



**LANCASTER SELECT BOARD**  
**Regular Meeting Agenda via ZOOM™**  
**Monday, December 20, 2021**  
**6:00 P.M. – 9:00 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**

Chairman Jason A. Allison will call the meeting to Order at 6:00 P.M. via ZOOM™

Join Zoom Meeting

<https://us02web.zoom.us/j/88477413292>

Meeting ID: 884 7741 3292

One tap mobile

+16465588656,,88477413292# US (New York) 13017158592,,88477413292# US

+(Washington DC)

Dial by your location

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 884 7741 3292

Find your local number: <https://us02web.zoom.us/j/88477413292>

**II. APPROVAL OF MEETING MINUTES**

Review and take action on Regular Meeting Minutes:

August 16, 2021, November 15, 2021, December 6, 2021

Review and take action on Special Meeting Minutes:

March 24, 2021, November 2, 2021, November 10, 2021 & November 24, 2021

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

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

**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 permitted.



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**VI. TOWN ADMINISTRATOR REPORT**

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

- Minuteman Regional District Assessment
- Municipal Aggregation Status Report
- Green Communities Grant
- Prison Mitigation
- Prescott ADA Upgrade (Handrails)
- Local Acquisitions for Natural Diversity (LAND) Grant Closeout

**VII. ADMINISTRATION, BUDGET, AND POLICY – Votes may be taken**

1. Finalize Town Administrator transition schedule (Allison)
2. Open Meeting Law Complaint filed by Ryan Aldrich regarding Select Board Members Alexandra Turner and Jay Moody had a meeting regarding the selection and deliberation on the interim Town Administrator that was not posted.
3. Finalize Town Administrator search agency selection (Allison)
4. Vote to accept Town of Lancaster – 2020 Re-Precincting (Town Clerk)
5. Discuss allocation of American Rescue Plan Act (ARPA) funds to support Board of Health initiatives (Allison)
6. Discussion when to resume in-person meetings (Allison)
7. Discuss the town meeting date, and place and who is to be in charge of arrangements (Moody)
8. Discuss the advertisement of Ad Hoc Audit committee members (Moody)
9. Discuss the status of Annual Town Report (Moody)
10. Cultural Council to have meetings to give ideas on future use of town hall (Moody) tabled 12/6/21
11. Historical society to work with Select Board to put up some paintings on Prescott Building walls (Moody) – tabled from 12/6/21
12. Time and duration of Select Board Meetings (Turner) tabled from 12/6/21
13. Discuss appointments and employees on boarding. (Turner) tabled from 12/6/21
14. Discuss Freedom of Information Act (FOIA) requests, and policy for website and staff involved (Turner) tabled from 12/6/21
15. Present proposed charter and details about approved Audit Committee (Turner) tabled from 12/6/21
16. Recap of Coronavirus Aid, Relief and Economic Security (CARES) Act money as from Town Administrator report submitted (Turner) tabled from 12/6/21
17. Citizen engagement re development: Forums, scope etc. (Turner) tabled from 12/6/21
18. Liaison report from Human Resource (HR) Director on Proposed by-law updates to personnel by-law as suggested by HR. Need for Special Town Meeting (STM) and for review. (Turner) tabled 12/6/21
19. Complaint about alleged Code violation to Select Board/Human Resource Director (Turner) tabled 12/6/21



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**VIII. APPOINTMENTS AND RESIGNATIONS**

Appointments

Part-Time Recreation Director – Michelle Currier

Recreation Committee – Thomas Wood, term to expire 6/30/2023

Cultural Commission – Peter Christoph, term to expire 6/30/2024 (first term)

Resignations

Recreation Committee – Katie O’Riorden, effective immediately

**IX. LICENSES AND PERMITS -**

- I. Review and take action on the following ABCC licenses  
Michael’s Bridge Diner – Retail License to Sell Wine & Malt and Common Victualler License
- II. Review and take action on the following 2021 Renewal License Applications
  1. Cumberland Farms – Common Victualler
  2. Dunkin Donuts – Common Victualler
  3. Kimball Farm – Common Victualler
  4. Mobile/Exxon – Common Victualler
  5. Trolley Stop – Common Victualler
  6. Murphy’s Hot Dog Truck – Lunch Cart License
  7. Crawford Truck Sales, Inc. – Class II
  8. F.J.S. Auto, Inc. – Class II
  9. Koch Route 2 Toyota – Class I and Common Victualler
  10. Nationwide Auto Recycling, Inc. – Class III and Collector & Dealer of Junk
  11. JC Madigan – Class I
  12. Modena Motors – Class II
  13. RBI Motors – Class II
  14. Ron Bouchard Auto Sales, Inc. - Honda – Class I and Class II
  15. Ron Bouchard Dodge, LLC – KIA – Class I and Class II
  16. Ron Bouchard Auto Sales, Inc. - Nissan – Class I and Class II
  17. Route 117 Used Auto Parts, Inc. – Class II, Class III and Collector & Dealer of Junk

**X. OTHER/UNFINISHED BUSINESS**

- **Event and Entertainment fees and frequency (Moody)**  
Board is going to look into what revenue other communities receive (Topsfield/Brimfield)
- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**  
Finalize Warrant Article language
- **American Rescue Plan Act (ARPA) – Schedule guidelines and impact of new infrastructure bill (Turner)**  
Board to set a special meeting or discuss at its next meeting
- **Set date of our legislative update (Turner)**  
Send invite for December meetings



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**XI. NEW BUSINESS \***

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

**XII. COMMUNICATIONS**

- Select Board's next regular meeting will be held via Zoom on January 3, 2022, at 6:00pm

**XIII. ADJOURNMENT**



# Town of Lancaster

701 Main Street, Suite 1  
Lancaster, MA 01523

## **PUBLIC MEETING REMOTE PARTICIPATION GUIDELINES**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in place, the various Boards and Committees representing the Town of Lancaster will conduct their public meetings and hearings via remote participation. No in-person attendance of members of the public will be permitted.

### **In Advance of Meetings:**

- All non-emergency items are still required to be properly posted at least 48 hours in advance of the meeting. This is still done by contacting the Town Clerk's office.
- All members should receive the same documents for the meeting electronically.
- Supporting documents should be posted on the Town's website and be available for members of the public.

### **Essential Components for Remote Meetings:**

- Access to participate for a quorum of committee members at the time of the meeting.
- Ability to take minutes which accurately reflect the meeting and the votes taken.
- Ability to record meeting for playback (this is not required under the order, but is preferred)
- Ability to allow for real-time public participation/comments (this is not required under the order, but is preferred)
- Meeting with public hearings must provide access for third party participation to all members of the committee.

### **Identifying the Proper Medium to Conduct Meetings:**

While we are suspending use of the Nashaway Meeting Room and Conference Room in the Prescott Building, and the ability to live stream through Sterling-Lancaster Cable, there are alternatives for Boards and Committees to consider. Below are a few options available to Committees. There may be alternatives that members are more comfortable using which will be permitted so long as the essential components for all meetings are met through use of that medium.

- *Town of Lancaster ZOOM account with Webinar Functions* – this account was purchased by the Town Administrator's office for hosting meeting that requires public participation/third party access for participation. This method is currently the preferred method and should be used by Boards and Committees that have hearing and require third party participation through public comments of from applicants seeking permits. (includes but is not limited to: Board of Selectmen, Planning Board, Board of Appeals and Conservation Commission)
  - At this time, the town only has one executive ZOOM account. If you wish to use the ZOOM account, you may need to schedule meetings at different times/days than your board typically meets to ensure no conflict with other meetings.
- *Standard/Free Zoom Accounts* – Anyone can access a free Zoom account with up to 100 participants for a maximum 40-minute meeting. This function will allow Board and Committees to record their meetings for future playback and the ability to share screens. Please note there are



several systems available that offer similar abilities and any of them can be used for this purpose. (ex. Google Meet, Skype for Business, Microsoft Teams, etc.)

- *Local Cable Access* – Currently, the Town does not allow for local cable access broadcast through the Nashaway Meeting Room. However, to the extent possible, local cable will be used if it is accessible and safe for staff, committee members, and members of the public.

#### **Use of ZOOM for Remote Access to Public Meetings**

Zoom Video Communications, Inc. (ZOOM) can be used for remote conferencing services to allow for remote access for public meetings. Access numbers and web addresses will be provided as part of each meeting's agenda posted to the town calendar on the homepage of Lancaster's website, [www.ci.lancaster.ma.us](http://www.ci.lancaster.ma.us).

Meetings can be accessed from your personal computer, cellphone and/or telephone. It is anticipated that most Board and Committee meetings will continue to be broadcast by Sterling-Lancaster Cable through ZOOM's "Record" feature.

#### **Protocols for Remote Public Meetings Using the Webinar Feature**

- All participants entering the meeting via a personal computer ("computer participants") are to mute themselves to limit background noise and interference with the meeting.
- Computer participants are encouraged to click on the "Participants" feature in ZOOM to view all participants and to view/use the "Q&A" function to pose questions on the bottom on the screen.
- Computer participants may "Pin" to a particular video screen.
  - It is recommended to "Pin" to the staff member associated with the committee or in the case there is no staff member, to the Chairperson. This can be done by right clicking over the three (3) dots symbol in the top right corner of the staff/chair's video screen.
- The Chair or present support staff should adhere to the script provided as an attachment to this document for the purpose of properly recognizing members and providing information to the public. (This script is a draft/guide and should be tailored to your needs)
- The Chairperson will identify himself or herself.
- The Chairperson will conduct the roll call of the Board
- The Chairperson will call the meeting to order
- All participants (excluding the Board members) will be muted throughout the meeting and should use the raise hand feature (or chat room) to ask a question or point of information.
- All participants are required to include their name and address when asking a question or participating regardless of screen name to insure meeting minutes and public records are accurately recorded.
- All documents displayed throughout the meeting will be controlled by the present staff member or Chairperson.
  - Only computer participants will be able to view documents.
- If and when the Chairperson allows for public comments/questions, it will be conducted the following sequence:
  1. The Chairperson will read public comments/questions received in advance of the meeting followed by real-time Board and/or applicant response.
  2. The Chairperson will ask if any other participants accessing the meeting comments/questions; additional questions will be asked using the "Raise Hand" feature
- Board members needing to be recused at any point of during the course of a meeting will be placed in a virtual "Waiting Room" by the staff person or Chairperson.

Directions to access meeting will be posted on agendas for the public when available.

### III. APPROVAL OF MEETING MINUTES

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**LANCASTER SELECT BOARD**  
**Regular Meeting Minutes**  
**Of August 16, 2021**

**I. CALL TO ORDER**

Chairman Jason A. Allison called the Regular Meeting of the Board of Selectmen to Order at 6:00 P.M. via ZOOM™. Present were Select Board members Jay M. Moody, and Alexandra W. Turner and Town Administrator Orlando Pacheco.

Join Zoom Meeting

<https://us02web.zoom.us/j/85750090755>

Meeting ID: 857 5009 0755

One tap mobile

+13017158592,,85750090755# US (Washington DC) 13126266799,,85750090755#  
+US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 857 5009 0755

Find your local number: <https://us02web.zoom.us/j/85750090755>

**II. PUBLIC COMMENT PERIOD**

6:00 P.M. 6:00 P.M. – 6:10 P.M. *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 permitted*

No Public Comment Submitted

**III. APPROVAL OF MEETING MINUTES**

Review and take action on Regular Meeting Minutes August 2, 2021.

*A vote was taken to approve the Regular Meeting Minutes of August 2, 2021. Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. [3-0-0]*

#### IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

- Director of Community Development and Planning Search Committee

Mark Grasso, Chair, will provide update and status report regarding recruitment of this important position. Discussion on Planning Board's letter regarding Town Planning Director.

Mr. Grasso provided the Select Board with a final job posting authored by the Search Committee. Mr. Grasso noted that there was substantial disagreement regarding the reporting structure, therefore was removed as a compromise. He further stated that who manages the Planning Director will have to be dealt with at a later date.

Mr. Grasso posed to the Select Board if they would approve the ad and authorize the expenditure to post it through the Massachusetts Municipal Association (MMA) as well as several other organizations. It was noted that the ad will be posted for forty-five (45) days, however interviews will begin as soon as there are appropriate applicants.

Mr. Allison asked the Mr. Pacheco to get an opinion from the Town's Labor Counsel regarding language for a potential reporting structure and how it works in the existing town bylaw.

- Public Hearing (continued from August 2, 2021) LLEC's Application for Special Permit to Remove Earth Products Renewal.

Jim Simpson was present on behalf of LLEC to request a renewal of his Earth Products Removal Permit. Mr. Simpson explained that very little actual earth removal is taking place and the primary use has been bringing in topsoil to be screened. The activity on site has been limited to 1-2 trucks per days. Mr. Simpson stated that much of the site has been reclaimed naturally.

Mr. Allison requested the Town Administrator follow up on the letter sent from the Planning Board.

Ms. Turner stated that while things looked good there were a few due diligence items she wanted to address 3 items prior to issuing any approval. The confirmation of the surety (bond) was in place, the location and reading of the monitoring well that Tighe and Bond identified as not being able to find, and a site visit conducted by the board to review any of the operations.

Mr. Simpson welcomes the site visit. She said the well is on site but the vegetation most like has hidden the well from view. He stated he will locate the well and take a reading.

If he can not locate the well, he committed to installing another groundwater monitoring well.

The Board closed the public hearing.

## **V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE**

## **VI. TOWN ADMINISTRATOR REPORT**

### Hazard Mitigation Plan Update

Town Administrator Pacheco reported that they are starting work on developing a new Hazard Mitigation Plan (HMP) with the assistance of Montachusett Regional Planning Committee (MRPC). He noted that he has spoken with the Town's CARES Act liaison and the funding source is appropriate. The Plan will take at least 6 months to complete. The HMP, once approved by the Massachusetts Emergency Management Agency (MEMA), will also make the Town eligible for a number of federal emergency management/public safety related grant programs. Previously, there was a regional plan developed by MRPC that is not going to be updated. The expected cost will be \$25,000.

### Vaccination Clinics

The Town has hosted 2 additional vaccination clinics through the Board of Health. Town Administrator Pacheco noted that they have vaccinated an additional 60 residents through these clinics. He further noted that they are continuing to collaborate with the State as well on the mobile vaccination van to provide additional services to any residents, including assisting neighboring towns when available.

### Main Street (117 ) Bridge

Mr. Pacheco reported that Beta Group Inc., the Town's design engineer is close to finalizing the 100% design plans for the Main Street Bridge on 117 (this is located by the Bartlett Pond Recreational Area). A copy of the 25% design is attached. The design will have to be submitted to MassDOT for final approval and a cost estimate put together. The Board and Finance Committee should discuss a financing plan. Mr. Pacheco noted that he did secure a \$500,000 grant for the project and expects the cost to come in near \$2 million based on the discussions with the engineer; the bridge must meet stream crossing standards which is a cost driver for the project.

## **VII. ADMINISTRATION, BUDGET, AND POLICY**

### **1. Formalize Special Town Meeting Schedule (Allison)**

The Board tentatively set a Special Town Meeting date for October 4, pending notification and feedback from other boards and committees. Mr. Pacheco suggested that while he thought the next Town meeting would be indoors that he did not think things were headed

in that direction. Mr. Pacheco stated there were some articles already in the works and that having a Special Town Meeting would alleviate the workload for the Annual Town Meeting. The Special Town Meeting would need to be posted 14 days prior to the meeting

Mr. Turner stated that Board needs to consider in the future when to open and close the warrant and advise residents of any other items.

2. Discussion on insert with the next tax bill explaining Community Preservation Act (CPA) and the way to apply for the exemptions (Moody)

Mr. Moody requested that an insert be placed in the property tax bills explaining to people what the Community Preservation Act (CPA) is and that exemptions are available for those who qualify. Mr. Moody provided a sample. Mr. Pacheco stated that this could be done as long as it did not increase the postage. Mr. Allison suggested that the document be put in a pdf and placed on the website

3. Honor Madison Hughes for being a member of the US Olympic Rugby Team (Moody)

Mr. Moody wanted to acknowledge the accomplishments of Madison Hughes as Captain of the US Rugby team and provided an article from the Telegram. The Board suggested that once Town Meeting is finalized that Mr. Hughes be invited to be recognized by the Town

4. Discussion on the status of the Atlantic Union College tax lawsuit (Turner)

The Board discussed the resolution of the tax dispute between the Town and Atlantic Union College. Ms. Turner stated that there are a lot of numbers out there in terms of liability to the Town and there needs to be a clear idea of the impact. Mr. Pacheco stated he believes that's why the Board of Assessors has been looking to meet in executive session prior to just putting numbers out. Ms. Turner also suggested that perhaps any final agreement would need to be approved by the Board. Mr. Pacheco stated that the Assessors are not asking for resources so I assume there will resolve the matter entirely within the overlay.

Mr. Moody asked if this had any impact on the sale of the college. Mr. Pacheco responded that he didn't think so although any funds would provide cash for improvements needed to move the process along.

## VIII. APPOINTMENTS AND RESIGNATIONS

### Re-Appointments

John Ledoux to the Board of Sterling-Lancaster Community Television (SLCT), term to expire 9/2024

*Moved to appoint John Ledoux to the Board of Sterling-Lancaster Community television (SLCT), term to expire 9/2024, Seconded. Vote taken, Jason A. Allison Aye, Jay M. Moody Aye, Alexandra W. Turner, Aye. Vote passed [3-0-0]*

### Appointments

Kristen Fox to the Board of Assessors – Kristen Fox, term to expire 6/30/2022

*Moved to appoint Kristen Fox to the Board of Assessors, term to expire 6/30/2022. Seconded. Vote taken, Jason A. Allison Aye, Jay M. Moody Aye, Alexandra W. Turner, Aye. Vote passed [3-0-0]*

### Resignations

Andrea Kiuru-Shepard as Recreation Director effective immediately

*Moved to accept the resignation of Recreation Director Andrea Kiuru-Shepard, effective immediately. Seconded. Vote taken, Jason A. Allison Aye, Jay M. Moody Aye, Alexandra W. Turner, Aye. Vote passed [3-0-0]*

Donna Rosander from the Cultural Council, effective immediately

*Moved to accept the resignation of Cultural Council member Donna Rosander, effective immediately. Seconded. Vote taken, Jason A. Allison Aye, Jay M. Moody Aye, Alexandra W. Turner, Aye. Vote passed [3-0-0]*

## IX. LICENSES AND PERMITS - NONE

## X OTHER/UNFINISHED BUSINESS

- **Annual Town Report**

Mr. Pacheco stated the Town Clerk has started to start compiling reports/work with departments. Mr. Allison requested if Mr. Pacheco could set a date for completion. That is not setting a deadline for staff as it will not get done well, but to give the Board more of an idea on expectation. Mr. Pacheco stated he would work with the Town Clerk to get this done and Mrs. Rocco is supporting the effort. Most departments have submitted reports and it should be done in a few months, but he would have to speak with the Town Clerk regarding a timeframe.

- **Code of Conduct Policy**

Comments received from public are on file with BOS

- **Evaluation of Town of Lancaster Website/Communication Committee**

Mr. Pacheco stated was not sure what the actual scope was. Mr. Allison ask that he go back and review the previous meeting, but the Board did give an indication of the charge. Mr., Pacheco stated that he would get the vacancies posted

- **North Lancaster Settlement**  
Mr. Pacheco gave the Board an update and stated that
- **DCAMM Land Sale Partnership**  
Select Board member Alix Turner to discuss site walk scheduled with DCAMM/Meeting Scheduled for 9/29/21
- **Aggregation**  
Mr. Pacheco stated that the Energy Commission met last week and they are currently review the aggregation as well as other issues. Waiting for Select Board to advise on percentage of additional renewables, if any. Solicit new pricing after decision made.
- **Gazebo Ramp**  
The Fire Association is putting the estimate together for the materials and expect to place the order in the next week. All work should be completed by Halloween
- **Department Assistant (CDP)**  
Mr. Pacheco reported that Deb Dennis does have some Senior Tax work-off help. Deb is working with Sandi on additional temp. help but nothing finalized yet
- **Assessor Search**  
The Board is looking to schedule interviews in the coming days and coordinating with HR
- **Open Meeting Law (OML)/Records Training**  
Mr. Pacheco stated that Attorney Mark Reich was scheduled to do the training on August 25<sup>th</sup> at 6pm via zoom and the event would be posted on the Town Calendar
- **Town Counsel Request for Proposal (RFP)**  
The RFP was finalized being prepared for advertising. Mr. Allison asked if Mr. Pacheco had received a list of firms from HR yet. Mr. Pacheco stated he would confirm with the HR Director and make sure those parties received the RFP directly. It would also be posted in the MMA's Beacon, and goods and services bulletin.
- **Review Renewal of Special Permit to Remove Earth Products for John E. Kanis, Inc.**  
*Select Board moved to approve the Special Permit to Remove Earth Products for John E. Kanis, Inc., Seconded. A vote was taken. Jason A. Allison vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*  
Ms. Turner stated there was some concern about the cost of the inspection and perhaps the Town should consider another vendor. Mr. Pacheco responded that there was value in the continuity of service and the cost to the vendor should be what determines the Town's vendor for performing services. Ms. Turner did re-iterate that it was not about Tighe and Bond or the Services the Town receives, as much as a good practice to re-bid services on a more regular basis.
- **Status Barrett Planning Group**  
Mr. Pacheco stated that he felt the only path forward was a reserve fund transfer for the Planning Board. Mr. Allison stated this may be something we just won't agree on but Orlando is preparing a Memo and we can review at the next meeting.
- **Audit Services**  
Powers & Sullivan is under contract for the FY22 Audit; Ms. Turner stated that the Town needs to decide how its going to bid these services at some point in the future.



**XI. NEW BUSINESS \***

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

Mr. Allison noted that he recently received free tickets to the Annual Bolton Fair from the Bolton Fairgrounds, Inc., in which he gave his tickets to town employees. Ms. Turner noted that she gave her tickets to Seniors.

**XII. COMMUNICATIONS**

- Town Offices will be closed on Monday, September 6, 2021 for Labor Day.
- Select Board's next regular meeting will be held via Zoom on Wednesday, September 8, 2021 at 6:00pm

**XII. ADJOURNMENT**

Seeing no further business, Ms. Turner made the Motion to adjourn and Moody Seconded. It was unanimously voted.

Respectfully submitted

\_\_\_\_\_  
Jay M. Moody Clerk  
Approved and accepted:





**LANCASTER SELECT BOARD**  
**Meeting Minutes**  
**Of November 15, 2021**

**I. CALL TO ORDER**

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting  
<https://us02web.zoom.us/j/81351006435>  
Meeting ID: 813 5100 6435

Roll call taken; Jason Allison, present; Jay M. Moody, present; Alexandra W. Turner, present.

**II. APPROVAL OF MEETING MINUTES**

Review and take action on Regular Meeting Minutes of October 18, 2021. Mr. Moody had not had an opportunity to read them.

