

**WARRANT with MOTIONS
FOR
SPECIAL TOWN MEETING
MARCH 21, 2022
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 at **Mary Rowlandson Elementary School Auditorium, 103 Hollywood Drive, in said Lancaster on Monday, the Twenty-First of March 2022, at 7:00 o'clock in the evening**, then and there to act on the following Articles:

Voters of the Town of Lancaster met at the Mary Rowlandson Elementary School Auditorium according to legal notice on March 21, 2022. 76 legal voters and 4 guests were present.

Town Moderator William O'Neil began the 2022 Special Town Meeting at 7:00 pm with the Pledge of Allegiance, Mr. O'Neil introduced Select Board members Jason Allison, Jay Moody and Alix Turner, Interim Town Administrator Jeff Nutting, Town Counsel Ivria Glass Fried, Finance Director Cheryl Gariepy, and Michelle Vasquez Finance Committee Chair, Town Clerk Lisa J. Johnson.

**ARTICLE 1
Finance Committee
Select Board**

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

a. Select Board

Amount:	\$15,000.00
Funds to be expended by:	Select Board
Purpose:	Tree Cutting
Funding Source:	Free Cash

b. School Committee

Amount:	\$150,000.00
Funds to be expended by:	Select Board

Purpose:	Boiler Replacement/Temp. Boiler
Funding Source:	Free Cash

c.	Select Board
Amount:	\$80,000
Funds to be expended by:	Select Board
Purpose:	Engineering Services related to Route 117/70 Project
Funding Source:	Free Cash

d.	Select Board
Amount:	\$45,000
Funds to be expended by:	Select Board
Purpose:	Costs associated with Order of Taking related to Route 117/70 Project
Funding Source:	Free Cash

e.	Select Board
Amount:	\$32,000
Funds to be expended by:	Town Administrator
Purpose:	Software Conversion
Funding Source:	Free Cash

or act in any manner relating thereto

Motion:

Move to approve Fiscal Year 2021 Capital Expenditures as printed in the warrant.

(Majority Vote)

Motion made by Alix Turner seconded by Jason Allison, with a change to b. School Committee amount from \$150,000.00 to \$135,000.00 and no discussion. Motion passed with 55 Yes and 2 No votes.

<p align="center">ARTICLE 2 Amend Fiscal Year 2022 Operating Budget Select Board</p>

To see if the Town will vote to amend the vote taken under Article 1 of the June 21, 2021 Annual Town Meeting appropriating funds to defray the expenses of the Town for the Fiscal Year beginning July 1, 2021, and, as necessary therefore, to raise and appropriate, transfer from available funds from the Omnibus Operating Budget, by borrowing, by transfer from Overlay Surplus, by transfer from fund balance reserved for school debt or

any combination thereof for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote; or act in any manner relating thereto.

Select Board	
Amount:	\$75,000
Funds to be expended by:	Select Board
Purpose:	Property and Casualty Insurance
Funding Source:	Free Cash

Select Board	
Amount:	\$15,000
Funds to be expended by:	Select Board
Purpose:	Legal Budget
Funding Source:	Free Cash

Planning Board	
Amount:	\$8,000
Funds to be expended by:	Planning Board Revolving Account
Purpose:	Reimburse
Funding Source:	Free Cash

or act in any manner relating thereto

MOTION:

Move to amend the vote taken under Article 1 of the June 21, 2021 Annual Town Meeting appropriating funds to defray the expenses of the Town for the Fiscal Year beginning July 1, 2021, as follows:

1. Transfer \$75,000 from Certified Free Cash for Property and Casualty Insurance, said funds to be expended by the Select Board; and
2. Transfer \$15,000 from Certified Free Cash to the Legal Budget, said funds to be expended by the Select Board.

(Majority vote)

Motion made by Jay Moody as written and seconded by Alix Turner. Planning Board of \$8,000.00 was excluded

from Motion. No discussion and Motion passed with 46 Yes, 2 No and 2 Abstain.

<p style="text-align: center;">ARTICLE 3 Amend Water Enterprise Fund Board of Public Works</p>

To see if the Town will amend the vote taken under Article 4 of the June 21, 2021 Annual Town Meeting to appropriate **\$1,137,367** (One Million One Hundred Thirty-Seven Thousand, Three Hundred Sixty-Seven Dollars) from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2021 (*detail below*), or act in any manner relating thereto. The operating expenses for the Water Enterprise are entirely funded by water revenue.

I. Water Enterprise Revenues	
User Charges	\$1,122,367
Connection Fees	\$15,000
Water Enterprise Available Funds	0
Investment Income	0
Total Revenues	\$1,137,367
II. Costs Appropriated in the Enterprise Fund	
Salaries and Wages	\$302,202
Expenses	\$416,913
Reserve Fund	\$0
Debt Principal	\$290,000
Debt Interest	\$129,252
Indirect Costs to General Fund	0
Total Costs Appropriated in E. F.	\$1,137,367

Motion:

Move to amend the vote taken under Article 4 of the June 21, 2021 Annual Town Meeting, as printed in the warrant.

