

TOWN OF LANCASTER

MASSACHUSETTS



ANNUAL REPORT

OF

OFFICERS & COMMITTEES

**Section 2**

2004

**COMMONWEALTH OF MASSACHUSETTS**

WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

**WARRANT FOR PRESIDENTIAL PRIMARY**

SS.

To either of the Constables of the Town of Lancaster

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

Precinct 1 and 2

Town Hall, 695 Main Street

On **TUESDAY, THE SECOND DAY OF MARCH, 2004**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE ..... FOR THIS COMMONWEALTH  
STATE COMMITTEE MAN .....WORCESTER & MIDDLESEX DISTRICT  
STATE COMMITTEE WOMAN .....WORCESTER & MIDDLESEX DISTRICT  
TOWN COMMITTEE .....TOWN OF LANCASTER

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 23<sup>rd</sup> day of February, 2004.

\_\_\_\_\_ Steven A. Hilliger, Chairman

\_\_\_\_\_ Joanne C. Foster

\_\_\_\_\_ Alexandra W. Turner

Selectmen of: Lancaster

Posting  
(Indicate method of service of warrant.)

\_\_\_\_\_ February 23, 2004  
Constable (month and day)

Warrant must be posted by **February 24, 2004**, (at least seven days prior to the **March 2, 2004**, Presidential Preference Primary).

**PRESIDENTIAL PRIMARY**

March 2, 2004

The polls were opened at 7 a.m. by Warden Rita Ford. Serving at the polls were Inspectors Thomas Morris, Ruth Browchuck, Norma McCarty, Frank MacGrory, Helen MacBrayne, Joan Mitchell, Marilyn Chambers, Carolyn Stump, Warden Chester L. Locke, Assistant Warden Jeanne Rich and Clerks Susan Polansky and Kathleen Suits.

## DEMOCRATIC PARTY

<b>PRESIDENTIAL PREFERENCE</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Richard Gephardt	1	0	1
Joseph Lieberman	1	2	3
Wesley K. Clark	0	0	0
Howard Dean	4	6	10
Carol Moseley Braun	1	0	1
John Edwards	41	52	93
Dennis J. Kucinich	6	8	14
John F. Kerry	139	164	303
Lyndon H. Larouche, Jr.	0	0	0
Al Sharpton	3	2	5
Write In Ralph Nader	0	2	2
All Others	0	1	1
No Preference	0	0	0
Blanks	1	0	1
<b>TOTAL VOTES CAST</b>	<b>197</b>	<b>237</b>	<b>434</b>
<b>STATE COMMITTEE MAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Harold P. Naughton, Jr.	142	182	324
All Others	4	2	6
Blanks	51	53	104
<b>TOTAL VOTES CAST</b>	<b>197</b>	<b>237</b>	<b>434</b>
<b>STATE COMMITTEE WOMAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Mary H. Whitney	141	174	315
All Others	2	1	3
Blanks	54	62	116
<b>TOTAL VOTES CAST</b>	<b>197</b>	<b>237</b>	<b>434</b>
<b>TOWN COMMITTEE</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Deborah Adams	26	10	36
Donald E. Adams	26	10	36
Louis C. Dinatale	25	11	36
Mark Finnerty	28	10	38
James J. Ford Jr.	31	11	42
Martha M Ford	32	12	44
Joanne C. Foster	31	10	41
Mary C. Garcia	26	10	36
Richard Garcia	25	10	35
Peter A. Garbus	25	10	35
Theresa L. Humphrey	23	10	33
Leonard J. Kelley	25	10	35
Thomas Kennedy	27	10	37
David McNally	31	10	41
Elizabeth M Narbonne	28	10	38

Mary B. Perreira	24	10	34
Timothy J. Smith	25	10	35
Kathleen Suits	27	11	38
Gail F. Sullivan	23	11	34
Harold Vanasse	27	11	38
Write In Claire Garrity	1	4	5
All Others	3	3	6
Blanks	3401	4526	7927
<b>TOTAL VOTES CAST</b>	<b>3940</b>	<b>4740</b>	<b>8680</b>

## REPUBLICAN PARTY

<b>PRESIDENTIAL PREFERENCE</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
George W. Bush	27	29	56
No Preference	2	3	5
All Others	1	2	3
Blanks	0	1	1
<b>TOTAL VOTES CAST</b>	<b>30</b>	<b>35</b>	<b>65</b>

<b>STATE COMMITTEE MAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Lance D. May	20	29	49
Write Ins	0	0	0
Blanks	10	6	16
<b>TOTAL VOTES CAST</b>	<b>30</b>	<b>35</b>	<b>65</b>

<b>STATE COMMITTEE WOMAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
No Nomination	0	0	0
Write Ins	4	5	9
Blanks	26	30	56
<b>TOTAL VOTES CAST</b>	<b>30</b>	<b>35</b>	<b>65</b>

<b>TOWN COMMITTEE</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Edward G. Sanders	20	25	45
Henry A. Richter	21	25	46
Marietta J. Poras	17	26	43
Thomas Neil Morris	18	25	43
Priscilla S. Thayer	17	26	43
William A. Kilbourn	19	29	48
John A. Foster, II	18	25	43
David P. Foster	17	25	42
John R. Lakin	17	26	43
John A. Ranieri	16	27	43
Henry A. Paszko	18	25	43
Anna C. DiPietro	17	26	43
Jamieson C. Burgoyne	21	28	49
Judith A. Prentiss	19	25	44
Shawn S. Winsor	18	27	45
Eleen D. Floyd	15	25	40
Jessica K. Queen	18	27	45
Jeanne G. Rich	18	26	44
Scott A. Miller	17	25	42

Eve O. St Ivanyi	16	25	41
Annette H. Morris	20	25	45
Write Ins	2	0	2
Blanks	251	192	443
<b>TOTAL VOTES CAST</b>	<b>630</b>	<b>735</b>	<b>1365</b>

## GREEN RAINBOW PARTY

<b>PRESIDENTIAL PREFERENCE</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Kent Mesplay	0	0	0
Lorna Salzman	0	0	0
Paul Glover	0	0	0
David Cobb	0	1	1
No Preference	0	1	1
Blanks	0	0	0
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>

<b>STATE COMMITTEE MAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Blanks	0	2	2
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>

<b>STATE COMMITTEE WOMAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Blanks	0	2	2
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>

## LIBERTARIAN PARTY

<b>PRESIDENTIAL PREFERENCE</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Jeffrey Diket	0	0	0
Ruben Perez	0	0	0
Aaron Russo	0	0	0
Michael Badnarik	0	0	0
Gary Nolan	1	0	1
No Preference	0	0	0
Blanks	0	0	0
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>0</b>	<b>1</b>

<b>STATE COMMITTEE MAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Blanks	1	0	1
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>0</b>	<b>1</b>

<b>STATE COMMITTEE WOMAN</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Blanks	1	0	1
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>0</b>	<b>1</b>

**WARRANT FOR  
 SPECIAL TOWN MEETING  
 MARCH 22, 2004  
 THE COMMONWEALTH OF MASSACHUSETTS**

**Worcester, ss.**

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

**GREETINGS:**

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

**ARTICLE 1**  
**Board of Selectmen**

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows, or act in any manner relating thereto. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF LANCASTER TO PAY THE FUNERAL AND BURIAL EXPENSES OF FIREFIGHTER MARTIN H. McNAMARA V**

*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 the provisions of section 100G¼ of chapter 41 or any other General or special law to the contrary, the town of Lancaster may pay the reasonable expenses, not exceeding twenty-one thousand dollars, of the funeral and burial of Firefighter Martin H. McNamara V, killed while in the performance of his duties.

**SECTION 2.** This act shall take effect upon its passage.

*The Finance Committee recommends passage of this article.*

**ARTICLE 2**  
**Board of Selectmen**

To see if the Town will vote to take \$20,695.84 from available funds to pay the funeral and burial expenses of Firefighter Martin H. McNamara V, killed while in the performance of his duties, contingent upon the passage by the General Court of a special act authorizing such expenditure, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 3**  
**Board of Selectmen**

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows, or act in any manner relating thereto. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF LANCASTER TO PAY A SURVIVOR BENEFIT AND EXTEND HEALTH INSURANCE COVERAGE TO CLAIRE B. McNAMARA AND HER DEPENDENTS.**

*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 the provisions of any general or special law to the contrary, and for the purpose of promoting the public good, the town of Lancaster is hereby authorized to pay a survivor benefit in the amount of seventy thousand dollars to Claire B. McNamara, surviving spouse of Firefighter Martin H. McNamara V, who was killed while in the performance of his duties.

**SECTION 2.** The benefits provided by section 1 of this act shall be in the alternative to the benefits authorized by any other general law as it obligates the town of Lancaster. If the town of Lancaster makes payment under section 1 of this act, it shall have no further obligation to Claire B. McNamara or her dependents under any other general or special law.

**SECTION 3.** Notwithstanding the provisions of section 2 of this act, Claire B. McNamara, the surviving spouse of Firefighter Martin H. McNamara V, so long as she remains unmarried, and her dependents, shall be eligible for health insurance through the town of Lancaster on the same basis as all other retirees and be responsible for the retirees' share of all premiums.

**SECTION 4.** This act shall take effect upon its passage.

*The Finance Committee recommends passage of this article.*

**ARTICLE 4**  
**Board of Selectmen**

To see if the Town will vote to take \$70,000 from available funds to pay a survivor benefit to Claire B. McNamara, surviving spouse of Firefighter Martin H. McNamara V, who was killed while in the performance of his duties, contingent upon the passage by the General Court of a special act authorizing such expenditure, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 5**  
**Board of Selectmen**

To see if the Town will vote to accept the provisions of section 100G<sup>1</sup>/<sub>4</sub> of Chapter 41 of the General Laws, directing the Town to pay the reasonable expense, not exceeding five thousand dollars, of the funeral and burial of any firefighter while in the performance of his duty and as a result of an accident while responding to or returning from an alarm or fire or any emergency or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or of any police officer who while in the performance of his duty and as the result of an assault on his person, or a result of an accident while responding to an emergency while in the performance of his official duty or as result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 6**  
**Board of Selectmen**

To see if the Town will vote to approve the designation of the members of the Town's call fire department or other volunteer emergency service agency serving the Town as "employees" under G.L. c.32B, §2, as amended by Section 12 of Chapter 46 of the Acts of 2003, in order to make such persons eligible for Town employee group insurance benefits, and such persons shall be responsible for one hundred percent of the premiums therefor, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 7**  
**Board of Selectmen**

To see if the Town will vote to take \$15,000 from available funds for expenses associated with the recruitment of a permanent Fire Chief, said funds to be expended by the Board of Selectmen, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 8**  
**Board of Selectmen**

To see if the Town will vote to take \$12,000 from available funds to supplement FY2004 Ambulance Department Wages, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 9**  
**Board of Selectmen**

To see if the Town will vote to take \$6,168 from available funds to supplement FY2004 Fire Department Salaries & Wages, or act in any manner relating thereto. *The Finance Committee recommends passage of this article – the funding amount will be moved from the floor.*

**ARTICLE 10**  
**Board of Selectmen**

To see if the Town will vote to take \$4,101 from available funds to supplement FY2004 Town Clerk Department Salaries & Wages, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 11**  
**Board of Selectmen**

To see if the Town will vote to transfer a sum of money from available funds to FY2004 Police Department Wages and to transfer \$900 from available funds to FY2004 Police Department Expenses for the purpose of implementing the Collective Bargaining Agreement negotiated between the Town of Lancaster and the Massachusetts Coalition of Police, Local 203, Police Officers Union, for a contract period beginning July 1, 2002, or act in any manner relating thereto. *The Finance Committee recommends passage of this article - the funding amount will be moved from the floor.*

**ARTICLE 12**  
**Board of Selectmen**



To see if the Town will vote to transfer from available funds a sum of money to FY2004 DPW - Wages and/or Expenses; and further, to transfer a sum of money from Water Enterprise Available Funds to FY2004 DPW - Water Division Wages and/or Expenses in accordance with the provisions of G.L. c.44, §53F½, said funding for the purpose of implementing the Collective Bargaining Agreement negotiated between the Town of Lancaster and AFSCME Council 93, Local 1817, DPW employees, for the contract period beginning July 1, 2002, or act in any manner relating thereto. *The Finance Committee recommends passage of this article – the funding amount will be moved from the floor.*

**ARTICLE 13**  
**Board of Selectmen**

To see if the Town will vote to amend the Personnel Compensation Wage and Salary Schedule by increasing all amounts by 1½% effective January 1, 2004, a copy of said Schedule on file in the Town Clerk’s Office, or act in any manner relating thereto. *The Finance Committee recommends passage of this article*

**ARTICLE 14**  
**Board of Selectmen**

To see if the Town will vote to take from available funds such sums of money in order to supplement the several FY2004 Budget wage line items to fund non-union wage and salary increases for Fiscal Year 2004, or act in any manner relating thereto. *The Finance Committee recommends passage of this article– the funding amount will be moved from the floor.*

**ARTICLE 15**  
**Board of Public Works**  
**Water Enterprise Fund**

To see if the Town will vote to borrow an amount not to exceed \$600,000 for the purpose of installing water distribution lines from the George Hill storage tanks to the intersection of Goss Lane, and from the intersection of Goss Lane and Prescott Street southerly to the intersection of Prescott and Maple Street, and for all other associated project costs; further, to authorize the Board of Selectmen to accept any easements as a gift and to take any other action they deem to be in the best interest of the Town, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 16**  
**Board of Selectmen**

To see if the Town will vote to take \$3,303.50 from available funds to pay unpaid bills from prior fiscal years (*detail below*), or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

Department	Vendor	Amount	Service Date	Purpose
Fire	Moore Medical	\$ 167.00	11/23/99	Department Supplies
Fire	Moore Medical	\$ 28.50	6/27/03	Department Supplies
Fire	Central Mass Imaging	\$ 38.00	3/26/03	Medical Service for employee
Selectmen	West Group	\$ 70.00	6/5/03	2002 Session Laws
Inspectional Services.	Electrical Inspector	\$ 3,000.00	1/1-6/30/2003	Wages

**ARTICLE 17**  
**Board of Selectmen**

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows, or act in any manner relating thereto. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF LANCASTER TO SEND CERTAIN INFORMATION TO THE VOTERS OF SAID TOWN.**

*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 the provisions of section 21C of chapter 59 of the General Laws, section 22A of chapter 55 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Lancaster shall, at least ten days before any election at which a binding or non-binding question shall be submitted solely to the voters of said town, cause to be posted in one or more locations in the town and/or on the Town's official website, and/or published in a newspaper in general circulation in the Town, as may be determined by bylaw, and, at the discretion of the board of selectmen, subject to available funds and any other conditions that may be imposed by bylaw, cause to be printed and sent to each residence of one or more voters whose name appears on the latest active voting list for said town and make available at each polling place (1) the full text of such question, (2) a fair and concise summary of such question, including a one sentence statement describing the effect of a yes or no vote, prepared by the town counsel of said town, and (3) arguments for and against such question as provided in section 2.

**SECTION 2.** The board of selectmen of the town of Lancaster shall cause to be posted in one or more locations in the town, and/or on the town's official website, and/or publishing in a newspaper in general circulation in the town, as may be determined by bylaw, and, at the discretion of the board of selectmen, subject to available funds and any other conditions that may be imposed by bylaw, cause to be printed and sent, in the manner provided in section 1, arguments for and against each question submitted solely to the voters of said town pursuant to any General Law, including but not limited to, section 21C of chapter 59 of the General Laws. The principal proponents of any such question shall coordinate the preparation and submission to the board of selectmen of one argument, and the principal opponents of any such question shall coordinate the preparation and submission to the board of selectmen of one argument. No argument shall contain more than 250 words.

Said board of selectmen shall seek such written arguments from the principal proponents and opponents of each such question. Said board of selectmen shall designate a date by which written arguments must be received, in a written notice to the principal proponents and opponents. Said notice must be issued at least 14 days before the date by which the written arguments must be received.

For the purposes of this act, the principal proponents and opponents of any such question shall be those persons determined by said board of selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town officer or committee, and the principal proponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, said board of selectmen shall contact each ballot question committee, if any, as defined in section 1 of chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by said board of selectmen within the time allowed by this act, said town counsel shall prepare such argument. All arguments filed with or prepared by the board of selectmen pursuant to this act, and the summary prepared pursuant to section 1, shall be open to public inspection at the office of the town clerk of said town.

