

APPROVED



**LANCASTER BOARD OF SELECTMEN
Special Meeting Minutes
Of April 14, 2021**

I. CALL TO ORDER

Chairman Jay M. Moody called the Special 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.

Join Zoom Meeting

<https://us02web.zoom.us/j/88009101864>

Meeting ID: 880 0910 1864

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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.***

Greg Jackson, Farnsworth Way, (See attached)

Mark Grasso, Chace Hill Road, (See attached)

Mike Hanson, Main Street, (See attached)

Clayton Arvidson, 310 Fort Pond Road

III. APPROVAL OF MEETING MINUTES - NONE

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

Continue Joint Meeting with the Finance Committee to discuss the Fiscal Year 2022 Budget

Chairman Jay Riley of Finance Committee spoke about Special Town Meeting that they requested to have prior to the Annual Town Meeting to address. Mr. Riley gave quick summary, based on the budget that was voted and approved last June. He noted that in many cases it's known in practice has been for Town to hold a Special Town Meeting to dot the i's and cross t's with financial matters, as well as additional articles that may come in. He stated had hoped and requested to have a Special Town Meeting in November but, due to Covid and the Board of Health concerns that was pushed out, so in order for the town to balance our budget. Mr. Riley explained for this year Fiscal Year 2021, the town needs to have a Special Town Meeting prior to the Annual Town Meeting in which Finance Committee would then present the Fiscal Year 2022 Budget so for Fiscal year 2021 basically the town is funding the shortfall of \$113,949 for Fiscal Year 2021, which is going to balance the budget. Mr. Riley stated that the previous two years before that the Finance Committee had suggested to the Board of Selectmen to look at different ways to raise and appropriate funds; specifically, with the potential for an override. But what Finance Committee has done is taken money from free cash and use that to balance the operating budget for the town. Mr. Riley noted that same practice as they balanced the budget for Fiscal Year 2021, and they will be taking that same approach for the Special Town Meeting and the remaining \$113,949.00 will be taken from free cash to balance the budget.

Selectman Allison asked what would cause this, is there is there a big bucket item or a high ticket items in that would cause the \$113,949.

Mr. Riley explained the biggest item was related to the positions and salaries around the restructure and reorganization of the Lancaster Police Department. There was a there was a slight clerical error, with some of the numbers heading in and then with the appointment of the Board of Selectmen made an a promotion to one of the officers that that salary needed to be adjusted and then Finance Committee worked with Chief Burgwinkel trickle down structure of the organization.

Mr. Riley moved on to explain Fiscal Year 2022. He noted the good news is Finance Committee worked long and hard and are presenting a balanced budget again. Like they have in the past, they will be using funds from free cash to balance the operating budget. Finance Committee has done thier best as their Committee welcomed a couple of new members this year - Dick Trussell and Susan Smiley.

Mr. Riley commented that due to some bigger ticket items that come in such as education, as well as insurance premiums; there is a budget increase again. Mr. Riley wanted to especially want to thank all the department heads as they did everything that was asked of them and trying to reduce their operating budgets. Finance Committee had requested a 5% reduction in their operating expenses. Even with that process, though the operating budget for the town is up. Mr. Riley wanted to mentioned again and give recognition that to all the department heads for doing the best that they can with reducing their operating expenses. He further stated that even with those reductions they are looking at a deficit of almost \$240,000, and again to balance the budget, Finance Committee is proposing to take that \$235,000 out of free cash to balance the budget. He stated that it's pretty straight forward; education was up with Minuteman and Nashoba. They were up \$630,200. He noted that the Town had a student attend a non district school; so officially that line item goes into the Selectmen's budget, which is an increase of \$54,000. He spoke of insurance premiums going up \$140,900, as well as some licensing and permits that went up almost \$24,000. So when one looks at all that together that's about \$870,000. He stated he's seen some of the reductions over the last four years that the departments have made, but he just don't see how the town can continue moving forward again, aside from this year, the Town has done everything they can still have to take money from free cash to balance the budget. He also noted that continuing to go back to

the department heads to reduce their budgets realistically, only saves the town about \$75,000 a year and that's not going to make the debt that the Towns needs.

