

**APPROVED**



**LANCASTER SELECT BOARD  
Regular Meeting Minutes  
of April 4, 2022**

**I. CALL TO ORDER**

Chairman Jason Allison called the Regular Meeting of the Select Board to Order at 6:00 P.M. via ZOOM™, noting that the meeting was being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/81184177797>

Meeting ID: 811 8417 7797

*Roll call vote taken, Jason A. Allison, present, Jay M. Moody, present, and Alexandra W. Turner, present.*

**II. APPROVAL OF MEETING MINUTES**

Mr. Moody moved to accept the minutes of March 23, 2022. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. Approved, [3-0-0].*

Mr. Moody moved to accept the Executive Session minutes of March 28, 2022. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Abstain. Approved, [2-0-1].*

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

Powers & Sullivan LLC, CPAs & Advisors were present to discuss the Town of Lancaster's audit of the financial statements. Mr. Nutting explained that this annual meeting is part of financial best practices. Mr. Allison recognized Craig Peacock, Partner, and Katie Casey, the Supervisor on the Lancaster job, to talk about the Fiscal Year 2021 (FY21) reports and management letter. Mr. Peacock offered thanks to Finance Director Cheryl Gariepy, for both an unmodified opinion and with her help and responsiveness throughout the audit, stating that the Finance team "has their finger on the pulse of what's going on." New items this year included CARES Act funds and other COVID related grants. He noted that most likely in FY23, the Town will require a single audit of COVID-related monies. Also new in FY21 was GASB 84, Fiduciary Activities. This required that the audit cover what was previously classified as "agency funds" such as police and fire details. He noted that the Town's open trust fund had a great investment income year, again offering kudos to the Finance team for good foresight.

Mr. Allison noted that the audit said that the Town has a tendency to balance the budget with free cash, which is not desirable.

Mr. Peacock reviewed the management letter, offering two primary points. The Town should take action toward creating a written disaster recovery plan, and a shortfall in the reserve money for abatements of about \$10,000, now considered a “tailing”, which has been hanging for a number of years. He suggested that commonly, issues like this trace back to mis-coding an invoice several years ago. To avoid future issues he recommends reconciliation of these sorts of funds on a quarterly basis. He also suggested a policy for dealing with checks that have been outstanding or not cleared for a time period such as three months from either payroll or vendor accounts.

Ms. Gariepy stated that she had been working with the IT director, the Fire Chief, and the previous Town Administrator to create a disaster recovery plan; the actions are in place and the documentation needs to be worked on. She also noted that since the outstanding \$10,008.93 has now been documented in the management letter she will be able to get it off the books.

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

- Department of Public Works Superintendent Kevin Bartlett to give update on Proposed Water Main Replacement

Chairman Allison recognized DPW Superintendent Kevin Bartlett. Mr. Bartlett has provided a list of roads on which he would like to replace water mains due to poor water flow. He has requested \$1 million for plan design to begin this project. He estimates that the entire project probably has a price tag of about \$6 million. Ms. Turner asked about the status of lead piping; Mr. Bartlett stated that they have been working to replace all the lead goosenecks.

Ms. Turner asked Mr. Bartlett how serious the lead problem is for the Town. Mr. Bartlett said that the department, in addition to replacements, does constant testing. They do a lead and copper test on houses every two years, in addition to schools and churches, as per Massachusetts DEP guidelines.

Mr. Moody asked how the eventual water line replacement project would be funded. Mr. Bartlett said that they would be using \$1 million in retained earnings from the water enterprise fund and the remainder would be borrowed. Mr. Nutting clarified further, adding that with all communities using ARPA funds the demand for engineering services will be staggering.

Mr. Allison asked Mr. Bartlett how priorities were determined; Mr. Bartlett explained that it had to do with age of existing lines and poor water flow. Residents who feel that their street should be prioritized differently are welcome to discuss with Mr. Bartlett.

