

II. APPROVAL OF MEETING MINUTES



**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, December 19, 2022**

Nashaway Meeting Room, 2nd Floor, Prescott Building, 701 Main Street, Lancaster MA

I. CALL TO ORDER

Chairman Stephen J. Kerrigan called the meeting to order at 6:00PM in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA. He advised that the meeting was being recorded via ZOOM and is being broadcast by Sterling Lancaster Community Television. Additional materials for Select Board meetings are available at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials.

Join Zoom Meeting: <https://us02web.zoom.us/j/83384384636>
Meeting ID: 833 8438 4636

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 December 5, 2022. Mr. Allison seconded the motion. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS

**** Taken out of order; prior to Joint Meeting with Finance Committee, the Board addressed Public Comments, Town Administrator Report, Appointments and Licensure, New Business, Special Town Meeting, and Complaint against Conservation Commission Chair ****

7:00 PM Joint Meeting with Finance Committee

Mr. Kerrigan invited the Finance Committee to open their meeting. Susan Smiley, Chair of the Finance Committee, convened their meeting with a roll call vote; Richard Trussell, present; Michelle Vasquez, present; Emily Kerrigan, present; Jocelyn Mylott, present; Susan Smiley, present. Mr. Kerrigan reviewed the purpose of the meeting.

Ms. Hodges stated that Finance Director Cheryl Gariepy was also present; Ms. Hodges gave a presentation of the Town's overall financial picture.

1. FY2024 Capital Budget Proposals & Planning

Projects are classified as Tiers I, II, or III. There are no Tier III projects for this fiscal year, however, it is likely that next year the high school building project will fall into this category. The only funding currently available for Capital this year is ARPA funding; the remaining balance in this account is about \$1.8 million. Some Capital projects have been deferred for up to 14 years.

Ms. Turner and Ms. Smiley had questions about school boiler expenses in the last two years. It was clarified at length that there were two different boilers in two different schools, funded by \$135,000 voted on at Special Town Meeting and \$150,000 in ARPA funds. Many questions were asked about the new format being used to develop the Operating Budget and the Capital Plan. Many clarifying questions were asked about whether Capital items were urgent, needed, or desirable; other questions were posed about whether requests were entered for Fiscal Year 2024 or for future years.

2. Project Deferrals

Total Capital requests came to \$2.54 million; \$1.4 million is being recommended by the Town Administrator, causing about \$1.1 million in projects deferred. Ms. Hodges pointed out that in the last four years, no planned/budgeted Capital requests were met, but that all Capital expenses have been reactionary in response to items breaking.

It was discussed that the Select Board and the Finance Committee should meet jointly again in late January or early February to review Audit findings.

Jocelyn Mylott moved to adjourn the Finance Committee meeting; a second was heard. *Roll Call vote was taken. Richard Trussell, Aye; Michelle Vasquez, Aye; Emily Kerrigan, Aye; Jocelyn Mylott, Aye; Susan Smiley, Aye. Motion passed. [5-0-0]*

V. PUBLIC COMMENT PERIOD

Opportunity for the public to address their concerns, make comments, and offer suggestions on operations or programs, except personnel matters. Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.

***** Taken out of order after Approval of Meeting Minutes *****

The Chair recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek expressed concern that the upcoming Special Town Meeting needed to be held within 45 days after the Board of Selectmen received the petition. Mr. Kerrigan stated that he will address the timing later in the meeting.

Mr. Kerrigan recognized Roy Mirabito, 944 George Hill Road. Mr. Mirabito spoke to the potential for COVID transmission as well as flu and other sicknesses at the upcoming Special Town Meeting, citing statistics that show a current increase in COVID cases.

Mr. Kerrigan recognized David Mallette, 2748 North Main Street. Mr. Mallette stated that he supports the citizens' petition and the subsequent Special Town Meeting, noting that 300 signatures were collected in 72 hours.

Mr. Kerrigan allowed Mr. Mirabito to finish his previous comments. He would like to see the Select Board consider a venue for the Special Town Meeting other than the Mary Rowlandson Elementary School.

Mr. Kerrigan recognized Anne Ogilvie, (address not stated). Ms. Ogilvie read the dictionary definition of disenfranchisement.

Mr. Kerrigan recognized George Franz (address not stated). Mr. Franz addressed the location of the Special Town Meeting, stating that while Mary Rowlandson Elementary School was not ideal, there was no better viable venue. Secondly, in relation to the proposed development, he thinks the Town will be better able to manage the proposed development's impact, than the Town will be able to manage the financial problems caused by lack of development.

