



**LANCASTER SELECT BOARD
Meeting Minutes
Of Monday, December 6, 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/81296943710>
Meeting ID: 812 9694 3710

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

II. APPROVAL OF MEETING MINUTES

Ms. Turner offered a motion to approve the minutes of October 18, 2021, and November 1, 2021, and Special Meeting minutes of October 26, 2021. Mr. Moody seconded.

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

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

6:05PM Notice of Public Hearing – Tax Classification for Fiscal Year 2022
In accordance with G.L. c.40, §56, the Select Board will conduct a Public Hearing on the question of adoption of percentages of the total tax levy to be borne by each class of real property (residential, commercial, industrial, open space) and personal property for Fiscal Year 2022. The Hearing will be held via ZOOM on Monday, December 6, 2021, at 6:05 P.M. All interested parties are invited to attend and be heard.

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

Mr. Jonathan Frank from the Regional Resource Group explained Tax Classification and the purpose of this annual public hearing. His recommendation to the Board is that they continue with the current single rate tax classification. Presentation and extensive discussion followed.

The Fiscal Year 2022 Levy Limit and Amount to be Raised:

The following is a calculation of Lancaster's estimated levy for fiscal year 2022.

Fiscal Year 2021 Levy	\$19,503,493
Levy Increase allowed under Prop. 2 ½	487,587
New growth revenue (estimated)	314,417
Debt excluded under Prop. 2 ½	1,603,429
Fiscal Year 2022 maximum allowable levy	21,908,626
Levy Ceiling	27,843,702
Levy to be raised (rounded by tax rate)	21,677,489
Excess levy capacity	231,137

Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	\$ 953,997,452	85.6565%	85.6565%
Commercial	\$ 88,016,232	7.9027%	
Industrial	\$ 38,822,617	3.4858%	14.3435%
Personal Property	\$ 32,911,760	2.9550%	
TOTAL	\$1,113,748,061	100.0000%	100.000%

Tax Rates

Based on the shift factors, the Board of Assessors has calculated the following tax rate needed to raise the tax levy:

<u>Property Class</u>	<u>FY2022</u>	<u>FY2021</u>
Residential	\$19.46	\$19.98
Commercial	\$19.46	\$19.98
Industrial	\$19.46	\$19.98
Personal Property	\$19.46	\$19.98

The Assessors noted that the Fiscal Year 2022 rate is an estimate and may change upon the Department of Revenue review.

Tax Impacts

With a few exceptions, Fiscal Year 2022 residential valuations have increased by 2.3% compared to assessed values from last year, reflecting a healthy real estate market.

The average residential tax bill calculation will change as follows:

FY2021 Average Single Family Valuation	\$ 366,613
Taxes at \$19.98 per thousand	\$ 7,325
FY2022 Average Single Family Valuation	\$ 389,188
Taxes at \$19.46 per thousand	\$ 7,574
Average Tax Increase	\$ 249

Mr. Allison moved to close the Public Hearing, Ms. Turner Seconded. Vote Taken; Jason A. Allison vote Aye, Jay M. Moody vote Aye and Alexandra W. Turner vote Aye. [3-0-0]

Ms. Turner moved that in accordance with M.G.L. C.40, §56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the FY2022 tax rates and set the Residential Tax Factor of 1.0000, with a corresponding CIP shift of 1.0000, pending certification of the Town's annual tax recap by the Mass. Department of Revenue. Mr. Moody seconded. Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Ms. Turner would like to have a follow-up meeting with the Assessors; she will submit this as an agenda item.

6:15pm Notice of Public Hearing – Koch Lancaster, Inc – Class I License
Notice is hereby given that a Public Hearing will be held on Monday evening, December 6, 2021, at 6:15 P.M., via Zoom, 701 Main Street, Lancaster, MA on application of Koch Lancaster Inc., dba Koch Route 2 Toyota, 700 Old Union Turnpike, Lancaster, MA for a License to Sell New Motor Vehicles (Class I). All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing.

Mr. Moody noted that going forward, Public Hearing announcements in the newspaper should include the Zoom meeting information. Mr. Pacheco agreed and will add that in the future. Ms. Turner asked Mr. Pacheco to double check with counsel or the Attorney General to make sure that meetings posted to date are in compliance.

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

Representing the applicant was Kurt Koch, Koch Lancaster, Inc., d/b/a Koch Route 2 Toyota. He explained that there is some urgency on his part to purchase this dealership from Prime and Group One in order to employ workers as of tomorrow. Mr. Koch also owns Acton Toyota in Littleton. He appreciates the Board being able to see him quickly. It was noted that there is a surety bond in the amount of \$25,000 and a copy is in the Select Board's office.

