



**APPROVED**

**LANCASTER SELECT BOARD  
Regular Meeting Minutes  
of Monday, June 5, 2023,  
6:00 P.M.  
Prescott Building – Nashaway Room**

**ZOOM:** <https://us02web.zoom.us/j/89034756987>

**Meeting ID 890 3475 6987**

**I. CALL TO ORDER**

Chairman Stephen J. Kerrigan called the meeting to order at 6:00PM and advised that the meeting was being recorded and 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.*

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 May 15, 2023. Mr. Allison seconded. Ms. Turner moved to amend Public Comments by Joe D'Eramo, first paragraph, second sentence, to include "He would like to include the charge given at Town Meeting 2023." Mr. Kerrigan seconded the motion. Mr. Kerrigan stated that minutes are summaries, not transcripts. *Vote taken on the amendment, Alexandra W. Turner, Aye; Jason A. Allison, No; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

Ms. Turner questioned why the minutes are submitted by Kathleen Rocco rather than the minute taker. Mr. Kerrigan stated that it was "on behalf" of Kathleen Rocco and that it was correct.

Mr. Kerrigan called for a vote on the amended motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, No; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

**III. PUBLIC COMMENT**

*Opportunity for the public to address their concerns, make comments and offer suggestions on operations or programs.*

Mr. Kerrigan recognized Deb D'Eramo, 127 Harvard Road. Ms. D'Eramo stated that she was the person who had emailed Ms. Turner because the Minutes were not accurate in two places, and that next time she will submit changes in writing and that she finds it surprising that Mr. Allison voted against amending the minutes. Also, she thinks there needs to be more public comment regarding the Memorial School Reuse Plan before spending money on a study.

Mr. Kerrigan recognized Tom Seidenberg, 748 George Hill Road. Mr. Seidenberg introduced himself as the new Chair of the Conservation Commission. Regarding a later agenda item, removal of invasive species from Thayer Field, he had thought that Ms. Hodges had stated that this work would be paid for by Wetlands Funds, but that may not be legal. Mr. Kerrigan noted that this will not be paid for by Wetlands Funds. Mr. Seidenberg stated that in the past, boards and committees had been given the opportunity to comment on appointments, but he had been unaware of the upcoming appointment of Mr. Winsor. He had believed that there was another candidate and asks that the Select Board delay this appointment.

Mr. Kerrigan recognized Victoria Petracca, 67 Woodland Meadow Drive, who wanted to "spread the word" that there is an affordable housing unit available, a home ownership opportunity, for \$250,700. It is a 2-bedroom condominium unit and is available on a first-come, first serve basis.

Mr. Kerrigan recognized Jay Moody, 124 Seven Bridge Road. Mr. Moody stated that town volunteers should be recognized, noting that Boxborough lowers the flag to half-staff on the death of current or former committee and board members (2 days for committee and board members, 3 days for Select Board members), and he would like to see Lancaster do something similar. Also, former Town Planner Noreen Piazza should be invited when the Route 117 construction is officially finished. Mr. Moody also noted that Ms. Piazza prepared monthly reports about energy usage. Finally, he thinks that the Government Study Committee has nothing to show after a year.

#### **IV. TOWN ADMINISTRATOR REPORT**

##### **1. Recruitment Updates – Building Commissioner; Assistant Town Clerk; Cemetery/Tree**

Ms. Hodges reported that Michael Silva will become the new Building Commissioner, effective July 1. Mr. Silva is currently the Building Commissioner in Leicester. He has a bachelor's degree in information systems, specifically Accounting, from Bryant College, holds a Construction Supervisor's license, owned his own business for sixteen years, and comes very highly recommended. An offer has been made to the top candidate for Assistant Town Clerk. One of the two open positions for Cemetery/Tree has been filled.

##### **2. OneStop Grant Updates**

Word was received last week that that several grants applied for relative to the DCAMM property have been awarded. This will assist in developing a Master Plan, having some community forums, active and passive recreation, and developing an RFP. Money and effort put into this, including staff time, will come off the sale of the property, and the remainder will be split with DCAMM. Next step will be to apply for a second step of this.

