

**APPROVED**



**LANCASTER BOARD OF SELECTMEN  
Special Meeting Minutes  
Of November 10, 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  
Meeting ID: 899 2068 1254

Invite Link <https://us02web.zoom.us/j/89920681254>

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

The purpose of tonight's special meeting was to revisit some of the tabled items from previous agendas; no public comment was heard.

**II. APPROVAL OF MEETING MINUTES - NONE**

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE**

**IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE**

**II. PUBLIC COMMENT PERIOD - NONE**

**VI. TOWN ADMINISTRATOR REPORT - NONE**

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

1. Tabled agenda item - Discussion to make the Economic Development Committee a permanent committee. (Moody)

Mr. Moody said that when the Economic Development Committee (EDC) was started, it was an ad hoc committee, following recommendations of the Montachusets Regional Planning Council (MRPC). Ms. Turner noted that it has probably become more than the members had bargained for. She felt that the Select Board should probably meet with the EDC to revisit their charge.

Mr. Moody moved to make the EDC a permanent committee. Mr. Allison seconded. Ms. Turner thinks it is reasonable to make the EDC permanent since they have a great deal of responsibility. Mr. Moody notes that to date the EDC has concentrated on development in North Lancaster, but there are many more projects to work on.

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

2. Tabled agenda item - Electric Aggregation Agreement (Moody)

Mr. Moody was concerned that the Town Administrator had signed the contract but that the Board did not vote. Mr. Pacheco reminded him that the contract would have expired between Board meetings, so the program would have been suspended, so the charge from the Select Board was to implement the decision of the Energy Commission, which is what he did. Mr. Moody felt that he should have signed it but that he might not have signed it and that the agreement puts an additional burden on the elderly residents of the Town.

Mr. Pacheco noted that this topic was brought before the Select Board in May, at which time the price was 10.7 cents for 36 months, 10.8 cents for 30 months and 10.8 cents for 24 months. He stated that Mr. Allison recused himself and Mr. Moody and Ms. Turner chose to take no action and said that they wanted the Energy Commission to guide the process. The day that the decision was made the market went up 40% so we went from about 10 cents to about 15 cents because the decision was not made in a timely fashion. Mr. Moody stated that he waited for weeks for Mr. Pacheco to provide information that he never received. Ms. Turner stated that going forward she hopes to receive more substantive information.

This discussion continued at length with no action taken.

3. Tabled agenda item - Landfill mowing (Moody)

Mr. Moody stated that the Board went through this 2-1/2 years ago and finally had the landfill mowed after much conversation. He continued, stating that if trees and bushes grow through the landfill cover, which is buried, then the Town will be faced with a multimillion dollar recovery cost. Mr. Pacheco answered that he has spoken to the DPW and their intent is to mow. The vendor that they have hired is behind but should have it mowed before Thanksgiving. Ms. Turner stated that her belief is that there is a contract requiring that the Town keep the landfill free of any woody growth, which requires annual mowing. She asked how long it has been since the landfill was mowed; Mr. Pacheco replied a little over a year. In the past it was mowed during the summer, but this was starting to interfere with bird nesting (the bobolink nesting season), so it was moved to October, and they're due for another mow now. According to Ms. Turner, at one time the DPW needed some equipment to do this themselves that they could use for other projects. Mr. Pacheco explained that outsourcing had been more effective at \$3,000 a year rather than buying a \$15,000 mower.

4. Limit written public comment to 3 minutes (Allison)

Mr. Allison thinks there is no benefit to the Town to reading 5-7 minute written public comments during meetings, nor does he think it's in the best interest of the town to take a five to seven minute comment and cut it in half. Mr. Allison moved that written public comments are not to be read, but are submitted as part of the meeting materials. Ms. Turner seconded.

Mr. Allison stated that he thinks it's important to acknowledge that these comments have been received and read, and that they go into the Minutes. Ms. Turner commented that in a recent meeting, written public comment took over an hour of reading, and many of the comments were redundant. She agrees that it would be good to post them as part of the meeting materials as well as in the minutes. She agreed that the important thing is that people's voices are heard. Mr. Moody wants to make sure that comments are sent to all three Board members.

