



LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, March 18, 2024, 6:00 P.M.
Prescott Building, Nashaway Room, and via ZOOM

ZOOM: <https://us02web.zoom.us/j/85621907563> **Meeting ID 856 2190 7563**

I. CALL TO ORDER

Select Board Chair Stephen Kerrigan called the meeting to order at 6:00 PM and advised that the meeting was being recorded and broadcast via ZOOM and 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

Ms. Turner moved to approve the minutes of February 12, February 26, and March 4, 2024. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

The Select Board was joined by the Finance Committee to discuss the updates to the Capital Budget for FY25 and the finalization of the FY25 General Fund Budget.

Richard Trussell, Chair of the Finance Committee (Fincom), called the Fincom meeting to order and conducted roll call. Jocelyn Mylott, present; Emily Notaro, absent; Michelle Vasquez, present; Stanley Starr, present; Richard Trussell, present. A quorum was present.

Town Administrator Hodges reviewed the final version of the FY25 budget. Finance Director Cheryl Gariepy was present to answer questions. **Article One** at Town Meeting will, with permission of the Moderator, be the entirety of the budget without \$717,731. **Article Two** will ask to raise or appropriate, in this case from Free Cash, the additional funds, to be transferred to the budget, in order to reduce the tax rate. **Article Three** will then appropriate the remaining Free Cash to the already existing Capital Stabilization Fund Account, specifically for the High School,

so that we start earning interest that would be applied in FY26, and then continue to do this year after year. Ms. Hodges explained that this would probably be the only year that the Town would be able to use Free Cash for 100% of the High School project debt.

Mr. Kerrigan recognized Victoria Petracca, 67 Woodland Meadow Drive. Ms. Petracca explained an opportunity that the Town has to receive a federal grant to protect 648 forested acres in Lancaster, part of a nine-town project. Ms. Petracca introduced Attorney Janet Morrison, an independent Land Conservation Consultant. The money requested would pay for due diligence, title examination, survey, a baseline documentation report, and a forest stewardship report for each of the five tracts. Attorney Morrison estimates that this will cost about \$125,000. The Town would need to pay for this due diligence, and it would be repaid by the State on a quarterly basis at 100%. After this, the Town would incur a 25% cost share. The Forest Legacy pays 75% of everything else, including acquisition/purchase. The third piece is a CPA piece; the CPA Committee has voted to fund this, including Attorney Morrison's fee, at about \$35,000 about \$10,000 of this would be reimbursed; this would take a Town Meeting vote. The land discussed would eventually fall under the care and custody of the Conservation Commission. Mr. Allison, a member of the Town Forest Committee, noted that this is a common practice with land acquisition. Ms. Turner asked what else needs to be done; Attorney Morrison explained that the land must be held by the authority with right to own, in this case the Conservation Commission.

Ms. Hodges suggested that money in the current year's budget that had been earmarked for the Memorial School engineering study is about \$125,000. Bids that have been received are \$100,000-\$119,000. This money might be reallocated to the Forestry Program; it would be reimbursed, and the reimbursement received could be used for the Memorial School engineering study.

Ms. Turner asked about funds allocated to the old Town Hall. Ms. Hodges explained that the requested funds would stop further deterioration but would not correct the many existing problems.

Mr. Trussell asked about budgets for the Enterprise Funds. Ms. Gariepy will provide him with a copy of these. Mr. Trussell asked for the status of water piping funds allocated last year. Ms. Hodges explained that the project has not started yet; she has written to the Board reminding them that at some point these funds may be subject to re-voting.

Mr. Allison moved to approve the General Fund budget, including the Capital Plan, as presented. Ms. Turner seconded.

Mr. Starr moved to approve the General Fund budget, including the Capital Plan, as presented. Ms. Mylott seconded.

Ms. Turner stated that Enterprise Funds should be presented to the Select Board and the FinCom, and that while the budget shows the aggregate numbers, it would be preferable to see a breakdown. Mr. Kerrigan noted that while this would be ideal, the Boards in question are independently elected and do not report to the Select Board.

