



APPROVED

**LANCASTER SELECT BOARD
Special Meeting Minutes
of Tuesday, September 5, 2023, 6:00 P.M.
Prescott Building – Nashaway Room**

ZOOM: <https://us02web.zoom.us/j/83446483053>

Meeting ID 834 4648 3053

I. CALL TO ORDER

Select Board Chair Stephen 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, absent but expected within minutes of roll call, Alexandra W. Turner, present, Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator.

Mr. Allison joined the meeting at 6:03PM via Zoom and at 6:10 in person; Mr. Kerrigan explained to Mr. Allison that the only action that had been taken prior to his entrance were the approval of the minutes, and the announcement of joint meetings in September between the Historical Commission and the Select Board.

*** Several items were taken out of order. ***

II. SCHEDULED APPEARANCES & PUBLIC HEARINGS – 6:05 P.M.

Nashoba Regional School Superintendent, Kirk Downing, joined the meeting to review and discuss the proposal coming before Lancaster Residents at Special Town Meeting, September 18, 2023, for a new Regional High School Building.

Mr. Kerrigan welcomed Superintendent Downing. Mr. Downing introduced Joe Gleason, Lancaster representative to the Regional School Committee and Chair of the School Building Committee. Also present were Ross Mulkerin, School District Business Manager, and several other members of the Nashoba Regional High School Building Committee.

Please note that materials and presentations reference by Superintendent Downing are found on the “NRHS Building Project” website, at <https://sites.google.com/nrsd.net/nrhs-building-project/home>.

Superintendent Downing gave a video presentation; Mr. Mulkerin gave a PowerPoint presentation on construction financing. These will, in addition to an opening statement, be the same presentations given at the September 18 Special Town Meeting (STM). Mr. Gleason gave a closing statement. Mr. Gleason cautioned that, should the district not approve the building project, it could be a very long time before the MSBA (Massachusetts School Building Authority) would consider funding another application.

Mr. Kerrigan asked for further explanation on proposed “staggered” bonding and the impact of this on residential tax bills. Mr. Mulkerin addressed this. Mr. Kerrigan asked if there was an opportunity to refinance if interest rates are better; yes, this could be done although there are restrictions, such as it could not be done until eight years into borrowing.

Mr. Allison asked why MSBA would not finance a “remodel” or “base repair” rather than new construction; Mr. Downing addressed this. Mr. Allison asked what happens in the case of cost overruns. Mr. Downing explained that the debt exclusion vote that the towns will be taking this month is a “not to exceed” number, so that cost overruns would need to be addressed internally. Mr. Allison asked Mr. Downing to review the process coming up. Mr. Allison asked Mr. Downing to explain the feasibility study that was done.

Ms. Turner asked a variety of questions and commented on the borrowing and bonding process. Mr. Downing spoke to how cost flow estimates are analyzed throughout the life of the project. Ms. Hodges spoke to how bonding can be staggered. Ms. Turner asked questions regarding accreditation; Mr. Downing said that this would be addressed at length on Monday, September 11 at 6:00, the last presentation prior to the STM. He showed some illustrations from the schematic design to show some of the future layout; he dispelled the idea that “open spaces” would not be eligible for reimbursement. He additionally addressed security concerns and reimbursable square footage. Ms. Turner also had questions about the athletic fields, the current class size ratios of up to 24 students, projected future enrollment, room for growth, School Choice, MSBA guidelines.

Mr. Kerrigan recognized Ralph Gifford, 861 George Hill Road. Mr. Gifford asked what the design life expectation was for this proposal, or how many years will this project be good for. Mr. Downing explained that, as is the industry standard for projects like this, this should be a 50-60 year solution.

Mr. Kerrigan recognized Roy Rezac, 125 Harvard Road. Mr. Rezac asked the true cost, including interest, for the Town of Lancaster, for both a yes vote and a no vote. Superintendent Downing said that he does not have the “plus interest” numbers right now, but that the numbers shown in the presentation do reflect 4% interest. Mr. Mulkerin and Ms. Hodges both addressed the issue. Mr. Rezac made the point that if the vote is “no,” and the Town meets basic needs but does not have funding from the MSBA, the project could cost the Town about \$27 million more than a “yes” vote.

