new charter (or to revise an existing one.) Once the petition and signatures are certified as valid, the Select Board has 30 days to adopt the order and place the question on the ballot of the next regular election. The only caveat to this is that the election must not occur until 60 days have lapsed.

When votes are cast on the question of forming a Charter *Commission*, votes are simultaneously cast to elect nine (9) commission members to the Commission. If a majority of the voters approve the question, the top nine candidates are then seated on the Commission. The Commission, by Statute, must then hold its first public hearing within 45 days of the election and must complete a preliminary report within 16 months of their election to submit to the MA Attorney General for an advisory opinion. The Commission, after receiving the comments from the AG, then moves forward in completing its final report which is due within two months of the AG's review, or 18 months from the election of the Commissioners. Once complete, Charter Commission

recommendations are then placed before the voters for acceptance or rejection.¹ If the Commission has no recommendation, then no vote occurs.

Graph A: Charter Commission Route (18-24 months)

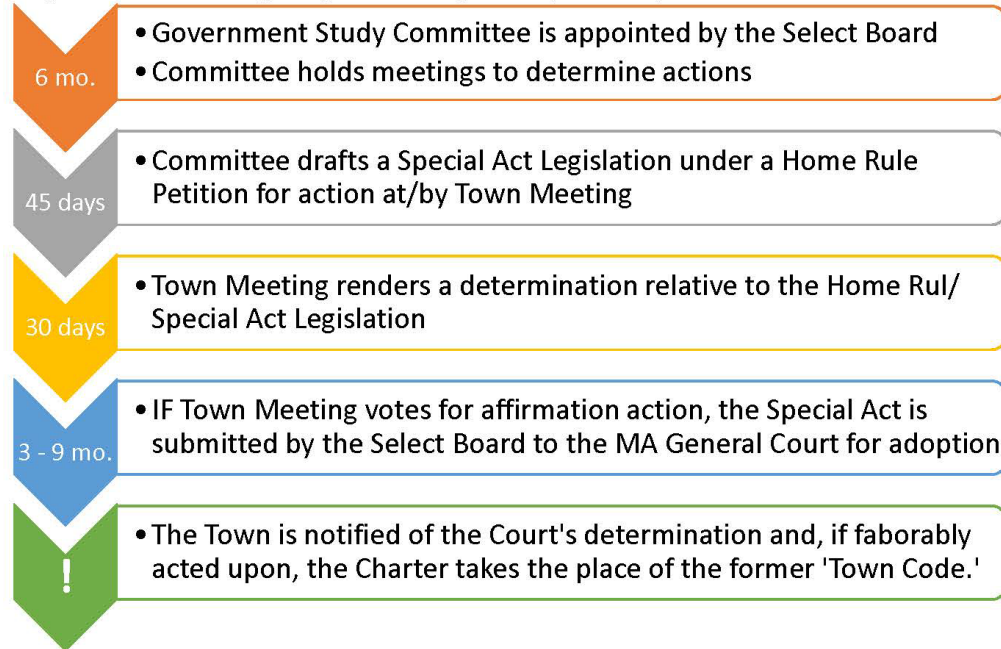


¹ Under Section 10 of the statute, an alternative process which does not involve a charter commission is available to amend a previously adopted or revised charter. Given this would be Lancaster's first Charter, if this path is chosen, we would need a legal review to investigate if we could utilize this method of charter creation.

Special Legislation: As an option to the Home Rule Charter process under Ch. 43B, communities can also adopt, revise, or amend a charter through a special act of the Legislature with approval of the Governor. The work of a Charter Commission is directed by statute and involves approximately 18-24 months of time. A special act can *generally* advance more quickly.

Special Act: As an alternative, a community can adopt, revise, or amend a charter by a Special Act of the State legislature. Special Acts, or special laws, involving government structure are applicable only to that particular city, or town, and with few exceptions are deemed to have the force of a charter. For towns, the approval of Town Meeting is required. As a matter of practice Town Meeting makes special laws to adopt or change a charter that are contingent on voter (Town Meeting) approval. State law does not mandate or prescribe a particular procedure for arriving at proposed charter provisions when a Special Act is drafted. However, a local government study committee, typically appointed by the Select Board, is a frequently used best method approach. The appointing authority is not restricted in the number of committee members, and will often have the Chair of the Select Board, or Council, serve as the GSC Chair to ensure consistency. The Act also defines the charge of the committee broadly to encompass all aspects of local government or to ensure that certain matters are included within the committee's focus. In its charge, the committee can also be directed to complete its work in a shorter time frame than what the law requires for a Charter Commission as discussed above. Once a charter proposal is drafted as a Special Act, it must be presented to Town Meeting for approval and authorization. Once authorized, it can then be submitted to the General Court for adoption.

Graph B: Charter Through a Special Act/Legislation (11-18 mo.)²



² This timetable presumes that the General Court places the matter onto the docket for review and decides within 3-6 months after receiving the approved Charter from the Board (as approved by Town Meeting).

IV. HOME RULE LEGISLATION

Home Rule, or “*self-governance*”, exists in MA and can be accessed when a city or town adopts a charter through the approval of its legislative body and its electorate. Presently, in Lancaster, this is through Town Meeting. With the adoption M.G.L. Ch. 43B (and Amendment Article 89) in 1966, Massachusetts created the ability to exercise local power through the approval of its legislative body (Town Meeting or a City Council) and its voters. Essentially, Home Rule Petitions allow municipalities to exercise local authorities and powers through the adoption of ordinances, laws, and charter regulations.

In Massachusetts, municipalities have limited powers under state law. A Home Rule Petition is a request from a community to the State for a new type of power from the Legislature. One example of this type of power is the ability to enact new tax regulations or exemptions from a certain aspect of state law. If a proposed Home Rule Petition is passed locally, (meaning, receives an affirmative vote at Town Meeting) the local government entity would then send the bill to its State Representative(s) and Senator(s). Those individuals would then seek to pass the action(s) at the legislative level. If successful, the petition then becomes a state law; however, it is a law that only affects that specific municipality.

The strongest exercise of Home Rule rights for any community is through actions within that entity’s charter (or, once a charter change or creation has begun, through that community’s Charter Commission). In that process, the municipality can organize their own local government in a way that best meets the needs of their citizens. This can happen without state approval. There are significant limitations to Home Rule rights including some local actions which require the approval of the State Legislature.

It is important to note that while each governmental body has the ability to propose and accept their own Home Rule Petitions, local laws or regulations can only be upheld by the legislature if the laws and regulations proposed are deemed not to be in conflict with the Commonwealth’s Constitution or any of the MA General Laws. There are specific constitutional clauses (Amendment Article 89, Section 7) which reserve the State’s authority to regulate certain areas of local government – a veto, of sorts, to Home Rule Petitions. These include any municipality’s ability to:

- ✓ govern its elections;
- ✓ set levy limits;
- ✓ assess and collect revenues and taxes;
- ✓ design and implement processes relative to borrowing money or bonding capital projects;
- ✓ pledge a municipality’s credit;
- ✓ dispose of parklands, conservation restrictions or open space;
- ✓ enact private or civil laws; or
- ✓ impose criminal penalties.

The initial responsibility to determine whether certain adopted local provisions (Home Rules) may prevail rests with the State’s Attorney General. Specifically, this duty is assigned to the

Municipal Law Unit within the AG's office. The Law Unit's protocols are listed online and State, *"Whenever a town adopts or amends its general bylaws or laws, within 30 days of adjournment of Town Meeting, the Town Clerk is required to submit them to the Attorney General's Office for review and approval. The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the Constitution and the Laws of the Commonwealth. If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments, or portions of them will be disapproved. The Municipal Law Unit is responsible for undertaking this review and for issuing a written decision approving or disapproving bylaw amendments."*

Regarding either the creation or amendment of charters, the Law Unit's procedures dictate, *"... whenever a city or town seeks to adopt or amend its charter pursuant to the Home Rule Procedures Act, the proposed charter or charter amendments must be submitted to the Attorney General for his opinion as to the consistency between the charter (or charter amendments) and state law. The Attorney General then has 28 days in which to make this determination. The Municipal Law Unit is responsible undertaking this review and issuing a written decision."*

V. CONCLUSION

The Work of the GSC is critical for the Town to be successful in modernizing and conducting business in an efficient and effective manner. That said, there are many decisions and discussions which need to take place at the committee level. As members of the GSC, you will determine what may be in the best of Lancaster relative to its form of government and how Town business should be conducted. This effects Lancaster's current and future community members and businesses.