*Select Board member Alix Turner offered a motion to table the minutes of October 18, 2021, to the next regularly scheduled Select Board meeting. Seconded by Mr. Moody. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

6:05PM      Joint Meeting with the Finance Committee to meet potential candidate to fill unexpired term on the Finance Committee

Because the Finance Committee did not have an opportunity to post this meeting, this was tabled until the December 6 Select Board Meeting. Mr. Pacheco will post both the Select Board and the Finance Committee meeting.

\*\*\*      *While waiting for 6:15 to open the next Public Hearing, the Board moved to a later agenda item and covered Appointments – See later in this set of minutes.*

6:15PM      Public Hearing for Petition for Joint or Identical Pole Locations  
Fort Pond Road – National Grid to install 1 JO Pole on Fort Pond Road beginning at a point approximately 20 feet south of the centerline of the intersection of Ford Pond Road. Installing Pole 21-50. The Select Board

Mr. Moody read the posting (above) and moved to open the Public Hearing. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Kimberly Tavalk-Mola from National Grid took questions. Ms. Turner asked her to explain why a pole is needed. Ms. Tavalk-Mola explained that a pole line extension is needed to serve the solar farm. Mr. Pacheco noted that a police detail would be needed during this extension because it is on a busy road. There were no comments from the public or from town departments

Ms. Turner moved to close the Public Hearing; Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]. Public Hearing closed.*

Mr. Allison moved to approve the pole location as requested by National Grid. *Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

\*\*\* While waiting for 6:15 to open the next Public Hearing, the Board moved to a later agenda item and covered "Code of Conduct Policy," "Event and Entertainment Fees and Frequency," and "DCAMM" topics under Other/Unfinished Business – See later in this set of minutes.

6:30PM Public Hearing for Petition for Joint or Identical Pole Locations  
Old Union Turnpike – National Grid to install 1 JO Pole on Old Union Turnpike beginning at a point approximately 20 feet northeast of the centerline of the intersection of Old Union Turnpike. Installing Pole 144-50 – The Select Board

Mr. Moody read the posting and moved to open the Public Hearing. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Kimberly Tavalk-Mola from National Grid took questions. Ms. Tavalk-Mola explained that another piece of equipment is needed at this location for reliability, and because of road angles this cannot be installed on one of the adjacent poles. Mr. Pacheco noted that a police detail would be needed during this extension because it is on a busy road. There were no comments from the public or from town departments

Ms. Turner moved to close the Public Hearing; Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]. Public Hearing closed.*

Mr. Allison moved to approve the pole location as requested by National Grid. *Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

<b>IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE</b>
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## II. 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 permitted.*

Mr. Allison recognized Cara Sanford, 350 Bull Hill Road

Ms. Sanford expressed her opinion about the 702 LLC / Capital Group project. She stated that there is a gaping hole in the process, as the development team keeps referencing MEPA as an assurance on environmental and traffic review. She said "What's supposed to happen, is that the applicant submits their development proposal report to MEPA, the town boards get a copy, and it's linked on a public website so anyone can see it. MEPA then issues their response and that's also publicly available on a website. This MEPA response letter says, if the project meets the MEPA regulations or whether the applicant needs to go back to the drawing board. MEPA's response certificate is crucial and what we need to see. If a project doesn't meet the MEPA performance standards, it doesn't actually go ahead. We're having all these vetting meetings with substantial town official and residents' time to entertain a huge zoning change for a project that MEPA is not likely to approve in its present form. The last proposal actually failed MEPA review, and this new build out is even bigger, so I don't get it. Let's see the MEPA report and, more importantly, MEPA certificate response letter. Thank you."

Mr. Allison recognized George Frantz, 13 Highfield Drive

Mr. Frantz responded to the issue of the MEPA report, stating, "The first thing that happens in the MEPA report is when the developer files the amended report with the MEPA agency. That, to best of my understanding, has not happened yet. I know they've made a host of changes in the original, and so it will require a completely new filing. My understanding is that this should happen very soon, although I don't have a date on that. You're absolutely correct in that it is urgent that we have that MEPA report before we can really move ahead. Certainly the developer can't move ahead without a positive report from MEPA, nor would the Town want that to happen. I just wanted to let you know that the report is central to any decisions that will be made on this, and thank you for being an alert citizen and watchful for that. Thank you."

Mr. Allison recognized Carol Jackson, 40 Farnsworth Way

Ms. Jackson wanted to know why the Town Administrator's position has not been posted yet and stated that she hoped that filling this position would not take as long as it did for the Town Planner position.

Mr. Allison recognized Kathy Hughes, 80 Fire Road 11

Ms. Hughes said there seems to be a glaring omission from the financial impact report and, as we have heard on a number of occasions, Capital Group intends to develop that process parcel with or without the planning and zoning approvals. What we have not seen is what the projected tax revenue will be from the plan that they can go forward with. As a right to buy, or as a right to own,

or however that way that is worded so we don't know if they can't do the major distribution Center. But they can go ahead with their warehouses, we have no idea what revenue that will be generating for the town and I think that gives us a false comparison, because we it's not going to be 2.4 million increase it'll be something less than that because they will be giving us some money from the warehouses that they're planning to put in and I would encourage the Select Board, Planning Board, and everyone else to ask that question of the Capital Group, please.

Mr. Allison made the last public comment. He said, "I've been taught that the most important part of being a leader is being able to have difficult conversations. To the residents of Lancaster, I need to have a difficult conversation with you. Many of you have expressed to me that you do not like to see infighting or arguing within our town leadership. I want you to know that I don't like to see it either. However, I cannot stand idly by while upstanding residents and volunteers are attacked and falsely accused of wrongdoing. I believe it is critical that all Lancaster residents pay attention to the behavior and conduct of the Planning Board Chairman, Russell Williston. At the November 8, 2021 Planning Board meeting, its chairman, Russ Williston, accused Victoria Petracca of creating a "bespoke committee" for negotiated outside of public meetings that was "requested by the Capital Group to grease the wheels." It is unconscionable that the Chairman of the Planning Board would accuse, in open meeting, without proof, another board member of this type of behavior. However, it gets worse. This is not the first time Russ Williston has made accusations without proof."

Russ Williston spoke, saying, "Complaints or criticism directed at staff, volunteers or other people."

Mr. Allison continued, asking Mr. Pacheco to mute Mr. Williston, and then saying, "This is not the first time Russ Williston has made accusations without proof. This is no less than the third time. Since May, the Chairman of the Planning Board has made a number of accusations. This includes accusing the Economic Development Committee of being a "rubber stamp." He has accused the entire Select Board, including myself, of open corruption. Now he has accused the Chairperson of the Affordable Housing Trust of greasing the wheels for a developer. I beg you Lancaster, do not accept this type of behavior. Do not tolerate it from your elected officials, and please take action. As far as what you can do, speak up. If you know Russ Williston, send him an email. Call him or write him a letter. Tell him that he needs to knock it off."

Mr. Williston interjected, saying, "Jay? Alix? Anything?"

Mr. Allison went on to say, "Tell him to act like an adult and not a bully. Tell him to start treating people with respect if you don't know him submit a public comment to the Planning Board."

Mr. Williston said, "This is disgraceful to the Town."

"If we take no action," said Mr. Allison,

Mr. Williston said, "Jay? Alix? Anything? Any action at all?"



Mr. Allison continued, stating, "I understand that confrontation and discourse is not for everyone, however, Lancaster is our home. Do not let Russell Williston take it away from you. The reason I'm asking for each of you to take action, is because folks like Victoria, folks like myself..."

Mr. Williston said, "This is a disgrace to the entire town."

Mr. Allison continued, "Mr. Williston, this is not your meeting. Please be respectful, okay? Please." Mr. Williston continue to try to speak. Mr. Allison said, "I get it. I get it Russ, you don't like being told .... on what you do. Knock it off. All right, let me finish my public comment, this is my meeting."

Mr. Williston again appealed to Mr. Moody or Ms. Turner.

Mr. Allison said, "Orlando, please take control of this meeting. I understand the confrontation in discourse is not for everyone. However -- Orlando, are you there? -- I understand that confrontation in discourse is not for everyone, however, Lancaster, this is our home. Do not let Russ Williston take it away from you. The reason I'm asking for each of you to take action, and to speak up, is because folks like Victoria, folks like myself, and many other volunteer board and committee members won't stay around and subject ourselves to this nonsense. We have our own families, and day jobs, just like each of you. We didn't sign up for these volunteer roles to be treated callously and falsely accused of corruption. We signed up for the volunteer positions to try and play a positive role in the town that we love. If board members continue to be treated in this manner, we will leave. So in this public comment I'm asking for your help. Please help to stop this type of unprofessional behavior from Russell Williston. Thank you for listening, and please consider taking action. Okay, Town Administrator report."

Ms. Turner noted that some hands were raised. Mr. Allison said that Public Comment is done. Ms. Turner asked if she could raise her hand. Mr. Allison said, "Absolutely. What would you like to say? If it's Public Comment, we're not going to hear it. If it's procedural, and how you would like me to adjust the meeting, I'm happy to hear it. Public Comment is over."

Ms. Turner asked, "So can I respond to what you said?"

Mr. Allison answered, "No, we don't respond to Public Comment. If you'd like to make a motion, I would entertain it."

Ms. Turner replied, "I don't know what a motion would be for because there's nothing on the agenda, but well, we'll see, we'll figure it out, we'll talk about it. I think we need to talk about it, so we'll do it another way."

## **VI. TOWN ADMINISTRATOR REPORT**

Mr. Pacheco stated that there is no Town Administrator report, but he advised that he will be updating the Board on those things that he is going to try to close out in the short term, but will try to limit involvement in new ventures.

Ms. Turner asked, noting that at the last meeting the TA Report was not read or addressed because of a heavy agenda, asked about an item on the previous report about the CARES money, and wanted it to be an upcoming agenda item, perhaps for the 6th.

## **VII. ADMINISTRATION, BUDGET, AND POLICY**

### **1. Review and discuss Special Town Meeting zoning article (Allison)**

Mr. Allison wanted to review a memo from Mr. Pacheco laying out various options for the Special Town Meeting Zoning article. Mr. Moody has not seen the memo because the fire department did not deliver his Select Board packet this week. Mr. Allison noted that he also sent it to the Board via email. Ms. Turner does not recall seeing it. Mr. Pacheco pointed out that it is also available on the website under “meeting materials,” on page 57 of the Select Board packet. Mr. Pacheco offered to go through the options quickly. [See attached memo.]

Lengthy discussion was held. Mr. Pacheco reminded the Board that an article only brings the topic to Town Meeting for an additional vote. They are only bringing a decision making process to the larger public, they are not actually deciding anything.

Ms. Turner brought up objections to Enterprise Zoning because it would allow many uses that would have a negative impact on the Town and bring in zero revenue. She would like to build consensus and build better zoning through the upcoming forums. She is in favor of the Select Board sponsoring an article, but she does not think that Enterprise is what is in the best interest for the Town of Lancaster. Regarding the Settlement Agreement, she said, “I do not like tying any kind of thing to one to another, especially if we had an agreement that somebody defaulted on. As you say, maybe the town made the mistakes, maybe Capital made the mistakes, but now they’re holding that over our heads like blackmail. This does not sit well for me, and I think it does Capital Group a disservice because I don’t suspect that they want to do business that way. As you might imagine I’m not going to support this motion, but the reasons are not because I don’t support changing the zoning because I do. But I think we have to support it, for something that maximizes our financial benefit and also works with the developers, who I heard talk about other things and make sure that it works well in the best interest. I think we can get there quickly if we get these forums off the ground, and I would love to engage a firm like Dodson, that did such a great job in other towns.”

Mr. Moody noted that if MEPA doesn’t approve the plans, it cannot go through, and Conservation also has to sign off, so it’s not like we’re leaving it out in the middle of nowhere. Mr. Allison agreed, noting that the developer still has to go through the entire process, and an article will need to pass by 2/3 at Town Meeting. Ms. Turner stated that while her desire is to have this parcel commercially zoned, but she thinks that the Board is being reactive. She noted that this is our last 600 acre area that we can make money on, offering an example of reactive zoning as the solar fields that “was the most ridiculous change for zoning, and that’s not bringing us anything to speak of, and I don’t think we’re thinking it through.”

*Mr. Allison called for the vote. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, No. [2-1-0]. Motion passed.*

2. Discuss next steps on Legal Services RFP (Allison)\*

Mr. Allison asked the Board if they were prepared to discuss the Legal Services RFP. He sent the Board an email on next steps, with an article provided by Sandi Charton, HR Director from Labor Counsel, outlining the procurement process and the Board's options. Ms. Turner noted that the documents are very large and there are only two copies which are too bulky for the office to scan. Mr. Moody would like a second land use attorney apart from General Counsel. Ms. Turner noted that there are some economies of scale to use one large law firm, and that from time to time we do use specialists, but it comes at a cost.

Mr. Allison asked Mr. Pacheco, if the Board wanted to change Counsel, should they meet in open session to interview the firms? Should the board appoint a liaison? Mr. Pacheco suggested that the Board members each review the RFP responses separately and score them, give their notes to Ms. Rocco in the Select Board office, and have her compile one composite score. Share the composite score with the Board members, and then, if the Board wanted to meet with the candidate publically it could be done. Ms. Charton could be a resource if the Board has questions, although she might know some of the attorneys at firms being considered.

Mr. Pacheco will have copies made of the responses for each of the Board members and the Board will need at least a week to review them.

3. Discuss Town Administrator recommendation to assign a North Lancaster liaison to Capital Group (Allison)\*\*

Mr. Pacheco had recommended to the Board, because he is leaving, that they consider appointing a liaison to the Capital Group. Mr. Allison emailed it to the Board on Friday; Ms. Turner has not had a chance to review it.

Mr. Moody does not think it's a good idea for a Board member to deal directly with a particular project. Mr. Allison stated that Mr. Pacheco's point was that when he leaves, there will be nobody in Lancaster representing Lancaster to facilitate conversation with this developer on this super important project, and he recommended that we assign a Select Board member to be a liaison. Ms. Turner thinks that this should be the role of the new Planner, who will need support. Ms. Turner suggested that Mike Antonellis might be of help to the Planner. Mr. Allison said that the Planner, coming in January 1 with no history or knowledge of the development will not be in a position to step in and do that alone, and the alternative is that the Board thinks they can negotiate in open session with the developer. Ms. Turner mentioned that the Town of Maynard used an attorney from KP Law to speak on behalf of the Select Board, and this might be an alternative; she would like to have a professional. Mr. Allison asked Ms. Turner why it was okay to have a liaison to DCAMM but not to the Capital Group. She answered that it's different dealing with a private for-profit developer versus a government agency.

Mr. Pacheco said that he did not want to bind the Board to go in any particular direction, but that someone needs to be a conduit for communications, to talk about things like the logistics of coordinating a forum.

Discussion continued; no action was taken.

4. Honor 2021 retiring police officers (Turner)

Ms. Turner moved to honor police officers that were that were awarded commendations or awards, as well as retiring police officers, at the next Town Meeting. Mr. Allison seconded. Ms. Turner amended the motion to also honor Madison Hughes. Mr. Allison seconded.

*A vote was taken to amend the original motion; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

*A vote was taken to on the amended motion; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

5. Perkins School - status and plans (Turner)

Ms. Turner would like to invite Michael Ames, Director of RFK Community Alliance (formerly Perkins School and the RFK School, now merged) to attend a Select Board Meeting. She thinks it would be beneficial to understand their plans and how this affects the community. Mr. Allison and Mr. Moody noted that this had happened last year, before Ms. Turner was a Board member. Ms. Turner thinks that it is important to do it again, because they are one of the largest employers in town, and will have new things to talk about since the merger.

Ms. Turner moved to extend an invitation to Michael Ames of RFK Community Alliance to join the Board to discuss the merger and how that impacts the community. Mr. Allison seconded.

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Pacheco noted that December 20 would be best; he will send them an invitation.

<b>VIII. APPOINTMENTS AND RESIGNATIONS</b>
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Appointments [Taken out of order earlier in meeting while waiting for Public Hearing]

Cultural Council – Emily Ellison Taylor, term to expire 06/30/2024 (First Term)

Mr. Moody moved to appoint Emily Ellison Taylor to the Lancaster Cultural Council, term to expire 6/30/24. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Community Preservation Act Committee – 3 year staggered terms

Mr. Allison confirmed that this committee has 3 year terms but not staggered terms.

- Karen Silverthorn – Lancaster Historical Commission
- Greg Jackson – Conservation Commission
- Win Clark – Recreation Committee

Mr. Moody moved to appoint Karen Silverthorn, Greg Jackson, and Win Clark each to a three year term, on the Community Preservation Act Committee. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Community Preservation Act Committee – Members at Large (1 vacancy open; 3 year staggered terms)

- Margot Hammer-Streeter – Resident at Large
- Justin Smith- Resident at Large

Mr. Smith expressed his desire to become active in community service. Ms. Hammer-Streeter echoed this and mentioned her many years of zoning administration experience. Ms. Turner moved to appoint Ms. Hammer-Streeter as resident-at-large based on her zoning experience. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**IX. LICENSES AND PERMITS - NONE**

**X. OTHER/UNFINISHED BUSINESS**

**Code of Conduct Policy** (taken out of order earlier in meeting)

Sandi Charton, HR Director, reported that she sent a draft of the Code of Conduct to the Select Board with a copy to Mr. Pacheco, trying to consolidate all the comments from the public. Mr. Moody thinks that it is improvement over the original and that he is happy with it. Ms. Turner agrees. Mr. Allison moved to adopt the Code of Conduct Policy as presented into Lancaster's ecosystem. Ms. Turner seconded. Mr. Moody read the posting (above) and moved to open the Public Hearing. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**Event and Entertainment fees and frequency (Moody)** (taken out of order earlier in meeting)

Mr. Pacheco's understanding was that Mr. Moody or Ms. Turner were going to reach out to the towns of Topsfield or Brimfield. Mr. Moody would like Mr. Pacheco to do this. Mr. Pacheco will take on this action item. Ms. Turner would like this to remain on the agenda, noting that there are many more towns that could be approached for input.

**Division of Capital Asset Management and Maintenance (DCAMM) (Turner)** (taken out of order earlier in meeting)

Ms. Turner reported that we are waiting for language to be provided by DCAMM for the Special Town Meeting currently scheduled for February 15.

**American Rescue Plan Act (ARPA) – Schedule guidelines and impact of new infrastructure bill (Turner)**

Ms. Turner would like to meet jointly with interested parties, to discuss ARPA, look at some models from other towns and define next steps. Ms. Turner offered a motion to include an overview and discussion of the American Rescue Plan Act at the January 10, 2022, Select Board meeting. Mr. Moody seconded.

Mr. Moody would like emergency shelter needs to be included for consideration on the list of ARPA spending priorities. Mr. Allison asked Mr. Pacheco how timelines would affect the Town. Mr. Pacheco noted that there are a couple of pressing items that could be a problem until the Board authorizing the use of ARPA funds, such as the COVID coordinator's salary. Mr. Allison expressed frustration at not moving more quickly on some items; Ms. Turner is concerned that that Board not act "impetuously" and that they should be cautious. She noted that not all departments have had input; in her day job as Council on Aging Director, she has not been contacted for input.

Discussion was held at length. Mr. Allison moved that Ms. Turner should put together the agenda items for the first regular Select Board meeting in January regarding meeting with various parties on the ARPA monies. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**Set date of our legislative update (Turner)**

Mr. Pacheco will invite Representative Kilcoyne and Senator Cronin to attend the Board's December 6 meeting.

**Audit Services\*\***

Powers & Sullivan is under contract for the FY22 Audit. Mr. Pacheco reported that this is an exempt service but can do a quote. Ms. Turner would like to assemble an Audit Committee.

Ms. Turner reported that she and Mr. Pacheco and some other people from town recently attended a presentation held by the Inspector General and the Department of Local Services, a Division of the Department of Revenue. They strongly recommended that towns look at forming Audit Committees. She has no issues with the current auditor, but thinks it would be prudent to determine the scope to hire an auditor. She explained that the general consensus is that audit firms should be contracted and changed, and should be in place for no more than five years.

Ms. Turner moved that we solicit five people from the community for an Audit Committee, in accordance with the rules suggested by the Department of Local Services. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

<b>XI. NEW BUSINESS</b>
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*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*



Ms. Turner brought up issues that the Memorial School Reuse Committee is facing. They have had problems with attendance at meetings and having a quorum. Chairman Frank Streeter would like clarification as to whether the Library, Community Center, and Council on Aging should have alternate members. The Historical Commission currently does have an alternate. She would like the Select Board to write to the committees and ask them to select an alternate for appointment by the Select Board. The Board agreed that Mr. Pacheco will take this as an action item.

## **XII. COMMUNICATIONS**

- The Board of Health will sponsor a Pediatric COVID Vaccination Clinic for ages 5-11 only on November 17, 3-5pm.
- Ms. Turner urged residents to attend the Cultural Council Art Show now through Sunday.
- The Select Board's next regular meeting will be held via Zoom on December 6, 2021, at 6:00pm

## **XIII. ADJOURNMENT**

*Select Board member Alix Turner offered a motion to adjourn the meeting; seconded by Mr. Moody. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted,

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Jay M. Moody Clerk  
Approved and accepted:





**LANCASTER SELECT BOARD**  
**Meeting Minutes**  
**Of Monday, December 6, 2021**

**I. CALL TO ORDER**

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting <https://us02web.zoom.us/j/81296943710>  
Meeting ID: 812 9694 3710

Roll call taken, Jay M. Moody, present; Alexandra W. Turner, present; Jason A. Allison, present.

**II. APPROVAL OF MEETING MINUTES**

Ms. Turner offered a motion to approve the minutes of October 18, 2021, and November 1, 2021, and Special Meeting minutes of October 26, 2021. Mr. Moody seconded.

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

6:05PM Notice of Public Hearing – Tax Classification for Fiscal Year 2022  
*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 2022. The Hearing will be held via ZOOM on Monday, December 6, 2021, at 6:05 P.M. All interested parties are invited to attend and be heard.*

Mr. Moody read the Public Hearing announcement (above) and moved to open the Public Hearing. Ms. Turner seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Jonathan Frank from the Regional Resource Group explained Tax Classification and the purpose of this annual public hearing. His recommendation to the Board is that they continue with the current single rate tax classification. Presentation and extensive discussion followed.

**The Fiscal Year 2022 Levy Limit and Amount to be Raised:**

The following is a calculation of Lancaster's estimated levy for fiscal year 2022.

Fiscal Year 2021 Levy	\$19,503,493
Levy Increase allowed under Prop. 2 ½	487,587
New growth revenue (estimated)	314,417
Debt excluded under Prop. 2 ½	1,603,429
Fiscal Year 2022 maximum allowable levy	21,908,626
Levy Ceiling	27,843,702
Levy to be raised (rounded by tax rate)	21,677,489
Excess levy capacity	231,137

**Valuations by Class Before Tax Shift**

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	\$ 953,997,452	85.6565%	85.6565%
Commercial	\$ 88,016,232	7.9027%	
Industrial	\$ 38,822,617	3.4858%	14.3435%
Personal Property	<u>\$ 32,911,760</u>	<u>2.9550%</u>	
TOTAL	\$1,113,748,061	100.0000%	100.000%

**Tax Rates**

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

<u>Property Class</u>	<u>FY2022</u>	<u>FY2021</u>
Residential	\$19.46	\$19.98
Commercial	\$19.46	\$19.98
Industrial	\$19.46	\$19.98
Personal Property	\$19.46	\$19.98

*The Assessors noted that the Fiscal Year 2022 rate is an estimate and may change upon the Department of Revenue review.*

**Tax Impacts**

With a few exceptions, Fiscal Year 2022 residential valuations have increased by 2.3% compared to assessed values from last year, reflecting a healthy real estate market.

