

ANNUAL TOWN MEETING – JUNE 22, 2020

295 VOTERS – 14 NON-VOTERS

The meeting was opened by William O'Neil, Moderator, at 5:49 pm with the Pledge of Allegiance.

Mr. O'Neil acknowledged the volunteers of the town that have passed away.

Chief Edwin Burgwinkle presented a "thank you" plaque to Chief Michael Hanson for decontaminating the cruisers and building at any time of day during this pandemic.

Mr. O'Neil explained the voting procedure for this evening. He also explained the rules for the meeting.

ARTICLE 1:

A motion was made by Mr. Sendrowski, seconded by Mr. Riley, to approve Article 1 as printed in the warrant.

Jay Riley explained the budget process and the budget that was on the warrant and explained his history on the Finance Committee.

Carol Jackson, 40 Farnsworth Way, asked how the Finance Committee could present a balanced budget from back in March, when a lot has happened since then. She noted that there has been no Finance Committee meeting since March.

Mr. Riley explained discussed the process that the Finance Committee goes through from the beginning of the year factoring in and estimating numbers. These numbers get put into a budget. Throughout the meeting there are internal discussions. There was no official vote to pass the budget. The reason is not the pandemic, it's because of the lack of numbers from the state. In order to balance the budget, it was suggested we use the free cash, so that the town can remain operational.

D. Susan Thompson, Main Street, asked Mr. Riley to explain why it is called an omnibus budget and what it means to us as taxpayers.

Mr. Riley explained that the budget is an overall budget of the town. Finance Committee does the line by line, then presents the budget in its entirety to the town as is (omnibus). We seldom have visitors in the meetings throughout the year. The speed and understanding of the budget is the reason for an omnibus budget.

Mr. Pacheco explained that the net impact is not different. We are still raising and appropriating the same amount of money. Omnibus just means voting the budget as a whole.

Ms. Thompson asked if this was a vote for the town to vote for this budget and for the town to use it however they see fit.

Mr. Pacheco replied that it is a departmental budget for the departments to choose what to do with it. He explained the personnel piece and the operational budgets of departments.

David Christensen, 28 Hemlock Lane, asked about actuals for 2019 real estate/property taxes and he asked to talk through the dynamics of what this represents and how we feel comfortable that what we are planning for in the budget is appropriate.

Mr. Pacheco answered that there is no thinking that local property taxes will go down. The state funding will not be ready for July 1st also. He spoke of the COVID relief funds and how they will be distributed from the State.

Mr. Christensen asked if we collected in line what we expected to collect. Were no collection issues in 2019?

Mr. Pacheco answered that there is no outstanding collection issues. There may be a slight decline in Timeliness because of the economic situation.

Emily Castner, 55 Fire Rd 10, stated that she appreciates the Police Department and asked about weapons replacement and for explanation of the category. She also asked what the uses of the weapons are.

Chief Edwin Burgwinkle replied that this line item encompasses different things. There is a need to replace worn out weapons every year so not all platforms are changed each year. He explained the different weapons.

The Motion passes with a vote of 249-YES to 13-NO

ARTICLE 2:

A motion as made by Mr. Starr, seconded by Mr. Riley, to approve Article 2 as printed in the warrant.

Linnea Lakin-Survey, 1394 Main Street, asked about the water enterprise reserve fund. She asked the amount of money in the reserve fund.

Mr. Pacheco answered that the last report from the Department of Revenue was just over a million dollars.

Ms. Lakin-Survey responded that she had heard 20 million at the fall town meeting. She also asked if we have 1 million dollars in the reserve fund, isn't it supposed to be 1% of the operating budget?

Mr. Pacheco answered that it's not "supposed to be" it is a recommended guideline from the Investment Ratings Agency.

Ms. Lakin-Survey thought that this was the law that regulates the water enterprise fund.

Mr. Pacheco added that the debt had not been paid yet.

Ms. Lakin-Survey asked why we are borrowing money if we have it in the reserve fund.

Mr. Pacheco answered that we don't have enough money in the reserve fund to borrow for the \$5 million dollars of water work that was done. So, the reserve fund is there as a protective measure against an unnecessary rating rise.

