



**APPROVED**

**LANCASTER BOARD OF SELECTMEN  
Special Meeting Minutes  
Of Tuesday, February 15, 2022**

**I. CALL TO ORDER**

Chairman Jason A. Allison called the meeting to Order at 6:00 P.M. via ZOOM™, offering a reminder that the meeting is being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/86214323696>

Meeting ID: 862 1432 3696

*Roll call was taken, Alexandra W. Turner, present, Jay M. Moody, present, Jason A. Allison present.*

**II. APPROVAL OF MEETING MINUTES**

Mr. Moody moved to approve the minutes of January 19, 2022. Ms. Turner seconded for discussion. Ms. Turner notes that this was a long meeting and included a Public Hearing by the Lancaster Affordable Housing Trust (LAHT) about a 40R project. Ms. Turner said that there were statements missing, including concluding comments by herself and some residents. She requested that the minutes be revised to reflect these comments. Ms. Turner offered a motion to table the minutes of January 19, 2022 until they can be corrected. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Moody commented that approving minutes that are over a year old is a problem and he hopes it never happens again.

Mr. Moody moved to approve the Special Meeting minutes of May 7, 2021. Ms. Turner seconded. Ms. Turner noted that she was not on the Board at the time so she will abstain. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]*

Mr. Moody moved to approve the Special Meeting minutes of May 26, 2021. Ms. Turner seconded, and said that she wasn't at that meeting, but in trying to read the Minutes, they didn't make sense; that dates discussed in Section VII seemed to be dates in the past, so the minutes need to be corrected. *Ms. Turner moved to amend the motion to correct the minutes of May 26, 2021 and then resubmit. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Moody moved to approve the Special Meeting minutes of June 4, 2021. Ms. Turner seconded.  
*Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Moody moved to approve the Special Meeting minutes of June 11, 2021. Ms. Turner seconded.  
*Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### **III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

6:10 P.M. Public Hearing for Renewal of Earth Products Removal Application –  
PJ Keating, Continued from January 3, 2022

Notice is hereby given that a Public Hearing will be continued on Monday, February 15, 2022 at 6:10 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 Select Board'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.

Mr. Moody moved to continue the Public Hearing, reading the notice above. Ms. Turner seconded.  
*Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Ms. Turner noted that for clarity, the reasons for the continuance should be explained. She also noted that because the legislative delegation is scheduled to meet with the Select Board at 6:30, this hearing may need to be recessed and then again re-opened. Mr. Allison invited Ms. Turner to explain the continuance; the Public Hearing was originally scheduled for January 3. It was continued until February 7, but the Select Board did not meet on February 7, so it was continued again until tonight's meeting.

Chairman Allison invited the applicant to introduce themselves. Representing PJ Keating were Doug Vigneau, Environmental Compliance Manager for PJ Keating; Rob Robinson, Vice President of Aggregate Operations; Dave LeComte, Lunenburg Quarry Site Manager; Cody Delaney, Co-Lunenburg Site Manager; Mike Wright, a Senior Geologist from North American Reserve (NAR), a consultant for mining and groundwater monitoring; Mikael Lassila, a professional Civil Engineer with Laney Engineering; Carl Low and Peter Hicks from A-One Blasting. Representing Tighe & Bond, Lancaster's Engineering Consultants, were Kayla Larsen and Jeff Thelen.

Mr. Vigneau asked Chairman Allison's permission to do a brief presentation. He stated that they have reviewed the meeting minutes from January 3 and are here tonight with the aforementioned professionals to answer any questions. He stated that unfortunately they were not made aware of

the January 3 hearing; if they had been made aware they obviously would have provided representatives. At this meeting, in addition to the previously introduced personnel, they have a number of people available on-call, PJ Keating management personnel, including members representing all facets of their operation, as well as other local businesses that they work with in surrounding towns.

Through Tighe & Bond, the applicant hopes that PJ Keating has provided the existing conditions plans requested (the existing conditions of the quarry itself.) Mr. Vigneau noted that the footprint of the quarry has not been enlarged in recent years, but have gone deeper into the mine itself. Additionally, they have provided a copy of the written bond that they have with the Town; this is always in effect, regardless of the date; when a new copy is needed they just call their insurance company who provides a copy with the current date. The applicant has also provided the Town with 2022-2022 mine plan. They were prepared to review all of these plans at this meeting.

Mr. Vigneau emailed several documents to Mr. Allison for sharing; while this was in process, Mr. Allison recognized Kayla Larson from Tighe & Bond. Ms. Larsen noted that in reviewing the previous application, it was found that there was some information missing, which has now been provided, specifically existing conditions drawings of the site, projected volumes for the next two years, and some work to be done on-site that was discussed at the previous meeting (such as an additional meter to measure the stormwater being pumped out of the sump, which has been installed today), and the proof of bond. Ms. Larsen stated that everything requested at the previous meeting has been provided by PJ Keating. Also, just last Thursday, Tighe & Bond received the 2021 data for the monitoring report, which is due yearly on March 15. It's about a month early. Tighe & Bond will start reviewing this.

Mr. Lassila brought up a map of the existing conditions and reviewed. He explained the elevations, boundaries, history (dating back to the late 1930's at least). There are four monitoring clusters of wells on the property (illustration shown). Each cluster of wells has a shallow earthen well, a shallow bedrock well, and a deep bedrock well. Although we refer to four monitoring sites, in actuality it's 12 locations. Ms. Turner asked from what point depth was measured; Mr. Lassila replied that it is measured from sea level.

