



**LANCASTER BOARD OF SELECTMEN
Regular Meeting Minutes
Of March 15, 2021**

I. CALL TO ORDER

Chairman Jay M. Moody called the Regular Meeting of the Board of Selectmen to Order at 6:00 P.M. via ZOOM™. Present were Selectmen Walter F. Sendrowski, Jason A. Allison and Town Administrator Orlando Pacheco.

Chairman Moody commented and clarified on a recent article in The Clinton Item regarding the

<https://us02web.zoom.us/j/85197023423>

Meeting ID: 851 9702 3423

II. PUBLIC COMMENT PERIOD

6:00 P.M. Opportunity for public to address their concerns, make comment and offer suggestions on operations or programs, except personnel matters. ***Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.***

Greg Jackson, Farnsworth Way read into the record Public Comment (See Attached)

III. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes of March 1, 2020, Special Meeting Minutes of March 3, 2020 and Special Meeting Minutes of March 8, 2020.

Selectman Sendrowski moved to approve the Regular Meeting Minutes of March 1, 2021 and the Special Meeting Minutes of March 3, 2020. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

- Michael Zimmerman, Runaway Brook Road
Michael Zimmerman, 13 Runaway Brook Road, came before the Board of Selectmen to speak about the recent house fire on that Road and noting that the fire department was not adequately prepared. Mr. Zimmerman proposed having his street potentially looped or linked with the Sterling fire hydrants, noting that Runaway Brook Road is surrounded by the Town of Sterling. He further stated that not only could Runaway Brook Road receive the hydrants for fire safety, but it would make sense to look at a proposal for town water for the houses as well.

Town Administrator Pacheco stated that he has sent a formal letter to the Town of Sterling and has spoken to them regarding this matter. He explained that he thinks there is some interest from the Town of Sterling, which would enhance their water quality, noting that it is not necessarily good to have lines with dead ends, so looping Runaway Brook Road in would be to Sterling's benefit. Mr. Pacheco explained that there are approximately 18 homes on Runaway Brook Road that will need to be looped in. He noted that the Town of Sterling is agnostic as to whether it just for fire suppression or whether the residents would also like to tap into their water supply for domestic use. Appropriate pipe sizing and the cost to connect, (which would be born by the homeowners), would be the only thing to do, noted Mr. Pacheco.

Town Administrator Pacheco stated that Sterling is receptive, however this does not happen overnight and hopes that from a year from now they could be bringing this issue to resolution.

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

- Police Chief to give update regarding Police Training.
Police Chief Burgwinkel gave an update regarding Police Training. Chief Burgwinkel noted that due to the Covid Pandemic, the training academies are closed and training went to remote and on-line training and he believes that will be the wave of the future. He further explained that Police Department is responsible in keeping their certification current and the Officers trained.

Police Chief Burgwinkel noted that it is very difficult to train officers remotely on how to handle situations that need face to face contact with people that they are involved. He explained that the department decided to hire a company out of Wakefield called *Firearms Advanced Simulation Training* or FAST. He further explained that FAST came in to train the Officers, they turned the training room into a movie studio and each of the officers was subjected to scenario after scenario of how to de escalate and talk people down that were going to hurt themselves or hurt someone else. Chief Burgwinkel stated that this was extremely beneficial to the Officers and each of the Officers were subjected to six hours of scenario based training.

Chief Burgwinkel spoke of the use Bola wraps, which are wraps that tangles the arms or legs of a suspect, and therefore the Officers are not getting injured going in and wrestling trying to get handcuffs on combative people. He also noted that they have developed a policy for in the Town of Lancaster, and are working with the Executive Office of Public Safety on getting the policy placed into the use of force continuum. He further explained that the State determines how to apply force in different situations, so there needs to be a bit more communication with the State and once his department gets the determination, they are probably going to be launching the Bola wraps.

- Memorial School Re-use Committee status and next steps
Town Administrator Pacheco stated that the Memorial School Re-use Committee needs to be addressed, noting that the Annual Town Meeting the Memorial School was voted as surplus and as part of that Annual Town Meeting Article, the Town should reactivate the Committee in terms of disposition of the Memorial School. Mr. Pacheco stated that the Committee should engage again and he believes that the abutters should be involved as well.

