



APPROVED

**LANCASTER SELECT BOARD
Special Meeting Minutes
of Tuesday, August 16, 2022**

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

I. CALL TO ORDER

Chairman Stephen J. Kerrigan called the meeting to order at 6:07PM in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA. He advised that the meeting was being recorded via ZOOM, and is being broadcast by Sterling Lancaster Community Television. He also noted that this is considered a Special Meeting because it is being held on a Tuesday.

Join Zoom Meeting: <https://us02web.zoom.us/j/89627147463>

Meeting ID: 896 2714 7463

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

Before beginning the agenda, Mr. Kerrigan wanted to address a couple of items. First he extended thanks to the department heads for the incredible work they do, and to all the volunteers who support the Town. He then thanked the three people who have resigned from the Planning Board, Roy Mirabito, Carol Jackson, and Peter Christoph, stating that he was grateful for their service. He stated that there are times when we do not all agree on issues, but service is important to the community. Finally, Mr. Kerrigan gave thanks to Jan Gottsman, who will no longer be at the Clinton Item after 35 years, noting that she is one of the most talented and dedicated people he has ever worked with, and that bringing the news truthfully and unvarnished to the community is important.

II. APPROVAL OF MEETING MINUTES

Mr. Kerrigan asked for a motion to approve the minutes of August 1, 2022. Ms. Turner offered this motion, seconded by Mr. Allison. Ms. Turner submitted a change relative to the Council on Aging membership, amending the motion to accept the minutes as amended. Mr. Allison seconded the amendment. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

Police Chief Everett Moody and Fire Chief Michael Hanson – Updates to the Community & Select Board regarding the LIV Golf Invitational scheduled to begin Friday, September 2nd and run through Sunday, September 4th at the International Golf Club in Bolton. Parking and Shuttle Services to and from the event will be in Lancaster.

Mr. Kerrigan recognized Police Chief Everett Moody and Fire Chief Michael Hanson. Chief Moody explained that the LIV Golf Invitational is scheduled as described above. Parking is limited to 5,500 spectators. They anticipate 2,000-2,300 cars arriving as early as 9am and departing as late as 10pm over the three day event. This would be comparable to a Friday or a Sunday at the Bolton Fair. Some traffic delays may occur, but with assistance from the Massachusetts State Police, should be manageable. Busses will be used to transport spectators back and forth to the event. Private security will be present with wand metal detectors. State Police Canine teams will also be present. Surveillance cameras and on-site police presence will be at the event. Chief Moody reviewed the bus route; he has requested that the event organizers put up “No Parking” signs along the route, similar to the ones used for the Bolton Fair.

Chief Moody stated that some protesters and demonstrations are expected relative to the tournament’s connection to the Saudi Arabian government. A “Free Speech Zone” has been established across from the parking area. Because of this there has been an exceptional amount of pre-planning, creating an Emergency Action Guide, with actions identified for a wide range of contingencies. A copy of this Guide will be forwarded to the Select Board. Chief Moody encouraged residents with questions to contact himself or Chief Hanson. Chief Hanson noted that there are other community activities that weekend, including soccer tournaments, a car show at Kimball’s, and another golf tournament for FC Stars in Stow. Staffing will be at LIV’s expense.

Mr. Kerrigan explained the “Free Speech Zone” and why it would be located near the parking area. Chief Hanson explained that the entry to this event is through the parking area; no walk in traffic will be allowed; a “Code Red” message will be sent to citizens. There will be a parachuter (and therefore an aircraft) each day to start the tournament. The tournament will have a “shotgun” start; there will be a “Fan Village” at the end with food and entertainment. Mr. Allison made a statement, fearing for the future of Lancaster and it’s security. He is unhappy that this event is happening in another town, with Lancaster bearing much of the work for no return. Ms. Turner stated that Ms. Hodges wrote an excellent letter to the tournament organizers, and she thinks that Lancaster should reap more of the rewards. She suggested that Lancaster look at the town of Brimfield to understand how the town can benefit from events.