**3. DCAMM Site Visit & Project Kickoff Review**

Legislation is moving ahead.

**4. Energy Committee**

Ms. Hodge asked the Board for direction since this committee has not met in over 18 months. She suggested that their charge needs to be revisited. Mr. Kerrigan suggested a joint meeting to see if members wished to continue or if new membership should be recruited. Ms. Turner would like to look at other communities' Energy Committees to model. Mr. Kerrigan asked if members were appointed to a specific term and if so, have these terms expire; the website does not show expiration dates. Messrs. Allison and Kerrigan asked Ms. Turner to investigate and to meet with committee members, and to report back.

**5. Community Center Garden & ADA Pathway Update & Thank You's**

Planting has been completed behind the Community Center. Berms have been completed; the water line has been extended underground. Loam was donated by Ryan Aldrich Excavating. Materials to create the ADA Pathway and the patio under the pergola were donated by PJ Keating. Once completed, it will be a \$40,000 renovation at no cost to the Town.

Mr. Kerrigan wished to dispel rumors that the DCAMM property is being looked at by the State for a homeless encampment. He stated that this is definitively not true, and clarified that State representatives, as they do routinely, were surveying state property in Lancaster as well as in many other towns.

<b>V. ADMINISTRATION, BUDGET, AND POLICY</b>
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**1. Memorial School Reuse: Continued discussion and determination of next steps**

Mr. Kerrigan summarized, thanking the Memorial School Reuse Committee for their work. The Memorial School Reuse Committee's recommendation was to demolish the school building and to erect a recreational pavilion. There were questions about deed restrictions, and the Select Board has, a few days ago, received a lengthy legal analysis that will be helpful. Money for engineering studies have been set aside in the Capital Plan. He asked that the public give the Board some time to review the findings. Mr. Kerrigan recognized Sherry Cutler, 67 Harvard Road, a member of the Memorial School Reuse Committee. Ms. Cutler asked if the Committee could have a copy of the report; Mr. Kerrigan explained that the Select Board would have to waive privilege of Counsel, and he has a couple of questions for Counsel before this is be done. This should be done in a few weeks.

**2. MassHousing 40B Application; 13 Neck Road: Select Board official response**

Discussion was held as to how Select Board members could or would submit their individual responses; Mr. Kerrigan explained that he had asked the members to submit their responses in writing, but Ms. Turner believed that they would discuss their responses at this meeting. Ms.

Turner asked for clarification of a checked box in the developer's application signifying that he had a letter signed by the Select Board. Ms. Hodges stated that the developer may have a letter from a previous Select Board before any of the existing Board members or Ms. Hodges were in place. Ms. Turner attended the site walk. She talked about a number of safety concerns. Mr. Kerrigan explained that each Board member should write up their comments this evening for submission. Ms. Turner asked how the Board would approve the cover letter that will go to the state with submission; she proposed that the Board as an entity endorse or not endorse the project. Ms. Hodges explained that she intends to write a letter similar to one she had sent on April 26 on behalf of the Select Board. Mr. Kerrigan noted that responses submitted to the Select Board must be submitted tonight; responses submitted directly to the State must be submitted by end of day on June 7. Mr. Allison moved to authorize Town Administrator Kate Hodges to compile responses to the MassHousing 40B Application at 13 Neck Road, to write a cover letter, and to submit this to the State. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

**3. Certification and approval to remove invasive plants from Town Land: Per MA Wetland Protection Act (Thayer Field)**

Ms. Hodges explained that this has already been addressed by the Conservation Commission and this extra step is needed because it is on townland. It will be paid for by some ARPA money allocated last year to the Conservation Commission, not from the Wetlands fund. Mr. Kerrigan asked if volunteers were covered by insurance; Ms. Hodges verified that yes, volunteers would be covered. Mr. Kerrigan asked where the removed brush would be put; volunteer Daniel Lapen, 95 Packard St., explained it would be piled in brush piles on Thayer Field. Ms. Turner had questions about the details in the cover letter sent by Charlene Steeves, Conservation Agent. Ms. Hodges explained that the application cover letter included details for the entire project, not just this area of Thayer Field. Mr. Lapen explained that use of Round-Up would be by a licensed professional, but is not part of this portion. Ms. Turner asked about the list of Black Locust trees and where the wood cut from these trees would be given to the nearest abutter who wants it; an audience member said that she would take it. Mr. Allison moved to authorize volunteer removal of invasive species from Thayer Field. Mr. Turner seconded. Mr. Allison thanked Mr. Lapen and the volunteers. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