Mr. Kerrigan recognized Kendra Dickinson, speaking as a private citizen. Ms. Dickinson thanked the Select Board for recognizing the citizens' petition.

VI. TOWN ADMINISTRATOR REPORT

1. Hiring Updates – Town Clerk

Ms. Hodges introduced new Town Clerk Amanda Cannon. Her tenure will begin January 3.

2. Other Departmental Updates

Ms. Hodges reported that she has met with MassHousing and the Executive Office of Development, agencies that deal with green energy. Options are being weighed regarding grant proposals to clean up the DCAMM property, especially the old power plant area.

Mr. Allison moved to appoint Mr. Kerrigan as the Liaison from the Select Board to DCAMM such that all correspondence and scheduling flow through him. Ms. Turner seconded. Mr. Allison explained that this project is coming on fast and strong and that an attention to detail is needed. Ms. Turner said that she thinks that she would be more appropriate for the position, but she understands that if that is the will of the Board that so be it. Mr. Kerrigan said that Ms. Hodges is doing a great job but that if it is the will of the Board he would accept the appointment; he has been concerned with the slow pace that this project has had. *Vote taken; Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed.*
[2-1-0]

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Special Town Meeting – Finalize Details and discuss or evaluate potential articles including sponsors & board positions.

Mr. Kerrigan recapped the information about the citizens' petition leading to the scheduling of a Special Town Meeting. Conversations have been held with Town Counsel regarding scheduling. Counsel believes that meeting in January meets the spirit of the law. It was explained that using Nashoba Regional High School is not an option, because Town Meeting cannot legally be held out of town. The best available option for location is Mary Rowlandson Elementary School. Scheduling options have been considered. No date and no location is ideal, but January 28 is the best, and probably only, option. New processes are being put in place to expedite check-in and ballot voting.

Mr. Kerrigan asked that his colleagues support the date and location; there will be time to vote on the Warrant at a later date. He noted that January 28 at 10am will allow time for morning check-in and will also allow for a later start time in case of snow. Ms. Turner said that while weekends are convenient for many, she is concerned with religious prohibitions. She stated that while she has no personal concern, she thinks the Board should consider the afternoon of January 29. Additionally, she is concerned about snow dates. Additionally, she noted that the First Church might be a venue, and that it was used many years ago for a Town Meeting. Mr. Kerrigan replied that that his opinion is that the Town cannot schedule around particular religious denominations. Ms. Hodges, at the request of Mr. Kerrigan, explained how a snow delay would be handled; the meeting would be convened at the posted time and would be continued to a more agreeable time with information posted on all available sources, including reverse 911. Mr. Allison expressed gratitude for the amount of work being done by Mr. Kerrigan. Mr. Kerrigan restated the motion, to schedule the Special Town Meeting for January 28, 2023 at 10AM. Ms. Turner stated that she will vote no out of respect for the Seventh Day Adventist community. *Vote taken; Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

Mr. Kerrigan suggested that, in order to meet the needs of the petitioners, that the Select Board should be the sponsors of the article to be voted on at the Special Town Meeting. Mr. Allison moved as such; Ms. Turner seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

2. Budget

- General Fund Update

Ms. Hodges showed the updated FY24 operating budget; there are few changes from the previous iteration.

- Recycling Center, Financial Update & Determinations

Ms. Hodges explained that she and Ms. Gariepy met with representatives of the Recycling Committee. For some time, the committee has been using reserve funds because the revenues received do not meet expenses, although the committee is dedicated and works hard. Her recommendation is to close the center for the short term. Ms. Turner talked about the importance of being a green community, noting that grant money might be available from the DEP. Ms. Turner would like the shortfall (\$1,300-\$1,500/month) to be funded. It was agreed that ARPA money could not be used. The Board would like to see some options to fund the Recycling Center for the next fiscal year. It was suggested that declining use of the center may be because many residents are using private haulers who provide a recycling service.

3. The Alcoholic Beverage Control Commission (ABCC) 2023 Seasonal Population Increase Estimation Form

Mr. Allison moved to approved signing the form presented. Ms. Turner seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

4. Discuss resident trespass complaints re: Conservation Commission Chairperson

Mr. Kerrigan requested that the Board table this item until he has had the opportunity to have a discussion with the Conservation Commission Chair. Mr. Allison moved to table this item. Ms. Turner seconded. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Affordable Housing Trust: Kelly Dolan as Ex Officio Trustee.

