

Special Town Meeting November 15, 2022

The Special Town Meeting was called to order at 7:05 P.M. in the Middle/High School Auditorium. The Moderator declared that we had a quorum present and that the warrant was properly served. We then pledged allegiance to the Flag; we were reminded of committee vacancies and the need for volunteers and finally we tested the electronic devices to be used for voting – all but one in good working order.

The Moderator explained the Consent Calendar and moved same: that Town Meeting advance for consideration Articles 2, 6, 7, and 9 and that it take action on said Articles without debate: **VOTED UNANIMOUSLY** on a voice vote.

ARTICLE 1. VOTED (136 Yes, 5 No - 94 needed for 2/3rds Majority) to raise and appropriate the sum of \$73,000 as follows: to line #22/Town Manager Expense, the sum of \$10,000.00; to line#28/Assessors Administration, the sum of \$45,000.00; to line #35/Planning Board, the sum of \$5,000.00; to line#71/Facilities and Grounds, the sum of \$13,000.00; for a total increase of \$73,000.00 in the amount raised and appropriated under Article 8 of the May 7, 2022 Annual Town Meeting. Finance Committee and Select Board recommend Approval.

ARTICLE 2. VOTED UNANIMOUS CONSENT to raise and appropriate \$1,804.54 for payment of prior year expenses; or take any other action relative thereto. Finance Committee and Select Board recommend approval.

ARTICLE 3. VOTED to transfer from Article 8 of the May 7, 2022 Annual Town Meeting, line #13A/Salary Reserve, the sum of \$16,000.00 to fund the first year of the FY23-FY25 Lunenburg Police Officers Collective Bargaining Agreement dated July 1, 2022 – June 30, 2025 with the New England Police Benevolent Association Local 353. Finance Committee and Select Board recommend approval.

ARTICLE 4. VOTED to raise and appropriate the sum of \$184,000 for the property known as the Marshall Park, 100 Chestnut Street, shown on Assessor's Map 060, Lot 018, and for final engineering and design recreation/open space services area at this property, including all costs related or incidental thereto. Finance Committee and Select Board recommend approval.

ARTICLE 5. Article 5 was PASSED OVER to see if the Town will vote to transfer a sum of money to the Special Purpose Stabilization Fund; or take any other action relative thereto. (Submitted by the Town Manager). Finance Committee and Select Board recommendation deferred.

ARTICLE 6. VOTED UNANIMOUS CONSENT to see if the Town will vote to transfer from available funds \$1,645.60 into the Sewer Reserve Capacity Stabilization Fund. Finance Committee and Select Board recommend approval.

ARTICLE 7. VOTED UNANIMOUS CONSENT to see if the Town will vote to transfer from available funds \$9,900.00 into the Sewer Inflow/Infiltration Stabilization Fund. Finance Committee and Select Board recommend approval.

ARTICLE 8. VOTED (119 – 37) to accept the provision contained within M.G.L. c. 32 § 4(2)(b) written as such:

“For a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call firefighter retiring from a governmental unit accepting the provisions of this sentence, the board shall credit, in addition to the five years of credit allowed pursuant to the preceding sentence, as one day of full-time service each day in any year which is subsequent to the fifth year following said appointment and on which a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call fire fighter was assigned to and actually performed duty as a reserve or permanent-intermittent police officer or reserve, permanent-intermittent or call fire fighter; provided, however, that such service as a permanent-intermittent or call fire fighter shall be credited only if such fire fighter was later appointed as a permanent member of the fire department; provided, further, that this sentence shall take effect in a city by vote of the city council in accordance with its charter, in a town which maintains a separate contributory retirement system by vote of the town meeting, in a town whose eligible employees are members of the county retirement system of the county wherein such town lies by vote of a town meeting and by acceptance by the county commissioners of said county, in a district which maintains a separate contributory retirement system by vote of the district meeting, and in a district the eligible employees of which are members of a county retirement system by vote of the district meeting and by acceptance of the county commissioners of said county.” Finance Committee Recommend Approval; Select Board recommends Disapproval.