Ms. Turner asked about the \$3 million in the water enterprise funds, expressing concern that fees were raised last year. Mr. Bartlett explained that fees were not raised, but the minimum use cost had raised to adjust for inflation, and that fees were lower than in many surrounding towns.

- Jasmin Farinacci, Director of Community Development and Planning, to discuss the Massachusetts Bay Transportation Authority (MBTA) requirements and their impact on Lancaster.

Ms. Turner asked if the requirements included affordable housing. Ms. Farinacci responded that it could be, and that in her opinion it should be included in the zoning, possibly as an overlay. She stressed that the state is not mandating a timeline, and that this is meant to be long-term planning. This allows the towns to work with market conditions, although non-compliance could result in loss of eligibility for some grants.

Ms. Turner asked how this would apply to Lancaster's 2007 Master Plan. Discussion continued with Ms. Farinacci and the Board, with all agreeing that some new work should be done on the Master Plan. Ms. Farinacci would like to have a large public hearing on the process. Mr. Moody cautioned that some of the MBTA work will need to be done by December, while work on the Master Plan could take much longer.

<b>V. PUBLIC COMMENTS</b>
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*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.*

Town of Lancaster: See, so I will look for raised hands, and I will have a three minute timer. Please state your name and address.

Mr. Allison recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek stated, "Last week we heard the Select Board Chair say a couple of times that rezoning the back part of the McGovern Boulevard land without the 40R upfront is a bad deal for Lancaster. Interestingly, there are a few things not stated that could be declared as corollary to that claim. A rezoning without the 40R, while a bad deal for Lancaster, is a bonanza for Capital Group and its prospective industrial tenants. Industrial tenants would have the place in the McGovern Boulevard driveway to themselves. No affordable housing residents to constantly complain to them, harass them, and sue them. No residential pedestrians, bicycles, motorcycles, pets, scooters, skateboards or or other vehicles to constantly worry about. No extensive regulations to ensure that the many pedestrians always have the right of way. No concerns about sharing the incoming water, the outgoing sewage facilities. Though it would still be difficult a MEPA environmental justice approval would be possible. Conversely, Capital Group will have a heck of a time finding industrial tenants if they know they have to be in the same neighborhood as an affordable housing complex. The industrial tenants won't be as eager to sign, not as quick, not as willing to pay top dollar and not very optimistic about Lancaster giving them financial incentives. Capital Group has publicly stated many times that they will lose money with a 40R. Knowing all of this, we have to ask ourselves is it even possible, we will ever have a site that mixes 2.4 million square feet of warehouses, hundreds of trucks and employees driving back and forth all hours of the day and night, at the same time, in the same place, as hundreds of affordable housing residents of all ages, of all attitudes, of all physical abilities. Possible yes; probable I don't think so. It is improbable because, if any of the following fail to happen or become detrimental..." Mr. Zidek continued, expressing his opposition to the Capital

Group and the proposed 40R development in North Lancaster. He concluded by asking the Select Board to reconsider this rezoning article.

Mr. Allison recognized resident George Frantz, offering a friendly reminder that comments are limited to three minutes.

Mr. Franz thanked the Select Board, Finance Committee, and the Town Administrator for the excellent audit review. He expressed pleasure that Kalon Farms has received permits to allow them to go ahead with a variety of community activities. He questioned the \$4 million tax income annually from Capital Group, wanting to know if this was projected for near term or later, and asking if this lower resident taxes or simply put Lancaster in a more advantageous position.