Ms. Hodges currently holds this position; she thinks that Ms. Dolan, as the former Vice President of the Worcester Housing Authority, would be better suited to this role. Ms. Turner moved to appoint Kelly Dolan as an Ex Officio Trustee of the Affordable Housing Trust. Mr. Allison seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

IX. LICENSES AND PERMITS

1. Review and take action on the following 2023 Renewal License Applications

a. Sandee's Restaurant – Common Victualler

Ms. Turner moved to approve a Common Victualler License for Sandee's Restaurant for 2023. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

b. Koch Route 2 Toyota – Class I and Common Victualler

Ms. Turner moved to approve a Class I and Common Victualler License for Koch Route 2 Toyota for 2023. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

c. B & M Investments d/b/a Modena Motor Group – Class I

Ms. Turner moved to approve a Class I License for B & M Investments, d/b/a Modena Motor Group for 2023. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

X. NEW BUSINESS

This item is included to acknowledge matters not reasonably anticipated by the Chair.

The Board has received notice from the Historic Commission of the resignation of Joan Richards. Ms. Turner spoke about Ms. Richards' contribution to the Town, reading a proclamation from the Historic Commission. Ms. Turner offered a motion to accept this resignation with deep regret. Mr. Allison seconded the motion. *Vote taken; Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

XI. COMMUNICATIONS

- Town Offices will be closed on Monday, December 26th (Observed Christmas Holiday) and Monday, January 2, 2023 (Observed New Year's Day Holiday)
- Next Select Board Hybrid Meeting will be held on Tuesday, January 3, 2023 at 6:00pm
- Miscellaneous Correspondence and Memoranda

XII. ONGOING PROJECTS & OLD BUSINESS - NONE

XIII. ADJOURNMENT

Mr. Allison moved to adjourn the meeting. Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Alexandra W. Turner, Clerk

VI. TOWN ADMINISTRATOR REPORT



CHARLES D. BAKER
Governor

Office of the Governor Commonwealth of Massachusetts

State House
Boston, Massachusetts 02133
Tel: (617) 725-4000

KARYN E. POLITO
Lieutenant Governor

December 7, 2022

Chief Michael Hanson
Town of Lancaster
1055 Main Street
Lancaster, MA 01523

Dear Chief Hanson,

Congratulations! I am pleased to inform you that the Executive Office of Public Safety and Security and the Department of Fire Services (DFS) has awarded the Town of Lancaster \$10,394.38 in State Fiscal Year 2023 funding for the Firefighter Safety Equipment Grant Program.

Through great challenges in recent years, the fire service in Massachusetts has maintained the level of dependability and excellence that the citizens of the Commonwealth have come to expect. Please know how thankful I am for this, and how grateful I am to be able to provide your department with this important equipment.

The contract, terms and conditions, and other award documents for this program will be provided to you by DFS. Please contact Tim Moore at DFS with any questions about this award at 978-567-3721 or Timothy.Moore@mass.gov.

Sincerely,

Handwritten signature of Charles D. Baker in blue ink.

Governor Charles D. Baker

Handwritten signature of Karyn E. Polito in blue ink.

Lt. Governor Karyn E. Polito

VII. ADMINISTRATION, BUDGET AND POLICY

DRAFT

**TOWN OF LANCASTER
OFFICE OF THE SELECT BOARD
PRESCOTT BUILDING
LANCASTER, MA 01523**



WARRANT FOR SPECIAL TOWN MEETING

**JANUARY 28, 2023*
10 AM**

**Snow date(s): 1/28/23 – 1:00 PM; 1/29/23 – 10 AM*

**MARY ROWLANDSON ELEMENTARY SCHOOL
&
LUTHER BURBANK MIDDLE SCHOOL**
103 Hollywood Drive • Lancaster, MA 01523

The Town of Lancaster is an Open Town Meeting form of Government. By law, Town Meeting must be held, and voting shall take place, in person. The Town is committed to ensuring that each person who wishes to participate can do in a manner that is consistent with the law and the regulations surrounding the Americans with Disability Act. Any individual requesting an accommodation due to their disability should do so in writing to Health and Human Services Director Kelly Dolan. Ms. Dolan's email is kdolan@lancasterma.gov. Requests for accommodations are handled on an individual and confidential basis and must be made well enough in advance to allow Staff adequate time to assess the need and, where applicable, coordinate services.

