



LANCASTER SELECT BOARD
Regular Meeting Agenda – Amended*
Prescott Building – Nashaway Room
Monday, December 19, 2022
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. in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA 01523

This Meeting Will Also Be Held Virtually at:

Join Zoom Meeting

<https://us02web.zoom.us/j/83384384636>

Meeting ID: 833 8438 4636

One tap mobile

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+16469313860,,83384384636# US

Dial by your location

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+1 669 900 9128 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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Meeting ID: 833 8438 4636

Find your local number: <https://us02web.zoom.us/j/83384384636>

Additional materials for Select Board meetings are available at

<https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials.

Residents Have the Ability to Ask Questions via ZOOM.

II. APPROVAL OF MEETING MINUTES

Review and take action on the following Select Board's Meeting Minutes: December 5, 2022



LANCASTER SELECT BOARD
Regular Meeting Agenda – Amended*
Prescott Building – Nashaway Room
Monday, December 19, 2022
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

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS -NONE

IV. BOARDS, COMMITTEES AND DEPARTMENT REPORTS

- 7:00 P.M. Joint Meeting with Finance Committee
1. FY2024 Capital Budget Proposals & Planning
 2. Project Deferrals
 3. Use of American Rescue Plan Act (ARPA) Funds

V. PUBLIC COMMENT PERIOD

Opportunity for the 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 tolerated.

VI. TOWN ADMINISTOR REPORT

1. Hiring Updates
 - a. Town Clerk
2. Division of Capital Asset Management and Maintenance (DCAMM) Update*
3. Other Departmental Updates

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

1. Special Town Meeting – Finalize Details and discuss or evaluate potential articles including sponsors & board positions
2. Budget
 - o General Fund Update
 - o Recycling Center, Financial Update & Determinations
3. The Alcoholic Beverage Control Commission (ABCC) 2023 Seasonal Population Increase Estimation Form
4. Discuss resident trespass complaints re: Conservation Commission Chairperson.

VIII. APPOINTMENTS AND RESIGNATIONS -

Appointments

Affordable Housing Trust: Kelly Dolan as Ex Officio Trustee

Resignations



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6:00 P.M.

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IX. LICENSES AND PERMITS (Vote may be taken)

- I. Review and take action on the following 2023 Renewal License Applications
- Sandee's Restaurant – Common Victualler
 - Koch Route 2 Toyota – Class I and Common Victualler
 - B& M Investments dba Modena Motor Group – Class I

X. NEW BUSINESS *

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

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 & Memorandums

XII. ON GOING PROJECTS & OLD BUSINESS

XIII. ADJOURNMENT

II. APPROVAL OF MEETING MINUTES



**LANCASTER SELECT BOARD
Regular Meeting Minutes
of Monday, December 5, 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/81755619261>
Meeting ID: 817 5561 9261

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
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Mr. Allison moved to approve the minutes of November 12, 2022, November 14, 2022, and November 21, 2022. Ms. Turner seconded the motion. Ms. Turner noted that the minutes of November 12, the day-long meeting with the Finance Committee, should either insert the slides presented or refer people to where the presentation/meeting materials might be found. She moved to amend the minutes to insert, under Section II, after "This meeting was strictly informational; no deliberation was held and no votes were taken." the words "Refer to meeting materials found on Select Board Meeting Materials tab on website." Mr. Kerrigan seconded the amendment. Mr. Allison suggested that this was a bad precedent. Ms. Turner stated that the minutes as presented do not present a "substantive capture." Mr. Kerrigan stated that plenty of material is available for every meeting and he would support including this as part of the header for every set of minutes.

Vote taken on amendment. , *Alexandra W. Turner, Aye; Jason A. Allison, No; Stephen J. Kerrigan, No; Motion failed. [1-2-0].*

Mr. Kerrigan suggested a statement at the top of ongoing minutes stating that additional materials for the minutes below were available at the website. Ms. Turner moved to adopt this; the motion failed for lack of a second.

Vote taken on the original motion; , Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

6:05PM Notice of Public Hearing – Tax Classification for Fiscal Year 2023

Mr. Kerrigan reading the legal notice into the record: *In accordance with G.L. c.40, §56, the Select Board 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 2023. The Hearing will be held as a hybrid meeting and by Zoom <https://us02web.zoom.us/j/81755619261> on Monday, December 5, 2022 at 6:05 P.M. All interested parties are invited to attend and be heard.*

Mr. Allison moved to open the aforementioned Public Hearing; Ms. Turner seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed; this Public Hearing is continued. [3-0-0]*

Mr. Kerrigan recognized David Manzello, President/Regional Assessor of Regional Resource Group, Inc. Mr. Manzello presented a packet explaining the Annual Tax Classification process.

The Fiscal Year 2023 Levy Limit and Amount to be Raised:

The following is a calculation of Lancaster's estimated levy for fiscal year 2023.

Fiscal Year 2022 Levy	\$20,305,497
Levy Increase allowed under Prop. 2 ½	507,637
New growth revenue (estimated)	337,710
Fiscal Year 2023 maximum allowable levy	21,150,844
Debt excluded under Prop. 2 ½	910,982
Maximum Levy (rounded by tax rate)	22,061,826
Levy Ceiling	32,084,091
Excess levy capacity	805.37

Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>	<u>Prior FY %</u>
Residential	\$1,114,280,987	86.8250	86.8250%	85.6565
Commercial	\$ 87,097,209	6.7866		
Industrial	\$ 44,660,804	3.4800	13.175%	14.3435
Personal Property	\$ 37,324,620.	2.9084		
TOTAL	\$1,283,363,620	100	100	100

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>FY2022</u>	<u>FY2023</u>
Residential	\$19.45	\$17.19
Commercial	\$19.45	\$17.19
Industrial	\$19.45	\$17.19
Personal Property	\$19.45	\$17.19

The Assessors noted that the Fiscal Year 2023 rate is an estimate and may change upon the Department of Revenue review.

Tax Impacts

Fiscal Year 2023 residential valuations have increased by 17% compared to assessed values from last year, reflecting a very aggressive sellers real estate market.

The average residential tax bill calculation will change as follows:

FY2022 Average Single Family Valuation	\$ 389,200
Taxes at \$19.45 per thousand	\$ 7,569.94
Change	272.14
FY2023 Average Single Family Valuation	\$ 456,200
Taxes at \$17.19 per thousand	\$ 7,842.08
Change	3.59%

Recommendations

The Board of Assessors recommends that the Select Board adopt a residential shift factor of 1.0000 with a corresponding CIP factor of 1.0000, thereby maintaining the relative shares of overall tax burden borne by the residential property owners in the past years. **Based on the above assumptions a single tax rate of \$17.19/\$1000 would be classified for all property classification. Levying the amount of \$22,061,020.63 with excess levy capacity in the amount of \$805.37**

Mr. Kerrigan noted that although the tax rate is going down, that values have increased, so that taxpayers will see a net increase in property taxes, with the average homeowner seeing an increase of \$272.14. Bobbi-Jo Williams, Principal Assessor, noted that part of the reason that the rate has decreased is that debt service for a school building/renovation project has been completed. Ms. Turner asked why CIP had declined; Mr. Manzello replied that this was due to a strong residential market. Mr. Manzello explained that value of residential real estate grew by about 17%, commercial real estate growth, including agricultural property, grew more modestly at about 7%. Ms. Turner spoke about potential for future, but not current, split tax rates and about tax exemptions. She referred to work done by Barry Bluestone in 2014. Ms. Williams spoke about area towns that have previously had split tax rates and are now reversing those decisions. Mr. Allison asked what the relationship was between the vote on this tax rate and current financial/budget issues.

