



APPROVED

**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, December 4, 2023, 6:00 P.M.
Prescott Building – Nashaway Room and ZOOM**

ZOOM: <https://us02web.zoom.us/j/89689755890>

Meeting ID 896 8975 5890

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 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.

Mr. Kerrigan noted that because of scheduled items in this agenda, items may be taken out of order.

I. APPROVAL OF MEETING MINUTES

Ms. Turner moved to accept the minutes of the November 20, 2023 meeting; Mr. Allison seconded the motion. Mr. Allison asked for some records to be added. Mr. Allison moved to table approval of the minutes until the next meeting. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Amendment passed, approval of minutes tabled to next meeting. [3-0-0].*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

1. 6:05 PM Petition or Joint Meeting or Identical Pole Locations

Under the provisions of Chapter 166, Section 22 of the General Laws, and any additions thereto or amendments thereof, a Public Hearing is scheduled for Monday December 4, 2023, 6:05 pm in the Nashaway Meeting Room located on the 2nd floor of the Prescott Building, 701 Main St., Lancaster, MA and Zoom

<https://us02web.zoom.us/j/89689755890?pwd=am9wRzRCOFR2dTNDVDI0NmdBMkdYdz09> to consider a petition submitted by Massachusetts Electric Company dba National Grid and Verizon New England, Inc., requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way Harvard

Road – National Grid to install 1 JO Pole on Harvard Road beginning at a point approximately 0 feet east of the centerline of the intersection of Route 70 and continuing approximately 190 feet in an east direction. Installing 1 JO Pole #0-75 approximately 190 feet from the intersection of Route 70.

Mr. Allison read the Notice of Public Hearing into the record (above), moving to enter the Public Hearing. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Mr. Kerrigan recognized Javier Morales, representing National Grid. Ms. Turner asked if she should recuse because she is an abutter. No questions were seen from either the Board or the audience. Mr. Allison moved to close the Public Hearing; Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Mr. Allison moved to approve the new pole as noted in the Public Hearing Notice. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

2. 6:15 PM Notice of Public Hearing – Tax Classification for Fiscal Year (FY) 2024

In accordance with G.L. c.40, §56, the Select Board will conduct a Public Hearing on the question of adoption of percentages of the total tax levy to be borne by each class of real property (residential, commercial, industrial, open space) & personal property for FY2024. The Hearing will be held hybrid & Zoom

<https://us02web.zoom.us/j/89689755890?pwd=am9wRzRCOFR2dTNDVDI0NmdBMkdYdz09> on Monday, December 4, 2023 at 6:15 P.M. All interested parties are invited to attend and be heard.

Mr. Allison read the Notice of Public Hearing (above) into the record, moving to enter said Public Hearing. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Hearing opened. [3-0-0].*

Mr. Kerrigan introduced David Manzello, Lancaster's Regional Tax Assessor with the Regional Resource Group, who works in conjunction with the Town Assessor, Bobbi-Jo Williams. Mr. Manzello gave a PowerPoint presentation. His organization, along with the Board of Assessors, is recommending a single tax rate of \$17.46.

Mr. Kerrigan recognized Roy Rezac, 125 Harvard Road. Mr. Rezac asked for a copy of the presentation; Mr. Kerrigan noted that it was available online under "Meeting Materials." Mr. Rezac offered an analysis of tax rate trends in Lancaster, addressing reasons behind changes in valuation to both residential and commercial/industrial categories. He recommended a residential tax rate of \$16.79, with a CIP (Commercial, Industrial, Personal) rate of about \$20.15. (see attached Mr. Rezac's presentation)

Mr. Allison respectfully disagreed with Mr. Rezac, expressing concern that this approach might hinder large future development; he views large future development as the eventual solution to Lancaster's tax concerns.

Mr. Kerrigan noted that other towns that have gone to a split tax rate have sometimes regretted this action.

Mr. Kerrigan recognized Kendra Dickinson, 402 Oetman Way, who spoke about the impact of a split tax rate on small farms.

Mr. Kerrigan recognized George Frantz, 13 Highfield Drive. Mr. Frantz expressed surprise that the CIP properties were such a very small percentage of the tax base, urging the Select Board to reinstate the Economic Development Committee to attract additional business rather than shifting the tax burden to the small current base. **[NOTE: much of Mr. Frantz's comments not heard.]**

Ms. Turner talked about a past presentation that she had attended, during which it was discussed that a split tax rate is not something to fear, but might indicate to developers that the town had a stable tax rate with good schools and solid infrastructure. Ms. Turner suggested that this would be a good time to try a split tax rate, and that it could be returned to a flat rate later if the Town was unhappy.

Mr. Allison moved to close the Public Hearing. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Hearing closed. [3-0-0].*

Mr. Allison read the recommended verbiage as follows: "The Lancaster Board of Selectmen votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2024 tax rates and set the Residential Factor at 1.000, with a corresponding CIP shift of 1.000, pending certification off the Town's annual tax recap by the Massachusetts Department of Revenue." Ms. Turner seconded the motion. Mr. Allison stated that he was open to a split tax rate but would like to hear first from existing and potential businesses. Ms. Turner noted that tonight sets the tax rate for the next year, so that it is not possible to think about it. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, No; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

3. Government Study Committee – Update relative to tasks, timeline, and deliverables.

Tabled to next meeting.

IV. PUBLIC COMMENT

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

No public comment was heard.

V. ADMINISTRATION, BUDGET, AND POLICY

Proposed Amendment to October 2022 MOA between Town of Lancaster and 702, LLC.

