

**MINUTES  
BOARD OF SELECTMEN & PLANNING BOARD MEETING  
JANUARY 23, 2017  
TOWN HALL, SELECTMEN'S CONFERENCE ROOM**

**CALL TO ORDER/OPENING**

Chairman Belanger called the meeting to order at 6:32pm. 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 along with Deb Friedman, Jason Grimshaw, Alaa Abusalah and Sharon Nist from the Planning Board.

**PUBLIC COMMENT PERIOD**

No members of the public provided comment

**1. SCHEDULED**

**6:30pm – Central Massachusetts Regional Public Health Alliance**

Karyn Clark, Director of the City of Worcester's Department of Public Health and her staff gave an overview of services provided to the Town of Leicester through the Central Mass Regional Public Health Alliance. Leicester is part of the Alliance, which provides health inspectional services through Julie VanArsdalen, emergency planning and preparedness including shelter and emergency dispensing site activities, a Medical Reserve Corps that can be mobilized in a time of crisis, health fairs and informational displays at the Senior Center, infectious disease resources, Town flu shot clinics, community health surveys, tobacco prevention and substance abuse resources, etc. Town Administrator Kevin Mizikar chairs the Alliance's Governance Committee which meetings quarterly. The Alliance became the first accredited health department in Massachusetts in March of last year and the first multijurisdictional health department in the country to be certified.

Mr. Belanger asked for a phone number individuals who are interested in signing up for the Medical Reserve Corps can call and the number given was 508-799-1764

**6:45pm – Liquor License Transfer of Ownership – Crossroads Market**

Mr. Belanger read the public hearing notice. A motion was made by Ms. Provencher and seconded by Mr. Shivick to open the public hearing. Tom Truax, attorney for Saad Souriel, presented the request for a liquor license transfer from Leicester Food and Beverage to St. Antony Inc. for Crossroads Market, 1060 Main Street. Mr. Souriel with St. Antony Inc. has not had a liquor license before but will receive training from Crossroads for a minimum of 4-8 weeks and will be taking a training from the Mass Package Store Owners Association. Mr. Souriel has owned a convenience store for five years and therefore does have retail experience.

Mr. Belanger welcomed the new owner and expressed his desire for the business to succeed but noted the Board is very strict when it comes to violations of any sort. Mr. Belanger advised Mr. Souriel to take every precaution when it comes to carding shoppers. Mr. Shivick echoed Mr. Belanger's sentiments wholeheartedly and asked where Mr. Souriel's convenience store is location. Mr. Souriel responded in Framingham and that he owned a pizza place prior to the convenience store for 23 years. Mr. Buckley commented that the documentation was very thorough and Ms. Provencher welcomed Mr. Souriel to Leicester.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to close the public hearing. The motion carried unanimously.

A motion was made by Ms. Provencher and seconded by Mr. Buckley to approve the liquor license transfer contingent upon a complete background check by the Leicester PD. The motion carried unanimously.

A Motion was made by Ms. Provencher and seconded by Mr. Brooks to approve the pledge of license contingent upon a complete background check by the Leicester PD. The motion carried unanimously.

#### **7:00pm – Pole Hearing – Marshall Street**

Kelly Crea with Verizon presented a request to place two stub poles with guidewires attached to it to remove the wires from the trees as National Grid is upgrading their facilities. Elizabeth Brown at 23 Marshall Street asked if the pole was being installed just to support the pole across the street. Ms. Crea responded in the affirmative, stating that when the wires are moved, they will pull the pole backwards so a stub pole is needed to hold the wires upright. The service will remain the same and only the existing wires will be seen.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to approve the request for joint pole location on Marshall Street. The motion carried unanimously.

#### **7:00pm – Pole Hearing – Auburn Street**

Kelly Crea with Verizon presented a request to relocate a pole adjacent to a solar farm on Auburn Street. Guidewires are currently going across the entrance to the solar farm and need to be relocated so trucks can get into the site with equipment. This hearing was continued from January 9<sup>th</sup> due to concerns expressed by the adjacent property owners. Ms. Crea stated a location next to the abutter's mailbox between the two driveways has been agreed upon and reviewed on site by both the Town Administrator and Highway Superintendent.

Christie Moran of 323 Auburn Street stated they are not completely happy with the location but have been told this is their only option unless they want guidewires going across their driveway. Ms. Moran stated another location had been agreed upon by all parties but that the owner of the solar farm backed out the next day. This preferred location would have moved the pole another 3 feet away from their mailbox and which Ms. Moran stated would have helped them out aesthetically. Mr. Brooks asked why the solar farm did not like this location. Ms. Moran stated that due to a storm drain, the pole was going to have to move five feet up the embankment on to his property and the solar far developer was not in agreement. Mr. Shivick asked there was any feasible alternative design and if the Morans would like the hearing continued. Ms. Moran stated she would like to make sure all options have been exhausted. Kelly Crea recommended continuing the hearing to February 13<sup>th</sup>. Mr. Mizikar stated the Town did their due diligence, had conversations with all parties and looked at several locations. Mr. Mizikar stated that the option presented to the Board this evening was the option agreed upon by all parties.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to continue the pole hearing to February 13<sup>th</sup>. The motion carried unanimously.

## **2. CORRESPONDENCE**

### **a. Student Liaison Report**

The student liaisons provided excerpts from their written report. Kingsley Montiago, a junior at Leicester High School, gave a presentation about a high school science enrichment program at Harvard he is attending which is aimed at recurring high school students, particularly those from underserved and underrepresented backgrounds, into science and medicine.

## **3. NEW BUSINESS**

**a. Resignations**

**a. Nancy Lamb – Council on Aging**

Mr. Mizikar stated that Nancy Lamb is resigning from the Council on Aging in order to serve as the Temporary Outreach Coordinator for the Senior Center. A motion was made by Ms. Provencher and seconded by Mr. Brooks to accept Nancy Lamb's resignation from the Council on Aging and to send a letter of thanks. The motion carried unanimously.

**b. Appointments**

**a. Marianne DeVries – Civilian Detention Officer/Matron**

A motion was made by Ms. Provencher and seconded by Mr. Brooks to appoint Marianne DeVries to the position of Civilian Detention Office/Matron. The motion carried unanimously.

**b. Temporary Custodian**

Mr. Mizikar stated the current Town custodian will be out on extended leave and he was just notified Friday evening. Mr. Mizikar asked the Board for approval to appoint a temporary custodian on an as needed basis between now and the next meeting at which he will present a name for consideration.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to give the Town Administrator the ability to appoint a temporary custodian for the Town. The motion carried unanimously.

**c. Vote to Fill Planning Board Vacancy**

Jason Grimshaw, Chair of the Planning Board, stated that David Wright has announced his resignation from the Planning Board and Andrew Kurlarski has applied and is recommended by the Planning Board to take his position. It is a joint Selectmen/Planning Board appointment when filling a Planning Board seat vacated partway through a term.

A motion was made by Debra Friedman and seconded by Sharon Nist to appoint Andrew Kurlarski to the position.

**Vote by Roll Call – Planning Board**

Sharon Nist – Aye

Deb Friedman – Aye

Jason Grimshaw – Aye

**Vote by Roll Call – Board of Selectmen**

Douglas Belanger – Aye

Harry Brooks – Aye

Tom Buckley – Aye

Dianna Provencher – Aye

Michael Shivick – Aye

The motion carried unanimously.

**d. Tarentino Family Fundraiser Run**

Mr. Mizikar presented a letter from Sue Rowland requesting to hold the first Tarentino Strong fun run on Sunday, April 30, 2017. All proceeds will go to the Tarentino family and the Ronald Tarentino Jr. scholarship fund. The race will be coordinated through the police department and they have done an initial review of the plan.

A motion was made by Mr. Brooks and seconded by Ms. Provencher to support the Tarentino Strong fun run and allow the use of town roads for the event. The motion carried unanimously.

**e. Collection Box Certificate of Compliance – 1030 Stafford Street – Planet Aid**

Mr. Mizikar stated the Town has become aware of a collection box at 1030 Stafford Street owned by Planet Aid that does not currently have the required Certificate of Compliance issued by the Board of Selectmen. It was brought to our attention because of illegal dumping issues. Planet Aid has been very responsive since we put them on notice that they need to come into compliance with this bylaw, address the dumping and empty the box quickly. Planet Aid agreed to establish no dumping signs and add a camera in the area. Planet Aid has provided the required sign off from the property owner and the Town will continue to work with the property owner, residents and operator to make sure the box is in compliance.

A motion was made by Ms. Provencher and seconded by Mr. Belanger to issue a Certificate of Compliance to Planet Aid for their collection box located at 1030 Stafford Street.

Under discussion, Mr. Shivick asked if issuing the certificate of compliance is contingent upon the installation of a camera. Mr. Mizikar responded that this is not a requirement in our bylaw but that the organization has agreed to do so voluntarily. Mr. Buckley asked Mr. Mizikar if he feels comfortable that the dumping issues have been addressed. Mr. Mizikar responded in the affirmative.

The motion carried 4:1 with Mr. Brooks casting the dissenting vote.

**f. Contract – Ambulance Billing and Collections Services**

Mr. Mizikar stated in December he put out an RFP for ambulance billing. The Town has handled ambulance billing internally since the inception of the Leicester EMS. Staff collect information, bill insurance providers and parties and attempt to get funds back. Mr. Mizikar stated staff has done a great job and we are appreciative of all of the work we they have done. Mr. Mizikar believes the Town could do better than our current collection rate of 57% as we are limited by complex government regulations. Private billing companies have collection rates of up to 90%.

Mr. Mizikar is recommended a two-year agreement with a one year option with ComStar for ambulance billing services. Comstar would manage billing and collections for the first 120 days then turn it over to a collection agency for further follow up with either insurance companies or private citizens. Comstar services over 80 communities, has a 90% collection rate and were ranked as highly advantageous by both the EMS Director and the Town Administrator. Comstar's best and final offer was a fee of 3.25% for the first year and 3.5% for each subsequent year which is very fair and reasonable and lower than anticipated. Comstar would receive approximately \$20,000 annually in fees and the Town's potential collections stand to increase from \$358,000 to almost \$500,000. This net increase is far greater than the fees paid to the company. Mr. Mizikar noted he does not have the contract for the Board to sign as he went back for a best and final offer but would like to have the contract in place prior to the February 13<sup>th</sup> meeting. Mr. Mizikar stated the standard contract form approved by Town Counsel will be used and Mr. Mizikar would sign on the Board's behalf should they grant him that authority.

A motion was made by Mr. Buckley and seconded by Ms. Provencher to enter into a contract with ComStar for ambulance billing services and to grant signature authority to the Town Administrator. The motion carried unanimously.

Mr. Mizikar noted that personnel will be reallocated to other areas as the Town moves into the new Fire & EMS Headquarters. There is a need to improve fire relations, administration and operations including inspections plus at least 10-15 hours per week must be dedicated to contract management.

**g. CDBG Advisory Committee Restructuring**

Mr. Mizikar discussed restructuring and renaming the CDBG Group. Mr. Mizikar asked the Board whether they would like to designate certain entities and organizations to serve on this committee to retain the ability to select from within the community as appropriate. Mr. Mizikar presented a list of recommended appointees who are representative of the projects currently being pursued using CDBG funds. Mr. Mizikar noted if the focus of the application changes in the future the Board may want to appoint different individuals to have the appropriate mix of diversity. Mr. Mizikar recommended appointing individuals with their titles noted.

Mr. Buckley asked why the Highway Superintendent was no longer on this list. Mr. Mizikar responded that at that time the committee was heavily town staffed to fill the positions but since this is a housing and public facilities application Mr. Mizikar does not see a great nexus to his position.

Mr. Shivick asked about creating a second at-large position. Mr. Mizikar responded that adding an 8<sup>th</sup> member to a 7-member board would mean someone else would need to be removed. Mr. Belanger noted there are many other volunteer positions within the Town and staff did the outreach and was successful in recruiting one at large resident. Mr. Belanger stated the administration has been held up enough looking for residents to serve on this committee and that any more stalls could be dangerous.

A motion was made by Ms. Provencher and seconded by Mr. Buckley to change the name of the group to the CDBG Advisory Committee and to appoint the following individuals to the committee:

- Michelle Buck- Director of Development and Inspectional Services
- Dan Brosnihan – Housing Authority Director
- Harry Brooks - Selectman
- Jim Reinke – Commission on Disabilities
- Kevin Forti – Representative At-Large
- Scott Francis – Town Hall Building Committee and School Committee
- Kristen Forsberg – Assistant to the Town Administrator

The motion carried unanimously.

**4. DISCUSSION/OLD BUSINESS**

**a. Complete Streets Policy**

Michelle Buck, Director of Inspectional Services, discussed the complete streets policy, which is a concept where streets should be designed to accommodate all users including pedestrians, bicycles, people with disabilities agricultural equipment etc., instead of just motor vehicles. The State has a funding program entitled “Complete Streets” and there are three steps required to receive funding. First training and policy development must take place which the Town is now working on. Ms. Buck has attended training and drafted a Complete Streets Policy which would require the Town to take into account certain principles when undertaking any road work. There are a number of exceptions including very rural streets and areas in which it is not economically feasible. Step two provides up to \$50,000 to develop a Complete Streets Prioritization Plan. The Town can work with its Regional Planning Commission or put the work out to bid. Once complete, the Town can apply for up to \$400,000 in construction funds to complete the plan. This provides the Town with the benefit of better designed streets and free funding to improve roadways.

Ms. Provencher asked if the funding could be used just for bike or walking paths. Ms. Buck stated you can take an existing street and apply for funding to make improvements to bike and pedestrian access like repairing the sidewalks. Mr. Shivick asked if Ms. Buck was looking at any streets in particular. Ms. Buck responded that this would be part of the prioritization plan, if funded but she would like to see pedestrian access between Becker College and the Town Center to improve economic development as well as repairing sidewalks and maybe adding a bicycle lane at certain locations that allow for it. Mr. Shivick noted the sidewalks at Route 56 and Stafford Streets need to be repaired.

**b. Halloween Trick or Treating Hours**

Mr. Brooks has brought up the idea of moving trick or treating hours to Saturday the past two years but the Board noted this policy change would need to be done well before Halloween to give the Police Department and the public time to comment. Mr. Brooks suggested the last Saturday of October due to safety reasons (rush hour traffic) and work schedules (many residents work until 5pm during the week). Mr. Brooks also suggested moving the time from 5-7pm to 6-8pm because either way it is dark out. Mr. Mizikar noted that this year Halloween falls on a Tuesday so the last Saturday of the month would be October 28<sup>th</sup>. Mr. Belanger noted the Town has done trick or treating from 5-7pm on Halloween for many years and has heard concerns about getting busloads of residents from other Towns. Ms. Souza recommended putting this question out to the community as a poll and seeing if one side very clearly outweighs the other. Mr. Buckley stated in one respect he signs with Mr. Belanger on keeping with tradition but nowadays with safety issues and kids having school the next day it may not be a bad idea to have it on the last Saturday of the month unless everyone comes here to trick or treat. Mr. Belanger noted that one State rep in Boston has put in a bill to make Halloween on the last Saturday of the month or the entire state. Ms. Provencher stated she is old fashioned and understands the safety factor and where Harry comes from but we have been doing it for quite a few years and no bad things have happened yet. Ms. Provencher added that we should leave it up to the people. Mr. Shivick stated it is a good idea and people have reached out to him on this issue saying they don't want trick or treating on Halloween. Mr. Shivick added that he is a traditionalist himself but we have to move with the times and if the community is saying to change it we should listen.

**c. 2018 Budget Workshop**

Mr. Mizikar presented information about the draft FY'18 budget which has been developed as a level services budget. Mr. Mizikar discussed the following changes:

- The Town Accountant has requested increasingly the Assistant Town Accountant position from 24 to 32 hours per week. Mr. Mizikar believes the budget can only support 6 additional hours per week.
- The IT budget includes \$14,000 for a lease purchase agreement for two new servers mainly to be used by the Police Department.
- A new department called "Other General Government" has been created to be more transparent about shared expenses across town departments. These costs such as paper, copy machine lease, postage and the printing of the Town report are currently overinflating the Selectmen's budget.
- Adding two additional patrol positions two the police department and going from 5 sergeants to 4 sergeants plus one lieutenant
- Increase to the electric and fuel line items in the fire and EMS departments for the new Fire & EMS Headquarters which will open next fiscal year
- Adding office hours to the Animal Control position
- Reducing the Street light budget due to solar savings
- Reducing Veterans services funding as the benefit analysis is trending downward
- Reducing \$35,000 in the energy infrastructure debt principal
- Adding new debt for the Fire & EMS Headquarters

- Building in an 8% projected increase for health insurance and a 6% projected increase for insurance
- An increase in EMS receipts reserved due to the new ambulance billing contract increased rate of return
- \$30,000 increase to State Aid which is an estimate of 0.5% increase

If all assumptions play out there would be a small amount of funding to provide enhanced services using the entire tax levy but the Town always has the option to not increase the levy by 2.5%; however, given growth and development in the Town Mr. Mizikar would not recommend this. Mr. Mizikar proposed the following options:

- Full time children's librarian for half of FY'18
- Part time shared recreation director position with the Town of Spencer
- Electronic permitting
- Enhanced internet connection at the Town Hall (fiber optics)
- Full time Animal Control Officer
- Economic development position

Mr. Mizikar noted he will update estimates to knowns and have a better idea of the bottom line once the legislative budgets come out. Mr. Mizikar will be looking for feedback from the Board on the discretionary and operating budgets in preparation for the March meeting vote on the budget.

## **5. TOWN ADMINISTRATOR REPORT**

Mr. Mizikar presented highlights from his written report. Mr. Shivick recommended holding public hearings on water to get resident opinions and concerns on record as water is a town-wide problem and the need for information and organization is not being met. Mr. Shivick added that he would like to see water issues on the next agenda if possible. Mr. Shivick asked about delays in constructing the Fire & EMS Headquarters. Mr. Mizikar responded that the general contractor sent the critical path schedule out to all of the subs who said it is impossible to complete by the contract deadline. The completion date will likely be delayed 90-120 days. There is a liquidated damages clause which the contractor will have to pay so the Town can pay the OPM and the architect to be on site for more than 300 days. Mr. Mizikar noted the project is still on budget even though it is not on time.

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

Mr. Shivick noted that private websites about the water issues in Town are getting traction and that taxpayers want real answers to this situation. Mr. Shivick has talked with Senator Moore as well and the Town has the Intermunicipal Agreement to lean back on in order to address this situation. Mr. Shivick noted there is speculation about the cost and feasibility of Moose Hill, recommended a public forum with Senator Moore and noted the Town must be shovel ready with Moose Hill in order to try and obtain environmental bond bill funding which the Town has repeatedly missed out on. Mr. Shivick added that Parks and Rec and created a subcommittee for Towtaid Park and he is the Chair. The subcommittee is looking for people who aren't already involved to participate in the revitalization of Towtaid. Mr. Shivick is writing a grant to Kaboom on behalf of Towtaid to get a playground. Students would be involved in picking out the equipment and colors if funding is awarded.

Ms. Provencher attended in the MMA annual conference and handed out information relative to the public records law. Ms. Provencher also attended sessions on open meeting law, social media and infrastructure issues. Ms. Provencher noted Leicester is not the only one having problems, especially with regards to stormwater.

Mr. Buckley noted that library staff and volunteers are working hard to prepare 1 Paxton Street for its opening as the temporary library February 1<sup>st</sup>. Mr. Buckley spoke about the Capital Improvement Planning Committee

rating and ranking process and the presentations received from department heads on their needs. CIPC will meet tomorrow and rank as best as they can and go from there as there are so many requests and very little money. Mr. Buckley complimented Mr. Mizikar on his initial budget presentation and noted he appreciated that it was very easy to follow.

Mr. Brooks thanked the Highway Department for doing a great job with all of the ice and snow storms.

Mr. Belanger stated he had the pleasure of representing the Board at Sgt. Tebo's retirement party which was attended by a large group of family, residents and coworkers. He congratulated Sergeant Tebo and his family, thanked him for his service and thanked all who are out there doing dangerous jobs. Mr. Belanger noted that it is the Chair's job to look at the agenda and determine when it is appropriate to have items on it so as to not create false hope. Mr. Belanger added that the water issue is a quality of life issue and kicking the can down the road is going to come to an end as it is affecting so many people. Mr. Belanger stated that the community knows our goal is to remedy this situation and we have multiple governmental entities looking into it.

## **7. MINUTES**

A motion was made by Ms. Provencher and seconded by Mr. Shivick to accept the minutes of January 9, 2017. The motion carried unanimously.

## **8. EXECUTIVE SESSION**

None

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Shivick at 9:21pm. The motion carried unanimously.