



LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of Monday, September 20, 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/86120780392>
Meeting ID: 861 2078 0392

Roll call was taken: Alexander Turner, present, Jay Moody, present, Jason Allison present.

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.

Chairman Allison recognized resident Greg Jackson of 40 Farnsworth Way. Mr. Jackson spoke about his disappointment at last week's Economic Development Committee meeting regarding the proposed industrial commercial overlay district bylaw for North Lancaster. Mr. Jackson stated the following:

I was disappointed by the efforts of Town Counsel to draft this regulation without input from town boards and committees. It appeared to be an incomplete derivation of the existing IPOD bylaw, but left little in place in terms of comprehensive requirements, procedures, or planning.

In my view, the proposed ICOD bylaw, left out many of the use and design requirements of the existing IPOD bylaw that were intended to protect the town, its residents, and the surrounding environment from the impact of unregulated, piecemeal, and unplanned development.

The ICOD regulations did not consider impacts on Town resources, finances, and services. Some of these items were addressed by the Integrated Plan and Report in the IPOD bylaw. Other than brief references to special provisions and a traffic impact analysis, many of the procedural requirements of the IPOD were stripped from the proposed ICOD.

I mentioned that we were fortunate to have a number of talented and capable residents serving on the Economic Development Committee and that they appear to be working to improve the ICOD

bylaw, restoring essential standards and process. I applauded their efforts.

I expressed concerns that a more thoughtful approach to development be taken in Lancaster, including the assessment of potential impacts and benefits.

Mr. Allison then recognized resident Kathy Hughes who spoke about the Code of Conduct. She stated that there is a need for disclosure if a board or committee member has a financial interest in the business of that board or committee. Mr. Allison asked Town Administrator to address this with Ms. Hughes the day following the meeting.

III. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes August 16, 2021, September 8, 2021 and Special Meeting Minutes of August 26, 2021.

Mr. Allison requested a motion to approve the minutes of regular meeting August 16, 2021 and September 8, 2021, and the minutes of Special Meeting of August 26, 2021. Ms. Turner stated that she had a couple of comments and changes. She stated that she had met with Mr. Pacheco but that they had run out of time and that she did still owe Mr. Pacheco and Ms. Rocco some edits regarding the minutes of August 16, but that she would like to hold this set of minutes for another week so that she has time to submit edits. Additionally, she has some changes for the minutes of September 8, 2021. Mr. Allison asked if she would like to enumerate her requested changes or if she would prefer to submit them in writing. Ms. Turner offered the following edits for the September 8 minutes: spelling of her name should be Alix or Alexandra rather than Alex, and a correction to a misspelling of the HR Director's last name, which should be Charton. Additionally, there were similar issues with the minutes of September 8, and in the Town Administrator's Report, section IV, referring to the pole hearing, Ms. Turner states that she had made a comment that should be recorded regarding the naming of the unnamed street. Finally, she would like the discussion of the ARPA (American Rescue Plan Act) to reflect that she reminded in the meeting that ARPA monies were not to be dispersed until the Select Board had evaluated it and formed a suggestion, either by themselves to through a working group. In Section 8, under MBTA Board, she notes that she is assuming this role as the Town's Montachusett Regional Transportation appointment, not as the Council on Aging Director.

Mr. Allison, recognizing that there is a request to again table the minutes of August 16th, requested a motion to approve the minutes of August 20, 2021 and the Special Meeting minutes of August 26 as amended.

Ms. Turner made this motion to approve the minutes of August 20, 2021 and the Special Meeting Minutes of August 26, 2021. Mr. Moody seconded. Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS – NONE

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS

Planning Board Chair, Russ Williston – to discuss plans on the next steps for North Lancaster

Mr. Allison recognized Russ Williston, Planning Board Chairman. Mr. Williston requested that the Select Board address their North Lancaster item from the “Unfinished Business” section of the agenda before he spoke. Mr. Allison agreed that this item could be taken out of order.

Mr. Pacheco reported that after the last Select Board meeting, he was to follow up with Bill Depietri from Capital Group. Mr. Pacheco stated that Mr. Depietri had some objections to some of the language in the agreement and that Mr. Depietri believes that there should have been a zoning change involved with the land transfer. Mr. Pacheco has asked Mr. Depietri to put this in writing to be evaluated by Counsel, and Mr. Depietri agreed to do so, but this has not been received. Mr. Allison questioned why this was needed; his belief was that the Town was only waiting for title insurance and that then the Select Board would sign the agreement and be done.

Mr. Pacheco agreed that this had been his understanding as well, but when he followed up with Jonathan Eichmann there was an Assignment and Assumption Agreement that needed to be executed as well. And, along with the title insurance, we have spoken to the Examiner, the deed has been reviewed and is good. However, until the parties willingly transfer the property, the action is not complete. The Town may have to take additional steps, which is a discussion that will need to be held privately. Mr. Allison asked when this will be done; Mr. Pacheco replied that it will depend on what is received in writing from Mr. Depietri.