**SECTION 3.** The official ballot shall include the summary and statements describing the effect of a yes or no vote as provided in clause (2) of section 1.

**SECTION 4.** This act shall also apply where the question presented involves the regional district of which the town of Lancaster is a member or involves a joint undertaking by said town of Lancaster and any one or more cities or towns.

**SECTION 5.** This act shall take effect upon its passage.

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

***SELECTMEN OF LANCASTER***

\_\_\_\_\_  
Steven A. Hilliger, *Chairman*

\_\_\_\_\_  
Joanne C. Foster, *Clerk*

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Alexandra W. Turner, *Member*

\_\_\_\_\_  
Date of Execution

**CONSTABLE'S CERTIFICATION**

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

*Attest:* \_\_\_\_\_

*Constable*

*Date:* \_\_\_\_\_

**ABBREVIATED MINUTES  
SPECIAL TOWN MEETING  
MARCH 22, 2004**

The Special Town Meeting was called to order at 7:10 p.m. by Moderator James Burgoyne. Registrars checked in 205 voters and 21 non-resident invited guests. Moderator Burgoyne asked for a moment of silence in honor of Dan Downing, who had passed away earlier in the day.

The first six articles on the warrant related to benefits for call firefighters and specifically benefits for the survivors of Firefighter Martin H. McNamara V, who was killed in November while performing his duties. Selectman Joanne Foster presented the Board of Selectmen's recommendation before the six articles were discussed and voted.

**ARTICLE 1** – It was voted, 171-5, to authorize the Board of Selectmen to petition the General Court to authorize the Town of Lancaster to pay the funeral and burial expenses of Firefighter Martin H. McNamara V, killed while in the performance of his duties.

**ARTICLE 2** – It was voted to take \$20,695.84 from free cash to pay the funeral and burial expenses of Firefighter Martin H. McNamara V, contingent upon the passage by the General Court of the special act authorizing such expenditure, as petitioned in Article 1.

**ARTICLE 3** – It was voted, by secret ballot, 107 yeas, 88 nays and 1 disqualified, to amend Article 3 to provide the survivors of Firefighter McNamara an annual annuity instead of the one-time pay-out recommended by the Board of Selectmen. Article 3 was further amended, by unanimous open vote, to submit this article to Lancaster voters at the State election on November 2, 2004 as a one-time Proposition 2 ½ override vote. The entire Article 3, as amended, is attached to this report as Appendix 1.

**ARTICLE 4** – After the passage of Article 3, it was voted unanimously to postpone Article 4 indefinitely.

**ARTICLE 5** – It was voted unanimously to pay the reasonable funeral and burial expenses, not to exceed five thousand dollars per incident, of any Town firefighters and police officers who are killed while in the performance of their duties.

**ARTICLE 6** – It was voted unanimously to designate members of the Town's call fire department or other volunteer emergency service agency serving the Town as "employees" so they are eligible to pay for and receive Town employee group insurance benefits.

**ARTICLE 7** – It was voted unanimously to take \$15,000 from free cash for expenses associated with the recruitment of a permanent Fire Chief.

**ARTICLE 8** –It was voted unanimously to take \$12,000 from free cash to supplement FY2004 Ambulance Department Wages.

**ARTICLE 9** – It was voted unanimously to take \$6,168 from free cash to supplement FY2004 Fire Department Salaries & Wages.

**ARTICLE 10** – It was voted unanimously to take \$4,101 from free cash to supplement FY2004 Town Clerk Department Salaries & Wages.

**ARTICLE 11** – It was voted, by majority vote, to transfer money from free cash to FY2004 Police Department Wages and to transfer \$900 from free cash to FY2004 Police Department Expenses for the purpose of implementing the Collective Bargaining Agreement negotiated between the Town of Lancaster and the Massachusetts Coalition of Police, Local 203, Police Officers Union.

**ARTICLE 12** – It was voted, by majority vote, to transfer \$2,059.90 from free cash to FY2004 DPW – Wages; and to transfer \$250.00 from free cash to FY2004 DPW-Expenses; and to transfer \$137.32 from free cash to FY2004-Snow Removal Wages; and to transfer \$2,575.37 from Water Enterprise Available Funds to FY2004 DPW - Water Division Wages, said transfers for the purpose of implementing the Collective Bargaining Agreement negotiated between the Town of Lancaster and AFSCME Council 93, Local 1817, DPW employees, for the contract period beginning July 1, 2002.

**ARTICLE 13** – It was voted unanimously to amend the Personnel Compensation Wage and Salary Schedule by increasing all amounts by 1½% effective January 1, 2004.

**ARTICLE 14** – It was voted unanimously to take \$8,010 from free cash to fund non-union wage and salary increases for Fiscal Year 2004 in several Town departments.

**ARTICLE 15** – It was voted unanimously to borrow up to \$600,000 to install water distribution lines along Goss Lane and George Hill Road and to authorize the Board of Selectmen to accept any easements along these routes as a gift.

**ARTICLE 16** – It was voted unanimously to take \$3,303.50 from free cash to pay unpaid bills from prior fiscal years.

**ARTICLE 17** – It was voted unanimously to petition the General Court to enact home rule legislation allowing the Town of Lancaster to post and distribute voter information in a variety of ways.

The Special Town Meeting was adjourned by Moderator Burgoyne at 10:00 p.m.

**APPENDIX 1  
SPECIAL TOWN MEETING  
MARCH 22, 2004**

**ARTICLE 3 AS AMENDED**

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows, or act in any manner relating thereto. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF LANCASTER TO PAY A SURVIVOR BENEFIT AND EXTEND HEALTH INSURANCE COVERAGE TO CLAIRE B. McNAMARA AND HER DEPENDENTS.**

*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 the provisions of any general or special law to the contrary, and for the purpose of promoting the public good, the Town of Lancaster through the Worcester Regional Retirement Board is hereby authorized and directed to pay to Claire B. McNamara, the surviving spouse of Firefighter Martin H. McNamara V, so long as she remains unmarried, an accidental death benefit allowance to consist of a yearly amount of annuity equal to two-thirds of the average annual salary of a first year career firefighter in the local area; such average to be determined by a survey of not less than three surrounding towns which are member units of the Worcester Regional Retirement System, such towns as determined by the Worcester Regional Retirement System, in consultation with the Public Employee Retirement Administration Commission increased in any case by twenty-six hundred dollars (\$2,600) for each child of Firefighter Martin H. McNamara V during such time as each child is under the age of eighteen (18) or has attained age twenty-one if a full-time student, and such payment shall continue for the benefit of each such child over age eighteen and physically or mentally incapacitated from earning; and if there is any child and no surviving spouse or the surviving spouse later dies, such an annuity as would have been payable to the surviving spouse had she lived, to or for the benefit of such child, or of such children in equal shares, during the time aforesaid; if there is any such child and the surviving spouse remarries, in lieu of the aforesaid annuity to him/her, an annuity of twelve thousand dollars (\$12,000) to or for the benefit of each such child during the time aforesaid. For the purposes of this act, the words, "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college or university that is licensed, approved or accredited, as the case may be, in the state in which it is located. Any annuity granted under this section shall be increased by the same percentage allowed to other retirees or their dependents. Such

amounts as are necessary to cover the obligations contained herein shall be raised and appropriated in an amount not to exceed \$650,000 contingent upon an override of the provisions of General Laws Chapter 59, Section 21C, Proposition 2 ½ so-called, by approval of the voters, said override to be limited to the period of one year and to provide for the purchase of an annuity instrument to provide for the financial obligations as imposed upon the Town by the provision of this Act, exclusive of those obligations imposed by Section 3 hereof.

**SECTION 2.** The benefits provided by section 1 of this act shall be in the alternative to the benefits authorized by any other general law as it obligates the town of Lancaster. If the town of Lancaster makes payment under section 1 of this act, it shall have no further obligation to Claire B. McNamara or her dependents under any other general or special law.

**SECTION 3.** Notwithstanding the provisions of section 2 of this act, Claire B. McNamara, the surviving spouse of Firefighter Martin H. McNamara V, so long as she remains unmarried, and her dependents, shall be eligible for health insurance through the town of Lancaster on the same basis as all other retirees and be responsible for the retirees' share of all premiums.

**SECTION 4.** This act shall be submitted to the voters of the town of Lancaster at the State election to be held on November 2, 2004, in the form of the following question, which shall be placed upon the official ballot to be used for the election of state officials at said election:

“Shall an act passed by the General Court in the year 204, entitled ‘An Act Authorizing the Town of Lancaster to Pay a Survivor Benefit and Extend Health Insurance Coverage to Claire B. McNamara and Her Dependents’ be accepted?”

If a majority of the votes cast in answer to said question is in the affirmative, but not otherwise, this act shall take effect immediately.

**SECTION 5.** This act shall take effect upon its passage.

*ARTICLE WAS PASSED, AS AMENDED, BY A VOTE OF:*

*157 YEAS  
0 NAYS*

**WARRANT FOR  
ANNUAL TOWN MEETING  
MAY 3, 2004  
THE COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

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

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet in **Machlan Auditorium, Atlantic Union College, 338 Main Street in said Lancaster on Monday, the third day of May, at 7:30 o'clock** in the evening, then and there to act on the following Articles:

**ARTICLE 1  
Board of Selectmen**

To hear the annual report of the Board of Selectmen and to act thereon.

**ARTICLE 2  
Finance Committee**

To see if the Town will vote to raise and appropriate, take from available funds or from the Water Enterprise Fund, such sums of money to defray the expenses of the Town for the Fiscal Year beginning July 1, 2004, or act in any manner relating thereto. ***Finance Committee's Recommendations are included in the Town Meeting Booklet.***

**ARTICLE 3  
Board of Selectmen**

To see if the Town will vote to amend the ***Personnel Compensation Wage and Salary Schedule*** by increasing all amounts by 2½% effective July 1, 2004 (*detail below*), or act in any manner relating thereto. ***The Finance Committee recommends passage of this article***

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
1 hourly	8.22	8.56	8.92	9.29	9.68	10.09	10.50
annual	17,163.36	17,873.28	18,624.96	19,397.52	20,211.84	21,067.92	21,924.00
2 hourly	9.57	9.96	10.38	10.82	11.26	11.74	12.23
annual	19,982.16	20,796.48	21,673.44	22,592.16	23,510.88	24,513.12	25,536.24
3 hourly	10.49	10.93	11.38	11.86	12.36	12.88	13.42
annual	21,903.12	22,821.84	23,761.44	24,763.68	25,807.68	26,893.44	28,020.96
4 hourly	11.35	11.83	12.33	12.85	13.39	13.95	14.53
annual	23,698.80	24,701.04	25,745.04	26,830.80	27,958.32	29,127.60	30,338.64
5 hourly	12.20	12.70	13.23	13.79	14.36	14.97	15.58
annual	25,473.60	26,517.60	27,624.24	28,793.52	29,983.68	31,257.36	32,531.04
6 hourly	12.61	13.14	13.69	14.27	14.85	15.48	16.12
annual	26,329.68	27,436.32	28,584.72	29,795.76	31,006.80	32,322.24	33,658.56
7 hourly	13.63	14.20	14.79	15.41	16.05	16.72	17.41
annual	27,770.40	28,918.80	30,129.84	31,382.64	32,698.08	34,055.28	35,475.12
8 hourly	14.21	14.80	15.42	16.06	16.74	17.44	18.16
annual	29,670.48	30,902.40	32,196.96	33,533.28	34,953.12	36,414.72	37,918.08
9 hourly	14.83	15.46	16.10	16.78	17.48	18.20	18.96
annual	30,965.04	32,280.48	33,616.80	35,036.64	36,498.24	38,001.60	39,588.48
10 hourly	16.20	16.87	17.58	18.32	19.10	19.90	20.73
annual	33,825.60	35,224.56	36,707.04	38,252.16	39,880.80	41,551.20	43,284.24
11 hourly	18.41	19.18	19.98	20.81	21.68	22.59	23.53
annual	38,440.08	40,047.84	41,718.24	43,451.28	45,267.84	47,167.92	49,130.64
12 hourly	18.86	19.65	20.48	21.33	22.22	23.14	24.12
annual	39,379.68	41,029.20	42,762.24	44,537.04	46,395.36	48,316.32	50,362.56
13 hourly	20.60	21.46	22.36	23.30	24.27	25.29	26.35
annual	43,012.80	44,808.48	46,687.68	48,650.40	50,675.76	52,805.52	55,018.80
14 hourly	23.03	24.01	25.00	26.05	27.13	28.27	29.45
annual	48,086.64	50,132.88	52,200.00	54,392.40	56,647.44	59,027.76	61,491.60
15 hourly	24.28	25.30	26.36	27.47	28.61	29.81	31.06
annual	50,696.64	52,826.40	55,039.68	57,357.36	59,737.68	62,243.28	64,853.28
16 hourly	25.25	26.30	27.41	28.55	29.75	30.99	32.28
annual	52,722.00	54,914.40	57,232.08	59,612.40	62,118.00	64,707.12	67,400.64

**ARTICLE 4  
Board of Selectmen**

To see if the Town will vote to authorize the Treasurer-Collector to enter into Compensating Balance Agreements for FY05, pursuant to G.L. c. 44, §53F, or act in any manner relating thereto. *The Finance Committee recommends passage of this Article.*

**ARTICLE 5  
Board of Selectmen**

To see if the Town will vote to request the Board of Assessors to commit \$15,000 from the FY2005 Overlay Account for Abatements to fund the Senior Citizen Tax Work-off Abatement Program, or act in any manner relating thereto. *The Finance Committee recommends passage of this Article.*

**ARTICLE 6  
Board of Selectmen**

To see if the Town will vote to authorize the following FY05 Revolving Funds, in accordance with G.L. c. 44, §53E½, or act in any manner relating thereto: *The Finance Committee recommends passage of this Article.*

<b>Revolving Fund</b>	<b>Authorized To Expend</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>Spending Limit</b>	<b>FY2004 Balance Disposition</b>
Cross Connection Program	Board of Public Works/WE	Survey/Inspection Fees	Program Expenses	\$5,000	Available for Expenditure
Disability Commission	Disability Commission	Activities and Donations	Programs for the Disabled	\$2,000	Available for Expenditure
Historical Commission	Historical Commission	Research Fees & Other Charges	Research related wages/expenses	\$2,000	Available for Expenditure
Library Book Fines	Library Trustees	Late Book & Materials Fines	Books and Materials	\$3,500	Available for Expenditure
Library Photocopy	Library Trustees	Patron Photocopy Fees	Photocopy Equipment & Supplies	\$700	Available for Expenditure
Library Lost Items	Library Trustees	Lost Book/Item Replacement Charge	Books and Materials	\$500	Available for Expenditure
M.A.R.T.	Council on Aging	Reimbursement – M.A.R.T Bus fees	Wages/Expenses Senior Van	\$45,000	Available for Expenditure
Planning Board	Planning Board	Fees	Professional Service expenses	\$50,000	Available for Expenditure
Publications Reprinting	Town Clerk	Publication Fees	Publications reprinting expenses	\$2,500	Available for Expenditure
Recycling	Recycling Committee	Donations-Fees-Sale of Products	Operating Expenses	\$15,000	Available for Expenditure
Tax Title Account	Collector-Treasurer	Interest/Approp. Other Payments	Tax Title Taking Legal Expenses	\$35,000	Available for Expenditure
Town Forest	Town Forest Committee	Gifts and Sale of Forest Products	Town Forest Improvements	\$3,400	Available for Expenditure
Workers Comp. Advance	Selectmen	Reimbursements/ Appropriations	Advance to Employees on Workers Comp.	\$10,000	Available for Expenditure

**ARTICLE 7  
Board of Public Works**

To see if the Town will vote to accept the provisions G.L. Ch. 44, §53E and further, to authorize the Department of Public Works to expend not more than \$4,000 from receipts received in FY05 from the sale of cemetery lots and graves for costs associated with developing new burial lots, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*



**ARTICLE 8**  
**Board of Public Works**  
**Water Enterprise Fund**

To see if the Town will vote to appropriate \$497,000 from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2004 (*detail below*), or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

