



LANCASTER SELECT BOARD
Meeting Minutes
Of Monday, July 19, 2021

I. CALL TO ORDER

Chairman Jason A. Allison called the meeting to Order at 6:00 P.M. via ZOOM™. Roll call was taken, Jason A. Allison present, Jay M. Moody present, Alexandra W. Turner present. Town Administrator Orlando Pacheco was in attendance.

Meeting ID 851 9547 8788

Invite Link <https://us02web.zoom.us/j/85195478788>

II. PUBLIC COMMENT PERIOD

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.

Chairman Allison recognized Denise Hurley, who presented a plaque to Select Board member Alix Turner and her team on behalf of the Lancaster Friends of the Seniors and the citizens of Lancaster, for all the hope they brought during the COVID pandemic, and for continuing to provide that hope. The plaque awards to Ms. Turner the Lancaster Hope Award. Ms. Turner offered her sincere thanks.

III. APPROVAL OF MEETING MINUTES

Mr. Allison reported that he has spoken to Mrs. Rocco and that the minutes planned for approval are not yet ready.

Mr. Moody moved to table the review and approval of the Special Meeting minutes of May 27, 2021. Ms. Turner seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye, and Alexandra W. Turner Aye. Motion passed. [3-0-0]

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

Public Hearing – 6:05PM: *John E. Kanis’ Application for Special Permit to Remove Earth Products Renewal Notice is hereby given that a Public Hearing will be held on Monday, July 19, 2021 at 6:05 P.M. via ZOOM, to consider the application of John E. Kanis, Inc. 535 Harvard Road, Lancaster, MA, for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located at the terminus of Pine Hill Road (0 Pine Hill Road) further identified on the Lancaster Assessors’ Maps as Map 31, Parcels 4, easterly of B& M Railroad, westerly of Nashua River at the end of Pine Hill Road by DeFalco Engineering Services, 35 Pine Hill Road, Lancaster, MA A copy of the Application and Engineering Plans may be viewed in the Select Board’s Office, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard. – Lancaster Select Board*

Mr. Moody read the announcement of the first Public Hearing, as detailed above, into the record.

Mr. Allison moved to open the public hearing. Ms. Turner seconded. Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

Mr. Pacheco explained that John Farnsworth is in attendance as the engineer for the applicant, as well as Kayla Larson from Tighe & Bond, the Town of Lancaster’s inspecting engineer.

Mr. Farnsworth explained that the Plan presented has been prepared by Farnsworth Engineering; Farnsworth Engineering has taken over for the original engineering company, Falco Engineering. Mr. Farnsworth presented the history of the property and the permit, explaining that the site has been a good neighbor, without violation, for three generations. They are applying for another two-year permit.

Because the time of the 2nd Public Hearing (LLEC) had been reached, it was determined that the first Public Hearing (Kanis) should be recessed. The 2nd Public Hearing (Kanis) should be opened, then and then recessed. This would allow the Board to return to the first public hearing while following appropriate procedure

Ms. Turner moved to temporarily recess the Public Hearing of the application of John E. Kanis for renewal of Earth Products. Mr. Moody seconded the motion. Jason A. Allison vote Aye, Jay M. Moody vote Aye, and Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

Public Hearing – 6:15 PM: *LLEC’s Application for Special Permit to Remove Earth Products Renewal. Notice is hereby given that a Public Hearing will be held on Monday, July 19, 2021 at 6:15 P.M. via ZOOM, to consider the application of James Simpson, dba LLEC Inc., 139 Greenland Road, Sterling, MA for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located westerly of I-90, Easterly of Jungle Road, identified on the Lancaster Assessors’ Maps as Map 23, Parcels 7, location approximately 700 feet Easterly from the intersection with Jungle Road. A copy of the Application and Engineering Plans may be viewed in the Select Board’s Office, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through*

Thursday. All persons interested in providing comment should attend and be heard. – Lancaster Select Board

Mr. Moody read the announcement of the second Public Hearing (James Simpson, LLEC Inc.) as detailed above, into the record.