**4. Budget Calendar for FY2025 – Discussion and acceptance**

Ms. Hodges presented the FY2025 Budget Calendar for approval by the Select Board. Cheryl Gariepy, Finance Director, will bring this to the Finance Committee. Ms. Hodges will need black-out dates, especially for Saturdays in November, that Board members cannot attend. She will need this by July 31. Mr. Allison moved to accept the Budget Calendar as presented. Ms. Turner seconded. Ms. Turner would like the Board to discuss and advise departments, prior to August, the direction they should take in preparing their budgets, i.e., level funded, expanded budget, cut budget. Mr. Allison stated that this was not done last year and that he would support the way it was done last year. Mr. Kerrigan stated that instructions to departments as to how to prepare the budget was part of day-to-day operations, and that the

Board should not advise Ms. Hodges as to how to prepare the budget. Discussion of the process continued at length. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

**5. Review request from J. Farnsworth to waive public hearing requirement for the Renewal of Kanis Special Permit for the Removal of Earth Products expiring 8/19/2023.**

Mr. Kerrigan recognized John Farnsworth, representing John Kanis. This permit will expire in August. It is a small operation. Mr. Farnsworth has sent over a plan showing the excavations for the last eight years. He noted that the Bylaws state that an Earth Products Removal Permit can be re-issued without a Public Hearing by a vote of the Select Board, and that this applicant has had no complaints or issues in the approximately 30 years that they have had the permit. He noted that the only abutters were the town's DPW and Massachusetts Fish & Wildlife. He suggested that an upcoming Zoom meeting could be scheduled, at which time ground water readings and abutter notices would be complete. Ms. Turner stated that this is the cleanest and best run permit issued, and that Public Hearings are held to gain information. She stated that it would be a bad precedent to waive the Public Hearing, and that she would not support doing so, although she anticipates supporting issuing the permit following said hearing. Mr. Kerrigan stated that considering the length of time that this applicant has had the permit with no issues he would support waiving the Hearing. Mr. Allison moved to grant the request of J. Farnsworth to waive the Public Hearing requirement for the renewal of Kanis' permit for the removal of earth products, set to expire August 19, 2023. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. [2-1-0].*

**6. Tax Fairness Committee Matters**

- a. Charge Clarity
- b. Committee Guidelines/Expectations

Ms. Hodges reported that several residents have reached out. A question has been asked about whether the Tax Fairness Committee will oversee the Assessors; No, this is outside of their charge. Ms. Hodges has given the Board a one-page summary of guidelines explaining the committee's operating guidelines and expectations to be distributed to residents applying to serve on the Tax Fairness Committee. Mr. Allison suggested adding a statement that the Select Board has the right to "unappoint" members for cause; Ms. Hodges suggested that the Code of Conduct would serve this purpose, and she will come back with some language that might cover this. Mr. Allison suggested moving ahead with the understanding that the Board could modify the guidelines if needed at a later date. Ms. Turner would like the guidelines to include the purpose of the committee and thinks something like this would be helpful when appointing any committee. Ms. Turner stated that she would not want a statement about unappointing members because this might discourage diverse opinions, although there should be a clause to unappoint a member due to excessive absence or tardiness. Mr. Allison moved to accept the Tax Fairness Committee Guidelines/Expectations as presented. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