At this point Chairman Allison moved to recess the Public Hearing until after the next presentation. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**\*\*\* OUT OF ORDER / RECESS, UPDATE FROM LEGISLATORS, RE-CONVENE \*\***

Chairman Allison moved to reconvene the Public Hearing with PJ Keating. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Chairman Allison asked Ms. Larsen, "on a scale of one to ten, one being basic and simple and 10 being the most complex, how would you rate this PJ Keating situation? Ms. Larsen replied that more complex than some other sites. There is a lot of volume coming from this site, but it's all concentrated in one deep quarry. Mr. Allison asked her if there are any risks that she wanted to speak to. Ms. Larsen said no, she has looked through Tighe & Bonds' records dating back to about

2005, and it seems that restrictions have been increasingly tough, and that, in her opinion, PJ Keating has done well to meet the expectations and exceed them. She noted that a lot of the things that we've been requesting lately have been above and beyond compliance regulations. She feels comfortable that all the data that the Town has shown no cause for concern, noting that she realizes that groundwater is a major concern for residents surrounding the site. Based on monitoring there has been no negative impact shown on groundwater.

Select Board member Turner said, "way back when dinosaurs roamed the earth, not the 111 years Kayla but before your time, we hired Tighe & Bond to help oversee the technical aspects of our permitting and to advise. As you said, it's become more restrictive, but my recollection is, for example, there were more monitoring wells on a more frequent regime." Ms. Larsen stated that when she looked back at the 2005 permit the number of wells wasn't stated, but what was stated was that there was a quarterly reporting period. We now have it stated that they are read monthly and reported quarterly and that the Board has the discretion to request additional reports as desired.

Mr. Allison recognized Jeff Thelen from Tighe & Bond and Michael Wright from NAR (consultant to PJ Keating). Mr. Thelen explained the rationale behind the original placement of the monitoring wells. They were monitored continuously, now they are monitored monthly by hand to determine groundwater fluctuations in response to precipitation events and potential impact from the quarry.

Ms. Turner asked why they are no longer run continuously. Mr. Thelen explained that there have been some transducers that have run out of the life expectancy of their battery and that NAR was looking into putting in a different type of battery system to power the transducers and the monitoring wells. He asked Mr. Wright of NAR to comment. Mr. Wright explained that five of the wells still have their transducer and it's the end of life expectancy for all of them, so they will be re-purchased. He noted that when this was originally done in 2004-5, there was monthly monitoring, and when the transducers were put in the levels of each cluster in each well were monitored hourly. This went on for 8-10 years and then it was noticed that the batteries were sharply dying, so they moved to daily monitoring. They did daily monitoring up until each one of the things that has failed. Now that they're failing, they are continuing with monthly monitoring. They hope to get new transducers in this year in all the wells.

Ms. Turner recalls that when monitoring began at this site it was because of concern for natural resources, and that it had been designed to be passive and immediate. She would like to see a report over time showing trends. She asked about costs, because it would seem that automated monitoring would be less expensive than manual. Mr. Wright explained that what they had found earlier was that daily monitoring was not effective, and that there was a very small daily fluctuation. Ms. Turner asked about the depth of the wells. Mr. Wright explained that the shallow wells, from the surface to the top of the bedrock, are typically about 25' in depth, maybe up to 30' or 40'. The shallow bedrock wells go down approximately 50' into the bedrock. The deep bedrock wells go down approximately 200' into the bedrock. He stated that currently they are over 50' deeper than the deepest excavation.

In response to Ms. Turner's questions, Mr. Wright explained that all wells are operational, and that sometimes some of the shallower wells will go temporarily dry due to drought conditions, but that this is cyclical, and they do come back.

Mr. Wright showed some graphs illustrating monitoring from 2006 through present, with little fluctuation to the pattern of water depth.

Mr. Moody asked if it were possible to monitor some of the close existing residential wells for trace chemical elements. Mr. Wright explained that this would be a call for PJ Keating but opening residential wells or touching them could introduce bacteria and other problems. They do not typically work with residential/drinking water wells. Mr. Wright did note that a study had been done several years ago due to some drought conditions, and that most homeowner/residential wells are 800-1,000 feet in depth, needed to achieve the minimum 2-5 gallons a minute required by homeowners.

Ms. Turner said, “I think one of the reasons that we do a hydro tracing, and maybe we need to do that again or in more depth, (no pun intended) is because there is not a direct correlation between the depth -- not everything runs on a flat level, but the pressure of the rock can have a bearing. It may be a great thing for PJ Keating to demystify, because there are a lot of people and neighbors that we have heard from, at least I have. They do have concerns, and some of them, in fact, blame PJ Keating for disrupting their water, whether or not it's accurate so maybe it's something that we do, to Jeff's point, maybe we need to put some science to it.”

Chairman Allison opened the public hearing for comments by residents, noting that he asks individuals to keep comments to three minutes.

Mr. Allison recognized Jeff Pastor, 46 South Meadow Road. Mr. Pastor asked exactly what is being tested for in the well clusters by the company. Is it PFAS? If not, he would like to ask that they consider adding PFAS testing to their regular testing regime.

Mr. Wright answered that there is no chemical testing done on any of the wells for the permit; testing is for groundwater elevation and monitoring it.