Mr. Allison moved to open the public hearing. Ms. Turner seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye, and Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

Ms. Turner moved to temporarily recess the Public Hearing of the application of James Simpson, LLEC Inc., for renewal of Earth Products, until the Public Hearing for John E. Kanis has been completed. Mr. Moody seconded the motion. Jason A. Allison vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

Ms. Turner moved to continue the Public Hearing of the application of John E. Kanis for renewal of Earth Products. Mr. Moody seconded the motion. Jason A. Allison vote Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed. [3-0-0]

Ms. Turner states that she only received Tighe & Bond's comments to the permit application late this afternoon, but it appears that it was received two or three days ago. Mr. Pacheco notes that the review came in today, and that the applicant is requesting no changes to the permit. Ms. Turner would like materials further ahead of time. It was clarified that the previous permit will expire August 19, 2021 and the new permit will continue until August 19, 2023. Mr. Pacheco notes that other materials were given to the Select Board prior to today; the only item received today was the letter from Tighe & Bond.

Ms. Turner would like a site walk with the Conservation Commission held on all earth removals permits. Ms. Larson addressed the site, noting that it is one of the best reclamation sites that she has seen. In comments Ms. Larson has noted that in the past the Select Board has chosen to waive the bond requirement due to the Town's long and positive history with this site and with this property owner. Ms. Turner offered several additional questions about groundwater which were addressed by Mr. Farnsworth and Ms. Larsen.

Ms. Turner would like to finalize her conditions following a site walk with the Conservation Commission and possibly the alternate Building Commissioners.

Mr. Allison invited residents to add their comments; none were seen.

Mr. Pacheco noted that he would not advise making changes to the existing permit, and that the Board does need to decide whether or not to waive surety. He noted that the Town uses this site to access their own earth removal site. This site is well below the truck trips per day defined in their permit, and does not removed much material. The Planning Board provided two comments, that the site is in a residential district and needs to follow all conditions of the Bylaw. Mr. Allison notes that Tom Christopher has issued a vote of confidence, discussing the site's 40 year record of protecting the habitat for endangered species on the property.

Mr. Turner asked Mr. Pacheco for renewal details on the Town owned earth product removal area and ask that he move forward on preparing that permit. Mr. Pacheco said that a draft permit could be prepared for the Board to review at it's next meeting.

Ms. Turner moved to close the Public Hearing for Kanis earth removal permit. Mr. Moody seconded. Jason A. Allison, vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

It was decided to continue with the second Public Hearing (LLEC, Inc.) before discussing conditions for the Kanis earth removal permit.

Ms. Turner moved to continue the Public Hearing for LLEC, Inc. Mr. Moody seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

James Simpson, the owner of LLEC, Inc. was not present. Mr. Pacheco suggested that this may be because the owner is continuing the permit but has not actually moved any material in almost four years. It was decided to ask questions of Ms. Larson to see how far the Board could go without the owner present. Ms. Larsen states that the last permit expired in 2018. This application is for 2018-2020, which would still be expired, so this application is for a two-year "catch-up." Conservation Commission restrictions in 2012 are still present in the new application. Ms. Larsen reports minimal to no change to the property in several years. She would recommend making sure that the applicant's surety bond is still active. She would not be opposed to site visits annually rather than twice a year.

Mr. Moody asked if there were issues on this site with finding the wells. Ms. Larsen does recommend that the wells are uncovered. Ms. Turner would like to do a site walk and would like to consult with the attorney at KP Law who worked on this permit some years ago, to see if he still recommends treating all permits like new permits.

Mr. Allison opened comments to the public.

Mr. Allison recognized Greg Jackson, 40 Farnsworth Way. Mr. Jackson stated that he believes that at a public hearing the applicant or his representative must be present. Mr. Pacheco will confer with Town Counsel.

Ms. Turner asked when the application was submitted; Mr. Pacheco responded that it was May 28, 2021. Ms. Turner wants legal questions on the next agenda to make sure that the Town does not miss a deadline.

Ms. Turner made the motion to continue the Public Hearing for James Simpson, LLEC, Inc. Mr. Moody seconded.. Jason A. Allison vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS

A joint meeting was held with the Board of Health. John Farnsworth opened the Board of Health Meeting as posted at 7:11 p.m.; Mr. Farnsworth and BOH member Katherine Holden represented the BOH. Also attending was Tracy Gagnon, COVID-19 Coordinator.

Mr. Farnsworth reported that he has had calls asking about mandatory vaccinations for town employees. The BOH has been in continual contact with the Department of Public Health. The DPH is unaware of any towns in the Commonwealth that have enacted such rules.