Ms. Turner noted that a recent hearing about this property included resident comments having to do with compliance to the original lighting plan, especially around lighting issues, landscaping, and parking requirements.

Ms. Allison recognized Kathy Hughes, Fire Road 11. Ms. Hughes expressed her concerns to Mr. Koch about the land across Route 70, an area of environmental concern. She wanted Mr. Koch to be aware of issues with pesticides and detergents used in car washing. She noted past concerns about sign height and lighting. Additionally she recommends that cars not be driven in this area due to muddy roads and children playing.

Mr. Allison recognized Albert and Karen Gould, 20 Fire Road 10. They live directly across from the car dealership's Route 70 entrance on Little Spec Pond. They noted that in the past round balls on vertical stakes at the dealership have blown over into their yard. Mr. Koch expressed his desire to keep a neat, clean and professional business. Additionally they asked him to look at the amount and brightness of the lighting.

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

Ms. Turner offered a motion to approve the Class I License as submitted with the contingency that all pertinent application documentation has been received. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

6:30 pm

Notice of Public Hearing – Proposed Smart Growth Zoning District

Pursuant to Chapter 40R of the Massachusetts General Laws, and the associated regulations, specifically 760 CMR 59.05(1), the Select Board will hold a public hearing on December 6, 2021 at 6:30 p.m. via ZOOM to consider a proposed Smart Growth Zoning District and to consider the Board's submission of an Application for Preliminary Determination of Eligibility for 40R Zoning to the Massachusetts Department of Housing and Community Development. The proponent of this District and Application is the Lancaster Affordable Housing Trust and is recommending the North Lancaster Smart Growth Zoning District comprised of properties at Assessor's Parcel ID #s 14-4.M, 14-4.L, 14-4.N, 14-4.G, 14-4.F, 14-4.C, 14-4.B, 14-4.K, 14-4.J, 14-4.I, 14-4.H, 14-4.A, 14-8.A, 14-8.0, 14-4.0, 14-9.0, totaling approximately 64 acres. The application, plans, and other materials may be reviewed at the Town Hall, 701 Main Street, Lancaster, MA 01523 or online at <https://www.ci.lancaster.ma.us/affordable-housing-trust>.

This item was postponed due to issues with posting; the Zoom meeting information was not included in the posting, so it needs to be re-posted. This will be on the December 20 meeting agenda.

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS

- Joint Meeting with the Finance Committee to meet potential candidate Jocelyn Mylott to fill unexpired term on the Finance Committee.

The Finance Committee called their posted minute to order. Chairman Michelle Vasquez took roll call vote: Susan Smiley, present; Richard Trussell, present; Michelle Vasquez, present. Ms. Vasquez moved to open the meeting at 7:03pm. Ms. Smiley seconded. *Vote taken, Ms. Smiley Aye, Mr. Trussell, Aye, Ms. Vasquez, Aye. [3-0-0]. Finance Committee Meeting opened.*

Ms. Vasquez explained that they were here to present Jocelyn Mylott to the Select Board as a candidate for an unexpired term on the Finance Committee. The Finance Committee and the Select Board spoke to Ms. Mylott about her reasons for interest in the Finance Committee and her experience, thanking her for volunteering.

Ms. Vasquez moved to appoint Jocelyn Mylott to the Finance Committee, term to expire at the Annual Town Election in May, 2022. Mr. Trussell seconded. *Vote taken, Ms. Smiley, Aye; Mr. Trussell, Aye; Ms. Vasquez, Aye. Motion passed.*

Ms. Turner moved to appoint Jocelyn Mylott to the Finance Committee, term to expire at the Annual Town Election in May, 2022. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Ms. Smiley moved to adjourn the Finance Committee Meeting. Mr. Trussell seconded. *Vote taken, Ms. Smiley, Aye; Mr. Trussell, Aye; Ms. Vasquez, Aye. Meeting adjourned, 7:09pm.*

- Joint Meeting with the Finance Committee to discuss and may take action on Regional Amendment Appointment.