Mr. Riley asked Ms. Lakin-Survey if she was speaking to retained earnings and not reserve fund.

Ms. Lakin Survey was looking for the real number of the reserved fund and not retained earnings.

Mr. Riley answered that his view of the reserve fund is there for the water department to use for unforeseen expenses.

Ms. Lakin-Survey stated that she thinks this is a very important question as to what is in the reserve fund and why we are not putting anything in it.

Mr. Riley said he would like clarification if it says reserve fund and should be retained earnings. The water enterprise operates on their own.

Ms. Lakin-Survey answered that she understands that the water department is self-funding in order to keep the water in good operating manner and we have a lot of water issues in town. She would like to know how that is going to be addressed in this budget.

Mr. Pacheco answered that he didn't know how the budget would address water issues, but there was no need to add to the reserve fund, given the amount of money that was in there at the time.

Ms. Lakin-Survey was still looking for the real number of what was in the reserve fund. She said the Town Finance Director gave her a number at the fall meeting.

Mr. Pacheco did not have that number.

Mr. Riley answered that last year they closed with \$30,000 in the reserve fund. The reserve fund moves to retained earnings at the end of the year. This year's fiscal year has not ended so the funds have not been certified yet. We did not take any of the funds last year, so there is \$30,000 in there.

Motion passes with 249=YES and 13=NO

ARTICLE 3:

A motion was made by Mr. Moody, seconded by Mr. Riley, to approve Article 3 as printed in the warrant.

No questions or discussions

Motion passes with a majority – approximately 3 NO votes.

ARTICLE 4:

A motion was made by Mr. Sendrowski, seconded by Mr. Riley, to approve Article 4 as printed in the warrant.

Motion passes with a majority

ARTICLE 5:

A motion was made by Mr. Starr, seconded by Mr. Riley, to approve Article 5 as printed in the warrant.

Kathryn Codianne, 83 Shannon Way, Chair of the School Committee, spoke in support of Article 5 and explained it. She spoke of the reimbursements from the state of the project if it is accepted.

Dave LeBlanc, 40 Farm Land Lane, supports this article. He was on the Nashoba Space Planning Committee that looked into the topic. The only way to get any matching state funds and the cost of repairs will have to be paid 100% by the towns if we don't go this route. Spoke on the state matching in the mid-high 50%. The feasibility study is the best way to find out what needs to be done. He also added that the accreditation of the high school being in jeopardy.

Jay Riley, 242 Mill Street, asked of the 1.5 million, does it have to be divided by three towns or can a fourth party donate some of it?

Brooke Clenchy, Superintendent of Nashoba Regional School District, as this is the first time this question has been asked, she has no answer at this moment for that question. She will ask MSBA tomorrow and email Mr. Riley with that answer.

Mr. Riley spoke about the schools being released in March. The budget in March was identical to the one the Finance Committee received last week. He is hoping to see some funds that may not have been used this year with the schools being closed. Knowing that Lancaster's free cash is \$666,000 the last figure NRSD excess and deficiency fund is at \$2.2 million. He is wondering if the school could kick in some of the \$500,000 from Lancaster or deplete the free cash with this.

Ms. Clenchy spoke of the school budget going into the fall. We are nowhere near a healthy number for the Excess and Deficiency Fund. We should be at 2.6 million and not 2.2 million. There is targeted money in this number.

Mr. Riley stated that we haven't enough free cash at the moment to cover this.

Dave LeBlanc, 40 Farm Land Lane, explained that this is just for the feasibility study and that once your project gets approved, the feasibility study funds are eligible for state reimbursement. You need to pay up front, but if the project moves forward, you get a percentage back.

Jay Riley answered that as an individual, this needs to happen. As the Finance Committee Chair, I don't know where the money will come from.

Todd Bailey, 153 Moffett St, wants to support the motion, acknowledged all the great work the Finance Committee did. He supports the motion, as a new school attracts people to town and raises valuations.

Alix Turner, 620 Main Street, mentioned that feasibility studies can go stale and she is concerned in this financial climate. She served on the School Building Committee for the MRE and Luther Burbank complex. She is also concerned with keeping teachers in their classrooms.