Mr. Allison expressed frustration at how long this has taken. Mr. Pacheco agrees, and restated that he needs to hear from Mr. DiPietro in writing so that the Select Board is not hearing the status of this project second hand. Mr. Allison stated that he has never personally received any correspondence and that the only person who would have received such is Mr. Pacheco. Ms. Turner noted that it has taken a very long time and that it was discussed during her prior term, twenty years ago, on the Select Board. She states that Boards prior to this Board agreed to a “Settlement Agreement” and that it was very clear and that there was no zoning involved. Ms. Turner states that it has been stated in the past that this would be the last time this was discussed, but that this has not happened. She would like to see the Settlement Agreement on the Town website; Mr. Allison states that he believes it is already there.

Ms. Turner would like the minutes to reflect “I did say last time, several times, I know that I have said that and let the minutes reflect that, so I would say that it’s time to move on to the next step or, and I would say there’s a couple of lawyers at Kopelman that I can think of that may be more knowledgeable about this and that who’ve worked with it initially. But we need to move, because this is so pivotal for the credibility of this North Lancaster project it’s really a lynchpin for that, it’s also for the Town’s integrity and preservation, so this isn’t a little thing, this is a big thing, this is an environmentally sensitive area that a lot of people have worked on and I think we need to respect their work. It’s literally been when was the first agreement struck. I know what was all I know Stan Starr and Mark and Walter?”

Mr. Pacheco concurred that this has been going on for at least four years, back to 2017 or 2018. He further stated that this is a legal question and that he had raised the question when the initial agreement was put forth. He reminded the Select Board that you cannot put conditions on a sale; Massachusetts General Law (MGL) Chapter 30 Section 16 is very clear about the disposition of real estate. That is why doing this as a “land swap” was not legal. He went on to explain that a decision cannot be tied to a sale; either the Town is going to sell the property in an open process, meaning it cannot sell directly, which was what was originally proposed, or it doesn’t sell the property at all.

Ms. Turner stated that it was her understanding that the previous Board acted in good faith and understood what they were doing was legal. She asked Mr. Pacheco if that is correct.

Mr. Pacheco stated that is correct and that was one of the main issues that he had with the Agreement was it really was being positioned as a direct sale, and the Town cannot do that under the law.

Ms. Turner stated her dismay and asked about the deadline that the Board should assign to this. She went on to state that this is a question for the Board.

Mr. Allison asked Mr. Moody for his input. Mr. Moody stated that he has a problem with this, and that there should be an Agreement before anything is started in North Lancaster.

Mr. Allison asked the Select Board if there is a motion they would like to make. Mr. Allison would like the minutes to reflect that he “did not say last time, but I am motivated to get this done, so Orlando, I think today you’ve got your marching orders, I think all of the Board is not happy with the timeframe. If you have an alternative proposal or something you’d recommend to get this moving better or faster, I think we’d be open to that, but Jay and Alix, you should feel comfortable exercising your rights to make motions and do whatever you want to facilitate this process.”

Ms. Turner asked Mr. Pacheco if he had received anything in writing thus far from Mr. DiPietro. Ms. Turner noted that there will be a Special Meeting next week, and if Mr. Pacheco would create a well thought out request by the end of the week, so it could go to Town Counsel, and if Town Counsel could get back to the Board before the next meeting with their advice, then this could be added as a fifteen-minute slot to the Special Select Board meeting next week.

Mr. Allison requested clarification on Ms. Turner’s request. She stated that she would like to request from Bill Depietri all details, and an understanding of why a zoning change would be required. She would like to send this to Town Counsel by Friday, or ideally Thursday, so that prior to the previously scheduled agenda item at the Special Select Board meeting next week, Counsel’s advice could be discussed. Mr. Allison reiterated that Ms. Turner wants Mr. Pacheco to work with The Capital Group to get a request in writing by September 23, to get feedback from Town Counsel by the 24th, and to have this information to the Select Board by the 27th for the meeting on the 29th. Ms. Turner made a motion on this; Mr. Allison stated that this is not a motion.

Mr. Allison asked Mr. Pacheco if this was a reasonable request; Mr. Pacheco stated that he believed it was reasonable.

Ms. Turner suggested to Mr. Pacheco that Counsel should be Judy Cutler who had a history with this project; Mr. Pacheco stated that Ms. Cutler had never been involved. Ms. Turner would like a specialist to be involved.

Mr. Moody noted that the Conservation Agent had been involved and should continue to be involved. Ms. Turner concurred. Ms. Turner would like to call upon Mark Grasso, present at the meeting. Mr. Allison turned down this request, stating that this was not the time to review the history of the project.