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

Finance Committee vote taken, Jocelyn Mylott, Aye; Michelle Vasquez, Aye; Stanley Starr, Aye; Richard Trussell, Aye. Motion passed. [4-0-0].

Ms. Vasquez moved to adjourn the Finance Committee meeting. Mr. Starr seconded the motion. Jocelyn Mylott, Aye; Michelle Vasquez, Aye; Stanley Starr, Aye; Richard Trussell, Aye. Motion passed. [4-0-0].

IV. PUBLIC COMMENT

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

Roy Rezac, 125 Harvard Road, spoke in favor of a five person Select Board, asking the Board to support a Warrant Article on this issue at the Annual Town Meeting.

Dan Lapen, 95 Packard Street, asked questions about money allocated to the Memorial School engineering study being changed to pay for the Forestry project.

Kendra Dickinson, 402 Oetman Way, expressed concern with changing the Select Board to a five person board, stating that the survey done by the Government Study Committee did not reflect a large enough number of respondents, and that several towns have changed back from a five-person board to a three-person board.

Anne Ogilvie, 4 Turner Lane, appealed to the Select Board to consider problems cited by Tighe & Bond in their recent report on PJ Keating. She continued, citing problems with the monitoring program, lack of compliance with several conditions of their permit, and water supply issues.

V. ADMINISTRATION, BUDGET, AND POLICY

1. Weights and Measures Fee Schedule Update

Mr. Kerrigan recognized Mike Silva, Building Commissioner. Mr. Silva has been reviewing the current fees and assessments, and he recommends a new fee schedule, presented to the Select Board, noting that the Sealer of Weights and Measures has not received an increase in twelve years. Ms. Turner asked why this position was addressed by the Building Commissioner when historically this position falls under the Select Board. Ms. Turner explained that the last several job descriptions for the Building Commissioner include oversight of Weights and Measures, in compliance with Massachusetts General Law (MGL).

Ms. Turner moved to accept the new Weights and Measures fee schedule as presented. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

2. Kalon Farms – Right of First Refusal

Mr. Kerrigan explained that the owner of Kalon Farms has worked with the Planning Board and has sent the Select Board a letter with Right of First Refusal, because he would like to subdivide some lots at two acres each. Ms. Hodges asked Planning Board member Kendra Dickinson, who was present at this meeting, if the Planning Board had opined on this matter. Ms. Dickinson reported that the Planning Board had approved ANR (Approval Not Required) lots.

Ms. Turner noted that the Conservation Commission will also need to opine. She encouraged the Board to adhere to past policy supported by the NRWA (Nashua River Watershed Association) and a variety of land trusts. She stated that when a landowner enters Chapter 61, enjoying a very large reduction in taxes, to leave Chapter 61, it is required by law to have a waiting period of 120 days to allow the Town to work with other entities and non-profit organizations to see if it is possible to conserve the land. Ms. Turner would like the Board to take the full amount of time available. Ms. Turner suggested that in the past the Board has “bent the rules” by not taking 120 days; Messrs. Kerrigan and Allison objected to this statement, saying that 120 days was a possibility but not a requirement, and that it was incorrect to state that the Board had not followed the rules. Mr. Allison stated that he would like to help change the concept that Lancaster was not business friendly.

Mr. Allison moved to waive the Right of First Refusal for the above-mentioned land on Kalon Farms. Ms. Turner seconded. Ms. Turner stated that she would like a standing policy, regardless of what the name of the business is or isn’t. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, No; Stephen J. Kerrigan, Aye. Motion passed. [2-1-0].*

3. Memorial School Request for Proposal (RFP) – Next Steps

Ms. Hodges explained, as discussed previously, that an RFP had been issued, and there were three responses. Responses were in the \$120,000 range. She suggested that there was probably little appetite for a rebuilding project at this point in time, so an engineering study that offered quotes for the next couple of years might not be the best choice. Other projects such as the library and old Town Hall need to be considered. She asked the Board if they wanted to consider cancelling the RFP or continuing with an engineering study, knowing that there might not be money to fund the recommendations of the study results.