<b>I. Water Enterprise Revenues</b>	
User Charges	480,000
Connection Fees	4,000
Water Enterprise Available Funds	-
Investment Income	13,000
<b>Total Revenues</b>	<b>497,000</b>
<b>II. Costs Appropriated in the Enterprise Fund</b>	
Salaries and Wages	178,314
Expenses	139,850
Capital Outlay - Equipment	40,000
Capital Outlay - Improvements	20,000
Reserve Fund	4,000
Debt Principal and Interest	20,000
Cross Connection	6,000
Water Securities Measures Compliance	18,000
Budgeted Surplus	920
<b>Total Costs Appropriated in E.F.</b>	<b>427,084</b>
<b>III. Costs Appropriated in General Fund to be Charged to the Enterprise Fund</b>	
Indirect Costs	20,927
Benefits	37,141
Pension Costs	11,848
<b>Total Costs Appropriated in G.F.</b>	<b>69,916</b>
<b>Total Costs</b>	<b>497,000</b>

**ARTICLE 9**  
**Board of Public Works**  
**Water Enterprise Fund**

To see if the Town will vote to appropriate a sum of money from Water Enterprise Available funds to the Water Enterprise Capital Fund, or act in any manner relating thereto. *The Finance Committee will make a recommendation from the floor.*

**ARTICLE 10**  
**Board of Public Works**

To see if the Town will vote to accept any public funds for repairs to roadways, culverts, bridges, water systems and tree planting, and to authorize the Collector-Treasurer to take from available funds or to borrow in anticipation of authorized reimbursements, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 11**  
**Board of Public Works**

To see if the Town will vote to take from available funds or authorize the Treasurer-Collector to borrow in anticipation of reimbursements, the sum of \$158,760 for authorized road improvements and other projects provided for under Chapter 90 Local Transportation Aid. The Board of Public Works is authorized to expend funds authorized by this article subject to pre-approval of a Capital Expenditure Plan by the Board of Selectmen and Finance Committee, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 12  
Board of Selectmen  
Finance Committee**

To see if the Town will approve the following Capital Improvement Program for Fiscal Year 2005 and the ensuing two fiscal years as set forth below, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

Department	Item	FY05	FY06	FY07
Police	Police Cruiser	28,000	29,400	30,870
	Computer Upgrades		20,000	
	Bullet Proof Vests			12,800
	Police Station Carpet/Paint			25,000
Fire	2,000 Gallon Pumper/Tanker		325,000	
	Replace 1984 Rescue Unit			300,000
	Command Vehicle		39,500	
	Brush Truck		15,000	
	Refurbish Aerial Ladder Truck	66,250		
	Refurbish 1990 KME Pumper		100,000	
	Central Fire Station Repairs/Upgrades	360,000		
Ambulance	Ambulance			127,500
Public Works	44,000 GVW Multi purpose Dump Truck	120,000		
	2.5 Yd Diesel Wheel Loader w/attachments		180,000	
	Re-Roof & Paint Cemetery Garage		30,000	
	44,000 GVW Diesel Dump/Catch Basin Cleaner			180,000
	Re-Roof & Paint DPW Building			40,000
	1 Ton 4 x 4 - Water Division	40,000		
	Cemetery Commercial Lawnmower	10,000		
Town Buildings	Photocopiers - 2 @ Town Hall	17,000		
	Sewer Connection - Town Buildings		20,000	
	Town Hall Repairs/Upgrades	50,000		
Computer Tech	Computer purchases/replacements	10,000	10,500	11,025
<b>Annual Total</b>		<b>701,250</b>	<b>769,400</b>	<b>727,195</b>

**ARTICLE 13  
Board of Selectmen  
Finance Committee**

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; such amounts to be provided by transfer from available funds, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

<b>Item A.</b>	<b>Police Cruiser</b>
Amount:	\$28,000
Funds to be expended by:	Board of Selectmen/Police Department
Purpose:	To purchase a new marked Police cruiser as replacement for a 2001 Ford.
Funding Source:	Certified Free Cash

<b>Item B.</b>	<b>Refurbish Aerial Ladder Truck</b>
Amount:	\$66,250
Funds to be expended by:	Board of Selectmen/Fire Department
Purpose:	To refurbish the 1987 Pierce Aerial Ladder Truck
Funding Source:	Prison Mitigation Grant

<b>Item C.</b>	<b>Central Fire Station Repairs &amp; Renovations</b>
Amount:	\$360,000
Funds to be expended by:	Board of Selectmen/Fire Department
Purpose:	To Replace the roof at Central Station and construct an additional apparatus bay.
Funding Source:	Prison Mitigation Grant

<b>Item D.</b>	<b>Dump Truck</b>
Amount:	\$120,000
Funds to be expended by:	Board of Public Works
Purpose:	To purchase a 44,000 GVW Diesel Dump truck and replace a 1985 International dump
Funding Source:	Prison Mitigation Grant

<b>Item E.</b>	<b>Photocopiers</b>
Amount:	\$17,000
Funds to be expended by:	Board of Selectmen
Purpose:	To purchase 2 new photocopiers for the Town Hall (1 replacement, 1 supplemental).
Funding Source:	Certified Free Cash

<b>Item F.</b>	<b>Town Hall Renovations &amp; Improvements</b>
Amount:	\$50,000
Funds to be expended by:	Board of Selectmen
Purpose:	To continue facility improvements to the Town Hall Complex.
Funding Source:	Prison Mitigation Grant

<b>Item G.</b>	<b>Computer Purchases/Replacements</b>
Amount:	\$10,000
Funds to be expended by:	Board of Selectmen/Dept. of Finance & Budget
Purpose:	To replace five PC's, software & peripherals in Town Offices.
Funding Source:	Certified Free Cash

<b>Item H.</b>	<b>Utility Truck</b>
Amount:	\$40,000
Funds to be expended by:	Board of Public Works/Water Enterprise Fund
Purpose:	To purchase a new 4x4 One-Ton utility truck
Funding Source:	Water Enterprise Capital Reserve Fund

<b>Item I.</b>	<b>Commercial Lawnmower</b>
Amount:	\$10,000
Funds to be expended by:	DPW Cemetery Division
Purpose:	To purchase a new large commercial lawnmower
Funding Source:	Cemetery Expendable Interest

**ARTICLE 14**  
**Board of Selectmen**

To see if the Town will vote to transfer a sum of money from available funds to the Stabilization Fund, or act in any manner relating thereto. *The Finance Committee will make a recommendation from the floor.*

**ARTICLE 15**  
**Board of Selectmen**  
**Finance Committee**

To see if the Town will adopt the following *Capital Improvement Program Bylaw*, or act in any manner relating thereto:

**Section 1:** The Finance Committee and the Board of Selectmen, or its designee, shall develop annually a Capital Improvement Program ("CIP") for the Town. An Article setting forth the CIP shall be included annually in the Annual Town Meeting Warrant for adoption by the Town. The CIP set forth in the Warrant shall propose capital expenditures in an amount equal to or greater than \$10,000 for the fiscal year. For the purposes of this bylaw, capital projects shall include any projects relating to the purchase of equipment and/or machinery or the construction, reconstruction, repair, or alteration of a public building or public work as those terms are defined by applicable general law, and the acquisition of real property.

**Section 2:** To qualify for the CIP, capital projects and acquisitions must meet all of the following criteria:

- 1) Purchased or undertaken at intervals of not less than 3 years
- 2) Have a useful life of at least 3 years; and
- 3) Have an estimated cost of \$10,000.00 or more.

**Section 3:** Not later than January 30 of each year, officers, boards, commissions and committees shall transmit to the Finance Committee written request for capital projects and acquisitions anticipated for the ensuing five-year period. The Finance Committee shall consider the relative need, timing, cost and other impacts of the requested expenditures, including the effect each will have on the financial position of the Town. The Finance Committee shall consider no appropriation for a capital project or acquisition unless it is included in the CIP.

**Section 4:** Departmental operating budget expenditures for architectural, engineering, planning, and other professional services associated with a capital project or acquisition shall be recognized and authorized in the CIP. Further, except as authorized by vote of Town Meeting or to comply with any General or special law or grant in aid requirement, no expenditure shall be made for capital projects or acquisitions which are not included in the program, nor for preliminary planning for capital projects or acquisitions planned to be commenced at a time more than the five years following.

**Section 5:** The Finance Committee shall publish an annual report detailing its recommendations relative to the Capital Improvement Program and transmit a copy to the Town Clerk.

**ARTICLE 16**  
**Board of Selectmen**

To see if the Town will vote to amend the *Town Meeting and Election Bylaw* by striking the first sentence and inserting in place thereof: “*The Annual Town Meeting for the transaction of business shall be held on the evening of the first Monday in May and may commence no earlier than 7:00 P.M.*” Further, by striking the second sentence of **Section II** and inserting in place thereof: “*The polls may open no earlier than 7:00 A.M. and remain open until 8:00 P.M. and shall be so stated in the Warrant calling the Annual Town Election*”, or act in any manner relating thereto.

**ARTICLE 17**  
**Board of Selectmen**  
**Personnel Board**

To see if the Town will vote to amend the *Personnel Bylaw* by striking out **Section 10C. Vacation Pay** and inserting in place thereof the following, or act in any manner relating thereto:

**C. VACATION PAY**

The vacation year is from July 1<sup>st</sup> through June 30<sup>th</sup>. Regular full time and regular part time employees, only, are eligible for vacation as follows:

1. Vacation accrual is based on the employee's anniversary date and is prorated based on the fiscal year.
2. After twelve (12) months of continuous service and up to a maximum of five (5) years of service, an employee is eligible for two (2) weeks (10 days) vacation.
3. After five (5) years and up to ten (10) years of service, an employee is eligible for three (3) weeks (15 days) vacation.
4. After ten (10) years and up to twenty (20) years of service, an employee is eligible for four (4) weeks (20 days) vacation.
5. After twenty (20) years service, the employee is eligible for five (5) weeks (25 days) vacation.
6. The vacation pay of a regular part time employee shall be the average of his/her weekly pay for the fifty-two (52) weeks worked immediately preceding the vacation.
7. Employees are required to take vacation on a regular basis to allow for the proper rest from the rigors of work. Vacation time may not be accrued from year to year.
8. Should a paid holiday occur during the employee's regularly scheduled workweek while the employee is on an authorized paid vacation, an additional day of vacation shall be allowed.
9. In case of retirement or termination of employment, the employee shall be paid for all accrued, vacation time earned up to the termination date.
10. The choice of vacations shall be on the basis of seniority in the department and approved by the department head. Department Heads shall post the vacation grants annually.

**ARTICLE 18**  
**Board of Selectmen**

To see if the Town will vote to adopt the following *Community Development and Planning Department Bylaw*, or act in any manner relating thereto:

**SECTION 1:** There shall be established in the Town of Lancaster a Community Development and Planning Department to be administered by a Director who shall be appointed by the Board of Selectmen for a term of three years. Said Director shall hold office until his/her successor is appointed. Said Director may be removed from office in the manner prescribed in the Personnel Bylaw.

**SECTION 2:** The Planning Director shall be responsible for coordinating all planning activities in the town and serves as staff support to the Planning Board.

The duties of the Director shall include the following:

- a. To direct long-range planning and the updating of the Town's Master Plan.
- b. To establish planning goals and priorities and develop, recommend and implement policies and procedures in conjunction with the Planning Board.
- c. To conduct planning studies regarding future development in the Town.
- d. To review existing planning and zoning guidelines and bylaws and make recommendations for revisions.
- e. To review development plans for compliance.
- f. To provide technical advice to citizens and support to the Planning Board.
- g. To solicit grants to support planning related activities.
- h. To coordinate Planning Board meetings and related task forces.
- i. To develop the department's operating and capital budget.
- j. To serve as staff liaison between the Planning Board and other town departments and agencies.
- k. To employ and supervise such full-time or part-time assistance as may be required to accomplish the above duties subject, to proper appropriations being made therefore.
- l. To assess performance of department personnel.
- m. To perform other planning and administrative functions and duties as appropriate.

**SECTION 3:** The duties, powers and responsibilities of the Director may be broadened or diminished at any time by amendment to this bylaw, except to the extent that such duties, powers and responsibilities are defined by an employment contract.

**SECTION 4:** The salaries of the Director and other employees of the Community Development and Planning Department shall be established in accordance with the Classification and Compensation Plan or pursuant to any other General or special law, except to the extent that such salaries are defined by an employment contract.

**ARTICLE 19**  
**Board of Selectmen**

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows, or act in any matter relating thereto. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF LANCASTER TO GRANT EMPLOYMENT CONTRACTS TO CERTAIN DEPARTMENT HEADS AND OFFICIALS**

**Section 1.** Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen may establish an employment contract for a period not to exceed three years to provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and leave for its department heads or persons responsible for similar duties, officials whose employment is subject to a fixed term as specified in any general or special law or local by-law and whose position or duties are exempt from the provisions of the Federal Fair Labor Standards Act.

Said contract shall prevail over any conflicting provision of any local personnel by-law, rule, or regulation. In addition to the benefits provided municipal employees under chapters thirty-two and thirty-two B, said contract may provide for supplemental retirement and insurance benefits.

Nothing contained in this section shall affect the appointment or removal powers of the board of selectmen over any position hereinbefore mentioned, nor shall it grant tenure to such officer, nor shall it abridge the provisions of section sixty-seven of chapter forty-four.

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

**ARTICLE 20**  
**Board of Selectmen**

## Finance Committee

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows, or act in any manner relating thereto. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

### AN ACT RELATIVE TO THE FINANCE COMMITTEE OF THE TOWN OF LANCASTER

**Section 1.** Notwithstanding any special or general law to the contrary, the Town Clerk of the Town of Lancaster shall place all five offices of Finance Committee members on the ballot at the 2005 Annual Town Election. The two persons receiving the highest number of votes at that election shall be deemed elected for three year terms, the two persons receiving the next highest number of votes shall be deemed elected for two year terms, and the person receiving the next highest number of votes shall be deemed elected for a one year term. Thereafter, such persons shall be elected for overlapping terms in accordance with the Town bylaws.

**Section 2.** Notwithstanding the provisions of section 41 of chapter 54 or of any other special or general law to the contrary, any elected incumbent Finance Committee member may become a candidate for election at the 2005 Annual Town Election by giving written notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for filing nomination papers with the registrars of voters pursuant to section 7 of chapter 53 of the General Laws, and the Town Clerk shall add to such candidate's name the words, "Candidate for re-election."

**Section 3.** The terms of each Finance Committee member holding office as of the effective date of this act shall expire upon the election and qualification of a successor to office in accordance with this act, unless such member sooner resigns.

**Section 4.** Notwithstanding the provisions of sections 21 and 32 of chapter 40, or any other special or general law to the contrary, the bylaws of the town of Lancaster are hereby amended to establish an elected Finance Committee, and by deleting the second and third sentences of Section 1 and inserting the following:

A Finance Committee of five members shall be elected for three-year overlapping terms.

The bylaw authorized by this Act may be amended from time to time by vote of the Town, as would any other bylaw, subject to the provisions of the General Laws.

**Section 5.** This act shall take effect upon passage.

## ARTICLE 21 Board of Selectmen

To see if the Town will vote to transfer the care, custody, maintenance and control of the land described below, owned by the Town and currently under the care, custody, maintenance and control of the Board of Selectmen for general municipal purposes, to the Board of Selectmen for the purpose of leasing to a provider or providers of telecommunications services for the installation and maintenance of telecommunications antennae, facilities, and related equipment; and to authorize the Board of Selectmen to enter into such a lease or leases for said purposes, for all or a portion of the land shown on Assessors Map 30, Parcel 135A, otherwise identified as 1053 and 1055 Main Street, being a portion of the land described in a deed to the Town recorded with the Worcester Registry of Deeds at Book 22807, Page 148, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, such leases to exceed three years; and to authorize the Selectmen to grant such non-exclusive easements to utility companies as the Selectmen deem appropriate under such leases to provide utility service to such facilities; and to authorize the Board of Selectmen to execute any documents necessary for the purpose of eliminating any restrictions contained within the deed of this land to the Town from the Doctor Franklin Perkins School as referenced above which may in any way limit or prevent the leasing of the subject land for the use described herein and for the generation of revenue thereby; and to further authorize the Board of Selectmen to enter into such agreements with the Doctor Franklin Perkins School as are in the best interest of the Town for the purpose of making payments to the Doctor Franklin Perkins School from any revenue received from the leasing of the subject property as set forth herein, or act in any manner relating thereto.

