



LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of Monday, October 4, 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/88900048955>
Meeting ID: 889 0004 8955

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

Mr. Allison read a number of letters and emails into Public Comment as follows:

“Dear Select Board members, thank you for your time and dedication to our town. We feel this important to share our shock and dismay at the proceedings of some of the meetings as of late, but specifically the Economic Development Committee (EDC) meeting on September 22, regarding the North Lancaster project. It was inappropriate and unprofessional the statement that an agreement reached, even though the EDC had not met was surprising and questions transparency. The person or people who represented the town in that agreement should be recused from representing the town further with this developer.”

Next:

“In that meeting it was also stated that they would not work with the elected Planning Board and they tried to bully any EDC members that had an opinion that differs from theirs. Now we hear that there is a discussion to either add additional Members to the EDC to beef up the developer support or to disband the EDC by the developer, with a Select Board member as a liaison. We are worried these actions would breach neutrality and ---we want and know we want and know that we need development in Lancaster, but this development should work for the town and all share its beautiful conservation land, scenic roads, its delightful town green, its energetic trails with breathtaking

views of a windy river, bubbling streams, and crystal clear ponds filled with abundant wildlife. We want cute restaurants and cafes quaint and possibly an unobtrusive that might even attract South Lancaster residents to visit North Lancaster. A mass distribution Center should not be supported by any town official who cares about the health and well being of their fellow residents. This development will increase traffic by 200% throughout Lancaster. It will riddle the town with noise water, and our roads, while waiting for their trailer pickups. It will drive down our property prices throughout the town, and it will dramatically impair residents personal enjoyment, not only of outdoor activities in the town parks and conservation land but also of their homes, we want development that supports its residents not causes them extreme stress and despair, like this one does. Please do not ruin Lancaster. Consider a different type of development on this land. Kind regards, Cathy and Stewart Hughes, 80 Fire road 11.”

Next:

“Before I bought my house in 1990 I researched the local zoning restrictions. I’ve owned and operated warehouses in six states for almost 30 years and I knew I didn't want to live around one at their destinations and other scheduled pickup or delivery. Due to a nationwide shortage of truck parking, trucks are forced to idle noisily where they find space within the towns where distribution centers are located. Very few trucks have toilets, and this contributes to one of the most common complaints among neighbors. However, trucking companies are among the most decentralized businesses so such nuisances are rarely curable at a corporate level, and they are expensive to enforce truck by truck. In time, problems with trucks become the unfortunate new normal. This article, like many others, describes the pressures on truckers to pull park illegally (URL cited). The article describes Worcester’s growing problem with trucks parked in neighborhoods (another long URL. Most warehouse studies I’ve seen assume 0.5 a truck trips per day per 1000 square feet. The applicant’s study, however, assumed that a 0.31 truck trips per day would be generated for each 1000 square feet of warehouse space. This could be a consequence of the peer reviews finding that quote additional information is required to substantiate the trip generation calculations for building A. This type of distribution facility, which is omitted from the report, is foundational to the calculations, we have all received. In fact, the traffic engineering peer review by Vanessa associates points too many unresolved questions that would take too much space to restate here. For instance, the review states that the impacts to vehicle queuing and the Route 2 off ramps and within the turn lanes at the stud y area intersections should be evaluated to determine if there is a need to extend the vehicle Q storage, that is where will be available, unquote. Those of us who travel these roadways understand that the on and off ramps to Route 2 are already remedial and the area near Kimball's is generally hazardous during ice cream season. See page 613 for calculations from the Trip Generation Manual, 10th edition, Volume 2, Data, Industrial, [cite source/URL, with excerpts from findings]. There's a large and rapidly growing body of scientific research showing that it is unhealthy to live near locations with a large volume of diesel truck traffic. The health impact is due to the elevated emissions of particulate matter from diesel engines. Among the many sources of information on this issue, the Boston Metropolitan Area Planning Council features strong data on their website [URL cited]. It notes that adverse health effects for the ultra fine form of particulate matter extend at least 500 feet from the source and, as far as half a mile. [Additional references cited.] A California document states that adverse health effects of warehouse diesel particulate matter (PM) could extend as far as two miles. Nonetheless, the Capital Commerce Center concept layout plan shows that proposed affordable housing units would all be within 500 feet of heavy

diesel truck volume. I feel strongly that this is absolutely the wrong way to pursue a fair housing policy and it promises to reflect badly on the town. It's also the wrong way to support the health and safety of existing residents living near the project. I understand that the rationale for accepting this project is substantially financial. Admittedly, I have not seen the economic justifications on the line by line level, but I would like to. While I'm opposed to making Lancaster a distribution hub for the reasons stated, from an economic perspective I'd be more encouraged to hear the build out would include many smaller warehouses, rather than a massive distribution center. Whereas the corporate occupants of huge warehouses have teams devoted to tax mitigation and additional teams dedicated to replacing workers with automation, the occupants of warehouses under 100,000 square feet tend to contribute more to local economies. Also, the tax revenue numbers I've seen advertised rely on maximal build out on the site that seems implausible even under the best economic conditions, especially given the unresolved concerns affecting the development. By the way, I believe those concerns may be the final consideration for this project and I'd welcome the opportunity to discuss them. Believe it or not, I've abridged this dramatically to be concise. I have other worries in further detail to add, especially around the site specific environmental issues. I'm a pro industry capitalist, but this project generally does not make sense to me. Would you be willing to speak directly with me to help me understand the issues I've raised? Is there another way for me to contribute my experience to this conversation? Sincerely, Lad Lavelle, 40 Fire Road 10."

Next:

"This message is a public comment for the Select Board October 4, 2020 meeting. It feels wrong to me as a citizen of Lancaster, to attempt to resize or disband the Economic Development Committee in the middle of rounds of negotiations with the Capital Group. But that is heartening to listen to that portion that's right now September 22nd meeting. I'd like to believe that both the developer, and the Town will continue trying to work together in good faith to achieve a mutually beneficial outcome. Resizing or disbanding the EDC feels like it would be even more disruptive to this current project. This is a learning experience for the town and for the members of the committee. Let's trust that everyone is trying to do their best and that their best will get better with time. Thank you, Michael Fetterman, 50 Fire Road 10, Lancaster."

Next:

"As a summer resident of North Lancaster I'm very disturbed about what I'm hearing about. The goings on about the development in our area. One always has suspicions about backroom deals that have been conducted by certain committee and board members and potential developers, but to hear that the Economic Development Committee meeting on September 1st where pretty much every Member was livid with Chairman Phillip Eugene for being brought into a meeting with practically no notice to vote on issues that none of them had heard of. They were all concerned with the lack of attention being given to residents of North Lancaster and being transparent. As many had received multiple emails with objections to the plan, the Chair did nothing to defuse the accusations and basically confirmed that deals have been made without the knowledge of the rest of the committee, saying that committees in the past have taken too long to make decisions that they missed out on opportunities for the town. Who are these opportunities for? Personally, I feel this is a total embarrassment for the town of Lancaster and that the Board is willing to disregard the wishes of their constituents because they feel it has taken too long to listen to what they might wish to say

about decisions that will affect their lives. This is not the way things are supposed to be decided in a small town and should not be allowed to continue. Thank you, Ms. Wong, San Francisco, California.”

Next:

“For public comment. If being a “bad actor” means that I am concerned about transparency, a believer in following bylaws against allowing big developers write their own rules, a steward of our environment and our valuable natural resources then I’m guilty as charged. I’ve remained deeply concerned about the Capital Group’s development and the impression that “backroom deals” and rules are being rewritten to favor the developer part of the process. If the Capital Group truly wants to work with the town on this project, why hold up the transferring of the 86 acres of land the Town is entitled to? Mr. DePietri, in a very heated and, in my opinion, unprofessional exchange during the September 22 meeting said that actions speak louder than words. On this matter I would agree with him. Valid concerns are being raised by residents of Lancaster in general and North Lancaster in particular about air and noise pollution and increased traffic. I would respectfully ask the Select Board to resist any attempt to replace members of the Economic Development Committee or alter its composition, in order to affect the decision making process. As a member of a North Lancaster family who will be greatly affected by whatever is proposed, I will continue to advocate for sensible thoughtful development that benefits everyone while protecting the quality of life in existing residential neighborhoods and environmentally sensitive areas, I appreciate the opportunity to once again plead for the scrutiny and due diligence of a project of this magnitude deserves please continue to solicit input from all the residents of Lancaster. Thank you sincerely, Diane Martin, 45 Fire Road 7.”

Next:

“Dear Select Board, this is for public comment, we do not want a developer nor “appointed committee” deciding on zoning for the town. The EDC is an advisory committee only. Citizens of Lancaster elected a planning board and expect them to make zoning decisions and, when appropriate, make recommendations for the town meetings. We expect the Select Board to represent the residents, not a developer, respect all residents, homes and listen to their voices, no matter where they live. Lena and David Kramer, 119 Fire Road 11.”

Next:

“To Members of the Select Board: The role of the Economic Development Committee is strictly an advisory board with the Select Board, Planning Board and other town boards and committees regarding the proposed industrial, commercial overlay district bylaw, as stated in the mission statement of the Economic Development Committee “The Economic Development Committee will act as a collaborative board to help shape proposed projects to the town's best interests consistent with the goals of Lancaster and her master plan. This process should be in each developer’s best interest due to a more efficient and thus potentially less expensive planning process and increase certainty of successful project completion.” The Economic Development Committee’s charge is to work with the developer and review the submitted proposal and advise town boards and committees on issues related to adherence to Massachusetts General Laws, the Lancaster Master Plan and

bylaws, and issues demonstrating a lack of clarity contained within the proposal that require clarification. As per the Economic Development Committee's Mission Statement, the final product will be a review of the original proposed document, including any suggested changes to that document, as well as areas that require further investigation to enhance the position of and benefit to the town of Lancaster. There's no final product produced by the advisory Economic Development Committee only reviews advice and suggestions regarding issues to be addressed and suggestions on how to proceed. The original industrial committee overlaid district proposals presented to the Economic Development Committee, as the Committee on September 1 2021 and reviewed on September 15 and September 22 2021 as follows. On September 15 2021 it was proposed that either the Zoning Board of Appeals, or a joint approval committee comprised of representatives of the Zoning Board of Appeals, Conservation Commission, Economic Development Committee, Planning Board, and the Affordable Housing Trust, be the permit granting authority for the proposed ICOD bylaw. Although either the Planning Board, Zoning Board of Appeals, or the joint approval committee is reported to be a legitimate permit granting approval authority of the 40R district, such is not the case for the industrial commercial overlay district. Massachusetts General Law, Chapter 41, Section 81D is a law empowering the Planning Board to create and maintain the Town's Master Plan, as stated in Lancaster's Master Plan, Section 9, 'Implementation responsibilities given to the Planning Board include but are not limited to: integrate zoning and infrastructure along Route 2, modernize regulations for the enterprise areas, reconsider zoning rules, and mapping for business town wide.' For compliance with both Massachusetts General Law and the responsibility given to the Planning Board in the Lancaster Master Plan, the committee voted to change the permit granting authority to the Planning Board. It was also noted that the future impact of allowing legally not approved entity to be the permit granting authority for this and future applications would establish a dangerous precedent, allowing applicants to select their choice of a permit granting authority in their application contrary to both state and local bylaws. During both the September 15 and 22nd 2021 Economic Development Committee meetings, the committee reviewed and discussed the passage regarding open space included in the proposed bylaw under 220-8.8, Intention Application, which reads "While conserving open space when able to either on site or off site, or in the vicinity of the ICOD" After review and discussion of the statement, the committee suggested a change to eliminate this lack of clarity with a refreshed version, which reads, "While conserving open space in the ICOD" This proposed change would ensure that 20% open space requirement would be within the ICOD district, and would not include the 2017 land agreement as part of that discussion under 220-8. Before basic use requirements which reads " not less than 20% of the ICOD plan shall be devoted to open space," for the sake of consistency, the committee decided to suggest that the 2017 land agreement not be included in this calculation. Under 220-8.8D3A, 'Special benefits to the town', the original bylaw proposal reads, 'special benefits proposed including grants of benefits to the town such as land for public purposes, construction or contribution to offsite improvements, if required, based upon project impacts and, taking into account prior improvements made in relation to the industrial, commercial overlay district.' The committee found this statement to lack clarity and subject to "after the fact, interpretation and discussion" and suggested the following language. "Special provisions proposed including grants of benefits to the town such as land for public purposes, construction of or contributions to our offsite improvements shall be documented and a memorandum of agreement understanding with the town through the Select Board." There remain unanswered questions that the Economic Development Committee has asked but needs to address such as the adequacy of a site plan for this proposed bylaw and the consideration of the peer review traffic plan and the cost

