



APPROVED

**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, October 16, 2023, 5:00 P.M.
Prescott Building – Nashaway Room and ZOOM**

ZOOM: <https://us02web.zoom.us/j/86873998878>

Meeting ID 868 7399 8878

I. CALL TO ORDER

Select Board Chair Stephen Kerrigan called the meeting to order at 5:05PM and advised that the meeting was being recorded and broadcast via Sterling-Lancaster Cable 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, Alexandra W. Turner, present, Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator. Chair Kerrigan noted that Mr. Allison would be joining the meeting in about 25 minutes, but since a quorum was present, the meeting would go forward.

II. 5:05 PM – EXECUTIVE SESSION WITH DPW COMMISSIONERS

Ms. Turner moved to enter Executive Session as described below; Mr. Kerrigan seconded the motion.

- a. The Lancaster Select Board will meet in Executive Session pursuant to M.G.L. c.30A, §21(a) for the following purpose:
 - i. Purpose (3): to conduct a strategy session in conjunction with the members of the Board of Public Works, the Town Administrator, and the DPW Superintendent, to prepare for negotiations with AFSCME Local 3720, the DPW Union.

As Executive Session is necessary to protect the bargaining position of the Town, the Select Board will reconvene in open session thereafter.

Vote taken, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; the Board entered Executive Session and will reconvene in open session. [2-0-0].

During Executive Session, Mr. Allison joined the meeting so that a full quorum was present. The Board reconvened in regular session at 6:05PM.

III. APPROVAL OF MEETING MINUTES

Ms. Turner moved to accept the minutes of the September 18, 2023 meeting, tabled from October 2, 2023 meeting; Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

IV. BOARD, COMMITTEE, AND DEPARTMENT REPORTS

Government Study Committee Discussion – Overview, Timeline, Charge, Priorities, and Membership

Mr. Kerrigan, formerly Chair of the Government Study Committee, reviewed that this Committee had been formed by Town Meeting with the purpose of deciding whether there should enter into a Charter Commission and to make a recommendation. There is currently a survey being conducted. New Government Study Committee Chair, Jason Alison, noted that there have been many resignations, and it seems that not everyone is enjoying being on the committee. He is concerned that the committee may have been “weaponized” on social media, and asks the Board if they are satisfied with the committee as it stands.

Ms. Turner thinks that since the committee is already involved in their charge, it should be expeditious from here on, reminding the Board that the Board’s representative does not have voting rights. She asked what next steps would be. There was some conversation as to whether Ms. Turner would like to be the Select Board representative to the Government Study committee. It was decided to table the topic until the next meeting; no action was taken.

V. PUBLIC COMMENT

Opportunity for the public to address their concerns, make comments, offer suggestions, or ask questions.

Mr. Kerrigan reviewed the rules; per the Supreme Judicial Court, participants can say whatever they like. Participants are limited to two minutes and should state their name and address.

Daniel Gill, 233 South Meadow Road. Mr. Gill talked about a recent incident at 12-13 year old girls’ softball practice. Just prior to practice, an errant ball rolled into a driveway owned by Joseph Gleason, an elected School Committee representative. Mr. Lane reported that Mr. Gleason then yelled at the girls, including the use of profanity. The girls, players, and parents are upset and would like action taken against Mr. Gleason; Mr. Gill thinks that Mr. Gleason should resign, or minimally should apologize.

Sheila Mallette, 2748 North Main Street. Ms. Mallette is an active mom, and is distressed by Mr. Gleason’s actions, stating that as an elected official he should be held to a higher standard and he should step down.

Melinda Apgar, 134 Brockelman Road. Ms. Apgar is upset about Mr. Gleason’s behavior; she was at a nearby soccer field and witnessed the incident. Additionally, this issue had been brought to a recent School Committee meeting, but no action was taken, and, per Ms. Apgar both Mr.

Gleason and his wife refused to apologize or take any responsibility for the incident, stating that it is not a public matter.

John Babineau 725 Shirley Road. Mr. Babineau is assistant coach of the softball team involved in the issue and stated that his daughter was one of the girls verbally assaulted. He stated that action should be taken regarding Mr. Gleason.

Linnea Survey, 1394 Main Street. Stated that elected officials should be transparent and honest, and that Heather Lennon has been denied due process and did not resign from Historic Commission. Said Select Board is not working honestly, fairly, and transparently.

Kendra Dickinson, 402 Oetman Way. Ms. Dickinson said she was speaking as a private citizen, outside of her role in public service. Said Mr. Gleason's actions were outside the scope of normal behavior, and that high standards need to be held to public officials.

