



LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of September 9, 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 ID

841 1244 1165

Invite Link

<https://us02web.zoom.us/j/84112441165>

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.*

- . The following public comment from Deb D'Eramo, Harvard Road, was read into the minutes. (See Attached)

III. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes of August 17, 2020

Selectman Sendrowski moved to approve the Regular Meeting Minutes of August 17, 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

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS -

Fire Chief Hanson's report on the Fire Department/Ambulance Department Meetings

Fire Chief Hanson gave on update on the following:

Ambulance (2020)

- 744 Calls of Service to date
- Increase of 125 more calls than 2019 to date
- 528 Ambulance Runs
 - . 72 Refusals

- . 456 Transported to hospitals
 - o A1 – 408 and A2 – 48
- . ALS – 165 Transport

Ambulance (2019)

- 444 Calls of Service to date
 - . 93 Refusals
 - . 351 Transport to Hospitals
 - o A1 – 311 and A2 – 40
 - . ALS – 138 Transport

Chief Hanson noted that Ambulance “A2” has proven its worth, noting that 48 times the Town did not need to use Mutual Aid. He further noted that they responded to 13 Calls for CPR, which requires more manpower for those calls.

Fire Department (2020)

- 239 Runs
- Mutual Aid – 25 Runs

Fire Department (2019)

- 227 Runs
- Mutual Aid – 32 Runs

Staffing

- 28 people on the Roster
- Fire Chief works Monday – Friday
- Full Time Firefighter work Monday – Friday
- 1 Per Diem works Monday – Friday
- 2 Per Diem works Monday – Friday from 5:00pm – 9:00pm
- 2 Per Diem works Saturday – Sunday from 8:00am – 8:00pm

Chief Hanson noted that some of the Staff cannot work due to the COVID. He did advertise for help wanted and received 7 applicants with 6 of those who have experience.

Bolton ALS

Chief Hanson gave an update regarding the Bolton ALS situation;

- Bolton ALS has bought equipment;
- Have agreements in place with the Hospitals;
- Waiting for the licensing for drugs that ALS is allowed to carry;
- Bolton Fire Chief has sent the Agreement between the Towns to him;
- Town of Lancaster will pay \$300 flat fee for the calls, which is industry normal;
- Current billing rates can go up to \$1000 which would be an increase in revenues;
- Sterling ALS will handle South Lancaster; and
- Bolton ALS will handle the center of Lancaster and North Lancaster.

Fire Station

Chief Hanson reported that the Fire Station is getting back to normal with the following starting back up.

- Wednesday – Firetruck maintenance
- Training
- Inspections

COVID Pandemic

- 110 cases reported
- Currently 4 cases
- River Terrace with largest amount of cases with 55 reported
- 19 Covid related deaths
- 0 cases of Covid at the Souza-Baranowski Correctional Center
- Chief Hanson has weekly updates with:
 - River Terrace
 - Correctional Center
 - Perkins School
- PPE ready
- Covid related supplies received through Massachusetts Emergency Management Agency (MEMA)

VI. TOWN ADMINISTRATOR REPORT

Town Administrator Orlando Pacheco will update the Board on the status of current projects pending

1) Nashoba Valley Regional Dispatch Grant

The State 911 Office awarded the District \$40,897 for costs associated with upgrading infrastructure related to bringing on Bolton and Townsend. Town Administrator Pacheco stated that this will ease the burden on the District's capital budget.

2) Nashoba Valley Regional Dispatch Audit

Town Administrator Pacheco reported the FY20 Audit report for the Dispatch District is completed and will be posted on the Finance Department website.