Ms. Turner suggested that the Board should discuss at a later date, a policy governing who could protest or appear in Lancaster, stating that right now the “Klan” could meet in Lancaster. Mr. Kerrigan cautioned that this could interfere with First Amendment rights. Ms. Hodges received a call late today from the tournament organizers, who emphatically told her that the Town of Bolton is receiving no compensation, although local civic and nonprofits would benefit, including RFK in Lancaster. The organizers will send some documentation explaining this to the Board.

Mr. Kerrigan noted that some online meeting attendees report volume issues with this meeting; Mr. Allison is on Zoom and reports that he can hear.

IV. BOARDS, COMMITTEES AND DEPARTMENT REPORTS - NONE

V. PUBLIC COMMENT PERIOD

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

Mr. Kerrigan noted that Planning Board resignations will be discussed later in the meeting, and public comment on this topic will be entertained then.

Mr. Kerrigan recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek spoke about opportunities and risks associated with the zoning articles scheduled for an upcoming Town Meeting, following a call to DHCD (Department of Housing and Community Development).

Mr. Kerrigan recognized Cara Sanford, 350 Bull Hill Road. Ms. Sanford wanted to thank Roy Mirabito, Carol Jackson, and Peter Christoph “for looking after the neighborhoods, and the environment, in their work. It mattered and thank you.”

Mr. Kerrigan recognized George Frantz, 13 Highfield Drive. Mr. Frantz spoke about the LIV Golf Tournament, understanding that Lancaster’s involvement is primarily in terms of public safety. He stated that the tournament organizers are an “unsavory” group, funded by and vetted by the Saudi Royal Family. He expects that there will be many protestors and hopes that there will be a safe and secure place for demonstrators to show signs. Mr. Kerrigan explained that Federal judges have ruled that demonstrators must be allowed to be in an area seen and heard by all attendees, and that this is why the zone has been established at the Lancaster Fairground parking area. Mr. Frantz continued, saying that there is a high level of toxicity in Lancaster’s town government, and that he will speak to the Planning Board resignation later.

VI. TOWN ADMINISTRATOR REPORT

1. Recruitment Updates

- Health & Human Services
- Planning & Land Management
- Town Clerk

Ms. Hodges advised that the Health and Human Services Director position has received 36 applications, a very healthy amount. First interviews happened in the past two weeks. Both chiefs, Chairman Kerrigan, and the Chair of the COA Board, along with Ms. Hodges, conducted nine interviews. This week will be the next round of interviews with Joe Mule,

Library Director, Cheryl Gariepy, Finance Director, and Jeff Pastor, Chair of the Board of Health. Hopefully an offer will be made in the next week or two.

Roy Mirabito, Conservation Chair, Jasmin Farinacci (Director of Planning and Community Development), and Ms. Hodges have discussed why solicitations for Planning and Land Management position have not resulted in a hire. It was agreed that the job description would be changed to include both some Conservation and Assistant Planning Director roles. This has resulted in several inquiries. The Office Manager position for Planning and Community Development position has resulted in 48 applications to date.

In the Town Clerk role, there have been no applicants from certified Town Clerks. This is not necessarily a prerequisite, although it would be nice, especially with the Primary Election coming up and many new rules around absentee ballots. The Interim Town Clerk has agreed to stay at least through the election.

Ms. Turner expressed concern that she had not been made aware of some of these open positions, and that she learned about them through an MMA (Massachusetts Municipal Association) email. She noted that of these positions, the only one statutorily required is the Town Clerk, and she is concerned about the budget. Ms. Turner would like the position posted again, noting that it would be hired after the election. Mr. Allison stated that the Board had given hiring responsibility for these positions to the Town Administrator. Ms. Hodges noted that the positions advertised are budget neutral; she would like to wait until after the election to post the Town Clerk's position again, since right now Town Clerks are focused on voting by mail.

