



APPROVED

**LANCASTER SELECT BOARD
Special Meeting Minutes
of Tuesday, September 27, 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 6:02PM 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 and that residents have the ability to ask questions via ZOOM.

Join Zoom Meeting: <https://us02web.zoom.us/j/89709512007>

Meeting ID: 897 0951 2007

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

Mr. Kerrigan noted the recent passing of Mark Finnerty, a long term active Lancaster resident, offering condolences to the Finnerty family. Ms. Turner noted details of Mr. Finnerty's services next weekend.

II. APPROVAL OF MEETING MINUTES

Mr. Kerrigan asked for a motion to approve the Special Meeting minutes of September 12, 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. BOARDS, COMMITTEE 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 recognized Cara Sanford, 350 Bull Hill Road. Ms. Sanford spoke about a 2017 settlement between the Select Board and North Lancaster developers. She stated that there is no sense of “fair dealings” and that legal opinion should be obtained.

VI. TOWN ADMINISTRATOR REPORT

1. Introduce Health & Human Services Director, Kelly Dolan

Ms. Hodges introduced Ms. Dolan, stating that Ms. Dolan has “hit the ground running.” Ms. Dolan thanked everyone for their warm welcome.

2. FY23 Budget Updates, current projections, estimates relative to tax increases (informational only)

Ms. Hodges reviewed the budget documents that she has sent the Select Board, available in “Meeting Materials.” She explained that the budget is on track year to date. Net cash is about \$1 million, although this is not yet certified, and that the use of free cash to balance next year’s budget will not be possible. A summary of Capital Requests was also reviewed; more detail will be available for the November 12 meeting. Capital Proposals are much larger for FY25 and FY26 due to large-scale requests from the Library and the Fire Department. It was noted that the tax rate growth of \$1.52 over the last ten years is not sustainable considering school expenses and level of services desired. It was also discussed that \$175,000-\$200,000 annually is needed to appropriately maintain buildings and vehicles. Ms. Hodges explained that this is brought forth now for discussion purposes and that further discussion is warranted.

Mr. Kerrigan questioned how much taxes could be increased within tax levy mandates, i.e., Prop 2-1/2; he and Ms. Hodges noted that better explanation should be offered to residents about Prop 2-1/2, perhaps at the November 12 budget meeting. Ms. Turner offered additional insight about how property values are reflected in tax bills. She would like to add additional backup to the Capital Requests and would like more information about a possible Debt Exclusion for a new regional high school. She would like to consider some of the larger Capital Requests, such as the library, as possibilities for Debt Exclusion. Ms. Turner noted that Lancaster historically has not used all the available levy; Ms. Hodges agreed, but explained further that this causes the levy to drop, hindering communities in later years.

Mr. Allison asked why finances are being discussed today. Ms. Hodges said that in her opinion, Lancaster is not in a position to collect enough revenue to sustain the operation as it is today. Mr. Allison asked why Free Cash was no longer an option to balance the budget; Ms.

Hodges explained that Free Cash has been used up over several years and that there is no longer enough.

3. Other Department or Town-Wide Updates

Ms. Hodges noted that an offer has been made and accepted to a new Assistant Planning Director / Conservation Agent. Once pre-hiring tasks are completed, she will introduce the new person to the Select Board.

Interviews are underway for the position of Recreation Coordinator and for the Outreach worker position. Mr. Mullen will be continuing as the Interim Town Clerk until early in 2023.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Updates regarding Special Town Meeting, potential articles, hearings & timelines

Special Town Meeting is scheduled for November 14; the Warrant is still open. Ms. Hodges explained that the Warrant will need to be closed on either October 17 or at a Special Meeting the following week; it will need to be closed by October 31. Mr. Kerrigan suggested that the Warrant is discussed at the first meeting in October and that the Warrant is closed on either the 17th or the 24th. The Board agreed that the 17th would be best.

2. Code of Conduct – complaint procedures, administrative investigations, process clarity

Mr. Kerrigan reports that several issues have arisen about the Code of Conduct, because there does not appear to be any process for adjudication of any concerns or requests. Ms. Turner stated that when the Code of Conduct was adopted there was a process, but that it was learned that the first version was cumbersome and that it was removed. Mr. Kerrigan asked Ms. Hodges to investigate if through the MMA (Massachusetts Municipal Association) there might be something that would work. Mr. Allison did not think that changes are needed, stating that conduct was different than law, and that to suggest that the Select Board might be in a position to adjudicate conduct complaints is inappropriate. Mr. Kerrigan suggested that there might be some result such that a complainant should file an Ethics complaint, but that it should be explored. Ms. Turner noted that former Interim Town Administrator had offered to help.

