

**MINUTES
BOARD OF SELECTMEN MEETING
JUNE 19, 2017 AT 6:30PM
TOWN HALL, SELECTMEN'S CONFERENCE ROOM**

CALL TO ORDER/OPENING

Chairman Belanger called the meeting to order at 6:30pm. Chairman Douglas Belanger, Vice Chair Harry Brooks, 2nd Vice Chair Sandra Wilson, Selectwoman Dianna Provencher, Selectman Brian Green, Town Administrator Kevin Mizikar and Student Liaisons Jaymi-Lyn Souza and Robert Kemp were in attendance.

PUBLIC COMMENT PERIOD

No members of the public provided comment

1. REORGANIZATION OF THE BOARD

A motion was made by Ms. Wilson and seconded by Ms. Provencher to appoint Mr. Brooks as the Chair of the Board. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to appoint Ms. Provencher as the Vice-Chair of the Board. The motion carried unanimously with one abstention (Ms. Provencher).

A motion was made by Mr. Belanger and seconded by Mr. Brooks to appoint Ms. Wilson as the 2nd Vice-Chair of the Board. The motion carried unanimously.

2. SCHEDULED

a. 6:30pm - Interview Consultants for Town Administrator Recruitment

This item was passed over.

3. CORRESPONDENCE

a. Student Liaison Reports

The student liaisons presented highlights from their written report.

b. Towtaid Park Donations

This item was passed over.

c. Unsung Heroine Award – Commission on the Status of Women – Rachelle Cloutier

Council on Aging Director Rachelle Cloutier was one of 100 women in the State to receive the Unsung Heroine Award for working to improve the lives of women across the State. The Board asked that a letter of congratulations be sent to Ms. Cloutier.

4. NEW BUSINESS

a. Resignations

i. Highway Department Employee – Peter Daige

A motion was made by Ms. Wilson and seconded by Ms. Provencher to accept the resignation of Peter Daige from the Highway Department and to send a letter of thanks for his service. The motion carried unanimously.

ii. EMS Coordinator – Scott LaFlash

A motion was made by Mr. Belanger and seconded by Ms. Provencher to accept the resignation of Scott LaFlash from the position of EMS Coordinator effective June 1, 2017 and to send a letter of thanks for his service. The motion carried unanimously with one abstention (Ms. Provencher).

b. Appointments

i. Conservation Commission

This item was passed over.

ii. Capital Planning Improvement Committee At Large Member – Sara Zwicker

A motion was made by Mr. Belanger and seconded by Ms. Wilson to appoint Sara Zwicker to the Capital Planning Improvement Committee as an at-large member. The motion carried unanimously.

iii. Library Building Committee – Selectmen Appointment

A motion was made by Mr. Brooks and seconded by Mr. Belanger to allow Tom Buckley to continue as the Board of Selectmen designee to the Library Building Committee. The motion carried unanimously.

iv. Commission on Disabilities – Penny Sawa

A motion was made by Mr. Belanger and seconded by Ms. Wilson to appoint Penny Sawa to the Commission on Disabilities. The motion carried unanimously.

v. Assistant Tax Collector – McKenzie Bryant

Mr. Mizikar presented a request to appoint McKenzie Bryant to the position of Assistant Tax Collector. Mr. Mizikar and Treasurer/Collector Ms. Perkins posted the position for 3 weeks, received over 60 applications and interviewed six final candidates.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to appoint McKenzie Bryant to the position of Assistant Tax Collector. The motion carried unanimously.

vi. Emergency Medical Services (EMS) Coordinator – Michael Franklin

Mr. Mizikar presented a request to appoint Michael Franklin to the position of EMS Coordinator. Individuals were solicited for the position from Worcester, Spencer and Leicester. Three finalists were interviewed.

A motion was made Mr. Belanger and seconded by Mr. Green to appoint Michael Franklin to the position of EMS Coordinator. The motion carried unanimously with two abstentions (Ms. Wilson and Ms. Provencher).

c. Appointments to Boards and Committees for FY'18

Mr. Mizikar presented the list of volunteers interested in being reappointed to committees whose terms expire June 30, 2017. The Town will advertise for those positions where the volunteer did not want to be reappointed or did not respond. Mr. Mizikar asked the Board to review the list and advise if they have any concerns.

