



**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, December 18, 2023, 6:00 P.M.
Prescott Building – Nashaway Room and ZOOM**

ZOOM: <https://us02web.zoom.us/j/84287488871>

Meeting ID 842 8748 8871

I. CALL TO ORDER

Select Board Chair Stephen Kerrigan called the meeting to order at 6:01 PM 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, present, Alexandra W. Turner, present, Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator.

II. APPROVAL OF MEETING MINUTES
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Mr. Allison moved to approve a draft version of the minutes of November 20, 2023, with further discussion to be held in Executive Session. Ms. Turner suggested that approval wait until after the discussion. Mr. Allison stated that he wanted to approve a draft so that the public could view the minutes. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Draft version of minutes of the November 20, 2023 meeting approved. [3-0-0].*

Mr. Allison moved to accept the minutes of the December 4, 2023 meeting and the Executive Session minutes of December 4, 2023 (not to be released); Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. [3-0-0].*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

1. Government Study Committee – Update relative to tasks, timeline, and deliverables (tabled from 12.4.23 Select Board Meeting)
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Mr. Kerrigan recognized Emily Taylor, 634 Main Street, Chair of the Government Study Committee (GSC). Ms. Taylor has emailed a detailed work plan to the Select Board. Ms. Taylor presented the GSC's report. Four "pain areas" were identified: the size of the Select Board; the question of appointed versus elected boards and committees; residential requirements for boards and committees; and town to resident communications. She then

explained that only pain points associated with either town bylaws or the creation of a Charter were studied. The GSC is on track to deliver a draft of their final recommendation in January. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

2. Select Board and Thayer Memorial Library Trustees Joint Meeting to appoint a Trustee to fill the unexpired term of David Spanagel.

Mr. Kerrigan recognized Emily Rose, Chair of the Thayer Memorial Library Trustees. The Trustees met on December 11th and took a unanimous vote on a new Trustee, Aime Sund, who would assume the open term until Town Elections in May, 2024. They would like to thank and recognize David Spanagel, who is leaving the board. Ms. Turner moved to appoint Amy Sund to the position of Library Trustee with a term to expire at Town Elections in May 2024. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Vote passed. [3-0-0].*

IV. PUBLIC COMMENT

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

Mr. Kerrigan recognized Roy Rezac, 125 Harvard Road. Mr. Rezac complimented three town employees. He had emailed a question late on a Friday, expecting a response on Monday or Tuesday, but was pleasantly surprised to receive answers on Saturday.

V. ADMINISTRATION, BUDGET, AND POLICY

1. Proposed First Amendment to October 2022 Memorandum of Agreement (MOA) between Town of Lancaster and 702, LLC.

Ms. Turner asked when the land transfer would take place; Ms. Hodges explained that it was at the Registry of Deeds waiting to be recorded.

2. Lancaster Historical Society (LHS) removal of items from Prescott Building

Mr. Kerrigan explained that this new agenda item requires the Board to decide how to respond to the Lancaster Historical Society's assertion that it owns various items currently stored in the Town Hall and Prescott Building. Specifically, Mr. Kerrigan was notified by the Historical Society at 9pm on Thursday, December 14th that it believed it owned various items and would be seeking removal of such items on Thursday December 21st. Prior to this email, Mr. Kerrigan was unaware that the Society believed it owned these identified items.

Under the Open Meeting Law, a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays, and legal holidays. The Notice must include a list of all the items the Chair reasonably anticipates.

Given that the Society provided Mr. Kerrigan with the list within 48 hours of the meeting, he could not have anticipated the need to discuss this matter. Addition, the Select Board cannot

postpone this matter to another day, as the Society has hired movers for December 21st. Mr. Kerrigan noted that it is imperative that the Board discuss a potential response immediately. The agenda was amended to reflect the need to discuss this matter to give the public some notice.

Mr. Allison read the following Summary of the Issue:

In 1964, the Town established a Historical Commission pursuant to the provisions of Section 8D of the MA Special Acts of 1963. The Commission is a Town entity entitled to the same provisions, and subject to the same regulations, of all other Town Boards, Committees and Departments. Ms. Heather Lennon, who currently serves as President of the Historical Society was also Chair of the Commission for a time. The Society, for the record's sake, is a private non-profit organization, formed under, and subject to, the regulations seen in all 501c3 Charitable Organizations. Ms. Lennon emailed Select Board Steve Kerrigan on Thursday, December 14, 2023, at 9:07pm and attached a 43+ page document in which Ms. Lennon alleges the entirety of the Society's Collection, unbeknownst to the Select Board, has been stored in the Town Facilities for some time. Ms. Lennon wishes for Mr. Kerrigan to 'give back' all the items she outlined in her document.