Ms. Turner moved that the Lancaster Select Board votes in accordance with M.G.L., Ch. 40, Sec. 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 Fiscal Year 2023 tax rates and set the Residential Factor at 1.000, with a corresponding CIP shift of 1.000, pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue. Mr. Allison seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

IV. BOARDS, COMMITTEES, AND DEPARTMENT REPORTS

1. FY24 Budget Updates

- a. Draft General Fund Detail Sheets
- b. Draft Capital Plan (for discussion at 12/19/22 joint meeting with Finance Committee)

Ms. Hodges, with Finance Director Cheryl Garipey, showed a high level view of next year's budget, with major changes from this year's budget only in utility and insurance costs. They are working on breaking out school versus non-school expenses for better analysis. Personnel costs are, with a 2.75% cost-of-living increase for Town employees, anticipated to decline 1.1%, treating non-union and union employees equally. Right now the budget is carrying an increase for schools of 4-5%. This still leaves a shortfall of about \$614,000. Ms. Hodges talked about the potential numbers if there were an override of \$1.5M that would carry the budget for the next several years, at which point hopefully there is additional commercial/residential development that would alleviate some of the burden on homeowners. Ms. Hodges expressed concern that using Free Cash again to balance the budget would have a serious impact on the Town's bond rating. Discussion was held about debt service and potential future debt, and the reasons for insurance increases. Mr. Allison noted that the current shortfall for FY24 is about \$1.2 million and that without an override, knowing that about \$700,000 is due to the School District, drastic cuts and employee layoffs would be needed. Discussion continued relative to whether or not commercial/industrial development is or is not helpful to towns.

Ms. Hodges reviewed the current plans for Capital, with requests classified as urgent or desirable. Department requests/needs total \$5.75 million, with some requests having been deferred for up to ten years. Mr. Kerrigan noted that ARPA funding will not cover even the urgent requests. Urgent requests total about \$2.6 million. No debt or general fund impact is planned for FY24. Mr. Allison asked for an example of an urgent request. Ms. Hodges mentioned the old Town Hall, which currently costs significant money to heat, but there is no funding to upgrade the heating system, and deferring work causes the building to deteriorate further. Another example is that the bathrooms in the Community Center are not ADA compliant.

2. Discussion regarding Planning Board Public Hearing 12/12/22 relative to Citizens' Petition

The Planning Board will hold a Public Hearing on December 12 to consider the Citizen's Petition to reconsider the Enterprise Zoning in North Lancaster. There is some question as to who is sponsoring this article; in the Planning Board's posting the Select Board is identified as the sponsor. Town Counsel is comfortable with a citizen, the Planning Board, or the Select Board presenting the article. The target date for Special Town Meeting is January 28, 2023. Ms. Turner said that she has received a letter expressing concern about having the meeting on a Saturday; she would like to discuss this.

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.

Mr. Kerrigan recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek brought up the probability of having both a 40R and a 40B, or having neither one, as part of the North Lancaster development. He states that the best solution would be to have neither a 40B or a 40R. Mr. Kerrigan stopped the comment as being too directed at staff or boards.

Mr. Kerrigan recognized Kendra Dickinson, 402 Oetman Way, speaking as a private citizen. Ms. Dickinson thanked the Board and Ms. Hodges for providing a large amount of budgetary information. She talked about prioritizing deferred capital expenses and deferred maintenance.

VI. TOWN ADMINISTRATOR REPORT

1. Hiring Updates – Health & Human Services Department, Outreach & Activities Coordinator

Ms. Hodges welcomed and introduced Catlin Roy, who is a Licensed Social Worker with many years of experience working with older and disabled adults as well as children and families.

2. Update & Notification Regarding Grants Received in November

Ms. Hodges thanked IT Director John DiTommaso for working with her on a grant to bring better Wi-Fi and a dedicated server to the Town Hall. The grant is in the amount of \$98,000 and will be received by the end of the calendar year.

3. Other Departmental Updates

The Community Center is now available for rentals for programs such as basketball and physical fitness. Tags are available at the Police Station for the Giving Tree.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Draft/Proposal – Financial Audit Committee (Turner)

Ms. Turner has sent a draft to the Board. She has received some feedback from Board members and from Ms. Hodges. She has incorporated the changes. This committee would direct the scope of the Audit, directs the Audit, and reports back to the Board, the Finance Committee, and to the community. Ms. Turner reports that the Inspector General's office recommends this as an "independent lens." Mr. Kerrigan questioned the role of this committee in the current cycle; there is currently an Audit underway, and this is the last year of the contract for the current Auditing firm. Ms. Turner explained that they would work with the Auditor to understand the function and would present the management letter written by the Auditors. Mr. Kerrigan is inclined to table this until he has spoken to the Inspector General, especially because the Audit is in process. Ms. Turner states that this is the ideal time to form this committee. Ms. Turner moved to Table the Discussion; Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

The Board took a 3-minute recess at this point.

2. DCAMM Property Update (Town Admin)

Ms. Hodges reported on her meeting with DCAMM last week. Previous materials were reviewed; Ms. Hodges has loaded all the documents to a shared drive that has been established with DCAMM. She will be meeting with DCAMM's Real Estate Planning Vice President on site next week, followed by a meeting in Ms. Hodges' office to draft a preliminary Scope of Work for the Building Assessments and to do an Environmental Phase I and Phase II. Once these reports are in, then the hope would be that an RFP would be put out to interested developers relative to what can be done with the property. Those responses would then be assessed by the Town in the manner that the Board determines. Ms. Hodges stated that her opinion, shared by MassDevelopment, is that an RFP should not be put out until the environmental reports are done. She stated that she is concerned that if there is not a plan in place by Summer of 2023, that taking ownership of the property could present an astronomical increase to property and liability insurance. Mr. Kerrigan notes that the disposition of the property needs to be determined by the end of 2023. Ms. Turner stated that her contact at DCAMM will be able to attend a January Select Board meeting. Mr. Kerrigan noted that the Board could, while this work is going on, be communicating with neighbors and abutters.

VIII. APPOINTMENTS AND RESIGNATIONS

Re-Appointments

Affordable Housing Trust: Debra Williams and Frank Streeter terms to expire June 30, 2024 (two year term)

Ms. Turner moved to appoint Debra Williams and Frank Streeter to two-year terms on the Affordable Housing Trust, terms to expire June 30, 2024. 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 ABCC licenses for 2023

Michael's Bridge Diner – Retail License to Sell Wine & Malt and Common Victualler License

Ms. Turner moved to approve a Retail License to Sell Wine & Malt and Common Victualler License for Michael's Bridge Diner for 2023. Mr. Allison seconded. Ms. Turner asked Ms. Hodges for a copy of the most current alcohol regulations. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

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

Mr. Allison moved to approve the following licenses for 2023:

1. Cumberland Farms – Common Victualler
2. Dunkin Donuts – Common Victualler
3. Mobile/Exxon – Common Victualler
4. Trolley Stop – Common Victualler
5. Murphy's Hot Dog Truck – Lunch Cart License
6. Sterling National Country Club – Dispensing Food or Beverages to Members & Guest of Clubs
7. Crawford Truck Sales, Inc. – Class II
8. F.J.S. Auto, Inc. – Class II
9. Nationwide Auto Recycling, Inc. – Class III and Collector & Dealer of Junk
10. JC Madigan – Class I
11. RBI Motors – Class II
12. Ron Bouchard Auto Sales, Inc. - Honda – Class I and Class II
13. Ron Bouchard Dodge, LLC – KIA – Class I and Class II
14. Ron Bouchard Auto Sales, Inc. - Nissan – Class I and Class II
15. Route 117 Used Auto Parts, Inc. – Class II, Class III and Collector & Dealer of Junk

Ms. Turner seconded. Ms. Turner noted that she has sent questions about some of these to Ms. Hodges; Ms. Hodges confirmed that she has answered these questions. *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.

Ms. Turner, noting that she is the Town's representative to the Restoration Advisory Board, has been made aware that live antique hand grenades have been found in the Oxbow Area

(Harvard/Lancaster) and that there has been an increase in magnet fishing in the local area. She explained that residents who see any unexploded ordinance or any metal scrap that they are not sure of, that they should report it to the Select Board office or to the Police Department. This would even apply to antique cannonballs.

XI. COMMUNICATIONS

- Next Select Board Hybrid Meeting will be held on Monday, December 19, 2022 at 6:00pm
- Due to Monday Holidays occurring during the month of January, the Select Board will meet that month on Tuesday, January 3rd and Tuesday, January 17th, 2023.