The Finance Committee called their posted minute to order. Chairman Michelle Vasquez took roll call vote: Susan Smiley, present; Richard Trussell, present; Michelle Vasquez, present. Ms. Vasquez moved to open the meeting at 7:09pm. Ms. Smiley seconded. *Vote taken, Ms. Smiley Aye, Mr. Trussell, Aye; Ms. Vasquez, Aye. [3-0-0]. Finance Committee Meeting opened.*

Ms. Vasquez reported that no Finance Committee member is available to serve on the Regional Amendment Appointment Committee. Mr. Moody asked if the representative could be someone other than a Select Board or Finance Committee member. Mr. Pacheco will find out.

Mr. Trussell moved to adjourn the Finance Committee Meeting. Ms. Smiley seconded. *Vote taken, Ms. Smiley, Aye; Mr. Trussell, Aye; Ms. Vasquez, Aye. Meeting adjourned, 7:09pm.*

- Frank Streeter of the Memorial School Reuse Committee to give Committee update.

Mr. Streeter reported that this committee meets at 7pm on the third Wednesday of the month, in this month on the 15th. They have been researching, gathering information and ideas. There is a comment form on the town website; residents are asked to fill this out to include their opinions on the Memorial School Reuse. Right now the property is water tight, but cannot be used until the fire system is upgraded. Many departments have a need for dry storage, but this cannot happen without the fire suppression system. The committee has also discussed variations on use such as affordable housing, senior housing, veterans' housing, artist spaces, Recreation offices, and possibly school. They have recently learned that there are deed restrictions on the adjacent playground restricting use to outdoor recreation. The Committee suggests that the Select Board look at subdividing the one lot that includes the entire Green and the Town campus into lots for each building. Mr. Streeter notes that in the end, there will need to be value judgements regarding which function is more valuable than others. The Committee hopes to come back with a final report in the Spring.

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 launched the Public Comment section by noting that today is Police Chief Everett Moody's birthday, wishing him a happy birthday and congratulations from the Select Board.

Mr. Moody commented that both the Lancaster Police Department and the Library currently have an "Angel Tree" to support local families in need of help.

Ms. Turner noted that the Community Center and the Old Town Hall will be hosting Santa Claus, who was born and raised in Lancaster, on Sunday at 2:00pm.

Mr. Allison recognized Susan Smiley, 183 Packard Street. Ms. Smiley offered clarification on the Memorial School Reuse Committee's report. She explained that there are reasons that the Town Green area is one parcel. When the grant was received for the playground, this had been suggested by the Town's legislators because the park is in a residential area.

Ms. Turner, who commented on ongoing and escalating tensions among elected and appointed leaders of the community. She feels that everyone should re-commit to negotiating and engaging with one another in good faith. She said, "I think that we need to practice more empathy, and understand that we come from a common place, and I don't just mean Lancaster, but we are united by our love for this town, and I know that we all genuinely hope for a brighter future."

VI. TOWN ADMINISTRATOR REPORT

Town Administrator Orlando Pacheco will update the Board on the status of current projects pending. *** TAKEN OUT OF ORDER ***

- Fleet EV Study

Mr. Pacheco reported that Lancaster has participated in a fleet electrification study as part of an ongoing climate action issue. He said that the utilities are putting more and more money into Fleet electrification as part of their emissions reduction policies so they've been reaching out to certain communities who have been willing to participate, asking look at the fleet and see how they can help to make recommendations on transitioning from internal combustion engines to electrification. All the departments that manage vehicles participated. He provided a copy to the Board which shows their recommendations in an Excel spreadsheet, and he noted there is a handout on the program and its goals.

*** PARAGRAPH BELOW OUT OF ORDER, AFTER "HOLIDAY HOURS" ITEM IN
TA REPORT ***

Mr. asked if there was any advantage to Lancaster's participation in the Fleet EV Study. Mr. Pacheco said no, but it will provide some guidance for capital planning. Mr. Pacheco also noted that there will need to be future discussion about the Building Commissioner's vehicle, which is at the end of life cycle. Additionally, Mr. Pacheco recommends replacing the EV charger at the Town Hall with a dual port. Ms. Turner asked if there was a cost to the study. Mr. Pacheco responded that it was a competitive application process; there was no cost.

- Dispatch Executive Director Appointment

Mr. Pacheco announced that we are very excited to announce the appointment of Ann Camaro as the new Executive Director of the Nashoba Valley Regional Dispatch. He additionally noted that his counterpart in Berlin will be taking over his duties as Chair of the Administrative Board, and that Fire Chief Hanson will still be on the Operations side.

- Body Camera Grant

Mr. Pacheco announced that the Town of Lancaster has received notice from the state that they have been awarded a grant to buy body cameras for the police. This has previously discussed with the Union, and everybody seems to be on board.