Mr. Allison recognized Kathy Hughes, 80 Fire Road 11. She congratulated the Finance Committee on the excellent audit, and stated that she is glad that water service will be upgraded, and that although she doesn't get town water she is glad to contribute her tax dollars to those that do. She stated, "I do want to ask a question that I'm sure I won't get an answer to because I've been, we've been, asking a lot of questions over the last two years. When we do have a question about the developments, the massive mega 2.4 million square foot warehouses that are going to be planned for. There's a number of questions we've had they've never been answered, and everyone refers us back to the Capital Group and frankly they haven't answered those questions either, and I guess the question I have is where can we go in the town, not the Capital Group, because they're a marketing company, where can we go into town to get answers to our questions. And that's really it and I'd love to have an answer to that, but ...ask questions of the Select Board many times. We don't get comments back because it's just public comments, but I think that we have felt, certainly I have felt, that my questions are not being answered. And I would like to understand, for example when they're going to do an updated traffic report because they haven't done it. The numbers they have are based on Target who's no longer a client. The financial impact report, now it's gone from \$2.5 million to \$4 million in net revenue, net taxes, which is an odd statement. And yet there's no update in the financial impact that's going to have on the town, and we have hard workers in our town, who are already overextended, we have volunteers on all these committees who are already overextended, yet we have not had an opportunity to talk about the impact it's going to have on them and the financial impact it's going to have on the town so I'd like to know where do we go to get those answers, thank you."

## **VI. TOWN ADMINISTRATOR REPORT**

*Interim Town Administrator will update the Board on the status of current projects pending.*

Mr. Nutting advised the Board of several late-breaking items:

- Thanked Ms. Farinacci for filing a grant application with the regional transportation planning agency to help with the DCAMM property to help develop a long-range plan
- Mass DOT has advertised the 117/17 project in late March, so we will know in late spring or summer when the project will actually start, and we will make sure that affected residents will have as much information as possible.

- Kevin Bartlett, DPW Superintendent, bid the Complete Streets Grant, so we will soon be working on sidewalks on Main Street.
- We are working quickly to put a crosswalk at the Bigelow Senior Housing to make it safer.

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

### **1. Discussion on Budget and Capital.**

Mr. Nutting presented an overview of the FY23 budget, noting that the Finance Committee has the last hearing on April 20 and will make their final recommendations then. He has provided the Board with five documents that will explain the budget (attached; see Meeting Materials).

Ms. Turner stated that she would like to have conversations with the School Committee and with the representative from Minuteman Vocational Technical High School to discuss school funding.

Mr. Nutting invited department heads from the Town's largest departments to be present at this meeting so that the Select Board could discuss their budgets.

Ms. Turner had questions for Fire Chief Hanson about staffing levels and per diem coverage. He has requested an additional person as part of the budget. Chief Hanson reviewed staffing levels and response time; Mr. Allison had additional questions about response time for fire and ambulance.

Mr. Nutting addressed the Capital Plan, suggesting \$75,000 to fund an architectural engineering study of the Library building and some smaller items.

Mr. Moody asked how the CPA impacted the Capital Plan; Mr. Nutting explained that the CPA is for open space, recreation, and affordable housing. Secondly, because the CPA is new, there are limited dollars.

### **2. Continued discussion on American Rescue Plan Act (ARPA)**

Mr. Allison moved to use ARPA funding to purchase the requested new ambulance. Mr. Moody seconded. Chief Hanson noted that the urgency is growing quickly; wait time for delivery is now over two years, and one of the existing ambulances has now incurred over \$20,000 in repairs. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Mr. Nutting advised that other items on the ARPA "wish list" could wait until the new Town Administrator is on board and has had a chance to become familiar with the issues. Mr.

Allison asked Mr. Nutting to reach out to the Finance Director regarding the sense of urgency for the server acquisition.

**3. Select Board to refer 40R Bylaw to Planning Board pursuant to MGL c.40A §5**

Mr. Nutting explained that technically speaking, under the law, a zoning article sponsored by the Select Board needs to be formally referred to the Planning Board for a public hearing. The Select Board held a public hearing in January on the proposed 40R Bylaw, with the Planning Board in attendance, along with many others, but the action of sending a letter to the Planning Board was never taken. As a result the Planning Board has not held a public hearing on this proposed bylaw, and this may cause the Annual Town Meeting (ATM) Warrant article to be unable to be presented if the ATM is held on the scheduled May 2.