Mr. Vigneau mentioned several points. First, opening a private well to take a sample requires that the well be chlorinated, making it basically unusable for the next 48 hours. He suggested that taking samples from the tap and keeping the well closed might be an option. He and Mr. Robinson from PJ Keating would be open to establishing a working group concerning some of these items that won't be solved tonight. As far as PFAs go, big on the radar screen right now, local homeowner water could be tested, but it brings into question the likelihood of the process introducing PFAs in a distant location when it's been shown that they're not even impacting the wells from a groundwater perspective.

Mr. Vigneau noted that water used is not consumed but entered back into the ecosystem, but they would certainly offer up at this time to work with the town's consultants and interested town personnel to investigate what might be done to specifically address these situations. He suggested involving DEP in these discussions.

Mr. Vigneau offered to speak further on other topics such as mine planning, or the blasting operations, or the many regulatory requirements that PJ Keating faces from DEP, or the EPA, or

anything else that might make the Town more comfortable about the operations, within reason and science. He expressed that they are amenable to meeting with the Town at any time, or showing them the quarry or the operations. There had been discussion about where the rock goes once it leaves the quarry, and they'd be happy to show folks the production process. They hope that everyone understands the importance of the quarry.

To return to the previous discussion, Mr. Vigneau agreed that they will replace the transducer systems in the wells. The information can be uploaded to the cloud and can be available in very short order. To take it one step further, as they go deeper into the mine in 2023, they will install additional wells to the depth necessary to ensure that they are below those locations.

Chairman Allison recognized Martha Moore, 131 Center Bridge Road. Ms. Moore said that she thought the original lease on the quarry was around 1966 with her aunt, Mildred Marble. Ms. Moore asked where the water in question comes from; is it precipitation, or from the water table? And where does it go once you pump it? Ms. Moore noted that the land in question abuts land that her aunt left to Fitchburg State for conservation study, and she wondered if someone could show her where that was on the map, and if there were a buffer zone separating this conservation study land from the PJ Keatings operations.

Mr. Vigneau noted that there are some locations on the property of priority habitat and offered to show where the Natural Heritage Program has established some priority habitat. PJ Keating actually called Natural Heritage out to certify these parcels. The water that is pumped up out of the quarry pumps up through a pipe and goes up (demonstrating on map). When it is discharged it's in the vicinity of NW One. Here it is tested on a quarterly basis for TSS, and Ph and is then emptied into the wetland area across the street. Again, this is all EPA approved and is subject to the national discharge elimination system permit that they have. They are required to do the testing and report the results of those tests; any excess requires them to address concerns immediately, but happily there have not been any issues. Further answering Ms. Moore's questions, Mr. Vigneau told her that she had hit the nail on the head, that the water being measured is a combination of groundwater and rainwater that enters the quarry, eventually making its way into the lowest part of the quarry, called the quarry pond hole, which is deeper than the surrounding quarry flow itself.

Mr. Vigneau continued, explaining the difference between some of the many state and federal permits and requirements that they are required to abide by. The Chair recognized Mikael Lassila, who reiterated what Mr. Vigneau had presented.

Next Chairman Allison recognized Justin Smith, 4 Turner Lane. Mr. Smith had questions for Tighe and Bond about the absence of a missing flow meter. Had this been addressed prior to the January 3 meeting? Had they ever discussed the violation of permit condition 12 with PJ Keating? When does PJ Keating think that the new monitoring well pressure transducers will be online?

Ms. Larson, Tighe & Bond, responded that yes, there were previously two meters on site. There were some inconsistencies in the readings and one had since been removed since it appeared to not be reading correctly. She had put this in her inspection reports and had talked to PJ Keating about the missing meter and, as stated earlier, they have now been able to procure a second meter. Ms. Larsen noted that the second meter will take some time to order and get installed, but that it

should be up and running by the time the plant opens back up and quarterly inspections are performed in March. So now we'll have two distinct numbers that can be compared to make sure that we're getting the most accurate reading.

Mr. Vigneau explained that they have a proposal for the transducers and some additional electrical work will be needed. He stated Mike Wright might have a better handle on the timeline.

Mr. Allison recognized Jeff Paster again. Mr. Paster said that he misspoke before, and he understands that PFAS testing is not required by regulation. He would like to see PJ Keating's wells tested for PFAS, not the neighbors, with the results reported to the Town.

Mr. Vigneau responded that they are amenable to that, and again, if they could put together a working group of parties such as the Board of Health and other knowledgeable entities, this is the sort of thing that might be helpful.

Mr. Allison recognized Anne Ogilvie, 4 Turner Lane. She asked she could see a larger map and if Mr. Vigneau could again review the pumping and where the water goes under the roadway. She said, "I would just like to see where it eventually goes. He stated the water is not being consumed, it's being pumped back into the ecosystem, and so I'd love to see each step along the way, and I'm particularly interested, since he mentioned the Federal and State standards, if you're able to tell us if at any point, for example, is it cleaned of the silt? Is there any kind of filtration? What happens, is the water treated as it makes its way through the site? And I'd like to see where it goes because it's water that is coming from this particular aquifer, and it is going someplace else, so it's not necessarily going right back into the ecosystem, it travels along the way. So that is my first question. My second question is, when you pump ground water that is the equivalent of the precipitation that would have happened, where do you get that number? I understand that there are lots of calculations that go into figuring out if you're pumping rainwater or not, but how does that happen, like in practice during your operation, right, because I think these numbers are taken from the wells, and the calculations are done for precipitation after the fact, so how do you know along the way what's happening? Does it get adjusted yearly? Does it get adjusted for drought? I'd love to understand that better. And then my third question is related to this is sort of for Tighe & Bond and the Select Board about the data that's provided the groundwater of information that's provided in the NAR reports that's currently in the permit stipulated to be provided by March every year. I'd love to see that requirement be changed so that we get the data, we do the analysis, and then the permit hearing happens. It doesn't make any sense to me why we would get data in March for the previous year, when we are permitting currently in January. There's a huge gap there right where we're getting data three months after we've already made a decision and so I'm really hoping that we can get that data provision and analysis aligned with the permit schedule, so that we can get the data analysis and then after that we can get the permit hearing to happen, so that we can use the data, thank you."