A cursory look at the alleged inventory proves that Ms. Lennon is claiming most, if not all, of the items stored in the Historical Commission rooms within the Prescott Buildings and Old Town Hall basement belong to the Historical Society, not the Commission. The Town asserts that this list, as it stands, does not substantiate ownership and, moreover, the Town Staff who were tasked with completing a comprehensive inventory of the Commission areas and found evidence which proves the Commission's ownership of many of the items appearing on Ms. Lennon's list.

It is important to not that the Society neither sought, nor received, permission to use the Town property to operate their private Charitable Organization and the Town has self-reported this violation of the MGL Chapter 30B to the Inspector General's office. It is also worth noting that until recently, the Board had no knowledge of alleged co-mingling of assets, and had it known, it would not have permitted it to happen. Now, the town is left in a situation where it cannot legally abdicate anything remaining in the rooms without more substantial evidence of ownership from the Society. In light of this, and to guide the Town Staff as they further navigate the de-coupling of these assets:

Mr. Allison moved until such time as the Town is provided proof, in a form which is legally acceptable to the Select Board and Town Counsel, as necessary, of the Society's asset of ownership, the Town shall retain possession of all items stored within the Prescott and Town Hall Buildings with the exception of those currently aggregated in the Prescott Building's Exhibit Room which have been verified as belonging to the Society by the Select Board.

The Select Board declares that all assets – gifted, purchased, or conveyed to the Town, by and through its Historical Commission, that are either listed in, or the subject of, the Historical Commission's approved and certified meeting minutes shall remain in the Town's possession and, further, that the legal meeting minutes shall serve as confirmation and evidence of Town ownership.

The Board shall draft a letter, and the Chair shall send said letter, to the Lancaster Historical Society detailing the information discussed hereto in order to alert them as to what may be needed in order for the Society to remove any additional items from the Town's Buildings after this Thursday, December 21, 2023's initial move has been completed.

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

3. Earth Product Removal Discussion (Turner)

Ms. Turner reflected on how complex Earth Removal processes have become and suggested that an Earth Removal Permitting Committee be formed, which would be a cross-disciplinary board to develop policies and work with the Building Commissioner. Ms. Turner would like the current reports for all earth removal properties. Mr. Kerrigan stated that he is not inclined to create a committee to solve a problem that is not apparent. Mr. Allison agreed with Mr. Kerrigan. Debate continued.

4. Board of Health recommendation for all processes and fees related to Lancaster-specific requirements for portable septic units and dumpsters to be rescinded.

Mr. Kerrigan explained that there is currently a fee that should be charged for port-a-potties and small dumpsters. Per the Board of Health, no one pays or administers this policy and it is not worthwhile; they recommend rescinding this policy. Mr. Allison moved to rescind this policy; Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

5. Abutter Lot Sales Discussion

This program has been in progress for some time; tonight's discussion is to set the cost of \$1.00 per square foot. Next a list of eligible properties will be compiled and then it will go to Town Meeting for approval. Mr. Allison moved to adopt the amount of one dollar per square foot for the Abutter Lot Sales Program. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

6. Alcoholic Beverages Control Commission (ABCC) 2024 Seasonal Population Increase Estimation Form for the Town of Lancaster

Ms. Turner moved to accept the ABCC 2024 Seasonal Population Increase Estimation Form. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

VI. LICENSES AND PERMITS

- I. Review and take action on the following 2024 Renewal License Applications
 1. Modena Motor Group – Class II
 2. Exxon/Mobil Gas Station – Common Victualler

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

II. Review and take action on the following 2024 Renewal License Applications (tabled from 12.4.23)

1. Dunkin Donuts - Common Victualler
2. Sandee's Restaurant - Common Victualler
3. Crawford Truck Sales, Inc. – Class II
4. Koch Route 2 Toyota – Class I and Common Victualler

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

X. EXECUTIVE SESSION

Mr. Allison moved to enter into Executive Session for the following reasons, and not to reconvene into Open Session following the Executive Session.

- (1) Discussion with Counsel regarding strategy with respect to litigation in the matters of Heather Lennon vs. Town of Lancaster, pursuant to M.G.L. c.30A, s. 21(a)(3); and
- (2) Discussion with Counsel regarding the investigation of charges of criminal misconduct and filing of criminal complaints pursuant to M.G.L. c. 30A, Section 21(a)(5), (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007).

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

X. COMMUNICATIONS

- Town Offices will be closed December 25, 2023, and January 1, 2024
- Next Select Board meetings will be held on Monday, January 8, 2024, and Monday, January 22, 2024
- Miscellaneous Correspondence and Memorandums

IX. ADJOURNMENT

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

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Alexandra W. Turner, Clerk