XII. ONGOING PROJECTS & OLD BUSINESS

- Liaison Roles, Policies & Appointments – Review Draft Proposal (Turner)
- Public Records Requests Inventory & Handling, Policy Proposals (Turner)

Ms. Turner moved to table the items above and to remove them from the agenda. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

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
Approved on:

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

IV. BOARDS, COMMITTEES & DEPARTMENT REPORTS

FY24-28 Capital Improvement Program
Outlay Plan - General Fund & Enterprise Funds

U	Urgent
N	Necessary
D	Desirable

En	Enhance
Ex	Expand
M	Maintain

			REFERENCE ONLY												
			FY2023		FY2024				FY2025	FY2026	FY2027	FY2028	Total	Total	
Ref #	CODE	Item	Requested	Recommended	5-yr total requested	Requested	P	SI	Recommended	Requested	Requested	Requested	Requested	FY24 Deferred to FY25 +	Future FY Projects
GG		General Government													
GG-1		Information Systems													
A-1		Town-wide Technology Fund			58,250	18,250	N	EN	5,000	10,000	10,000	10,000	10,000	13,250	40,000
A-2		GIS Systems			54,500	50,000	D	EX	50,000				4,500	0	4,500
GG-2		Facilities Administration			500,000	100,000	U	M	30,000	100,000	100,000	100,000	100,000	70,000	400,000
A-3		ADA Compliance			25,000	5,000	N	EN	0	5,000	5,000	5,000	5,000	5,000	20,000
A-4		Building Improv - Town Hall													
A-5		Building Improv - Prescott			7,500	7,500	U	M	7,500					0	
A-6		Building Improv - Community Center	50,000		250,000	250,000	U	M	250,000					0	
A-7		Building Improv - Library	75,000		1,500,000	1,500,000	N	EN	250,000					1,250,000	
A-8		Building Improv - Police Dept.								10,000	10,000	10,000	10,000		40,000
A-9		Building Improv - Fire Station (Main)			55,000	15,000	D	EN	15,000	10,000	10,000	10,000	10,000	0	40,000
A-10		Building Improv - Fire SubStations													
A-11		Building Improv - Other Facilities													
GG-3		Exterior Facilities													
A-11		Playgrounds			27,500	5,500	D	EX	0	5,500	5,500	5,500	5,500	22,000	22,000
A-12		Parks - Town Owned			150,000	30,000	D	EX	30,000	30,000	30,000	30,000	30,000	120,000	120,000
A-13		Other Exterior Facilities (Memorial School)			120,000	120,000	N	M	0	10,000	10,000	10,000	10,000	40,000	40,000
GG-4		Facilities Other													
A-14		Facilities - Vehicle Maintenance													
A-15		Feasibility, Architectural & Design													
GG-5		Resource Sustainability													
A-16		Resource Sustainability Fund								3,500	3,500	3,500	3,500		14,000
A-17		Town EV Infrastructure			5,000		D	EN	0	5,000					5,000
FI		Finance Administration													
FI-1		General													
FI-2		Treasury/Collector													
FI-3		Assessor													
FI-4		Town Clerk			90,000	30,000	N	M	30,000	30,000	30,000			0	60,000
PC		Planning & Community Development													
PC-1		Planning Division													
B-1		Studies, Peer Reviews, Paid Svs.													
B-1		Master Plan			50,000	50,000	N	M	50,000					0	0
PC-2		Building & Inspections													
B-3		Software & Supplies													
B-4		GIS Components			12,500	12,500	D	EX	12,500					0	0
PC-3		Economic Development													
B-5		Studies, Peer Reviews, Paid Svs.													

FY24-28 Capital Improvement Program
Outlay Plan - General Fund & Enterprise Funds

FY2023 Priority (P) Key
U Urgent
N Necessary
D Desirable

FY2023 Service Impact (SI) Key
En Enhance
Ex Expand
M Maintain

			REFERENCE ONLY										
B-6 Other													
PC-4	Conservation	25,000	37,500	7,500	D	M	5,000	7,500	7,500	7,500	7,500	2,500	30,000
B-9 Pond & stream management													
B-10 Agricultural fields improvements													
HS	Human Services												
HS-1	Health & Human Svs.												
HS-2	Recreation												
HS-3	Disability Commission		10,000	10,000	D	EN	10,000					0	0
HS-4	Historical		3,500	3,500	D	M	3,500					0	0
HS-5	COA/Elder Svs.												
HS-6	Board of Health												
PS	Public Safety												
PS-1	Police Department												
E-1	Police Vehicles												
E-2	Public Safety Equipment												
E-3	Officer Safety Gear Replacement												
E-7	Cruiser Laptop Replacement												
E-8	Speed Alert Trailer												
E-9	Body Cameras Replacement												
E-10	Vehicle Cameras Replacement												
E-12	Public Safety Complex Feasibility Study		50,000	50,000	N	EN	50,000					0	0
PS-2	Fire Department												
E-13	Miscellaneous Equipment	19,000											
E-14	Fire Vehicles	39,794											
E-15	Turnout gear replacement												
E-16	SCBA												
E-17	SCBA Cylinder Replacement												
E-18	Fire Hose Replacement												
E-19	Medical Equipment Upgrade												
E-20	Maintain/Upgrade Community AED's												
E-21	Breathing Air Compressor												
E-22	Fire Alarm Receiving Equipment		1,100,000	850,000	U	M	0	250,000				850,000	250,000
E-23	Large Truck/Apparatus												
E-24	Ambulance	350,000	0										
PW	PUBLIC WORKS												
PW-1	Cemetery												
F-1	Turf Machinery		86,000	16,000	U	M	16,000	16,000	17,000	18,000	19,000	0	70,000
F-2	Roadside Safety												
F-3	Striping & Signage & Signals												
F-4	Equipment												
F-5	Vehicles		271,000					52,000	52,000	55,000	112,000		271,000
PW-2	Highway Maintenance												
F-6	Small Equipment		19,000	19,000	U	M	10,000					9,000	0

FY24-28 Capital Improvement Program
Outlay Plan - General Fund & Enterprise Funds

			FY2023 Priority (P) Key			FY2023 Service Impact (SI) Key								
			U Urgent	N Necessary	D Desirable	En Enhance	Ex Expand	M Maintain						
			REFERENCE ONLY											
F-7a	Guardrail Replacement													
F-7b	Bridge/Railing Replacements													
F-8	Large Equipment													
F-9	Vehicles	50,000												
F-10	Public Shade Trees & Tree Maintenance		98,000	53,000	U	M		50,000	45,000			3,000	45,000	
PW-3	Capital Assets													
F-11	Road Reconstruction													
F-12	Drainage Improvements													
F-13	Culvert Improvement													
F-14	Sidewalks - Maintenance													
F-15	Vehicles and Heavy Equipment													
			961,000	161,000	U	M		75,000	200,000	200,000	200,000	200,000	86,000	800,000
SCH	Regional School District													
S-MRE	Mary Rowlandson Elementary School								75,000	75,000	75,000	75,000		300,000
S-1	Carpets, Flooring			30,000	D	M		30,000					0	
S-2	Gymnasium & Athletic Needs			11,000	D	M		24,500					(13,500)	
S-3	Sanding, Painting, Resurfacing			27,000	D	EN								
S-4	Alarms & Safety Systems													
S-5	Utilities, HVAC and internal systems	150,000												
S-6	Technological Infrastructure													
S-LBM	Luther Burbank Middle School								75,000	75,000	75,000	75,000		300,000
S-7	Carpets, Flooring, Paint & Interior Structures			28,000	D	M		30,000					(2,000)	
S-8	Gymnasium & Athletic Needs			11,000	D	M		24,500					(13,500)	
S-9	Sanding, Painting, Resurfacing													
S-10	Alarms & Safety Systems													
S-11	Utilities, HVAC and internal systems	150,000		58,000	U	M		58,000					0	
S-12	Technological Infrastructure			225,000	U	M		225,000					0	
S-RHS	Nashoba Regional High School								125,000	125,000	125,000	125,000		500,000
S-13	Carpets, Flooring, Paint & Interior Structures													
S-14	Gymnasium & Athletic Needs													
S-15	Sanding, Painting, Resurfacing													
S-16	Alarms & Safety Systems													
S-17	Utilities, HVAC and internal systems		800,000					161,000	200,000	200,000	200,000	200,000	(161,000)	600,000
S-18	Technological Infrastructure													
GENERAL FUND TOTAL		0	908,794					1,502,500	1,014,500	1,215,500	939,500	1,002,000	4,171,500	4,171,500

V. PUBLIC COMMENTS

VI. TOWN ADMINISTRATOR REPORT

VII. ADMINISTRATION, BUDGET AND POLICY

#1

#2

6

#3

6

6

COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL
COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2023 Seasonal Population Increase Estimation Form

City / Town:

Lancaster

Date:

Dec 20, 2022

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

Dec 19, 2022

Date of Meeting

, estimated that the temporary increased resident population

of

Lancaster

City / Town Name

, as of July 10, 2023 will be

8441

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
Local Licensing Authorities

#4

THESE ARE THE ONLY TWO PAGES OF THE DOCUMENT THAT HAVE BEEN REPRODUCED IN THE PUBLIC DOMAIN. THE REMAINING PAGES ARE STILL UNDER REVIEW AND WILL BE MADE AVAILABLE TO THE PUBLIC AS SOON AS POSSIBLE.

