

# **SPECIAL TOWN MEETING LANCASTER MASSACHUSETTS OCTOBER 6, 2008**

## **Abbreviated Notes**

The Special Town Meeting, held at Machlan Auditorium at Atlantic Union College, was called to order at 7:00 p.m. by Moderator David I. Spanagel. A total of 101 registered voters and 10 non-voting guests were signed in by Registrars Cecilia Thurlow, Anna DiPietro and John Ranieri. Moderator Spanagel introduced the Town Officials sitting on the stage: Board of Selectmen (BOS) members Christopher Williams, Jennifer Leone, and John P. Sonia, Finance Committee (FinCom) Members John Wojciak, James Piermarini, James Riley, Janet Baylis and Walter Sendrowski, Town Administrator Orlando Pacheco, Finance Director Cheryl Gariepy and Town Clerk Sue Thompson. After leading the audience in the Pledge of Allegiance, Moderator Spanagel asked for a moment of silence for William Kilbourn, a long-time resident and local public servant who passed away in September. Mr. Spanagel then thanked outgoing Moderator Stanley B. Starr, Jr. for his past service as Moderator. Because of the length of the warrant Moderator Spanagel asked speakers to hold their comments to two minutes.

### **Article 1 – Town Green Preservation Restriction**

BOS member Jennifer Leone moved, with a second by BOS Chair Christopher Williams to transfer the Town Green from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to grant a historic preservation restriction on such property to the Lancaster Land Trust, as authorized under Massachusetts General Law c. 184, §§ 31-33. Lancaster Historical Society Chair Michael Sczerzen explained that the purpose of this restriction was to prevent structures from being built on the Town Green. Shawn Winsor, a “Celebrate Lancaster” organizer was opposed to the designation, stating that there shouldn’t be a limit on activities on the Town Green. John Schumacher-Hardy asked if the Board of Selectmen supported this article; Chairman Williams replied that they had not taken a stand on it. Schumacher-Hardy said the Board of Library Trustees was opposed to restricted use of the Town Green; he thought the town residents were responsible enough to preserve the Town Green without deeding it over to the Land Trust. Jean Lidstone, clerk of the Land Trust, said the non-profit organization did not vote on the article but said that its president, Frank Streeter, who was out of town for the meeting, was in favor of it. Voters defeated the article by a Moderator-declared 2/3 vote.

### **Article 2 – Purchase 32 Carter Street**

Upon a motion by Chris Williams and a second by Jack Sonia the Town voted unanimously to authorize the Board of Selectmen to acquire the property located at 32 Carter Street, as shown on Lancaster Assessor’s Map 41, Parcel 225, from the Secretary of Housing and Urban Development for a sum not to exceed one (1) dollar. Town Manager Orlando Pacheco explained that HUD allows towns to purchase foreclosed properties to set up affordable housing units. Vic Koivumaki, chair of the Montachusett Regional Planning Commission (MRPC), said that the MRPC and the

Montachusett Enterprise Commission (MEC) have built two affordable units, and that MEC would be very interested in developing the property. Dan Favreau, who is a contractor for Habitat for Humanity asked if that organization would have the opportunity to bid on the project; Koivumaki replied that MEC is not in competition with Habitat and that both could bid on the job. Michael Lukaszewicz asked what would happen to the property if the deal falls through because of the housing market. Pacheco replied that the only cost to the town would be loss of tax revenue. Koivumaki added that the building on the property would be rehabbed, not torn down and replaced, because of the economy. The end product would be affordable housing.

### **Article 3 – Surplus 32 Carter Street for Affordable Housing**

Upon a motion by Jack Sonia and a second by Jennifer Leone the Town voted unanimously to transfer the property located at 32 Carter Street to the Board of Selectmen for the purpose of creating at least one affordable housing unit as defined by the Department of Housing and Community Development and to authorize the Board of Selectmen to enter into agreements to dispose of such property.

