



## LANCASTER BOARD OF SELECTMEN

### Regular Meeting Minutes Of October 19, 2020

#### 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.

ZOOM™ Meeting  
847 6149 7047

Invite Link  
<https://us02web.zoom.us/j/84761497047>

Board of Selectmen Remote Participation Guidelines  
<..\BOS\BOS remote participation guidelines.pdf>

#### II. PUBLIC COMMENT PERIOD

6:00 P.M.- 6:10 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.

Chairman Jay Moody complemented Selectman Jason Allison for his contribution at the Tri-Town Meeting that was recently held on October 14<sup>th</sup>. (See Attached)

Town Administrator Pacheco read into the record from Heather Lennon, Chair of Town Green Ad Hoc Committee, regarding the Gazebo on the Lancaster Town Green. (See attached)

#### III. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes of October 5, 2020

*Selectman Sendrowski moved to approve the Regular Meeting Minutes of October 5, 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 - NONE

- Roy Morabito to discuss the revision of Article 14 – Citizens Petition regarding Planning Board/ZBA Membership in the 2020 Annual Town Meeting For Fiscal Year 2021 and ask for

the Selectmen's endorsement of this amended article and to be reviewed by Town Counsel and be placed in the Fall Special Town Meeting.

Mr. Roy Morabito stated that he would recommend the bylaw change as follows:

"To see if the Town will vote to amend the Planning Board Bylaw, Section 17-6, ESTABLISHMENT, by adding the following qualifying sentence, None of the Planning Board Members shall serve concurrently on the Lancaster board of Appeals."

The Amended Bylaw change shall read as follows:

#### Section 17-6, ESTABLISHMENT

"A Planning Board of five members is established pursuant to MGL, C.41, Section 81A through 81J. None of the Planning Board members shall serve concurrently on the Lancaster Board of Appeals."

This bylaw change will establish the separation of power necessary between the Planning Board and the Board of Appeals, ensuring the independence of thought and decision of both boards.

Mr. Mirabito would like the Board of Selectmen to endorse this resident approved article and support this bylaw change and review by Town Council, prior to placing this article on the Special Town Meeting Warrant.

Carol Jackson, Farnsworth Way, stated that the Attorney General's (AG) office did not deny the citizen's petition that was presented at the Annual Town Meeting, but the citizen's petition did not present this article as a bylaw change; in which the AG's office would then either accept or deny the request.

Selectman Allison stated that he supports any resident that wants to make a change in the Town through a democratic process.

After further discussion:

*Selectman Allison moved to take the Citizen's Petition and make it a Selectmen's Article with the language as presented, for the Special Town Meeting to be held on November 23, 2020. Chairman Moody Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote No. [2-1-0]*

## V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS

- Update from the Thayer Memorial Library Director Joe Mule

Library Director Joe Mule announced that the Thayer Memorial Library is welcoming people back into the building. He thanked the Board of Health for their assistance in making sure the building can open in a safe manner.

Mr. Mule noted the following in the opening of the Thayer Memorial Library:

- Arrange a visit to the Library must be done by making a reservation on the Library's website or call the library at extension 8 to arrange a visit.
- Library will be open Mondays, Wednesdays, Thursdays, Fridays and Saturdays.
- Visits will be time-limited
- Preventative measures

- include reducing occupancy restrictions
- requiring public to wear masks at all times
- social distance – six feet apart
- good hand hygiene
- Books and other media have been relocated out of the rotunda
  - Signage directing the public along a prearranged walking path
  - Circulation desk is now on the ground floor.
  - Computer services will be introduced at a later date

Mr. Mule spoke about:

- The popularity of the curbside service
- Mailing materials to the homebound residents
- Continuation of Virtual Programing

In conclusion, Mr. Mule stated that every decision made is about safety.

## **VI. TOWN ADMINISTRATOR REPORT**

### **1. Municipal Aggregation Quarterly Update**

Town Administrator Pacheco reported the electric aggregation program had a very successful quarter against the National Grid Basic Service rates. The residential rate class saved \$52,716. Commercial/Industrial customers slightly overpaid from basic service. He noted that he expects Q3 and Q4 to see an increase in saving from the current report with expected rate increases from NGRID.