3) Devens UXO Regulation

Due to the discovery of additional unexploded ordnance (UXO) in the Nashua River, Mr. Pacheco stated that Devens has filed Emergency Regulation with MassDevelopment. While it is anticipated that the UXO is confined to the Devens community, the surrounding communities have been notified. It should also be noted that individuals from the region go "magnet fishing" at Devens and should cease doing so until authorized by MassDevelopment. *(See attached correspondence from the EPA to the Army)*

4) Green Communities Grant

Town Administrator Pacheco announced that the Town of Lancaster was awarded a Green Communities Grant in the amount of \$200,000, which will be used for weatherization measures and an Energy Management System for the Police Station. He stated that they are currently working with the Town's vendor Energy Source to get the projects in place prior to winter.

5) Prescott Signage

Mr. Pacheco and Heather Lennon, chair of the Historical Commission, discussed the initial proposal by Sunshine Sun and brought the cost down to \$7400. The signage will be on the front of the building and by the handicap side of the building.

6) NGRID Community Campaign

The Town is continuing to make progress towards accomplishing its goals in the NGRID Community Campaign. Mr. Pacheco noted that the Town is still lagging on the increase on weatherization installations, which do pick up during the winter months. The report includes all work through the month of July. He further noted that he should be receiving August's report next week.

7) Planning Director Update

Town Administrator Pacheco reported that he has received eight (8) résumés for the Planning Director to date. Mike Antonellis continues to work for the Town two (2) days a week, dealing with the general administrative items for the Planning Board and ZBA. Mr. Antonellis is also working to close some of the Planning Board's policy initiatives, which include the DLTA studies with MRPC, the MDI re-zoning Study (which includes AUC), and the Inclusionary Zoning Study being done by Judy Barrett.

8) 61A ROFR Notification

The Town on August 31st received notification from Meadowbrook Orchards of a ROFR (Right of First Refusal) on 5.76 acres. Mr. Pacheco stated that based on the date of service, the Town has 120 days which would be December 28, 2020. Mr. Pacheco further stated that if the Board would like to take any action please advise the office and Mr. Pacheco or Mrs. Rocco will make sure the appropriate public hearings are scheduled.

9) Town Hall Oil Tanks

Town Administrator reported that there was a leak in the oil tanks at the Town Hall. He stated that the tanks were drained and the area is now clean. However, Mr. Pacheco noted that the Town will need to have new tanks installed before winter. The lowest quote received is \$9,900, which includes prevailing wage rates, as required by law.

VII. ADMINISTRATION, BUDGET, AND POLICY
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1. Update on Occupancy Permits

Selectman Allison read the following regarding the Booster station next steps:

- Lancaster made some mistakes in issuing occupancy permits. Specifically, we did issue some occupancy permits prior to the HOA and an even a smaller amount issued prior the booster station going online
- While this was not ideal, it is my understanding that it did not change any of the outcomes of the development.
- In speaking with the Town Administrator, Lancaster has learn that it needs a tighter process around the issuing of special permits and conditions of those permits when it comes to issuing occupancy permits. Specifically, the Planning Department has created an occupancy permit checklist to help ensure this doesn't happen again. I believe that a checklist has been completed and is ready for use.
- It is my understanding this is the extent that the BOS can influence this situation at this time.

2. Continued discussion on proposed additions to the Board of Selectmen Policies and Procedures document

Selectman Allison noted that the proposed changes are not included in the packet for discussion. He commented that he would like to remove the "working meeting" from the Selectmen's Policies and Procedures as it is ambiguous. This agenda item will tabled until the next Board of Selectmen's meeting.

3. Continued discussion and may take action on Intermunicipal Agreement between Municipalities and Devens regarding sharing services and costs of a common Regional Housing Consultant (RHC).

Town Administrator Pacheco noted that cost amount should not exceed \$5400; which he stated really is based on how much the Town uses RHC.

Selectman Allison's take on this agreement is:

- . Sign up for a three (3) year contract;
- . 72 hours at \$5400 a year;
- . Total cost \$15,000; and
- . Great idea and opportunity

Selectman Allison did raise concerns over if we do not use the hours, do we still have to pay the set \$5400 per year.