Mr. Kerrigan declined to recognize questions via Zoom from non-Lancaster residents. Non-residents are welcome to email the Select Board.

Mr. Kerrigan recognized Victoria Petracca. Ms. Petracca is concerned that the building may be undersized for the housing growth required by the State. Mr. Downing expressed confidence that the numbers presented are adequate.

III. APPROVAL OF MEETING MINUTES

Review and take action on the following Select Board's Meeting Minutes:

- August 7, 2023
- August 16, 2023

Ms. Turner offered a motion to approve the minutes of the Select Board's meetings of both August 7, 2023, and August 16, 2023. Mr. Kerrigan seconded the motion. *Vote taken. Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [2-0-0].*

IV. BOARD, COMMITTEE, AND DEPARTMENT REPORTS

- **Lancaster Historical Commission Discussion (Kerrigan)**

Mr. Kerrigan stated that sometime in September, the Select Board will meet jointly with the Historical Commission to help them with their reorganization and their charge, and to set a schedule for some additional meetings throughout the Fall.

- **Discuss Staff Harassment RE: Provided Select Board Zoom Access (Allison)**

Mr. Allison stated that he is a proponent of accessibility re. meetings, but at the last meeting, while discussing STM warrant articles, there were technical difficulties, and the Select Board tried hard to correct issues. Following this, multiple residents threatened to go to the State, have votes declared null, and have votes overturned. Mr. Allison would like to have a discussion about the risk of having votes overturned due to technical difficulties. Mr. Allison said that if using Zoom puts the Board at risk for overturning votes, perhaps Zoom should not be used. Ms. Turner agreed that the technology can sometimes be imperfect, and that the last meeting's action, where votes were reiterated once technical problems were resolved, was adequate. Mr. Kerrigan noted that it's easy to forget that volunteers are doing their best, and he would implore folks to consider the personal level of some of the attacks being made.

- **Update of Hawthorne Lane (Allison)**

Mr. Allison explained that Hawthorne Lane is a housing development that has had many challenges. There is an outstanding punch list, and while Mr. Allison understands that overseeing this is not the Board's role, he thinks that lack of resolution will impact the Town. He proposed that the Board appoint him to try to remediate outstanding issues. Ms. Turner expressed concern that this might further complicate the issues; Mr. Kerrigan thinks that the Select Board might have a role to play in helping to facilitate the conversation.

V. PUBLIC COMMENT

Linnea Lakin Servey 1394 Main Street, spoke about Heather Lennon's resignation, stating that Ms. Lennon did not resign, and that according to State Law, resignations are only in effect when submitted in writing to the Town Clerk. She also stated that an unfortunate series of events has occurred; Ms. Lennon sent a registered letter to Mr. Kerrigan, rescinding her resignation, and then requested a Public Hearing to present facts and to explain why she had received an email stating that she could have broken the law. Ms. Servey stated that this registered letter has not been responded to, which is required by Massachusetts General Law when a Public Hearing is requested. Ms. Servey respectfully asks that communication and transparency be applied to this topic, since Ms. Lennon has volunteered for nearly twenty years.

Mr. Kerrigan recognized Jay Moody, 144 Seven Bridge Road. Mr. Moody expressed concern that the Government Study Committee, chaired by Mr. Kerrigan, has not done anything since its formation. He also is concerned that the Economic Development Committee seems to be defunct. Finally, Mr. Moody thinks that Heather Lennon has done much for the Town and deserves more than she is getting.

Mr. Kerrigan recognized Ralph Gifford, 861 George Hill Road. Mr. Gifford spoke in support of Heather Lennon, stating that simple problems that could be solved with conversation are instead elevated to conflicts, resulting in higher legal costs and a fractured town.

Mr. Kerrigan recognized Kendra Dickinson, 402 Oetman Way, speaking as a private citizen, a resident, and a taxpayer. Ms. Dickinson praised the current staff and volunteers for cleaning up problems left by their predecessors.