*** THE PARAGRAPH BELOW WAS TAKEN OUT OF ORDER FOLLOWING THE OUT-OF-ORDER PARAGRAPH UNDER EV FLEET VEHICLES ***

Ms. Turner asked that Police Chief Moody talk about the Body Camera grant. Chief Moody thanked the Board for the birthday wishes. His department is happy to have received a grant for just under \$32,000 for the body cameras, stating that he cannot think of a better way to promote transparency and accountability, than to record all of the officers' actions. He looks forward to working with the officers, the Union, and the Select Board as they begin to negotiate the policies and procedures that will need to be put in place. Additionally, he supports the Board's participation in the opioid settlement. The Police Department participates in a program that tracks opioid overdose cases, and Lancaster has had 20 cases in the last 18 months. He states that even if the program just brings awareness, it's a good thing.

- Town meeting location and set up

Mr. Pacheco stated that there seems to be a lot of talk about the safety of town meeting and whether we can have a safe town meeting. He advised the Board that by using the Mary Rowlandson gymnasium with backup in the cafeteria there will be more than enough space to maintain safe distance for at least 500 people. Mr. Moody said that there are still people out there that do not want to go inside; he would like a dual approach, so that some people could be outside listening on the car radio. Mr. Pacheco said that using the clickers this could be easily done. Mr. Pacheco reported that at the Board's request he has looked into having a Zoom town meeting, but the only towns that have done this are those with a

representative Town Meeting, so that participants are limited to those who could use a pre-registered Zoom account.

- Discuss memorandum of understanding (MOU) for the 40R district in North Lancaster

Mr. Pacheco reports that he knows that the Select Board is familiar with this, and he wanted them to know where he was trying to go with this MOU. He explained that there is a memorandum between Capital Group and the Affordable Housing Trust on the 40R. Mr. Pacheco thinks that what would be better and more comprehensive would be to have a memorandum with Capital Group on the entire project. This would, whether you are for or against the project, at least give very clear expectations on what the deliverables are if certain things happen, which should be the goal. If there is a zoning change, based on a concept plan, then that should be memorialized, not just in the filing. It should be captured almost in a contractual document with the Board. Mr. Pacheco is working on this with Town Counsel and the Capital Group to try to facilitate, using the 40R memorandum to facilitate that document.

Ms. Turner said that people have been talking about an MOA being more enforceable, and would like the agreement to be as ironclad as possible. She asks if there is an advantage to an MOA rather than an MOU. Mr. Pacheco said that he uses the terms interchangeably and does not know if one has a larger legal threshold, but he will ask Counsel. Ms. Turner also stated that although we are talking about Capital Group, it should be extended to include a bunch of different trusts that are involved in this, and it should include all parties and their successors.

- Statewide opioid settlements – participation forms

Mr. Pacheco explained that this item has to do with what's been happening nationwide with the opioid settlements, particularly with Johnson and Johnson, and some of its distributors. He received a call from the Attorney General's office that they would like the town to participate in the opioid settlement. He explained that there are many reasons why the town should do that. First, because we didn't sue the distributors of oxycontin or any of the other substances named as an entity, meaning the town itself did not take legal action. We are not entitled for any compensation from the settlement unless we join another group that has done this, and the only other entity is the Commonwealth. He explained there are some other municipalities nationwide that formed their own cooperatives and pursued legal action, but Lancaster is not part of them either. He is simply asking the board to authorize him to send the forms back to the Attorney General as notice of participation. He said that he cannot tell the Board at this point how much compensation the Town would receive and over what period of time, because that will be settled at a later date, but he thinks the Board has until the end of the calendar year to determine whether they want to participate or not.

Mr. Allison moved to authorize Mr. Pacheco to submit the forms for the opioid settlement. Mr. Moody seconded. Ms. Turner asked what was the risk to the Town; Mr. Pacheco said that there does not appear to be any downside, and that he anticipates a half billion dollars

coming to the Commonwealth, and then to be determined how this is distributed to the towns.

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

- Holiday hours for Town Buildings

Mr. Pacheco noted that because the Christmas holiday falls on a Saturday, the holiday will be observed on the prior Friday, so all municipal offices will be closed on Christmas Eve, which is Friday, December 24. For the same reason, New Year's Day falls on Saturday, so all municipal buildings will be closed on Friday, December 31.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Special Town Meeting (Open/Close Warrant)

Mr. Pacheco explained that the Board has a couple of options. They can open and close the warrant on the same date. Or, they can set the date to open the warrant and to close the warrant at the same time. Or, they could open the warrant at a date that they see fit and close it at a later date. Mr. Pacheco offered an opinion that he likes to see the Board open the warrant and then close it at a later date, stipulating that they need any and all material related to the warrant to be submitted by a specified date. Mr. Allison asked him to spell out how a motion to do this would be worded.