Brooke Clenchy replied that the MSBA is keeping things on track, even through the pandemic due to COVID and that we need the feasibility study approved by 4/2021 in order to secure funding by then or we lose the opportunity and have to start at square one again.

Joanne MacLaughlin added that getting a new building is fine, Nashoba is laying off teachers. What is more important? Having a new building with no teachers?

Kathryn Codianne added that we don't know what the feasibility study will show, either addition or new building. Contractually, teachers have to be notified that they may be laid off by June 15th. Positions may be cut and people reassigned. There were no pink slips issued. We had one teacher at this time that there is no job for. School Committee looked at the possibility of over staffing at the high school. The Committee did cut certain unpopulated classes.

Dot McCandless, 7 Highfield Drive, stated her concern that the district MAY be eligible. We don't know that we will be eligible.

Tim Castner, 55 Fire Rd 10, explained that he is an employee (history teacher) of the school. He added that if there is someone out there willing to put up money for a project that is a good thing. There are students that don't feel pride in the school with leaky pipes, etc. He feels we need a high school for students to be proud to attend. This is an investment in the future of the town.

Alix Turner spoke on the school ratings and how sales tax revenue used to fund the MSBA.

Brooke Clenchy was not positive about the revenue used to fund the schools. The feasibility study may not happen until June of 2021 and, if building, may not happen for 2-3 years later.

Mr. Pacheco said that Tuesday the Lieutenant Governor stated that because of the reduction of sales tax, there will be another source of funding for the MSBA. He then explained the funding of MSBA.

Roland Morin, 651 Red Tail Way, is a substitute teacher in this district. He is a senior citizen that hates paying taxes. He mentioned that the facility needs improvement.

Kathryn Codianne sees this as an investment in the community and its children.

The motion passed with a majority vote.

ARTICLE 6:

A motion was made by Mr. Moody, seconded by Mr. Riley, to approve Article 6 as printed in the warrant.

No discussion

Article passed unanimously.

ARTICLE 7:

A motion was made by Mr. Sendrowski, seconded by Mr. Riley, to approve Article 7 as printed in the warrant.

Chief Edwin Burgwinkle was the representative for Article 7, but held his words until there were questions from the residents.

Tony Delden, 140 Mary Catherine Drive, asked if there were any plans for new officers and promotions? Most town put a bylaw in BEFORE civil service and other towns in became a problem. He would like to see a plan in place before Civil Service is out.

Mr. Pacheco answered that senior positions will use an assessment center. The chief is already exempt from Civil Service.

Mr. Delden asked if there will be a test for incoming officers and will there be a bylaw dictating how the police department is run.

Mr. Pacheco answered that we will be utilizing test scores and rankings. The town is negotiating with the police union now. This will be flushed out from collective bargaining and impact bargaining.

Mr. Delden recommends voting no until a bylaw is in place.

Chief Burgwinkle understands Mr. Delden's concerns and these items have already been discussed. He explained Civil Service and how it doesn't work for small towns. He wants to hire qualified people to police Lancaster's streets.

The motion was passed with a majority vote.

ARTICLE 8:

A motion was made by Mr. Starr, seconded by Mr. Riley, to approve Article 8 as printed in the warrant.

Tim Caster, 55 Fire Rd 10, asked if this should be worded that the property should be under the care and control of the conservation commission, as that would be a requirement for any grant that would be received?

Mr. Pacheco answered that the wording was coordinated with the Department of Conservation Services. Once the Board of Selectmen acquire the property, they will be compelled to transfer this land to the Conservation Services. When they do that transfer it becomes an Article 97 property.

Mr. Castner spoke on this parcel, the wildlife it contains, and the forest conditions, where a 130 year old tree was recently dated. He feels this article protects the town for the future and he encourages a positive vote. Mr. Castner has been on the Town Forest Committee for 10 years. The Town Forest will equal 500 acres.

Mr. Pacheco added that there is a 66% reimbursement rate for this grant. He also commended Mr. Castner for his knowledge and drive in this community.

The motion was passed unanimously.

ARTICLE 9:

A motion was made by Phil Lawler, seconded by Mr. Riley, to approve Article 8 as changed and printed in the warrant.

