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<https://www.ci.lancaster.ma.us/administration-select-board/pages/meeting-materials>



LANCASTER SELECT BOARD

Regular Meeting Minutes

of Monday, December 19, 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. Additional materials for Select Board meetings are available at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials.

Join Zoom Meeting: <https://us02web.zoom.us/j/83384384636>

Meeting ID: 833 8438 4636

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 the minutes of December 5, 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]*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS

**** Taken out of order; prior to Joint Meeting with Finance Committee, the Board addressed Public Comments, Town Administrator Report, Appointments and Licensure, New Business, Special Town Meeting, and Complaint against Conservation Commission Chair ****

7:00 PM Joint Meeting with Finance Committee

Mr. Kerrigan invited the Finance Committee to open their meeting. Susan Smiley, Chair of the Finance Committee, convened their meeting with a roll call vote; Richard Trussell, present;

Michelle Vasquez, present; Emily Kerrigan, present; Jocelyn Mylott, present; Susan Smiley, present. Mr. Kerrigan reviewed the purpose of the meeting.

Ms. Hodges stated that Finance Director Cheryl Gariepy was also present; Ms. Hodges gave a presentation of the Town's overall financial picture.

1. FY2024 Capital Budget Proposals & Planning

Projects are classified as Tiers I, II, or III. There are no Tier III projects for this fiscal year, however, it is likely that next year the high school building project will fall into this category. The only funding currently available for Capital this year is ARPA funding; the remaining balance in this account is about \$1.8 million. Some Capital projects have been deferred for up to 14 years.

Ms. Turner and Ms. Smiley had questions about school boiler expenses in the last two years. It was clarified at length that there were two different boilers in two different schools, funded by \$135,000 voted on at Special Town Meeting and \$150,000 in ARPA funds. Many questions were asked about the new format being used to develop the Operating Budget and the Capital Plan. Many clarifying questions were asked about whether Capital items were urgent, needed, or desirable; other questions were posed about whether requests were entered for Fiscal Year 2024 or for future years.

2. Project Deferrals

Total Capital requests came to \$2.54 million; \$1.4 million is being recommended by the Town Administrator, causing about \$1.1 million in projects deferred. Ms. Hodges pointed out that in the last four years, no planned/budgeted Capital requests were met, but that all Capital expenses have been reactionary in response to items breaking.

It was discussed that the Select Board and the Finance Committee should meet jointly again in late January or early February to review Audit findings.

Jocelyn Mylott moved to adjourn the Finance Committee meeting; a second was heard. *Roll Call vote was taken. Richard Trussell, Aye; Michelle Vasquez, Aye; Emily Kerrigan, Aye; Jocelyn Mylott, Aye; Susan Smiley, Aye. Motion passed. [5-0-0]*

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.

***** Taken out of order after Approval of Meeting Minutes *****

The Chair recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek expressed concern that the upcoming Special Town Meeting needed to be held within 45 days after the Board of Selectmen received the petition. Mr. Kerrigan stated that he will address the timing later in the meeting.

Mr. Kerrigan recognized Roy Mirabito, 944 George Hill Road. Mr. Mirabito spoke to the potential for COVID transmission as well as flu and other sicknesses at the upcoming Special Town Meeting, citing statistics that show a current increase in COVID cases.

Mr. Kerrigan recognized David Mallette, 2748 North Main Street. Mr. Mallette stated that he supports the citizens' petition and the subsequent Special Town Meeting, noting that 300 signatures were collected in 72 hours.

Mr. Kerrigan allowed Mr. Mirabito to finish his previous comments. He would like to see the Select Board consider a venue for the Special Town Meeting other than the Mary Rowlandson Elementary School.

Mr. Kerrigan recognized Anne Ogilvie, (address not stated). Ms. Ogilvie read the dictionary definition of disenfranchisement.

Mr. Kerrigan recognized George Franz (address not stated). Mr. Franz addressed the location of the Special Town Meeting, stating that while Mary Rowlandson Elementary School was not ideal, there was no better viable venue. Secondly, in relation to the proposed development, he thinks the Town will be better able to manage the proposed development's impact, than the Town will be able to manage the financial problems caused by lack of development.

Mr. Kerrigan recognized Kendra Dickinson, speaking as a private citizen. Ms. Dickinson thanked the Select Board for recognizing the citizens' petition.

VI. TOWN ADMINISTRATOR REPORT

1. Hiring Updates – Town Clerk

Ms. Hodges introduced new Town Clerk Amanda Cannon. Her position will begin January 3.

2. Other Departmental Updates

Ms. Hodges reported that she has met with MassHousing and the Executive Office of Development, agencies that deal with green energy. Options are being weighed regarding grant proposals to clean up the DCAMM property, especially the old power plant area.

Mr. Allison moved to appoint Mr. Kerrigan as the Liaison from the Select Board to DCAMM such that all correspondence and scheduling flow through him. Ms. Turner seconded. Mr. Allison explained that this project is coming on fast and strong and that an attention to detail is needed. Ms. Turner said that she thinks that she would be more appropriate for the position, but she understands that if that is the will of the Board that so be it. Mr. Kerrigan said that Ms. Hodges is doing a great job but that if it is the will of the Board he would accept the

appointment; he has been concerned with the slow pace that this project has had. *Vote taken; Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Special Town Meeting – Finalize Details and discuss or evaluate potential articles including sponsors & board positions.