Mr. Allison invited Mr. Williston to address the Board, stating that the goal is to foster a healthy and positive relationship with North Lancaster and the Planning Board. He asked Mr. Williston if he had questions or if he wanted to chat.

Mr. Williston noted that while he is available to chat, he cannot, as an individual, make agreements on behalf of the Planning Board, nor can he share the opinions of the Planning Board, but he is happy to give his own opinion.

Mr. Allison asked Mr. Williston what the Select Board can do to help foster a positive and healthy engagement on North Lancaster, including the Economic Development Committee formed by the Select Board.

Mr. Williston stated that the Planning Board has taken some steps to work with the Economic Development Committee (EDC). They have sent the EDC some things to look at and might be able to pass them information in the future about farm zoning to help farms in town. He stated that there is nothing specific needed right now from the Select Board. Mr. Williston noted that one concern he has heard about the EDC is that all members are from “South Lancaster” whereas the “North Lancaster” area, above Route 117, has many concerns. Since there is now an opening on the EDC following Mr. Grasso’s resignation, there is an opportunity for the Select Board to appoint a resident from North Lancaster.

Mr. Allison asked Mr. Williston if he believed that the Select Board had done the right thing in forming an Economic Development Committee. Mr. Williston stated that he thinks that it’s something the Town could benefit from, although this year has been somewhat misleading with so much emphasis placed on big projects like North Lancaster development. He went on to say that there is opportunity for other small businesses in town, and that these businesses need a venue. He offered an example of a recent call from a person interested in opening a fitness business who needed help finding a site and reviewing zoning.

Mr. Allison asked Mr. Williston if he believes that the charge given to the EDC from the Select Board is correct. Mr. Williston stated that he was unclear about what charge the EDC had been given but recalls that the charge may not have been clear, that there may be some gray area.

Mr. Allison asked Mr. Williston, since the EDC is relatively new, to share his opinion as to how they have engaged the landowner for the North Lancaster developments. Mr. Williston shared that there have been some issues with communication and “healthy human suspicion” causing speculation that action was being taken “behind closed doors” citing an example of the EDC using

Town Counsel without his knowledge and the ramifications of using Town Counsel for a citizen request. Lengthy discussion followed; both Mr. Allison and Ms. Turner affirmed that current procedure allows any Board member to contact Counsel. Mr. Williston expressed concern that there was a perception that deliberation was happening outside of open meetings. Mr. Williston also noted that the EDC has been working on a proposed bylaw for the Industrial-Commercial Overlay District (ICOD) but has not sought resident comments.

Mr. Allison would like to see the ICOD bylaw presented at a Fall Special Town Meeting, but Mr. Williston stated that he would prefer to see it at the Annual Town Meeting in the Spring where residents expect to see “major items” and where there is wider attendance.

Discussion continued at length; no actions were taken.

Mr. Moody noted that there are other items, such as removing the Police Chief position from Civil Service, that have been talked about for a Fall Town Meeting. He noted that when he had been Chair of the Select Board, he contacted Town Counsel a couple of times for boards and committees.

Mr. Allison recognized Ms. Turner who had questions about the mission statement for the EDC. Mr. Allison read it from the website. Ms. Turner noted that past practice for using Town Counsel was limited to the Select Board. She would like the EDC to represent all socioeconomic strata in the Town. She would also like the EDC to report back on the Distribution Center project going on in North Lancaster and thinks it would be helpful to have a large discussion meeting with the Select Board, the Planning Board, the EDC, and the Affordable Housing Trust to clear up some of the concerns or mistrust that seems to be present.

Board of Health - to discuss Covid vaccinations for Town Employees

Mr. Allison recognized the Board of Health to discuss vaccinations for town employees. Ms. Turner would like to require employees to be vaccinated with the exception of deeply held religious beliefs or medical reasons, with testing in lieu of vaccination according to a protocol developed by the Board of Health (BOH). John Farnsworth of the BOH noted that they were now in a posted meeting and took roll call, Kathy Holden, Jeff Paster and John Farnsworth all present.

Mr. Paster prefaced his comments by stating that the BOH, regarding COVID, speaks from a point of science and medical evidence, and that whether or not the Town should require vaccinations for employees cannot be answered that way. Rather, the discussion is based on what has been observed in terms of patterns and trends for the advancement and security of public health. He notes that the decision to require vaccination, will, based on other communities, potentially create pushback and/or lawsuits, but that a legal challenge is unlikely to succeed. In summary, the BOH would support requiring mandatory vaccinations for public-facing town employees with the exception of qualified medical issues or disabilities, or sincerely held religious beliefs.

