



**LANCASTER SELECT BOARD
Regular Meeting Agenda
Prescott Building – Nashaway Room
Monday, August 1, 2022
6:00 P.M.**

In accordance with the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over Sterling-Lancaster Community TV

I. CALL TO ORDER

Chair Stephen J. Kerrigan will call the meeting to Order at 6:00 P.M. in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA 01523

This Meeting Will Also Be Held Virtually at:

Topic: Select Board Meeting

Time: Aug 1, 2022 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83024559085>

Meeting ID: 830 2455 9085

One tap mobile

+16469313860,,83024559085# US

+13017158592,,83024559085# US (Washington DC)

Dial by your location

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

Meeting ID: 830 2455 9085

Find your local number: <https://us02web.zoom.us/u/kb6AinbVPQ>

Residents Have the Ability to Ask Questions via ZOOM.

II. APPROVAL OF MEETING MINUTES

Review and take action on the following Select Board's Meeting Minutes:

- June 13, 2022, June 15, 2022, June 29, 2022, and July 13, 2022

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

MaryAnne Cleary to speak about Nashoba Neighbors -An all-volunteer, nonprofit organization dedicated to helping members in Berlin, Bolton, and Lancaster.



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IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

V. PUBLIC COMMENT PERIOD

Opportunity for the 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 tolerated.

VI. TOWN ADMINISTRATOR REPORT

- General Community Updates
- Community Center Board of Health Report
- Keating/CEI peer review updates and schedule of next steps
- Open Meeting Law Legislation Update

VII. ADMINISTRATION, BUDGET, AND POLICY (Vote may be taken)

1. Town Meeting Clean-up (continued)
 - Council on Aging (COA) from 9 members to 5 members
Vote to determine how to do that
2. Audit Committee
3. MART Representative
4. Discussion of Liaisons to Boards and Committees
 - Assign Liaisons
 - Define the role of Liaisons
5. Discussion of Select Board members working through the Town Administrator and staff individually.

VIII. APPOINTMENTS AND RESIGNATIONS

Resignations:

Minuteman School Committee member – Jennifer Leone
Council on Aging – Ann Mazzola, effective immediately

Reappointments

Council on Aging – Linda Cutler, term to expire 6/30/2025



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IX. LICENSES AND PERMITS (Vote may be taken)

1. Application for Public Entertainment (Weekdays) and Sundays
Dean & Flynn Inc., dba Fiesta Shows, for the Annual Bolton Fair, August 11 –14, 2022. (Thursday 5-10pm, Friday Noon – 10pm, Saturday 9am-10pm and -Sunday 9am-9pm) at the Lancaster Fairgrounds, 318 Seven Bridge Road.
2. Application for Hawker & Peddler License
Applicant: The Texas Grill. LLC, Steven LaMay owner, sale of food and drink concessions at the Annual Bolton Fair from August 11 – August 14, 2022 (Thursday 5-10pm, Friday Noon – 10pm, Saturday 9am-10pm and -Sunday 9am-9pm) located at Lancaster Fairgrounds, 318 Seven Bridge Road.
3. Application for use of the Town Green/Gazebo
Applicant: Thayer Memorial Library
Activity: Animal Adventures of Bolton, Dates: August 6, 13, 20, & 27th from 10:30am -12:30pm.

X. NEW BUSINESS *

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

XI. COMMUNICATIONS

- Select Board's next hybrid meeting will be held on Monday, August 15, 2022 at 6:00pm
- Popham Report – May 2022 Landfill Environmental Monitoring Report
- Maxon Frelick letter
- Payment in Appreciation of Services Provided from RFK Community Alliance (Perkins) Letter

XII. EXECUTIVE SESSION

Select Board to meet in Executive Session, to discuss the discipline or dismissal of, or complaints against the Community Development & Planning Office Manager, pursuant to M.G.L. c.30A, Section 21(a)(1) and not to reconvene in Open Session thereafter.

XIII. ADJOURNMENT

II. APPROVAL OF MEETING MINUTES



LANCASTER SELECT BOARD

Special Meeting Minutes

of June 13, 2022

Nashaway Meeting Room, 2nd Floor, Prescott Building, 701 Main Street, Lancaster MA

I. CALL TO ORDER

Chairman Jason Allison called the meeting to order at 10:00 AM in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA.

Chairman Allison noted that the meeting was being recorded and broadcasted over Sterling-Lancaster Community TV

Roll call vote taken, Jason A. Allison, present, Stephen J. Kerrigan, present. Also present were Kate Hodges, Town Administrator, Alexandra Rubin and Ivria Fried Town Counsel, and Alexandra Turner.

II. EXECUTIVE SESSION

Select Board to meet in Executive Session, to discuss the discipline or dismissal of, or complaints against the Council on Aging Director Alix Turner, pursuant to M.G.L. c. 30A, Section 21(a)(1) and to reconvene in Open Session thereafter.

Ms. Turner verified that she wanted the session to be held in open session. Mr. Allison verified that Ms. Turner had copies of all complaints and fact finding statements.

Fire Chief Hanson and Police Chief Moody, at the request of the Select Board, spoke to complaints. All parties concurred that a town wide policy regarding wellness checks needs to be developed. Ms. Hodges recently gave Ms. Turner a written warning to be included in her personnel file. Mr. Allison moved to ratify this written warning; Mr. Kerrigan seconded. Mr. Allison noted that this was the second circumstance of a warning, the first being in December, 2021. *Vote taken, Stephen Kerrigan, Aye; Jason Allison, Aye. Motion passed. [2-0-0]*

Following presentation of complaints, fact findings, questions and answers from both the Board and Ms. Turner, Mr. Kerrigan and Mr. Allison discussed and debated next steps. Mr. Kerrigan proposed that the ratification of Ms. Hodge's complaint be placed in Ms. Turner's file, and that a timeline of corrective actions, training opportunities and goals should be developed. Mr. Allison asked how conflict between Ms. Hodges and Ms. Turner could be addressed, where they currently report to each other. Mr. Kerrigan suggested that this could be part of the discussion, and that this issue does need to be addressed. Mr. Allison questioned why no action is taken relative to

complaints about how wellness checks were handled; Mr. Kerrigan does not think action can be taken because there is not a policy in place.

Mr. Allison moved to authorize Mr. Kerrigan to work with Town Counsel to create a set of corrective actions for employee Alix Turner and an appropriate timeline. Mr. Kerrigan seconded. *Vote taken, Stephen Kerrigan, Aye; Jason Allison, Aye. Motion passed. [2-0-0]*

III. ADJOURNMENT

Mr. Kerrigan moved to adjourn the meeting. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. [2-0-0].*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Approved and accepted:



LANCASTER SELECT BOARD

Special Meeting Minutes

of June 15, 2022

Nashaway Meeting Room, 2nd Floor, Prescott Building, 701 Main Street, Lancaster MA

I. CALL TO ORDER

Chairman Jason Allison called the Special Meeting of the Select Board to Order at 6:00 P.M. which was held both live and via ZOOM™, noting that the meeting was being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/88374223626>

Meeting ID: 883 7422 3626

Roll call vote taken, Jason A. Allison, present, Stephen J. Kerrigan, present, and Alexandra W. Turner, present.

II. APPROVAL OF MEETING MINUTES

Mr. Kerrigan moved to review and approve the Regular Meeting Minutes of June 6, 2022. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Approved, [3-0-0].*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

- PJ Keating Permit Peer Review Report
 - Presentation of Findings – Comprehensive Environmental (CEI)
 - Discussion – PJ Keating and Tighe & Bond

Ms. Hodges presented the background for this topic. CEI has performed a peer review; this has been shared with PJ Keating and Tighe and Bond. Robert M. Hartzel, Principal from Comprehensive Environmental, Inc. (CEI) presented the report / findings (*see attached*).

Doug Vigneau from PJ Keating responded to CEI's suggestion for a 25' vegetated clearing at the top of the rim around the quarry, saying that within a few feet of the quarry hole, vegetation there is untouched and natural, so this requirement would dig up plants to be re-planted. Ms. Turner suggested that some pictures and perhaps soil analysis would be helpful. Mr. Kerrigan noted that he would like to see only native plants included in any plantings. Michael Wright, geologist from PJ Keating, pointed out that while they have a number of needs to revegetate in the Lunenburg

areas, the Lancaster quarry areas are all currently vegetated. Mr. Allison asked Mr. Hartzel why more vegetation would be needed; Mr. Hartzel agreed that CIE's point about vegetation is only in response to a condition on the Town's permit requiring 9" of loam but without specifying the type of loam.

Discussion was held about how the conditions about dust mitigation could be better written to provide more measurable metrics.

CEI reviewed hydrogeologic findings. It was realized that CEI had not received information on some of the hydrogeologic work that has previously been done; they would like to review this prior to submitting their conclusions. CEI tabled a variety of other conclusions pending review of this additional data.

CEI recommends that PJ Keating have vernal pools certified; Mr. Vigneau objected, stating that this is private property and is not a requirement.

Mr. Allison suggested that PJ Keating provide CEI with additional information and for the Board to hold a couple of meetings for public comments, with the goal of wrapping this up by mid-September. He also asked PJ Keating to provide instructions that can be shared with residents as to how to file complaints with PJ Keating. Mr. Hartzel suggested that following the receipt of information from PJ Keating, their report could be updated in a couple of weeks. Mr. Allison suggested that the report could be done by mid-July, a public forum on dust complaints could happen in late July, a public forum on noise complaints could happen in August. Mr. Vigneau asked if there might be an opportunity to extend the current permit expiration date from October through November. Ms. Turner stated that a permit was "all or nothing" and that the minimum time that the Board could extend a permit was six months. Mr. Vigneau asked if there was any problem with PJ Keating meeting with CEI or Tighe & Bond; the Board assured him that this would be a good thing.

IV. BOARD, COMMITTEE, AND DEPARTMENT REPORTS

Joint Meeting with the Planning Board

The Planning Board called their meeting to order with a roll call vote. Carol Jackson, present; Peter Christoph, present; Kendra Dickinson, present; Roy Mirabito, present.

1. Discuss the Planning Board's plan on revising the Town's Master Plan

Mr. Allison asked if there was a plan to revise the Town's Master Plan. Mr. Mirabito said that they were anxious to get going on this project, but without a Conservation Agent this is difficult. They have recently made two offers to qualified candidates, but in each case the applicant has taken a position elsewhere for \$10,000-\$20,000 more than Lancaster's offer. He asked the Select Board's help in adjusting the salary for this position. Revising the Master Plan is a 12-18 month endeavor, and the Planning Board intends to start this immediately following the hiring of a Conservation Agent. Ms. Hodges noted that the first candidate offered a position had said that the reason for declining the offer was that they

were only willing to work from home. The second candidate took a position for \$30,000 more and had told Ms. Hodges that they only wanted to work four days a week. Ms. Turner noted that if the Planning Board and Planning Director did not currently have the capacity to work on the Master Plan, using a consultant might be an option.

2. Discuss North Lancaster Settlement agreement and any impact it currently has on the Planning Board scheduling public hearings.

Mr. Mirabito stated that the North Lancaster Settlement agreement has absolutely no impact on scheduling public hearings for the North Lancaster Enterprise Zoning change. He offered clarification, stating that on March 23, after the Lancaster Affordable Housing Trust (LAHT) had missed two submission deadlines set by the Planning Board, he had moved to delay the public hearing, with the hope that this would afford the Select Board more time to either explain to residents why the agreement was never consummated, or to advocate for the Town for transfer of the parcel from the applicant as a condition of continued negotiation. He said that this did not come to pass, and that the Select Board had chosen the alternate route of assigning the negotiation to the MOU Committee. He hopes this work will be done in time to bring it to the voters before the Fall Town Meeting.

Ms. Turner stated that in many people's minds, the North Lancaster Settlement Agreement is relevant to their vote and to the understanding of the larger decisions before us but scheduling a hearing should go forward. Ms. Jackson said that she wanted to know what the Select Board is doing about the Settlement Agreement if the MOA does not go through, because it is a separate issue. Mr. Allison said that if the MOA does not go through, he would have the appetite to seek recourse in some form. Ms. Turner said that she was happy that we would seek recourse, although she is more optimistic since speaking to the lawyer who represents the Town. Ms. Jackson stated that this has been brought before the Select Board many times, with documents provided, but that it was ignored and left to the Town Administrator, and she would think that the Select Board would take more action than what they have been doing. Ms. Dickinson requested that Mr. Mirabito send her a copy of the documents sent to the Select Board so that she can review them. Mr. Mirabito stated that he did not know what documents she is referring to; Ms. Dickinson said, "whatever documents Carol is referring to." Ms. Jackson said that this was not from the Planning Board so she should ask the Select Board to provide documents. Mr. Allison rebutted, noting that Ms. Jackson had earlier mentioned documents sent to the Select Board that were ignored. Ms. Jackson said that many residents have sent documents to the Select Board. Mr. Kerrigan asked Ms. Jackson if she had the documents. She said that she had some, but so do many residents.

Mr. Mirabito asked to recognize Russ Williston; Mr. Allison said no. Mr. Mirabito stated that it was a joint meeting, and that the Planning Board recognizes public comment. Mr. Kerrigan withdrew his request for documentation in order to take the topic off the table, negating the need for a request to recognize Mr. Williston.

3. Discuss the Planning Board's plan on scheduling the public hearing for the Enterprise rezone.

Mr. Mirabito stated that the Planning Board will schedule a public hearing at their next regularly scheduled meeting once they receive an updated concept plan for the application. Mr. Christoph expressed concern with the way Mr. Allison is describing the proposed zoning amendment; he said that what Mr. Allison is describing is not an Enterprise rezone but is a change to the Enterprise zone district and the residential district, with consequences to abutters, the Town, and to public resources, and the area of Critical Environmental Concern. He stated, *"This is not something to propose cavalierly, and there is already great public concern that you don't fully understand what you're proposing. Mr. Allison, when you initially sent an article to the Planning Board in December, Select Board member Turner asked, 'Do you understand the article?' and you answered, 'you don't need to understand it.'"* Mr. Christoph went on to review past actions and the definition of a concept plan. Mr. Allison asked Mr. Mirabito to confirm that the Planning Board was waiting on the Select Board to provide the concept plan. Mr. Mirabito confirmed yes. Mr. Allison asked when this had been requested of the Select Board. Mr. Mirabito stated that it is incumbent on the applicant to provide the concept plan. Mr. Mirabito said that the Planning Director had told him that this was on hold due to the spending freeze. Ms. Hodges will contact the Planning Director tomorrow to see what can be done. Ms. Turner suggested that the two chairs meet with the Town Administrator and the Planning Director to make sure requirements are spelled out. Mr. Mirabito stated that they were spelled out in the Town Bylaws, §220-63, and that the Planning Board does not assist applicants to put forth an application for a concept plan. Some debate was held as to why the plan needed to be re-submitted.

Mr. Allison recognized Ms. Farinacci, Planning Director. Ms. Farinacci apologized for any confusion in her conversation with Mr. Mirabito, stating that she had been under the impression that the plan presented by Ms. Petracca of the LAHT did not fully represent the project in the entirety desired by the Planning Board. Her belief was that the Planning Board wished to see the plans with the 40R development and manufacturing facilities. Mr. Mirabito confirmed that this was correct. Ms. Farinacci stated that she does not have a plan that shows this and does not believe that the Select Board have a plan that shows this, and that therefore the applicant would have to have this plan created, which would cost money. Mr. Kerrigan confirmed that since the 40R Hearing has been held, the concept plan should be able to be updated. Mr. Allison stated that if this was the only requirement then this would be resolved.

4. Discuss when the Planning Board will switch from Zoom only to hybrid meetings.

Mr. Allison stated that residents have reached out with this question. Mr. Mirabito stated that as an independently elected board, similar to the Select Board, they have the right, currently until July 15, to continue meeting via ZOOM. He states that 3 of 4 current members support this and that 3 of 4 current members have serious, pre-existing health conditions that require vigilance in public settings. He said that he will not put any Planning Board member in a position to potentially impact the future health of themselves

or their family, so as of today they will continue with ZOOM only meetings until July 15. They will re-evaluate after July 15, depending on the situation. Discussion ensued, offering pros and cons of ZOOM and hybrid meetings.

5. Joint discussion on the Planning Board's appointment

Mr. Allison explained that he and Mr. Mirabito have agreed on the process for this item. There are four applicants for this position. There will be a four minute opening statement, followed by questions from the boards as outlined (*see attached*). The applicants are requested to keep answers succinct in the interest of time. Mr. Allison proposed that each board select a member to make a motion. After a second is heard, each member of each board will be limited to one statement. Following statements, the vote will be held. All members of the Planning Board and the Select Board agreed that this process was satisfactory.

Mr. Allison asked if it was satisfactory for Frank Streeter, who was unable to attend this meeting, to have pre-recorded both his opening statement and his answers to questions. Mr. Mirabito agreed that this was okay.

Mr. Allison played on tv Mr. Streeter's opening statement and answers to questions.

Mr. Allison moved to allow the meeting to go past 10:00pm. Mr. Kerrigan seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. Approved, [3-0-0].*

Mr. Allison recognized applicant Tom Christopher, who offered his opening statement and answered the questions provided.

Mr. Allison recognized applicant Kris Mahabir, who offered his opening statement and answered the questions provided.

Mr. Allison unsuccessfully attempted to contact applicant Michael Favreau who did not appear to be present; Ms. Hodges noted that he had not responded to her email. Mr. Mirabito agreed with Mr. Allison that they should move on.

Mr. Allison had board members guess a number in order to select who made the first motion. Ms. Jackson moved to appoint Tom Christopher. Mr. Christoph seconded. Ms. Turner stated that Mr. Christopher's knowledge was unparalleled, while she was also impressed with Mr. Mahabir's credentials. Ms. Dickinson stated that she thinks Mr. Christopher is brilliant, and has a huge knowledge base, but she also thinks that the voters have spoken. Mr. Mirabito is impressed with both Mr. Christopher and Mr. Mahabir, but his "*heart belongs with Tom.*" Ms. Jackson thought all candidates were great, but would support Mr. Christopher's candidacy. Mr. Christoph thought any of the candidates would serve the Board well but would support Mr. Christopher because of his experience both on the Planning Board and on the Conservation Commission. Mr. Kerrigan is grateful to all

candidates. Mr. Allison is most impressed with Mr. Mahabir who brings both aptitude and desire, although he has great respect for Mr. Christopher.

Vote taken, Alexandra Turner, No; Kendra Dickinson, No; Roy Mirabito, Yes; Carol Jackson, Yes; Peter Christoph, Yes; Stephen Kerrigan, No; Jason Allison, No. Vote failed [3-4-0].

Mr. Kerrigan moved to appoint Frank Streeter to the Planning Board until the next Town election. Ms. Dickinson seconded. Ms. Turner supports Mr. Streeter, noting that all members of the Planning Board and the Select Board need to work to bridge the divide. Ms. Dickinson expressed how difficult the decision is but will support Mr. Streeter. Mr. Mirabito thinks Mr. Streeter would be an excellent candidate. Ms. Jackson said that Mr. Streeter would be a good candidate, as would Mr. Mahabir, but she would still prefer Mr. Christopher, and it is a tough decision. Mr. Christoph said that he has no doubt that Mr. Streeter would serve the town well. Mr. Kerrigan echoed Mr. Christoph's statement. Mr. Allison would support Mr. Streeter's candidacy; he said that he has been impressed with Mr. Streeter on the Ad Hoc MOU Committee.

Vote taken, Alexandra Turner, Yes; Kendra Dickinson, Yes; Roy Mirabito, Yes; Carol Jackson, Yes; Peter Christoph, Yes; Stephen Kerrigan, Yes; Jason Allison, Yes. Vote passed [7-0-0].

The chairs of both the Select Board and the Planning Board thanked the participants. Mr. Christoph moved for the Planning Board to adjourn; Ms. Jackson seconded. *Roll call vote was taken; Carol Jackson, Yes; Peter Christoph, Yes; Kendra Dickinson, Yes; Roy Mirabito, Yes. Vote passed, [4-0-0], Planning Board meeting adjourned.*

V. PUBLIC COMMENT PERIOD

Opportunity for the public to address their concerns, make comments, and offer suggestions on operations or programs, except personnel matters. Complaints or criticism directed at staff, volunteers, or other officials shall not be tolerated.

Chairman Allison recognized George Franz, 13 Highfield Drive.

Mr. Franz talked about the number of tax-exempt entities in town and thinks that a campaign should be started among them to adopt payment in lieu of taxes. Secondly, as a member of the Economic Development Committee (EDC), he finds it curious that the Select Board would consider reducing the number of members of the EDC from seven to five, considering that they are currently working on fourteen projects, to research and bring back information to the Select Board. He respectfully suggests that seven are hardly sufficient to do the job.

Mr. Allison recognized Jeanne Rich, Mill Street Extension.

Ms. Rich wanted to speak about the candidates for the Government Study Committee. Mr. Allison cautioned against speaking negatively about individuals in Open Session, asking that if she was displeased with a particular candidate that this should be communicated by email. The speaker

stated that she had nothing positive to say, although many candidates other than the one she was concerned with were excellent candidates.

VI. TOWN ADMINISTRATOR'S REPORT

Ms. Hodges presented the Draft Budget Preparation Calendar. She has sent it to members of the Select Board and to the Finance Committee and needs the Finance Committee to plug in some dates.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Discussion and Motion on the following (tabled from Select Board meeting 6/6/22)

a. Delegation of Personnel Authority to Town Administrator

Mr. Kerrigan, after conversation with Town Counsel, would like to remove this from the agenda. Ms. Hodges notes that the Town Code already has this designation. Mr. Allison and Ms. Turner agreed to remove this from the agenda.

b. Delegation of Contract Administration and Signatories to Town Administrator

Mr. Kerrigan moves to amend last week's motion to remove the word "full." The motion now reads, *"I move that the Select Board assign the following authority to the Town Administrator, pursuant to Massachusetts General Law, Chapter 41, Section 23A, the authority to negotiate, sign, administer and settle contracts, agreements, and other instruments, including but not limited to, Public Works Contracts, Architecture and Engineering Contracts, Agreements and Memoranda of Understanding with other government agencies, Permit Documents, Grant Documents, Environmental Review Documents, Enforcement Documents, Amendments and Change Orders for Town Projects. Further, the Board delegates to the Town Administrator the authority to execute agreements, reports, and other town business submittals relating to, but not limited to, grant applications, state aid, State and/or Federal programs, needs or any other contracts or agreement necessary for the administration of Town Housing Production, Community Development, or Human Resources."* Ms. Turner seconded. Ms. Turner asked if this countered the authority of any other independently elected boards. Ms. Hodges explained that this would only apply to projects under the Select Board's oversight, although she is also the Town's Procurement Officer. To illustrate, Ms. Hodges explained that the Town has recently issued several RFPs, but right now when they come back she cannot do anything with them. Ms. Turner asked if they could be signed by the Select Board; Ms. Hodges explained that the signature has to be from an MCPPO certified person in order to sign state bids. Mr. Kerrigan explained that he removed the word "full" because this would mean that the Select Board abdicated all signatory authority. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. [3-0-0].*

2. Select Board appointment to the Montachusett Joint Transportation Committee

Ms. Hodges attended today's meeting of the Montachusett Joint Transportation Committee, noting that she was the only person there from Lancaster, although several Lancaster projects were discussed. It appears that this position has not been filled in some time. It was agreed that the position will be posted.