**ARTICLE 22**  
**Board of Selectmen**

To see if the Town will vote to amend the *Lancaster Zoning Bylaw* as follows, or act in any manner relating thereto:

Amend Section 3.20 Use Regulation Schedule in order to prohibit earth product removal operations as a principal use in the Residential (R), Neighborhood Business (NB), Limited Office (LO), Highway Business (HB), Light Industry 1 (LI1), and Light Industry 2 (LI2) Districts, by changing the entry for Item F. Earth Products Removal to read as follows:

**ZONING DISTRICTS**

Item	Use	R	NB	HB	LO	LI1	LI2	GI	Notes
F	Earth Products Removal	N	N	N	N	N	N	As regulated under Article 12	See Article 12

*Further, by striking the following section:*

**Section 12.11 Exceptions.** the removal of earth products, which term shall include all types of soil -- humus, loam, sand and gravel, as well as bedrock, is prohibited unless authorized by the Board of Selectmen except under the following circumstances:

*And inserting in place thereof:*

**Section 12.11 Exceptions.** Removal of earth products, which term shall include humus, loam, sand and gravel, as well as bedrock and stone, is prohibited except in the following circumstances:

*Further, by inserting the following new subparagraphs to Section 12.11:*

(d) when removal is incidental to a municipal or other public works construction project.

(e) when removal of earth products is authorized by the Board of Selectmen under the following Section 12.12.

*Further, by striking the first sentence of Section 12.12 Authorization:*

In any other case earth products shall not be removed from any premises except as authorized on a special permit granted by the Board of Selectmen.

*And inserting in place thereof:*

The Board of Selectmen may authorize a special permit for removal of earth products, except for bedrock and stone, in the GI District of the Town.

**ARTICLE 23**  
**Board of Selectmen**

To see if the Town will vote to adopt the following *Earth Removal Bylaw*, or act in any manner relating thereto:

Part 1 New Permit for Earth Product Removal

1. General:

1.0 Intent and purpose of the Earth Product Removal By-Law

A. Purposes: To protect the safety, health and well being of Lancaster citizens. To minimize the degradation of land and degradation of Lancaster's tax base. To minimize or eliminate site destruction, harmful soil erosion, sedimentation, and contamination of water in the Town of Lancaster.

B. Intent: To regulate Earth Removal and the reclamation of sites that may eventually be used for farming, silviculture and other purposes so that the value of the land is not degraded.

- C. Limitations: This By-law shall apply to all Earth Product Removal Operations in the Town of Lancaster including those operations in existence on the date of enactment of this By-law, except as may be exempted by operation of State Law.

#### 1.1 General Conditions

- A. Except as provided below or as may be otherwise exempted by law from application of this By-law, an Earth Product Removal Permit from the Earth Removal Board shall be required for every Earth Product Removal Operation which involves the removal of more than 50 cubic yards of earth in any one year period. An Earth Product Removal Operation which is lawfully in existence on the effective date of this By-law may continue without an Earth Product Removal Permit under this By-law for up to one-year following such effective date, provided that said Operation remains in full conformance with this By-law and/or the permit under which said Operation was previously authorized.
- B. Loam and/or topsoil may not be removed from the Site of an Earth Product Removal Operation regulated by this By-law.
- C. The Earth Removal Board
  - 1. An Earth Removal Board (ER Board) is hereby established. The ER Board shall be comprised of five members, one member to be appointed by each of the following: The Board of Selectmen, the Conservation Commission, the Planning Board, the Board of Health, and the Department of Public Works Superintendent. The ER Board members shall serve three-year terms, except that the terms of the members initially appointed by the Board of Selectmen and the Conservation Commission shall be for two years, and the terms of the members initially appointed by the Board of Health and the Public Works Superintendent shall be for one year. The Building Inspector shall serve as Ex-Officio member of the ER Board.
  - 2. The ER Board shall elect a Chairperson and a Clerk from its membership, shall post a schedule of its meetings in accordance with the Open Meeting Law, and provide for official minutes of its meetings and actions to be recorded and maintained.
  - 3. The ER Board shall receive new applications for an Earth Product Removal permit, decide if a new permit shall be issued, and if a new permit may be issued then it shall specify the conditions for the Earth Product Removal Operation.
  - 4. The ER Board may require consultants to assist with its deliberations. By application to the ER Board, the applicant agrees to pay for the costs of consultant(s) required by the ER Board to review its application, and advise on the conditions and limits under which Earth Product Removal operations may be conducted and enforced.
- D. Except as may be extended in accordance with Section 1.II, the term of an Earth Product Removal Permit shall be no greater than 2 years, and may be less. The starting and ending dates of the Earth Product Removal Permit shall be specified in the permit.
- E. An operator in compliance with the requirements of its Earth Product Removal Permit may apply for one, up to two-year extension, on the same area of ground. To obtain an extension the applicant must submit an updated application, together with an updated operating plan accompanied by a new filing fee at least 90 days prior to the expiration of the Earth Product Removal Permit to be extended.
- F. An Earth Product Removal Permit may not be transferred to a new owner of the property. The new owner will have 60 days following the date of transfer of title within which to apply for a new permit. Following the 60-day period all earth removal operations will cease until a new permit is issued.

#### 1.2 Definitions:

- A. Best Available Technology (BAT), including advanced technology that is readily available at a cost that is commensurate with the benefit derived from its use.



- B. Best Management Practice (BMP) A structural, nonstructural, or management technique recognized to be the most effective and practical means to prevent and reduce nonpoint source pollutants. BMP includes the use of BAT. BMP should be compatible with the productive use of the resource to which applied and should be cost effective.
- C. Earth Product Sand, gravel, rock, clay, mineral deposits, or other earth materials.
- D. Earth Product Removal Operation The removal by hand or by machinery, of any Earth Product, together with all activities associated with the removal including, but not limited to the stripping of vegetation, loam, or topsoil, sod, the digging, blasting, processing, stockpiling, moving, depositing, or transportation of earth products in any form, altered or otherwise (such as asphalt, brick, concrete, etc.), and the moving of Earth Product Removal equipment, to, from, or within the Site of Earth Product Removal. Earth Product Removal Operation shall include all land impacted by the operation (e.g. pits, fill, or storage piles, access ways and/or structures).
- E. Erosion The process by which the ground surface is worn by forces such as wind, running water, ice, abrasion, gravity, transportation, or by artificial means.
- F. Fill 1) Soil, earth sand, gravel, rock, or other earth material, which is deposited, placed, pushed, pulled or transported, and includes the conditions that result from that act. 2) Any act by which soil, earth, gravel rock or other similar material is deposited, placed, pushed, pulled, or transported.
- G. Gravel Loose fragments of rock.
- H. Loam or Top Soil A soil consisting of a friable mixture of varying proportions of clay, sand, silt and organic matter. Surface soil as distinguished from subsoil.
- I. Lot A single parcel of land described by definite boundaries ascertainable from a recorded plan or deed.
- J. Manufactured Earth Products Graded or sorted earth products; crushed, cut, polished or split rock; asphalt, brick or concrete.
- K. Mineral Deposits Naturally occurring deposits of substances such as stone, coal, silt or sand.
- L. Overburden Compostable vegetation, leaf mold, humus, subsoil and any other organic material that lies above earth not readily capable of supporting growth of vegetation.
- M. Reclamation: The process of grading and restoring soil and vegetation to a disturbed area.
- N. Rock A concentrated mass of stony material or a mass of consolidated or unconsolidated solid mineral matter.
- O. Sand A loose granular material resulting from the disintegration of rock, consisting of smaller granules than gravel, and larger particles than silt particles.
- P. Sediment: Organic material or minerals transported or deposited into any body of water, by the movement of wind, water, ice, gravity, or by artificial means.
- Q. Silt: Loose sedimentary material with rock particles usually less than 1/16 mm or less in diameter.
- R. Site One or more contiguous lots, under the same or different ownerships, on which an Earth Product Removal Operation is conducted, or is proposed to be conducted, under an Earth Product Removal Permit.
- S. Slope An area that is more or less steep, as measured by vertical rise over a horizontal distance, expressed as a percentage or ratio. For example, a rise of 1 foot over 3 horizontal feet is a slope of 33%, 1:3 or a ratio of one to three.
- T. Stone A concretion of earth or mineral matter.

- U. Temporary A condition that exists for a period of six months or less shall be considered temporary unless otherwise specified in the Earth Product Removal permit.
- V. Test Dig Any removal of earth with the intention of determining its composition and/or the elevation of the annual mean high water level.

1.3 Earth Product Removal shall not be contrary to the best interests of Lancaster

- A. The ER Board shall not issue an Earth Product Removal Permit unless it finds that, as conditioned by such permit, the Earth Product Removal would not be contrary to the best interest of the Town of Lancaster.
- B. Earth product removal shall be considered contrary to the best interests of Lancaster if it will
  - 1. be injurious or dangerous to public health or safety,
  - 2. degrade the streets,
  - 3. constitute a nuisance, or produce dust, noise or other undesirable effects observable at the lot boundaries in amounts objectionable or detrimental to the use of adjacent property,
  - 4. have a detrimental effect on the water,
  - 5. result in a negative impact on the taxes or tax base of the Town of Lancaster.

1.4 Exemptions

- A. The ER Board may waive some or all of the requirements for an Earth Product Removal Permit if:
  - 1. The earth transferred is from one part of a lot to another part of the same lot, as part of construction with a valid building permit,
  - 2. the earth is to be removed in compliance with requirements of a subdivision plan approved by the Lancaster Planning Board,
  - 3. the earth removed is incident to municipal purposes,
  - 4. the earth transferred is part of landscaping and beautification with a valid building permit.
- B. Maintenance of Ponds: When it is found necessary to maintain existing ponds to prevent eutrofication or to remove debris and silting, and said maintenance will not significantly change the original basic contours, depth, or periphery of the body of water, such work may be done without an Earth Removal permit provided:
  - 1. Approval is granted by the Lancaster Conservation Commission.
  - 2. The applicant submits a written report to the ER Board stating:
    - a. the area to be maintained;
    - b. the reason for maintenance;
    - c. the amount and type of material to be removed and where it is to be placed;
    - d. the proposed dates and hours of operation,
    - e. the name of the contractor responsible.
  - 3. The ER Board, upon review of the above report finds that the work is necessary and does not fall within the purview of an Earth Product Removal Operation.
  - 4. The ER Board approves the above report and so notifies the applicant in writing.

1.5 Enforcement

- A. The Building Inspector shall be the enforcing officer under this By-law.

- B. An Earth Product Removal Operation which is the subject of an Earth Product Removal Permit under this By-law is subject to inspection by the Building Inspector or the Building Inspector's designee at any time during the hours the operation and/or reclamation are conducted, for purposes of determining compliance with the terms and conditions of the Earth Product Removal Permit and this By-law.
- C. In addition, if so provided as a condition of this Earth Product Removal Permit, the ER Board may engage a consultant, at the Permit Holder's expense, to inspect the site during the hours the operation and/or reclamation are conducted, and to prepare periodic compliance review reports to be provided to the ER Board and the Building Inspector, with copies to be sent to the Permit Holder.
- D. Pursuant to G.L. c.40, §21(17), violations of this By-law or of any permit issued hereunder may be subject to imposition of criminal penalties of fifty dollars for the first offense, one-hundred dollars for the second offense, and two hundred dollars for each subsequent offense. Such violations may also be subject to the imposition of non-criminal disposition penalties, pursuant to the Town of Lancaster Non-Criminal Disposition By-law and G.L.c.40, §21D, in the same amounts. Each day on which a violation occurs shall constitute a separate offense, and if more than one provision of the By-law and/or the permit is violated, each violation shall constitute a separate offense.
- E. A violation of any condition of this permit or the provisions of the Lancaster Town By-Laws may result in the suspension or revocation of the permit after hearing and notice.
- F. An Earth Products Removal permit may be revoked by the ER Board for failure to comply with requirements of the permit.
  - 1. Prior to revoking the permit the permit holder will be notified in writing of the failure to comply with requirements of the permit, and
  - 2. There shall be a hearing in which the permit holder has the opportunity for rebuttal.

1.6 Application for a new Earth Product Removal permit

- A. The application and all supporting materials (including the filing fee and prepayment of costs described below) shall be filed with the Building Inspector, together with 6 duplicate copies of the application and all supporting materials for each of the ER Board Members, and the 6<sup>th</sup> copy held for public examination by the Town Clerk.
- B. The applicant shall send a summary of the Earth Removal Permit Application to each abutter within 500 feet of the proposed Earth Product Removal operation (to each abutter within 1000 feet of proposed quarry operations), as shown on the most recent tax list certified by the Board of Assessors. The return receipts from the abutter notifications shall be submitted as part of the application.
- C. The Applicant, by the act of applying for an Earth Product Removal Permit agrees to pay for all costs deemed necessary by the ER Board related to the application for an Earth Product Removal Permit, and future costs associated with an Earth Product Removal Operation, including –
  - 1. the cost of advertisement in the local newspapers,
  - 2. all other costs including, but not limited to the following ---
    - a. the costs for technical and engineering consultants,
    - b. the costs for environmental and geological consultants,
  - 3. the costs for other expenses that the Building Inspector and the ER Board Chair can show to be directly or incidentally the result of the application for a permit, or future costs that will be associated with an Earth Product Removal Operation.
- D. An application is not considered filed until it is complete with all of the information and requirements specified below, and the Treasurer has received a check for the filing fee and separate consultant review fee made out to the Town of Lancaster.
- E. After the Building Inspector has determined that the filing and financial details are complete, a public hearing shall be held by the ER Board within 65 days.
  - 1. The Town Clerk shall advertise the date(s) and purpose of the public hearing.
  - 2. The permit will be issued or denied within 65 days of the closure of the public hearing.
- F. Requirements of the application:

1. The name, addresses, telephone numbers and email addresses of the owner of record, the operator if different, and the owner's consulting engineer.
2. A locus map at a scale of 1 inch equals 500 feet showing lot boundaries of the proposed site, surrounding streets and other features.
3. Site plans at a scale of 1 inch to 40 feet with contour lines at not greater than 2 feet intervals. Site plans shall include a north arrow. All site plans shall be signed and stamped by a Professional Engineer. If multiple sheets are submitted, an index sheet showing the entire site must accompany them.
4. Site plans shall show the location of at least three (3) permanent benchmarks with elevations marked thereon which must be set so that if one is disturbed, those not disturbed can be recognized.
5. All property lines of lands shown on the plan with bearings and distances.
6. A list of all names of owners of properties within 500 feet of the site as shown on the most recent tax list certified by the Board of Assessors.
7. Site plans shall show the location of natural features such as vernal pools, ponds, wetlands, and rivers within 200 feet of the proposed site, the 100-year floodplain, floodways, ground cover, and surface and ground water. Also to be included are existing vegetation by a certified naturalist, and significant forests with specimen trees of 6 inch and greater caliper identified; and existing animal habitat including location of any rare and endangered species as mapped by the Massachusetts Natural Heritage and DEP Programs.
8. Site plans shall show the location of buildings, septic systems and wells on surrounding properties and on the proposed site. The location of operating facilities or buildings, and proposed temporary structures shall be identified.
9. Show provision for a safe and adequate on-site potable water supply.
10. Site plans shall identify the location of the zoning district in which the proposed site lies, including any zoning district boundaries within the proposed site.
11. Two (2) foot contours of the area to be excavated and up to at least two hundred (200) feet beyond the perimeter of the area involved, overlaid with the 2-foot contours of the site after the proposed excavation and reclamation.
12. The application shall include a traffic study showing access roads, site distance at the point of entrance onto public ways; and estimated number of vehicles per day exiting the site, with loads specified. The application shall show the entire routes on site and within the Town of Lancaster that trucks and other vehicles would use in coming and going for the proposed operation, including for delivery of manufactured products.
13. As part of the application, Best Management Practices and Best Available Technology shall be specified and explained for mitigation of all adverse environmental impacts due to the applicant's proposed Earth Removal Operation.

1.7 The permit application shall include details of the proposed Operation Plan

- A. A proposed schedule for rate of Earth Product Removal and planned destinations shall be provided, including—
  1. the location and Phasing of the existing and proposed operation, and
  2. an estimate of the total material to be removed from the site during each Phase.
- B. The means of control of entrances and exits to public ways.
- C. The means of disposing of rocks, tree stumps and wastes.
- D. Drainage facilities, erosion-sediment control plan, and storm water management plan to prevent surface water from eroding cut and fill side slopes, road shoulders, and measures to avoid sedimentation of adjacent wetlands, ponds, vernal pools, and rivers.

