



APPROVED

**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, November 21, 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.

Join Zoom Meeting: <https://us02web.zoom.us/j/84963158479>
Meeting ID: 849 6315 8479

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

Ms. Turner moved to approve minutes of October 31, 2022. Mr. Allison seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Ms. Turner moved to approve minutes of November 3, 2022. Mr. Allison seconded the motion. Ms. Turner stated that this is a very abbreviated version; she thought there should have been more information on articles other than Article 3 and Article 4. Mr. Kerrigan stated that if people wanted more information that the video was available for viewing. *Vote taken, Alexandra W. Turner, Nay; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

Ms. Turner moved to approve minutes of November 7, 2022. Mr. Allison seconded the motion. Ms. Turner objected to a name misspelled (Resac) on page 5 of 13; discussion ensued regarding whether or not the motion should be tabled or voted on. *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

6:30PM Public Hearing Petition for Pole and Wire Locations

Javier Morales was present representing National Grid.

Ms. Turner moved to open the Public Hearing, reading the legal notice: *Under the provisions of Chapter 166, Section 22 of the General Laws, and any additions thereto or amendments thereof, a Public Hearing is scheduled for Monday, 6:10 pm on November 21, 2022 in the Nashaway Meeting Room located on the second floor of the Prescott Building, 701 Main Street, Lancaster, MA and by Zoom <https://us02web.zoom.us/j/84963158479> to consider a petition submitted by National Grid and Verizon New England, Inc. requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:*

Maple Street – National Grid to install 1 SO Pole on Maple Street beginning at a point approximately 0 feet northeast of the centerline of the intersection of Maple Street and Flagg Street and continuing approximately 25 feet in a northeast direction. Install 1 SO Pole #4 about 25 feet northeast of the intersection of Maple Street and Flagg Street to serve an existing building at 58 Maple Street.

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

Mr. Morales explained that the pole is to feed the existing building used as a generation station for Atlantic Union College. He stated that he had just noticed a manhole structure on Google Maps, next to the proposed pole location, that he had not noticed in the field. He asked that the Select Board delay the pole hearing and put him in touch with the DPW.

Ms. Turner moved to continue this hearing to a later date; Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed; this Public Hearing is continued. [3-0-0]*

IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS

1. Update on Joint Meeting with Finance Committee held Saturday, November 12th.

a. Budget Overview

Ms. Hodges reviewed the meeting, explaining that the Select Board and the Finance Committee had met with each department, reviewing next year's budget in detail. This would, holding the school at 4% as a placeholder, leave a deficit of \$674,655; it is believed that the school increase may be higher than 4%. The change in school budget from 4% to 6% would change the deficit to \$998,000. Adding increases in non-school expenses to this number would create a deficit of about \$1.2 million. Ms. Hodges noted that it is early; the tax rate is not yet set and re-valuation will play a factor in revenue; the numbers will change and fluctuate over the next months. Finance Director Cheryl Garipey has certified Free Cash at about \$1.2 million; Ms. Hodges cautioned against using this to cover the deficit for several reasons, including potential damage to the Town's bond rating. Mr. Allison

asked how this deficit can be overcome; Ms. Hodges said that options right now would include closing buildings or shutting entire departments, but overall there needs to be a more diversified revenue stream. Mr. Kerrigan concurred but noted that this will not happen in time for next year's budget. It was noted that the budgets submitted by some departments were actually lower than the current year's budget, and those that showed a budget increase were minimal. The Board members had a variety of questions about revenues, all of which were covered in the budget documentation supplied.

b. Schedule Capital Budget Review Meeting

Ms. Hodges asked the Board's wishes for scheduling a Joint Meeting with the Finance Committee to review the FY24 Capital Budget. She recommends that Capital items in FY24 are only funded from ARPA Funds and that only essential items are funded. A tentative date of December 5th or December 19th was chosen.

c. Discuss timelines for Future FY23 Budget Cycle

Ms. Hodges suggested a Public Forum, not a hearing, to review the numbers, sometime in January. It was tentatively scheduled for January 3, 2023 or January 17, 2023.

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 George Franz, 13 Highfield Drive. Mr. Franz spoke to three topics. First, the need for additional revenue for the Town. Secondly, he suggested contacting the number of non-profits in Town in the hope that some of them might make payments in lieu of taxes. Finally, he stated that last Monday's Special Town Meeting was difficult due to the large turnout, and he noted that the Government Study Committee is looking at a variety of options.