Kate Hodges

From: [REDACTED]
Sent: Tuesday, December 6, 2022 11:05 AM
To: Kate Hodges
Subject: [REDACTED]

Categories: SB Agenda Items

Hi Kate,

I just wanted to inform you that Tom Christopher showed up at my jobsite again today (12/6) on [REDACTED] Road, and from what the homeowner is telling me, he or his wife did not give him permission to be on the property. This is second time he has done this at this location while I was doing work. As stated in my first complaint to you regarding this situation, I still believe he is targeting me unfairly due to my opinions and feelings regarding political issues in town.

This type of action and behavior is highly unprofessional and illegal and needs to be addressed. Tom has a long history of doing this and at some point, it needs to stop. The town, its residents, and the contractors that do work here, should be able to perform such work on their own property without having the fear of Tom showing up unannounced and inviting himself to walk around their property taking pictures.

At this point I am considering any and all options to ensure this type of harassment/retaliation behavior towards myself and my business comes to a stop.

Thank you
[REDACTED]

Lancaster Police Department
Incident Report

Page: 1
12/07/2022

Incident #: 22LAN-461-OF
Call #: 22-84578

Date/Time Reported: 12/06/2022 1532
Report Date/Time: 12/07/2022 1151
Status: Incident Open

Reporting Officer: DETECTIVE ANDREW SHAW

Signature: _____

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
1	CHRISTOPHER, THOMAS J [REDACTED] LANCASTER MA 01523-3230	M	W	[REDACTED]		

Military Active Duty: N

HEIGHT: [REDACTED]

WEIGHT: [REDACTED]

HAIR: GRAY OR PARTIALLY GRAY

EYES: BROWN

BODY: MEDIUM

COMPLEXION: RUDDY

DOB: [REDACTED]

PLACE OF BIRTH: MASSACHUSETTS

LICENSE NUMBER: [REDACTED]

ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

FATHER'S NAME: [REDACTED]

MOTHER'S NAME: [REDACTED]

OCCUPATION: ENV. CONSULT.

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Residence/Home/Apt./Condo [REDACTED] LANCASTER MA 01523	Zone: LAN - SOUTH SIDE	
1	TRESPASS 266/120	N	Misdemeanor
	266 120 OCCURRED: 12/06/2022 1008		

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] LANCASTER MA 01523 DOB: [REDACTED]	REPORTING PARTY	M	W	[REDACTED]		
	CONTACT INFORMATION: Home Phone (Primary) [REDACTED]						

Attachments for 22LAN-461-OF

Description	Type
EMAIL	PDF
Attachment#: 4934BD315D9B4D0AAD9675B6FE650BBE	
VIDEO	MP4
Attachment#: CB9BF568A3084996879EAD7CEE85A0F5	

NARRATIVE FOR DETECTIVE ANDREW T SHAW

Ref: 22LAN-461-OF

Entered: 12/07/2022 @ 1153

Entry ID: ATS

Modified: 12/07/2022 @ 1435

Modified ID: ATS

On 12/06/2022 I, Detective Andrew Shaw, was working my shift of 0800-1600 Hours. I was utilizing [REDACTED] cruiser [REDACTED].

I was advised by Chief Moody that there has been a complaint from a resident regarding trespassing on his property. Chief Moody advised me that [REDACTED] emailed the town regarding Conservation Commission representative Thomas Christopher trespassing on his property. Chief Moody requested that I call [REDACTED] and speak with him regarding this issue.

At approximately 15:26 Hrs. I called [REDACTED] and spoke with him via the telephone. [REDACTED] advised me that he had been at work and noticed someone on his cameras walking on his property. [REDACTED] called his [REDACTED] who was currently at home and asked if there was a man on the property. [REDACTED] advised him that the man came to the door, but she did not answer it because she was home alone. [REDACTED] recognized this individual as Thomas Christopher. [REDACTED] advised me that this is not the first time Christopher has come onto his property without his permission.

I asked [REDACTED] if he had ever informed Christopher that he is not allowed on the property. Casey stated that he has not and that he did not think someone would need to tell people they can't arbitrarily walk around someone's property. I advised [REDACTED] in the laws governing trespassing in Massachusetts. After my conversation with [REDACTED], he stated he would post his land and that he would be filling out a notice of no trespass and sending it to Christopher.

I asked [REDACTED] to send me a copy of the video he had of Christopher and a statement regarding this issue. [REDACTED] stated that he would do this but that the video would only show Christopher at his door since the other video was not recording.

On 12/07/2022 [REDACTED] did send me a video of Thomas Christopher coming to the front door of his house, the time of this video was 10:06 Hrs. on 12/06/2022. [REDACTED] also provided me with a statement in this email. Both the email and the video have been attached to this report. [REDACTED]

Detective Andrew Shaw
#530

** Portions of this report have been redacted **

Andrew Shaw

From: [REDACTED]
Sent: Wednesday, December 07, 2022 1:27 PM
To: Andrew Shaw
Subject: FW: Tom Christopher going to front door
Attachments: FRONT_DOOR_2022-12-06T10_08_58-0500.mp4

Hi Detective,
Here is Tom at front door at 10:08 AM on 12-6-2022
He Proceeded to go down behind our home to the back barn
Where he was walking around (on our property without permission) and taking pictures.
I saw him on my rear camera and called [REDACTED] and she was headed out there to
Speak to him but by the time she got out there he was gone.
My rear camera did not activate on its own and I did not realize I could have
Hit the record button but was too late.
Thanks again,

VIII. APPOINTMENTS AND RESIGNATIONS

Kathi Rocco

From: vpetraccapublic@gmail.com
Sent: Wednesday, December 7, 2022 10:01 AM
To: Kate Hodges; Stephen J. Kerrigan
Cc: Kathi Rocco; Kelly Dolan
Subject: Select Board Agenda Item

Hi Kate and Steve,

Re: Kate's suggestion of Kelly Dolan as Ex Officio Trustee to the Affordable Housing Trust, Kelly joined the Trust's last meeting on 12/1/22 and has since confirmed her interest.

I respectfully request that Kelly's appointment be placed on the upcoming Select Board agenda.

We are grateful for Kate's on-going contributions as Town Administrator and delighted to welcome Kelly aboard as Ex Officio Trustee!

Please confirm.

Thanks!

Victoria

Victoria Petracca, Chair
Lancaster Affordable Housing Trust

IX. LICENSES AND PERMITS



**TOWN OF LANCASTER
SELECT BOARD**
Prescott Building, 701 Main Street, Suite 1
Lancaster, MA 01523-0293
Tel: 978-365-3326 Fax: 978-368-8486

Annual License Fee - \$100.00

RECEIVED
Selectmen's Office
Date Received
DEC 06 2022

Board of Selectmen

APPLICATION FOR LICENSE COMMON VICTUALLER

New Application _____ Renewal X

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Common Victualler's License, in accordance with the provisions of Chapter 140 of the General Laws.

