



LANCASTER SELECT BOARD
Special Meeting Minutes
of Monday, March 25, 2024, 8:00 A.M.
Via ZOOM Only

ZOOM: <https://us02web.zoom.us/j/89789967599>

Meeting ID 897 8996 7599

I. CALL TO ORDER

Select Board Chair Stephen Kerrigan called the Special Meeting to order at 8:00 AM and advised that the meeting was being recorded and broadcast via ZOOM and 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.

Mr. Kerrigan apologized for neglecting to include on the agenda the topic of “Public Comment” brought forth by Mr. Allison. This was an oversight and will be included in an upcoming regular meeting agenda.

II. ADMINISTRATION, BUDGET, AND POLICY

1. Review of Actual & Potential Select Board Warrant Articles for ATM24 (Annual Town Meeting, Fiscal Year 2024) Warrant

Ms. Hodges noted that there will be a lengthier meeting regarding the Warrant Articles later. The Select Board will sponsor the first dozen articles, with the exception of the Department of Public Works Budget Article.

One article not yet addressed by the Select Board is to create legislation, adopting a special M.G.L. to allow the Town Treasurer to invest in a manner recommended by the Town Auditors.

Another article will allow an individual to serve as both Fire and Police Chief, with a title of Public Safety Commissioner or other title as determined by the Select Board. This was passed previously, but Town Meeting never accepted the MGL (Chapter 41, Section 101) which would allow it to happen.

The Forest Legacy parcels discussed at the last meeting will become an Article.

The Police Chief has asked for an amendment to the Bylaw about Hawkers and Peddlers. The current Bylaw covers those selling fruit or fish, but not door-to-door sales of things like solar panels. The new bylaw would replace some archaic language and would put responsibility for approval of Hawkers and Peddlers under the Police Department rather than the Select Board.

One article would adopt Mass. General Law to allow call firefighters to calculate time of service toward their retirement. This is done in practice but has never been codified.

An amendment is proposed to the Animal Control policies, to make them more in line with actual practices.

An article has been received from the Government Study Committee proposing a five-man Select Board.

Ms. Turner asked for more information on the article about the Treasurer's investment abilities. She would like to see current language versus new language and would like information on what other communities are doing. Ms. Hodges explained that this is new and would have no old language, and that more information will be available when the draft warrant is completed.

Ms. Turner, while stating that the Article regarding call firefighters is probably a good idea, would like to know projected costs to the Town. Ms. Hodges explained that this would allow people to "buy back" their service, but the cost would be no more than what is already done.

Ms. Turner asked if the Animal Control Commission had weighed in on the proposed amendments to Animal Control policies. Ms. Hodges explained that there is no Animal Control Commission meeting with any regularity.

Mr. Kerrigan noted that the Select Board's sponsorship of an article does not mean that the Select Board endorses that article.

Ms. Turner asked Ms. Hodges if the CPA information had been received. Ms. Hodges replied yes, and that a draft would be sent to the Select Board within a day or two.

Resident Russ Williston interjected, stating that creation of a permanent Government Study Committee, as recommended by the ad hoc Government Study Committee, needed to be an article because it would need Town Meeting approval to be defined by Bylaw.

Mr. Allison moved for the Select Board to sponsor the Article regarding the Treasurer's Investment Planning on the FY24 Town Meeting warrant. Ms. Turner seconded. Ms. Turner would like to look at the article prior to endorsing it. Mr. Kerrigan explained that today's action was approving putting an article on the warrant, not endorsing the article. *Vote taken,*

Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].

Mr. Kerrigan asked if anyone had any objections to the other articles being sponsored by the Select Board. Mr. Allison stated that he will be voting against the article proposing a five-man Select Board and against the article proposing a permanent Government Study Committee. Mr. Kerrigan stated that in that case, he would continue to review articles one-by-one.