Mr. Pacheco, in response to a question from Mr. Allison, stated that to the best of his knowledge there are three non-vaccinated town employees; they have come to him, he is not directly asking employees for vaccination status. It has been verified with Town Counsel that the Town has a legal right to ask.

Concern was expressed about Lancaster's overall low vaccination rate. The BOH has been proactive, making vaccines available, sponsoring clinics and outreach. Mr. Farnsworth noted that the Fire Department's help has been invaluable throughout the pandemic.

Mr. Allison recognized resident Greg Jackson who asked about Lancaster's vaccination rate. Mr. Farnsworth reported that it is about 49% right now.

Mr. Moody suggested polling employees about their wishes regarding masks. Mr. Allison stated that this might be helpful, but he wants to base policy decisions on expert guidance.

Mr. Allison asked Mr. Pacheco to confirm current policies; masks are required in town buildings for anyone who has not been vaccinated, as stated in the Governor's policy.

Ms. Holden moved to adjourn the Board of Health meeting; Mr. Farnsworth seconded. Roll call taken, Mr. Farnsworth and Ms. Holden present. Both members voted aye, BOH meeting adjourned.

VI. TOWN ADMINISTRATOR REPORT

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

1. Shared Streets Program

The Town received a grant in the amount of \$18,000 via the Shared Streets and Spaces Program. The funds will be used to install solar LED Crosswalks on Main Street. Kevin Bartlett was responsible for the application.

2. Complete Street

The Town has received a grant in the amount of \$400,000 from the Complete Streets program to install new sidewalks, and safety measures including ADA compliance, on Main

Street and ending at Whitcomb. Mr. Pacheco reported that he will start to prepare the bid documents and specifications once the Notice to Proceed has been received. It was noted that this is a very competitive grant and only 16 communities statewide were selected.

Ms. Turner asked about preliminary design that had been done in the past. Mr. Pacheco explained that the design has been done through the DPW using about \$60,000 of Chapter 90 funds.

This will need to be completed by December 31, 2023. Mr. Pacheco recommends starting as soon as possible so as to potentially be eligible for additional grant rounds.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Discussion on Personnel Board (Turner)

Ms. Turner would like to re-start the Personnel Board as defined in the Town's bylaws as voted at Town Meeting, most recently revised in 2009. She stated that a new method to manage personnel would need to follow a Town Meeting vote to abolish the established Personnel Board. She stated that she was aware that the Personnel Board does not apply to many people, but that it could help govern policy.

Mr. Moody supports bringing back the Personnel Board. He thinks that the current HR Director, while doing what we are hiring her for, is too much to pay. He would like to use the Personnel Board, with possibly an outside resource only needed when the Board faces a complicated problem or situation.

Mr. Pacheco explained that the HR experts at the Collins Center have advised the board against using a Personnel Board, although the Select Board is certainly within their right to staff the Personnel Board.

Ms. Turner moved to advertise and staff the three person Personnel Board. Mr. Moody seconded. Jason A. Allison, vote No, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed [2-1-0]

Mr. Allison requested that Mr. Pacheco advertise for Personnel Board members on the town website, and also asked him to send the link for this advertisement to the Select Board members.

2. Proposal for chain of command communication channel (Allison)

Mr. Allison moved to have Mr. Pacheco work with HR Director Sandi Charlton to develop a chain of command communication plan for the staff. Ms. Turner seconded.

Discussion:

Mr. Allison explained that this would allow for escalation, so that if an employee has an issue they know who to go to.

Discussion was held as to whether to recognize meeting attendees who have raised hands; Mr. Allison wants those comments generally heard during the Public Comment section of the meeting.

Mr. Allison recognized HR Director Sandi Charton. Ms. Charton raised the point that the HR Director is someone that employees should feel comfortable approaching apart from the chain of command. One of the essential functions of an HR Director, in her opinion, is employee relations and hearing what employees have to say, certainly as an alternative, or before ever coming to the Select Board.

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

3. Formalize Town Administrator goals (Allison)

Mr. Allison explained that this discussion had begun at the last Select Board meeting, and that it had been decided that each member would write out FY222 Town Administrator goals to be compiled by the Chairman, and formalized at tonight's meeting.