The average residential tax bill calculation will change as follows:

FY2021 Average Single Family Valuation	\$ 366,613
Taxes at \$19.98 per thousand	\$ 7,325
FY2022 Average Single Family Valuation	\$ 389,188
Taxes at \$19.46 per thousand	\$ 7,574
Average Tax Increase	\$ 249

*Mr. Allison moved to close the Public Hearing, Ms. Turner Seconded. Vote Taken; Jason A. Allison vote Aye, Jay M. Moody vote Aye and Alexandra W. Turner vote Aye. [3-0-0]*

*Ms. Turner moved that in accordance with M.G.L. C.40, §56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the FY2022 tax rates and set the Residential Tax Factor of 1.0000, with a corresponding CIP shift of 1.0000, pending certification of the Town's annual tax recap by the Mass. Department of Revenue. Mr. Moody seconded. Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Ms. Turner would like to have a follow-up meeting with the Assessors; she will submit this as an agenda item.

6:15pm

Notice of Public Hearing – Koch Lancaster, Inc – Class I License

*Notice is hereby given that a Public Hearing will be held on Monday evening, December 6, 2021, at 6:15 P.M., via Zoom, 701 Main Street, Lancaster, MA on application of Koch Lancaster Inc., dba Koch Route 2 Toyota, 700 Old Union Turnpike, Lancaster, MA for a License to Sell New Motor Vehicles (Class I). All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing.*

Mr. Moody noted that going forward, Public Hearing announcements in the newspaper should include the Zoom meeting information. Mr. Pacheco agreed and will add that in the future. Ms. Turner asked Mr. Pacheco to double check with counsel or the Attorney General to make sure that meetings posted to date are in compliance.

Mr. Moody read the Public Hearing announcement above and moved to open the Public Hearing. Ms. Turner seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0] Public Hearing opened.*

Representing the applicant was Kurt Koch, Koch Lancaster, Inc., d/b/a Koch Route 2 Toyota. He explained that there is some urgency on his part to purchase this dealership from Prime and Group One in order to employ workers as of tomorrow. Mr. Koch also owns Acton Toyota in Littleton. He appreciates the Board being able to see him quickly. It was noted that there is a surety bond in the amount of \$25,000 and a copy is in the Select Board's office.

Ms. Turner noted that a recent hearing about this property included resident comments having to do with compliance to the original lighting plan, especially around lighting issues, landscaping, and parking requirements.

Ms. Allison recognized Kathy Hughes, Fire Road 11. Ms. Hughes expressed her concerns to Mr. Koch about the land across Route 70, an area of environmental concern. She wanted Mr. Koch to be aware of issues with pesticides and detergents used in car washing. She noted past concerns about sign height and lighting. Additionally she recommends that cars not be driven in this area due to muddy roads and children playing.

Mr. Allison recognized Albert and Karen Gould, 20 Fire Road 10. They live directly across from the car dealership's Route 70 entrance on Little Spec Pond. They noted that in the past round balls on vertical stakes at the dealership have blown over into their yard. Mr. Koch expressed his desire to keep a neat, clean and professional business. Additionally they asked him to look at the amount and brightness of the lighting.

Mr. Moody moved to close the Public Hearing. Ms. Turner seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]. Public Hearing closed.*

Ms. Turner offered a motion to approve the Class I License as submitted with the contingency that all pertinent application documentation has been received. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6:30 pm

Notice of Public Hearing – Proposed Smart Growth Zoning District  
*Pursuant to Chapter 40R of the Massachusetts General Laws, and the associated regulations, specifically 760 CMR 59.05(1), the Select Board will hold a public hearing on December 6, 2021 at 6:30 p.m. via ZOOM to consider a proposed Smart Growth Zoning District and to consider the Board's submission of an Application for Preliminary Determination of Eligibility for 40R Zoning to the Massachusetts Department of Housing and Community Development. The proponent of this District and Application is the Lancaster Affordable Housing Trust and is recommending the North Lancaster Smart Growth Zoning District comprised of properties at Assessor's Parcel ID #s 14-4.M, 14-4.L, 14-4.N, 14-4.G, 14-4.F, 14-4.C, 14-4.B, 14-4.K, 14-4.J, 14-4.I, 14-4.H, 14-4.A, 14-8.A, 14-8.0, 14-4.0, 14-9.0, totaling approximately 64 acres. The application, plans, and other materials may be reviewed at the Town Hall, 701 Main Street, Lancaster, MA 01523 or online at <https://www.ci.lancaster.ma.us/affordable-housing-trust>.*

This item was postponed due to issues with posting; the Zoom meeting information was not included in the posting, so it needs to be re-posted. This will be on the December 20 meeting agenda.

#### **IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS**

- Joint Meeting with the Finance Committee to meet potential candidate Jocelyn Mylott to fill unexpired term on the Finance Committee.

The Finance Committee called their posted minute to order. Chairman Michelle Vasquez took roll call vote: Susan Smiley, present; Richard Trussell, present; Michelle Vasquez, present. Ms. Vasquez moved to open the meeting at 7:03pm. Ms. Smiley seconded. *Vote taken, Ms. Smiley Aye, Mr. Trussell, Aye, Ms. Vasquez, Aye. [3-0-0]. Finance Committee Meeting opened.*

Ms. Vasquez explained that they were here to present Jocelyn Mylott to the Select Board as a candidate for an unexpired term on the Finance Committee. The Finance Committee and the Select Board spoke to Ms. Mylott about her reasons for interest in the Finance Committee and her experience, thanking her for volunteering.



Ms. Vasquez moved to appoint Jocelyn Mylott to the Finance Committee, term to expire at the Annual Town Election in May, 2022. Mr. Trussell seconded. *Vote taken, Ms. Smiley, Aye; Mr. Trussell, Aye; Ms. Vasquez, Aye. Motion passed.*

Ms. Turner moved to appoint Jocelyn Mylott to the Finance Committee, term to expire at the Annual Town Election in May, 2022. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Ms. Smiley moved to adjourn the Finance Committee Meeting. Mr. Trussell seconded. *Vote taken, Ms. Smiley, Aye; Mr. Trussell, Aye; Ms. Vasquez, Aye. Meeting adjourned, 7:09pm.*

- Joint Meeting with the Finance Committee to discuss and may take action on Regional Amendment Appointment.

The Finance Committee called their posted minute to order. Chairman Michelle Vasquez took roll call vote: Susan Smiley, present; Richard Trussell, present; Michelle Vasquez, present. Ms. Vasquez moved to open the meeting at 7:09pm. Ms. Smiley seconded. *Vote taken, Ms. Smiley Aye, Mr. Trussell, Aye; Ms. Vasquez, Aye. [3-0-0]. Finance Committee Meeting opened.*

Ms. Vasquez reported that no Finance Committee member is available to serve on the Regional Amendment Appointment Committee. Mr. Moody asked if the representative could be someone other than a Select Board or Finance Committee member. Mr. Pacheco will find out.

Mr. Trussell moved to adjourn the Finance Committee Meeting. Ms. Smiley seconded. *Vote taken, Ms. Smiley, Aye; Mr. Trussell, Aye; Ms. Vasquez, Aye. Meeting adjourned, 7:09pm.*

- Frank Streeter of the Memorial School Reuse Committee to give Committee update.

Mr. Streeter reported that this committee meets at 7pm on the third Wednesday of the month, in this month on the 15<sup>th</sup>. They have been researching, gathering information and ideas. There is a comment form on the town website; residents are asked to fill this out to include their opinions on the Memorial School Reuse. Right now the property is water tight, but cannot be used until the fire system is upgraded. Many departments have a need for dry storage, but this cannot happen without the fire suppression system. The committee has also discussed variations on use such as affordable housing, senior housing, veterans' housing, artist spaces, Recreation offices, and possibly school. They have recently learned that there are deed restrictions on the adjacent playground restricting use to outdoor recreation. The Committee suggests that the Select Board look at subdividing the one lot that includes the entire Green and the Town campus into lots for each building. Mr. Streeter notes that in the end, there will need to be value judgements regarding which function is more valuable than others. The Committee hopes to come back with a final report in the Spring.

## **II. PUBLIC COMMENT PERIOD**

6:00 P.M. - Opportunity for the public to address their concerns, make comment and offer  
6:10 P.M. suggestions on operations or programs, except personnel matters.  
Complaints or criticism directed at staff, volunteers, or other officials  
shall not be permitted.

Mr. Allison launched the Public Comment section by noting that today is Police Chief Everett Moody's birthday, wishing him a happy birthday and congratulations from the Select Board.

Mr. Moody commented that both the Lancaster Police Department and the Library currently have an "Angel Tree" to support local families in need of help.

Ms. Turner noted that the Community Center and the Old Town Hall will be hosting Santa Claus, who was born and raised in Lancaster, on Sunday at 2:00pm.

Mr. Allison recognized Susan Smiley, 183 Packard Street. Ms. Smiley offered clarification on the Memorial School Reuse Committee's report. She explained that there are reasons that the Town Green area is one parcel. When the grant was received for the playground, this had been suggested by the Town's legislators because the park is in a residential area.

Ms. Turner, who commented on ongoing and escalating tensions among elected and appointed leaders of the community. She feels that everyone should re-commit to negotiating and engaging with one another in good faith. She said, "I think that we need to practice more empathy, and understand that we come from a common place, and I don't just mean Lancaster, but we are united by our love for this town, and I know that we all genuinely hope for a brighter future."

## **VI. TOWN ADMINISTRATOR REPORT**

Town Administrator Orlando Pacheco will update the Board on the status of current projects pending. \*\*\* TAKEN OUT OF ORDER \*\*\*

- Fleet EV Study

Mr. Pacheco reported that Lancaster has participated in a fleet electrification study as part of an ongoing climate action issue. He said that the utilities are putting more and more money into Fleet electrification as part of their emissions reduction policies so they've been reaching out to certain communities who have been willing to participate, asking look at the fleet and see how they can help to make recommendations on transitioning from internal combustion engines to electrification. All the departments that manage vehicles participated. He provided a copy to the Board which shows their recommendations in an Excel spreadsheet, and he noted there is a handout on the program and its goals.

\*\*\* PARAGRAPH BELOW OUT OF ORDER, AFTER "HOLIDAY HOURS" ITEM IN  
TA REPORT \*\*\*

Mr. asked if there was any advantage to Lancaster's participation in the Fleet EV Study. Mr. Pacheco said no, but it will provide some guidance for capital planning. Mr. Pacheco also noted that there will need to be future discussion about the Building Commissioner's vehicle, which is at the end of life cycle. Additionally, Mr. Pacheco recommends replacing the EV charger at the Town Hall with a dual port. Ms. Turner asked if there was a cost to the study. Mr. Pacheco responded that it was a competitive application process; there was no cost.

- Dispatch Executive Director Appointment

Mr. Pacheco announced that we are very excited to announce the appointment of Ann Camaro as the new Executive Director of the Nashoba Valley Regional Dispatch. He additionally noted that his counterpart in Berlin will be taking over his duties as Chair of the Administrative Board, and that Fire Chief Hanson will still be on the Operations side.

- Body Camera Grant

Mr. Pacheco announced that the Town of Lancaster has received notice from the state that they have been awarded a grant to buy body cameras for the police. This has previously discussed with the Union, and everybody seems to be on board.

\*\*\* THE PARAGRAPH BELOW WAS TAKEN OUT OF ORDER FOLLOWING THE OUT-OF-ORDER PARAGRAPH UNDER EV FLEET VEHICLES \*\*\*

Ms. Turner asked that Police Chief Moody talk about the Body Camera grant. Chief Moody thanked the Board for the birthday wishes. His department is happy to have received a grant for just under \$32,000 for the body cameras, stating that he cannot think of a better way to promote transparency and accountability, than to record all of the officers' actions. He looks forward to working with the officers, the Union, and the Select Board as they begin to negotiate the policies and procedures that will need to be put in place. Additionally, he supports the Board's participation in the opioid settlement. The Police Department participates in a program that tracks opioid overdose cases, and Lancaster has had 20 cases in the last 18 months. He states that even if the program just brings awareness, it's a good thing.

- Town meeting location and set up

Mr. Pacheco stated that there seems to be a lot of talk about the safety of town meeting and whether we can have a safe town meeting. He advised the Board that by using the Mary Rowlandson gymnasium with backup in the cafeteria there will be more than enough space to maintain safe distance for at least 500 people. Mr. Moody said that there are still people out there that do not want to go inside; he would like a dual approach, so that some people could be outside listening on the car radio. Mr. Pacheco said that using the clickers this could be easily done. Mr. Pacheco reported that at the Board's request he has looked into having a Zoom town meeting, but the only towns that have done this are those with a

representative Town Meeting, so that participants are limited to those who could use a pre-registered Zoom account.

- Discuss memorandum of understanding (MOU) for the 40R district in North Lancaster

Mr. Pacheco reports that he knows that the Select Board is familiar with this, and he wanted them to know where he was trying to go with this MOU. He explained that there is a memorandum between Capital Group and the Affordable Housing Trust on the 40R. Mr. Pacheco thinks that what would be better and more comprehensive would be to have a memorandum with Capital Group on the entire project. This would, whether you are for or against the project, at least give very clear expectations on what the deliverables are if certain things happen, which should be the goal. If there is a zoning change, based on a concept plan, then that should be memorialized, not just in the filing. It should be captured almost in a contractual document with the Board. Mr. Pacheco is working on this with Town Counsel and the Capital Group to try to facilitate, using the 40R memorandum to facilitate that document.

Ms. Turner said that people have been talking about an MOA being more enforceable, and would like the agreement to be as ironclad as possible. She asks if there is an advantage to an MOA rather than an MOU. Mr. Pacheco said that he uses the terms interchangeably and does not know if one has a larger legal threshold, but he will ask Counsel. Ms. Turner also stated that although we are talking about Capital Group, it should be extended to include a bunch of different trusts that are involved in this, and it should include all parties and their successors.

- Statewide opioid settlements – participation forms

Mr. Pacheco explained that this item has to do with what's been happening nationwide with the opioid settlements, particularly with Johnson and Johnson, and some of its distributors. He received a call from the Attorney General's office that they would like the town to participate in the opioid settlement. He explained that there are many reasons why the town should do that. First, because we didn't sue the distributors of oxycontin or any of the other substances named as an entity, meaning the town itself did not take legal action. We are not entitled for any compensation from the settlement unless we join another group that has done this, and the only other entity is the Commonwealth. He explained there are some other municipalities nationwide that formed their own cooperatives and pursued legal action, but Lancaster is not part of them either. He is simply asking the board to authorize him to send the forms back to the Attorney General as notice of participation. He said that he cannot tell the Board at this point how much compensation the Town would receive and over what period of time, because that will be settled at a later date, but he thinks the Board has until the end of the calendar year to determine whether they want to participate or not.

Mr. Allison moved to authorize Mr. Pacheco to submit the forms for the opioid settlement. Mr. Moody seconded. Ms. Turner asked what was the risk to the Town; Mr. Pacheco said that there does not appear to be any downside, and that he anticipates a half billion dollars

coming to the Commonwealth, and then to be determined how this is distributed to the towns.

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

- Holiday hours for Town Buildings

Mr. Pacheco noted that because the Christmas holiday falls on a Saturday, the holiday will be observed on the prior Friday, so all municipal offices will be closed on Christmas Eve, which is Friday, December 24. For the same reason, New Year's Day falls on Saturday, so all municipal buildings will be closed on Friday, December 31.

## **VII. ADMINISTRATION, BUDGET, AND POLICY**

### 1. Special Town Meeting (Open/Close Warrant)

Mr. Pacheco explained that the Board has a couple of options. They can open and close the warrant on the same date. Or, they can set the date to open the warrant and to close the warrant at the same time. Or, they could open the warrant at a date that they see fit and close it at a later date. Mr. Pacheco offered an opinion that he likes to see the Board open the warrant and then close it at a later date, stipulating that they need any and all material related to the warrant to be submitted by a specified date. Mr. Allison asked him to spell out how a motion to do this would be worded.

Mr. Pacheco said that a motion could be taken to open the warrant for the Special Town Meeting on December 7, 2021, at 10am, with all articles to be received and the warrant closed on January 20 at 4pm. Mr. Allison offered this motion. Ms. Turner expressed concern that this might not be enough time for Town Counsel to review the warrant and for the Board to publicize the Special Town Meeting through postcard mailings or booklet mailings. She moved to amend the motion to close the warrant on January 13 at 4pm. Mr. Allison seconded Ms. Turner's motion.

*Vote taken on the amendment; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

*Vote taken on the amended motion; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### 2. Town Administrator transition schedule (Allison)

Mr. Allison moved to authorize Sandi Charton to negotiate with Orlando Pacheco to work 50% of the time, starting December 20, 2021, with days in the Prescott Building being Monday, Wednesday, and Friday, with the last date of employment being December 31, 2021. Ms. Turner seconded for discussion.

Mr. Allison noted that this is in part based on a memo to the Board from Mr. Pacheco. Ms. Turner suggested that the next agenda item, "Interim Town Administrator Selection" may have impact on this. Ms. Turner stated, "Jay and I had the opportunity to have meetings and

discussions. At the time we had initial discussion with Orlando he made it clear to us that he would like to be able to dedicate as much time, but then he was wanting to help Lancaster out and we agreed to the end of December, and you worked and we tweaked the dates, but I think we have good news for you. Hopefully, you will agree, there is good news on the interim side that may help accelerate that schedule, if you if you want to take that out of order.” She asked if the Board would like to table this or take the next agenda item out of order.

Mr. Allison said that if there was a change to any previous conversation the Board should go into Executive Session and have that type of discussion there. He said he was not comfortable talking about an acceleration of anything in Open Meeting, and that the three Board members had met and talked candidly about what they liked and didn’t like for dates. He suggested he felt it was compelling to stop this discussion now and find time to meet in Executive Session if the Board wanted to continue the discussion, but noted that there is not much time with one more regular meeting in the month of December. He stated that the Board had a good plan and he did not see any reason to deviate.

Ms. Turner questioned Mr. Allison, asking if a vote taken didn’t say “or sooner.” Mr. Allison said that the motion reflected the minutes of the Board’s meeting except for changes to the specific days after response from Mr. Pacheco. Mr. Moody thought that going into Executive Session, if that is what Mr. Allison would like to do, would be a win-win. Mr. Allison stated that what he wanted to do was to move ahead with the current plan; he wanted to go ahead with the previously determined date of December 31. Ms. Turner moved to amend the motion on the floor to include scheduling an Executive Session meeting as soon as possible. Mr. Allison had difficulty scheduling an Executive Session with his personal schedule. Ms. Turner asked if he was willing to have an Executive Session without him being there; he said no. Mr. Allison felt there was no reason to change the plan at this point. Ms. Allison amended the previous motion to include a meeting in Executive Session on December 9 at 5pm.

Mr. Allison said, “You’re going to make a motion contingent on the scheduling of an Executive Session meeting which I’m in charge of, so if I can’t make that date I won’t schedule the meeting, and therefore the motion doesn’t happen? That’s why contingencies on a motion are very problematic.” He suggested moving forward by approving killing or approving the motion and called for a vote. Ms. Turner replied, “This is ludicrous, Jason, because all we want to do is work to your goals, and we have a very... I don’t understand, first we can set up an Executive Session by ourselves, but I want to .... This is a very important discussion so you should be included in it. It’s time sensitive... we have worked very hard to get some good options for the Town which bear on this discussion. So we have had meetings and hours of work into this and we need to be able to have a half hour of your time.” Mr. Allison said he didn’t know what she was going to present, but if the option is to have an Interim overlap with the Town Administrator, there is nothing wrong with that.

Ms. Turner recapped that the motion on the floor is that Mr. Pacheco’s last day is the 31<sup>st</sup>. Mr. Allison stated that the motion is what they agreed to in their meeting of November 18<sup>th</sup>.  
*Vote taken; Jason A. Allison, Aye, Jay M. Moody, No, Alexandra W. Turner, No. [1-2-0].*

3. Town Administrator agency selection (all)\*

Mr. Allison asked Ms. Turner to introduce Jeff Nutting, the new appointee for the position of Interim Town Administrator [\*\*\*note this was done by taking item #4 out of order\*\*\*]

Mr. Nutting thanked the Board for their vote, stating that he wanted to be very clear that he does not wish to interfere with the Board's relationship with Mr. Pacheco during his transition.

Ms. Turner reports that they have received proposals for four different search firms, all of who could join a Zoom meeting to introduce themselves. They all agreed that advertising for the Town Administrator (TA) position should be in place by the end of December.

*Mr. Allison moved to authorize Sandi Charton, HR Director, to negotiate with Municipal Resources, Inc. to perform the search for Town Administrator. Ms. Turner seconded the motion for discussion purposes.*

Ms. Turner thinks that the Board needs to talk to some other firms. She has spoken to Municipal Resources, Inc. and their President, Alan Gould, and was impressed. She also mentioned the company from New Hampshire used by Georgetown, and Community Paradigm, who does the majority of searches in Massachusetts and is well credentialed. She noted that in fact, some of Community Paradigm's people live close and have offered help finding an Interim TA. She stated that all of the firms she has spoken to can do this work for \$10,000 or less, including background checks and extensive assessment. Ms. Turner also noted that the Board needs to decide how many candidates that they want a search firm to bring forward, and/or if the Board wants to use people in the community as a search committee as has been done in the past. Mr. Moody agreed with Ms. Turner that the Board should look at multiple firms.

Mr. Allison said that having watched Mr. Pacheco's interview process with Georgetown, he was very impressed with MRI, and has spoken to the Chair of Georgetown's Select Board and has been called by MRI for a reference check for Mr. Pacheco. He noted that the interview and hiring process conducted by MRI was great, thorough, and very organized. Mr. Allison wants to move quickly since the process could take three to six months. He cautioned the Board that there is only one more regularly scheduled meeting in December.

Mr. Allison called for a vote on the motion. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, No, Alexandra W. Turner, No. [1-2-0]. Motion failed.*

Ms. Collins agreed that her experience with MRI was impressive and noted that the Board might also consider using the Collins Center as a search firm.

Mr. Allison said that he has read all the proposals and that if one of the other Board members wants to propose a different firm that they are welcome to, but that he is set on his choice. Ms. Turner made a motion to schedule interviews with search firms at the December

20 meeting with a decision to be made following that. Mr. Moody seconded. *Vote taken; Jason A. Allison, No, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]*

*\*\*\* following this topic, the meeting returned to the Agenda item "Town Administrator Report"*

4. Interim Town Administrator selection (all)\* \*\*taken out of order after item #2\*\*

Mr. Moody introduced the topic, saying that they had gone to the MMA (Massachusetts Municipal Association) and received a list of people who were possibly available. He stated that we did get a very well qualified person who had agreed to do it and to start whenever the Board wants, and could hit the ground running. This person is retired and can only work a certain number of hours, 1200, but this should work until May, covering Annual Town Meeting, and by then there should be a new Town Administrator, which we could do with a search company.

