



**LANCASTER SELECT BOARD
Special Meeting Minutes
of Monday, September 12, 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 6:00PM 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.

Join Zoom Meeting: <https://us02web.zoom.us/j/84677934704>

Meeting ID: 846 7793 4704

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

II. APPROVAL OF MEETING MINUTES

Mr. Kerrigan asked for a motion to approve the minutes of August 16, 2022. Ms. Turner offered this motion, seconded by Mr. Allison. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

IV. JOINT MEETING WITH THE PLANNING BOARD

In accordance with M.G.L. c. 41, §11, the Lancaster Select Board, and the remaining members of the Lancaster Planning Board, shall discuss and appoint two individuals to serve on the Lancaster Planning Board to fill two seats vacated by Mrs. Carol Jackson and Mr. Roy Mirabito on August 16, 2022. The appointment is effective immediately, once the member is sworn into office by the Town Clerk, and shall continue until the Town's next annual election, or until another is qualified.

Mr. Kerrigan recognized Planning Board Chair Frank Streeter, who called the Planning Board meeting to order and conducted a Roll Call; Mike Favreau, present; Kendra Dickinson, present; Frank Streeter, present. Mr. Kerrigan announced that the Joint Meeting was open at 6:02pm.

Mr. Kerrigan explained that a number of candidates have expressed interest in the open Planning Board positions and that after presentations rank choice voting would be applied. Issues regarding the Zoom/owl audio connections caused a twenty minute delay but were eventually resolved.

Candidates George Frantz, Phil Lawler, and Regina Brown, answered questions regarding their qualifications and their views on Planning Board responsibilities. Mr. Kerrigan distributed ballots to the Select Board and Planning Board members. Mr. Streeter nominated George Frantz; Ms. Dickinson seconded. Ms. Turner nominated Phil Lawler; Mr. Allison seconded. A nomination was heard for Regina Brown (person nominating not visible on recording or identified by name); a second was heard. It was noted that the ballots were part of public record and must be retained. The two top candidates were George Frantz and Phil Lawler. The chairs of both boards thanked Ms. Brown for her interest. Ms. Turner moved, per the vote results, to appoint Phil Lawler and George Frantz to the Planning Board, term to expire at the next Town Election. Mr. Streeter seconded. *Select Board Vote taken; Mr. Allison, Aye; Ms. Turner, Aye; Mr. Kerrigan, Aye. [3-0-0]. Planning Board Vote taken; Mr. Favreau, Aye; Ms. Dickinson, Aye; Mr. Streeter, Aye. [3-0-0]. The joint vote passed unanimously.*

Ms. Dickinson moved to adjourn the Planning Board meeting; Mr. Favreau seconded. *Vote taken, Ms. Dickinson, Aye; Mr. Favreau, Aye; Mr. Streeter, Aye. [3-0-0]*

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.

Chair Kerrigan offered a reminder about the rules for Public Comment.

Mr. Kerrigan recognized resident Rob Zidek of 103 Kaleva Road who also submitted his comments in writing (*see attached*)

Mr. Kerrigan recognized Carol Jackson, 40 Farnsworth Way. Ms. Jackson read the letter of resignation from former Planning Board members. (*see attached*)

Mr. Kerrigan recognized Jay Moody, 144 Seven Bridge Road. Mr. Kerrigan cautioned Carol Jackson regarding interruptions. Mr. Moody expressed concern about a “low point” in public discourse.

Mr. Kerrigan recognized Pete Christoph, 45 Bennett Lane. Mr. Christoph stated that signs posted in the town in favor of a previous recall campaign stated that residents should vote for the recall to see revenue increases; he stated that he wanted to know when these increases would be seen.

Mr. Kerrigan noted that these comments appeared to be “tongue in cheek.” Mr. Christoph said that his comment was not “tongue in cheek.”

Mr. Kerrigan recognized Carol Jackson again, who expressed concern that the letter she read earlier had not been read by the Select Board at their prior meeting. Additionally, she stated that she wants to know where the \$8,000 that was “double paid” to Judy Barrett has gone. She stated that additionally she wants to know where bond money from the Melanson’s has gone. Mr. Kerrigan replied that the Select Board had discussed the Planning Board appointments at length, apologizing if Ms. Jackson did not feel that the topic had been adequately covered. He noted that other items that Ms. Jackson brought forth are currently under review.