Discussion followed about breakdown in communication and the cause of this error. Mr. Nutting stated that the article could still be on the warrant and the Planning Board could still have a public hearing.

Mr. Allison would like to move on three items; to forward the article to the Planning Board per State law; to ask the Planning Board if there is anything else required from the Select Board for the Annual Town Meeting; to ask the Planning Board what their plan is to have a hearing on the 40R article so that it can be on the warrant.

Ms. Turner stated that there are still outstanding concerns about this article, especially the land settlement agreement. She stated that the article should not go to the Planning Board until all I's are dotted and all t's are crossed. Ms. Farinacci stated that her belief is that the article is complete and has been reviewed by Counsel.

Mr. Allison moved to send the 40R Article to the Planning Board per MGL c.40A §5. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Mr. Allison moved to ask the Planning Board if there is anything else required from the Select Board for the Annual Town Meeting. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Mr. Allison moved to ask the Planning Board what their plan is to have a hearing on the 40R article so that it can be on the warrant for the Annual Town Meeting. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

**4. Discussion on time and place for the Annual Town Meeting**

Mr. Allison said that he believes that the residents deserve an opportunity to vote on the 40R article and the rezoning of the back half and that we need to hear back from the Planning Board on what our situation is before we move any of that.

Mr. Nutting reviewed that the ATM is set for May 2, and that the Board could change it by a 2/3 vote, but no later than the next Select Board meeting. Mr. Allison moved to place on the agenda for the next meeting, Review and Discuss Feedback from the Planning Board on the 40R article in preparation for scheduling the ATM. Ms. Turner seconded, stating that she does not think this requires a motion. Ms. Turner notes that moving the ATM would cause it to happen with a new Select Board, which is not ideal. She would like Ms. Faranicki and Mr. Nutting to work to create a fact sheet about the article in question. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Discussion of the history and merits of the 40R article continued at length.

#### **5. Vote to close the Annual Town Meeting Warrant**

Mr. Nutting explained that the reason to close the ATM warrant is because that's when the Select Board had said they would close, and that it could be re-opened if needed. Mr. Moody moved to close the Annual Town Meeting warrant. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

### **VIII. APPOINTMENTS AND RESIGNATIONS**

#### **Appointments**

Agricultural Commission - Stephen A. Mudgett as member, term to expire 6/30/2024. Mr. Allison moved to table this appointment until the 20<sup>th</sup> so that the candidate could be present. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

#### **Resignations**

##### Nashua River Wild & Scenic Stewardship Council

Mr. Allison moved to accept the resignation of Alexandra Turner from the Nashua River Wild & Scenic Stewardship Council. Mr. Moody seconded. Ms. Turner stated that being a member of this committee was rewarding, that there was much to learn, and that the membership was very talented. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Abstain. [2-0-1].*

### **IX. LICENSES AND PERMITS**

Rental Application use of Town Hall Auditorium - Application was withdrawn; no action taken.

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

### **XI. NEW BUSINESS**

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

## **XII. COMMUNICATIONS**

- Next Select Board Regular Meeting will be held on Wednesday, April 20, 2022 via ZOOM.
- Town Offices will be closed on April 18, 2022, in observance of Patriots' Day.
- Annual Town Election will be held on Monday, May 9, 2022, from 7am-8pm at the Town Hall Auditorium, located at 695 Main Street.
- Annual Town Meeting scheduled for Monday, May 2, 2022.

Ms. Turner added that the Land Trust will be sponsoring a Candidates' Night on Patriots' Day.

## **XIII. ADJOURNMENT**

Mr. Moody moved to adjourn the meeting at 9:16 pm. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Respectfully submitted

Kathleen Rocco  
Executive Assistant

**APPROVED**

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Jay M. Moody, Clerk  
Approved and accepted: 4/20/2022