

Meeting materials and information which accompanies Board topics and voted subjects may be found on the Town's website under the Administration tab, meeting materials or by clicking on the link below: <https://www.ci.lancaster.ma.us/administration-select-board/pages/meeting-materials>



**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Tuesday, January 17, 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/81102727576>
Meeting ID: 811 0272 7576

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 January 3, 2023. 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

Nashoba Regional School Superintendent – Discussion regarding High School Building Proposal and update on fiscal forecasts and budget projections for FY24 and beyond.

Superintendent Kirk Downing distributed a “board brief” to the Select Board (attached). He reviewed the process of determining that a new school is needed, and how it will be paid for. Estimates for funding will be available mid-May. Superintendent Downing reviewed the process defined in Massachusetts General Laws (MGL) for funding regional school building projects.

Mr. Allison confirmed that the Town will most likely vote on the project in the fall of 2023. Each of the three towns would have to approve incurring the debt by a Special Town Meeting vote. An alternate approval methodology would be to have a collective vote of all three towns, which would require a 2/3 vote by the School Committee. Mr. Kerrigan had several questions regarding

the timeframe for project approval. He urged Superintendent Downing to provide costs as soon as possible so that information can be communicated to residents.

School Committee member Dan Gleason spoke briefly about costs which will be reimbursed by the MSBA (Massachusetts School Building Authority). He encouraged all town boards and committees, as well as residents, to participate in tours of the school that will be scheduled in the Spring to gain a better understanding of why a new building is needed.

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 Ralph Gifford (address not given). Mr. Gifford objected to the scheduling of the upcoming Special Town Meeting on a Saturday, stating that this was disenfranchising a significant portion of the community, including minority residents.

Mr. Kerrigan recognized Justin Smith, 4 Turner Lane. Mr. Smith objects to waiving the public hearing for Earth Removal permits, which will be discussed later in the agenda. Furthermore, he would like a commission appointed to grant Earth Removal Permits and would like to raise the fees for same.

Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane. Ms. Ogilvie objects to the scheduling of the upcoming Special Town Meeting and the costs associated with the Special Town Meeting. She reviewed several reasons why she does not support the rezoning article at the STM. Ms. Ogilvie went on at length with objections to Mr. Kerrigan's management of Public Comments.

Mr. Kerrigan recognized Kathy Hughes, 80 Fire Road 11. Ms. Hughes stated that the Special Town Meeting should not take place because it was not called within 45 days of receipt of the Citizens' petition. Furthermore, she does not think that revisiting the rezoning article already considered at Special Town Meeting meets legal requirements. She would like to know Town Counsel's opinion on this.

Mr. Kerrigan recognized Rebecca Young-Jones, 94 Barnes Court. She agreed with both Kathy Hughes and Anne Ogilvie. She stated that Mr. Kerrigan is "stifling" public comment.

Mr. Kerrigan recognized Martha Moore, 131 Center Bridge Road. She is concerned about people with cancer or other sicknesses who are unable to attend the Special Town Meeting, wanting to know if it was possible to use absentee or mail-in ballots so as not to disenfranchise voters. Mr. Kerrigan reviewed accommodations that are being made for those who need social distancing, also explaining that absentee ballots are inconsistent with the Open Town Meeting form of government.

Mr. Kerrigan recognized Deb D'Eramo, 127 Harvard Road. She echoed Mr. Smith's statements about Earth Product Removal permits. Additionally, she stated that the Town Calendar had initially said that the Special Town Meeting will begin at 9AM, but now says 10AM. Additionally, she encourages residents to vote "no" at the Special Town Meeting.

Mr. Kerrigan recognized Anne Ogilvie again. Ms. Ogilvie stated, "In my letter I was referring to the expenditure of town resources on behalf of the citizens' petition, which I think is unusual. And my last regardless of the outcome of the next Special Town Meeting, residents would be wise to ask how well government's Radical actions, such as recalls and petitions, which have led to such division in our town, are serving us. They are tools available for our use, but at what cost. Thank you."