2. PJ Keating Peer Review – Set next meeting date, review supplemental peer review letter

The supplemental peer review letter is included in the Board's packet, and the Board needs to determine the meeting schedule. It was agreed that the meeting should be as inclusive as possible rather than having multiple meetings.

3. Discussion regarding requests to conduct Town Business on weekends: Town Meeting preview session(s) and/or Town Meeting

Ms. Hodges reported that she has been meeting with the Finance Committee, and one item that has come up is the idea of a Preview Meeting before Town Meeting. They have entertained the idea about having meetings on Saturdays. This was suggested as a way for more people to attend, but this may pose a problem for the Seventh Day Adventist community. Mr. Kerrigan thinks that a working meeting for boards might make sense, although perhaps not holding a Town Meeting or an election on a Saturday. Ms. Turner thinks that if it's a recorded working session, those not able to attend could watch it later and still voice their opinion. Mr. Allison is in favor of using Saturdays and would welcome citizen input. Ms. Hodges will work to set a date with Finance Committee Chair Sue Smiley.

4. ARPA (American Rescue Plan Act) Funding Update (Town Administrator's Memo)

Ms. Hodges provided the Board with a memo itemizing ARPA spending to date, and she has included an existing contract for ARPA consulting. Once all monies are received, Lancaster will have received about \$2.4 million, with about \$1.75 million left. Ms. Turner would like more information on the ARPA consultant and scope of work that they were tasked with, and what work has been done. She would like to see the plan that this consultant developed.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Discuss and Set Date for Special Town Meeting

There was supposed to be a meeting tomorrow evening regarding zoning changes, followed by a Special Town Meeting a few weeks later. Due to the resignation of three Planning Board members, tomorrow night's meeting has been cancelled. Mr. Kerrigan suggested scheduling this hearing on August 29, with the report back to the Select Board by September 9, with a September 27 Special Town Meeting, with a Special Select Board meeting one hour prior.

The dates that the Warrant for the Special Town Meeting need to be open and closed, needs to be determined.

Mr. Kerrigan stated that it is critically important for the Select Board to help appoint at least one member to the Planning Board so that they have a quorum. This must take place at least one week after the vacancies (today) per Massachusetts General Law (MGL). Mr. Kerrigan would like to have a hybrid meeting next Tuesday, August 23, at 9:00am, to appoint at one Planning Board member. Mr. Kerrigan noted that not long ago there were three excellent candidates for an opening; he would like to ask Ms. Hodges to reach out to those candidates to see if they are interested. Additionally, Ms. Hodges will post for two more Planning Board members with applications or letters of interest due by September 12. Next May's election will include four Planning Board openings, with staggered terms.

Ms. Turner had questions about the Special Town Meeting and the conceptual plans. Mr. Kerrigan has asked Ms. Hodges to present the zoning changes at the hearing, representing the Select Board. Ms. Turner would like to discuss the zoning changes.

Mr. Kerrigan recognized Rob Zidek, 103 Kaleva Road, who had questions about the Planning Board candidates.

Ms. Turner wanted to know which of two conceptual plans would be presented at the hearing.

2. Discuss and set date/time for Special Town Meeting Preview Meeting/Forum

This would be an unbiased presentation of the facts of what people would be voting on at the Special Town Meeting. This would happen a week or two before Special Town Meeting. The presenters would be neutral parties. This would be an information session, not a debate. Mr. Allison disagrees with any assertion that he might be biased. Mr. Kerrigan stated that it was

just that the desire is to have an unbiased discussion. Ms. Turner recollects that when this was discussed in the past it was agreed to send a card or written piece with information to all residents, and she thinks this would be helpful, if not mailed, printed and left in areas where people could pick them up. Mr. Kerrigan disagreed. Ms. Turner would like a third party to analyze the concept plan to decide what is best for the town, according to criteria developed by the Select Board. Mr. Allison stated that there have been a tremendous number of people working on this and adding a third party would not be helpful. Ms. Hodges noted that there is only one concept plan, dated July 29, with very small changes from the plans submitted in May and June. Ms. Turner would like to see the cost study broken down and wants to know when the MOU committee will have their final report. Mr. Allison reported that the MOU is about 95% done and he has every expectation that it will be done in plenty of time for people to review.