DRAFT

**WARRANT FOR SPECIAL TOWN MEETING
IN THE TOWN OF LANCASTER**

January 28, 2023

Mary Rowlandson Elementary School -- 10:00 AM

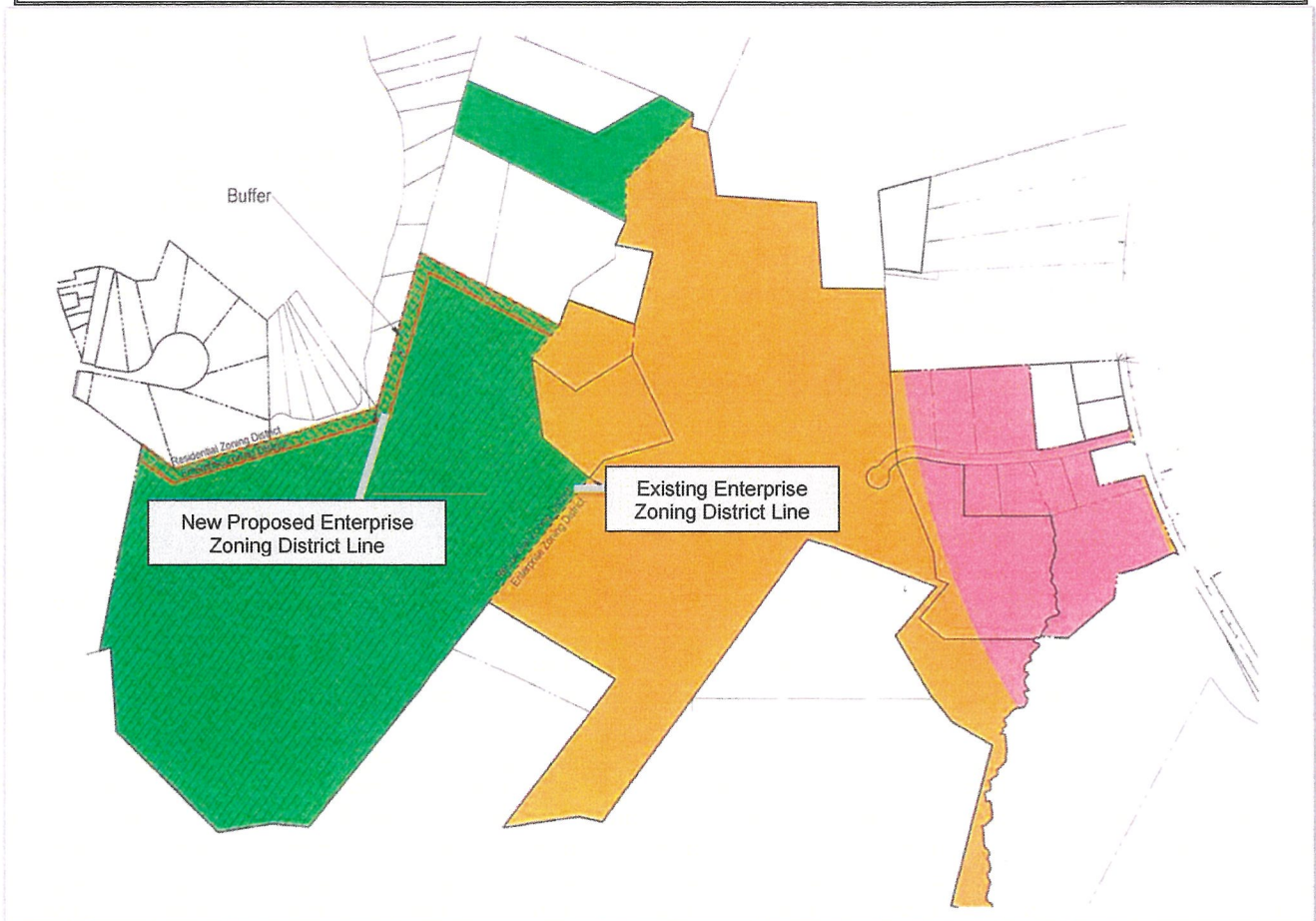
Worcester, ss.

To any Constable of the Town of Lancaster in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet at **Mary Rowlandson Elementary & Luther Burbank Middle Schools, 103 Hollywood Drive in said Lancaster on Saturday, the twenty-eighth day of January 2023, at 10:00 in the morning**, and to act on the following:

**ARTICLE 1
Enterprise Re-Zone
Select Board**



To see if the Town will vote to amend the Official Zoning Map of the Town of Lancaster, 220 Attachment 2, by rezoning a portion of the parcel identified as Assessor's Map 8, Lot 45 of Lancaster, located within the Residential District, to the Enterprise District, such that the entirety of said parcel is located within the Enterprise District, and as further shown on a plan entitled "Proposed Re-Zoning Plan, Lancaster, MA," dated 11/22/22 and on file with the Town Clerk; or act in any manner relating thereto.