Mr. Pacheco said that a motion could be taken to open the warrant for the Special Town Meeting on December 7, 2021, at 10am, with all articles to be received and the warrant closed on January 20 at 4pm. Mr. Allison offered this motion. Ms. Turner expressed concern that this might not be enough time for Town Counsel to review the warrant and for the Board to publicize the Special Town Meeting through postcard mailings or booklet mailings. She moved to amend the motion to close the warrant on January 13 at 4pm. Mr. Allison seconded Ms. Turner's motion.

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

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

2. Town Administrator transition schedule (Allison)

Mr. Allison moved to authorize Sandi Charton to negotiate with Orlando Pacheco to work 50% of the time, starting December 20, 2021, with days in the Prescott Building being Monday, Wednesday, and Friday, with the last date of employment being December 31, 2021. Ms. Turner seconded for discussion.

Mr. Allison noted that this is in part based on a memo to the Board from Mr. Pacheco. Ms. Turner suggested that the next agenda item, "Interim Town Administrator Selection" may have impact on this. Ms. Turner stated, "Jay and I had the opportunity to have meetings and

discussions. At the time we had initial discussion with Orlando he made it clear to us that he would like to be able to dedicate as much time, but then he was wanting to help Lancaster out and we agreed to the end of December, and you worked and we tweaked the dates, but I think we have good news for you. Hopefully, you will agree, there is good news on the interim side that may help accelerate that schedule, if you if you want to take that out of order.” She asked if the Board would like to table this or take the next agenda item out of order.

Mr. Allison said that if there was a change to any previous conversation the Board should go into Executive Session and have that type of discussion there. He said he was not comfortable talking about an acceleration of anything in Open Meeting, and that the three Board members had met and talked candidly about what they liked and didn’t like for dates. He suggested he felt it was compelling to stop this discussion now and find time to meet in Executive Session if the Board wanted to continue the discussion, but noted that there is not much time with one more regular meeting in the month of December. He stated that the Board had a good plan and he did not see any reason to deviate.

Ms. Turner questioned Mr. Allison, asking if a vote taken didn’t say “or sooner.” Mr. Allison said that the motion reflected the minutes of the Board’s meeting except for changes to the specific days after response from Mr. Pacheco. Mr. Moody thought that going into Executive Session, if that is what Mr. Allison would like to do, would be a win-win. Mr. Allison stated that what he wanted to do was to move ahead with the current plan; he wanted to go ahead with the previously determined date of December 31. Ms. Turner moved to amend the motion on the floor to include scheduling an Executive Session meeting as soon as possible. Mr. Allison had difficulty scheduling an Executive Session with his personal schedule. Ms. Turner asked if he was willing to have an Executive Session without him being there; he said no. Mr. Allison felt there was no reason to change the plan at this point. Ms. Allison amended the previous motion to include a meeting in Executive Session on December 9 at 5pm.

Mr. Allison said, “You’re going to make a motion contingent on the scheduling of an Executive Session meeting which I’m in charge of, so if I can’t make that date I won’t schedule the meeting, and therefore the motion doesn’t happen? That’s why contingencies on a motion are very problematic.” He suggested moving forward by approving killing or approving the motion and called for a vote. Ms. Turner replied, “This is ludicrous, Jason, because all we want to do is work to your goals, and we have a very... I don’t understand, first we can set up an Executive Session by ourselves, but I want to This is a very important discussion so you should be included in it. It’s time sensitive... we have worked very hard to get some good options for the Town which bear on this discussion. So we have had meetings and hours of work into this and we need to be able to have a half hour of your time.” Mr. Allison said he didn’t know what she was going to present, but if the option is to have an Interim overlap with the Town Administrator, there is nothing wrong with that.

Ms. Turner recapped that the motion on the floor is that Mr. Pacheco’s last day is the 31st. Mr. Allison stated that the motion is what they agreed to in their meeting of November 18th.
Vote taken; Jason A. Allison, Aye, Jay M. Moody, No, Alexandra W. Turner, No. [1-2-0].