Phil Lawler, Chair of the Planning Board, explained the article and IPOD bylaw amendment.

Greg Jackson, 40 Farnsworth Way, seconded by Dick Trussell, 15 Burbank Lane, moved to amend Article 9 and explained his amendment to the original article.

Mr. Trussell asked where the 10-30% number came from and spoke on the need of elderly and over 55 housing. He spoke of the taxes that are brought in through these types of housing. Assisted Living can also bring in revenue without overloading the services. He added that affordable housing could be done.

Jeanne Rich, 281 Mill St Ext, had a question on the procedure. There was a public hearing held on this article and a vote was taken. Now it is being changed and it's being changed very dramatically. It should go back to the Planning Board, as it is becoming an entirely new article. This shouldn't be done on the Town Meeting floor without Public Hearing. She is speaking on the motion to amend and not the motion to accept.

Mr. Pacheco added that the only one that can question this bylaw change would be the Attorney General's Office. He also mentioned that there are two motions and two seconds on the floor.

Mr. Riley asked if there were two motions that were opened right now.

Mr. O'Neil explained that there was the motion to accept and seconded, then a motion to amend and seconded. Mr. Pacheco was contacted Town Counsel for their opinion on this.

Greg Jackson, 40 Farnsworth Way, in his opinion the original article more drastically changes the bylaw. He would hope to see a vote on the amendment, In the event the amendment does not pass, he recommends voting against the article.

Mr. Trussell wanted to speak on the town counsel remarks.

Mr. Riley asked about the original article being sought specifically for the Capital Group and, if they have pulled out of this, is there another active developer that needs the first or second motion passed?

Mr. Lawler replied that he could not say. He cannot say what developers are looking for. He added that the Capital Group was not interested in doing housing. As a rule, he doesn't like to ask a developer to do something they don't want to do, as they sometimes do it poorly.

Carol Jackson, 40 Farnsworth Way, doesn't see a big difference in the article and amendment – only a percentage change.

Mr. O'Neil tabled this article until Town Counsel could be contacted. He clarified that there is a motion on the original article that was seconded and a motion to amend the article that was also seconded.

Mr. Richard Trussell asked for a copy of the bylaws.

Greg Jackson voted against this

ARTICLE 10:

A motion was made by Mr. Moody, seconded by Mr. Riley, to approve Article 10 as changed and printed in the warrant.

Joe D'Eramo, 127 Harvard Road, made a motion to amend the article as it is written. The motion was seconded. Mr. D'Eramo read the amendment.

Victoria Petracca, 67 Woodland Meadow Drive, spoke on the amendment public approval process. Article 10 allows the memorial school property to be declared surplus property and allows the town to determine a new use. This friendly amendment allows for the committee formed to consist of abutters and the community at large. She urges residents to pass this article, as amended.

Mark Finnerty, Main Street, added that it would be more open to the community if you vote yes to this article, as amended. The amendment softened the article.

Emily Rose read her statement as Chair of the Trustees of the Library. She spoke on behalf of the Library Trustees who met on June 10th and unanimously approved the statement related to Article 10.

Nathaniel Hawkins III, Neck Road, added that the amendment takes the word "sale" out and he liked that. He is in full support of the amendment that was proposed.

Win Clark, 928 Main St, is in full support of this amendment because it takes the controversial word "sale" out and adds input from abutters. He has worked on Thayer Memorial Park since he's been here 10-11 years. This building is an eyesore and this finally gives the community some traction to making a decision and taking the next step.

Frank Streeter, Bull Hill Rd, is in opposition of this Article 10. He mentioned the 99-year lease and that this is effectively a sale. This is specifically for recreational uses. He added that the description in the article shows more than just the school. He is against both the amendment and the article.

Victoria Petracca added the Memorial School constructed in 1956. The town requested that a certain amount of land was removed from restricted use, which was granted. She addressed Mr. Streeter's questions. There was a survey done of the parcel this year also. These two points have been addressed.

Joe D'Eramo added that this article has been brought up twice before and voted down and now it is including residents and abutters, and requiring a vote at town meeting.

