

**Town of Lancaster
Special Town Meeting
October 16, 2006**

The October 16, 2006 Special Town Meeting at the Mary Rowlandson Elementary School Auditorium was called to order at 7:07 p.m. by Moderator Eugene C. Christoph. Registrars Anna DiPietro, Cecilia Thurlow and John Ranieri checked in 331 voters and 17 visitors. Board of Selectman Chair David Dunn took a moment to thank outgoing Finance Director Bonnie Holston for her years of service to the Town.

Article 1. Upon a motion by Dave Dunn, seconded by Shawn Winsor, the Town voted unanimously to amend the FY2007 Budget, as adopted under Article 11 of the May 1, 2006 Annual Town Meeting, by raising and appropriating the additional amount of \$72,725.00, as follows:

- \$38,072 for DPW Highway Wages to add a new employee
- \$23,374 for DPW Cemetery Wages to increase an employee from part to full time
- \$ 5,465 for Workers Compensation Insurance Premium
- \$ 614 for Unemployment Premium Payment
- \$ 5,200 for Property and Casualty/Motor Vehicle Insurance

The three insurance line item increases were the result of the Town getting the actual rates from its insurer, MIIA.

It was moved and seconded to reconsider the article; reconsideration failed by unanimous vote.

Article 2. Upon a motion by Shawn Winsor and a second by David Dunn, the Town voted unanimously to transfer from the overlay surplus account the sum of \$39,000 for the purpose of environmental remediation at the DPW Highway Garage. It was moved and seconded to reconsider the article; reconsideration failed by unanimous vote.

Article 3. Upon a motion by Christopher Williams and a second by Shawn Winsor, the Town voted unanimously to pay the amount of \$1049.46 of unpaid bills from FY-2006 out of FY-2007 departmental budgets as presented in the warrant. It was moved and seconded to reconsider the article; reconsideration failed by unanimous vote.

Article 4. Upon a motion by Dave Dunn and a second by Chris Williams, the Town voted unanimously to accept the donation of 7.42 acres on Hilltop Road, Map 32 Parcel 14A, in lieu of taxes.

Article 5. Upon a motion by Shawn Winsor and a second by Dave Dunn, the Town voted by majority vote to accept by gift, Parcel B as shown on the plan entitled Balsam Ridge at Lancaster MA, and have said parcel placed under the care, custody, maintenance and control of the Lancaster Department of Public Works. There was some confusion over where the land actually was. Town officials thought it was part of the Eagle Ridge Estates off Sterling Road, but resident James

Burgoyne explained that this development was in the Fitch Road/South Meadow Road area, and though the developer was the same as the Eagle Ridge developer, it was a different development.

Article 6. After a motion by Chris Williams and a second by Shawn Winsor, the Town voted by majority vote to accept the layout of Meditation Lane as a public way and further to authorize the Board of Selectmen to accept the gift of an easement to use said Meditation Lane for all purposes for which public ways are used. Planning Board Chair Vic Koivumaki stated that the Planning Board was in favor of this article.

Article 7. Upon a motion by Dave Dunn and a second by Chris Williams, the Town voted by majority vote to designate the American Elm as the Official Town Tree of the Town of Lancaster. Although not many of the stately American Elms remain in Lancaster, Historical Commission Chair Michael Sczerzen reported that the largest elm tree ever recorded in Massachusetts had been in Lancaster. Dave Dunn explained that a blight-resistant variety of the American Elm had been developed and that the Town has been offered one free elm for every three they purchase. In response to a question from the floor, Mr. Dunn said that residents were not prohibited from cutting down elms on their property for firewood.

Article 8. Upon a motion by Shawn Winsor and a second by Chris Williams, the Town eventually voted by majority vote to authorize the Board of Selectmen to enter into an inter-municipal agreement with the City of Leominster for the purpose of connecting to the Leominster wastewater system.

Orlando Pacheco explained that the agreement is to install a line along Duval Road and to pump 50,000 gallons a day to Leominster. Resident and ZBA member Jeanne Rich asked if there was any potential to develop new business along Duval Road; the response from Dave Dunn was that the primary reason for the sewer extension was to get the line to the Johnny Apple Seed Visitor Center on Route 2, but that Orchard Hills Athletic Club and Roll-On American could hook in at their own expense and pay their own way for usage. Mr. Pacheco said that Leominster would not permit any expansion of the 50,000 gallons per day capacity. Lancaster has about \$125,000 left of a \$225,000 grant from the State for this project, which would not cost the Town anything else. The businesses using the pipe would be assessed a yearly fee for any long-term maintenance on the pipe. Resident Alexandra Turner asked if a betterment process was possible. Mr. Dunn explained that we wouldn't know the answer to that question until an engineering study was done, and that an engineering study can't be done until the Town enters into the inter-municipal agreement with Leominster. Both resident Ken Cleveland and resident and Planning Board Chair Vic Koivumaki reminded townspeople that this originally was part of an over two million dollar grant from the state to encourage development of the area on both sides of Route 2. Leominster backed out of the initial agreement when city officials found out that Target and Lowe's were interested in the site. The \$225,000 was the remnant of that initial grant.