Applicant's Full Legal Name: Jennifer Macellari

Applicant's Legal Home Address: 105 Rowley Hill Road, Sterling, MA 01564

Applicant's Mailing Address (if different): _____

Applicant's Home Telephone Number: _____ Cell Phone: 508-733-7967 Fax No. _____

Applicant's E-Mail Addresses: Primary ejmaceinc@gmail.com Secondary _____

Full Legal Name of the Business Concern: EJMaceINC DBA Sandee's Restaurant

Full Street Address of the Business Concern: 162 Main Street, Lancaster, MA 01523

Give a complete description of all the premises to be used for the purpose of carrying on the business (e.g. number of dining rooms, cooking facilities, etc.): 1 Dining room & 1 Kitchen separated from each other.

Have you ever applied for or held a Common Victualler's license? yes (Yes or No)

If so, in what Town? Lancaster, MA

Did you receive a license? Yes For what year? 2008-2022
(Yes or No)

Has any Common Victualler's license issued to you in Massachusetts or any other state ever been suspended or revoked? No
(If yes, please explain in detail)

Attach the following information to the completed application form:

- ☐ **Building floor plan** showing all seating, bar or lounge area (if applicable), entrances, exits, loading dock or receiving areas, and other relevant information. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, lighting, and location of trash containers. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☒ **Menu** or description of food to be served and the manner in which such food shall be served.
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (if applicable).

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.



Signature of Applicant

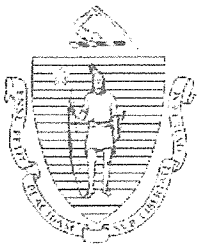
12/05/2022

Date

Tax ID# Required: 20-8100388

License Fee must be submitted with this form. Make check payable to *Town of Lancaster*. Mail Application Form, Workers' Compensation Affidavit and all required documents, along with check to: *Select Board, Suite 1, 701 Main Street, Lancaster, MA 01523*.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111-1750
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: EJMaceINC DBA Sandee's Restaurant

Address: 105 Rowley Hill Road

City/State/Zip: Sterling, MA 01564

Phone #: 508-733-7967

Are you an employer? Check the appropriate box:

1. ☒ I am a employer with 16 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☒ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☒ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Berkshire Hathaway Guard

Insurer's Address: PO Box AH

City/State/Zip: Wilkes-Barre, PA 18703-0020

Policy # or Self-ins. Lic. # EJWC355115

Expiration Date: 10/22/2023

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under § 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: *EJ Mace*

Date: 12/05/2022

Phone #: 508-733-7967

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (check one):

1. ☐ Board of Health 2. ☐ Building Department 3. ☐ City/Town Clerk 4. ☐ Licensing Board
5. ☐ Selectmen's Office 6. ☐ Other _____

Contact Person: _____ Phone #: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/05/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER PAYCHEX INSURANCE AGENCY 225 Kenneth Drive Rochester, NY 14623	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED SANDEE'S SANDEE'S 162 Main St Lancaster, MA 01523-2801	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : NorGUARD Insurance Company	
	NAIC # 31470	
	INSURER B :	
	INSURER C :	
INSURER D :		
INSURER E :		
INSURER F :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 0
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 0
							MED EXP (Any one person) \$ 0
							PERSONAL & ADV INJURY \$ 0
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 0
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 0
	OTHER:						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			EJWC355115	10/22/2022	10/22/2023	X PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT \$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 100,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Employees: Full Time: 0; Part Time: 3 Governing Class Description: RESTAURANT NOC

Exclusions:

Jennifer Macellari; Eric Macellari;

CERTIFICATE HOLDER

CANCELLATION

Select Board
Suite 1
701 Main Street
Lancaster, MA 01523

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE:

David J. Sullivan

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TOWN OF LANCASTER

SELECT BOARD

Prescott Building, 701 Main Street, Suite 1

Lancaster, MA 01523

Tel: 978-365-3326 (ext. 1201) Fax: 978-368-8486

Email: krocco@lancasterma.net

Annual License Fee - \$200.00

RECEIVED
SELECT BOARD'S OFFICE

Date Received

DEC 06 2

Board of Selectmen

APPLICATION FOR LICENSE
SALE OF MOTOR VEHICLES

G.L. c.140, §58

New Application ___ Class 1 Class 2 Class 3 Renewal X

Circle all that apply

1. Name of Concern: KOCH LANCASTER INC
2. Business Address of Concern: 700 Old Union Turnpike Lancaster MA
3. Is the business an individual, partnership, an association or corporation? Corporation
4. If an individual, state full name and residential address: _____
5. If a partnership, state full names and residential addresses of partners: _____
6. If an association or corporation, state full names of the principal officers:
President KURT KOCH
Secretary KURT KOCH
Treasurer KURT KOCH
7. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
If so, is your principal business the sale of new motor vehicles? yes
Is your principal business the buying and selling or exchanging of second hand motor vehicles? _____
Is your principal business that of a motor vehicle junk dealer? no
Is your principal business that of a "Repairs"? _____
Is your principal business that of "Repossession"? no
8. Provide a complete description of all the premises to be used for the purpose of carrying on the business:
we are a new car toyota dealership that engages in business that results in sales of second hand motor vehicles and services the retail and customer units.
9. Are you a recognized agent of a motor vehicle manufacturer? YES ✓ NO _____
If yes, state the name of the manufacturer: Toyota

10. Do you have a signed contract as required by Section 58, Class I? YES ☒ NO ☐
11. Have you ever applied for a license to deal in secondhand motor vehicles or parts thereof? YES ☐ NO ☐
If yes, in what city or town? _____
Did you receive a license? YES ☐ NO ☐ For what year? _____
12. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES ☐ NO ☒ If yes, please explain: _____

Attach the following documentation the completed application form:

- ☒ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☒ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☒ **Zoning Opinion** from the Building Commissioner.
- ☒ **Surety Bond** in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts. A separate bond shall be required for each different name under which the dealer conducts his business.
- ☐ Planning Board and/or Board of Appeals Decisions (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE
OFFICER OR APPLICANT

DATE SIGNED 12/02/2022

87-3572538
FEDERAL IDENTIFICATION NUMBER (REQUIRED)

License Fee must be submitted with this form. Make check payable to Town of Lancaster. Mail Application Form, Workers' Compensation Affidavit and check to: Select Board, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA 01523.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



TOWN OF LANCASTER
SELECT BOARD
Prescott Building, 701 Main Street, Suite 1
Lancaster, MA 01523-0293
Tel: 978-365-3326 Fax: 978-368-8486

Annual License Fee - \$100.00

RECEIVED
Date Received

DEC 03 2022

Board of Selectmen

APPLICATION FOR LICENSE COMMON VICTUALLER

New Application ☐ Renewal ☒

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Common Victualler's License, in accordance with the provisions of Chapter 140 of the General Laws.

Applicant's Full Legal Name: Koch Lancaster Inc

Applicant's Legal Home Address: 700 Old Union Turnpike Lancaster MA

Applicant's Mailing Address (if different): _____

Applicant's Home Telephone Number: 978 353 7000 Cell Phone: _____ Fax No. _____

Applicant's E-Mail Addresses: Primary amacknon@kochinc.com Secondary _____

Full Legal Name of the Business Concern: Koch Lancaster Inc

Full Street Address of the Business Concern: 700 Old Union Turnpike Lancaster MA

Give a complete description of all the premises to be used for the purpose of carrying on the business (e.g. number of dining rooms, cooking facilities, etc.): We have a small dining area with 5 tables. Seating approximately 25 people. It is not currently being utilized, but may have future plans

Have you ever applied for or held a Common Victualler's license? yes (Yes or No)

If so, in what Town? Lancaster

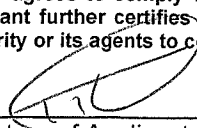
Did you receive a license? yes (Yes or No) For what year? 2022

Has any Common Victualler's license issued to you in Massachusetts or any other state ever been suspended or revoked? no
(If yes, please explain in detail)

Attach the following information to the completed application form:

- ☒ **Building floor plan** showing all seating, bar or lounge area (if applicable), entrances, exits, loading dock or receiving areas, and other relevant information. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☒ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, lighting, and location of trash containers. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Menu** or description of food to be served and the manner in which such food shall be served.
- ☒ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (if applicable).