Mr. Vigneau answered, saying that they do have a larger map that they could show where the water goes, and that it does stay within the watershed. There are various watersheds, but at the end of the day it's all within the same watershed. He explained that the water goes through a couple of miles of cleansing wetlands and through a quite small pipe to Lake Shirley. He ceded more answers to Mike Wright. Mr. Wright explained that to calculate, we look at the precipitation daily, monthly,

to yearly, and what is falling at the quarry area. We have a delineate zone that goes all the way around the quarry. That is basically the capture zone of the quarry, so all the rainfall that falls within this zone is primarily focused and drained into the quarry and goes into you know, the main area and all gets funneled down into the lower pit where it is in a collected in a small sump, and pumped up through this ramping system there's a pipe that's underground and it comes up. So by using this system we compare that number with how much stormwater we know, has come into the quarry so we know what's going out of the quarry, we have a good estimate of what's rainfall into the quarry and we try and compare that with everything that we know, and we try and figure out how much ground water we pumped, and how much storm water, most of the time we're at within five to 10% that. (Mr. Wright used the displayed map to show where this activity happens.)

Ms. Larson of Tighe & Bond answered the question on timing of permitting and reporting. First, though, she built on Mr. Wright's answer, explaining that part of Tighe & Bond's charge is to monitor rain gauges near the site, and using calculations, estimate the evaporation versus how much is infiltrating. She explained that they have discussed internally how they could get groundwater monitoring data sooner so that it matched up with the permit deadline. She suggested that it might be helpful if the permitting deadline were in March but noted that delays could impact PJ Keating's ability to open for the Spring season.

Mr. Allison asked the Select Board members how they felt about changing the permitting timeframe. Ms. Turner thinks this could be a good point if it provides more accurate data.

Mikael Lassila shared a screen from Massachusetts' GIS, showing the conservation land that Ms. Moore had asked about previously as well as sub-basins to help answer Ms. Ogilvie's questions. He showed an overlay of local aquifers to illustrate how water flows, and answered questions from Ms. Turner on additional mapping details.

Mr. Allison recognized resident Karen Cavaoli, 117 Fire Road 11.

Ms. Cavaoli's first question was about an area pointed out on the map, where the water goes to first, at the East Side of Fort Pond Road on the corner. She stated that this is wetlands, that it is a gray, awful looking parcel of water, so she is guessing that there is a lot of stone dust in it and, by the time it goes to Lake Shirley, the water is probably clear, but it seems that the area is being damaged. Secondly, she asked about explosives used, stating "living sort of in a triangulation between that gravel pit the one over by the Capital property and Fort Devens training area, and I'm in a 100 year old house. I've been there for 60 years, hearing a lot of explosions that literally rock the house. I'm wondering how good that is, for all those people that live in that area, realizing that that's a part of your business but also having everyone recognize that that's going on, frequently." She recapped, saying that the first question about the water is it leaves your area seems to be very unclear, although she hears them saying that it meets Federal regulations, and then secondly just a concern about the explosives that we listen to frequently.

Mr. Vigneau responded that the water has been being discharged in the same location for many, many, many years -- decades. There are new regulations that control that type of sentiment that you're seeing. We can't say that that didn't build up over many, many years previous to where we're at today. The major constituent that contributes to that is total suspended solids (TSS). And we



have before we discharge, TSS monitors in place. We don't need to monitor the discharge on every single discharge occasion. The requirement is that we do it on a quarterly basis, but we tend to do it more often. But we have handheld TSS monitors that indicate to us whether that water is under the hundred milligrams per liter of total suspended solids that's earmarked for these types of operations, and in fact we try and reach more closely to 15 milligrams per liter and below.

He continued, saying that anyone driving through the area would recognize the fact that the pond appears to have some white sedimentation on it. It's a very shallow pond obviously. So that we're not about to dispute that that happened. It's clear to the eye that that has happened over the past and but we're not contributing to it at this at this point in time, and if we could rewrite history, then perhaps it wouldn't be in the same shape that it's in. But you know that may be fall on deaf ears and I wouldn't blame you if it did, but again, given the fact that the quarry has been there, long before environmental regulations were in place and enforced. It's an unfortunate outcome of previous activities

Mr. Vigneau introduced Carl Low from A-One Blasting, asking him to walk through the process that is undertaken, both during the blast and before the blast, getting permission from local authorities, meeting state regulations, and ensuring that state regulations were met. Mr. Vigneau said, "I will also admit that there's going to be times, where you're going to feel some impacts from the blast, and that's caused by a number of reasons. But the vibrations and whatnot and the concerns that it could be damaging foundations or things of that nature, we would argue that that's just not happening."