Frank Streeter, Library Trustee, commented on behalf of the Library, that Article 10 on the Annual Town Meeting Warrant was approved at last year's Annual Town Meeting and it was amended. He stated that it did include a requirement that abutters to the Town Green and neighbors being included in any discussion of the fate of the school and that explicitly not happened. Mr. Streeter stated that there's no presentation from the library and a major abutter the First Church.

Mr. Pacheco commented that he can invite some the abutters of a certain distance of the Memorial School property.

Mr. Streeter noted that the First Church certainly uses the parking lot in front of the Memorial School on Sundays, noting that the First Church is also a national landmark. As a Library Trustee, Mr. Streeter stated that the Library is very concerned not to have been involved in the process, given that the Library is a major abutter and most likely to be affected by any potential construction there.

Mr. Pacheco stated that there probably should be a representative from the First Church as well the Library on the Committee and will need a resident in the surrounding area to the join that committee.

Selectman Allison commented that you will probably need at least a committee of seven for the Memorial School.

Selectman Allison made a Motion to disband the existing Memorial School Reuse Committee. Chairman Moody Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

Selectman Allison made a Motion to form an Ad Hoc Memorial School Reuse Committee consisting of seven (7) members with a three (3) year staggered term. Selectman Sendrowski Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

VI. TOWN ADMINISTRATOR REPORT

1. Federal Home Bank Affordable Housing Competition

Town Administrator Pacheco reported the Town was able to receive an approved entry for the Federal Home Loan Affordable Housing Competition. The Town is working with the Metrowest Development Collaborative competition and a team of graduate students from Harvard University. The project submitted was a review of the DCAMM Property between Old Common Road and Still River Road (Route 110). The team will present a conceptual plan that will be forwarded to the Town for review. Mr. Pacheco noted that he will look to set up meeting with the team in the near future.

2. Municipal Vulnerability Action Grant

Town Administrator Pacheco noted that the Town is applying for a regional Municipal Vulnerability Preparedness Grant with the Towns of Harvard, Shirley, Lancaster, Devens, Bolton, Ayer, and Clinton. The grant application will be for \$200,000 and last 2 years. The scope will be to provide an assessment and design improvements for stream crossing to improve resiliency, alleviate flooding, and improve/protect biodiversity.

3. Electric Vehicle Charging Station Grant

Mr. Pacheco announced that the Town was awarded a grant to install up to 5 dual charge ports at the Mary Rowlandson Elementary and Luther Burbank Middle School Parking area. The grant award is for \$50,000 and he is working directly with the school department to work out the timeline and implementation.

4. DLTA Grant Award

Mr. Pacheco announced that the Town was awarded a District Local Technical Assistance (DLTA) grant of \$15,000 to continue the work on the development of a Smart Growth & Village District

Zoning that will support housing production and small commercial properties heading towards the Clinton town line.

5. Devens UXO Regulation

Town Administrator Pacheco informed the Selectmen that there will be a public hearing via zoom on Tuesday March 30 on the final regulations as it pertains to UXO. A copy of the hearing notice will be posted on the Town's website.

6. LAND Grant

Town Administrator Pacheco stated that the Town has sent all paperwork to close on the 28 acres purchased from Atlantic Union Conference. Town Counsel, KP/Law, will be handling the closing and will send all completed paperwork back to the Town. He further stated that they are moving forward with the additional items in the grant contract to receive reimbursement before the end of the fiscal year.

VII. ADMINISTRATION, BUDGET, AND POLICY
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1. Vendor Contract Authorization – Edwin Burgwinkel– Interim Police Chief (Vote may be taken)
Chairman Moody stated that due to Edwin Burgwinkel retiring as Police Chief and a Vendor Contract would retain him on a short term basis until the Town has a new Police Chief.

Mr. Pacheco noted that the contract for Chief Burgwinkel is a contractor role as opposed to a permanent employee

Selectman Sendrowski asked for clarification on the Vendor Contract for Edwin Burgwinkel as Interim Police Chief. He asked if Lieutenant Everett Moody could be appointed as the Interim Police Chief and he be in charge and have Chief Burgwinkel give him guidance.