benefit study. Review of these issues has been scheduled with questions posed to Town Counsel and scheduled meetings with other town boards. I believe the Economic Development Committee has made great progress in a relatively short period of two working meetings, has done a thorough job and evaluating a review to date in a timely, respectful manner the applicant. Members of the committee and residents attending the open meetings, the suggestion changes made within this memo are projected future suggestions. Were and will be made an attempt to inform the town boards and committees of issues that may affect the town. These suggestions will be based on the committee's review and application in consideration of Mass. General Laws, the Master plan and Bylaws of Lancaster and clarification of issues, demonstrating a lack of clarity within the proposed by law. Statements made by the Chair of the Select Board, who coincidentally, is the Select Board liaison to the Economic Development Committee, are of great concern. These comments, such as "operating outside the lane" or committee members being "bad actors" are troubling. I would be appreciative of constructive recommendations and guidance as we proceed with our evaluation of this proposed bylaw and hope that we go forward together in the best interest of Lancaster. Respectfully submitted, Roy Mirabito, speaking as a member of the Economic Development Committee."

Next:

"Dear Select Board, During the September 29 meeting there was discussion about the current roles and responsibilities of the Economic Development Committee. As a resident of Lancaster and a member of the committee, I have a few questions I hope you can answer tonight. Members of the Economic Development Committee have been asking our Chair and others for a couple months without answer, where are the negotiations and "agreements" have been coming from concerning the Capital Group. Bill Depietri used the word agreement and one question he did not provide any information either. According to Chairman Allison's comments on the 29th there may well have been some agreements reached, of which the EDC is was totally unaware. One: How was the EDC to perform its charter if there are negotiations and discussions happening outside its knowledge? Two: If Chairman Allison would like to head up negotiations to get the deal with Capital Group done to his satisfaction, does the EDC have any role in development and what would it be? Three: What oversight will be provided during these negotiations? Four: If the bylaws are to be written by outside parties with specific special interests, are there specific special rules to be followed about submitting and approving these bylaws? As I have stated publicly at meetings before and I would like to state here again: Lancaster does not have the financial resources to correct any oversights or bad practices if care is not taken on all developments to follow best practices. Sincerely, Rebecca R. Young Jones, PO Box 46, Lancaster, Mass."

Next:

"Good morning. As a resident of North Lancaster I'm extremely concerned about the proposed development of the land behind Dunkin Donuts at all. When my husband and I moved to Lancaster 15 years ago, it was because we needed to have a better air quality for my husband's health. In December 2005 my husband was diagnosed with multiple sclerosis and through our research, we found that air quality, had a lot to do with the progression of his disease. Armed with that information, while living in southern California near a highway, we made the decision to move to Lancaster where my parents lived, to work on improving his health. We were successful. Once we

were in Lancaster for eight months his symptoms subsided to a point that no one knew that he had MS. Since that time we've settled in North Lancaster because of the air quality and pace of life, however, in the past few years we've already seen an increase in traffic and our street. Because of the commerce around us, my husband's MS has progressed quickly to where he is visibly handicapped and so to say we're extremely concerned is still not telling the gravity of our feelings, as we contemplate the possibility of this new development. We wonder if we'll have to make the decision to leave the area in order to save mine and my husband's health. I'm currently a cancer patient. We're deeply concerned that our air quality, due to an increase traffic, will force us to uproot our family in an effort to stay healthy for as long as possible. We understand the need for more housing, more tax revenue, and all the things this development is supposed to offer. However, we don't believe there's only one way to address these issues. Taking into consideration the current residents' needs and reasons for moving to this area is vital and keeping with a town that's a pleasure to live in. I sincerely hope there will be more transparency in the plans and that the quality of life for those who live in North Lancaster be seriously considered. Thank you for your time and consideration."

Ms. Turner interrupted to ask Mr. Allison to allow a later agenda item, Building Inspector Interviews, to happen at this point, with the remainder of Public Comments held until later in the meeting; Mr. Allison denied this request, stating that he wanted all public comment heard.

"Dear Select Board members, I'm in favor of altering the town's bylaw in order to accommodate new development in North Lancaster. Capital Commerce owns the land. They're willing to work with the town to get a 40R in place, which is much more humane and responsible than a 40B option. I do not think we have much choice. Can we get a 40R and not change the bylaw? If yes, then of course we should pursue that route vigorously. But, if not, then I think we're out of luck. If Capital Commerce, who I believe is sincerely trying to work with the Town, does move toward a 40B application, the negative impacts will grossly outweigh those before the 40R option. Lastly, I commend you all on the Select Board, this is tough stuff and I think you are doing the very best you can. There's bound to be bumps along the way, try not to get discouraged and there will be some angry town folk and backlash, but as a registered voter and a concerned citizen, you have my utmost support. Lastly, the Economic Development Committee is also a very tight space. They're working hard and putting the town's best interest forward as best they can. Most sincerely, Stephanie White Stanton, 942 Main Street."

Next:

"As a resident of 204 Fire Road 3 in North Lancaster, the proposed Distribution Center directly impacts the quality of my life in this area. Though I'm not opposed to small and medium sized companies coming into the properly zoned areas, I'm vehemently opposed to huge corporations imposing their will upon the residents of a Community. It's very clear that Capital is not welcome in this area. Their business model does not fit into small town life in New England. Why are board members, creating an atmosphere of secrecy, if everything is being done according to the bylaws and regulations that currently govern this project? Why are not all Members of the EDC informed about the changes that have been developed by the Chair and Capital? What I find particularly disturbing is the backroom agreements being agreed to without the knowledge of other board members. And the attempt to reconstitute the committee is a clear indication that certain town

officials are working against the desires of the residents. These leaders, and I use this term loosely, were elected by the people of this town to protect the values of the people in this town. Not to kowtow to giant corporations. This proposal is being watched by many residents and anything that is shadowy not transparent, will be closely scrutinized. If this proposal is truly beneficial to the area then let the facts speak for themselves. At the moment, it appears that deals requiring changes are being hatched by certain individuals. Keep the process transparent and keep the residents informed of any changes that might occur. That is your responsibility to the residents of the town. John G. LaFlamme, 204 Fire Road 3.”

Next:

“Any attempt on Monday night to “pack the Economic Committee”, replace members or alter the composition of the committee to alter its voting is inappropriate. Let them know that you're watching and it won't go unnoticed. That committee is now listening to concerned residents. Altering the committee would send the wrong message. The Select Board needs to end the ongoing criticism of residents who raise concerns about the project. They need to set a mature, respectful tone and start listening to concerned North Lancaster residents. They're not “bad actors” as Chair Jason Allison asserted last Wednesday. Even if they don't share your view on the best path for Lancaster, the Select Board must insist that the town immediately receive the 86 acres of land we traded for years ago. Why are we only hearing now after resident pressure that the Capital Group is refusing to transfer the 86 acres of land that the town is entitled to? The ongoing report from the Town Administrator for a year has been “it should be done any day now.” Why would we proceed on bylaw changes to aid the Capital Group before they transfer land? Please do what is right for the voters and the environment, not developers.

Next:

“Select Board: As a resident North Lancaster since 1995, I am very much opposed to the Capital Group proposed use of land on Route 70 in North Lancaster. The proposed warehouses will pose major traffic problems on Route 70 which is barely adequate to handle the existing traffic flow. The traffic circle existing on Route 70 at Old Union turnpike is inadequate to handle the tractor trailers that frequent that road. The entrance to Route 2 westbound is an obvious safety concern with inadequate acceleration lane. The Economic Development Committee must make decisions not just proposed future tax basis, but the quality of life issues and the obvious environmental impact on sensitive watershed areas. I cannot see how any proposed retail space will be viable with the glut of empty buildings in the surrounding towns. Until adequate traffic studies made by an independent group that is not funded by the Capital Group itself and its environmental studies, I do not think that any discussion on this project should be considered. Yours truly, Edward Mazzetti.”

Next:

“Honorable Select Board, I’m reaching out as a homeowner in North Lancaster, 84 Fire Road 12 to express my concerns related to the proposed plans and related ongoing town government discussion concerning this project. First off I’m opposed to any actions that would alter the existing committee membership practices for the Economic Development Committee, i.e., removing, replacing, or altering the current committee membership composition. It is my expectation that the existing

policy and practices were defined with consideration for how to best represent the concerns of town residents in future situations where the committee would be involved and changing them during an ongoing discussion sends the wrong message. This committee was designed to provide “recommendations,” not to have the authority to make these decisions independently. Bylaw changes should always remain the role and expectation of the elected town officials and members of town boards, not appointed committees. It troubles me that much of the discussion centers around the rezoning changes to the town bylaws that the proposed developer, Capital Group, has submitted. The existing zoning bylaws were established with a thought that protecting this Lancaster town character environment while providing alternative use and options for future uses. While zoning restrictions do at times require change, changes like these should only come from voting town residents after significant review and discussion. Barry Anderson.”

Next:

“EDC, Planning Board, and North Lancaster development. Good afternoon. I’m writing to express my great concern regarding the tone of discussion related to the Economic Development Committee, the Planning Board, and the Capital Group developers. The EDC is a thoughtful group of individuals who are taking their role very seriously. The Select Board is to be commended in establishing such a dedicated group that is willing to delve into questions and issues related to development in town. Hinting that the membership of the EDC should be revised to include members that will merely move developments forward according to what the Select Board desires. Well, under the effectiveness of the EDC represents and will not reflect well on town government. I’ve always been concerned the Capital Group essentially wrote a bylaw change specifically designed to benefit their plans for North Lancaster. I was also greatly disturbed when an emergency town meeting regarding town finances with Capital Group in attendance. All of Lancaster’s financial difficulties were aired in front of Capital Group representatives. Now it appears that Capital Group is taking the position of threatening the town, by demanding that North Lancaster project be directed the board of appeals or else. The behavior on display by Mr. Depietri, at the 9/22 meeting, however, was utterly horrifying. The relationship between Lancaster and Capital Group is always seem to be troubled. The transfer of land that was to have occurred when Capital Group bought the property has not been completed, to this day. The Planning Board and the EDC are waiting for an environmental report. Has this report yet been received? Town residents obviously have a right to express concerns and ask questions about any issues that affect Lancaster. This is done through the town’s various committees and boards and the Select Board should be pleased that the citizens are involved. Capital Group has no role in determining which town committee and or board has approval authority for the proposed development. I urge the Select Board to allow the EDC and Planning Board to work through the issues related to North Lancaster so that all requisite documentation is received. Capital group needs to provide proof of all “agreements” made with the town so that the EDC and Planning Board can render appropriate decisions.