Mr. Low stated that they have been blasting in that quarry since 2015. Last year they did 22 blasts, A-One has never exceeded the state limit for vibration and sound; not once have they exceeded in the seven years that they have been blasting there. Peter Hicks, also on the call, is a third-party seismologist who sets up and qualifies graphs. Currently there is blast monitoring equipment set up in three locations. All blast operations have permit applications submitted through the Fire Department, and all operations are reviewed through the Fire Department to make sure that they are in compliance with the State and the Town.

Mr. Allison asked the Select Board how they would like to proceed. Some residents still have questions, but anyone with a raised hand has already had the chance to ask one or two questions. Mr. Allison wants to know if the Board wishes to entertain further questions or if they want to continue for a future time.

Ms. Turner thinks there are questions that will not be effectively answered tonight; she would not be able to vote tonight because there is still information from Keating Corporation that they have said they would get to the Select Board. Mr. Moody would like to begin to meet with a small working group made up of Building Inspector, Board of Health, Conservation. Mr. Nutting asked when PJ Keating starts up their operation, since it's once thing to postpone, but it's another thing to stop them from doing business.

Mr. Vigneau stated that they are ready to meet as soon as possible. Mr. Robinson states that they will be ready to do the first blast by mid-March. They have a lot of state work and important jobs that they are committed to for current infrastructure projects.

Mr. Robinson stated, “The aggregates of this operation are very, very important, and you know we meet the state limits as Doug has been talking about and Mike has been going discussing those the resources....rock is a resource, especially in Massachusetts. You know nobody's handing out more free sort of permits and it's very difficult to establish new operations. In fact I don't know in the 18 years I've been here of a brand new operation being opened up in Massachusetts. If anything, the resources are diminishing, and we have a finite resource here that we're committed with so we really would like to get this going as soon as we could. There are a lot of big operations that are relying on us to get this product, our final products out and there are a lot of good paying Union jobs at stake on this as well.”

Mr. Nutting suggested that if the hearing could be continued in the month of February then it could work for all parties. Ms. Turner asked if a subcommittee could report back to the Public Hearing. Mr. Nutting said that would not be a problem.

Ms. Turner said that she understands that this quarry works within federal mining limits and so on, “but just to remind you, PJ Keating is a business in Lancaster, and we want to respect that and allow the valuable resources and the union jobs to continue. The processing and the tax dollars are in Lunenburg. There is nothing in Lancaster except for heavy traffic that benefits Lancaster. She noted that I do not personally object to quarries, you know there's nothing better than old rock, but we have a responsibility to in our charge to protect local resources, our lakes, our water, our people. Your job, obviously, is to protect PJ Keating and make sure that we can come to a critical balance that we protect the Town and that you are still able to continue. It's not my intention to shut down a quarry. I didn't want to 20 years ago and I don't want to now. But there is a reason that it is so valuable and because it's so ..... We have a place up in Gloucester, and they're not even allowing, a town that was built around quarries is not even allowing other quarries to happen. There's also a reason that they are fully regulated, but the things that the EPA and the NDP are looking at are bare minimum accepted. So we keep on emphasizing, Doug was deciding that you are meeting the bare minimums, and that's not the standard by which I think we need to meet. We need to talk and get more details about mapping. I'd like to see some hydrological mapping, which is probably not going to be accomplished before, unless we want to hold up this permit, so this may be a continuing process with either a shorter term renewal or not. Talking about things like total suspended solids (TSS), maybe getting some more sophisticated monitoring. On that, so I think I think we have a lot of work to do together, and I also think, in respect to the Board of Health questions and concerns and it's not just PFAS mining and blasting generates. There's PCs and all kinds of other chemicals that we need to screen for, so sitting down together and coming up with a list quickly, not all of which may be accomplished before the renewal, would be good. And something that bothered me from the last renewal that we had back in November or December is your permit had run out, and if you notice we didn't stop or shut you down, but you did come to the table and then we're quickly right back. Do you know why it ran out and nobody applied for a new permit? Because we don't; I mean that. Is that difficult? I'm not sure who to address that to. You don't even have to answer it right now, but it was a concern for me ..... So those are just those are just the top questions that I have, so I would ask the board to consider continuing this.”

Mr. Moody said that he does not want to stop PJ Keatings operations. He'd like to get going on some of the other stuff, even if it means granting the permit with some stipulations.

Mr. Allison proposed continuing the public hearing. He asked Mr. Nutting to reach out to all the Select Board members and get all of their questions documented, written down, and sent to the applicant ahead of time, so that they can be answered prior to the next meeting. He asked Mr. Nutting to make sure that all information Select Board members might need is available and residents are also asked to send questions ahead of time.

Chairman Allison asked the Select Board and interested residents to please prepare questions in writing and get them to the Select Board office so that they can be answered prior to the February 28 meeting; he requested a motion continuing this public hearing until that time. Mr. Moody moved to continue the Public Hearing to February 28, 2022. Ms. Turner seconded the motion.

*Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### **6:30PM Update from State Representative Meghan Kilcoyne & State Senator John Cronin**

Select Board member Turner welcomed Representative Meg Kilcoyne and Senator John Cronin. She noted that they have been an incredibly effective freshman delegation during a very difficult time. Continuing, she said that they are both very seasoned legislators and that she has had the great opportunity and fortune of working with both on senior issues and larger issues and that both of them have brought Lancaster desperately needed funding through grants and allocations. Ms. Turner stated that she hopes to make this a regular event, perhaps quarterly or as needed.