3. Review and take action on the Warrant for the 2022 State Primary to be held on September 6, 2022, in the Town Hall, 695 Main Street, from 7:00 A.M. to 8:00 P.M.

Ms. Turner offered a motion to execute the Warrant as printed for the State Primary to be held on September 6, 2022, in the Town Hall, 695 Main Street, from 7:00am-8:00pm, with a proxy signature for Jason Allison by Kate Hodges. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

4. Liaison Discussion and Assignments (Town Administrator's Memo)

Tabled to a later agenda.

5. Delegation of certain Personnel-Related Authorities to the Town Administrator (Kerrigan)

Mr. Allison moved to designate Town Administrator Kate Hodges to appoint and remove town employees for whom the Select Board acts as appointing authority. Such appointments/terminations will be deemed effective at least one day after providing written notification of said appointment to the Select Board by the Town Administrator and barring a majority vote of the Select Board rejecting the same. Ms. Turner seconded for discussion. Mr. Allison said that he has every confidence in Ms. Hodges. Mr. Kerrigan stated that this will allow Ms. Hodges to do the job she has been hired to do. Ms. Turner states that Ms. Hodges is very capable, but this level of authority would belong to a Town Manager. Ms. Turner would like to table this motion or will vote no. Ms. Turner is concerned that it is not in her packet and that she was not appropriately informed; Mr. Kerrigan pointed out that it has been in previous packets. *Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

6. Select Board Gift Acceptance Policy (Town Administrator's Memo & Draft Policy)

Ms. Hodges included a draft of this policy in the Select Board packet; she explained that establishing a gift fund might be the first step towards a "Community Chest" or "Friends Fund" as it is called in neighboring towns. Ms. Turner mentioned that there are existing gift

accounts; Ms. Hodges explained that these were not set up legally, but that this policy would correct that. In response to Ms. Turner's questions, Ms. Hodges explained the exceptions for Conservation Commission and Historic Commission. Ms. Turner moved to adopt the Select Board Gift Acceptance Policy as presented. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

7. Requests/FOIA (Freedom of Information Act) Authority (Turner)

Ms. Turner stated that we have had a lot of FOIA requests and Open Meeting Law complaints, and they have become burdensome to staff. She thinks it is important that if these come in that there is a policy about how they are dealt with. Ms. Hodges explained that the policy is Massachusetts General Law, and there are internal processes for dealing with that. She explained that Kathi Rocco keeps a database, and that as recently as yesterday's staff meeting, staff has been reminded that all records requests must be reported to Ms. Rocco. The Town has received 238 requests in 18 months. Ms. Turner thinks it would be helpful to list what the FOIA is and what the work product is, like is done in Pepperell and Clinton, so that people were less inclined to weaponize them. Mr. Kerrigan asked to clarify if Ms. Turner would like to publish the results of every FOIA request. Ms. Turner said yes, this would be helpful. Mr. Kerrigan stated that this would be more burdensome to staff and that the town currently meets state requirements. He suggested that if Ms. Turner would like to change policy, then she should write and present it at a future meeting. She stated that she will do so.

8. Review and discuss July 18, 2022 Open Meeting Law Complaint filed by Russ Williston

The complaint has been addressed; the town is waiting for response from the Attorney General's office. Another complaint has been filed against the Planning Board, but after this agenda was set.

9. Discuss next steps, authorization, and processes relative to Recall Petitions received on August 10, 2022, by Interim Town Clerk James Mullen

Mr. Kerrigan read into the record a letter from the two Planning Board members following the resignation of three Planning Board members. This was discussed previously.

VIII. APPOINTMENTS AND RESIGNATIONS
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Appointments:

Discussion on Council on Aging Board – Member verification and appointments

At the August 1 meeting, the Board reviewed Council on Aging (COA) membership, and there was some confusion. The results are found in the Select Board packet for this meeting. There is one opening of five, with two years to remain in the term. This position will be posted.