### **Article 4 – Amend Pay Scale by 2% Increase**

Upon a motion by Jennifer Leone and a second by Christopher Williams the Town voted unanimously to amend the *Personnel Compensation Wage and Salary Schedule* by increasing all amounts by 2% effective January 1, 2009. Orlando Pacheco explained that the town was in the process of negotiating a collective bargaining agreement to raise salaries by 2% to offset an increase in staff share of health benefits. Currently the town pays 90% of health benefits; as of January 1, 2009 the town's share will drop to 80%. Resident Sarah Spencer asked if this was revenue-neutral; Orlando replied that it was this year but in future years this would cost the town \$50k per year for 83 people. There was no impact on retirees.

### **Article 5 – Spend \$19,550 to connect the Highway Garage to Sewer**

Upon a motion by Chris Williams and a second by Jennifer Leone the Town voted unanimously to transfer \$19,550 from the Stabilization Fund to connect floor drains at the Lancaster Highway Garage to an existing sewer line.

### **Article 6 – Accept drainage easements over Lot 1 on Oetman Way**

Upon a motion by Jack Sonia and a second by Chris Williams the Town voted unanimously to authorize the Board of Selectmen to accept and record two drainage easements over Lot 1 on Oetman Way and Goss Lane. These easements are part of the overall plan accepted by the Planning Board.

### **Article 7 – Accept water and drainage easements over Lots 4, 5A, 6A, 9 on Oetman Way**

Upon a motion by Jennifer Leone and a second by Chris Williams the Town voted unanimously to authorize the Board of Selectmen to accept and record various drainage and water service easements over Lots 4, 5A, 6A and 9 on Oetman Way.

## **Article 8 – Transfer \$200,000 from Stabilization Fund to make improvements to town-owned buildings on the Town Green**

Upon a motion by Chris Williams and a second by Jack Sonia the Town voted by a vote of 72 to 14 to transfer \$200,000 from the Stabilization Fund to make improvements to the Town-owned buildings on the Town Green. Jim Piermarini, who is chair of the Town Green Buildings Advisory Committee (TGBAC), introduced other TGBAC members Noreen Piazza, Liz Narbonne and Ted Manning. Noreen Piazza did a presentation of what the TGBAC has accomplished so far and what its next steps are. She explained that \$178,000 had been appropriated at last year's Annual Town Meeting and was used in part to repair/replace the roofs of all three buildings (Prescott, Tercentenary and Memorial). This \$200,000 would be used to renovate the Tercentenary Building for limited use as a community center by the summer of 2009. Additional parking behind the Town Hall would also be made available. Claudia Hull, a member of the Council on Aging, was opposed to the plan. She said the COA was opposed to having to share space with other community groups, and already had a senior center over at the First Church. Resident Stoy Hancock was also opposed to the plans because of the tight economic times we are facing. Other residents, including Michael Lukaszewicz, John Schumacher-Hardy, Alexandra Turner, Eugene Christoph and Celebrate Lancaster organizer Shawn Winsor spoke in favor of the plans. The FinCom also endorsed the warrant article. Orlando Pacheco pointed out that the \$40,000 cost per year for insurance would be greatly reduced once the buildings were no longer vacant.

## **Article 9 – Appropriate \$19,000 to defray expenses of the Conservation Agent**

Upon a motion by John Sonia and a second by Chris Williams the Town voted by majority vote to raise and appropriate \$19,000 to defray the expenses of the Conservation Agent for FY09, which began on July 1, 2008. Planning Director Noreen Piazza explained that the position had been funded through wetlands application fees, but because of the economy the fees just aren't there. She added that the work has not gone away. Jean Lidstone, chair of the Conservation Commission, said that the number one priority of the Conservation Commission this year has been the water quality at Spec Pond, which involves lots of work but no fees. Tom Kennedy, a long-time member of the Conservation Commission, said that if the fees aren't there the ConCom members should do the work, not a paid employee. Skip Hall, who lives on Spec Pond asked for support of the position; he said the Pond Association had been trying to stop MYSA and Wagner Toyota from leaching into Spec Pond for 3½ years and was finally getting help from the conservation agent.