Mr. Kerrigan recognized Clayton Arvidson, 310 Fort Pond Road. Mr. Arvidson spoke to why people wanted a change to the Planning Board, citing the number of continuances on various projects such as the Unified Box Company by both the Planning Board and the Conservation Commission. He stated that for a town to grow it needs to expand the tax base, expressing frustration at the lack of growth in Lancaster. He suggested that processes need to be streamlined and perhaps boards need to be consolidated.

Mr. Kerrigan recognized Dennis Hubbard, 258 Grant Way. Mr. Hubbard spoke to how difficult it is to serve on a town board, suggesting that it might be more appropriate to look at revising bylaws than to fault board members.

Mr. Kerrigan recognized Greg Jackson, 40 Farnsworth Way. Mr. Jackson seconded Mr. Hubbard’s remarks. He objects to boards being criticized when they are working hard to support the Town. He stated that criticism of the Planning Board and the Conservation Commission is unfounded and undue.

Mr. Kerrigan recognized Mr. Hubbard again who noted that the warehouse in Lunenburg that was referenced by Mr. Arvidson is much smaller than building proposed in Lancaster.

Mr. Kerrigan closed public comment, noting that a reference to a “dust up” between the former Planning Board and the Select Board is incorrect, and that the Select Board had accepted the resignation of prior Planning Board members, thanking them for their service. Ms. Turner thought it might be helpful to have a public forum explaining the scope and duties of various boards.

VI. TOWN ADMINISTRATOR REPORT

1. Recruitment Updates

- Health & Human Services
 - o Health & Human Services Director, hired Kelly Dolan. Kate Hodges, Town Administrator invited Ms. Dolan to say hello. Her first day will be Monday.
 - o Outreach & Activities Coordinator, moving to 1st round interviews
 - o Recreation Coordinator, application window closes 9/23; at the time the agenda for this meeting was developed, 42 applications had been received.
- Planning & Land Management; many applications have been received.

- Administrative Assistant, offer pending. Because this is a union position, some work needs to be done to make this happen; a pending offer has been delayed.
- Assistant Planning Director/Conservation Agent, offer pending

2. FY23 Budget Updates – Preview Meeting scheduled for Saturday, November 12, 2022, beginning at 8 am.

The Finance Committee is working with Ms. Hodges to finalize scheduling. This will include presentations but not public comment; should anyone want to contribute questions or comments they should submit them to Ms. Hodges or Susan Smiley, Chair of Finance Committee, prior to the event.

3. Other Department or Town-Wide Updates

Department heads have been meeting on a regular basis. Some upcoming topics will be the Classification and Compensation study for both union and non-union positions, as well as alternate forms of compensation.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Discussion regarding Special Town Meeting & Closure of Town Meeting Warrant

Mr. Kerrigan explained that it had been hoped that by the end of September a Special Town Meeting could be held to address zoning articles. This will not be ready until closer to Thanksgiving. Mr. Kerrigan suggested that the warrant could be left open so that articles could be added. The Board had no objection to this. Mr. Kerrigan believes there is more work to do prior to a Special Town Meeting (STM). Mr. Allison objects, speaking as the Chair of the MOU Committee, stating that the MOU is finished and that the 27th could work. It was agreed that the 27th will not allow the Planning Board to properly call hearings. More time will be needed if a forum is to be held.

2. Spectacle Pond Avenue – Citizen’s request for services and clarity on road status

The residents of Spectacle Pond Avenue have brought forth their request to have their road recognized as a Town road and maintained. Mr. Kerrigan explained that this needs to involve the DPW and will take some time, clarifying that the Select Board cannot decide issues that belong to the DPW. David Murphy, representing the residents, explained that their position that this is an accepted road (accepted in 1938) and that it was improperly dropped in 1957. His position is that it was dropped by administrative error that has gone unchallenged for sixty years. He notes that this was brought to the DPW and that he believes that the DPW sees his viewpoint as valid, but that the DPW is unwilling to undo sixty years of “precedent.” Mr. Kerrigan stated that he will do his best work through this situation, and that they will need to do some research. Mr. Murphy requested that this item remain on the agenda; Mr. Kerrigan agreed to provide an update at the next Select Board meeting.