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

5. Department of Public Works (DPW) to make priority for water (Moody)

Mr. Moody had a recent conversation with the DPW Director and reports that there are many problem areas in Town. He would like to make this a priority. Mr. Pacheco reminded the Board that about a month ago he provided the Board with some preliminary priorities for ARPA monies, and that the first one was \$900,000 for the DPW to help design 20,000 linear feet of water piping. Mr. Pacheco stated that they're waiting for the Select Board to move ahead and authorize this. Ms. Turner would like all departments to weigh in to create a comprehensive plan, and that the money does not have to be spent until 2026, although we have many needs that should be addressed earlier than that. She would like to invite the DPW and the Finance Committee to a Select Board meeting to discuss this further. No action was taken.

6. Community Preservation Act (CPA) Insert: Just to confirm it is set to be mailed in December taxes (Moody)

Mr. Moody reports that he spoke to Sandi Charton, HR Director, today, and that he is satisfied that this insert will go out with the December tax bills. Mr. Pacheco asked if he had seen the final version; Mr. Moody had not. Mr. Pacheco will email it to the Board.

7. Planner: Next steps with Human Resource Director and Select Board Liaison (Moody)

Mr. Moody wanted to know what plans are in place to bring the Planning Director on board. Mr. Allison received an email from the HR Director today stating the Planning Director had accepted the position at Step One. Ms. Turner recollects that the HR Director and a member of the Select Board were to negotiate this hiring; Mr. Allison states that this is not correct, and that the hiring process was to be completed by the HR Director and the Town Administrator. Ms. Turner agreed with Mr. Moody. This was debated at length; no action

was taken.

8. Nepotism Policy: review and offer changes if required and solutions for any conflicts or infractions if needed. (Moody)

Mr. Moody expressed frustration that many committees have a hard time finding people, and that it was a problem with small committees who might use family members. He would like to allow non-policy making committees to have the ability to have family members on the same board or committee. It was agreed that if this could be avoided it would be best, but that if it were a committee that did not make policy that it could be acceptable.

Ms. Turner moved to amend the nepotism policy to read that non policy-making boards are permitted, when recruitment has failed to engage another member, to allow related members to serve on the board. Mr. Moody seconded.

Mr. Allison asked if there was a list of non-policy making boards. It was agreed that this should be defined. Mr. Moody will work with Mr. Pacheco to generate this list.

Mr. Allison moved to make a subsidiary motion to table the current motion. Ms. Turner seconded. *Vote taken. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

9. Town Report (Moody)

Mr. Moody reported that he spoke with the Town Clerk today. She is working on the Town Report and will have no problem having it completed before the end of the year, and she realizes that she will have to start on the next year shortly thereafter.

10. Website management/posting updates and Discussion of website policy and staff point person (Turner)

Ms. Turner stated that she is concerned about the flow of the website and wants one clear point person responsible for the website, including posting, so we know who's responsible for updates and for posting minutes. Mr. Moody agreed that currently there is confusion. Mr. Pacheco advised that everything related to posting on the website should be forwarded to the Assistant Town Clerk. If a change is requested to the website that should to the Town Administrator in writing. If a member of the public calls and wants something posted on a particular webpage, the request should be rerouted to the department.

11. Department Procedure Manuals(Turner)

Ms. Turner, noting that there are some new hires at the Community Center, thinks it should be best practice to make transitions as smooth as possible, and would like Mr. Pacheco to work with department heads and management staff to have basic process & procedure manuals. Mr. Pacheco noted that in some positions, for example a Town Accountant, it

should be assumed that the person has a baseline of knowledge. Ms. Turner would like items in a manual like how meetings are posted, or that the Select Board meets twice a month, templates of agendas, where files are located. Mr. Pacheco agreed that his office could work on a base document that other departments could revised as needed. Mr. Pacheco said that he's not sure that this should be a priority, but he agrees that there are some cases where a department head might not be aware of all the processes in a department. Mr. Moody suggested seeing what other Towns were doing about this rather than re-inventing the wheel.

## **VIII. APPOINTMENTS AND RESIGNATIONS**

### Resignations

#### Accept Town Administrator's resignation\*

Mr. Allison moved to accept Orlando Pacheco's resignation dated November 9, with 60 days notice. Ms. Turner seconded. He will be sending a formal resignation letter, but this will serve as notice as per his contract. Mr. Allison spoke to Labor Council today and verified that the Board can deviate from the 60 day requirement if desired. Sandi Charton, HR Director, also verified this and that a formal letter is not necessarily required.

Mr. Moody and Ms. Turner did not have the email and requested that Mr. Allison read it. Mr. Pacheco read, "I would like to officially tendered my resignation in accordance with my contract and provide the town of Lancaster 60 days notice. Please let me know, should you require any additional information from me a more formal resignation letter will be forthcoming."

