



APPROVED

**LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of Monday, January 3, 2022**

I. CALL TO ORDER

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/84773659536>

Meeting ID: 847 7365 9536

Roll call taken, Jay M. Moody, present; Alexandra W. Turner, present; Jason A. Allison, present.

II. APPROVAL OF MEETING MINUTES - NONE

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

*** Because it was early for the public hearing, the Select Board covered a later agenda item, verifying that they would like to schedule legislative updates with Representative Kilcoyne and Senator Cronin at the meeting of Wednesday, January 19, for a total of one-half hour. DCAMM warrant article language will be discussed at that time.***

6:05 P.M. Public Hearing for Renewal of Earth Products Removal Application – PJ Keating

- Notice is hereby given that a Public Hearing will be held on Monday, January 3, 2022 at 6:05 P.M. via ZOOM, to consider the application of P. J. Keating Company, 998 Reservoir Road, Lunenburg, MA, for renewal of a Special Permit To Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located south of the Lunenburg town line, west of Lunenburg Road, north of a N. E. Power Co. right-of-way and east of the Leominster city line, containing by survey 73.3 acres in Lancaster, further identified on the Lancaster Assessors' Maps as Map 1, Parcels 1 through 4 and Map 4, Parcels 1 through 6, and further delineated on Plan No. 18-D-3, sheets 1 to 4, dated January 19, 2005 and Plan No. 18- D-4, sheets 1 to 3, revised September 19, 2005, by S. J. Mullaney Engineering, Inc., 305 Whitney Street, Leominster, MA. A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.

Mr. Moody read the legal notice as above and moved to open the Public Hearing at 6:07PM. Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].*

No one was present to represent the applicant. Interim Town Administrator (TA) Jeff Nutting recommended hearing a quick overview from Kayla Larsen of Tight & Bond, the 3rd party engineering firm representing Lancaster, and if no representative of the applicant is present, continuing the Public Hearing to the next regularly scheduled Select Board meeting.

Ms. Larsen has been doing quarterly inspections of Keating in Lancaster. As of last January, there were many resident concerns about dust control. This year visible actions were taken to remediate dust, including frequent sweeping and the use of water trucks. Ms. Larsen reported that they have followed all stipulations of the permit, and that the only change this year would be extending the date to 2022-24. The only thing missing is updated drawings, and the Town should request proof of the bond.

Ms. Turner said that other monitoring reports were to have been provided before renewal, and asked the TA if the Board could hear resident comments while waiting for a continuance. Mr. Nutting stated that questions should be forwarded to the Select Board office so that the staff could forward them to the applicant, so that at the next meeting everyone will be prepared and we could save time. Mr. Allison asked Ms. Turner to work with Mr. Nutting and Ms. Rocco to put requests to the applicant in writing. Ms. Turner stated that she would like updated maps with every permit.

Mr. Allison recognized Anne Ogilvie, 4 Turner Lane. Ms. Ogilvie understands that the “Updated Conditions & Phase/Rock Quarry Plans” and the “Anticipated Volume Projections from the Site for the Next 2 years and the Updated Anticipated Volume Projections through the final completion of the earth removal activities” were missing from the last application. Ms. Larsen confirmed that these documents should be included. Ms. Ogilvie also noticed on the application that there should be two flow meters for every well, but in some cases there was only one. Ms. Larsen stated that this issue had been discussed with PJ Keating at quarterly inspection. Ms. Ogilvie continued, expressing worry about insufficient monitoring putting the water supply at risk. She requests that the Select Board consider more monitoring and perhaps a new company to oversee the monitoring. She noted that there are also issues with air quality; the area smells bad in warm months. Furthermore, she would like noise pollution monitoring as part of the renewal of this permit, and she requests non-renewal of the permit until all this is accomplished. Ms. Ogilvie stated that this company has been fined for issues related to environmental damage in at least three other Massachusetts communities.

Mr. Allison recognized Kathy Hughes of 80 Fire Road 11, who offered her support of Ms. Ogilvie’s statements.

Mr. Allison recognized Abby Armstrong, 35 Brian Road, who endorsed Ms. Ogilvie’s statements and thinks that “fresh eyes are warranted,” and that the Select Board should consider a different engineering firm.

Mr. Allison asked Ms. Larsen if she had any ideas about making residents more comfortable. She noted that additional information about groundwater is provided annually by NAR, the 3rd party engineering firm used by the applicant, but is not typically available until March. Tighe & Bond

then reviews these numbers, with the goal of making sure that the applicant is not pumping more water than is received by rainfall, with evaporation factored in. She said that the numbers have been good/close, and the only recommendation that comes to mind is that the monitoring well numbers might be reviewed more frequently.

