



APPROVED

**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, February 6, 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/81713297980>
Meeting ID: 817 1329 7980

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. Kerrigan seconded the motion. Ms. Turner wished to make a change; she wanted to add in Section III, Paragraph 2, that she had asked Superintendent Downing about the two stage process for voting to approve the project and that Superintendent Downing had clarified this, stating that there could be a simple Town Meeting vote and then a district-wide ballot vote. Mr. Kerrigan stated that this could have been presented prior to the meeting so that the change was incorporated; Ms. Turner noted that she could move to modify the minutes at a future meeting. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

- **6:05pm – Notice of Public Hearing for application for Special Permit to Remove Earth Products Renewal**

Mr. Allison moved to open the Public Hearing; 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 read the Public Hearing notice into the record:

Notice is hereby given that a Public Hearing will be held on Monday, February 6, 2023 at 6:05 PM to consider the application of Fort Pond, LLC, c/o W.J. Graves Construction Inc., 192 Depot Road, East Templeton, MA for renewal of a Special Permit to Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located 450 Fort Pond Road, Lancaster, MA., Map 5; Parcel No. 26B, Location approximately 800 feet East from the intersection with Fort Pond Inn Road. A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.

Mr. Kerrigan recognized Mikael Lassila, an engineer with S.J. Mullaney Engineering, Inc., representing the applicant, who gave an overview of the state of the project.

Mr. Kerrigan recognized Kayla Larsen, an engineer with Tighe & Bond, a third-party engineering firm hired by the Town to inspect the site. Ms. Larsen reviewed her findings from the most recent quarterly inspection, stating that the applicant has been in compliance and that Tighe & Bond sees no issues with renewal. Ms. Turner had questions about monitoring wells, noting that the written report suggested that some repairs were needed. Ms. Larsen stated that some repairs are needed to two wells that are currently inactive, should they become active again. Ms. Turner stated that because the permit was for the entire site, all areas should be considered when conditions are determined. It was further discussed that a portion of the site is now covered with solar panels, so that there would be no excavation under this area. Ms. Turner requested that Tighe & Bond provide copies of past quarterly reports; Mr. Kerrigan stated that these can be found in the Planning Office. Ms. Turner asked Ms. Larsen about the status of bermed areas and about safety issues such as fencing and prohibiting ATV usage. The applicant, Mr. James Fletcher, responded. He agreed that the ATVs are a nuisance, agreeing to additional posting, and to talking to the owners of the neighboring Chisholm property about installing a gate. Ms. Turner asked Ms. Larsen to review the suggested corrective actions in the inspection report. Ms. Larsen reviewed this section of the report, primarily having to do with wells should they become active. Ms. Turner asked Ms. Hodges or Ms. Larsen if the \$60,000 Surety Bond in place was still sufficient. Ms. Hodges did not see a need for additional money and stated that there was no mechanism to do this.

Ms. Kerrigan recognized Rebecca Young-Jones, 94 Barnes Court. Ms. Young-Jones questioned the posting of the Public Hearing, stating that the timing did not meet the 14 day state requirement.

Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane, who talked about the water supply / aquifer, and the need for water testing, asking for specifics on what wells had been tested and on what dates. Ms. Larsen provided this information. Ms. Ogilvie asked further questions about the depth of the monitoring wells and future plans. Mr. Lassila reviewed

this information. Ms. Ogilvie requested that the Select Board consider adding a traffic study requirement to the permit conditions.

Mr. Kerrigan verified with Tighe & Bond that they have no issues with renewing this permit. Mr. Allison moved to close the Public Hearing; Ms. Turner seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Ms. Turner moved to approve the permit application with the existing conditions and to the corrective actions as written in the Tighe & Bond report (repair of the well casing of well phase X-1 to make accessible for measurement. Fort Pond LLC should also increase signage or other means of security at the back of the site.) Mr. Allison asked what date these corrections would need to be done by; Ms. Larsen suggested that generally it would be requested to do things like this by the next quarterly inspection, which would be March 2023. Mr. Fletcher agreed that this was reasonable. Mr. Allison seconded the motion. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