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Economic Development Committee – moving from 7 members to 5.

Mr. Allison noted that at the Annual Town Meeting it was voted to make this committee permanent and to change membership to five; to change it back would require Town Meeting vote. Ms. Turner suggested not renewing membership of the two people expiring this month. Mr. Allison noted that Joseph D'Eramo shows an appointment expiration of 6/20/22, and both Lenay Yorko and Glenn Fratto show an appointment expiration of 6/30/22.

Ms. Turner moved to not renew the appointments of Joseph D'Eramo and Lenay Yorko to the Economic Development Committee. Mr. Kerrigan seconded for discussion. Mr. Kerrigan wondered if we use this opportunity to solicit five people, whether existing member or new members. Mr. Allison thinks that the Committee needs a particular mindset and he would be disinclined to support this motion. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Mr. Kerrigan moved to have the Select Board re-solicit five members to make up the Economic Development Committee, suggesting that current members stay on until the process is complete. Mr. Allison seconded for purposes of discussion. Mr. Allison is not sure that members with existing terms could be removed; it was questioned as to whether the Town Meeting vote negates prior appointments. Mr. Kerrigan agreed to withdraw the motion; Mr. Allison requested that the motion is tabled so that Ms. Hodges can check on this.

Government Study Committee (term to expire automatically when final report is presented to Select Board)

Applicants include:

- | | |
|-------------------|-----------------------|
| - Jay Moody | - Monica Tarbell |
| - Christine Burke | - Everett Moody |
| - Anne Ogilvie | - Michael Hansson |
| - Kathy Hughes | - Rob Zidek |
| - David Mallette | - Melinda Apgar |
| - Russ Williston | - Rebecca Young-Jones |

- Denise Hurley
- Sue Thompson
- Emily Taylor
- Kate Hodges (ex-officio)
- Jean Syria
- Phil Lawler
- Steve Kerrigan (Select Board representative)

This committee was created to have nine members. Mr. Allison suggested a “Round Robin” where each Select Board member move to appoint a member and the process continues until nine members are appointed. Mr. Kerrigan suggested that each member move to appoint a slate of nine, the Board agrees to appoint those with commonality on each slate, and then discussion continues. Ms. Turner would like to appoint Jay Moody, Anne Ogilvie, Kathy Hughes, Sue Thompson, Emily Taylor, Jean Syria, Russ Williston, Monica Tarbell, and Steve Kerrigan. Mr. Kerrigan would like Jay Moody, Anne Ogilvie, Christine Burke, Monica Tarbell, Rob Zidek, himself, Emily Taylor, Dave Mallette, and Russ Williston. Mr. Allison would like Everett Moody, Michael Hanson, Monica Tarbell, Christine Burke, Melinda Apgar, David Mallette, Emily Taylor, Phil Lawler, and Steve Kerrigan.

Three nominations each were received for Monica Tarbell, Steve Kerrigan, and Emily Taylor. Ms. Turner would like to hear from candidates. Mr. Kerrigan would like to nominate candidates, inform them that they have been nominated, and hear from them at the next meeting. Ms. Turner agreed that this was satisfactory. David Mallette, Christine Burke, Russ Williston, Anne Ogilvie, and Jay Moody all received two nominations. Mr. Allison made a case for both Chief Hanson and Chief Moody to serve, or at least one of the two. He would also like to hear from Melinda Apgar because it would be good to have a new and passionate person participating in town government. Mr. Kerrigan suggested that the Chiefs participate as ex-officio members. Mr. Kerrigan suggested Rob Zidek because of his passion for the Town. Ms. Turner would like to see Sue Thompson as the ninth nominee. Mr. Allison noted that although he has nothing personal against Mr. Zidek, but he found him difficult to work with at the formation of the Economic Development Committee. Mr. Kerrigan withdrew his support for Rob Zidek and agreed with Ms. Turner to support Sue Thompson.

It was agreed that the nominees are Monica Tarbell, Steve Kerrigan, Emily Taylor, David Mallette, Christine Burke, Russ Williston, Anne Ogilvie, Jay Moody, and Sue Thompson. Ms. Hodges will reach out to the nominees, advise them that they have been nominated, and ask them to speak at the next Select Board meeting so that the Select Board can clearly communicate the charge for this committee. Mr. Kerrigan moved to appoint the nine selected meeting and ask them to visit at an upcoming meeting; he stated that the Select Board has picked nine good members. Ms. Turner seconded. *Vote taken, Jason A. Allison, No; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. [2-1-0].*

North Lancaster Memorandum of Understanding Ad Hoc Committee - Kendra Dickinson

Mr. Kerrigan moved to appoint Kendra Dickinson to the Ad Hoc MOU Committee with a term to expire 6/15/23. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. [3-0-0].*

IX. LICENSES AND PERMITS - NONE

X. NEW BUSINESS

**This item is included to acknowledge matters not reasonably anticipated by the Chair.*

1. Reorganization of the Select Board (Allison)

Mr. Allison moved to appoint Stephen Kerrigan to Chair of the Select Board. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. [3-0-0].*

2. Temporary reorganization of reporting structure for Council on Aging Director and Community Center Director (Allison)

Mr. Allison moved to temporarily change the reporting structure for the Council on Aging Director and Community Center Director to Select Board member Stephen Kerrigan. Mr. Kerrigan seconded. Ms. Turner noted that a letter that she has requested from the State Ethics Commission is long overdue, so this will work in the short term. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Abstain. [2-0-1].*

XI. COMMUNICATIONS

- Town Offices will be closed Monday, June 20, 2022, in observance of Juneteenth Independence Day.

XIII. ADJOURNMENT

Mr. Allison moved to adjourn the meeting. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Alexandra W. Turner, Clerk
Approved and accepted:



COMPREHENSIVE
ENVIRONMENTAL
INCORPORATED

41 Main Street
Bolton, MA 01740
508.281.5160
www.ceiengineers.com

May 23, 2022

Town of Lancaster Select Board
Attn: Kate Hodges, Town Administrator
701 Main Street
Lancaster, MA 01523

**RE: P.J. Keating Company
Peer Review of Special Permit to Remove Earth Products**

Dear Ms. Hodges,

As requested by the Lancaster Select Board, Comprehensive Environmental Inc. (CEI) has provided a technical review of the P.J. Keating Company (Keating) facility located at 998 Reservoir Road in Lunenburg (the Site) and associated performance standards and monitoring as required per the Site's current Special Permit to Remove Earth Products (Special Permit; issue date of March 7, 2022).

CEI staff conducted a site walk with Keating staff on April 22, 2022 to observe conditions in the vicinity of the quarry operation, associated monitoring wells, the flow path of the quarry dewatering process, and other Site features relevant to the Special Permit. In addition to the site walk, CEI's review is based on the following documents provided by the Town and Keating:

- P.J. Keating Company, Town of Lancaster - Special Permit to Remove Earth Products (permit issue date March 7, 2022)
- P.J. Keating Company, Town of Lancaster - Special Permit to Remove Earth Products (permit issue date January 25, 2020)
- P.J. Keating Company, Town of Lancaster - Special Permit to Remove Earth Products (permit issue date January 25, 2005)
- Quarry Closure Plan Circa 2042 (S.J. Mullaney Engineering, Inc., rev. date 2/17/2022)
- SWPPP Figures 1-4 (TRC, January 2022)
- Site Plan – Drainage from Quarry to Lake Shirley (TRC, February 2022)
- Photo Log – Easter Brook Entering Lake Shirley (P.J. Keating, 2/24/2022)
- P.J. Keating Mining Plan 2022-2023 (P.J. Keating, 1/28/2022)
- Aerial Image of Quarry Seismograph Locations (2/22/2022)
- Lunenburg's Water System PWS ID # 2162000 (from MassDEP Online Map Viewer)
- Review of Application for Special Permit – Update (Tighe & Bond, 2/1/2022)
- Aerial Image of Extent of Existing Fence Around Quarry (Google Earth image)
- P.J. Keating Existing Conditions Plan (S.J. Mullaney Engineering, Inc., 1/26/2022)
- Response to Resident Questions and Concerns, Application for Special Permit Earth Products Removal, P.J. Keating Company (Tighe & Bond, 2/28/2022)
- Wetland Assessment, P.J. Keating Facility (Lucas Environmental, 11/30/2015)
- ANRAD Peer Review (LEC Environmental, 11/30/2016)

- Hydrogeologic Assessment of the Marble Quarry, P.J. Keating Company, Lancaster, MA (North American Reserve, June 2005)
- Hydrogeologic Monitoring Reports (2019, 2020; North American Reserve)
- Review of 2019 Groundwater Monitoring Report (Tighe & Bond, 9/16/2020)
- Quarterly Inspection Reports (2019, 2020, 2021; Tighe & Bond)
- Stormwater Pollution Prevention Plan (SWPPP), P.J. Keating Company, Lunenburg, MA Facility (TRC, February 20220)
- Quarterly Laboratory Analytical Reports and Year End Reports to EPA (2019-2022)

1. SPECIAL PERMIT CONDITIONS

Special Permit Conditions are presented verbatim below in **blue font** followed by related CEI review comments. The numbering below is based on the Condition numbering in the Special Permit. Conditions not listed below did not have suggested revisions or comments from CEI.

Condition 2. The shoreline of the end-use quarry pond and all disturbed non-bedrock surfaces shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth. These areas shall be restored upon completion of the earth removal authorized by this special permit. These areas shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.

CEI Comments:

- A minimum width of 25 feet is recommended for the required loam and vegetation establishment around the perimeter of the quarry pond. This width is based on (1) the assumption that end use quarry pond will become a wetland resource area protected per 310 CMR 10.00 and the Lancaster Wetlands Protection Bylaw after the quarry has been inactive for five or more consecutive years, and (2) establishment of a vegetated buffer consistent with the Bylaw 25-foot no disturb zone.
- A specification for loam should be required to ensure good quality planting conditions, including a minimum organic content of 4-6% by weight.
- Planted trees and shrubs should be species native to the Northeastern U.S. and from a list submitted by the Applicant and approved by the Town. In areas where trees or shrubs will be planted, a minimum topsoil depth of 18 inches is recommended. An equal depth of subsoil is also recommended to allow for an adequate rooting zone for woody species. Spacing for trees and shrubs should be specified (e.g., 8-feet on center for tree species, 5-feet on center for smaller shrub species).

Condition 5: Dust Control measures shall be undertaken as specified in the approved plans.

CEI Comments:

- There are no approved plans associated with the Special Permit that specify dust control measures. Dust control appears to be an ongoing challenge for the portion of Fort Pond Road (Route 70) near the quarry, and inclusion of a plan and/or a detailed narrative specifying dust control measures is recommended.

As a reference, CEI reviewed the current Storm Water Pollution Prevention Plan (SWPPP) associated with the National Pollutant Discharge Elimination System (NPDES) permit for the Site. Although no reference to dust control measures is included in the SWPPP plans, the SWPPP document includes the following narrative:

3.7.7 Dust Generation and Vehicle Tracking of Industrial Materials

Dust generation and vehicle tracking activities potentially occur in each of the Drainage Areas at the facility. The Lunenburg facility maintains dust control by pumping water from the detention basins and using it for dust suppression as necessary. A mobile water truck is also used at the facility to wet down on-site roads to minimize the amount of dust generated by vehicle traffic and the transport and deposition of sediment on surrounding public roadways. Locations where vehicles enter and exit the site are inspected regularly for sediment that has been tracked off site. If sediment has been tracked off site, the paved surfaces are swept.

- Based on dust control measures required at similar quarry operations, the Town should consider requiring the following:
 - Dust monitoring (e.g., by installation of a high-volume air sampler) to identify periods when/if fugitive dust conditions warrant additional control actions to protect public health.
 - Additional control actions could include installation of a dust suppression system for haul trucks along the quarry interior roadways, such as a wheel wash system comprised of roadside sprinklers which spray trucks as they pass by.

Condition 25: The permit holder shall continue to undertake a hydrogeologic study that shall continue for the duration of the earth product removal operation. To facilitate the continuation of the long term hydrogeologic monitoring program the permit holder shall collect a minimum of monthly measurements of the groundwater water table and behavior in the monitoring wells, continuous weather station measurements, monthly stormwater flow measurements for the lower quarry and upper quarry flow meters, and monthly measurements of the sump water elevation for the duration of the earth product removal operation. Pressure transducers shall be implemented within groundwater monitoring wells to monitor groundwater water table behavior at hourly increments. Upon failure of any pressure transducers, the permit holder has 90-days to replace the equipment. These measurements shall be provided to the Board of Selectmen quarterly, or more frequently as requested by the Board of Selectmen, and these measurements shall be reviewed by the Town's consultant as requested by the Town. All costs for outside consultant services used for inspection, data review, comment, and recommendation purposes shall be paid for by the permit holder. The hydrogeologic study shall be modified, when needed, based on recommendations by the Board's consultant.

- a. New hourly reporting pressure transducers shall be replaced in all groundwater monitoring wells by April 15, 2022.

CEI Comments:

1. Hydrogeologic Study

In addition to ongoing monitoring of groundwater levels and stormwater flow volumes, Keating conducted a hydrogeologic study in 2005 (NAR) to partially address this permit condition. This study focused on a review of the general bedrock geology and a review of existing bedrock wells in the area. The 2005 NAR study concludes that the existing bedrock wells have fairly uniform characteristics based upon specific capacity calculations and that any higher yielding bedrock wells are likely influenced by proximate surface water bodies. One exception was existing bedrock well

#33, which had the highest yield of the sample group, likely associated with its location along the Wekepeke Fault System. Final recommendations of the 2005 NAR study were to install four bedrock monitoring wells, drilled to the permitted depth of quarry excavation. The recommended well locations were based on installing one in each direction (north, south, east, west) with the north/south monitoring wells located along the Wekepeke fault line.

The conclusions and recommended monitoring plan of the 2005 NAR study do not fully correlate with the geologic features and data limitations identified in the study. Specifically, we note the following key issues:

- The 2005 NAR study notes that the landfill site in general has a “*complicated array of jointing*” and “*near vertical fractures*” as observed at several of the NAR field reconnaissance locations. These features are due to the quarry site being transected by the Wekepeke Fault System. This extent of fracturing would logically increase the potential for groundwater movement in a multitude of directions.
- The 2005 NAR study evaluated existing bedrock wells in the vicinity of the quarry, classifying the wells as above or below average yield (i.e., 10 gallons per foot of drawdown) based on readily available data from the well drillers. Based on the location of most of the high yield wells (proximate to a lake or pond), NAR inferred that the higher well yields were influenced by surface water, even those these wells were approximately 500 feet deep. Location alone does not necessarily mean there is any connection between a surface water body and a 500-foot-deep bedrock well, as it is common for surface water bodies to be “perched” and protected by a bottom impervious (or semi-impervious) layer.
- The 2005 NAR study used well drilling records for the analysis, most likely from the date of installation for each bedrock well. These well drilling records are of limited value for determining regional groundwater flow patterns, since they are typically performed with the sole purpose of confirming sufficient water quantity and quality for a residential dwelling. A more detailed pump test (e.g., pumping to determine sustained yield) would be required as part of a hydrogeological study to determine overall regional groundwater flow patterns.
- The 2005 NAR study specifically notes that the “*quarry is generally very dry*”, most likely due to the “*strongly developed fracture system...allowing infiltration and recharge*” associated with steeply dipping cleavage planes that can be near vertical in some locations.

These observations and bedrock features appear to provide a potential viable path for surface water to flow deep into the bedrock and then travel along the extensive fracturing in a multitude of directions. The limited locations and depths of the four existing bedrock monitoring wells are not sufficient to identify potential impacts of the quarry operation on groundwater flows and water quality in the area.

- CEI recommends that additional bedrock monitoring wells be installed around the perimeter of the quarry, as follows:
 - Ideally, additional monitoring wells would be located along identified surface lineaments that reflect sub-surface bedrock fractures;
 - Alternatively, new wells could be located at regularly spaced intervals along the quarry perimeter. If this approach is used, CEI recommends installation of six wells at approximate 550-foot intervals along the southern/eastern quarry perimeter (from the southern tip of the quarry to the intersection of the quarry haul road and Fort Pond Road).

- CEI also recommends that water samples be collected and analyzed from these bedrock monitoring wells on an annual basis, to allow for assessment of any potential impacts of the quarry operation on off-site bedrock water supply wells. *See Section 2 for a list of recommended monitoring parameters.*

2. Monitoring Equipment

During the site walk on April 22, 2022, NAR stated that they will be installing In-Situ Level TROLL® 400 pressure transducers in all of the monitoring wells with the ability to connect to the instruments with Bluetooth for profiling and downloading data. NAR stated that the transducers will be set to monitor groundwater water table behavior at hourly increments and they will collect data using a cloud storage service and complete a quality control check before they are sent to the town for review. These transducers have a battery life of 10 years or 2 million readings. The Bluetooth capabilities will allow for a quicker and easier download of data and will remove some likelihood for human error and damage to transducers as a result of removing the instrument to download readings, clear the device, and reinstall the instrument.

Scheduled maintenance of these instruments is critical to sustain their accuracy and longevity, and should include the following:

- a. Scheduled maintenance should be required as described in the In-Situ Operator's Manual in order to sustain the accuracy and longevity of the probes and the cables.
- b. The transducers should be checked monthly for the first year to ensure they are working properly and then quarterly after that.
- c. The monitoring visits should include equipment inspections and documentation that the transducers are in the correct position, have been collecting measurements, that measurements are recording properly, and that the battery life as displayed in the Win-Situ software is sufficient.
- d. The transducers should undergo factory maintenance and calibration every year in May and proof of calibration should be submitted to the Town for review.

Condition 30: The deepest point of open excavation shall be no deeper than 20-ft above the elevation of the deepest groundwater monitoring well. Upon reaching this threshold, new monitoring wells shall be installed to deeper elevations.

CEI Comments:

- The monitoring wells are currently set at an elevation of 180 feet NAVD, approximately 50 feet below the existing bottom elevation of the quarry (elevation 230 feet NAVD). Based on Condition 30, these existing monitoring wells would ultimately allow for excavation to a depth of 200 ft NAVD. In comparison, most residential bedrock wells in the area are approximately 800 to 1000 feet deep and are therefore set at an elevation of approximately -400 feet to -600 feet NAVD, approximately 580 to 780 feet below the present depth of the quarry monitoring wells.
- Based on the extensive bedrock fracturing in a multitude of directions (as noted in the 2005 NAR hydrogeological study and discussed above in CEI's comments on Condition 25), and the substantial difference in depth/elevation between the monitoring wells and the depth of bedrock water supply wells in the area, we recommend that the quarry monitoring wells be extended to a depth that is comparable to the deepest existing bedrock water supply wells in the area (i.e., approximately 1000 feet).

2. OTHER RECOMMENDATIONS

Additional CEI recommendations and comments that are not specific to a current Special Permit Condition are provided below.

2.1 Additional Water Quality Monitoring

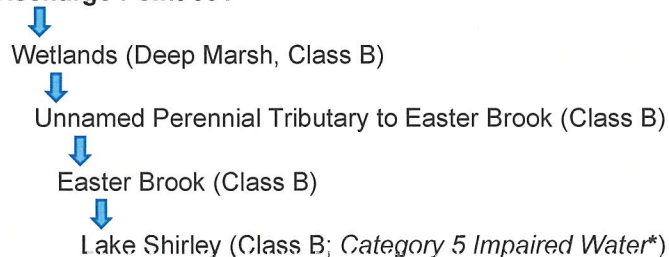
Stormwater discharges from the Keating site in Lunenburg and Lancaster are authorized under a NPDES Multi-Sector General Permit (MSGP). Under the MSGP, monitoring of quarry stormwater effluent is required for the following:

- **Total Suspended Solids:** benchmark concentration of 100 mg/l; quarterly sampling (*Note: TSS in the quarry settling basin is measured with an in-situ instrument. Keating staff stated that water is pumped and discharged only when TSS concentration is below 15 mg/L*)
- **Turbidity:** benchmark concentration of 50 NTU; grab sample required once per year
- **pH:** effluent limitation of 6.0-9.0; grab sample required once per year
- **Polyaromatic Hydrocarbons:** report only (no threshold/benchmark values); biannual sampling

Other similar facilities have discharges (both process wastewater and stormwater) authorized under NPDES Individual Permits which require more extensive monitoring. Monitoring parameters and associated effluent limitations for Individual Permits are typically established as needed to ensure that state and federal water quality standards are met for the receiving water bodies.

Stormwater effluent from the quarry is discharged to a series of Class B, High Quality Waters as defined in Massachusetts Surface Water Quality Standards ([314 CMR 4.00](#)). The flow path from the Quarry Dewatering Discharge (Discharge Point 001) is listed below and shown in Figure 1. The Class B Water Quality Standards are the same for all segments of the flow path listed below.

Discharge Point 001



* Lake Shirley is listed in the [Massachusetts 2018/2020 Integrated List of Waters](#) as impaired for:

- turbidity
- harmful algal blooms
- dissolved oxygen
- mercury in fish tissue
- non-native aquatic plants

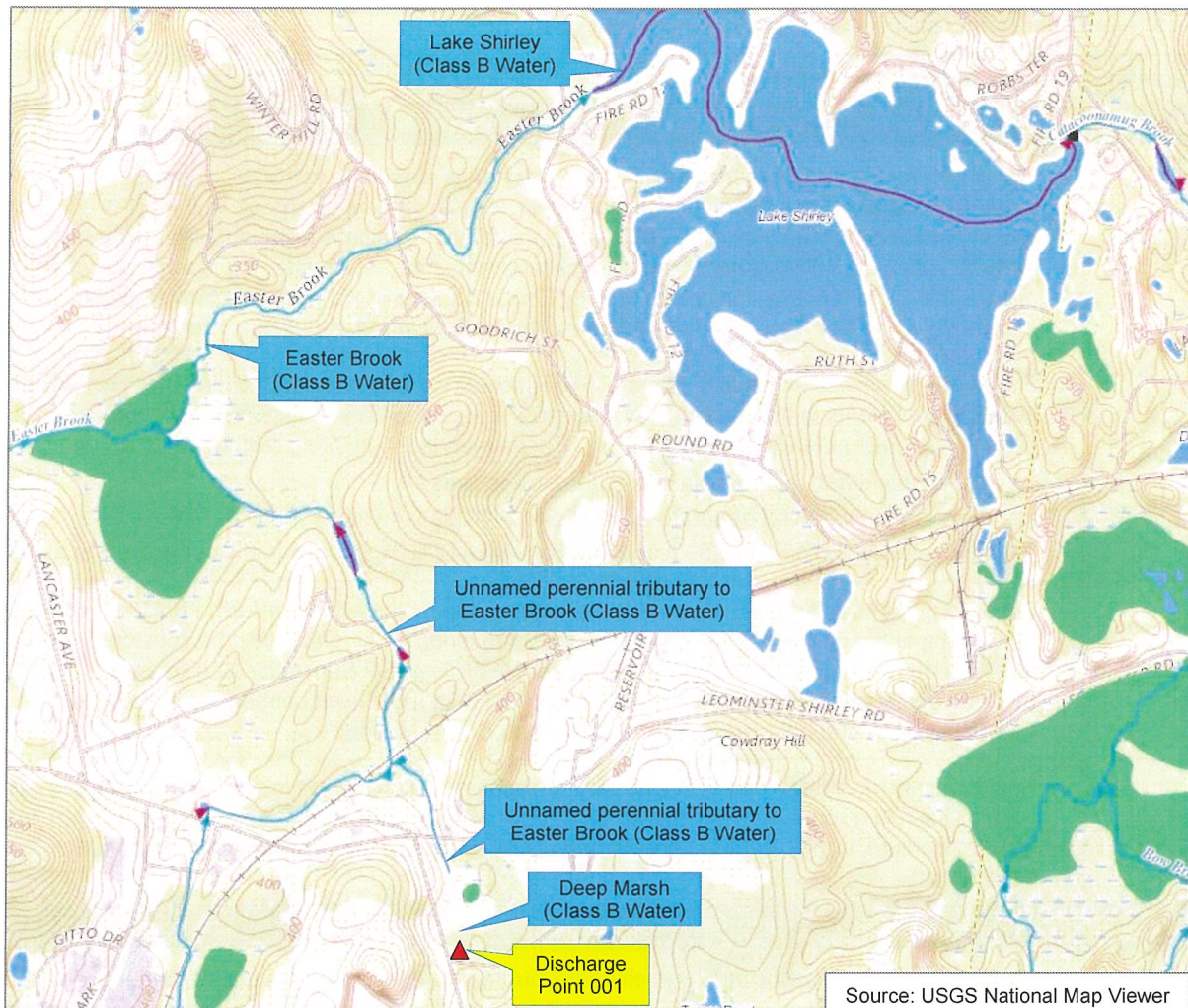


Figure 1: Flow Path from Quarry Dewatering Discharge to Lake Shirley

Based on review of monitoring required for similar facilities in the region, CEI recommends that the Town should consider requiring the additional monitoring parameters discussed in Table 1 as a condition of a future Special Permit authorization.

