



APPROVED

**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Tuesday, January 3, 2023
6:00 P.M.**

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 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/87652643913>
Meeting ID: 876 5264 3913

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 19, 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 - 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 tolerated.

Mr. Kerrigan recognized Carol Jackson, 40 Farnsworth Way. Ms. Jackson asked if the citizens' petition was by the Select Board or was it false advertising. Mr. Kerrigan reminded her that criticism directed at staff, volunteers, or other officials will not be tolerated. He stated that the

citizens' petition was exactly that, not instigated by the Select Board. Ms. Jackson continued, questioning the possibility of having the upcoming Special Town Meeting in another town. Mr. Kerrigan explained that this would violate State law. Finally, she stated that she has concerns about residents and their health because this had been a problem with the last Special Town Meeting.

Mr. Kerrigan recognized Denise (Dee) Hurley, 102 Bolton Road. Ms. Hurley wanted to mention some upcoming events, an Open Mic Event on January 6th at the Community Center, and the art show on February 25; residents should contact her for more information or to enter.

Mr. Kerrigan recognized Heather Lennon, 294 Nicholas Drive. Ms. Lennon wanted to recognize Ike Kilburn who has been working on removing hazardous trees at the Middle Cemetery and has done a great job. Secondly, she would like to know if the Select Board has considered forming a committee for the Celebration of the 250th reading of the Declaration of Independence in 2026. Mr. Kerrigan stated that the Select Board will address this soon.

Mr. Kerrigan recognized Kathy Hughes, 80 Fire Road 11. Ms. Hughes wanted to see Town Counsel's written advice to the Town regarding the MOA signed before the previous Special Town Meeting, especially regarding arbitration. Mr. Kerrigan stated that the Town does not publish legal opinions, but he will send her an email. Secondly, regarding the Town Budget and the apparent upcoming shortfall, she asked if the Town was considering a hiring freeze or an employee furlough, or what other cost savings measures were being taken.

Mr. Kerrigan recognized Tom Murray, 156 Main Street. Representing the Seventh Day Adventist community, he noted that the Town has historically been kind and generous with not scheduling meetings or important events on Saturdays. He is concerned with the Special Town Meeting scheduled for Saturday, January 28th, stating that he has had several calls from church members who are concerned about this date. He requests that this issue is considered for future meetings so that his community is able to participate.

VI. TOWN ADMINISTRATOR REPORT

1. Reasonable Accommodations – Recap of Town discussion with MA Office on Disability and MA Attorney General

Mr. Kerrigan stated that this will be discussed later in the meeting.

2. Budget Process Update/Discussion

Ms. Hodges said that the budget is about 90% complete; she is waiting for seven department overview sheets that are part of the overall process. The initial draft should be ready by the end of the month. She asked the Board if they would like this presented as a separate meeting or if they would like to include it as an agenda item. Mr. Kerrigan suggested addressing this as an agenda item in early February, hopefully as part of a light agenda. The other Board members concurred.

3. Fire Department – DFS Grant Award

Fire Chief Hanson announced that the Department has received a grant from the Department of Fire Services in the amount of \$10,000 that he had applied for in order to provide the Department with some updated technical equipment such as cameras. Mr. Kerrigan thanked him for his work in applying for this grant.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Special Town Meeting – January 28, 2023, review Town Staffs’ plans/protocols

Ms. Hodges reviewed a memo that she had written following today’s department head meeting summarizing plans for the upcoming Special Town Meeting (STM). The STM will involve six rooms, one of which is for childcare. Issues being addressed include bandwidth, hearing accessible seating, ESL translation services, a separate room that will have a mask requirement, social distancing, and a separate entrance/exit. Town staff and volunteers are asked to park at the Police/Fire stations and to walk. Parking, overflow parking and accessibility, volunteers, paper ballots, and other logistics were explained. Ms. Hodges explained that requests for reasonable accommodations should be made to her by January 17, and that the Town is working with the Massachusetts Attorney General’s office and the Massachusetts Commission on Disability.