Ms. Turner supports this, stressing the Town’s obligation to protect its residents. Mr. Moody brought up the alternative of having employees tested weekly. Mr. Paster agreed that testing should be required for individuals who are unable or unwilling to get vaccinated. He went on to explain that the only truly valid testing is PCR testing, but the Town could make a decision to allow rapid

antigen testing which is easier to find. If a rapid antigen test was positive, then the individual must need to follow up with a PCR test.

Mr. Farnsworth noted that the BOH has worked hard to ensure that vaccinations are easily accessible for town residents. Mr. Paster noted that the BOH has not met to recommend mandatory vaccinations for town employees but are meeting with the Select Board to support the motion that the Select Board has made. The BOH will be meeting on Thursday and will continue the conversation at that time. Mr. Paster noted that there is a great deal of misinformation about covid, and he is concerned that people think that if they have had COVID that they do not need to get the vaccine, which is incorrect.

Mr. Allison asked that the BOH take a vote to ensure that they are all in support of a mandate as discussed. He would like Mr. Pacheco to work with HR Director Sandi Charton to draft a policy. Ms. Turner would like the Select Board to vote at this time contingent upon ratification by the BOH. Mr. Moody agreed that the longer this issue takes to resolve, the worse that the situation becomes.

Mr. Allison asked if Town Counsel should review the policy that will be drafted by Mr. Pacheco. Mr. Allison noted that discussion has not included what to do if an employee fails to comply; will they be terminated, or placed on unpaid leave?

The mechanism for creating and enacting the policy was discussed. The BOH will discuss and be prepared to vote at their upcoming meeting. The Select Board will be prepared to enact the measure at their meeting of September 29.

Ms. Turner made a motion that the Select Board, with the support of the Board of Health, enact an employee mandate for employees of the Town of Lancaster, according to a strictly held policy, subject to review by the Select Board and the Board of Health, to be reviewed at the Select Board meeting of the 29th such draft to be provided to the boards by this Friday. Mr. Moody seconded the motion.

Discussion

Mr. Paster noted that Board of Health would support the mandate, requiring employees of the Town of Lancaster to have received a COVID-19 vaccination, with the exception of employees prevented from doing so by medical issue, disability, or sincerely held religious belief. Those employees unable or unwilling to receive COVID-19 vaccination will be subject to rapid antigen COVID testing at least weekly, with any positive test result requiring the employee to follow up with a PCR test.

It was further noted that mandate would be subject to review by Town Counsel and the Board of Health.

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

Ms. Holden moved for the Board of Health to adjourn their meeting; Mr. Paster seconded, and Mr. Farnsworth called for a roll call vote. John Farnsworth vote Aye, Jeff Paster vote Aye, Kathy Holden vote Aye. Vote passed. [3-0-0]

VI. TOWN ADMINISTRATOR REPORT

- **American Rescue Plan Act (ARPA) Funding Allocation**

Mr. Pacheco wanted to confirm the numbers that might be confusing. The municipal share of ARPA is \$797,334. The county allotment for Western Counties, divided by member communities because Worcester County does not have county government, is \$1,567,423. So, the total ARPA money to Lancaster is \$2,364,757. He has provided the Select Board a brief attachment from the Department of the Treasury talking about the areas in which this money can be used. This should guide decision making. The town started with water and sewer infrastructure from the Water Department. The Finance team is compiling a brief synopsis on what lost revenues would be replaced.

Ms. Turner would like the Select Board to come up with a comprehensive plan for this money, looking at the capital plan and involving members of other boards and commissions.

- **Commission on Disability Town Wide Survey**

Mr. Pacheco reported that the Commission on Disability is developing a survey to address deficiencies and needs as related to accessibility. The Select Board office will help to coordinate the survey. The survey, a town wide mailing, will cost about \$3,000. Ms. Turner stated that the recent police survey was excellent and mentioned that Mr. Moody has spoken about getting more information on the CPA into the hands of residents. Ms. Turner notes that using Every Door Direct Mail is less than \$500 to mail to everyone's house. She thinks that the Select Board should support the survey and make this available to other boards and commissions. This will happen in October, which is Disability Awareness Month.

- **Hazard Mitigation Plan Update**

Mr. Pacheco reported that there was a Public Hearing hosted by the Emergency Management Director on September 15 for the Hazard Mitigation Plan update. He attached a copy of the Power point presentation done by the Montachusett Regional Planning Commission (MRPC). Some of the changes are administrative, but there will be a section on pandemic response which was not part of the original plan. This document is on track for completion by the end of December or early January. This will align with the timeframe needed to submit the plan to MEMA (Massachusetts Emergency Management Agency) which will allow the town to apply for FEMA grants (Federal Emergency Management Agency).