- E. A map showing maximum surficial water table elevation as determined by a minimum of three test pits or soil borings, or more as required by the ER Board.

1.8 Storm Water Management Requirements: All applications for Earth Product Removal shall include a Storm Water Management Plan and supporting documentation, prepared by a Registered Professional Engineer, and consisting of at least the following:

- A. Analysis of existing or natural, undisturbed conditions at the site using accepted storm water run-off analysis. Provide peak flow rates at all discharge points from the site for 2, 10, 50 and 100-year storm events.
- B. Analysis of disturbed conditions for each phase of operation at the site using accepted storm water run-off analyses. Provide peak flow rates at all discharge points from the site for 2, 10, 50 and 100-year storm events.
- C. Location, design dimensions, capacities, and materials for proposed storm water run-off controls and Best Management Practices (BMPs).
- D. Operation and maintenance plan for storm water run-off control upkeep.
- E. An EPA Phase II Storm Water Permit for sites greater than one acre.

1.9 Reuse and Reclamation

- A. It is recognized that land reuse of the removal areas is in the public interest of the Town of Lancaster and that reclamation is vital to the maintenance of Lancaster's tax base. In order to provide the public with an understanding of potential reuse, it is suggested that the applicant provide alternative future land reuse plans for land used for the extraction of Earth Products. Such plans should correspond to situations, which could reasonably occur in the future in accordance with Zoning By-laws.
- B. A maximum of 5 acres shall be open for excavation at one time. At least two of the 5 acres shall be reclaimed before work commences (including construction of haul roads) on the subsequent phase. Except as otherwise noted, reclamation work shall be completed within sixty days after expiration of a permit or upon cessation of operations, however reclamation work shall be completed by the first of June if the permit expiration or cessation of operations occurs between December first and April first. The reclamation plan must show two (2) foot contours of the site as of the proposed completion of the operation. All reclamation plans must meet the following minimum conditions:
  1. No slope shall be steeper than 3:1; 4:1 is preferred for erosion control and shall be required in sensitive areas.
  2. Permanent slopes steeper than 3:1 and in excess of 10 feet in height constitute a hazard to public safety and are not permitted under this Earth Product Removal By-law.
  3. All debris, stumps, boulders, etc. shall be removed from the site and disposed of in an approved location. Alternatively, stumps may be ground on site for future use in reclamation.
  4. Unless the permit conditions expressly require or allow alteration of drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at any one point is not increased, and so that the hydrograph of any post-development stream is the same as that of the pre-development stream.
  5. Topsoil shall be spread over the disturbed area to a minimum depth of six inches. The area shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using good conservation practices. Areas that wash out shall be repaired immediately. Indigenous trees and shrubs shall be planted to provide screening and reduce erosion during the establishment period. Land designated for agricultural use must be covered with appropriate topsoil to a depth of 18 inches. Materials used for topsoil shall be specified in detail, and certified free of toxic chemicals, heavy metals, sewage derivatives, or other chemicals and elements that may be hazardous for human activities.
  6. Provisions for the re-vegetation of the site must be in effect within 7 days after final grading using native plant species, adequate seedbed preparation, organic fertilizer and mulching to protect germinating plants. (See attached list for examples of acceptable and unacceptable vegetation.)
  7. All equipment, buildings and structures erected on the premises for use by personnel or for storage of equipment shall be removed from the area within ninety days of the expiration of the permit or the cessation of operations.

- C. A site reclamation performance bond, or other performance surety satisfactory to the ER Board, shall be posted with the Town Treasurer in the amount of 150% of the estimated cost of reclamation prior to the issuance of a permit for the proposed project. (A licensed environmental engineer shall certify the estimated cost of reclamation.) The applicant shall submit a *statement of permission* signed by the owner of the site and notarized, stating that the Town of Lancaster may upon default of the applicant use the site reclamation performance bond or other performance surety to reclaim the disturbed site and to do such work as may be necessary to protect the general public health and safety.
- D. Release of Performance Bond: The performance surety required under Section 1.9.C shall be released by the ER Board only upon satisfactory completion of the reclamation in accordance with the terms and conditions of this By-law and the Earth Removal Operations Permit; provided, however, that the ER Board shall retain up to 25% the surety for a period of two years following initial completion, to ensure that the re-vegetation has become sufficiently established and that any diseased or dying plants, shrubs or other vegetation planted as part of the site reclamation have been replaced with healthy specimens. Prior to the final release of surety, the ER Board may require the permit recipient to submit affidavits from appropriate professionals, attesting to the conformance of the site reclamation with the terms and conditions of this By-law and the Earth Products Removal Permit.
- E. Owners of discontinued Earth Product Removal sites shall submit a letter to the ER Board stating the status of the site and plans, if needed, for reclamation. Failure of the owner to have such a letter on file with the town within 6 months after written notice to the owner may cause the town to seek a court order for permission for the town to undertake reclamation of the site.

#### 1.10 Fees

- A. The appropriate Application Fee, according to the Schedule of Fees, will accompany the application for an Earth Product Removal permit and an application for permit-renewal. The fees are proportioned to the collective costs by all departments of the town for administering, servicing and overseeing Earth Product Removal.
- B. The Application Fee imposed pursuant to this section shall supersede fees or charges already in effect, and shall be subject to review and approval of the Board of Selectmen, in accordance with Chapter 40, Section 22F of Massachusetts General Laws.

The fees shall be based on the annual volume of earth product removal plus a land factor per square foot of the total area of the lot.

### Part 2 Conditions for all Permits

#### 2.1 General

- A. Hours of operation shall be between 7:00 a.m. and 4:00 p.m. Monday through Friday and 8 a.m. to Noon on Saturday, except hours of operation for a crusher shall be 9 a.m. to 4 p.m. Monday through Friday and 9 a.m. to Noon on Saturday. No operations are allowed on Sunday or on State or Federal holidays.
- B. The Equivalent Sound Level  $L_{eq}$  from Earth Product Removal operations shall not exceed 63 dB (re: 20 micropascals) measured at any abutter's home. Annual monitoring tests shall be performed at the expense of the operator, or more often, as required by the ER Board.
- C. Only 5 acres of the area described in the permit application may be excavated at any one time.
- D. Excavation depth limits:
  - 1. Sand and gravel pit excavation shall not extend below 6 feet above the annual mean high ground water level as periodically monitored at three test pits.
- E. Release of the Security -- After completion of the operation, and at the permit applicant 's written request, the ER Board may grant a partial release of the security posted by the applicant. The remainder of the security shall be released two years after the operation has been completed, including reclamation, if the Town's consultant certifies that a) the reclamation has been completed in compliance with the permit, b) the Permit Holder has submitted an "As-Completed" plan approved by the consultant, and c) no deterioration of the site has occurred. During the period following the partial release of the security, the applicant shall be responsible for repairing damage to the site that makes it noncompliant with reclamation requirements.
- F. The permit holder is required to submit a report for each phase of work. Said report is to be performed by a registered engineer verifying the completion of the Phase before proceeding to the next Phase. This completion certification will be submitted after inspection by the Town's consultant. In addition, an As-Completed survey by the applicant's engineer shall be performed at the end of each Phase of the earth removal operation. The survey shall show limits of excavation, slopes, test pit locations, pertinent erosion control measures, i.e. hay bales,

siltation fences, detention basins, etc.

- G. Conditions established by the Lancaster Conservation Commission become a part of the conditions for the Earth Products Removal Permit.
- H. By initiating an Earth Product Removal Operation under an Earth Product Removal Permit, the Permit Holder agrees to allow reasonable access onto the Site by the Building Inspector or his designee, and access by the ER Board's consultants for the purpose of conducting inspections and preparing reports required by the By-law.
- I. An Earth Product Removal Operation Permit shall not relieve the Permit Holder from the obligation to comply with any and all other requirements of federal, state or local law applicable to the Operation.

## 2.2 Standards of Operations

### A. Site Preparation

1. All topsoil displaced shall be stockpiled on the site and adequately protected from erosion.
2. Prior to any excavation of earth material, siltation basins as approved by the ER Board shall be constructed to prevent run-off of silted water from the site.
3. All siltation barriers as may be required by the Lancaster Conservation Commission to prevent siltation of rivers and wetlands, shall be put in place prior to commencement of the Operation and, thereafter shall be inspected daily and maintained to ensure proper functioning during the Operation and until reclamation of the site is completed.
4. All excavation shall be done to create contours to channel run-off waters into the siltation basins.
5. Siltation basins must be cleaned when sediment deposits are within 18 inches of the outfall culvert.

### B. Site Maintenance

1. No open excavation shall exceed 25 feet in height without written approval by the ER Board.
2. Excavations in excess of 10 feet in height shall be protected with a high visibility fence around the entire perimeter of the excavated area, which shall be a minimum of 6 feet in height.
3. No part of any Earth Product Removal Operation, except the site access road, may be closer than 200 feet to any property boundary line of the Site except where the Site abuts other land under the same ownership as the Site.
4. No slopes shall exceed a three-foot horizontal to one-foot vertical (3:1) grade.
5. No areas shall be excavated to cause accumulation of standing water. Pumping may not satisfy this requirement.
6. No Earth Product Removal Operation shall create excessive amounts of dust, nor allow roads leading into, or from a site to become excessively dust producing. Dust control methods shall be subject to ER Board review and approval as part of the Earth Product Removal Permit application process. No dirt, clay or other residue from the operation may be tracked onto roads leading to and from the site.
7. All wood, branches and brush must be piled for removal or chipping. Wood chips may remain on site if they are to be used for reclamation.

### C. Screening and access

1. All entrances and borders along public ways shall be screened with existing vegetation, evergreens, or other suitable natural methods to prevent a direct view into the earth removal area. If no natural features adequate to screen the area are present, a solid fence 6 feet in height shall be erected along, and 10 feet from, the public way from which access to the site is gained and other public ways from which a view of the operations is possible. The ER Board may require additional fencing. All fencing shall be maintained in good condition until the Operation and Site reclamation has been completed.

2. All access roads leading to public ways shall be treated with suitable material to reduce dust and mud for a distance of 200 feet back from the way. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load. It is the responsibility of the Permit Holder to immediately clean up any material dropped on the public way from trucks entering or exiting the site.
  3. All access roads shall be level with existing streets for a distance of 100 feet and shall have a slope of 2% away from the public way to allow for drainage away from the public way.
  4. A STOP sign shall be displayed at the exit from the property to warn any vehicle entering onto a town street.
  5. All access roads shall have a suitable locking gate to prevent unauthorized entry.
  6. The site shall be posted "No Trespassing."
- D. Structures used for Earth Product Removal Operations
1. All structures existing on the site and those proposed for use with Earth Product Removal Operations shall be indicated on the plans submitted with the Earth Product Removal Permit Application.
  2. No structure shall be erected on the premises until a building permit has been issued, nor shall any structure for use with Earth Product Removal Operations be located closer than 200 feet from the street or 200 feet from any lot line.
  3. All structures used for Earth Product Removal Operations shall be removed from the property no later than 90 days after expiration of the permit.

2.3 Severability of provisions of this By-Law: The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

**ARTICLE 24**  
**Board of Selectmen**

To see if the Town will vote to authorize a Revolving Fund under M.G.L. Ch. 44, §53E½ that may be expended by the Earth Removal Board without further appropriation during FY2005 to pay wages, expenses and contractual services required to administer the activities of the Earth Removal Board. The "Earth Removal Board Revolving Fund" shall be credited with fifty percent (50%) of the fees and charges received during FY05 from applicants seeking earth products removal permits. The Earth Removal Board may spend \$5,000 in revolving fund monies for the purposes of administering the permitting process, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 25**  
**Board of Selectmen**

To see if the Town will vote to adopt the following Noise Control Bylaw, or act in any manner relating thereto:

**ARTICLE 1: PURPOSE**

- 1.1. *WHEREAS*, excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,  
  
*WHEREAS*, a substantial body of science and technology exists by which excessive sound may be substantially abated; and,  
  
*WHEREAS*, the people have a right to, and should be ensured an environment free from excessive sound, it is the policy of the Town of Lancaster to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.
- 1.2. This By-law shall apply to the control of sound originating from stationary and mobile sources, as described herein, within the limits of the Town of Lancaster.

**ARTICLE 2: DEFINITIONS**

The following words and terms, when used in this by-law, shall have the following meanings unless the context clearly indicates otherwise:



- 2.1. "Ambient Sound Level" is the total sound pressure level in the area of interest including the noise source of interest.
- 2.2. "A-Weighting" is the electronic filtering in sound level meters that models human hearing frequency sensitivity.
- 2.3. "Background Sound Level" is the total sound pressure level in the area of interest excluding the noise source of interest.
- 2.4. "Commercial Area" is a group of commercial facilities and the abutting public right-of-way and public spaces.
- 2.5. "Commercial Facility" is any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to: a. Banking and other financial institutions; b. Dining establishments; c. Establishments for providing retail or wholesale services; d. Establishments for recreation and entertainment; e. Office buildings; f. Transportation, and g. Warehouses.
- 2.6. "Construction" is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.
- 2.7. "C-Weighting" is the electronic filtering in sound level meters that models a fiat response (output equals input) over the range of maximum human hearing frequency sensitivity.
- 2.8. "dBA" is the A-weighted unit of sound pressure level.
- 2.9. "dBC" is the C-weighted unit of sound pressure level.
- 2.10. "Decibel (dB)" is the unit of measurement for sound pressure level at a specified location.
- 2.11. "Emergency Work" is any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or to abate any further and substantial threat of damage to life, health or property.
- 2.12. "Impulsive Sound" is a sound having a duration of less than 1 s with an abrupt onset and rapid decay.
- 2.13. "Industrial Facility" is any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or non-durable goods.
- 2.14. "Motor Vehicle" is any vehicle that is propelled or drawn on land by an engine or motor.
- 2.15. "Muffler" is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.
- 2.16. "Multi-dwelling Unit Building" is any building wherein there are two or more dwelling units.
- 2.17. "The Municipality" is The Town of Lancaster.
- 2.18. "Noise" is any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the Municipality or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.
- 2.19. "Noise Control Administrator (NCA)" is the Board of Health and is empowered to grant permits for waivers.
- 2.20. "Noise Control Officer (NCO)" is an officially designated agent of the Board of Health trained in the measurement of sound to enforce the provisions of this By-law.
- 2.21. "Noise Disturbance" is any sound that (a) endangers the safety or health of any person, (b) disturbs a reasonable person of normal sensitivities, or (c) endangers personal or real property.
- 2.22. "Person" is any individual, corporation, company, association, society, firm partnership, joint stock company, the Municipality or any political subdivision, agency or instrumentality of the Municipality.
- 2.23. "Public right-of-way" is any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.
- 2.24. "Public Space" is any real property or structures thereon that is owned, leased, or controlled by a governmental entity.
- 2.25. "Pure Tone" is any sound that can be judged as a single pitch or set of single pitches by the NCO.
- 2.26. "Real Property Line" is either (a) the imaginary line, including its vertical extension, that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.
- 2.27. "Residential Area" is a group of residential properties and the abutting public rights-of-way and public spaces.
- 2.28. "Residential Property" is property used for human habitation, including but not limited to:
  - a. Private property used for human habitation;
  - b. Commercial living accommodations and commercial property used for human habitation;
  - c. Recreational and entertainment property used for human habitation; and
  - d. Community service property used for human habitation.
- 2.29. "Sound Level" is the instantaneous sound pressure level measured in decibels with a sound level meter set for A-weighting on slow integration speed, unless otherwise noted.
- 2.30. "Measuring Instrument" is an instrument such as a sound level meter, integrating sound level meter or dosimeter used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in the latest version of ANSI Standard S 1.4-1983.
- 2.31. "Sound Pressure Level (SPL)" is 20 multiplied by the logarithm, to the base 10, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.
- 2.32. "Weekday" is any day, Monday through Friday that is not a legal holiday.

### **ARTICLE 3: POWERS, DUTIES AND QUALIFICATIONS OF THE NOISE CONTROL OFFICERS AND ADMINISTRATORS**

- 3.1. The Noise Control Officer (NCO) shall enforce the provisions of this by-law.
- 3.2. The Noise Control Administrator (NCA) shall have the power to:
  - a. Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable;
  - b. Review the actions of other municipal departments and advise such departments to the effect, if any, of such actions on noise control;
  - c. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this by-law; and
  - d. Grant permits for waivers according to the provisions of Article 9.
- 3.3. All persons conducting sound measurements to assess compliance with this section shall be trained in the current techniques and principles of sound measurement equipment and instrumentation.
- 3.4. Noise measurements taken by a NCO shall be taken in accordance with the procedures specified in Article 5.

