



**LANCASTER SELECT BOARD  
Regular Meeting Minutes  
of Monday, November 20, 2023, 6:00 P.M.  
Prescott Building – Nashaway Room and ZOOM**

**ZOOM:** <https://us02web.zoom.us/j/82848467259>

**Meeting ID 828 4846 7259**

<b>I. CALL TO ORDER</b>
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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.

<b>I. APPROVAL OF MEETING MINUTES</b>
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Ms. Turner moved to accept the minutes of the November 6, 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].*

<b>III. SCHEDULED APPEARANCES &amp; PUBLIC HEARINGS - NONE</b>
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<b>IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS - NONE</b>
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<b>V. PUBLIC COMMENT</b>
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*Opportunity for the public to address their concerns, make comments, offer suggestions, or ask questions.*

Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane, noting that he had sent her an email prior to the meeting. Ms. Ogilvie talked about an amendment to the North Lancaster MOU and asked the Town to investigate mining in the McGovern Boulevard area.

## **VI. TOWN ADMINISTRATOR REPORT**

### **1. Division of Capital Asset Management and Maintenance (DCAMM) Next Steps**

#### **- Public Input – Process and Time Proposal**

Ms. Hodges stated that she was looking for guidance from the Board on how to best involve the public in the DCAMM discussion. She suggested that she might visit any Board or Committee that might be involved with the DCAMM property to give them a presentation and to seek input. She also suggested that the Board consider public forums at different times of day, to be most inclusive, at a variety of different locations. Ms. Turner agrees and would like to see a large meeting with all boards and committees, like a “working group.” She suggested that somewhere warm with good acoustics, such as the school, would be a good idea. Mr. Allison would prefer a couple of smaller forums. Mr. Kerrigan would endorse Ms. Hodges’ idea of going to individual meetings and then having a general presentation. Ms. Hodges will proceed and will include additional information in the meeting materials packet for the next regular meeting.

## **VII. ADMINISTRATION, BUDGET, AND POLICY**

### **1. Budget Review - FY25 Financial Outlook and Capital Budget**

Mr. Kerrigan reported that the Joint Meeting with the Finance Committee last Saturday went well, extending thanks to Ms. Hodges and staff. Ms. Hodges reported that gap to balance the budget is currently about \$55,000.

### **2. Memorandum of Understanding (MOU) Amendment Update**

During The Capital Group’s MEPA review, it was agreed that The Capital Group might turn over the entire parcel of land covered in the MOU, rather than in pieces as was originally agreed. Ms. Turner had a number of questions, including whether the 40B application had been revoked, and whether an ANR would be done. She also asked if, since the document requires a “letter of zoning,” what that would entail. It was clarified that no additional mining is going on; some previously mined materials are being mixed. Ms. Hodges asked Ms. Turner to write her questions so that they can best be accurately relayed to appropriate parties. Ms. Hodges asked if questions, from anyone, could be received by next Tuesday, in order to be discussed at the December 4 meeting. It was decided that the deadline for submitting questions from Board members would be Monday, November 27, and from the public on Tuesday, November 28. Ms. Turner asked if, since the MOU is being re-opened, if the limits on arbitration vs. mediation could be revisited. Mr. Kerrigan thought not, that it would set a bad precedent for signing contracts going forward.

Ms. Turner expressed concern about possible legal status of the companies that own or have owned the North Lancaster parcel in question. Mr. Kerrigan cautioned that the Select

Board could and should only deal with the contract's signatories, and that any change to status of the ownership of the parcel in question is not open to discussion by the Board.

**3. Accounting/Budget Software (tabled from Select Board Meeting 10.2.23 (Turner))**

Ms. Turner asked to remove this as an open item.

**4. Update/Review Town-Wide Fees (tabled from Select Board Meeting 10.2.23 (Turner))**

Ms. Turner will bring this topic back to the Board in January, specifically around Entertainment events and Earth Products removal.

**5. Update on Historical Commission Office Inventory (Allison) \*taken up as last agenda item\***

Mr. Allison moved for the Board to enter into Executive Session, under MGL Chapter 30a, Section 21(a)5, to investigate charges of criminal misconduct and to consider the following criminal complaints, and to reconvene into Open Session for a vote to be taken. Ms. Turner seconded the motion for discussion.

Ms. Turner stated that she thought that under Open Meeting Law that Executive Sessions needed to be posted. Mr. Allison stated that first, it was unforeseen and therefore could not have been posted, and secondly, that it was an update to an existing, and correctly posted, agenda. Mr. Kerrigan stated that he has spoken to Town Counsel, that he does not believe that it is an emergency and therefore does not pass the test to enter into Executive Session at this meeting; he believes that it could be included on the December 4 agenda. Therefore, he will not vote to enter into Executive Session. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, No; Stephen J. Kerrigan, No. Motion failed. [1-2-0].*

Mr. Allison thanked the current members of the Historical Commission. Mr. Allison stated that he was going to read information regarding findings of inventory of the Historic Commission. Mr. Kerrigan stated that he objected strenuously to Mr. Allison's reading of this, stating that it put the Town in a difficult legal position. He urged Mr. Allison to table this until December 4, stating that reading this could impact pending litigation.

<b>VIII. APPOINTMENTS &amp; RESIGNATION NOTIFICATIONS (Resignation votes not needed)</b>
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**Resignations**

Community Preservation Act Committee – Shawn Winsor

Mr. Kerrigan thanked Mr. Winsor for his service to the above referenced committee.

## **IX. LICENSES AND PERMITS - NONE**

Special (One Day) Liquor License Application

Organization: Lancaster PTO

Event: Art and Vendor air (PTO Fundraiser)

Event Date and Time: December 2, 2023, from 12pm-4pm

Location: Lancaster Community Center, 39 Harvard Road

Ms. Turner moved to approve the application for a Special (One Day) Liquor License for the Lancaster PTO for their Art and Vendor Fair, a PTO Fundraiser, on December 2, 2023, from 12pm to 4pm, at the Lancaster Community Center, 39 Harvard Road. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; meeting adjourned. [3-0-0].*

## **X. COMMUNICATIONS**

- Town Offices will be closed on Thursday, November 23<sup>rd</sup> and Friday, November 24<sup>th</sup> in observance of Thanksgiving.
- Next Select Board meetings will be held on Monday, December 4, 2023, and Monday, December 18, 2023, both starting at 6:00 PM.
- Affordable Housing Trust
- Miscellaneous Correspondence and Memorandums

## **XI. NEW BUSINESS – Unforeseen by the Board**

## **XII. ADJOURNMENT**

Ms. Turner moved to adjourn the meeting; Mr. Kerrigan seconded the motion. *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

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Alexandra W. Turner, Clerk