Table 1: Additional Water Quality Monitoring Recommendations

Parameter	Discussion/Recommendation
Stormwater Effluent Monitoring^{1,2}	
Turbidity	<ul style="list-style-type: none"> CEI recommends that more frequent turbidity monitoring should be considered as a condition preceding pumping from the quarry settling basin, with an effluent discharge limit of 25 NTU. This recommendation is based on the Individual Permit for the Keating Acushnet facility, which states “a turbidity value of 25 NTU is consistent with several states that have established numeric water quality criteria for turbidity, including the New England states of Vermont and New Hampshire as well as the turbidity limitations imposed on similar facilities in Massachusetts and New Hampshire.”
Whole Effluent Toxicity (WET)	<ul style="list-style-type: none"> Based on use of explosives at the quarry, WET monitoring is recommended once per year. WET evaluates pollutants in the discharge to determine if their additivity, antagonism, synergism, or persistence have potential to cause toxicity. Recommended monitoring requirements include: <ul style="list-style-type: none"> Use daphnid and fathead minnow as the test species Chronic No Observed Effect Concentration (C-NOEC) should be $\geq 100\%$ Acute effects based on LC50 (concentration lethal to 50% of test organisms) should be $\geq 100\%$.
Nitrate	<ul style="list-style-type: none"> Because nitrogen-based compounds (ammonium nitrate explosives from Austin Blasting) are used for blasting at the quarry, CEI recommends that monitoring for nitrate should be considered. Although there are no numeric nitrate criteria for NPDES MSGP Subsector J2 (Dimension and Crushed and Nonmetallic Minerals), a benchmark of 0.68 mg/L is recommended based on the NPDES MSGP criteria for Subsector J1 (Sand and Gravel Mining).
Total Metals	<ul style="list-style-type: none"> Heavy metals have been detected with quarry discharges at similar sites. CEI recommends an initial (year 1) sampling round for total metals (antimony, arsenic, cadmium, chromium, copper, iron, lead, nickel, selenium, silver, and zinc). Requirements for any additional testing should be based on the initial results.
Bedrock Monitoring Wells (annual monitoring for existing and additional recommended bedrock wells)	
Nitrate	<ul style="list-style-type: none"> Health concerns are associated with elevated nitrate levels (>10 mg/L) in drinking water.
Total Metals	<ul style="list-style-type: none"> Annual monitoring for antimony, arsenic, cadmium, chromium, copper, iron, manganese, lead, nickel, selenium, silver, and zinc.
Perchlorate	<ul style="list-style-type: none"> Sampling for perchlorate is recommended due to the use of nitrogen-based explosives at the quarry. The NPDES permit the Keating Acushnet facility states, “Perchlorate may also be present in nitrogen-based explosives as an impurity or contained in detonators up to 4 to 60 milligrams of potassium perchlorate. EPA’s Interim Drinking Water Health Advisory for perchlorate is 15 $\mu\text{g/L}$”.
pH	<ul style="list-style-type: none"> pH is an inexpensive parameter that can be helpful in identifying if surface waters (with relatively higher pH) are mixing with groundwater (with relatively lower pH) via bedrock fractures.

Table 1 Notes:

- Based on CEI’s review of operations at the quarry and related stormwater effluent discharges to Discharge Point 001, CEI recommends that additional monitoring is not needed for the following parameters listed for Class B Waters in 314 CMR 4.05(3)(b): pH, dissolved oxygen, temperature, taste and odor, oil and grease, and solids.

2. CEI recommends that some additional monitoring parameters required at similar sites are not applicable to stormwater discharges from the Lancaster/Lunenburg quarry operation. For example, naphthalene monitoring is required at sites where petroleum products are stored, but there are no petroleum products stored within the Keating quarry area.
3. If additional monitoring is required as condition of a future Special Permit, CEI recommends that results should be reported to the Town for review on a quarterly basis. The Town should reevaluate required monitoring frequencies in future Special Permits based on results from the first year of monitoring data.

2.2 Noise Monitoring

Based on requirements at similar quarry operations, the Town should consider requiring continuous 24/7 noise monitoring to determine if there are periods when quarry operations result in nuisance noise levels in nearby residential areas. Such monitoring could be required as either a long-term, ongoing requirement of operations, or as a shorter-term requirement intended to:

1. Identify any time periods and sources of nuisance noise levels; and
2. Address any identified sources with actions to minimize nuisance noise levels.

2.3 Potential Vernal Pools

The ANRAD Peer Review (LEC, 2016) notes the following with regard to two Isolated Vegetated Wetlands (IVWs) delineated with flags I-1 through I-6 and J-1 through J-15:

Both of the IVWs have potential vernal pools, but a definitive determination of vernal pools at this time of the year is difficult. The status of these potential pools should be determined by the Applicant in the Spring of 2017.

Based on communication with Keating staff, a field investigation to confirm the status of these potential vernal pools has not been conducted. CEI recommends that a vernal pool investigation should be required as a condition of future permit approval, with field investigations specified for the spring vernal breeding season for obligate vernal pool species. If vernal pool conditions are documented, an application for vernal pool certification should be submitted to the Massachusetts Natural Heritage and Endangered Species Program (NHESP).

Note: The IVW J-series is located in Lancaster. The IVW I-series is located in Leominster, but if certified as a vernal pool would have a portion of its 100-foot buffer zone within Lancaster.

If you have any questions regarding this review letter, please contact Bob Hartzel at 508-281-5160.

Sincerely,



Robert M. Hartzel, Principal
Comprehensive Environmental, Inc.



June 1, 2022

Town of Lancaster Select Board
Attn: Kate Hodges, Town Administrator
By email (khodges@lanasterma.net)
701 Main Street
Lancaster, MA 01523

RE: P.J. Keating Company Response to CEI Peer Review of Special Permit to Remove Earth Products

Dear Ms. Hodges,

Thank you for forwarding the CEI peer review report. Please see comments by P.J. Keating (PJK) compiled with the assistance of our professional consultants, TRC's Andrew Smyth, Professional Geologist and Principal Consultant, Gary Hunt, Vice President and Air Sciences Technical Director and North American Reserve's Michael Wright, Principal Geologist. We have included CEI comments verbatim. PJK's comments may be found in **green font** following those comments.

1. SPECIAL PERMIT CONDITIONS

Special Permit Conditions are presented verbatim below in **blue font** followed by related CEI review comments. The numbering below is based on the Condition numbering in the Special Permit. Conditions not listed below did not have suggested revisions or comments from CEI.

Condition 2. The shoreline of the end-use quarry pond and all disturbed non-bedrock surfaces shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth. These areas shall be restored upon completion of the earth removal authorized by this special permit. These areas shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.

CEI Comments:

- A minimum width of 25 feet is recommended for the required loam and vegetation establishment around the perimeter of the quarry pond. This width is based on (1) the assumption that end use quarry pond will become a wetland resource area protected per 310 CMR 10.00 and the Lancaster Wetlands Protection Bylaw after the quarry has been inactive for five or more consecutive years, and (2) establishment of a vegetated buffer consistent with the Bylaw 25-foot no disturb zone.

At the end of the life of the quarry, P.J. Keating (PJK) will provide a 25-foot natural vegetative perimeter around the rim of the quarry for those areas that are not naturally revegetated. The establishment of the 25-foot zone will include, if necessary, the application of loam to establish the vegetative zone which may include the planting of trees and shrubs based on site conditions at the time.

The quarry will naturally fill with groundwater and rainfall and become a static height at the approximate elevation of the nearest wetland, which is located at the southwestern end of the quarry. That wetland complex is at elevation 393± and the quarry rim is at elevation 403±

(MassMapper). Further, the quarry rim will be fenced, and the entire property is and will continue to be posted for no trespassing.

- A specification for loam should be required to ensure good quality planting conditions, including a minimum organic content of 4-6% by weight.

As stated above, at the end of the quarry life, a 25-foot vegetative perimeter around the rim of the quarry will be established for those areas not vegetated with natural vegetation. The establishment of the 25-foot zone will include, if necessary, the application of loam to establish the vegetative zone. It should be understood, that by the time the quarry is abandoned there will be vegetation all along the perimeter as PJK is going deeper over the next several decades, not horizontally. It would make little sense to remove this natural vegetation.

- Planted trees and shrubs should be species native to the Northeastern U.S. and from a list submitted by the Applicant and approved by the Town. In areas where trees or shrubs will be planted, a minimum topsoil depth of 18 inches is recommended. An equal depth of subsoil is also recommended to allow for an adequate rooting zone for woody species. Spacing for trees and shrubs should be specified (e.g., 8-feet on center for tree species, 5-feet on center for smaller shrub species).

Native vegetation present will continue to establish and encroach closer to the quarry rim. In particular, at the end of the life of the quarry. Should non-vegetated areas exist, supplemental endemic plantings (trees and shrubs) will take place based on the site conditions at the time.

Condition 5: Dust Control measures shall be undertaken as specified in the approved plans.

CEI Comments:

- There are no approved plans associated with the Special Permit that specify dust control measures. Dust control appears to be an ongoing challenge for the portion of Fort Pond Road (Route 70) near the quarry, and inclusion of a plan and/or a detailed narrative specifying dust control measures is recommended.

Dust suppression is paramount to PJK, and the quarry operation utilizes two water trucks and two street sweepers that circulate all areas of the facility on a daily basis. Also, as indicated to the CEI reviewers, PJK was about to, and since has made improvements to the grade of the paved surface at the exit drive (in Lunenburg) from the quarry to better shed water and control water tracking onto Fort Pond Road in Lunenburg. PJK will continue to monitor the situation on a constant basis.

Tighe & Bond conducted a site inspection on April 1, 2022, and noted that:

“Water Truck on site, used throughout the day on haul roads and quarry base. Two sweepers run daily at road crossings.”

Tighe & Bond did not identify any corrective action that needed to be taken by PJK and found that permit conditions were being met.

As a reference, CEI reviewed the current Storm Water Pollution Prevention Plan (SWPPP) associated with the National Pollutant Discharge Elimination System (NPDES) permit for the Site. Although no reference to dust control measures is included in the SWPPP plans, (PJK does not understand the inclusion of this statement; CEI indicates the SWPPP does not discuss dust control but then goes on to reference section 3.7.7 of the SWPPP which does include dust management; further, dust control measures are also included in other sections of the SWPPP). Note the SWPPP document includes the following narrative:

3.7.7 Dust Generation and Vehicle Tracking of Industrial Materials

Dust generation and vehicle tracking activities potentially occur in each of the Drainage Areas at the facility. The Lunenburg facility maintains dust control by pumping water from the detention basins and using it for dust suppression as necessary. A mobile water truck is also used at the facility to wet down on-site roads to minimize the amount of dust generated by vehicle traffic and the transport and deposition of sediment on surrounding public roadways. Locations where vehicles enter and exit the site are inspected regularly for sediment that has been tracked off site. If sediment has been tracked off site, the paved surfaces are swept.

- Based on dust control measures required at similar quarry operations, the Town should consider requiring the following:

- Dust monitoring (e.g., by installation of a high-volume air sampler) to identify periods when/if fugitive dust conditions warrant additional control actions to protect public health.

Given that aggressive dust control measures are currently in place as noted above air monitoring is not warranted. Further, the absence of nuisance dust complaints supports this position. In the event that PJK elects to perform air monitoring in the future, high volume air sampling methodology would not be the appropriate methodology.

- Additional control actions could include installation of a dust suppression system for haul trucks along the quarry interior roadways, such as a wheel wash system comprised of roadside sprinklers which spray trucks as they pass by.

PJK does not understand what “a wheel wash system comprised of roadside sprinklers which spray trucks as they pass by” would accomplish. Adding additional water to the wheels of 80-ton haul vehicles would merely track out additional haul road dirt into the roadway, not less. The balance of water addition directly to the road is carefully monitored and additional sprinkler water on the haul road would not serve to reduce water and soil tracking at the haul crossroads.

Condition 25: The permit holder shall continue to undertake a hydrogeologic study that shall continue for the duration of the earth product removal operation. To facilitate the continuation of the long term hydrogeologic monitoring program the permit holder shall collect a minimum of monthly measurements of the groundwater water table and behavior in the monitoring wells, continuous weather station measurements, monthly stormwater flow measurements for the lower quarry and upper quarry flow meters, and monthly measurements of the sump water elevation for the duration of the earth product removal operation. Pressure transducers shall be implemented within groundwater monitoring wells to monitor groundwater water table behavior at hourly increments. Upon failure of any pressure transducers, the permit holder has 90-days to replace the equipment. These measurements shall be provided to the Board of Selectmen quarterly, or more frequently as requested by the Board of Selectmen, and these measurements shall be reviewed by the Town’s consultant as requested by the Town. All costs for outside consultant services used for inspection, data review, comment, and recommendation purposes shall be paid for by the permit holder. The hydrogeologic study shall be modified, when needed, based on recommendations by the Board’s consultant.

- a. New hourly reporting pressure transducers shall be replaced in all groundwater monitoring wells by April 15, 2022.

CEI Comments:

1. Hydrogeologic Study

In addition to ongoing monitoring of groundwater levels and stormwater flow volumes, Keating conducted a hydrogeologic study in 2005 (NAR) to partially address this permit condition. This study focused on a review of the general bedrock geology and a review of existing bedrock wells in the

area. The 2005 NAR study concludes that the existing bedrock wells have fairly uniform characteristics based upon specific capacity calculations and that any higher yielding bedrock wells are likely influenced by proximate surface water bodies. One exception was existing bedrock well #33, which had the highest yield of the sample group, likely associated with its location along the Weepee (Wekepeke) Fault System. Final recommendations of the 2005 NAR study were to install four bedrock monitoring wells, drilled to the permitted depth of quarry excavation. The recommended well locations were based on installing one in each direction (north, south, east, west) with the north/south monitoring wells located along the Wekepeke fault line.

The conclusions and recommended monitoring plan of the 2005 NAR study do not fully correlate with the geologic features and data limitations identified in the study. Specifically, we note the following key issues:

- The 2005 NAR study notes that the landfill site in general has a “*complicated array of jointing*” and “*near vertical fractures*” as observed at several of the NAR field reconnaissance locations. These features are due to the quarry site being transected by the Wekepeke Fault System. This extent of fracturing would logically increase the potential for groundwater movement in a multitude of directions.

NAR performed an evaluation of the fractures within the quarry. The fractures observed were all on faces of rock that had been blasted. This is not what the rock looked like in any of the core holes that were drilled to construct the wells. In fact, the core showed quite the opposite. The rock core was evaluated for Rock Quality Designation (RQD), which is expressed as a percentage and its formula is the sum of the length of intact core pieces that are longer than twice the diameter of the core recovered during the core run divided by the total length of the core run. The quality (strength) of the rock core from the borehole is thereby assessed on a scale from very poor to excellent: 0-25% = very poor, 25-30% = poor, 30-75% = fair, 75-90% = good, and 90-100% = excellent. Therefore, RQD denotes the degree and depth of fracturing, weathering, shearing, and other areas of weakness in a rock mass. The RQD of the cores for the deep bedrock wells are typically between 90-100%.

The presence of intact massive bedrock at the quarry site indicates that the fractures are not extensive and testing data indicates that the fault is not more permeable than the surrounding massive rock. This is not uncommon, as processes such as fault zone sediment mixing, clay smears, cataclasis, and geochemical precipitation can result in lower fault zone permeability than source rock. For example, the NAR report identified that:

“Wells 5 and 7 are almost directly on-strike of the fault line that identifies the Wekepeke fault zone. It would be intuitive to most hydrogeologists that these wells would have been expected to have some of the highest yields because of enhanced fracturing and interconnection of fractures caused by the faulting. However, these wells have yields that are below the average of the data set, so it appears that the fault is not an important hydrogeologic factor in the yield of these wells.” In other words, the statement by CEI that the fractures are more permeable and lead to increased groundwater movement is incorrect and misleading.

- The 2005 NAR study evaluated existing bedrock wells in the vicinity of the quarry, classifying the wells as above or below average yield (i.e., 10 gallons per foot of drawdown) based on readily available data from the well drillers. Based on the location of most of the high yield wells (proximate to a lake or pond), NAR inferred that the higher well yields were influenced by surface water, even though these wells were approximately 500 feet deep. Location alone does not necessarily mean there is any connection between a surface water body and a 500-foot-deep bedrock well, as it is common for surface water bodies to be “perched” and protected by a bottom impervious (or semi-impervious) layer.

The data from well drillers is not exactly the data you would use or quote unless you know how the drillers got their values. Most well drillers do not do this correctly. Each well was tested at 5-foot intervals to evaluate the K value of the well. NAR calculated by three (3) varied sets of formulas and then averaged over the interval to arrive at a "conservative" value. All the K values obtained were between 10-1 to 10-3 ft/day. This is an average value for metamorphic rock and illustrated that the rock is not a good transmitter of flow. That is very slow movement for ground water.

The closest public water supply well (well 08G) has been Zone 2 modelled and the public well draws water from the surface water at Turner Pond. CEI has not presented any data to show that the surface water is "common[ly]" "perched" and unable to be the principal water source for bedrock wells.

- The 2005 NAR study used well drilling records for the analysis, most likely from the date of installation for each bedrock well. These well drilling records are of limited value for determining regional groundwater flow patterns, since they are typically performed with the sole purpose of confirming sufficient water quantity and quality for a residential dwelling. A more detailed pump test (e.g., pumping to determine sustained yield) would be required as part of a hydrogeological study to determine overall regional groundwater flow patterns.

See above. The wells were installed according to the lineaments. There has never been any substantive evidence presented that the quarry has had any impact on private wells. These unsubstantiated allegations are convenient but without merit. A comprehensive study was conducted, and professional geologists and hydrogeologist hired by PJK have agreed with the Town's consultant T&B, which also has Professional Geologists reviewing this work. It is PJK's understanding that T&B will also be analyzing CEI's findings and providing a letter to the Town.

- The 2005 NAR study specifically notes that the "quarry is generally very dry", most likely due to the "strongly developed fracture system...allowing infiltration and recharge" associated with steeply dipping cleavage planes that can be near vertical in some locations.

These statements do not go together. The walls of the quarry are shattered and fractured due to blasting. At approximately 10 to 20 feet into the highwall, these fractures are not present. The quarry has minimal water entering it because it is very tight rock.

These observations and bedrock features appear to provide a potential viable path for surface water to flow deep into the bedrock and then travel along the extensive fracturing in a multitude of directions. The limited locations and depths of the four existing bedrock monitoring wells are not sufficient to identify potential impacts of the quarry operation on groundwater flows and water quality in the area.

- CEI recommends that additional bedrock monitoring wells be installed around the perimeter of the quarry, as follows:

- Ideally, additional monitoring wells would be located along identified surface lineaments that reflect sub-surface bedrock fractures;

Wells were installed according to the lineaments. Additional wells are not needed as they would be redundant, providing no new information.

- Alternatively, new wells could be located at regularly spaced intervals along the quarry perimeter. If this approach is used, CEI recommends installation of six wells at approximate 550-foot intervals along the southern/eastern quarry perimeter (from the southern tip of the quarry to the intersection of the quarry haul road and Fort Pond Road).

See PJK response to Condition 30.

- CEI also recommends that water samples be collected and analyzed from these bedrock monitoring wells on an annual basis, to allow for assessment of any potential impacts of the quarry operation on off-site bedrock water supply wells. *See Section 2 for a list of recommended monitoring parameters.*

See PJK response to Condition 30.

2. Monitoring Equipment

During the site walk on April 22, 2022, NAR stated that they will be installing In-Situ Level TROLL® 400 pressure transducers in all of the monitoring wells with the ability to connect to the instruments with Bluetooth for profiling and downloading data. NAR stated that the transducers will be set to monitor groundwater water table behavior at hourly increments and they will collect data using a cloud storage service and complete a quality control check before they are sent to the town for review. These transducers have a battery life of 10 years or 2 million readings. The Bluetooth capabilities will allow for a quicker and easier download of data and will remove some likelihood for human error and damage to transducers as a result of removing the instrument to download readings, clear the device, and reinstall the instrument.

Presumably, this statement is in agreement with the installed transducers and the collection of data on an hourly basis.

Scheduled maintenance of these instruments is critical to sustain their accuracy and longevity, and should include the following:

- a. Scheduled maintenance should be required as described in the In-Situ Operator's Manual in order to sustain the accuracy and longevity of the probes and the cables.

In-Situ, among the largest manufacturers and distributors of water quality monitoring equipment in the world and the makers of the equipment under discussion, told us that by obtaining monthly elevation reading by hand and comparing them to the probes is a very good way to verify that the probes are operating correctly. This tests for equipment water level drift which is the basis for setting a maintenance plan for the instrument as described in the equipment manual.

- b. The transducers should be checked monthly for the first year to ensure they are working properly and then quarterly after that.

PJK and NAR follow In-Situ's operations manual

- c. The monitoring visits should include equipment inspections and documentation that the transducers are in the correct position, have been collecting measurements, that measurements are recording properly, and that the battery life as displayed in the Win-Situ software is sufficient.

PJK and NAR follow In-Situ's operations manual

- d. The transducers should undergo factory maintenance and calibration every year in May and proof of calibration should be submitted to the Town for review.

PJK and NAR follow In-Situ's operations manual

Condition 30: The deepest point of open excavation shall be no deeper than 20-ft above the elevation of the deepest groundwater monitoring well. Upon reaching this threshold, new monitoring wells shall be installed to deeper elevations.

CEI Comments:

- The monitoring wells are currently set at an elevation of 180 feet NAVD, approximately 50 feet below the existing bottom elevation of the quarry (elevation 230 feet NAVD). Based on Condition 30, these existing monitoring wells would ultimately allow for excavation to a depth of 200 ft NAVD. In comparison, most residential bedrock wells in the area are approximately 800 to 1000 feet deep and are therefore set at an elevation of approximately -400 feet to -600 feet NAVD, approximately 580 to 780 feet below the present depth of the quarry monitoring wells.