Mr. Kerrigan explained that at a previous meeting, the Board and the public were invited to submit questions. These have been sent to Counsel and answers have been prepared.

Mr. Kerrigan asked the Board if they had any questions about the format or the questions. Ms. Turner stated that she had looked at the MOA, and the benefit to the Town in re-opening the MOA, is that the Town would receive some land that would probably be conservation land, but the existing agreement does the same thing so there is no real advantage to the Town. Mr. Kerrigan replied that this land would come to the Town all at once rather than piecemeal. Ms. Turner expressed concern about the request for outdoor storage of materials. Ms. Turner suggested asking that the 40R permit be withdrawn as a concession if the MOA is to be reopened.

Mr. Allison asked for clarification as to what parties were involved in the MOA; Ms. Hodges responded.

Mr. Allison moved to accept the Amendment to the October 2022 Memorandum of Agreement between the Town of Lancaster and 702, LLC, with the end date of December 31, 2025, added to Section 7. Ms. Turner seconded the motion. Ms. Turner stated that there were currently hazardous materials on site and that she has pictures that she has been sent. Mr. Kerrigan stated that this is only speculation, and if this were so, it should have been reported. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, No; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

VI. LICENSES AND PERMITS

I. Review and take action on the following ABCC licenses for 2024

Michael's Bridge Diner – Retail License to Sell Wine & Malt and Common Victualler License.

Mr. Allison moved to approve the above referenced license; Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, No; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

Ms. Turner questioned whether or not this location had a full liquor license; Mr. Kerrigan stated that the matter before the Board was what Michael's Bridge Diner had applied for.

II. Review and take action on the following 2024 Renewal License Applications

1. Cumberland Farms – Common Victualler
2. Dunkin Donuts - Common Victualler
3. Kimball Farms - Common Victualler
4. Trolley Stop - Common Victualler
5. Sandee's Restaurant - Common Victualler
6. Murphy's Hot Dog Truck – Lunch Cart License
7. Sterling National Country Club – Dispensing Food or Beverages to Members & Guest of Clubs
8. Crawford Truck Sales, Inc. – Class II
9. F.J.S. Auto, Inc. – Class II
10. Nationwide Auto Recycling, Inc. – Class III and Collector & Dealer of Junk

11. JC Madigan – Class I
12. RBI Motors – Class II
13. Ron Bouchard Auto Sales, Inc. – Honda – Class I and Class II
14. Ron Bouchard Dodge, LLC – KIA – Class I and Class II
15. Ron Bouchard Auto Sales, Inc. – Nissan – Class I and Class II
16. Route 117 Used Auto Parts, Inc. – Class II, Class III, and Collector & Dealer of Junk
17. Koch Route 2 Toyota – Class I and Common Victualler

Mr. Kerrigan asked the Board if they would like to consider voting to approve the renewal license applications as a block; Ms. Turner said that she had questions relative to the applications from Koch Route 2 Toyota, Dunkin Donuts, Kimball Farms, Crawford Truck Sales, and Sandee's Restaurant. Mr. Allison moved to approve the 2024 Renewal License Applications for the above-listed applicants with the exception of the five questioned by Ms. Turner. Ms. Turner seconded this motion. Ms. Turner moved to amend the motion by adding Sterling National Country Club to her list of exceptions. Mr. Allison moved to second this amendment. *Vote taken on the amendment, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Amendment passed. [3-0-0]. Vote taken on the amended motion, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Turner questioned the Town Clerk's notes on several applications that stated that there was not a business certificate on file, suggesting that the applications might be approved with a proviso that this needs to be addressed in order to be in compliance. Ms. Turner moved to approve the application for Sandee's Restaurant, and Koch Toyota with the proviso that they file a business certificate with the Town Clerk by the end of the year. Mr. Kerrigan seconded the motion. Ms. Turner withdrew the motion.

Mr. Kerrigan stated that he would entertain a motion to table the license renewals for Sandee's Restaurant and for Koch Route 2 Toyota. Mr. Allison made the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; Sandee's Restaurant and Koch Toyota applications tabled. [3-0-0]*

Ms. Turner moved to table license renewal application for Crawford Truck Sales. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; Crawford Truck Sales application tabled. [3-0-0]*

Ms. Turner asked the Police Chief to speak to the proviso on the Kimball's application. Chief Moody explained that it asks Kimball's to notify the Police Department of events. Mr. Allison moved to approve the application for license renewal for Kimball Farms. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; Kimball Farms application approved. [3-0-0]*

Ms. Turner questioned the application from Sterling National Country Club, wondering why there was not an application for a liquor license. Ms. Hodges explained that liquor sales were in another town, not Lancaster. Ms. Turner moved to approve the license renewal for Sterling National Country Club. Mr. Allison seconded the motion. *Vote taken,*

Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; Sterling National Country Club application approved. [3-0-0]

Ms. Turner moved to table the application from Dunkin Donuts because the Town Clerk reported that there is no business certificate on file. Mr. Kerrigan seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; Dunkin Donuts application tabled. [3-0-0]*

X. EXECUTIVE SESSION (7:00 PM)

Mr. Allison moved to enter into Executive Session for the following reasons, and to reconvene into Open Session following the Executive Session, and to allow Police Chief Everett Moody and Town Counsel to participate in Executive Session.

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

The Select Board returned from Executive Session at 8:45 PM.

X. COMMUNICATIONS

- Next Select Board meetings will be held on Monday, December 18, 2023
- 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