### **ARTICLE 4: DUTIES AND RESPONSIBILITIES OF OTHER DEPARTMENTS**

- 4.1. All departments and agencies of the Municipality shall carry out their programs according to law and shall cooperate with the NCA in the implementation and enforcement of this by-law.
- 4.2. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the NCA prior to the approval of such projects to ensure that such activities comply with the provisions of this by-law.

### **ARTICLE 5: SOUND MEASUREMENT PROCEDURES**

- 5.1. Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum, and fluctuating rates.
- 5.2. All tests shall be conducted in accordance with the following procedures:
  - a. The NCO shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
  - b. Measurements shall be taken at or within the property line of the affected person.
  - c. The measuring instrument must be calibrated using a calibrator recommended by the measuring instrument manufacturer before and after each series of readings.
  - d. The measuring instrument must be recertified and the calibrator must be recalibrated at least once each year by the manufacturer or by a person that has been approved by the manufacturer. A copy of written documentation of such recertification and recalibration shall be kept with the equipment to which refers.
  - e. No outdoor measurements shall be taken:
    1. During periods when wind speeds (including gusts) exceed 15 mph;
    2. Without a windscreen, recommended by the measuring instrument manufacturer, properly attached to the measuring instrument;
    3. Under any condition that allows the measuring instrument to become wet (e.g., rain, snow, or condensation);or
    4. When the ambient temperature is out of the range of the tolerance of the measuring instrument.
- 5.3. The report for each measurement session shall include:
  - a. The date, day of the week, and times at which measurements are taken;
  - b. The times of calibration;
  - c. The weather conditions;
  - d. The identification of all monitoring equipment by manufacturer, model number, and serial number;
  - e. The normal operating cycle of the sources in question with a description of the sources;
  - f. The ambient sound level, in dBA, with the sources in question operating;
  - g. The background sound level, in dBA, without the sources in question operating; and
  - h. A sketch of the measurement site, including measurement locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.
- 5.4. Prior to taking noise measurements the investigator shall, to the extent permitted by law, explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.
- 5.5. When measuring continuous sound, or sound that is sustained for more than 1s at a time, the measuring instrument shall be set for A-weighting, slow response, and the range (if the measuring instrument is designed to read levels over different ranges) shall be set to that range in which the meter reads closest to the middle of the scale. The minimum and maximum readings shall be recorded to indicate the range of monitored values along with the central tendency average most often displayed.
- 5.6. The measuring instrument shall be placed at a minimum height of 3 ft above the ground or from any reflective surface.

When handheld, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the measuring instruments manufacturer.

- 5.7. If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level as not to increase the monitored sound levels of interest.
- 5.8. The monitoring session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question.
- 5.9. The background sound levels shall be subtracted from the measured sound levels of the source of interest by using Table 1 to determine the sound levels from the source of interest alone. If the ambient sound level is less than 3 dBA higher than the background sound level, the source level cannot be derived and a violation of the by-law cannot be substantiated.

Table 1 Correction for Background Levels\*

Difference Between Ambient and Background Levels	Correction Factor to Be Subtracted from Ambient Sound Level for Source Level
3	3
4,5	2
6-9	1
10 or more	0

\*In dBA

**ARTICLE 6: SOUND LEVEL LIMITATIONS**

6.1. No person shall cause, suffer, allow, or permit the operation of any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by 10 dBA or greater during daytime (7:00 a.m. to 10:00 p.m.) hours and by 5 dBA or greater during nighttime (10:00 p.m. to 7:00 a.m.) hours when measured at or within the real property line of the receiving property, except as provided in Section 6.1.1. Such a sound source would constitute a noise disturbance.

6.1.1. If the background sound level cannot be determined, the absolute sound level limits set forth in Table 2 shall be used.

6.1.2. If the sound source in question is a pure tone, the limits of Table 2 shall be reduced by 5 dBA.

TABLE 2 Maximum Permissible Sound Levels

Source Property	Receiving Property		Commercial (All times)
	Residential 7:00 a.m.-10:00 p.m.	Residential 10:00 p.m.-7:00 a.m.	
Residential	55	50	65
Commercial	65	50	65
Industrial	65	50	65

6.1.3. Non-repetitive impulsive sound sources shall not exceed 90 dBA or 120 dBA at or within a residential real property line, using the fast meter response speed.

6.1.4. In multi-dwelling unit buildings, if the background sound level cannot be determined, the daytime limit is 45 dBA and the nighttime limit is 35 dBA for sounds originating in another dwelling within the same building.

6.2. The following are exempt from the sound level limits of Section 6.1:

- a. Noise from emergency signaling devices;
- b. Noise from an exterior burglar alarm of any building provided such burglar alarm shall terminate its operation within 30 minutes of its activation;
- c. Noise from domestic power tools, lawn mowers, and agricultural equipment when used in emergency work or when operated between 7:00 a.m. and 8:00 p.m. on weekdays and between 8:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they generate less than 85 dBA at or within any real property line of a residential property;
- d. Any bell or chime from any school, church or municipal facility.
- e. Noise from construction activity provided all motorized equipment used in such activity is equipped with functioning mufflers, except as provided in Section 7.2(f);
- f. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal or their maintenance.

6.3. When the source being analyzed is a stereo system with low frequency signals as part of its output, the stereo shall not cause a "C" weighted level of 10dB or greater above the "C" weighted ambient level at a distance of 10 feet from the source, or the complainant's property line, which ever is greater.

**ARTICLE 7: SPECIFIC PROHIBITED ACTS**

7.1. No person shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance, as defined in

Section 6.1.

- 7.2. Other than as noted in Section 2.11 no person shall cause, suffer, allow, or permit the following acts:
- a. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance (as defined in Section 6.1) for any person other than the operator of the device;
  - b. Using or operating any loudspeaker, public address system, or similar device between 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom creates a noise disturbance (as defined in Section 6.1) across a residential real property line;
  - c. Owning, possessing, or harboring any animal or bird that, frequently or for continued duration, generates sounds that create a noise disturbance (as defined in Section 6.1) across a residential real property line;
  - d. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse, or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between 9:00 p.m. and 7:00 a.m. the following day on a weekday and between 9:00 p.m. and 9:00 a.m. the following day on a weekend day or legal holiday except by permit, when the sound therefrom creates a noise disturbance (as defined in Section 6.1 ) across a residential property line;
  - e. Operating or permitting the operation of any motor vehicle whose manufacturer 's gross weight rating is in excess of 10,000 lbs., or any auxiliary equipment attached to such a vehicle, for a period of longer than 5 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within 150 ft of a residential area between 7:00 p.m. and 7:00 a.m. the following day or as authorized by permit. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads or to the operation of vehicles carrying products, which must be kept refrigerated.
  - f. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating, or demolition work between 6:00 p.m. and 7:00 a.m. the following day on a weekday or at any time on a weekend day or legal holiday, except for emergency work, by waiver issued pursuant to Article 9, or when the sound level does not exceed any applicable relative or absolute limit specified in Section 6.1.

**ARTICLE 8: EXEMPTIONS**

- 8.1. The provisions of this by-law shall not apply to noise emitted by or related to any of the following:
- a. Any siren, whistle or bell or other sound generating device used in an alarm system relating to an emergency situation except as provided in Section 6.2(b);
  - b. Any siren, whistle or bell lawfully used by emergency response vehicles, cleanup or repair work that is necessary to ensure the protection of public health safety or welfare;
  - c. Natural phenomena;
  - d. Any siren, whistle or bell required by law or regulation, which operates at sound levels appropriate to the environment;
  - e. Non-commercial public speaking and public assembly activities subject to federal and state constitutional protection;
  - f. Farming equipment or farming activity; or
  - g. Devices used in conjunction with places of religious worship
- 8.2. Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this by-law.

**ARTICLE 9: WAIVER CONDITIONS**

- 9.1. Any person who owns or operates any stationary or mobile noise source may apply to the NCA for a waiver from one or more of the provisions of this by-law. Every request for a waiver shall be made in writing and shall be subject to a public hearing before the Board of Health. The requesting party, at his or her sole expense, must notify all abutters within 300 feet by certified mail at least ten (10) days prior to the public hearing. Applicants for a permit of waiver shall supply information including, but not limited to:
- a. The nature and location of the noise source for which such application is made;
  - b. The reason for which the permit of waiver is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of waiver is not granted;
  - c. The level of noise that will occur during the period of the waiver;
  - d. The section or sections of this by-law for which the permit of waiver shall apply;
  - e. A description of interim noise control measures to be taken for the applicant to minimize noise and the impacts occurring therefrom; and
  - f. A specific schedule of the noise control measures that shall be taken to bring the source into compliance with this by-law within a reasonable time.
- 9.1.1. Failure to supply the information required by the NCA shall be cause for rejection of the application.
- 9.1.2. A copy of the permit of waiver must be kept on file by the municipal clerk for public inspection.
- 9.1.3. Any denial of a waiver shall also be in writing and shall contain a brief statement of the reasons for denial.

- 9.2. The NCA may charge the applicant a fee as established by the Board of Selectmen to cover expenses resulting from the processing of the permit of waiver application and any required noise evaluations to be conducted by the NCO for the requested permit.
- 9.3. The NCA may, at their discretion, limit the duration of the permit of waiver, which shall be no longer than 1 year. Any person holding a permit of waiver and requesting an extension of time shall apply for a new permit of waiver under the provisions of this section.
- 9.4. No waiver shall be approved unless the applicant presents adequate proof that:
  - a. Noise levels occurring during the period of the waiver will not constitute a danger to public health; and
  - b. Compliance with the by-law would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
- 9.5. In making the determination of granting a waiver, the NCA shall consider:
  - a. the character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
  - b. The social and economic value of the activity for which the waiver is sought; and
  - c. The ability of the applicant to apply the best practical noise control measures.
- 9.6. The permit of waiver may be revoked by the NCA if the terms of the permit of waiver are violated.
- 9.7. Prior to revoking a permit of waiver, the NCA shall hold a public hearing, at which the permit holder shall be allowed to appear and present evidence in his behalf, to determine whether there are sufficient grounds for the revocation of the permit. Notice of such public hearing shall be served on the permit holder by hand or by certified mail at least two weeks prior to the scheduled date of the public hearing.

#### **ARTICLE 10: ENFORCEMENT PROCEDURES**

If the NCO determines that a violation of this regulation is occurring or has occurred, he may issue a written notice of violation, and order the violator to cease and desist. Every day that the violation continues after service of such written notice of violation constitutes a separate violation for which additional notices of violation are not required.

A notice of violation is deemed served on the day it is received, if served by hand or by certified mail, return receipt requested, and is deemed served on the third day after mailing, if served by first class mail, postage prepaid.

Whoever violates any provision of this bylaw may be subject to criminal penalty by indictment or on a complaint brought in the district court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense of this by-law shall be three hundred dollars (\$300.00). Each day during which violation occurs shall constitute a separate offense. If more than one provision of the by-law is violated, each violation shall constitute a separate offense.

Whoever violates any provision of this by-law may be penalized through a non-criminal disposition process pursuant to the Town of Lancaster Non-Criminal Disposition By-law and G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this by-law shall be subject to a penalty of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and three hundred dollars (\$300.00) for each subsequent offense if committed within one (1) year of the first offense. Each day during which a violation occurs shall constitute a separate offense. If more than one provision of the by-law is violated, each violation shall constitute a separate offense.

#### **ARTICLE 11: SEVERABILITY**

- 11.1. If any provision of this by-law is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.

#### **ARTICLE 12: EFFECTIVE DATE**

- 12.1. This by-law shall take effect upon its approval by the Attorney General of the Commonwealth of Massachusetts, and is intended to apply to all pre-existing noise pollution as of that date.

<b>ARTICLE 26</b> <b>Registered Voters Petition</b>
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To see if the Town will vote to withdraw from the Nashoba Health District effective January 1, 2004 in accordance with the provisions of M.G.L. c. 111, §27B, or act in any manner relating thereto. *(This Article appears on the Warrant as the result of a registered voters petition submitted to the Board of Selectmen pursuant to M.G.L. c. 39, §10, and is reproduced exactly as drafted on the original Petition).*

<b>ARTICLE 27</b> <b>Registered Voters Petition</b>
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To see if the Town will amend the administrative by-laws of the Town of Lancaster to appoint five members of the Finance Committee. Appointments to be made by the Moderator. Chairman of the Board of Selectmen and the Chairman of the Finance Committee. The terms of members shall be designated so that no more than two members terms shall expire in one year. The term of office shall remain three consecutive years. *(This Article appears on the Warrant as the result of a registered voters petition submitted to the Board of Selectmen pursuant to M.G.L. c. 39, §10, and is reproduced exactly as drafted on the original Petition).*

To hear the report of any outstanding committees and to act thereon.

To choose any committee or committees that may be thought necessary.

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

SELECTMEN OF LANCASTER

\_\_\_\_\_  
Steven A. Hilliger, *Chairman*

\_\_\_\_\_  
Joanne C. Foster, *Clerk*

\_\_\_\_\_  
Alexandra W. Turner, *Member*

\_\_\_\_\_  
Date of Execution

CONSTABLE'S CERTIFICATION

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

Attest: \_\_\_\_\_  
Constable

Date: \_\_\_\_\_

**ANNUAL TOWN MEETING  
LANCASTER MASSACHUSETTS  
MAY 3, 2004  
Abbreviated Notes**

The Annual Town Meeting was called to order at 7:45 p.m. by Moderator James Burgoyne. A total of 177 registered voters were signed in by Registrars Cecilia Thurlow and Anna DiPietro and Assistant Town Clerk Leslie Montague. Moderator Burgoyne led in reciting the Pledge of Allegiance, dedicating it to members of the Armed Forces serving throughout the world. Moderator Burgoyne then asked for a moment of silence in honor of George A. Black, Stanley

Y. Roberts, Jr. and Grace Sachse, Lancaster residents who had served the Town in various capacities and who had died in 2003, and Lancaster Firefighter Martin H. McNamara V, who was killed in the performance of his duties.

**Article 1** – The reading of the Annual Report was waived; Outgoing Board of Selectman Chairman Steven Hilliger welcomed residents to the Town Meeting and thanked them for their support during his term of office.

Moderator Burgoyne cited retirees Roberta Winsor and Marjorie Whittier, thanking them for their long years of service to the Town.

**Article 2** – The Town voted unanimously to accept the FY2005 budget as amended. The total budget amount was reduced to \$13,134,287; a deficit of approximately \$300k will be taken from free cash. The budget will be balanced at a special town meeting in the fall, after the state allocation is known.

**Articles 22, 23 24 and 25** all related to earth removal in town; they were moved to be discussed before **Article 3**.

**Article 22 – Zoning Bylaw Amendment.** A report from the Planning Board was circulated; the Planning Board recommended postponing Article 22 indefinitely, until Lancaster's new Master Plan is developed over the next year. The Board also recommended setting up an Earth Removal Board to review the situation and make recommendations regarding proposed bylaws. The Article was postponed indefinitely, by unanimous vote.

**Article 23 – Earth Removal Bylaw.** Postponed indefinitely, by unanimous vote.

**Article 24** – Revolving Fund for use by Earth Removal Board. Postponed indefinitely, by unanimous vote.

**Article 25 – Noise Control Bylaw.** Postponed indefinitely, by unanimous vote.

**Article 3** – The Town voted, by majority vote, to amend the *Personnel Compensation Wage and Salary Schedule* by increasing all amounts by 2 ½% effective July 1, 2004.

**Article 4** – The Town voted, by majority vote, to authorize the Treasurer-Collector to enter into Compensating Balance Agreements for FY05, pursuant to G.L. c. 44, §53F.

**Article 5** – The Town voted unanimously to request the Board of Assessors to commit \$15,000 from the FY2005 Overlay Account for Abatements to fund the Senior Citizen Tax Work-off Abatement Program.

**Article 6** – The Town voted, by majority vote, to authorize FY05 Revolving Funds as detailed in the Warrant, in accordance with G.L. c. 44, §53E1/2.

