



## **LANCASTER BOARD OF SELECTMEN**

### **Regular Meeting Minutes**

### **Of March 1, 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.

ZOOM™ Meeting ID

Meeting ID: 895 7927 9257

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Chairman Moody spoke about the disastrous fire that happened February 18 on 26 Runaway Brook. He noted that there is a drop off box for gift cards at 33 Runaway Brooke and also the Acton Permanent Firefighters, box 727, Acton, Massachusetts and a fundraiser.

Chairman Moody announced that there is "Stuff a Cruiser" in which the Police Departments in Lancaster, Stow and Bolton are holding a benefit for Wheat in Clinton and also the Rotary Club is involved, this will be happening on March 27<sup>th</sup>.

Finally Chairman Moody spoke about an accident that happened across from his home at 7:15am Sunday morning, which left the telephone pole hanging by the wires. He would like to give praise to National Grid and Comcast, as they closed the road off and installed a new pole and installed all the wiring. He noted that he never lost power and he just wanted to congratulate National Grid and Comcast, because they did a fabulous job.

#### **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.

Carol Jackson, 40 Farnworth Way, stated that under the job description for the Planner on the website, it shows the warrant article:

*To see if the town, will vote to adopt the following by law or act in any manner relating to a Community Development and Planning Department by Law.*

She stated that she does not know why that would be the job description for the planning director.

Town Administrator Pacheco will check with the Town Clerk's office as to how that particular item got posted and he will fix it.

Chairman Moody read the following:

*Recent Board of Selectmen meetings have been very difficult to watch due to caustic criticism of Town Board members by Town employees. Prior to Covid,-19 and the use of Zoom, there was a statement on the Board of Selectmen's meetings which prohibited criticism of Town employees and staff. That same courtesy must be afforded to our Selectmen to maintain a respectful environment. Should this type of disrespectful behavior reoccur, I would expect the mute button be utilized until we can have a more civil and rational discussion of any issue presented at these meetings.*

*Respectfully submitted,  
Roy Mirabito, resident*

### III. APPROVAL OF MEETING MINUTES

- Review and take action on Regular Meeting Minutes of February 17, 2021  
*Selectman Sendrowski moved to accept the Meeting Minutes of February 17, 2021 with the edits Chairman Moody referenced "he wanted to see more positive things rather than negative items on the agenda". 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

6:10 PM      Michael Bridge Diner, Inc. application for Alteration of Licensed Premise and Change of Category from Wine and Malt to All Alcohol

Chairman Moody read the following Public Hearing Notice:

*Notice is hereby given that a Public Hearing will be held on **Monday, March 1, 2021 at 6:10 P.M., via ZOOM** on application of Michael's Bridge Diner Inc., located on 56 Main Street, Lancaster, MA for an Alteration of Licensed Premise & Change of Category from Wine & Malt to All Alcohol. All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing.*

Town Administrator Pacheco explained that from the Department Comments regarding this application, Planning Board pointed out that the Site Plan needs to be updated. He further explained that Michael Bridge Diner meets the alcohol licensing guidelines, however the concern is the site plan is adequate and then that might trigger a filing with the Conservation Commission, depending on what comes out of the site plan review.

Mr. Pacheco stated that the Board of Selectmen can set conditions on the Alcohol License and would condition the ability to maintain the license on certain other requests from boards and committees.

Mr. Pacheco explained to the Board, that the Town has Special Legislation regarding Alcohol Licensing, allowing two licenses for Wine and Malt and two licenses for All Alcohol. Currently Michael Bridge Diner has a Wine and Malt License and that would be relinquished and replaced with the All Alcohol License.

Selectman Allison asked about the procedures regarding issuing these licenses.

Town Administrator Pacheco explained that the Selectmen make the call but they also set the conditions, noting why this is vetted through the boards and committees. He further explained that the Town propose for Michael Bridge Diner be open for the dinner hour, in order to maximizing the issuance of the license past the lunch hour and provide the most benefit to the town with the meals tax. Mr. Pacheco stated that another condition would be the approved order of conditions from the Conservation Commission and the approved site plan from the Planning Board, the Certificate of Insurance, Certificate of Occupancy from the Building Commissioner.

Selectman Sendrowski commented that this Michael Bridge Diner is not ready for the license then the Selectmen cannot vote on it at this meeting and put this aside until everything is proper.