Town Administrator Pacheco stated that the Town does not pay for what they do not use. However there is shared costs for all the communities regarding administrative costs for the Town of Hudson, as they are the lead community.

Selectman Allison moved to approve the Intermunicipal Agreement between Municipalities and Devens regarding sharing services and costs of a common Regional Housing Consultant. Selectman Sendrowski seconded pending the results of Town Administrator Pacheco's checking whether the Town can pay for this whether the Town's uses it or not. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

4. Continued discussion on the proposal that no two Committees to meet at the same time and that all board and Committee and that all Board and Committee meetings be recorded and available on line and Sterling-Lancaster Community Television for public viewing and within a reasonable time.

Town Administrator Pacheco stated the Sterling-Lancaster Community Television (SLCTV) does not have the bandwidth to have all the Committees and Boards meetings to be live-streamed.

He explained that currently with ZOOM, the committees and boards can send their files to SLCTV; he further explained that currently SLCTV does stream Board of Selectmen, Planning Board, Conservation Commission and Zoning Board of Appeals. However their legal requirement is to live stream Board of Selectmen's meetings and School Committees' meetings in the two Towns.

Selectman Sendrowski noted that the Selectmen cannot dictate to other Boards when they can meet.

Chairman Moody asked the Town Administrator to send a letter to Sterling-Lancaster Community Television regarding this concern. Mr. Pacheco noted that the SLCTV's revenue stream is based on Comcast Subscribers, which has been going down.

Chairman Moody suggested that this agenda item be tabled until the next Selectmen's meeting.

5. Review and may take action on the Memorandum Agreement between AFSCME Council 93, Local 3720 DPW Unit and the Town of Lancaster.

Town Administrator Pacheco updated the Board of Selectmen regarding the DPW Union Contract, noting that AFSCME Council 92 Representative Wendy Timmons was present to answer any questions or concerns.

Selectman Allison asked if this is time sensitive as he has many questions regarding this document. He further stated that this is his first time going through this and would talk to the Town Administrator.

Selectman Sendrowski commented that the Selectmen do not get involved in the negotiations and wait until the Contract is presented to them to act upon it.

Town Administrator Pacheco explained that he needs approval from the Selectmen regarding the changes for the next DPW contract. He further noted there is nothing, in his opinion, controversial, just based on-going discussions with Union and Management about work conditions. He did point out Article 6 discussion of the hours worked and overtime.

Selectman Sendrowski moved to approve the Memorandum Agreement between AFSCME Council 93, Local 3720 DPW Unit and the Town of Lancaster. Selectman Allison Seconded for discussion.

Selectman Allison had a question on the following in the Memorandum Agreement:

#5 Article 20, Clothing: Update FY dates for each year of CBA and increase clothing allowance to \$1000.00 each year. The employees shall be provided with current Town Approved vendors. This article stood out to him and his concern with making the right fiscal choices for the Town.

Town Administrator Pacheco explained that his approach is to use the consumer price index related to clothing, and if it does not justify the increase, then that is really where it's the Town's responsibility not to go above and beyond that; noting currently the clothing allowance is \$950 each year from Town approved vendors.

Selectman Allison would like understand his role in regarding the Union Contracts; can he scrutinize the Contracts. Town Administrator Pacheco stated that the Selectmen can do that, and he can bring the Contract back to the Union.

Selectman Allison would like to make a Subsidiary Motion to postpone the original Motion to vote until the next meeting.

Chairman Moody asked to vote on Selectman Sendrowski's original Motion.

*Jason A. Allison Abstains, Jay M. Moody Abstains and Walter F. Sendrowski vote Aye.
[1-0-2] Motion fails.*

6. Review the Town of Lancaster Organization Chart to be posted on the Town's website.
Chairman Moody noted that the Organization Chart should have the Conservation Commission listed on the chart. Town Administrator Pacheco stated that all committees are appointed by the Board of Selectmen, thus fall under the Selectmen. He noted that he could list all the committees on a second sheet of the organization chart.