Ms. Turner expressed concern that many people might not know about this. Mr. Pacheco stated that it was sent to all boards and committees and posted on the website a month in advance. Ms. Turner asked for the definition of hazard mitigation. Mr. Pacheco offered the

example of implementing a solution to alleviate flooding in flood prone areas. Ms. Turner states that the Conservation Commission should be involved. Ms. Turner talked about other issues that this might pertain to such as emergency shelter and critical facilities such as elderly housing. She would like to be involved in this document and thinks more input should be gathered. Mr. Pacheco stated that he could put her in touch with Blair at MRPC or that she might want to follow up with Chief Hanson.

- **Human Resource Director Appointment**

Mr. Pacheco noted that he has sent a memo to the Select Board regarding Ms. Charton's appointment. She was originally appointed for six months, full time, and Mr. Pacheco suggests having her remain full-time through October to finish the Building Inspector and Planning Director search processes, and then transition to a more part-time basis. Mr. Allison requested that the memo be sent separately from the Select Board packet because the packet is not searchable (because it is a pdf of scans). As a side note, he requested that the Bartlett file to be discussed later in the agenda also be sent separately. Ms. Turner noted that it is helpful to have the Select Board packet posted on the website, but that it would be preferable if it was with the agenda, and it would be helpful if it were scanned as a searchable document. Mr. Pacheco will speak to John in the IT Department about this. Ms. Turner volunteered to provide some tips to make this easier. Returning to the topic of the HR Director appointment, Ms. Turner would like Ms. Charton to be on the agenda to talk about the last six months; what she has done, what she has accomplished, her goals, what she sees as critical deficiencies or priorities going forward. Mr. Allison told Ms. Turner that they could chat about this after the meeting. No actions were taken.

- **Special Town Meeting Articles follow-up**

Mr. Pacheco explained that goal of this item is to define what the critical needs are for a Fall Town Meeting. The National Grid easement is time sensitive to allow National Grid to run the lines for the electric charging stations, and it will take National Grid about sixty days after approval to complete this task.

The Police Chief status is not time sensitive and does not impact daily operations but will remain as an open item until it is addressed at Town Meeting, or unless our legislative delegation presents a way to do this without Town Meeting. Ms. Turner stated that she spoke to Lancaster's State Representative and that the bill had died in Senate committee. Mr. Pacheco explained that after the bill was engrossed it was not properly filed, and therefore never went to the governor. Mr. Pacheco recommends putting this on a town meeting warrant, and while there is still a legislative mechanism to resolve the issue, to utilize that as well.

The discontinuance of Lunenburg Road is also not time sensitive. This does not impact any real operations because the DPW does not maintain that discontinued portion of the road.

Mr. Pacheco then explained that regarding zoning articles for North Lancaster, with regards to the 40R and the ICOD zoning, the Planning Board has to hold a public hearing at 65 days

under Chapter 48, Section 5, so town meeting schedule may need to work around this need. Mr. Allison supported the idea that the Select Board needs to work with the Planning Board around this scheduling; he wants to make sure that when this article is brought forth that it is time sensitive and relevant to the residents.

Mr. Pacheco reported that there are also some capital requests that need to be dealt with. There is a request from the Historical Commission looking to appropriate funds for tree cutting in cemeteries; this is not time sensitive. Water meter replacements have some time sensitivity because there is some procurement work that needs to be done before this can be implemented, and it is not something that can be done quickly.

The Mary Rowlandson and Luther Burbank Schools boiler replacements are highly time sensitive, simply because of the season and many sections of the boiler have failed, patch fixes are no longer adequate, and winter is coming. Unfortunately, the scope of the problem was not recognized until after the Annual Town Meeting. Mr. Pacheco will follow up with some members of the school committee about whether this is technically something the Town should fund. If a Special Town meeting is not scheduled, there needs to be a way to bridge the funding so that replacement can be implemented. He stated that we don't want to go into the winter without a reliable heat source for the kids but cannot just give the school district \$100,000 for a capital improvement project without having a Town Meeting supporting those funds.

Mr. Allison asked what the amount is for the boiler. Mr. Pacheco stated about \$100,000. Mr. Allison asked that he double check this number and report back to the Select Board. Ms. Turner asked Mr. Pacheco to talk to the Superintendent of Schools and School Committee to see if they have any stabilization funds that could be used. Mr. Pacheco explained that he has had this discussion and that the School District has the power to declare an emergency use of their funds and then work the financial mechanisms in a different way. He suggested that the town probably needs to let the DOR (Department of Revenue) know about this plan.

The final item is acceptance of Chapter 59, section 21A, which was discussed with the Assessor appointment, again not time sensitive but something to consider.

Mr. Pacheco noted that the cost of having a Town Meeting is estimated at \$2,000-\$2,500 for costs including lighting, equipment, bathroom rentals, staff, and the potential cost of having Town Counsel present.