Mr. Kerrigan recognized Larry Shoer, 750 George Hill Road. Mr. Shoer attended the meeting via Zoom and commented about the project recognized as the Hawthorn Lane Flexible Development Subdivision, which he and his wife have been attending meetings regarding this matter. He noted that the Planning Board specifically asked the property owner to replace the traditional residential subdivision proposal with a flexible development proposal, one that provided significant, protected open space between the Development and George Hill Road. It was explained that flexible development, open space would produce some result that was more consistent with the rural residential character of the area. In particular planning board, flexible development Condition 5 required that quote. The applicant will provide to the Planning Board a perpetual conservation or agricultural preservation restriction as an MGL. Chapter 1, 84, section 31 and the Lancaster Zoning Bylaw. Mr. Shoer further stated said parcel shall not be used as a site of any buildings or other permanent structures, except that 2 drainage easements may be used for storm water management. In conclusion, Mr. Shoer stated there's one aggrieved party that has never received any relief from the developer or the town. These are the residents of George Hill Road.

VI. ADMINISTRATION, BUDGET, AND POLICY

1. Proposed Fire Truck Acquisition – Remove approval for FY24, Update from TA

Ms. Hodges reported that after further review of the existing fire truck lease, a new lease will need to be approved by a 2/3 vote at Town Meeting. Further investigation is needed. Ms. Hodges stated that the Board will need to consider whether or not to put this on the Town Meeting Warrant next Spring, which will delay receipt of a new truck by about 18 months.

Mr. Allison moved to remove the proposed new fire truck from the FY24 Capital Plan. Ms. Turner seconded. *Vote taken. Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

2. Capital Requests Review – Initial Requests Only (informational; no action/no votes)

Ms. Hodges showed a quick slide illustrating a draft of requests for Capital Needs from all departments with an “outlay” report from FY25-FY30.

3. Accounting/Budget Software (Turner)

Tabled.

4. Update/Review Town-Wide Fees (Turner)

Tabled.

5. TA Review Update (Allison)

Mr. Allison reported that he has received all feedback and is currently compiling it. Mr. Kerrigan suggests putting this on the agenda for the October 2 meeting.

6. Vote to accept Special Election Warrant

Ms. Turner moved to accept the Special Election Warrant for the election scheduled for September 25, 2023, at the Old Town Hall, 7AM-8PM. Mr. Allison seconded. *Vote taken. Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

7. Vote to assign proponent and opponent statements relative to Question #1 on the September 25, 2023 Special Election Ballot as outlined in Lancaster’s Special Act of 2004.

Mr. Kerrigan stated that there is already a proponent statement provided by School Committee representative Joe Gleason. Opponent language is still needed. Mr. Kerrigan suggested having a quick Select Board meeting next Monday at 8AM; at that point if there is not an opponent statement the Board can ask Counsel to draft a statement.

NEW BUSINESS

Ms. Hodges reported that there was a Cease and Desist Order issued to a Vendor over the weekend and that both Fire and Police Chiefs are present at this meeting to discuss the issue. Police Chief Moody explained that he hoped to dispel some of the social media discussion. He explained the needs and requirements for entertainment licensing. Chief Moody explained that relative to this weekend's issue, the applicant had stopped by the Police Station in late June or early July, dropped off a flyer, and asked the Police Department to participate in a 3-day "Touch a Truck" event. The applicant was advised that staffing or funding was not available to support such an event. The Chief suggested that the shift officers might enjoy the opportunity to do some Community Policing as their shifts allowed. The Chief believed that a mutual understanding had been reached. In August, the organizer had another conversation with Sgt. Mortimer, asking for overnight security details. The details were filled; details were discussed relative to traffic advised that the event would now include a helicopter landing and asked if all permits had been requested. She advised that the Event Planners had been told to get all necessary permits, and that they were planning to have traffic managed by veterans. Chief Moody explained that private traffic management was acceptable on Kimball's private property, but that police officers were required on public roadways. Fire Chief Hanson agreed with Chief Moody's assessment, suggesting that the entertainment licensing requirements should be updated to include a site plan. Chief Hanson explained that by last Friday afternoon there was signage indicating that the event was to have over 70 vendors. Under Massachusetts Fire Code, the Fire Chief is responsible for outdoor events, festivals, and carnivals, as it pertains to access for emergency vehicles, fire protection equipment, vendor placement, etc. Any tents over 120 square feet must be inspected by both the Building Department and the Fire Department to make sure they are in compliance with fire retardant regulations. The Chief explained that the Bolton Fair meets with Public Safety Departments weeks in advance of their events. Because no permit had been pulled with the Select Board, there was no way to gauge the size of this event, and a Cease & Desist Order was issued on Friday evening at 5:00PM by the Building Commissioner to the Event Coordinator at Kimballs Farms. Ms. Hodges reported that at 3:00PM on Friday, she received a call from Devens questioning a request for a "flyover" of their military air space by a Med Flight helicopter; at this point she had called the chiefs.