Mr. Kerrigan noted that the Select Board has received, late today, a Citizens' Petition with over 400 names to require the Select Board to have another Town Meeting to consider the zoning article. The Board now is required to vote to refer the petition to the Board of Registrars, who must confirm the signatures as citizens, and then must refer the matter to the Planning Board. Mr. Allison moved that the Select Board refer the Citizens' Petition, received today, Monday, November 21, 2022, to the Board of Registrars for certification, and additionally the Board shall also refer the subject matter of the petition, the substantive facts surrounding the Enterprise Zoning Proposal in North Lancaster, to the Planning Board for their consideration. Ms. Turner seconded the motion.

Ms. Turner stated that she had not seen the petition; Mr. Kerrigan stated that he hadn't either, but that they know of its existence, and that this motion is at the recommendation of Town Counsel.

Ms. Hodges clarified the process, explaining that this is governed by Massachusetts General Law (MGL), and that a Citizens' petition is always delivered to the Town Clerk, who then notifies the Select Board's office of its existence. The requirement for the number of signatures is 200. The Select Board needs to acknowledge the petition. Ms. Turner questioned whether the Board needs to return the petition to the Board of Registrars since the Town Clerk already had it. Ms. Turner requested a copy of the petition; Ms. Hodges will provide this.

Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]

Mr. Kerrigan stated that a target date would be Saturday, January 21, but that would be a decision that the Board would make at a later date if all the other requirements are met. Ms. Turner stated that there was a bylaw stating that Town Meetings could not be held on Saturdays; it was pointed out that there is no bylaw stating this although it was apparently unwritten policy in the past. Frank Streeter of the Planning Board was not recognized for comment but stated that the Planning Board looks forward to hearing from the Select Board and they are there to help facilitate this process to the extent possible under some very tight holiday deadlines.

VI. TOWN ADMINISTRATOR REPORT

1. Hiring Updates

- a. Outreach & Activities Coordinator - An offer has been extended to the selected candidate; the candidate is a Licensed Social Worker with extensive experience. Her first day will be next Monday.
- b. Town Clerk - Ms. Hodges will be talking to top candidates this week; she hopes to make an offer by early December.

2. Facilities Updates

- a. Community Center – The deep cleaning has been completed over the weekend and all conditions needed to be certified by the Board of Health have been met. Ms. Hodges has sent a letter to the Board of Health advising them of same. The new flooring will be complete by the end of next week.
- b. Old Town Hall – Ms. Hodges notes that this building is very expensive to heat and is neglected; a conversation is needed about future plans. Ms. Hodges has discussed some plans with Heather Lennon of the Historic Society. Ms. Turner would like someone to look at issues with the brick or the slate roof leaking.

3. New Hiring Procedures, Administrative Policy & Forms

Ms. Hodges presented a detailed procedure for new hiring processes including a form for all department heads to use to ensure that job advertising is standardized and has a funding

source. There is a new employment application that now meets legal requirements. Ms. Hodges has trained almost all department heads on this process.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Spec Pond Road

- a. Follow-up discussion, next steps
- b. Authorize Chair to contact DPW Chair for scheduling of Joint Meeting

Mr. Allison moved to authorize Chair Kerrigan to meet with the DPW Chair to schedule a joint meeting. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Kerrigan reported that a lot of research has been done, and a lot of research has been done by town residents. The Board wants to give the Spec Pond area residents an answer as to whether the Town can plow the road currently. The information is not bearing out the way that the residents would like it to. Given some research, it seems that the 1938 Town Meeting voted to authorize the State create an access road, but not to have the Town accept it as a road. Subsequent deeds in the 1940's and 1950's indicate that the road was a private road. Mr. Kerrigan stated that the Board has a responsibility to make a decision about facts before the Board. He continued, saying that there is a process for a Citizen's Petition could request that this becomes a warrant article at the Annual Town Meeting in May.

Mr. Allison stated that he would like to right a wrong, but it does not appear that the 1938 meeting accepted the road. Additionally, at the 1957 Town Meeting, there is evidence that residents said that they would build their own road.

Mr. Murphy, from the Spec Pond Residents' Association, noted that the process for accepting roads did not exist as we know it in 1938, and that there was a great deal of confusion going on, involving land seizure by Devens, and the use of the access road by the Army. Mr. Kerrigan re-stated that the warrant for the 1938 Town Meeting did not have an article that would have accepted the road. Mr. Murphy asked if there was a Citizens' Petition to accept the road, wouldn't it be problematic that the road would not meet current DOT (Department of Transportation) standards. Mr. Kerrigan stated that he could not presuppose these answers.