Ms. Wilson recommended the constables, code employees and special police officers by appointed for July 1, 2017 and to appoint all other positions once considered by the Board. A motion was made by Ms. Wilson and seconded by Mr. Belanger to appoint the constables, code employees and special police officers as presented. The motion carried unanimously with one abstention (Ms. Provencher).

d. Memorandum of Agreement – Highway – Government Employees’ Union – Local 1

Mr. Mizikar presented a three-year agreement with the Government Employee Union Local 1 which represents all highway department employees except for the Highway Superintendent. The agreement reduces sick leave paid out upon retirement from 30 to 21 days, increases the minimum call back time from 3 to 4 hours if called in outside of normal working hours and increases the clothing allowance from \$475 to \$550 in year one and to \$650 in year 3. The agreement also provides for wage increases in the amount of 3% for FY’18, 2.5% for FY’19 and 3% for FY’20, allows for light duty and eliminates the \$1000 annual stipend and instead rolls it into their base salary.

A motion was made by Ms. Wilson and seconded by Mr. Green to approve the three-year agreement with Government Employee Union 1. The motion carried unanimously.

e. Memorandum of Agreement – Fire Department – Leicester Firefighters Association

Mr. Mizikar presented a three-year agreement with the Leicester Firefighters Association which includes an annual wage increase of 3% over each year of the agreement. Upon completion of two weekend trainings firefighters will be compensated for additional trainings at time and a half and would receive time and a half for any hours worked in excess of a regular workday. They would also receive a minimum of two hours pay when responding to an incident on a State holiday. Educational stipends would be increased from \$100 to \$125 in year one, and to \$150 in year three. The longevity stipend would kick in at both 10 and 20 years of service. Firefighters would receive \$1250 upon the completion of Firefighter Trainings 1 and 2. The new contract also addresses permanent disability as approved at May 2014 Town Meeting and requires ethics and sexual harassment law signoffs.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the three-year agreement with the Leicester Firefighters Association. Under discussion, Mr. Belanger noted this wage increase is long overdue as we asked the firefighters and highway employees to give more while receiving less compensation during the recession so we are now finally starting to rebuild. The motion carried unanimously.

f. Amendment to Designer Services Contract – Fire & EMS Project – Context Architecture

Mr. Mizikar presented amendments to the design services and owners project manager contracts for the Fire Station. Due to the general contractor’s time delays in constructing the facility, the contracts with Context Architecture and ACG need to be extended through the final completion date of September 11th at their current rate which is \$17,500/month for Context Architecture. The general contractor is required to pay \$1,000/day in liquidated damages which will be used to offset these costs.

A motion was made by Ms. Wilson and seconded by Mr. Belanger to authorize the Town Administrator to sign the contract amendment with Context Architecture for the Fire & EMS Headquarters project. The motion carried unanimously.

g. Amendment to Owners Project Manager Contract – Fire & EMS Project – Architectural Consulting Group

Mr. Mizikar presented the amendment to the Owners Project Manager Contract with Architectural Consulting Group through September 11th with a closeout date of October 27th in the amount of \$105,000.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to authorize the Town Administrator to sign the contract amendment with Architectural Consulting Group for the Fire & EMS Headquarters project. Under discussion, Mr. Brooks asked if the \$1,000 in liquidated damages will cover both contract amendments. Mr. Mizikar stated it will not cover in full if another 153 days are needed but there are many avenues to pursue and

the Town still has sufficient appropriated funds on hand to pay for these costs and will do all we can to recover the funds. The motion carried unanimously.