Ms. Turner thinks that there were more monitoring wells in the past and expressed concern about the Fire Department not having sufficient water supply. Ms. Ogilvie would like a Comprehensive Monitoring plan such as the ones found in Acushnet or in Cranston, RI.

Mr. Nutting suggested that since there are multiple gaps in information that this hearing should be continued until early February so that appropriate parties have time to collect relevant data.

Ms. Turner moved to continue the Public Hearing to February 7, 2022, at 6:05PM. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6:25 P.M. Community Paradigm Associates, LLC (CPA)

- To provide recruitment services to the Town. To discuss and lay out process, introduce themselves, set timelines, expenses and the works. (Turner)

John Petrin of CPA introduced himself and gave a brief overview of the company and explained the process they will use to search for a new Town Administrator. He advised the Select Board that the Board needed to choose to either have CPA function as a search committee or to appoint a local committee which would work with CPA. He explained that allowing CPA to do the work will shorten the timeframe by several weeks and will help with issues around confidentiality. Allowing CPA to function as the search committee presents no difference in price of CPA's contract. He anticipates seeing 30-35 applicants with 7-8 serious semi-finalists, and typically presenting three final candidates to the Select Board. He emphasized that the process needs to be kept confidential until the three finalists are announced, and that even after the conclusion of the process this confidentiality must be maintained.

Mr. Moody moved to not appoint a screening committee, but to allow CPA to function as the Town Administrator Search Committee. Mr. Allison seconded the motion. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

V. PUBLIC COMMENT PERIOD

6:00 P.M. - Opportunity for the public to address their concerns, make comment and offer
6:10 P.M. suggestions on operations or programs, except personnel matters.
 Complaints or criticism directed at staff, volunteers, or other officials
 shall not be permitted.

Mr. Allison read a letter from Roy Mirabito, requesting that the Board give a status update on the proposed sale of Atlantic Union College (attached). Mr. Allison asked Mr. Nutting to follow up.

Mr. Allison recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek expressed concern that his letter of December 17, 2021, has not been answered. He objects strenuously to having a February Special Town Meeting and would like to remove Articles 8 and 9 from the warrant. He states that delaying these articles to the Annual Town Meeting in May would allow for an outdoor Town Meeting which would be safer.

VI. TOWN ADMINISTRATOR REPORT - NONE

Interim Town Administrator Jeff Nutting will update the Board on the status of current projects pending.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Town Council Selection (Allison)

Mr. Allison moved to authorize Mr. Nutting to negotiate with Miyares and Harrington, LLP, for use as Lancaster Town Counsel, with the earliest possible start date. Mr. Moody seconded the motion. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].*

2. Discuss plowing and road management of Hawthorne Lane (Allison)

Mr. Allison read a letter from Erin Smith of 62 Hawthorne Lane that expressed frustration and concerns about safety because Hawthorne Lane is not an accepted street. She stated that the residents of this street are being used as “pawns” in a dispute between the Planning Board and the developer. Since the Town is holding a bond, she is appealing to the Select Board for help.

Mr. Allison recognized Karl Merwyn, 60 Hawthorne Lane, who echoed concerns raised by Ms. Smith.

Mr. Allison recognized Casie Short, 45 Hawthorne Lane, who stated that in addition to statements made by other residents, they had bought their home with the understanding that the road would be accepted.

Mr. Nutting suggested that the primary focus should be on the health and welfare of the residents. He suggested reaching out to the DPW, asking them to plow and sand and to keep track of costs while working through the issues. He noted that the goal should be to get this road accepted at the Annual Town Meeting.

Ms. Turner explained the process for accepting a roadway and noted that many roads in town, such as Eagle Ridge and many of the Fire Roads, are not accepted roads, and that the residents are responsible for maintenance. Mr. Moody noted that he isn't sure if the bond covers the roadway or the entire development. Mr. Allison said unfortunately that there isn't much the Select Board can do; the Planning Board is elected, as is the DPW Board. He would authorize Mr. Nutting to meet with the Planning Board to try to find a solution. Mr. Nutting wants to dig into the issues, talk to the new Town Counsel and to other boards. He will get back to the Chair

in 3-4 days and will update the rest of the Board. Ms. Turner noted that it was nice that the DPW helped these residents over the Christmas holiday, but that the DPW does not have the resources to take care of unaccepted roads.

3. Set goals (Turner)

Ms. Turner stated that according to Policies & Procedures, the Board should set goals at the beginning of the year. She stated that the Board has been managing by crisis but needs more long range planning to develop objectives. She would like to dedicate an hour to this at an upcoming meeting. Mr. Moody agrees. Mr. Nutting will do some pre-work and send some materials to the Board Members for them to complete to save some time. Mr. Allison would like Mr. Nutting to have 30-60 days before tackling this; Ms. Turner would like to schedule for the next meeting. Mr. Nutting would like a little more time. It was decided to put this on the agenda for February 7.