Further discussion on the procedures regarding appointing an interim Police Chief as well as having a Vendor Contract for the Interim Police Chief.

Chief Burgwinkel noted that he is not sure that this has been ever done before. He further noted that he can see procedural issues with whether or not he would have the authority to intervene in a situation as well as having concern of still retaining command structure.

Selectman Allison commented that though not opposed to Selectman Sendrowski idea, he would like to have more conversation regarding this matter at the Selectmen's next meeting. He further stated that has the utmost confidence in Chief Burgwinkel and he has just met Lieutenant Moody and he is fantastic also, however Selectman Allison is not prepared to vote on Selectman Sendrowski's request.

Selectman Sendrowski asked that this discussion be place on the agenda for the Selectmen's next meeting.

Town Administrator Pacheco stated that the Vendor Contract must be approved this evening.

Selectman Sendrowski moved to approve the Vendor Contract Authorization for Edwin Burgwinkel as Interim Police Chief. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

2. Increasing work hours for Conservation Agent (J. Moody)

Town Administrator explained that if you increase the hours of the Conservation Agent as proposed, the wetland funds would be completely depleted in less than two years. He further

noted that the position was never designed to be full time and that's partially because of all the surrounding Towns have part time Conservation Agents.

Selectman Sendrowski would like to hear from Finance Committee and the Finance Director regarding this request and ask that this be tabled until they receive more information.

Selectman Allison raised concern on the need of having a full time Conservation Agent, concerned with the backlog and there is a tremendous amount of effort needed. He noted that he has no problem approving the money if it is the right thing to do.

Town Administrator Pacheco commented that the backlog is more in providing additional administrative support to the entire planning division.

Conservation Commission Chair, Tom Christopher stated that the Conservation Commission members do a good job, but are in need of professionals like the Conservation Agent to assist the Commission in analyzing what comes before the Conservation Commission.

Mr. Christopher commented that to pull money out of the wetland funds to help pay for the Conservation Agent does not make economic sense and is not a sustainable business plan.

Town Administrator Pacheco will get more details regarding the Conservation Agent and will sit down with Mr. Christopher as well as the Conservation Agent.

Mr. Richard Trussell, member of Finance Committee, spoke about the financial aspect of the position. He stressed the importance supporting the Conservation Agent in receiving more hours.

Greg Jackson, 40 Farnsworth Way, speaking as a resident, concurred with Mr. Christopher on the need to increase the hours of the current Conservation Agent.

Carol Jackson, 40 Farnsworth Way, noted that the Conservation Agent is an asset to the Town of Lancaster and would hate to lose him as there are so many projects coming up.

Selectman Allison stated that the Board should look at all the financial information as Selectman Sendrowski suggested, and would like to look at other options as well.

3. Location and time of Annual Town Meeting and any other information needed (J. Moody)
The Annual Town Meeting is set be the first Monday in May, (May 3, 2021), but the Chairman Moody is concerned about the location of the Town Meeting. Board of Health would like to meeting to held outdoors, but Chairman Moody has concern of the Bolton Fairgrounds during that time of year should there be rain, noting the parking might be muddy. Suggestion of Mass Youth Soccer's facility on Lunenburg Road, which Chairman Moody noted has a huge parking lot as well as a long driveway that will be useful for checking people in and managing traffic. Town Administrator Pacheco noted that he will look into those options.
4. Search committee for Town Clerk (J. Moody)
Chairman Moody would like to have a Search Committee for the Town Clerk. Selectman Sendrowski has no problem with the Committee as long as it has the right people on the Committee.

Selectman Allison suggested that if there are any residents who are passionate about being on the Town Clerk Service Committee to send an email to the Town.

Mark Grasso asked the members of the Board of Selectmen in the interest of moving this expeditiously, is to have a clear set of guidance for the Committee, as far as the amount of candidates.

5. Anonymous complaint policy and complaints on social media. Is there such a policy one question by resident (J. Moody)

Chairman Moody asked if there is such a policy that the Town has on Anonymous Complaint and Complaints on social media.

