



**LANCASTER SELECT BOARD**  
**Regular Meeting Agenda – ZOOM ONLY**  
**Monday, January 8, 2024**  
**6:00 P.M.**

*In accordance with the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over Sterling-Lancaster Community TV*

**I. CALL TO ORDER**

Chair Stephen J. Kerrigan will call the meeting to Order at 6:00 P.M.

Town of Lancaster is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84371385140?pwd=YmQzTGJLdE5xbmh2ODINN2RIelNldz09>

Meeting ID: 843 7138 5140

Passcode: 353247

One tap mobile

+16465588656,,84371385140#,,,,\*353247# US (New York)

+16469313860,,84371385140#,,,,\*353247# US

Find your local number: <https://us02web.zoom.us/u/kuK0okTaQ>

Residents Have the Ability to Ask Questions via ZOOM.

**II. APPROVAL OF MEETING MINUTES**

- Review and take action on the following Select Board's Regular Meeting Minutes:
  - November 20, 2023 and December 18, 2023

**III. ADMINISTRATION, BUDGET, AND POLICY (Vote may be taken)**

1. Discussion and determinations relative to Historical Society belongings and questions (Allison)

**IV. APPOINTMENTS AND RESIGNATIONS**

Appointments

Historical Commission – Associate Members:

- Ann Fuller, 15 Langen Road, Associate Member, term to expire 6/30/27
- John Murphy, 12 Burbank Lane, Associate Member, term to expire 6/30/26

**V. COMMUNICATIONS**

- Town Offices will be closed on Monday, January 15, 2024 in observance of Martin Luther King Jr. Day
- Next Select Board Meeting - Monday, January 22, 2024
- Miscellaneous Correspondence & Memorandums

**VI. ADJOURNMENT**

## **APPROVAL OF MEETING MINUTES**

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**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**

**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.

**I. APPROVAL OF MEETING MINUTES**

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].*

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE**

**IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS - NONE**

**V. PUBLIC COMMENT**

*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.

**VIII. APPOINTMENTS & RESIGNATION NOTIFICATIONS (Resignation votes not needed)**

**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



**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**

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)**

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 11<sup>th</sup> 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 14<sup>th</sup> that it believed it owned various items and would be seeking removal of such items on Thursday December 21<sup>st</sup>. 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 21<sup>st</sup>. 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].*

<b>VI. LICENSES AND PERMITS</b>
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- 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

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Alexandra W. Turner, Clerk

## **ADMINISTRATION, BUDGET AND POLICY**

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## **APPOINTMENTS AND RESIGNATIONS**

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**Kathi Rocco**

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**Subject:** RE: 2 New LHC Associate Members - Request for Appointment

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**From:** Stephen J. Kerrigan <SKerrigan@lancasterma.gov>  
**Sent:** Tuesday, January 2, 2024 5:11 PM  
**To:** Kate Hodges <KHodges@lancasterma.gov>  
**Cc:** Kathi Rocco <KRocco@lancasterma.gov>  
**Subject:** Re: 2 New LHC Associate Members - Request for Appointment

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**From:** Karen Silverthorn <ksslancaster@gmail.com>  
**Sent:** Thursday, December 28, 2023 10:01 AM  
**To:** Stephen J. Kerrigan <SKerrigan@lancasterma.gov>; Jason A. Allison <JAllison@lancasterma.gov>; zz-Alexandra Turner <aturner@lancasterma.gov>  
**Cc:** Kate Hodges <KHodges@lancasterma.gov>; Kathi Rocco <KRocco@lancasterma.gov>; Marcia Jakubowicz <mljbuzz@hotmail.com>; Amy Brown <brownbees@comcast.net>; Judy Elwell <emmagrey\_3@hotmail.com>  
**Subject:** 2 New LHC Associate Members - Request for Appointment

Select Board,

The Historical Commission voted last evening to submit two names to you for consideration as Associate Members on our Commission: **Ann Fuller** and **John Murphy**.

**Ann Fuller of 15 Langen Road Lancaster** is a life-long resident of Lancaster who is very supportive of our historical work. We've gotten to know her well this past year when she worked as a volunteer at the LHC office on Tuesday mornings with us. She loves Lancaster and its history. We believe that she is a perfect fit for this role and we hope you will make this appointment to our Commission.

**John Murphy of 12 Burbank Lane, Lancaster** is also interested in becoming an Associate Member of the LHC. He loves history and served on Hudson's Historical Commission when he lived there. He has visited with us and attended last evening's LHC meeting. After talking with and getting to know him, we believe that he too will be a good fit with us.

We thank you for considering these two individuals as Associate Members of the LHC. They will bring much to our group as we continue our mission of historical work and historical preservation for Lancaster.

Thank you,  
Karen Silverthorn, Co-Chair  
Marcia Jakubowicz, Co-Chair  
Amy Brown, Vice-Chair  
Judy Elwell, Secretary

# COMMUNICATIONS

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## ADJOURNMENT

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