- **Memorial School Reuse Committee**

- Review and Outline steps taken and process in making recommendation(s)
- Final Recommendation for reuse
- Committee next steps, funding recommendations and other action

Presenting for the Memorial School Reuse Committee were Chair Daniel Lapen, 95 Packard Street, who reviewed the history of the Committee up to the application for \$100,000 for engineering studies from the Community Preservation Act (CPA), and Sherry Cutler, 67 Harvard Road, who presented a PowerPoint document, "Lancaster Community Activity Center and Outdoor Pavilion Concept." It was stressed that the Memorial School is on land left to the Town 89 years ago by Pauline Thayer, specifically for recreation use for all residents. Mr. Lapen reviewed potential restrictions including deed restrictions, Conservation restrictions, state restrictions under Massachusetts General Law Chapter 97, and scrivener's errors from Article 18 at the 1972 Annual Town Meeting. The committee has determined that "highest and best use" will be as an Outdoor Pavilion available to all ages. Next steps are pursuing funding.

Mr. Kerrigan asked if it were true that the school itself was a memorial to the World War II dead; no one else was familiar with this but the Reuse Committee will investigate (in later discussion Heather Lennon of the Historical Commission verified that this was true.) He also asked at what point the Reuse Committee stops and a Building Committee or some other committee takes over the project. Ms. Hodges stated that typically the Committee would present their findings and recommendations (after an engineering study) to Town Meeting and then disband or to re-form in some other way. Mr. Kerrigan suggested that Ms. Hodges work with Town Counsel regarding the restrictions to make sure they are clear. Ms. Turner had comments as to how this concept would fit into the Master Plan.

Mr. Kerrigan recognized Denise Hurley, 102 Bolton Road. Ms. Hurley spoke about the current housing crisis and would like to see the Town work with the Legislature to remove deed restrictions so that the school could be used as housing for seniors, mobility impaired, or veterans.

Mr. Kerrigan recognized Rebecca Young-Jones, 94 Barnes Court. Ms. Young-Jones would like to see the return on investment on this project and agreed with Ms. Hurley that the best use of the school would be for housing.

Mr. Kerrigan recognized Victoria Petracca, 67 Woodland Meadow Drive, speaking for the Affordable Housing Trust, and speaking to the dissenting vote on the Memorial School Reuse Committee by Carolyn Reed, the Affordable Housing Trust's representative to the Reuse Committee. Ms. Petracca offered data on the need for senior and mobility-impaired housing, including the current 2,206 applications (870 are elderly; 1,334 are mobility impaired. 30 of the elderly applicants and 10 of the mobility impaired applicants are from Lancaster) for Bigelow Gardens Affordable Housing. She suggested the pavilion would be a great addition but could happen in another location, and the Town could do both.

Mr. Kerrigan recognized Heather Lennon, 294 Nicholas Drive, who stated that yes, the Memorial School was dedicated as a memorial to WWII veterans. Ms. Lennon suggested that affordable housing could be built in a number of areas and that she would like to see a pavilion area in accordance with Mrs. Thayer's bequest. She would also like to see remodeling of Bigelow Gardens.

Mr. Kerrigan recognized Jennifer Latham, 95 Packard Street, who agreed with Ms. Lennon. She stated that it would be illegal, immoral, amoral, and unethical, to change Ms. Thayer's will.

Mr. Kerrigan recognized Dave Mallette, 2748 North Main Street. Mr. Mallette noted that this location would be ideal for senior housing with easy access to resources such as the library and the Senior Center.

Mr. Kerrigan recognized Ralph Gifford, 861 George Hill Road. Mr. Gifford thinks that the town should respect Mrs. Thayer's legacy and that affordable housing would need more space, such as the Atlantic Union College campus.

Mr. Kerrigan recognized Lesley Allison, 343 Brockelman Road, speaking as a member of Lancaster's Commission on Disability. She clarified that Bigelow Gardens is owned by the State, and remains inaccessible to many applicants. She would support a plan to put affordable housing on the Memorial School site.

Mr. Kerrigan recognized Charles Lefebvre, 134 Packard Street. Mr. Lefebvre said that he thinks that resolving deed restrictions, including donated property, needs to be done before any non-recreational work is attempted, and resolving this would be expensive. Additionally, parking needs to be considered.