Town Administrator Pacheco noted that he does not particularly deal with anonymous complaints, due to the fact that you cannot follow up with them.

Selectman Allison stated that whatever the Town's policy is regarding the complaints, that the Town document what is done in the instance of anonymous complaints. He further stated that he would like to see a policy on handling complaints in general.

Selectman Sendrowski stated that if someone has a complaint and they are not willing to put their name to, then there is no reason to listen to anonymous complaint.

Chairman Moody stated that he believes everything should be done in writing.

Selectman Allison made the Motion to create a policy for handling complaints with the Town and publish it on the Town's website for residents and businesses to consume. Selectman Sendrowski Seconded as long as it is absolutely understood it is legitimate complaint. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

6. Expand bylaw for Finance Committee to plan for our fiscal future. (J. Moody)

Chairman Moody would like to see the Finance Committee try to plan for the fiscal future, noting it would give an idea of what the Town is going to face in the future.

Selectman Sendrowski noted that the Finance Committee is a separately elected board and he is not in favor on telling the Finance Committee how to run their committee.

Jay Riley, Chair of Finance Committee, stated that the Finance Committee absolutely look at the future and try to discuss this at their meetings. He further noted that he does take this personally that one elected board would want to try and define and redefine the bylaws on another town elected board. He further noted that the Finance Committee does not comment on they wish the Select Board would do as elected officials and would appreciate that same professionalism.

Mr. Riley commented that the Finance Committee look as a number of things; the Capital Plan goes out every ten (10) years, and have not been able to address any of it in the last five years. He also commented that there are other financial pressing issues in town that Finance Committee is trying to make sure that they can fund next year.

Selectman Allison noted that Finance Committee does have a 10 year Capital Plan and this is definitely on their radar.

7. Talk about and discuss Warrant Article to change Board of Selectmen to Selectboard (J. Moody)

Brief discussion regarding changing the name Board of Selectmen to Selectboard. Selectmen Allison and Sendrowski expressed concern about the potential cost to the Town and whether the change should really happen.

Selectman Allison also raised concerned about costs associated with the name change.

Town Administrator Pacheco stated the some of the costs would be associated with the stationery and envelopes that are printed. He estimated that costs between \$2000-\$3000.

Mark Grasso, resident, noted that the if the name change does not go through the route of Home Rule Petition, will it still reflect the Board of Selectmen on municipal ballots and how is it registered with the Secretary of State.

Selectman Allison wanted to hear for the residents of Lancaster whether they support the name change.

Selectman Sendrowski wanted to know specifically where the money to pay for it will come from.

It was agreed to table this agenda item until the next Selectmen's meeting.

8. After HR hire has reviewed all policies, she prepares a list of policies and other needed information for all elected offices and appointed committees to be given at swearing in to office (J. Moody)

Chairman Moody noted that he did speak with the Human Resource Director regarding the policies and other needed information for all elected offices and appointed committees. He would like to see if someone joins whether is it is the Conservation Commission or Planning Board, they are given a packet with all the policies that are needed.

9. Selectmen to pick liaison positions with boards and committees (J. Moody)

Chairman Moody stated that the last list of the liaison positions with the boards and committees were supplied by Town Administrator and the list was from 2017.

Town Administrator Pacheco explained that one of the reasons was this was eliminated in 2017 was due to a conflict that was arising out of this or almost created this de facto potential open meeting law issue by the fact that the Board of Selectmen had two board members communicating on a potential matter that could implicate a future discussion on a board agenda.

Selectman Allison commented that it was his understanding that some boards do have liaisons for their boards and are those boards operating correctly.

Selectman Sendrowski stated that for the Board of Selectmen it has the potential to be wrong, that is why the Board of Selectmen got rid of it in 2017.

Selectman Allison would like to document this issue on the policy and communicate to other boards regarding the potential of open meeting law violation.

Selectman Sendrowski noted that you do not need a policy regarding liaisons or who you can talk to and who you cannot talk to.

Selectman Allison stated that he is incredibly passionate about writing down what the policy is because he is done receiving conflicting messages.

Frank Streeter, Library Trustee, noted that the liaison were utterly informal and more of a way to educate a Select Board member as to how a particular board worked and give the Select Board member some familiarity with some issues.