Town Administrator Pacheco explained to the Selectmen the out of district tuition is when a student wants to enroll in a program that is not offered by either Nashoba or Minuteman, they have the ability to take that program at an out of district school. In this case, the school was Norfolk agricultural. In that set of circumstances, the town, not the school district is responsible for the out of district tuition and the transportation.

Selectman Allison asked how much free cash is left.

Mr. Riley noted that it is somewhere under a million. He further explained that Finance Committee is taking \$238,630 to balance this year's budget taking another almost \$114,000 to balance last year's budget.

Selectman Allison asked about how to put money into free cash.

Finance Director Cheryl Gariepy stated you want to put your money into the stabilization, which we have not done for many years.

Mrs. Gariepy explained that Free Cash is similar to a private companies retained earnings; it's surplus or debts that are at the year end and then deficit balances or subtracted outstanding receivables are taken away and the Department of Revenue comes up with a number and it's a different number every year.

After further discussion, Finance Committee Chair Jay Riley would recommend and suggest an override to help balance the budget, explaining that this can actually be a good thing as this will allow the town to rebalance right, which the Town of Lancaster has not done since 2003. Mr. Riley further explained that it has been eighteen years (18) years with inflation and everything else that has gone on, noting the town and finance committee has done a very good job not to have an override. However, he is just not sure how much longer the Town is going to be able to continue without making drastic cuts to services and departments. Mr. Riley stated that it is time to ask the town's people to consider an override.

Selectman Allison asked that Mr. Riley, to be clear, that he is not recommending an override this year. Mr. Riley stated that they have recommended an override the past two years. He further noted that Finance Committee did not get much acceptance or not much support from Select Board they elected this year.

Selectman Allison noted that as an individual member of the Select Board, he will support whatever the Finance Committee is recommending.

Wrapping up the discussion, Chairman Moody stated that because of Zoom this year, he could watch what's going and really did not know that much about the budgets. He further stated that attending the Finance Committee meetings, one gets to see how they develop the Budgets.

The Board of Selectmen thanked Jay Riley for his many years of service.

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| VI. TOWN ADMINISTRATOR REPORT - NONE |
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| VII. ADMINISTRATION, BUDGET, AND POLICY |
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1. Review and take action on the Special Town Meeting Warrant, to be held on Monday, May 3, 2021. (vote may be taken) – No Action
2. Discussion on Planning Director Vacancy

Chairman Moody stated that he would like to do the same thing they did for the Town Clerk and get another Search Committee going again under the guidance of the Human Resource Director Sandi Chalton. Mr. Moody stated that it has been nearly ten (10) months without having a Planning Director. He would like to have Carol Jackson, Roy Mirabito and Jeanne Rich.

Selectman Sendrowski concurred with Chairman Moody regarding the need of getting a committee together and the urgency for securing a Planning Director.

Selectman Allison would like to advocate for a five (5) member Committee and will absolutely acquiesce to a three member Committee.

Town Administrator Pacheco noted that the makeup of the Search Committee for the Planning Director needs to focus on attracting an applicant as well.

Selectman Sendrowski asked the Chairman, if people can submit their name if they think they'd like to be on this committee, and the Board of Selectmen can appoint them at their next meeting.

Selectman Allison asked procedurally should the Board form a committee or do they solicit names then form the committee.

Chairman Moody stated that this will be on the next meeting agenda regarding the committee.

3. Discussion on Community Liaison Vacancy

Council on Aging member, Michele MacDonald spoke about the need for a Community Liaison, noting what the Town Administrator had said about salaries for people in town that the Town tries to be fair, and the Town does not want to be at the highest nor do they do not want to be at the lowest. However, Community Services Liaison has been advertised for so long, and really comes down to with pay and the increase in the hours. She further stated that the Liaison position not help the Seniors, but that position helps people of all ages.