Next

“Dear Select Board members, My name is Erica and I’m a North Lancaster resident. I’ll be very brief, I imagine you have a lot of things to attend for tonight’s meeting. I apologize in advance for any possible grammatical errors in this email. I am foreign and a new resident of Lancaster and the

US. The development as they are proposing is going to damage the town in multiple ways. 1. increased traffic on an already congested Route 70; 2. Usage damages on said Route 70 which will make maintenance incredibly costly for the town; 3. Will frustrate the improvements the town plans to put in effect on Route 70 next summer sidewalks, bikeways and such; 4. It will impact negatively on the image of the town wants to protect visitors and residents alike. Route 70 is basically the business card of a town for everyone, coming from her to, and the only artery connecting North and South Lancaster. The development will transform in ultra busy unwelcoming ugly unsafe street the for you of doom all this said let's talk about a solution. Most of the issues would be resolved if the developer built a dedicated exit enter ramp on route 190. Their land is basically attached to 190 just a strip of land lies between their property in the highway which is owned by the Commonwealth. The developer could offset the building cost if the Town would be willing to forego their taxes for a few years. I'm sure someone already thought of that. Anyway, I wanted to add my input. Cheers, Erica

Next:

“Lois Wortley 192 Fort Pond Inn Road resident in North Lancaster. Please accept the following as public comment for tonight Select Board meeting. As a nine year resident of Lancaster and a North Leominster native, I’ve serious concerns regarding the Capital Group proposed project from North Lancaster. I believe that our current zoning bylaws were established with the intent of protecting the town, our environment, and our residents from inappropriate and harmful development. A quick Google search of zoning laws yields dozens of statements, along the lines of “for the health and safety in general, welfare for the public.” I’m admittedly a novice when it comes to zoning laws, hence the need to Google, but even I can see that this development is fraught with peril. Peril for our environment, sensitive wetlands and lakes and ponds. Our health, air and noise pollution and our safety. Increased traffic on already congested roads, including Route 2. Is the perceived benefit of taxable income worth impacting the “health, safety and welfare” of our residents? I have some suggestions for the Select Board as we navigate this and future development projects. Please consider the following requests: 1. Continue to leverage and seek input from the town Planning Board and Conservation Commission to manage town development while protecting our environment; 2. include two North Lancaster residents on the Economic Development Committee, so that all residents are represented in the development of economic growth in our town; 3. avoid the formation of special groups, committees to approve special permits projects; 4. consider all projects under consideration in the town holistically so that the overall collected impact to the residents is understood. Please note that I am not anti-development. I agree that there's a need for organized managed development in Lancaster and that North Lancaster has several factors favorable development. But for projects of the magnitude of the Capital Group’s, I believe that we all need to be working towards what a sustainable for all Lancaster resonance and not be railroaded into a mega development that will irrevocably change the shape and character of our town for decades to come. Sincerely, Lois Wortley.”

Next

“We have lived on Fort Pond Road in North Lancaster for 25 years and are totally disgusted with what's going on with our town, the Capital Group, and the decision making of our lives. Not once have we received any communication from the Town about the decisions being made for our

neighborhood, I'm letting you know we are watching and listening. Who is this Economic Development Committee? Why do we not have a representative from North Lancaster on this committee? Our town representatives should not be able to make any decisions that will impact any town residents as great as those proposed without a full Town Meeting and vote. Andrea and Jon Grafton"

Next:

"Dear Jason, I'm writing today concerning the development of North Lancaster and the proposed zoning changes. We have zoning for a reason, to protect our land and our town. Our officials are elected to safeguard the interests, character, and quality of life in our town. The citizens of Lancaster elected a Planning Board and expect them to make zoning decisions and, where appropriate, to make recommendations for Town Meetings, not an advisory board. EDC is an advisory board only. We do not want a developer or "appointed Committee" deciding zoning for the town. We also expect the Select Board to represent the residents of the town and listen to their voices. I'm concerned about the number of proposed diesel trucks a day on Route 117 and Route 70 and the resulting pollution and traffic they will bring. Even now, before any new development, the traffic is quite heavy. Janet and Gerald Smith, 85 Spec Pond Avenue.

Next:

"Dear Select Board members, we are Lloyd and Margaret Carlson and have lived on Fire Road 12 for 41+ years. The proposed development would be a disaster for the Town of Lancaster changing character and greatly impact those of us who live in North Lancaster. Traffic on Routes 70, 117, 2, 190 and 495 are crowded and dangerous as it is right now. All of the additional vehicle traffic if this monstrosity of development were to be allowed would be catastrophic to Lancaster's environment, health and safety. It would destroy this beautiful town, as we know and love it. We, the citizens of Lancaster elected you as Select Board members to make good decision about development in our town. The Planning Board was also elected by the citizens of Lancaster and we expect the Board to make proper reasonable development decisions on residents' behalf. We do not want a developer nor an appointed unelected committee to designing zoning in our town. The EDC is an advisory committee only. Citizens of Lancaster elected a Planning Board and expect them to make zoning decisions and, when appropriate, make recommendations for Town Meetings. We expect the Select Board to represent the residents not developers. Respect all residents, homes and listen to their voices not matter where they live, we hope you can read this into the Town of Lancaster records. Thank you. Lloyd and Margaret Carlson, 125 Fire Road 12."

Next:

"To the Select Board and Community, I feel ashamed to use the destination North Lancaster to identify the project before you, because so doing, it recognizes that members of the Lancaster Community identify my home as not being part of the core community and Lancaster, kind of like being described as being from the other side of the tracks and not worthy of full consideration. I don't pay my taxes to North Lancaster; I pay my taxes to Lancaster and shouldn't have my concerns treated as deserving of less consideration than other residents in the community so here are my concerns in brief. 1. You have under consideration, a project which will fundamentally change the

nature of our surroundings. This is why you have to change the process to achieve such significant change in the fundamentals of our community. It will turn our part of the rural community into an industrial commercial center, destroying the premise of our desire to live where we live. Contemplate that happening in your neighborhood. 2. The efforts afoot to alter the democratic process and heretofore provided elected officials accountable to the voters responsibility for making decisions about the project smack of the efforts in Texas to deny voters access to the ballot and say, and who makes decisions controlling their communities. I hope you will reconsider trying to bypass or alter normal legally enacted processes and favor protecting the rights of citizens and taxpayers. 3. Truck traffic of the magnitude proposed for this project, which seems to be which seems to clearly underestimate the actual anticipated traffic presents a clear physical threat to the environment and safety of those living, working traveling and playing soccer on the nearby fields. And diesel truck traffic with the particulate matter released by sitting, idling and parked trucks poses severe health risk to all in contact with the site. These are the same particles that, by virtue of their release into the air are contributing to climate change and for which our government is searching for ways to reduce, not increase, outputs into our air and neighborhood. 4. Please allow the elected officials of the committees with legal and historical jurisdiction to follow precedent and not give newly minted authority, the Economic Development Committee. 5. Please be true to the voters and taxpayers, not the developers, who are here today and gone tomorrow, while we and you will have to live with the consequences of their actions when it's too late to hold them accountable. 6. Instead of approaching this project with the speed that the developer would like, how about taking the time required to thoroughly analyze the data and representations made by the developer, to ensure that the financial and economic, environmental complains claims made in their proposal are borne out. Err on the side of due diligence on behalf of your fellow citizens and neighbors. Their lives will be dramatically impacted by this project, even if yours isn't initially. Sincerely, Amy Dunbar, One Fire Road 5.”

Next:

“To the Lancaster Select Board for public comment. I’m concerned that you will be discussing the makeup of the Economic Development Committee at tonight's meetings. I want to share my views. I’m very concerned by the tone of these meetings and the attacks on our volunteer Board and the committee members being made by the developer, and by each other. I’m specifically disappointed to see that the developers trying to work around our elected Planning Board who are there to safeguard our communities by following our bylaws of our town. I’m also alarmed by how the developers pitting one community board against another and causing so much turmoil and bad feelings in our town I’m asking the Select Board to not allow any changes to the current zoning or the zoning process. There does not need to be a shake up of the EDC, especially if the intention is to beef up the EDC against the Planning Board, which is what, it looks like is being attempted. In addition, our Select Board should be supporting the residents of Lancaster not acting as a liaison to the developer, to help them get around the Town's bylaws and silence those who do not agree with his plan. Citizens of Lancaster elected a Planning Board and expect them to make zoning changes and, when appropriate, make recommendations for the Town Meetings. We expect the Select Board to represent the residents, not a developer. Respect all residents, homes and listen to the voices no matter where they live. We all want responsible development that generates revenue, but it needs to be healthy and environmentally friendly and brings everyone in the town to the same page. Not this inequity that is tearing us apart. This message from so many should be clear. We do not want

a developer, nor a “appointed committee” deciding on the zoning of our town. [no name or address]

Next:

“Good evening, my name is Heather Leger. My family and I live on Fire Road One. I’m emailing you to oppose the development that is proposed for North Lancaster. I do not want a developer or an “appointed” committee deciding on zoning for my town, especially when will impact the air quality, water quality, environment, traffic and health of the residents of Lancaster. The EDC is an advisory committee only. We, the citizens of Lancaster, elected a Planning Board expecting them to make zoning decisions in a town and its citizens best interest and, when appropriate make recommendations for the Town Meeting. I expect the Select Board to represent me and my family and other Lancaster town residents, not a developer. The Board should care about more than just the dollar bottom line and needs to understand the horrific environmental and health effects that are a mismanaged project of this scope will have on all residents. We have a voice, we have opinions, we want the health of our families and our planet not to suffer. We have only one planet we need to be responsible for and take care of it for our and our children's sake. You need to listen to our voices and wait to have all the facts before making a decision. Any attempt on Monday night to “pack the Economic Committee,” replace Members or alter the composition of the committee to alter its voting is inappropriate. All voices need to be heard and valued, because we are part of a democracy. We may not all agree, but we'd hear all sides and evaluate that information in a fair and transparent manner. We also deserve to receive the 86 acres of land we traded for years ago if that's if that was what was what was promised. I urge the Planning Board to do what is right and fair for citizens, not just to make a decision based on a quick buck. Thank you, Heather, Don, Derek, and Danielle Emily Leger.”

Next:

“Hello board I’m writing to ask that you consider what will happen to Lancaster if the distribution Center should become our new reality. There are better ways. Thank you, Kelly Quill.”

Next:

“Dear Select Board members, My name is Erica and I’m a North Lancaster resident. From an urban planning point of view, the development as they are proposing is going to damage the town in multiple ways. 1. Increase traffic on an already congested Route 70; 2. Usage damages on said Route 70 which will make maintenance incredibly costly for the town; 3. Will frustrate the improvements the town plans to put it in effect on Route 70 next summer.”

Mr. Allison asked Mr. Pacheco if there were additional comments; Mr. Pacheco replied that he had only received three of the above-read comments.

Ms. Turner noted that there are other emails that she has received but they were not made available to be read into the Public Comments. She stated many emails were sent to all members of the Select Board, some of which were not meant as public comment but were for the Board’s education. She would like to place them on record.

