



LANCASTER BOARD OF SELECTMEN
Regular Meeting Minutes
Of November 18, 2019

I. CALL TO ORDER

Chairman Stanley B. Starr, Jr. called the Regular Meeting of the Board of Selectmen to Order at 6:00 P.M. in the Nashaway Meeting Room, located in the Prescott Building, 701 Main Street, Lancaster, Massachusetts. Present were Selectmen Walter F. Sendrowski, Jay M. Moody and Town Administrator Orlando Pacheco.

II. PUBLIC COMMENT PERIOD

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

Heather Lennon, 294 Nicholas Drive, asked the Selectmen when is the deadline up for Mr. Pacheco's contract as well as other Town Employees' contracts. She would like to have the opportunity for input regarding those contracts.

Marcia Stanton, 942 Main Street, asked about the Affordable Housing Committee working session.

Linnea Lakin Servey, 1394 Main Street, commented on the town's email, is there a mechanism in place to acknowledge when an email has been delivered.

III. APPROVAL OF MEETING MINUTES - NONE

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

6:10 P.M. Notice of Public Hearing – Tax Classification for Fiscal Year 2020

Selectman Sendrowski read the following Legal Notice into the Minutes:
In accordance with G.L. c.40, §56, the Board of Selectmen will conduct a Public Hearing on the question of adoption of percentages of the total tax levy to be borne by each class of real property (residential, commercial, industrial, open space) and personal property for Fiscal Year 2020. The Hearing will be held in the Nashaway Meeting Room, Prescott Building, 701 Main Street, Lancaster, MA on Monday, November 18, 2019, at 6:10 P.M. All interested parties are invited to attend and be heard

Selectman Sendrowski moved to open the public hearing at 6:10 p.m. Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

Present: Harald Schied, Regional Tax Assessor
 Debra Sanders, Principal Assessor and Member Lancaster Board of Assessors
 Michael Burke, Sr., Co-Chair of the Board of Assessors

Mr. Scheid stated that the purpose of the Public Hearing is to receive input in order to determine whether to set a single uniform tax rate for all classes of property, or to split the rate by setting a higher tax rate for commercial and industrial property.

Municipalities with a large commercial/industrial tax base often see fit to shift the tax burden to help maintain lower residential taxes. Lancaster, like most small Massachusetts towns has, in the past, chosen not to shift taxes.

The goal of recent classification hearings has been to maintain a uniform tax rate across all classes of property. The Board of Assessors recommends that the Selectmen continue this practice. Historically, the Board of Assessors has determined that a two-tier tax rate is inappropriate for Lancaster

The Fiscal Year 2020 Levy Limit and Amount to be Raised:

The following is a calculation of Lancaster's estimated levy for fiscal year 2020.

Fiscal Year 2019 Levy	\$17,729,094
Levy Increase allowed under Prop. 2 ½	443,227
New growth revenue (estimated)	601,978
Debt excluded under Prop. 2 ½	1,503,460
Fiscal Year 2020 maximum allowable levy	20,277,759
Levy Ceiling	25,511,131
Levy to be raised (rounded by tax rate)	20,255,838

Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	\$867,276,328	84.99%	84.99%
Commercial	\$ 88,541,318	8.6767%	
Industrial	\$ 34,447,444	3.3757%	15.01%
Personal Property	\$ 30,180,150	2.9576%	
TOTAL	\$1,020,445,240	100.0000%	100.000%

Tax Rates

Based on the shift factors, the Board of Assessors has calculated the following tax rate needed to raise the tax levy:

<u>Property Class</u>	<u>FY2020</u>	<u>FY2019</u>
Residential	\$19.85	\$19.75
Commercial	\$19.85	\$19.75
Industrial	\$19.85	\$19.75
Personal Property	\$19.85	\$19.75

The Assessors noted that the Fiscal Year 2020 rate is an estimate and may change upon the Department of Revenue review.

Tax Impacts

With a few exceptions, Fiscal Year 2020 residential valuations have increased by 6.7% compared to assessed values from last year, reflecting a healthy real estate market.

The average residential tax bill calculation will change as follows:

FY2019 Average Single Family Valuation	\$339,477
Taxes at \$19.75 per thousand	\$ 6,704
FY2020 Average Single Family Valuation	\$ 360,250
Taxes at \$19.85 per thousand	\$ 7,151
Average Tax Increase	\$ 447

Selectman Sendrowski moved to close the Public Hearing, Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

Selectman Sendrowski moved that in accordance with M.G.L. C.40, §56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the FY2020 tax rates and set the Residential Tax Factor of 1.0000, with a corresponding CIP shift of 1.0000, pending certification of the Town's annual tax recap by the Mass. Department of Revenue. Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

6:15 P.M. Notice of Public Hearing – License to Store

Selectman Sendrowski read the following into the Minutes:

Notice is hereby given that a Public Hearing will be held on Monday evening, November 18, 2019, at 6:15 P.M., in the Nashaway Room, Prescott Building, 701 Main Street, Lancaster on application N&K Lancaster, LLC (Mobile Station) 1424 Lunenburg Road, Lancaster to AMEND its License to Store by adding 10,000 gallon Diesel Tank located at 1424 Lunenburg Road, Lancaster, MA to service the Mobile Gas Station. All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing.