### **2. MDI Community Survey**

Town Administrator Pacheco stated that as part of the Mass Downtown Initiative re-zoning study, (AUC to Clinton Town Line); the consultant has developed a community and business survey. The link is on the Community Development & Planning webpage. A copy of the survey is attached. This will also be advertised in the Item, SLCTV, and the Town Clerk newsletter.

### **3. Route 2 Bridge Traffic Pattern**

Town Administrator Pacheco reported MassDOT has sent a revised traffic detour plan on the Lunenburg Road Route 70 Southbound Bridge over Route 2. A copy is attached.

### **4. Shirley Water / Sewer Extension**

The ADA PROW (Public Right of Way) Plan was sent to the Mass Office of Disability, through Massachusetts Regional Planning Commission (MRPC) and is on file with the state. Mr. Pacheco noted that this is also in conjunction with the ADA Self-Evaluation of the buildings, which was already on file. The Town will look to apply for both Complete Streets Grants (MassDOT) and ADA Capital Grants (MOD) to implement some of the measures identified in the plans. Both documents are on the Town's website.

### **5. Devens HHW Attendance Statistics**

Town Administrator Pacheco reported that at his meeting last week we received revised numbers on the Household Hazardous Waste Statistics. There has been a pickup in usage, and it looks like the Town is on pace to meet or exceed last year's numbers. Based on this information, he noted that they are looking to not increase assessment for the coming fiscal year to the member communities.

**6. Town Clerk Safe Grant**

The Center for Technology and Civic Life has awarded the Town Clerk's Office a grant for \$5,000 for an additional fireproof safe for the safe storage of additional vital records.

<b>VII. ADMINISTRATION, BUDGET, AND POLICY</b>
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**1. Discussion on the Gazebo move on the Town Green and ADA Compliance (American Disabilities Act)**

Selectman Allison spoke about having the Gazebo ADA compliant. Win Clark, resident, stated that there should be some design review before installation of the ramp, noting the previous ramp that was placed there was way too big.

Selectman Allison stated that the ramp should be aesthetically pleasing as well as ensuring that all residents can use the Gazebo. (Selectman Allison disclosed that his wife does sit on the Commission for Disability).

Town Administrator Pacheco stated that the first installation of the ramp did not follow code and was placed in wrong direction.

Linnea Lakin Servey, resident, asked the Selectmen if they had read her letter regarding the placement of the Gazebo. (*See Attached*) She asked the Selectmen if they were still going ahead to move the Gazebo.

Town Administrator Pacheco stated that the current plans were to move the Gazebo the week of November 5<sup>th</sup> to its original location.

Ms. Lakin Survey asked if the production company can write a check to the Town for the amount to move the gazebo and delay the move of the Gazebo.

Selectman Allison asked the Town Administrator if this was a reasonable request to have the production company delay the move. Mr. Pacheco stated that he can ask, but noted that they had delayed the move in October due to the Flu Clinic, and believes the production company had already paid for the move.

Heather Lennon, Chair of the Ad Hoc Town Green Committee, noted that the committee found when they studied the signage that this goes beyond the signage and would like to have their charter changed to include anything that is placed on the Green.

Selectman Sendrowski stated that the Annual Town Meeting voted to keep the Gazebo on the Green. Mr. Sendrowski asked Mr. Pacheco to find out the status of that Town Meeting vote.

Selectman Allison asked Town Administrator Pacheco how does he want to handle this, understanding the cost of the move is approximately \$8,000. Mr. Pacheco noted that the move is scheduled and the next scheduled meeting for the Board of Selectman is after the move.

Selectman Allison asked the Chairman Moody to meet with the Ad Hoc Town Green Committee and bring to the Selectmen the information complied by them at a Special Meeting for the Board of Selectmen. Selectman Allison also noted that the Town Administrator should go back to the vendor for a response as well.

Mark Grasso, resident and former Selectman, stated that the Board of Selectmen act as the Town Custodians on all town owned property. He further stated that the vote at the Annual Town Meeting was a nonbinding.