Mr. Allison recognized resident and Planning Board member Carol Jackson. Ms. Jackson stated that she had emailed the Select Board on the 22nd but has not heard anything. She objected to the Select Board not allowing input during agenda items. Ms. Jackson stated that she has read the Settlement Agreement for North Lancaster but that she cannot find it on the town website. She does not see a requirement for a zoning change in the agreement and asks the Select Board to demonstrate where this is to be found. She states that this was a land swap agreement. She went on to say, “I just see more stalling excuses and delays from the Town Administrator and whoever else, maybe Capital Group, maybe the lawyers. But I don’t know if you guys are aware, but the expiration date of this agreement is October 19 of this year, so in a couple of weeks that’s the expiration date, so we do not have the land, yet did we already give them the land from Lancaster, did we already transfer that over? I am very disappointed that this is taking so long, yet the push for the Select Board to get the Capital Group citizens’ petition on the next Town Meeting is concerning. Again, this is an agreement that has been going on since October of 2017 and you’re not getting anywhere with the agreement, how are you going to get anywhere with anything coming up? This agreement is from October 2017 you cannot get answers yet you seem to want to bend over backwards to get them on the Town Meeting to push us citizens petition zoning change that they themselves do not know what will be going into that development besides, a Target Distribution Center. How can the development of such a large scale be pushed through without more of a comprehensive plan? It’s very concerning and I don’t know how to have a dialogue with the Select Board because that doesn’t seem to be allowed and I didn’t get any answers from my emails, it’s very concerning. Thank you.”

Mr. Allison recognized resident George Frantz, who spoke as a member of the Economic Development Committee (EDC). Mr. Frantz stated that he had been impressed with the with the quality and the depth of the comments that have been submitted tonight, stating, “I certainly don’t agree with the conclusions that that all of them have voiced but it’s apparent that people have really dug into this issue and are trying to do what they believe is best for the town.” He continued, saying that normally the EDC would be working with the Town Planner as the professional who would provide a tremendous amount of assistance but that since there is no Town Planner “we’ve been you know kind of fishing in unfamiliar waters trying to learn all the zoning and so forth, and still do a good job for the town.” Mr. Frantz stated that there are quite a few assumptions that are made about environmental damage, particularly air quality. He explained that the particulate matter from diesel trucks is a well known problem and it is not to be dismissed, but since none of the EDC members are equipped to measure this, it is best to wait for MEPA report results which should be available toward the end of October, addressing a host of environmental concerns. He addressed comments made earlier regarding the developer connecting to Interstate I-190 rather than Route 70, but explained that this was denied by the Department of Transportation (DOT). He continued to state that he thinks what’s really needed is to come up with joint understandings and recommendations, so that the Town can speak with a single voice, and can agree on what concessions need to be made by the developer and by the Town in order for development to go ahead. He recollected that 25 years ago he was on the Town’s Industrial Development Committee. The committee did a survey of Lancaster residents and the basic results showed that people did not want development, but thought that if there were to be development that it should be a big office park with no environmental impact but would generate lots of money; Mr. Frantz pointed out that this is not going to happen. Finally, Mr. Frantz addressed a concern that the EDC as an appointed board, not elected, is somehow subject to more pressure than might be true if they were an elected

board. He stated that he does not think that this is true. He thinks that the citizens of Lancaster, and particularly North Lancaster, have worked hard to make their feelings known, and he appreciates that the Select Board is trying to make sure that everyone is heard.

Mr. Allison repeatedly tried to recognize Rob Zidek but technical problems prevented Mr. Zidek from participating.

Mr. Allison recognized resident Anne Ogilvie of Turner Lane. Ms. Ogilvie stated that she is incredibly troubled by how the process around the proposed North Lancaster development has proceeded. She said, “This proposed development could change Lancaster forever and it is so important that we work together to get it right. The facts as I currently understand them, are that the developer, is seeking multiple bylaw changes to allow them to build a project that will include a 1.2 million square foot warehouse and 150 units of rental housing in the combined 40R district development with commercial and transportation components. The warehouse facility will have hundreds of truck bays and is projected to increase traffic by 186% on Route 70, our main artery to town. The traffic plan includes two new lights on Route 70 at either side of Route 2, one at Fort Pond Road and one at McGovern Boulevard. This is incredibly worrisome for North Lancaster residents to have our only artery to town impacted in this way, making it impossible for us to easily get to and from the town center. On the traffic merits alone, this is a concerning proposal, to say nothing of the additional noise, light, air, and water pollution that the warehouse facility and its trucks will cause and the adverse impacts to the area of critical environmental concern. I am also deeply concerned about the plans to locate housing adjacent to the facility, where hundreds of trucks will enter and exit daily. The housing will be isolated from town on a road that could become impassible due to traffic and residents will certainly be impacted by the noise, light, and air pollution. I've recently observed a troubling change in the dialogue about this proposed project moving from arguing about the merits of the project or lack thereof to personal attacks on our elected officials and public boards from other elected officials and from the developer. We must all do better. I am also concerned about efforts to fast track this project. Expediting will not bring about the best project, nor will it give confidence to the Lancaster residents who already feel shut out. There's an assumption that the project is inevitable, and that we all just need to get over it, but there have been no answers to the persistent questions residents have raised about the traffic pollution and impacts, to the ACEC. All of this has happened in a very short time period, while the Town Planner position was vacant during summer and during a pandemic when residents, attention has been appropriately directed on their health and the health of their families. Going forward, we must all do everything we can to model respectful, open, and transparent town government processes. Otherwise, we will lose even more than the health and wealth of our community, which in my opinion, are put greatly at risk by this proposed development. We will also be at risk of losing the trust of the citizens of Lancaster. In closing, I ask that the Select Board be more open, inclusive and transparent processes to build trust within Lancaster including holding a series of public workshops to help residents understand and inform the proposed project. It is not enough to read public comments and never respond. People need to be engaged to participate in more meaningful way. I also ask that you refrain from casting in a negative light the elected officials and citizens who have valid questions and concerns about the proposed development. I ask that the Select Board be very mindful of the optics of continuing to fill the EDC with residents from South Lancaster without seeking any representation from North Lancaster. And, I ask that you resist calls to expand or shrink the EDC as this gives the appearance of trying to stack the board in favor of the developer. I also

ask that you refrain from appointing a Select Board member as a liaison to the developer, as it is important for Select Board members to remain open to residents' concerns and to avoid even the appearance of catering to a single landowner over the concerns of residents. Finally, I ask that you insist on the immediate transfer of the 86 acres of land that the developer is currently refusing to transfer. This stalling seems to belie their purported good intention to work amicably with the Town and smacks of requested quid pro quo for zoning changes. Thank you for allowing me this opportunity to comment on these critical issues that will determine Lancaster's future."

III. APPROVAL OF MEETING MINUTES

Select Board member Alix Turner offered a motion to approve the minutes of the Regular Select Board meeting of September 20, 2021; seconded by Mr. Moody. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

Interviews were held with candidates for the position of Building Inspector, with Brian Gingras scheduled for 6:05 and Bentley Herget for 6:30. Mr. Allison began by reviewing the interview process. Both candidates were given the opportunity to make an introductory statement.

Mr. Gingras introduced himself, stating that he was born and raised in Leominster and currently lives in Pepperell. He has been a Building Inspector for 13 years, working in Athol, Lowell, and most currently Woburn. He still "dabbles" in construction, doing everything from cabinet making to carpentry and welding.

Mr. Herget introduced himself; he has been a Building Inspector and a Commissioner for almost 20 years and grew up in the construction trade.

Chairman Allison explained that the first interview would be Mr. Gingras, with 4-5 questions from each member of the Select Board and the opportunity for one or two follow-up questions.

Ms. Turner asked Mr. Gingras about his experience with zoning enforcement, especially regarding ADA concerns (American Disabilities Act) and earth removal permits, asking for specific examples. Mr. Gingras replied that this is part of the day-to-day responsibility of the position. He stated that a call for enforcement might be about a ramp, or a broken handrail. He said that it was important to address issues from the beginning, making sure that proposed projects were compliant. He spoke to his current involvement in special permits and building permits for earth removal, monitoring removal and bringing in materials. He talked to his current procedures for enforcement, from initial notices to follow-ups with the property owner, and the occasional and unfortunate need for fines or to eventually take court action.

Ms. Turner asked the candidate to talk about his education and credentials, and what he would need to do to attain additional credentials. Mr. Gingras stated that he is currently certified as a Local Building Inspector and is working through the additional three exams needed for certification as a Building Commissioner. He attended UMass-Lowell, studying computer science. Most of his education is hands-on, with lots of continuing education and engineering courses.

Ms. Turner asked Mr. Gingras if he was familiar and/or comfortable with using computers and doing his own administrative work. Mr. Gingras answered that he started in the field with typewriters and handwritten permits but now uses a Microsoft Access database that he wrote. He states that in his current office all permits are now stored as a fillable PDF files and that he is working to bring online permitting to his office.

Ms. Turner asked how Mr. Gingras would handle a situation where he noticed in passing that work was being performed without a permit. Mr. Gingras replied that first he'd need to verify if a permit had been issued, and then to speak to the person performing the work; he suggested that it might be something like an emergency repair, and that just suggesting that a permit should be filed often works. He stressed that the answer is not jumping out of his truck and screaming at someone, although he does carry "stop work" orders because they are sometimes needed as a last resort.

Mr. Moody asked the candidate how residents in the communities in which he's worked would describe him. Mr. Gingras said that hopefully they'd describe him as pleasant to work with and not confrontational. He tries to help educate, and stated that there is a difference between working with a property owner versus a contractor. He stated that there is occasionally an unpleasant interaction, but was pleased that he has had contentious people later come to him for advice or to talk to him.

Mr. Moody explained that he'd like to see a committee meet once or twice monthly including someone from Planning Board, Conservation, the Town Planner, someone from the Select Board or the Town Administrator and the Building Inspector, and asked the candidate what he thought of this idea. Mr. Gingras liked the idea, stating that bringing these different disciplines to the table would be helpful in situations like a controversial overlay district. He explained that he currently meets with Building, Planning, Fire, Conservation, and developers to weigh in on various issues.

Mr. Moody asked Mr. Gingras to describe his experience in communicating with other town boards. Mr. Gingras replied that he interacts with most departments daily and cited some examples.

Mr. Allison asked, "Why Lancaster? Why Now?" Mr. Gingras explained that he'd like a lifestyle change and would like to move his family to a more rural area and to be able to be more available to his kids than in his current position in Woburn, where there are over 1,800 permits a year.

Mr. Allison asked Mr. Gingras how he ensures that occupancy permits are issued appropriately. Mr. Gingras answered that this may differ on a case-by-case basis; a large project may have over 500 conditions; sometimes a temporary occupancy permit is warranted.

Mr. Allison asked Mr. Gingras to recall a time that he had made a mistake at work, what the situation was, how he handled it, and what he learned from it. Mr. Gingras spoke about a situation his first week in Woburn where he issued a permit for a brand new house that had foundation problems, saying that it was a "slap in the face." He talked to the developer who corrected the problem without issue, and Mr. Gingras stated that he became much more careful as a result.

Ms. Turner asked Mr. Gingras what his thoughts are about the Building Inspector providing guidance to contractors. He stated that part of the job is education, whether that's answering phones

or providing assistance at the counter. He explained that it is important to offer guidance without giving the answers; the function of the Building Inspector is not to provide design services.