## **Article 10 – Accept provisions of MGL Chapter 43D re designation of land at Lancaster Technology Park and Ascetic Hill Park**

Upon a motion by Jennifer Leone and a second by Chris Williams the Town voted by majority vote to accept the provisions of MGL Chapter 43D, as amended by Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board. Two sections of land, 102.25 acres at Lancaster Technology Park (Old Union Turnpike) and 179.49 acres at Ascetic Hill Park (Lunenburg Road) were designated as Priority Development Sites under this article. Planning Board Chair Jeanne Rich reported that it is the

intent of the Planning Board to recommend more Priority Development Sites as they become more suitable for development. Planning Director Noreen Piazza said acceptance of this MGL allows the Town access to a \$60,000 one-time Technical Assistant grant from the State.

#### **Article 11 – Amend Zoning By-Law re Flexible Development**

Upon a motion by Chris Williams and a second by Jennifer Leone the Town voted by a moderator-declared 2/3 majority vote to amend Section 220-15, Flexible Development, of the Lancaster Zoning Bylaw as printed in the warrant. Planning Director Noreen Piazza presented a slide show that described plans to update and modernize the existing bylaw in accordance with the recently accepted Master Plan. The new bylaw would require developers to provide 40% open space but would allow multiple-unit buildings, and would provide for “bonus lots” if the developer offered more open space or affordable units. John Schumacher-Hardy moved to table the article on the grounds that something this important should be brought up at an Annual Town Meeting rather than a less well-attended Special Town Meeting. Planning Board member Vic Koivumaki said that several zoning bylaw changes were needed because of the acceptance of the Master Plan, and that the PB wanted to bring them forward at Town Meetings one or two at a time. The vote to table did not pass by the required 2/3 vote. Resident Steve Quill commented that this type of cluster zoning reduces the cost to developers and therefore the number of bonus lots should be reduced. Michael Lukaszewicz asked if this type of zoning would result in more people per acre; PB Chair Jeanne Rich responded that yes, it potentially could.

#### **Article 12 – Amend Zoning By-Law re Environmental Controls**

Upon a motion by Jack Sonia the Town voted by a moderator-declared 2/3 majority vote to amend Article X, Section 220-35 (A), Environmental Controls, of the Lancaster Zoning Bylaw as printed in the warrant. PB Chair Jeanne Rich read the Planning Board’s report in favor of this article. In summary, the amended bylaw would strengthen some sections under the Site Plan Review process regarding stormwater management, non-residential outdoor lighting, parking lots and traffic impact. Resident Don Labelle asked who would enforce these new regulations; PB Chair Jeanne Rich replied that that new Building Inspector and Zoning Enforcement Officer would do the enforcement.

#### **Article 13 – Approve \$35,000 to connect Town-owned buildings on the Town Green to Sewer**

Upon a motion by Jennifer Leone and a second by Chris Williams the Town voted unanimously to transfer \$35,000 from the stabilization fund to supplement the amount appropriated by vote taken under Article 8 of the May 7, 2007 Annual Town Meeting to connect the Town-owned buildings on the Town Green to the sewer system.

#### **Article 14 – Approve maintenance repairs for South Station**

Upon a motion by Chris Williams and a second by Jack Sonia the Town voted unanimously to amend the vote taken under Article 9 Item (d) at the May 7, 2007 Annual Town Meeting to expand the purpose for the expenditure of funds to include maintenance repairs at the Fire

Department's South Station. Orlando Pacheco explained that no additional money was being requested; the original article only allowed structural repairs and this article adds maintenance.

**Article 15 – Reduce Fiscal Year Budget by \$184,190.00**

Upon a motion by Jack Sonia and a second by Chris Williams the Town voted unanimously to amend Article 11 of the May 5, 2008 Annual Town Meeting by reducing the amount raised and appropriated by \$184,190 and to transfer \$84,310 from Fund Balance Reserved for School Debt to Nashoba School Debt Payment and \$99,880 from Water Indirect Costs to the General Fund.

There being no further business, Moderator Spanagel adjourned the Special Town Meeting at 10:25 p.m.