CEI and the Town were explicitly told that deeper wells will be installed in 2023 and that they will be 50- feet below the depth of the deepest quarry cut level as provided in the mine plan.

- Based on the extensive bedrock fracturing in a multitude of directions (as noted in the 2005 NAR hydrogeological study and discussed above in CEI's comments on Condition 25), and the substantial difference in depth/elevation between the monitoring wells and the depth of bedrock water supply wells in the area, we recommend that the quarry monitoring wells be extended to a depth that is comparable to the deepest existing bedrock water supply wells in the area (i.e., approximately 1000 feet).

This approximately \$200,000+ ask for six new wells and drilling the existing wells to 1,000 feet is entirely without merit and scientific basis. Assessing ground water movement and quality is done best nearest the quarry if it is believed the quarry is somehow negatively impacting groundwater quality. It would be very unusual to impossible for hypothetical quarry related contamination to be at higher levels 1,000 feet down than near the quarry floor. The classic plume is for highest concentrations near the source and declining away. Any water migrating off the quarry site would be easiest and best detected in the existing wells at their current/future depths.

The quarry wells should not be extended any deeper than necessary (within 50 feet of the mine plan final elevation). The suggestion that 1,000-foot-deep wells should be installed is reckless. It is well known that deeper wells have the potential to cause short circuiting of contamination from higher elevations to reach the deeper aquifer. The aquifer has a very low hydraulic conductivity and does not have sufficient vertical gradients to cause the downward flow of contaminants to reach any of the CEI proposed monitoring wells. The water supply well that seems to be CEI's concern (Lunenburg water supply well RW-08G "Keating well") has been groundwater tested for perchlorate and was non-detect. There is no basis for concern for perchlorate. CEI was provided the SDS sheet for blast emulsion used.

The closest town well raw water has also been tested for inorganic parameters including selenium, antimony, arsenic, fluoride, cyanide, cadmium, chromium, thallium, and beryllium and all were non-detect. The only inorganic parameter detected was barium (which is ubiquitous) and had a value of 0.014 mg/l versus a drinking water standard of 2.0 (142 times less than the standard). Therefore, there is no impact from inorganic parameters on the town well. CEI has also recommended sampling for nitrates but, once again, there is no problem with nitrates in the Town's Keating well. The measured value of nitrate in groundwater at this well varies from 0.46 to 0.86 mg/L but the water quality standard is 10 mg/L, much higher. Therefore, the proposed deep wells and suggested monitoring are not necessary and if anything could make a non-existent issue into one, when all water quality standards are already being met.

2. OTHER RECOMMENDATIONS

Additional CEI recommendations and comments that are not specific to a current Special Permit Condition are provided below.

2.1 Additional Water Quality Monitoring

Stormwater discharges from the Keating site in Lunenburg and Lancaster are authorized under a NPDES Multi-Sector General Permit (MSGP). Under the MSGP, monitoring of quarry stormwater effluent is required for the following:

- **Total Suspended Solids:** benchmark concentration of 100 mg/l; quarterly sampling (*Note: TSS in the quarry settling basin is measured with an in-situ instrument. Keating staff stated that water is pumped and discharged only when TSS concentration is below 15 mg/L*)
- **Turbidity:** benchmark concentration of 50 NTU; grab sample required once per year
- **pH:** effluent limitation of 6.0-9.0; grab sample required once per year
- **Polyaromatic Hydrocarbons:** report only (no threshold/benchmark values); biannual sampling

Other similar facilities have discharges (both process wastewater and stormwater) authorized under NPDES Individual Permits which require more extensive monitoring. CEI discussed the NPDES permit authorization for the facility with George Papadopoulos of EPA Region 1, to determine why this facility is permitted under the NPDES MSGP rather than an Individual Permit. Mr. Papadopoulos is the lead EPA staff for the current NPDES Individual Permit authorization for the Keating facility in Acushnet, MA. Key points of the discussion are summarized as follows:

The Acushnet facility – **What does the Acushnet facility have to do with the Lunenburg facility. Has CEI even visited the Acushnet facility?**

- From a NPDES permitting perspective, the Keating Lunenburg/Lancaster facility and operations are similar to the Acushnet facility. Both facilities conduct rock quarrying, aggregate processing, and production of hot mix asphalt.

The CEI discussion is based on hearsay only. Under any reasonable court or fair hearing without all parties present, such discussions should and would be disallowed. No permit conditions can be made on hearsay discussions.

- Mr. Papadopoulos stated that the type of operations and processing conducted at the Lunenburg/Lancaster facility and associated discharges to surface waters would appear to disqualify the facility from obtaining permit authorization under the MSGP.

The conditions for PJK's stormwater discharge permit are based on national standards and they are not less stringent at Lunenburg than elsewhere. The CEI discussion is based on hearsay only. It is not clear what CEI was telling Mr. Papadopoulos' about the Lunenburg operation. The facility does have a stormwater permit and has had a stormwater permit for many years. Nothing has changed. CEI has provided no details about what specific operation they consider that PJK conducts that would disqualify them from qualification under a MSGP stormwater permit. At this point the statements by CEI to Mr. Papadopoulos and others appear unfounded. No letter of correspondence is provided to backup that these were Mr. Papadopoulos' thoughts, nor was he copied on CEI's contentions of what he may or may not have said.

- Mr. Papadopoulos stated that the current MSGP permit authorization could have been approved because applications for coverage under the MSGP do not always get reviewed thoroughly.

Again, hearsay only. The facility has had a MSGP through several permit cycles and the EPA and MassDEP have had plenty of time to review the permit information if they thought there were errors. It is an affront by CEI to indicate that the EPA does not do a proper job of reviewing permits before approving. It is highly unlikely that anybody from EPA and in particular, Mr. Papadopoulos would indicate that they do not do an adequate job of reviewing permits.

- Mr. Papadopoulos stated that EPA staff plan to conduct a site inspection in the near future to determine if an Individual permit will be required for the facility.

Hearsay only and perhaps libelous if CEI indicated that EPA should conduct an inspection at a facility based on providing them inadequate and/or at the very least, inaccurate information. PJK provided all data that was requested, including all requested water quality reports that have been provided to EPA on its DMR site. PJK conducts inspections and record keeping, as required. There is no basis to suggest that PJK is polluting the environment and therefore somehow in need of further costly restrictions and baseless water quality analyses.

Monitoring parameters and associated effluent limitations for Individual Permits are typically established as needed to ensure that state and federal water quality standards are met for the receiving water bodies. Stormwater effluent from the quarry is discharged to a series of Class B, High Quality Waters as defined in Massachusetts Surface Water Quality Standards ([314 CMR 4.00](#)). The flow path from the Quarry Dewatering Discharge (Discharge Point 001) is shown in Figure 1. The Class B Water Quality Standards are the same for all segments of the flow path listed below.

This figure, in another format, was previously provided to the Town by PJK. That is except for the purple line shown in Lake Shirley. While the purple line might be endeavoring to show the general flow path of Easter Brook through the lake it is of no meaning in this instance as no detention times or other typical factors are provided. Moreover, the point of discharge of clean, quarry water that traverses two (2) miles through a multitude of natural wetland resource areas and Easter Brook (with a drainage area that dwarfs that of the quarry) prior to entering Lake Shirley is scarcely worth mentioning again and again.

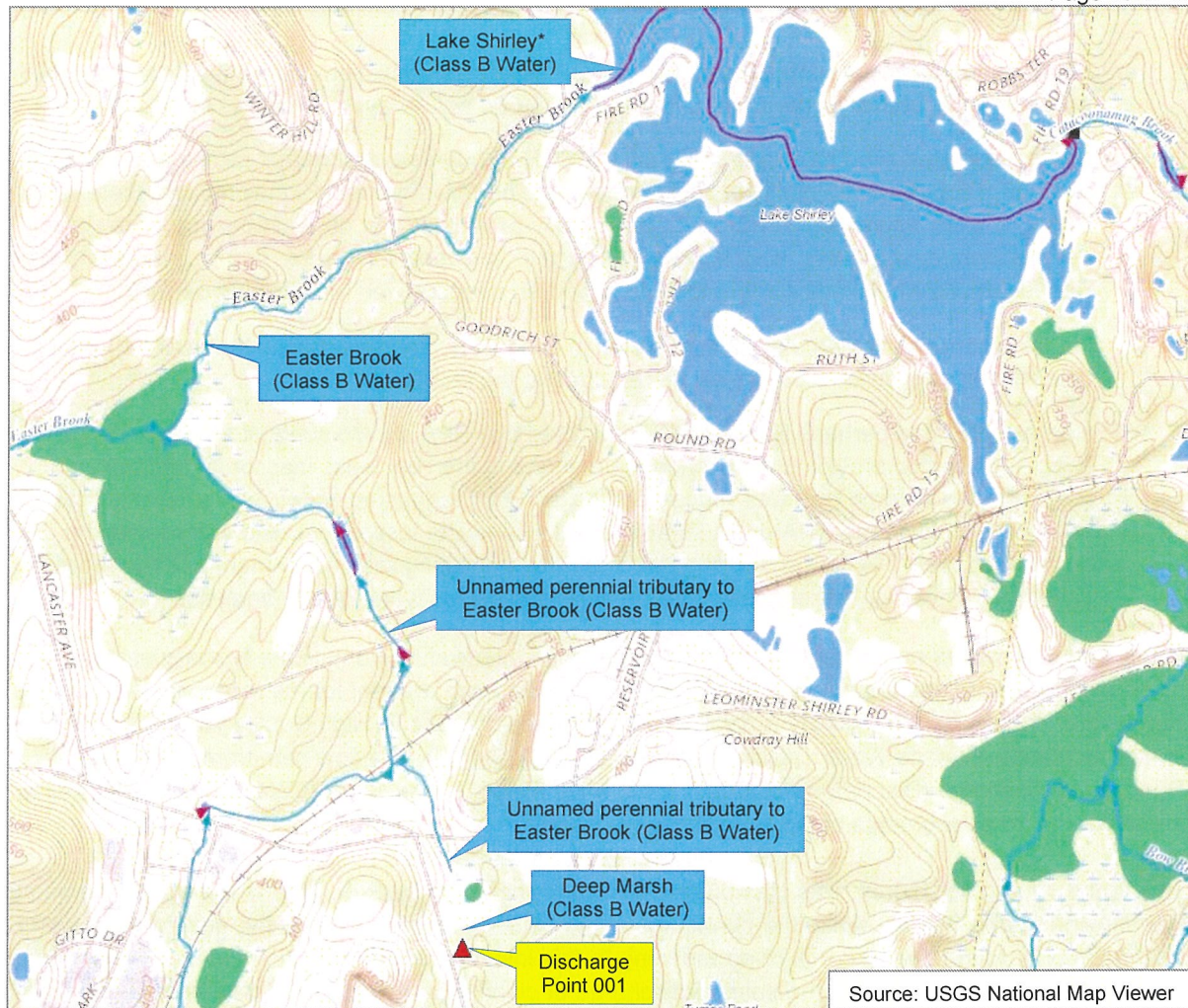


Figure 1: Flow Path from Quarry Dewatering Discharge to Lake Shirley

* Note: Lake Shirley is listed in the Massachusetts 2018/2020 Integrated List of Waters as a Category 5 Impaired Water, with impairments for:

- turbidity
- harmful algal blooms
- dissolved oxygen
- mercury in fish tissue
- non-native aquatic plants

Based on review of monitoring required for similar facilities in the region, CEI recommends that the Town should consider requiring the additional monitoring parameters discussed in Table 1 as a condition of a future Special Permit authorization.

Please provide the locations/institutions 'of monitoring required for similar facilities in the region.'

The PJK facility has a MSGP, and those monitoring conditions are established nationally. Adding additional monitoring is not based on any scientific reasoning. The MSGP monitoring requirements were purposefully established by the USEPA based on scientific studies and extensive comment and response from various regulatory agencies. The most recent MSGP added a number of sampling requirements based on extensive studies of similar mining operations. It would be inappropriate to modify stormwater monitoring requirements

at the local level based on an unsubstantiated/non-scientific request. MassDEP and USEPA issued the facility permit jointly.

The monitoring request is based on misjudged information such as a request to conduct WET monitoring because of explosives – the only source of potentially unnatural substance in the quarry. However, as was explained, 95-100% of blasting emulsion is vaporized upon blast and non-vaporized nitrogen compounds are unlikely to have any significant impact on a freshwater receiving body. As an example, and to our knowledge, no other quarries discharging to a freshwater wetland system in Massachusetts conduct WET monitoring because of explosives. Why should the PJK quarry conduct nitrate monitoring based on CEI's opinion that industries different from PJK do it? This would be a slippery slope as should a gasoline station have to meet the monitoring limits for a dairy farm or vice versa. In terms of metals, once again, these would have been looked at by the USEPA and were not chosen by them for quarry monitoring.

Table 1: Additional Water Quality Monitoring Recommendations

Parameter	Discussion/Recommendation
Stormwater Effluent Monitoring^{1,2}	
Turbidity	<ul style="list-style-type: none"> CEI recommends that more frequent turbidity monitoring should be considered as a condition preceding pumping from the quarry settling basin, with an effluent discharge limit of 25 NTU. This recommendation is based on the Individual Permit for the Keating Acushnet facility, which states “a turbidity value of 25 NTU is consistent with several states that have established numeric water quality criteria for turbidity, including the New England states of Vermont and New Hampshire as well as the turbidity limitations imposed on similar facilities in Massachusetts and New Hampshire.”
Whole Effluent Toxicity (WET)	<ul style="list-style-type: none"> Based on use of explosives at the quarry, WET monitoring is recommended once per year. WET evaluates pollutants in the discharge to determine if their additivity, antagonism, synergism, or persistence have potential to cause toxicity. Recommended monitoring requirements include: <ul style="list-style-type: none"> Use daphnid and fathead minnow as the test species Chronic No Observed Effect Concentration (C-NOEC) should be $\geq 100\%$ Acute effects based on LC50 (concentration lethal to 50% of test organisms) should be $\geq 100\%$.
Nitrate	<ul style="list-style-type: none"> Because nitrogen-based compounds (ammonium nitrate explosives from Austin Blasting) are used for blasting at the quarry, CEI recommends that monitoring for nitrate should be considered. Although there are no numeric nitrate criteria for NPDES MSGP Subsector J2 (Dimension and Crushed and Nonmetallic Minerals), a benchmark of 0.68 mg/L is recommended based on the NPDES MSGP criteria for Subsector J1 (Sand and Gravel Mining).
Total Metals	<ul style="list-style-type: none"> Heavy metals have been detected with quarry discharges at similar sites. CEI recommends an initial (year 1) sampling round for total metals (antimony, arsenic, cadmium, chromium, copper, iron, lead, nickel, selenium, silver, and zinc). Requirements for any additional testing should be based on the initial results.
Bedrock Monitoring Wells (annual monitoring for existing and additional recommended bedrock wells)	
Nitrate	<ul style="list-style-type: none"> Health concerns are associated with elevated nitrate levels (>10 mg/L) in drinking water.
Total Metals	<ul style="list-style-type: none"> Annual monitoring for antimony, arsenic, cadmium, chromium, copper, iron, manganese, lead, nickel, selenium, silver, and zinc.
Perchlorate	<ul style="list-style-type: none"> Sampling for perchlorate is recommended due to the use of nitrogen-based explosives at the quarry. The NPDES permit the Keating Acushnet facility states, “Perchlorate may also be present in nitrogen-based explosives as an impurity or contained in detonators up to 4 to 60 milligrams of potassium perchlorate. EPA's Interim Drinking Water Health Advisory for perchlorate is 15 $\mu\text{g/L}$”.
pH	<ul style="list-style-type: none"> pH is an inexpensive parameter that can be helpful in identifying if surface waters (with relatively higher pH) are mixing with groundwater (with relatively lower pH) via bedrock fractures.

Table 1 Notes:

1. Based on CEI's review of operations at the quarry and related stormwater effluent discharges to Discharge Point 001, CEI recommends that additional monitoring is not needed for the following parameters listed for Class B Waters in 314 CMR 4.05(3)(b): pH, dissolved oxygen, temperature, taste and odor, oil and grease, and solids.

It is unclear as to whether CEI is suggesting that EPA-required sampling parameters (i.e., pH, dissolved oxygen, oil and grease and 'solids') be eliminated for discharge water?

2. CEI recommends that some additional monitoring parameters required at similar sites are not applicable to stormwater discharges from the Lancaster/Lunenburg quarry operation. For example, naphthalene monitoring is required at sites where petroleum products are stored, but there are no petroleum products stored within the Keating quarry area.
3. If additional monitoring is required as condition of a future Special Permit, CEI recommends that results should be reported to the Town for review on a quarterly basis. The Town should reevaluate required monitoring frequencies in future Special Permits based on results from the first year of monitoring data.

PJK is required to provide all WQ testing results to USEPA. If a benchmark effluent limitation is exceeded it is automatically 'red-flagged' and depending on the exceedance, the USEPA has strict guidelines and a stepped process that must be met to rectify the situation. These guidelines went through extensive regulatory review and consideration over a multi-year process. Is the Town of Lancaster and or its consultants prepared to or capable of being more scientifically inclined than the USEPA? All of the data is readily available on the USEPA website. This request is merely meant to be one more measure of the myriad of requirements the facility is already required to meet. Moreover, as part of this peer review, all the requested data reports were provided to the Town's consultant.

This is not a landfill as listed by CEI. Landfills require sampling of metals because of the nature of the leachate of a landfill and the landfills components. This is a quarry. Water that enters the quarry from rainfall and groundwater is discharged only as necessary to keep the quarry bottom level from filling in with water. How would the groundwater become tainted with any of these metals and find their way to the perimeter wells? NAR has operated in over 1,000 quarries in the US and Canada and have never come across an aggregate quarry with a metal's issues, unless there are some reasonable explanations, like a landfill next door or the presence of those metals naturally occurring in the rock. This rock is a quartzite. It does not have these rare metals leaching out of it.

pH is analyzed in the surface water leaving the quarry and is consistently within permit parameters of 6.5-9.0. If the surface water is within this range what would make the quarry impact groundwater pH? What is driving this request, there is no proof or otherwise that the quarry pH is acidic or alkaline and the discharge meets the permit limits designed to protect water quality.

2.2 Noise Monitoring

Based on requirements at similar quarry operations, please provide the locations and institutions 'of requirements at similar quarry operations' the Town should consider requiring continuous 24/7 noise monitoring to determine if there are periods when quarry operations result in nuisance noise levels in nearby residential areas. PJK has received no noise complaints from nearby residences, albeit whenever, you put this misconception in people's mind, it is likely that some should be expected soon. Further, why would 24/7 monitoring be suggested as an appropriate edict when PJK's operating hours per the Special Permit are from 7am to 5pm Monday thru Friday (with the ability to operate on Saturday from 8am to 12pm with prior permission of the Town). Such monitoring could be required as either a long-term, ongoing requirement of operations, or as a shorter-term requirement intended to:

1. Identify any time periods and sources of nuisance noise levels; and

Blasting operations are monitored with seismographs and are consistently under State guidelines. The Fire Departments in Lancaster and Lunenburg receive these data. All persons wishing to be on the pre-blast call line are notified well in advance of the blast.

2. Address any identified sources with actions to minimize nuisance noise levels.

No nuisance noise level sources have been identified. Residences are not in the near vicinity of the quarry and as stated operating hours are strictly controlled. A Contractor can build a subdivision and break rock with a hydraulic hammer but PJK needs to do 24/7 noise monitoring?

2.3 Potential Vernal Pools

The ANRAD Peer Review (LEC, 2016) notes the following with regard to two Isolated Vegetated Wetlands (IVWs) delineated with flags I-1 through I-6 and J-1 through J-15:

Both of the IVWs have potential vernal pools, but a definitive determination of vernal pools at this time of the year is difficult. The status of these potential pools should be determined by the Applicant in the Spring of 2017.

Based on communication with Keating staff, a field investigation to confirm the status of these potential vernal pools has not been conducted.

In fact, PJK's response was as follows: 'In reviewing the potential vernal pool(s) locations, these are not in an area we plan to ever enter – we have no need. J-1 thru J-15 is on the opposite side of the transmission corridor and the 150 East of Flag 17 reference, is immediately adjacent to the J series flagging. Again, there is no intent to go into this overall wet area for any reason. Looking thru records, I do not believe a vernal pool Certification was completed and there are no plans to go through the Certification process, at this time. These areas will be left as is, we have no reason to venture any closer in that area. The quarry rim is approximately 800 feet from these areas and will not be expanded further in that direction.'

CEI did not look at this area. The quarry has been operating for 100 years and the potential 'vernal pool' whether it exists or not and may or may not have been present for the 100 years of the quarry operations is not in the vicinity of any PJK operations and will not be going forward. PJK has no intention of examining or certifying areas that are not going to be encroached on its private property.

CEI recommends that a vernal pool investigation should be required as a condition of future permit approval, with field investigations specified for the spring vernal breeding season for obligate vernal pool species. If vernal pool conditions are documented, an application for vernal pool certification should be submitted to the Massachusetts Natural Heritage and Endangered Species Program (NHESP).

Note: The IVW J-series is located in Lancaster. The IVW I-series is located in Leominster, but if certified as a vernal pool would have a portion of its 100-foot buffer zone within Lancaster.

If you have any questions regarding this response, please contact Doug Vigneau, 978-732-3761 or by email at douglas.vigneau@pjkeating.com. PJK, TRC, and NAR would be pleased to meet with the Select Board.

Sincerely,
PJ Keating Company

Douglas E. Vigneau

Douglas E. Vigneau, CEP, ENV-SP
Environmental Compliance Manager

cc: Andrew Smyth, PG, Principal Consultant, TRC
Gary Hunt, VP, Air Sciences Technical Director, TRC
Michael Wright, PG, North American Reserve
Robert Robinson, VP, Aggregate Operations, PJK
Kayla M. Larson, PE, Project Manager, Tighe & Bond

Kathi Rocco

From: Kate Hodges
Sent: Thursday, June 9, 2022 11:56 AM
To: Tom Christopher; kris mahabir; Frank Streeter; theelitecompany@yahoo.com
Cc: Jason A. Allison; roy mirabito; Carol Jackson; Stephen J. Kerrigan; electkendrad@gmail.com; Alexandra Turner; Jasmin Farinacci; Kathi Rocco; Peter Christoph
Subject: Open Planning Board Seat - 6/15/22 Joint Meeting
Importance: High

Good afternoon,

Thank you for your interest in becoming a member of the Lancaster Planning Board. As you may know, the matter is slated to be placed on the Select Board Agenda during a Special Meeting this coming Wednesday, June 15, 2022. The Board's meeting will begin at 6:00 PM and will be held in the Nashaway Meeting Room on the 2nd floor of the Prescott Building (Town Hall) and on Zoom. There are a number of matters which the Board will be discussing prior to the appointment item.

For your planning purposes, the Select Board and Planning Board will join a JOINT MEETING during this Wednesday's meeting beginning at approximately 8:00 PM. All interested planning board candidates, such as yourself, are being asked to attend the meeting and will be asked a series of questions. The impetus of my email today is two-fold. First, I would like to make you aware of the date and time of the meeting and agenda item; secondly, I have been asked to supply each candidate with the list of questions that are to be asked that evening.