Emma Mayo, 13 Lee Street. Has a daughter on the softball team that was involved with Mr. Gleason. Stated that adults in town need to be held to at least the standard that our children are held to; if her daughter used language that Mr. Gleason had used during this incident, her daughter would be suspended.

Denise Hurley, 102 Bolton Road, is the President of the Friends of the Seniors. Ms. Hurley thanked Ms. Hodges, Kelly Dolan, and Caitlin Roy for all the work they do for the seniors behind the scenes.

Amanda Cannon, 5 Oetman Way. Stated people were seriously impacted by Mr. Gleason's actions and expected an apology that never happened. Taking out adult frustrations on children is not appropriate. She further stated about what good kids these girls are, and that Lancaster needs to stand behind them.

Melinda Apgar, 134 Brockelman Road (finishing earlier statement). Feels strongly that people need to have consequences for bad decisions, and Mr. Gleason needs to be held accountable. Encourages the Select Board to act on this situation.

Kendra Dickinson, 402 Oetman Way. Ms. Dickinson said she was speaking as a private citizen. Stated that an apology by Mr. Gleason should have been a teachable moment.

Daniel Gill, 233 South Meadow Road. Mr. Gill stated that he thinks it is important to explain what was actually said, quoting Mr. Gleason verbatim.

Mr. Kerrigan, noting that the Board does not generally speak to Public Comment, thanked the parents and coaches for coming in, saying that he understands how difficult this has been for them.

VI. ADMINISTRATION, BUDGET, AND POLICY

- **Select Board Representative/Liaison to the Strategic Master Plan Committee**

Ms. Hodges reports that the consultant working on this is anxious to have a decision on whether the Select Board will be represented. Community Development, Planning, Conservation, and Appeals Board will all be working on this. Ms. Turner thinks the Select Board should be represented, but realized this is usually driven by the Planning Board. Mr. Kerrigan notes that there will be many opportunities to contribute to this process. Mr. Kerrigan thinks that this is a Planning Board function, and he would prefer that the Select Board not participate at this early stage. Ms. Turner asked if the topic could be revisited at the end of the meeting.

*** Reconsidered at end of meeting ***

Mr. Allison moved to not include a Select Board member on the Strategic Master Plan Committee. Mr. Kerrigan seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, No; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

- **Town Administrator Review (Allison)**

Mr. Allison asked that this item be moved to the last item so that there is sufficient time to discuss this.

Mr. Allison sent the results to the Board today. There are two parts, the numeric rating and the narrative. The numeric rating is on a scale of 1 to 5. The cumulative rating given to Ms. Hodges was 4.82 out of 5.00. Some of her greatest strengths enumerated in the results include professionalism, financial management, aptitude, desire to be great, and her desire to empower those around her. The area of challenge discussed was the ongoing need to deal with Lancaster's "tiny population of mean people." Mr. Allison summarized the review. Ms. Turner agrees somewhat with the goals but thinks that without Board goals it is difficult to direct a Town Administrator. Ms. Turner would like to add goals focusing on additional budget efficiencies and cost savings, employee retention, and reducing toxicity and division in town. Mr. Kerrigan thanked Mr. Allison for his work on this project, stating that he disagrees with Ms. Turner's stated additional goals. Mr. Kerrigan stated that Ms. Hodges does an amazing job with budget efficiencies and cost savings, that Ms. Hodges has done an excellent job with employees, and some people moving on are not necessarily a reflection of Ms. Hodges. He stated that it is not Ms. Hodges' job to reduce toxicity in town, but to manage the team that she is managing, in which she is doing a fantastic job. Mr. Kerrigan suggested that the Select Board and the citizenry are responsible for improving the atmosphere in town.

Mr. Allison moved to endorse the Town of Lancaster Town Administrator Evaluation for the 2023 Town Administrator Performance Review. Ms. Turner seconded the motion.

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

- **Kalon Farms – Right of 1st Refusal, continued from 10/2/23 Select Board Meeting (Turner)**

Mr. Kerrigan stated that his hope is that a decision can be reached tonight on whether or not the Town wishes to purchase this land. Ms. Turner would like the issue to be discussed in greater detail. She stated that there are extreme circumstances, confusion, and miscommunication, and as a result it is in everyone's best interest to release this now. She continued, talking about the value and the strength of Chapter 61A. Ms. Hodges and Mr. Kerrigan clarified that the land in question has been out of Chapter 61A for eight months, and because it is less than a year, the Right of 1st Refusal came before the Select Board. Ms. Turner would like to take the time to look at the use of Chapter 61A more carefully.