Selectman Allison noted it is a good chart; flow is good.

Selectman Sendrowski concurred that the Organizational Chart looked good.

7. Review proposed Remote Participation Guidelines.
Chairman Moody explained that he would like to have a remote participation guidelines which could be attached the Agenda; he used the example of the Town of Grafton.

Chairman Moody would like to have Boards and Committees use this remote participation guidelines.

Selectmen had no problems with the Guidelines as presented.

8. Discussion on opening of the Town Offices:

- . Date of Opening
- . How to open
- . Staffing

Town Administrator Pacheco explained that they would like to adhere to the guidance of the Board of Health (BOH), noting that the Town Offices cannot just completely close, but can open by appointments.

Selectman Sendrowski stated that the Town should follow the recommendations from the Fire Chief and Board of Health. *(see attached)*

Selectman Allison posed the question as to how can the Town not open the buildings but schools are opening as well as businesses.

John Farnsworth, chair of the Board of Health stated that why should one take the risk of COVID, further stating that the keeping the buildings closed is actually protecting the residents. He stated that Town Officials should take a conservative approach.

Fire Chief Hanson recommended that all Town owned buildings remain closed.

Chairman Moody asked if all were satisfied with the decision to remain closed but will do appointments. All agreed.

VIII. APPOINTMENTS AND RESIGNATIONS
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Appointments

Energy Committee (Ad Hoc – no terms)

- . Rebecca R. Young-Jones, PO Box 486, Lancaster, MA

Selectman Allison moved to appoint Rebecca R. Young-Jones to the Ad Hoc Energy Committee. Selectman Sendrowski Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

- . Donald Chaisson, George Hill Road, Lancaster, MA

Selectman Allison moved to appoint Donald Chaisson to the Ad Hoc Energy Committee. Chairman Moody Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote No. [2-1-0] Motion Passes

IX. LICENSES AND PERMITS

Amusement License for Weekdays and Sundays for Dean and Flynn Inc., dba Fiesta Shows to hold a Holiday Drive-Thru Light Show in partnership with the Lancaster Fairgrounds, starting November 25, 2020 – January 3, 2021 from 5pm – 11pm

Rose Darden, President of the Bolton Fairgrounds and EJ Dean of Dean and Flynn, Inc. were present to answer any questions or concerns regarding the Holiday Drive-Thru light Show.

Mr. Flynn clarified that the event will be held on weekdays from 5pm until 10pm and on weekends 5pm until 11:00pm. He noted there will be 2 box offices for tickets sales and there will be online ticket sales as well. Mr. Flynn also noted there will be an additional food booth to sell hot cocoa and popcorn.

Rose Darden stated this will be a quiet event and does not envision a large rush of cars during rush hour on Seven Bridge Road, but believes there will be an influx of traffic later on. She further stated that they will take direction from Police Chief Burgwinkel regarding the traffic.

Selectman Sendrowski moved to approve the Amusement License for Weekdays and Sundays for Dean and Flynn, Inc., dba Fiesta Shows to hold a Holiday Drive-Thru Light Show in partnership with the Lancaster Fairgrounds, starting November 25, 2020 - January 3, 2021 from 5pm – 10pm. on weekdays and 5pm-11pm on Sundays. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

X. NEW BUSINESS * - NONE

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

XI. COMMUNICATIONS

- Board of Selectmen's next meeting will be held on Monday, September 21, 2020 at 6:00pm 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 8:26 P.M.