Mr. Kerrigan recapped the information about the citizens' petition leading to the scheduling of a Special Town Meeting. Conversations have been held with Town Counsel regarding scheduling. Counsel believes that meeting in January meets the spirit of the law. It was explained that using Nashoba Regional High School is not an option, because Town Meeting cannot legally be held out of town. The best available option for location is Mary Rowlandson Elementary School. Scheduling options have been considered. No date and no location is ideal, but January 28 is the best, and probably only, option. New processes are being put in place to expedite check-in and ballot voting.

Mr. Kerrigan asked that his colleagues support the date and location; there will be time to vote on the Warrant at a later date. He noted that January 28 at 10am will allow time for morning check-in and will also allow for a later start time in case of snow. Ms. Turner said that while weekends are convenient for many, she is concerned with religious prohibitions. She stated that while she has no personal concern, she thinks the Board should consider the afternoon of January 29. Additionally, she is concerned about snow dates. Additionally, she noted that the First Church might be a venue, and that it was used many years ago for a Town Meeting. Mr. Kerrigan replied that that his opinion is that the Town cannot schedule around particular religious denominations. Ms. Hodges, at the request of Mr. Kerrigan, explained how a snow delay would be handled; the meeting would be convened at the posted time and would be continued to a more agreeable time with information posted on all available sources, including reverse 911. Mr. Allison expressed gratitude for the amount of work being done by Mr. Kerrigan. Mr. Kerrigan restated the motion, to schedule the Special Town Meeting for January 28, 2023 at 10AM. Ms. Turner stated that she will vote no out of respect for the Seventh Day Adventist community. *Vote taken; Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

Mr. Kerrigan suggested that, in order to meet the needs of the petitioners, that the Select Board should be the sponsors of the article to be voted on the Special Town Meeting. Mr. Allison moved as such; Ms. Turner seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

2. Budget

- General Fund Update

Ms. Hodges showed the updated FY24 operating budget; there are few changes from the previous iteration.

- Recycling Center, Financial Update & Determinations

Ms. Hodges explained that she and Ms. Gariepy met with representatives of the Recycling Committee. For some time, the committee has been using reserve funds because the revenues received do not meet expenses, although the committee is dedicated and works hard. Her recommendation is to close the center for the short term. Ms. Turner talked about the importance of being a green community, noting that grant money might be available from the DEP. Ms. Turner would like the shortfall (\$1,300-\$1,500/month) to be funded. It was agreed that ARPA money could not be used. The Board would like to see some options to fund the Recycling Center for the next fiscal year. It was suggested that declining use of the center may be because many residents are using private haulers who provide a recycling service.

3. The Alcoholic Beverage Control Commission (ABCC) 2023 Seasonal Population Increase Estimation Form

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

4. Discuss resident trespass complaints re: Conservation Commission Chairperson

Mr. Kerrigan requested that the Board table this item until he has had the opportunity to have a discussion with the Conservation Commission Chair. Mr. Allison moved to table this item. Ms. Turner seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

VIII. APPOINTMENTS AND RESIGNATIONS
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Appointments

Affordable Housing Trust: Kelly Dolan as Ex Officio Trustee.

Ms. Hodges currently holds this position; she thinks that Ms. Dolan, as the former Vice President of the Worcester Housing Authority, would be better suited to this role. Ms. Turner moved to appoint Kelly Dolan as an Ex Officio Trustee of the Affordable Housing Trust. Mr. Allison seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

IX. LICENSES AND PERMITS

1. Review and take action on the following 2023 Renewal License Applications

a. Sandee's Restaurant – Common Victualler

Ms. Turner moved to approve a Common Victualler License for Sandee's Restaurant for 2023. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

b. Koch Route 2 Toyota – Class I and Common Victualler

Ms. Turner moved to approve a Class I and Common Victualler License for Koch Route 2 Toyota for 2023. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

c. B & M Investments d/b/a Modena Motor Group – Class I

Ms. Turner moved to approve a Class I License for B & M Investments, d/b/a Modena Motor Group for 2023. 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.

The Board has received notice from the Historic Commission of the resignation of Joan Richards. Ms. Turner spoke about Ms. Richards' contribution to the Town, reading a proclamation from the Historic Commission. Ms. Turner offered a motion to accept this resignation with deep regret. Mr. Allison seconded the motion. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

XI. COMMUNICATIONS

- Town Offices will be closed on Monday, December 26th (Observed Christmas Holiday) and Monday, January 2, 2023 (Observed New Year's Day Holiday)
- Next Select Board Hybrid Meeting will be held on Tuesday, January 3, 2023 at 6:00pm
- Miscellaneous Correspondence and Memoranda

XII. ONGOING PROJECTS & OLD BUSINESS - NONE
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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

Alexandra W. Turner, Clerk
Dated: January 3, 2023