Selectman Sendrowski moved to open the Public Hearing, Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

Jim Basile, Staff Engineer for Hannigan Engineering, was present to answer questions the Selectmen may have. Orlando Pacheco explained to the Selectmen that Fire Chief Hanson has approved the application for License.

Seeing no further discussion, Selectman Sendrowski moved to close the Public Hearing, Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

Selectman Sendrowski moved to grant N&K Lancaster, LLC's application to amend its License to Store by adding 10,000 gallon Diesel Tank located at 1424 Lunenburg Road. Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

6:20 P.M. Andrew Dennehy-Beta Group Inc.
Re: Draft Municipal Vulnerable Preparedness Plan Presentation

Mr. Dennehy updated the Board of Selectmen on the Municipal Vulnerable Preparedness Plan, which was created by Governor Baker and the Executive Office of Energy and Environmental Affairs. The Municipal Vulnerable Preparedness Program (MVP) is to provide technical and financial support for municipalities to identify hazards and develop strategies to improve climate change resiliency and implement priority projects.

Mr. Dennehy spoke about the Community Resilience Building Workshop for the Town of Lancaster on October 7th and 9th in which the goal was to discuss hazards that impact the Town, features in the community, and develop a list of the action to help mitigate the impact of hazards on those identified.

Top 4 Hazards

- . Inland flooding
- . Severe Winter Storms
- . Invasive Species
- . Other severe storms

Top Priority Actions:

- . Feasibility study to find location for shelter facility in town
- . Assessment and replacement of culverts town-wide
- . Maintenance program for culverts and securing funds for increased staffing
- . Elderly and disabled outreach and emergency action plan
- . Evaluate generators at all municipal buildings and facilities
- . Raise Route 117 with cross drains

Additional Top Actions:

- . Develop general maintenance Order of Conditions with Conservation Commission
- . Drainage improvements on S. Main Street
- . Increase outreach to low income and elderly populations
- . Backup generator for Town Hall
- . Upgrade highway radio
- . Wells/storage tanks – access runoff at tanks upgrade backup power supply

Mr. Dennehy stated that the final report will come before the Board of Selectmen.

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS
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1. Recreation Committee

Recreation Committee Chair Win Clark gave a brief update over the past year regarding the Recreation Committee. (*see attached update*)

2. Town Forest Committee

Town Forest Committee Chair Tim Castner came before the Selectmen to give some of the highlights of the projects they are currently working on.

- . Kiosk/Sign at the Town Forest Entrance – Eagle Scout Project
- . Trail and Maintenance Work – National Honor Society Clean up Project
- . Management Plan
 - ~ Second phase of logging
- . Purchase of 28 acres of forest land from Atlantic Union College (AUC) – Town Administrator Pacheco updated the Board regarding AUC's agreement to sell 28 acres of forest land to the Town for \$3000/acre, for a purchase price of \$86,000 to \$89,000. Mr. Pacheco noted stated that a they will work on trying to get a state forest grant for the purchase of this forested land.

Mr. Castner noted that will the addition of the AUC parcel, the town of Lancaster would own 520 acres of forest, which would bring the town above the 500 acres required to be eligible for certain federal grants.

VI. TOWN ADMINISTRATOR REPORT

Town Administrator Orlando Pacheco will update the Board on the status of current projects pending.

1. **117 Bridge Traffic Impact Analysis Memo**

The attached traffic impact analysis on the North main Street Bridge at Bartlett Pond. The roadway will be down to 1 lane during construction with a temporary traffic signal. I did pass this along to the Police Chief and DPW Supt. If any of the bridge work is to coincide with 70/117 Intersection work, both project teams should meet just to make sure the traffic delays can be coordinated to move cars along.

2. ADA Self Evaluation

The Center for Living and Working visited last Thursday to give a general overview of the ADA self-evaluation plan. They will assess the outdoor facilities first given the time of year. They will evaluate the building after so weather does not slow the process down. Based on their schedules the process will take several months to complete but are expecting to start on 11/20.

3. Mass Save Municipal Partnership

The Town, working with resident volunteers, has applied to participate in the Mass Save Municipal Partnership. The goal of the program is to have 10% of homes and businesses in the community receive energy audits over a 12 month period. If selected, the program will run from Jan 1, 2020 thru Dec 21, 2020. Notifications will be made this coming week.

4. AUC Update

Several individuals have been coming to discuss their potential purchases from the college. All buyers have stated that their purchases are for the buildings with no plans to alter any facilities at this point. The individuals have only identified property and structures NOT part of the core campus. Mr. Pacheco will keep you apprised of any additional developments.