Ms. Turner asked, “if you have an applicant identical GPA for special permission to operate a small business and a pre-existing non-conforming building. You’ve reviewed retooling, you have reviewed the proposal, and have been asked to attend the public hearing for the Special Permit. The applicant seems to meet the zoning bylaws. You arrive at the meeting to find that the audience is filled with concerned abutters who oppose this proposed business. What do you do?” The applicant stated that he is there to answer questions, not to offer his opinion. He appreciates that the abutters have a right to voice those concerns; he is not there to defend the business owner. At the end of the day his job is to enforce the decision from the Zoning Board of Appeals.

Mr. Moody asked the candidate when he would be available to start. Mr. Gingras said that he’d need time to give notice and would like some time to work on renovations on his own property, but that he could start in a few weeks but could be flexible.

Mr. Allison returned to an earlier question about making a mistake, asking the candidate what would have happened if the developer was not willing to make adjustments. Mr. Gingras replied that in a worse-case scenario he would have had to rescind the permit.

Mr. Allison asked Mr. Gingras what he saw as the greatest challenge if he moved into this position. Mr. Gingras said that it would be coming in as an outsider and quickly building a positive reputation in the Town.

Mr. Gingras was moved to the Zoom waiting room and candidate Bentley Herget was brought in to the interview room.

Ms. Turner asked Mr. Herget what his experience has been with zoning enforcement, including but not limited to, ADA or earth products removal. Mr. Herget stated that zoning enforcement is a day-to-day thing for every Building Inspector. He mentioned that in Massachusetts, not only does the ADA need to be enforced, but also the state-specific Architectural Access Board’s requirements. He stated that earth removal permits are not very common.

Ms. Turner asked the candidate to talk about his formal education and his education as a building inspector, including his credentials. Mr. Herget explained that his father was a contractor and he grew up with hands-on experience. After high school he attended New Hampshire Vocational Technical College at night, taking drafting. He worked for years in the commercial and residential building trades, eventually taking a part-time job as a building inspector. He kept going with studies and continuing education, finally becoming certified as a Building Commissioner, which is the highest level awarded in Massachusetts.

Ms. Turner asked Mr. Herget what he would do if driving in the field on scheduled inspections he noticed work being done, such as roofing or re-siding, and wasn’t sure if there had been a permit issued. Mr. Herget noted that it’s good to issue permits in bright colors so that they can be easily seen. He would stop and ask if there was a permit, and if not, would advise them that they need to get one. He said, “if they give me attitude, or something like that, I’ll say I’ll be back in an hour.

Have this cleaned up and don't come back until you get a permit." He said that he has had good luck with this for over 20 years. He also said that if possible he would check with his office before talking to the builder.

Mr. Moody asked Mr. Herget to describe his experience, if any, in communicating with other town departments and boards to achieve compliance with housing, electrical, plumbing, and building codes. Mr. Herget stated that he meets with his inspectors whenever they're in the office, sometimes daily or a couple of times a week, to go over jobs and do a plan review. He likes to ask the Town Assessor to go with him on final inspections, so that the homeowner is comfortable with someone coming into their house, saving everyone a step.

Mr. Moody asked about Mr. Herget's comfort level and familiarity with various computer programs. Mr. Herget spoke about his use of Permit Pro and teaching himself to type, through today's use of tablet computers helping with communication between departments.

Mr. Moody shared his thoughts on having a committee with a member of the Planning Board, Conservation Commission, the Town Planner, Selectmen, Town Administrator and the Building Inspector, and asked for Mr. Herget's input. Mr. Herget answered that he has always done that, and they have monthly meetings so that they are all on the same page about projects and about concerns.

Mr. Allison asked, "Why Lancaster? Why Now?" Mr. Herget said that he liked small towns, especially with farming involved. He has a couple of tractors himself.

Mr. Allison asked Mr. Herget how he ensures that occupancy permits are issued appropriately. Mr. Herget explains that he has a checklist, a separate form, that all departments need to sign off on occupancy before his final sign-off. He brings the Fire Department on many inspections so that they're in the loop.

Mr. Allison asked Mr. Herget to talk about a time he'd made a mistake at work, what the situation was, how he handled it, and what he learned from it. Mr. Herget recalled a time when he inspected a modular home, which has no rough inspection. He questioned a window in a stairway, failing the final inspection because the window was not tempered glass. The builder came back, showing him the code section that says that under a certain size a window does not need to be tempered. Mr. Herget reversed his decision, thanking the builder and glad that he learned something.

Ms. Turner asked Mr. Herget for his thoughts on the Building Inspector providing guidance to contractors and homeowners. Mr. Herget replied that this is part of the job. He expanded to say that contractors generally do not need help, but homeowners often do. He said that he can make suggestions and offer options, but cannot tell people how to do things to achieve code compliance.

Ms. Turner asked Mr. Herget about an applicant coming in for a ZBA Special Permit because they'd like to operate a small business in a pre-existing non-conforming business. You've reviewed the proposal and you've been asked to attend the hearings. The plans and the building appear to meet or exceed code. At the hearing there are many concerned people and neighbors. Mr. Herget answered that it's not up to him, it's up to the Board members. He is just there to represent the Town and the Building Department.

Ms. Turner asked Mr. Herget how good he is at doing his own desk work. Mr. Herget stated that he can do this, and that in fact, he had worked in Boxborough for nine months without administrative support. He stated that part of the testing for the Building Commissioner position is making sure that you're able to run a department.

Mr. Moody stated that there is a bylaw dealing with a proliferation of signs, asking Mr. Herget about his involvement with this. Mr. Herget explained that he had worked in a town in the past with 34 pages of sign bylaws, involving him in business signs, small signs, etc., making sure that signs weren't put up on town property.

Mr. Moody asked the candidate when he would be able to start if selected. Mr. Herget would be available right away.

Mr. Allison asked Mr. Herget what he saw as the greatest challenge for this position. Mr. Herget answered that the job is the same from town to town with some different zoning. He thought that in most towns one challenge was ensuring that house numbers are displayed and visible from the street.

Concluding this part of the interview process, Mr. Allison invited Mr. Gingras back into the room. It was noted that Mark Grasso from the Search Committee was present in case of questions.

Ms. Turner noted that it was exciting to have two such qualified candidates. She also noted that administrative support in the Building Department is difficult right now. She had asked Sandi Charton, Human Resources (HR) Director, to check references. Mr. Allison stated that Ms. Charton is still actively doing reference checks, that they are not complete. Mr. Moody expressed concern that Building Permits are not being done online in Lancaster. Mr. Allison thanked the Search Committee for bringing forward excellent candidates. Mr. Allison asked the Select Board members to rank the two candidates.

Ms. Turner noted that she was concerned that Lancaster's Building Department was still using "tablets and chisels" and that Mr. Gingras' computer background would be helpful. She thought that Mr. Herget's experience as a Commissioner would be useful. Ms. Turner would rank Mr. Gingras first. Mr. Moody concurred. Mr. Allison also stated that both candidates were excellent but that his first choice was Mr. Gingras. He stated that he hoped this would be a long-term hire, with a candidate staying more than five years. Mr. Allison was impressed that Mr. Herget's work for nine months without an administrator demonstrated his ability to deal with adversity.

Mr. Allison asked Ms. Charton about the reference checks. She has spoken to three of Mr. Gingras' references and one of Mr. Herget's, leaving messages for two more of Mr. Herget's. All references to date have been positive. The Board expressed a desire to move ahead tonight.

Select Board member Jay Moody offered a motion to appoint Brian Gingras as Building Inspector pending successful negotiation; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

The Board thanked Mr. Herget for his interest. Mr. Allison asked Mr. Pacheco to work with Mr. Gingras to conduct negotiations and set a start date. Mr. Pacheco will reach out during the week. Mr. Pacheco did note that regardless of information discussed earlier, Lancaster does have building permits online, and uses Patriot Pro software, although the system has not been fully integrated.

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS

*** TAKEN OUT OF ORDER; DURING MEETING, ADDRESSED AFTER TOWN ADMINISTRATOR REPORT ***

Human Resource Director Sandi Charton sent the Board a memo synthesizing and summarizing what she has been working on since the middle of March, and a separate memo suggesting priorities going forward for consideration.

She explained that she has dealt with recruitment, most recently successfully concluding the Building Inspector position, with various search committees. She has worked with CORI policies and centralizing personnel files. She has worked on performance evaluations and training and is planning to do a training on Family Medical Leave Act (FMLA) and ADA (American Disabilities Act) for employees. She has encouraged and facilitated harassment discrimination prevention training and hopes to get public records watch training. She has worked on onboarding and offboarding employees, setting up procedures, doing exit interviews, administering various kinds of leaves. She has conducted internal investigations dealing with Union matters and policy and has conducted research and development on policies.

She has worked on the Code of Conduct which should be ready for the next meeting, technology and website policies, and the Personnel Bylaw. She has worked on miscellaneous projects such as the RFP for legal services and trying to get a senior workoff person to help out with Human Resources. She has provided guidance to a variety of people on issues including state law, labor and employment, union contracts, and personnel bylaws.

Going forward she would enjoy the opportunity to do more robust training as recommended in the Collins Center report. She would hope to implement some training offered by the Town's EAP program (Employee Assistance Program) either live or via Zoom, such as Customer Service or Performance Management. She would like to continue working on a user-friendly page on the town website. She would be available to use her expertise in collective bargaining. She would like to look at the Personnel Bylaw, making sure that it's legally compliant. As mentioned in her memo, she has helped with issues that are not strictly part of Human Resources (HR), such as Open Meeting Law and Public Records. She would like to develop an orientation, introducing boards and committees.

Chairman Allison thanked Ms. Charton, noting that when he worked on the initial set of priorities, it did not take into account the number of open positions that would arise. Mr. Allison reviewed the number of positions that, over the last six months, have been off- and on-boarded, with related recruitment and interviewing activities.

Ms. Turner asked Ms. Charton to prioritize the list of items that she would still like to complete.

All members of the Board individually expressed their approval of the amount of work that Ms. Charton has accomplished.

Mr. Moody stated that he would like to have Ms. Charton continue full-time but does not believe that the Town can afford it. He would like to set a list of priorities with the understanding that they may take longer to accomplish than they would like.

Mr. Allison would like to set priorities with hiring and the top priority, especially completing the hiring of a Town Planner. Performance reviews would be second, and the Personnel bylaw third. He thinks it is important to centralize the HR function on the website and all of the training.

Ms. Turner would like to see codification and templates for performance evaluations and personnel jackets with checklists so that department heads and administrative staff could complete some of these tasks going forward.

Mr. Moody had questions on the status of hiring a Town Planner. Mark Grasso, Chairman of the Search Committee, reported that interviews have been held with an initial round of applicants, with a second round to be scheduled.

VI. TOWN ADMINISTRATOR REPORT

- **LLEC Earth Product Renewal Permit**

Mr. Pacheco explained that, to make the next Select Board meeting more expeditious, he has started to prepare for the LLEC Public Hearing. He shared the Public Hearing posting in a draft permit. This would be the same as the previous one, except it calls for annual rather than biannual inspections. The new bond will be in place. He asked the Select Board to submit questions or comments prior to the meeting so that it hopefully can be closed in one hearing.

- **Dispatch Audit**

Mr. Pacheco reported that the Nashoba Valley Regional Dispatch District has been completed for the previous fiscal year and is made public on the town's webpage as well as the district webpage. This is done to show the member communities that there is good financial management.