Each form of government, and the notion of creating a Town Charter, has pros and cons. As a first order of business for the committee, I believe it would be worthwhile for the group to determine whether the creation of a Town Charter would be prudent and, if so, what the best means for devising and adopting a charter may be. Thereafter, the committee may wish to outline a plan relative to drafting and vetting certain language and topic areas within the charter. Additionally, considerations relative to Lancaster's form of government will be essential. What mode fits Lancaster best? Is Lancaster's current structure completely fine 'as-is' or would changes to our current structure or processes add efficiency or greater accountability? Are the separately elected boards or committees a good thing? What boards and committees should be elected?

Answers to each of these questions will likely determine the committee's future agenda items and task priorities. As staff liaison to the committee, I am available to answer questions or provide any information which the group may find beneficial to its work. If there is anything I can provide, please do not hesitate to contact me directory either via email to khodges@lancasterma.net or telephone at (978) 365-3326 x1016.

Thank you.

APPENDIX D: CHANGING MASSACHUSETTS LOCAL GOVERNMENT STRUCTURE

Department of Housing and Community Development

CHANGING MASSACHUSETTS LOCAL GOVERNMENT STRUCTURE

Massachusetts state law provides several routes for cities and towns to make changes in the organizational structure of local government:

- election of a charter commission and subsequent adoption of the commission's proposed charter;
- a petition for enactment of special municipal legislation; and
- using bylaws and "permissive" legislation to enact structural change

Each route is described briefly below.

HOME RULE CHARTER COMMISSION: Over 130 charter commissions have been elected since the adoption of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts in 1966. The procedures for creation of a charter commission are outlined in Massachusetts General Laws, (M.G.L.) Chapter 43B (see DHCD publication, *The Home Rule Amendment and the Home Rule Procedures Act*). In summary, any city or town, upon petition of 15% of the registered voters may vote to elect a nine-member charter commission to prepare a charter. A charter serves as the basic framework of the government structure, identifying officials to be elected and appointed, size and composition of the legislative body, appointment authority, operating and capital budget preparation, organization of departments, etc. A charter commission has a maximum of 18 months to prepare a proposed charter, but may choose to complete the task in 10 months. Following its election, a commission considers the options for changing local government structure, and seeks participation from the residents via public meetings, public hearings, publication of a preliminary report, and issuance of a final report. The requirements for public participation are described in Chapter 43B. To take effect, a charter proposal must be adopted by a majority of the voters at a municipal election. In towns, some charter commissions follow a 10 month schedule, and present a charter proposal to the voters at the annual election one year following the commission's election. If the commission chooses to follow the 18 month schedule provided in the law, the charter proposal would be presented to the voters at the municipal election two years following the election of a commission. (This procedure is most applicable to cities with biennial elections.)

The election of a commission, the preparation of a charter, and the submission of a proposal to the voters is a major undertaking; most towns make one or more significant changes in their structure, including, but not limited to:

- create a general management position (town administrator, town manager, etc.)
- change elected boards, commissions, and officials to appointed status
- establish or consolidate local departments; include enabling provisions to allow organizational changes as circumstances require
- establish budget and capital plan procedures

The DHCD publication, *Summary of Home Rule Charter Provisions in Massachusetts Municipalities*, highlights the major features of charters.

SPECIAL MUNICIPAL LEGISLATION: Prior to the adoption of the Home Rule Amendment, the most comprehensive changes in local government were made by means of a petition for special legislation (the "special act"). Prior to 1966, towns used the special act route to adopt "special act charters." Towns using this route to create the selectmen-town manager form of administration included Norwood, Middleborough, Holden, Wilmington, and Danvers. This option remains available today and has been used in approximately 35 communities, including Westford, Great Barrington, Lee, Lenox, Ashburnham, Sheffield, and Yarmouth.

The procedures governing special act adoption are:

1. passage by majority vote of warrant article or resolution proposing the special legislation
2. petition to the General Court (state legislature) to enact the proposed legislation
3. approval of the petition by state House of Representatives and state Senate
4. signing by the Governor

In some instances, the petition may require that the act become effective only upon acceptance by a majority of voters at the next regular municipal election (sometimes referred to as ratification). In other instances, the act may contain a certain date when the provisions take effect, or the act may state that its provisions become effective upon passage. Municipalities can be guided by the Home Rule Amendment that defines changes in

CHANGING MASSACHUSETTS LOCAL GOVERNMENT STRUCTURE

Massachusetts state law provides several routes for cities and towns to make changes in the organizational structure of local government:

- election of a charter commission and subsequent adoption of the commission's proposed charter;
- a petition for enactment of special municipal legislation; and
- using bylaws and "permissive" legislation to enact structural change

Each route is described briefly below.

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the legislative body, chief executive, or town manager as requiring the election of a charter commission, and a ballot vote on recommended changes.

Communities can also use the special act route to make more discrete changes -- e.g., combining the positions of an appointed collector and treasurer, changing an elected board or commission to an appointed one, creating a consolidated department, and adopting recall provisions.

USING BYLAWS AND PERMISSIVE LEGISLATION (review options with counsel prior to proceeding):

Towns may accomplish some structural, administrative, and organizational changes through adoption of bylaws. In several management areas, notably personnel administration, there have been recent efforts to adopt comprehensive bylaws. Other towns have used bylaws to encourage coordination among related offices (e.g., all those with financial duties). Also, the Massachusetts General Laws provide some organizational options for communities through "permissive" or enabling legislation, such as:

- **Chapter 41, section 1B** (enacted in 1997) allows a vote of town meeting followed by a ballot vote at the annual town meeting/election to change certain elected positions to appointments of the board of selectmen (applies to clerk, treasurer, tax collector, assessors, auditor, highway surveyor, sewer commissioners, road commissioners, tree warden, constables, boards of health). Elected officials in office at the time of such vote would complete their terms before the appointment provisions took effect. (Note: Section 1B does not apply to boards of selectmen or school committees, which must remain elected.)

- **Chapter 41, section 21** allows selectmen to act as certain offices (Water and Sewer Board, Water Commission, Water and Municipal Light Commissioners, Municipal Light Board, Sewer Commissioners, Park Commissioners, Board of Public Works, Board Health, Board of Assessors, Commission on Public Safety).

For Chapter 41, Section 1B and Section 21, the question/questions of authorizing the board of selectmen to appoint particular offices or multiple member bodies must be placed on the ballot at an annual election. The question(s) may be placed on the ballot by a vote of the town meeting held at least sixty days before the annual town meeting. For Section 21, the question(s) authorizing selectmen to act as certain boards may be also be placed on the ballot upon petition by 10 per cent of qualified voters and filed with the selectmen at least 60 days before the annual town meeting.

- **Chapter 41, section 2** sets out a procedure for increasing or decreasing the number of members of elected boards (not applicable to boards of selectmen -- see MGL, c. 43B, section 13).

- Selectmen may be granted the authority to appoint cemetery commissioners, chiefs of police and fire departments, assessors, superintendent of streets, or board of health. (see also **Chapter 41, section 21**)

Other enabling options include:

- Appointment of assessors by the selectmen (**Chapter 41, section 25**)

- Combining the positions of treasurer and collector. The town may vote to authorize the treasurer to act as collector. (**Chapter 41, section 1**).

- The town clerk may be appointed town accountant, if he/she holds no other office involving the disbursement or receipt of funds. (**Chapter 41, section 55**)

- **Chapter 40N** allows the establishment of a water and sewer commission as a body corporate and politic.

- **Chapter 43C** provides a procedure for creating three consolidated departments -- finance, community development, and inspections. Chapter 43C defines the features of bylaws establishing these departments.