4. Re-affirm schedules going forward. Set Calendar for 2022 for Request for Proposals (RFP) choices, etc. (Turner)

Ms. Turner would like to review what other services the Board might seek bids on, such as possibly Engineering. She would like to develop a meeting calendar. Mr. Nutting suggested that this could be prepared by the Chair; Mr. Allison suggested that the TA could work on this after he finished working on goals. Ms. Turner would like the calendar on the town website to be better populated and noted that the Board might consider additional meetings.

5. Accept donation to the Board of Health from Orchard Hill Athletic Club in the amount of \$2,500.00 (TA)

Mr. Allison disclosed that he is a member of Orchard Hills Athletic Club. Mr. Nutting explained the at this gift is to help the Board of Health with specific pandemic-related activities.

Mr. Moody moved to accept this generous gift; Ms. Turner seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6. Request from Ad hoc memorandum of understanding committee to have a resource from Town Council assigned to assist with creating a Master Agreement (Allison)

Mr. Allison moved to request that a resource from Town Counsel be appointed to assist the ad hoc Memorandum of Understanding Committee with creating a Master agreement. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

7. Make sure Ad hoc Audit committee volunteers is posted (Moody)

Ms. Turner will send Mr. Nutting the “charter” for this committee. He will make sure that the call for members is posted on the town website.

8. Create a Town Administrator search committee to work with the search agency (Moody)

Previously addressed.

9. What is Zoom policy and access and minutes (Moody)

Mr. Moody would like one person to be in charge of Zoom meetings, creating the meetings, posting the contact numbers, whether it's the Town Administrator, the Town Clerk, or whoever. He notes that Zoom creates a transcript so the person doing the minutes can just make some edits and doesn't have to watch the whole thing. He states that FinCom, LAHT, and a number of committees have had problems with Zoom meetings. Mr. Nutting asked how many fails there have been of the hundreds of meetings since Zoom began.

Ms. Turner said it should be easy, and that each department has administrative staff who help. She said there have been cases where people couldn't get into meetings, where tapes were lost so that we couldn't do accurate minutes, and that running a transcript should be easy because it's the same function as Closed Caption.

No resolution was reached or action taken.

10. Select board communications with Interim Human Resource (HR) Director Sandi Charton and HR future (Moody)

Mr. Moody said that Ms. Charton sent a memo some time ago regarding the status of her position; he would like Mr. Nutting to work with her to figure this out. Mr. Nutting replied that Ms. Charton would currently like to work two days a week and this is no time to make changes. He urged that the Board take no action and the new TA, when hired, can decide what he/she wants for a team.

11. Approve several water lines for American Rescue Plan Act, (ARPA) money, not whole list yet (Moody)

Mr. Moody said that the COA Building is a disaster, the town has no emergency shelter or any generators. He wants to get going on some of the water line work requested by the DPW. He doesn't want to spend all the ARPA money but expects that with all towns taking advantage of this money that engineers are going to become very busy.

Ms. Turner said that she has been asking for more comprehensive ARPA information and wants to have policy discussions. She stated that goals will be important, but \$2.5 million will go fast with DCAMM, buildings in disrepair. She would like a group established, perhaps made up of department heads.

Mr. Nutting said this was confusing, that one member wants more planning, and one wants to move ahead. He had received the priority list from Mr. Pacheco and understood that the only money spent to date was to fund the COVID coordinator position.

The Board started discussing whether discussion should be held without a motion; Mr. Allison stated that the MMA's Select Board Handbook says, "discussion without a motion is just conversation."

Mr. Moody wants to get pricing on the piping needed by the DPW. Ms. Turner would like to develop an ARPA questionnaire and bring it forward to a meeting, proposing a motion whereby she and Mr. Moody would have a "working meeting" with the TA to develop the questionnaire. Mr. Nutting suggested that he prefers to meet individually with Board members rather than having another Open Meeting.

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

IX. LICENSES AND PERMITS - NONE

X. OTHER/UNFINISHED BUSINESS

- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**
Still waiting for language; will be part of legislative update.
- **Set date of our legislative update (Turner)**
Scheduling for January 19, 2022.

XI. NEW BUSINESS

**This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

XII. COMMUNICATIONS

- Town Offices closed Monday, January 17, 2022, in observance of Martin Luther King Jr. Day
- The Select Board's next regular meeting will be held via Zoom on Wednesday, January 19, 2022, at 6:00pm

XIII. ADJOURNMENT

Select Board member Jay A. Moody offered a motion to adjourn the meeting; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Jay M. Moody Clerk
Approved and accepted: January 19, 2022