

**MINUTES  
BOARD OF SELECTMEN MEETING  
DECEMBER 5<sup>TH</sup>, 2016  
TOWN HALL, SELECTMEN'S CONFERENCE ROOM**

**CALL TO ORDER/OPENING**

Chairman Belanger called the meeting to order at 6:33pm. Chairman Douglas Belanger, 2<sup>nd</sup> Vice Chair Thomas E. Buckley, III, Selectwoman Dianna Provencher, Assistant to the Town Administrator Kristen Forsberg and Student Liaisons Jaymi-Lyn Souza and Robert Kemp were in attendance. Vice-Chair Harry Brooks and Town Administrator Kevin Mizikar arrived at 6:53 and Selectman Michael Shivick arrived at 7:02 after attending a meeting with the Water Districts.

**PUBLIC COMMENT PERIOD**

No members of the public provided comment

**1. SCHEDULED**

**2. CORRESPONDENCE**

**a. Student Liaison Reports**

The Student Liaisons read excerpts from their written reports.

**3. NEW BUSINESS**

**a. Resignations**

None

**b. Appointments**

**i. Special Police Officer – Jeffrey Tebo**

A motion was made by Ms. Provencher and seconded by Mr. Buckley to appoint Jeffrey Tebo to the position of Special Police Officer for the Town of Leicester. The motion carried unanimously.

**ii. CDBG Group – Kevin Forti**

A motion as made by Ms. Provencher and seconded by Mr. Buckley to appoint Kevin Forti to the CDBG Group. The motion carried unanimously.

**c. Rt 56 Order of Taking**

Kristen Forsberg presented the easement deeds and order of taking for the Route 56 project. Out of 28 properties, 15 donated easement deeds were signed, 10 deeds for appraised properties which require payment were signed and 3 properties are required to be taken by eminent domain. The cost of the appraisals for non-donated properties was \$9750 and the cost of the non-donated easements in aggregate is \$5,330. Ms. Forsberg asked for the Board's consideration of the request to sign the Order of Taking including taking 3 easements by eminent domain.

A motion was made by Mr. Buckley and seconded by Ms. Provencher to sign the Order of Taking for the Route 56/Paxton Street Roadway Improvement Project easements. The motion carried unanimously.

Ms. Forsberg added that the next steps include recording the deeds and the order of taking, mailing checks to property owners, putting the project out to bid on December 17<sup>th</sup> with a start date of late spring/early summer 2017.

**d. 2017 License Renewals**

Ms. Forsberg pointed out that there are several Class II licenses for approval at this time which have passed the fire inspection by Mike Wilson. The Town may have to issue conditional licenses for a short time period to those businesses working to get into compliance but Ms. Forsberg stated she is hoping to have most businesses in compliance and before the Board for approval by the next meeting.

Ms. Provencher asked what the Fire Department is inspecting. Ms. Forsberg responded that the Fire Inspector is doing a full inspection of all Motor Vehicle repair and Class II license holders to make sure they are in compliance with the number of vehicles they are required to have, they all have business certificates and they meet all fire code requirements including adequate fire lanes on the property. This is new for this year.

Ms. Forsberg noted that a few of restaurants need to have TIPS training updates for servers and the Town will be issuing a conditional letter with the licenses noting these establishments have until January 31<sup>st</sup> to update expired trainings.

A motion was made by Ms. Provencher and seconded by Mr. Buckley to approve the vehicle license renewals as presented. The motion carried unanimously.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to approve the liquor license renewals as presented. The motion carried unanimously.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to approve the common victualler and miscellaneous license as presented. The motion carried unanimously.

Ms. Forsberg noted about 75% of all licenses have been received and approved by the Board. Renewal applications were due December 1<sup>st</sup> and late notices are going out to those who have not yet renewed.

**e. Memorandum of Agreement - Town Administrator**

Mr. Belanger stated that at the direction of the Board, the Chair and Vice Chair entered into contract negotiations with the Town Administrator with the intent to keep him here through at least 2019. The Board established parameters and Mr. Belanger and Mr. Brooks were able to stay within these parameters and come to an agreement to retain the Town Administrator. Mr. Belanger stated Mr. Mizikar is very valuable to the Board and the community and the Board has been overwhelmingly pleased with him. The agreement runs from December 5, 2016 through September 30, 2019 and the terms amend Mr. Mizikar's salary to \$140,000, increase his annual raise to 5% and increase his annual deferred compensation to \$5,000.

A motion was made by Mr. Brooks and seconded by Mr. Buckley to approve the Memorandum of Agreement with the Town Administrator. The motion carried unanimously.

Mr. Brooks noted how far the Town has gone in the past 3 years because of Mr. Mizikar and losing him would be a big lost for the Town so he is very grateful to keep him to work on the many projects going on.

Mr. Mizikar thanked the Board and stated he has been reinvigorated through the process, appreciates the Board's support and will do everything he can not to let them down.

**f. Shop Leicester First Proclamation**

A motion was made by Ms. Provencher and seconded by Mr. Shivick to declare the month of December as “Shop Leicester First Month”. The motion carried unanimously.

**4. DISCUSSION/OLD BUSINESS**

**a. Phase I – Auburn Street Parcel Donation**

Mr. Mizikar discussed the research into conducting a Phase I on parcel that could potentially be donated to the Town on Auburn Street. Mr. Mizikar thought the preliminary environmental analysis would cost \$800. However, he received two proposals; one for \$2,000 and one for \$4,500. The scope from the \$4,500 proposal was included in the Board packet for reference as it was more fleshed out. As the cost of the Phase I appears to be almost 3 times the original amount stated, Mr. Mizikar wanted to come back to the Board and suggest that the Board allow the process to continue on its own without doing an environmental investigation and see where the estate lies when the Town is in a better financial position as there is not money in the budget to take on a project of this magnitude. Mr. Shivick asked if there is a pared down version. Mr. Mizikar stated that this is the minimum level of investigation that needs to be done. Mr. Mizikar noted the estate has no real ties to Leicester and has stopped paying taxes. If the Town were to ever take the property through tax title an investigation would need to be done at that time which would be in at least 2 years. Mr. Belanger expressed his concern about taking the property no matter how it is taken as he predicts there will be issues with the site.