Attorney William O'Neil of Philbin & O'Neil, who is representing Michael Bridge Diner, stated that the Diner has been a fixture in Lancaster for the past twenty-eight (28) years. He noted that the business had to close in March 2020 due to the Covid-19 pandemic. The Diner is now looking to reopen with an expansion to serving dinner where they can serve alcoholic drinks. Attorney O'Neil stated that there is a plan to have outdoor seating during the spring and summer during the pandemic which is currently allowed by the state and does not require town permission from the Planning Board unless the owners decide to make it a permanent in the future. Attorney O'Neil stated that Michael Bridge Diner does bring revenue and employment to the Town of Lancaster.

Town Administrator Pacheco suggested that the Selectmen close the public hearing and if the Board of Selectmen are so inclined to grant the license, he would develop a list of conditions for the Board to vote on their March 15<sup>th</sup> meeting.

Selectman Sendrowski moved to close the public hearing and place this on the Selectmen's agenda for March 15<sup>th</sup>.

Selectman Allison asked about the Planning Board site plan is currently associated with the property therefore would it be the use that the Board of Selectmen are considering for this application.

Attorney O'Neil noted that Michael Bridge Diner is not doing a cumulative occupancy, which the Planning Board seems to suggest.

Selectman Allison stated that Attorney O'Neil and his client will need to get the site plan resolved with the Planning Board or change the site plan that is associated with the property.

Town Administrator Pacheco stated that Attorney O'Neil can submit an amended site plan to the Board after the public hearing.

Chairman Moody opened up the Public Hearing for public comments:

Melissa Machado, 128 Parker Road, who lives behind Michael Bridge Diner, has concerns about the added noise due to hours of operation and the outdoor dining.

Mr. Gleason, owner of Michael Bridge Diner, stated that the diner would probably close between 8:00pm and 9:00pm and there would never be live music.

Attorney O'Neil added that Mr. Gleason has no interest in being a nightclub.

Phil Eugene, 565 Langen Road, and member of the Economic Development Commission; stated that he is favor of Michael Bridge Diner getting a liquor license as he believes it will be an asset to Lancaster.

Chairman Moody commented that has eaten down there quite a few times and really enjoyed it and missed having this past year.

Seeing no further comments:

*Chairman Moody moved to close the Public Hearing, Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

*Selectman Sendrowski moved to table the approval of licensing until March 15<sup>th</sup>. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

## **V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE**

## **VI. TOWN ADMINISTRATOR REPORT**

### **1) Draft Audited Financial Statements**

Town Administrator Pacheco reported the Town's outside auditor, Powers & Sullivan, has completed its initial draft of the audit and guidance identifying areas for improvements. He noted that once they receive the final audit, it will be placed on the Town's website and update the Board of Selectmen.

### **2) Cybersecurity Grant**

Town Administrator Pacheco announced that the Town was awarded another round of cybersecurity awareness training from the State IT Office. The scope will continue to expand on training staff and other exercises to help identify "spear phishing" and other malicious electronic attacks.

### **3) SREC Solar Report**

Mr. Pacheco reported the Solar Farm produced 193 SRECS for the 3<sup>rd</sup> quarter of 2020, which is July-September. The income for the quarter from the sale was \$61,972.30.

### **4) NGRID Community Campaign Closeout**

The final report from the NGRID Community Campaign has been received and the Town almost hit every benchmark. Town Administrator Pacheco stated that this was considered quite an accomplishment since this had to be done during the Covid-19 pandemic. He further stated that the Town has closed out the grant and will be eligible to re-apply in future rounds if desired.

### **5) Chapter 90 Allotment**

Town Administrator Pacheco reported that the Town will receive \$326,751 in Chapter 90 funds for Fiscal Year 2022. The DPW will be providing a list of pavement management and other project they anticipate over the next year. Mr. Pacheco stated that he will advise the Board when he has more detail.

### **6) Occupancy Signoff**

As a follow up to the previous meeting, Town Administrator Pacheco wanted to attach an occupancy signoff sheet (See Attached), that requires input from multiple departments prior to issuance from the Building Department. He noted that this would be used for the subdivision filed

with the Planning Board. He further noted that this would not be utilized for ANR approvals, as it would not have the same level of special conditions.

Selectmen Allison and Sendrowski connoted that the occupancy permit template looks good and noted that Town Administrator Pacheco did a great job.

Chairman Moody stated that he has one questions that he's been asked by several people on who determines when the road like 117 gets closed.

Town Administrator Pacheco stated that is the Police Chief under Chapter 90, has the authority to close the road. He further stated that normally that if a request is made to close a road, they must provide the Chief a plan of activity before he would agree to this.