Mr. Moody moved to accept the Town Administrator goals as presented below; the motion was seconded by Ms. Turner:

- Town Administrator to foster regular meetings with a Select Board liaison, FinCom liaison and Town Administrator by Sept. 1, 2021.
- Town Administrator to foster regular meetings with Planning Board liaison, Conservation Commission liaison, Building liaison and Town Administrator by September 15, 2021 to keep track of what is going on in town
- Town Administrator to create a plan by Oct. 1, 2021 on how to reach all residents in town with town information.
- Develop and present an initial plan by Oct. 15, 2021 to measure the resident's overall satisfaction with town service.
- Implement the resident's overall satisfaction plan by Dec. 31, 2021 and provide monthly updates as to its status which would also allow a continuous feedback loop into the plan.
- Create a plan by Feb. 1, 2022 to determine if there are residents underserved of town resources and create a strategy to reach them.
- Revisit and evaluate all town Bylaws by June 1, 2022 to ensure town policies and procedures are in line with them.
- Within 30 days create a calendar for all town specific milestones and their dates for the next year including Town Meeting, Special Town Meeting, elections, performance reviews, contracts, project approvals, renewals, etc. Create a schedule for when to start work on these activities so they can be completed on time. Make this calendar publicly accessible to the town.

- Within 30 days create a list of all open projects. Throughout the year maintain on-going and historical status on these projects as well as deadlines being met/missed and why. Make this status accessible to the town through the town website.
- Within 14 days publish a schedule of when you will/will not be in your office in the Prescott building. Going forward, maintain in your Office365 Outlook Calendar the complete list of meeting times/locations which pull you away from the Prescott Building. Once completed, share your Calendar with the Select Board, Executive Assistant, and HR. Going forward complete time sheets each and every week.

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

Mr. Allison asked Mr. Pacheco to provide feedback if any of the goals enacted seem unachievable, if he thinks any of the goals need adjustment, or if time frames are unreasonable.

4. Discussion on Building Commissioner vacancy (Moody)

Mr. Moody asked Mr. Pacheco for a status of the hiring plan for the Building Commissioner. Mr. Pacheco suggested that it may be difficult to find a Commissioner and that the Select Board might consider an Inspector instead, with a part-time Commissioner to oversee the Inspector. He went on to explain that other towns will be helpful in the short term as a professional courtesy, but that the search may take some time. Right now things are working, but the enforcement component of the position is missing. Mr. Pacheco urged the Board to decide how they want to proceed and if they want to have a search committee. The Board members want Mr. Pacheco to present his recommendations.

Ms. Turner would like to seek help from the State and states that this should be an attractive position for candidates, with a central location and wages that are in-line with those shown by the MMA. She would like to advertise with the MMA and with trade organizations/publications.

Mr. Allison wants to see a proposal/plan from Mr. Pacheco. Ms. Turner would like him to include the legal definitions and differences between Inspector and Commissioner.

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Conservation Commission – Bruce MacGregor, term to expire June 30, 2024

Mr. Allison made a motion to appoint Bruce McGregor to the Conservation Commission, term to expire June 30, 2024. Ms. Turner seconded the motion.

Mr. McGregor addressed the Board, introducing himself and explaining his interest in becoming a member of the Conservation Commission.

Vote taken. Jason A. Allison vote Aye, Jay M. Moody vote Aye, and Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

Cultural Council – Ann Fleury, term to expire June 30, 2024

Mr. Moody moved to appoint Ann Fleury to the Cultural Council, term to expire June 30, 2024. Jason A. Allison vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed.[3-0-0]

Re-Appointments

Board of Registrars – Heather LeBlanc (Unenrolled), term to expire June 30, 2024

Mr. Moody moved to re-appoint Heather LeBlanc to the Board of Registrars (Unenrolled), term to expire June 30, 2024. Ms. Turner seconded the motion. Jason A. Allison vote Aye, Jay M. Moody vote Aye, Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

IX. LICENSES AND PERMITS - NONE
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X. OTHER/UNFINISHED BUSINESS

Mr. Allison re-iterated that he would like the Unfinished Business bullets to be more descriptive.

- **Annual Town Report**

Mr. Pacheco reported that the Town Clerk's office will be working on with Kathi Rocco from the Select Board office after she finalizes some work relating to the Annual Town Meeting. Ms. Turner stated that this is a Select Board responsibility and asked for a date that it will be ready. Mr. Pacheco stated that he does not have a date right now because some data has to be recreated. It was suggested that a lesser version, meeting the letter of the law, could be finished earlier. Ms. Turner would like a full version with all board and committee reports.