2. Discussion on Inclusionary Zoning

Chairman Moody asked Town Administrator Pacheco for any updates regarding the Inclusionary Zoning. Mr. Pacheco reported he spoke to Michael Antonellis and at this time they still do not have a final report/result regarding the Inclusionary Zoning.

3. Resume discussion on date and location for Fall Special Town Meeting

Town Administrator Pacheco commented that the Board of Selectmen will need to open and close the Special Town Meeting Warrant. He stated that the date to have the Special Town Meeting is Monday, November 23<sup>rd</sup>. He further noted that the Articles on the Warrant are primarily adjustments on the budget for Fiscal Year 2021.

Finance Committee Chair, Jay Riley commented that the Special Town Meeting has to be done prior to December 1<sup>st</sup>, as the Town has to close the books and set the tax rate. He further commented that the budget has to be balanced, noting the deficit of \$130,000 - \$150,000.

Chairman Moody asked about the location of Special Town Meeting. Mr. Pacheco stated that the Town is looking at the Mary Rowlandson Elementary School (MRE), and due to COVID and social distancing, looking at multiple rooms in the school as well as outside.

John Farnsworth, Chair of the Board of Health stated that the Board of Health would like to see a low risk situation rather than a medium to high risk situation due to the pandemic.

Kathy Holden, member of the Board of Health, stated that she had a number of residents with concerns on having a Special Town Meeting indoors. She noted that she will work with the Town.

Mr. Riley noted that Town could use the radios in cars as they had done at the Annual Town Meeting. He further noted that having an outdoor Town Meeting has two problems, 1) no daylight and 2) temperature.

Town Clerk Dianne Reardon noted that staffing will be a challenge in multiple rooms, but if there are only a few articles it should be fine.

Town Administrator Pacheco stated that the Town could hold another Special Town Meeting later in the year regarding other articles, such as the inclusionary bylaw.

Selectman Sendrowski noted that the Fall Special Town Meeting should be just for financial articles.

Town Administrator reminded the Selectmen that the Special Town Meeting must be posted 14 days prior to the Meeting. He stated that in order to have a November 23<sup>rd</sup> meeting, the Warrant must be posted no later than November 9<sup>th</sup>.

*Selectman Allison moved to have a Fall Special Town Meeting on November 23, 2020 at the Mary Rowlandson Elementary School with a fallback date of November 30, 2020. Selectman Sendrowski Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

*Selectman Allison moved to open the Fall Special Town Meeting Warrant and closing the Special Town Meeting Warrant on Friday, November 6, 2020. Selectman Sendrowski Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

4. Discussion on Line-Item Budget on Town Meeting Warrant

Finance Committee Chair, Jay Riley asked why this item regarding the *line item budget* on the Town Meeting Warrant was placed on the agenda.

Chairman Moody stated that line item budget used to be on the Annual Town Meeting Warrant and voted on in the 1990's. He would like to see that back on the Annual Town Meeting.

Mr. Riley stated that he has been on Finance Committee for 15 years and this has been the process.

Selectman Allison stated that a number of residents reached out to him regarding the need to dive deep into the budgets. The consensus that he's hearing is that the residents do not want to go through the budgets line by line, but the residents would like to see a line item budget presented two weeks prior to the Annual Town Meeting.

Mr. Riley stated that Town of Lancaster have an elected Finance Committee, and these elected individuals go through the budget and present it to the Town. He noted that is in the Bylaws and the Finance Committee spend a lot of time to review the documents and all the information that is available. Mr. Riley noted the Town Bylaws are a wealth of knowledge and a great resource, noting that each of the elected boards have roles.

Town Clerk, Dianne Reardon stated that the last two years, the line item budget has been on the website prior to Annual Town Meeting.

5. Update of Renaming the Board of Selectmen

Chairman Moody asked Town Administrator Pacheco to have Kathi Rocco, Executive Assistant research the Board of Selectmen's minutes dating back to the early 1990's regarding the renaming the Board of Selectmen to Select Board.

Town Administrator Pacheco commented that other Towns have done it different phases on the local level, regarding go from Selectmen to Select Board; noting that it might be a good approach to the process.

