

**ANNUAL TOWN MEETING
LANCASTER MASSACHUSETTS
Machlan Auditorium, Atlantic Union College
May 5, 2008**

Notes

The Annual Town Meeting was called to order at 7:05 p.m. by Moderator Stanley B. Starr, Jr.. A total of 169 registered voters and 32 non-voting guests were signed in by Registrars Cecilia Thurlow, Anna DiPietro and John Ranieri. Moderator Starr assigned Roberta Winsor, Fred Martin and David Spanagel from among the meeting participants to serve as counters during the meeting. Moderator Starr led in reciting the Pledge of Allegiance, and then introduced the Town Officials sitting on the stage to the audience: Board of Selectmen (BOS) members Christopher Williams, Shawn Winsor and Jennifer Leone, Finance Committee (FinCom) Members John Wojciak, James Piermarini, James Riley and Walter Sendrowski, Town Administrator Orlando Pacheco, Finance Director Cheryl Gariepy and Town Clerk Sue Thompson. Moderator Starr then asked for a moment of silence in honor of the following Lancaster residents who had died during the previous year:

Antonio G. Somensini
October 11, 1923 – July 31, 2007
Board of Selectmen
Building Inspector
Board of Appeals
Thayer Field Commission
Highway Safety Committee
Town Garage Building Needs Committee

Eileen R. Ryder
September 12, 1922 – August 26, 2007
Lancaster Police Department
Lancaster Senior Citizens

Mary H. Lavigne
September 28, 1899 – September 26, 2007
Boston Post Cane Recipient
Grand Marshall, 350th Parade

C. Richard Maitland Jr
June 11, 1937 – December 14, 2007
Volunteer – Office of Community
Development and Planning

Francis D. Tyler, Jr.
November 3, 1939 – December 31, 2007
Conservation Commission

The Moderator then introduced Mrs. Mildred L. Lewis to the audience. Mrs. Lewis, who turns 104 on May 7, is Lancaster's oldest living citizen. Board of Selectmen Chairman Christopher Williams and Historical Commission Chairman Michael Sczerzen on behalf of the Historical Society presented the Boston Post Cane and replica pin to Mrs. Lewis, and then led the audience in singing Happy Birthday to her.

Article 1 – Upon a motion by Board of Selectmen member Shawn Winsor and a second by BOS Chair Chris Williams, the reading of the Annual Report was waived.

Article 2 – Upon a motion by BOS member Jennifer Leone and a second by Chris Williams, the Town voted unanimously to authorize the Treasurer to enter into a Compensating Balance Agreement(s) for FY2009, pursuant to M.G.L. c.44, §53F. Finance Director Cheryl Gariepy explained that compensating balance agreements are negotiated every year with banks so that the banks can invest the town's money and keep the interest in return for not charging the town fees for banking services.

Article 3 – Upon a motion by Chris Williams and a second by Shawn Winsor, the Town voted unanimously to request the Board of Assessors to commit \$15,000 from the FY2009 Overlay Account for Abatements to fund the Senior Citizen Tax Work-off Abatement Program.

Article 4 – Upon a motion by Shawn Winsor and a second by Jennifer Leone, the Town voted unanimously to authorize the FY09 Revolving Funds as set forth in the Warrant, in accordance with G.L. c. 44, §53E½. The FinCom recommended passage of this article.

Article 5 – Upon a motion by Jennifer Leone and a second by Chris Williams, the Town voted unanimously to amend the *Personnel Compensation Wage and Salary Schedule* by increasing all amounts by 2% effective July 1, 2008 in accordance with the schedule as set forth in the warrant. The FinCom recommended passage of this article.

Article 6 – Upon a motion by Chris Williams and a second by Shawn Winsor, the Town voted unanimously to accept any public funds for repairs to roadways, culverts, bridges, water systems and tree planting, and snow removal, and to authorize the Collector-Treasurer to take from available funds and to borrow in anticipation of authorized reimbursements. The FinCom recommended passage of this article.

Article 7 – Upon a motion by Shawn Winsor and a second by Chris Williams, the Town voted unanimously to take from available funds and authorize the Treasurer-Collector to borrow in anticipation of reimbursements, the sum of \$236,158 for authorized road improvements and other projects provided for under Chapter 90 Local Transportation Aid.