Any procedural option under consideration should be reviewed by local legal counsel prior to proceeding. *Cities and towns are guided by the Home Rule Amendment, which defines changes in the legislative body, chief executive or town manager as requiring either adoption/revision of a home rule charter or enactment of special legislation.*

Department of Housing and Community Development, 100 Cambridge Street, Boston, MA 02114 (617) 573-1359

Appendix E: Benchmarking

Town	Population	Area (sq. miles)	Road Miles	Conservation Land (acres)	Form of Gov't	Chief Executive Officer (CEO)	# SB members	Charter	Master Plan Year	Gov't Study Year
Princeton	3499	35.83	77	4900	OTM	TA	3	NO	Currently updating	N/A
Berlin	3674	12.97	44.67		OTM	TA	3	NO		N/A
Bolton	5378	20	66	2000+	OTM	TA	3	NO	2006	N/A
Boxborough	5425	10.39	41.4		OTM	TA	5	NO	2016	2017
Harvard	5844	26.99	79	1700	OTM	TA	5	YES	2016	adopted 5/8/2018
Rowley	6131	18.21	51.81		OTM	TA	5	NO		N/A
Ashburnham	6341	38.37	97.6		OTM	TA	3	YES	2022	N/A
Stow	7133	18.11	62	542	OTM	TA	5	YES	Charter adopted on 5/13/1991	
Shirley	7279	15.91	51	812	OTM	TA	3	NO	2018	N/A
West Boylston	7855	12.95	63	210	OTM	TA	5	NO	2005	unknown
Sterling	8190	31.58	95	318.4	OTM	Select Board	3	NO	2018	2012
Westminster	8275	35.43	111.05	7610	OTM	TA	3	NO	2014	2016
Ayer	8400	9.6	51	440	OTM	TA	3	No, but has Articles of Incorporation	2017-2018	2010
Georgetown	8416	12.86	64.58		OTM	TA	5	NO, charter was recommended by a MA DoR Review in 2013, but has not been implemented	2007	N/A
Lancaster	8455	27.47	75.14	3161	OTM	TA	3	NO	2007	N/A
Rutland	9169	35.1	105.66		OTM	TA	5	NO	2000	N/A
Littleton	10,141	17.57	86.32	>2000	OTM	TA	5	NO	2017	N/A
Pepperell	11,577	22.6	87.39	2700	OTM	TA	3	YES	2020	N/A
Lunenburg	11816	27.7	92	2000	OTM	Town Manager	5	YES	2002, updates 2007/2008	2019

Benchmarking: Boards			
Town	Elected Boards	FinCom	DPW
Ashburnham	Moderator, Select Board, Board of Health, Planning Board, Library Trustees, Municipal Light Board, School Committee	N/A	Overseen by TA
Ayer	School Committee, Board of Health, Commissioner of Trust Funds, Constables, Library Trustee, Moderator, Park Commission, Planning Board, Select Board	Appointed by Moderator	Unknown
Berlin	Select Board, Assessors, Board of Health, Planning Board, Cemetery Commissioners, Library Trustees, Town Moderator, School Committee, Trustee of Trust Funds, Collector of Taxes	Appointed by SB	Overseen by TA
Bolton	Moderator, Town Clerk, Select Board, Board of Health, Board of Assessors, Cemetery Committee, Library Trustee	Appointed by Moderator	Overseen by TA
Boxborough	Planning Board, Health, Town Moderator, Town Clerk, Library, Constable, School Committee	Appointed by Moderator	Overseen by TA
Georgetown	Select Board, Town Clerk, Moderator, Assessor, Highway Surveyor, School Committee, Light Commissioner, Water Commissioner, Library Trustee, Planning Board	Finance and Advisory Committee, Appointed by Moderator	Overseen by TA
Harvard	Select Board, Library Trustees, School Committee, Warner Free Lecture, Moderator	Appointed by Moderator	Overseen by TA
Lancaster	Select Board, Board of Health, Board of Public Works, Finance, School Committee, Planning Board, Library Trustees, Town Moderator	Elected	Overseen by Elected Board
Littleton	Assessors, Health, Cemetery, Housing Authority, Light Dept, Library, Parks and Rec, School, Planning, SB, Town Clerk, Town Moderator, Water	Appointed by SB/Moderator	Overseen by TA
Lunenburg	Moderator, Select Board, Sewer Commissioner, BOH, Assessor, School Committee, Park Commissioner, Cemetery Commissioner, Library Trustee, Planning Board, Housing Authority	1 member of Select Board, 1 member of school committee & Town Moderator	Unknown
Pepperell	Assessor, Board of Health, Library Trustees, Planning Board, Public Works, Recreation Commission, Board of Selectmen, School Committee	Appointed by SB	Overseen by Elected Board
Princeton	Moderator, Trustees of Trust Funds, Planning Board, Municipal Light, Board of Assessors & Board of Trustees	Appointed by Select Board	Overseen by TA
Rowley	Board of Selectmen, Assessors, Planning Board, Cemetery Commission, Shellfish Commission, Constable, Housing Authority, Municipal Light Board, Municipal Water Board, Library Trustees, School Committee	Appointed by Select Board	Overseen by TA
Rutland	Moderator, Assessor, Town Clerk, Library Trustees, School Committee, Planning Board, Board of Health, Select Board	Appointed by Moderator	SB acts as the Board of Public Works
Shirley	Board of Assessors, Board of Health, Constable, Library Trustee, Moderator, Planning Board, Recreation Commission, School Committee, Sewer Commission, War Memorial Trustee	Appointed by Moderator	Unknown
Sterling	Select Board, Board of Health, Board of Public Works, Finance, School Committee, Planning Board, Library Trustees, Town Moderator, Assessors, Constables, Housing Authority, Light Board	Appointed by SB, FinCom, Moderator	Overseen by DPW Board only
Stow	Select Board, Board of Assessors, Board of Health, School Committee, Stow Housing Committee, Library Trustee, Planning Board, Moderator, Highway Superintendent	Appointed by Moderator	Overseen by TA
West Boylston	Moderator, Select Board, School Committee, Cemetery Trustees, Library Trustees, Planning Board, Municipal Light Board, Housing Authority & Water Commissioners	Appointed by Select Board	Appointed by Town Administrator
Westminster	Board of Selectmen, Board of Health, Assessor, Library Trustees, Park Commissioner, Planning Board, Housing Authority, Constable, Cemetery Commission, School Committee,	N/A	Board is appointed by SB

APPENDIX F: Survey Questions

1. How many years have you lived in Lancaster?
2. What is your current age?
3. Are you the parent or guardian of a school-age child(ren) living in Lancaster?
4. As a parent/guardian of a Lancaster student, which school category best describes your child(ren)'s enrollment?
5. Do you currently serve, or have you ever served, on an appointed or elected Lancaster Board, Committee or Commission?
6. If YES, select all Boards/Committees which you have served with.
7. Lancaster has an Open Town Meeting form of government. By statute, this requires that participants be present in person in order to cast their votes relative to Town business. Do you believe such limitations are appropriate for Lancaster?
8. Do you regularly attend Town Meeting(s)?
9. Do you regularly vote in the Town's Annual Election, typically held in May each year, where residents cast their votes to elect residents to certain Town Board and Committees ?
10. The Select Board (SB) is currently made up of three (3) members. Communities with a SB/Town Meeting Form of Government have the ability to elect a three (3) member, five (5) member or seven (7) member Board. What do you believe to be the most advantageous number of SB members for Lancaster?
11. Lancaster's Board of Health (BOH) members are elected. Do you believe this is in the best interest of Lancaster or should BOH members be appointed by the Select Board?
12. Lancaster's Finance Committee members are elected. Do you believe this is in the best interest of Lancaster or should Finance Committee members be appointed by the Moderator, Select Board or another appointing authority?
13. Lancaster's Library Trustees are elected. Do you believe this is in the best interest of Lancaster or should Trustees be appointed by the Select Board?
14. Lancaster's Planning Board members are elected. Do you believe this is in the best interest of Lancaster or should Planning Board members be appointed by the Select Board?
15. Lancaster's Public Works Committee members are elected. Do you believe this is in the best interest of Lancaster or should Public Works Committee members be appointed by the Select Board?
16. Lancaster's Conservation Commission members are appointed. Do you believe this is in the best interest of Lancaster or should Conservation members be elected by the Town Residents?