Candidate Questions:

- Who do you feel you are representing as a member of the Planning Board?
- What do you believe to be the most important quality in a Planning Board member?
- What is the greatest strength you will bring to the Planning Board?
- Do you believe data can contribute to how Lancaster approaches its permitting process? If yes, in what ways?
- The Massachusetts Municipal Association has a guidebook on permitting best practices. How could or should this be leveraged in Lancaster?
- What would you like to see done in North Lancaster?
- What are some of the proactive measures the Planning Board could take with the Housing Trust to move forward in smart ways?

Procedurally, please know that each candidate will be allowed to make a 4-minute opening statement and the boards will then ask the questions outlined above. In the interest of time, we ask that each candidate's answers be kept as succinct as possible. The Boards will be hearing from four candidates total on Wednesday evening.

If you would please acknowledge receipt of this email by reply to me when you are able, I would appreciate it. Additionally, if you would advise me of your plan to either attend in-person or via zoom, it would be helpful. If you choose to participate via Zoom, I will send a separate link via a follow up email when the agenda is set to ensure there is no confusion. The link will also be posted on the Town's Website within the meeting calendar platform under the Select Board.

Please feel free reach out directly with any questions you may have. Thank you for your interest in serving the Town of Lancaster. Both Boards and departmental staff members are excited to speak with you about this important decision for our community.



**LANCASTER SELECT BOARD
Special Meeting Minutes
of June 29, 2022**

Nashaway Meeting Room, 2nd Floor, Prescott Building, 701 Main Street, Lancaster MA

I. CALL TO ORDER

Chairman Stephen Kerrigan called the meeting to order at 9:00 AM in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA. He advised that the meeting was being recorded via ZOOM:

Join Zoom Meeting: <https://us02web.zoom.us/j/88321048071>
Meeting ID: 883 2104 8071

Roll call vote taken, Jason A. Allison, present, Stephen J. Kerrigan, present.

II. EXECUTIVE SESSION

Agenda Item: Consideration of appeal of disciplinary action (oral warning) against Alexandra Turner dated December 14, 2021.

Mr. Allison moved to remove the verbal warning from Ms. Turner's personnel file. Mr. Kerrigan seconded. *Vote taken, Stephen Kerrigan, Aye; Jason Allison, Aye. Motion passed. [2-0-0]*

Ms. Turner thanked the Board for their action.

III. ADJOURNMENT

Mr. Allison moved to adjourn the meeting. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. [2-0-0].*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Approved and accepted:



LANCASTER SELECT BOARD

Special Meeting Minutes of Wednesday, July 13, 2022

Nashaway Meeting Room, 2nd Floor, Prescott Building, 701 Main Street, Lancaster MA

I. CALL TO ORDER

Chairman Stephen J. Kerrigan called the meeting to order at 6:02PM in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA. He advised that the meeting was being recorded via ZOOM:

Join Zoom Meeting: <https://us02web.zoom.us/j/85729036910>

Meeting ID: 857 2903 6910

Roll call vote taken, Jason A. Allison, present, Alexandra W. Turner, present, Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator.

II. APPROVAL OF MEETING MINUTES

Ms. Turner, at Mr. Kerrigan's request, moved to table the approval of meeting minutes to the next regularly scheduled Select Board Meeting. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

Town of Lancaster Hazard Mitigation Plan – Presentation from Town Staff on Plan Update.

Jasmin Farinacci, Director of Community Development and Planning, introduced Jonathan Vos from MRPC (Montachusett Regional Planning Commission), who gave a PowerPoint presentation (**attached**). Ms. Farinacci recommends that the Select Board review and approve the plan, which would then be submitted to MEMA (Massachusetts Emergency Management Agency), allowing Lancaster DPW, Fire, and Police to apply for various grants.

Ms. Turner asked questions regarding invasive species; she would like the Board to have agendas earlier so that the Board had more time to review materials like this. Ms. Turner asked Ms. Farinacci if all departments had been involved in this; Ms. Farinacci said yes, that all departments had been asked for comments. Ms. Turner asked a number of questions about the water supply and asked if an Emergency Management Plan was part of the Hazard Mitigation Plan. Mr. Vos spoke to the relationship between these two studies. Ms. Turner noted that some of the information seems dated, for example, on page 75 it mentions the wetlands protection bylaw, which already exists. Ms. Hodges noted that the Board was provided with drafts of this document

in April and in May, although the current presentation has been updated. Ms. Turner would like to see costs associated with priority needs; it was explained that costs would be filled in at the very final version prior to submittal, which would be several months away. Ms. Turner asked that Ms. Farinacci distribute this presentation to all departments, boards, and committees.

Mr. Kerrigan asked Mr. Farinacci if there were any current needs from the Select Board to move forward with this plan. Ms. Hodges will be meeting with the Public Works Board since many of the recommendations fall into their purview. Ms. Turner asked Ms. Farinacci where this could be found on the town website.

Mr. Kerrigan recognized resident George Franz (13 Highfield Drive). Mr. Franz would like to see chemical spills, perhaps due to train derailment, added as a Hazard category, as well as Civil Unrest. Mr. Vos explained that the current plan includes hazards seen as having the greatest community impact.

Mr. Kerrigan recognized resident Rob Zidek (103 Kaleva Road) who asked if there was community cooperation defined in the case of emergencies such as those defined by the report. Mr. Kerrigan spoke to the mutual aid agreements with surrounding times.

IV. BOARDS, COMMITTEES AND DEPARTMENT REPORTS

**** Taken out of order; appointments and resignations were addressed here. ****

1. Town Meeting Committee Updates & Administrative Clean ups

a. Economic Development Committee – new charge, new membership

Mr. Kerrigan thinks that following Town Meeting vote that changed the charge and membership, it is, in effect, an entirely new committee, so should be newly appointed. Ms. Hodges concurs, suggesting that the Board should vote to dissolve the prior ad hoc committee, relieving current members of their charge effective today. At Mr. Kerrigan's request, Mr. Allison moved that pursuant to the vote taken at the Annual Town Meeting on May 2, 2022, to dissolve Economic Development ad hoc Committee and to remove current members from their duties and responsibilities, effective today. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Allison moved to establish, pursuant to vote at Annual Town Meeting on May 2, 2022, a permanent Economic Development Committee, comprised of five members with staggered terms, appointed by the Select Board. Ms. Turner seconded. Ms. Turner noted that this is still an advisory committee. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Ms. Hodges asked how the Board would like to post this. Mr. Kerrigan suggested that, considering it is Summer, that a lengthy recruitment time would be good. The Board concurred that candidates will have until August 12 to submit letters of interest

b. Financial Audit Advisory Board (Audit Committee)

Ms. Turner explained that last year the Board voted to form an Audit Committee, a suggestion from the Inspector General's Office, Department of Revenue. Good responses had been received; their charge is to appoint a new Auditor. She would like to review prior responses and solicit new responses, posting on the town website. Mr. Kerrigan questioned the charge; Ms. Turner has sent a link to a video explaining this function. Ms. Hodges suggested that language needs to be audited to make solicitation of an Audit Firm work with the Procurement function. Mr. Kerrigan suggested reviewing all materials and then looking at this process in greater detail. Ms. Turner requested that this is on the next agenda; Mr. Kerrigan agreed, but cautioned that in that timeframe there may not be actionable items.

2. Discussion & Next Steps relative to 0 Old Common Road Property (DCAMM Parcels)

Ms. Turner notes that the deadline to take this property is December 2023. She has met with Ms. Hodges and Ms. Farinacci in early June. She is concerned that this would involve some good procurement and Town Meeting action. Ms. Hodges explained that in this unofficial meeting, funding was the primary topic. In order to move forward, there needs to be a plan for what the Town might do with the property, and preferably laying out several options. She suggests that a report of this magnitude would most likely have a price tag in the area of \$155,000. She is hesitant to issue anything that would indicate to a potential developer that the Town had that money available. Ms. Farinacci reported that she has been working with the MRPC on language to re-zone this parcel to potentially mixed-use housing, through a grant obtained earlier this year, at no cost to the Town. She expects a draft of this language in August. Ms. Hodges concurred that without this zoning being done she would not expect interest from a developer. Mr. Kerrigan has spoken with Dan Rivera, CEO of MassDevelopment, about potential help, and states that Mr. Rivera responded favorably; Ms. Turner notes that she has also spoken to MassDevelopment; she thinks this topic needs to be on every agenda. Mr. Kerrigan will continue conversations with MassDevelopment with help from Ms. Hodges and Ms. Farinacci.

**** Taken out of Order – VII.1. Acquisition of Police Cruiser discussed here ****

V. PUBLIC COMMENT PERIOD

Opportunity for the public to address their concerns, make comments, and offer suggestions on operations or programs, except personnel matters. Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.

Mr. Kerrigan recognized resident George Franz, 13 Highfield Drive. Mr. Franz expressed his hope that former Economic Development Committee members will be consulted relative to makeup and charge of the new Committee. He would like to help in whatever manner is most effective and efficient.

Mr. Kerrigan recognized resident Rob Zidek, 103 Kaleva Road. Mr. Zidek would like the Select Board to consider withdrawing the zoning article from the Special Town Meeting warrant. He

does not think that the residents of Lancaster have the bandwidth to become as familiar with all the details of the proposed changes as they might. Mr. Zidek then enumerated the many reasons that he does not think a zoning article should pass.

VI. TOWN ADMINISTRATOR REPORT

Ms. Hodges noted that construction has begun on the Route 117/70 intersection. Kevin Bartlett, DPW, is the point person for this, but it is noted that this is a State project, so we are sometimes waiting for answers from the State.

1. Budget guidelines update & Template review

A calendar is included in the Select Board's meeting packet so that Board members are familiar with all the forms. Materials have been distributed to all department heads so that they can begin working on their FY23 budget and capital plan. Ms. Turner questioned the merit of using an omnibus budget; she thinks it erodes peoples' faith and does not like it. Mr. Kerrigan is not sure when the Town moved to an omnibus budget, which is far from transparent. Ms. Turner noted that the DOR will be visiting Lancaster in the Fall. Ms. Hodges explained that the FY23 budget is built from the ground up. She would like to show the Town budget in two different buckets, one for operations and one for capital. The way it is being developed it can be presented as a line item budget, which Ms. Hodges would vigorously oppose, or any other format. A line item budget, in addition to being laborious, runs the risk of people changing a line item without recognizing the impact on a corresponding line item. She would like to give people an omnibus amount but with all the background needed for people to understand what makes up the number. Ms. Hodges also notes that the last operational override in Lancaster was 24 years ago.

2. Review proposals relative to new Department of Health & Human Services

At the request of the Chair, Ms. Hodges has studied the existing infrastructure in Lancaster covering Health and Human Services functions. These functions currently include \$247,168 in payroll. She spoke to the demographics of Lancaster, demonstrating the high percentage of residents benefitting from these services. This information is included in the Board package and is available online. The proposed new structure would decrease overall salaries by about \$4,000, effectively budget neutral, based on bringing in people in the middle of the grid.

The Director position is currently advertised; she has met with the Council on Aging and has sent information to the Recreation Department. Mr. Kerrigan stated that the response to date from the COA and others has been very positive. Ms. Hodges notes that so far she has received 32 applications from candidates with more than the minimal qualifications (Masters' level / Licensed Social Worker).

Ms. Turner has numerous concerns; she agrees that better support is needed for Human Services. She is concerned that Town Meeting passed one budget but that drastic changes are not what Town Meeting voted for. She thinks that the Government Study Committee should be looking at this. She is disappointed that this was not advertised locally and is not on the

town website. Ms. Turner also does not think the numbers work as presented, citing a cut to the Meals Coordinator as an example. She thinks that services that are most needed are being cut; Ms. Hodges and Mr. Kerrigan disagreed that there were cuts. Mr. Kerrigan said that the role of the Government Study Committee is to define the structure of the Town, not to be involved in Operations. Mr. Allison moved to give a Vote of Confidence to the Town Administrator relative to her proposal for the new Department of Health and Human Services. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

3. Town Clerk Recruitment Update, position closed 6/30/22

Ms. Hodges reported that ten applications have been received; one candidate withdrew. The Executive Session to be held at the end of this meeting will move the process forward.

VII. ADMINISTRATION, BUDGET, AND POLICY
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**** Out of Order; Item VII.1. addressed prior to Public Comments ****

1. Proposal for Acquisition of new Police Cruiser, ARPA funding potential – Chief E. Moody

Ms. Hodges explained that the prior Town Administrator had asked all departments for a “wish list” for ARPA funding; this would be the last item on that list classified as an emergency need; going forward she would like to see other requests built into the Capital Fund budget. Chief Moody spoke to the need for this vehicle. Ms. Turner moved to purchase a new police cruiser using ARPA money as requested by Chief Moody. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

2. Minuteman Technical High School Budget Update & Correspondence, June 2022

Ms. Hodges sent a letter to the Board about 3-1/2 weeks ago. Minuteman had requested an affirmative vote on a 1.2% budget increase. Unfortunately, the timeline was in three days with no possibility of the Select Board meeting and voting. Minuteman then advised Ms. Hodges that it was not important because they already had agreement from a majority of the 19 towns in their district, so that no action was needed by Lancaster. Ms. Turner suggests re-instating tri-town regional meetings with Bolton and Stow to have more impact with Minuteman.

VIII. APPOINTMENTS AND RESIGNATIONS
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**** Taken out of order, following Scheduled appearances. ****

Appointments/Reappointments

Town Constable – Lyle Pierce, term to expire 6/30/2025

Ms. Turner moved to appoint Lyle Pierce as Town Constable, term to expire 6/30/2025. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Memorial Re-use Committee (Ad hoc) – Daniel Lapen & Cynthia Lefebvre, term to expire 6/30/25.

Ms. Turner moved to re-appoint Daniel Lapen and Cynthis Lefebvre to the Memorial Re-use Committee (Ad hoc), term to expire 6/30/25. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]* Ms. Turner asked if this committee could be on an upcoming agenda; Mr. Kerrigan plans to attend one of their upcoming meetings.

Resignations

Zoning Board of Appeals – Ryan Aldrich, Associate Member

Ms. Turner moved to accept the resignation of Ryan Aldrich from the Zoning Board of Appeals, Associate Member. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

IX. LICENSES AND PERMITS

Special (One Day) Beer & Wine License

Bolton Fairgrounds, Inc. – Application for Special (One-Day) Liquor License to serve All Alcohol at the Bolton Fair, August 12-14, 2022 (Storage Day August 11, 2022)

Mr. Allison moved to grant a Special (One-Day) Liquor License to Bolton Fairgrounds, Inc., to serve All Alcohol at the Bolton Fair, August 12-14, 2022, with Storage Day August 11, 2022. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Application for Public Entertainment (Weekdays) and Sundays

Boston Fairgrounds, Inc. – Application for Public Entertainment License for the Bolton Fair, August 12-14, 2022 (Thursday 5-10pm, Friday Noon-10pm, Saturday 9am-10pm, and Sunday 9am-9pm) at the Lancaster Fairgrounds, 318 Seven Bridge Road.

Mr. Allison moved to grant a Public Entertainment License to Bolton Fairgrounds, Inc., for the Bolton Fair, August 12-14, 2022 (Thursday 5-10pm, Friday Noon-10pm, Saturday 9am-10pm, and Sunday 9am-9pm) at the Lancaster Fairgrounds, 318 Seven Bridge Road. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Application for Public Entertainment (Weekdays & Sunday)

Bay State Antique Truck Show (ATCA) to be held on August 27 & August 28, 2022, from 8:00am to 8:00pm at the Lancaster Fair Grounds, 318 Seven Bridge Road.

Mr. Allison moved to grant a Public Entertainment License to Bay State Antique Truck Show (ATCA) to be held on August 27 & August 28, 2022, from 8:00am to 8:00pm at the Lancaster

Fair Grounds, 318 Seven Bridge Road. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

X. NEW BUSINESS

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

XI. COMMUNICATIONS

Letter from Mr. Maxon Frelick, Parker Road, regarding sidewalks. Ms. Turner moved to continue this item until such time as the Board has had an opportunity to read the letter. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Frelick is nine years old and the Board requested that Ms. Hodges invite him to an upcoming meeting.

XII. EXECUTIVE SESSION

Ms. Turner moved to enter Executive Session pursuant to M.G.L. c.30A, S 21(a)(2) to conduct a strategy session in preparation for negotiations with nonunion personnel, Town Clerk applicant, and not to reconvene in Open Session thereafter. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Approved and accepted,
Alexandra W. Turner, Clerk

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

OPERATIONS TEAM

Seeking 5-8 volunteers to serve as coordinators or co-coordinators (in a shared-role arrangement), technology roles, and on the Daily Call Volunteer Team

The following volunteer coordinators (or co-coordinators) work together to grow and support a strong, vetted pool of volunteers who are ready and able to address members' requests for support. These four coordinators meet virtually every week, or as needed, to ensure ongoing communications, problem solving, and improvement, as the team works to meet the needs of members and volunteers. A Lead Facilitator from the Board of Directors also participates to ensure communications flow smoothly and promptly between the Operations Team and the board.

- The **Member Coordinator** meets with those interested in joining Nashoba Neighbors to discuss the services we provide and whether Nashoba Neighbors is a good match for their needs. If so, this coordinator helps them enroll, provides initial orientation, and helps members learn how to get the most out of their membership so they want to remain with Nashoba Neighbors over the long term.
- The **Volunteer Coordinator** interviews those who would like to volunteer for Nashoba Neighbors and ensures they are properly vetted, oriented, and supported to help seniors with their varied needs at home and out and about in their communities. This coordinator also helps volunteers grow, share, and celebrate their knowledge so that they feel appreciated and valued, maintains volunteer records, and oversees the volunteer manual.
- The **Operations Coordinator** trains and supports the Daily Call Volunteer Team and works closely with the Technology/Web Master. The coordinator checks in with the Daily Call Volunteer every day to help address any issues in matching available volunteers with members' requests and to ensure volunteers are maintaining clear records and communications. This coordinator also organizes social and learning activities that members suggest they would like Nashoba Neighbors to offer.
 - The **Daily Call Volunteer Team** take turns during the week to respond to member requests and others seeking information about Nashoba Neighbors. The team also enters data regarding services provided using a specific software program. The team ensures the phone is answered, members' needs are met, and those in the Volunteer Squad are engaged in helping others.
 - The **Technology/Web Master's** role is key to effective operations since we communicate and track activities using a web page and software program designed for virtual villages like ours. The Technology/Web Master oversees, updates, and troubleshoots issues with technology and helps to train volunteers to use these tools.
- The **Marketing/Outreach Coordinator** leads the important work of recruiting new members and volunteers, planning and overseeing occasional public outreach and fundraising events, developing contacts, and making sure the broader community knows about Nashoba Neighbors and its events and supports for area seniors who are aging at home. This includes regular outreach to the Councils on Aging and other town groups that support seniors.



An all-volunteer, nonprofit organization dedicated to helping members in Berlin, Bolton, and Lancaster continue to thrive in their communities and maintain dignity, control, and independence as they age at home.

Nashoba Neighbors is ready to bring on new volunteers in multiple roles.

Now that we are emerging from the COVID pandemic, Nashoba Neighbors is ready to enter the next phase of its development. Since 2020, the initial founding board has established Nashoba Neighbors as a 501(c)3 nonprofit, determined how the organization will provide services to members aging at home, and established policies and a foundation budget and resources.

Nashoba Neighbors is now ready to bring on a permanent board of directors and fill key roles that will allow members to enroll and volunteers to get underway providing them with the support they need to live safely at home while continuing to enjoy their friends and community.

BOARD OF DIRECTORS

Seeking 3 volunteer directors from each town: Berlin, Bolton, and Lancaster

The governing board typically meets once per month for two hours, or more frequently if needed.

Board members serve two- and three-year terms. The board elects officers annually. Its work centers on **governance and oversight** of Nashoba Neighbors as a nonprofit entity. Its responsibilities include **strategic planning and goal setting; budgetary oversight**, including approval of grants and contracts; **policy setting; personnel matters**, including board nominations and volunteer recruitment; and development and engagement of an Advisory Council. In addition, the board annually assesses its own functioning and achievement of its goals as part of its commitment to continuous improvement.

ADVISORY COUNCIL

Seeking up to 12 volunteers with specific knowledge and expertise

There are no expectations for in-person Advisory Council meetings. Instead, a designated board member contacts all members of the council at least twice per year to provide updates on Nashoba Neighbors and reaches out more frequently regarding specific issues or projects.

The Advisory Council's responsibilities center on providing the board with expertise or advice in specific areas which may not be available on the board, such as **senior services, finance, policy, law, fund raising or public relations**. This may include offering advice on special projects, from design and planning to completion and evaluation, or participating in fundraising for a specific project. Advisory Council members also serve as ambassadors for Nashoba Neighbors to their peers and broader community.

NASHOBA NEIGHBORS VOLUNTEER SQUAD

Seeking many volunteers dedicated to helping with various needs, as requested by members

Senior citizens are considered a “vulnerable group,” meaning they may be at higher risk for physical, mental, or social disadvantages and may require specific assistance to meet their basic needs. Nashoba Neighbors is committed to ensuring our **volunteers are vetted, trained, and supported** over time as they assist our members age successfully in their homes and community. This may be new for many volunteers, but it is an important component of helping our members feel safe accepting help from others, especially from volunteers who they may not yet know.

Volunteers can **specify which days of the week** they are available to help and **which types of tasks** they feel most comfortable doing. Tasks include:

- Transportation
 - Errands, appointments, social get togethers, cultural events
- Light Home Repairs and Upkeep
 - Changing light bulbs, rolling up scatter rugs, transfer station or recycling runs, light furniture moving, house plant care, organizing a closet
- Yard and Outdoor Care
 - Moving lawn furniture, tending to small garden beds, shoveling, raking, watering, stacking firewood
- Friendly Visits and Wellness Checks
 - Friendly drop-in visits; shared pastimes like puzzles, cards, cribbage; walking buddy; brief respite care to relieve a family member
- Short-term Emergency Support
 - Home checks, mail pick-up, pet care, house plant care
- Technology Support
 - Troubleshoot small technology issues, install or help member learn to use new programs like Zoom or FaceTime or technology tools, like iPads and Kindles, replace printer cartridges and batteries
- Home Management Support
 - Scheduling, organizing bills, phone call assistance, help filling out forms and sorting through mail
- Social and Educational Activities
 - Offering interest groups like reading, cooking, stamp collecting, cribbage, puzzle groups; organizing social gatherings and learning events, facilitating local trips to cultural events, fostering civic engagement activities)

Detailed role descriptions are available if you are interested in learning more about how you might be able to contribute to Nashoba Neighbors! Also visit www.nashobaneighbors.org for more information. Please contact any of these current board members with your questions and interests: Mary Ciummo (Bolton), mciummo@nashobaneighbors.org, MaryAnne Cleary (Lancaster), mcleary@nashobaneighbors.org, or Susan Henry (Berlin), shenry@nashobaneighbors.org.



About Nashoba Neighbors

Nashoba Neighbors is a membership, nonprofit organization run completely by volunteers. Its mission is to help members in Berlin, Bolton, and Lancaster, Massachusetts maintain dignity, control, and independence as they age at home, while also remaining part of a vibrant, supportive community. Nashoba Neighbors provides caring, practical services and social opportunities to meet these needs. To keep costs low, there are no paid staff members and no physical office or headquarters. All business is conducted electronically (e.g., email, Google docs, Zoom calls, phone) or during in-person meetings or gatherings held in public spaces.

