



LANCASTER BOARD OF SELECTMEN
Regular Meeting Minutes
Of April 5, 2021

I. CALL TO ORDER

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

<https://us02web.zoom.us/j/81042485123>

Meeting ID: 810 4248 5123

II. PUBLIC COMMENT PERIOD

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

Town Administrator Pacheco read into the minutes a comment from Cara Sanford (See Attached)

III. APPROVAL OF MEETING MINUTES

Review and take action on the following Special Meeting Minutes: TABLED

Special Meeting Minutes of January 4, 2021

Special Meeting Minutes of January 14, 2021

Special Meeting Minutes of February 17, 2021

Special Meeting Minutes of March 15, 2021

Review and take action on the following Executive Session Minutes: TABLED

Executive Session Meeting Minutes of January 4, 2021

Executive Session Meeting Minutes of January 14, 2021

Executive Session Meeting Minutes of February 17, 2021

Executive Session Meeting Minutes of March 15, 2021

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

6:05 P.M. Public Hearing for Renewal of Special Permit to Remove Earth Products for P.J. Keating Company

Selectman Allison read the following into the Minutes:

Notice is hereby given that a Public Hearing will be held on Monday, April 5, 2021 at 6:05 P.M. via ZOOM, to consider the application of P. J. Keating Company, 998 Reservoir Road, Lunenburg, MA, for renewal of a Special Permit To Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located

south of the Lunenburg town line, west of Lunenburg Road, north of a N. E. Power Co. right-of-way and east of the Leominster city line, containing by survey 73.3 acres in Lancaster, further identified on the Lancaster Assessors' Maps as Map 1, Parcels 1 through 4 and Map 4, Parcels 1 through 6, and further delineated on Plan No. 18-D-3, sheets 1 to 4, dated January 19, 2005 and Plan No. 18-D-4, sheets 1 to 3, revised September 19, 2005, by S. J. Mullaney Engineering, Inc., 305 Whitney Street, Leominster, MA. A copy of the Application and Engineering Plans may be viewed in the Selectmen's Office, Prescott Building, 701 Main Street, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.

Selectman Sendrowski moved to open the public hearing at 6:07PM. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

Present:

Robert Robinson, Operations Manager for PJ Keating

Cody Delany, Site Manager for PJ Keating

Mikael A. Lassila, Project Engineer for S.J. Mullaney Engineering, Inc.

Kayla Larson, Project Engineer for Tighe & Bond.

Jeff Thelen, Tighe & Bond

Michael Wright, Senior Geologist from North American Reserve

Ms. Larson noted that she typically inspects the Keating Site to make sure that they're in compliance with general construction practices and that they're not encroaching on the limits of the property lines and that they're not exceeding the amount of material that they're allowed to take off site on a daily basis and then most importantly checking the monitoring wells on site to make sure that the excavation is not encroaching on the groundwater table.

Tighe and Bond is recommending that Engineering plan should be provided.

- a) Updated existing conditions and phase rock quarry plans must be provided.
- b) The anticipated volume projections from the site should be noted for the next two years on the updated plans. The updated anticipated volume projections through final completion of the earth removal activities should also be noted.

Tighe and Bond noted that the proposed permit condition No. 26 requires that the submittal of an assessment report occurs during the permit renewal biennially (once every two years). Tighe and Bond recommends that the submittal of the assessment report be required annually and that the report be reviewed by the Town's Consultant at the permit holder's expense.

Finally, prior to the permit renewal, Tighe & Bond recommends that documentation be provided to verify that a financial assurance mechanism is in place for the amount of \$220,000 as required by Condition 16 of the Special Permit.

Mr. Wright from North American Reserve stated that they can follow up and make the changes in the report, as requested to change the dates to 2020 and 2022. He further stated that North American Reserve will definitely continue doing the annual reports and the monthly monitoring of the wells.

Mr. Mikael Lassila of S.J. Mullaney Engineering stated that the extent of the quarry is the footprint of the alteration has increased and it is basically being a mine going down in a vertical direction. He further stated that the actual footprint has not really changed over the years.

Selectman Allison stated that some residents raised concerns with the dust coming from PJ Keating. Ms. Larson noted that she does see a water truck on site and believes they are watering twice a day. She further stated that the most of the site that is being watered is the travel road. Mr. Robinson from PJ Keating stated that the water truck is on site permanently throughout the

whole season. He further explained that the water truck concentrates on the entrance roads and there are two road sweepers that they in bring in as well.

Chairman Moody asked how much longer and, does PJ Keating know the future for this permit.