6. Schedule Executive Session for Collective Bargaining

Town Administrator Pacheco stated that he is looking for a date that works for all three Selectmen for an Executive Session, which will probably last approximately 2 hours. Noting that the Selectmen can do a deeper dive into their Contract as well there are 2 employee grievances from the DPW that are being appealed to the Board of Selectmen.

Selectman Allison would like to do a review of other Town's Collective Bargaining Contracts and do a financial analysis. Selectman Allison would like to understand the money and understand the contracts across the board.

7. Discussion on repairing the Two Message Boards at the Fire Department.

Town Administrator Pacheco explained that the two message boards at the Fire Department

were 2005 models and one of the boards needs have the computer repaired would cost around \$5,000, the other message board is having issues to just light up. He noted replace the message boards would cost between \$13,000 - \$19,000.

Fire Chief Hanson explained that there is another message board that is available to the Town, and that board is based in Harvard at the DPW yard, should there be a need.

8. Discussion on Fire Department Facebook page

Selectman Sendrowski asked that this item be tabled until further investigation.

9. Discussion on Housing Trust posting for volunteers

Chairman Moody asked if the Town can start posting for volunteers for the Housing Trust. Town Clerk Diane Reardon stated that the 90 day approval for the Housing Trust ends January 1, 2021. Town Administrator Pacheco stated that can post for members; he will work with the Town Clerk to get that on the Town's webpage.

10. Town Hall Staffing

Chairman Moody stated that there have been concerns that the Inspections office has not returned phone calls or for several days. He also asked how many people are working the Town Office currently.

Town Administrator Pacheco stated that everyone is working, but necessarily at the Town Office.

Selectman Sendrowski noted that the Selectmen cannot interfere with the day to day business.

Selectman Allison stated that he is working the Mr. Pacheco on staffing hours and contacts, toing that he working on doing a display on when staff are there. He further noted that that Selectman Sendrowski is correct that we cannot interfere with the day to day, but need to get that information out to the residents.

Selectman Sendrowski commented that he has not received any complaints about staff not returning phone calls.

John Farnworth, Board of Health Chair, noted that they have not had any complaints and agrees with Selectman Sendrowski.

Carol Jackson, Planning Board member, asked of the Town could put something on line when people are in the Town Offices.

11. Zoom Meeting with Fort Devens

Town Administrator Pacheco stated that the Town should have a real glimpse on what Devens is doing to the South Post. He noted that it is a Military site that they are having training on. Mr. Pacheco commented that what is the Military doing now as opposed to what they were doing before.

Chairman Moody asked if Lieutenant Colonel Lindsey Halter, Commander of Fort Devens Garrison, be placed on the next Board of Selectmen's agenda to answer any questions regarding the South Post.

Selectman Allison asked Town Administrator Pacheco if its appropriate that the Lieutenant

Colonel would allow questions from the Town.

Mr. Pacheco stated that he was not sure if the Lieutenant Colonel would be interested Q&A format because she may not have the technical information regarding the reconfiguration of the range. But will gather questions from the Town and send to her prior to the next Board of Selectmen's Meeting.

12. Discussion on Halloween

The Board of Health Chair, John Farnsworth noted that if the Town of Lancaster elect to have Halloween activity, the Board of Health based on information from the CDC, considers Trick or Treating to be an unnecessary risk. The Board of Health cannot bar Halloween activities for the Town but strongly discourage them. The Board of Health will the designation of time-frame to the Board of Selectmen and the Public Safety Professionals.

The Board of Selectmen discussed should they set hours for trick-or-treating.

- Board of Health member, Kathy Holden, stated the question before the Board of Selectmen is what are the hours for Halloween.
- Chairman Moody stated that he does not want to approve or disapprove trick-or-treating.
- Selectman Sendrowski concurred with Chairman Moody, stating that he does not want to be responsible on what happens. He noted just set the hours from 5pm-7pm.
- Mr. Farnsworth commented that those who come out for trick-or-treating should be prudent and respectful for everyone else. He noted that those homes that do not want to participate to keep your front lights off.
- Roy Mirabito commented that the town was told to listen to the CDC and on the local lever the BOH. He further commented the town should publicize that that is not a sanctioned event.
- Selectman Allison stated that he will support the Board of Health's recommendation.
- Win Clark, resident and member of the Recreation Committee noted that by not saying anything means the Selectmen are essentially giving a green light to go trick-or-treating. There should be some statement put out, maybe by the Police.
- The Selectmen agree to not sanction the event and to follow the Board of Health's recommendations.