**Article 7** – The Town voted unanimously to accept the provisions G.L. Ch. 44, §53E and to authorize the Department of Public Works to expend not more than \$4,000 from receipts received in FY05 from the sale of cemetery lots and graves for costs associated with developing new burial lots.

**Article 8** – The Town voted unanimously to appropriate \$497,000 from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2004.

**Article 9** – The Town voted unanimously to appropriate \$145,441 from Water Enterprise Available funds to the Water Enterprise Capital Fund.

**Article 10** – The Town voted to accept any public funds for repairs to roadways, culverts, bridges, water systems and tree planting, and to authorize the Collector-Treasurer to take from available funds or to borrow in anticipation of authorized reimbursements.

**Article 11** – The Town voted unanimously to take from available funds or authorize the Treasurer-Collector to borrow in anticipation of reimbursements, the sum of \$158,760 for authorized road improvements and other projects provided for under Chapter 90 Local Transportation Aid. The Board of Public Works is authorized to expend funds authorized by this article subject to pre-approval of a Capital Expenditure Plan by the Board of Selectmen and Finance Committee.

**Article 12** – The Town voted, by majority vote, to approve a Capital Improvement Program for Fiscal Year 2005 and the ensuing two fiscal years, as set forth in the Warrant.

**Article 13** – The Town voted unanimously to appropriate such sums of money and from revenue sources stated in the Warrant, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described in the Warrant.

**Article 14** – The Town voted unanimously to transfer \$525,643 from Certified Free Cash to the Stabilization Fund.

**Article 15** – The Town voted unanimously to adopt a *Capital Improvement Program Bylaw* as printed in the Warrant.

**Article 16** – The Town voted, by majority vote, to amend the *Town Meeting and Election Bylaw* to allow the Annual Town Meeting to begin no earlier than 7:00 p.m. (instead of 7:30 p.m.) and to allow the polls to open on Annual Town Election day no earlier than 7:00 a.m. (instead of 10 a.m.).

**Article 17** – The Town voted unanimously to amend the *Personnel Bylaw* by changing Section 10C, Vacation Pay, as printed in the Warrant.

**Article 18** – The Town voted unanimously to adopt a *Community Development and Planning Department Bylaw* as printed in the Warrant.

**Article 19** – The Town voted unanimously to petition the General Court to adopt legislation authorizing the Board of Selectmen to grant employment contracts to certain Department Heads and Officials.

**Article 20** – Tabled until consideration of Article 27.

**Article 21** – The Town voted, by a vote of 59 yeas and 19 nays, to allow the Board of Selectmen to lease a portion of the land at the Public Safety Building on Main Street to a telecommunications provider for the purpose of using the existing tower or erecting a new one. The Selectmen were also authorized to enter into any necessary agreements with the Doctor Franklin Perkins School,



who donated the land upon which the Public Safety Building sits.

**Articles 22, 23 24 and 25** – See above.

**Article 26** – A registered voters petition to see if the Town would vote to withdraw from the Nashoba Health District was not moved.

**Article 27** – A registered voters petition to see if the Town would vote to amend the Administrative Bylaws to have members of the Finance Committee appointed rather than elected was amended from the floor. The amendment (members would be appointed by the Moderator only and would not be able to hold any other public office concurrently) carried by majority vote. The amended Article was then defeated, 20 yeas and 46 nays.

**Article 20** – The Town voted, by a vote of 55 yeas and 3 nays, to petition the General Court to adopt legislation allowing Lancaster to restructure its Finance Committee so that five members are elected at the 2005 Annual Town Election. The two top vote getters in that election will serve for three years, the next two for two years, and the fifth top vote getter for one year. After the initial terms, Finance Committee members would be elected for three-year overlapping terms.

There being no further business, Moderator Burgoyne adjourned the Annual Town Meeting at 10:50 p.m.



**Warrant for Annual Town Election  
May 10, 2004  
The Commonwealth of Massachusetts**

**Worcester, ss.**

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

**Greetings:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to elect by ballot, on Monday, the tenth day of May, 2004, at the Town Hall in said Lancaster, the following Town Officers:

Moderator .....	One for one year
Selectman .....	One for three years
Board of Public Works .....	One for three years
Board of Health .....	One for three years
Library Trustees .....	Two for three years
Planning Board .....	One for five years
Finance Committee .....	Two for one year
Finance Committee .....	One for two years
Nashoba Regional District School Committee .....	One for three years
Housing Authority .....	One for five years

The polls will open at 10:00 A.M. and will remain open until 8:00 P.M.

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

**Selectmen of Lancaster**

\_\_\_\_\_  
**Stephen A. Hilliger, Chairman**

\_\_\_\_\_  
**Joanne C. Foster, Clerk**

\_\_\_\_\_  
**Alexandra W. Turner, Member**

**CONSTABLE'S CERTIFICATION**

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

*Attest:* \_\_\_\_\_  
*Constable*

*Date* April 29, 2004

# ANNUAL TOWN ELECTION LANCASTER MA

MAY 10, 2004

The polls were opened at 10 a.m. by Warden Rita Ford. Serving at the polls were Inspectors Thomas Morris, Ruth Browchuck, Norma McCarty, Frank MacGrory, Helen MacBrayne, Joan Mitchell, Marilyn Chambers, Lucille Johnston, Joy Peach, Warden Chester L. Locke, Assistant Warden Jeanne Rich and Clerks Susan Polansky and Kathleen Suits.

	Precinct 1	Precinct 2	Total
<b>MODERATOR</b>			
James M. Burgoyne	213	319	532
Write-in	1	2	3
Blanks	34	49	83
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>
 <b>BOARD OF SELECTMEN</b>			
David Dunn	204	277	481
Martin B. Whitney, Jr.	38	79	117
Write-in		1	1
Blanks	6	13	19
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>
 <b>BOARD OF PUBLIC WORKS</b>			
Martin E. Gannon	81	157	238
Daniel L. Favreau	156	182	338
Write-in			0
Blanks	11	31	42
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>
 <b>BOARD OF HEALTH</b>			
Shawn S. Winsor	177	279	456
Write-in	1	2	3
Blanks	70	89	159
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>
 <b>LIBRARY TRUSTEES (2)</b>			
Michael J. Lukaszewicz	167	257	424
Write-in -- Frank S. Streeter	14	18	32
Write-in -- All Others	3	5	8
Blanks	312	460	772
<b>TOTAL</b>	<b>496</b>	<b>740</b>	<b>1236</b>
	<b>Precinct 1</b>	<b>Precinct 2</b>	<b>Total</b>
 <b>PLANNING BOARD</b>			
Write-in -- Gail Sullivan	9	5	14
Write-in -- Mark Finnerty	5	5	10
Write-in -- Roberta Winsor	5	5	10
Write-in -- All Others	21	16	37
Blanks	208	339	547
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>

**FINANCE COMMITTEE One-Year (2)**

John J. Wojciak	137	200	337
Charles J. Santangelo	149	227	376
Write-in		1	1
Blanks	210	312	522
<b>TOTAL</b>	<b>496</b>	<b>740</b>	<b>1236</b>

**FINANCE COMMITTEE Two-Year**

Write-in -- David O'Toole	2	4	6
Write-in -- All Others	9	15	24
Blanks	237	351	588
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>

**HOUSING AUTHORITY**

Muriel J. McLaughlin	190	278	468
Write-in			0
Blanks	58	92	150
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>

**NASHOBA REGIONAL SCHOOL COMMITTEE**

Monica V. CampoBasso	177	264	441
Write-in	2	4	6
Blanks	69	102	171
<b>TOTAL</b>	<b>248</b>	<b>370</b>	<b>618</b>

COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH  
WARRANT FOR STATE PRIMARY

SS.

To either of the Constables of the Town of Lancaster

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

Precinct 1 and 2

Town Hall, 695 Main Street

On **TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER, 2004**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

REPRESENTATIVE IN CONGRESS .....5<sup>th</sup> DISTRICT  
COUNCILLOR .....7<sup>th</sup> DISTRICT  
SENATOR IN GENERAL COURT .....WORCESTER & MIDDLESEX DISTRICT  
REPRESENTATIVE IN GENERAL COURT .....37<sup>th</sup> MIDDLESEX DISTRICT  
REPRESENTATIVE IN GENERAL COURT .....12<sup>th</sup> WORCESTER DISTRICT  
SHERIFF .....WORCESTER COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 23<sup>rd</sup> day of August, 2004.

\_\_\_\_\_ Joanne C. Foster, Chairman

\_\_\_\_\_ Alexandra W. Turner

\_\_\_\_\_ David Dunn

Selectmen of: Lancaster

Posting  
(Indicate method of service of warrant.)

\_\_\_\_\_, 2004  
Constable (month and day)

Warrant must be posted by **September 7, 2004**, (at least *seven days prior* to the **September 14, 2004**, State Primary).

# STATE PRIMARY

September 14, 2004

The polls were opened at 7 a.m. by Warden Rita Ford. Serving at the polls were Inspectors Thomas Morris, Norma McCarty, Frank MacGrory, Helen MacBrayne, Joan Mitchell, Marilyn Chambers, Lucille Johnston, Joy Peach, Carolyn Stump, Warden Chester L. Locke and Clerk Susan Polansky.

## DEMOCRATIC PARTY

<b>REPRESENTATIVE IN CONGRESS</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Martin T. Meehan	111	172	283
All Others	2	2	4
Blanks	28	47	75
<b>TOTAL VOTES CAST</b>	<b>141</b>	<b>221</b>	<b>362</b>

  

<b>COUNCILLOR</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Dennis P. McManus	71	117	188
Kathleen C. Norbut	29	33	62
William A. Trotta	14	23	37
All Others	0	0	0
Blanks	27	48	75
<b>TOTAL VOTES CAST</b>	<b>141</b>	<b>221</b>	<b>362</b>

  

<b>SENATOR IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Robert A. Antonioni	113	174	287
All Others	2	1	3
Blanks	26	46	72
<b>TOTAL VOTES CAST</b>	<b>141</b>	<b>221</b>	<b>362</b>

  

<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
James B. Eldridge	116	--	116
Harold P. Naughton	--	181	181
All Others	1	1	2
Blanks	24	39	63
<b>TOTAL VOTES CAST</b>	<b>141</b>	<b>221</b>	<b>362</b>

  

<b>SHERIFF</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
John M. Flynn	44	79	123
Guy William Glodis	92	137	229
All Others	0	0	0
Blanks	5	5	10
<b>TOTAL VOTES CAST</b>	<b>141</b>	<b>221</b>	<b>362</b>

  

<b>TOTAL DEMOCRATIC VOTES CAST</b>	<b>141</b>	<b>221</b>	<b>362</b>
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## REPUBLICAN PARTY

<b>REPRESENTATIVE IN CONGRESS</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Ilana Freedman	10	12	22
Thomas P. Tierney	35	26	61
Blanks	1	1	2
<b>TOTAL VOTES CAST</b>	<b>46</b>	<b>39</b>	<b>85</b>
<b>COUNCILLOR</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
All Others	11	10	21
Blanks	35	29	64
<b>TOTAL VOTES CAST</b>	<b>46</b>	<b>39</b>	<b>85</b>
<b>SENATOR IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
David Schnaider	43	37	80
All Others		1	1
Blanks	3	1	4
<b>TOTAL VOTES CAST</b>	<b>46</b>	<b>39</b>	<b>85</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Thomas J. (T.J.) Dyer	40	--	40
James B. Stanton	--	38	38
All Others			0
Blanks	6	1	7
<b>TOTAL VOTES CAST</b>	<b>46</b>	<b>39</b>	<b>85</b>
<b>SHERIFF</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
William J. McCarthy	39	36	75
			0
All Others	3	1	4
Blanks	4	2	6
<b>TOTAL VOTES CAST</b>	<b>46</b>	<b>39</b>	<b>85</b>
<b>TOTAL REPUBLICAN VOTES CAST</b>	<b>46</b>	<b>39</b>	<b>85</b>

## GREEN RAINBOW PARTY

<b>REPRESENTATIVE IN CONGRESS</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
			0
Blanks	1	1	2
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>COUNCILLOR</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
All Others			0
Blanks	1	1	2
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>1</b>	<b>2</b>

<b>SENATOR IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
Richard R. Zitola	1	1	2
Blanks			0
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
All Others			0
Blanks	1	1	2
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>SHERIFF</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
All Others			0
Blanks	1	1	2
<b>TOTAL VOTES CAST</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>TOTAL GREEN RAINBOW VOTES CAST</b>	<b>1</b>	<b>1</b>	<b>2</b>

## **LIBERTARIAN PARTY**

<b>REPRESENTATIVE IN CONGRESS</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
Blanks		2	2
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>COUNCILLOR</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
All Others			0
Blanks		2	2
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>SENATOR IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
Blanks		2	2
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>
			0
All Others			0
Blanks		2	2
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>SHERIFF</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>Total</b>



			0
			0
All Others			0
Blanks		2	2
<b>TOTAL VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>TOTAL LIBERTARIAN VOTES CAST</b>	<b>0</b>	<b>2</b>	<b>2</b>
<hr/>			
<b>TOTAL PRIMARY VOTES CAST</b>	<b>188</b>	<b>263</b>	<b>451</b>

COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

**WARRANT FOR STATE ELECTION**

SS.

To either of the Constables of the Town of Lancaster

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Elections to vote at

Precinct 1 and 2

The First Church – Unitarian Community Hall, 725 Main St, Lancaster

On **TUESDAY, THE SECOND DAY OF NOVEMBER, 2004**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates of political parties for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT ..... FOR THE COMMONWEALTH  
REPRESENTATIVE IN CONGRESS .....5<sup>th</sup> DISTRICT  
COUNCILLOR .....7<sup>th</sup> DISTRICT  
SENATOR IN GENERAL COURT .....WORCESTER & MIDDLESEX DISTRICT  
REPRESENTATIVE IN GENERAL COURT .....37<sup>th</sup> MIDDLESEX DISTRICT  
REPRESENTATIVE IN GENERAL COURT .....12<sup>th</sup> WORCESTER DISTRICT  
SHERIFF .....WORCESTER COUNTY

**QUESTIONS**

**QUESTION 1** (Precincts 1 & 2)

Shall sections 280, 281, and 282 of chapter 149 of 2004, which authorized the town of Lancaster to pay a survivor benefit and extend health insurance coverage to Claire B. McNamara and her dependents be accepted?

**SUMMARY**

The Act authorizes the Town, in lieu of any obligations under any other general or special law, to pay an accidental death benefit to Claire B. McNamara, the widow of fallen firefighter Martin H. McNamara V, equal to 2/3 of the average annual salary of a first year career firefighter in the local area. The Act authorizes the Town to fund the purchase of an annuity through an “override” of the provisions of Proposition 2 ½, so-called. Proposition 2 ½ imposes limits on the amount a town may raise by taxation. The Act allows the Town to raise through taxation, for one-year only, the sum of \$650,000 in addition to the amounts permitted under Proposition 2 ½. The Town Department of Finance and Budget estimates the tax rate will increase by approximately \$1.17 per thousand dollars of valuation for one year only. On March 22, 2004, Town Meeting voted to appropriate the \$650,000 contingent upon approval of

this ballot question. Thus, approval of the question will constitute approval of the override and will ratify Town Meeting's contingent appropriation of such funds. The Act also makes Claire B. McNamara and her dependents eligible for health insurance, subject to certain conditions, provided that she bears responsibility for a retiree's percentage share for the premium for such insurance.

**A YES VOTE** would: (1) accept Sections 280-282 of chapter 149 of the Acts of 2004 authorizing the Town to provide a substantial accidental death benefit to Claire B. McNamara, widow of firefighter Martin H. McNamara V; (2) approve a special one-year override of the limitation imposed by G.L. c.59, Sec 21C, Proposition 2 ½ so-called, in the amount of \$650,000 for the purchase of an annuity to pay the accidental death benefit; and (3) ratify Town Meeting's contingent appropriation of such funds.

**A NO VOTE** would: (1) reject Sections 280-282 of chapter 149 of the Acts of 2004, thereby precluding the Town from paying a substantial accidental death benefit to Claire B. McNamara, widow of firefighter Martin H. McNamara V, and allowing the Town to pay only the minimal benefit allowable under state law; (2) make no change to the limitations imposed by Proposition 2 ½ with regard to the amount the Town may raise by taxation; and (3) nullify Town Meeting's contingent appropriation of funds for the purchase of an annuity to pay a substantial accidental death benefit to Claire B. McNamara.