*Mr. Moody moved to hire an Interim Town Administrator (NOTE: did not hear a motion made at ~1:50 in the recording, although the Board discussed that it had been made.) Mr. Turner seconded.*

Ms. Turner noted that when the Board met previously, they also discussed how to go forward, and that they were going to need to have an Interim Town Administrator to help bridge the time while they do a comprehensive search to find the best candidate for our next Town Administrator, probably using a search firm. She and Mr. Moody were charged with looking at search firms and getting more information and proposals and coming forward with a candidate for the Interim position. What they did to look for the Interim is that they both reached out to people at search firms, at MMA, and at ICMA, which is the Managers' International Managers Association, and cast a wide net, because whoever the candidate is would need significant experience and would need to be able to hit the ground running. They felt that the best candidate would be a retired Town Administrator or someone who has served as an Interim in the past. Ms. Turner stated that there were names that kept coming up consistently, and they narrowed it down to a handful and spoke to these people individually and concluded that they have agreed on a potential candidate who was excellent.

Ms. Turner stated that this person is Jeff Nutting, who has served nearby in Sterling. He is from Franklin, and has served in 14 cities and towns, including being the Town Manager in Franklin for many years. He is retired. She continued, saying that he brings the kind of steady seasoned professionalism that they are looking for. She noted that his hours are limited due to his retirement status, but that he would be able to work with Lancaster until the beginning of May. She explained that the search firms that she and Mr. Moody have spoken to all have different approaches, and that is something that will need to be discussed and debated by the Board, but in general they all said that searching through the holidays is difficult, but that if you use a search firm they could begin advertising in December or January, and the Board would need to decide if they want to use a selection committee or would rather make a Board decision. Interviewing would typically begin and February with



selection in the latter part of February. Because many Town Administrator contracts require 60 days' notice, this would bring the process to early May. She said that Mr. Nutting gets strong marks for being a real collaborator.

*Mr. Allison moved to appoint Jeff Nutting as Interim Town Administrator, negotiated via Sandi Charton, not to exceed the time of mid-May, with a start time as soon as possible. Ms. Turner seconded the motion.*

Mr. Moody noted that Mr. Nutting was formerly the President of the MMA and has served on the MMA Board. Mr. Allison reported that Mr. Pacheco agrees that Mr. Nutting is a strong candidate. Mr. Allison suggested moving forward, letting Ms. Charton negotiate a start date, and then following this, adjust Mr. Pacheco's schedule if needed.

*Ms. Turner offered an amendment to include Mr. Moody in the negotiations. Mr. Moody seconded. Mr. Allison said that he has read in the MMA Handbook that it's not a good practice for the Select Board to get involved with negotiating contracts. Vote taken on the amendment; Jason A. Allison, No, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]*

*Vote taken on the amended motion; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Allison asked the Board if they wished to return to the topic of Town Administrator schedule. Mr. Moody and Ms. Turner would like to wait until the Interim position is negotiated with Mr. Nutting, and then to see if Mr. Pacheco would like to leave earlier. No decision was made; Mr. Allison noted that this means that Mr. Pacheco's contract is still currently in effect.

(Out of order; following this topic the Board returned to #2, Town Administrator agency selection)

5. Process for appointing conservation agent (Allison)

*Mr. Allison moved to authorize the Conservation Commission the authority to select and propose a candidate to the Select Board to fill the Conservation Agent opening. Mr. Moody seconded.*

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6. Process for appointing Recreation Director (Allison)

*Mr. Allison moved to authorize the Recreation Commission the authority to select and propose a candidate to the Select Board to fill the Recreation Director opening. Mr. Moody seconded.*

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

7. Discuss how the Town should negotiate with Capital Group (Allison)\*

*Mr. Allison said that he has heard from a member of the Affordable Housing Trust and from a member of the Economic Development Committee and the Board has talked a little bit tonight about a Memorandum of Understanding, and therefore made the following motion: move to create an ad hoc committee, with the charge of negotiating a Memorandum of Understanding with the Capital Group regarding the proposed North Lancaster development, said committee to be comprised of the Chair of the Planning Board, the Chair of the Zoning Board of Appeals, the Chair of the Affordable Housing Trust, the Chair of the Economic Development Committee, and the Chair of the Select Board. Mr. Moody seconded.*

Ms. Turner said that she thought that the job of the Economic Development Committee was to negotiate with Capital Group, and that if you have two committees with the same charter it would create confusion.

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, No. [2-1-0]*

8. Town Counsel selection (Allison)

Mr. Allison noted that this has been on the agenda for awhile, that Ms. Turner had requested that an RFP be sent out, responses have been received, and that we need to make a decision on next steps.

*Mr. Allison moved to authorize Sandi Charton to negotiate with Miyares Harrington for use as Lancaster Town Counsel. Ms. Turner seconded.*

Ms. Turner said that she spoke with someone from KPLaw who was not aware of the solicitation and that she was surprised. She agrees that Miyares Harrington is a good firm but that the Board needs some kind of system to score them individually and then come back and compile the results. Mr. Moody would like to wait until Town Meeting is all ready, rather than switching law firms in the middle of Town Meeting preparation. Mr. Allison said that the topic had come up because he and Mr. Moody had been unhappy with some of the work by KPLaw and that KPLaw was not invited as part of the solicitation because the Board was looking to move away from them, and this all happened about two months ago. Mr. Allison would like to move ahead and has strong recommendations for Miyares Harrington.

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, No, Alexandra W. Turner, No. [1-2-0]*

Ms. Turner asked Mr. Pacheco if he could share a sample selection form. He will provide the Board with this. Ms. Turner suggested that the matrices be returned to Ms. Charton or Mr. Nutting for compilation and that this should indicate who the top candidate is.

9. Follow-up to Russ Williston Open Meeting Law complaints (Allison)

Mr. Allison asked the Board if they had seen responses from Town Counsel in response to Russ Williston's Open Meeting Law complaints. Ms. Turner would like to take the agenda item "Time and Duration of Select Board meetings" out of order; Mr. Allison stated that the extension received in response to Open Meeting Law violations did not extend to the 20<sup>th</sup>, the date of the next scheduled meeting, and needed to be resolved. Mr. Allison asked again if the Board members had read Labor Counsel's response to the Open Meeting Law complaint.

Mr. Allison explained that he needs the Board to read the email forwarded to them on December 1; if he recaps the scenario, he loses attorney client privilege. The Board members found and read the email. Mr. Allison stated that there are two things the Board needs to do. First, they need to make sure that they approve minutes in a timely fashion. Procedurally, if the Board has an issue with minutes, they should approve the draft and make them available, which is satisfactory as a start. Mr. Allison noted that the Board has been, for the last four or five weeks, meeting at a crazy pace, and for the office to keep up with this is hard; for example, the packet for tonight's meeting is 270 pages. Secondly, regarding the discipline aspect of the complaint, *Mr. Allison moved to authorize Mr. Pacheco to craft a response to Mr. Williston stating what we just discussed with draft minutes, and that he was not unlawfully removed from a meeting, but that due to his being disruptive, it is the same as asking him to be removed from a regular meeting. Ms. Turner seconded.*

*Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

10. Cultural Council to have meetings to give ideas on future use of town hall (Moody)

11. Historical society to work with Select Board to put up some paintings on Prescott Building walls (Moody)

12. Time and duration of Select Board Meetings (Turner)

Ms. Turner stated that she applauds Mr. Allison's efforts to keep meetings capped a 9 o'clock, but that the Board needs more time, whether it's through more meetings or later meetings, because they are losing too much. She said that she and Mr. Moody are able to meet more frequently. Mr. Moody said that he has no problem with 10pm meetings but that he understands that if a meeting goes after 10pm that, by law, the Board needs to approve a motion to do so. Mr. Moody agrees that it is unusual to have so much to do.

Mr. Allison offered an opinion that about an hour could be cut out of meetings if the Board members had more frequent conversations with the Town Administrator, because there are many things that do not need to be discussed in open meeting. Mr. Allison said that he will see about going longer, but "three hours is pretty darn long."

Mr. Allison will take the Board's feedback and work with Mr. Pacheco, Ms. Rocco and Ms. Charton to help ensure that the Board is running effective meetings, and that matters at hand are handled crisply and concisely. Mr. Moody and Ms. Turner both stated that they do not want to shortcut the democratic process and transparency. Ms. Turner suggests additional meetings to handle rote items such as licenses and permits or updates.

13. Discuss appointments and employees onboarding. (Turner)
14. Discuss Freedom of Information Act (FOIA) requests, and policy for website and staff involved (Turner)
15. Present proposed charter and details about approved Audit Committee (Turner)
16. Recap of CARES money as from TA report submitted (Turner)
17. Citizen engagement re development: Forums, scope etc. (Turner)
18. Liaison report from HR. Director on Proposed by-law updates to personnel by-law as suggested by HR. Need for STM and for review. (Turner)
19. Complaint about alleged Code violation to BOS/HR (Turner)

## **VIII. APPOINTMENTS AND RESIGNATIONS**

### Resignation

- David Koonce, Conservation Agent

## **IX. LICENSES AND PERMITS - NONE**

## **X. OTHER/UNFINISHED BUSINESS**

- **Event and Entertainment fees and frequency (Moody)**  
Board is going to look into what revenue other communities receive (Topsfield/Brimfield)
- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**  
Finalize Warrant Article language
- **American Rescue Plan Act (ARPA) – Schedule guidelines and impact of new infrastructure bill (Turner)** Board to set a special meeting or discuss at its next meeting
- **Set date of our legislative update (Turner)**

Send invite for December meetings

## **XI. NEW BUSINESS**

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

Mr. Pacheco advised the Board that Kathi Rocco will be leaving the Select Board's office, effective December 31, transferring to the Assessors' office. Mr. Allison asked Mr. Pacheco to formalize this in a letter and to ask Ms. Charton to follow standard procedures. He wished Ms. Rocco the best of luck.

## **XII. COMMUNICATIONS**

- The Select Board's next regular meeting will be held via Zoom on November 1, 2021, at 6:00pm

## **XIII. ADJOURNMENT**

Mr. Allison moved to table all outstanding Administration, Budget, and Policy items for the next regular meeting. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

*Select Board member Jay A. Moody offered a motion to adjourn the meeting; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

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Jay M. Moody Clerk  
Approved and accepted:





**LANCASTER BOARD OF SELECTMEN  
Special Meeting Minutes  
Of Wednesday, March 24, 2021**

**I. CALL TO ORDER**

Chairman Jay M. Moody called the meeting to Order at 6:00 P.M. via Zoom.

Join Zoom Meeting <https://us02web.zoom.us/j/82791831775>  
Meeting ID 827 9183 1775

Present were Selectmen Walter F. Sendrowski, Jason A. Allison, Jay M. Moody, and Town Administrator Orlando Pacheco.

**II. PUBLIC COMMENT PERIOD - NONE**

6:00 PM - Opportunity for the public to address their concerns, make comments, and offer  
6:10 PM suggestions on operations or programs, except personnel matters. Complaints or  
Criticisms directed at staff, volunteers, or other officials shall not be permitted.

**III. APPROVAL OF MEETING MINUTES - NONE**

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

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

**VI. TOWN ADMINISTRATOR REPORT - NONE.**

**VII. ADMINISTRATION, BUDGET, AND POLICY**

1. Discuss holding a hearing for PJ Keating on a two year permit for a quarry special permit to remove earth products.

A hearing is scheduled for April 5. The hearing is currently posted in the Item and on the website.

2. To appoint 5 person Town Clerk Search Committee

*Mr. Sendrowski moved to appoint Joe Mule, Sue Thompson, Jennifer Leone, Mark Grasso, and Mary Frost to the Town Clerk Search Committee, with Sandi Charton, HR Director, as*

*an ex officio member. Mr. Allison seconded.*

*Jason A. Allison, Aye, Jay M. Moody, Aye, Walter F. Sendrowski, Aye. [3-0-0].*

Mr. Grasso asked about the timeline for appointing the Town Clerk. There are already several candidates and the hope is to move quickly. Mr. Grasso asked how many candidates the Select Board wanted to bring forward. Not determined.

3. Discuss possibility of changing date of Town Meeting to allow for planning with temporary Town Clerk

Mr. Allison wanted to know how long the Board of Selectmen has to delay Town Meeting if there isn't a Town Clerk in place within a couple of weeks. Mr. Pacheco advised that it's premature to look at this until the Town Clerk search committee has met. Mr. Pacheco explained that meetings can be posted without a Town Clerk in place. Mr. Moody believes he has read that there needs to be a Town Clerk. Mr. Pacheco explained that there does not need to be a Town Clerk in order to post a meeting per Lauren Goldberg, Town Counsel. Mr. Moody and Mr. Allison would like to see this in writing.

Carol Jackson wants to know where to send things that should go to the Town Clerk. Mr. Pacheco explained that continue to send things to the Town Clerk and they will be re-routed. Ms. Jackson wants to know who to call when she doesn't get a response. Mr. Allison told her to call Mr. Pacheco, and then if she doesn't get a response to call him.

<b>VIII. APPOINTMENTS AND RESIGNATIONS</b>
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Resignations

Acting Town Clerk/Assistant Town Clerk Melissa Pelletier

*Mr. Allison moved to accept, with regret, the resignation of Acting Town Clerk/Assistant Town Clerk Melissa Pelletier. Mr. Sendrowski seconded.*

*Jason A. Allison, Aye, Jay M. Moody, Aye, Walter F. Sendrowski, Aye. [3-0-0].*

<b>IX. LICENSES AND PERMITS - NONE</b>
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<b>X. NEW BUSINESS</b>
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*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

<b>XII. COMMUNICATIONS - NONE</b>
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<b>XIII. ADJOURNMENT</b>
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*Mr. Sendrowski moved to adjourn; a second was offered by Mr. Allison. Jason A. Allison, Aye, Jay M. Moody, Aye, Walter F. Sendrowski, Aye. [3-0-0]. Meeting adjourned.*



Respectfully submitted

Kathleen Rocco  
Executive Assistant

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Jay M. Moody Clerk  
Approved and accepted:





**LANCASTER BOARD OF SELECTMEN  
Special Meeting Minutes  
Of Tuesday, November 2, 2021**

**I. CALL TO ORDER**

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting <https://us02web.zoom.us/j/83015551567>  
Meeting ID: 830 1555 1567

Roll call was taken, Alix Turner, present, Jay Moody present, Jason Allison present. Town Administrator Orlando Pacheco was also present.

**II. APPROVAL OF MEETING MINUTES - NONE**

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

1. Meet with Capital Group to discuss the following:

- North Lancaster development
- North Lancaster Settlement Agreement

Mr. Pacheco explained that at the last meeting with Capital Group Properties (CGP), there were a number of questions that were not submitted, so tonight's meeting will cover those questions rather than new questions. CGP has been given the list of questions.

Speaking on behalf of Capital Group were William (Bill) Depietri, Founder and President; Robert Depietri, Project Developer; Daniel Ruiz, Permitting Manager; Bob McGuire from JLL, one of the brokers associated with the prospective tenant transaction. Mr. Depietri noted that they had a 7:00pm hard stop due to a 7:30pm meeting elsewhere. He said that they were proposing to have four meetings before the end of the year, two in November and two in December, two town-wide Zoom meetings and two in-person meetings, but they didn't want to duplicate efforts if the Select Board had other ideas.

Mr. Allison said that this sounded reasonable and that he will take this offline to discuss with Mr. Pacheco, and the Board can address later as New Business.

Mr. Depietri noted that some of the questions from the October 26 meeting have been answered, so he was sorting through to find unanswered questions to get through as many questions as possible without duplicating efforts.

The first list of questions was from Ladd Lavallee, 40 Fire Road 10.

*Question: Is the proposed industrial warehouse guaranteed to fulfill one long term lease with a note on it, or could tenants of the development vary?*

There have been no leases executed at this time. We're proposing a speculative project development to a point, so it could be we know some tenants up front, before we start, and we might start a building or two without a tenant so at this time we're unable to really answer that question until we have a signed lease or we know they're ready to start building. You know all of the information that we've given the town is based on projections.

*Question: Should we allow for the possibility that the occupant is not the one currently anticipated?*

Yes, that's a possibility, and again, there will be multiple occupants, not just one. There are multiple buildings that we're proposing.

*Question: If the occupant is known, does that occupant operate their own fleet of trucks exclusively?*

This was addressed at last week's meeting and again, each company runs a company differently and are independent from other companies. Some have the same standards, some of them don't. We really don't know until we have the occupants or the tenants identified.

*Question: If the occupant does not run their own fleet of trucks exclusively, what means does the applicant have to ensure the use of filters or other pollution mitigation?*

Mr. Depietri noted that this was discussed last week. The tenants that occupy the project have to meet federal and state emission standards. Those will all be met and all vetted during the MEPA process.

*Question: Diesel exhaust filters are generally considered a moderately effective option as compared to zero emissions electric trucks. Could the applicants require zero emission engines?*

This was addressed last week. To reiterate, that at this point in time, where we are with electric vehicles, it's way too early for that. We do feel that in time it is headed that way. I just don't think that the technology is ready for the size of vehicles that they have but, again, they will meet state and federal emission standards.

*Question: The Institute of Transportation Engineers predicts almost twice as much daily truck traffic from a warehouse of this size. How is the proposed occupant able to promise half the traffic?*

The Institute of Transportation Engineers are very broad. They don't know the type or the tenant, so when they run the numbers it's extremely conservative. We propose a certain type of tenant for this

development, so we know what the trucking needs are. We based our traffic study on those. The Town's Peer Review Engineer reviewed it, commented on it, and when we file with MEPA the state is going to have their own traffic engineers comment as well.

*Question: If there is only one guaranteed occupant, why is the traffic study, based on self-reported predictions of one occupant? Why wasn't the Institute of Transportation Engineers trip generation manual used to calculate traffic, as it would ordinarily be?*

Again, as stated previously. First of all there isn't going to be only one occupant this is there, you know we're talking about one potential building right now, but there are multiple buildings planned for the overall development. This was addressed in our traffic engineer's response to the town's peer review engineer and that's all of the traffic studies. All these traffic questions that have been asked tonight have been responded to. I believe we sent a response last week to the Town.

*Question: If the occupant is known, when will the study be the updated with data reflecting whether it is a sortation or non-sortation fulfillment center, which will greatly affect the traffic counts, if the report was generated using both occupants' data, why was the type of warehouse omitted from the report, despite its bearing on traffic volume?*

The rezoning that we are requesting the Select Board take before Town Meeting is not a permit to start construction. All it is, it expands the current zoning out front to the back of the residentially zoned land. It allows us to, at that point, file for a site plan approval permit to the Planning Board. At that point we'll be permitting each building separately from the other ones, and we'll be adjusting the traffic study if we know what the tenant is at that time will be filed the planning board, if not, it will be based on projections so by type of tenant we'll project to be in that building.

*Question: The nationwide shortage of trucks of truck parking creates a well-documented problem of trucks idling on roads or in neighborhoods the on the way to delivery or pickup appointments. Has the cost of increased local law enforcement to combat this problem been calculated?*

Mr. Depietri responded that he was unaware of a nationwide shortage of truck parking areas but, that being said; they designed these buildings with sufficient parking. Some trucks do show up early, and they can basically sit in the parking lot and wait until they're ready to be unloaded. All of these tenants aren't going to have all the trucks at once. They have schedules, and time slots when they show up to drop off their loads and when they pick up their load. They don't want a bunch of trucks sitting around doing nothing. It's a pretty well-orchestrated systematic program that they have in place here, so this should not be happening. It might happen in other parts of the country and with other types of tenants, but the prospective tenant that we're talking to is extremely organized.

*Question: The Peer Review of the traffic study noted that the existing Route 2 interchange could be subject to vehicle queuing even with the existing below average traffic calculations, but alterations have been proposed to increase flow at these intersections.*

We went into great detail about this at the last meeting. I don't want to go into it too much because I don't want to burn up too much time, but our traffic engineer responded, the Town has the

comments. If they're not on the Town's website, maybe we'll put them up on our website so that people can see the response of our traffic engineer on these questions.

*Question: Jeffrey Derek of Vanesse Associates, said before the EDC that the existing roundabout in North Lancaster is insufficient if it requires long trucks to pass over it.*

It was noted that there was multiple conversations with the state regarding this intersection and understands that people think it's too small, because it has a raised center portion of it. It was intentionally designed for that it's meant to have the trucks ride up over it, if they're longer tractor trailer trucks. The shorter ones, they can drive around it. This roundabout was designed to accommodate way more traffic than what you see there now. The State has looked into and they've not had any real fears or concerns. There was discussion about this rotary and the State don't see it being an issue. Again, I think that people think, because part of the rear wheels go right up over the raised portion of the roundabout that it wasn't designed for that, but it actually was designed with that intent, otherwise the roundabout would be twice the size which you wouldn't want.

*Question: Given there's a large and rapid growing body of scientific research showing that it is unhealthy to live near locations, with a large volume of diesel truck traffic do elevated emissions and particulate matter (PM) from diesel engines. How has this concern impacted the plan to develop housing adjacent to the industrial distribution?*

Again, this has to go through MEPA, and it goes through a rigorous review of the project and the trucking and all the impacts. We have environmental consultant, Tech Environmental, who will be at one of the four meetings that we're proposing to answer all the environmental questions. We'll have traffic engineering at one of the meetings to answer all the specific questions as well. I think we'll wait till one of these future meetings.

*Question (last from 10/22/21): Tax revenues are Lancaster's primary motivation, when considering this project. Large retailers frequently succeed in reducing their taxes once they locate in a town. Will the applicant or the occupant of the proposed warehouse guarantee a base revenue projection or minimum negotiate tax rate? What is the total projected income tax rate that will be generated?*

We gave our estimated tax projection. RKG also gave their projections. The Town sets the tax rate, the Town sets the value of the property, although have certain parameters that they have to follow when assessing the property. If a tenant or an occupant, were to come in and try to reduce their taxes through a TIF or whatever, this is at the Town's discretion. They don't have to do anything. They can sit there and say look this tax bill you're writing it. So it doesn't matter how big the tenant is, the taxes are what the taxes are. If the town doesn't want to grant any reduced taxes they don't have to, and the tenant or the occupant have to pay the taxes, providing that the assessment meets the state guidelines in assessing property. The RKG fiscal impact report gives estimates as to what the taxes, what they see the tax revenue and the task value being for the Town and we've also produced documentation from our office, and this is based on other properties within the town of Lancaster.

The next set of questions is from Amy Humphrey, dated 10/22/21. These were not made available at the last meeting.

*Question: Why hasn't North Lancaster completed the 87 acre land transfer yet per the agreement made with the town in October 2017?*

We spoke about this last week at great length and in depth, but maybe this particular person was not around.

Mr. Depietri asked Chairman Allison if it was okay to answer all repetitive questions at the same time. Mr. Allison told him that he should feel comfortable skipping questions that have already been answered.