Article 8 – Jennifer Leone moved and Chris Williams seconded that the Town vote to approve the Capital Improvement Program for Fiscal Year 2009 and the ensuing two fiscal years as set forth in the warrant, with one amendment: the police are purchasing a cruiser, not a 4x4. John Lewis of 19 Evelyn Place asked the purpose of fiber optics from the library to the town hall. Town Administrator Orlando Pacheco replied that it was to increase band width to accommodate hook-up with the Prescott Building and Memorial School, once those buildings are back in use. David Spanagel, 282 Goss Lane, wanted to know how the town would be able to afford the capital improvement costs in the two ensuing years without raising taxes. FinCom chair John Wojciak replied that the next two years are not cast in stone. The FinCom would try to find a way to fund the capital purchases in out years, but if there was no money they would have to be deferred to another year. Eugene "Pete" Christoph of 2 Heritage Lane asked if the Police Department would consider buying a hybrid vehicle; Orlando Pacheco replied that they would look at the ability to buy a hybrid and would look at the EPA ratings on any vehicle they

purchased. Sarah Spencer 674 Main Street wondered why the Town Green Buildings were not in the capital plan; Orlando Pacheco replied that there was still money left over from what was appropriated last year. Alexandra Turner, 620 Main Street, asked how the capital plan would be funded. Orlando replied that there was \$1 million in free cash to pay for the purchases. Article 8 passed by majority vote.

Article 9 – Upon a motion by Chris Williams and a second by Shawn Winsor, the Town voted to transfer \$169,035 from free cash to fund the Fiscal Year 2009 Capital Plan as amended. Orlando Pacheco stated that the money for water meter replacements would come from the water free cash fund.

Article 10 – Upon a motion by Shawn Winsor and a second by Chris Williams, the Town voted to appropriate \$700,000 from the Water Enterprise Fund and transfer \$61,029 from the Water Retained Earnings to finance the operation of the Water Department for the fiscal year beginning July 1, 2008, in accordance with the line item detail as set forth in the warrant.

Article 11 – Jennifer Leone moved and Chris Williams and Shawn Winsor seconded that the Town raise and appropriate \$15,849,123 to defray the expenses of the Town for the Fiscal Year beginning July 1, 2008. Only one question came from the floor: David Spanagel, 282 Goss Lane, asked why the salary component of many departmental budgets was increased even though the column heading says it was level-funded. Orlando Pacheco replied that the reason varied from department to department – some were because of union contract clauses and others were because of individual salary negotiations. The article passed by unanimous vote.

Article 12 – Upon a motion by Chris Williams and a second by Shawn Winsor, the Town voted unanimously to create an Agricultural Commission for the purpose of preserving, revitalizing and sustaining the Lancaster agricultural industry and promoting agricultural-based economic opportunities. In answer to a question from David Dunn, 129 Moffett Street, Chris Williams reported that the Board of Selectmen approved this article.

Article 13 – Shawn Williams moved and Chris Williams seconded that the Town amend the general bylaws as set forth in the Final Draft of the Code of the Town of Lancaster dated April 1, 2008 and repeal all general bylaws currently in force and not included in said Code, except that such repeal shall not apply or affect any personnel bylaw currently in force. Planning Board Chair Vic Koivumaki reported that in accordance with Mass General Law C40A §5 the Planning Board held a public hearing in the Town Hall Auditorium on April 14 on this bylaw change, and that the PB recommended approval. Jean Lidstone asked why the bylaws were changed. Town Clerk Sue Thompson responded that the project to codify the bylaws started about two years ago because the existing bylaws were in an inconsistent and inaccessible format. Codifying them would make them computer searchable and more accessible to the public.

Article 14 – Upon a motion by Jennifer Leone and a second by Chris Williams, the Town voted unanimously to amend the Zoning Bylaw to read as set forth in Chapter 220 of the Final Draft of the Code of the Town of Lancaster dated April 1, 2008 and to further amend the Zoning Bylaw by repealing all zoning bylaws currently in force and not included in said Code. PB Chair Vic Koivumaki reported that in accordance with Mass General Law C40A §5 the Planning Board held a public hearing in the Town Hall Auditorium on April 14 on this bylaw change, and that

the PB recommended approval. A 2/3 majority was required to pass this article; the vote was unanimous.