Ms. Turner asked if the study was done, and recommendations were made, how long were the recommendations going to be useful. Ms. Hodges said for another few years, but not many. Mr. Allison said that since according to Town Counsel, because the building could not be used for housing, and that the only viable alternative seems to be for Open Space, he does not see a way to pay for it. Mr. Kerrigan said that he thinks it should be continued in every Capital discussion, and it should be discussed with State and Federal representatives to explore grant opportunities, but it seems that the path forward is only to

tear down the existing building, and if we have \$120,000 to spend it might be better spent on the library or Town Hall.

Mr. Kerrigan thanked the Reuse Committee for all their work and explained that their work was not a waste of time, but that what they had accomplished could hopefully be used to move forward at a later date.

Mr. Allison moved to rescind the authorization to move forward with the RFP for the Memorial School. Ms. Turner seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

The Select Board expressed to the Memorial School Reuse Committee that they were sorry to not be able to go through with the advice submitted.

4. Final Report – Government Study Committee, Review Recommendations

Mr. Kerrigan asked Emily Taylor (234 Main Street), Chair of the Government Study Committee, if she would like to comment. Ms. Taylor noted that the final report was included in the Select Board Meeting Materials packet for tonight's meeting. She noted that the report was dedicated to late Committee member Jay Moody. She stated that she hoped that the report was received as a data driven report and could be used in the future.

The four recommendations of the Ad hoc Government Study Committee were:

- Creating a standing Government Study Committee;
- Expanding the Select Board, bringing this before Annual Town Meeting;
- Residential requirement to serve on Boards and/or Committees, and bringing this before Annual Town Meeting;
- Continue studying whether or not various Boards and Committees should be elected and/or appointed.

Susan Munyon, 96 Grant Way, member of the Ad Hoc Government Study Committee, would ask to post the final document on the Committee's page on the Town website.

Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane. Ms. Ogilvie was a former member of the Government Study Committee. Ms. Ogilvie addressed issues brought up during Public Comment. First, relative to the sample size of the Government Study Committee survey, she stated that the results received were statistically significant. Secondly, to residents, it was said at the last Annual Town Meeting, the process to create a five-person Select Board is actually quite long. It would need to go through Town Meeting, a ballot vote, and then through the Legislature. She would like to move this forward to Annual Town Meeting. She encouraged residents to read the report issued by the Division of Local Resources last fall, which recommended a change to a five-person board.

Mr. Kerrigan suggested that the Select Board have a Special Meeting prior to closing the Annual Town Meeting Warrant to consider their recommendation on this report.

5. Potential to Request a Joint Meeting with DPW Commissioners

Mr. Kerrigan would like to request a Joint Meeting with the DPW Commissioners. There is currently an Interim Superintendent. Mr. Kerrigan would like to ensure that all parties are in agreement regarding priorities. Mr. Kerrigan asked Ms. Hodges to work with Scott McDonald to make this happen.

6. Review potential Annual Town Meeting Warrant Articles

Ms. Hodges presented the Warrant as of today:

- FY25 Budget
- The transfer of Free Cash to the General Fund for the High School debt for FY25
- The transfer of Free Cash to the Capital Stabilization Fund for future High School debt
- The Solar Enterprise Fund
- The DPW Water Enterprise
- The FY25 Classification and Compensation Plan
- CPA Budget
- Acquisition of North Lancaster Land (from 702 LLC)
- Ratification of the Veterans' Abatement Program (to make effective July 1)

Ms. Hodges is waiting for further information on the DCAMM acquisition, the Forestry program, the five-member Select Board, a Citizens' petition relative to Hawthorne Lane, and possible others.

Ms. Turner asked if the Classification and Compensation Plan was available to review. Ms. Hodges has an upcoming meeting with the Collins Institute, which has been consulting on this topic. Following this, Ms. Hodges will update the Board.