Mr. Allison would like to advocate on behalf of the residents of Spectacle Pond Ave., making a motion to have a determination to have a decision on this topic by October 15. Ms. Turner seconded the motion. Ms. Turner stated that she is reluctant to commit to October 15, but she would support the desire to resolve this as quickly as possible. Mr. Kerrigan said that he needs to determine what has to happen to change precedent and to determine what is proper. Mr. Kerrigan asked if a November 1 date might be more amenable to the Board; Mr. Allison amended his earlier motion from October 15 to November 1; Ms. Turner seconded. *Vote taken; Mr. Allison, Aye; Ms. Turner, Aye; Mr. Kerrigan, Aye. [3-0-0]*

A 5-minute recess was taken.

3. Public Records/FOIA Request Discussion/Policy Draft (Turner)

Ms. Turner requested that this item be tabled so that she can put together a more comprehensive look at how other towns manage FOIA requests.

4. Discussion & Coordination for Joint Meeting with Finance Committee – ARPA Spending

Ms. Hodges stated that Ms. Turner was going to draft a policy; Ms. Turner asked to table this item.

5. Declaration of Constitution Week – September 17th – 23rd, 2022, Proclamation

Ms. Turner read a proclamation provided by the Daughters of the American Revolution (DAR) (*attached*). The Select Board signed the proclamation.

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments:

Conservation Commission – Erin Callahan, term to expire June 30, 2025

Mr. Kerrigan recognized Tom Christopher who introduced the candidate, stating that the Conservation Commission would welcome her membership. Ms. Turner asked Ms. Callahan about her availability outside of meetings. Ms. Callahan stated that she works full time but that she is flexible and would commit to participating. Ms. Turner moved to appoint Erin Callahan to the Conservation Commission, term to expire June 30, 2025. Mr. Allison seconded the motion. *Vote taken, Mr. Allison, Aye; Ms. Turner, Aye; Mr. Kerrigan, Aye. [3-0-0]*

Resignations:

Thayer Memorial Library Trustee, Frank MacGrory, effective September 1, 2022

Mr. Kerrigan thanked Mr. MacGrory for his many years of service to the Town of Lancaster. Ms. Turner noted Mr. MacGrory's pivotal role in shaping the direction of the Thayer Memorial Library.

Community Preservation Act Committee, Pete Christoph, effective August 16, 2022

Mr. Kerrigan thanked Mr. Christoph for his service on both the Community Preservation Act Committee and the Cultural Council.

Nashoba School Committee, Lancaster Representative, Shawn S. Winsor

Mr. Kerrigan thanked Mr. Winsor not only for his service, but for his willingness to continue serving until such time as a replacement is named.

Cultural Commission, Ann Fleury and Pete Christoph, effective immediately

Mr. Kerrigan thanked both of these individuals for their service.

IX. LICENSES AND PERMITS

1. Special (One Day) Liquor License Application for Beer & Wine

Applicant: Allison Mannette

Organization: American Cancer Society

Event: Bicycles Battling Cancer Cycling Fundraiser

Event Date: Saturday, September 24, 2022, from 7am-4pm

Location: 132 Fort Pond Inn Road, Lancaster

Ms. Turner moved to grant a Special (One Day) Liquor License, Beer & Wine, to Allison Mannette, American Cancer Society, for the Battling Cancer Cycling Fundraiser, September 24, 2022, from 7:00am to 4:00pm at 132 Fort Pond Inn Road, Lancaster. 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 for All Alcohol

Applicant: George Frantz

Organization: First Church of Christ, Unitarian

Event: Community Craft Fair, Fund Raiser

Event Date: October 1, 2022, from 10am – 4pm (plus set up and clean up)

Ms. Turner moved to approve a Special (One Day) Liquor License – All Alcohol, to George Frantz, First Church of Christ, Unitarian, for the Community Craft Fair, Fund Raiser to be held on October 1, 2022, from 10am – 4pm (plus set up and clean up). 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 Use of Town Green/Gazebo

Applicant: Thayer Memorial Library

Event: Program on therapy animals featuring a mini-horse and mini-donkey

Event Date: Thursday, October 6, 2022, from 3:00pm – 4:30pm

Ms. Turner moved to approve the use of the Town Green/Gazebo, by the Thayer Memorial Library, for a Program on therapy animals, on October 6, 2022, 3:00pm – 4:30pm. 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.