Mr. Robinson stated that it depends on the extraction rates and it depends on the market.

Chairman Moody asked what happens at the end when PJ Keating leaves and what happens to the quarry.

Mr. Robinson stated that he is not sure if there is a final restoration plan in place.

Mr. Wright noted that back in 2005-2006 there was an initial report that stated the site could be a reservoir if possible.

Chairman Moody opened up the hearing to the public for questions.

Questions from the following:

- Jon Roper
- Carol Jackson
- Alix Turner
- Ann Ogilvie
- Sudheer Kommanavancha
- Linda Cutler

Seeing no further questions from the public:

Selectman Allison noted that he had read Ms. Larson's email that Tighe & Bond had not seen the 2020 groundwater report from NAR yet it was his understanding that the report is out there. He raised the question to Tighe & Bond, as the Town's independent consultant, what is their recommendation to the Board of Selectmen based on the fact that Tighe & Bond had seen the ground water report.

Ms. Larson stated that Tighe & Bond did not have any concerns on the report and feel comfortable with PJ Keating license renewal. She noted since the permit request was a request to extend from 2020 to 2022, had she reviewed this in 2020, they would not have seen the ground water report yet, and that's not any different than the normal procedure. She commented that they would of reviewed one water report at the time of the permit review and review one water report mid permit/mid active permit, and then they would of reviewed the next one at the next permit cycle. Based on their review of the report in 2019, which they would review in 2020, there weren't any concerns on the report.

Selectman Allison stated that what he is hearing is Tighe & Bond is recommending to the Board of Selectmen and feel comfortable going forward with the license renewal, even though Tighe & Bond has not seen the 2020 groundwater report.

Ms. Larson concurred with Selectman Allison's assessment.

Chairman Moody stated that the only thing he would like is to have a site visit at the PJ Keating.

Selectman Sendrowski made the Motion to close the public hearing. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

Selectman Sendrowski made the Motion to approve the Special Permit Earth Products Removal for P.J. Keating. Selectman Allison Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

6:15 P.M. Kristen Cullen & Tyler Ellis-Commonwealth Fusion Systems

Kristen Cullen and Tyler Ellis, Representatives of the Commonwealth Fusion Systems (CFS) located at 111 Hospital Road, Devens, presented to the Board of Selectmen their plans to commercialize fusion technology. (See Attached Presentation)

- Founded in 2018 with mission to commercialize fusion energy to create new economically competitive source of carbon-free energy to combat climate change.
- Spun out of MIT and working collaboratively with MIT to leverage decades of fusion research combined with speed and flexibility of a private company.
- Raised more the \$215 Million in private investment, proving that fusion is attractive to a large range of investors.
- Grown to over 115 employees in 36 months.

Mr. Ellis explained that fusion has been studied around the world for decades and private companies and work governments are making huge investments into fusion as it's potential would mean a massive disruption for the world's energy market.

He noted some of the benefits:

- Dispatchable
- Zero Carbon
- Freely available and inexhaustible fuel supply
- Flexible generation anywhere
- Inherently safe

The site at Devens will include a research facility and a facility to support advanced manufacturing and space for corporate headquarters.

V. BOARDS, COMMITEES AND DEPARTMENTS REPORTS - NONE
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1. Joint meeting with the Finance Committee to discuss the Fiscal Year 2022 Budget. - Tabled

2. Chief Edwin Burgwinkel update on Police Reform and New Hires

Chief Burgwinkel came before the Board of Selectmen to inform them of the newest piece of legislation that the Governor signed into law on December 31st. He explained that it is an act relative to justice, equity and accountability and law enforcement in the Commonwealth, which is referred to as the police reform bill.

Chief Burgwinkel stated that they are going to be required to do for training the police officers; such as this is no longer going to be a part time police academy or prototype police officer training which in Lancaster the part time police officers is a very big piece of Lancaster's Police Department.

Chief Burgwinkel explained that the Commonwealth has the Municipal Police Training Committee (MPT) and the Police Officer Standard and Training Commission (POST), which are going to be responsible for all police training and everything will be standardized. He stated that all of the police officers right now that are currently employed in the town of Lancaster are up to all the standards that they need to be to be certified as a police officer on July 1st.

He further stated that this newly formed committee is going to is going to "bless us all" and certify all of the Lancaster police officers. However, in Massachusetts from now on, the police department is going to have to meet these certification standards, and from this point forward. Chief clarified that what they're basically saying is every police officer is going to be trained exactly the same way.