As a new organization, a group of eight volunteers from Berlin, Bolton, and Lancaster formed an Initial Board of Directors to design and lay the foundation for Nashoba Neighbors during the pandemic years from March 2020 to March 2022. While the Initial Board works to complete this phase of the nonprofit's development, it is also preparing for the next phase of the work - the transition to a permanent board of directors, the recruitment of volunteers, and the launch of services to those who enroll as members of Nashoba Neighbors.

We are now soliciting up to nine new board members to serve for two- and three-year terms, on the permanent board, ideally three from each of our member towns - Berlin, Bolton, and Lancaster, Massachusetts. During the summer and early fall of 2022, we expect this new board will engage in a number of activities that will help to build the knowledge and commitment of the board as a group and prepare it to lead the organization into its next phase.

Concurrently, some members of the Initial Board will support this transition by continuing to serve on the Board, while also serving in several of the operational coordinator roles as we get underway. We anticipate the Daily Operations Team will need to identify and work out a variety of kinks as it moves from plans and ideas into action and member services. We expect there to be problems to solve and efficiencies to gain, so we are committed to working well together to get the daily operations at Nashoba Neighbors running in a productive, coordinated, and efficient manner. As these operations smooth out, we anticipate an growing pool of volunteers and that some of these volunteers will begin to gain enough experience that they will want to assume responsibility for the coordinator roles. This will allow the founding board members to begin to step back and a new, robust team of volunteers to more fully drive the day-to-day effort to support seniors who wish to remain in their homes and communities.

IV. BOARDS, COMMITTEES & DEPARTMENT REPORTS

V. PUBLIC COMMENTS

VI. TOWN ADMINISTRATOR REPORT



Town of Lancaster
Office of the Town Administrator
701 Main Street, Suite 1
Lancaster, MA 01523

KATE HODGES, Town Administrator

Kathleen Rocco, Executive Assistant

MEMORANDUM

TO: Mr. Jeff Paster, Chairman of Lancaster Board of Health
FROM: Kate Hodges, Town Administrator
DATE: July 14, 2022
CC: Lancaster Select Board
Lancaster Board of Health Members
RE: **BOH Inspection Report – Updates & Response**

Please accept this memorandum as the Town's *initial* repose to the Board of Health's Inspection Report dated June 21, 2022. The report detailed several deficiencies found during an inspection of the Center conducted on June 17, 2022, in response to claims of black mold which Council on Aging Director Alix Turner had made during a public hearing June 13, 2022. The report was forwarded via email to Select Board Chair Steve Kerrigan, Council on Aging Chair Niki Kanis, World Farmer's Market Staff Jessie Gill, Ms. Turner and I on the afternoon of July 1, 2022. In accordance with the requirements outlined in the report, this letter shall serve as an update to the Board regarding the Town's progress in correcting the deficiencies found in the Center and in fulfilling the requirements outlined in the final sections of the document.

I wish to thank the members of the Board of Health and Chairman Paster for taking the time to provide such a comprehensive analysis and detailed outline of the corrective actions necessary to ensure the Community Center is both code complaint and safe for Lancaster residents. Since the Board's initial inspection on June 17th, a great deal of time has been dedicated to remedying the deficiencies outlined within the inspection report and contained within the detailed report which was also received from Fire Capital Manning in mid-June regarding egress and fire-hazard issues within the Center. The majority of the clean-up work was spearheaded by the Friends of the COA/Lancaster Seniors, overseen by Chairperson Denise Hurley. Ms. Hurley and her team provided more than one hundred hours of service to declutter, clear, clean, organize and paint the areas within the first floor of the Center. I am certain that without their efforts, the Center would not have been able to make such tremendous strides towards compliance. Ms. Hurley and her team should be commended and I am most grateful for their assistance.

In terms of the other requirements put forth by the BOH, the following tasks and updates relative there are articulated by task below.

- 1. Building must be professionally cleaned and exterminated within 14 business days. (Evidence of extermination and cleaning to be provided to the BOH.)***

While the Town can attest that the Center is substantially cleaner than it was on the June 17th inspection date, the efforts thus far relative to cleaning have been volunteer-led and supplemented by Town staff. Several attempts to contact large-scale disaster recovery cleaning teams, including *ServePro*, *RestorationTM* and *Service Master* had gone unanswered. However, the Town was finally able to connect with *ServePro* who had a staff member report to the Community Center this morning, July 14th, to investigate the scope of work. We asked for that scope to include a commercial-grade cleaning and the disinfection of all walls, floors, ceilings, rafters, surface areas and shelving throughout all areas of the Community Center including the gymnasium, gym/stage area, hallways, private offices, commercial kitchen, and storage areas. *ServePro* staff has assured the Town that they will forward a contract to the Town's attention no later than 4:00 PM today. Once received, we will execute a purchase order for their services. *ServePro* said they would schedule the work for next week; the work *may* take up to 3 days to complete depending on any existing conditions found that were previously unknown. When the work is complete, the Town will forward proof of hours worked and payment to the Board for your certification and assurance of action.

The Town also asked for a commercial exterminator to assess the Center. I personally met with a member of *Orkin, Inc.* on July 6, 2022, to obtain a free estimate for services. The technician I spoke with reported that while they would be happy to provide an estimate, many of the 'evidence' of infestation (mice) appeared to be old and due to food stuffs, which were left out and uncovered. The technician also informed me that the Town would be best served by conducting a commercial-grade cleaning before a quote for extermination services is rendered as it will provide a clearer and more accurate picture of what *may* be happening relative to mice, rodents, and other droppings seen in and around the Center. Therefore, the Town respectfully requests that the Board grant an extension to this requirement until such time as *ServePro* has completed their work and *Orkin* is able to come back to the Center and provide an accurate assessment and scope of services needed. I expect this to happen on or before August 10, 2022 depending on the availability of *Orkin*.

2. **All TCS foodstuffs (Time/Temperature Control for Safety foods) in storage or refrigeration must be labelled with date opened – this includes prepared foods not consumed and stored, such as cut fruits, vegetables, cheese, and sandwiches; and the bag of flour in the World Farmer's kitchen which must be repackaged in an appropriate contain and stored at least 6 inches above the floor.**
 - a. **The BOH will return for inspection and to review evidence these conditions have been corrected.**

Given the uncertainty of when food, food-related items, and other types of ingredients were opened, the decision was made to dispose of anything food-related which was open in the Center. This included anything which had been stored in the freezers, refrigerators, cabinets, and on the shelving. The main refrigerator within the first-floor kitchenette area was disinfected and all items contained therein were purged. Food which was open and left on counters, tables or in other locations, was similarly discarded.

I contacted Shaw's Supermarket to inform them that the Community Center would no longer accept soon-to-expire baked goods or other perishables as, evidently, this was a common source of much of the 'extra' food which was stored in the Center cabinets and counter tops.

Members of the World Farmers Market team reported to the kitchen on the second floor of the Center yesterday, July 13th. They spent several hours cleaning, disinfecting, and removing food materials and ingredients from their assigned areas. The team reported that they are coordinating an inspection for their appliances and utilities next week in the hopes of having a comprehensive re-inspection in early August to allow for them to begin re-using the space this fall.

3. *Manufacturer expiration dates for open foodstuffs must be checked not less than monthly and logged electronically or in writing*

a. The BOH will return for inspection and to review evidence of the log

A log relative to food which has been opened and in need of inspection has been created. Labels and markers to allow for dates to be written and affixed to open containers has been supplied.

It would be most helpful if the Town could be provided with policies, procedures, and checklists relative to how the folks working, or volunteering, in the Center are to handle open containers. It would also be helpful to have something which outlines the steps an individual must take when they open a container or seek to re-use something which was previously opened. I am not sure that everyone who uses the Center kitchen areas are aware of the regulations relative to food storage and due diligence. I can say that no one in my office possesses a 'safe-serve' certification or equivalent. To ensure we are requiring, and maintaining, the highest of standards for our community, I am asking for the BOH's assistance in developing food-related action plans, procedure manuals, checklists, and anything else which may be necessary to provide (or have available for quick reference) those who wish to serve or consume food in/at the Center.

4. *Create and publish a regular schedule for routine cleaning and pest control maintenance*

a. The BOH will return to review evidence of the log

This directive was a bit ambiguous. The Community Center employs a part-time custodian who cleans the restrooms, rugs, surface areas, appliances, offices, and other egress area in the center Monday through Friday during the early evening hours. The individual spends between 3-3.5 hours cleaning.

As a matter of practice, I believe the Town should, and will, budget to have a commercial-grade deep clean like the one outlined in #1 above conducted at least twice a year, once in the Fall and another in the Spring. If more information needs to be provided, I am happy to do so, but would need some clarification on what the Board may be looking for in terms of documentation.

Lastly, regarding pest control scheduling, when a determination and quote is received relative to pest control (also see explanation in #1 above) the Town will ensure the Board has a complete understanding and copy of the scope of services which are agreed to – both annual and monthly maintenance as necessary.

BOH recommendations

- 1. Hallways should be checked daily to be sure they are passable by persons potentially using canes, walkers or wheelchairs or other assistive devices**

This has been happening more than twice a day. I personally walk through the Center both in the morning and before I leave in the evening. The Town's full time maintenance staff are also in the building throughout the day during the workweek from approximately 7:00 AM to 6:00 PM.

- 2. Storage areas should be inventoried, and non-essential items removed. Essential items should be neatly organized and safely stored.**

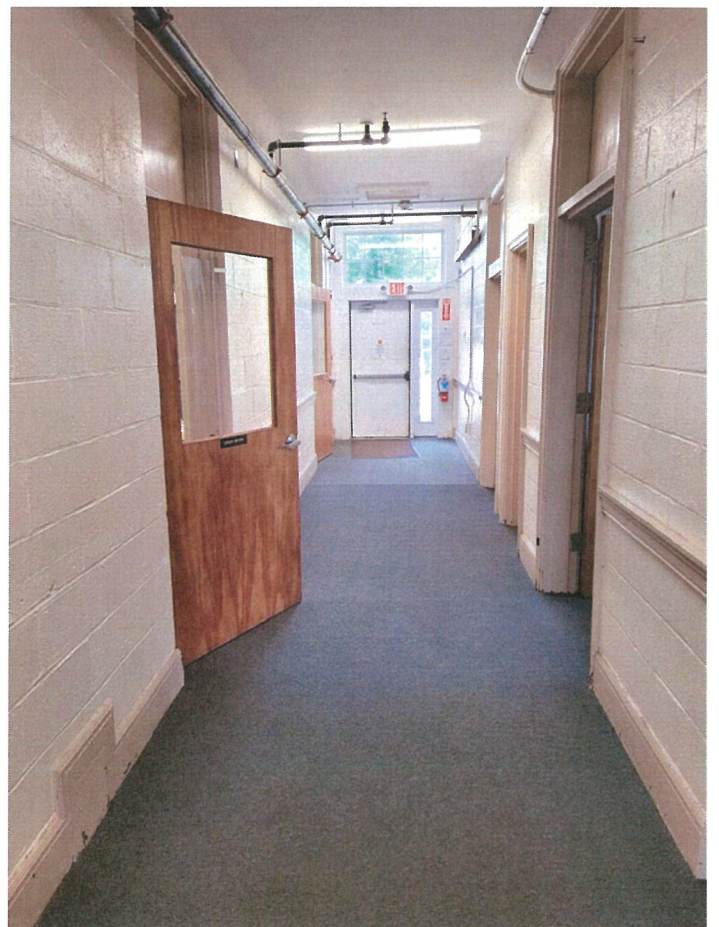
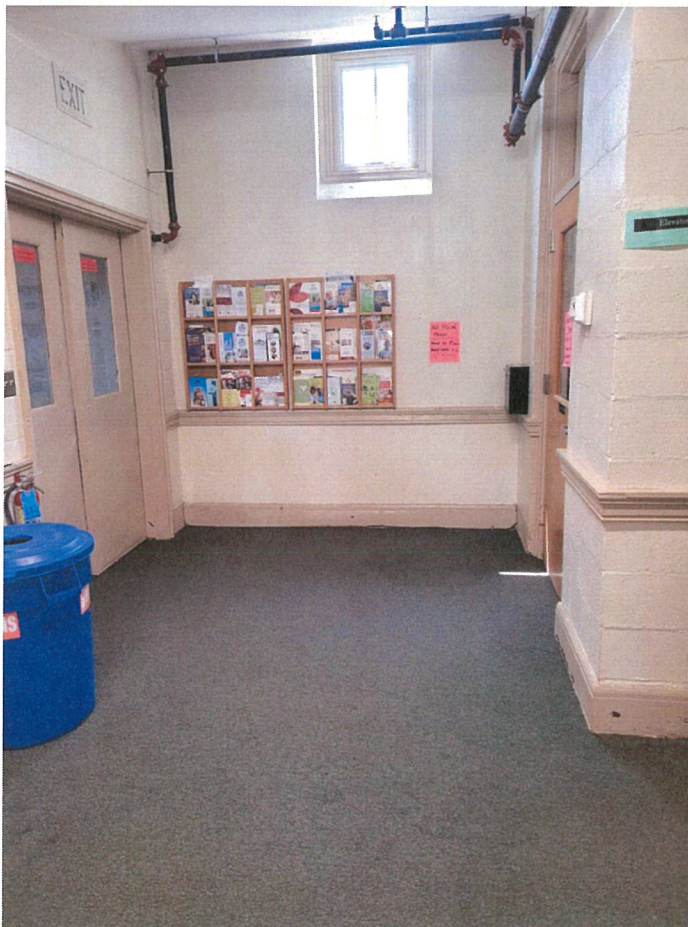
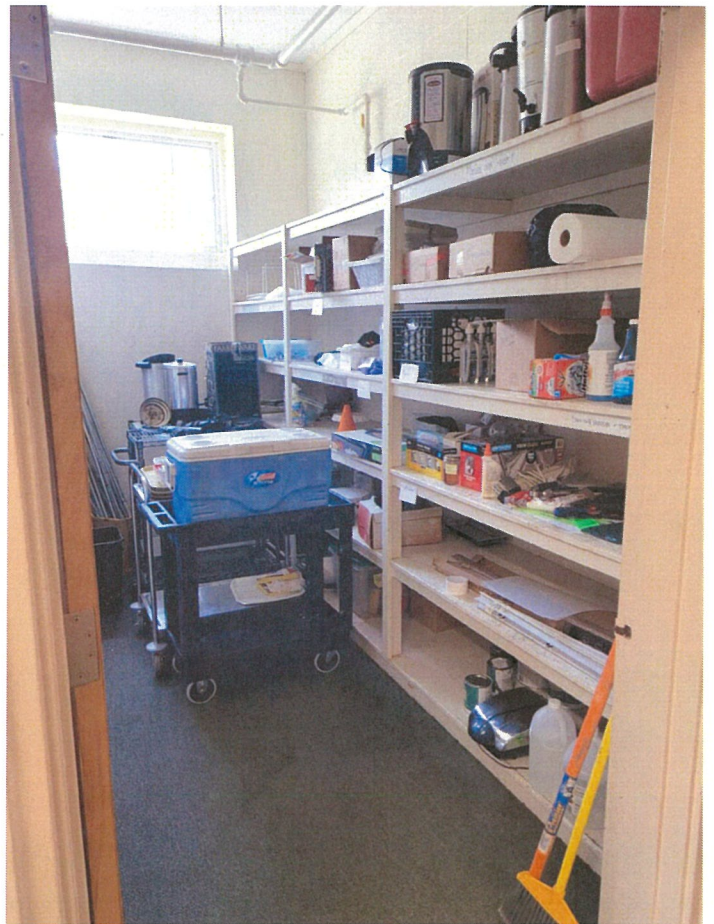
As stated in the introductory paragraphs above, the Friends Group spearheaded by Ms. Hurly has cleaned, organized, and, where necessary, disposed of all soiled, broken, or unnecessary materials.

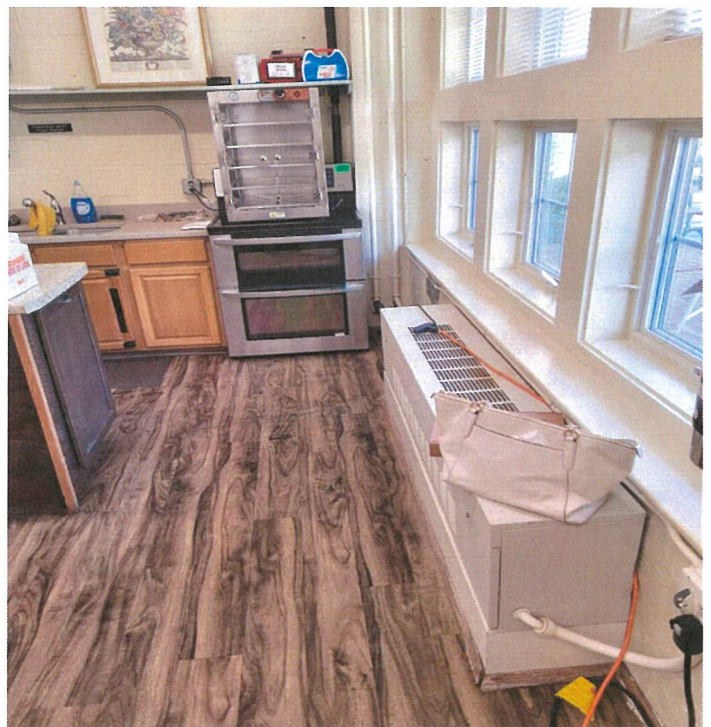
Seniors and other members of the community who had personal items stored at the Center were contacted and asked to remove them. Ms. Turner reported that she had many items that were her personal belongings at the Center. She was able to coordinate removal of those items over the past two weeks and to my knowledge, no items remaining in the Center belong to anyone except the Town of Lancaster. The one exception to this is a place-setting for approximately 130 persons which belongs to a community member and was donated for use in the Center. Should the new Director not see a need for these items, the community member will be contacted to retrieve them. They have been safely stored in plastic containers. These are being stored as there are conflicting reports regarding when, and how often, they are needed/used. It is also worth noting that the containers also contain flatware sets, the owners of which have not been identified.

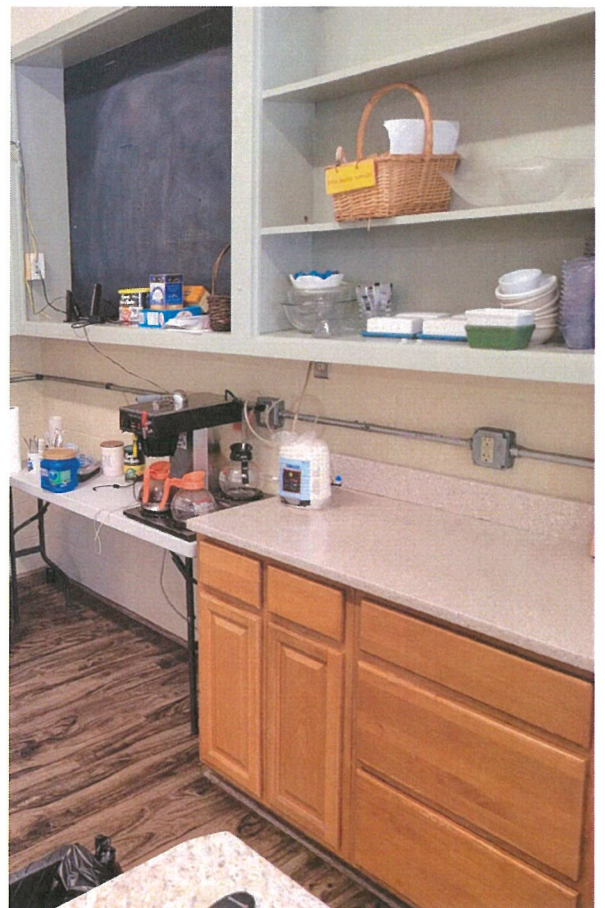
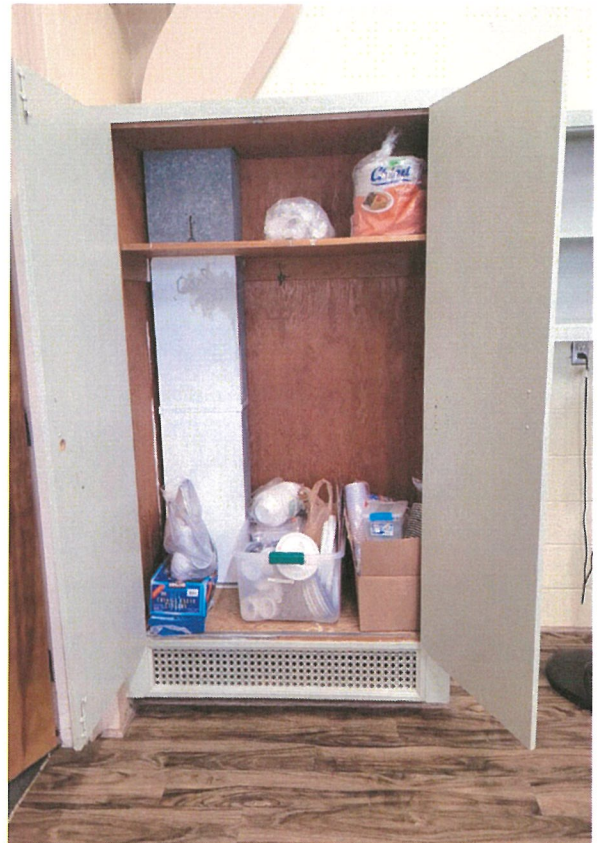
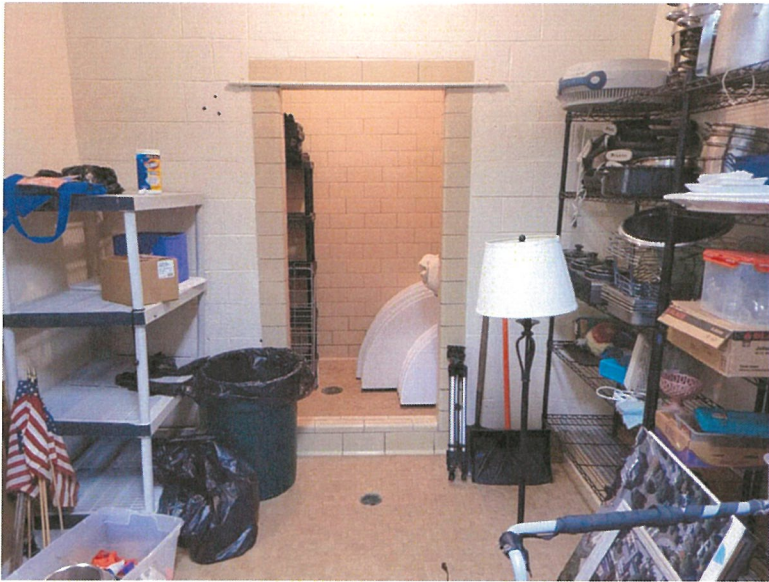
I am hopeful that the explanations and details above prove satisfactory to the Board. I am thankful for the Board's assistance, partnership, and patience as we worked through this situation together. As additional remediation steps are taken, I will make sure to update the Board regarding our progress. Should the Board require any additional information or wishes to see anything more take place relative to the Center's compliance and viability, please do not hesitate to contact me directly.

Thank you.