Article 15 – Chris Williams moved and Shawn Winsor seconded that the Town vote to accept Oetman Way as a public way and to authorize the Board of Selectmen to acquire the fee interest in said way, together with all related drainage, utility and other easements, by gift from the record owner or owners thereof. John Schumacher-Hardy, 2 Main Street, asked if the intent was for the road to become a public way when the development was originally approved. PB Chair Vic Koivumaki replied that because of town meeting discussions several years ago, the PB now always asks developers up front if they are planning to ask for streets to become public ways. This developer from the start said he wanted this street to become a public way. The PB at the time said it would approve the request if the roads were built to the standards in the town's subdivision regulations, and sent a letter to the BOS to that effect. Schumacher-Hardy asked how much of a financial burden this street would add. FinCom Chair John Wojciak replied that they couldn't quantify that, but the Department of Public Works (DPW) asks for more equipment and more manpower as new roads are added. Schumacher-Hardy didn't believe the revenue from the development would offset the additional tax burden, and although he appreciated that the developer was honest up front, he urged a no vote on this article. David Dunn, 129 Moffett Street, asked about a DEP problem with the road. Orlando replied that an area of the subdivision was being monitored by Mass DEP and that although DEP says it is now in compliance, some things still needed to be done and they hadn't signed off on it yet. Alexandra Turner, 620 Main Street, asked about the Conservation Commission's order of conditions. Cara Sanford, a member of the ConCom, said that the order of conditions had been extended and that the developer was making good progress in addressing the concerns. Both PB Chair Koivumaki and PB Member Pete Christoph stressed that the developer had met the established, very stringent requirements that are higher standards than older roads followed, and that it is not fair to refuse to make this road a public way. Jean Lidstone, 311 Neck Road, wants new roads in town to be named after veterans, not developers. She wants an ad hoc committee established to come up with names for future roads. Orlando Pacheco said he would put this on the agenda for the next BOS meeting. The article passed by majority vote.

Article 16 – Upon a motion by Historical Commission Chair Michael Sczerzen and a second by Joan Richardson, Article 16, which was a bylaw that would prohibit any permanent structures from being constructed above ground on the Town Green, was withdrawn.

Article 17 – Shawn Winsor moved and Chris Williams seconded that the Town amend the Lancaster Zoning Bylaw as printed in the warrant. The warrant article would add a definition of and regulation of Accessory Apartments to the existing zoning bylaws. PB Chair Vic Koivumaki reported that in accordance with Mass General Law C40A §5 the Planning Board held a public hearing in the Town Hall Auditorium on April 14 on this proposed bylaw, and that the PB recommended approval. Koivumaki said that this is the first of several bylaws that will grow out of the adoption of the Master Plan to help shape the development of the town. He said adoption of this bylaw would help toward meeting our affordable housing quota. Jean Lidstone asked if apartments in houses are not currently considered affordable housing; Koivumaki replied that they probably haven't been. Orlando Pacheco added that the definition of affordable housing is income-related. John Schumacher-Hardy asked if someone would have to build a whole new apartment if they only wanted to add a bathroom. Other questions related to the same issue. If several family units live in the same house, would they be required to build separate

apartments? Is the bylaw specifically for family members or for any apartment? If an apartment is currently non-conforming would it still be non-conforming under this bylaw? Pacheco replied that a bathroom would have to be in compliance with building codes. Koivumaki explained that eventually an owner-occupied house with an in-law apartment becomes just a house with an apartment when the homeowner moves on or the in-law dies; the purpose of this bylaw is to regulate those apartments. This bylaw gives homeowners a vehicle to go before the Board of Appeals for a variance if they are currently non-conforming; it actually gives homeowners more freedom, not less. The intent of the five year requirement is to prevent someone from buying a big house and turning it into an apartment building; they would have to go to the Board of Appeals for a variance for that. Schumacher-Hardy said having to add three parking spaces for an apartment seemed excessive; James Burgoyne, 305 High Street Extension, replied that the intent is to only add one parking space for an in-law apartment. He added that Lancaster is one of the few communities that does not regulate in-law apartments. Michael Sczerzen, 24 Barnes Court, asked if an accessory apartment in the sewer district would be assessed a hook-up fee. Pacheco replied that if the house was already hooked up to the sewer an additional hook-up fee would not be assessed, but the homeowner may need to purchase additional sewer credits. Jean Lidstone said that the Clinton treatment Plant is at capacity and that additional credits are limited. A two-thirds vote was required for passage. In accordance with §180-5 of Lancaster's Code of Bylaws, Moderator Starr declared the vote to be well over the 2/3 majority needed for passage.