Ms. Turner noted that another Town Meeting item might be to address deficiencies in the Personnel bylaw, and the Collins Center had some cleanup issues that should be presented to town meeting. She requests that we have a placeholder for this and that we task Ms. Charton with providing information on what needs to be changed. Mr. Allison asked that this information is sent to him and stated that he will work with Ms. Charton on the priorities.

Mr. Allison stated that he believes that because the Town is at a financial crossroad for economic development within the town. He asked Mr. Pacheco to work with the Finance Director, Cheryl Gariepy, to put together information on the financial impact of not for not acting in a timely fashion, especially for not engaging with involved landowners and developers for high value properties, specifically North Lancaster. Mr. Allison asked Mr. Pacheco if this was something reasonable that could be put together to support some of the zoning article changes.

Mr. Pacheco agreed that this could be done. He noted that people need to understand that there is a financial impact regarding where the town is going and how the existing revenue stream will impact that. He noted that there seems to be feeling that taxes need to be reduced, and the only way to really do that is to diversify the tax base. He stated that 30% of the town's budget is general government, with most of the budget going to the school district. He noted that due to fixed costs in terms of debt service and other items in the general government budget, you could lay off every town employee and still see very little change in taxes. Mr. Pacheco will work with Ms. Gariepy on this report, and notes that they will need to use some assumptions about future large scale projects that the town must do.

Mr. Moody stated that the other "big elephant in the room" will be a new school in the not-too-distant future. Ms. Turner noted that the Economic Development Committee (EDC) is doing a Cost Benefit analysis, and that the peer review for the traffic study is incorporated in these findings. Mr. Pacheco advised that with something like the traffic study that the town provides them with all the Massachusetts DOT (Department of Transportation) numbers. In response to questions from Ms. Turner, Mr. Pacheco explained that the town gave GFI the traffic data from Capital Group, and that GFI does not have traffic data available yet.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Discussion on Department Assistant for Community Development & Planning (CDP)

Mr. Allison asked the Select Board to consider the memo that Mr. Pacheco sent regarding funding for additional help in the Planning office, and he notes that in prior discussions Mr. Pacheco feels strongly that this help is needed. Ms. Turner stated that she had asked for comparisons from other towns on staffing levels, benchmarks, and best practices. She received this late today but has not had an opportunity to review. She does not want to be in a position where the Town needs to layoff employees, noting that there have been several positions added and that there are several open positions. Ms. Turner states that, in her understanding, that the Town is pretty well staffed. She thinks we need some temporary help but is not convinced that the town can afford another full time assistant. Mr. Pacheco replied that this is a part time position. Ms. Turner will review the staffing levels memo. Mr. Moody has not had time to review the memo; Mr. Pacheco explained that it was sent late because numbers had just been received from Boylston.

Mr. Allison stated that this item will be on the agenda for the next meeting so that Ms. Turner and Mr. Moody have time to review the memo.

2. LLEC Earth Product Removal – Public Hearing Waiver (Town Administrator)

Mr. Pacheco explained that the Board recently approved a permit for LLEC, but as had been previously explained that they had been behind and therefore need to file for another permit to get caught up. The bylaws state that the Board should schedule a public hearing unless it determines that it can be waived. He suggests that the Board might consider waiving this requirement since they had a public hearing recently. He notes that the Town sees no change in operation or any change changes to the permit.

Ms. Turner stated that while she thinks that LLEC is a “decent operation” she thinks that the Select Board needs to treat every applicant for any kind of permit consistently and equitably. She states that she had asked Mr. Pacheco what burden there was for the town to hold the public hearing, and that the only costs would be a mailing to abutters, at a couple of hundred dollars. She believes that the business owner of LLEC needs to understand and abide by the permitting rules so as not to create favoritism. Mr. Moody concurs that once a precedent is set, it makes it easy for someone else to try to do it. Mr. Allison asked if a sidewalk had been included in the recent permit; Mr. Pacheco concurred that it was. Mr. Allison asked how long LLEC has been doing business in town; Mr. Pacheco stated at least 12-15 years, and most likely longer. Mr. Allison stated that he wants to be consistent, but since the Board just held a public hearing and a sitewalk, that he doesn’t see a reason to put this business through this again. Ms. Turner stated that it isn’t a hardship. He agrees that they need to be treated fairly but this doesn’t seem reasonable. Mr. Allison moved to approve the LLEC Earth Product Remove Public Hearing Waiver. No second was offered.

Mr. Pacheco will schedule a public hearing; it cannot be on the next agenda because the mailing needs to occur first, and it will need to be advertised for fourteen (14) days.

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Personnel Board – Staggered terms of three years

- Jean Bean
- Jay Riley
- Denise Hurley
- Stan Starr
- Ann Fleury

Mr. Moody reports that he spoke to Ms. Charton, HR Director, today, and that she thinks that there needs to be revision to the personnel bylaws before this Board is appointed and that she does not see qualified individuals among the applicants. Mr. Moody would like to have at least one HR professional on the board.