Frank Streeter read a letter from Jonathan Denney, Esquire, from 2004.

Mr. O'Neil asked if that opinion of the lawyer was submitted to the town.

Mr. Pacheco answered yes, we have a copy.

Sherry Cutler is in favor of the amendment and she lives across from the playground that she has spent hours and time over that playground. We are starting to finish up a brick fundraiser to make a pathway in memory of friends and loved ones.

The amendment to the article is passed 227-YES to 12-NO

The amended article is passed 210-YES to 13-NO

ARTICLE 9 – revisited:

The Town Moderator went back to Article 9

The Town Counsel 's opinion is that the Article 9 was not something that could be acted upon and should have been brought up to the Planning Board meeting. Changing this Article should not be done. The amendment cannot be voted on.

Greg Jackson, 40 Farnsworth Way, yes, if we cannot amend this article, then I would not support it.

Don Chaisson, 710 George Hill Road, asked where in the bylaws it states that the town moderator has the authority to make a call to an unknown attorney to squash a motion and an amendment.

Mr. O'Neil explained that conferring with Town Counsel is well within the rights of the town.

Mr. Chaisson said that there is nowhere in the bylaws that states that the moderator can make a cell phone call and prevent the residents from voting on a motion that was made. Further, the discussion at the Planning Board did include all these elements and this amendment is a moderation of what was proposed by the planning board. He explained the difference between a variance and a special permit is that a special permit has prerequisites that have to be met by the applicant. He doesn't think the Town Moderator has the authority to prevent a motion from coming to a vote.

Mr. O'Neil answered that MGL Chapter 39 says that the Town Moderator does have the right to run the meeting.

Tom Seidenberg, George Hill Road, he made an observation about the article as it is written. He will vote against the article as written.

David Spanagel , 282 Goss Lane, added that the Town Meeting law gives our moderator enormous power to run the meeting and that the Moderator was in perfect order as it's been handled.

Russ Willison, 4 Highfield Drive, spoke against the existing article. The original IPOD bylaw was amended in 2008 when it was passed on the floor. The Attorney General did approve it at the time. He spoke on behalf of what occurred with the Planning Board.

Jeanne Rich, 281 Mill St Ext, gave a history on the Planning Board writing zoning bylaws. She spoke on the vote of the Planning Board (3-2) on moving this article at Town Meeting and to vote yes. This bylaw gives the Planning Board flexibility.

Cara Sanford, 350 Bull Hill Rd, spoke against this article. She thought this article gave way too much power to the developer.

Beth Suderman, 50 Fire Rd 10, added that she attended Planning Board hearings and people don't want the residential development. This gives the Planning Board the opportunity to listen to the citizens that attend these meetings.

Carol Jackson spoke on amending the IPOD bylaw and that the Planning Board gets full power with the way it is written. Why would we let a developer run our town?

The Article did NOT pass with a vote of 31 YES to 179 NO

ARTICLE 11:

A motion was made by Mr. Sendrowski, seconded by Mr. Riley, to approve Article 11 as printed in the warrant.

Linnea Lakin-Survey explained the CPA and what the funds can be used for. Currently 176 cities and towns take advantage of this. The funds can be used only for historic preservation, open space and recreation and affordable housing. Article 8 could have been purchased with these funds. The Community Preservation Committee will make a plan for how to spend that money. The money is strictly for community projects.

Bob Lidstone, 311 Neck Rd, and President of the Lancaster Land Trust. He spoke in favor of this article.

Carolyn Stump, 567 Mill St Ext, is not in favor, as she doesn't feel there needs to be another tax. Even if it's just a small amount, it's hard enough to pay the taxes as it is.

Victoria Petracca, 67 Woodland Meadow Drive, added that the average household assessment is \$330,000 and the contribution is less than \$50/year. This ends up being less than a dollar a week to invest in the areas that the CPA covers. There is 100% exemption for low income and, for seniors, low and moderate income exemption. She spoke about the affordable housing aspect of this article. She asks the residents to vote yes on Article 11.

Heather Lennon, 294 Nicholas Dr, 4th generation Lancasterian and on the Historical Commission since 2009. She spoke on the historical aspect of voting yes on this article.