3. Discuss Select Board/MOU Committee engagement with Capital Group (Allison)

Mr. Allison reported that the MOU Committee reports that the upcoming meeting on the 14th is in good shape and that they are “nearing the finish line.” He moved that the Select Board support himself, Jason Allison, to meet independently with The Capital Group and/or 702 LLC. Ms. Turner seconded for discussion. Ms. Turner noted that the MOU Committee is talented and has worked hard, but that her belief is that the MOU Committee had appointed Frank Streeter to be the conduit to The Capital Group. Mr. Allison states that he believes that the best course of action would be to allow him to meet independently with The Capital

Group. Mr. Allison stated that the reason that the former Select Board formed the MOU Committee was that they would not support Mr. Allison meeting with The Capital Group, and that nothing is binding, but that he had brought this to the Board as a courtesy, and that this had nothing to do with the MOU Committee but was a Select Board task. Mr. Kerrigan thinks that it is important for the community to speak as one voice, and that he sees no problem with Mr. Allison helping to move this forward. Ms. Turner disagrees, stating that in her professional experience as a negotiator, that this would cause confusion and be counterproductive. *Vote taken, Jason Allison, Aye; Alexandra W. Turner, Nay; Stephen J. Kerrigan, Aye. [2-1-0]. Vote passed.*

4. Audit Committee Policy, Scope & Charge updates (Turner) Tabled from 8.16.22 & 9.12.22

Ms. Turner reported that she has met with Ms. Hodges and assembled a document that has lately been sent to the Select Board for informational purposes. She stated that she has spoken to a representative from the Division of Local Services (DLS) which is part of the Department of Revenue (DOR), in order to create this document (*see attached*). She asked the Select Board for their thoughts. Ms. Turner recommends that this committee be made up of two representatives from the Finance Committee, one representative from the Select Board and possibly someone from the School Department, and one citizen at large. Mr. Kerrigan asked about Minuteman Regional Vocational High School.

Mr. Kerrigan asked if this could be on a future agenda so that the Board had time to review, encouraging Ms. Turner to include any changes or additions that she would like to make in time to be included in the packet for the next meeting.

5. Public Records/FOIA Request Discussion/Policy Draft (Turner) Tabled from 9.12.22

Mr. Kerrigan clarified that Public Records Requests is a term used by the Commonwealth, while Freedom of Information Act (FOIA) is a federal statute. Ms. Turner would like the Select Board to put this information on the town website, as many towns do. Ms. Turner noted that the current information is dated and should be expanded as it is in some other towns. Ms. Turner noted that there are software companies such as FOIA Direct to manage requests. She would like the work product linked to the software so that everyone has an opportunity to see the output. Mr. Kerrigan asked Ms. Turner to bring forth a proposal for what she would like to see; Ms. Turner stated that she means this as a policy discussion, and that moving ahead with work on this process would save time and redundancy. Mr. Kerrigan said that he was not convinced that it would save time and/or work by town employees.

Ms. Hodges notes that currently all records requests go through her office, and that there have been 197 requests in the past six months, but FOIA Direct would not necessarily be helpful. For example, tracking down emails that did not use town email addresses is time consuming but not helped by this software. She notes that since she has been here, no deadline has been missed, and that Kathi Rocco is meticulous with tracking these requests. She cautions that Board that the time consuming issues are confidentiality and redacting, which would not be helped by software, and emails that the town does not have access to, which software would

not help. Mr. Kerrigan stated that this “seems like a solution in search of a problem” and he is not convinced that this needs to be pursued.

Ms. Turner stated that she never suggested that the human element might be replaced, but that this might offer greater access and transparency. Ms. Hodges notes that one community that Ms. Turner had referenced is Pepperell, but that the link on the Pepperell website goes to the state’s documentation, as does Lancaster’s.

6. Discussion & Coordination for Joint Meeting with Finance Committee to develop ARPA Spending Policy (Turner) Tabled from 9.12.22

Ms. Turner reports that she has spoken with Sue Smiley, Chair of the Finance Committee. Mr. Kerrigan stated that he thought that ARPA spending was being managed through the Capital Request Program; Ms. Hodges stated that this had been her proposal, but that Ms. Turner had referenced another policy, so she has not yet built it in to Capital. Ms. Hodges believes that the Select Board had asked all departments to submit requests and that she had asked to review this along with Capital. Mr. Kerrigan concurs that this was his belief. Ms. Turner stated that she understands that ARPA belongs to the Select Board, but that she thinks that the Finance Committee should be included in the discussion.