Ms. Hodges referred to the DPW Meeting of August 29, 2022, and July 11, 2022. Mr. Murphy had presented at the July meeting; at this meeting it was stated that if the road were to be accepted as a town road, it would need to be surveyed and brought up to standards, and that this would not be an expense of the Town. The DPW Board also said that there was nothing that they could do and that it would need to go to Town Meeting. Ms. Hodges stated that the outstanding question is whether or not the DPW can accept a non-conforming road. Accepted town roads are repaired using Chapter 90 money, but this money cannot be used for private roads. Mr. Allison offered himself as an advocate on the

Board, pledging to research to see if he can provide help. Mr. Murphy noted that the Town of Lancaster owns a large piece of land in the Spec Pond area and the Town is not current with Association dues.

2. Update Municipal Fees

- a. 1-day Liquor License
- b. Abutter Notifications
- c. Usage Permits
- d. Copies, report production, etc.

Ms. Hodges, referring to a memo she sent to the Select Board, explained that these fees had not been updated in 12-15 years. Current fees do not cover the cost of staff time and postage. Mr. Allison moved to adopt the proposed fees for services. Ms. Turner seconded. Discussion was held about “reasonableness” and it was agreed that one or two copies, at the discretion of the town employee, would not be charge, but that fees would apply to more complex requests. Ms. Turner stated that she would like to add or amend additional fees; Mr. Kerrigan stated that the Board needed to vote on the option on the floor and that Ms. Turner should submit an agenda item for other items so that the Board had the opportunity to review and consider these changes. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Ms. Turner brought up entertainment fee structures, like in the Town of Brimfield, where each vendor at the flea markets pays a fee, or like Groton’s recent adoption of a per-ticket fee. Ms. Hodges suggested that the fees just voted on were legal fees rather than entertainment, and that she could come back with recommendations for other fees.

3. Review and discuss the November 14, 2022 Special Town Meeting (Allison)

Mr. Allison proposed that the Board discuss what went well at the Special Town Meeting, what didn’t go well, and maybe some things that the Board might think about changing. He suggested that no decisions should be made at this meeting but that it was an opportunity for discussion.

Mr. Allison suggested that under the “good” category would be the large turnout, the Police assistance, the work done by the registrars, and Sterling-Lancaster television. Some of the bad things included the large turnout, the time to check in, and the overall process which took too long and didn’t serve the residents. He noted that about 200 residents had left before the end, and he stated that all residents need to be better served by Town Meeting.

Ms. Turner agreed with Mr. Allison, suggesting that things that might be considered include using Nashoba Regional High School if an outside arena was not available. Mr. Kerrigan noted that post-COVID, meetings cannot be held outside of the town. She thought that the use of clickers would make it smoother; Ms. Hodges explained that the school’s Wi-Fi and connectivity are problematic, and that a receiver would be needed in every room to support the clickers. Some discussion was held as to who “owns” the town meeting. Ms. Hodges

explained that it is the Moderator's meeting. The Select Board calls the meeting, the day of the meeting and the contents of the warrant, belong to the Select Board. The Town Clerk is responsible for procedures. Ms. Turner noted that many people do not understand the process of Town Meeting and how the current government works.

Mr. Kerrigan echoed Mr. Allison's statements, suggesting that there were some disappointments that some residents felt that their voice was not heard. He too, expressed gratitude for the town employees who planned and worked at the meeting as well as attendees.

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

IX. LICENSES AND PERMITS

1. One Day Liquor (Beer and Wine) License *Beer Only

Applicant: Jesse Tarbell

Organization: Mass Brewing LLC dba Sterling Street Brewery

Event: Dimeco's First Annual Holiday Open House

Event Address: 374 Sterling Street, Lancaster, MA 01523

Event Date: November 27, 2022, from 12:00pm – 3:00pm

Ms. Turner moved to approve a One-Day Liquor License (Beer and Wine *Beer Only) for Jesse Tarbell, Mass Brewing LLC dba Sterling Street Brewery, for Dimeco's First Annual Holiday Open House, 374 Sterling Street, Lancaster, on November 27, 2022, from 12:00pm-3:00pm. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

2. One Day Liquor (Beer and Wine) License

Applicant: Nicole Kanis

Organization: Lancaster PTO

Event: Art & Vendor Fair – Fundraiser for the PTO

Event Address: Lancaster Community Center, 39 Harvard Road

Event Date: December 3, 2022, from 12pm-4pm

Ms. Turner moved to approve a One Day Liquor (Beer and Wine) License, to Nicole Kanis, Lancaster PTO, for the Lancaster PTO Art & Vendor Fair, December 1, 2022, from 12pm-4pm, at the Lancaster Community Center, 39 Harvard 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 matters not reasonably anticipated by the Chair.