Mr. Kerrigan recognized Kendra Dickinson, 402 Oetman Way, speaking as a private citizen. Ms. Dickinson agrees with those who do not want to waive the public hearing for Earth Removal permits. She thinks that because of past concerns it is important to keep residents in the loop. She approves of the work done to prepare for the upcoming Special Town Meeting, stating that in the past weeknights have been difficult for her due to childcare, and that a Saturday meeting is helpful.

Mr. Kerrigan recognized Kathy Hughes again. Ms. Hughes said that she became very ill after the previous Special Town Meeting, and that she had, because of a broken foot, felt very unsafe because of all the chaos around. She is also very much in disagreement with the MOA regarding the zoning change to be addressed at the STM, saying that it was signed at the last minute. She stated that she is asking a question that she has asked multiple times and has never received an answer, asking if there has ever been any financial due diligence on The Capital Group. She stated, "You made a financial agreement with them although ... money that we will undoubtedly never see because they will never completely complete that project and will therefore never get the land agreement in there. But if you are going to go into a financial agreement with a company you should do some due diligence, financial due diligence, on them, and it seems to me as a private company that this has not been done... shared with the Town."

VI. TOWN ADMINISTRATOR REPORT

1. Financial Audit

Ms. Hodges reported that the Auditors are scheduled to attend the Board meeting on 2/27/23; she noted that the Select Board might want to schedule the 27th rather than the 20th due to Presidents' Day and school vacation.

2. Visit from MA Department of Revenue (DOR)

Ms. Hodges reported that two representatives from the DOR visited last week. They interviewed the Finance Director, the Treasurer/Collector, Ms. Hodges. They will be in contact with the Select Board Chair and the Finance Committee Chair. They have received a copy of the Town Code. They last visited in 1999, at which point they had a long list of needed improvements to the budget process. Ms. Hodges reported that of the previous 30

items to be corrected, 20 of them have been fulfilled, and now that Ms. Hodges has seen the list, other items can be corrected.

3. Other Business

Ms. Hodges addressed preparation for the upcoming Special Town Meeting, noting that there is information online, at the Community Center, at the Library, the schools, and other areas. She has been working with the Massachusetts Commission on Disabilities to provide certain accommodations.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Fort Pond LLC Renewal Permit – Discussion to waive a public hearing

Fort Pond LLC had asked the Select Board to consider waiving a public hearing on their Earth Products Permit renewal. Ms. Hodges explained that the application is complete. A vote to waive the hearing must be unanimous. Mr. Allison moved to schedule a Public Hearing for the Earth Products Renewal permit for Fort Pond LLC. Ms. Turner seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Ms. Turner, referring to a statement by previous Town Counsel, said that all permits should be treated as a new permit, and asked that current Town Counsel be consulted. Mr. Kerrigan would like to explore fee schedules; changing the fee schedule, because it is part of current bylaws, would call for Town Meeting vote. Chairman Kerrigan will speak to Town Counsel.

VIII. APPOINTMENTS AND RESIGNATIONS

Resignations

Affordable Housing Trust: Stephen Kerrigan, representing the Select Board. Ms. Turner offered a motion to accept said resignation. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Recreation Committee: David Carr, Member, effective immediately. Ms. Turner offered a motion to accept said resignation with regrets. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Kerrigan asked Ms. Hodges to discuss open volunteer opportunities at the next meeting.

Appointments

Affordable Housing Trust: Jason Allison representing the Select Board, term to expire June 30, 2023. Ms. Turner moved to appoint Jason Allison to the Lancaster Affordable Housing Trust, Term to expire June 30, 2023. Mr. Kerrigan seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Commission on Disability: Eugene (Geno) Brazeau, term to expire June 30, 2023 (filling an unexpired term). Ms. Turner moved to appoint Eugene (Geno) Brazeau to the Commission on Disability, term to expire June 30, 2023. Mr. Kerrigan 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

X. NEW BUSINESS - NONE

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

Mr. Allison noted that the FY24 budget is now 137 pages long.

Ms. Turner stated that prior to the previous Special Town Meeting she had several questions about the MOU/MOA, asking if she could have answers prior to the upcoming Special Town Meeting. Mr. Kerrigan asked her to submit her questions.

Ms. Turner noted that this week is the Annual MMA (Massachusetts Municipal Association) Convention in Boston, and that she will be attending and paying her own way. She asked that this expense is included in the upcoming budget. Ms. Hodges noted that in past budgets there has been a few hundred dollars for incidental meetings that members might attend, but that MMA Annual Meeting attendance has not been included. Mr. Allison disagrees with the Town paying for attendance of individual members.

XI. COMMUNICATIONS

- Next Select Board Hybrid Meeting will be held on Monday, February 6, 2023 at 6:00pm
- Special Town Meeting will be held on Saturday, January 28, 2023 at 10:00am at the Mary Rowlandson Elementary School; doors open at 8:30am
- Miscellaneous Correspondence and Memoranda

XII. ONGOING PROJECTS & OLD BUSINESS - NONE

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: 2/6/2023



School Building Committee

School Administration

Kirk Downing, Superintendent of Schools
Laura Friend, Assistant Superintendent of Schools

Ross Mulkerin, Director of Business and Operations

Robert Frieswick, Director of Facilities
Kathleen Boynton, High School Principal
Joseph McCarthy, Educator

Bolton

Amy Cohen, School Committee Member
Bob Czekanski, Town of Bolton Selectmen
Stacey Dupuis, Resident
Don Lowe, Town Administrator

Lancaster

Joseph Gleason, School Committee Member, Committee Chairperson
Maura Bailey, Educator/Resident
Kim Earley, Educator/Resident
Ken Frommer, Resident
Tania Rich, Athletic Director/Resident

Stow

Christopher Buck, Finance Committee
David Hartnagle, Resident
Kristen Kendall, Resident
Leah Vivirito, School Committee Member

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Nashoba RSD Building Project



NRHS Building Project

Board Brief No. 2
January 13, 2023

School Building Committee
January 05, 2023 Meeting

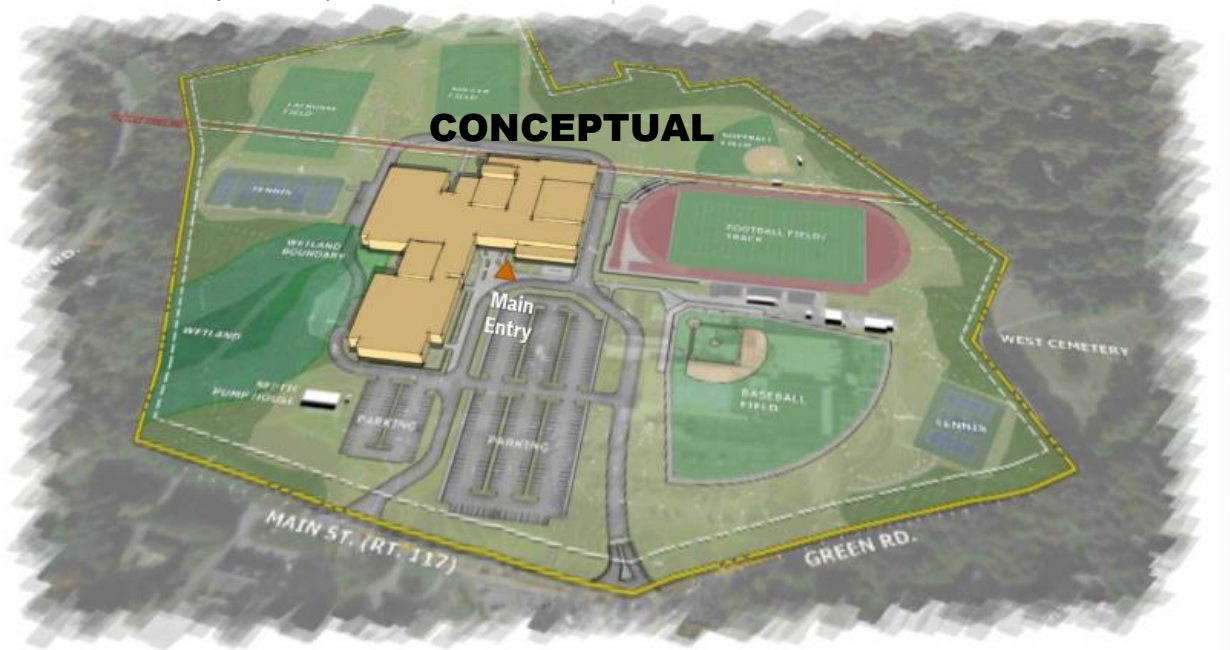
Project Status Update

On December 21, 2022, the Massachusetts School Building Authority (MSBA) approved Nashoba Regional High School's Module 3B, the Preferred Schematic Report (PSR).

Option 4D – New Construction, was selected as the Preferred Schematic Concept on October 18, 2022. See below for Option 4D. Please note that this rendering is a conceptual drawing and not the final layout and plan.

The Designer, Kaestle Boos Association, Inc. (KBA), and the owner's project manager, Skanska USA Building, Inc., continue to work with the District to progress the development of the selected Preferred Schematic Concept into the Schematic Design.

Our design and engineering team continues on-going investigative site test pits to locate the Tennessee Gas Pipeline Co.'s gas line and conduct additional geotechnical testing.



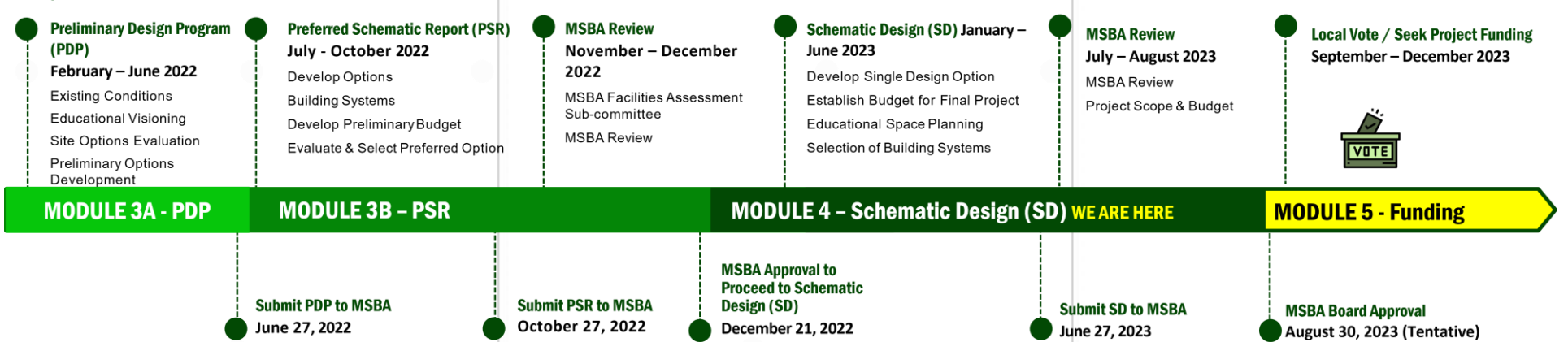
Funding the Project

In Massachusetts there are two statutory pathways for regional school districts to fund a school building project. The first is codified under Gen. Laws c 71 § 16(d) which provides in part that the regional school district committee may vote to authorize debt and thereafter each member town will have sixty (60) days from date of said vote to disapprove any such vote to incur debt.

The second pathway is codified under Gen. Laws c 71 § 16(n) wherein a proposal to incur debt may be voted upon by all registered votes in a district-wide election. Any such proposal in this regard passes or fails by a majority vote.

It should be noted that G.L. Chapter 71 § 14D provides that in the absence of any specific language in a regional (school district) agreement the default process for incurring debt is Gen. Laws c 71 § 16(d); however, this statute does provide for a regional school district to invoke the provisions of Gen. Laws c 71 § 16(n) by a two-thirds (2/3) vote of the regional school district committee.

Project Schedule Overview



*Schedule is subject to change