Chief further explained that these officers are all going to be certified by July 1st and then it's going to be the town of Lancaster's responsibility. To get all of these officers brought up to the standards required by the state, the Town will have three years to do this, however, the Commonwealth broke it down in which the Town will have up three years every single one of part timer Officers have to be done in the first year because their names all fall in that first year category.

Chief Burgwinkel further explained that exactly 12 months the Police Department is going to lose three full time positions and at this time the Police Department just does not have three part timers to take these positions right now.

Chief Burgwinkel stated that they have a candidate who has had background check, and have been already interviewed by himself and Lieutenant Moody numerous times. He further stated that this candidate is number one on the Civil Service test and he has an enormous background already in law enforcement. Chief noted that the candidate has been waiting to take this position and his academy expires in the middle of April. He would like the Board of Selectmen to appoint this candidate this evening. The candidate's name is Dwight Richard.

Town Administrator Pacheco noted he would need to do is put in a requisition with civil service so he's going fall under that system. He further explained that this would have to just put in a requisition number with civil service.

Chairman Moody notated that he would like to place this on the next Selectmen's meeting and would like to get the Finance Committee involved.

Selectman Allison had several questions regarding the financial impact on hiring a new officer and the need to work at an expedient level here, so he wanted everyone to be aware of the implications of the quick choice.

VI. TOWN ADMINISTRATOR REPORT

1) Municipal Aggregation Review

The Town's Municipal Electric Aggregation Program had a successful quarter saving customers \$81,533 compared to the National Grid Basic Service rate. I have been working with Colonial Power Group on the next electric procurement and the Board should discuss the request to go to a 100% renewable option.

2) Devens HHW Usage

The Town has disposed of 410 gallons and service 56 households through FY21. The Board has the ability to see the historical trend in usage going back to FY12.

3) E-Permitting

The new E-Permitting software up on our system and ready for deployment. Applicant can apply for and pay for building permits remotely. This should have an increase in efficiency and keep electronic historical records of building permits so things are easily searchable.

4) Estimated Rescue Plan Funding

Lancaster could be eligible to receive up to \$2,364,757 in covid relief funds to offset economic impacts as a result of the pandemic. We have confirmed the numbers with Congresswoman Trahan's Office and are waiting guidance from the US Treasury Department and State Office of Administration and Finance. The funds will not be dedicated entirely for municipal use but until

the guidance comes out we won't have a better breakdown on where the specific funding categories are broken down.

This does not include funding for schools which receive a separate allotment beyond the amounts provided.

5) Devens Bridge Closure

The Lovell Street Bridge which is on the MCI property between Lancaster and Shirley is going to undergo some maintenance the requiring the bridge to be shut down. The bridge is primarily used to make deliveries to the Dept. of Corrections. There may be a slight increase in truck traffic in Lancaster when the work starts and we are coordinating with Mass Development, who owns the bridge on timing. Enclosed is the traffic route during the closed period.

6) MassToss Textile Recycling

The Lancaster Recycling Center recycled 475 pounds of Textiles (clothing ,towels, etc) in calendar year 2020.

VII. ADMINISTRATION, BUDGET, AND POLICY
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1. Continue discussion on Warrant Article to change Board of Selectmen to Select Board

Town Administrator Pacheco reported to the Board the Annual Town Meeting will be held at the Bolton Fairgrounds, as the Soccer Fields are not available. He noted that the meeting will be same time as it normally is, and the same date that it normally is the first Monday in May. He further noted that he is hoping to close the Warrant at the next meeting.

Selectman Allison discussed the status of the Covid Plan, Staffing policy and the Communication Policy. Town Administrator Pacheco stated that Covid Plan has been on the website for some time. Mr. Pacheco stated that he is struggling with how to develop a Communication Plan. He further explained that he was not exactly sure the difference between what that board is asking for and the conversations with the Union, there seems to be some discrepancy on what everyone has agreed to.

Selectmen Allison stated there is no discrepancy of the Board made motion, the motion is policy, and he would encourage Mr. Pacheco or whomever to go back over that motion it's incredibly clear.

Mr. Pacheco stated he went over it with Human Resource Director and Town Counsel and the Union, and they were very clear there was a conversation that the business agent had with Selectman Allison. He further noted that he is trying to avoid a potential grievance.

Selectman Allison stated that if there's thing that are need from the Board or are needed from him, please put them in front of him. He noted that he has continued to ask for the draft of the staffing plan and that he did talk to the Union Representative and they did come up with a plan and he did communicate that to Mr. Pacheco. He further stated that if there needs to be a conversation with Labor Counsel he can do that. Mr. Allison commented that the Board made a policy and he would like to close this item.