5. Kalon Farms

Frank Diluna, attorney for Kalon Farms has responded to some of Mr. Pacheco's concerns in a previous letter. He asked that he come to the Board's next meeting to discuss financials, which will require more explanation and will not be provided in advance

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Senior Tax Abatement Program

Selectman Moody asked this item be added on to the agenda, noting that there were concerns about the process and Selectman Moody felt it was more complicated than other towns.

Town Administrator Pacheco gave a brief overview of the program as it was amended by the Board in the past two years. *(see attached Senior Citizen Property Tax Work-off Program and application form)*

Mr. Pacheco pointed out 2018 Work-Off program:

- . There were 11 applicants approved for a total of \$11,321.25 from the
- . 5 applicants earned the full \$1500 in exchange for their community service.
- . 4 applicants earned under the \$1500.
- . 2 applicants approved for the work-off did not work at all.

Selectman Moody asked if the amount of money not used from the Overlay can be returned to the General Fund. Town Administrator Pacheco he was have to check with the Department of Revenue (DOR), however he noted that there are municipal accounting standards that has to be followed, and the overlay is managed by the DOR.

2. 0 Sterling Road Chapter 61A Right of First Refusal Notification

Chairman Starr gave a little background to 0 Sterling Road Chapter 61A Right of First Refusal:

- . Letter from the Law Office of Stuart L. Snyder, PC who represents Gail N. Kilbourn, was received by the Town Clerk on November 4, 2019.
- . The Town has 120 days to act on a Chapter 61A.
- . The last day to act on 0 Sterling Road Chapter 61A Right of First Refusal is February 29, 2020
- . Would like to have a Selectmen meeting specific to this issue (0 Sterling Road Ch 61A)
- . He would like to take no action on this agenda item this evening.

- . He noted the 41 emails he received, in which most asked the Selectmen to Exercise their Right of First Refusal.

Town Administrator Pacheco noted that the packet received for the Notice of Intent pursuant to G.L. c. 61A, from Attorney Snyder was sent to Town Counsel for review.

Victoria Petracca came before the Board to state that she has Attorney Janet Morrison in the audience, who has reviewed the Notice and the Purchase and Sale agreement and does not comply with the Chapter 61A requirements.

Attorney Morrison came before the Board and presented her letter as well as explaining why the P&S did not meet the requirements, noting there were 16 deficiencies. (*See the attached letter*). Attorney Morrison stated that the Notice of Intent lack a bona fide offer, noting that an offer that cannot be subject to zoning or contingencies; pointing out that the P&S contained a contingency requiring perk tests. It was further explained that the 120 day period does not start until after the errors are remedied. She further stressed the Town has 30 days from the original notification of November 4th to demand that the Purchase and Sale follow the law.

Town Administrator Pacheco will forward Attorney Morrison's letter to the Town Counsel for review prior to taking any action on this matter.

Further discussion on, (should the town exercise their right of first refusal), the possibility of assigning to the Land Trust to give the Town some time obtaining grants to offset some of the purchase price.

Lancaster resident, Dick Trussell, 15 Burbank Lane, asked the Selectmen if the owner could consider donating the land to the Town, in which the owner could offset the capital gains.

Town Administrator Pacheco suggested that the Selectmen keep 0 Sterling Road First Right of Refusal as an agenda item for the next several meetings.

3. Affordable Housing Committee

Chairman Starr stated that at this point he has not seen any drafts or a mission statement regarding the creation of an Ad Hoc Affordable Housing Committee. Chairman Starr would like to see this committee consist of 5 members with the Town Administrator and the Planning Director as ex-officio members. He noted that the ad hoc committee should have members from other departments/committees, such as the Conservation Commission, Housing Authority, and Land Trust. Selectman Moody suggested to include the COA Director as a possible member.

Planning Board member Carol Jackson, recommended Victoria Petracca, who has a wealth of information regarding Affordable Housing. Selectman Sendrowski questioned if Mrs. Petracca should be on the committee given she is a litigant in the Zoning Board of Appeals decision on the Goodridge Estate Development.

Further discussion on the importance of developing guidelines for the Affordable Housing Committee. Selectman Sendrowski would like to review other Towns who have Affordable Housing Trusts.

Selectman Sendrowski moved to table the discussion regarding Affordable Housing Committee until more information is made available. Selectman Moody Seconded. Walter F. Sendrowski vote Aye, Jay M. Moody vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

IX. LICENSES AND PERMITS - NONE

X. NEW BUSINESS *

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

XI. COMMUNICATIONS

XII. ADJOURNMENT

Seeing no further business, on Motion by Selectman Sendrowski, seconded by Selectman Moody, it was unanimously voted. The Board of Selectmen adjourned at 8:10 P.M.

Respectfully submitted

Kathleen Rocco
Executive Assistant

Walter Sendrowski

Walter F. Sendrowski, Clerk

Approved and accepted: Dec 2, 2019