Ms. Turner questioned why the lower capacity auditorium was being used as the primary room rather than the larger capacity gymnasium. Ms. Hodges explained that because the communications hub was in the auditorium it needed to be the primary room to provide a visual feed to other rooms. Additionally, the gymnasium has the largest square footage, and therefore is being used for individuals who need social distancing. Ms. Turner asked about voting methods and the use of the “clickers” that had been used for outdoor Town Meeting at the fairgrounds. She asked if clickers could be rented or borrowed from another community; Ms. Hodges explained that it would require separate receivers for each room which would be very complicated. Ms. Turner reiterated that she is concerned about disenfranchising the Seventh Day Adventists and the Jewish population, saying that the Board had been “tone deaf,” asking if there was a will to change this prior to signing the warrant. Mr. Kerrigan said that although not ideal, it seems to address the needs of most of the Town. Ms. Turner noted that the country had been founded on Judeo-Christian principles; Mr. Kerrigan refuted this, referencing separation of church and state. Mr. Allison said that he finds this conversation not fruitful, since there is no date that is not undesirable for some set of people, and there is no perfect date, but the Board has an obligation to schedule a Town Meeting to meet the requirements of the citizens’ petition. Mr. Kerrigan restated that the Town is working with the Massachusetts Attorney General’s office and the Massachusetts Commission on Disability to make sure needs for reasonable accommodations are met.

2. Review DRAFT Town Meeting Warrant Article

Ms. Hodges provided a draft of the Town Meeting warrant article in the meeting materials. She noted that some of the dates shown on the draft are not relevant.

3. Vote to Open Special Town Meeting Warrant (vote to close at the will of the Board)

Mr. Allison moved to open the Warrant for the Special Town Meeting to be held on January 28, 2023, and to insert the discussed article as Article 1. Ms. Turner seconded the motion. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Allison moved to close the Warrant for the Special Town Meeting to be held on January 28, 2023. Ms. Turner seconded the motion. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

4. Review Earth Removal Renewal Permit & Approval Guidelines

Ms. Hodges stated that this was reviewed at the request of Ms. Turner and several residents. The Special Permit guidelines that are in Massachusetts General Law (MGL) dictate that if the Board (the authority to grant the permit) is a three-member board then the vote must be unanimous. It was suggested that a prior vote of this Board, not being unanimous, was in fact not valid. Ms. Hodges reported that this has been researched by Town Counsel, and this is only true if the vote pertains to a new Special Permit, but not to a renewal.

5. Discuss resident trespass complaint (Tabled from 12/19/22)

Mr. Kerrigan would still like to have a conversation with the Conservation Commission Chair; they have exchanged messages but were unable to connect. Ms. Turner moved to table this item until they have spoken; Mr. Allison seconded the motion. *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

Commission on Disability: Eugene (Geno) Brazeau.

Because the end of term date was unknown, Ms. Turner moved to table the item. 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 - NONE
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X. NEW BUSINESS - NONE

This item is included to acknowledge matters not reasonably anticipated by the Chair.

XI. COMMUNICATIONS

- Next Select Board Hybrid Meeting will be held on Tuesday, January 17, 2023 at 6:00pm
- Special Town Meeting will be held on Saturday, January 28, 2023 at 10:00am at the Mary Rowlandson Elementary School.

XII. ONGOING PROJECTS & OLD BUSINESS

1. Lancaster Recycling Center

Ms. Hodges provided the Board with a memo on this topic (see Meeting Materials). In recent years the center has only been open twice monthly. To continue this, supplemental funding of \$6,000-\$9,500 would be needed. The center is not scheduled in next year's budget but could be added if it were the will of the Board. Ms. Hodges and Ms. Gariepy (Finance Director) have met with the committee. Mr. Kerrigan suggested including this in the new budget for discussion purposes. Ms. Turner expressed concern that the Select Board has not seen some board or committee budget requests; Mr. Allison stated that the budget is nearly complete and that he does not support adding it to the budget at this point. After discussion, it was decided that Ms. Hodges will see where it could fit in the budget.

2. DCAMM Property

Ms. Hodges reports that she has a call set up with the DCAMM Liaison later this week.

3. Special Town Meeting

Mr. Kerrigan invited Ms. Turner to address concerns she had mentioned earlier about the Special Town Meeting (STM). She thought that at the last STM the informational session held prior to the meeting was helpful if not well attended. She would like to schedule a forum prior to the upcoming STM to address both the Memorandum of Agreement (MOA) and the Warrant Article. Mr. Allison said that he would be against a Q & A session, because as the Chair of the MOA Committee he has had no questions, although he would be happy to answer any that were presented. Mr. Kerrigan said that he was apprehensive about having another forum, suggesting that perhaps Sterling-Lancaster Community Television could re-air the previous forum, since it is the same article presented previously as Article 4. He stated that residents are welcome to reach out to any member of the Board. Mr. Kerrigan stated that it is important to remember that this article is about rezoning, not about any individual development.

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 17, 2023