ARTICLE 9. VOTED UNANIMOUS CONSENT to see if the Town will vote to amend the Code of Lunenburg, Chapter 70, Section 70-8.A, entitled “Salary Administration Plan”, Schedule A, as follows: the position of Administrative Assistant - IT to be added and assigned to Grade 8; the position of Facilities Director to be added and assigned to Grade 16; the position of Civilian Traffic Member to be added and paid at the Sergeant overtime rate per Local 353. Finance Committee and Select Board recommend approval.

ARTICLE 10. Article 10 was DEFEATED To see if the Town will vote to amend the Code of Lunenburg, Chapter 81 by adding a new section 11 titled “Amending Capital Appropriations” by inserting the following:

§ 81-11 Amending capital appropriations.

Warrant articles and floor motions shall not restrict Town Meeting voters’ ability to propose and approve amendments in totality, description, and/or scope to individual items or projects in capital appropriation articles and motions. Notwithstanding the above, amendments shall not limit the Town Manager’s authority to reapply capital funds among the individual items and projects in the capital plan, nor shall Town Meeting be authorized to increase the total capital plan appropriation printed in the warrant or take any other action relative thereto. (Submitted by the Finance Committee) FINANCE COMMITTEE recommends Approval. SELECT BOARD Did not Recommend (3-1-0).

ARTICLE 11. VOTED (91 Yes, 24 No needed 77 for 2/3rds majority)to amend the Code of Lunenburg, Section 250-4.1G, which is a Section of the Protective

Bylaw entitled "Use Table," by changing 4.1K(10) Motel in the Commercial District from "Y" to "SP-Z". Finance Committee NDFI, Select Board & Planning Board recommend Approval.

ARTICLE 12. Article 12 was DEFEATED To see if the Town will vote to override the denial of certificate to alter by the Architectural Preservation District Commission for repairs/alterations to the building exterior and vestibule of the Ritter Memorial Building located at 960 Massachusetts Avenue (Map 71, Parcel 74), per the Code of Lunenburg, Chapter 113, Section 13; or take any other action relative thereto. (Submitted by the Select Board)

FINANCE COMMITTEE RECOMMENDATION: No Direct
Financial Impact SELECT BOARD RECOMMENDATION:
Deferred (3-0-1)

ARTICLE 13. Article 13 was DEFEATED To see if the Town will vote to amend the Code of Lunenburg, Chapter 113, entitled "Architectural Preservation District":

(i) by amending Section 8, entitled "Binding review," Subsections "B" and "C," as follows, with additions underlined and deletions stricken-through:

B. Applications should include a completed application form and photographs showing existing buildings and site conditions. For substantial alteration, including additions and demolition, applicants should also provide building elevations showing the proposed configuration and building materials; a plan showing the approximate footprint and relationships of buildings to other structures, exterior circulation, and points of entry; and any other plans which may help to demonstrate the proposed building design. Applications deemed incomplete by the APDC will be returned to the applicant within 5 business days of initial receipt. The applicant will then be responsible for addressing application deficiencies identified by the APDC prior to resubmittal. Applications shall be submitted in accordance with the instructions on the "Application for Certificate to Alter" ~~can be submitted electronically, but applicants shall also provide one hard copy of the application to the Planning Office.~~ If appropriate, the APDC may waive any or all of the requirements for design submittal and review.