**b. Water Issues**

Mr. Mizikar has had conversations with two companies and has reached out to a third regarding the Moose Hill cost benefit analysis. Mr. Mizikar will also be meeting the legacy company from SEA which did the original study to see what options the Town has to improve on the original study and maybe not reinvent the wheel. Mr. Mizikar intends to look at the cost of updating the original study versus having a completely new entity come in as there are merits to both.

Mr. Mizikar noted the meeting this evening with the Leicester Water District was productive. A conversation about the District’s intentions for future well treatment plants was discussed. Cherry Valley Water District asked for help publicly and many questions were asked about Moose Hill.

Ms. Provencher stated that even if we find out that Moose Hill is the way to go she would still like to look into a private company that would manage the water and send it out to the districts and give the Town money for water usage. Mr. Mizikar noted that one of the companies he is talking to is a water operator.

Mr. Shivick stated it came out in the meeting that the current supplies of the Leicester Water District is inadequate to supply the Cherry Valley Rochdale Water District for any period of time. Mr. Shivick noted there was funding in the past to develop Moose Hill but it had to be used to cap the landfill. Mr. Shivick recommended looking into State funding such as the environmental bond bill and speaking with Senator Gobi’s office on how they obtained funding for the dam at Stiles. Mr. Shivick stated everyone is pointing the finger and every time Moose Hill gets pushed down the line it gets more expensive. Mr. Shivick concluded by stating that if having quality water and sufficient water quantity is not important then maybe he is on the wrong board.

**c. Host Community Agreement – Medical Marijuana – Natural Healthcare**

Mr. Mizikar presented the latest draft of the host agreement with Natural Healthcare for their medical marijuana facility to be located at the former Leicester Tool and Die. The agreement provides for a community impact fee due to the disparate impact that the business will have on certain aspects of Town services and Mr. Mizikar noted he would like to add public health services as an impacted area. The agreement requires 15 payments of \$50,000 with the first payment coming due 13 months after the business begins operations payable in two

separate payments throughout the calendar year . The total value of the agreement is \$750,000. The business will also pay regular taxes and has agreed to do their best to hire local individuals who are qualified. They expect to hire a total of 30-50 individuals once fully operational.

Mr. Brooks asked where this money would go to. Mr. Mizikar noted we have at least 13 months to decide and could be very specific or let it flow to general local receipts but would like to earmark our revenues better.

Mr. Belanger asked if it would be possible to put away \$5,000 per year for parks. Mr. Mizikar stated it would have to be related to one of the impacted areas which are roadways, public safety or public health. The Town has to show the business is going to unevenly drain resources from certain areas to use an impact fee.

Mr. Shivick asked if the amount we are receiving is reasonable compared to other communities. Mr. Mizikar stated the agreements vary widely and he has seen agreements where the initial payment is \$250,000. Mr. Mizikar had a round of negotiations with much larger numbers but anything above \$50K caused the company to be no longer interested in pursuing their operations here.

Mr. Brooks asked if the Town can change the host agreement if the business becomes recreational. Mr. Mizikar stated natural Healthcare would have to apply for a completely separate license to operate a recreational facility but the Town can't formally or legally preclude them from pursuing other business opportunities.

Mr. Shivick asked Mr. Mizikar to do his best to protect the Town if Natural Healthcare should try and bring in a national corporation to run the business.

## **5. TOWN ADMINISTRATOR REPORT**

The Town Administrator provided highlights from his written report.

## **6. BOARD OF SELECTMEN REPORTS**

Mr. Shivick noted that Cherry Valley Rochdale Water District will be meeting at 7pm tomorrow and at 9pm tonight LCAC will be airing their last special meeting. Mr. Shivick stated documents pertaining to Moose Hill are available on the Town's website. Mr. Shivick asked about graffiti in Towtaid Park and Mr. Mizikar said he would reach out to Bob Pingeton at Parks and Rec. Mr. Shivick noted that there was a car fire and he called dispatch and PD arrived in two minute and Fire arrived in four minutes so there were no issues with dispatch.

Ms. Provencher said the arts and crafts fair at the high school was great and all of the student volunteers did a great job.

Mr. Brooks noted the tree lighting on the common was held on Saturday at about 100 people showed up for snacks, bands singalongs and a reading with Mrs. Claus. Also, Parks and Rec had their first weekend of basketball games and it was very successful.

Mr. Belanger reiterated the idea of Shop Leicester First stating it is critical to small businesses. Most gifts can be bought in Town if you put your mind to it including scratch tickets and spirits. It is hard enough to get new businesses in to Town but we should be keeping and supporting the ones here. Mr. Belanger also congratulated the Wolverines on beating Spencer.

## **7. MINUTES**

### **a. November 7, 2016 – Amended**

A motion was made by Ms. Provencher and seconded by Mr. Shivick to accept the minutes of November 7, 2016 as amended. The motion carried unanimously.

**b. November 21, 2016**

A motion was made by Ms. Provencher and seconded by Mr. Shivick to accept the minutes of November 21, 2016 with the following correction:

- Pg 5, first sentence should read “going to come”, not “coming to come”

The motion carried unanimously

**8. EXECUTIVE SESSION**

No executive session was held.

A motion to adjourn was made by Mr. Brooks and seconded by Mr. Buckley at 7:42pm. The motion carried unanimously.