3. Town Administrator agency selection (all)*

Mr. Allison asked Ms. Turner to introduce Jeff Nutting, the new appointee for the position of Interim Town Administrator [***note this was done by taking item #4 out of order***]

Mr. Nutting thanked the Board for their vote, stating that he wanted to be very clear that he does not wish to interfere with the Board's relationship with Mr. Pacheco during his transition.

Ms. Turner reports that they have received proposals for four different search firms, all of who could join a Zoom meeting to introduce themselves. They all agreed that advertising for the Town Administrator (TA) position should be in place by the end of December.

Mr. Allison moved to authorize Sandi Charton, HR Director, to negotiate with Municipal Resources, Inc. to perform the search for Town Administrator. Ms. Turner seconded the motion for discussion purposes.

Ms. Turner thinks that the Board needs to talk to some other firms. She has spoken to Municipal Resources, Inc. and their President, Alan Gould, and was impressed. She also mentioned the company from New Hampshire used by Georgetown, and Community Paradigm, who does the majority of searches in Massachusetts and is well credentialed. She noted that in fact, some of Community Paradigm's people live close and have offered help finding an Interim TA. She stated that all of the firms she has spoken to can do this work for \$10,000 or less, including background checks and extensive assessment. Ms. Turner also noted that the Board needs to decide how many candidates that they want a search firm to bring forward, and/or if the Board wants to use people in the community as a search committee as has been done in the past. Mr. Moody agreed with Ms. Turner that the Board should look at multiple firms.

Mr. Allison said that having watched Mr. Pacheco's interview process with Georgetown, he was very impressed with MRI, and has spoken to the Chair of Georgetown's Select Board and has been called by MRI for a reference check for Mr. Pacheco. He noted that the interview and hiring process conducted by MRI was great, thorough, and very organized. Mr. Allison wants to move quickly since the process could take three to six months. He cautioned the Board that there is only one more regularly scheduled meeting in December.

Mr. Allison called for a vote on the motion. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, No, Alexandra W. Turner, No. [1-2-0]. Motion failed.*

Ms. Collins agreed that her experience with MRI was impressive and noted that the Board might also consider using the Collins Center as a search firm.

Mr. Allison said that he has read all the proposals and that if one of the other Board members wants to propose a different firm that they are welcome to, but that he is set on his choice. Ms. Turner made a motion to schedule interviews with search firms at the December

20 meeting with a decision to be made following that. Mr. Moody seconded. *Vote taken; Jason A. Allison, No, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]*

**** following this topic, the meeting returned to the Agenda item "Town Administrator Report"*

4. Interim Town Administrator selection (all)* ****taken out of order after item #2***

Mr. Moody introduced the topic, saying that they had gone to the MMA (Massachusetts Municipal Association) and received a list of people who were possibly available. He stated that we did get a very well qualified person who had agreed to do it and to start whenever the Board wants, and could hit the ground running. This person is retired and can only work a certain number of hours, 1200, but this should work until May, covering Annual Town Meeting, and by then there should be a new Town Administrator, which we could do with a search company.

Mr. Moody moved to hire an Interim Town Administrator (NOTE: did not hear a motion made at ~1:50 in the recording, although the Board discussed that it had been made.) Mr. Turner seconded.

Ms. Turner noted that when the Board met previously, they also discussed how to go forward, and that they were going to need to have an Interim Town Administrator to help bridge the time while they do a comprehensive search to find the best candidate for our next Town Administrator, probably using a search firm. She and Mr. Moody were charged with looking at search firms and getting more information and proposals and coming forward with a candidate for the Interim position. What they did to look for the Interim is that they both reached out to people at search firms, at MMA, and at ICMA, which is the Managers' International Managers Association, and cast a wide net, because whoever the candidate is would need significant experience and would need to be able to hit the ground running. They felt that the best candidate would be a retired Town Administrator or someone who has served as an Interim in the past. Ms. Turner stated that there were names that kept coming up consistently, and they narrowed it down to a handful and spoke to these people individually and concluded that they have agreed on a potential candidate who was excellent.

Ms. Turner stated that this person is Jeff Nutting, who has served nearby in Sterling. He is from Franklin, and has served in 14 cities and towns, including being the Town Manager in Franklin for many years. He is retired. She continued, saying that he brings the kind of steady seasoned professionalism that they are looking for. She noted that his hours are limited due to his retirement status, but that he would be able to work with Lancaster until the beginning of May. She explained that the search firms that she and Mr. Moody have spoken to all have different approaches, and that is something that will need to be discussed and debated by the Board, but in general they all said that searching through the holidays is difficult, but that if you use a search firm they could begin advertising in December or January, and the Board would need to decide if they want to use a selection committee or would rather make a Board decision. Interviewing would typically begin and February with

selection in the latter part of February. Because many Town Administrator contracts require 60 days' notice, this would bring the process to early May. She said that Mr. Nutting gets strong marks for being a real collaborator.

Mr. Allison moved to appoint Jeff Nutting as Interim Town Administrator, negotiated via Sandi Charton, not to exceed the time of mid-May, with a start time as soon as possible. Ms. Turner seconded the motion.

Mr. Moody noted that Mr. Nutting was formerly the President of the MMA and has served on the MMA Board. Mr. Allison reported that Mr. Pacheco agrees that Mr. Nutting is a strong candidate. Mr. Allison suggested moving forward, letting Ms. Charton negotiate a start date, and then following this, adjust Mr. Pacheco's schedule if needed.

Ms. Turner offered an amendment to include Mr. Moody in the negotiations. Mr. Moody seconded. Mr. Allison said that he has read in the MMA Handbook that it's not a good practice for the Select Board to get involved with negotiating contracts. Vote taken on the amendment; Jason A. Allison, No, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]

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

Mr. Allison asked the Board if they wished to return to the topic of Town Administrator schedule. Mr. Moody and Ms. Turner would like to wait until the Interim position is negotiated with Mr. Nutting, and then to see if Mr. Pacheco would like to leave earlier. No decision was made; Mr. Allison noted that this means that Mr. Pacheco's contract is still currently in effect.

(Out of order; following this topic the Board returned to #2, Town Administrator agency selection)

5. Process for appointing conservation agent (Allison)

Mr. Allison moved to authorize the Conservation Commission the authority to select and propose a candidate to the Select Board to fill the Conservation Agent opening. Mr. Moody seconded.

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

6. Process for appointing Recreation Director (Allison)

Mr. Allison moved to authorize the Recreation Commission the authority to select and propose a candidate to the Select Board to fill the Recreation Director opening. Mr. Moody seconded.

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

7. Discuss how the Town should negotiate with Capital Group (Allison)*

Mr. Allison said that he has heard from a member of the Affordable Housing Trust and from a member of the Economic Development Committee and the Board has talked a little bit tonight about a Memorandum of Understanding, and therefore made the following motion: move to create an ad hoc committee, with the charge of negotiating a Memorandum of Understanding with the Capital Group regarding the proposed North Lancaster development, said committee to be comprised of the Chair of the Planning Board, the Chair of the Zoning Board of Appeals, the Chair of the Affordable Housing Trust, the Chair of the Economic Development Committee, and the Chair of the Select Board. Mr. Moody seconded.

Ms. Turner said that she thought that the job of the Economic Development Committee was to negotiate with Capital Group, and that if you have two committees with the same charter it would create confusion.

Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, No. [2-1-0]

8. Town Counsel selection (Allison)

Mr. Allison noted that this has been on the agenda for awhile, that Ms. Turner had requested that an RFP be sent out, responses have been received, and that we need to make a decision on next steps.

Mr. Allison moved to authorize Sandi Charton to negotiate with Miyares Harrington for use as Lancaster Town Counsel. Ms. Turner seconded.

Ms. Turner said that she spoke with someone from KPLaw who was not aware of the solicitation and that she was surprised. She agrees that Miyares Harrington is a good firm but that the Board needs some kind of system to score them individually and then come back and compile the results. Mr. Moody would like to wait until Town Meeting is all ready, rather than switching law firms in the middle of Town Meeting preparation. Mr. Allison said that the topic had come up because he and Mr. Moody had been unhappy with some of the work by KPLaw and that KPLaw was not invited as part of the solicitation because the Board was looking to move away from them, and this all happened about two months ago. Mr. Allison would like to move ahead and has strong recommendations for Miyares Harrington.

Vote taken; Jason A. Allison, Aye, Jay M. Moody, No, Alexandra W. Turner, No. [1-2-0]

Ms. Turner asked Mr. Pacheco if he could share a sample selection form. He will provide the Board with this. Ms. Turner suggested that the matrices be returned to Ms. Charton or Mr. Nutting for compilation and that this should indicate who the top candidate is.