17. Lancaster's Zoning Board of Appeals (ZBA) members are appointed. Do you believe this is in the best interest of Lancaster or should ZBA members be elected by the Town Residents?
18. Do you believe it to be in the best interest of Lancaster to require that all Board, Committee and Commission members be current residents of Lancaster?
19. Lancaster currently utilizes a Town Code which is a compilation of several MA General Laws, Ordinances and Bylaws that are bound together in a large text, by chapter and subject matter, and added to/amended as needed by an ECode service through the State. The Codes are used and consulted when determining Lancaster operations and within what legal parameters or guidelines the Town may, or should, operate. The ECode Book is maintained and amended by an outside firm and is updated as bylaws and MGL's change. Some communities choose to have a Municipal Charter as the governing document which establishes the municipality's form of government, elected and administrative officials, and municipal elections and Town boundaries. Charters outline how the government is organized and handles public services. It also outlines the the means and models by which the Town handles its financial matters, such as the power to tax and to incur debt or bond. A Charter contains information regarding Town boards, commissions and committees. While a Charter 'sets the stage' for how Towns operate, specific details and parameters are subsequently outlined by Town policies, bylaws and resolutions which are not part of the charter, but are incorporated into the operational and management guides for the Town. These may be amended at Town Meeting or by the Town Regulatory authorities similar to the Codes. Given the background above, although limited, do you believe Lancaster is best served through its current Town Code or should the Town seek to draft and enact a formal Town Charter?
20. How do you generally receive information about the Town Lancaster and its Government Operations?
21. Do you have any topic suggestions which you believe the Government Study Committee should discuss or investigate?

APPENDIX G: Massachusetts Department Of Correction Weekly Inmate Count Report September 18, 2023

Massachusetts Department of Correction Weekly Count Sheet

DATE : September 18, 2023

		OPERATIONAL CAPACITY ¹	INMATES IN GENERAL POPULATION BEDS ²	OPERATIONAL OCCUPANCY ³		INMATES IN SUPPORT BEDS ⁴	TOTAL FACILITY OCCUPANCY
MAXIMUM	MCI CEDAR JUNCTION @ WALPOLE	619	0	0%	-	-	-
	SOUZA - BARANOWSKI CORRECTIONAL CENTER	1,444	937	65%	137	1,074	1,074
	SUB-TOTAL MAXIMUM	2,063	937	45%	137	1,074	1,074
MEDIUM	MASSACHUSETTS TREATMENT CENTER	680	487	72%	7	494	494
	MCI CEDAR JUNCTION @ WALPOLE	72	0	0%	-	-	-
	MCI CONCORD	614	303	49%	66	369	369
	MCI FRAMINGHAM	469	166	35%	28	194	194
	MCI NORFOLK	1,367	1,135	83%	26	1,161	1,161
	MCI SHIRLEY	1,034	753	73%	66	819	819
	NCCI GARDNER	959	707	74%	8	715	715
	OLD COLONY CORRECTIONAL CENTER	658	391	59%	44	435	435
	SHATTUCK CORRECTIONAL UNIT (S4)	29	14	48%	0	14	14
	STATE HOSPITAL @ BRIDGEWATER	372	258	69%	-	258	258
SUB-TOTAL MEDIUM	6,254	4,214	67%	245	4,459	4,459	
MINIMUM	MASAC @ PLYMOUTH	251	81	32%	-	81	81
	NCCI GARDNER (Minimum)	30	0	0%	-	-	-
	OCCC (Minimum)	160	64	40%	-	64	64
	SUB-TOTAL MINIMUM	441	145	33%	-	145	145
MINIMUM/ PRE-RELEASE	BOSTON PRE-RELEASE	200	31	16%	-	31	31
	NECC @ CONCORD	277	188	68%	-	188	188
	PONDBVILLE CORRECTIONAL CENTER	204	111	54%	-	111	111
	SUB-TOTAL MINIMUM/PRE-RELEASE	681	330	48%	-	330	330
DOC FACILITIES							
TOTAL CUSTODY POPULATION		9,439	5,626	60%	382	6,008	6,008
NON-DOC FACILITIES	DOC inmates in County Houses of Correction	n.a.	63	n.a.			
	DOC inmates in DYS	n.a.	1	n.a.			
	DOC inmates in Federal Custody	n.a.	8	n.a.			
	DOC inmates in Interstates	n.a.	67	n.a.			
	Massachusetts Department of Corrections Electronic Monitoring Program	n.a.	6	n.a.			
	SUB-TOTAL DOC INMATES IN NON-DOC FACILITIES	n.a.	145	n.a.			
TOTAL JURISDICTION POPULATION		n.a.	6,153	n.a.			

¹Operational capacity, according to the Association of State Correctional Administrators (ASCA), is the number of beds authorized for safe and efficient operation of the facility. It does not include beds reserved for discipline, investigations, infirmary or other temporary holds for special purposes.

²Inmates in general population beds represent inmates housed in units designated to be part of the operational capacity.

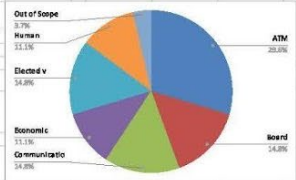
³The operational occupancy is based on facility occupancy and does not include those housed in support beds.

⁴Inmates in support beds represent inmates housed in units dedicated to housing for special purposes.

⁵The Massachusetts Department of Correction has temporarily suspended the operations of housing units that hold minimum-security and pre-release inmates at MCI-Shirley and South Middlesex Correctional Center.