*Question: With all the plans that have been submitted to date, how do we know which plans are the most current for the McGovern Boulevard site?*

Again, what we're proposing is speculative. Currently we have identified a prospective tenant. We've spoken to other prospective tenants, but none of them have signed leases. If any of the numbers or the traffic impacts change due to that type of tenant, the traffic study will be updated and presented to the Planning Board and the fiscal impact report will also be updated to reflect that tenant at that time that we bring it forward to the Town.

*Question: When will the traffic study be revised, based on the Vanesse peer review, and will any of the additional comments and questions that residents had asked. Will any of the additional comments/questions that residents asked that could not be answered by Vanesse during the EDC meeting on 10/13/21 be addressed?*

Again, at one of the four proposed meetings the traffic engineer will be present, and he can answer everyone's questions either via Zoom or in person.

*Question: What are your justifications for making the request during the development of the ICOD that this development be permitted by site plan approval only and not by special permit, which is the norm for the vast majority of Massachusetts communities? Based on this request, do you have an example of a development of this size that you have done under a site plan only? Please supply the specific site and how it's turned out for the Community where it was built. As you know, the process for applying conditions to a special permit protects the town to a much greater extent than conditions applied to a site plan approval.*

I think we went into great detail with this question last week as well. I will tell you that there's nothing stopping the Planning Board from putting conditions on a standard site plan approval. It doesn't need to be a special permit and, as I stated last week, a special permit needs four out of five votes and is basically not appealable. The only way we're willing to move forward, and work with the Town, is it needs to be under a non special permit as a by-right use under the current zoning, which is enterprise is in the front, and we're proposing that the enterprise zone is carried to the back, which is currently zoned residential.

*Question: Why have you specifically targeted 40R development that you've worked hard with the Affordable Housing Trust to develop, to the requirement that we rezone a residential in part of the town to build a mega warehouse? In addition to the size of the warehouse being out of scale and character for our Town, it would be located directly adjacent to existing residential development. Why should we have to remove the existing protections for the residents of White Pond Road to put a mega warehouse in their backyard just to get a 40R? These are independent and should be viewed as such.*

Again, we went into some detail on the same question last week. They are not independent proposals because we would never do a 40R without getting the rezoning. Basically it's not a money maker. We probably lose money doing it. It's not what we prefer to do out there, but we were trying to work with the Affordable Housing Committee to help the town reach 10% goal, and in doing so, we were requesting that the back residential piece be rezoned.

The next list of questions is from Lois Wortley, dated October 22, 2021.

*Question: Public comments regarding the traffic review and the peer review re. McGovern Boulevard raises some gaps and questions. What is the process by which these issues will be prioritized and addressed?*

Again, we've responded to the peer review comments to our traffic engineer, and we will make them available for future meetings to answer anyone's questions regarding traffic.

*Question: Regarding the traffic monitoring and mitigation, who in Lancaster has the oversight, and how does The Capital Group plan to handle this? For example, it seems larger than just a timing of traffic lights.*

I can tell you what we've done in previous projects is part of the conditions that were part of the permits received from the Planning Board in another in another town. We had, I think, biannually, to have a traffic engineer come out and do traffic counts and verify that we were within what we proposed when we were permitted, and if adjustments had to be made, we had to do them, and this, I think, went on for two or three years once the project was completed.

*Question: Much of the traffic analysis depends on planned improvements by the state and town on key intersections. How can we be assured that these will happen in the timeframe needed for the project?*

We went into this last week, that certain improvements are already underway, that the town and state are funding, one being the intersection of Route 70 and 117, and 117 and Seven Bridge Road. Those are in the works, and I believe the scheduled start is for Spring of 2022. All the frontal improvements, i.e., everything that's along frontage which connects to McGovern Boulevard, the signals, the widening of Route 70, is all going to be done by the developer. We're also doing some temporary improvements until the state is scheduled to do theirs. The other side is already in design for the other intersections. They haven't been scheduled yet but I believe will be over three to four years. This has all been discussed with our traffic engineer and the state's traffic engineers and Vanesse has spoken to the State regarding these approvals. Again, our traffic studies are based on



full occupancy. Some of these improvements are only needed at full occupancy. Some of them and needed at the beginning and partially through it.

*Question: Improvements to Route 2 will also be necessary. My current understanding is that there's no confirmed timeline for these. How do we ensure that these improvements happen in the timeframe of the project?*

Again we're working with the State to develop schedules as to what improvements the developer needs to do and what improvements the State is going to do. If the State can't meet certain timeframes, which they've already identified, we've agreed to do them. This again is the accel and decel lane of Route 2 and Fort Pond Road.

*Question: What assurances do we have that truck traffic emissions will not adversely impact our air and water quality, and will this be monitored, and will there be any mitigation for adverse effects?*  
Again, we have to meet strict standards for MEPA. Tech Environmental, which is our environmental engineering firm, can respond in much more detail when we have our meetings with the public.

The next list of questions was from Cathy Hughes at 80 Fire Road 11.

*Question: The assessor cards note that North Lancaster land that The Capital Group is proposing to develop is currently owned by several entities include 702 LLC, North Lancaster LLC, and others. Does the Capital Group have an agreement with all the property owners to represent them?*

We're not developing all of the land. We're only developing the piece that 702 LLC owns, approximately 350 acres. Then we have an option to purchase the land that North Lancaster has. Regarding other landowners, we're not proposing to develop their land or rezone their land. So I'm not sure why the question was asked, but we own our land and then we have the rights to develop land owned by North Lancaster LLC, with an option to purchase.

*Question: Is it a part of the strategy for this development to be responsible for the property tax bill of the entire development?*

As per State law and Town law, property taxes are assessed to the current owner of certain parcels. So the parcels that are owned by 702 LLC are responsible to pay the taxes. If other parcels are owned by other landowners, they are responsible for paying the taxes.

*Question: Is Capital Group intending to sell the land to a third party?*

Again, we're in the early stage of the project. We may sell some parcels to end users who want to retain the land to build their own building. If that's the case they'll get a separate tax bill from the Town. Other parcels we're going to retain ownership and sign leases with prospective tenants. If that's the case we will be getting the bill and paying the taxes.

*Question: Is Capital Group planning to lease portions of the development?*  
That question was just answered.

*Question: If Capital Group engages in a lease agreement, is it Capital Group's practice to use a triple net lease agreement with tenants, where the responsibility for property, building and maintenance, insurance and taxes, fall on the leaseholder?*

Each lease is different. Whenever possible if we're leasing a property to a tenant, we want to control the management and the maintenance of the property, so it's kept up to our standards. These are typically triple net leases and these expenses are billed back to the tenant. If we do sell a certain parcel to a tenant who will build his own building, there will be standards that need to be met. This is a land condominium. There are bylaws, and each unit owner has to comply with them. These might be landscaping, trash, lighting, or something like that. We have a strict set of bylaws that if there are separate landowners they have to comply with.

*Question: Capital Group has projected property taxes for the town of over \$2.4 or \$2.5 million a year. Large (illegible) large tax departments to find legal loopholes to avoid paying these property taxes. [link given here] And there's a link on avoiding taxes. In addition, they offer room for abatements, arguing that they are bringing in jobs and economic development to the town or income based assessments. (Illegible) Does Capital Group agreed to indemnify the town through a performance bond or something similar for the town property tax of anything less than a projected income of \$2.4 or 5 million per year to ensure that the Town of Lancaster receives a projected tax income from the development?*

Again, we've done our estimate on what the taxes are. RKG has done their impact report which has estimated the taxes and I believe they're very similar. I don't think they're exact, but they're very close. Under State law, whatever the Town assesses to these parties, whether it be Capital Group or a tenant who has purchased the property, we have to pay those taxes. We can't come in and start to negotiate with the Town because we've created 1,000 jobs so you want to lower the taxes. that just doesn't happen. Those cards are held by the Town. If the Town so chooses that it wants to reduce that tenant's taxes they can do so, but they don't have to. We do not plan on coming in to request any TIFs. That is something we can assure the Town, and we'd be glad to put that in writing. If we sell a piece of land to a tenant who wants to build its own building, we cannot control that they will not come in and request a TIF. The town does not have to grant a TIF; it goes to Town Meeting and the town people vote on it. The answer really lies in the town and in the hands of the townspeople.

The next question, regarding the Town's cost for attorneys' fees will be forwarded to the Select Board.

*Question: The company slated for occupying the massive 1.2 million square foot distribution center has recently opened four new sortation centers of similar size in Houston, Dallas, in the Philadelphia area, and in Lawrenceville, Georgia. On the company's website, referenced below, these are last mile sortation centers, and are an integral part of the company's strategy to reach their customers faster. Capital Group stated that this was not going to be a last (illegible) sortation center. Why should we expect that the Lancaster site is different from what this company is doing elsewhere?*

This is from the prospective tenant. They are not planning to use this as a (illegible) facility, but for general warehousing and fulfillment.

*Question: Capital Group stated that the roundabout at Route 70 and Old Turnpike Road is sufficient to deal with the massive increase in truck traffic expected to use this rotary. Yet the peer review stated that the roundabout was not best suited for truck traffic or increased traffic. Could you comment?*

Again, our traffic consultants have responded to the Town's peer review comments. The town has it, and we will make it available on our website, and, during one of the four Q & A sessions that we're proposing, the traffic engineer will be there and will get into this, as well as any other question at any time that a resident or board member has.

*Question: Vanesse has also indicated that having only one access road to the main artery of Route 2 or I-190 from the massive 1.2 million square foot distribution center was not ideal. Please comment.*

Again, the response would be the same as for the previous question.

The questioner asked the Town if we can ask Lancaster's safety services to comment on issues presented by only one main access road to the distribution center and what the impact will be for residents of the new 40R housing development, workers in the development, and other Lancaster residents if the road is blocked. Mr. Depietri noted that it is a double-barreled road up to the culvert, so if there was an issue we still have the other two lanes.

*Question: We noted that the Boy Scout property at the junction of Route 2, Route 70, and Fort Pond Road has been purchased. This is the land that the Capital Group indicated in the traffic presentation will be used as part of the revamping of Route 2, Exit 103, in order to provide an on ramp or dedicated speed up lane to Route 2 going west. Please comment.*

Again, we show plans at last week's meeting. The widening that we're proposing is within the state's right of way, it's not on private property. Again, this can be answered in greater detail at one of the upcoming meetings with our traffic engineer. As was previously said, this is only a temporary measure until the state revamps the entire intersection.

*Question: Please correct me if I'm wrong. My understanding is that there are contingencies on the water agreement with Leominster, and that the water can be used for 600 new homes in a 40B development in Lancaster.*

The water agreement is on our website. I know the town has it, and I assume it's public. There are restrictions, but not on housing. The restrictions are on big box retail and hotels.

The next email is from Carol Jackson, dated October 22. Mr. Depietri noted that the topics covered have already been addressed, but he wanted to read the email to demonstrate that they did receive the email and did look at it.

*Question: Why is it taking so long for the Settlement Agreement to be settled? How can we trust that any other agreement would be honored since this one from 2017 is still not been settled? It is clear*

*the in agreement, there should not be any questions about what should be done. They received their parcels, Lancaster did not. This erodes residents' trust and confidence in the Select Board's ability to negotiate and deliver.*

We went into great detail and submitted a bullet point by bullet point response to the town last week. We also put it up on the project website.

Chairman Allison opened the meeting to public comment, recognizing Cara Sanford, 679 George Hill Road.

Ms. Sanford offered her opinion. To anyone wishing to explore the details of the 2017 settlement negotiations, there is a town hall stream website meeting from 9/20/17 executive session meeting with several town officials. There are also meeting minutes on the town select board website under 2017 dates 9/20/17, 10/2, and 10/19. Two parcels are mentioned. One with a tax title deed that Town had and the other was an owner unknown. Steve Boucher (702 LLC) had been claiming these two parcels as his own and removed approximately 37 acres of sand and gravel. The town settled on these two parcels. Ms. Sanford encouraged participants to look at this information.

Mr. Allison recognized George Frantz, 13 Highfield Drive.

Mr. Frantz thinks that the number of jobs being created by this project has not been looked at sufficiently, and that this should be factored in to revenue estimates.

Mr. Allison recognized Rob Zidek, 103 Kaleva Road.

Mr. Zidek stated that a recent article in the Telegram quoted Mr. Depietri as saying that the Target distribution center could fit up front, asking if this were true. Secondly, he asked if Lancaster receives notice from the Department of Housing and Community Development that we have reached "safe haven," is it Capital Group's intention to stop discussing housing development? Mr. Depietri replied that this was a misprint, and that they have not spoken to the Telegram. He responded to the second question, saying that they are not pushing the 40R, but it would be up to the Affordable Housing Trust as to whether or not they wanted to pull it off the table.

Mr. Allison recognized Nick Facendola, 137 Colony Lane.

Mr. Facendola would like the Capital Group to clarify their permitting strategy. He went on to talk about 40B vs. 40R alternatives, stating that the Department of Housing and Community Development lists Lancaster at 9.8% affordable housing stock, so that Lancaster is not currently at risk for a huge 40B project. He would like Town Counsel to offer an opinion on special permit versus site plan approval.

The Capital Group explained that what they are proposing under their Plan B would be a phased 40B product with homes for sale, not for rent, broken into three phases with approximately 200 units per phase. It would probably happen over a 5-6 year period.

Mr. Allison recognized Karen Cavaoli, 117 Fire Road 11. Ms. Cavaoli explained that her neighborhood, sort of behind Kimball's Farm, is concerned with noise and would like more clarification on shifts. Mr. Depietri will get more details and bring it forward at one of the next meetings.

Mr. Allison thanked Capital Group for attending. He said that he is aware that people want to talk further about the Settlement Agreement, cautioning his fellow board members that their discussion might best be held in Executive Session to avoid affecting bargaining positions. With Capital Group not present for the remainder of this meeting, residents still had additional questions for the Select Board.

Ms. Turner has sketched out some ideas for the Board regarding the format of the upcoming forums. She suggested that four meetings might not be enough and that six might be better. She would like an independent moderator, possibly someone from out of town. She would like topics including what is allowed here by right, how does this zoning work, and what's the evolution history. She is troubled because there is disagreement about basic facts, especially about zoning. She suggested that one meeting might be dedicated to environmental impacts, another to financial impacts/tax relief, and perhaps another to affordable housing.

Mr. Moody thinks six forums is too many but four would work. He would like to get a lot of information out via paper, or a Facebook group that Ms. Turner has, or the library, or town hall. He would like to involve as many people as possible, because at this point it's predominantly people from one section of town.

Mr. Allison recognized Anne Ogilvie, 4 Turner Lane.

Ms. Ogilvie stated, "Thank you, Mr Chairman, and thank you, residents of Lancaster who are showing so much care for this matter and trying to get to the facts. I also really want to thank Ms. Turner for everything that was said and for a shared desire to get facts on this instead of some of the evasions that we've seen tonight. I wanted to say that I think many residents would disagree that we've looked at the traffic and financial matters in depth. We have had some reports provided to us, and then we've had our own experts review those, and our own experts cite issues with those reports and so there's many questions that still remain unanswered, including things like the Rotary that was discussed tonight, where we have the developer saying that the existing Rotary is OK, but our own expert said that the existing Rotary is insufficient for the increased truck traffic. And also things like that a development of this size would typically require a second driveway. So we have these very basic things that are going to affect this project and life in our town and we don't have answers. So I think the forums would be a very good idea to get some of those questions answered, and I also think residents would appreciate the opportunity to discuss these matters with the Select Board. I'm hoping that we can do some of that this evening. And, also to be heard, I think that we keep hearing is we are misinformed, but the information is not necessarily corrected and, in fact, things that are brought up are brought up directly out of the reports. So if there's misinformation, we'd like to see it corrected, rather than continuing to kind of kick the can down the road. The other thing I note, as a resident, is the Capital Group has a whole bunch of people around the table, who are paid experts, to read their opinions and assist them in helping make their proposals a reality. I don't see any experts here at our meeting, who are working on behalf of the citizens of Lancaster. So

again, as someone suggested last week and I support, I would really like to see Lancaster invest in some experts. We heard last night about the troubles at the Hawthorne Hills development, the troubles with the North Lancaster agreement and even the car dealership had unfulfilled conditions of their development, so we kind of have this history of going forward with things without adequately vetting it and then adequately enforcing it and I think we need some help. I think there are experts out there and we need to find them. I'm hopeful that the Select Board will be able to put some things in motion to obtain those experts on our behalf."

Mr. Allison recognized Justin Smith, Turner Lane.

Mr. Smith had questions regarding the economic study and the number of projected new students. He talked about the current high demand housing market, noting that since Lancaster's schools are very highly rated that the demand is extremely high. He stated, "All this considered it's only logical to assume that we're going to face much higher residential demand and a rise in the median house price of the hundred and 50 families projected there will be a very high number of school aged children, much more than 58. I don't see why anyone would want to live in a high density development in front of a warehouse with trucks passing 24/7/365. Thank you."

Mr. Allison asked Mr. Pacheco to forward this question to the Capital Group. Mr. Pacheco said that he would also send it to RKG since they are doing the analysis on behalf of the Town.

Mr. Allison recognized Lois Wortley, 192 Fort Pond Inn Road.

Ms. Wortley expressed her concerns about emissions and the impact on air pollution, and is not reassured by responses that say we're going to meet all local and federal government standards. She feels that we can all agree that we can meet the letter of the law and still have a negative impact on our town and our citizens. Referencing a study from this year by the University of Connecticut School of Medicine Department of Public Health Sciences on particulate policies, she quoted "particle pollution is the most serious environmental health hazard in the world and in the Boston area most of this population comes from combustion of fuels used in transportation." Ms. Wortley stated, "what it clearly seems to point out to me, and I think anyone that reads this and studies, this is there will be a degradation in our air quality in the vicinity of this type of facility." She would like the Capital Group to speak to mitigating this, giving examples of where they have done this in the past, and she would like the Town to have a process in place to monitor and manage this, and to be able to push the developer to mitigate where necessary.

Mr. Pacheco advised that one step that has been taken is that the Town has applied for a grant to provide sensors that will measure particulate matter. Four of these will be located along the Lunenburg Road area.

Mr. Allison recognized Cathy Hughes, Fire Road 11.

Ms. Hughes spoke to the need to monitor emissions and compliance to standards. She said, "I would beg the Select Board or whoever the right person is, that they put these procedures in place." She would be happy to be part of a committee that addresses this. She feels that the distribution center is out of scale for Lancaster and doesn't make sense for our area. She wants to know where

residents can go with issues; she stated that the Board of Health told her that it wasn't their responsibility.

Mr. Allison answered that the reality is that when there are state and federal regulations as part of the process MEPA will handle all of that. Ms. Hughes stated that we cannot manage a problem at a development of this size when we cannot manage non-compliant trucks in situations like Hawthorne Hills. Mr. Allison stated that he would encourage Ms. Hughes to be part of the solution and asked for input from his fellow board members.

Mr. Moody says that the Town has faced lots of problems and the Board has tried to address them lately. There is a new Building Inspector and a Planning Director who will be helpful. We can only do so much. He stated that it would be nice if there were a five person Select Board, because two more people would certainly help.

Ms. Turner said that the common goal for everyone is economic development, and that it is the role of the Select Board to help shepherd it in the most advantageous way for the people of Lancaster. She stated, "This debate is going to focus on zoning. Even if Capital Group does not receive approval for the warehousing the way they want to and they end up with a 40B, there is still going to be impact." She noted that although the locally elected Board of Health may not have the tools to deal with this monitoring, they are affiliated with the Nashoba Board of Health. Nashoba BOH have engineers on staff to help support projects such as this.

Mr. Allison recognized Win Clark, of 928 Main Street.

Mr. Clark stated that there has been a frustrating amount of repetition in terms of the questions asked of Capital Group tonight. Understanding that some people may not have been to previous meetings, he wondered if there was some way to document some of the most frequently asked questions and create an FAQ that people can check to have a certain baseline level of knowledge before coming into a forum like this. Mr. Allison stated that this was a great idea and asked residents to either volunteer or to let the Select Board know if they thought someone should be paid for this project. Ms. Turner noted that a new Planning Director has been hired and that the Affordable Housing Trust and Planning Board have lots of information on their webpages. She also stated that the Town has a Web Administrator, the Assistant Town Clerk, who might be useful helping to develop a page for this information. Mr. Allison said that he is against using the Town Planner or Building Inspector for this project since their current caseload is 2-1/2 times the norm. Ms. Turner suggested that the Board discuss this in more depth at a meeting.

Mr. Allison recognized George Frantz, 13 Highfield Drive.

Mr. Frantz agrees with the previous suggestion of putting together an FAQ, saying that at every meeting, we should attempt to nail down answers and to come up with at least a few from every meeting that we can add to the list of true facts. He spoke about the environmental issues and the MEPA review. MEPA bases their review on existing Federal and State standards for air, water and land. Massachusetts has some of the most stringent environmental regulations of anywhere in the country. That doesn't mean that there aren't there are occasional violations, and if so we need to do something about that.

Mr. Allison recognized Rob Zidek, 103 Kaleva Road.

Mr. Zidek would like housing added as a topic to the Capital Group forums. He wondered if Lancaster would look at forming a traffic advisory group or committee that would look at the whole issue from the town's perspective. Mr. Allison suggested that Mr. Zidek or another resident propose a charter for a traffic group and email it to the Select Board for creation of an ad hoc or permanent committee. Mr. Moody suggested that Police Chief Moody should be involved. Ms. Turner recollected that many years ago there was a Traffic Committee but that it stopped due to leadership or direction. She would support a new committee as long as the scope was well defined.

Mr. Allison recognized Tim Wortley, 192 Fort Pond Inn Road.

Mr. Wortley noted that the state will come out shortly with very aggressive energy goals aimed at starting to meet the Zero Emissions 2050 Plan. Within a decade there will be goals dramatically reducing commercial truck pollution, reducing personal vehicle emissions by 15%, and forcing clean heat policies on these types of commercial buildings. He stated that we need to understand how these types of developments are going to fit into those future goals. He said that maybe that's a discussion with the Planning Board or the Town Planner about their plans for meeting these state goals.

Mr. Allison shared his perspective, saying that he realizes that opinions are not the same for all residents, and that's okay. He talked about being forced to look at Lancaster's future, in that there is growth all around Lancaster, the state is investing and improving our highway system for more traffic, which means more traffic is coming. He asked how we get into a place where if we're going to get hit by the traffic regardless, that we are still reaping some of the benefits. He went on to talk about the need for revenue. His objective is to get to a vote and he will support the outcome, whatever it is, 1000%.

Mr. Moody agrees with Mr. Allison, adding that it's been long and hard work to get people into needed positions such as the Town Planner.

Mr. Allison recognized Julie Debono, 226 Fort Pond Inn Road. Ms. Debono supports Mr. Clark's previous suggestion of posting questions and answers. Her concerns, because she lives close to the Route 2 exit, are that the answers she's heard have been vague. She does not believe that there is room to add acceleration and deceleration lanes. She stated that she knows that development is coming and that she accepts that, but does not feel that the answers so far have been helpful. While she likes the FAQ idea, it's more about getting a detailed answer as opposed to a vague answer.