Mr. Pacheco stated that should the Town need him from time to time after 60 days, he has asked the Chairman of the Board of Selectmen in Georgetown, his new employer, to speak directly with the Chairman of the Select Board in Lancaster. He stated, "We've got very good, capable people working for the Town. I have no worries that at least most of what I'm working on can be picked up either by another staff member or certain volunteers."

Mr. Allison said that it "stinks" losing someone with years of experience, but that on a personal level he is excited for Mr. Pacheco and wishes him the best of luck, noting that it'll be good for Mr. Pacheco to not commute 3-1/2 hours daily. Mr. Pacheco noted that if you drive a Tesla it's not 3-1/2 hours.

Mr. Moody wanted to know if the Board should meet in Executive Session with Counsel to discuss this.

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

#### Plumbing Inspector – Thomas P. Soldi

Mr. Moody moved to accept the resignation of Thomas P. Soldi as Plumbing Inspector. Ms. Turner seconded the motion and thanked Mr. Soldi for his service.

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

## Appointments

### Plumbing and Gas Inspector – Kenneth Poulin, Jr.

Mr. Moody moved to appoint Kenneth Poulin Jr. as Plumbing and Gas Inspector. The Building Inspector agrees with this appointment. Ms. Turner seconded.

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

### Community Preservation Act (CPA) Committee – 3 year staggered terms

- Karen Silverthorn – Lancaster Historical Commission
- Greg Jackson – Conservation Commission

### 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

Because there was confusion on this topic regarding terms of appointments to the CPA, and because this committee is not yet shown on the Town website, this was tabled until the next regularly scheduled Select Board meeting.

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| <b>IX. LICENSES AND PERMITS - NONE</b> |
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| <b>X. OTHER/UNFINISHED BUSINESS</b> |
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| <b>XI. NEW BUSINESS</b> |
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*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

- Event and Entertainment fees and frequency (Moody)  
Mr. Moody wanted to know about fees for events at the fairground or Kalon Farms. Mr. Pacheco explained the Town only charges for an entertainment license, and that the fee is set by law. Mr. Moody wanted to know if it could be a daily charge. Mr. Pacheco said he didn't think so because that is not how licenses are structured, but he could talk to Town Counsel. Ms. Turner noted that Brimfield makes lots of money because during their well-known Antiques Flea Market, each vendor pays a fee. She suggests that Lancaster should look at practices in other towns such as Topsfield, and that perhaps the Select Board could work on this with the Finance Committee. Ms. Turner suggested that Mr. Pacheco might not take this on since he will be leaving, but asked that this be left on the agenda as old business. Additionally, she asked if vendors at the Bolton Fair or at Kalon Farms pay a food tax like a permanent restaurant. Mr. Pacheco will ask Mr. Farnsworth from the Board of Health.

- Division of Capital Asset Management and Maintenance (DCAMM) - (Turner)  
Ms. Turner has spoken to the legislative delegation. They would like to move ahead as soon as possible. DCAMM is working on writing legislation now.
- ARPA – Schedule and guidelines and impact of new infrastructure bill – (Turner)  
Ms. Turner stated that many towns are creating committees to deal with ARPA and infrastructure money coming from the federal government. She would like the Board to consider this idea. She has recently attended a seminar about how these monies could be spent. Mr. Allison stated that the Town Administrator is paid well to administer programs like this, that Mr. Pacheco has put together a draft, the Board needs to discuss next steps.
- Legal Services RFP  
Mr. Allison reported that there are three responses to the Legal Services RFP and he will put this on next Monday's agenda for discussion.
- North Lancaster Questions & Answers  
Mr. Allison has received an email from a resident offering to organize the information and questions received about North Lancaster development. He will include this on the next meeting agenda.
- Set Date for Legislative Update  
Ms. Turner reports that our legislators are out of session during December and that it would be good to have them attend a Select Board meeting.
- Memorial School Committee Update  
The Board will speak to Mr. Streeter about having an update on this committee's progress at an upcoming meeting.

## **XII. COMMUNICATIONS**

- Ms. Turner noted that the Cultural Council Art Show will open this Friday night at 7:30
- The Select Board's next regular meeting will be held via Zoom on November 15, at 6:00pm

## **XIII. ADJOURNMENT**

*Select Board member Alix Turner offered a motion to adjourn the meeting at 7:33 pm; seconded by Mr. Moody. 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