Respectfully submitted

Kathleen Rocco
Executive Assistant

Jason A. Allison, Clerk

Approved and accepted:

Sept 21, 2020

Kathi Rocco

From: Orlando Pacheco
Sent: Thursday, September 10, 2020 12:31 AM
To: Kathi Rocco
Subject: FW: BOS Sept 9 - Public Comment

For meeting minutes

From: Deb D'Eramo [<mailto:deb705a@gmail.com>]
Sent: Tuesday, September 8, 2020 8:15 PM
To: Walter Sendrowski; JAY MOODY; Jason A. Allison
Cc: Orlando Pacheco
Subject: BOS Sept 9 - Public Comment

I will not likely be able to attend at the time of public comments on Sept 9.

I'd like to submit my comments to be read at that time.

1. In anticipation of a fall town meeting, I'd like to suggest that the meeting occur outside again to minimize exposure to health issues. Consideration of the day and time should include the earlier sunset and possibly consider a weekend day?

2. I fully support the availability of recorded public meetings on SLCTV. Attendance at public meetings has increased with on-line availability however we can't always attend at the day/time. Having the recorded meetings available online helps to ensure transparency with town matters.

Thank you,

Deb D'Eramo

The contents of this email and any attachments are the property of the Town of Lancaster Massachusetts and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that the Massachusetts Secretary of State's Office has determined that email is a public record and not confidential.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA. 02109-3812

August 19, 2020

Robert Simeone
Department of the Army
Base Realignment and Closure Division
U.S. Army Garrison Fort Devens
30 Quebec Street, Unit 100
Devens, MA 01434-4479

Re: MEC Discovery – Nashua River
July 24, 2020 and August 12, 2020

Dear Mr. Simeone,

On July 29, 2020, the U.S. Environmental Protection Agency (EPA) was notified by MassDevelopment of the July 24, 2020 discovery (and subsequent retrieval/disposal) of potentially live unexploded ordnance ("UXO") from the bottom of the Nashua River. On August 10, 2020, I sent you an email requesting that Army, as the "responsible person" identified in paragraph 5.4 (e) of the Devens Federal Facility Agreement (FFA) for responding to such incidents, provide immediate notification of the discovery of potentially live UXO and imminent and substantial endangerment to human health posed by the disturbance and/or improper handling of munitions and explosives of concern ("MEC").

Specifically, Army was required, pursuant to Paragraph 12.1 of the FFA, to provide immediate, oral notification of the MEC discovery to EPA (and the Commonwealth) and provide written notice to same within forty-eight (48) hours of discovery of the situation. Army was also required to take immediate action to notify appropriate Federal, State and local agencies and affected members of the public. Despite having failed to comply with either of these requirements, EPA granted Army an additional forty-eight (48) hours (from receipt of its August 10 email) to provide the required notification and provide the following information:

- Written notification (or confirmation thereof) to EPA, MassDEP and other appropriate Federal, State and local agencies and affected members of the public of the discovery (and subsequent disposal) of two, suspected live UXO items from the bottom of the Nashua River in areas adjacent to the western boundary of the former Fort Devens military installation;

Draft Proposed Emergency Regulations Concerning UXO/MEC in Devens

[ADD NEW REGULATION]

946 CMR 4.18

Excavation, Removal, Disturbance of Items

(1) Purpose: The purpose of 946 CMR 4.18 is to maintain the public safety, health, and welfare of the residents of and visitors to Devens by proscribing activities that may disturb or otherwise lead to the exposure of dangerous or potentially dangerous items from the lands or waters of Devens. As a former military installation of the United States, munitions and explosives of concern ("MEC"), including unexploded ordnance ("UXO") (as defined in 10 U.S.C. 101(e)(5)), discarded military munitions ("DMM") (as defined in 10 U.S.C. 2710(e)(2) or munitions constituents ("MC") (e.g., TNT, cyclotrimethylenetrinitramine (RDX)) (as defined in 10 U.S.C. 2710(e)(3)), present in high enough concentrations to pose an explosive hazard. (DESR 6055.09)), have been, and continue to be, found in Devens. The Agency, in addition to other entities of competent jurisdiction, have posted educational signage around Devens explaining what UXO and MEC are and how to identify it in various public locations around Devens. Emergency disposal teams have been recently dispatched to respond to recovered MEC in the Nashua River which were determined to pose an explosive hazard to the public, and the Agency has determined that there is a substantial risk that such activity may continue if not regulated immediately.