Ms. Turner stated that she also spoke with Ms. Charton today. Ms. Turner would like the

Board to meet with Ms. Charton. She stated that while Ms. Charton spoke highly of the applicants, there was nobody with direct experience. Ms. Turner thinks that the Personnel Board needs a good start with recommended changes already incorporated in the bylaw. She thinks that this needs to be addressed at a fall town meeting so that a Personnel Board could start clean.

Mr. Allison moved to appoint Jean Bean, Stan Starr, and Denise Hurley to the Personnel Board with staggered terms of three years. Seeing no second, Mr. Allison moved to disband the Personnel Board “seeing that we can’t figure out what to do.” No second was heard.

Economic Development Committee

- Lenay Yorko

Mr. Allison has read the application from Lenay Yorko and thought it looked good. He asked for input from the other Board members. Ms. Turner thanked Ms. Yorko for applying. Ms. Turner noted that in earlier conversation with Mr. Willison of the Planning Board, he had suggested that a new member should be appointed who lived north of Route 117; she asked if this was a factor in this decision and is there more than one opening.

Mr. Allison stated that the Select Board can do whatever they want, and that this is the only application before the Board. Mr. Moody notes that while he understands Mr. Williston’s position, this Committee represents the entire town and may work on a variety of projects not in North Lancaster.

Ms. Turner moved to appoint Lenay Yorko to the Economic Development Committee, term to expire 6/30/2022. Ms. Turner also suggested that the size of the Board might be expanded, with the focus being on attracting members from North Lancaster. Mr. Moody seconded.

Mr. Allison recognized Ms. Yorko, who introduced herself and talked about her desire to become involved. Relatively new to Lancaster, Ms. Yorko is interested in economic development so that she and others do not “age out” of Lancaster because of income.

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

Memorial School Re-use Committee

- Linda Cutler, Council on Aging (COA) representative

Ms. Turner states that she had been a representative on this committee and that the COA Board has voted to suggest that Linda Cutler assume that role.

Ms. Turner moved to appoint Linda Cutler to the Memorial School Re-use Committee as the Council on Aging representative. Mr. Moody Seconded. Ms. Turner stated that she would like to be the alternate and will discuss this further. After discussion, it was determined that board representatives on this Committee are not assigned terms. Ms. Turner noted that this committee has some alternates; for example, the Historical Commission has

an alternate, although the library does not. She would like to discuss this at the next meeting to create consistency. She would also like to have terms applied. Mr. Allison agreed to put this on an upcoming agenda.

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

Resignations

Assistant Wiring Inspector

- David Hinckley, effective October 31, 2021

Ms. Turner offered a motion to accept the resignation of David Hinckley from the position of Assistant Wiring Inspector, effective October 31, 2021 with thanks for his many years of service. Mr. Moody seconded. Mr. Allison asked Mr. Pacheco to have Ms. Charton do an exit interview with Mr. Hinckley.

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

IX. LICENSES AND PERMITS

Application for License Theatrical Exhibitions, Public Shows, Public Amusements and Exhibitions of Every Description Held on Weekdays and Sundays

Applicant:	Dean and Flynn, Inc. dba Fiesta Shows
Event:	Fiesta Shows in partnership with Bolton Fair, Inc. to host 2nd Annual Lancaster Holiday Light Show.
Operating Dates:	November 24, 2021 – January 2, 2022
Operating Hours:	Sunday – Thursday – 5pm-10pm Friday – Sunday, Holidays 5pm- 11pm

Mr. Moody moved to grant a License for Theatrical Exhibitions, Public Shows, Public Amusements and Exhibitions of Every Description held on Weekdays and Sundays to Dean and Flynn, Inc., d/b/a Fiesta Shows, in partnership with the Bolton Fair, Inc., to host the 2nd Annual Lancaster Holiday Light Show from November 24, 2021 until January 2, 2022, with operating hours of Sunday through Thursday from 5 pm – 10 pm, and on Friday through Sunday, and Holidays, from 5 pm – 11 pm. Ms. Turner seconded the motion.

Mr. Moody stated that he has mixed feelings about last year's show because he could not get out of his driveway for two hours every evening for a month. He will be happy if the proposed new traffic pattern works. Mr. Allison reports that he has received the same complaint from residents. Mr. Allison asked Mr. Pacheco when they would need to start setting up; Mr. Pacheco replied within the next few weeks.

Mr. Allison recognized Eugene Dean, the applicant, who addressed concerns about traffic, explaining the new pattern. The exit and entrance areas will be moved and spread out so that cars in queue can now be about 120 instead of 40, alleviating congestion on the roads. These changes have been made based on the applicant's meetings with the former Police Chief. Ms. Turner would like to review the new traffic pattern. She also expressed concerns from last year about cars being stuck in the mud. She would like to continue this topic to the 29th.