Ms. Turner urged the Board to respond to requests for needs with Montachusett Regional Freight Study Commission; Mr. Kerrigan reminded her that she was to submit these suggestions to the Board in writing.

Mr. Turner congratulated P.J Keating on their 100th anniversary.

VII. APPOINTMENTS AND RESIGNATIONS

Announce and accept the following resignations offered either verbally, or in writing, to a member(s) of the Select Board:

- Denise Hurley, Lancaster Cultural Council
- Heather Lennon, Lancaster Historical Commission

Mr. Kerrigan announced that the Select Board has received the above referenced resignations.

VIII. LICENSES & PERMITS

1. **Application for Public Entertainment (Weekdays) and Sundays – The Profound Market, Sunday, September 23, 2023 from 8:30am-5pm and Sunday, September 24, 2023 from 10am-5pm at the Lancaster Fairgrounds, 318 Seven Bridge Road.**

Ms. Turner moved to approve the above referenced application; Mr. Allison seconded. *Vote taken. Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

2. **Application for Special (One Day) Liquor License – The Profound Market, Sunday, September 23, 2023 from 8:30am-5pm and Sunday, September 24, 2023 from 10am-5pm at the Lancaster Fairgrounds, 318 Seven Bridge Road.**

Ms. Turner moved to approve the above referenced application for the Saturday date; Mr. Allison 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 above referenced application for the Sunday date; Mr. Allison seconded. *Vote taken. Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

3. **Application for Special (One Day) Liquor License for the First Church of Lancaster, 725 Main Street, for the Horseshed Fair to be held on Saturday, September 30, 2023 from 10am-4pm.**

Ms. Turner moved to approve the above referenced application; Mr. Allison seconded. *Vote taken. Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

4. **Application for use of the Town Green/Gazebo for the First Church of Lancaster, 725 Main Street, for the Horseshed Fair to be held on Saturday, September 30, 2023 from 10am-4pm.**

Ms. Turner moved to approve the above referenced application; Mr. Allison seconded. *Vote taken. Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

5. **Application for use of the Town Green/Gazebo for the First Church of Lancaster, 725 Main Street, for Halloween on the Green to be held on October 29, 2023 from 4pm-7pm.**

Ms. Turner moved to approve the above referenced application; Mr. Allison seconded. *Vote taken. Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0]*

IX. COMMUNICATIONS

- Select Board's upcoming meetings will be held on September 18, 2023, & October 2, 2023, both starting at 6:00 PM.

- Special Town Meeting called for Monday, September 18, 2023. The meeting will be held in the Mary Rowlandson and Luther Burbank schools starting at 7:00 PM.
- Special Town Election called for Monday, September 25, 2025. Polls open from 7am-8pm.
- Miscellaneous Correspondence & Memoranda
 - FEMA FIS Study Report (not addressed).

IV. EXECUTIVE SESSION

Mr. Allison moved to enter into Executive Session pursuant to M.G.L. c.30A, §21(a) for the following purposes:

1. Purpose (3): To discuss strategy with respect to litigation in the matter of J. King and B. King vs. Town of Lancaster as the Chair has determined that having a discussion in open session would have a detrimental effect on the public body's litigation position.

And not to re-convene 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]*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Alexandra W. Turner, Clerk