XI. COMMUNICATIONS

- Select Board's next meeting will be held on September 27, 2022
- Miscellaneous Correspondence & Memoranda

XII. ONGOING PROJECTS & OLD BUSINESS

- Audit Committee - tabled
- DCAMM (Division of Capital Asset Management and Maintenance) - tabled

XIII. EXECUTIVE SESSION

Mr. Allison moved for the Board to enter Executive Session pursuant to M.G.L. c30A §21(a)(3) to discuss litigation strategy re: A. Turner's DUA appeal, as an open meeting may have a detrimental effect on the litigating position of the Select Board, and not to convene in open session thereafter. Mr. Kerrigan seconded. *Vote taken. Mr. Allison, Aye; Mr. Kerrigan, Aye; Ms. Turner, Abstain. [2-0-1]*

XIV. ADJOURNMENT

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Approved and accepted, 9/27/22
Alexandra W. Turner, Clerk

*** Read In-Person at Select Board Meeting on 12-September-2022 ***

Rob Zidek 103 Kaleva Road Speaking as a Private Citizen of Lancaster, Massachusetts

In the last three years, I have attended many different meetings of many different boards, and for those in which I did not attend, I have researched both minutes and videos.

What I cannot find is any complete, credible, fact-based, and verifiable rationale for the Select Board's sponsorship of this rezoning article. Sure we have heard the all-too-familiar and – what I believe -- all-too-empty promises of tax burden salvation. But I challenge anyone who can show us or provide any kind of proof – direct, by contradiction, or by induction – that voting “Yes” on this proposal leads to lower property taxes. Moreover, since we seniors are being used as poster children in these campaigns, show how we will ever see these savings in our lifetimes.

What is missing in all of the cost / benefit analyses are the following:

1. **Opportunity Costs**. By not quantifying what it has cost us because no development has occurred in four years, we will therefore not know the other missing element – when we hit the **Break Even Point**. Of course, that assumes there is a significant, positive difference between what we could already be earning, versus what we are projected to earn with whatever is getting proposed.
2. A **Full Comparison** of all development possibilities, including those possible today, and those that could result from the various combinations of “Yes” / “No” votes. The most obvious omissions are the configurations in which there is no residential development. We are kidding ourselves, and each other, if we fail to recognize these possibilities.
3. A **Timeline** of the projected costs and revenues, for each of the development possibilities. This is vitally important to us seniors.
4. A translation of incomes and costs to **Taxpayer Effects**. We need to recognize that once Lancaster starts receiving these new incomes, there will be several parties fighting over a share of that income. And so often, the taxpayers get the floor crumbs. Not that these people drawing their share aren't deserving of it. I'm sure many of our cherished services have many needs, that are on hold now because they know the budget cannot accommodate them.

5. Most obvious to any of us who have rigorously practiced risk management are the numerous **Cost Risks**. There are only four ways to process an identified risk: Avoidance, Mitigation, Transfer, and Acceptance. None of them are free. But hard lessons learned tell us that blind Acceptance can bankrupt us. Lesson Number One: Every risk is a financial risk; every impact is a financial impact – to everyone in Lancaster.
 - a. What I believe to be the single largest risk we have, because these proposals are so stinking complicated, are **Lawsuits**. I don't see a single dollar projected for risk management, including lawsuit protection. Omitting this element could be disastrous.

Thank You

RECEIVED

August 16, 2022

AUG 18 2022

Board of Selectmen

Attn: Lancaster Town Clerk

LANCASTER TOWN CLERK
AUG 18 2022

We, three members of the Lancaster Planning Board, have written this letter to notify the town that we are resigning.

We will join what has become a steady outgoing stream of volunteers and professional staff. Many residents may not realize that Lancaster was left without a Planning Director for a year and a half after Michael Antonellis left in disgust. Presently Lancaster has an interim town clerk, no Planning Office Manager, and no Conservation Agent. The Council on Aging Director resigned in July amid continuing harassment, after forcing multiple complaints against her from the past year to be reviewed and discarded. On July 18th, a long-time Council on Aging member resigned at their meeting, citing her discouragement with the town's administration.

The Select Board has frequently mistreated the Planning Board, other volunteers, and residents, in the past couple years. Violations of the town's existing Code of Conduct have not been followed or enforced. Additionally, the Select Board has failed to enforce their own item on their agenda, which reads "Complaints or criticism directed at staff, volunteers, or other officials shall not be tolerated." The Select Board's mistreatment, and lack of respect of the Planning Board and its chartered authority led us to this decision.