Mark Grasso stated that as a past Selectman, he would was one that made the Motion to disband the liaison assignments in 2017. The rationale was simply that the Board did not want any one board member or any member of the board less able to get information from any one of the various subcommittees, thus the decision to disband the liaisons in conjunction with reformatting the meetings to have more regular updates directly from various subcommittees and departments.

Selectman Allison made a motion for the Town Administrator to develop a process for exchange of information and the provision for advice and recommendation on the boards, committees and commissions with common interest, which shall not include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies, reports and appointment of members. Chairman Moody Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote No. [2-1-0]

10. Jason Allison to be appointed as BOS liaison for the town HR function. Vote may be taken (J. Allison)
No action taken.
11. Jason Allison to be appointed as BOS liaison to the Economic Development Committee. Vote may be taken (J. Allison)
No action taken
12. All liaison lists to be documented and made available to Town Employees. Vote may be taken (J. Allison)
No action taken

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

IX. LICENSES AND PERMITS

- Continue discussion on Michael Bridge Diner application for All Alcohol Liquor License (Vote may be taken)

Discussion continued regarding the concerns with Conservation Commission and other boards and departments. Attorney O'Neil noted that the public hearing closed two weeks ago and there was an official vote taken and what was on for this agenda was what the conditions were going to be assigned. Attorney O'Neil further stated that he has seen the response from Town Council and there is nothing there that is contrary to the Mr. Gleason is willing to abide by.

Town Administrator Pacheco noted that Mr. Gleason is aware of other regulatory issues that are outside the scope of the Board of Selectmen, meaning he is going to have certain inspections done by the fire department and the building department. Mr. Pacheco stated that Mr. Gleason will have to relinquish his beer and wine license that he has been holding for quite some time.

Selectman Sendrowski moved to approved Michael Bridge Diner for a license to sell all alcoholic beverages from 11am -9pm Monday through Saturday and Sunday from Noon to 9:00pm with the provisions that there will be no entertainment on site without prior approval from the Select Board. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

- Review Request for Renewal – Special Permit to Remove Earth Products for P. J. Keating Company, Lunenburg Road, Lancaster.

Town Administrator Pacheco stated that he put this item on the agenda for review, noting that P.J. Keating through Tighe and Bond are not suggesting any changes to the license at this time. He further stated that there is a lot of details due to P.J. Keating is a very large earth removal operation, but it is also the most regulated because they have to do some federal inspections.

Mr. Pacheco explained that the Board of Selectmen has the ability to waive the public hearing requirement, but would like to know the Board's position on that.

Selectman Sendrowski noted that this is a standard yearly operation and have been a good friend to the Town of Lancaster.

Town Administrator Pacheco stated there are 28 conditions on their permit and if the Selectmen want to have a meeting with Tighe and Bond he can arrange that.

Chairman Moody noted that the permit is dated January 18th and the Town is supposed to have a public hearing within 65 days. He further noted that there are a lot of people that live up in that area and maybe should hold a public hearing for their benefit. Mr. Moody spoke of the concern in that area of Lancaster regarding the water and the wells.

Selectman Allison does not have any context for this permit, and would incline to decide with Mr. Sendrowski, however he asked has there been any concern regarding the Keating operation.

After discussion it was agreed to hold a public hearing regarding P. J. Keating's renewal of earth permit.

X. NEW BUSINESS * NONE

**This item is included to acknowledge that there may be matters not reasonable anticipated by the Chair.*

XI. COMMUNICATIONS

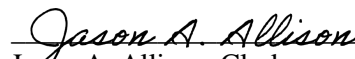
- Next Board of Selectmen's Meeting will be held on Monday, April 5, 2021 at 6:00P.M. via ZOOM

XII. ADJOURNMENT

Seeing no further business, on Motion by Selectman Sendrowski, seconded by Selectman Allison, it was unanimously voted. The Board of Selectmen adjourned at 8:46 P.M.

Respectfully submitted

Kathleen Rocco
Executive Assistant


Jason A. Allison, Clerk
Approved and accepted: 5.7.21