The Select Board agreed to discuss how to put together an FAQ at an upcoming meeting. Mr. Allison then recognized Anne Ogilvie, 4 Turner Lane.

Ms. Ogilvie thanked the Board for tonight's meeting, saying that "there needs to be a place like we have tonight, where residents can engage with our town officials and with employees of the town as well, who are acting on our behalf outside of the meetings with the developers. We are one town together and everyone's really trying to make a lot of things work for this developer, but I think



there's a place for voters in the town and the town officials to engage.” She continued, urging residents to read the Master Plan created in 2007, especially a section titled, “The Town We Want.” Mr. Allison concurred.

Mr. Allison recognized Victoria Petracca, LAHT, of 67 Woodland Meadow Drive.

Ms. Petracca, speaking on behalf of the Affordable Housing Trust, said, “I wanted a chance to give residents and the Select Board, just a quick overview of where we are. I'm not going to do a big deep dive into Lancaster's Affordable Housing, but I did hear a comment this evening, from Nick Facendola, about our current SHI and in the interest of providing accurate information I'm happy to answer this question again and again if it needs to be. Lancaster has 250 affordable housing units, but 110 of those are virtual, if you will, they were permitted through the comprehensive permit process but not constructed, so we are given credit for units that are issued a comprehensive permit that is at the local level. I also want to correct a statement this evening that affordable housing under 40B is only permitted at the state level. It's actually partly at the State level but it's also through a comprehensive permit, which is issued by the town's Board of Appeals. So when those units are permitted, DHCD gives us a temporary credit. If those units are not issued a building permit within a finite window, they are no longer truly units SHI, so they are hanging out right now in our SHI. I have spoken with the DCHD about this, and they are coming off. They are not valid because our expiration date has passed, if you will, because they have not been issued a building permit so that puts us at a 5.5%. The other factor to bear in mind is that this is a ratio based on our year round housing units. That is a 10 year census number. We just had a 2020 census. We're getting a new number of total year round housing units that will obviously have increased in Lancaster. We are waiting for that number. We thought we would get it this Fall. We were just told by DCHD that information has been delayed to – hopefully – early 2022. Our denominator, if you will, is going to increase, meaning that our percentage is going to come down. So you can anticipate that that five and a half percent will come down. I just wanted to again not do a deep dive tonight, but at least correct that one piece of information.” Ms. Petracca urged residents to attend LAHT meetings.

Mr. Allison recognized Martha Moore, 131 Center Bridge Road.

Ms. Moore stated that she's been sitting through a lot of these meetings and we can make public comments, and there's a lot of frustration building, both in terms of the Board and committees, but also the public as well, and I wonder if it would help if the Select Board could figure out and maybe this FAQ idea will help, but would it be possible for the Board to set or help set expectations regarding how to best submit questions for public comment, and also set expectations around how the Town will respond to those comments.

#### **IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE**

#### **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 permitted. \*\***

Mr. Allison read a public comment from Martha Moore and stated that this would be addressed later in this meeting.

Ms. Moore wrote, "There are so many meetings and projects, so many questions, it feels like a whirlwind of activity. I notice that you have three agenda items on tonight's agenda (8, 9, 10). I think both members of the public and members of Lancaster's boards and committees are getting frustrated regarding public comments and opportunities for the public to weigh in on all these. Would it be possible for you, the Town, to help set expectations regarding how best to submit questions and comments, as well as how and when the Town will and can respond. I think this will benefit boards and the public, thank you." Mr. Allison noted this will be addressed later in the meeting.

## **VI. TOWN ADMINISTRATOR'S REPORT - NONE**

## **VII. ADMINISTRATION, BUDGET, AND POLICY**

### **1. Discuss potential Select Board articles for Fall Town Meeting (Moody/Allison)**

Mr. Allison noted that the proposed articles for the Fall Town Meeting are in the Select Board's meeting packet and that he hoped the Board had reviewed them. He asked Mr. Pacheco to walk through them. The goal is to give feedback to Mr. Pacheco and to give him an opportunity to start writing material for the articles prior to the 11/16 meeting.

Article 1. National Grid Easement. The Town of Lancaster must provide National Grid an easement to install wires for the purposes of constructing three vehicle charging stations this easement will lay out the sequence for the construction. Mr. Pacheco explained that this is standard, and the easement language is ready, it just needs an article on the Warrant. The Select Board had no comments or questions.

Article 2. National Grid Easement / Solar Installation. National Grid is requesting an easement for the solar installation behind Nationwide Auto. Mr. Pacheco explained that this presents no issues; this just reroutes some poles so that the panels are elevated above the cars.

Article 3. Discontinuance at Old Lunenburg Road. This article is being requested by the abutting landowner. It has been reviewed by the Planning Board. The discontinuance will revert the land back to the abutter. The property is along the numbered road. Mr. Pacheco explained that this was previously brought before the Board, was sent to the Planning Board for review and is good to go. The DPW doesn't maintain it and has no interest in doing so. Mr. Pacheco explained that this is a tiny sliver of land between Nationwide Auto and the gas station. Ms. Turner would like a map included with Meeting Materials.

Article 4. North Lancaster Zoning. The Town has been discussing potential zoning changes to some of the area owned by Capital Group Properties. The Town has also been working on developing a 40R zoning district, to facilitate the creation of additional affordable rental housing. Mr. Allison asked Mr. Pacheco to put this together, laying out the pros and cons for the Board. He suggested that it would be helpful to include some perspectives from department heads with impact to fire and police, and what costs might be involved. Mr. Moody wants to

know rezone to what zoning type. Mr. Moody would like a couple of things added to the agreement. He wants to make sure that there is no rezoning unless there is a complete and simple agreement that the Town gets the 86 acres in question if there is rezoning, and that the 40R will absolutely be built if the rezoning happens. Ms. Turner would like a placeholder for this article but feels that Capital Group is unclear about how they want this parcel rezoned and thinks it's a long way off in the language. She would like Mr. Pacheco to produce an Executive Summary that eventually could be used as part of a document that the Board helps edit and is sent out, similar to voter information books that have been done in the past, or it could be available electronically with a card sent out to all voters in Town, which would be vetted by the Secretary of State to ensure that it's neutral.

#### Article 5. Capital Plan Articles

- A. Cemetery Tree cutting, \$15,000
- B. Water meter Replacement, \$200,000
- C. Middle School Boiler Replacement

Mr. Pacheco explained that the tree cutting has been discussed with the Historical Commission. The goal is to provide \$10,000 per year in the Capital Plan. Mr. Pacheco suggested that ideally this funding would be \$30,000 every three years, so that they can do more work with the same amount of money with one appropriation. This \$15,000 is to get them through to complete their work in the North Cemetery, and then they will regroup.

The water meter replacement has some time sensitivity, and the Town will need to do some due diligence on the selection and implementation process. This is currently estimated at about \$200,000. This is an item that the DPW has been planning for some time, and it's about getting better accuracy in their meter reads.

The middle school boiler replacement has been previously discussed by the Board and will need a funding solution, estimated at \$100,000. Work is planned to start in late December, barring any issues with supply chain, and some of the materials have been ordered so as not to have heating issues at the school this winter. This may cause the Board to need to authorize deficit spending prior to Town Meeting. Mr. Allison noted that the Superintendent assures the Town that no child will be cold.

Article 6. Acceptance of Massachusetts General Law (MGL) 9, Section 21A, Additional compensation for a Certified Assessor. This was discussed when the Assessor was hired and is similar to statutes in place for Town Clerk and Treasurer/Collector. Once certified, the Assessor would receive an additional \$1,000 per year.

Article 7. DCAMM Property. The Town will need to petition for Special Legislation to allow the filing of the authorization of the Land Sale Partnership with DCAMM for the 75 acre parcel on Old Common Road and Still River Road. This does not mean that the Town is any other commitment, but the Town cannot move forward without this. Ms. Turner is trying to confirm with our legislators to make sure this timeline will work. Mr. Pacheco stated that he spoke to Meg Kilcoyne today and that it should be fine.

Article 8. Fiscal Year 2022 Budget Adjustment. Mr. Pacheco explained that a number of tweaks are needed overall, some to the revenue side and some to the expense side. Financial Director Cheryl Gariepy is putting this together now for the Finance Committee. Ms. Turner asked for an explanation of the “tweaks.” Mr. Pacheco offered as an example compensation for the Human Resources Director; we were anticipating some additional support in Community Development and Planning; we’ll have to filter out some of the positions that are being filled. The hope is that money just needs to be moved rather than appropriated, but the line items still need to be re-aligned appropriately. Ms. Turner also asked where people could find this list; Mr. Pacheco said that it could be found under “Meeting Materials” on the Select Board page.

Ms. Turner stated that the Board needs to get together with the Board of Health to talk about logistics for a February Town Meeting, and that the Board needs to discuss when the warrant will open and close. Mr. Pacheco replied that he spoke to the Board of Health today, and that if the setup has appropriate safeguards in place there should be no issues. He noted that anything that needs to be ordered should be done well in advance.

Mr. Allison said that from his perspective, we ask our kids, our teachers, our police officers, and our firemen to work with the public every day, so it’s reasonable to ask residents to go vote. Mr. Pacheco added that there are lots of rumors in Town about how widespread COVID is in the Town. The accurate number as of today, is 24 cases spread through 20 households.

Ms. Turner stated that this Town Meeting will be voting on important changes that will impact the rest of people’s lives, so she does not want to diminish people’s health concerns. Lancaster’s vaccination rate remains at 53%. Ms. Turner wants to explore the possibility of hybrid Town Meetings. Mr. Moody would like to know more about hybrid or Zoom Town Meetings.

#### **VIII. APPOINTMENTS AND RESIGNATIONS - NONE**

#### **IX. LICENSES AND PERMITS - NONE**

#### **X. OTHER/UNFINISHED BUSINESS - NONE**

*\*\* Tabled to Regular Meeting scheduled November 15, 2021. \*\**

#### **XI. NEW BUSINESS - NONE**

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

#### **XII. COMMUNICATIONS**

- Creating link on website for public comments\*
- Created email address regarding North Lancaster public comments\*
- Select Board’s next regular meeting will be held via Zoom on November 15, 2021 at 6:00pm

Mr. Allison would like a link created on the Select Board website to submit public comment. He said there is currently a problem with people sending comments to individual members or staff. There is currently a link to send comments specifically about North Lancaster development, but not for other comments.

*Mr. Allison moved to create a public comments link on the Select Board website. Mr. Moody seconded. Ms. Turner approves of this as long as there are still hyperlinks to individuals. She does not think that the current link to submit comments about North Lancaster development is easy to find or that they work well. Mr. Moody thinks that anything that improves communication is good. Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

*Mr. Allison moved to create a small portlet on the Select Board website that will allow users to submit comments regarding North Lancaster which would then be disseminated to all appropriate parties. This would stop worry about when comments come in, or forwarding comments. Mr. Moody seconded. Ms. Turner thinks that there are comments that need to be filtered before they are sent to the Capital Group. Mr. Allison opposes this idea. Ms. Turner thinks that it could go unfiltered if it were boldly marked to make sure that the sender understands the recipient list. She also thinks all documents need to be searchable online.*

*Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### **XIII. ADJOURNMENT**

*Select Board member Jay Moody offered a motion to adjourn the meeting at 8:42 pm; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

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Jay M. Moody Clerk  
Approved and accepted:





**LANCASTER BOARD OF SELECTMEN**  
**Special Meeting Minutes**  
**Of November 10, 2021**

**I. CALL TO ORDER**

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting  
Meeting ID: 899 2068 1254

Invite Link <https://us02web.zoom.us/j/89920681254>

Roll call was taken, Jay M. Moody present, Alexandra W. Turner present, Jason Allison, present.

The purpose of tonight's special meeting was to revisit some of the tabled items from previous agendas; no public comment was heard.

**II. APPROVAL OF MEETING MINUTES - NONE**

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

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

**II. PUBLIC COMMENT PERIOD - NONE**

**VI. TOWN ADMINISTRATOR REPORT - NONE**

**VII. ADMINISTRATION, BUDGET, AND POLICY**

1. Tabled agenda item - Discussion to make the Economic Development Committee a permanent committee. (Moody)

Mr. Moody said that when the Economic Development Committee (EDC) was started, it was an ad hoc committee, following recommendations of the Montachusets Regional Planning Council (MRPC). Ms. Turner noted that it has probably become more than the members had bargained for. She felt that the Select Board should probably meet with the EDC to revisit their charge.

Mr. Moody moved to make the EDC a permanent committee. Mr. Allison seconded. Ms. Turner thinks it is reasonable to make the EDC permanent since they have a great deal of responsibility. Mr. Moody notes that to date the EDC has concentrated on development in North Lancaster, but there are many more projects to work on.

*Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

2. Tabled agenda item - Electric Aggregation Agreement (Moody)

Mr. Moody was concerned that the Town Administrator had signed the contract but that the Board did not vote. Mr. Pacheco reminded him that the contract would have expired between Board meetings, so the program would have been suspended, so the charge from the Select Board was to implement the decision of the Energy Commission, which is what he did. Mr. Moody felt that he should have signed it but that he might not have signed it and that the agreement puts an additional burden on the elderly residents of the Town.

Mr. Pacheco noted that this topic was brought before the Select Board in May, at which time the price was 10.7 cents for 36 months, 10.8 cents for 30 months and 10.8 cents for 24 months. He stated that Mr. Allison recused himself and Mr. Moody and Ms. Turner chose to take no action and said that they wanted the Energy Commission to guide the process. The day that the decision was made the market went up 40% so we went from about 10 cents to about 15 cents because the decision was not made in a timely fashion. Mr. Moody stated that he waited for weeks for Mr. Pacheco to provide information that he never received. Ms. Turner stated that going forward she hopes to receive more substantive information.

This discussion continued at length with no action taken.

3. Tabled agenda item - Landfill mowing (Moody)

Mr. Moody stated that the Board went through this 2-1/2 years ago and finally had the landfill mowed after much conversation. He continued, stating that if trees and bushes grow through the landfill cover, which is buried, then the Town will be faced with a multimillion dollar recovery cost. Mr. Pacheco answered that he has spoken to the DPW and their intent is to mow. The vendor that they have hired is behind but should have it mowed before Thanksgiving. Ms. Turner stated that her belief is that there is a contract requiring that the Town keep the landfill free of any woody growth, which requires annual mowing. She asked how long it has been since the landfill was mowed; Mr. Pacheco replied a little over a year. In the past it was mowed during the summer, but this was starting to interfere with bird nesting (the bobolink nesting season), so it was moved to October, and they're due for another mow now. According to Ms. Turner, at one time the DPW needed some equipment to do this themselves that they could use for other projects. Mr. Pacheco explained that outsourcing had been more effective at \$3,000 a year rather than buying a \$15,000 mower.



4. Limit written public comment to 3 minutes (Allison)

Mr. Allison thinks there is no benefit to the Town to reading 5-7 minute written public comments during meetings, nor does he think it's in the best interest of the town to take a five to seven minute comment and cut it in half. Mr. Allison moved that written public comments are not to be read, but are submitted as part of the meeting materials. Ms. Turner seconded.

Mr. Allison stated that he thinks it's important to acknowledge that these comments have been received and read, and that they go into the Minutes. Ms. Turner commented that in a recent meeting, written public comment took over an hour of reading, and many of the comments were redundant. She agrees that it would be good to post them as part of the meeting materials as well as in the minutes. She agreed that the important thing is that people's voices are heard. Mr. Moody wants to make sure that comments are sent to all three Board members.

*Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

5. Department of Public Works (DPW) to make priority for water (Moody)

Mr. Moody had a recent conversation with the DPW Director and reports that there are many problem areas in Town. He would like to make this a priority. Mr. Pacheco reminded the Board that about a month ago he provided the Board with some preliminary priorities for ARPA monies, and that the first one was \$900,000 for the DPW to help design 20,000 linear feet of water piping. Mr. Pacheco stated that they're waiting for the Select Board to move ahead and authorize this. Ms. Turner would like all departments to weigh in to create a comprehensive plan, and that the money does not have to be spent until 2026, although we have many needs that should be addressed earlier than that. She would like to invite the DPW and the Finance Committee to a Select Board meeting to discuss this further. No action was taken.

6. Community Preservation Act (CPA) Insert: Just to confirm it is set to be mailed in December taxes (Moody)

Mr. Moody reports that he spoke to Sandi Charton, HR Director, today, and that he is satisfied that this insert will go out with the December tax bills. Mr. Pacheco asked if he had seen the final version; Mr. Moody had not. Mr. Pacheco will email it to the Board.

7. Planner: Next steps with Human Resource Director and Select Board Liaison (Moody)

Mr. Moody wanted to know what plans are in place to bring the Planning Director on board. Mr. Allison received an email from the HR Director today stating the Planning Director had accepted the position at Step One. Ms. Turner recollects that the HR Director and a member of the Select Board were to negotiate this hiring; Mr. Allison states that this is not correct, and that the hiring process was to be completed by the HR Director and the Town Administrator. Ms. Turner agreed with Mr. Moody. This was debated at length; no action

was taken.

8. Nepotism Policy: review and offer changes if required and solutions for any conflicts or infractions if needed. (Moody)

Mr. Moody expressed frustration that many committees have a hard time finding people, and that it was a problem with small committees who might use family members. He would like to allow non-policy making committees to have the ability to have family members on the same board or committee. It was agreed that if this could be avoided it would be best, but that if it were a committee that did not make policy that it could be acceptable.

Ms. Turner moved to amend the nepotism policy to read that non policy-making boards are permitted, when recruitment has failed to engage another member, to allow related members to serve on the board. Mr. Moody seconded.

Mr. Allison asked if there was a list of non-policy making boards. It was agreed that this should be defined. Mr. Moody will work with Mr. Pacheco to generate this list.

Mr. Allison moved to make a subsidiary motion to table the current motion. Ms. Turner seconded. *Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

9. Town Report (Moody)

Mr. Moody reported that he spoke with the Town Clerk today. She is working on the Town Report and will have no problem having it completed before the end of the year, and she realizes that she will have to start on the next year shortly thereafter.

10. Website management/posting updates and Discussion of website policy and staff point person (Turner)

Ms. Turner stated that she is concerned about the flow of the website and wants one clear point person responsible for the website, including posting, so we know who's responsible for updates and for posting minutes. Mr. Moody agreed that currently there is confusion. Mr. Pacheco advised that everything related to posting on the website should be forwarded to the Assistant Town Clerk. If a change is requested to the website that should be to the Town Administrator in writing. If a member of the public calls and wants something posted on a particular webpage, the request should be rerouted to the department.

11. Department Procedure Manuals(Turner)

Ms. Turner, noting that there are some new hires at the Community Center, thinks it should be best practice to make transitions as smooth as possible, and would like Mr. Pacheco to work with department heads and management staff to have basic process & procedure manuals. Mr. Pacheco noted that in some positions, for example a Town Accountant, it

should be assumed that the person has a baseline of knowledge. Ms. Turner would like items in a manual like how meetings are posted, or that the Select Board meets twice a month, templates of agendas, where files are located. Mr. Pacheco agreed that his office could work on a base document that other departments could revised as needed. Mr. Pacheco said that he's not sure that this should be a priority, but he agrees that there are some cases where a department head might not be aware of all the processes in a department. Mr. Moody suggested seeing what other Towns were doing about this rather than re-inventing the wheel.

## **VIII. APPOINTMENTS AND RESIGNATIONS**

### Resignations

#### Accept Town Administrator's resignation\*

Mr. Allison moved to accept Orlando Pacheco's resignation dated November 9, with 60 days notice. Ms. Turner seconded. He will be sending a formal resignation letter, but this will serve as notice as per his contract. Mr. Allison spoke to Labor Council today and verified that the Board can deviate from the 60 day requirement if desired. Sandi Charton, HR Director, also verified this and that a formal letter is not necessarily required.

Mr. Moody and Ms. Turner did not have the email and requested that Mr. Allison read it. Mr. Pacheco read, "I would like to officially tendered my resignation in accordance with my contract and provide the town of Lancaster 60 days notice. Please let me know, should you require any additional information from me a more formal resignation letter will be forthcoming."

Mr. Pacheco stated that should the Town need him from time to time after 60 days, he has asked the Chairman of the Board of Selectmen in Georgetown, his new employer, to speak directly with the Chairman of the Select Board in Lancaster. He stated, "We've got very good, capable people working for the Town. I have no worries that at least most of what I'm working on can be picked up either by another staff member or certain volunteers."

Mr. Allison said that it "stinks" losing someone with years of experience, but that on a personal level he is excited for Mr. Pacheco and wishes him the best of luck, noting that it'll be good for Mr. Pacheco to not commute 3-1/2 hours daily. Mr. Pacheco noted that if you drive a Tesla it's not 3-1/2 hours.

Mr. Moody wanted to know if the Board should meet in Executive Session with Counsel to discuss this.

*Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

#### Plumbing Inspector – Thomas P. Soldi

Mr. Moody moved to accept the resignation of Thomas P. Soldi as Plumbing Inspector. Ms. Turner seconded the motion and thanked Mr. Soldi for his service.

*Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

## Appointments

### Plumbing and Gas Inspector – Kenneth Poulin, Jr.

Mr. Moody moved to appoint Kenneth Poulin Jr. as Plumbing and Gas Inspector. The Building Inspector agrees with this appointment. Ms. Turner seconded.

*Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### Community Preservation Act (CPA) Committee – 3 year staggered terms

- Karen Silverthorn – Lancaster Historical Commission
- Greg Jackson – Conservation Commission

### Community Preservation Act Committee – Members at Large (1 vacancy open; 3 year staggered terms)

- Margot Hammer-Streeter – Resident at Large
- Justin Smith- Resident at Large

Because there was confusion on this topic regarding terms of appointments to the CPA, and because this committee is not yet shown on the Town website, this was tabled until the next regularly scheduled Select Board meeting.

<b>IX. LICENSES AND PERMITS - NONE</b>
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<b>X. OTHER/UNFINISHED BUSINESS</b>
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<b>XI. NEW BUSINESS</b>
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*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

- Event and Entertainment fees and frequency (Moody)

Mr. Moody wanted to know about fees for events at the fairground or Kalon Farms. Mr. Pacheco explained the Town only charges for an entertainment license, and that the fee is set by law. Mr. Moody wanted to know if it could be a daily charge. Mr. Pacheco said he didn't think so because that is not how licenses are structured, but he could talk to Town Counsel. Ms. Turner noted that Brimfield makes lots of money because during their well-known Antiques Flea Market, each vendor pays a fee. She suggests that Lancaster should look at practices in other towns such as Topsfield, and that perhaps the Select Board could work on this with the Finance Committee. Ms. Turner suggested that Mr. Pacheco might not take this on since he will be leaving, but asked that this be left on the agenda as old business. Additionally, she asked if vendors at the Bolton Fair or at Kalon Farms pay a food tax like a permanent restaurant. Mr. Pacheco will ask Mr. Farnsworth from the Board of Health.