Representative Kilcoyne noted that now that the State House is open to the public again it's a great place to visit. She said that this has been a busy year, and the House successfully got back on the budgetary cycle, so the budget was more or less set on time, very important to towns like Lancaster. House Ways and Means, of which Rep. Kilcoyne is a member, has begun holding hearings to set priorities for districts for the next budget cycle. She wants to hear about Lancaster's priorities. Last year, with Senator Cronin, she was able to protect prison mitigation funding, roughly \$200,000. Going forward there will be opportunities for candidates to apply for a variety of funds, and she stands ready to support Lancaster in any efforts in which she might help.

Representative Kilcoyne continued, explaining that there are a few local bills pending, notably Civil Service for the Police Department, which is now out of committee.

Senator John Cronin spoke next, thanking Representative Kilcoyne for doing the "lions share" of the work to get the prison mitigation funding passed for Lancaster. He spoke to three topics; the Senate should be taking up their budget in May, so prior to that he would love to have a dialogue with the Select Board about funding priorities and needs; he's asking Town Administrators, Town Managers, and Mayors for a "wish list," prioritizing projects. Secondly will be the next round of ARPA funding as we go into summer. Finally, two home rules petitions that are in Senate third reading, H3761 and H3760. These both pertain to the Fire Department in town; he has been in touch with Senate Counsel and the Chair in the Senate, and he expects those bills to move soon, and to be on the Governor's desk for signature in the next couple of weeks.

Board member Turner thanked both legislators for their help with prison mitigation funding and some recent Fire Department funding. She noted that Lancaster did not benefit much from ARPA funding, but that she will work with her Board and Mr. Nutting to develop a wish list. She noted that they are still waiting on language from DCAMM to move forward with this project; Ms. Kilcoyne replied that her office will provide any input possible, but it may be dependent on Town Meeting schedule; Senator Cronin echoed this. At Ms. Turner's request, both legislators will push further to have the civil service bill completed, and will advise Mr. Nutting as to how it's going.

Ms. Turner brought up Lancaster's need for infrastructure repairs, especially to the water system, mentioning the possibility that some of the older pipes might contain minor amounts of lead. Senator Cronin talked about ARPA money and the federal infrastructure bill recently passed, although it is too soon to know how that money will filter down to a local level. Representative Kilcoyne added that the legislature is aware of these sorts of needs throughout the Commonwealth and there is currently a "PFAS (Polyfluoroalkyl Substances)" task force looking at what the needs are and how municipalities can best be supported. This is chaired by Representative Kate Hogan from Bolton and Stow, Speaker pro tempore.

Ms. Turner noted that PFAS is a big concern, especially as a Devens border town with active South Post. Ms. Turner explained that she sits on the Restoration Advisory Board (RAB), and there are lots of concerns about well safety, both private and public.

Ms. Turner, noting that Senator Cronin is a veteran, asked about changes and opportunities for veterans that she understands are coming. Representative Kilcoyne sits on the Veterans' Committee and explained that the committee is working on a number of bills.

Mr. Moody would like the Select Board to develop a priority list to bring back to the legislative delegation.

Chairman Allison states that it is unreasonable that the civil service legislation for Lancaster has not passed, and asks Representative Kilcoyne and Senator Cronin to work as hard as possible to get this done.

Ms. Turner noted that both Representative Kilcoyne's and Senator Cronin's constituent service has been excellent, with office hours held at the Community Center and Senior Center, which residents are welcome to attend, or they can be contacted directly at their offices.

#### **IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS**

Joint Meeting with Public Works Board to review and select a Public Works Board Member to fill the vacant seat, term to expire May 9, 2022.

*The Public Works Board was unable to attend tonight's meeting. This agenda item will need to be re-scheduled.*

## V. PUBLIC COMMENT PERIOD

6:00 P.M.      *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 permitted.*  
6:10 P.M.

Chairman Allison recognized resident Anne Ogilvie (she/her) of 4 Turner Lane.

Ms. Ogilvie said, “My comment is that I thought that the purpose of the hearing was for residents to ask questions and receive information. There is no current process through which residents can seek information with all of the very experienced and knowledgeable experts that were on the call this evening, and so I would ask the Board to have patience with the public. I think there were four people who asked questions tonight and they were allowed three minutes to speak, while the applicants went on for quite some time and sometimes didn't even answer the question, so I think this is a really important public process, and I would hate to see it thwarted and have residents' questions not get answered around something as important as our water supply. So it may not get answered in this meeting. I'm assuming that the best conduit for our questions is Mr. Nutting, and so, for those of us who have questions, following this hearing that was ended early before all the questions were answered, is Mr. Nutting the correct person to send those questions to? Thank you.”

## VI. TOWN ADMINISTRATOR REPORT

Interim Town Administrator will update the Board on the status of current projects pending.

- **Building Inspector Brian Gingras report on Site Inspection of 700 Fort Pond Road**

When the Board renewed the license for United Ag and Turf NE., LLC, they asked the Building Inspector to give the Board a report. Mr. Allison recognized Building Inspector Brian Gingras, who had copied the Board on his report. He is currently working with United; the process is slow because their engineer has just come back from vacation. Mr. Gingras reports that we are going to attempt to seek a variance for side setback issues and perhaps the rear setback. He reports that the business is making an effort, changing some of the display stuff around, although this may be due to low inventory. Mr. Gingras reports that according to GIS satellite data, the applicant has greatly expanded between 2019 and 2021 along the northerly side of the property along the residential zone. Ms. Turner asked the status of the permit; it was issued with the caveat that the Building Inspector needed to inspect the property. Mr. Gingras thinks that the best way to solve this is to allow them to come up with a plan within a reasonable timeframe. Ms. Turner reports that she has had complaints from neighbors. It was determined that this topic would be addressed again at the Select Board meeting of February 28, at which time Mr. Gingras should have a better understanding of what this business intends to do to resolve violations of conditions.

- **Posting Select Board Agendas**

Mr. Nutting explained to the Select Board why the meeting of February 7 had to be postponed, apologizing for the snafu. The Select Board's office was unaware that the Town Clerk was at a training session and didn't get back in time to legally post the meeting. He has held a team meeting to review processes and to ensure it does not happen again.

- **ARPA Funds**

Mr. Nutting updated the Board on ARPA funds. He has sent a memo to all committees and departments to explain some new regulations, which make it much broader and allow the Town to move forward on a much wider range of items, mostly Capital items. He has asked everyone to turn in their "wish list" by the end of the month.

Ms. Turner asked if Mr. Nutting was the appropriate person for questions about PJ Keating. Yes.

Ms. Turner noted that about posting agendas in general, we have policies and procedures specifying lead times and posting and so on. She noted this was especially important since the Governor just voted to continue to allow remote meetings. She asked Mr. Nutting to think about and get back to the Board about how to support best practices, how we get Zoom information and details out to people, so we avoid any posting errors, and maybe who does that. Ms. Turner stated that the Town Clerk would like a little more lead time than what is legally the minimum, 48 hours, "So if we could just all know that is boards and committees and departments and who we get the zoom credentials from who handles out things like that just good housekeeping stuff."

***\*\*\* OUT OF ORDER \*\*\* Chairman Allison moved to Appointments and Resignations to ensure that these were done.***

<b>VII. ADMINISTRATION, BUDGET, AND POLICY</b>
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1. **Discussion and Call for Special Town Meeting and Open Special Town Meeting Warrant (Town Administrator Nutting)**

Mr. Nutting sent a memo to the Select Board suggesting that they hold a Special Town Meeting on March 21. They could open the warrant tomorrow (February 16) and close it March 1. This would give the Board time to review the Warrant at the next meeting and make decisions as to which articles they want to include or not include.

Chairman Allison moved to hold a Special Town Meeting on March 21, 2022, with The Warrant to be opened on February 17, 2022, and closed on March 1, 2022. Mr. Moody seconded.

Ms. Turner asked if the Special Town Meeting (STM) would be held indoors or outdoors. Mr. Nutting reports that he has discussed it with the Chairman of the Board of Health, and they have agreed to hold it indoors with masks to be worn and social distancing protocols in place.

*Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**2. Vote on Police, Clerical & DPW Union Contracts (Town Administrator Nutting)**

Mr. Nutting reviewed for the Board that all contracts were renewed and that there was a memorandum of understanding. The MOU has finally been incorporated into the contracts. We have signatures from the Police Department union and the Clerical union. The DPW has not yet signed. Based on the MOU, the conditions have already been implemented and the wages have been paid, so signing the contract is a formality.

Mr. Allison moved to approve the police and clerical union contracts. Mr. Moody seconded. Ms. Turner would either abstain or request more time; because she was not a Board member when these contracts were initially negotiated, she is not aware of what changes the new contract would include. Mr. Nutting explained that these were in a memo that he sent the Select Board, and that any action to change a contract at this point could be construed as unfair labor practice.

*Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]*

**3. Discussion on Division of Capital Asset Management and Maintenance (DCAMM) Warrant Article for Special Town Meeting. (Town Administrator Nutting)**

Mr. Nutting asked the Board for guidance on this; language for the bill has still not been received from DCAMM's Legal Department, and this is a major decision for the Town. Mr. Nutting suggested that it might be prudent to put this article on the Annual Town Meeting rather than the Special Town Meeting in March.

**4. Request of Department of Housing and Community Development (DHCD) to approve the re-finance of mortgage for 63 Mediation Lane for the Local Initiative Program (LIP) (Town Administrator Nutting)**

Mr. Nutting explained that this is just a vote to allow for refinancing of an affordable unit. Mr. Nutting has spoken to Victoria Petracca from Lancaster Affordable Housing Trust, who recommends approving this refinancing.

Mr. Allison moved to approve the re-finance of mortgage for 63 Mediation Lane for the Local Initiative Program (LIP). Ms. Turner seconded. *Vote Taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**5. Hard copies of Annual Town Report (Moody)**

Mr. Moody stated that the Town Clerk will have hard copies available in the Select Board office, Clerk's office, the Historical Commission office, the Library. They will be available at no charge.

**6. Post Cards for Town Meeting (Moody)**

Mr. Moody noted that last year for the Annual Town Meeting (ATM) the Select Board mailed postcards telling people where to find the warrant rather than sending the whole warrant. The ATM had over 100 more attendees than the previous year, so he thinks it was worth it, and wanted to ask the Board their thoughts on doing it again.

Ms. Turner thinks transparency and communication can always be improved, although since the Special Town Meeting will be strictly pro forma housekeeping issues we could skip that one. She would like to do it for the ATM, but although she thought the last postcard was attractive, even though it was just a giant picture of the library, but it could be used for more information, such as voter registration information from the Town Clerk, or what offices are up for election.

Mr. Allison asked Mr. Nutting if it was true that you need to be a registered voter to attend the Annual Town Meeting; Mr. Nutting said yes. Mr. Allison asked Mr. Nutting to have the Select Board office prepare for two things; first, making sure that everybody is registered to vote if possible, and secondly, be prepared to send out a postcard.

Mr. Nutting agreed that this should be done for the ATM but is not needed for the Special Town Meeting.

Mr. Moody noted that when he was a taxpayer in Acton they had inserts with the tax bill every quarter, sort of like a little newsletter that goes to every taxpayer.

**7. How many lead water services does Lancaster have and where? (Moody)**

Mr. Nutting had intended to ask the DPW questions about this at tonight's meeting, but because the DPW had to cancel it did not happen. He will talk to Kevin Bartlett before next meeting.

**8. Select Board being notified about expenditures over \$5000.00 before being expended. (Moody)**

Mr. Moody wants to be informed about large expenditures, stating that he has not been in the past. Ms. Turner concurs, stating that the Board has the power of the checkbook. Mr. Nutting says more clarity is needed; for example, elected Boards control their own budget, and there are recurring expenses such as health insurance that would be over this every month. Mr. Moody said it would be more capital; Mr. Nutting said that this would be easy since they had been voted on at Town Meeting.

Mr. Allison moved to table items 9-11 since the meeting had reached its posted end time. No second was heard; Ms. Turner stated that she would prefer not to second that or could discuss why we should not table items. Mr. Allison moved to Communications, Section XII. Ms. Turner moved to extend the meeting past 9pm to complete the agenda. Mr. Moody seconded. *Vote taken, Jason A. Allison, No, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]*



**9. Town Departments to be working on information for 2021 Annual Town Reports (Moody)**

Mr. Moody reported that the Town Clerk has notified departments, boards, and committees that they need to submit their reports for the 2021 Annual Town Report.

**10. Restoration Advisory Board (RAB) Membership and Meeting Updates (Turner)**

Ms. Turner reports that she is currently serving on the Restoration Advisory Board (RAB), a group from the Devens towns that works with the Army and other federal agencies such as the EPA to discuss how to remediate and restore South Post. She explained that most of the focus recently has been on PFAS and the many Superfund sites on both the North and South posts. There are many, many Superfund sites, both declared and undeclared. She would like to see representation from the Board of Health and from Conservation, and if anyone would like to assume her role on the RAB, that would be great. The RAB meets quarterly with some planning meetings in between, and meetings are posted on the Town Calendar.

**11. Select Board's Goals & Priorities – Set date of a Select Board Special Meeting (Turner)**

Ms. Turner states that with a new interim Town Administrator and many positive changes, she thinks it's a great time to set goals and priorities going forward. She would like to call one meeting with Mr. Nutting, who has done this many times.

Mr. Nutting said that traditionally when he works with boards he sends out a questionnaire about what they want to accomplish, and sets some priorities going forward over the next one to five years. The Board then sits down and discusses it. He asked if the Board wanted to do that prior to having a new Town Administrator or if they'd like to wait until the position was filled.

Both Ms. Turner and Mr. Moody would like to move ahead with this now.

Ms. Turner moved to have a working meeting to have a working meeting to establish goals and priorities at a date mutually convenient for the Board and Mr. Nutting, as soon as possible. Mr. Moody seconded. Mr. Allison thinks that the Board should wait until a new Town Administrator is in place. Ms. Turner thinks that it would help to give a new Town Administrator a clear vision.

Vote taken, *Jason A. Allison, No, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]*

<b>VIII. APPOINTMENTS AND RESIGNATIONS</b>
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**Appointments:**

Board of Appeals:

- Eric Jakubowicz as Alternate Member term to expire June 30, 2024 (2 year term)

Mr. Moody moved to appoint Eric Jakubowicz as an Alternate Member of the Board of Appeals, term to expire June 30, 2024. Ms. Turner noted that for both this appointment

and the appointment of Dennis Hubbard (below), these should be three year terms based on staggered terms defined in Policies and Procedures. Mr. Allison asked which policy; Ms. Turner said these should both be three year terms to make the rotation accurate. Ms. Turner said it was 304.20 in the bylaws. Mr. Nutting said it should be consistent with whatever term they were replacing. As it stands, several ZBA terms all expire next June. Mr. Nutting will check on this and will add the appointments to next meeting's agenda.

- Dennis Hubbard as Alternate Member term to expire June 30, 2023 (1 year term)

Recreation Committee:

- Monica Tarbell as member, to fill unexpired term June 30, 2022.

Mr. Moody moved to appoint Monica Tarbell as a member of the Recreation Committee, to fill an unexpired term, term to expire June 30, 2022. Mr. Allison seconded. Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

**IX. LICENSES AND PERMITS - NONE**

**X. OTHER/UNFINISHED BUSINESS - NONE**

**XI. NEW BUSINESS - NONE**

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

**XII. COMMUNICATIONS**

- Survey to collect comments for the MBTA Guidelines are now on the Town's website <https://www.surveymonkey.com/r/5QPZC8S>
- Town Offices will be closed on Monday, February 21, 2022, in observance of Presidents' Day.
- Select Board's next regular meeting will be held via Zoom on Monday, February 28, 2022, at 6:00pm

**XIII. ADJOURNMENT**

*Select Board member Mr. Moody offered a motion to adjourn the meeting; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted

Kathleen Rocco  
Executive Assistant

**APPROVED**

Jay M. Moody, Clerk

Approved and accepted: 2/28/2022