Mr. Mizikar added information regarding the retirement of Town Counsel. Joe Cove has asked for employment through September 30th after which he will be retiring from practicing law for 37 years. Mr. Mizikar stated Mr. Cove has been a true asset in providing advice on matters particularly from a historical perspective. Mr. Mizikar requested the Board allow the Town Administrator to solicit proposals for legal services.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to direct the Town Administrator to prepare an RFP to solicit legal services and to extend the contract with Joe Cove through September 30, 2017. The motion carried unanimously.

h. Memorandum of Understanding (MOU) with School Committee – Use of Town Hall

Mr. Mizikar presented an agreement with the School Committee which outlines the conditions for the School Department to occupy the 3rd floor at Town Hall upon the sale of 1078 Main Street (School Administration Building). The MOU includes expectations and funding for custodial and utility services. Mr. Belanger asked if the EMT training space would remain on the 3rd floor. Mr. Mizikar noted this would be moved to the new Fire & EMS Headquarters and that the renovations would only occur on the Becker side of the 3rd floor for now. The eventual goal is to add storage, an elevator, a unisex bathroom and a conference room on the other side. Ms. Wilson asked about the schedule for installing an elevator in Town Hall. Mr. Mizikar noted this is still unknown but the school department has agreed to move regardless and the Board of Selectmen passed an accessibility plan to address any issues which may arise. Mr. Mizikar expects to hear about the grant for the elevator by the end of July.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to authorize the Chair to sign the MOU with the School Committee. The motion carried unanimously.

i. Contract for Town Administrator Recruitment Services

This item was passed over.

j. Contract for Town Auditor

Mr. Mizikar presented a 3-year agreement with Scanlon and Associates for financial auditing services. This firm has audited the Town for the last three fiscal years and is well regarded and experienced.

A motion as made by Mr. Brooks and seconded by Ms. Wilson to approve the 3-year agreement with Scanlon and Associates for financial auditing services. The motion carried unanimously.

k. Purchase & Sales Agreement and Deed for Sale of 1078 Main Street

Mr. Mizikar presented a purchase and sale agreement and deed of sale with trusted Home Solutions LLC for the sale of 1078 Main Street. The company is based in Spencer and owned by Phil Olivo. The purchase price is \$50,000. The Town went through a competitive bidding process for the second time and this is the only proposal ever received. The building needs a minimum of \$130,000 in aesthetic, code and abatement renovations. The assessed value of the building is \$165,000. Mr. Mizikar received approval from legal counsel to sell the building at this price which is less than the assessed value because of the improvements needed.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the purchase and sales agreement and deed of sale for 1078 Main Street. Under discussion, Ms. Wilson asked if the building is on the historic registry. Mr. Mizikar responded it is not individual listed on the historic registry. Mr. Belanger noted that this is

the best thing to do to get the building back on the tax rolls and it will remain empty if we do not move forward with this deal. Mr. Belanger believes this is the best deal the Town will get. Ms. Wilson noted the \$50,000 is half of the cost to renovate the 3rd floor. The motion carried unanimously with one abstention (Mr. Green).

I. Changer Order 3 – Fire & EMS HQ General Contractor – Builders Systems Inc.

Mr. Mizikar presented Change Order #3 with Builder Systems Inc. in the amount of \$2,634 for the following 5 items: delete light fixture on west exterior wall due to the tower going in, increase the strength of the concrete floor in the apparatus bay to support heavy equipment, color the concrete floor in the apparatus bay, remove heaters in the restroom due to their location in the building and add emergency roof scuffers to support the roof drains on the flat roof during rain events. Mr. Brooks asked about the floor coloring. Ms. Wilson responded that it did not come out well so other alternatives are being explored.

A motion was made by Ms. Wilson and seconded by Mr. Brooks to approve Change Order #3 with Builder Systems Inc. in the amount of \$2,634 for the Fire & EMS Headquarters project. The motion carried unanimously.

m. Establish Official Meeting Posting Locations

Mr. Mizikar presented a request from the Town Clerk to designate the website and the bulletin board outside of the Town Clerk's office as the official posting locations for meeting agendas in accordance with Mass General Laws. Agendas would no longer be posted on the rear glass door of the lower level but notice will be provided.

A motion was made by Ms. Wilson and seconded by Mr. Belanger to designate the website and bulletin board outside of the Town Clerk's office as the official posting locations for meeting agendas. The motion carried unanimously with one abstention (Mr. Green).