(2) Unless authorized by the Agency, or the Army Corps of Engineers, no person shall excavate, disturb, dislodge, retrieve, take possession of or dispose of, or attempt to excavate, disturb or dislodge, retrieve, take possession or dispose of any manmade item or portion thereof from any lands or waters of Devens. The foregoing prohibition shall not apply to activities conducted by an owner (or her agent) of a privately-owned residential parcel on said parcel, provided, however that such activities are being conducted in accordance with the Agency's Devens Soil Management Policy as amended from time to time and available at

[http://www.devensec.com/development/Devens Soil Mgmt and UXO Policies and Procedures.pdf](http://www.devensec.com/development/Devens_Soil_Mgmt_and_UXO_Policies_and_Procedures.pdf)

For the purposes of this subsection, "disturb" shall include the use of "metal detectors" or any device utilizing magnetic, electromagnetic, SONAR or ground penetrating radar energy to identify unseen or submerged metallic objects. The energy from such devices may trigger an explosive reaction in UXO and MEC.

(3) The activity known as "magnet fishing", in which a magnetic device is used to retrieve items from a body of water or watercourse is expressly prohibited. Use of any equipment, including but not limited to dredging equipment, grappling hooks or equipment used for dragging or trawling, that may remove, retrieve or otherwise dislodge any manmade object from a body of water or land underlying a body of water is prohibited. The prohibition in the preceding sentence shall not apply to common recreational fishing poles and associated tackle.

XIII of the FFA, for prompt resolution of this matter. Please feel free to contact Anni Loughlin or me at (617) 918-1273 or (617) 918-1393, respectively with any questions.

Sincerely,

Carol Keating

Digitally signed by Carol
Keating
Date: 2020.08.19
18:01:58 -04'00'

Carol A. Keating, RPM
Superfund Federal Facilities and Information Management Section
Superfund and Emergency Management Division

cc: Tom Lineer, US Army
Jessica Strunkin, MassDevelopment
Dave Chaffin, MassDEP
Laurie Nehring, PACE
Doug Maddox, USEPA HQ/FFRRO
Margaret Leshen, USEPA
Cayleigh Eckhardt, USEPA
Anni Loughlin, USEPA



**TOWN OF LANCASTER, MASSACHUSETTS
FIRE-EMS DEPARTMENT**



Michael J. Hanson, Fire Chief

*1055 Main Street
Lancaster, MA 01523*

*Tel: (978) 368-4003
Fax: (978) 368-4006*

September 9, 2020

Board of Selectmen
701 Main Street
Lancaster, MA 01523

RE: Opening of town buildings.

I am writing today to give my recommendations as Emergency Management Director about reopening of the town buildings.

I am recommending that given the current situation with COVID and the upcoming flu season that we keep the buildings closed through the height of the flu season until we see how bad it is. It seems the by appointment system is working, and keeps the risk of spreading it down. We are very fortunate to have only a few cases in town right now, every effort we can make to keep those numbers down should continue.

I have a big concern with the senior center, these are our most at risk population, opening the center up for regular activities or any group functions or events would be irresponsible of us. By putting this population at a greater risk with the flu season, I feel this would only allow for not only flu outbreak but a greater chance of COVID spreading.

I spoke with John Farnsworth of the Board of Health and he was in agreement, that anything we can do to prevent further spread and protect both our residents and employees we should do so.

Please feel free to contact me with any questions on this matter.

Michael J. Hanson
Fire Chief/EMD

Lancaster Fire-EMS Department
1055 Main Street
Lancaster, MA 01523
Bus: 978-368-4003
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www.Lancasterfd.net