VIII. APPOINTMENTS & RESIGNATIONS

Steve, Kate,

Regarding the subject, the Commission on Disability has unanimously nominated Mr. Eugene Brazeau, resident of Lancaster who lives on Poulin Drive, to be a member of our commission. Can you please consider him for approval of this status at the next Select Board meeting, and if approved, initiate the process to have him be sworn in.

Thank You & Best Regards,

Mike McCue
Chair, Lancaster Commission on Disability



McCue & Associates

McCue & Associates, LLC
978-733-1353
www.mccueassociates.com

XII. ON GOING PROJECTS & OLD BUSINESS



Town of Lancaster
Office of the Town Administrator
701 Main Street, Suite 1
Lancaster, MA 01523

KATE HODGES, *Town Administrator*

Kathleen Rocco, Executive Assistant

December 29, 2022

To: Select Board
RE: Lancaster Recycling Center
CC: Cheryl Gariepy, Finance Director

During the Select Board's December 19th Meeting, the Lancaster Recycling Center was discussed. Specifically, the Center's lack of financial capacity was reviewed. As described, the Center has seen a steady decline in attendance/participation over the past three years. That, coupled with a sharp rise in disposal costs and fees, necessitated the operation's reliance on their cash reserves to ensure their financial obligations were able to be met. At the current rate of spending, the Recycling Center's cash reserve fund will be depleted by February 1, 2023.

The Board, during the discussion, asked that I provide additional *financial* information relative to the operation. Below you shall find two tables. The first represents the Recycling Center's operational expenses and annual revenue offsets. The second table outlines the specific expenditure details over the past five fiscal years, FY19 thorough FY23 (to date). There has not been any data collected relative to usage and, therefore, no points of comparison can be explored.

The Town staff is set to finalize FY24's budget details by the end of January. If the Board wishes to allocate tax dollars to supplement the recycling operation, that determination would need to be made not later than the Board's January 17th meeting. This timeframe allows the amount to be included in both the Budget documents and total appropriation requests.

Recycling Center Balance Sheets by Fiscal Year

FISCAL YEAR	BEGINNING			ENDING
7/1	BALANCE	EXPENSE	REVENUE	BALANCE
				6/30
FY23	3,950.56	3,620.97	2,272.12	2,601.71
FY22	4,083.40	6,256.84	6,124.00	3,950.56
FY21	4,368.05	8,498.55	8,213.90	4,083.40
FY20	4,831.22	8,293.46	7,830.29	4,368.05
FY19	8,722.28	14,578.68	10,687.62	4,831.22
FY18	14,531.21	15,661.66	9,852.73	8,722.28
FY17	19,328.87	10,967.65	6,169.99	14,531.21
FY16	22,083.10	6,547.00	3,792.77	19,328.87
FY15	26,251.71	10,817.50	6,648.89	22,083.10

EXPENDITURE DETAIL FY19 - FY23

FY23	AMOUNT	DESCRIPTION
	1,665.00	DISPOSAL
	2,405.96	PICKUP
FY22	AMOUNT	DESCRIPTION
	75.00	TIRE REMOVAL
	3,885.00	DISPOSAL
	2,296.84	PICKUP
FY21	AMOUNT	DESCRIPTION
	3,140.00	DISPOSAL
	5,358.55	PICKUP
FY20	AMOUNT	DESCRIPTION
	2,145.00	DISPOSAL
	6,016.03	PICKUP
	50.33	LOCK BOX
	82.00	TIRE
FY19	AMOUNT	DESCRIPTION
	5,855.00	DISPOSAL
	8,703.74	EL HARVEY
	19.40	KEYS

As you can see, the expenses to run the recycling operation have varied from year-to-year and depend heavily on how often the Center is open and available for use. At this time, the center is open two days per month; at its height, the Center was open more than four times that. FY18 showed the highest yearly expenses with a total amount equal to about \$15,700. Last year's total expenses were \$6,300 -- markedly less likely due to the center being open only twice a month. The FY23 number seen in Table 1, \$3,650 is only reflective of the Center's year-to-date expenses as we are only partly through this Fiscal Year.

Should the Board choose to supplement the recycling operation in FY24, the amount allocated to that effort should be at least \$6,000 and likely should not need to exceed \$9,500. Additionally, the Board should determine how often the Center will be open and available to the community given that tax dollars will be provided for its operation. In that same vein, what level or type of charge to use the Center, if any, should also be discussed.

Given that no General Fund monies have been appropriated for the operation this Fiscal Year, FY23, when the Center's reserves are depleted, the operation will be forced to close, at least temporarily, until July 1st when the new Fiscal Year begins (pending the allocation of funding).

Should you need anything more on this, please do not hesitate to ask.