9. Follow-up to Russ Williston Open Meeting Law complaints (Allison)

Mr. Allison asked the Board if they had seen responses from Town Counsel in response to Russ Williston's Open Meeting Law complaints. Ms. Turner would like to take the agenda item "Time and Duration of Select Board meetings" out of order; Mr. Allison stated that the extension received in response to Open Meeting Law violations did not extend to the 20th, the date of the next scheduled meeting, and needed to be resolved. Mr. Allison asked again if the Board members had read Labor Counsel's response to the Open Meeting Law complaint.

Mr. Allison explained that he needs the Board to read the email forwarded to them on December 1; if he recaps the scenario, he loses attorney client privilege. The Board members found and read the email. Mr. Allison stated that there are two things the Board needs to do. First, they need to make sure that they approve minutes in a timely fashion. Procedurally, if the Board has an issue with minutes, they should approve the draft and make them available, which is satisfactory as a start. Mr. Allison noted that the Board has been, for the last four or five weeks, meeting at a crazy pace, and for the office to keep up with this is hard; for example, the packet for tonight's meeting is 270 pages. Secondly, regarding the discipline aspect of the complaint, *Mr. Allison moved to authorize Mr. Pacheco to craft a response to Mr. Williston stating what we just discussed with draft minutes, and that he was not unlawfully removed from a meeting, but that due to his being disruptive, it is the same as asking him to be removed from a regular meeting. Ms. Turner seconded.*

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

10. Cultural Council to have meetings to give ideas on future use of town hall (Moody)

11. Historical society to work with Select Board to put up some paintings on Prescott Building walls (Moody)

12. Time and duration of Select Board Meetings (Turner)

Ms. Turner stated that she applauds Mr. Allison's efforts to keep meetings capped a 9 o'clock, but that the Board needs more time, whether it's through more meetings or later meetings, because they are losing too much. She said that she and Mr. Moody are able to meet more frequently. Mr. Moody said that he has no problem with 10pm meetings but that he understands that if a meeting goes after 10pm that, by law, the Board needs to approve a motion to do so. Mr. Moody agrees that it is unusual to have so much to do.

Mr. Allison offered an opinion that about an hour could be cut out of meetings if the Board members had more frequent conversations with the Town Administrator, because there are many things that do not need to be discussed in open meeting. Mr. Allison said that he will see about going longer, but "three hours is pretty darn long."

Mr. Allison will take the Board's feedback and work with Mr. Pacheco, Ms. Rocco and Ms. Charton to help ensure that the Board is running effective meetings, and that matters at hand are handled crisply and concisely. Mr. Moody and Ms. Turner both stated that they do not want to shortcut the democratic process and transparency. Ms. Turner suggests additional meetings to handle rote items such as licenses and permits or updates.

13. Discuss appointments and employees onboarding. (Turner)
14. Discuss Freedom of Information Act (FOIA) requests, and policy for website and staff involved (Turner)
15. Present proposed charter and details about approved Audit Committee (Turner)
16. Recap of CARES money as from TA report submitted (Turner)
17. Citizen engagement re development: Forums, scope etc. (Turner)
18. Liaison report from HR. Director on Proposed by-law updates to personnel by-law as suggested by HR. Need for STM and for review. (Turner)
19. Complaint about alleged Code violation to BOS/HR (Turner)

VIII. APPOINTMENTS AND RESIGNATIONS

Resignation

- David Koonce, Conservation Agent

IX. LICENSES AND PERMITS - NONE

X. OTHER/UNFINISHED BUSINESS

- **Event and Entertainment fees and frequency (Moody)**
Board is going to look into what revenue other communities receive (Topsfield/Brimfield)
- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**
Finalize Warrant Article language
- **American Rescue Plan Act (ARPA) – Schedule guidelines and impact of new infrastructure bill (Turner) Board to set a special meeting or discuss at its next meeting**
- **Set date of our legislative update (Turner)**

Send invite for December meetings

XI. NEW BUSINESS

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

Mr. Pacheco advised the Board that Kathi Rocco will be leaving the Select Board's office, effective December 31, transferring to the Assessors' office. Mr. Allison asked Mr. Pacheco to formalize this in a letter and to ask Ms. Charton to follow standard procedures. He wished Ms. Rocco the best of luck.

XII. COMMUNICATIONS

- The Select Board's next regular meeting will be held via Zoom on November 1, 2021, at 6:00pm

XIII. ADJOURNMENT

Mr. Allison moved to table all outstanding Administration, Budget, and Policy items for the next regular meeting. Mr. Moody seconded. *Vote taken; Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

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

Respectfully submitted,

Kathleen Rocco
Executive Assistant

APPROVED

Jay M. Moody Clerk
Approved and accepted: December 20, 2021