C. Upon receipt of the Application the APDC shall review

and hold a public hearing on the application. Said hearing to be noticed by an ad published in a newspaper with local circulation 14 days or more before the hearing. ~~Within 45 days of the application submittal, a copy of which shall be filed with the Town Clerk, the APDC shall hold a public hearing on the application, said hearing to be noticed by an ad published at least once in a newspaper with local circulation 14 days or more before the hearing.~~ Following the hearing, the APDC shall determine whether or not the proposed alteration is consistent with the standards set forth in § 113-9 and the associated design guidelines. If the APDC determines by majority vote that the alteration adheres to the standards and the design guidelines, it shall issue a certificate to alter, which may be subject to reasonable conditions that the APDC deems necessary and appropriate. If the APDC does not achieve a majority vote that the alteration is compatible with the standards and the design guidelines, it shall make a negative determination. The APDC's written determination shall be submitted to the property owner after ~~within 20 days of the close of the public hearing,~~ and no later than 75 ~~90~~ days from ~~after~~ the receipt ~~submittal~~ of an application, unless granted a time extension by the owner. ~~In~~ When making its determination, the APDC shall provide a rationale for its action, including a description of how the alteration does or does not meet the standards set forth in § 113-9 and the design guidelines. If the APDC denies a certificate to alter, it may include nonbinding, advisory only recommendations on how the proposed alterations may be modified to satisfy the APDC. Once the applicant modifies the alterations in a manner that the APDC finds acceptable, the APDC shall issue a certificate to alter. The determinations of the APDC relative to alterations described in this § 113-8, whether positive or negative, shall be binding on the applicant.

and

- (ii) by amending Section 10, entitled "Procedures for issuance and filing of APDC determinations," as follows, with additions underlined and deletions stricken- through:

Each certificate to alter or negative determination issued by the APDC shall be dated and signed by its Chair or such other

person designated by the APDC to sign certificates on its behalf. The APDC shall send a written copy of its actions to the property owner and shall file other copies with the office of the Town Clerk and the Building Commissioner. The date of issuance of a certificate or negative determination shall be the date of its filing of other said copy with the office of the Town Clerk. If the APDC should fail to submit a written determination within

~~75 20 days of the receipt of an application, a Certificate to Alter shall be waived in favor of the property owner. If the property owner had granted an extension during review, the written determination date shall be no later than 75 days plus any extension as granted by the owner, closing its public hearing, or within 90 days of the submittal of a certificate, or within such further time as the applicant may allow in writing, a certificate to alter shall be waived in favor of the property owner.~~

or take any action relative thereto.

(Submitted by the Architectural Preservation District Commission)

FINANCE COMMITTEE RECOMMENDATION: No Direct
Financial Impact SELECT BOARD RECOMMENDATION:
Deferred (3-1-0)

ARTICLE 14. VOTED (95 Yes, 10N 70 Needed for 2/3rds Majority) to amend the Zoning Map by rezoning a portion of the land located at 199 Massachusetts Avenue from Residence A to Commercial District so the entire lot is in the Commercial District, as shown on a plan on file at the office of the Town Clerk, Select Board and Planning Board; or take any other action thereto. (Citizen's Petition) Finance Committee NDFI; Select Board & Planning Board recommend approval.

ARTICLE 15. Article 15 was DEFEATED To see if the Town will vote to amend the Code of Lunenburg, Chapter 81 entitled "Town Meetings" as follows: by deleting from Section 81.2, entitled "Meeting and election dates", the sentences: The Annual Town Meeting shall be held on the first Saturday in May commencing at 9:00 a.m., and all required reports shall be made at that time. The Annual Town Election shall be held on the third Saturday in May commencing at 7:00 a.m. and ending at 5:00 p.m."; and substituting the following sentences therefor: "The Annual Town Meeting shall be held on the first Saturday in April commencing at 9:00 a.m., and all required reports shall be made at that time. The Annual Town Election shall be held on the third Saturday in April commencing at 7:00 a.m. and ending at 5:00 p.m."; or take any other action thereto. (Citizen's Petition) FINANCE COMMITTEE RECOMMENDATION: Not Recommended

SELECT BOARD RECOMMENDATION: Not Recommended

The Meeting adjourned at 10:50 P.M.