//enclosures: pictures taken 7/13/2022









TOWN OF LANCASTER

BOARD OF HEALTH

701 Main Street Suite 6
Lancaster, MA 01523

Tel: (978) 365-3326 ext. 1310
Fax: (978) 368-4009

June 21, 2022

Dear Ms. Turner, Ms. Kanis, Ms. Hodges, Mr. Kerrigan, Ms. Gill –

Based on a report received by the Lancaster BOH that mouse droppings have been found in the Lancaster Community Center, and that Ms. Turner has been quoted as stating there is mold in the building; on Friday, June 17, 2022, the BOH conducted an inspection. Our findings, requirements, and recommendations are as follows.

The BOH expects a written response to the report requirements within 7 business days from the mailing of report, 7/1/2022. Due to the holiday the expected response is July 14, 2022.

Inspectors: Jeff Paster, Chair BOH, John Farnsworth, BOH, William Brookings, Nashoba Associated Boards of Health (NABH) Environmental Agent.

Lower level

1. Main Refrigerator – numerous food items opened and undated, including but not limited to mushrooms, fruit in plastic bags, bowl of unknown food covered by plastic wrap undated (pic), several bags containing lunches including prepared sandwiches
2. Main freezer – open container of muffins or bread, undated (pic)
3. Storage refrigerator in storeroom - numerous food items opened and undated, including but not limited cookies, lunch bags and sandwiches. In freezer, a wedge of cheese unwrapped (pic), no thermometer found.
4. Cigarette butt on table in main area
5. Mouse feces found behind main refrigerator and next to stove, and other locations on floor (pics)
6. Dead moths (2) on upper shelf main area adjacent to boxes of foodstuffs (pics)
7. Dead insects on middle shelf above counter (pics)
8. Open container of Crisco oil, ~~absent opened date~~, company expiration date of 8/2/2019 upper shelf, given to employee for disposal
9. Crumbs of food under and inside microwave oven
10. Main refrigerator 41°, freezer 2°
11. Dead cricket in hallway
12. Fluid on floor in men's room (pic)

Upper level – World Farmer's Kitchen

1. Mouse feces found behind stock pot stove (pic)
2. Spider webs and dead insects on window sink above sink
3. Debris found on floor near mouse feces (pic)
4. Open bag of flour on floor (pic)
5. Refrigerator temp 37°, freezer -2°

Notes – no evidence of reported mold. Many items normally inside main area and storage rooms had been moved to the outside patio. World Farmer's staff happened to be meeting and were able to open their kitchen and accompany us on the inspection. Ms. Turner and Mr. James were present and intermittently involved in the inspection. This report has been reviewed and verified as accurate by Mr. Paster, Farnsworth, and Brookings. Images documenting certain findings are available and are included in this document below.

BOH requirements

1. Building must be professionally cleaned and exterminated within 14 business days
 - a. Evidence of extermination and cleaning to be provided to the BOH.
2. All TCS foodstuffs (Time/Temperature Control for Safety foods) in storage or refrigeration must be labelled with date opened – this includes prepared foods not consumed and stored, such as cut fruits, vegetables, cheese, and sandwiches; and the bag of flour in the World Farmer's kitchen which must be repackaged in an appropriate container and stored at least 6 inches above the floor.
 - a. The BOH will return for inspection and to review evidence these conditions have been corrected
3. Manufacturer expiration dates for open foodstuffs must be checked not less than monthly and logged electronically or in writing
 - a. The BOH will return for inspection and to review evidence of the log
4. Create and publish a regular schedule for routine cleaning and pest control maintenance
 - a. The BOH will return to review evidence of the log

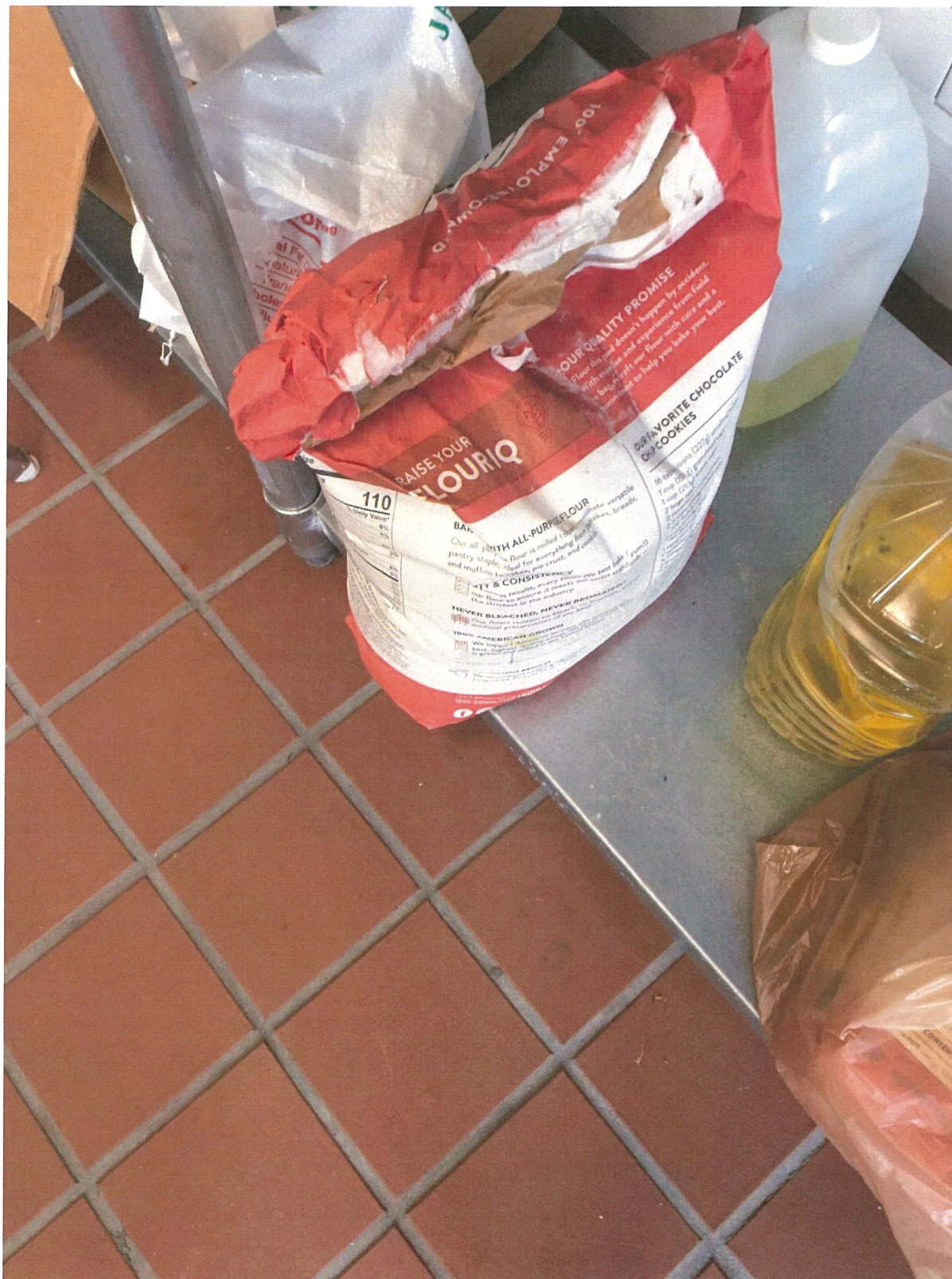
BOH recommendations

1. Hallways should be checked daily to be sure they are passable by persons potentially using canes, walkers or wheelchairs or other assistive devices
2. Storage areas should be inventoried, and non-essential items removed. Essential items should be neatly organized and safely stored

Questions regarding this report should be directed to Jeff Paster, Chair, BOH,
jeffLBOHpaster@gamil.com









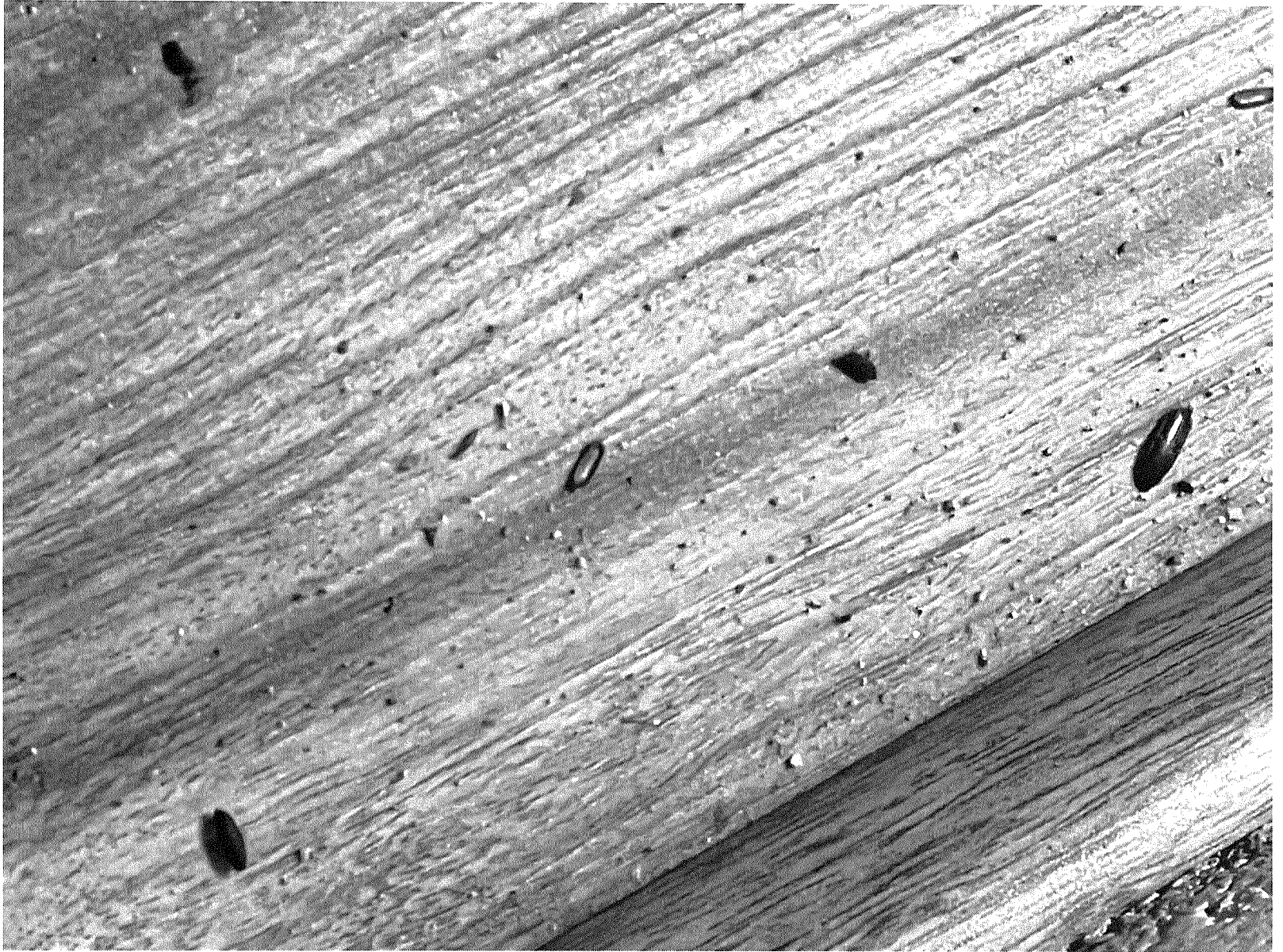


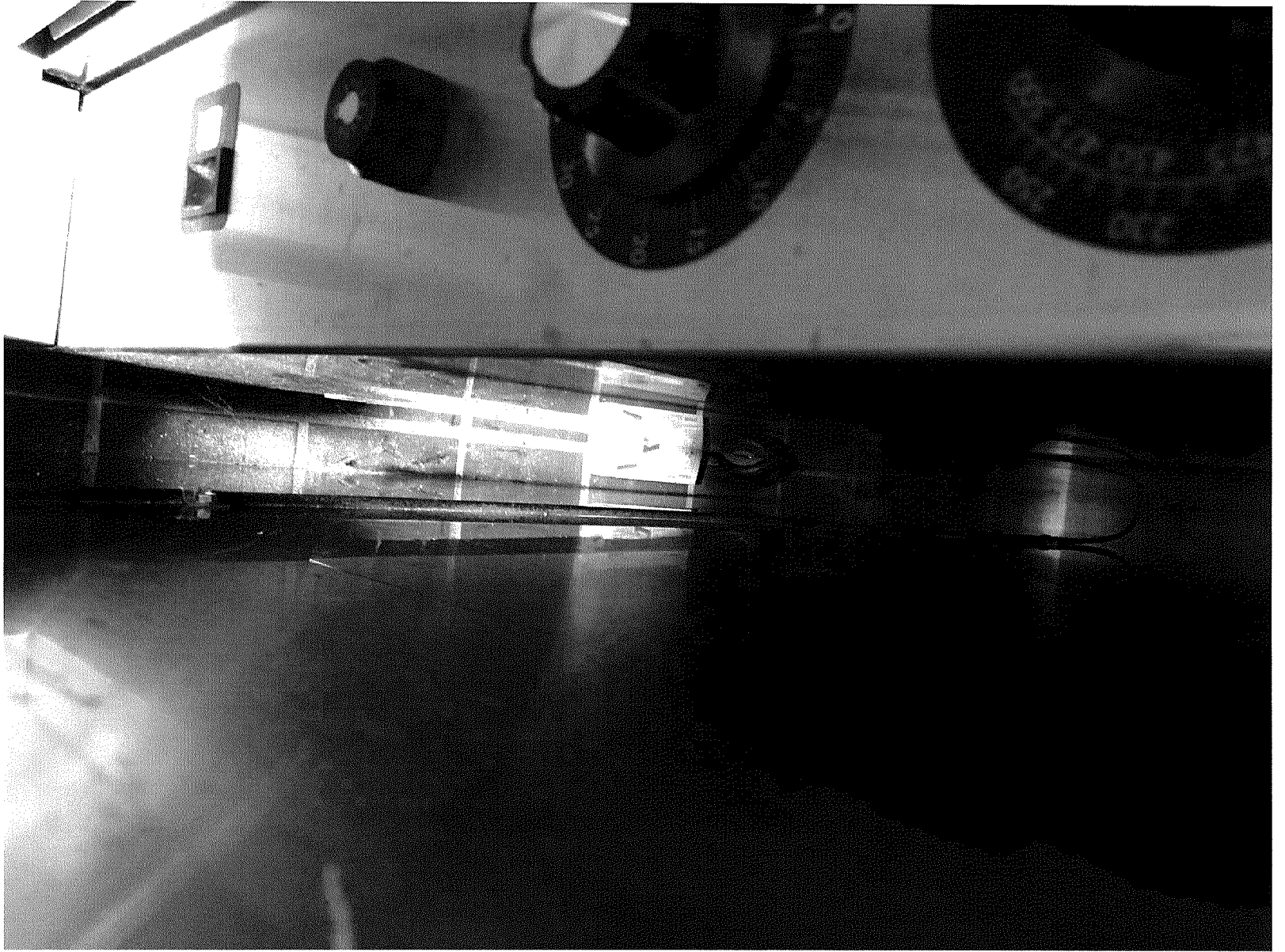


















Jeff Paster
Chair, Lancaster Board of Health
508-380-5185
jeffLBOHpaster@gmail.com



MUNICIPAL GOVERNMENT

Remote meeting extension for local boards signed into law

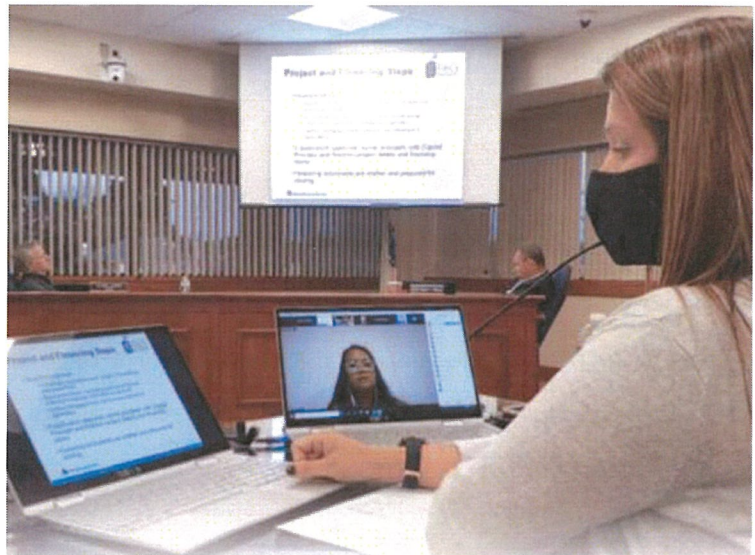
[Home](#) → [News](#) → [Municipal Government](#)

On July 16, Lt. Gov. Karyn Polito, as acting governor, signed legislation to extend key pandemic-era accommodations, including remote local government meeting authorizations, through March 31, 2023.

The House and Senate had passed the bill on July 14, with an emergency preamble that allowed it to take effect immediately once it was signed.

Polito signed the bill in her role as acting governor because Gov. Charlie Baker was out of state.

Cities and towns again have the option to hold public meetings remotely, following the same guidelines that have been in place since the COVID public health emergency was



The Franklin Town Council holds a hybrid meeting. (Photo courtesy town of Franklin)

first declared in March 2020. The previous extension of the remote meeting authorizations expired on July 15.

Chapter 22 of the Acts of 2022 also includes the following pandemic-related provisions and authorizations related to public boards and town meetings, all of which were MMA priorities for this year and are now extended through March 31, 2023:

- **Open town meeting quorums:** The bill would allow select boards, in consultation with their town moderator, to lower quorum requirements for open town meetings to not less than 10% of the existing quorum level. The quorum provision includes a seven-day notification requirement before any select board vote.
- **Remote representative town meetings:** The bill would permit representative town meetings to once again have the option to meet remotely, if approved by the select board and town moderator, as well as the town meeting when it meets.

In May, the Senate had included a remote meeting extension in its fiscal 2023 state budget as an outside section, but with the July 15 expiration approaching and the state budget tied up in negotiations, the Senate advanced the language as a standalone bill on July 5.

The House passed an extension bill on July 7, but the House version included language that would have created a permanent mandate for remote access to all public meetings, aside from those in executive session, with a provision requiring remote participation by the public if public participation is allowed or required at the meeting. The mandate would have gone into effect on April 1, 2023.

The MMA worked with its members and stakeholders across the Commonwealth to clarify that, despite the good intentions of the House bill, such an unfunded mandate presented unworkable financial, technological, logistical, and practical challenges for cities and towns. The Legislature took these concerns seriously and removed the mandate from the bill.

The MMA will continue to push for a permanent solution that gives municipalities the flexibility and funding they will need to expand participation and engagement through remote and hybrid meetings.

Written by *[Ali DiMatteo, Legislative Analyst](#)*

VII. ADMINISTRATION, BUDGET AND POLICY

#1

ARTICLE 10
Amend Council on Aging Bylaw
Select Board

To see if the Town will vote to amend Article IX of Chapter 17 of the Town of Lancaster's General Bylaw, Council on Aging, Section 17-20, by inserting the bold and italics text and deleting the strike through text, as follows:

- A. Regular Members. Until June 30, 2023,** ~~Ssaid Council shall consist of nine *regular members* citizens appointed at-large by the Select Board, after which time said Council shall consist of five regular members.~~ The terms of the first members of the Council shall be for one, two or three years, and so arranged that the term of not more than three of the members expires each year, and their successors shall be appointed for terms of three years each. **All members shall be at-large and appointed by the Select Board. Regular members shall be appointed on a rotating basis, each for a term of three years.**
- B. Associate Members.** *There shall also be four associate members of said Council, appointed by the Select Board, for terms of one year. The associate members may attend Council meetings, but shall not have voting rights and shall not count towards quorum of Council meetings.*
- C. Removal/Filling Vacancies.** Any **regular or associate** member of said Council may, after a public hearing, be removed for cause by the Select Board. ~~If Aany *regular or associate* member miss~~es more than three meetings without cause, or without notification to the Chairperson of the need for the absence, ~~it~~ shall be considered cause for removal. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. The Chairperson and other officers shall be chosen by a majority vote of said **regular** Council members. No **regular or associate member** ~~officer~~ shall serve more than three one-year terms in succession.
- D. Salary.** No salary or compensation shall be paid to any **regular or associate** member of the Council ~~on Aging~~ for services rendered.

or act in any manner relating thereto.

Select Board recommendation:

Finance Committee recommendation:

Summary: *This article would reduce the number of members on the COA from nine to five.*

#2

Kathi Rocco

From: Kate Hodges
Sent: Thursday, July 14, 2022 4:27 PM
To: Stephen J. Kerrigan; Jason A. Allison; Alexandra Turner
Cc: Kathi Rocco; Cheryl Gariepy
Subject: Audit Committee ??
Attachments: Selectmen Xerox Scan_07142022160954.pdf; Selectmen Xerox Scan_07142022161007.pdf

SB:

Well, a 'dip' into the archives thanks to Kathi and Cheryl yielded the following information out about the Audit Committee

- On December 20, 2021 an "*Ad Hoc Audit Committee*" was discussed. The minutes, attached, reflect that Alix said she "emailed the Board a Charter." The also reflect that Orlando asked about the number of members and a charge, etc.
 - A Charter is not a Charge;
 - No votes were taken to accept or even set parameters of this committee; and
 - Nothing was approved regarding membership terms, staggering dates, or the scope of work, at least not officially that we can find.
 - If they exist, please forward because we cannot find them, and I have to say these two ladies did serious work looking into this for me (us).
- A look at emails that were found showed that the "Charter" which Alix mentioned at the 12/20/21 meeting was a 4-page document that looks like it may have been a presentation? That's a question because I am not sure. Alix, did you write this and present it at another meeting? Again, not saying it didn't happen, but for the life of us, we cannot find more on that.
- Notwithstanding all that ambiguity, in December of 2021, solicitations for volunteers were indeed advertised online with a "due" date of January 21, 2022. The solicitation did not express what was needed in terms of information, qualifications or how folks would be appointed. It also did say who the appointing authority was.
- The appointing authority was not discussed nor was it voted on (again, that we can find.)
- Without a vote OR a charge, I can't imagine any of this is legitimate enough to move forward, despite everyone's best intentions.

Some things of note:

- Committees don't have Charters so at a minimum, that verbiage has to be revisited.
- Using the term Charter when we don't have a Town Charter is ill-advised for a number of reasons that are complicated; happy to expound if needed, but trying to be concise as possible.
- The "Audit Committee" as it were, was never voted upon but the conversation was that it was 'Ad Hoc Committee'. I think it is important that I bring to your attention that an Ad Hoc Committee is defined as a committee gathered to address ONE particular issue, it is best defined as a task force that deals with a particular topic at hand for finite amount of time. Ad Hoc's, by statute, are not permanent committees and, in fact, are only supposed to be created when there is an emergency need that necessitates study and reporting. Once the issue in front of the Ad Hoc is resolved, the committee is then dissolved. The Audit happens every year, so in my opinion, Ad Hoc is not appropriate committee title.
- This is the type of information and discussion that would normally be something which a Government Study Committee *would* wish to opine upon – governmental structure and oversight of financial obligations put forth by the Commonwealth, etc. etc. Thoughts?