- **Diversity and Inclusion Certificate/Training**

Mr. Pacheco advised the Board that he has received a Certificate in Diversity Inclusion and Training in the workplace. This was done on his own time, but he thinks that going forward this will be important, especially for those with hiring authority.

- **Lancaster School Potential Capital**

Mr. Pacheco advised the Select Board that he recently met with the School Superintendent

and the facilities director as well as the elementary and middle school principals regarding the initial capital plan. He has sent the Board a memo with a draft capital plan. It includes the urgent boiler issue as well as some more cosmetic items such as flooring and carpet. Most of the plan is spread over several years. The high school will be a separate conversation, which will be about a substantial renovation down the road.

Ms. Turner questioned Mr. Pacheco about his role as the administrative representative to the High School Building Committee, asking if it would be possible to update the town on timeline and cost. Mr. Pacheco responded that right now there is no solid information about scope of project or fee and that it would be too early to give information.

- **Nashoba Regional School District (NRSD) Building Committee Update**

Mr. Pacheco offered the Board an update from the Nashoba Regional School District (NRSD) Building Committee. The Committee has officially selected Skanska as the OPM for the project. They will be the primary party coordinating the feasibility study and getting into the possibility of the construction. Mr. Pacheco will be a representative on the designer selection committee. He advised that when this is done it will be reasonable to give people a better handle on scope and cost.

Mr. Moody mentioned that the bylaws state that the Select Board should be having meetings, perhaps quarterly, with the School Department, and he would like to get this going again to discuss items such as a change to the school mascot as well as other items. Mr. Pacheco replied that he meets with the Superintendent on Monday mornings and will offer that invitation.

- **MS4 Permit**

Mr. Pacheco explained that Lancaster's MS4 Permit (the Federal Stormwater permit) has been submitted to the EPA for review. This legally has to happen every three years; Mr. Pacheco particularly thanked Mike Antonellis and Kevin Bartlett for their help. Mr. Pacheco does not expect any issues with the EPA. The permit will be posted on the town website once it is approved.

- **Right of First Refusal – 0 Deershorn Road (Map 41 Parcel 34)**

Mr. Pacheco explained that there has been some confusion regarding this parcel. The assessors did not approve or disapprove this application. The Right of First Refusal should have been addressed with David Rota purchased this parcel from the Land Trust, but it was not. Mr. Pacheco recommended that the Board either deal with this formally through a public hearing process, or, more simply, that the Board can vote to send the Board of Assessors a letter saying that they decline and will not exercise Right of First Refusal. He explained that this is really just administrative cleanup.

Ms. Turner offered a disclosure that she is a member of the Land Trust and the Select Board. She requested that the Board recognize Janet Morrison, Chairman of the Land Trust and an

expert on Chapter 61, to clarify further. Ms. Morrison explained the issue and the Board discussed at length.

Ms. Turner moved to authorize the Chair to notify the Board of Assessors that the Select Board is not going to exercise its right of first refusal re. 0 Deershorn Road (Map 41 Parcel 34) under any circumstances. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

- **Community Preservation Act (CPA) Update**

Mr. Pacheco reported that the Town has received notice from the Attorney General that all actions from the Annual Town Meeting have been formally approved. He will start to work with the Town Clerk on codification updates, and on formally notifying boards and committees who should appoint a designee to the CPA Committee. Mr. Moody would like to post openings for the CPA committee for at large members. This committee will administer the CPA funds collected and will be composed of representatives from various boards and committees as well as two at-large members.

Ms. Turner would like to announce that we are seeking at-large members, with applicants to be reviewed at the second meeting in November. Notice will be placed on websites and in newspapers.

VII. ADMINISTRATION, BUDGET, AND POLICY
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- 1. **Review Town of Lancaster Mandatory Vaccination and Testing Policy (item tabled on 9/29/21)**

Ms. Turner thanked Labor Counsel Mark Terry for reviewing the proposed policy.

Lengthy discussion was held about local and national issues around the controversial issue of mandatory vaccination. Ms. Turner supports mandatory vaccination; Mr. Moody support it with exemptions.

Select Board member Alix Turner offered a motion to adopt the Mandatory Vaccination and Testing Policy as presented. Mr. Moody seconded.

Mr. Allison is not in favor, stating that while he personally believes that people should be vaccinated, he is not comfortable mandating this action. He would like a written statement from the Board of Health requesting that the Select Board pass this mandate in the best interest of the Town. Mr. Allison recognized Jeff Paster from the Board of Health. Mr. Pacheco reports that currently there are six unvaccinated town employees, spread between police, fire and DPW personnel, and the Prescott Building, and potentially two part-time unvaccinated employees. This means that 94% of town employees are vaccinated.

Mr. Paster asked Mr. Allison to confirm that he does not feel that it is appropriate for the town to mandate that employees are vaccinated, but he is okay with the Board of Health

requesting this. Mr. Allison stated yes that he is not comfortable issuing a mandate because he is not a health care professional, but that it would appropriately be the role of the Board of Health. Mr. Paster stated that while the Board of Health could issue a mandate that applied to all town residents, such as the current mask mandate, it was not in their purview to create a mandate that specifically applied to town employees as a subset of the town. Mr. Paster suggested that the Select Board then abandon its' motion and send the discussion back to the Board of Health. Mr. Allison would like the Board of Health to formally request the Select Board to institute mandatory vaccinations for employees.

Mr. Allison recognized Sandi Charton, HR Director. Ms. Charton explained that she has reviewed the policy with Labor Counsel, and without going into detail, she would suggest that his opinion is that the Board of Health should not be involved in employee policies, rather that this is the Select Board's role.

Mr. Moody reiterated that he would support the policy as long as there were exemptions and testing. Mr. Pacheco clarified that the policy would only allow testing in lieu of the vaccine if an exemption were granted; if an employee is not granted an exemption, then he/she cannot choose to test weekly instead of being vaccinated.

Lengthy discussion followed. Mr. Pacheco spoke to the issues around administering the mandate. Ms. Charton spoke to the issues around granting exemptions. Ms. Turner spoke about her personal experience in recent weeks with difficulty finding a test, reporting that she had close contact with someone with COVID and then spending almost five days to get a test and another five days to get results, asking how this would be managed. Mr. Moody would like an exemption for people who do not want to get tested for whatever reason, allowing them to test weekly instead of getting the vaccine.

Mr. Allison called for a vote on the previously offered motion. Jason A. Allison, No, Jay A. Moody, Abstain, Alexandra W. Turner, Aye. [1-1-1]. Motion failed.

Mr. Moody would like to continue to discuss this topic, perhaps in another month, to see how the virus is going.

2. Finalize Senior Work-Off program information (Moody)

The Select Board agreed that they had previously implemented a new one-page application form. Mr. Pacheco explained that in addition to the application, there is also a set of guidelines that had not been updated to match the application. Ms. Charton has provided the Board with a set of edits to the existing guidelines to make them match the application. Mr. Moody stated that he does not like the idea that they can ask for "anything they want."

Ms. Turner moved that the Select Board reaffirm the Board's vote to post and use the Shirley application, to be amended to reflect Lancaster, and to eliminate and rescind any guidelines that have been voted in past years by this board or past boards, and to comply with Massachusetts General Law governing Senior Tax Abatement. Mr. Moody seconded.

Discussion:

Ms. Turner stated that previous guidelines have had the effect of quelling a lot of applications and making it difficult for people. She stated that current guidelines are onerous and unnecessary, reminding everybody that we have excellent workers who are working for much less than you can get comparable pay for and the Town as we've spoken all night tonight. She stated that "the town needs the workforce, I need people down here. Sandi has requested that she have people. There are people down helping Deb Dennis, so we have a shortage of workers" and further stated that Orlando at one point had mentioned that he was afraid that a millionaire was going to come and try to work for \$15 an hour but she does not think they are going to have a flood of millionaires.

Mr. Pacheco interjected to say that that was not what he said; Ms. Turner told him to finish his interruption and she would continue. Mr. Pacheco stated, "you're telling people my words, which is not what I said. What I said was there's nothing that would prevent a millionaire from entering the program. I'm not afraid of it because it's not nothing to be afraid of as much as it's not what the program is designed for."

Ms. Turner reiterated that this program should encourage and support those who have given the most to us, suggesting that the Board reaffirm their vote, stating that current guidelines were "off-putting and counterproductive."

Mr. Pacheco stated that removing the current guidelines would leave the program with just an application, with no other data. Mr. Allison stated that he supported removing the guidelines 100% and asked if there were any risks to this other than broadening the pool of candidates. Mr. Pacheco responded that he did not believe there was any risk unless there was a flood of applicants and the money was used up, an issue that could be easily resolved.

Mr. Allison asked for the vote; Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

3. Discussion Meeting Minutes recordings for Boards and Committees (Moody)

Mr. Moody is concerned that the Select Board is paying to have minutes done as opposed to the way they used to be done. He notes that there has been trouble with the Planning Board and with many boards and with the Economic Development Committee. He states that he was told that the Senior Workoff program could not assume this responsibility, although he could not find mention of this in anything he read. He stated that he thinks this problem needs to be addressed so that there are minutes done in a timely fashion.

Ms. Turner noted that the Board has a collective desire for transparency and there is nothing more important, and legally required, than minutes. She stated that it was in Kathi's job description to do minutes and asked if the Select Board paid someone to do minutes. Mr. Moody stated that he had signed warrants for this invoice.

Mr. Pacheco explained that Ms. Rocco does some minutes, but she has somebody else who does a lot of the minutes. He explained that because of the overtime it costs more to have Kathi do them at her overtime rate, and because of the volume and length of the minutes it has become more cost effective to outsource some of them.

Ms. Turner asked if support staff was to be hired that perhaps, like Kathy Lamb used to do, that hours should be “flexed” to accommodate this need. Mr. Pacheco explained that there was no change to the budget, but that this was a cost savings. Ms. Turner stated that this was a different discussion, but that the Board needed to address how this was done and done equitably for all boards and committees.

Mr. Allison asked Mr. Pacheco for his recommendation as to how minutes could be brought up to date as quickly as possible, but for his input as to how Lancaster was doing with minutes vis-à-vis other municipalities. Mr. Pacheco stated that he thought that overall Lancaster was doing a good job but had been recently spotlighted by Open Meeting complaints. He stated, as an example, that Deb is trying to do as many of the Planning Board minutes as possible, but with the Board of Health added it has become too much, which is one of the reasons that he has been seeking help for this department. He went on to explain that the hours for the Conservation Agent have been doubled to help alleviate these concerns, and that his office is working to have someone assist the Economic Development Committee. He stated, “but beyond that, I’m not so sure we’ve had this massive problem out there.”

Mr. Allison stated that he thinks that there is emphasis on minutes right now because of the requests for basically all of the minutes all of the time. He stated that before he was elected that the Planning Board was months and months behind and that they had had to pay someone to help them catch up. Russ Williston, Chairman of the Planning Board, interjected at this point to state that the Planning Board has never been months and months behind on minutes. Mr. Allison stated that this was his recollection, but that if it were not true, he offers his apologies.

Mr. Pacheco notes that he sometimes needs to help with minutes and that some committees have volunteer efforts to help with this. He explained that from time to time there is a need to catch up, and that the office is prepared to put plans in place to do so.