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.



Signature of Applicant

12/02/2022

Date

Tax ID# Required: 87-3572538

License Fee must be submitted with this form. Make check payable to *Town of Lancaster*. Mail Application Form, Workers' Compensation Affidavit and all required documents, along with check to: *Select Board, Suite 1, 701 Main Street, Lancaster, MA 01523*.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Business/Organization Name: Koch Lancaster Inc

Address: 700 Old Union Turnpike

City/State/Zip: Lancaster MA Phone #: _____

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 63 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☒ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Eastern Alliance Insurance Group

Insurer's Address: PO Box 83777

City/State/Zip: Lancaster PA 17608

Policy # or Self-ins. Lic. # 03-000059498-11 Expiration Date: 03/31/2023

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 12/2/2022

Phone #: 978 353 1700

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. Also be sure to sign and date the affidavit. The affidavit should be returned to the city or town that the application for the permit or license is being requested, not the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

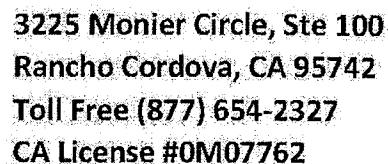
City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street
Boston, MA 02114-2017

Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE
Fax # 617-727-7749
www.mass.gov/dia



Koch Lancaster Inc
700 Old Union Turnpike
Lancaster, MA 01523

Fold Here

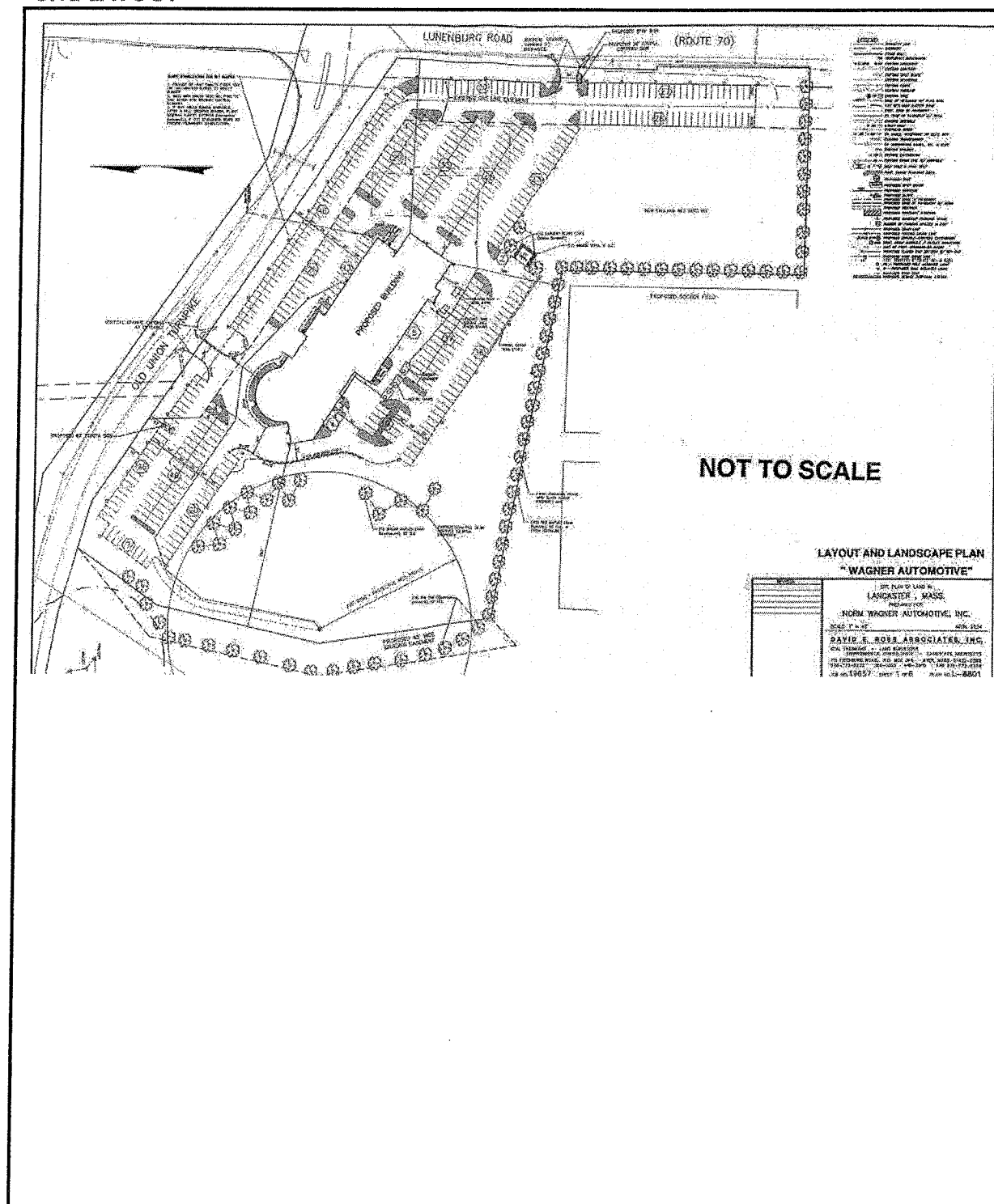
<u>BOND #</u> PB11562506615	<u>INVOICE #</u> 273125	<u>EFFECTIVE DATE</u> 11/16/2022	<u>EXPIRATION DATE</u> 11/16/2023
<u>PRINCIPAL</u> KOCH LANCASTER INC			
<u>OBLIGEE</u> Registry of Motor Vehicles			
<u>CARRIER</u> Philadelphia Indemnity Insurance Company			
<u>PROJECT DESCRIPTION</u> cdiegel@koch33auto.com kurt koch 6102539191			
<u>BOND DESCRIPTION</u> Massachusetts - Motor Vehicle Dealer		<u>SAA CODE</u> 927	<u>JOB STATE</u> MA
<u>BOND AMOUNT</u> \$25,000.00	<u>PREMIUM DUE</u> \$250.00		
<u>FEE DESCRIPTION</u> <u>+FEE AMT.</u> Processing \$25.00		<u>INVOICE AMOUNT</u> \$275.00	
		<u>PAYMENT DESCRIPTION</u> <u>-PAY AMT.</u> 1062 9/26/2022 \$275.00	
<u>NOTES:</u>		PAID 9/26/2022	
		NET DUE \$0.00	

Subject Photographs



Aerial View

SITE LAYOUT



Improvements Analysis

The following chart shows a summary of the improvements.

IMPROVEMENTS SUMMARY		
Property Type	Retail	(Auto Dealership)
Number of Buildings	1	
Number of Stories	2	
Year Built	2005	
Gross Building Area	40,483 SF	
Area Breakdown		
Office / Showroom	14,909 SF	
Dealer Service	15,580 SF	
Parts / Service Reception	9,994 SF	
Service Bays	24 Bays + 3 Auto Prep Bays	
Site Coverage	4.2%	
Parking Improvements	Open Asphalt Along With Unmarked Gravel Areas	
Parking Spaces:	465	
Parking Ratio (per 1,000 SF GLA)	11.49	
Source: Various sources compiled by CBRE		

The subject is a 1 & 2-story auto dealership operated as Prime Toyota Route 2. The subject is done out in the early 2000's Toyota livery. The building is in average overall condition.

YEAR BUILT

The subject was built in 2005.

CONSTRUCTION CLASS

Building construction class is as follows:

C - Masonry/concrete ext. walls & wood/steel roof & floor struct., exc. concrete slab on grade

The construction components are assumed to be in working condition and adequate for the building.

The overall quality of the facility is considered to be average for the neighborhood and age. However, CBRE is not qualified to determine structural integrity and it is recommended that the client/reader retain the services of a qualified, independent engineer or contractor to determine the structural integrity of the improvements prior to making a business decision.