- Division of Capital Asset Management and Maintenance (DCAMM) - (Turner)  
Ms. Turner has spoken to the legislative delegation. They would like to move ahead as soon as possible. DCAMM is working on writing legislation now.
- ARPA – Schedule and guidelines and impact of new infrastructure bill – (Turner)  
Ms. Turner stated that many towns are creating committees to deal with ARPA and infrastructure money coming from the federal government. She would like the Board to consider this idea. She has recently attended a seminar about how these monies could be spent. Mr. Allison stated that the Town Administrator is paid well to administer programs like this, that Mr. Pacheco has put together a draft, the Board needs to discuss next steps.
- Legal Services RFP  
Mr. Allison reported that there are three responses to the Legal Services RFP and he will put this on next Monday's agenda for discussion.
- North Lancaster Questions & Answers  
Mr. Allison has received an email from a resident offering to organize the information and questions received about North Lancaster development. He will include this on the next meeting agenda.
- Set Date for Legislative Update  
Ms. Turner reports that our legislators are out of session during December and that it would be good to have them attend a Select Board meeting.
- Memorial School Committee Update  
The Board will speak to Mr. Streeter about having an update on this committee's progress at an upcoming meeting.

## **XII. COMMUNICATIONS**

- Ms. Turner noted that the Cultural Council Art Show will open this Friday night at 7:30
- The Select Board's next regular meeting will be held via Zoom on November 15, at 6:00pm

## **XIII. ADJOURNMENT**

*Select Board member Alix Turner offered a motion to adjourn the meeting at ----- pm; seconded by Mr. Moody. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

\_\_\_\_\_  
Jay M. Moody Clerk  
Approved and accepted:





**LANCASTER SELECT BOARD  
Special Meeting Minutes  
Of Wednesday, November 24, 2021**

**I. CALL TO ORDER**

Select Board Clerk, Jay M. Moody will called the meeting to Order at 3:00 P.M. in the Meeting Room located at the Lancaster Community Center, 39 Harvard Road, Lancaster, MA. 01523 and via ZOOM\*

Meeting ID 823 3901 6917

Invite Link <https://us02web.zoom.us/j/82339016917>

Role call taken; Jay M. Moody, present, and Alexandra W. Turner, present. Chairman Jason Allison was not in attendance.

**II. APPROVAL OF MEETING MINUTES - NONE**

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

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

**V. PUBLIC COMMENT PERIOD - NONE**

**VI. TOWN ADMINISTRATOR REPORT - NONE**

**VII. ADMINISTRATION, BUDGET, AND POLICY**

Mr. Moody reviewed the agenda, noting that the purposed of this meeting is to discuss the process to choose an Interim Town Administrator, and to discuss how the Select Board will approach finding a new Town Administrator.

Ms. Turner explained that in preparation for this meeting she called Massachusetts Municipal Association (MMA) and spoke with them. They have services to help municipalities in hiring and many other aspects of law, and so they suggested that Select Board look at a booklet which they sent to Ms. Turner, which she will send to the other two Select Board members, about how to hire a Town Administrator. She stated that in her conversation with the MMA, they explained that a good hiring, between publicizing, interviewing, checking references, can take anywhere between four to six months. Ms. Turner stated that while they have a very talented staff, she thinks that's a

lot to ask somebody for four to six months. This brings up the discussion of whether the Select Board want to have or how to choose an interim Town Administrator. Ms. Turner suggested they have two items on the agenda. First, if the Board want to have an interim Town Administrator (TA) or want to handle the work internally. It was noted that once they get through that discussion, knowing that Select Board have four to six months to bridge to discuss how to approach a new town administrator.

Mr. Moody said that the staff keep busy so it would be hard to dump a Town Administrator job on top of town employees. He thinks that the only prudent thing to do, with the end of the fiscal year coming, is to have somebody with the ability and knowledge, to help part time until Select Board decide on a real full-time administrator.

Ms. Turner said that she thinks the town have a talented staff that is pretty much self-directed in their own roles, but the Select Board is preparing for a town meeting in February, and there are a lot of controversial issues such as the Capital Project, and the new Planner is not starting until January. She further noted that budget meetings are beginning and agreed with Mr. Moody that there needs to be an Interim TA.

Mr. Moody thinks that they should go through the MMA, get some names, meet with some people and talk with them, check references, work out payments and the length of time that the person would be here, and then seriously go after some way to get a permanent TA, which would probably be through another process of hiring a company.

Ms. Turner said that there are options for that. When she spoke to MMA, they gave her a list of names that she will pass on. She also spoke to Sandi Charton (Human Resources Director) about the process, and about how they select an Interim TA. She noted that she understands that as a board we can select somebody. She explained that the MMA suggested that to Ms. Turner might find someone who is retired, who have already strong skill sets, so they can hit the ground running; noting a lot of town administrators do that. However, they're only allowed to work a finite amount of time, in which Ms. Turner noted that they cannot expect what they could expect from a full time TA, but it would be a good bridge. She also noted that they could find someone in transition, between jobs. She thinks the Board needs to discuss this among themselves.

Mr. Moody and Ms. Turner were joined live by John Petrin, who was introduced to the meeting by Ms. Turner. Ms. Turner stated that she has spoken briefly to Mr. Petrin, who comes from the world of municipal administration and is very knowledgeable.

Ms. Turner noted that one thing to consider would be whether or not an interim TA would be eligible for the permanent position. If it were a retiree, no, but if it was someone in transition, they might be. She explained to Mr. Petrin, to recap, that TA Orlando Pacheco is moving to a TA position in Georgetown, that she and Mr. Moody agree that interim coverage would be too much for existing staff, and that they would like to hire an Interim TA. Ms. Turner said that she has reached out to a couple of people but has not heard back yet. She thanked Mr. Petrin for his advice since she has known him for many years. Mr. Petrin, who currently lives in Bolton and is a retired TA, explained that he was in Harvard from 1988 to 2001, during the time that the Fort Devens closure was announced, and worked closely with the Lancaster Select Board.



Mr. Petrin went on to say that there are people out there, there's a network of retired TAs, and he could certainly put out a note that Lancaster has an interim need to see if there's any interest. Mr. Petrin coordinates this network, and he could make some phone calls to see who might have interest, if the Board wishes. He has one name that he thinks might be good. He could also work with MMA to see who's in transition. Mr. Petrin is a former President of the Town Manager's Association and the MMA. He noted that if you hire someone in transition for an interim position, you have to be aware that they're looking for a job, while a retiree can give a firm commitment. Ms. Turner and Mr. Moody would like Mr. Petrin's help in this area. Mr. Petrin noted that this is just lending a helping hand, that he is not selling the position or working for the Town. He will also talk to Denise at the MMA.

Mr. Petrin, Ms. Turner, and Mr. Moody continued discussion about needing an interim TA with experience, although this might not be true for the permanent position. Ms. Turner asked if this role should be discussed in Executive Session; Mr. Petrin said that you can't interview in Executive Session but you could talk about the terms. Ms. Turner asked, once they have a list of names, how to go about hiring the Interim TA. Mr. Petrin advised that they're only going to get a couple of names, not thirty. The Board should review the resumes to make sure they have the capacity, and they look good and then just bring them in for a quick interview, and talk to them, and see if she or he has what you're looking for. The Board should ask questions like what can you do for us in a four month period? How many hours a week can you give us? Are you going away at any point?

Ms. Turner asked about whether or not an interim would be allowed to be a candidate for the permanent position. Mr. Petrin did not have an opinion; he offered pros and cons.

Ms. Turner wanted to determine who candidates should apply to, should it be her email or Mr. Moody's email? It was determined that applicants should email Mr. Moody. She explained that the third member of the Select Board, Jason Allison, had delegated this discussion to her and Mr. Moody because he has a lot on his plate. Mr. Moody does not want to involve Mr. Pacheco, the current TA, because he's leaving. Ms. Turner will send Mr. Petrin an email with the contact information for him to include as he reaches out to retiree groups and the MMA.

Ms. Turner asked about timeframe. Mr. Petrin will send out emails Monday and he thinks a week is sufficient in this case. They want to move quickly to act before the December holidays. Ms. Turner noted that regular meetings are scheduled December 6 and December 20, but possibly they could have a working meeting on December 13<sup>th</sup>.

Next the Board addressed recruiting for the permanent TA position. Mr. Moody noted that Mr. Allison wanted a search company to do this. Ms. Turner stated that there were multiple options, including doing the work themselves, using a search committee, or using a search company. She thinks that using a search firm has in the past been a positive experience. She notes that a search company would be an expense. She mentioned that it is important that the Board look at job descriptions and make sure that they are up to date. She would like to keep the cost of filling this position under \$10,000.

Mr. Petrin noted that entirely separately from the previous conversation about his helping find an

interim TA in his role as a retired TA, he works with Community Paradigm Associates, LLC. He also works with Suffolk University, and he runs the MMA programs for Professional Development Leadership Academy and Finance Academy and does some side work as a recruiter.

Mr. Petrin explained that Community Paradigm works with about 70% of the state's open Executive positions, so they are working on this on a regular basis. Community Paradigm's principal is Bernie Lynch, and they work with the MMA's Leadership Academy at Suffolk, working with students looking to advance themselves, including department heads and Town Administrators. He cautioned the Board that they cannot see all applications, because if they do, every name becomes public, and you will lose applicants because people don't want to be made public if they're in a pool of 30 resumes. It's different when it's down to three finalists. Mr. Petrin went on to explain the role of Community Paradigm as a search firm, including working with each member of the Board, key department heads as defined by the Board, and possibly a search committee. He noted that they just finished working in Spencer and offered Spencer as a reference.

Mr. Petrin offered to send the Board a formal proposal. Ms. Turner asked if there needed to be an RFP; Mr. Petrin said no that they could work within budget so that isn't needed. Ms. Turner asked Mr. Moody if he wanted to look at other search firms such as MRI. Ms. Turner wants to take the results of this meeting and present them to the full Board at the December 6<sup>th</sup> meeting. Ms. Turner noted to Mr. Petrin that Sandi Charton might be part of the hiring equation. He explained that this is fine, that they will work with whoever the Board directs.

At Mr. Moody's request, Mr. Petrin will send a cost estimate and a scope of services. Ms. Turner notes that because the agenda materials for the December 6<sup>th</sup> meeting would need to be in hand on Monday November 29<sup>th</sup>. Mr. Petrin explained that the proposal will include a timeline and noted for the Board that one of the most difficult parts of the process is forming a search committee, and that the overall process will typically take 16-18 weeks, plus a couple of weeks' notice for the applicant to give his current employer. Ms. Turner notes that this might work well because the Annual Town Meeting is held in early May. Mr. Petrin noted that some candidates may currently have contracts that require 60 days' notice, and putting together a deal sometimes takes a couple of weeks.

Ms. Turner recapped; resumes for the interim position will go to Mr. Moody; today's meeting will be recapped at the December 6<sup>th</sup> meeting, and a search committee needs to be determined. She further stated that materials are needed by Wednesday before the December 6<sup>th</sup> meeting. Ms. Turner will contact other search firms to see if they would like to send materials as well. The Board hopes to interview for the interim position on the 13<sup>th</sup>.

<b>VIII. APPOINTMENTS AND RESIGNATIONS - NONE</b>
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<b>IX. LICENSES AND PERMITS - NONE</b>
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<b>X. OTHER/UNFINISHED BUSINESS - NONE</b>
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<b>XI. NEW BUSINESS - NONE</b>
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*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

**XII. COMMUNICATIONS - NONE**

**XIII. ADJOURNMENT**

*Ms. Turner offered a motion to adjourn. Mr. Moody seconded. Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-0-0]. Meeting adjourned.*

Respectfully submitted

Kathleen Rocco  
Executive Assistant

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Jay M. Moody Clerk  
Approved and accepted:



## **SCHEDULED APPEARANCES & PUBLIC HEARINGS**

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## **V. BOARDS, COMMITTEES & DEPARTMENT REPORTS**

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# **Town Administrator Report**

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# **TOWN ADMINISTRATOR'S REPORT**

## **12/20/2021**

### **Minuteman Regional District Assessment**

Based on the preliminary numbers presented, the overall Minutemen Assessment is expected to **decrease** by approximately \$60,000 in Fiscal Year 2023. This should provide some level of ease in balancing the budget depending on the assessment numbers from the Nashoba Regional School District (NRSD). NRSD is currently working on providing preliminary assessment numbers for the member communities.

### **Municipal Aggregation Status Report**

The most recent quarter is the municipal aggregation program is starting to show some financial losses. However, the rate period should improve in May of 2023 which should start to report better numbers.

### **Green Communities Grant**

The Energy Management System was installed on Friday 12/17/21. The concludes the work needed to close out the most recent Green Communities Grant. I will file the final report with the Department of Energy Resources prior to 12/31/21 so it is not left for the interim Town Administrator

### **Prison Mitigation**

The Town is expected to receive \$68,386.26 in Prison Mitigation Funds from the Department of Corrections in the Fiscal Year 2022 Budget.

### **Prescott ADA Upgrade (Handrails)**

As part of the ongoing accessibility upgrades being made, we are stating work on installing handrails the week of 12/20. The work should take 1 week and was part of the previously discussed grant application.

### **Local Acquisitions for Natural Diversity (LAND) Grant Closeout**

The Town has received its grant for the additional Town Forest Land in the amount of \$61,050. The Town needs to come up with approximately \$35,00 to balance the account. The Selectboard has \$13,744.89 in a Land Purchase gift account that can be used towards the cost. We are working on other sources if the Board approves the use of the gifted funds.

Town does have authorization to raise the money via Town Meeting approval. However, I would propose the Town utilize the following resources to balance the grant account so as to not place any additional burden on the tax levy.



# MINUTEMAN

HIGH SCHOOL REFORM INITIATIVE

December 10, 2021

To: Orlando Pacheco, Town Administrator  
From: Dr. Edward Bouquillon, Superintendent-Director  
Re: Minuteman Regional School District FY2023 Budget

Thank you for your support as Minuteman has been working to develop the FY2023 Budget. We are hoping to complete our first full year in person in our new building. With a shift of Minuteman's enrollment moving towards fully in-district students, we have seen a dramatic drop in nonmember tuition and capital fee revenue. This, along with the increased required minimum local contributions as set by the state, will impact assessments.

Knowing a placeholder is useful at this point in all of our budgeting, I am providing a PRELIMINARY Total Assessment for Lancaster of \$2,323,480. Capital/Debt Service is \$660,355 and the remaining Operating Assessment is \$1,663,125.

As always, the above placeholders are preliminary and are dependent upon the Governor's budget, DESE calculations and federal programs that may have an impact on the district.

Our proposed timeline for Minuteman's FY2023 budget is outlined below:

- 12/20/2021 - Budget Overview Review by our Finance Subcommittee, Including Final Cuts
- 1/10/2022 - Finance Subcommittee Reviews Superintendent's Draft FY2023 Budget Proposal for Recommendation to our School Committee
- 1/11/2022 - School Committee Reviews Superintendent's Draft FY2023 Budget Proposal
- 1/21/2022 - Publish FY2023 Budget Books
- 1/27/2022 - School Committee Public Hearing on FY2023 Budget

We would like to request an early date to be in Lancaster to discuss Minuteman's FY2023 Budget. We look forward to the upcoming conversations.

Thank you in advance for your time.

Sincerely,

Dr. Edward Bouquillon, Superintendent/Director

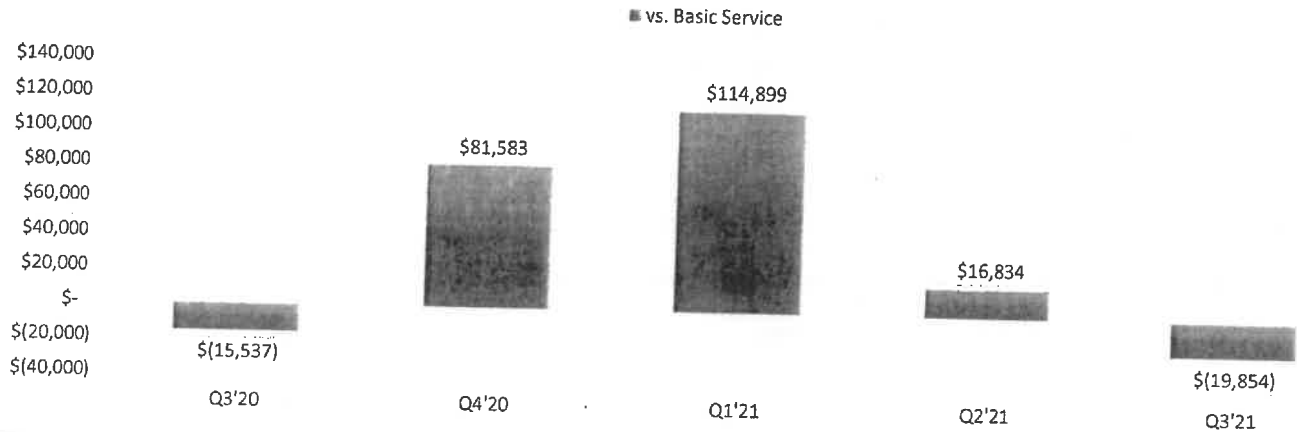
This report has been prepared by Colonial Power Group with information/data being provided by the Competitive Supplier and National Grid. The purpose of the report is to provide information about the Town of Lancaster's Community Choice Power Supply Program, which currently provides competitive power supply to approximately 2,100 customers in the Town. The data provided by the Competitive Supplier is not available until three months after the month it is used. For example, power is *Used* in January, *Invoiced* in February, *Paid* in March and *Reported* in April.

PROGRAM RATES			
Term	June 2019 – December 2021		December 2021 – December 2022
Competitive Supplier	Dynergy		Dynergy
All Rate Classes	\$0.09978 / kWh Meets MA Req		\$0.14974 / kWh Meets MA Req

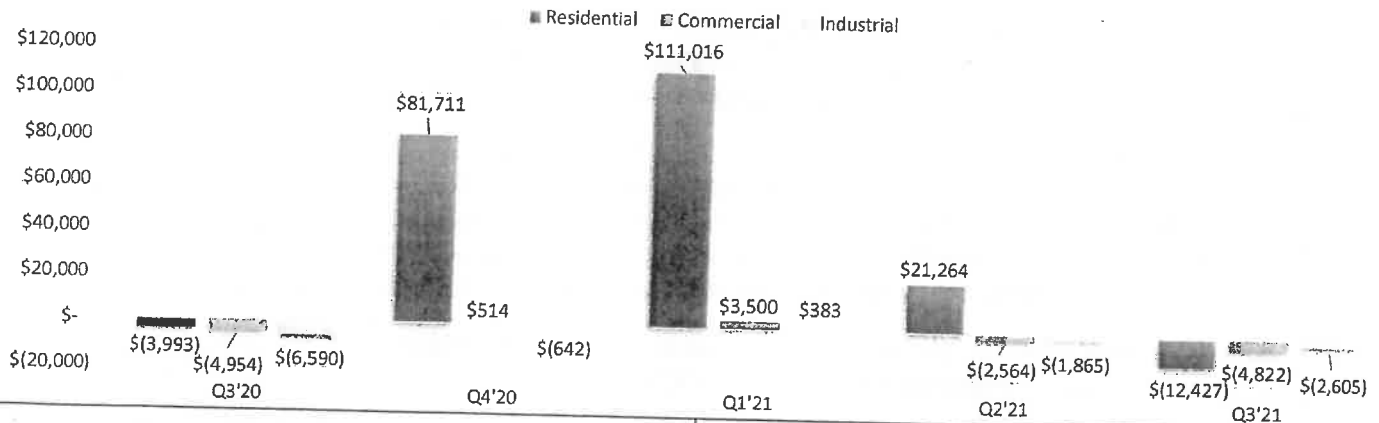
### COMPARISON TO NATIONAL GRID RATES

The Town's aggregation savings are directly tied to the margin of savings between the Program's rates and National Grid's corresponding Basic Service rates as well as the level of consumption by participating consumers. Basic Service rates change twice a year or more, depending on utility and rate class. As a result, the aggregation rate may not always be lower than the Basic Service rate. The goal of the aggregation is to deliver savings over the life of the Program against the Basic Service rate. However, such savings and future savings cannot be guaranteed.

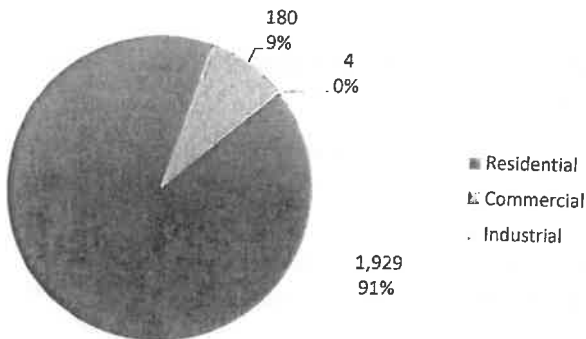
### TOTAL AGGREGATION SAVINGS/(LOSS)



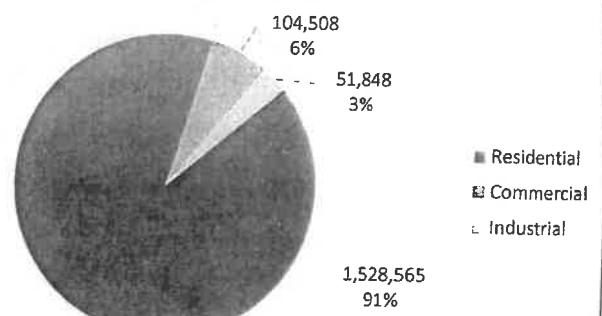
### AGGREGATION SAVINGS/(LOSS) BY RATE CLASS



### AVERAGE METERS/MONTH: 2,113



### AVERAGE USAGE/MONTH: 1,684,921



## Kathi Rocco

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**From:** Orlando Pacheco  
**Sent:** Monday, July 19, 2021 12:23 PM  
**To:** Kathi Rocco  
**Subject:** FW: LANCASTER—Competitive Grant Contract Documents  
**Attachments:** lancaster\_cpt10\_grant\_contract.docx; MA Standard Contract Attachments\_2021.pdf

**From:** Pfister, Jane (ENE) <jane.pfister@state.ma.us>  
**Sent:** Monday, July 19, 2021 12:22 PM  
**To:** Jason A. Allison <JAllison@lancasterma.net>; Orlando Pacheco <OPacheco@lancasterma.net>  
**Cc:** Brown, Kelly (ENE) <kelly.brown@state.ma.us>  
**Subject:** LANCASTER—Competitive Grant Contract Documents

Dear Town of Lancaster,

Congratulations! The Department of Energy Resources (DOER) Green Communities Division has approved a Competitive Grant award of thirty-five thousand three hundred dollars (\$35,300) to fund:

- \$30,300, Prescott Building — Energy Management System
- \$5,000, Town – Hybrid vehicle purchase

Please note that, due to the competitive nature of this grant program, the use of these funds is restricted to the specifically approved projects listed above. An award letter with this information was emailed recently to the community by Joanne Bissetta, Acting Director, Green Communities Division.

There may be flexibility to shift funds between the individual approved projects, within the parameters of your overall grant award. If you anticipate the need to shift funds from one approved project to another, please contact me before proceeding. Likewise, please contact me if you anticipate not expending your full grant award due to project cancellation or postponement.