Ms. Turner moved for the Select Board to sponsor the article creating a combined Fire and Police Chief role. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Turner moved for the Select Board to sponsor the article updating the language in the Hawkers and Peddlers Bylaw. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Turner moved for the Select Board to sponsor the article regarding call firefighters using their hours toward retirement. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Turner moved for the Select Board to sponsor the article modifying the Animal Control Bylaw. Mr. Allison seconded the motion. Ms. Turner stated that she would like to hear from the Animal Control Commission prior to a vote to endorse; Chief Moody will take care of contacting the Commission. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Turner moved for the Select Board to sponsor an article with recommended language for Conservation Restrictions for the Forest Legacy project. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Ms. Turner moved for the Select Board to sponsor an article reflecting the recommendation of the ad hoc Government Study Committee to create a five-man Select Board. Mr. Kerrigan stepped down from Chair and seconded the motion for the purpose of discussion. Mr. Kerrigan stated that while he thinks the Government Study Committee did a fantastic job and that he would be in favor of implementing many things that they recommended, he does not believe that the Town needs a 5-man Select Board. Mr. Allison stated that while he admires the work done by the Government Study Committee, he believes that a Charter Commission is needed as a first step, and that putting solutions forward such as a 5-man board could be counterproductive. Ms. Turner said that she thinks that any well thought-out data driven proposal that has been presented to the Select Board numerous times, should see a vote. Mr. Allison noted that it was brought to a vote at last year's Annual Town Meeting and that there is still the option of a Citizens' Petition. *Vote taken, Jason A. Allison, No; Alexandra W. Turner, Aye; Stephen J. Kerrigan, No. Motion failed. [1-2-0].*

Ms. Hodges explained to the Board that there is a potential article barring non-residents from serving on Boards or Committees. She noted that there is a member of the Board of Assessors and the Tax Fairness Committee, and the Principal Assessor, who is a non-resident, and this could create problems. Ms. Turner suggested that people currently in those roles could continue until their term expires. Ms. Hodges further explained that in most communities the Principal Assessor is also a member of the Board of Assessors. Ms. Turner moved to place this article on the warrant. Mr. Kerrigan seconded for the purpose of discussion. Mr. Kerrigan would like to see some language changed to make sure this is not currently a problem and wants to be sure it does not encourage exclusionary government. Mr. Allison said that this seems to be a solution without a problem. Ms. Turner stated that she wants an inclusive atmosphere in Town government but that our government is not designed that way. She thinks it is important to have residents defining policy. *Vote taken, Jason A. Allison, No; Alexandra W. Turner, Aye; Stephen J. Kerrigan, No. Motion failed. [1-2-0].*

Finally, the Board considered whether or not to sponsor on the warrant an article creating a permanent Government Study Committee. Mr. Kerrigan stated that it has been discussed that it does not require Town Meeting vote to establish a committee in town.

2. Ratification of Employment Agreement for Public Safety Commissioner/Chief Everett Moody

Tabled.

3. Discussion and Acceptance of new Personnel Policies (Fire/EMT Staff) consistent with the Town's Personnel Bylaw Adopted in May of 2023.

As previously presented, Ms. Hodges explained that policies cover the majority of town staff, it does not cover the work week for Fire/EMT staff. She reviewed the documentation as presented.

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

4. Schedule of Warrant Review Meeting

- a. Select Board Determinations/Endorsements of Articles
- b. Public Forum – Article Review & Questions in Advance of Town Meeting

Mr. Kerrigan asked if it was too soon to determine endorsements at the April 1 meeting. Ms. Hodges agreed that this would work. The Board will discuss scheduling the Public Forum at their April 1 meeting.

5. Approval of Conservation Commission Conflict of Interest

Two members of the Conservation Commission are abutters to a current applicant who would like to build a small outbuilding on or near wetlands. They have both filed disclosures and have no financial stake in the matter. They seek approval of the Select Board in order to conduct this business in the most ethical way possible according to regulations. Mr. Allison moved to approve the Conservation Commission Conflict of Interest as requested. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

6. Town Clerk's request regarding mail-in ballots for Annual Town Election

The question is whether or not the Town shall pay the cost of mail-in ballots for local elections as is done for state or federal elections, or does the Board wish to waive mail-in ballots for the upcoming local election. Town Clerk Mandy Cannon stated that this would have to be decided within 45 days of the election. Because the State sent all registered voters a card with the option to receive a mail-in ballot for "all elections" for the first time, there are 893 registered voters who will receive a mail-in ballot unless the Select Board opts out.

Mr. Allison moved to waive the mail-in ballots for the Annual Town Election. No second was heard, so the motion failed. The Town will continue with mail-in ballots, incurring the cost for this action.

III. EXECUTIVE SESSION

Mr. Allison moved to enter Executive Session pursuant to M.G.L. c.30A, §21(a) for the following purpose:

1. To conduct a strategy session in preparation for negotiations for non-union personnel regarding the Police and Fire Departments pursuant to Section 21(a)(2); and

Not to reconvene in Open Session.

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, not to reconvene in Open Session. [3-0-0].*

X. ADJOURNMENT

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Alexandra W. Turner, Clerk