Council on Aging member, Deborah Ducharme stated that it so much the rate of pay, it's the benefits and the hours and the time that these people have to put in is outrageous. She commented that it is very time consuming job and when you put somebody in a 19 hour position with no benefits it works into a 32 or 35 hour position because you get dedicated to your job and dedicated to the individuals it's just not feasible.

Council on Aging Director, Alix Turner stated that she wanted to clarify a couple of things. So first what we're asking for is in back in January we went to the Finance Committee. She stated that at that time had also put in requests for increased staffing because they had a vacancy in that position, and Council on Aging had asked, for an increase hours and pay rate for the Community Service Liaison for years. Ms. Turner explained that the Liaison position did start out as a Pilot project and the workload quickly became very difficult and she agrees with Mr. Pacheco that it's very stressful difficult job and people underestimate what that is, but if anybody who's been in human services knows, especially in this day and age, that it is a difficult job. She noted that they looked at neighboring towns, and also have looked at other towns about Worcester County and throughout the state and done salary surveys and staffing surveys and Lancaster is by far lower than pretty much anybody. Ms. Turner commented that Community Service Liaison is one of the lowest paid positions in town; noting it makes less than the custodian and it makes less than clerks yet it's a job that, theoretically, should have a degree in social work. Ms. Turner hopes that the board finds worthy and supporting, she noted that they have a lot of statistics.

Selectman Allison noted the only way to pay for Community Senior Center support is through economic and commercial development. He further commented you can't pay for it through

increase in taxes, because if you increase your taxes you're pricing out the seniors that you're trying to support.

Council on Aging Director, Alix Turner reminded the Selectmen that Town has a brand new expensive but needed Human Resources Director, and have expanded the Conservation Commission Agents' hours so and there's been other things, and all of which are extremely valuable and have merit. So in the scheme of things, Ms. Turner noted that this is the least expensive request for the biggest buck.

Selectman Allison commented that though he agrees with Ms. Turner, but it is important that residents make sure that they attend meetings and have their voices heard annual town meeting is a great place to advocate for economic development, because seniors in this town need it. Selectman Allison pointed out that 68% of the budget is to schools and the Town need to figure out how to pay for all of that.

Town Administrator Pacheco stated that he would like the Board of Selectmen have the best information in front of them, and it would be good if the Council on Aging Director could provide additional numbers and information.

4. Discussion on year-to-date spend with Labor Counsel (J. Allison) – Tabled

5. Police Appointment of Officer (J. Moody)

Town Administrator Pacheco stated that he has requested a new requisition from Civil Service and currently in the queue. He noted that it is his understanding that when they do get a requisition they will have ten (10) days to determine whether they want to accept the position if offered or not. He further explained that the Police Department would only interview those candidates who are willing to accept the job.

6. Kalon Farms (J. Allison)

Selectman Allison stated that he would like to give Mr. Keith Kopley, owner of Kalon Farms, an opportunity to speak and be heard.

Mr. Kopley, explained that going through code review in a few different things, and they had a cease and desist on them since late November. He would like to file a retroactive building permit once that is agreed upon with the proper departments. However, he would like to try to get some sort of resolution on this. He stated that Kalon Farms is not disputing the things that need to be done, health and safety wise for the building, which that could be the call box for the fire department, sprinklers for the building, which he noted that all in the code review and he will have to go through the Building Department for that. However, Mr. Kopley would like a renewal of his beer pouting license and a permit to serve food outdoors. He noted that he has submitted a legal letter about zoning, noting the his ancillary uses, like serving alcohol and food were legal in a residential area because of his hay production under agricultural law. He stated that he needs the Board to help him get through this so he can get those alterations to the building and get the retroactive building permit filed. Mr. Kopley further stated that the alternative would be to sell the property and move on pointing out that this affects a lot of people, such as the Bolton fair, which Kalon Farm does the parking and with no parking, r nobody's going to go to that fair.