Mr. Moody asked for further clarification as to whether or not the Senior Workoff program could be used for minutes. Mr. Pacheco explained that it wasn’t a simple answer, and that the way that the Union contract was written, you cannot displace union work with an outside contractor, but that many committees do not fall within this realm. He offered as an example the Commission on Disability; because there is no staff dedicated to this, and therefore no union work being displaced, then minutes for this committee might be eligible for a Senior Workoff position. However, the Planning Board, the ZBA, or the Board of Health, would have union positions assigned to those particular boards or committees.

At 9:55 pm, Mr. Allison requested that a motion be offered at this point if the meeting were to continue past 10 o’clock, noting that tonight is a “prime example” of a lengthy meeting

that will require multiple hours to complete the minutes.

Ms. Turner moved to allow the meeting to continue past 10 o'clock. Seconded by Mr. Moody. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Ms. Turner stated that she agrees that the EDC is not unique in their late minutes, but that the Select Board needs to support them. She stated that some boards were very egregious and well over a year late; she has looked at the Secretary of State's law, and that similar to the Open Meeting Law, minutes need to be posted and that Lancaster is currently outside the law. She stated that most boards that she has sat on, people either have a secretary or clerk or someone volunteers or they rotate minutes, but that's part of the work of being on a board or committee. She stated that we may need to hire people temporarily, but that she worries about budget growth, asking what it will cost to do minutes for tonight's meeting. Mr. Pacheco replied that he thinks that it's around \$20/hour, and that typically the minutes take about twice as long as the meeting. Mr. Allison and Ms. Turner both noted that tonight's minutes will cost about \$160. Mr. Pacheco explained that the Board will see the issue in terms of Ms. Rocco's overtime rate, and that there is a need to balance which meetings get done internally versus those that are outsourced.

Ms. Turner reiterated that the Board needs to be kept abreast of this item because she is concerned about budget growth, even though this is being managed within the existing budget. She notes that she understands Mr. Pacheco's point, but that in the past this was not needed, and asks that Mr. Pacheco bring to the Board cost effective ways to manage this problem.

Mr. Moody stated that Zoom meetings produce a transcript that might have some incorrect words but that could be a basis for the minutes. Mr. Pacheco explained that this is already done. Mr. Allison stated that he understands this but asks if there will be less minutes going forward. Ms. Turner asks how this will apply to new committees going forward; Mr. Allison stated that there needs to be a happy medium and that if the burden of committee membership becomes onerous it will be more difficult to attract members; he stated that Mr. Pacheco has a fiscally reasonable approach. Ms. Turner would like to revisit this in another meeting with some ideas from Orlando and the Board.

Mr. Pacheco stated that the Select Board is forming a lot of committees with many of the same people on these committees, creating a level of burnout, and that if the meetings are really long that the minutes become more difficult because of the volume. Mr. Moody concurred, suggesting that he'd find it difficult to participate in a meeting while taking minutes, and stating that the Board should come up with some ideas.

Ms. Turner, with Mr. Moody's agreement, asked Mr. Pacheco to come up with a chart with all boards and committees to see where they're at for minutes and to talk to them to see what is needed for help and to come up with some ideas to offer them for help, in order to understand the scope of what we're dealing with.

4. Discussion on Atlantic Union College Abatement & Exemptions* and set meeting with Board of Assessors (Moody)

Mr. Moody expressed concern that the Select Board has not met with the Board of Assessors to get an update on the Atlantic Union College (AUC) Abatement and Exemptions; he is often asked about this topic by residents. Mr. Pacheco stated that in anticipation of this agenda item he had reached out to the Board of Assessors, but that because one member is away it would need to be scheduled for the next meeting. Mr. Pacheco suggested October 12 at 6 o'clock, but this did not work for the Board.

Ms. Turner asked if it were true or not true that the Town has paid money to AUC already. Mr. Pacheco stated that he was not sure if it had been paid already, but that he was aware of the framework that the Board of Assessors had developed in order to pay AUC. Ms. Turner asked how much money this way; Mr. Pacheco stated that he did not know exactly, but that it was nowhere near the numbers mentioned previously. Mr. Allison asked what the goal was for this topic; was it informational, or did the Board wish to deliberate and take action. Mr. Moody answered that it was for information; Mr. Allison replied that in this case, Board members could meet individually with the Assessors. Ms. Turner stated that she thought that the Board should take action, and that according to her conversation with Attorney Mark Rich, the Board would need to approve this. Ms. Turner believes that the Board is involved in that the Assessors report up through the Select Board. Mr. Allison asked what the agenda would be for a meeting.

Ms. Turner stated that she thinks there should be a public meeting because people are asking about the topic, and obviously made costly mistakes. She stated that the Board needs to understand what happened, even if it is just for informational purposes, and wants to know if the Board is required to approve. She continued that even if the money in question is \$400,000, that's a lot of money and they need to figure out what we did wrong. Mr. Allison interjected that without a meeting it is inappropriate to say that we have made mistakes.

Mr. Pacheco advised that the Board of Assessors have requested a meeting in Executive Session. Ms. Turner wanted to know why this would require Executive Session; discussion ensued. Mr. Pacheco will schedule a joint meeting.

5. Set up online process for obtaining email exchange regarding Public Records Request* (Moody)

Mr. Moody requested that the Town put up on the website the process for information requests in light of problems in the past year. Mr. Pacheco stated that many towns either put up their own guidance or just put up the state document, although this can be overwhelming due to the number of pages. He will work with the Town Clerk to see what might be helpful.

Ms. Turner thinks this is a great idea, but thinks that the Town needs to make sure that the Town Clerk and Ms. Rocco in the Select Board's office, consistently follow a set policy. She stated that she thinks that we need to reaffirm the policy and that it needs to be

consistently followed. She stated that recent requests have been handled differently with different costs and different results, and that everyone should be treated the same, with the same expenses.

Mr. Pacheco noted that the nature of the request has a lot to do with this, and that costs may be different because of what was being requested and the volume of the request. He notes that the response from the previous Town Clerk may have been different from the Town Clerk before her, but each may have met the letter of the law. The amount of exempted material may have to do with costs. Ms. Turner stated that she would like the Board to learn from past mistakes and move forward. Mr. Pacheco responded that not one size fits all.

Ms. Turner stated that they should learn from our mistakes and go forward; Mr. Pacheco stated that it is not a “one size fits all” situation.

Mr. Allison asked what is wrong with the current approach, and what problem the Board is attempting to solve. Ms. Turner stated that the problem was consistency, and that under the broad framework of national law, you have ten business days to respond to a request.

Ms. Turner further noted that there is a consistent consistency there nothing really not all different, because under the framework of national law, you have 10 business days to respond to a request. She continued, “it’s quite clear on the process. It comes right out of their guide so now, very clear, I would argue that it’s not different. The only thing that is different, is based on the volume, how much time that will take if it’s a public official like yourself, Jason. How much time it will take to redact materials and how you calculate that and we should have that consistent so when somebody consistently says, ‘I want Jason’s emails’ and the Town Clerk or Kathi, as a public records officer would automatically say, ‘alright, let me inquire with him what he’s got’ and you say ‘oh, I’ve got 500 emails’ and there’s some sort of a formula that says, okay, it’s going to take approximately x amount of time to redact 500 emails, this is going to be an approximate cost, and people can decide if they want to pursue it.”

The Board agreed that this has not been done in all cases, particularly in a recent FOIA request. Mr. Allison suggested that the Board ask Ms. Charton to put together a quick memo or process on how the flow should work. Ms. Turner suggested that this request should be made to the Town Clerk. Mr. Pacheco suggested that changes do not need to be made, and that there was a recent problem with one request but that this request was with one committee that does not use the Town’s email server and was non-compliant. He stated that most requests are for one or two documents and are easily managed.

Mr. Moody continued, stating that the for the most recent request the Town Clerk was going to go and find out information and get back to the person and that this was not done, and that on the last day she just said, “give them everything,” and that’s not the process.

Ms. Turner brought up three ‘major requests’ that she thought were handled differently. Don Chaisson made one; Walter Sendrowski made one; Russ Williston made one. She would like to see the requests, what was given to them, and what the bill was for each

request, in order to help decide if requests are being handled consistently. Mr. Pacheco replied that Town Counsel handled each of these.

Ms. Turner stated that this was fine, and that we did not need to get into it, but if we are doing things consistently, that's great, so we just need to codify it and get it on the website. If we've been handling it differently, let's learn from history so that we do not repeat our errors.

6. Status of all current commercial/industrial developments and proposed projects (Turner)

Ms. Turner notes that there is a great deal of public comment about the proposed Capital Group project, and thinks it would be helpful for the Economic Development Committee (EDC), possibly through the planning office, if the Select Board would provide them with a status of all current commercial/industrial development projects and proposed projects. She cited GFI as an example, because she is unaware of the current status of this project. She suggests that a flow chart or grid would be helpful.

Mr. Pacheco stated that he can certainly ask, but in some situations, like GFI, to the best of his knowledge they have not filed anything to date, but there is no solid information. He can put together a little bit of information, for example discussions that GFI has had about water and sewer, but it would be strictly for internal tracking purposes. He does not think this would be a lot of information.

7. North Lancaster Settlement Agreement (Turner)

Ms. Turner expressed concern, having read a letter from Carol Jackson that was presented as part of tonight's Public Comments, that some items needed to be completed by October 19, and wanted to know a status of these items. She noted that as of the last Select Board meeting in September the Board was to have everything back from Capital Group and it was to be reviewed by Town Counsel. She asked Mr. Pacheco if we had any feedback, and what was the current status.

Mr. Pacheco responded that Town Counsel had said that there is an entity that no longer exists, North Lancaster LLC, that was a party to earlier agreements, not Capital Group. Counsel is saying that there needs to be an Assumption and Assignment Agreement signed so that the appropriate party is dealing with the Town. In the absence of that being signed, that is now what's impacting the Town's ability to close the deal. Mr. Pacheco stated that there is "nobody stalling on our end" and that "I don't have a gun to their head that can make them sign a document that they don't want," adding that he is not suggesting that they do not want to sign. He continued, stating that "they're under the expectation that the Town is to provide other things, and remember, speaking of meeting minutes, there's a whole lot of Executive Session meeting minutes that none of us have seen, that we weren't privy to, and I don't think they've ever been created, so I don't know exactly what was ever agreed to. I know there seems to be a discrepancy on what that was."

Ms. Turner stated, “maybe we need to talk to these people. My point is that in September, I think it was, at whatever meeting it was before the DCAMM meeting, we were told that this was contingent upon zoning change, and it was news to us and we were disturbed because it was this new condition.”

Mr. Pacheco said that it appeared that the zoning changes were not an issue as much as they thought the acreage was part of an ICOD approval. Ms. Turner expressed her concern that they Board had been led to believe that the issues were about zoning changes. She reiterated her concern that there were deadlines that have now expired.

Mr. Pacheco stated that he spoke to Mr. Depietri, asking him to send the Board a letter, which Mr. Depietri did. The letter stated that Capital Group wanted to meet with the Select Board. At this point Mr. Allison had thought that the Board should have a liaison to Capital Group, and that was the last correspondence. Mr. Allison interjected that he had sent the memo to Ms. Turner, and that is why he wanted to discuss it.

Mr. Allison asked Mr. Moody if he had comments. Mr. Moody does not support having a liaison, but would like to have the three members of the Select Board, along with Mr. Pacheco, meet with Mr. Depietri, but he does not want one person doing it. Mr. Allison asked if this should be in open meeting or Executive Session.