7. PJ Keating Reports (Turner)

Ms. Turner advised that an Inspection Report had been received from Tighe & Bond in January 2024 that highlighted some concerns. Tighe and Bond reported that PCE and perhaps nitrates in the monitoring wells there are some concerns. Ms. Turner stated that the total tax revenue from all parcels owned by Keating is less than the average home in North Lancaster. Ms. Turner noted that the Board had voted that CEI was going to be the reviewer and that they were supposed to look at the monitoring wells seasonally. What in fact happened was that Tighe and Bond looked at them and only looked at them twice, within a couple of weeks. Ms. Turner asked who is responsible for this, stating that most towns do not have quarries. She stated that Lancaster has not managed this well, and has not responded to Keatings' correspondence in a timely manner.

Ms. Turner stated that the PCE, a product of blasting, has now migrated from the quarry past the monitoring wells and has been detected. It is dangerous, and arguably very dangerous, although enough testing has been done to have a clear picture. Ms. Turner asked that this be taken up at an upcoming meeting, that CEI be brought in to look into

more testing, to bring in someone to assist CEI other than Ms. Hodges or Ms. Rocco, and to evaluate infiltration of the monitoring wells.

Mr. Allison stated that the report from Tighe & Bond identified issues and set forth a clear path to continue monitoring, and that he sees no need for additional action. He believes however, that the Board voted to use CEI, and would like to see CEI continue to be used. Ms. Hodges explained that while CEI was able to do a “one off” permit and peer review, they were not in the business of taking on additional ongoing monitoring clients and that there was an existing contract with Tighe and Bond. She advised that if the Board wishes to change engineering firms, it should go to bid for a new supplier to be engaged when the Tighe & Bond three-year contract is finished at the end of the fiscal year.

Discussion ensued as to the terms under which Tighe & Bond and/or CEI were hired.

Ms. Hodges will contact Tighe & Bond to make sure they are performing quarterly inspections and if additional wells are required, to find out the status.

8. Select Board Public Comment Periods (Allison)

Mr. Allison noted that there was no Public Comment Period at the last meeting. Mr. Kerrigan stated that this was only because there was a very aggressive agenda, and it was not included to allow time for many items. There has been no change to policy. Mr. Allison said that he had used AI to search for prior enacted policy but could find nothing. He will draft a policy for review. Ms. Turner noted that the Select Board Policy and Procedures enacted many years ago does have existing policies.

VI. APPOINTMENTS AND RESIGNATIONS

Appointments

Historical Commission:

Associate Member John Murphy to full Member, term to expire June 30, 2024 (ratification)

Mr. Allison moved to ratify the appointment of Associate Member John Murphy to full Member of the Historical Commission with term to expire June 30, 2024; Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Use Approvals

Drew Durdick, April 13th, 8:00 am – 1:00 pm, Dog show utilizing Town Property off Still River Road (State Land Approval already granted)

Ms. Turner moved to approve the use of Town Property off Still River Road by Drew Durdick for a Dog Show on April 13th, 2024, from 8:00 am – 1:00 pm; Mr. Allison seconded. *Vote taken,*

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

VIII. COMMUNICATIONS

- Next Select Board meetings will be held on Monday, April 1, 2024, and Wednesday, April 24, 2024; there will also be a brief meeting to close the Annual Town Meeting Warrant, time and date to be determined.
- Town Offices will be closed on Monday, April 15, 2024, in observance of Patriots' Day
- Annual Town Meeting will be held on Monday, May 6, 2024
- Annual Town Election will be held on Monday, May 13, 2024
- Miscellaneous Correspondence and Memorandums

IX. EXECUTIVE SESSION

Mr. Allison moved for the Lancaster Select Board to meet in Executive Session pursuant to M.G.L. c30A, §21(a) for the following purposes:

- i. To conduct a strategy session in preparation for negotiations for non-union personnel (Fire Chief) pursuant to Section 21(a)(2); and
- ii. To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of a staff member pursuant to Section 21(a)(1); and
- iii. To discuss the discipline or dismissal of, or complaints or charges brought against an employee; and
- iv. To conduct a strategy session in preparation for negotiations for non-union personnel pursuant to Section 21(a)(2) (Police Chief); and

not to reconvene in Open Session.

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

X. ADJOURNMENT

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Alexandra W. Turner, Clerk