Article 8 addresses sewerage in North Lancaster only. Blue Heron resident Bob Bartholomew asked about sewerage in the south part of Town. Lancaster Sewer District Commissioner Bob Lidstone responded that the Commission is coming to the end of a planning process that will lay out further capacity. The state requires this plan before the Sewer District can be expanded. Mr. Lidstone said that an open public meeting would be held to discuss the expansion plans.

After the vote on Article 8, it was moved and seconded to reconsider the article; reconsideration failed by unanimous vote.

Article 9. Upon a motion by Chris Williams and a second by Shawn Winsor, the Town voted by majority vote to accept the provisions of M.G.L. c.39 §23D for all boards, committees and commissions holding adjudicatory hearings. This Mass General Law allows boards to set conditions by which a member can be absent from one session of a hearing and not therefore automatically be disqualified from voting at any of the other sessions.

Article 10. Upon motion by Dave Dunn and second by Shawn Winsor, the Town voted to move Article 10 to a continuation of the Special Town Meeting or to next year's Annual Town Meeting. Article 10 would authorize the Board of Selectmen to purchase Map 14 - Parcel 15, and May 9 – Parcel 8A, using funds gifted to the Board of Selectmen and Conservation Commission. In response to a question by resident Steve Harper, Dave Dunn said the Town is still doing due diligence on the title of these two pieces of property. Town Administrator Orlando Pacheco added that if the title wasn't absolutely clear on both parcels, the Town would not be interested in the purchase.

Article 11. Upon motion by Dave Dunn and second by Shawn Winsor, the Town voted by majority vote to establish a by-law in accordance with M.G.L. c.39 §15 as printed in the warrant. This by-law would allow the Moderator to declare a two-thirds vote if the hand-count is obvious. In response to a question from ZBA member Jeanne Rich, Moderator Christoph stated that zoning articles would still be determined by a full hand count. He further stated that while he was Moderator if anyone in the audience ever wanted a hand count on any other article, he would call for it.

Article 12. Upon a motion by Shawn Winsor and a second by Chris Williams, the Town voted unanimously to transfer \$17,000 from the Septic Loan Repayment Account to the Board of Health to pay for costs associated with Household Hazardous Waste Disposal and roadside trash pickup. It was moved and seconded to reconsider the article; reconsideration failed by majority vote.

Article 13. Upon motion by Chris Williams and second by Dave Dunn, the Town voted unanimously to increase the amount the Library Board of Trustees can expend from the Library Book Fines Revolving Fund from \$4,750.00 to \$6,000.00.

Article 14. Upon motion by Dave Dunn and second by Chris Williams, the Town voted by majority vote to raise and appropriate the sum of \$11,800.00 to be expended by the Board of Public Works for snow removal equipment. It was moved and seconded to reconsider the article; reconsideration failed by unanimous vote.

Article 15. Upon a motion by Shawn Winsor and a second by Dave Dunn, the Town voted by majority vote to accept the provisions of MGL c.140 §139, waiving the annual dog license fee for dog owners over 70 years old. In response to a question from resident Peter Giger, Town Clerk Sue Thompson stated that dogs still have to get vaccinated against rabies and that all dog owners

still had to license their dogs every year, but the license would be free to residents over 70. Late fees and possible court fines would still be in effect for over 70 year-olds who did not apply for their free license on time.

Dave Dunn then moved (seconded by Shawn Winsor) to continue the Special Town Meeting to January 22, 2007, at 7:00 p.m. in the Mary Rowlandson Auditorium to consider Articles 10, 16, 17, 18 and 19. Resident and Article 16 supporter Steve Harper asked if the verbiage could be changed on any of the articles at the continuation; Orlando Pacheco responded that a citizens' petition, by law, must be presented in the warrant in the exact words that it was signed by the citizens, but that it could be amended from the floor.

Vic Koivumaki announced that the Planning Board had tentatively scheduled public hearings on the three zoning change articles (16, 17, and 18) for November 27. He explained that without the hearings, the Attorney General would have rejected the zoning changes. By continuing the Special Town Meeting to January 22, the Planning Board will have time to hold hearings and make recommendations on the articles. In response to a question from resident John Daly, Orlando Pacheco and Mr. Koivumaki explained that the hearings would have no impact on the Wal-Mart proposal because their plan had already been filed and therefore current zoning by-laws were locked in for eight years.

Resident Matthew Cody, a proponent of Article 19, announced that he was in favor of the continuation of the Special Town Meeting. Orlando Pacheco asked for a layout of the roads specified in Article 19 for the November 6 Board of Selectmen meeting.

Resident Jennifer Leone, proponent of Articles 17 and 18, announced that she also favored the continuation of the meeting.

The motion to continue the Special Town Meeting to January 22, 2007, was approved by majority vote. The Monday night session of the Special Town Meeting closed at 8:40 p.m.