Ms. Turner moved to waive Right of First Refusal for the Kalon/Kopley property. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

- **Building, Electrical, and Plumbing Fees Update and Acceptance (Town Administrator Hodges & Building Commissioner Silva)**

Ms. Hodges explained that she and Building Commissioner Mike Silva have been looking at fees as suggested by some of the sub-inspectors, such as Plumbing and/or Wiring Inspector. Historically, in Lancaster, these inspectors were paid a monthly stipend which generally averaged out to a fair wage. This system is no longer used in many communities, and in the interest of attracting and retaining qualified help, Ms. Hodges and Mr. Silva would like to review this process in Lancaster. Commissioner Silva has drafted a proposal that he suggests is fair to all parties. Ms. Hodges added that these positions are independent contractors and therefore are not covered by Personnel Bylaws or policies. Ms. Hodges has analyzed fees for the last two years, and this would be budget neutral.

Ms. Turner offered a motion to approve the fee structure as proposed. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

- **Town Meeting Day/Time Preference – Survey Results**

A non-binding survey was taken around the Annual Town Meeting and left open for a couple of months. The results have been compiled. About 230 people participated. First choice was a weeknight at 7:00PM. Second choice was a weeknight at 5:00PM. Third and fourth choices were close to tied, with Sunday at 10:00AM or Sunday at 1:00PM. Saturday choices (10:00AM or 1:00PM) were ranked fifth and sixth.

The question was asked as to whether people would be more likely to attend a multi-day meeting. 146 respondents said no; 49 respondents said yes.

- **Open Meeting Law Complaint - Heather Lennon filed complaint against Select Board Chair Stephen Kerrigan**

The complaint now needs to be reviewed and a vote taken as to whether to refer this to Town Counsel. Mr. Allison stated that he does not see an Open Meeting Law violation in this complaint and does not think it rises to the level that money should be spent on Counsel. Ms. Turner said that there are some concerns about policies and resignations, but she does not see an Open Meeting Law violation.

Mr. Allison moved to authorize Ms. Hodges to respond to Ms. Lennon's complaint, explaining the Board does not believe there is an Open Meeting Law violation; no second was offered. Ms. Turner moved to not support an Open Meeting Law violation filed by Heather Lennon against Stephen Kerrigan, and to authorize Kate Hodges to send a letter to Ms. Lennon stating such. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Abstain. Motion passed. [2-0-1].*

VII. APPOINTMENTS & RESIGNATION NOTIFICATIONS (Resignation votes not needed)

Resignations

Government Study Committee – Christine Burke

Mr. Kerrigan thanked Ms. Burke for her service.

Appointments

Government Study Committee – Susan Munyon (ad hoc committee; no term limit defined)

Tax Fairness Committee – Haidee LeClair (ad hoc committee; no term limit defined)

Mr. Allison moved to appoint Susan Munyon to the Government Study Committee and Haidee LeClair to the Tax Fairness Committee; Ms. Turner seconded. Ms. Turner noted that in the future, Policies and Procedures call for new candidates for boards and committees to come in and speak to the Select Board. Mr. Allison suggested modifying Policies and Procedures. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

IX. LICENSES AND PERMITS

Application for use of the Town Gazebo/Town Green

Event: Tree Lighting sponsored by Lancaster 4-H

Contact: Judy Kittler Zmijak

Operating Dates: Saturday, December 2, 2023, from 6:45PM-9:00PM

Rental Application for Use of the Town Hall Auditorium

Event: Lancaster Festival of Trees sponsored by Lancaster 4

Contact: Judy Kittler Zmijak

Operating Dates: November 29, 2023 – December 3, 2023

Application for use of the Town Gazebo/Town Green

Event: Easter Egg Hunt sponsored by Lancaster 4-H

Contact: Judy Kittler Zmijak

Operating Dates: Sunday, March 12, 2024, from 9:00AM-10:30AM

Ms. Turner moved to approve the three above described applications for use of the Town Gazebo/Town Green. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Application for Special (One Day) Liquor License – Beer & Wine

Event: Halloween on the Green

Contact: Sterling Street Brewery – Jesse Tarbell

Operating Dates: Sunday, October 29, 2023, from 4:00PM-8:00PM

Ms. Turner moved to approve the above described application for a Special (One Day) Liquor License – Beer & Wine. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

X. COMMUNICATIONS

- Select Board's upcoming meetings will be held on Monday, November 6, 2023, and Monday, November 20, 2023, both starting at 6:00 PM.
- Miscellaneous Correspondence and Memorandums

XIII. NEW BUSINESS

Mr. Allison offered a motion for the Select Board to endorse and express its gratitude to the entire Lancaster Girls' Softball League, coaches and players, for being leaders in Lancaster who we can all value and look up to; Mr. Kerrigan seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

XIV. ADJOURNMENT

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

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Alexandra W. Turner, Clerk