Continued discussion regarding the policies and Town Administrator Pacheco asked to reconvene and get something that everybody is agreeable to and if it's not what people are agreeable to them, then just enact it agree to disagree. okay .

2. Continue discussion on Interim Police Chief.

Selectman Sendrowski would like to make a proposal that the Selectmen appoint Lieutenant Moody to the interim police chief position. He stated that he would like to make motion to appoint Lieutenant Moody as the Interim Police Chief.

Selectman Allison noted that he thought they already had a good plan, and that plan was to have Chief Burgwinkel be retained on in his role and then, once he's completed his service in June, then they would make the change.

Seeing no Second on Selectman Sendrowski's Motion, Motion failed.

3. Continue discussion on increasing work hours for the Conservation Agent.

Town Administrator Pacheco reported that the Conservation Agent will go up to 36 hours and the Conservation Commission will fund it this year. He further noted that's not sustainable in future years, and will be absorbed into the operating budget with Finance Committee's agreement.

Selectman Allison asked Mr. Pacheco if he supported this move to increase the hours. Mr. Pacheco stated that he believes the Conservation Commission as a whole will be appreciative and he thinks the Conservation Agent is looking to provide some added value beyond just the wetland issues.

Conservation Commission Chair Tom Christopher noted that this is clearly a step in the right direction and commend Mr. Pacheco for taking a step back and looking at the issues from the Conservation Commission's perspective and very important in moving forward. He further noted that the Conservation Commission really does need to feel that it has the support of the Select Board and all the other town departments as well.

4. Inclusionary Zoning Bylaw Working Group Presentation and request a "Place Holder" for the Annual Town Meeting.

Victoria Petracca came before the board to give a presentation. (*See attached*) She further noted that there are two members of the Planning Board, Roy Mirabito and Carol Jackson on the Working Group and Mrs. Petracca is representing the Housing Trust.

5. Execute Massachusetts Clean Water Trust – New Servicer for Dam and Seawall Repair or Removal Loan Program. (Vote to be taken)

Selectman Allison made the Motion to execute Massachusetts Clean Water Trust – New Servicer for Dam and Seawall Repair or Removal Loan Program. Selectman Sendrowski Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

6. Discussion on the Forest Legacy Grant (O. Pacheco)

Al Futterman of the Nashua River Watershed Association (NRWA) came before the Selectmen to explain the Forest Legacy Grant. (See Attached)

Discussion on a vote of confidence regarding the Forest Legacy Grant. Selectman Allison would like to see more information regarding this matter.

Mr. Futterman stated that he more than happy to supply more information and the vote of confidence is not necessary, however the NRWA will be asking for a letter of support eventually when the application goes in.

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Memorial School Re-Use Committee – 7 Member Ad Hoc Committee staggered terms

Applicants to be considered:

- Win Clark, 928 Main Street
- Vance Cromwick, 28 Harvard Road
- Sherry Cutler, 67 Harvard Road
- Victoria Petracca, 67 Woodland Meadow Drive

Selectman Allison moved to appoint the following:

- *Win Clark, 928 Main Street, term to expire June 30, 2024*
- *Vance Cromwick, 28 Harvard Road, term to expire June 30, 2024*
- *Sherry Cutler, 67 Harvard Road, term to expire June 30, 2023*
- *Victoria Petracca, 67 Woodland Meadow Drive, term to expire June 30, 2023*

Selectman Sendrowski. Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

Resignations

Board of Appeals

- Scott A. Miller
- Hannah Meyer

Selectman Allison moved to accept the resignations per their resignation's letters of Scott A. Miller and Hannah Meyer, of the Board of Appeals. Selectman Sendrowski Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter F. Sendrowski vote Aye. [3-0-0]

IX. LICENSES AND PERMITS - NONE

X. NEW BUSINESS *

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

XI. COMMUNICATIONS

- Town Offices will be closed on Monday, April 19, 2021 in observance of Patriots' Day.
- Next Board of Selectmen's meeting via ZOOM to held on Wednesday, April 21, 2021 at 6:00 P.M.

XII. ADJOURNMENT

Seeing no further business, on Motion by Selectman Sendrowski, seconded by Selectman Allison, it was unanimously voted. The Board of Selectmen adjourned at 9:39 P.M.

Respectfully submitted

Kathleen Rocco
Executive Assistant

APPROVED

Jason A. Allison, Clerk
Approved and accepted: June 28, 2021