Mr. Allison moved to authorize Ms. Hodges to put together a proposal for ARPA Spending. Ms. Turner seconded. Ms. Hodges asked to clarify that ARPA spending is one time spending for one time use; Mr. Kerrigan concurred, asking that the minutes reflect this desire. *Vote taken, Jason Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. [3-0-0]. Vote passed.*

VIII. APPOINTMENTS AND RESIGNATIONS
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Appointments:

Conservation Commission – James Lavallee, member, term to expire 6/30/2025

Ms. Turner moved to re-appoint James Lavallee to the Conservation Commission, term to expire June 30, 2025. Mr. Allison seconded the motion. Tom Christopher, Chairman of the Conservation Commission, send a letter endorsing Mr. Lavallee’s candidacy (*attached*). *Vote taken, Mr. Allison, Aye; Ms. Turner, Aye; Mr. Kerrigan, Aye. [3-0-0]*

Council on Aging – Jay Moody, member, term to expire 6/30/2023

Ms. Turner noted that according to policy, Mr. Moody should be interviewed. Mr. Moody had previously been a member of the Council on Aging, although not recently. Mr. Kerrigan stated that even though it was not a reappointment, the Board was certainly familiar with Mr. Moody and it was not necessary to interview him. Mr. Moody made a brief statement. Mr. Allison moved to appoint Jay Moody to the Council on Aging, term to expire June 30, 2023. Ms. Turner seconded the motion. *Vote taken, Mr. Allison, Aye; Ms. Turner, Aye; Mr. Kerrigan, Aye. [3-0-0]*

Mr. Kerrigan noted that there are many openings on town boards and committees.

IX. LICENSES AND PERMITS

1. Application for Use of the Town Gazebo/Town Green

Applicant: Susan Munyon

Organization: Friends of the Thayer Memorial Library

Event: Bluegrass music at the Gazebo all day, nonprofit table spots and possibly some popups with tables and vegetable stand.

Event Date: Saturday, October 1, 2022, from 9am-5pm

Ms. Turner moved to approve the use of the Town Gazebo/Town Green, to Susan Munyon, Friends of the Thayer Memorial Library, for Bluegrass music at the Gazebo all day, October 1, 2022, from 9:00am to 5:00pm 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. Rental Application for Use of Town Hall

Organization: Friends of the Thayer Memorial Library

Event: Annual Book Sale

Event Date: September 27, 2022 – October 12, 2022

Ms. Turner moved to approve a Rental Application for use of Town Hall, by the Friends of the Thayer Memorial Library, for their Annual Book Sale to be held September 27, 2022 – October 12, 2022. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

3. Applications for Town License Public Entertainment on Sundays and Weekdays

Event: 3rd Annual Lancaster Holiday Light Show to be held at the Lancaster Fairgrounds, 318 Seven Bridge Road, Lancaster.

Sponsored by: Rose Darden, Bolton Fair, Inc. & EJ Dean, Fiesta Shows

Operating Dates: November 25-27; November 30-December 4; December 14-18; December 21-30, 2022.

Operating Hours: Sunday – Thursday, 5pm-10pm; Friday – Sunday, Holidays 5pm-11pm.

Ms. Turner moved to approve a Town License Public Entertainment on Sundays and Weekdays, for the 3rd Annual Lancaster Holiday Light Show to be held at the Lancaster Fairgrounds, 318 Seven Bridge Road, Lancaster, Sponsored by Rose Darden, Bolton Fair, Inc. & EJ Dean, Fiesta Shows, on November 25-27; November 30-December 4; December 14-18; December 21-30, 2022, with hours of Sunday – Thursday, 5pm-10pm; Friday – Sunday, Holidays 5pm-11pm. 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.

Mr. Kerrigan reminded residents that the Annual Horse Shed Fair will take place this weekend.

Ms. Turner asked about the upcoming visit from the Division of Local Services. Ms. Hodges noted that they were running behind and would be here in November or December.