Win Clark spoke in favor of the investment of the town. He talked about how easy it is not to vote in favor of this article because it is more money out of our pockets. He spoke about fundraising and grants for recreation in this town.

Carolyn Reed, 296 Hill Top Rd, also Executive Director of Habitat for Humanity in central Massachusetts. She is very in favor of CPA.

Don Chaisson, 710 George Hill Rd, never usually votes for raising taxes, but is in favor of this article.

Peter Jakubowicz, 500 Hill Top Rd, mentioned that he thought the town should vote on a raise of taxes and not just the couple hundred people that are here tonight.

Mr. Pacheco said that, with a Yes vote, this question will go on the November ballot.

Peter Giger, 533 Mill St Ext, He voted for Article 8 and supports open space, but he will vote against this article.

Don Siver, 582 George Hill Rd, asked who makes the decision that raises it from 1% to 3%?

Mr. Pacheco answered that it cannot go higher than 3%. This would require a town meeting vote and a vote at the ballot.

Linnea Lakin-Survey answered that this would have to go to Town Meeting and be voted on also. There will be a committee to make long range plans and the whole town will vote on it. Once you accept the CPA you have to keep it for 5 years. After that, you can vote it out.

Jay Riley added that the CPA first emailed the Finance Committee on March 4th and they haven't seen the presentation. He asked how is the committee formed and what percentage of the funds is matched.

Linnea Lakin-Survey answered that the state funding is a variable. It depends on what is taken in at the Registry of Deeds. They could have \$50,000,000 to disperse. You don't know what you will get every year.

Mr. Riley asked what does one percent amount to, he heard 10-11%

Larkin-Survey said that it depends on what's in the trust fund at the end of the year. The committee is 5 members and two alternates: one from Housing, Open Space and Historical, with the other members appointed.

Mr. Frank Streeter, seconded by a resident, made a motion to move the question.

The motion to move the question passed with a majority.

The motion was passed with a vote of 165-YES to 25-NO

Mr. O'Neil checked with the Chief of Police and decided to continue the meeting at 5:30 pm tomorrow, Tuesday, June 23rd. He mentioned the great job of the camera crew and the counters.

A motion was made by Stan Starr, seconded by Mr. Riley, not to reconsider any articles voted on this evening tomorrow, when the Town Meeting will continue.

This motion passed unanimously.

Mr. Trussell asked if it was required by law that the continuation be tomorrow night.

Mr. O'Neil replied that it was announced at the beginning of the meeting that it would be tomorrow.

Mr. Trussell added that there is a very important Conservation Commission Meeting tomorrow night regarding the 40B.

Mr. Moderator stated that we are done for this evening.

DAY TWO – June 23, 2020

ARTICLE 12:

A motion was made by Mr. Moody, seconded by Mr. Riley, to approve Article 12 as printed in the warrant.

Victoria Petracca, 67 Woodland Meadow Drive, made a few remarks about this article's importance. She spoke on the Affordable Housing Trust Committee that was formed in December 2019. She spoke on the benefits of having this Trust. She clarified the differences of a Housing Trust and a Housing Authority. She asked for a yes vote from the voters present.

Motion was passed with a majority vote

ARTICLE 13:

Greg Jackson, 40 Farnsworth Way, made the motion to accept the Scenic Road Bylaw, Richard Trussell seconded.

Greg Jackson spoke about the scenic roads in Lancaster and the need for a bylaw for them. He urged everyone to consider voting yes for this bylaw.

Stephanie Stanton, 942 Main Street, also endorses the scenic road bylaw. She spoke on the trees on Seven Bridge Rd and the beautiful scenery it provides as the entrance to this town.

Heather Lennon, 294 Nicholas Drive, Chair of the Historical Commission and President of the Historical Society, spoke on how long the Historical Commission has supported this bylaw. She spoke on sparing trees on Route 117 from National Grid tree cutting. She spoke also on the New England stone walls.

Nathaniel Hawkins, 413 Neck Road, I don't know who wrote these 8 pages. I don't think my neighbors should have to come to me to cut down a tree. This is just more regulations. He recommends voting no.