5. DISCUSSION/OLD BUSINESS

a. Town Administrator Transition and Recruitment

Mr. Mizikar stated that the low bidder for the Town Administrator Search consultant had not arrived and was supposed to be at the meeting for 6:30pm. Mr. Mizikar noted there is often a reason and asked the Board how they would like to handle the situation. Mr. Belanger said the Town Administrator Search Committee did research and received a number of positive references for this firm from previously work but that he has specific questions to ask the firm and is not willing to move forward tonight as this is too important of a decision even though we are on a tight time frame. Mr. Green asked why we are going with the low bidder. Mr. Mizikar responded we are required to under Mass General Laws Chapter 30b Sections 4&5 unless we have a good reason to exclude. Mr. Belanger requested this item be passed over and all 3 firms be interviewed at the next Board meeting. Bonnie Layden, Chair of the Town Administrator Search Committee expressed concern that the committee is not involved in interviewing firms. Mr. Mizikar stated he worked at the direction of the Board and the Town Bylaw which states defines the purpose of the Search Committee as screening candidates and the Board can give more authority to the committee if they so choose. Ms. Wilson recommended the search committee be part of the interview panel at the next Board meeting on 7/29 at 6:00pm.

i. Interim Town Administrator

Mr. Mizikar noted the Town has a solid list of individuals interested in serving as Interim Town Administrator including names provided by MMA. Mr. Mizikar stated he is aware of other individuals who are retiring soon and/or finishing interim positions shortly and asked the Board how they would recommend he proceed. Mr. Belanger noted that a past Town Administrator who is well known and liked is available and why go much further when we can make an offer without advertising because we are hiring a temporary position.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to direct the Town Administrator to negotiate a tentative agreement for the Interim Town Administrator position and bring it back to the board for their review. The motion carried unanimously.

b. Class II License Policy

Mr. Mizikar presented a first draft of the Class II License policy as required by the Town's bylaws. The majority of the policy includes the steps required to obtain a license and makes it easier to do inspections and ensure we are treating all dealerships the same. Mr. Mizikar asked the Board to provide comments prior to the next Board meeting. Mr. Green asked if existing businesses will have to comply with this policy. Mr. Mizikar responded that they will and there is nothing in the policy that has not been already enforced from a public safety standpoint. Dealerships will be required to comply with this policy in December when their licenses are up for renewal.

6. TOWN ADMINISTRATOR REPORT

The Town Administrator presented highlights from his written report.

7. MINUTES

a. May 22, 2017

b. May 31, 2017

This item was passed over.

8. BOARD OF SELECTMEN REPORTS

Mr. Green stated he is taking it all in and thanked everyone for helping him get adjusted.

Ms. Wilson stated the Fire Station project is going well and should be 100% watertight by the end of next week. The siding, retention wall and the driveway will be going in soon and the temporary library parking location will change. Ms. Wilson thanked everyone who voted for her and said she is happy to be back.

Ms. Provencher thanked everyone who voted for her and thanked them for their trust in her. Ms. Provencher attended the Worcester County Selectmen's Association Meeting which discussed MassDEP stormwater management and MS4 permits.

Mr. Belanger thanked Kara Miller who assisted in taking down the flags and crosses on the common on her day off. Mr. Belanger asked if there are any concrete plans to reutilize the beach at Burncoat Park. Ms. Provencher stated that there is hope to reopen the beach someday if funding can be obtained but no concrete plan right now. Mr. Belanger presented a list of previous Town Administrators which are Russ Connors from 1981-1985, Ed Thorn from 1985-1988, Henry Danis from 1988-1994, Jim Purcell from 1994-2002, Dexter Boise as Interim from 2002-2003, Bob Reed from 2003-2013 and Kevin Mizikar from 2013-2017.

9. EXECUTIVE SESSION, MGL CHAPTER 30A, SECTION 21A

a. Exception #6 – To consider the purchase, exchange, lease or value of real property

A motion was made by Mr. Belanger and seconded by Mr. Brooks to enter into executive session and resume in open session only for the purpose of adjournment.

Vote by Roll Call: All Ayes

The motion carried unanimously.