FOUNDATION/FLOOR STRUCTURE

The foundation is assumed to be of adequate load-bearing capacity to support the improvements. The floor structure is summarized as follows:

APPRAISAL REPORT

PRIME TOYOTA ROUTE 2
700 OLD UNION TURNPIKE
LANCASTER, MASSACHUSETTS 01523
CBRE FILE NO. 21-047NF-6356-11

TOYOTA MOTOR CREDIT CORPORATION

CBRE

VALUATION & ADVISORY SERVICES

CBRE

33 Arch Street
Boston Massachusetts, 02110
T 617-912-7000
www.cbre.com

Date of Report: November 24, 2021

Ms. Coshaua Lewis
Commercial Sales Analyst
TOYOTA MOTOR CREDIT CORPORATION

RE: Appraisal of: Prime Toyota Route 2
700 Old Union Turnpike
Lancaster, Massachusetts
CBRE, Inc. File No. 21-047NE-6356-1

Dear Ms. Lewis:

At your request and authorization, CBRE, Inc. has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following Appraisal Report.

The subject is a 40,483 square foot 1 & 2 story auto dealership on a 10.97-acre site at 700 Old Union Turnpike, Lancaster, MA. The subject lies in a tertiary rural area but has good visibility along Route 2, a major east / west road for North Central Massachusetts and the subject lies near three other dealerships built in the past 15 years. The subject was completed in 2005 and is in average overall condition

Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
As Is	Fee Simple Estate	June 10, 2021	\$9,250,000
Compiled by CBRE			

The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

As of the date of value and the date of this report, the nation, region, and market area are impacted by the COVID-19 pandemic. This could have a prolonged effect on macroeconomic conditions, though at this time the length of duration is unknown. The perceived impact on real estate varies on several factors including asset class, use, tenancy, and location. Our analysis considers available information as of the effective date.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), and the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It also conforms to Title XI Regulations and the Financial

November 24, 2021

Page 2

Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) updated in 1994 and further updated by the Interagency Appraisal and Evaluation Guidelines promulgated in 2010.

The intended use and user of our report are specifically identified in our report as agreed upon in our contract for services and/or reliance language found in the report. As a condition to being granted the status of an intended user, any intended user who has not entered into a written agreement with CBRE in connection with its use of our report agrees to be bound by the terms and conditions of the agreement between CBRE and the client who ordered the report. No other use or user of the report is permitted by any other party for any other purpose. Dissemination of this report by any party to any non-intended users does not extend reliance to any such party, and CBRE will not be responsible for any unauthorized use of or reliance upon the report, its conclusions or contents (or any portion thereof).

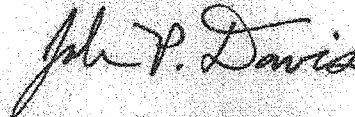
It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE can be of further service, please contact us.

Respectfully submitted,

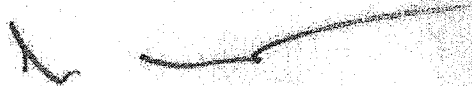
CBRE - VALUATION & ADVISORY SERVICES



Harris E. Collins, MAI, CRE, FRICS
Executive Vice President
MA Cert. Gen. Appraiser Lic. #3843
Phone: 617-912-6912
Email: Harris.collins@cbre.com



John P. Davis, MAI
Director
MA Cert. General RE Appraiser #3435
Phone: 617-912-6955
Email: john.davis@cbre.com

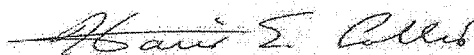


John Costello
MA RE Appraiser Trainee License #5035

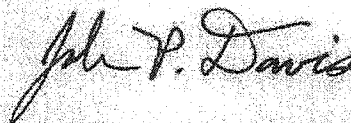
Certification

We certify to the best of our knowledge and belief:

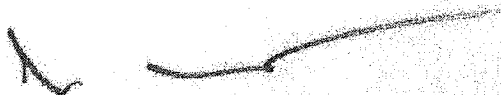
1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in or bias with respect to the property that is the subject of this report and have no personal interest in or bias with respect to the parties involved with this assignment.
4. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, as well as the requirements of the State of Massachusetts.
8. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the date of this report, Harris E. Collins, MAI, CRE, FRICS and John P. Davis, MAI have completed the continuing education program for Designated Members of the Appraisal Institute.
11. Harris E. Collins, MAI, CRE, FRICS and John Costello have made an inspection of the property and John P. Davis, MAI has not made a personal inspection of the property that is the subject of this report.
12. No one provided significant real property appraisal assistance to the persons signing this report.
13. Valuation & Advisory Services operates as an independent economic entity within CBRE, Inc. Although employees of other CBRE, Inc. divisions may be contacted as a part of our routine market research investigations, absolute client confidentiality and privacy were maintained at all times with regard to this assignment without conflict of interest.
14. Harris E. Collins, MAI, CRE, John P. Davis, MAI, and John Costello have not provided any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.



Harris E. Collins, MAI, CRE, FRICS
MA Cert. Gen. Appraiser Lic. #3843



John P. Davis, MAI
MA Cert. General RE Appraiser #3435



John Costello
MA RE Appraiser Trainee License #5035

Executive Summary

Property Name	Prime Toyota Route 2		
Location	700 Old Union Turnpike, Lancaster, Worcester County, MA 01523		
Client	Toyota Motor Credit Corporation		
Highest and Best Use	Auto Related / Retail		
As If Vacant	Auto Dealership		
As Improved	Fee Simple Estate		
Property Rights Appraised	November 24, 2021		
Date of Report	June 10, 2021		
Date of Inspection	3 - 9 Months		
Estimated Exposure Time	3 - 9 Months		
Estimated Marketing Time	10.97 AC		
Land Area	477,853 SF		
Zoning	Light Industry		
Improvements	Retail (Auto Dealership)		
Property Type	1		
Number of Buildings	2		
Number of Stories	40,483 SF		
Gross Building Area	2005		
Year Built	17 Years		
Effective Age	28 Years		
Remaining Economic Life	Average		
Condition	Owner-User		
Buyer Profile			
VALUATION			
Land Value	Total	Per SF	
	\$4,775,000	\$9.99	
Market Value As Is On	June 10, 2021		
Cost Approach	\$9,825,000	\$242.69	
Sales Comparison Approach	\$9,100,000	\$224.79	
Insurable Value	\$4,900,000	\$121.04	
CONCLUDED MARKET VALUE			
Appraisal Premise	Interest Appraised	Date of Value	Value
As Is	Fee Simple Estate	June 10, 2021	\$9,250,000
Compiled by CBRE			

STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS (SWOT)

Strengths/ Opportunities

- The subject has good visibility from the main east / west highway for North Central Massachusetts.
- The subject sells a brand which is a leader in the market.

Zoning

The following chart summarizes the subject's zoning requirements.

ZONING SUMMARY	
Current Zoning	Light Industry
Legally Conforming	Yes - Special Permit Granted 8/6/2004
Uses Permitted	Motor Vehicle Sales, Offices, Most Industrial Uses, Outdoor Recreation, Gas Stations, Non-Drive Thru Restaurants, Retail Uses, Religious Uses, Educational Uses, Agricultural Uses
Zoning Change	Not likely
Category	Zoning Requirement
Minimum Lot Size	64,000 SF
Minimum Lot Frontage	225 Feet
Maximum Height	40 Feet
Minimum Setbacks	
Front Yard	74 Feet
Street Side Yard	30 Feet
Rear Yard	30 Feet
Parking Requirements	1 Space per 800 SF of Building Area
Subject's Actual Parking	465 Spaces
Source: Town of Lancaster Zoning Code and Subject	

ANALYSIS AND CONCLUSION

The improvements represent a legally-conforming use via special permit. Additional information may be obtained from the appropriate governmental authority. For purposes of this appraisal, CBRE has assumed the information obtained is correct.