Mr. Moody asked if the Police Chief could come before the Selectmen to bring that information to them.

## **VII. ADMINISTRATION, BUDGET, AND POLICY**

### **1. Discussion on issues with Labor Counsel representation. (J. Allison)**

Selectman Allison explained that the Mirick O'Connell is the Town's labor counsel and he has been trying to work with the assigned Counsel, however he has not been able to get a response from them, noting that the last email Mr. Allison sent was on February 12<sup>th</sup> and they are not willing to answer the questions he has with contracts or with labor related issues. Selectman Allison would like to ask the Selectmen is allowing him to seek a different lawyer from Mirick O'Connell that he could utilize for these questions.

Selectman Sendrowski asked the Town Administrator to ask Labor Counsel why there is a problem. He further stated that he would like to know why Counsel is not paying attention to Selectman Allison.

*Selectman Allison moved to allow him to seek different representation within the existing firm Mirick O'Connell labor counsel to get his questions answered. Selectman Sendrowski Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

### **2. Review Human Resource (HR) Director candidate Sandi Charlton. Vote may be taken (W. Sendrowski)**

Selectman Sendrowski stated that Ms. Charlton presented her resume which was outstanding and she offered to chat with each of the Selectmen.

Chairman Moody remarked that Town Administrator sent the Selectmen other people that applied for the job, but they applied for a full time job. Mr. Moody noted that Ms Charlton came back with a different thing which is being a consultant, which he did speak to her for half an hour and he thought is was good, however could they get in trouble hiring somebody different in a different category than was put out there.

Town Administrator Pacheco commented that the posting of the job did not specify hour for that particular reason. He explained that the goal here was to give the board maximum flexibility.

Selectman Allison commented that he did ask to speak to her, however that time never got organized for him, so he would like to still have that opportunity to speak to her before he would vote on it.

Chairman Moody would like Selectman Allison to speak to Ms. Charlton.

It was agreed that Selectman Allison will speak to Ms. Charlton and Selectman Allison noted that he would not mind going to a special meeting for this one agenda item.

3. Review plans for Gazebo American Disability Act (ADA) accessibility (J. Allison)  
Selectman Allison wanted to get an update regarding the American Disability Act (ADA) accessibility plan for the Gazebo.

Fire Chief Mike Hanson stated that he had a couple of conversations about the gazebo and the potential of it being an eagle scout project for someone, which he would rather encourage an eagle scout to do it, however, the Lancaster Firefighters Association, which is the volunteer arm of the Firefighters have agreed to construct the ramp for the Gazebo.

Selectman Allison remarked that there is an active conversation going on with the Eagle Scouts and he believes there has been some significant progress on this. He asked the Town Administrator to work with Mike McCue, the chair of the Commission on Disability. Mr. Allison noted that he wants to support this and does not mind waiting a little bit longer, as he is just looking for approved plans.

Town Administrator stated that the Firefighter Association does have contractors and are happy to do this project, as well as encouraging an Eagle Scout putting in some sweat equity.

Selectman Allison asked that Mr. Pacheco provide some update on this project in his Town Administrator Report. He further stated that he would like to have approved plans in six weeks – April 15<sup>th</sup>.

4. Discussion on Board of Selectman budget presented to the Finance Committee (J. Allison)  
Selectman Allison remarked that it was his understanding that the Board of Selectmen's budget was presented to Finance Committee and asked if the budget should be reviewed by the Selectmen first, because he would like to understand the process and how that worked.

Town Administrator Pacheco stated that the Board of Selectmen do not normally submit the budget, but he would be happy to share the budget and edit the budget.

Selectman Allison does not want to get involved in any other aspects of the budget; but would like to be able to see it and ask questions.

5. Discussion on remote guidelines (J. Moody)  
Chairman Moody noted this agenda item was already discussed regarding muting.
6. Appointment of Building Maintenance Job without posting on town website (J. Moody)

Chairman Moody noted that the Building Maintenance Job was not posted on the Town's website and had several people in Town say it was not posted on the website and the Town Clerk stated she never received the Building Maintenance Job opening to post as well.

Town Administrator Pacheco explained that the Town Clerk would not post it as the Union Contract itself has specific guidelines on how to post Union jobs, so the Clerk would not put that on the website. He further explained that the job opening for that position was placed on all the Bulletin Boards in of the buildings. He noted that that people from within the Union get the first right of refusal to apply and if the Town does not select anybody from that pool, then it is posted publicly.