(Majority vote)

Motion made by Jason Allison as written and seconded by Alix Turner. No discussion and Motion passed with 59 Yes, 3 No, 1 Abstain.

ARTICLE 4
Pay Bills of Prior Fiscal Year

To see if the Town will vote to transfer **\$371.75** (Three Hundred Seventy-One Dollars and Seventy-Five Cents) from available funds to pay unpaid bills from Fiscal Year 2019 (detail below), or act in a manner relating thereto.

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Purpose</u>
Fire Department	Schofield Power Equipment	\$ 86.75	6/22/21	Maintenance
Fire Department	UMass Memorial	\$ 70.00	12/15/20	Physicals
Fire Department	UMass Memorial	\$ 215.00	1/12/21	Physicals

MOTION:

Move to transfer \$371.75 from available funds to pay unpaid bills from Fiscal Year 2021 as specified in the warrant.

(4/5 majority vote)

Motion made by Alix Turner as read and seconded by Jason Allison. Correction made to Fiscal Year from 2019 to 2021. Moderator William O'Neil indicated that the Motion requires a 4/5 majority to pass. No Discussion and Motion passed with a 4/5 majority vote of 65 Yes, 4 No, 1 Abstain.

ARTICLE 5
Select Board

To see if the Town will vote to accept Massachusetts General Law Chapter 59 Section 21A or act in any manner relating thereto

MOTION:

Move to accept the Massachusetts General Law Chapter 59 Section 21A. (Majority Vote)

Motion by Jay Moody and seconded by Alix Turner. Jeff Nutting, Interim Town Administrator, explained what this MGL covers. Motion passed with 62 Yes, 6 No, 2 Abstain.

**ARTICLE 6
Select Board**

To see if the Town will vote to authorize the Select Board to grant an easement, on such terms and conditions as are acceptable to the Board, to National Grid over a portion of land located at 0 Main Street (Assessor's Parcel 030-0154), otherwise known as 103 Hollywood Drive, to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, to consist of, but not be limited to, poles with wires and cables installed thereon, all necessary anchors, guys and appurtenances, and an underground distribution system, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and the furnishing of electric service, or act in any manner related thereto.

MOTION:

Move to authorize the Select Board to grant an easement at 0 Main Street, otherwise known as 103 Hollywood Drive, as printed in the warrant.

(Majority Vote)

Motion made by Jason Allison and seconded by Alix Turner. Jeff Nutting, Interim Town Administrator, explained what this is about. Motion passed with 60 Yes, 7 No, 2 Abstain.

**ARTICLE 7
Select Board**

To see if the Town will vote to authorize the Select Board to grant an easement, on such terms and conditions as are acceptable to the Board, to National Grid over a portion of land located at 1250 Lunenburg Road (Assessor's Parcel 014-0007) to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, two poles with wires and cables installed thereon, and all necessary foundations, anchors, guys, brace fittings, equipment and appurtenances over, across, under and upon the land, or act in any manner related thereto.

MOTION:

Move to authorize the Select Board to grant an easement at 1250 Lunenburg Road, as printed in the warrant.

Motion by Jason Allison and seconded by Jay Moody with explanation by Jeff Nutting, Interim Town Administrator. No questions. Motion passed with 62 Yes, 4 No, 1 Abstain.

<p style="text-align: center;">ARTICLE 8 Select Board</p>

To see if the Town will vote to:

1. Authorize the Select Board to:
 - a. petition the General Court for special legislation permitting the Commissioner of the Division of Capital Asset Management and Maintenance to convey a parcel or parcels of land located in the Town of Lancaster and owned by the Commonwealth of Massachusetts, including, but not limited to, 0 Old Common Road (Assessor's Parcel 039-0004), subject to the provisions of the special legislation; and
 - b. acquire, by gift, purchase, or eminent domain, on such terms and conditions as acceptable to the Select Board, said parcel or parcels of land;
- and
2. Raise and appropriate, transfer from available funds, or borrow a sum or sums of money to pay for all costs and expenses of the conveyance of said parcel or parcels of land to the Town of Lancaster pursuant to the special legislation, including but not limited to the purchase price of said land, any additional consideration for the portion or portions of said land retained by the Town of Lancaster for municipal purposes, required appraisals and surveys, site studies, environmental assessment, and recording fees.

or act in any manner relating thereto

MOTION:

Move that the Town authorize the Select Board to petition the General Court for special legislation permitting the Commissioner of the Division of Capital Asset Management and Maintenance to convey a parcel or parcels of land located in the Town of Lancaster and owned by the Commonwealth of Massachusetts, including, but not limited to 0 Old Common Road (Assessor's Parcel 039-0004), as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

AN ACT AUTHORIZING THE COMMISSIONER OF
CAPITAL ASSET MANAGEMENT AND
MAINTENANCE TO CONVEY A CERTAIN PARCEL
OF LAND IN THE TOWN OF LANCASTER.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of a certain parcel of land in the town of Lancaster, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may convey certain parcels of land in the town of Lancaster owned by the commonwealth to the town of Lancaster subject to the provisions of this act. The parcels are shown on plans on file with the division of capital asset management and maintenance. The exact location and boundaries of the parcels to be conveyed shall be determined by the commissioner of capital asset management and maintenance based upon a survey.