Mr. Allison stated, “I think we're being really bad listeners here. Since I've been on the board everybody has been demanding we get these 86 acres. I need to remind everybody that Orlando was the person who said we should; the previous Board should not have entered into the agreement, and yet we did so we're here. We're demanding them to give us the land, but they're not. So we can keep yelling at the top of our lungs or we can take action to try to work on the town's behalf. That is why I put forth the option for the liaison. They're asking to meet but do we do we really think Capital Group wants to come to one of these meetings? Do you really think they want to appear in this meeting and have to be accused of backroom deals and take all of the stuff that I read, for the first 50+ minutes of this meeting? Maybe they do, but what I'm saying is, we have to figure out a way to engage the developer. They sent us a letter, and I forwarded it to all of you. It says they want to meet. Okay, we can invite them to a meeting, if we want, and maybe they'll come. But we can't just keep yelling at them. That's not the way to do business, in my opinion. We need to figure out a way to engage them. I get it that 40 people think there's all these backroom deals going on, but they're not. I have not met with Capital Group ever. I saw them at the at the special meeting that we had two years ago, or whatever it was. I get their fears, but it's not happening so. We have to figure out a way to engage them. I'm still a proponent of the liaison and I'll put my reputation on the line, and if anybody wants to call me a backroom dealer, have at it, because that's not why I'm on this call at 10:40 at night, trying to do what I can for the town, but I'm open to other options so Jay looks if you think the right thing to do is invite him to a meeting let's invite him to a meeting and have that conversation.”

Mr. Moody was in agreement to do it.

Ms. Turner stated, “I hear lots of things about what Capital Group wants or doesn't want.

They're good business people and I don't begrudge them what they're doing, I think that they should do a job and I hope, in the end, after healthy discussion -- public discussion, Jason -- where we establish faith and there is give and take as there is in any project. They talked about their process and at the EDC meetings that I've been to they talked about and they're proud of their relationship in different towns, including Maynard Crossing. I think, having them to every meeting if they wanted it and needed it would be great because they tell their story better than anybody else. Will there be push back? Certainly. But that gives them an opportunity to ask it or answer it, because when you get to Town Meeting floor, for the most part, people have their minds made up. They're going to raise their hand, yes or no, and that's going to be really difficult. It's much easier to work in a cooperative constructive way, and if this means having healthy debate that's great. I think it's an opportunity for Capital Group and I think we should extend the invitation. They don't necessarily have to take it. I'm just sick of hearing different information every day and I don't even know if that's if it's them. In fact, I saw when I was looking earlier that Bill Depietri was on here. If he is maybe he can speak for himself if he wants to or we can just extend the invitation informally if you'd recognize him Jason."

Mr. Allison asked Mr. Pacheco if it would be appropriate to attempt to recognize Mr. Depietri to discuss this right now. Mr. Pacheco advised that this was entirely within the Board's purview. Mr. Moody thought that because this was not on the agenda that he would like to schedule this for another time, stating, "I would like to have them come to a meeting and I think they probably would come to a meeting. You don't allow people to talk. If there were an agenda item, you don't allow other people to talk anyway, so that would be just us and them, not the public."

Ms. Turner, noting that this was going off the agenda, stated that she would like to see more open discussions with some roundtables or forums, with different boards and committees and the Capital Group to haggle this out because everybody's getting more and more entrenched and it's not healthy.

Mr. Allison asked Mr. Pacheco to reach out to Capital Group and ask them to attend an upcoming meeting regarding the North Lancaster settlement agreement in open session. He would like this to be a single item agenda and would like to ensure that it's just a conversation with the Select Board. He would like to expedite this request.

8. Community Development and Planning Staffing (continued from 9/20/21 meeting)

Mr. Allison recapped this topic; six weeks ago, Mr. Pacheco sent the Board a memo about the need for assistance in Community Development and Planning Office. Ms. Turner had requested fiscal information. Since this has been provided, Mr. Allison asked the Board how they wished to proceed.

Ms. Turner stated that she has looked at as much as she could, although there is not complete information. She stated that she has listed to the Finance Committee and the Finance Director's discussions about a difficult financial outlook, both currently and in the next few years. She does not think that adding more staff right now is appropriate, especially since a

new Building Inspector will hopefully take some of the workload from the current office staff. She would like to see what the department needs are after hiring a Town Planner, which hopefully will happen in the next few weeks. She states that she is in favor of short-term temporary help; for example, if the Select Board's office can expend \$20/hour to help with minutes, then we should certainly be able to extend something like that to relieve the pressures in the Community Development office to relieve some of the pressure.

Mr. Moody mentioned that he would like to see assistance provided by Senior Workoff volunteers.

Mr. Allison asked Mr. Pacheco to reiterate what happens if this staffing is not provided.

Mr. Pacheco stated that he thinks that the catch up period will be painful; administrative things tend to be more, not less, and there tends to be more committees, not less. He stated that what happens is that someone starts out doing something one way and then it ends up getting dumped on a staff person. Although there will soon be a new Building Inspector, he will not be doing ZBA minutes or Board of Health work. He stated that he thinks that it is not inappropriate to have staff do certain things but that there is limited bandwidth that is currently stretched too thin.

Ms. Turner stated, "So I don't know who to believe, if we believe that we're rich and we are not, or that we're comfortable with it we're in financial we're heading into financial distress. But what bothers me is you talk about backup it's really frustrating, because I think we've been one thing that we've agreed on is if we need temporary help to avoid a backup." She stated that if she were given information on what the staffing levels have been historically that might help her to analyze the situation, but she did not have enough information.

Mr. Pacheco responded that historically there was a second position in this office but that one position was eliminated and that this would be restoring that position.

Ms. Turner stated that she would rather see just the facts because peoples' memories change. She stated that she had proposed this office way back when because planning is a passion of hers, but we also have to balance what we've talked about with our tax burdens. She said that she is not prepared to support it right now.

Mr. Allison wanted a decision made on this topic because it has been on the agenda for over two months with no action. Ms. Turner stated that she has said no all along and sees no reason for it to remain on the agenda. Mr. Moody would like to look at temporary help. Mr. Pacheco explained that temporary help is not easy to find and there's no continuity.

Ms. Turner would support temporary help because it worked well when hiring help for the Town Clerk, who eventually became permanent. Ms. Turner stated that direction has been clear all along, to get temporary help. She does not support adding to the budget mid-year, stating that we are undermining the Finance Committee.

Mr. Allison summarized that the Select Board will not authorize additional help, but that

Mr. Pacheco is authorized to hire temporary help.

9. Accept donation gift to the Fire Department in the amount of \$4237 (Town Administrator)

Mr. Allison requested that the Board accept a donation in the amount of \$4,237 from the Lafferty family in memory of their daughter Sloan to the Lancaster Fire Department with gratitude from the Town of Lancaster to be deposited in the Fire Department Gift Account. Sloan's sisters held a lemonade stand to raise money to donate to the department in her name.

Mr. Moody made the requested motion, thanking the Lafferty family on behalf of the Town and on behalf of Fire Chief Michael J. Hanson. Ms. Turner seconded the motion. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

10. Discussion on status of the Economic Development Committee (continued from 9/29/21 meeting)

Mr. Allison stated that he has not changed his mind since the last meeting, that he is not satisfied with the direction of how things are going with the Economic Development Committee (EDC). There has been a tremendous amount of feedback from residents, and he wanted the Board's opinion.

Ms. Turner stated that she has not changed her mind and that the Select Board needs to give the EDC better direction and support. The thought that the Select Board might make sure that the EDC is working on more than just the Capital Group, but business as a whole.

Mr. Moody would not support any changes to the EDC at this point.

Mr. Allison still has the opinion that the Select Board should be dissatisfied, stating that they don't have a plan right now, or a path forward. He said that we have unhappy residents, an unhappy landowner, and we haven't figured out how to address the problems. He states that the EDC is not focusing on the task at hand.

After very lengthy discussion, the Board agreed to hold a series of forums, with a moderator to be determined, to make sure that information about North Lancaster development is shared openly with the community. Mr. Allison will meet with Mr. Pacheco to get this going.

VIII. APPOINTMENTS AND RESIGNATIONS
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Appointments

Economic Development Committee – (term to be determined)

- Steve Kerrigan

It was determined that there are no current openings on the Economic Development Committee. Mr. Kerrigan's request for appointment was politely declined.

IX. LICENSES AND PERMITS

Application for License Theatrical Exhibitions, Public Shows, Public Amusements and Exhibitions of Every Description Held on Weekdays and Sundays *(Continued from Select Board Meeting 9/20/21)*

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 applicant Dean and Flynn, Inc., d/b/a Fiesta Shows, for an event in partnership with Bolton Fair, Inc., to host the 2nd Annual Lancaster Holiday Light Show, November 24, 2021 – January 2, 2022, Sunday – Thursday, 5pm to 10pm, Friday-Sunday and Holidays, 5pm-11pm. Seconded. Jason A. Allison vote Aye, Jay M. Moody vote Aye and Alexandra W. Turner vote Aye. [3-0-0]

Mr. Pacheco confirmed that the only outstanding issue for this permit was feedback from Police Chief Moody, and that Chief Moody has submitted an approval recommendation; copies are in the Select Board's meeting package.

X. OTHER/UNFINISHED BUSINESS

- **Annual Town Report**

Estimated due date for the Annual Town Report will be December 2021. Mr. Pacheco reported that some of the reports are now in and can now start compiling them sooner therefore maybe able to accelerate the December date.

- **Code of Conduct Policy**

Comments have been forwarded to Select Board members and ask the Human Resource Director to incorporate those comments into a draft and sent out to the Select Board for their review.

- **North Lancaster Settlement**

Town Administrator will work with Capital Group and to get the Assignment and Assumption Agreement and once that is received can move forward with the closing as soon as possible, and to have this resolved. If this cannot be turned around soon, Town Administrator will ask Capital Group to formally state why and to provide that in writing. If there is a refusal in the request, the Town will need to engage Town Counsel. Mr. Pacheco reported he will get Mr. Depietri's demand in writing and send to Town Counsel for their opinion and have something by the 29th of September.

- **Division of Capital Asset Management and Maintenance (DCAMM)**
Legislative Delegation was given a site tour on September 30th. The Town needs to consider special legislation to start the property transfer from the Commonwealth to the Town.
- **Aggregation**
12 month contract extension with Dynegy was executed with guidance from the Energy Commission. Power mix is 49% renewable. New price will be 14.974 per Kwh.
- **Gazebo Ramp**
Materials have been ordered and the goal is to have this completed by Halloween is on target. Mr. Pacheco reported that Dig Safe will need to be called for this project.
- **Status Barrett Planning Group**
Request for a reserve fund transfer has been sent to the Finance Committee
- **Audit Services**
Powers & Sullivan is under contract for the FY22 Audit. Mr. Pacheco reported that this is an exempt service but can do a quote. Ms. Turner would like to assemble an Audit Committee.
- **0 Hardy Street (Map 42 Parcel 11)**
Town is conducting additional title work and determine if there is additional access.

XI. NEW BUSINESS

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

XII. COMMUNICATIONS

- Select Board's next regular meeting will be held via Zoom on October 18, 2021, at 6:00pm

XIII. ADJOURNMENT

Seeing no further business, Motion and seconded to adjourn the meeting, it was unanimously voted. The Board of Selectmen adjourned at 11:10 P.M

Jay M. Moody Clerk
Approved and accepted: