

APPROVED



**LANCASTER SELECT BOARD
Special Meeting Minutes
Prescott Building – Nashaway Room
Monday, March 28, 2022, 5:00 P.M.**

I. CALL TO ORDER

Chairman Jason A. Allison called the meeting to Order at 5:00 P.M. in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA.

Roll call was taken, Jay M. Moody, present, Jason A. Allison present. It was noted that Alexandra W. Turner would join the meeting following the Executive Session, from which she recused herself.

II. EXECUTIVE SESSION – Roll-Call Vote

At 5:02, Chairman Allison moved to enter Executive Session in accordance with G.L. c.30A, §21(a)(2) for the purpose of conducting contract negotiations with the selected Town Administrator candidate, Kate Hodges, to invite Interim Town Administrator Jeff Nutting and Town Administrator Kate Hodges into the Executive Session, and to reconvene back into Open Session after the discussion. Mr. Moody seconded. *Vote taken; Jay M. Moody, Aye; Jason A. Allison, Aye. Vote passed. [2-0-0]*

The Select Board reconvened at 5:15pm.

III. APPROVAL OF MEETING MINUTES

Mr. Moody moved to accept the Regular Meeting Minutes of March 7, 2022; Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Moody moved to accept the Special Meeting Minutes of March 11, 2022 & March 14, 2022, *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

VI. PUBLIC COMMENT PERIOD

Opportunity for the public to address their concerns, make comment and offer suggestions on

operations or programs, except personnel matters. Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.

Rebecca Young Jones, 94 Barnes Court expressed her concerns about the Capital Group. She stated that the Select Board must do due diligence and nail down all details, referencing a Letter to the Editor recently published in the Item written by Anne Ogilvie. She would like the article about North Lancaster development removed from the Annual Town Meeting warrant.

Greg Jackson, 40 Farnsworth Lane, requested that the Select Board hold hybrid meetings and continue to use Zoom.

John Roper, 5 Turner Lane, stated that as part of the Route 70 project the Town was supposed to receive 86 acres of land from the Capital Group, and until this happens he would like the article related to the Capital Group to be removed from the Town Meeting warrant.

Anne Ogilvie, 4 Turner Lane, talked about “lost property” due to the Town. She stated that the land settlement agreement was breached, and she urged the Select Board to first, pull the related article from the Annual Town Meeting warrant, and secondly to convene a special committee to investigate the breach of the 2017 land agreement and to fully understand what happened. She additionally urged the Board to disband the Ad Hoc MOU Committee and to close any and all negotiations with Capital Group, 702 LLC, and North Lancaster LLC until land agreement matters are fully resolved and explained to residents.

Attorney Tom Bovenzi, representing 702 LLC, asked to set the record straight and to share the buyer’s perspective. He stated that the last correspondence that he had relative to the land agreement was an email that he had sent in early 2019 to Jonathan Eichmann, then attorney to Lancaster, but that he never received a response. Attorney Bovenzi stated that there was never a situation or a time when his client did not own the land in question, as has been suggested, and that his client stands ready, willing and able to convey free and clear land, along with title insurance, noting that all taxes are, and have been, paid – as long as terms are honored and that the Town of Lancaster still wants the land.

A resident stated that there is obviously confusion about the facts and that the Town needs to investigate further before moving ahead.

Resident Narbonne 724 Main Street, agreed, saying that there is too much confusion, and that citizens need to know what’s going on, and that the Select Board should pull the article relating to Capital Group from the Annual Town Meeting Warrant.

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| VII. TOWN ADMINISTRATOR REPORT - NONE |
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- FY2023 Budget

Mr. Nutting reported that the Finance Committee has their final meeting before the Annual Town Meeting on April 20, asking if the Board would like to review and make recommendations; the Board concurred that they will do this on April 20; tonight, will be a high-level overview of articles

VIII. ADMINISTRATION, BUDGET, AND POLICY

1. Approve the Town Administrator Contract

Mr. Allison moved to appoint Kate Hodges as Town Administrator with the agreed upon contract Mr. Moody seconded. Vote taken; *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]*.

The Board welcomed Ms. Hodges.

2. American Rescue Plan Act (ARPA) & Capital Discussion

Mr. Nutting sent a memo to the Select Board with all department requests for ARPA money. He stated that in light of the Town's fiscal state, the Town will be using about $\frac{3}{4}$ of a million dollars of Free Cash to balance the FY2023 budget, saying that costs are rising and many things have been underfunded in the past, citing Property & Casualty Insurance and Legal costs as examples. He asked the Select Board to consider whether or not they would like to support ARPA funds for Inspectional Services Technology (\$5,500); Police Cruiser (\$53,000); Ambulance (\$350,000); School Boiler (\$150,000); Electronic Sign Boards (\$36,000 – already purchased with the assumption that CARES money could be used but then rejected); Upgrades to IT servers (\$70,000); and EV Charging Stations (\$23,000 – if not used grant money could be lost). This totals about \$670,500. If all these items were approved, it would leave \$1.7 million in ARPA money and time for consideration of other requests, i.e., Recreation Building Improvements, Community Center Study, Social Worker, and Fire Station Study.

Ms. Turner stated that the ARPA money is a one-time infusion, and she does not like the idea of using it for recurring expenses such as a police cruiser.

Jasmin Farinacci, Director of Community Development and Planning, spoke to IT needs that would help Planning, Conservation, Building, and Board of Health as well as other departments since the requested monitor would be movable.

Police Chief Everett Moody explained that the new cruiser would replace one with 146,000 miles that is currently incurring maintenance costs. The new cruiser would be hybrid, reducing fuel costs.

Fire Chief Mike Hansen talked about the need to replace the 2006 ambulance, citing mechanical problems with the existing vehicle and a 13.5% increase in ambulance calls in the past year, with 799 ambulance calls/transportations in 2021. Ms. Turner asked about the impact of ambulance calls to the Souza-Baronowski prison, recalling that when the prison was built it was agreed that Lancaster would not handle their ambulance calls; these would be covered by Shirley, and in exchange, Shirley would receive half of the State's prison impact funding. Chief Hansen replied that it would violate the law if they were not to respond, and that Shirley covered ambulance calls to the minimum and medium security prisons while Lancaster responded to maximum Souza-Baronowski calls. Ms. Turner would like to look into this further. It was noted that in a January ambulance quote, delivery time was 427 days, and that

if ARPA funds were used that there would be no financing cost. Ms. Turner had several questions about ALS (Advanced Life Support) usage and mutual aid.

Mr. Nutting spoke to the school boiler needs, pointing out that past funding delays have resulted in higher costs.

John DiTomasso explained that upgrading 5–10-year-old servers would allow “virtual architecture”, providing the Town with greater resilience and easier recovery, making the Town less susceptible to malware or other attacks.

Ms. Turner noted that some of the items listed for future consideration were very important, especially since the Town currently has no provision for emergency shelter.

Mr. Allison moved to approve ARPA funding for the EV charging stations and the electronic sign boards. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

3. Annual Town Meeting Warrant Articles

Mr. Nutting noted that the Warrant will close this Wednesday and gave the Board a high level overview of the 16 articles, asking the Board to agree that these are the articles that they wish to be on the Warrant. A “deeper dive” will be held at the April 20 meeting; Ms. Turner asked that the DPW be present for this meeting.

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| Article 1: | Budget |
| Article 2: | Capital Plan. Proposing \$100,000; \$75K for library architectural engineering study and \$25K for Conservation for land repair. |
| Article 3: | Water Enterprise Fund (standard article) |
| Article 4: | To fund replacement of engineering and design of water lines – estimated at about \$1,000,000 for five miles of pipe. |
| Article 5: | Annual Budget for Solar Array |
| Article 6: | Annual Vote for Revolving Fund Accounts (listed in Warrant) |
| Article 7: | Community Preservation Act |
| Article 8: | Amend bylaws to allow Finance Committee members to serve on additional committees. |
| Article 9: | Makes the Ad Hoc Economic Development Committee a permanent committee. Mr. Allison moved to modify the number of members of this committee from seven to five, not replacing the two members with terms to expire in June 2022. Ms. Turner seconded the motion. <i>Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]</i> |
| Article 10: | Reduce Council on Aging Membership from nine to five members plus associates. Ms. Turner noted that she would also like to change the name to reflect this committee’s multi-generational clientele; Mr. Nutting will talk to Counsel about this to ensure there is no potential downside, i.e., loss of eligibility for grants. |
| Article 11: | Create a Government Study Committee to look at Lancaster’s form of |

government and report back to the Select Board in a year. Mr. Allison moved to include seven members as part of this article. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Article 12: Wage Classification Plan

Article 13: Discontinue a sliver of land on Old Lunenburg Road

Articles 14, 15, 16: Zoning articles, including 40R Zoning with upcoming public hearings scheduled by the Planning Board. Mr. Allison wanted to stress that the most important part of the zoning articles about North Lancaster development was that Lancaster needs to know what we're going to do for tax revenue – if this development is not approved, what are the other options available.

Discussion was held about publicizing the Annual Town Meeting (ATM), with information available on the website and via postcard. The postcard will be shown to the Select Board for approval.

Mr. Moody would like to have the ATM outside; Ms. Turner would like it outside and notes that we need to do better planning for people with disabilities. Mr. Nutting will check with Police, Fire, Town Clerk, and Board of Health for their feelings on this issue and will check with Counsel on when the Warrant needs to be closed.

4. Select Board to petition General Court for Special Legislation for Division of Capital Asset Management and Maintenance (DCAMM)

Ms. Turner moved to petition the General Court for Special Legislation for the Division of Capital Asset Management and Maintenance (DCAMM). Mr. Allison seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

5. Select Board Policy on Code of Conduct

Mr. Allison moved to amend the Lancaster Code of Conduct to delete the paragraph creating a complaint mechanism for general disagreements, noting that protections against actual harassment remain in place. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6. Peer Review Firm for PJ Keating

Mr. Allison moved to appoint CEI to do a peer review study of conditions pursuant to the PJ Keating Earth Removal Permit. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

7. Acceptance of FY2022 Massachusetts Historical Commission (MHC) and Planning Grant Award

Mr. Allison moved to accept the FY2022 Massachusetts Historical Commission (MHC) and

Planning Grant Award. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

The Board thanked Heather Lennon, Chair of the Lancaster Historical Commission, for her hard work and dedication. Ms. Lennon explained that this grant will allow study by experts of Lancaster's historic cemeteries.

8. Land Trust Presentation: Bob Lidstone to update the Select Board on the Town Clean Up Days and inform the Board of Candidates Night on April 20th at 6:30pm.

Mr. Lidstone announced a grant in the amount of \$5,000 for engineering improvements to the Cook Conservation Land. The Land Trust is planning a candidate's night, but will have to reconsider the date since multiple meetings are scheduled on April 20.

For the Land Trust's Annual April town wide cleanup, he requested funding from the Select Board in the amount of \$900 for a 30 foot dumpster to be placed at the DPW Barn on Center Bridge Road. Mr. Allison moved to approve up to \$900 for the dumpster; Mr. Moody seconded. Ms. Turner abstained because she is a member of the Land Trust. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]*

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| IX. APPOINTMENTS AND RESIGNATIONS - NONE |
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Appointments:

Alternate Plumbing Inspector - Jeremy Pierce term to expire 6/30/2022

Mr. Moody moved to appoint Jeremy Pierce as Alternate Plumbing Inspector, term to expire 6/30/22. Mr. Allison seconded. It was noted that Mr. Pierce sat through most of this lengthy meeting but eventually had to leave. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Alternate Electrical Inspector – John Cain, term to expire 6/30/2022

Mr. Moody moved to appoint John Cain as Alternate Electrical Inspector, term to expire 6/30/22. Mr. Allison seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Agricultural Commission – Stephen A. Mudgett as member, term to expire 6/30/2024

Ms. Turner noted that while Mr. Mudgett is a great candidate, the Select Board neglected to follow procedures and advertise for the position. The Board agreed to delay this appointment until April 20. Mr. Allison moved to table this motion until April 20. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Resignations:

Lancaster Affordable Housing Trust Committee – Marilyn Largey, Ex-officio non-voting member

Mr. Moody moved to accept the resignation of Marilyn Largey as ex-officio non-voting member of the Lancaster Affordable Housing Trust Committee. Mr. Allison seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

X. LICENSES AND PERMITS - NONE

XI. NEW BUSINESS - NONE

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

XII. COMMUNICATIONS

- Select Board's next meeting will be held on the following days in April
 - Monday, April 4, 2022, at 6pm via ZOOM
 - Wednesday, April 20, 2022, at 6pm via ZOOM
- Town Office will be closed in observance of Patriots Day, April 18, 2022
- Annual Town Meeting to be held on Monday, May 2, 2022, at 7pm at the Mary Rowlandson Elementary School, located at 103 Hollywood Drive.
- Annual Town Election will be held on Monday, May 9, 2022, from 7am – 8pm at the Town Hall Auditorium, located at 695 Main Street.
- Pancake Breakfast, First Church of Lancaster, April 2, 8am – 11am, sponsored by the Lancaster Cub Scouts
- An Earth Day Tree Planting and Barbecue will be held on April 22.

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: 4/4/22