The use of the parcels to be conveyed to the town shall not be restricted to use for municipal or other specific purposes; provided, however, that the town may so restrict the use of one or more of the parcels at a later date, in accordance with any applicable general and special laws. The parcels shall be conveyed by deed without warranties or representations by the commonwealth.

SECTION 2. As consideration for the conveyance of the parcels described in section 1, the town of Lancaster shall pay the commonwealth \$1.

SECTION 3. If the town of Lancaster sells or leases any portion of the parcels described in section 1, the net proceeds from such sale or lease as determined by the town of Lancaster and agreed to by the commissioner of capital asset management and maintenance shall be allocated between the town of Lancaster and the commonwealth in equal shares; provided, however, that the commissioner may agree to reduce the commonwealth's share of net proceeds to not less than 40 per cent in order to provide certain incentives to the town to sell or lease the parcels expeditiously. If the net proceeds, as so determined, is a negative amount, the commonwealth shall not be required to make any payments to the town of Lancaster.

SECTION 4. If the town of Lancaster decides to retain all, or any portion, of the parcels described in section 1 for municipal purposes, the town shall give written notice of such decision to the commissioner of capital asset management and maintenance and shall pay the Commonwealth additional consideration for the portion or portions of the parcels retained by the town of Lancaster for municipal purposes. Such additional consideration shall be the fair market value of the portion, or portions of the parcels retained by the town of Lancaster for municipal purposes as determined by the commissioner of capital asset management and maintenance based upon an independent professional appraisal, taking into consideration the restriction on the use of the portion or portions of the parcels to be retained by the town of Lancaster pursuant to this section. The inspector general shall review and approve the appraisal. The inspector general shall prepare a report of such review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight.

In addition, the town of Lancaster shall agree, in a written document to be recorded with the Worcester registry of deeds, that the portion or portions of the parcels to be retained by the town of Lancaster pursuant to this section shall be used solely for municipal

purposes, which document shall include a reversionary clause that stipulates that if the portion or portions of the parcels to be retained by the town of Lancaster for municipal purposes cease at any time to be used for municipal purposes, title to the portion or portions which is, or are, no longer used for municipal purposes shall, at the election of the commonwealth, revert to the commonwealth. Said reversionary clause shall contain provisions requiring that the town of Lancaster receive reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used for the purposes set forth in this section.

SECTION 5. Notwithstanding any general or special law to the contrary, the town of Lancaster shall pay for all costs and expenses of the sale of the parcels to the town of Lancaster pursuant to this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any recording fees and deed preparation related to the conveyance and all costs, liabilities and expenses of any nature and kind related to the town's ownership of the parcel; provided, however, that such costs shall be included for the purposes of determining the net proceeds of the town's sale or lease of any portion of the parcels described in section 1. The town of Lancaster shall also pay for any appraisal undertaken pursuant to section 4, the cost of which shall not be included for purposes of determining net proceeds.

SECTION 6. If the town of Lancaster does not complete the purchase of the parcels described in section 1 on or before December 31, 2023, then notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner may sell, lease for terms of up to 99 years, including all renewals and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the parcels described in section 1 or portions thereof, subject to this section and on such terms and conditions that the commissioner considers appropriate.

The commissioner of capital asset management and maintenance shall dispose of the parcels or portions

thereof pursuant to this section using appropriate competitive bidding processes and procedures. Not less than 30 days before the date on which bids, proposals or other offers to purchase or lease the parcels or portions thereof are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of the parcels or portions thereof, the nature of the competitive bidding process and other information that the commissioner considers relevant, including the time, place and manner for the submission of bids and proposals and the opening of the bids or proposals.

Notwithstanding any general or special law to the contrary, the grantee or lessee of the parcels described in section 1 or any portions thereof pursuant to this section, shall be responsible for costs and expenses of such sale or lease of the parcels or portions thereof to such grantee or lessee, including, but not limited to, costs associated with deed preparation and recording fees related to the conveyances and transfers authorized in this section as such costs may be determined by the commissioner of capital asset management and maintenance.

Motion made by Alix Turner as read and seconded by Jason Allison. Section 2 was excluded from the motion. One question was asked and answered by Jeff Nutting and Alix Turner. A few people stood up in favor of this motion. Motion passed with 69 Yes, 2 No, 0 abstain.

Motion to Adjourn by Jason Allison and seconded by Jay Moody at 7:47 pm.

Respectively submitted.

Lisa J. Johnson

Lancaster Town Clerk