



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

I. CALL TO ORDER

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

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

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

II. APPROVAL OF MEETING MINUTES

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

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

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE
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II. PUBLIC COMMENT PERIOD

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

Mr. Allison recognized Cara Sanford, 350 Bull Hill Road

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

Mr. Allison recognized George Frantz, 13 Highfield Drive

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

Mr. Allison recognized Carol Jackson, 40 Farnsworth Way

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

Mr. Allison recognized Kathy Hughes, 80 Fire Road 11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. TOWN ADMINISTRATOR REPORT

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

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

VII. ADMINISTRATION, BUDGET, AND POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion continued; no action was taken.

4. Honor 2021 retiring police officers (Turner)

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

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

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

5. Perkins School - status and plans (Turner)

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

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

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

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

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

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

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

Community Preservation Act Committee – 3 year staggered terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Set date of our legislative update (Turner)

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

Audit Services**

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

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

Ms. Turner moved that we solicit five people from the community for an Audit Committee, in accordance with the rules suggested by the Department of Local Services. Mr. Moody seconded.

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

XI. NEW BUSINESS

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

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

XII. COMMUNICATIONS

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

XIII. ADJOURNMENT

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

Respectfully submitted,

APPROVED

Jay M. Moody Clerk

Approved and accepted: December 20, 2021