- 5 persons ‘applied’ to be on the Committee – one was you, Steve 😊
 - 1 of those persons was Sue Smiley who applied BEFORE any discussion on the record, or any discussion was recorded in the minutes, so how that came to fruition is a bit of a mystery.
 - Presumably, now, Steve’s would be tossed, sorry Steve.
 - The last three interested persons that have interest ‘letters’ which are over 7 months old as of today’s date. Only ONE applicant attached their qualifications, resume, etc. providing proof of a formal background in the areas that were discussed last evening and said to be necessary or advantageous for the work of this committee. That doesn’t mean the others don’t have these things, but without some parameters of what folks are supposed to list in their letters of interest or disclose in terms of formalized qualifications, these seem woefully inadequate (on top of being almost ¾ of a year old).

My advice, should the Board wish to pursue this type of committee, is to scrap this and begin again – ANEW as it were. I realize that is less than ideal, but the process followed was not correct, inappropriate terminology and thresholds were used, and it’s extremely outdated. I understand this is not the answer you all may wish for but I am a fan of doing this correctly regardless of past practice -- no doubt you know this, at nauseum by now.

That said, I defer to the Board and have this as an item on the next SB Agenda per Alix’s request last evening to Steve. Before I take time to create a charge and all the parameters which go into that, it would be helpful to know what the Board’s wishes are as there are many competing priorities to date. We discussed having some type of draft at the next meeting relative to this, but given this information, I think it is prudent for the Board to discuss these matters, develop a plan of action and readvise me or what, if anything, you would like me to do.

Thanks, all

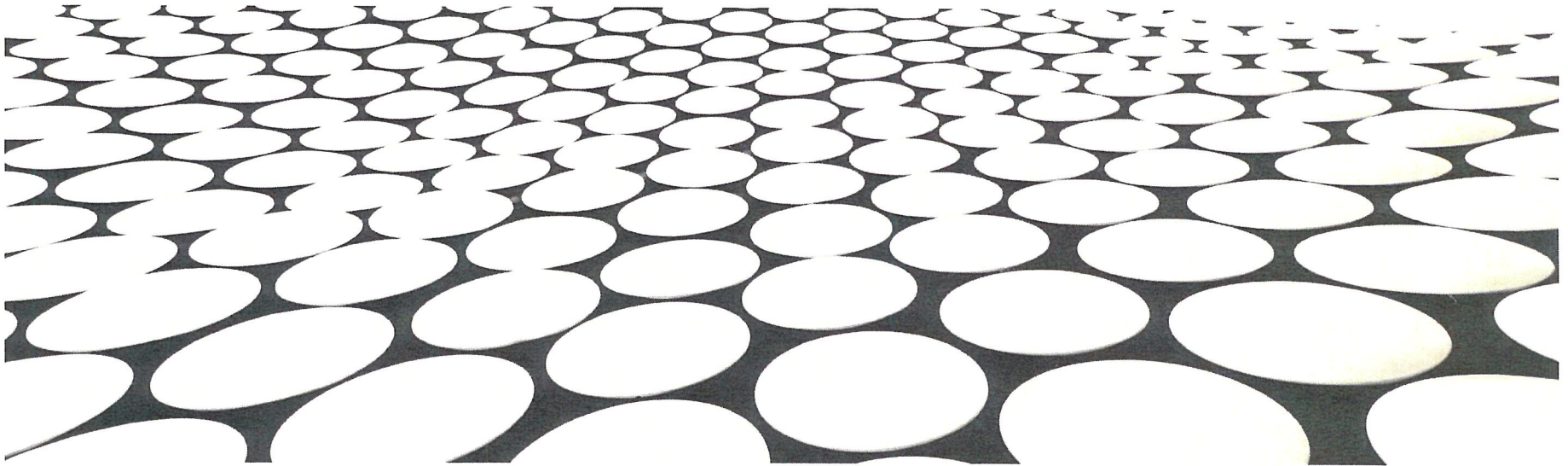
P.S. Please see the attached documents which were found and cited above relative to this. Also, the posting online in the Town’s web archives relative to letters of interest can be found here:

<https://www.ci.lancaster.ma.us/home/pages/volunteer-opportunities>

Kate Hodges, ICMA-CM
 Town Administrator, Lancaster MA
 978-365-3326

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TOWN OF LANCASTER – TOWN AUDIT COMMITTEE CHARTER



WHAT IS AN AUDIT

- Examination of Town of Lancaster financial records, accounts, business transactions, accounting practices and internal control process
- Provides independent assurance financial statements and presented fairly and comply with generally accepted accounting principles
- Encourages compliance with managements directives

COMMITTEE CHARTER

- *Issue RFP to retain contract and manage Audit.*
- Select of firm, scope and direction of work, inclusive of timeline, (Not to exceed three year contract) Review, approve and publicize work.
- Research **and Solicit Audit** Providers (add in sourcing criteria – DLS – auditors approved by DLS)
- Advertise RFP out to service providers*
- Auditor RFP response **review-develop selection criteria, and evaluate responses**
- Select firm based on firms criteria
- Complete review of Audit executive summary
- Attend Exit Interview of Auditors
- Monitor Progress of Corrective Actions as a result of Auditor Executive Summary
- Participate in the audit presentation to the BOS and/or FinComm
- Present Executive Committee findings/committee to BOS and FinComm, make available town website

COMPOSITION OF COMMITTEE – 5 MEMBERS

- Finance Committee Member(s) x 1
- BOS Member(s) x1
- School Committee Member from contributing region x1
- Residents with relevant experience or background x 2

Note: Subjects of Audit (e.g. municipal managers and staff) should not be part of auditor selection process

Mr. Allison called for a vote on the motion; *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye.* [3-0-0]

Mr. Pacheco asked what the funding source was. Mr. Allison moved that the COVID Coordinator position, now funded for a 12-month period, January 1 through December 31, 2022, is funded through ARPA money. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, No.* [2-1-0]

6. Discussion when to resume in-person meetings (Allison)

Mr. Allison would like to resume meeting in person. He feels that if the Board asks fire, police, teachers, etc. to be in public in the safest way possible, then the Board should do so as well. He suggested resuming in-person meetings in mid-January. Ms. Turner would like hybrid meetings where the public has Zoom access. Mr. Moody thinks that in light of worsening COVID numbers that the Board should continue meeting remotely for awhile.

Mr. Allison asked Mr. Pacheco to work with the Board of Health and to get their recommendation in writing.

7. Discuss the town meeting date, and place and who is to be in charge of arrangements (Moody)

Mr. Moody wants to know if the timeframe for Special Town Meeting will still work, and who is in charge. Mr. Pacheco explained that it's a team effort, with the Select Board office working with the Town Clerk working with the Moderator. In this case it will also involve the Board of Health and the Fire Department to deal with logistical issues.

Mr. Pacheco will talk about this further with Mr. Nutting as part of the transition. Ms. Turner would like to discuss this further at the January 3 Select Board meeting. The meeting is currently scheduled for the Rollinson/Burbank schools.

8. Discuss the advertisement of Ad Hoc Audit committee members (Moody)

Mr. Moody would like to advertise for members for this committee. Mr. Pacheco asked if the Board had determined the makeup of the committee and what its charge would be. Ms. Turner emailed the Board a Charter; Mr. Pacheco noted that Finance Committee members cannot be on other committees. Ms. Turner said that they can be on ad hoc or advisory committees.

Ms. Turner thinks it's pretty clear that the Board wants to establish a committee to review and establish the scope and direction of the Town audits, so people with financial knowledge or auditing should apply. It was agreed that the advertisement on the Town website should ask applications to be submitted by January 21 in preparation for the February 1 Select Board meeting.

9. Discuss the status of Annual Town Report (Moody)

#3

Kathi Rocco

From: Cheryl Gariepy
Sent: Wednesday, July 20, 2022 7:05 PM
To: Kathi Rocco
Subject: Fwd: Lancaster

Mart Advisory Board

Cheryl

Begin forwarded message:

From: "Fisher, Bruno" <Bruno.Fisher@mrta.us>
Date: July 20, 2022 at 4:31:45 PM EDT
To: Cheryl Gariepy <cgariepy@lancasterma.net>
Cc: "Rich, Scott" <scott.rich@mrta.us>
Subject: RE: Lancaster

Hi Cheryl,

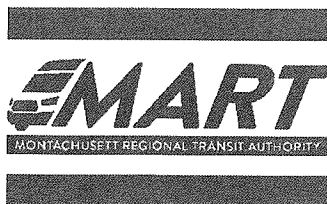
Good Afternoon. I hope the summer is off to a good start for you. I thought it would be quicker to reply to you directly on this email. The MART Advisory Board members are the chief elected official of the member cities and towns or their designee.

For the cities, it is the Mayors of Gardner, Fitchburg and Leominster, and the Chairman of the various Boards of Selectmen for each town or whomever they designate. Prior to the beginning of each fiscal year (July 1), each community is asked to designate their MART Advisory Board member and BoS's of many member communities designate either one of the Selectmen or another member of the community – could be a town department employee or just a resident whom has expressed interest in serving in that capacity. It is totally up to the BoS as to whom they designate.

Responding a little deeper into your question below, some communities do designate the COA Directors as their Advisory Board representative, since that is the transportation connection the community has with MART but it is definitely not a requirement.

Please let me know if I can answer any additional questions.

Best,



Bruno Fisher
Administrator
Montachusett Regional Transit
Authority
O: 978-665-2263 | M: 978-407-0432
1427R Water St., Fitchburg, MA 01420

VIII. APPOINTMENTS AND RESIGNATIONS

From: Contact form at Lancaster MA <cmsmailer@civicplus.com>
Sent: Thursday, June 9, 2022 6:30 PM
To: Kate Hodges <KHodges@lancasterma.net>
Subject: [Lancaster MA] Minuteman School Committee (Sent by Jennifer Leone, jenleone36@yahoo.com)

Hello KHodges,

Jennifer Leone (jenleone36@yahoo.com) has sent you a message via your contact form (<https://www.ci.lancaster.ma.us/user/5191/contact>) at Lancaster MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.ci.lancaster.ma.us/user/5191/edit>.

Message:

Dear Ms. Hodges,

I am the current Lancaster representative to the Minuteman School Committee. Due to family issues, I need to resign from this position. My term was renewed last year, so a replacement will need to be found that will complete my current term (7/1/2021-7/1/2023). I am able to continue in this role until a replacement is appointed, but we have appointed a new Superintendent, starting on July 1st, 2022. For continuity, it would be best to appoint a replacement as soon as possible. I am available any time to discuss this - 978-407-1747.

Thank you,
Jennifer Leone

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Kathi Rocco

From: Nicole Kanis <nicolemkanis@gmail.com>
Sent: Thursday, June 30, 2022 3:12 PM
To: Kathi Rocco
Subject: Re: COA reappointments

Hi Kathy,

Linda Cutler would like to continue. I have not heard back from Deb Ducharme yet.

On Jun 30, 2022, at 12:35 PM, Kathi Rocco <KRocco@lancasterma.net> wrote:

Thank you very much.

Kathi

Kathleen Rocco

Executive Assistant / Records Access Officer

Lancaster Select Board

701 Main Street, Suite 1

Lancaster, MA 01523

T: 978-365-3326 x 1201

www.ci.lancaster.ma.us



From: Nicole Kanis <nicolemkanis@gmail.com>
Sent: Thursday, June 30, 2022 12:33 PM
To: Kathi Rocco <KRocco@lancasterma.net>
Subject: Re: COA reappointments

I will check in with them both and let you know.

On Jun 30, 2022, at 12:18 PM, Kathi Rocco <KRocco@lancasterma.net> wrote:

Nicole

I have noticed that Deb Ducharme and Linda Cutler's appointments expire today. Not sure if they would like to be reappointed.

Could you let me know. I can place them on the next SB agenda.

IX. LICENSES AND PERMITS



TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
Prescott Building, 701 Main Street, Suite 1
Lancaster, MA 01523
Tel: 978-365-3326 (ext 1201) Fax: 978-368-8486
Email: krocco@lanasterma.net

Annual License Fee -
\$100.00
Single Event Fee - \$20.00

RECEIVED
Select Board Office
Date Received
JUN 28 2022
Board of Selectmen

**APPLICATION FOR LICENSE
THEATRICAL EXHIBITIONS, PUBLIC SHOWS, PUBLIC AMUSEMENTS
AND EXHIBITIONS OF EVERY DESCRIPTION HELD ON WEEKDAYS**

New Application ☐ Renewal ☒

Name of Concern: Dean & Flynn, Inc. dba Fiesta Shows
Street Address of Concern: 318 Seven Bridge Road, Lancaster Fairgrounds
Mailing Address (if different): PO Box 460, Seabrook, NH 03874-0460
Contact Person & Title (Owner, Director, Manager, Other): Rose Darden, Fair Manager & John Flynn - Fiesta Shows
Telephone: J. Flynn (603)474-5424 Facsimile: _____ E-Mail: info@boltonfair.org

Describe in detail the proposed dancing, game, sport, fair, exposition, play, or entertainment of public diversion: _____
Annual Bolton Fair - Amusement Rides and Games to be held August 11-14, 2022; Thurs. 5p-10p; Sat. 9a-10p & Sun. 9a-9p

Hours of Proposed Entertainment: Starting Time: See above A.M. Ending Time: _____ P.M.

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

John Flynn

Signature of Applicant

June 28, 2022

Date

SSN# or Tax ID Required: 020405446

License Fee must be submitted with this form. Make check payable to Town of Lancaster. Mail Application Form, Workers' Compensation Affidavit, and check to: Select Board, Suite 1, 701 Main Street, Lancaster, MA 01523.

* *Dancing applies to watching dance (e.g. Ballet).*

** *Public Diversion includes, but is not limited to, flea markets, coin-operated amusements, ice and roller-skating, carousels, inclined railways, Ferris wheels, and exhibitions of firefighting.*

A License issued under this Application applies to weekday operation ONLY. If entertainment is to be operated on Sundays, you also must file with the Select Board an APPLICATION FOR LICENSE FOR DANCING, SPORTS, GAMES, FAIRS, EXPOSITIONS, PLAYS OR ENTERTAINMENT OF PUBLIC DIVERSION ON SUNDAY, as well as an Application for a State License to the Commissioner of Public Safety, Attn: Special Licensing Division, One Ashburton Place, Boston, MA 02108-1618.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD**

Prescott Building, 701 Main Street, Suite 1
Lancaster, MA 01523

Tel: 978-365-3326 Fax: 978-368-8486

Email: krocco@lancasterma.net

Annual License Fee - \$400.00
Annual License Fee - \$100.00 w/M-Sat
License
Single Event - \$20.00

RECEIVED

Selectmen's Office

JUN 28 2022

Board of Selectmen

**APPLICATION FOR TOWN LICENSE
DANCING*, SPORTS, GAMES, FAIRS, EXPOSITIONS, PLAYS OR
ENTERTAINMENT OF PUBLIC DIVERSION** ON SUNDAY**

New Application _____ Renewal ☒

Name of Concern: Dean & Flynn, Inc. Fiesta Shows

Street Address of Concern: 318 Seven Bridge Road, Lancaster Fairgrounds

Mailing Address (if different): PO Box 460, Seabrook, NH 03874-0460

Contact Person & Title (Owner, Director, Manager, Other): Rose Darden, Fair Manager/ John Flynn - Fiesta Shows
J. Flynn (603) 474-5424

Telephone: R. Darden 978-365-7206 Facsimile: _____ E-Mail: info@boltonfair.org

Describe in detail the proposed dancing, game, sport, fair, exposition, play, or entertainment of public diversion: _____
Annual Bolton Fair - Amusement Rides and Games to be held August 11 - 14, 2022 Thurs. 5p-10p ; Friday Noon -10p Sat. 9a-10p and Sun. 9a-9p

Hours of Proposed Entertainment: Starting Time: 9:00 A. M. Ending Time: 9:00 P.M.

NOTICE: No License issued pursuant to G.L. c.136, §4 shall be granted to permit activities before 1:00 p.m. without a License issued by the Commissioner of Public Safety, Attn: Special Licensing Division, One Ashburton Place, Boston, MA 02108-1618.

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

John Flynn Signature of
Applicant
Tax ID Required 020405446

June 28, 2022
Date

License Fee must be submitted with this form. Make check payable to Town of Lancaster. Mail Application Form, Workers' Compensation Affidavit, and check to: Select Board, 701 Main Street, Suite 1, Lancaster, MA 01523.

* Dancing applies to watching dance (e.g. Ballet).

** Public Diversion includes, but is not limited to, flea markets, coin-operated amusements, ice and roller-skating, carousels, inclined railways, Ferris wheels, and exhibitions of firefighting.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



TOWN OF LANCASTER, MASSACHUSETTS

Select Board

Prescott Building, 701 Main Street, Ste 1

Lancaster, MA 01523-0293

Tel: 978-365-3326 Fax: 978-368-8486

Annual License Fee - \$100.00

Selected **RECEIVED**
Date Received

JUL 20 2022

Board of Selectmen

APPLICATION FOR LICENSE HAWKER & PEDDLER

New Application ☒ Renewal ☐

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Hawker-Peddler License, in accordance with the provisions of Chapter 101 of the Massachusetts General Laws, any rules and regulations promulgated thereto, and in accordance with The Town of Lancaster Hawkers, Peddlers and Transient Vendors Bylaw. **A Local License is not required if the Business Entity is already licensed by the Commonwealth of Massachusetts under Section 22 of Chapter 101.**

1. Applicants' full name: Steven LeMay
 2. If Applicant is not the owner, list owners' name: _____
 3. Applicants' Home Address: 301 Wyoming Ave Saint Cloud FL 34769
 4. Applicants' Tel. No: 2135252461 Business Tel. No: _____ E-mail Address: thetexasgull@aol.com
 5. Schedule of Operation (List Months, Days of week, Hours of day): Bolton Fair Food Vendor
 6. Type of Sales Conveyance: Food
 7. Description of goods, wares or merchandise to be sold: Food and drink concessions @ The Fair
 8. Principal location(s) where vehicle is to be situated (street address, lot number): 318 Seaboard Rd
Note: Transient Vendors may conduct their trade only on property that is business zoned (Lancaster Bylaw).
 9. Has permission been granted from the land owner or abutters (if applicable)? Yes ☒ No ☐
If answered "YES", a copy of the Notarized Permission letter must be submitted with the Application Form.
 10. Have you ever applied for or held a Hawker-Peddler license? NO
(Yes or No)
- If so, in what Town? _____
- Did you receive a license? _____ If so, what year(s) _____
(Yes or No)

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Signature of Applicant Steven LeMay

Date 7/20/2022

Tax ID # 1419578573

License Fee must be submitted with this form. Make check payable to Town of Lancaster. Mail Application Form, Workers' Compensation Affidavit, and check to: Select Board, 701 Main Street, Ste. 1, Lancaster, MA 01523.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/29/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
John M. Glover Agency
Insurance Services
P.O. Box 700
Norwalk CT 06852

CONTACT NAME: Tylor Osuch

PHONE (A/C, No, Ext): 860-288-4898

FAX (A/C, No): 860-623-0061

E-MAIL ADDRESS: tosuch@jmg.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Evanston Insurance Company

35378

INSURER B: Wesco Insurance Company

25011

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED
The Texas Grill LLC
PO Box 248
Thomaston CT 06787

TEXAGRI-01

COVERAGES

CERTIFICATE NUMBER: 296458098

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		3AA567181	5/15/2022	5/15/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Included \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	WWC3591615	6/3/2022	6/3/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Bolton Fair Inc. and any additional named entity named below is an additional insured under the general liability policy is requires by written contract executed prior to a loss.

CERTIFICATE HOLDER

The Bolton Fair Inc.
318 7 Bridge Road
Lancaster MA 01523

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

TOWN OF LANCASTER

APPLICATION FOR USE OF TOWN GREEN/GAZEBO

(Submit to: Executive Assistant, Town of Lancaster, 701 Main Street, Suite 1, Lancaster, MA 01523)

7/15/22

Date

To the Licensing Authorities:

The undersigned hereby applies for a License/Permit in accordance with the provisions of the Statutes of the Commonwealth of Massachusetts and/or Bylaws of the Town of Lancaster relating thereto:

Date of Activity: AUGUST 6, 13, 20, 27
Time: Start: 10:30 End: 12:30
Name & Address: RACHEL ROSENGARD CARTER
Telephone: THAYER MEMORIAL LIB. X1025
Emergency Contact & Phone: JOE MULE X1403
Business Name (If applicable):
Address: 717 MAIN ST
Telephone:
Number of People Attending:

Provisions for Parking: VAN PARKING IN FRONT OF LIBRARY OR
Partial or full road closure? CHURCH. PATRONS WILL USE
Structures? LIBRARY PARKING LOT.
Tents with sides?
Cooking?
Food/Refreshments?
Porta Potty?
Portable Sink Unit?
Email address: RROSENGARD@LANCASTERMA.NET

Clearly explain the purpose for requesting the use of the Town Green/Gazebo:

Animal Adventures of Bolton will be presenting educational programs for library patrons. In the event of rain, the programs will be moved inside the library. Professional handlers will showcase small animals - mammals and reptiles.

A Refundable Deposit of \$100 is required of anyone requesting the use of the Gazebo/Town Common.

Wedding Fees

Residents: No Charge for Weddings, Rehearsals or Photographs
Non-Residents: Weddings - \$50
Rehearsals - \$25
Photographs - \$25

I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth and the Town of Lancaster relating to the filing and payment of taxes.

Rachel Rosengard Carter
Signature of Individual or Corporate Officer
Rachel Rosengard Carter
Company Name or Individual Name
Thayer Memorial Library
Social Security Number or Federal
Identification Number*

* Your Identifying Number will be furnished to the Massachusetts Department of Revenue to determine whether or not you have any tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Chapter 62C, Section 49A, of the Massachusetts General Laws and the Bylaws of the Town of Lancaster.

XI. COMMUNICATIONS

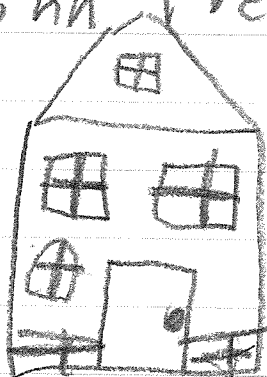
Dear Select Board of Lancaster

Hi my name is Maxon Frelick
I live on Parker road I would
like to have a sidewalk on
my street. I see lots of people
biking up and down my street
and I can tell each of them
would like a sidewalk.

Lots of children live
on my street I am 11 years
old and I can only bike
in the grave yard.

I am sure that every other
child on my street would
love a sidewalk

-Maxon John Frelick



P.S My mom
would also
like a sewer
hookup.



RECEIVED
JUL 18 2022
Board of Selectmen

June 30, 2022

Orlando Pacheco
Town Administrator
695 Main St., Suite 1
Lancaster, MA 01523

Re: Payment in Appreciation of Services Provided

Dear Mr. Pacheco:

I have enclosed a check from RFK Community Alliance for \$10,000 payable to the Town of Lancaster as a token of our gratitude for public services provided to us on a regular basis. We truly appreciate the swift response when we need fire, ambulance, or police assistance.

I believe we have an excellent working relationship with the town, and we will continue to work together to make Lancaster a great place to live and work.

Sincerely,

Lisa C. Harrington
Chief Financial Officer

Enclosure

cc: Michael W. Ames, Ph.D., President & CEO
Stephen J. Kerrigan, Board of Selectmen, Chair
Alexandra Turner, Board of Selectmen, Clerk
Jason Allison, Board of Selectmen_

X. NEW BUSINESS