The Planning Board is an independently elected board charged with the developmental planning of our community, following by-laws, rules and regulations, and Mass General Laws. This fact seems to have been overlooked by the Select Board. On numerous occasions one Select Board member has used public comment on both the Select Board and the Memorandum of Agreement meetings to disparage the Planning Board and their decisions regarding the North Lancaster zoning changes and 40R by-law. We assure you that each and every decision that our Planning Board made complied with both Lancaster by-laws and Massachusetts General Laws. Conversely, the Select Board created their own timeline for the North Lancaster zoning articles, which did not coincide with the Planning Board's timeline. The Select Board attempted to derail the Planning Board's timeline, by harassing the Planning Board with immature rants during Select Board meetings, and on social media. This is clearly an unjustifiable interference with the decisions of the duly elected Planning Board. It is unfortunate the Select Board chose to pursue this counter productive behavior. Our decisions are based on

serving the best interest of the town, according to our board's time schedule, and the information needed, rather than the timeline of one individual selectman.

As Alan Greenblatt, an NPR reporter, recognized: "...Recall campaigns against [public officials] used to be rare. They've not only become more common, but they're also now more often driven by partisan politics than accusations of high crimes or misdemeanors."

The recall proceedings we face are driven by residents who see an opportunity to grind a variety of axes. The top-ten signers on our initial recall petition included:

- The former chair of the Planning Board, who lost her seat after her toxic politics were brought to light by the era of recorded meetings and internet discussion. By no coincidence, she is seeking to recall the man who unseated her.
- A disgraced developer who still has not completed his subdivision, left the neighborhood adrift this past winter when he refused to plow it, and who was stymied from transferring maintenance of an expensive private pump station by the Planning Board.
- The developer who clearcut the Maharishi property alongside Hilltop Road received a Cease-and-Desist order from the Planning Board last year.
- The above developer's real-estate colleague, who ran for Planning Board this year financed by the first developer mentioned.
- A former Planning Board member who, in his last attempt to run for Planning Board, was backed by the same public Relations Firm used by Capital Group Properties.
- Realtors who were incensed when the Planning Board presented the town with an Inclusionary Zoning Bylaw in 2020, which discouraged tracts of housing that placed a burden on Lancaster.

The charges against us, which the above attested to under penalty of perjury, are preposterous.

- We're accused of preventing a bylaw from being considered at town meeting, when the bylaw was not completed until a month after town meeting. Agreements necessary to consider that bylaw have, to this day, still have not been signed. What we're accused of is not possible.

- Some members are accused of “not working with other board’s.” Another member is accused of “conspiring with the Conservation Commission.”

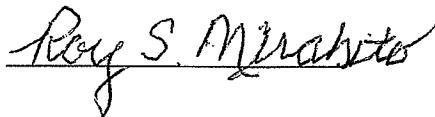
There is no magic to gathering signatures against a board, that to most residents, is obscure in purpose. At Shaw’s in Clinton, the signature gathers told their prospects “...unless the Planning Board members are recalled, your taxes will be going way up.” At the post office, a young man named “Ben” was open that he was being paid to collect signatures and had never himself seen a Planning Board meeting.

A special election would force Lancaster to endure another three months of vile rhetoric and division and a special election that would cost \$10,000 or more. The chaos in town hall and uncertainty about the remaining term of the seated board has already led prospective applicants to delay their applications, and they will not submit them if they are uncertain the seated members can complete their hearings. By resigning, we can ensure that Planning Board business will be disrupted for the shortest possible period.

This letter serves as notice that the below-signed members of the Lancaster Planning Board resign our positions effective 9:00AM on Tuesday, August 16, 2022, and is intended to fulfill the requirement in M.G.L. Chapter 41 Section 109.

With the highest regard for the town we all share,

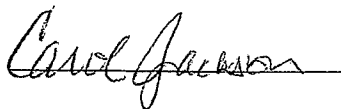
Chairman Roy S. Mirabito



Vice Chair C. Peter Christoph



Clerk Carol Jackson





Proclamation

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2022, marks the two hundred thirty-fifth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd, as Constitution Week,

NOW THEREFORE, be it resolved that we, the Lancaster Select Board do hereby proclaim

September 17th -23rd as Constitution Week

In the Town of Lancaster and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the Town of Lancaster to be affixed this twelfth day of September in the year two thousand twenty-two.

Stephen J. Kerrigan

Chairman

Alexandra W. Turner

Clerk

Jason A. Allison

Member