Mr. Kerrigan recognized Jay Moody, 144 Seven Bridge Road, who stated that he had been on a prior re-use committee, and that it had been determined that the best use of the Memorial School would be for affordable housing.

Mr. Kerrigan recognized Cynthia Robinson-Lefebvre, 134 Packard Street, a member of the Memorial School Re-use Committee. Ms. Lefebvre noted that work on the deed restrictions will take money and time, and something that she would like immediately addressed is removal of hate and obscene graffiti inside the school.

Mr. Kerrigan recognized Sherry Cutler, 67 Harvard Road, who clarified that nothing can move forward until an engineering study is done.

Mr. Kerrigan recognized Stephanie Stanton, 942 Main Street. Ms. Stanton would be in favor of using the site for affordable housing.

Mr. Kerrigan recognized Victoria Petracca, 67 Woodland Meadow Drive, who noted that the Memorial School site is listed as part of the housing production plan that was approved by the Planning Board, the Select Board, and the State. She noted that affordable housing at the Memorial School would serve a critical need, since it is town-owned property and unit prices could be affordable to many on the Bigelow Gardens waitlist, whereas the 40R and other affordable areas would still be out of the price range of many on the list.

Mr. Kerrigan recognized George Franz, 13 Highfield Drive. Mr. Franz said that there were two questions: funding an engineering study and legal questions regarding deed restrictions. Once these are ironed out, the town can debate the best and highest use, but initially the town needs to address these two questions.

Mr. Allison moved to have Ms. Hodges work with Town Counsel to fully understand the opportunities for the Memorial School with respect to restrictions. Ms. Turner seconded the motion. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

- **Police Chief Everett Moody – Refresher/discussion relative to Staff, Committee or Board Members’ access and right to access private property.**

At the request of Chair Kerrigan, Police Chief Moody gave an overview of town staff, committee and board members’ rights to access private property. Chief Moody explained the limitations on site visits and home inspections, referring to Constitutional issues about illegal search and seizure. He stressed that consent is always the best way to go. He stated that a homeowner has the right to deny access or entry, but that this refusal could result in denial of permits or inaccuracies in recording.

IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS - NONE
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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, 861 George Hill Road: He has emailed the Select Board an invitation to attend the Black History Month concert and celebration to be held Saturday, February 11, evening at 6:00pm. It will be held at the College Church at 337 Main Street.

VI. TOWN ADMINISTRATOR REPORT

1. Recruitment/Staffing Updates

Ms. Hodges reported that there is an opening for Assistant Town Clerk. This position will include public records and oversight of the website/social media. The updated job description has been sent to the Union for approval.

2. Review of open Board and Committee positions

Included in the Select Board's packet, pages 57-59. Ms. Turner would like openings to be posted on the Town website. Ms. Hodges explained that this is in process.

3. Other Department Updates

Ms. Hodges reported that staff is now "knee-deep" in budget season.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Discussion/Debrief of Special Town Meeting January 28, 2023

Mr. Kerrigan thanked all staff and volunteers for helping to make the Special Town Meeting run smoothly. Ms. Hodges added her thanks to Sterling Lancaster Television, Police and Fire, and volunteers. Ms. Turner and Mr. Allison also expressed thanks. Ms. Hodges has prepared a draft of a "rank choice" question for resident preference for Town Meeting days and times to be on a separate ballot during the Annual Town Elections in May.

2. FY24 Budget Updates – tabled

*** Out of Order; prior to entering Executive Session ***

Ms. Turner moved to table the review of the draft budget book. Mr. Allison seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

3. Annual Town Meeting 2023

a. Set Meeting Date(s) and Time(s)

The bylaw states that the Annual Town Meeting is held the first Monday in May, unless, by a majority vote of the Select Board, another date is chosen. Ms. Hodges explained that this is important this year because the Town of Sterling has already set their Annual Town Meeting for the first Monday in May, and having Lancaster's on the same date would cause coverage/equipment issues for Sterling-Lancaster Television. Sterling-Lancaster Television (SLTV) has asked if Wednesday might be a possibility, so that they had time to break down equipment in Sterling and set it up in Lancaster.