Article 18 – Chris Williams moved and Shawn Winsor seconded that the Town vote to disapprove the bond authorization of the Nashoba Regional School District voted on April 3, 2008. The bond authorization is for the field and track replacement project at the Nashoba Regional High School. Bill Spratt, NRSD's Director of Facilities, presented a short movie that showed the condition of the fields and explained that because of all the teams that use the fields, none of them could have "time off" to recover between seasons. He explained that because of where the fields were, chemicals couldn't be used to preserve the sod. Ara Tyler, 91 Mary Catherine Drive, pointed out that this project would add \$50k per year to the school budget and wondered why the school system couldn't plan on money from fundraising. Lancaster NRSD School Committee representative Don Adams said a fundraising plan is in place. Ted Manning, 49 Poulin Drive, suggested that residents Google synthetic turf and staph infections and find out how detrimental this type of field is to the health of the kids who play on it. He added that the tire/rubber component of the synthetic field compacts over time and can cause injuries. He thought it would be better to build more fields than to make the current one synthetic. Spratt replied that grass fields are more susceptible to microbes than synthetic fields. He added that the turf field has an eight-year warranty and if it compacts in that time, the company would have to replace it. He said NRSD would have to purchase land to expand the fields if it couldn't fix the current ones. John Schumacher-Hardy asked if the BOS and FinCom supported the field renovations. John Wojciak said the FinCom voted to disapprove the bond authorization because they didn't believe the hoped-for offsets would actually happen. Although the FinCom is in favor of a good sports program and good facilities at Nashoba, they just don't believe the numbers in this plan. BOS Chair Chris Williams said the BOS didn't take a stand on the article. NRSD Assistant Superintendent George King said the district faces liabilities with the current field because of its condition. He said if the bond authorization did not go through, the district would maintain current athletic programs but would have to do remedial work on all the fields. He said it wasn't feasible to bus students to practice on fields at other schools in the district. Lancaster NRSD school committee member Meledath Govindan said he had been as skeptical as

many residents are at first, but after seeing the fields and looking at the numbers he was now convinced that it made more sense to install the turf. Pete Christoph, Roger Oetman of 45 Fairview Hill, George Paglia of 18 Squire Shaler Lane and Jeff Parrow of 282 Ponakin Road all spoke in favor of the new turf and urged voters to accept the bond authorization. A hand count resulted in a vote of 59 yes and 68 no; the article to disapprove the bond issued was defeated and thus the town voted in favor of going ahead with installing the synthetic turf.

Article 19 -- Upon a motion by Shawn Winsor and a second by Chris Williams, the Town voted unanimously to amend the Lancaster Personnel By-law as printed in the warrant. Resident Jean Lidstone, 311 Neck Road, asked why these changes were needed; Finance Director Cheryl Gariepy replied that they addressed part-time employees who regularly work the same number of hours every week for 52 weeks a year.

Article 20 -- Upon a motion by Jennifer Leone and a second by Chris Williams, the Town voted unanimously to transfer one million dollars from Free Cash to the Stabilization Fund. The FinCom recommended passage of this article.

Article 21 -- Upon a motion by Chris Williams and a second by Shawn Winsor, the Town voted unanimously to transfer \$231,382.15 plus interest accrued through June 30, 2008 from the Water Capital Fund to Water Retained Earnings. Finance Director Cheryl Gariepy explained that this transfer was requested by the Massachusetts Department of Revenue to fix an accounting error from previous years.

Article 22 -- Upon a motion by Shawn Winsor and a second by Chris Williams, the Town voted to authorize the Board of Selectmen to enter into a Preservation Restriction Agreement with the Commonwealth of Massachusetts for the Prescott Building and to file and record said Preservation Restriction Agreement at the Worcester Registry of Deeds. Jean Lidstone asked for an explanation of this article; Planning Director Noreen Piazza replied that her office had applied for a grant from the Mass Historical Commission for about \$100k to install interior storm windows on the Prescott Building; if the grant is awarded, the Preservation Restriction Agreement would require that no substantial exterior changes were made to the building. There being only one dissenting vote, the Moderator declared the 2/3 majority vote needed for passage.

John Schumacher-Hardy, 2 Main Street, moved to reconsider Article 18, and the motion was seconded. A point of order claim that Mr. Schumacher-Hardy did not vote on the prevailing side was dismissed by Moderator Starr. Resident Sean Doyle urged voters not to reconsider, in the name of fairness. The motion to reconsider was defeated.

There being no further business, Moderator Starr adjourned the Annual Town Meeting at 9:20 p.m.