7. Letter from Conservation Commission on increasing Conservation Agent job to full time because of existing and future work load. (J. Moody)

Chairman Moody read the letter received from the Tom Christopher, Chair of the Conservation Commission regarding increasing the Conservation Agent's job to full time. *(see attached)*

Chairman Moody noted that he watches of the Conservation Commission meetings and knows that the Conservation Agent is buried. He further noted that the Town is going to be facing a lot of work up in North Lancaster and multiple developments; and the Conservation Commission is looking for more help. Mr. Moody commented that some of the money to fund the Conservation Agent come out of fund that is funded by the permits.

Town Administrator noted that currently the Conservation Agent works nineteen and half hours per week.

Selectman Allison noted that Conservation Commission is asking to double the hours of the Conservation Agent. He further noted that he did a study a few months ago that showed over the last year the Town has had two and half times the number of building applications and building permits, noting the increased workload makes sense.

Selectman Sendrowski stated that he does not know enough about it and would support it, however he would like see some information on what the Conservation Agent does in one day, not just a letter. He further noted that if the Selectmen want to go along with it he will not stand in the way.

Chairman Moody indicated that there are two big developments going on in North Lancaster, plus everything else, including a couple of lawsuits that the Town is going to be involved in and there's going to be another lawsuit coming.

Selectman Sendrowski asked that before the Board takes any action, they get a financial report to see if the Town can afford this.

Thomas Christopher, Chair of the Conservation Commission, explained what the Conservation Commission has before them at this time. He noted the Maharishi project has yet to come in front of the Conservation Commission and this is going to be a very complex and complicated hearing. He also noted that they have another project in North Lancaster, as well as the issues with Devens which has faded into the background due to weather conditions. However, Mr. Christopher stated that once things warm up, the Devens is going to be something on the agenda that will also be very complicated.

Mr. Christopher spoke about the legal issues such as the Goodrich Brook 40B which is in appeals at this time. He further spoke about the number of enforcement orders over the last several months, noting that this has been a somewhat of contentious hearings and as part of getting restoration into these projects, there needs to be a good deal of scientific and ecological expertise.

Mr. Christopher spoke of number of other items regarding the Conservation Commission:

- Perennial Stream issues
- Capital Group in North Lancaster
- The King Group
- The Kraft Group
- The Graves Group
- Shirley Water District

Mr. Christopher stated that there is a lot of work in front of the Conservation Commission and feels it is unfair to ask the Conservation Agent to continue to work. Mr. Christopher stated that he

does spend a lot of time helping the Conservation Agent get his work done, but at some point, the Town has to recognize that it is going to need full time professional help.

Town Administrator discussed the cost benefit analysis or a revenue expense analysis regarding this request.

Selectman Sendrowski asked that the analysis come before the Board on March 15<sup>th</sup>. Selectman Sendrowski asked that this agenda item be tabled until the 15<sup>th</sup> of March until the Town Administrator has more information.

Selectman Allison commented that they owe it to the residents and the taxpayers to see the full financial impact before the Board approves this request.

8. Not posting requested Board of Selectmen meeting (J. Moody)

Chairman Moody asked that this agenda item be eliminated, noting that he had made a mistake.

9. Review and take action on the Memorandum of Understanding between the Town of Lancaster and the Town of Shirley Sewer Commission. Vote may be taken. (Town Administrator)

Town Administrator Pacheco stated that he spoke to the representatives from the Town of Shirley about the sewer service. The response he received from them was to get a Memorandum of Understanding in place, noting that this would be a baseline understanding of what is going to happen and then, once both boards approve the Memorandum then the Selectmen can finish the process with an Inter-Municipal Agreement. Mr. Pacheco noted that Inter-Municipal Agreement will be a much higher level of detail than the Memorandum.

Chairman Moody asked who wrote the Memorandum of Understanding.

Mr. Pacheco stated that was written by Town Counsel who represents both Lancaster and the Town of Shirley.

*Selectman Sendrowski move to approve the Memorandum of Understanding between the Town of Lancaster and the Town of Shirley Sewer Commission.*

Selectman Allison asked Town Administrator Pacheco about the fact that Shirley will agree to collect and Lancaster will agree to purchase an average of 40,000 gallons of sanitary sewage volume per day. His question to Mr. Pacheco was what if Lancaster does not meet those numbers.

Town Administrator Pacheco stated that the Town of Shirley will only bill the Town of Lancaster for what the Town uses.

Selectman Allison asked about the attorney fees in the Memorandum and why is the Town paying for the fees and not GFI.