Matt Anderson, 499 Sterling Rd, endorses preserving the ascetic, but he asked for clarification on the size of the trees. His house has frontage on Sterling Rd and Goss Ln which are both included in this proposed bylaw. If I have a tree that I would like to prune, what would be the process to do that.

Greg Jackson replied that the DPW are the people best equipped to define a right of way.

Matt Anderson asked about surveying a lot line and whether that was the town or property owner responsibility.

Mr. Pacheco answered that it is the responsibility of the owner.

Mr. Anderson asked about a tree rooted on private property, but overhang in the right of way, would that be a public shade tree or not?

Mr. Jackson said that would be at the discretion of the Tree Warden.

Matt Anderson added that many, many, trees are crowding out the larger trees. He proposed an amendment, which was seconded. His amendment was that trees shown to be on private property be excluded from the bylaw. The trees on his property have not been maintained and there are many smaller trees that are crowding the larger ones.

Matt Anderson proposed an amendment to this article "trees shown to be on private property but overhanging the right of way under 10 inches in diameter would be excluded from the public shade tree definition. This exclusion would not apply to new construction or subdivision." Motion was seconded.

Mr. O'Neil asked for this motion in writing.

Mr. Anderson asked if he could add a second amendment also.

Mr. O'Neil said we would handle one amendment at a time. He asked for discussion on the amendment.

Tim Castner, 55 Fire Rd 10, Chair of the Town Forest Committee, stated that he would vote in favor of the amendment as there needs to be flexibility for people who own large properties. The landowners should have the flexibility to trim smaller trees and plant new ones. This will make the bylaw easier to follow.

Russell Williston, 4 Highfield Drive, added that four inches was customary with other towns. He recommended not changing the diameter and not changing the article.

Greg Jackson said the diameter is greater than 4 inches and under 10 inches. He would prefer not modifying that. He is not sure the bylaw has authority to accommodate over-hanging limbs.

Mr. Pacheco added that the DPW does maintain tree limbs on public way, as does National Grid, per DPW regulations. If the root structure is not on public way, it is not regulated by the town.

Donna Sanginario, 327 Sterling Road, asked who fixes the walls and root in the college area when no one is living there.

Mr. O'Neil asked if someone could explain the difference between public way and right of way.

Greg Jackson added that DPW is the authority on public ways, public roads, and right of ways.

Mr. Pacheco added that the right of way is the entire layout of the roadway, encompassing all town property.

Tim Castner said that Old County Road was discontinued as it abuts the town forest. He spoke how it can get murky legally. It is not a public way, however, abutters have a guaranteed right to access and one of the abutters is the Town of Lancaster.

Voting on Article amendment 62-YES and 68-NO – Amendment Fails

Matt Anderson proposed a second amendment, seconded by Richard Trussell. Mr. Anderson added that having frontage along the lines of a stone wall is on his property and not the right of way. He doesn't feel he should incur survey charges for this.

Mr. Anderson proposed another amendment "if there is a question about whether a tree or a stone wall is on or within the boundary of a right of way, it is the responsibility of the town to prove the location of the new boundary. This exclusion would not apply to new construction or subdivision." Mr. Trussell seconded the motion.

Mr. Anderson added that he has a significant amount of frontage along these lines and stone wall that runs along Sterling Road. If I wanted to prove this, I don't feel I should be the one to pay for survey work.

Mr. Pacheco added that he would be required to get a survey to prove the town determination was in error.

Matt Anderson withdrew his motion.

Greg Jackson added that there were multiple public hearings and feedback was sought out. This is already being done but not consistently. This does not impede emergency and necessary work by utilities.

Tim Castner mentioned that he did not hear from the Agricultural Commission cited as they were consulted. If you want to preserve Lancaster, think of the farming families to keep active farms active. Their biggest concern is over regulations.

Rebecca Young-Jones, Barnes Court, spoke in favor of this bylaw. She has seen a lot of trees taken down in the past few years and we need to do our part to preserve mature trees and keeping the town wooded to maintain our rural atmosphere.

Don King, 962 Main Street, what happens to the Tree Warden. How is it funded? Who enforces this bylaw when the stone wall falls onto the sidewalk. Who is the enforcer?