- **Code of Conduct Policy**

Mr. Pacheco has sent minor edits to the Select Board for their review; the IT Director will post the document on the website later this week.

- **Communication Committee**

Ms. Turner moved to establish a three person committee to evaluate the Town's website and to make recommendations for improvements, the committee to be established by September 1, 2021, with recommendations to be presented by November 1, 2021. Mr. Moody seconded the motion.

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

Mr. Allison asked Mr. Pacheco to form this committee and remove this item from the Unfinished Business list.

- **North Lancaster Settlement**

Mr. Pacheco reported that he still needs to follow up with Jonathan Eichmann.

- **DCAMM Land Sale Partnership**

Ms. Turner reports that she still needs to be in touch with her contact at DCAMM. Mr. Pacheco stated that the Board needs to focus on whether or not they want to proceed with the land sale partnership and if so, how they want to set that up. He suggested that another meeting with DCAMM is probably warranted sometime in the next month. The Board would like a site walk scheduled, and Mr. Pacheco will talk to SLTV about filming a video tour.

- **Aggregation**

Mr. Pacheco stated that he is still waiting for answers on how the Select Board would like to proceed.

- **Gazebo Ramp**

Mr. Pacheco reported that the plans have now been reviewed by the Center For Living and Working. They recommended some minor edits that have been sent to Mike McCue the Commission on Disability. He and Mr. Pacheco will speak in the next couple of days before giving guidance to the Fire Department on installation. Mr. Allison noted that Mr. Pacheco still needs to meet with the Historic Commission to review changes.

- **Department Assistant (CDP)**

Mr. Pacheco has sent the Board a memo with financial considerations. He states that the Town may be better served with more hours in this position due to the long period that the Town has gone without a Planner. In the memo, Mr. Pacheco has recommended that the Board approve the creation of this position and to make a change to the existing role, which has already been approved through collective bargaining. He recommends a 30 hour/week

Department Assistant as opposed to 19 hour/week; some of this will be offset by reductions in the current amount of overtime. Ms. Turner asked that Mr. Pacheco re-send the memo.

Mr. Moody questioned whether or not a new Building Inspector/Commissioner would impact this funding depending on whether or not they are part-time or full-time. Ms. Turner would still like to see staffing information from surrounding towns.

- **COVID Funding**

Mr. Pacheco reported that the Finance Director is putting together a report as previously requested detailing COVID-19 monies received and spent. He hopes that by the next Select Board meeting he will have more information from the Department of the Treasury on how this funding can be used; there will be some money available for an electronic sign board with some stipulations.

- **Assessor Search**

Ms. Turner asked about the use of temporary help to alleviate some of the workload in the Assessors' Office. Mr. Pacheco explained that due to the regulatory nature of this office, only trained individuals would be of help, but that some of that is in process.

Mr. Pacheco reported that he has provided the Board with a memo regarding the Assessor position. He recommends that the Town reach out to Deb Sanders to see if she can provide some help, and that the Town reach out to Regional Resources Group.

The HR Director forwarded resumes to Mr. Allison today; the other two members of the Board have not seen them yet. Mr. Allison wants to move ahead and hire someone; he asked Mr. Pacheco to work with the HR Director in the morning to forward the resumes to the other two Board members. Mr. Allison suggests that once a Principal Assessor is hired, the Assessor will hire the Assistant.

XI. NEW BUSINESS

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

- **Open Meeting Law/Public Records Law Training Date**

Mr. Allison stated that the response sent in regard to a recent Open Meeting violation complaint said that we were going to arrange to have Open Meeting Law Training provided to all Town boards and committees covered by Open Meeting Law, and administrative staff that assist the boards and committees with agendas and minutes. Mr. Allison does not want this action to be specifically targeted to the Select Board, but to include all boards, committees, and administrative staff. Mr. Pacheco will try to arrange this on a Wednesday evening and to give attendees a couple of weeks' notice.

XII. COMMUNICATIONS - NONE

XIII. ADJOURNMENT

Select Board member Jay Moody offered a motion to adjourn the meeting at 9:58pm seconded by Mr. Allison. Jason A. Allison vote Aye, Jay A. Moody vote Aye, Alexandra W. Turner vote. [3-0-0]

Respectfully submitted

APPROVED

Jay M. Moody Clerk
Approved and accepted: 8/2/2021