TOWN OF LANCASTER

SELECT BOARD

Prescott Building, 701 Main Street, Suite 1

Lancaster, MA 01523

Tel: 978-365-3326 (ext. 1201) Fax: 978-368-8486

Email: krocco@lancasterma.net

Annual License Fee - \$200.00

RECEIVED
SELECT BOARD'S OFFICE

Date Received
DEC 09 2022

Board of Selectmen

APPLICATION FOR LICENSE
SALE OF MOTOR VEHICLES

G.L. c.140, §58

New Application ☐ Class 1 ☐ Class 2 ☐ Class 3 ☒ Renewal

Circle all that apply

1. Name of Concern: B.M. INVESTMENTS dba MODENA MOTOR GROUP
2. Business Address of Concern: 121 MILL ST. LANCASTER,
3. Is the business an individual, partnership, an association or corporation? LLC
4. If an individual, state full name and residential address: _____
5. If a partnership, state full names and residential addresses of partners: BRIAN LUSSIER, MANAGER
2100 LAKEVIEW AVE, DRACUT, MA 01826
6. If an association or corporation, state full names of the principal officers:
President _____
Secretary _____
Treasurer _____
7. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
If so, is your principal business the sale of new motor vehicles? _____
Is your principal business the buying and selling or exchanging of second hand motor vehicles? YES
Is your principal business that of a motor vehicle junk dealer? _____
Is your principal business that of a "Repairs"? _____
Is your principal business that of "Repossession"? _____
8. Provide a complete description of all the premises to be used for the purpose of carrying on the business:
GARAGE AT 121 MILL ST, LANCASTER
9. Are you a recognized agent of a motor vehicle manufacturer? YES _____ NO X
If yes, state the name of the manufacturer: _____

10. Do you have a signed contract as required by Section 58, Class I? YES _____ NO _____
11. Have you ever applied for a license to deal in secondhand motor vehicles or parts thereof? YES _____ NO X
If yes, in what city or town? _____
Did you receive a license? YES _____ NO _____ For what year? _____
12. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES _____ NO X If yes, please explain: _____

Attach the following documentation the completed application form:

- ☐ **Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☒ **Surety Bond** in the amount of \$25,000 executed by a surety company authorized to transact business in Massachusetts. A separate bond shall be required for each different name under which the dealer conducts his business.
- ☐ Planning Board and/or Board of Appeals Decisions (if applicable).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

[Signature]
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE
OFFICER OR APPLICANT

DATE SIGNED 12/6/2022

20-1543054
FEDERAL IDENTIFICATION NUMBER (REQUIRED)

License Fee must be submitted with this form. Make check payable to Town of Lancaster. Mail Application Form, Workers' Compensation Affidavit and check to: Select Board, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA 01523.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information

Please Print Legibly

Business/Organization Name: BIM INVESTMENTS DBA MODENA MOTOR GROUP

Address: 2100 LAKEVIEW AVE

City/State/Zip: DORCH MA 01826 Phone #: 978-957-8110

Are you an employer? Check the appropriate box:

1. ☐ I am an employer with _____ employees (full and/or part-time).*
2. ☒ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☒ Other USED AUTO DEALER

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____

Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____

Date: 12/7/22

Phone #: 978-957-8110

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____

Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. Also be sure to sign and date the affidavit. The affidavit should be returned to the city or town that the application for the permit or license is being requested, not the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street
Boston, MA 02114-2017
Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE
Fax # 617-727-7749
www.mass.gov/dia

Massachusetts



Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 64924181

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: January 8th, 2020

That we, B&M Investments DBA Modena Motor Group, as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at Town of Lancaster, Lancaster, MA 01523

by First Class U.S. Mail.

Address

Dated this 7th day of January, 2020.

B&M Investments DBA Modena Motor Group, Principal

By: _____

WESTERN SURETY COMPANY, Surety

By: Paul T. Brufat
Paul T. Brufat, Senior Vice President

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Second Hand Motor Vehicle Dealer

bond with bond number 64924181

for B&M Investments DBA Modena Motor Group

as Principal in the penalty amount not to exceed: \$ 25,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its
Vice President with the corporate seal affixed this 7th day of January,
2020.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

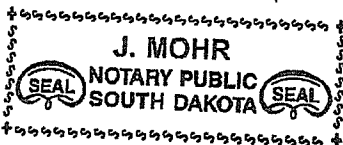
Paul T. Bruflat

Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 7th day of January, 2020, before me, a Notary Public, personally appeared
Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the
voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J. Mohr

Notary Public

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.



CNA SURETY

SURETY BOND TRANSMITTAL

Agent: Please deliver this Transmittal to the bond principal and its owners. You may keep a copy for your records.

BOND INFORMATION

Bond Number: 64924181

Principal/Bondholder: B&M Investments DBA Modena Motor Group

Address: (Address line 1) 2100 Lakeview Avenue

(address line 2) _____

(City, State, Zip) Dracut, MA 01826

Effective Date: January 8th, 2020

Anniversary Date: January 8th, 2021

Description: Second Hand Motor Vehicle Dealer

Bond Amount: \$25,000.00

Writing Company: Western Surety Company

Agent: (name) Cleary Insurance, Inc.

(Address line 1) 226 Causeway Street, Ste. 302

(address line 2) _____

(City, State, Zip) Boston, MA 02114-2155

Premium: \$250.00

PROVISIONS

The submission of the application for this Bond, along with subsequent execution of the surety bond by the Bond Principal and its owners, authorizes the Company to obtain a credit report on the Bond Principal and its owners. The Company reserves all rights, legal remedies and duties associated with this and any other bonds issued as a result including, but not limited to, the right to handle or settle any claim or suit in good faith, and the Company's decisions shall be binding on the Bond Principal and its owners. These provisions shall be in addition to, and not in lieu of any other rights the Company may have.

NOTE TO BOND PRINCIPAL AND ITS OWNERS: A surety bond is not insurance. You remain responsible for performing or fulfilling the underlying obligations covered by your surety bond. Please keep a copy of this transmittal page, but do not attach it to the original bond or file the Transmittal page with the Obligee.

CNA Surety

By: Paul T. Bruflat

Paul T. Bruflat, Vice President

X. NEW BUSINESS

XI. COMMUNICATIONS

Kathi Rocco

From: Heather <hlennon@earthlink.net>
Sent: Thursday, December 8, 2022 8:51 AM
To: Steve Kerrigan; Jason A. Allison; Alix Turner
Cc: Kate Hodges; Kathi Rocco
Subject: JOAN RICHARDS TO BE LEAVING THE LANCASTER HISTORICAL COMMISSION
Attachments: WE BID FAREWELL TO JOAN RICHARDS.docx

Dear Select Board, Town Administrator and Executive Secretary,

Joan Richards will be leaving the Historical Commission soon as she is moving away from Lancaster.

Please see the attached article outlining her service to Lancaster. I think it would be very appropriate to have her years of service acknowledged at your next upcoming meeting of the Select Board.

Thank you very much for your thoughtful consideration.

Best,

Heather Lennon, LHC Chairperson

WE BID FAREWELL TO JOAN RICHARDS

Joan Richards, whose name in Lancaster is practically synonymous with the Lancaster Historical Commission (LHC) and Lancaster Historical Society (LHS), has often been the first smiling face seen and the first friendly voice heard by those who attend programs and events sponsored by the two groups. Her outgoing nature and gift of hospitality are always apparent.

If you have ever attended an LHC or LHS meeting, you soon become aware of Joan's knowledge of history in general and local history in particular. As the secretary for both groups, Joan is always careful to keep the meetings on track -- not only according to *Robert's Rules of Order* but also according to the bylaws. Because she has a long memory of past happenings in town, she has been frequently called upon to inform current members as decisions are made moving into the future. Joan has lived in Lancaster since 1970, and, ever since then, she has been an active and involved member of the community.

In November, 1992, the Lancaster Select Board (SB) appointed Joan to the LHC as a full member. She held this position for about a year but then resigned. Shortly thereafter, Joan was hired as the LHC Office Coordinator, a position she held for many years. The office was a busy place but Joan always took on the workload with positive energy and enthusiasm. She did research, wrote reports and grants, handled correspondence and was a member of several committees -- all in the interest of preserving and promoting Lancaster history.

In October, 2010, the Lancaster SB members appointed Joan to the LHC as an associate member. Then, in 2016, she became a full member. As a secretary for the LHC and the Executive Board of the LHS, she has always kept up with the ongoing secretarial tasks that came her way.

We congratulate Joan on a job well done for the past thirty years! And, we wish her, and her husband Jim, every success as they begin a new life-time chapter in a new location.

XII. ON GOING PROJECTS & OLD BUSINESS