APPENDIX H: Analysis of Open-Ended Survey Questions

Open Ended Responses from GSC Survey, Categorized and Quantified by Emily Taylor 12.4.23			Total Comments						
Category	General		39						
ATM Organization	more organized town meetings		ATM						
ATM Organization	I would suggest that the GSA consider elected town meeting members.		Organization						
ATM Organization	It's very hard for those with children to attend meetings/votes that go late into the night. This makes women's representation limited and that is an issue. We should be able to vote in an individual way.		Board						
ATM Organization	I believe all significant changes to the town governance, planning, etc. as well as all elections, should be held via zoom/ online as well as in person to allow for the majority of town residents to participate. E-mail/online voting will also be an efficient and quick way to count the votes, and phone numbers could be matched to house numbers/last names either in advance or as part of the voting process to prevent fraud.		Governor						
ATM Organization	My primary issue with the current setup is voting, requiring people to sit through comments to vote in person is archaic and doesn't meet the needs to today.		Communication						
ATM Organization	Review whether or not the Town Meeting legislative format - with only about 4% attending for most town meetings - an effective way to decide key issues for a voter base of over 5000. Consider a "Representative Town Meeting" where elected Rep. - who are hopefully more informed than many voters - would meaningfully debate an issue before someone gets frustrated a "Call the Question", thus ending discussion. Also, see what can be done to increase voter turnout. The fact that only about 17% came out to vote for the NHS proposal - which will cost Lancaster \$10.8M - seems a bad example of democracy when so many people don't come out to vote. Also, the 2024 Annual town election, where only 22% came out to vote - and only 30 more voters came out to vote when the Override was on the ballot indicates many people don't care enough to come out to vote. Consider what can be done to improve this. Also, consider how to get info out so that voters can and do make informed decisions.		Economic Development						
ATM Organization	How to make town meeting and special votes more accessible, I miss many because of work.		Director v Appointed						
ATM Organization	We need to investigate ways to get more people to vote, such as mail in ballots for all special town meetings. For the last one, I was out of the country. In the modern world people travels a lot more. We can't be here to vote. We need a way to vote when we aren't in town.		Human Resources						
Board Governance	the sham of a ZBA making sure they are appointed by swapping the terms around for each other, which allows current members to take the expired members new terms and then giving the balance of the current members term to new members. BOS is more of a, I here and see nothing and will not listen to public comment, this is not a satisfactory way to run a town. Input, good or bad should be heard.		Out of Scope						
Board Governance	How to address and handle committee/board members being rude and disrespectful to other committee/board members.		Out of Scope						
Board Governance	Trust transparency, volunteers on boards/committees are vital to having the residents concerns addressed Fiscal manager/.		Human						
Board Governance	How does the Town insure that officials or other employees act in accordance with Town bylaws and permits? We know the regulations when regulations are not followed. There is no coordination or "checking" when this occurs.		Elected v Appointed						
Charter	I do not support a Municipal Charter because I do not believe the Town has the resources to implement this well. The Town does not implement well the existing Town Code and implementing something completely new will be much more difficult. With too great a frequency meeting Town Code is incrementally or incrementally implemented. This leads to dashed citizen expectations, lack of trust in local government, and divisiveness within the community. There is little indication these problems are improving.		Economic						
Communication	improve communication, improve the website		Communication						
Communication	with the density of newspapers and the common mill and conspiracy theory driven post on social media, it would serve the town well to find ways to enhance communication with residents so that accurate and informative information is conveyed. For example, I moved here two years ago and only learned about the new high school after living here for about 1.5 years and consider myself reasonably well informed.		Out of Scope						
Communication	Putting out information more effectively.		Human						
Communication	finding ways to foster better communication between town government leaders and town residents. Things like web sites are too passive, who thinks to go visit a web site. Social media works for some people, but not for others. What other options are there?		Elected v Appointed						
Economic Development	Bringing more true revenue to the town. Taxes are too high.		Communication						
Economic Development	Do we really need a finance committee? During the last number of town meetings, including the school vote, the finance committee felt as if under an opinion on financial decisions, or did so very late (presumably prior to the meeting) such that residents were not informed. Also, this committee has failed to share up Lancaster's finances and seems to just keep spending our money looking for overides, and trying to get any kind of development in, even dirty development like trucking, to pay the bills. Eliminate the Finance and end an economic development committee to drive strategic business growth in town rather than settling for bottom of the barrel stuff that will run our town. We voted this in in 2022 and the BS needs to seat this committee.		Board						
Economic Development	Town planner who indicates contacts with only appropriate businesses for the town, not warehouse!		Out of Scope						
Elected v Appointed	financial auditing should be done by non employees		Human						
Elected v Appointed	Make ZBA elected or more accountable		Elected v Appointed						
Elected v Appointed	In the FY24 election, for School Board (an important board), the actual winner with the most votes was "none of the above" (people left their ballot blank). Also, for Finance Committee, another important Committee, the most votes for the 2nd available position were cast for blank, "none of the above". See what can be done to educate voters so they do choose all the representatives, not just the one person they are familiar with for that board.		Board						
Elected v Appointed	The committee should consider making appointed boards (eg ZBA and Conservation) elected boards.		Out of Scope						
Human Resources	How does the Town insure that officials or other employees act in accordance with Town bylaws and permits? We know the regulations when regulations are not followed. There is no coordination or "checking" when this occurs.		Human Resources						
Out of scope	Free trash pickup		Out of scope						
Out of scope	I have concerns that the survey is asking for opinions on preferences without laying out the merits/trade off of each option set... This can lead to confirmation bias and uniformed "data". Also how are we ensuring that the survey represents resident positions?		Public Safety						
Out of scope	I have a list of topics that I feel need to be addressed, but not by the current study committee members who appear to have let their governing responsibilities go to their head.		Public Safety						
Public Safety	would like the town to look at stronger regulation of off road vehicles		Public Safety						
Public Safety	Yes, there should be town laws governing motorized vehicles such as dirt bikes, quads, etc that are used on private property and conservation land. They are noisy, pollute the air and destroy conservation land.		Public Safety						
Public Safety	heavy trucking on Harvard Rd needs to be addressed. I moved here in 2004, we had 4 to 5 trucks a day running 4 days a week, starting about 8am. Now we have 15-18 trucks a day running 2-5 days a week - some coming in at 6:59am. Last week I was walking all day in my yard - a truck went past my house every 10 minutes - most of them were 18 wheelers and 55 foot box trucks. Last October - for the first time ever - I saw the Lancaster road crew spend a whole day pitching up our street. The edges were torn up and covered in from the overweight trucks. The street is turning into a commercial road - no one seems to care. I, and a few of my neighbors run businesses - but we cannot hang signs or grow past a certain point because we are only zoned for "small home business". Why are I being held to a small home business, while the farm at the end of our drive has used their agricultural status to create a huge commercial venture that has blown up the neighborhood? The town needs to make these rules fair and equitable - either we are ALL in a commercial zone or we are not.		Reporting Structure						
Reporting Structure	OPW should be under the town manager, it's an "it" show over there. Central		Resident Engagement						
Resident Engagement	Should we have open forums or surveys on what people feel should be the best future direction of the town? It's no secret that recent events have been very divisive and acrimonious.		Select Board Size						
Select Board Size	select board - more views can be represented		Select Board Size						
Select Board Size	Definitely increase the Select Board to 5!		Standing Q1/Q2						
Standing Q1/Q2	discuss having an advisory board (appointed) discuss representative TM - have meetings with chairs of other boards/committees to update progress, "health" of those boards, ensure town boards have healthy debate and are working together towards common goals		Taxes						
Taxes	Assessment of all property and limitation of the non-profit properties that are not taxed.		Taxes						
Taxes	yes, I believe the taxes for seniors should be lower for those as they have no children attending school.		Taxes						
Taxes	keeping our taxes from constantly increasing, when we have available funds that some committee members do not want to spend! Many people in Lancaster cannot afford to pay these ever increasing taxes and I fear many of them will sell their homes and move to more affordable towns or states.		Taxes						
Taxes	adopt a town philosophy: DO NOT SPEND WHAT YOU DO NOT HAVE! Stop dealing from some voters to pay for nice ideas others voters desire. Theft is when permission is not given with no intent to return the item. We will have an over taxation revisit soon. Good old Boston Tea Party brought to Lancaster by way of new media. Financial responsibility is a major issue for Regional School.		Taxes						



APPENDIX I: DLS REPORT



Geoffrey E. Snyder
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

September 18, 2023

Select Board
Prescott Building
701 Main Street
Lancaster, MA 01523

Dear Board Members:

I am pleased to present the enclosed Financial Management Review Update for the Town of Lancaster. It is my hope that our guidance provides direction and serves as a resource for local officials as we work together to build better government for our citizens.

If you have any questions regarding the report, please contact Zack Blake, Financial Management Resource Bureau Chief, at (617) 626-2358 or blakez@dor.state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean R. Cronin', is written over a light blue horizontal line.

Sean R. Cronin
Senior Deputy Commissioner

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INTRODUCTION

At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster's implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services' Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).

Lancaster is a small, Worcester County community of 8,455 residents. Lancaster has historically been a rural community with significant agricultural interests, supported most recently by town meeting passing a bylaw designating it a right to farm community in 2009. The town's nature has made it attractive to a number of tax-exempt organizations, such as a small private college and several religious organizations. Furthermore, the state and federal government own a significant portion of the total land in Lancaster, which leaves approximately half of Lancaster's land tax-exempt and not producing revenue for the town. Lancaster is also a member of the Nashoba Regional School District and the Minuteman High School.

In 1999, DLS was invited by the select board to perform a Financial Management Review. The report's main findings centered around a few broad financial and organizational issues. At that time Lancaster had a history of insufficient planning for financial reserves, leading to negative free cash certifications in prior years. There were also significant capital projects on the horizon, highlighting the need for a robust capital planning and budget process. The town's general organizational structure was described as decentralized, with siloed departments operating without active collaboration or strategic planning. In addition, the town accountant was a part-time position not available during regular business hours, further handicapping Lancaster's day-to-day financial analysis and planning capability. The town's horizontal structure and loosely defined lines of accountability left it underequipped to deal with its financial challenges.

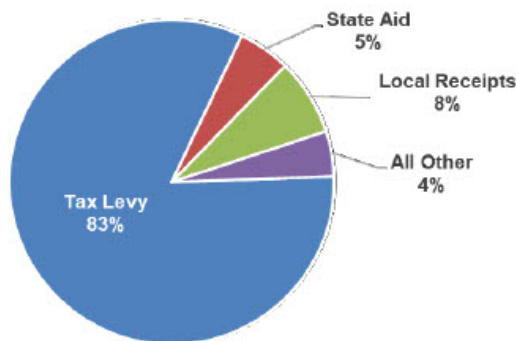
In 2023, Lancaster is on better footing than it was two decades ago, although some issues remain. With regard to reserves, the town has reversed its previous position and has maintained healthy amounts of free cash and stabilization fund balances since FY2013, and has been maintaining a capital stabilization fund since FY2017. While the town's official organizational structure is not radically different, a special act in 2002 established a full-time finance director/town accountant position, strengthening and partially centralizing financial operations. The select board and new town

administrator have sought to create a formal operating and capital budget process by consolidating budget preparation through the town administrator’s office. However, this has caused tension with the finance committee, which has historically handled significant portions of the budget process, despite bylaws outlining an advisory role for the committee. While we continue to recommend centralizing budget planning through a professional administrator or manager, Lancaster’s legacy of horizontal structure and uncodified processes has hindered meaningful changes. Recognizing these hurdles, the town has established a charter review committee tasked with evaluating charters with a formal budget process, including the roles and responsibilities of the select board, administrator, finance committee and other stakeholders.

Financial Overview

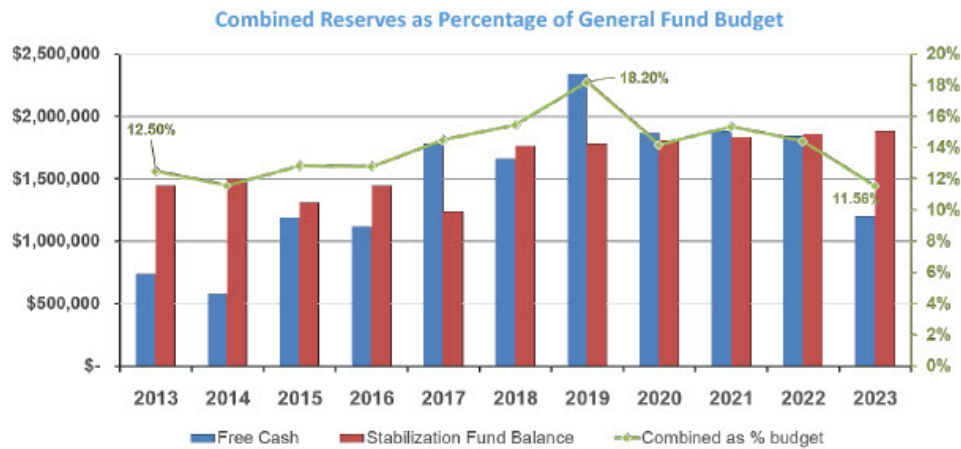
Lancaster’s FY2023 general fund budget was \$26.7M, not including a \$2.1M water enterprise fund and a \$145K renewable energy (solar) enterprise fund. The town has also adopted the Community Preservation Act (approved by the voters in 2022), with an estimated \$162K in revenues for FY2023. Lancaster’s general fund revenue sources are comprised primarily of the property tax levy at 83%, local receipts at 8%, state aid at 5%, and other miscellaneous receipts at 4%.

FY2023 Revenue Allocation



In FY2023 Lancaster had \$1.2M in certified free cash and \$1.9M in its general stabilization fund, for a combined \$3.1M in reserves, equivalent to 11.6% of its FY2023 general fund budget. Lancaster has maintained a strong reserves position for the past decade, with combined free cash and stabilization fund amounts never dipping below 11.56% of revenue. This is a significant improvement, with the 1999 FMR noting that Lancaster had a negative average free cash amount from FY1990 – FY1999. However, while the town’s reserve position is strong, free cash certifications have been in decline from a high point of 10.3% of budget in FY2019, down to 4.5% in FY2023. The town has often

appropriated free cash to fund non-recurring items in the operating budget, a practice we recommend against. However, the FY2023 budget included the use of free cash only for non-recurring capital items, a practice we encourage the town to continue in future fiscal years. The town's stabilization fund balance has fluctuated less, remaining between 7-8% of the general fund budget in the same time period. Lancaster has also maintained a capital stabilization fund since FY2017 with an FY2023 balance of \$279,377.



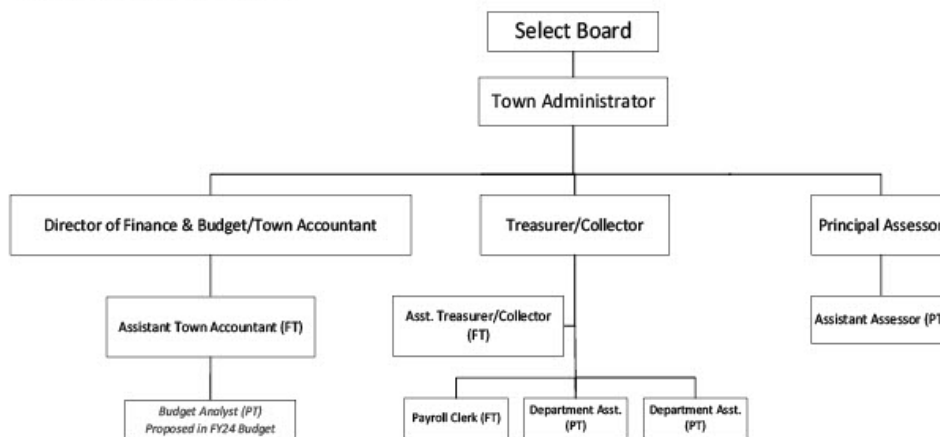
Fiscal Year	General Fund Budget	Free Cash	Free Cash as % of Budget	Stabilization Fund Balance	Stabilization Fund as % of Budget	Combined Reserves	Combined as % budget
2013	\$17,487,523	\$739,486	4.23%	\$1,447,148	8.28%	\$2,186,634	12.50%
2014	\$17,954,054	\$578,798	3.22%	\$1,499,761	8.35%	\$2,078,559	11.58%
2015	\$19,438,882	\$1,189,146	6.12%	\$1,308,979	6.73%	\$2,498,125	12.85%
2016	\$20,068,290	\$1,120,283	5.58%	\$1,447,939	7.22%	\$2,568,222	12.80%
2017	\$20,823,600	\$1,780,676	8.55%	\$1,240,572	5.96%	\$3,021,248	14.51%
2018	\$22,157,838	\$1,660,870	7.50%	\$1,764,778	7.96%	\$3,425,648	15.46%
2019	\$22,649,547	\$2,339,523	10.33%	\$1,781,770	7.87%	\$4,121,293	18.20%
2020	\$25,902,617	\$1,870,524	7.22%	\$1,805,280	6.97%	\$3,675,804	14.19%
2021	\$24,251,917	\$1,886,477	7.78%	\$1,834,620	7.56%	\$3,721,097	15.34%
2022	\$25,706,416	\$1,846,533	7.18%	\$1,862,234	7.24%	\$3,708,767	14.43%
2023	\$26,686,964	\$1,199,455	4.49%	\$1,884,255	7.06%	\$3,083,710	11.56%

Structural Overview

Lancaster operates with a three-member select board and an open town meeting form of government. A 2002 special act ("An Act Establishing a Department of Finance and Budget in the Town of Lancaster") created the position of finance director/town accountant who reports to the select board and supervises the accounting, treasurer/collector, and assessing offices. There is a five-

member, elected finance committee tasked with reviewing the budget and developing recommendations for town meeting, though the committee has served in a budget preparation role in the past. An elected Board of Public Works oversees the public works departments (highway and cemetery) and water enterprise fund, while the Lancaster Sewer District provides sewer service independent from town administration.

The roles of the select board and town administrator were laid out in a policies and procedures document adopted by the select board in July 2018 and codified under Chapter 304 Section 8 of town bylaws. These bylaws establish the select board as Lancaster’s primary policymaking body, explicitly stating that the board will refrain from engaging in day-to-day supervisory activity over town departments. This role is instead delegated to the town administrator as chief operating officer and finance director/town accountant with regard to financial management. This is in line with FMRB best practice, as a professional town administrator is in a better position to administer daily operations and implement the broad policy directives of the board, as well as representing a single point of accountability for town staff.



FTE Count: Financial Offices

Finance/ Budget/Accounting	Treasurer/Collector	Assessing	Total
2.5	4	2	8.5

The town’s administrative and financial management offices are relatively lean, like many small towns. A full-time executive assistant in the select board office manages clerical duties, various day-to-day tasks, and assists the board and town administrator in coordinating with other parties. The finance director also serves as the town accountant, and in that capacity supervises a full-time assistant town accountant. The FY2024 proposed budget includes funding for a part-time budget

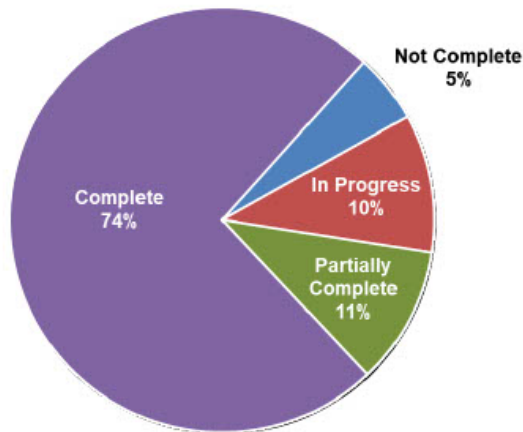
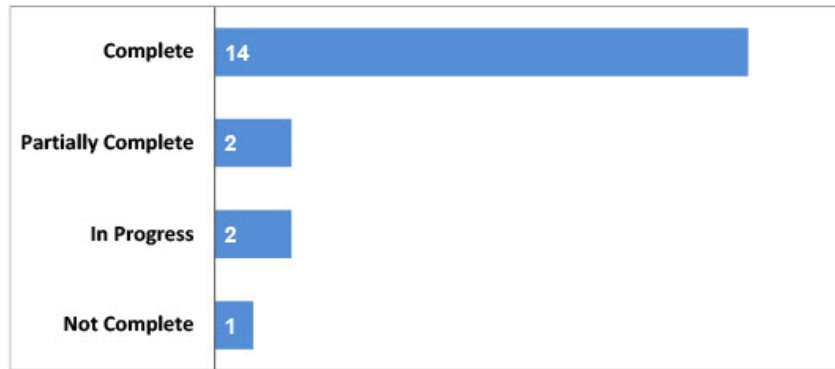
analyst to assist with budget preparation. Staffing in the treasurer/collector's office is comprised of the treasurer/collector, a full-time assistant treasurer/collector, a full-time payroll clerk, and two part-time department assistants. The assessing office consists of a full-time principal assessor and assistant assessor.

As previously mentioned, there has been tension around budget preparation responsibilities, underscoring the lack of codified roles and processes in town bylaws. Language in town bylaws and the 2002 special act identify broad authorities such as the finance director's duty to coordinate financial information and the finance committee's right to access budget materials. However, there is no codification of a detailed budget process, assignment of specific tasks and responsibilities, or milestones denoting phases of the budget process within the fiscal calendar. This absence of specificity continues to fuel conflict around budgetary control and responsibility between different town entities.

Despite the ambiguity of the bylaws, the town administrator took the initiative to start implementing a formal budget process this past budget cycle, culminating in a comprehensive budget document for FY2024. The document aligns with many DLS best practices regarding the budget process, including a budget message, breakdown of revenues and expenditures, town administrator recommendations, and departmental goals, objectives and narratives.

RECOMMENDATION STATUS SUMMARY

We are pleased to report that of the nineteen recommendations in Lancaster's 1999 Financial Management Review the town has completed fourteen, partially completed two, and is in the process of completing two, representing action taken on 95% of the issues raised with one recommendation (5%) waiting to be addressed. With a capable town administrator supported by the select board and leading a newly energized team of financial officers, we are confident in the town's ability to address its challenges. Please see the charts below for a general summary of implementation status. The following pages include a detailed discussion of each recommendation, the town's status in its implementation, and recommendations for next steps or enhancements (if applicable). Following the discussion of prior recommendations, we offer several new recommendations intended to build on the original report.



PRIOR RECOMMENDATIONS

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
1	Coordinating Financial Management	Partially Complete	<p>This recommendation addressed the need for more clearly defined lines of authority and responsibility with regard to the budget process.</p> <p>The new town administrator has taken a lead role in budget preparation and has been working to formalize the process with departments. She holds staff meetings weekly and discusses budgets one-on-one with department heads to refine their budget submission and align it with town needs. This is comprised of an initial submission where she provides feedback, resulting in a revised budget submission. The final budget document includes columns for initial departmental requests and the town administrator recommendation.</p> <p>Ultimately, a budget bylaw or a town charter definitively laying out budget roles, responsibilities, and authority will ensure accountability in the budget process and town operations.</p>	<p>Ultimately the town should adopt a budget process with the following components:</p> <ul style="list-style-type: none"> • Broad town-wide goals developed by the select board and administrator and translated to both general and departmental level spending targets. • A financial forecast (see the Forecasting policy in the FMRB policy manual) developed by the town administrator and the accountant. • Formal budget submissions: department heads should submit budget requests to the town administrator, who will review them against budget parameters and make changes. • Joint meetings of the select board and finance committee to discuss the forecast, departmental budgets, resolve budget questions, and build consensus among stakeholders prior to town meeting. • A parallel capital planning process that includes standardized submissions to the town administrator with specific review criteria to determine which projects become part of that year's capital budget. • A process for monitoring year-to-date expenditures to ensure they are in line with appropriations and revenue collections

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
2	Hold Joint Meetings with Select Board and Finance Committee	Complete	In October 2022 the select board and finance committee met jointly in the form of a "budget summit" to discuss the budget development process and build consensus around the community's fiscal condition, spending goals, and available revenue. This was followed up with a joint meeting in December on capital planning and another summit to finalize the operating budget in February 2023.	We recommend building off the progress established this budget cycle and making joint board meeting "summits" a permanent addition to the budget process. Future summits should be integrated with the various milestones of the budget process, including the completion of the initial operating budget based on departmental submissions, revenue projections, and potential changes in the budget due to revised revenue projections later in the fiscal year.
3	Establish Financial Reserves Policy	In Progress	The town does not have a formally adopted reserves policy, but the finance director and town administrator have begun discussions on drafting one. With regard to the Finance Committee Reserve Fund, the town is developing a request form as well as a standardized procedure that we recommend be integrated into the reserves policy.	We encourage the town to adopt a formal financial reserves policy as a part of a comprehensive financial policies manual. The reserve policy should identify the town's financial reserves (such as free cash, stabilization fund, other/specialized stabilization funds) and designate appropriate use cases for each reserve. It should also include a target balance for each fund, expressed as a percentage of the annual budget. Examples of a financial policies manual can be found on the DLS website.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
4	<p>Establish Capital Planning Committee, Create Annual Capital Budget and Revenue and Expenditure Forecast</p>	<p>In Progress</p>	<p>The original recommendation attempted to address the need for a clear and defined capital planning process. To accomplish this, the town administrator has created a capital asset inventory to form the basis of capital planning for the town. She has also developed a capital outlay submission form for departments to complete when requesting capital items and has integrated it into the capital planning process alongside the operating budget process. In addition, departments also complete an inventory form to send back to the town administrator, who uses it to update the asset inventory.</p> <p>The town has not established a capital planning committee. However, with the town administrator taking the lead, a capital planning committee may not be necessary to administer the process. Instead, such a committee may benefit the town as an advisory body evaluating and ranking project submissions in a report.</p> <p>The finance director has been annually updating a five-year forecast using DLS' forecast template since 2015. She sends the forecast to the town administrator, select board, and finance committee. Since FY2017 the town has maintained a capital stabilization fund, which can serve as a dedicated source of capital project funding.</p>	<p>We recommend that the town administrator, along with the select board and finance committee, continue to refine the capital planning process.</p> <p>An effective capital budgeting process should include the following components:</p> <ul style="list-style-type: none"> • Clear definition of capital project with dollar and useful life threshold. • Capital asset inventory. • Formal submission process for departmental projects with standardized submission documents that parallels the operating budget process. • Submission review process with standardized criteria and a scoring system. • Five-year capital plan with a basis in town's financial forecast. • Clear method for capital funding. <p>Regarding the forecast, we recommend integrating it more fully into the annual budget process by making it the subject of one more budget submits, both for presenting the initial forecast and an updated version.</p> <p>Additionally, the town should include prospective uses of the Community Preservation Fund (as well as the Community Preservation Committee) in the annual capital process, educating department heads with regard to allowable uses and coordinating with town's community preservation committee.</p>
5	<p>Streamline Posting of Financial Information</p>	<p>Complete</p>	<p>The treasurer/collector posts receipts to VADAR, the town's financial software, daily. Payments are batched together and posted at the end of the day. There is a terminal at the counter for payment and residents can also pay online via InvoiceCloud or a drop box at the front of the building (one for town receipts and the other for the sewer district). The town has a lockbox service with Eastern Bank, which they post to town accounts after confirming availability of funds, and a check scanner for deposits.</p>	