Mr. Moody asked when the applicant would need to know. Mr. Dean stated within a few weeks. Mr. Allison suggested that this could be on the agenda for the next regularly scheduled Select Board meeting on October 4, 2021.

Ms. Turner made the motion to Table this action until the October 4, 2021 meeting. Mr. Allison seconded. Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]

X. OTHER/UNFINISHED BUSINESS

- **Annual Town Report**

Estimated due date for the Annual Town Report will be December 2021. Mr. Pacheco noted that many of the Reports from Boards, Committees and Department are in and hopes that this will expediate when the Annual Town Report will be ready.

- **Code of Conduct Policy**

The Select Board has received and reviewed the resident comments submitted. Mr. Allison would like to turn them over to Ms. Charton to compile them into a draft document and send to the Select Board for review. Ms. Turner has spoken to Ms. Charton and would like to work with her to develop this document. Mr. Allison suggests that the Board just let Ms. Charton take this on and review it at the October 4 meeting.

- **DCAMM**

Ms. Turner is looking forward to meeting with DCAMM on the 29th.

- **North Lancaster Settlement**

This topic was covered earlier in the meeting.

- **Aggregation**

Mr. Pacheco reported that Colonial Energy attended the last Energy Commission meeting and he understands that they need to meet again. Mr. Pacheco pointed out to the Select Board that there is information in their meeting packets as to how the aggregation has been performing against National Grid basic service rates.

- **Gazebo Ramp**

Materials have been ordered and the goal is to have this complete by Halloween. Dig safe will be called.

- **Status Barrett Planning Group**

There is a memo to the Select Board in their meeting packet on this topic. The Select Board needs to review this document and approve it before distribution to the Planning Board.

- **Audit Services**

Powers & Sullivan is under contract for the FY22 Audit. This can be a future agenda item for the Select Board. Mr. Pacheco explained that this is an exempt service and needs no action in the short term. He questioned whether this topic belongs on Unfinished Business because there is no current action to take. Ms. Turner would like to convene an audit committee; she recently attended a meeting on this topic with Mr. Pacheco, Ms. Gariepy, and Sue Smiley and would like Mr. Pacheco to post the link to this meeting found on the Department of Revenue's YouTube channel. Mr. Pacheco advises that it was previously sent to the Board on August 4 at 9:24 am.

Mr. Allison asked what actions were needed to retire this topic. Ms. Turner stated that the Board needed to vote on whether or not to assemble an Audit Committee who would select the auditor. Mr. Allison asked if anything precluded making the motion today. Ms. Turner suggested that she can offer a better motion, talking about the composition of the Audit Committee at the next meeting.

- **0 Hardy Street**

Value has been re-adjusted to \$1,100.00. Property was listed as buildable but is a non-buildable land locked parcel. Mr. Pacheco has asked Jim Cupola, the town's tax title attorney, to take a second look at the taking of this property to make sure nothing was missed. Ms. Turner expressed concern at spending money on a low cost parcel. She suggests that the Town might occasionally have a Large Land Auction that would draw more attention and get better prices. Mr. Pacheco notes that any costs incurred are passed on to the buyer, so the net cost to the Town is zero; this includes legal costs.

It was confirmed that the lot was never buildable as defined under zoning, and there was nothing that would have grandfathered the lot in. Mr. Pacheco explained that the question was whether or not the parcel had frontage on a public way and therefore could be made buildable. Based on the title work that has been done, the property was listed incorrectly as buildable, but in truth is a non-buildable landlocked parcel. Mr. Pacheco wants a better review of the title, because that will deal with the question of an abutting parcel that is listed as a road on an old subdivision plan, but is, in actuality, not a road. It was never accepted as a public way and does not meet subdivision standards.

XI. NEW BUSINESS

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

Mr. Allison reports that he has had feedback on the Economic Development Committee and a recent meeting. He is concerned that this committee is "staying in its lane" and will watch their most recent meeting to see if follow-up is needed. This may be a topic on a future agenda.

Ms. Turner had a concern from people about growth of Perkins. She would like, as a member but not speaking on behalf of the Board, to meet with the Director to clarify any concerns.

Ms. Turner would like to thank Sandee's Restaurant for providing amazing music for the 10th anniversary party at the Council on Aging Community Center and for providing food, to the volunteers, and to Chief Moody for getting wet in the dunk tank.

XII. COMMUNICATIONS

- Select Board's next special meeting will be held via Zoom on Wednesday, September 29, 2021 at 6:00pm.
- Select Board's next regular meeting will be held via Zoom on Monday, October 4, 2021 at 6:00pm

XIII. ADJOURNMENT

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

Respectfully submitted

APPROVED

Jay M. Moody Clerk
Approved and accepted: October 4, 2021