## VI. APPOINTMENTS AND RESIGNATIONS

### Appointments:

- **Conservation Commission – Shawn Winsor, term to expire June 30, 2026**

Ms. Hodges reported that the only application she has received for this open position is from Shawn Winsor. Mr. Kerrigan recognized Shawn Winsor, Neck Road. Mr. Winsor expressed a willingness to meet with the Conservation Commission if requested. Ms. Turner would like to discuss methodology for board and committee meetings on a future agenda. Mr. Allison moved to appoint Shawn Winsor to the Conservation Commission, term to expire June 30, 2026. Ms. Turner seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

- **Minuteman School Committee – Charlene Cabral, term to expire June 30, 2026 (Moderator Appt)**

The Town Moderator has recommended to the Select Board the appointment of Charlene Cabral to the Minuteman School Committee. Mr. Kerrigan recognized Charlene Cabral, 126 Brazao Lane. Mr. Allison moved to ratify the Moderator's Appointment of Charlene Cabral to the Minuteman School Committee, term to expire June 30, 2026. Ms. Turner seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

- **Montachusett Regional Planning Commission Representative – Jasmin Farinacci**

Mr. Allison moved to appoint Jasmin Farinacci as Lancaster's Montachusett Regional Planning Commission Representative. Ms. Turner seconded the motion. Ms. Turner stated that she spoke to Mr. Streeter, Chair of the Planning Board, earlier today, and questioned if there might be two appointments to this position. Mr. Kerrigan stated that Mr. Streeter had not spoken to Mr. Kerrigan or to Ms. Hodges about this, and that this agenda item was to appoint Ms. Farinacci. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

- **Discussion on Montachusett Joint Transportation Committee (MJTC) Appointment for 2023-2024, current member Alexandra Turner**

Mr. Allison moved to appoint Alexandra Turner to the Montachusett Joint Transportation Committee (MJTC) for 2023-2024. Ms. Turner seconded the motion, stating that there had been some confusion and that she had thought that she was the representative to the Montachusett Area Regional Transportation (MART) but not that she was the MJTC representative. Ms. Turner suggested that this might be a role for Ms. Farinacci; Ms. Hodges stated that staff appointments to committees should go through her office. Ms.

Turner expressed a willingness to accept this position. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

\*\*\*\*\* Taken out of order prior to Executive Session \*\*\*\*\*

## VIII. NEW BUSINESS

- Town Administrator review

Mr. Kerrigan asked Mr. Allison to compile information on how to perform the Town Administrator review. Mr. Allison agreed and will report back at the next meeting.

## IX. COMMUNICATIONS

- Town Offices will be closed on Monday, June 19, 2023 in observance of Juneteenth
- Select Board's next Meeting will be held on Monday, June 26, 2023, at 5:30pm (because the Planning Board needs the Nashaway Meeting and the "owl" at 7:00pm, the Select Board will meet at 5:30pm and will try to keep the agenda brief).
- Miscellaneous Correspondence & Memoranda

## VII. EXECUTIVE SESSION

Mr. Allison moved to enter into Executive Session, stating:

- a. The Lancaster Select Board will meet in Executive Session pursuant to M.G.L. c.30A §21(a) for the following purposes:
  - i. Purpose (2): To discuss strategy relative to collective bargaining with the Massachusetts Coalition of Police AGL-CIO, Local 2023 (Police);
  - ii. Purpose (2): To discuss strategy relative to collective bargaining with the American Federation of State, County, and Municipal Employees (AFSCME), Council 93, Local 3720 – AFL-CIO (DPW); and
  - iii. Purpose (3): To discuss strategy with respect to collective bargaining, specifically to deliberate regarding the response to a settlement agreement proposed by the American Federation of State, County, and Municipal Employees (AFSCME), Council 93, Local 3720 – AFL-CIO (Clerical) relative to former employee A. Martin.

As an open meeting may have a detrimental effect on the bargaining position of the Town and its Select Board and to reconvene in open session thereafter.

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

- b. The Lancaster Select Board will meet in Executive Session pursuant to M.G.L. c30A §21(a) for the following purpose:
  - i. 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 and not to reconvene in Open Session thereafter.

<b>X. ADJOURNMENT</b>
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Respectfully submitted,

Kathleen Rocco  
Executive Assistant

**APPROVED**

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Jason A. Allison, Member  
Date: June 22, 2023