XI. COMMUNICATIONS

- Town Offices will be closed on Thursday, November 24, 2022, in observance of Thanksgiving Day.
- Next Select Board Hybrid Meeting will be held on Monday, December 5, 2022 at 6:00pm

➤ Miscellaneous Correspondence and Memoranda

XII. ONGOING PROJECTS & OLD BUSINESS

- Liaison Roles, Policies & Appointments – Review Draft Proposal (Turner)
- Financial Audit Advisory Committee Charge Review & Outlined Functions (Turner)
- Division of Capital Asset Management & Maintenance Property, Update (Turner)
- Public Records Requests Inventory & Handling, Policy Proposals (Turner)

Ms. Turner suggested deleting Liaison Roles from the agenda; she will request to add it again when she has more information.

Regarding the Audit Committee, Ms. Turner reviewed the need again. She sent a memo to the Select Board last night; Mr. Kerrigan said that he has not had an opportunity to review, nor had Mr. Allison. Mr. Kerrigan asked that this item could be moved to the next agenda. Ms. Turner said that this committee would hire the auditor; Ms. Hodges expressed concern that they could not be responsible for hiring because this would conflict with procurement procedures. Ms. Turner explained further that this process is recommended by the Inspector General.

Mr. Kerrigan asked if the town currently has an Audit firm, and if so, when their contract expires. Ms. Hodges will investigate this. The Town has had the same firm for about 20 years.

Regarding DCAMM, Ms. Turner reported that because the town has some new staff and DCAMM has new board members, that they should be invited to a meeting in December or January to talk about the process, because there seems to be some confusion. Mr. Kerrigan asked what has happened since May on behalf of the Select Board; Ms. Turner stated nothing except Town Meeting passing legislation, with no action from the State legislature. She would like to form a group of people to work on this. Mr. Kerrigan asked if it were true that the Town needs to agree to sell the property or lease the property to a developer by December 2023; Ms. Turner agreed but thinks that there needs to be a study group and a better understanding of the sales partnership model. Mr. Kerrigan expressed concern that this land has been non-taxable for his entire life but now there is not a lot of time left. Ms. Turner explained that she has met with Ms. Hodges and Ms. Farinacci; Ms. Hodges recollects that this meeting was in May, during which Ms. Turner proposed using some ARPA funds for a study, but that it had gone no further. Ms. Hodges suggested that an RFP needs to be developed and brought to MassDevelopment. Ms. Turner has also reached out to Glenn Eaton from MRPC (Montachusett Regional Planning Council).

Mr. Kerrigan said, “We have thirteen months left. We have to tighten things up and be very clear about what our goals and objectives are, because if we just throw it out to the Town, saying, ‘let’s hear your thoughts about DCAMM’ There’s no structure there. So, we’ve got to tighten up the structure and set some real deliverables and show people that we are not going to pass up this fantastic opportunity.”

Mr. Allison moved to authorize Ms. Hodges to work on putting together an RFP to further the DCAMM initiative. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Regarding public records, Ms. Turner stated that many towns use software, the most common of which is VOYA Direct which has a nice interface. She mentioned Chelmsford as a good model, as well as towns that do not use software such as Harvard which uses a form. She thinks it would help in terms of staff time and money. Mr. Kerrigan asked if there was a legitimate problem that the Board was trying to solve; Ms. Turner said that it seemed to be burdening staff and that it would help the town to be as transparent as possible. Mr. Kerrigan and Mr. Allison both said that they do not see a problem that needs to be solved. Ms. Hodges noted that software like this searches town email addresses but that it does not address the large number of board and committee members in Lancaster using private email. Debate continued, with Ms. Turner stating that this software or some other solution would be helpful and Messrs. Kerrigan and Allison stating that they do not believe there is a problem to be solved. Ms. Turner would like to see the existing Access database available to the public. Mr. Kerrigan suggested that Ms. Hodges look into this further.

XIII. EXECUTIVE SESSION

The Lancaster Select Board will meet in Executive Session pursuant to M.G.L. c30A, §21(a) for the Purpose (3): To discuss strategy with respect to collective bargaining, specifically to deliberate regarding the Union's response to the Level Three grievance determination issued by the Select Board to Teamsters Union, Local No. 170 regarding disciplinary action taken against C. Manning, as an open meeting may have a detrimental effect on the bargaining position of the Select Board.

Ms. Turner moved to enter into Executive Session pursuant to M.G.L. c30A, §21(a) for the Purpose (3): To discuss strategy with respect to collective bargaining, specifically to deliberate regarding the Union's response to the Level Three grievance determination issued by the Select Board to Teamsters Union, Local No. 170 regarding disciplinary action taken against C. Manning, as an open meeting may have a detrimental effect on the bargaining position of the Select Board, from which the Board will not reconvene in regular session. Mr. Allison seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

XIV. ADJOURNMENT

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Alexandra W. Turner, Clerk
Approved on : 12/5/2022