The contract document is attached with one additional file (MA Standard Contract Attachments\_2021.pdf) which includes four documents (Commonwealth Terms and Conditions, Contractor Authorized Signatory Listing, Request for Taxpayer Identification Number and Certification (W-9) revised March 2020, and Electronic Funds Transfer Sign Up Form). Together these five documents comprise the contract between DOER and the Town of Lancaster.

Four documents need to be filled out, **signed and dated in blue ink pen**. Please mail the originals including all pages of the contract and the four additional documents to the DOER office.

It is the policy of DOER to sign only one original contract, so please send just one original of each signed document to me at the DOER main address below.

Please review these documents carefully. Let me know if you have any questions or propose making changes. Please note the contract end date of September 30, 2023.

I draw your attention to the following elements in these contract documents to review and consider:

### I. THE STANDARD CONTRACT (page 1)

The Anticipated Start Date or Effective Date is the latest signature date (this will be the date when DOER signs the contract document signed by LANCASTER). **No obligations can be incurred prior to the Effective Date if**



**CHARLES D. BAKER**  
Governor

**KARYN E. POLITO**  
Lieutenant Governor

**TERRENCE M. REIDY**  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety & Security*

*Department of Correction*  
*50 Maple Street, Suite 3*  
*Milford, MA 01757*  
*Tel: (508) 422-3300*  
*www.mass.gov/doc*



**CAROL A. MICI**  
Commissioner

**PATRICK T. DEPALO, JR.**  
**MICHAEL G. GRANT**  
**ROBERT P. HIGGINS**  
**MITZI S. PETERSON**  
**THOMAS J. PRESTON**  
Deputy Commissioners

December 3, 2021

Mr. Orlando Pacheco  
Town Administrator  
Town Hall  
701 Main Street  
Lancaster, MA 01523

**RECEIVED**

DEC 13 2021

**Board of Selectmen**

Dear Mr. Pacheco:

The Department of Correction's FY 2022 operating budget contains funds earmarked for cities and towns hosting correctional facilities.

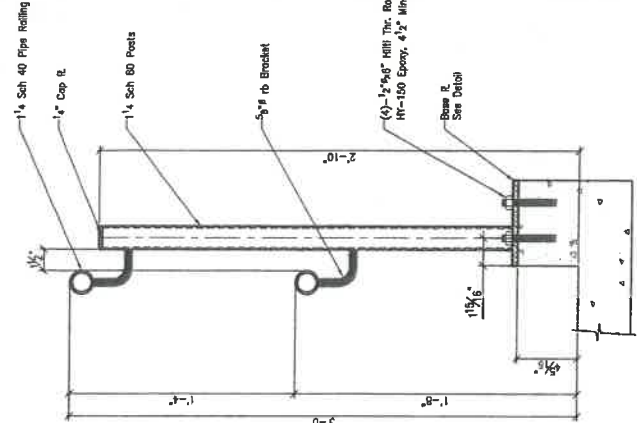
Based on the average state inmate population housed in your community from July 1, 2020 through June 30, 2021, a payment in the amount of \$68,386.26 will be processed for the Town of Lancaster. This payment will be issued via the State Treasurer's Office and sent to your local Treasurer by electronic transfer. This payment has a scheduled disbursement date of December 8, 2021.

If there are any questions, I can be reached at 508-422-3332.

Sincerely,

Thomas Brennan  
Budget Director

Cc: Thomas J. Preston, Deputy Commissioner Administration  
Tara Calhoun, Director of Legislative Affairs  
Kristine Marcotte, Director, Fiscal Services





# ATTACHMENT A – SCOPE OF SERVICES AND ADDITIONAL TERMS AND CONDITIONS

**INSTRUCTIONS:** In order to ensure that the Department and the Contractor have a clear understanding of their respective responsibilities and performance expectations, the Following attachment shall contain a specific detailed description of all obligations, responsibilities and additional terms and conditions between the Contractor and the Department which do not modify the Contract boilerplate language. *Attach as many additional pages as necessary.* {See INSTRUCTIONS sheet for more information and suggested provisions to include in ATTACHMENT A.}

## Lancaster LAND #5

The Local Acquisition for Natural Diversity (LAND) grant award will be used to reimburse the Town of Lancaster up to \$61,050 for the actual approved purchase price and approved project costs associated with a fee simple acquisition of 28± acres of land (Assessors Map 29 Lot 20) located in the Town of Lancaster known as the Town Forest Acquisition Project, for conservation and public passive recreation purposes.

Under this agreement, and to meet the requirement of Massachusetts General Law Chapter 132A, §11, and Chapter 312 of the Acts of 2008, and 301 CMR 5.00 Self-Help Program regulations, the Town of Lancaster will maintain care and control of the project for the stated program purposes in perpetuity.

To be eligible for reimbursement, all approved project costs must be expended and the approved acquisition project completed on or before June 30, 2022. The Town of Lancaster must record the LAND Project Agreement with the property deed, install and maintain a sign acknowledging receipt of program funding, and prepare a Baseline Documentation Report and Land Management Plan, and meet any other conditions or requirements set forth by the Division of Conservation Services.

## ATTACHMENT B – BUDGET AND APPROVED EXPENDITURES

{The Department and Contractor may complete this format or attach an approved alternative Budget format or invoice.}

Items identified below which are not part of the Contract should be left blank.

Attach as many additional copies of this format as necessary, Maximum obligation should appear as last entry.

Contract Expenditures	Unit Rate (per unit, hour, day)	Number of Units	Other Fees or Charges (specify)	TOTAL
FY22 Land acquisition and eligible associated costs				\$61,050
				\$
				\$
<b>SUBTOTAL (this page)</b>				<b>\$61,050</b>

**MAXIMUM OBLIGATION**

**\$61,050**

Page 1 of 1 Budget pages

Attachment B is subject to any restrictions or additional provisions outlined in Attachment A



## **ADMINISTRATION, BUDGET AND POLICY**

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#1

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#2

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# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: Ryan

Last Name: Aldrich

Address: Neck Road

City: Lancaster

State: MA

Zip Code: 01523

Phone Number: \_\_\_\_\_

Ext. \_\_\_\_\_

Email: ryan\_aldrich22@yahoo.com

Organization or Media Affiliation (if any): N/A

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

## Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/town, county or region, if applicable):

Lancaster Board of Selectmen

Specific person(s), if any, you allege committed the violation:

Alexandra Turner/Jay Moody

Date of alleged violation: 12/2/21

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

At their meeting on 12/6/21 the Selectboard discussed and appointed an interim Town Administrator. During the meeting Selectboard member Turner stated that she had the opportunity to meet with Selectboard member Moody on multiple occasions. There was a meeting that was posted for 11/24 which was viewed and no mention of specific candidates, or future postings were confirmed. There was supposed future scheduling of meetings for the public to remain informed.

There was at least one additional meeting that was not posted where this selection and deliberation must have occurred.

You can review the meeting tape of both the 11/24 and 12/6 meetings at townhallstreams.com

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Have HR or Independent 3rd party look into and report if a meeting took place  
Disclose process used to select candidates including ads or criteria for selection  
Disclose finalists and/or candidates interviewed

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

12/14/21

RECEIVED

DEC 14 2021

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

#3

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#4

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# TOWN OF LANCASTER

## OFFICE OF THE TOWN CLERK

Lisa J. Johnson  
Town Clerk

Amie C. Martin  
Assistant Town Clerk

December 10, 2021

Local Election Districts Review Commission  
Office of the Secretary of the Commonwealth  
c/o Election Division  
One Ashburton Place, Room 1705  
Boston, MA 02108

RE: Town of Lancaster – 2020 RE-PRECINCTING

We, the undersigned, hereby certify that a meeting held on Friday, December 10, 2021, the Select Board voted to accept as presented by Lisa J. Johnson, Town Clerk, the 2020 Re-Precincting Plan for the Town of Lancaster.

A True Copy ATTEST:

\_\_\_\_\_  
Lancaster Town Clerk

Signed: \_\_\_\_\_  
Jason Allison, Chair

\_\_\_\_\_  
Jay Moody, Clerk

\_\_\_\_\_  
Alexandra Turner, Member

#### Lancaster Precinct 1.

All of that portion of The Town of Lancaster bounded and described as follows: Beginning at the point of intersection of the Leominster line and Main St, and proceeding northerly along the Leominster line to the Lunenburg town line, and proceeding easterly along the Lunenburg town line to the Shirley town line, and proceeding easterly along the Shirley town line to the Harvard town line, and proceeding southerly along the Harvard town line to the Bolton town line, and proceeding westerly along the Bolton town line to Old Common Rd, and proceeding westerly along Old Common Rd to Center Bridge Rd, and proceeding northerly along Center Bridge Rd to Nashua Riv, and proceeding westerly along Nashua Riv to Boston and Maine RR, and proceeding northerly along Boston and Maine RR to Neck Rd, and proceeding northerly along Neck Rd to Harvard Rd, and proceeding northerly along Harvard Rd to Seven Bridge Rd, and proceeding westerly along Seven Bridge Rd to Main St, and proceeding northerly along Main St to Otis St, and proceeding northerly along Otis St to Buttonwood Ln, and proceeding westerly along Buttonwood Ln to Main St, and proceeding westerly along Main St to the point of beginning.

#### Lancaster Precinct 2.

All of that portion of The Town of Lancaster bounded and described as follows: Beginning at the point of intersection of the Leominster line and the Sterling town line, and proceeding northerly along the Leominstertown line to Main St, and proceeding easterly along Main St to Langen Rd, and proceeding southerly along Langen Rd to Goss Ln, and proceeding southerly along Goss Ln to Narrow Ln, and proceeding easterly along Narrow Ln to Sawyer St, and proceeding southerly along Sawyer St to Sterling Rd, and proceeding westerly along Sterling Rd to Parker Rd, and proceeding southerly along Parker Rd to unnamed Local road, and proceeding southerly along unnamed Local road to the Clinton town line, and proceeding southerly along the Clinton town line to the Sterling town line, and proceeding northerly along the Sterling town line to the point of beginning.

#### Lancaster Precinct 3.

All of that portion of The Town of Lancaster bounded and described as follows: Beginning at the point of intersection of Parker Rd and unnamed Local road, and proceeding northerly along Parker Rd to Sterling Rd, and proceeding easterly along Sterling Rd to Sawyer St, and proceeding northerly along Sawyer St to Narrow Ln, and proceeding westerly along Narrow Ln to Goss Ln, and proceeding northerly along Goss Ln to Langen Rd, and proceeding northerly along Langen Rd to Main St, and proceeding easterly along Main St to Buttonwood Ln, and proceeding easterly along Buttonwood Ln to Otis St, and proceeding southerly along Otis St to Main St, and proceeding southerly along Main St to Seven Bridge Rd, and proceeding southerly along Seven Bridge Rd to Harvard Rd, and proceeding southerly along Harvard Rd to Neck Rd, and proceeding southerly along Neck Rd to Boston and Maine RR, and proceeding southerly along Boston and Maine RR to Nashua Riv, and proceeding easterly along Nashua Riv to Center Bridge Rd, and proceeding southerly along Center Bridge Rd to Old Common Rd, and proceeding easterly along Old Common Rd to the Bolton town line, and proceeding southerly along the Bolton town line to the Clinton town line, and proceeding westerly along the Clinton town line to unnamed Local road, and proceeding northerly along unnamed Local road to the point of beginning.



#5

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# TOWN OF LANCASTER

## BOARD OF HEALTH

701 Main Street Suite 6  
Lancaster, MA 01523

Tel: (978) 365-3326 ext. 1310  
Fax: (978) 368-4009

**To:** Town of Lancaster Administrator, BOS, HR Director, and Finance Director

**Purpose:** Assurance of Continuation of existing COVID-19 Coordinator position funding

With the allocation of CARES funding for the BOH COVID-19 Coordinator position drawing to a close as of December 31, 2021, as new Board Chair I, on behalf of the BOH, strongly request the Town continue the funding of this critical position, by whatever means at its disposal, presumably using ARPA funding already allocated to Lancaster and available for use.

The BOH, with an extremely limited budget allowing no discretionary spending, struggles to provide the Town with the best possible services under normal circumstances. This lack of a formal budget has been well mitigated with the assistance of Mr. Pacheco, who has been a stalwart supporter of BOH activities and has provided funding for many important needs. In the context of almost 2 years of the COVID-19 pandemic, our resources have been stretched very significantly. Mr. Pacheco very astutely saw the need for additional pandemic-related BOH resources and successfully obtained funding for the COVID-19 Coordinator position through CARES Act funding. This forward thinking has been a boon to the BOH, the Town and its residents. The position of COVID 19 Coordinator requires qualifications, education, and specialized training in order to provide support to the BOH and Town. Our incumbent, Tracy Gagnon, possesses excellent qualifications in that she worked at the Community Tracing Collaborative for 7 months, is a Board of Health Member in West Boylston, and has a master's degree in a related area.

You have all seen hard evidence of the severity of the pandemic in Lancaster. In spite of our efforts, conditions have resulted in comparatively low vaccination rates and increasingly high infection rates. Now is the time for more resources, not less.

The ARPA funds are substantial and are available now. There is no rational reason to delay in applying what would be an extremely low portion of the funds allocated to Lancaster to continue the funding of the COVID-19 Coordinator position. The following is a list of accomplishments, to date:

1. Scheduled 9 Lancaster-based and 8 other local COVID-19 vaccination clinics
2. Coordination of DPH resources, most significantly the mobile vax program
3. Assured vaccination of homebound residents
4. Established strong and collaborative relationships with local schools, educational leaders, and churches
5. Collaboration and relationship building with neighboring towns, BOH, and other agencies
6. Ongoing dissemination of educational materials at public events, including The College Church, South Lancaster Academy, The Perkins School, River View Terrace, Nashoba School District, Clinton Public Schools, Lancaster Community Center/COA, Wheat, The Item, Sterling/Lancaster TV, and local stores
7. Utilization of the Board of Health website, the new electronic signs, sign boards, and Facebook.
8. Procurement, installation, and use of 5 glass case sign boards (Town Hall, Prescott Building (2), TML, and COA)
9. Procurement and distribution of free sporting event tickets and food gift cards as incentives for vaccination

I am available, as are the members of the BOH, to respond to any questions or concerns. I implore you to take immediate action to apply funds to secure the position, and its incumbent. Tracy Gagnon has fulfilled the role admirably, with great commitment, singular focus in pandemic-related issues, knowledge, and energy. Losing her for no reason other than failure to apply existing funds, designed explicitly for this purpose, would be a tragedy for the residents of Lancaster.

Sincerely,

Jeffrey B. Paster  
Chair, Lancaster Board of Health  
[jeffLBOHpaster@gmail.com](mailto:jeffLBOHpaster@gmail.com)  
508-380-5185



# *Town of Lancaster*

## *Office of the Selectboard*

*701 Main Street, Suite 1*

*Lancaster, MA 01523*

*Jason A. Allison, Chairman  
Jay M. Moody, Clerk  
Alexandra W. Turner Member*

*Orlando Pacheco, Town Administrator  
Kathleen A. Rocco, Executive Assistant*

## **MEMO**

To: Selectboard

From: Orlando Pacheco, Town Administrator

Date: October , 2021

Re: *American Rescue Plan Act (ARPA) Funds Allocation Strategy*

As discussed previously, the Town has been allocated **\$2,364,788.00** as the local share and portion of the Worcester County allotment from the American Rescue Plan Act (ARPA). The US Dept. of the Treasury has issued an Interim Final Rule regarding eligible uses of the funds, and the Town should begin to utilize the funds in order to achieve public benefit.

The guidance has been broken into six (6) categories:

- Premium Pay to Eligible Workers
- Revenue Replacement (subject to calculation within Treasury Guidelines)
- Investments in Water, Sewer, Broadband Infrastructure
- Response to Public Health Emergency and its Negative Economic Consequences
- Support Public Health Expenditures as it relates to the pandemic and the broader health impacts
- Serving the hardest hit communities and Families within the a Qualified Census Tract

I would like to offer the Board the initial plan to start deploying funds.

- \$1,200,000 to improve Water Infrastructure and Water Quality. The Town has a number of needs within water specifically replacement of leaking pipes and/or alleviating discolored water. The Town could utilize more funds in this category later depending on other expenditures
- \$200,000 for site preparation as part of offsetting the negative economic impacts of the COVID19 pandemic. I would primarily focus these funds on the development and re-use of the 75-acre parcel(s) along Old Common Road/Still River Road (Route 110). This could also be used for the vacant Cumberland Farms or additional parcels that would benefit from pre-development assistance
- Reserve funds to implement a regional social worker or other mental health professional to work alongside police departments in the region through 2024.
- Reserve Funds to maintain the Town's current COVID19 Coordinator in the current capacity through September 30, 2022.
- \$100,000 (or more) to improve outdoor spaces to improve overall health quality within the Town. In my opinion, a re-design of the Town beach area and bathhouse would not only lead to the improvement of an outdoor space, but implement this in a way to improve overall safety and access. Another possibility would be to refurbish the tennis courts for outdoor pickle ball.
- \$10,000 to support the North Central Massachusetts Chamber of Commerce federal tourism matching grant (Visitor Center support).

While I am not suggesting the Board authorize the expenditure of all funds, the Town should start to utilize some funds now to address issues as it will take time to implement, design, procure any uses of ARPA funds.

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November 17<sup>th</sup>, 2021  
4 Highfield Drive  
Lancaster, MA 01523

Lancaster Select Board  
701 Main Street, Second Floor  
Lancaster, MA 01523

RE: Violation of the Lancaster Code of Conduct for Town Elected and Appointed Officials

I am writing to report a violation of the Lancaster "Code of Conduct for Town Elected and Appointed Officials."

This is a subsequent violation of the "Code of Conduct for Town Elected and Appointed Officials" related to the violation I reported on November 15<sup>th</sup>, 2021. On Tuesday, November 16<sup>th</sup>, 2021 at 7:47 AM Jason Allison posted the attached message on his Facebook Page that identifies him as a select board member:

<https://www.facebook.com/jasonallison.selectmen>

As of November 17<sup>th</sup> at 8:00 AM the message was still available on that Facebook page.

Mr. Allison did not:

"refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Manager/Administrator or Town Staff."

Mr. Allison did not:

"comply with the Town's Anti-Harrassment and Anti-Discrimination Policy"

In fact he reposted on social media the same statement that was already the subject of a harassment complaint.

Mr. Allison did not:

*"Conduct [himself] so as to maintain public confidence in our local government."*

As allowed in the "Code of Conduct", I request that your board take such action as is authorized by law and as it deems fit in response to the matter. My suggestion is that your board replace Mr. Allison as chair and approve a brief statement to recognize his inappropriate behavior.

Sincerely,

A handwritten signature in black ink, reading "Russell W. Williston". The signature is written in a cursive, flowing style.

Russell W. Williston

## VIII. APPOINTMENTS AND RESIGNATIONS

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December 7, 2021

Dear Lancaster Selectboard,

We are writing to inform you that the Recreation Committee has completed our interview and selection process for a new part-time Recreation Director.

We were very pleased to receive six strong applications. From those we selected four with whom we conducted interviews via Zoom. Participating in these interviews were Committee members David Carr, Stephen Hutchinson and Win Clark. We were joined by Sandra Charton. In the end, there were two exceptionally strong candidates - Michelle Currier and Patricia Woodliff.

After all interviews were completed, the members of the Recreation Committee deliberated and unanimously agreed that Michelle Currier is the strongest candidate. Michelle is a Lancaster resident who has shown a remarkable level of commitment to the Community of Lancaster. Here are a few of the voluntary positions that she currently holds:

- Lancaster Youth Baseball and Softball – Treasurer 6 years
- Lancaster PTO – Vice President 3 years
- Lancaster Recreation Committee - Member 1.5 years
- Election Warden – 6 years

Michelle also has experience as a substitute teacher and learning liaison at Mary Rowlandson Elementary School.

Patricia's professional background is undeniably strong and we especially took notice of her grant writing experience. However, we all feel strongly that Michelle's direct experience as a Community member and volunteer give her the advantage. We have all gotten to know Michelle well in the past year and she has become a crucial member of the Recreation Committee. She has quickly come up to speed on many of the workings in Town Hall and has been able to build rapport with several employees. She is also a well-liked and respected member of the community who already has a lot of community outreach experience in Lancaster... an essential part of the job.

We are all very much looking forward to working with Michelle in this role. We have high confidence that she will succeed, and that Lancaster Recreation will experience the growth that we are looking for under her leadership.

We would encourage you to set up time if you would like to individually meet and talk with Michelle in the next week or two. Alternatively, please let us know if you would like us to introduce her at the Board's next meeting. In any case, it is our hope that her hiring will be approved at your Dec. 20 meeting as we have plenty to do! Special thanks to Sandi Charton for her guidance and help in the search and selection process. We look forward to hearing from you regarding next steps.

Thanks and Kind Regards,  
David Carr, Stephen Hutchinson, Win Clark  
Lancaster Recreation Committee

**Kathi Rocco**

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**From:** Thomas Wood <tomrwood@hotmail.com>  
**Sent:** Wednesday, November 17, 2021 1:14 PM  
**To:** Selectmen; Kathi Rocco  
**Subject:** Recreation Committee - Letter of Interest - Thomas Wood  
**Attachments:** Recreation Committee - Letter of Interest - Thomas Wood.pdf

Attached please find a Letter of Interest for the open position on the Recreation Committee. I plan on dialing in to the Zoom meeting tonight, just an FYI. Any questions please let me know, thanks!

Tom

-----  
tomrwood@hotmail.com  
(M) (973) 600-0382



November 17, 2021

Thomas Wood  
698 Main St  
Lancaster, MA 01523  
Email: [tomrwood@hotmail.com](mailto:tomrwood@hotmail.com)  
Cell: 973-600-0382

Office of the Board of Selectmen  
Attn Kathleen Rocco  
RE: Recreation Committee

Dear Board of Selectmen,

I would like to express interest in becoming a member of the Recreation Committee for Lancaster. I'm currently a Vice President with Citibank and have been in finance for nearly 20 years. I also have retail management experience in the outdoor industry (Eastern Mountain Sports) and have been coaching and training youth soccer for 15+ years. We moved into Lancaster in August 2020 and have been active in soccer since that Fall and plan to continue (as well as branch out to additional sports) as our two children progress through school. I'd love to be able to assist the Recreation Committee and town in whatever capacity needed, in all the various sports, facilities, events, development, etc.

Please feel free to contact me with any questions.

Thanks!

Sincerely,



Thomas Wood

## Orlando Pacheco

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**From:** K O <koriordenrec@hotmail.com>  
**Sent:** Monday, December 6, 2021 6:28 PM  
**To:** Kathi Rocco; Orlando Pacheco  
**Cc:** Win Clark  
**Subject:** Rec Committee

Hi Orlando and Kathy,

I'd like to submit my resignation from the Recreation Committee. I've spoken with the group about it already to let them know. While I have truly enjoyed working with them, my schedule now does not allow me the necessary time to dedicate to working with the committee. Please let me know how to proceed so the group can work on finding someone to fill my spot.

Thank you,  
Katie O'Riorden

Sent from my iPhone