**QUESTION 2** (Precinct 2 Only) **THIS QUESTION IS NOT BINDING**

Shall the state representative from this district be instructed to vote in favor of legislation requiring that in all separation and divorce proceedings involving minor children, the court shall uphold the fundamental rights of both parents to the shared physical and legal custody of their children and the children's right to maximize their time with each parent, so far as is practical, unless one parent is found unfit or the parents agree otherwise, subject to the requirements of existing child support and abuse prevention laws?

**QUESTION 3** (Precinct 2 Only) **THIS QUESTION IS NOT BINDING**

Shall the state representative from this district be instructed to vote in favor of legislation that would make possession of less than one ounce of marijuana a civil violation, subject to a maximum fine of \$100 and not subject to any criminal penalties?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this \_\_\_\_\_ day of October, 2004.

\_\_\_\_\_ Joanne C. Foster, Chairman

\_\_\_\_\_ Alexandra W. Turner

\_\_\_\_\_ David Dunn

Selectmen of: Lancaster \_\_\_\_\_ Posting  
(Indicate method of service of warrant.)

\_\_\_\_\_ \_\_\_\_\_, 2004  
Constable (month and day)

Warrant must be posted by **October 26, 2004**, (at least *seven days prior* to the **November 2, 2004**, State Election).

# STATE ELECTION

November 2, 2004

Because of accessibility issues at the Town Hall, the November 2, 2004 State Election was held in the Community Hall of the First Church Unitarian across the Town Green from the Town Hall. The polls were opened at 7 a.m. by Warden Rita Ford. Serving at the polls were Inspectors Thomas Morris, Norma McCarty, Frank MacGrory, Helen MacBrayne, Joan Mitchell, Marilyn Chambers, Lucille Johnston, Joy Peach, Carolyn Stump, Kathy Suits, Deb Adams, Leonard Kelley, Frederick Martin. Assistant Town Clerk Leslie Montague served as Election Clerk. Counters were Warden Chester L. Locke, Assistant Warden Jeanne Rich and Clerks Susan Polansky and Kathy Suits.

## Results

*11/17/2004 certified results after counting  
provisional and overseas absentee ballots*

<b>ELECTORS OF PRESIDENT AND VICE PRESIDENT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
BADNARIK and CAMPAGNA	12	10	22
BUSH and CHENEY	618	1,038	1,656
COBB and LaMARCHE	6	9	15
KERRY and EDWARDS	699	965	1,664
Write In NADER and PIERCE	8	0	8
All Others	0	10	10
Blanks	3	20	23
TOTAL	1,346	2,052	3,398

<b>REPRESENTATIVE IN CONGRESS</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
MARTIN T. MEEHAN	724	1,054	1,778
THOMAS P TIERNEY	532	865	1,397
All Others	5	1	6
Blanks	85	132	217
TOTAL	1,346	2,052	3,398

<b>COUNCILLOR</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
DENNIS P. McMANUS	833	1,279	2,112
All Others	11	31	42
Blanks	502	742	1,244
TOTAL	1,346	2,052	3,398

<b>SENATOR IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
ROBERT A. ANTONIONI	684	964	1,648
DAVID SHNAIDER	539	884	1,423
RICHARD R. ZITOLA	48	93	141
All Others	2	1	3
Blanks	73	110	183
TOTAL	1,346	2,052	3,398

<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
JAMES B. ELDRIDGE	728	XXXXX	728
THOMAS J. (T.J.) DYER	524	XXXXX	524
HAROLD P. NAUGHTON, JR.	XXXXX	1,186	1,186
JAMES B. STANTON	XXXXX	754	754
All Others	3	2	5
Blanks	91	110	201
TOTAL	1,346	2,052	3,398

<b>SHERIFF</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
GUY WILLIAM GLODIS	680	980	1,660
WILLIAM J. McCARTHY	452	716	1,168
FRANK A. BESHAI	68	94	162
All Others	5	2	7
Blanks	141	260	401
TOTAL	1,346	2,052	3,398

<b>BALLOT QUESTION 1</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
YES	615	990	1,605
NO	641	980	1,621
Blanks	90	82	172
TOTAL	1,346	2,052	3,398

<b>BALLOT QUESTION 2</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
YES	XXXXX	1,518	1,518
NO	XXXXX	257	257
Blanks	XXXXX	277	277
TOTAL	XXXXX	2,052	2,052

<b>BALLOT QUESTION 3</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
YES	XXXXX	1,164	1,164
NO	XXXXX	625	625
Blanks	XXXXX	263	263
TOTAL	XXXXX	2,052	2,052

## **STATE ELECTION**

**November 2, 2004**

### **RECOUNT**

A citizens' petition requested a recount of Ballot Question 1. The recount was held on Thursday, November 18, 2004, in the Town Hall Auditorium, presided over by Registrars of Voters Anna C. DiPietro, Cecilia E. Thurlow and D. Susan Thompson, Town Clerk. Assistant Town Clerk Leslie Montague served as recount clerk. Recount election workers were Rita Ford, Warden, Assistant Warden Jeanne Rich, and tally counters and checkers Deb Adams, Helen MacBrayne, Marilyn Chambers, Frank MacGrory, Kathy Suits and Susan Polansky. The Committee to Support the McNamara Family Override assigned a watcher to each election worker.

### **Results of Recount of Ballot Question 1 November 18, 2004**

<b>BALLOT QUESTION 1</b>	<b>Pct 1</b>	<b>Pct 2</b>	<b>TOTAL</b>
YES	617	990	1,607
NO	641	982	1,623
Blanks	89	80	169
TOTAL	1,347	2,052	3,399

**WARRANT FOR  
SPECIAL TOWN MEETING**

**NOVEMBER 8, 2004  
THE COMMONWEALTH OF MASSACHUSETTS**

**Worcester, ss.**

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

**GREETINGS:**

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

**ARTICLE 1**

**Board of Selectmen  
Finance Committee**

To see if the Town will vote to amend the vote taken under Article 13 of the May 3, 2004 Annual Town Meeting, as follows, or act in any manner relating thereto: ***The Finance Committee recommends passage of this article.***

**Appropriate for Capital Improvement Program for FY05 from Available Funds.**

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; such amounts to be provided by transfer from available funds.

***May 3, 2004 Adopted:***

a.	Central Fire Station Repairs/Upgrades
Amount:	\$360,000
Funds to be expended by:	Fire Department
Purpose:	To Replace and/or repair the roof at the Central Fire Station and construct an additional apparatus storage bay.
Funding Source:	Mitigation Funds

***Proposed Amendment:***

b.	Central Fire Station Repairs/Upgrades
Amount:	\$360,000
Funds to be expended by:	Fire Department
Purpose:	To Replace and/or repair the roof and heating system at the Central Fire Station and construct an apparatus storage bay.
Funding Source:	Mitigation Funds

**ARTICLE 2**  
**Board of Selectmen**

To see if the Town will vote to transfer a sum of money from available funds to FY2005 Communications Department Wages for the purpose of implementing the Collective Bargaining Agreement negotiated between the Town of Lancaster and the Massachusetts Coalition of Police, Local 203A, Dispatchers Union, for a contract period July 1, 2002 through June 30, 2005, or act in any manner relating thereto. *The Finance Committee recommends passage of this article - the funding amount will be moved from the floor.*

**ARTICLE 3**  
**Board of Selectmen**

To see if the Town will vote to amend the FY2005 Budget, as adopted under Article 2 of the May 3, 2004 Annual Town Meeting, by amending the amount to be Raised and Appropriated from \$12,762,734 to \$12,741,654, and by adjusting the following budget line items, or act in any manner relating thereto: *The Finance Committee recommends passage of this article.*

Line #	Increase/Reduce Appropriations as Follows:	Budget voted at ATM	Increase/ (Decrease)	Adjusted FY05 Budget
31	Central Communications	\$ 20,000.00	\$ 7,000.00	\$ 27,000.00
40	Police Salaries & Wages	\$ 593,173.00	\$ 3,750.00	\$ 596,923.00
41	Police Expenses	\$ 99,065.00	\$ 4,000.00	\$ 103,065.00
71	NRSD Operating Assessment	\$ 7,000,287.00	\$ (63,424.00)	\$ 6,936,863.00
84	DPW Highway Expenses	\$ 63,312.00	\$ 30,000.00	\$ 93,312.00
85	Public Safety Fuel	\$ 19,000.00	\$ 12,350.00	\$ 31,350.00
156	F.I.C.A. Medicare	\$ 17,630.00	\$ 1,270.00	\$ 18,900.00
157	Worker's Compensation Insurance Premiums	\$ 29,436.00	\$ (12,436.00)	\$ 17,000.00
158	Unemployment Insurance Premium Payment	\$ 22,803.00	\$ 88.00	\$ 22,891.00
162	Property & Casualty/Motor Vehicle Insurance	\$ 106,678.00	\$ (3,678.00)	\$ 103,000.00
184	<b>TOTAL BUDGET APPROPRIATED</b>	<b>\$ 13,056,392.00</b>	<b>\$ (21,080.00)</b>	<b>\$ 13,035,312.00</b>

**ARTICLE 4**  
**Board of Selectmen**

To see if the Town will vote to transfer a sum of money from available funds to pay unpaid bills from prior fiscal years (*detail below*), or act in any manner relating thereto. *The Finance Committee recommends passage of this article - the funding amount will be moved from the floor.*

Department	Vendor	Amount	Service Date	Purpose
Police	West Group Payment Center	\$ 297.00	6/3/04	Mass General Laws updates
Central Communications	CTC Communications	\$1,516.05 \$1,423.50 \$1,481.23	3/31/01 06/30/01 06/30/02	Telephone Service
DPW	WoodCo	\$1,866.83	4/28/04	Repairs to Front End Loader
Community Development	Jean Lidstone	\$ 54.60	6/24/04	Conservation Course Reimbursement
Community Development	Worcester Telegram & Gazette	\$ 66.14	6/15/04	Legal Ads published
Fire Department	Steven M. Fine, MD	\$ 20.00	4/30/04	Medical service - employee
Selectmen	Tighe & Bond Engineers	\$ 799.53	3/30/2004	LSP Services—DPW Gas Release



**ARTICLE 5**  
**Board of Selectmen**

To see if the Town will vote to transfer \$1,939.20 from available funds for engineering and other costs related to environmental remediation of gasoline and diesel fuel releases at the DPW Highway Garage, or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 6**  
**Board of Selectmen**

To see if the Town will vote to transfer a sum of money from available funds and further, to transfer the unexpended balance of \$3,483.86 from Fire Chief Recruitment expenses, as voted under Article 7 of the March 22, 2004 Special Town Meeting, to the Town Administrator Search Account, said funds to be expended by the Board of Selectmen, and to or act in any manner relating thereto. *The Finance Committee recommends passage of this article - the funding amount will be moved from the floor.*

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

***SELECTMEN OF LANCASTER***

\_\_\_\_\_  
Joanne C. Foster, *Chairman*

\_\_\_\_\_  
Alexandra W. Turner, *Clerk*

\_\_\_\_\_  
David M. Dunn, *Member*

**Date of Execution**

**CONSTABLE'S CERTIFICATION**

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

Attest: \_\_\_\_\_  
*Constable*

Date: \_\_\_\_\_

# Notes from the Special Town Meeting

## Lancaster, Massachusetts

### November 8, 2004

The meeting was called to order by Moderator James M. Burgoyne at 7:13 p.m. In attendance were Board of Selectmen members David Dunn, Joanne Foster and Alexandra Turner, Finance Committee Members Nancy Stell-Kiely, Carol Bowers, James Piermarini and John Wojciak, Town Administrator Alan Agnelli, Town Accountant Bonnie Holsten, Town Counsel John W. Giorgio, Town Clerk Sue Thompson, 212 town residents and 15 visitors.

#### Article 1

It was voted to amend the vote taken under Article 13 of the May 3, 2004 Annual Town Meeting which authorized spending \$360,000 to replace and/or repair the roof at the Central Fire Station and additional apparatus storage bay. Article 1 leaves the amount at \$360,000 but changes the purpose of the expenditure to "to replace and/or repair the roof and heating system at the Central Fire Station and construct an apparatus storage bay."

*Article 1 passed unanimously*

#### Article 2

It was voted to raise and appropriate SIX THOUSAND THREE HUNDRED NINETY DOLLARS (\$6,390) for FY2005 Communications Department Wages for the purpose of implementing the Collective Bargaining Agreement negotiated between the Town of Lancaster and the Massachusetts Coalition of Police, Local 203A, Dispatchers Union, for a contract period July 1, 2002 through June 30, 2005.

*Article 2 passed unanimously*

#### Article 3

It was voted to amend the FY2005 Budget, as adopted under Article 2 of the May 3, 2004 Annual Town Meeting, by amending the amount to be Raised and Appropriated from \$12,762,734 to \$12,752,654, and by adjusting the following budget line items:

Line #	Increase/Reduce Appropriations as Follows:	Budget voted at ATM	Increase/ (Decrease)	Adjusted FY05 Budget
31	Central Communications	\$ 20,000.00	\$ 7,000.00	\$ 27,000.00
40	Police Salaries & Wages	\$ 593,173.00	\$ 3,750.00	\$ 596,923.00
41	Police Expenses	\$ 99,065.00	\$ 7,000.00	\$ 114,065.00
71	NRSD Operating Assessment	\$ 7,000,287.00	\$ (63,424.00)	\$ 6,936,863.00
84	DPW Highway Expenses	\$ 63,312.00	\$ 30,000.00	\$ 93,312.00
85	Public Safety Fuel	\$ 19,000.00	\$ 12,350.00	\$ 31,350.00
156	F.I.C.A. Medicare	\$ 17,630.00	\$ 1,270.00	\$ 18,900.00
157	Worker's Compensation Insurance Premiums	\$ 29,436.00	\$ (12,436.00)	\$ 17,000.00
158	Unemployment Insurance Premium Payment	\$ 22,803.00	\$ 88.00	\$ 22,891.00
162	Property & Casualty/Motor Vehicle Insurance	\$ 106,678.00	\$ (3,678.00)	\$ 103,000.00
184	<b>TOTAL BUDGET APPROPRIATED</b>	<b>\$ 13,056,392.00</b>	<b>\$ (10,080.00)</b>	<b>\$ 13,046,312.00</b>

*Article 3 passed unanimously*

**Article 4**

It was voted to raise and appropriate SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS AND EIGHTY-EIGHT CENTS (\$7,524.88) to pay the following unpaid bills from the prior fiscal year.

<b>Department</b>	<b>Vendor</b>	<b>Amount</b>	<b>Service Date</b>	<b>Purpose</b>
Police	West Group Payment Center	\$ 297.00	6/3/04	Mass General Laws updates
Central Communications	CTC Communications	\$1,516.05	3/31/01	Telephone Service
		\$1,423.50	06/30/01	
		\$1,481.23	06/30/02	
DPW	WoodCo	\$1,866.83	4/28/04	Repairs to Front End Loader
Community Development	Jean Lidstone	\$ 54.60	6/24/04	Conservation Course Reimbursement
Community Development	Worcester Telegram & Gazette	\$ 66.14	6/15/04	Legal Ads published
Fire Department	Steven M. Fine, MD	\$ 20.00	4/30/04	Medical service - employee
Selectmen	Tighe & Bond Engineers	\$ 799.53	3/30/2004	LSP Services-DPW Gas Release

*Article 4 passed unanimously*

**Article 5**

It was voted to raise and appropriate TWO THOUSAND NINE HUNDRED THIRTY-FIVE DOLLARS AND TWENTY-ONE CENTS (\$2,935.21) for engineering and other costs related to ongoing environmental remediation of gasoline and diesel fuel releases at the DPW Highway Garage, said funds to be expended by the Board of Selectmen.

*Article 5 passed unanimously*

**Article 6**

It was voted to raise and appropriate ELEVEN THOUSAND FIVE HUNDRED SIXTEEN DOLLARS AND FOURTEEN CENTS (\$11,516.14) and to transfer the unexpended balance of THREE THOUSAND FOUR HUNDRED EIGHTY-THREE DOLLARS AND EIGHTY-SIX CENTS (\$3,483.86) from Fire Chief Recruitment expenses, as voted under Article 7 of the March 22, 2004 Special Town Meeting, said funds to be expended by the Board of Selectmen for costs associated with the Town Administrator search.

*Article 6 passed unanimously*

Moderator Burgoyne adjourned the meeting at 7:20 p.m.