Mr. Kerrigan noted that the Select Board needs to accept a gift of a bench. Ms. Turner explained that this is a result of residents recycling thin film donated at the Senior Center; she asked if past benches donated by this project should also be accepted. Ms. Hodges said no, that now that there is a gift policy in place, new gifts should be voted on, but it is not needed for prior donations. Mr. Kerrigan noted that this bench was generously donated by the Lancaster Commission on Disability in memory of Lorry Doucet Brazeau, an advocate for persons with disabilities. Mr. Allison moved to accept the Lorry Doucet Brazeau memorial bench. Ms. Turner seconded, thanking Leslie Allison and the Disability Commission for their good work, and also thanking the Nashoba Valley Climate Coalition for their part. *Vote taken, Jason Allison, Aye; Alexandra W. Turner, Nay; Stephen J. Kerrigan, Aye. [2-1-0]. Vote passed.*

XI. COMMUNICATIONS

- Special Town Meeting will be held on Monday, November 14, 2022, 7pm, located at Mary Rowlandson Elementary School Auditorium
- Miscellaneous Correspondence & Memoranda

XII. ONGOING PROJECTS & OLD BUSINESS

- Liaison Roles, Policies & Appointments (Turner)

Ms. Turner states that the Board needs to have general goals, which will inform liaison roles and will inform the budget. Mr. Kerrigan asked Ms. Turner to document what she would like done. Mr. Allison would like to delay discussing goals until after Town Meeting. Mr. Kerrigan says that rather than just appointing liaisons, there needs to be some clarity as to what boards and committees should have a Select Board liaison and what the role of this position should be.

- Division of Capital Asset Management and Maintenance Property (DCAMM) (Turner)

Ms. Turner has spoken to our representative from DCAMM; the legislation approved at the Annual Town Meeting has not advanced at the State House. Ms. Turner has sent a communication to State Senator Cronin and to State Representative Kilcoyne asking for their help in moving this through. Mr. Kerrigan noted that land transfer legislation needs to happen in a full formal session of the House, and there will not be another one of these

until next year. Mr. Kerrigan expressed concern that this legislation will allow DCAMM to give Lancaster the land, but there has not been work done on what Lancaster would do with the land if given, or what the cost associated with acquiring this land might be. Mr. Allison agreed with Mr. Kerrigan, stating that without a plan this could be very risky. Ms. Turner agrees that the land should not be accepted until a plan is in place.

Ms. Turner stated that there is a basic plan that won the planning contest, but we may need consultants to help. She stated that Joe D'Eramo who was on the Economic Development Committee had offered to help, as had Debra Williams, who sits on the Affordable Housing Trust. She would like to invite them to an upcoming Select Board meeting. Mr. Kerrigan stated that if the Board establishes a committee or a working group it needs to be open to the town at large. Ms. Turner will create a charge for this committee.

XIII. ADJOURNMENT

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

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Approved and accepted, 10/3/2022
Alexandra W. Turner, Clerk

Kathi Rocco

From: Tom Christopher <tom.christopher@comcast.net>
Sent: Tuesday, September 27, 2022 9:23 AM
To: Kate Hodges; Stephen J. Kerrigan; Jason A. Allison; Alexandra Turner
Cc: Kathi Rocco
Subject: Re: ConCom Appointment

That would be fine Kate. Enjoy your day and I am pleased the Planning Board was able to follow up on the ConComs decision to permit the Rand Whitney project last night. That should add a good chunk to our tax base once completed.

TC

From: Kate Hodges
Sent: Tuesday, September 27, 2022 9:12 AM
To: Tom Christopher ; Stephen J. Kerrigan ; Jason A. Allison ; Alexandra Turner
Cc: Kathi Rocco
Subject: RE: ConCom Appointment

Thank you, Tom. By copy to Kathi, I will ask that your email be entered into the record and attached to the minutes if that is acceptable?

Kate Hodges, ICMA-CM
Town Administrator, Lancaster MA
978-365-3326

From: Tom Christopher <tom.christopher@comcast.net>
Sent: Tuesday, September 27, 2022 9:10 AM
To: Stephen J. Kerrigan <SKerrigan@lancasterma.net>; Jason A. Allison <JAllison@lancasterma.net>; Alexandra Turner <alixturner@gmail.com>
Cc: Kate Hodges <KHodges@lancasterma.net>
Subject: ConCom Appointment

Dear Chairman Kerrigan & Select Board Members,

Unfortunately we have a conflict in our Board meetings this evening and I will be unable to attend your meeting. I wanted to let the Select Board know that Mr. James Lavallee has the ConCom's complete support for re-appointment to the Conservation Commission. Over Mr. Lavallee's time on the ConCom he has made measurable contributions to the Board's success and has provided insight and detailed analysis of the projects that have come before us to review.

Thank you,

Tom Christopher
Chairman

The contents of this email and any attachments are the property of the Town of Lancaster Massachusetts and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that