Selectman Allison noted that the number one thing is the health and safety, noting that he attended the meeting where the Massachusetts State Inspector talked about the importance of building code issues. He explained that he was not getting in the way of the Building Commissioner and Fire Chief.

Town Administrator Pacheco stated that he thinks the brewery is a good thing, however, it's the serving because you're essentially operating a bar and not a tasting room. He further noted that in Mr. Kopley's site plan it states he is growing hops where he is parking cars and haven't been able to verify that if Mr. Kopley is actually growing anything there. Mr. Pacheco further stated that the ingredients need to be grown on site to have a Farmer's Series Pouring License.

Mr. Kopley stated that they have the hay production. He further explained what the farmer series was designed for was to have a certain barrel, aged and under manufacturing license. He pointed to Rutland, where they have a tap room and they do not produce anything that goes into their product and they are a farm brewery.

Town Administrator Pacheco pointed out that this statute doesn't really allow for a bar or a restaurant in a residential district and Kalon Farms is not exempt under that piece of agricultural statute.

Fire Chief Hanson stated that Mr. Kopley needs to abide by the rule and regulations, noting that Mr. Kopley has been told that he needed to follow this process in November 2020 and to stop trying to go around the Building Commissioner. He further stated that in order to get a liquor license it has to have a fire safety inspection, which is required by federal law. Chief Hanson noted that Mr. Kopley renovated the whole building with a tap room violating the original site plan and has not complied with the State or Town.

After a lengthy discussion, it was decided that Town Counsel and Mr. Kopley and his attorney as well as the Fire Chief, Building Commissioner and other departments meet to set a path forward.

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Zoning Board of Appeals: Robert Alix Associate Member to Full member.

Selectman Allison made the Motion to appoint Robert Alix to full member of the Zoning Board of Appeals, effective July 1, 2021 for a three year term, to expire June 30, 2024. Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter Sendrowski vote Aye. [3-0-0]

Memorial School Re-Use Committee Ad Hoc Committee.

(3 openings for the Re-use Committee)

Applicants to be considered:

- Frank Streeter -Thayer Memorial Library Trustee
Selectman Sendrowski moved to appoint Frank Streeter, representing the Thayer Memorial Library, to the Memorial School Re-Use Ad Hoc Committee, term to expire June 30, 2024. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter Sendrowski vote Aye. [3-0-0]
- Alix Turner – Director of the Lancaster Community Center
Selectman Sendrowski moved to appoint Alix Turner, representing the Lancaster Community Center, to the Memorial School Re-Use Ad Hoc Committee, term to expire June 30, 2023. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter Sendrowski vote Aye. [3-0-0]
- Daniel Lapen – 95 Packard Street
Selectman Sendrowski moved to appoint Daniel Lapen, 95 Packard Street, to the Memorial School Re-Use Ad Hoc Committee, term to expire June 30, 2022. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Walter Sendrowski vote Aye. [3-0-0]

Historical Commission – Member to be determined.

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.*

- Town Meeting Discussion
Chairman Moody proposed the meeting for 5:30 pm.
Clarification on the Special Town Meeting start time will 5:15pm.
Discussion on the order of the Articles
- Ann Fleury, resident, questions concerning absentee voting.

XI. COMMUNICATIONS

- Town Offices will be closed on Monday, April 19, 2021 in observance of Patriots Day
- Next Board of Selectmen's meeting to be held via ZOOM, Wednesday, April 21, 2021.
- Special & Annual Town Meeting to be held on Monday, May 3, 2021 at the Bolton Fairgrounds.

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 9:19P.M.

Respectfully submitted

Kathleen Rocco
Executive Assistant

APPROVED

Jason A. Allison, Clerk
Approved and accepted: