

**MINUTES  
BOARD OF SELECTMEN MEETING  
DECEMBER 19<sup>TH</sup>, 2016 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, 2<sup>nd</sup> Vice Chair Thomas E. Buckley, III, Selectwoman Dianna Provencher, Selectman Michael Shivick, Town Administrator Kevin Mizikar, Assistant to the Town Administrator Kristen Forsberg and Student Liaisons Jaymi-Lyn Souza and Robert Kemp were in attendance.

**PUBLIC COMMENT PERIOD**

No members of the public provided comment

**1. SCHEDULED**

**2. CORRESPONDENCE**

**a. Student Liaison Reports**

The Student Liaisons presented highlights from their written report.

**b. Senior Center Donations**

A motion was made by Ms. Provencher and seconded by Mr. Brooks to accept the donations to the Senior Center. The motion carried unanimously.

Mr. Belanger read a letter from the Leicester Public Schools Office of the Superintendent expressing appreciation and gratitude for the work done by the Police Department.

**3. NEW BUSINESS**

**a. Resignations**

None

**b. Appointments**

None

**c. 2017 License Renewals**

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

Mr. Belanger asked about the outstanding renewals. Mr. Mizikar responded that we have never closed down a business for failing to renew a license and the only licenses we are every really concerned with would be alcohol licenses which have all renewed. Mr. Mizikar noted Wings & Company are changing owners and we are working with them and Board of Health to get everything updated. The other businesses have been nonresponsive but Mr. Mizikar stated he does not believe we have the authority to close them down in advance of the December 31<sup>st</sup> deadline but staff will continue to work with them on a day to day basis. Mr. Mizikar noted it is often a paperwork issue and we have had conversations with businesses.

Ms. Forsberg noted they received their initial renewal letter in early October, late notices went out December 1<sup>st</sup> and second late notices will be sent out tomorrow. Ms. Forsberg noted she reached out by phone to those remaining businesses today.

Mr. Shivick asked if any of the outstanding businesses wished to renew prior to the end of the year could another Board meeting be scheduled unless Mr. Mizikar felt it was not a problem to wait until January. Mr. Brooks stated if the Town Administrator is not concerned that something has to be done they could go on the first January agenda unless there is an outstanding issue with a business and if so he would like to know. Mr. Mizikar stated we will send out notices January 1<sup>st</sup> if they are operating without a license and continue to reach out to the businesses. Ms. Forsberg noted that we have always had a couple of renewals that have been late. Mr. Belanger noted it is more of an issue for the business if they are operating without a license and an issue arises. He added he hopes they step up and finish the process.

The motion carried unanimously.

**d. Public Records Law Required Actions**

Mr. Mizikar discussed the new public records law which takes effect Jan 1, 2017 and puts more responsibility on municipalities and additional work on staff without being able to recoup the costs from the records requestors. In accordance with the new regulations Mr. Mizikar requested the Board assign the role of Records Access Supervisors to the Town Clerk and Town Administrator and the role of Records Access Officers to the Chief of Police, Fire/EMS Chief and Director of Inspectional Services for their respective departments.

A motion was made by Mr. Brooks and seconded by Mr. Buckley to appoint the Records Access Supervisors and Records Access Officers as presented. The motion carried unanimously.

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

Mr. Mizikar presented a host agreement with Natural Healthcare who have decided to come to Town and bring jobs at 1764 Main Street by starting a medical marijuana cultivation and dispensary. The agreement defines a number of areas where Town operations and different aspects of the municipality would be impacted and sets an impact fee at \$50,000 per year which is payable as soon as operations begin out of the facility. Mr. Mizikar noted the business has met with the Board several times and participated in a public information session and that he is comfortable recommending the Board sign this agreement.

Rob Lally, COO of Natural Healthcare, stated he is excited about working with the Town and getting started on this project. Natural Healthcare has engaged Cutler Engineering out of Worcester and have been working on a very safe and well-engineered site plan. They are hoping to meet with the Building Inspector to discuss the first draft later this week. Natural Healthcare has also received their provisional certification and provisional license from the State Department of Public Health which allows construction to begin. Mr. Lally stated he believes this is a very good host agreement which never provides less than \$50,000 to the Town per year but can also be modified if impacts become greater. Mr. Lally stated the facility should be fully operational sometime later this summer provided all goes well.

Mr. Belanger asked how Natural Healthcare plans on making sure an advertisement gets out to the people in Leicester to fulfill Natural Healthcare's promise to hire local. Mr. Lally stated they would advertise locally and have already reached out to a number of local contractors to get them involved early in the process. Mr. Mizikar will consider whether or not this announcement can go on the Town's website per Mr. Belanger's request. Mr. Belanger added LCAC could be used and Mr. Brooks requested Natural Healthcare get the job advertisement once ready to Mr. Mizikar even if it can't go on the website.

Mr. Shivick asked if Natural Healthcare will be making a \$2-3M investment into the property. Mr. Lally responded affirmatively and stated that between 30 and 40 jobs will be created. Dept. of Public Health regulations will require video monitoring and indoor/outdoor cameras. Video is required to be retained for a certain period of time in case the State needs to see it. Natural Healthcare will also be integrating their cameras into the regional dispatch center system.

Mr. Buckley asked what happens at the end of the agreement in 15 years. Mr. Mizikar stated it would be up to the parties at that time and noted Natural Healthcare has a 15 year lease with a 5 year option.

A motion was made by Mr. Shivick and seconded by Mr. Brooks to approve the Host Community Agreement with Natural Healthcare for their medical marijuana facility at 1764 Main Street. The motion carried unanimously.

**f. Tax Agreement – ZPT Energy Solutions, LLC – 148 Henshaw Street – Photovoltaic Array**

Mr. Mizikar presented a tax agreement for a solar electricity agreement for 148 Henshaw Street. The Town worked with the developer to fix the rate of depreciation and value the land and personal property through this agreement. The agreement is different than those in the part in that it retains the term of 20 years but does not have equal payments due to new rulings by the Appellate Tax Board. The agreement will provide a total of \$223,732 in revenue to the Town over its 20-year term. Tax Attorney Nick Bernier noted he has worked with the Assessor and the Town Administrator to come up with an agreement that sets a value instead of a payment so the tax assessed matches the property values. Mr. Bernier stated the rate is fair and that personal property depreciates.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to approve the solar tax agreement with ZPT Energy Solutions, LLC for a photovoltaic array at 148 Henshaw Street

Under discussion, Mr. Brooks asked what happens if something gets damaged. Mr. Bernier responded they would install new panels and the valuation does change after 10 years so the cost would be negotiated at that time but would be proportional. Typically, panels are replaced rather than a new system going in. The agreement leaves this issue open to discussion. Mr. Shivick asked about the current replacement rate over that period of time and Mr. Bernier responded that it is well under 10% and maybe even 5%. Mr. Buckley noted the payment comes out to approximately \$8,000 per megawatt and while the payments have been \$15,000 per megawatt in the past the market has changed and the appellate tax board will say the project is tax exempt if it goes to them for further negotiation.

Ms. Souza noted that if the agreement is for 20 years the term should run through 2037 not 2042 as stated. Ms. Provencher amended her motion to approve this change in date.

The motion carried unanimously.

**g. Change Order #2 – Builder Systems Inc. - Fire & EMS Headquarters Project**

This item was passed over.

**4. DISCUSSION/OLD BUSINESS**

**a. Liaison Appointment Policy**

Mr. Shivick requested this item be added to the agenda and noted at the 11/7 Board meeting there was extensive discussion regarding appointments to liaison positions and Mr. Shivick was removed as the liaison to the Water Districts. Mr. Shivick noted this was a unilateral decision made by the Chair but that the Board policies allow for

the Chair to make these appointments “unless otherwise determined by the Board” and asked if the Board wanted to take any action.

Ms. Provencher stated it is the responsibility of the Chair to make liaison assignments unless otherwise determined by the Board and the Chair has historically made these appointments. Mr. Belanger stated he received a request from the Chair of the Leicester Water District to have Mr. Shivick removed as liaison and if the Board doesn’t want to deal with an individual it is defeating the purpose of being a liaison. Mr. Belanger noted he spoke with Mr. Buckley who expressed concern about this at the November meeting adding that he tried through numerous meetings and conversations to attempt to get cooperation from Mr. Shivick and wanted to respect the request from the Leicester Water District Board. Mr. Belanger added he would always respect if there is a board motion and majority rule on anything as the Chair should not be overly dominate. Mr. Belanger stated the Town has been making progress on the very important issue of water and the liaison position helping this process along is very important to the entire community. Mr. Belanger stated the removal was not politically motivated but rather his desire to get this issue resolved for the people who need the Board to help solve this serious matter.

Mr. Buckley stated when he asked Mr. Belanger to reconsider he noted people make mistakes and behooved him to reconsider at discuss this at the next meeting. However, after reading the responsibilities of the Chair in the Town Policies, he does not see any violations and asked Mr. Shivick what was he was looking for.

Mr. Shivick stated there seemed to be a curtailment of discussion at that meeting and recalled it would have been a unilateral move regardless of any Board action.

Mr. Belanger stated Mr. Buckley did ask him to reconsider and there was no motion. Mr. Belanger added that curtailing discussion is also one of the responsibilities of the Chair so as to not spend too long on any particular subject once it is exhausted. Mr. Belanger stated too much time has been spent on issues distracting the Town Administrator from his job and the responsibility starts with the Chair to protect the integrity and ability of the Chair to work closely with and protect the administration.

#### **b. Recreational Marijuana**

Mr. Mizikar provided information on the new recreational marijuana legislation. Leicester voted to approve this legislation and can collect an additional 2% tax on licensed retailers. Retail shops will not come online until January 1, 2018. There is a direct connection to medical marijuana laws in that if an organization has at least a conditional license to operate a medical marijuana facility as of December 15, 2016, they will be given preference in the application process for a recreational facility. The State wants to give preference to at least 75 entities prior to January 1, 2018. The regulations allow for a certain amount of local control including limitations on time and use through a bylaw which would have to go to Attorney General for review and approval. However, the Town can’t stack the deck so far against these entities that a reasonable person would not want to do business in Town. The Town can pass a zoning ordinance on particular types of uses in particular districts like we did for medical marijuana but the Town can’t prohibit recreational marijuana in any area in which medical marijuana is allowed, meaning the Town can’t be more restrictive than the existing medical marijuana zoning bylaw. The Town can also limit the number of establishments by adopting a bylaw that prohibits the operation of one or more types of facilities or limits the number of facilities to 20% of the number of alcohol pouring licenses or the number of medical marijuana treatment facilities approved. If the Town wants to limit the number of establishments to fewer than 20% of our package store licenses it would allow for only 1 license in Town but we need to act quickly. Mr. Mizikar noted he will be working with the PD and staff to make a recommendation on the best way to move forward.

**c. Water Issues**

Mr. Mizikar stated that Selectmen Shivick requested a more detailed update on water issues and the path forward. Mr. Mizikar noted that he expects proposals by the end of the week for the Moose Hill cost/benefit analysis and should have all 3 in hand by the first week of January and be able to decide which company to move forward with. Mr. Mizikar noted that at the December 6<sup>th</sup> Cherry Valley Rochdale Water District the votes supported 5 out of the 6 articles. The voters did not approve an enhanced permanent connection with the City of Worcester but did approve the other articles needed to fund operations through the end of the fiscal year and impacted by the current interconnection with the City.

**5. TOWN ADMINISTRATOR REPORT**

The Town Administrator presented highlights from his written report.

**6. BOARD OF SELECTMEN REPORTS**

Mr. Shivick stated that Mr. Mizikar is doing an excellent job with Moose Hill and recommended speaking with Senator Moore regarding getting on the environmental bond bill. Mr. Shivick appreciated the update on Towtaid Park and stated he has been authorized by Parks and Rec to take a preliminary look at how to redo the parks.

Ms. Provencher wished everyone a merry Christmas and a happy new year.

Mr. Buckley read a thank you letter from Irene King for her birthday proclamation. Mr. Buckley wished the community a Merry Christmas and a happy new year. Mr. Buckley thanked Mr. Shivick for his efforts on behalf of the water districts and looks forward to progress for the community through his and Mr. Mizikar's efforts.

Mr. Brooks has put his name down to serve on the Cannabis Control Commission but does not know if he will be picked. Mr. Brooks noted the CMRPC economic development meeting on water and wastewater was very informative. He added that residents will be getting a survey on Town Hall accessibility that can be completed online and in the Town Clerk's office and encouraged residents to complete it.

Mr. Belanger noted that the next BOS meeting is January 9<sup>th</sup> and thanked Phil Robo for changing the sign in the center of Town to read Shop Leicester First. Mr. Belanger read a poem by Corporate James Schimidt dedicated to all who serve in the armed forces.

**7. MINUTES**

**a. December 1, 2016**

A motion was made by Ms. Provencher and seconded by Mr. Shivick to approve the minutes of December 1, 2016. The motion carried unanimously.

**b. December 5, 2016**

A motion was made by Ms. Provencher and seconded by Mr. Buckley to approve the minutes of December 5, 2016 with one change: on the last page the suggestion to put \$5,000 a year away for Parks from the Host Community Agreement with Natural Healthcare came from her, not Mr. Belanger. The motion carried unanimously.

**8. EXECUTIVE SESSION**

No executive session was held.

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Brooks at 8:01pm. The motion carried unanimously.