Ms. Turner moved to set the date for Annual Town Meeting for Wednesday, May 3, 2023. Mr. Allison declined to second; Mr. Kerrigan seconded for purposes of discussion. Ms. Turner would like the Annual Town Meeting to be held at the Bolton Fairgrounds like it was during the COVID pandemic. Mr. Allison would like to wait to decide until the next meeting so that residents have an opportunity to make their wishes known. Discussion was held about whether a decision needed to be made at this point. It was decided that a date will be set at the Select Board meeting on February 13.

Mr. Kerrigan asked for a vote on the motion so that it could be voted down and reconsidered on February 13. *Vote taken; Alexandra W. Turner, No; Jason A. Allison, No; Stephen J. Kerrigan, No; Motion failed. [0-3-0]*

b. Review & Approve Town Meeting Calendar

Tabled until Town Meeting date is set on February 13, 2023; February 27 will be the Joint meeting with Finance Committee to review the budget.

c. Discuss/Review potential Warrant Articles (tabled)

d. Set Date/Time for Annual Town Meeting Warrant Preview (tabled)

4. Acceptance of cost-of-living increase for retirees in the Worcester Regional Retirement System

Ms. Hodges explained that this needs to be a majority vote and is held in every town in the Worcester Regional Retirement System. Mr. Allison moved to accept the cost-of-living increase for retirees in the Worcester Regional Retirement System. Ms. Hodges seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

VIII. APPOINTMENTS AND RESIGNATIONS

Resignation

Historical Commission: Joan Richards as a member of the Historical Commission, effective January 27, 2023. 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]*

Appointments

Historical Commission: John “Sandy” Foster as a member of the Historical Commission, term to expire June 30, 2025 (fill unexpired term.) Ms. Turner moved to appoint John “Sandy” Foster to the Historical Commission, Term to expire June 30, 2025. 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. COMMUNICATIONS

- Select Board’s next Special Meeting will be held on Monday, February 13, 2023 at 6:00pm. It was noted that this will be a brief meeting and will be Zoom only. Mr. Kerrigan asked the Board members to advise Ms. Hodges prior to posting if they would prefer another time.
- Select Board’s next Regular Meeting will be held on Monday, February 27, 2023 at 6:00pm
- Miscellaneous Correspondence and Memoranda

X. ONGOING PROJECTS & OLD BUSINESS - NONE

- **Division of Capital Asset Management and Maintenance Property (Hodges)**
 - Update regarding Special Legislation

Ms. Hodges reported that last year’s special legislation did not happen due to time constraints in the legislature. The good news is that this “restarts the clock” which will allow more time to explore issues such as structural integrity of the buildings and an environmental analysis, necessary before any discussions with developers. There will be an article, similar to last year’s, on the warrant for the Annual Town Meeting. Ms. Hodges is working on an agreement with MassDevelopment for assistance in planning and bidding; she will bring this before the Select Board for adoption. She will also be applying for Fiscal Year 2024 for the One-Stop Community Growth Grant Program which will assist with Master Planning and Archaeological work. This needs to be done because the Town will have to do a Phase I and Phase II site analysis; once this is done, DCAMM can be petitioned to release their assessments to the public.

XI. EXECUTIVE SESSION

Enter Executive Session

Ms. Turner moved to enter Executive Session, not to reconvene in open session, pursuant to M.G.L. c.30A, §21(a) for the following purposes:

- i. Purpose (2): To conduct collective bargaining session with the AFSCME, Local 3720, specifically to hear a Level Three grievance regarding discipline for member A. Martin; and
- ii. Purpose (3): To discuss strategy with respect to collective bargaining, specifically to deliberate regarding the response to grievance filed by AFSCME, Local 3720 regarding discipline for member A. Martin,
- iii. Purpose (3): to discuss litigation strategy re: A. Turner's DUA Appeal, as an open meeting may have a detrimental effect on the litigating position of the Select Board

as an open meeting may have a detrimental effect on the bargaining position of the Select Board and not to reconvene in Open Session thereafter.

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

XII. ADJOURNMENT

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Alexandra W. Turner, Clerk
Date: 2/27/2023