Greg Jackson couldn't answer this. The tree warden has authority and discretion.

Don King asked why we needed a group of people to tell the Tree Warden what to do.

Greg Jackson said there is no clear process and no continuity right now. This is providing the rules to administer the scenic roads bylaw.

Don King sometimes the regulations are vague. The town will always do what they have to do, as will the homeowners. Now there will be regulations for forcing the residents to do things and fining them if they don't.

Mr. Jackson said no one knows what the rules are. He spoke about Hill Top Rd tree removal. There was no continuity or clearly defined process.

When National Grid comes in, they have hearings and bring in an arborist. I don't see how this bylaw will help.

Greg Jackson doesn't see how this bylaw will change what National Grid will do for work. The Planning Board holds hearings, but it doesn't change what National Grid does.

Don King urged voting no.

Jeanne Rich, 281 Mill St Ext, stated that this bylaw came before the Planning Board and no vote was raised. At this time, the planning board holds hearings and work well with the Tree Warden. She didn't feel the Planning Board should be an enforcer of anything, and she made a motion to remove section 157-10. This motion was seconded. She urged everyone to vote no.

Russell Williston, 4 Highfield Drive, added that for some violations on planning board the biggest problem is enforcing. Just recently there was an issue with the solar field near Target. He urged turning down the amendment.

Tim Castner, 55 Fire Rd 10, likened this to the chicken law, as it is unenforceable. There are hearings for big tree work and doesn't feel the need for small projects to be enforced. He didn't think we should overburden the town employees.

Greg Jackson added that enforcement needs more consistency.

Mr. Pacheco spoke on the driveway issues and the rights to public ways.

The vote on the amendment to remove Section 157-10 from this bylaw FAILED by a vote of 45 YES to 87 NO votes.

Don Siver, 582 George Hill Road, spoke on a few families in town that this regulation will make it even harder to maintain their property. There is not enough time and money to keep check on the trees and no one gets reimbursed to keep the farms picturesque. Most farms will not be clearing roads out. A lot of people have homes and can't cut branches without a report. This bylaw has many flaws and should be rewritten.

Greg Jackson replied that this will not impede emergency situations, and asks for people to vote in favor of this bylaw.

Bill O'Neil asked who the tree warden was and was the position full time.

Mr. Jackson answered that Kevin Bartlett, DPW Commissioner is the Tree Warden.

Matt Anderson made a motion to amend the amendment that failed, "trees that are shown to be on private property but overhanging a right of way, under 7 inches in diameter would be excluded from the public shade tree definition. This exclusion would not apply to new construction or subdivisions. Jay Riley seconded the motion.

Mr. Riley made a motion to vote on the amendment. The motion was seconded and passed.

The vote on this amendment FAILED by a vote of 59-YES to 83-NO

Don King added that he has experienced a half dozen ice storms without power for 14-27 days. This bylaw clutters the process.

Don Siver added that in emergency situations it is not clear in this bylaw. Do you call the tree warden to come out? It isn't clear and he would recommend tabling this article.

Greg Jackson answered that there are exemptions and exceptions and you can't anticipate all situations.

Stephanie Stanton, 942 Main Street, added that it feels like we are getting lost in the weeds.

The motion on Article 13 passed with a vote of 83 YES to 58-NO

ARTICLE 14:

Larry Shoer made a motion to move Article 14, Richard Trussell seconded.

Mr. Shoer spoke on the article, adding that he had no role in drafting it, but he supports it. He explained this article and spoke on the Board of Appeals.

Nathaniel Hawkins, III asked if we vote for a Board of Appeals member, and the answer was no. He thanked people for being on boards and committees. If a person wants to be on both of these committees, why would you want them not to do it.

Don Siver, 582 George Hill Rd, has been in many planning board meetings and there are some personality issues on this board. He is in favor of this article.

The motion was PASSED by a vote of 127-YES to 17-NO

Mr. O'Neil thanked people for making this Annual Town Meeting a success.

Walter Sendrowski made a motion to dissolve the Annual Town Meeting at 7:20 pm, seconded by Stan Starr.

The motion was passed UNANIMOUSLY.