13. Review and discuss the process for organizations to request the use of a town office for their use and what is the vetting process for those requests.

Selectman Allison asked the Town Administrator Pacheco what the process is for use of town space.

Town Administrator stated that the Town Hall and Prescott Building fall under the Board of Selectmen. The Thayer Memorial Library have their own process; the Lancaster Community Center has their own process; The Fire Department and Police Department have their process. Selectman Allison asked each of the Selectmen if they were in agreement with this process. Selectman Sendrowski had no problem as well as Chairman Moody.



## VIII. APPOINTMENTS AND RESIGNATIONS

### Resignations

- Board of Public Works - Courtney Manning

Town Administrator Pacheco explained that Mr. Manning is longer a Lancaster Resident, therefore had to resign from the Board of Public Works. The Board of Public Works and the Board of Selectmen will need to have a joint meeting to appoint a new member to the Board, vacated by Mr. Manning. Mr. Pacheco noted that this could be placed on the November 16<sup>th</sup> agenda.

## IX. LICENSES AND PERMITS - NONE

## X. NEW BUSINESS \*

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

Chairman Moody spoke about the error in the Ballot question #3 regarding Community Preservation Act. Town Clerk clarified that there was an error by the Secretary of State, which printed out the ballots and had missed important language in the explanation on question 3. The ballots have been reprinted and the Town Clerk did review the language to make sure it was correct.

## XI. COMMUNICATIONS

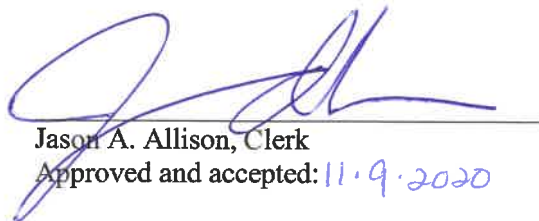
- Early Voting for the Presidential Election begins on Saturday, October 17<sup>th</sup> – Thursday, October 29<sup>th</sup>, 2020 in the lower level of the Prescott Building.
- Board of Selectmen's next meeting will be held on Monday, November 9, 2020 at 5:00pm via ZOOM™

## 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 9:36 P.M.

Respectfully submitted

Kathleen Rocco  
Executive Assistant

  
Jason A. Allison, Clerk  
Approved and accepted: 11.9.2020



I attended the tri town meeting last week> there was only one item on the agenda Nashoba Schools. First I would like to thank Jason Allison for bringing the only helpful conversation to the evening. he had a list of questions to the school and superintendent to try and get answers on their actions. Most other comments were about how bad and that the committee had not acted in the correct way

I would like to thank our representatives to the school board for a lot of hard work in an almost impossible situation. There are going to be unhappy people no matter what action is taken.

I do agree with a lot of the comments given asking for a more open discussion about school reopening, This needs to be debated at an open meeting allowing the public to be able to watch and participate. I believe in transparency from all boards and committees.

## **Kathi Rocco**

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**From:** Historical  
**Sent:** Friday, October 16, 2020 9:45 AM  
**To:** Jay Moody; Jason A. Allison; Walter Sendrowski  
**Cc:** Orlando Pacheco; Kathi Rocco  
**Subject:** GAZEBO ON THE LANCASTER TOWN GREEN

**Dear Member of the Select Board,**

**I have noticed that one of your agenda items for your October 19, 2020 meeting has to do with the gazebo on the Town Green.**

**I would like to respectfully ask that ANY DECISIONS regarding moving the structure or outfitting it for handicapped accessibility be POSTPONED until after the Town Green Committee delivers its report, due in November, and you have had time to thoughtfully consider their recommendations.**

**Please read this message aloud into the record before you take up the agenda item regarding the gazebo at your meeting.**

**Thank you very much.**

**Sincerely,**

**Heather Lennon, Chairperson  
Town Green Committee**

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