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
6	Resolve Data Incongruencies with Water Collection System	Complete	<p>The original recommendation addressed a problem where the water department and the treasurer/collector were using different versions of accounting and billing software, leading to the need for the treasurer/collector to carry a diskette to the water department to update payment information in person.</p> <p>The treasurer/collector is also a town collector and collects and maintains receivable controls for all town receipts, including water. This is done at the counter, through the drop box, or online using InvoiceCloud and is ultimately accounted for in VADAR. Since VADAR is entirely cloud-based, and since the treasurer/collector collects the receipts, the opportunity for the data incongruencies noted above does not exist.</p>	
7	Be Ready for Y2K Transition	Complete	<p>The original report was completed in 1999, so this recommendation was intended to ensure that the town entered the new millennium without disruption to its operations. Following the report, town administration took the necessary steps to ensure that municipal computer systems converted to the new year without issue.</p>	
8	Automate Sewer Collection System	Not Complete	<p>The sewer district operates independently from the town, with a written agreement governing their relationship. Town officials have no say in how the district conducts business.</p>	
9	Establish Regular Office Hours for Town Accountant	Complete	<p>The finance director/town accountant established in the 2002 special act has been a full-time member of the financial management team since 2006. Department heads report good teamwork, and the finance director meets regularly (often daily) with other financial officers to discuss any issues and stay on top of collective tasks.</p>	
10	Monthly Revenue Reports by Town Accountant	Complete	<p>The finance director/town accountant reports that she has been producing monthly YTD revenue/expenditure reports for at least the past decade. Reports are sent to departments and to the town administrator and include a form that departments must sign acknowledging the stated balance and report any variances or potential overruns/shortfalls.</p>	

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
11	Reconciliation Procedures for Town Accountant and Treasurer/Collector	Complete	The finance director/town accountant and the treasurer/collector have a standing practice of meeting at least monthly to reconcile their books. The treasurer/collector keeps monthly control books for all receipts in Excel, which she ties to the VADAR control accounts, making an annotation that they are balanced. The accountant then runs a receivable report for the month and compares it to the treasurer/collector reports and the two research any variances, which are often resolved quickly due to the level of line-item details. With regard to cash reconciliation, the treasurer/collector keeps a cashbook in Excel. She exports cash accounts from VADAR into Excel and then compares them to her cashbook and combines them into one spreadsheet. They are in process of developing a written version of this procedure.	As part of a financial policies manual, adopt a reconciliations policy that designates specific frequencies for reconciling all applicable receipts and laying out the necessary procedures, parties, and documents.
12	Water Department Should Use Town Accountant	Complete	At the time of the FMR the water department had engaged the services of a third-party accounting firm for their bookkeeping. This resulted in instances where the consultant determined a surplus where there had in fact been a deficit. Since then, the water department no longer contracts with an outside accounting firm and relies on the finance director/town accountant.	
13	Ensure Regular Inspections of All Sales Properties	Complete	Presently, the assessing department hires out data collection, sales analysis, cost tables and abatement work to RRG. However, the principal assessor will soon take on the bulk of the data collection work, opting for third-party help during revaluation years. The principal assessor currently performs building and permit inspections, sometimes bringing her assistant.	
14	Create a Sales Survey for New Owners	Complete	The assessing department has developed a detailed sales survey that the principal assessor sends to each new owner. The survey includes questions on any special terms, the type of sale, type of property, HOA/condo fees, second home status, transfer of included personal property, various interior details including heating type and rooms, and accessory structures. Residents have the option to return the survey via mail or to scan and email their reply to the assessing department.	Consider making the sales survey available on the assessors' website, either via a downloadable PDF or interactive form. This may help increase response rate by reducing the effort needed for a resident to respond.
15	Board of Assessor Should Receive Computer Training	Complete	At the time of the FMR, the board of assessors had a greater role in the day-to-day functioning of the assessing department, leading to the recommendation that they be trained in the CAMA system. However, now the department is run by a professional principal assessor and an assistant, who are both trained and able to use the present CAMA system by Tyler, IASWorld.	

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
16	Create a Part-time Assistant Assessor Position	Complete	The current structure of the assessing department (full-time principal assessor and assistant) fulfills this recommendation.	
17	Encourage Taxpayer Use of Lockbox Service and Expand to Water/Sewer	Complete	There is a secure drop box slot available in the front of town hall for all town receipts, including water. Next to it, there is a separate slot for sewer bills. Information on how to pay (online, by mail, and via the lockbox) is also included on the treasurer/collector's website.	
18	Turn Over All Cash and Payments to Treasurer Upon Receipt	Complete	According to Lancaster's receipts policy (approved by the select board in 2019), receipts of less than \$500 must be turned over to the treasurer/collector within two business days, and receipts over \$500 must be turned over daily. The receipts policy has thirteen detailed steps on how departments must handle receipts, including a turnover process that involves separate, color-coded copies of the turnover sheet for the accountant, treasurer/collector, and department.	
19	Reconcile Monthly With Accountant and Water/Sewer Staff	Partially Complete	The treasurer collects water receipts, so this is part of the monthly reconciliation with the accountant. However, the town has no access to sewer district books and will likely need a revision of the agreement between the town and the district for regular reconciliations to take place.	

NEW RECOMMENDATIONS

Consider Key Structural Changes Through the Government Study Committee

Lancaster's town meeting authorized a government study committee in May 2022, citing the changing scope over government operations and the increased complexity of challenges facing local officials. The committee's stated mission is to perform a comprehensive review of Lancaster's form of government, structure, and operational methods and make recommendations for the town to better meet modern challenges. We recommend that the committee evaluate the following changes:

Comprehensive Bylaw Review/Town Charter

Either through the committee as a whole or a subcommittee, review the town's bylaws for recommendations to keep, amend, or delete (such as bylaws that are outdated, no longer applicable, or contradictory), or propose new bylaws for adoption. One point of focus should be ensuring that the bylaws outline responsibilities regarding budget preparation and clearly define the roles of the select board, town administrator, finance director, and finance committee.

In its review, the committee may recommend codifying the budget process through a town charter rather than town bylaws. An effective charter will document the town's structure, list all appointed and elected positions, boards, committees, and clearly define duties, responsibilities, and lines of accountability, while granting town officers the authority they need to fulfill their stated roles.

Increase Select Board Membership to Five

We recommend considering an increase of select board membership from three to five members. Two more members may allow discussion and deliberations to continue past where a three-member board could find itself deadlocked. Additionally, this would aid in the formation of subcommittees and liaising with other boards and committees, expanding communication with a reduced risk to open meeting law violations.

Eliminate the Board of Public Works

Having the DPW report to a separate, elected board siloes the department from town administration and decentralizes lines of communication and management. Integrating the department into town operations under the direction of the town administrator will foster stronger collaboration between

department officials and the select board and town administration. Residents will also benefit from streamlined communication and processes between DPW and other town departments.

Convert To an Appointed Finance Committee

In many towns, the finance committee is appointed by the town moderator, or by another town body such as a select board. Selecting committee members by appointment can ensure enough members to consistently maintain a quorum and avoid long periods of vacancy between elections, especially in cases where local civic engagement is lower than ideal. Having members subject to appointment rather than popular vote can also support stronger financial expertise on the committee.

Revisit the Agreement with the Lancaster Sewer District

We recommend the select board approach the Lancaster Sewer District to consider revising the agreement between the town and district. At present, there is little to no cooperation other than the placing of a drop box for sewer bills in town hall. The finance director reports that the district's books are not open to her and the opportunity for the town to assist in accounting, reconciliation, or provide material support through collaboration is extremely limited. Discussions of a new agreement should center on an efficient billing and payment system that is easily understood and navigated by the ratepayer.

Plan for Succession in Finance Departments

We recommend that Lancaster plan for the eventual succession of its financial department heads. Under the direction of the town administrator, current department heads should review how personnel complete core tasks and how well these align with job descriptions. With this information, departments can take the following key steps:

- Develop procedure manuals with step-by-step instructions, prioritizing the most critical tasks. The town should reach out to vendors for training and support materials if use of proprietary software (such as VADAR) is key to fulfilling an employee's job duties.
- Confer with peer communities regarding departmental operating structure and their experience hiring and retaining qualified candidates.
- Research the viability of regional agreements or outsourcing for certain services, as appropriate.

ACKNOWLEDGEMENTS

In preparing this Review, DLS spoke with the following individuals:

<u>Name</u>	<u>Position</u>
Stephen J. Kerrigan	Select Board Chair
Richard S. Trussell	Finance Committee Chair
Kate Hodges	Town Administrator
Cheryl Gariepy	Finance Director/Town Accountant
Mary Frost	Treasurer/Collector
Bobbi-Jo Williams	Principal Assessor