MART (Montachusett Regional Transit Authority) Area Representative – Alexandra Turner, term to expire June 30, 2022

Mr. Allison moved to appoint Alexandra Turner as MART Area Representative, term to expire June 30, 2023. Mr. Kerrigan seconded. *Vote taken, Alexandra W. Turner, Abstain; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-0-1]*

IX. LICENSES AND PERMITS

1. Application for Public Entertainment on Sundays

Applicant: Mark Keenan, President of Tyrods Car Shows

Event: Tyrods Car Show, to be held on Sunday, September 11, 2022, from 9:00am-6pm, located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Public Entertainment permit (Sundays) to Mark Keenan, Tyrods Car Shows, for the Tyrod Car Show, September 11, 2022, from 9:00am to 6:00pm at the Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

2. Application for Special (One Day) Liquor License Application – Beer and Wine

Applicant: Rose Darden, Manager of Bolton Fair, Inc.

Event: Tyrods Car Show, to be held on September 11, 2022 (Load September 9, 2022)

Ms. Turner moved to approve a Special (One Day) Liquor License – Beer and Wine, to Rose Darden, Manager of Bolton Fair, Inc., for the Tyrods Car Show to be held on September 11, 2022 (Load September 9, 2022). Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

3. Application for Public Entertainment on Sundays

Applicant: Peter Quick, Event Director

Event: British Motorcycle Show & Swap Meet to be held on Sunday, September 18, 2022, from 6:00am-6:00pm, located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Public Entertainment permit (Sundays) to Peter Quick, Event Director, for the British Motorcycle Show and Swap Meet, September 18, 2022, from 6:00am to 6:00pm at the Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

4. Application for Public Entertainment (Weekdays and Sundays)

Applicant: Michelle Palmer and Rose Darden, Managers of the Bolton Fair, Inc.

Event: The Profound Market, from September 24 – September 25, 2022 (Saturday 8:30am-5:00pm; Sunday 10:00am-5:00pm) located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Public Entertainment permit (Weekdays and Sundays) to Michelle Palmer and Rose Darden, Managers of the Bolton Fair, Inc., for The Profound Market, from September 24 – September 25, 2022 (Saturday 8:30am-5:00pm; Sunday

10:00am-5:00pm) located at Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

5. Application for Special (One Day) Liquor License – All Alcohol

Applicant: Rose Darden, Manager of Bolton Fair, Inc.

Event: The Profound Market, from September 24-September 25, 2022 (Load in September 23, 2022), located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Special (One Day) Liquor License – All Alcohol, to Rose Darden, Manager of Bolton Fair, Inc, for The Profound Market, from September 24-September 25, 2022 (Load in September 23, 2022), located at Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

X. NEW BUSINESS

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

Ms. Turner serves on the Restoration Advisory Board (RAB). They have just had their quarterly meeting. They met with the Army regarding SuperFund sites and in particular, water quality. The Harvard Board of Health is working with RAB to test private wells. Ms. Turner states that Harvard has received money for this, but Lancaster does not have as many wells, although residents of North Lancaster might be concerned. Mr. Kerrigan suggested having someone from the Army come to a future meeting.

Ms. Turner also noted that in the recent legislative session the housing requirements re. MBTA were greatly reduced, and this should be discussed at a future meeting.

XI. COMMUNICATIONS

- Town Offices will be closed on Monday, September 5, 2022, in observance of Labor Day.
- 2022 State Primary will be held on Tuesday, September 6, 2022, at the Town Hall, 695 Main Street, from 7:00am-8:00pm.
- Mr. Frelick, re. sidewalks

XII. ONGOING PROJECTS

- Audit Committee
- DCAMM (Division of Capital Asset Management and Maintenance) ; Mr. Kerrigan will arrange for an introduction to Dan Rivera, CEO of MassDevelopment.

XIII. ADJOURNMENT

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

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Approved and accepted, September 12, 2022
Alexandra W. Turner, Clerk