Town Administrator Pacheco stated that technically the agreement is between the two Towns. Further the town is technically not paying for it, but the Town of Shirley does not want to be in the position of having to chase GFI because the property is in the Town of Lancaster.

Selectman Allison asked about who pays to maintain the infrastructure.

Town Administrator Pacheco stated that is the developers' responsibility to extend the infrastructure. Mr. Pacheco further explained that the Inter-Municipal Agreement will be very specific, not just in terms that they provide the infrastructure, but specific infrastructure they provide.



After further discussion, *Selectman Allison Seconded Selectman Sendrowski's Motion. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

**VIII. APPOINTMENTS AND RESIGNATIONS**

Appointments

Town Forest Committee – Stephen G. Sifakis, 453 Brockelman Road, term to expire June 30, 2024  
*Selectman Sendrowski moved to appoint to the Town Forest Committee Stephen G. Sifakis, 453 Brockelman Road, term to expire June 30, 2024. Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]*

**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.*

**XI. COMMUNICATIONS**

- Board of Selectmen Special Meeting will be held via ZOOM on Wednesday, March 3, 2021 at 6:00PM
- Next Board of Selectmen Regular Meeting will be held via ZOOM on Monday, March 15, 2021 at 6:00pm

**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 7:43 P.M.

Respectfully submitted

Kathleen Rocco  
Executive Assistant

  
Jason A. Allison, Clerk

Approved and accepted: 3/15/21



*Town of Lancaster*  
*Building and Zoning Department*



**Request for Certificate of Occupancy**

In order to facilitate an organized method to keep track of each departments needs and conditions for a Planned Development and prior to a request for a Certificate of Occupancy, the following is the requirement of the developer and is their sole responsibly to obtain these signatures listed below.

I: \_\_\_\_\_

hereby apply for a Certificate of Occupancy for the development know as:

\_\_\_\_\_

Address of request: \_\_\_\_\_

Map# \_\_\_\_\_ Lot \_\_\_\_\_

These signatures must be signed by each representative listed below where applicable.

Town Planner: \_\_\_\_\_ Date: \_\_\_\_\_

Con Com: \_\_\_\_\_ Date: \_\_\_\_\_

BOH: \_\_\_\_\_ Date: \_\_\_\_\_

Highway Dept: \_\_\_\_\_ Date: \_\_\_\_\_

This form can be revised depending on the project and is the signatures are in the sole discretion of the Building Commissioners. The department representatives must be available for signatures in a timely manner. This does not wave any authority for the Building Commissioner to approve a Certificate of Occupancy where the Commissioner deems appropriate

*Tony Zahariadis*  
*Building Commissioner*  
*Zoning Enforcement Officer*





**Town of Lancaster**  
**Prescott Building**  
**701 Main Street Suite 4**  
**Lancaster, MA 01523**  
**Telephone: 978-365-3326 ext. 1054**  
**Fax: 978-368-4009**

**Office of the  
Conservation Commission**

**RECEIVED**

**FEB 25 2021**

**Board of Selectmen**

February 23, 2021

Mr. Jay Moody, Chairman  
Lancaster Board of Selectmen  
Prescott Building  
701 Main Street 2<sup>nd</sup> Floor  
Lancaster, Massachusetts 01523

**RE: Conservation Administrator Position**  
***by Hand Delivery***

Dear Chairman Moody:

The Lancaster Conservation Commission respectfully requests the position of "Conservation Administrator" currently held by Mr. David Koonce be developed into a full-time position to include 36 hours/week.

At this time, the Town of Lancaster is experiencing unprecedented growth as well as multiple projects undertaken by residents who now spend more time at home as a result of the Covid-19 pandemic. As Lancaster grows as the latest "metro-west" area of Boston, projects coming before the Commission continue to grow in size and complexity. These require a level of scientific analysis, diverse ecological skills, and legal expertise to deal with the myriad of diverse interests that include the development of industrial parcels in North Lancaster. The present and foreseeable workload requires a full-time professional staff administrator in order for the Commission to perform its duties.

Residents of Lancaster have been outspoken at numerous public hearings in their collective desire to protect and expand Lancaster's natural resources. To that end, it is not possible for the Commission to perform its mandated obligations under the "*Wetland Protection Act*" and the Town of Lancaster's "*Wetland Protection Bylaw*" without a full-time administrator.

The Conservation Commission urges the Lancaster Selectboard to consider this request a priority.

Sincerely,

*Thomas J. Christopher*

Thomas J. Christopher  
Chairman

