

**SELECT BOARD MEETING MINUTES  
NOVEMBER 5, 2018 at 6:30pm  
TOWN HALL, SELECT BOARD CONFERENCE ROOM**

**CALL TO ORDER/OPENING**

Chairwoman Provencher called the meeting to order at 6:30pm. Chair Dianna Provencher, 2<sup>nd</sup> Vice Chair Brian Green, Selectman Harry Brooks, Selectman Rick Antanavica, Town Administrator David Genereux, Assistant to the Town Administrator Kristen Forsberg and Student Liaisons Alyssa Pupillo and Katheryn Stapel were in attendance. Vice-Chair Sandy Wilson participated remotely via conference phone.

**1. EXECUTIVE SESSION**

No executive session was held

**2. PUBLIC COMMENT PERIOD**

No members of the public provided comment

**3. STUDENT LIAISON REPORTS**

The Student Liaisons provided updates from the Leicester Public Schools including the second grade trip to the Ecotarium, the primary school October food drive which donated canned goods to the Leicester Food Pantry, Memorial School students were encouraged to bring in photos of veterans in honor of Veterans Day, the Middle School Nature's Classroom trip, winter athletic night at the High School and a half day on November 9<sup>th</sup> for all schools.

**4. RESIGNATIONS/APPOINTMENTS**

**a. Resignation - Police Chief James Hurley**

A motion was made by Ms. Provencher and seconded by Mr. Green to accept the resignation of Police Chief James Hurley. Roll Call: 3:2 (Ms. Provencher and Mr. Green cast the opposing votes).

**5. OTHER BUSINESS**

**a. One Day Beer/Wine License - Maple Hill Disc Golf**

A motion was made by Ms. Wilson and seconded by Mr. Brooks to approve a one day beer/wine license for Maple Hill Disc Golf for their final tournament on November 17<sup>th</sup> from 9am to 6pm. Roll Call: All Ayes

**b. Award Library Shelving Bid and Authorize Signature of Contract**

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to award the library shelving bid and authorize the chair to sign the contract with Tucker Library Interiors. Roll Call: All Ayes

**c. Hazard Mitigation Program – Adam Menard/Chris Montiverdi**

Andrew Loew with Central Mass Regional Planning Commission presented the draft 2018 Hazardous Mitigation Plan, which must be updated every five years. The goal of the plan is to mitigate damage from natural hazards by reducing future risk and breaking the cycle of building, disaster, then rebuilding. A local hazardous mitigation planning committee led by Emergency Management Director Chris Montiverdi and the Board of Health is working on the draft updated plan. The plan will identify critical local facilities including public safety facilities and elderly housing as well as map out potential hazards during all seasons and under all weather conditions. The findings to date show that winter storms and severe thunder storms are the town's biggest hazards and the largest threat is that to above ground utilities. The plan also looks at recent hazards including flooding, snow drifting, wildfires and drought. The plan identifies 40 mitigation measures including increasing the public water supply, repairing Waite Pond Dam, incorporating hazardous mitigation measures into the 5 year capital plan,

making culvert, drainage and stormwater improvements and developing an emergency shelter inventory and plan. The final plan will come back before the Board for review this winter.

**d. 7:00pm - FY17 CDBG Performance Hearing - Andrew Loew, CMRPC**

Ms. Provencher read the public hearing notice. A motion was made by Ms. Wilson and seconded by Mr. Brooks to open the public hearing. Roll call: All Ayes

Andrew Loew with Central Mass Regional Planning Commission discussed the FY17 CDBG grant which provided \$800,000 for accessibility improvements at the Town Hall including an elevator, handicapped bathroom and ramp connecting the two lower levels of Town Hall in addition to 5 units of housing rehabilitation to address emergency issues. The Town Hall accessibility project began in May of 2018 and will be completed by the end of the year or early January at the latest. On the housing rehab side of the grant, work is currently out to bid for two properties (one to address septic issues and the other for roof repairs) with another three or four expected to start shortly. Residents must be income qualified and do not have to pay back the loan provided they remain in their rehabilitated home for 20 years. There is a waiting list of approximately 15 people in Leicester for this program.

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to close the public hearing. Roll call: All Ayes

**e. 7:00pm - MVP Listening Session – Michelle Buck, Fuss & O’Neil**

Michelle Buck and a representative from Fuss and O’Neill discussed the \$20,000 grant for the Municipal Vulnerabilities Program (MVP) study which is focused on addressing local issues resulting from climate change. The draft study shows that the number of days above 90 degrees is projected to continue increasing significantly and colder days will decrease. Weather events will become more concentrated with events including snow, sleet and possibly freezing rain all in one episode. The study will address green solutions to infrastructure issues in Town including culverts, bridges, dams and ponds, which were rated as the top infrastructure concerns. The study also identifies vulnerable populations and recommends a tree management program. The final study will come back before the Board next year for review.

**f. 7:00pm - Coderre Auto Hearing**

Mr. Genereux noted that the Select Board has the authority to revoke Class II vehicle licenses if the Board finds that Coderre Auto is in violation of one of the conditions of their license or is no longer selling used cars as their primary business. If the Board votes to revoke the license, the chair must prepare a statement of findings and the board would need to vote on this written statement of findings at a future meeting. A motion was made by Ms. Provencher and seconded by Mr. Brooks to open the public meeting. Roll call: All Ayes

Fire Inspector Mike Wilson noted it has been approximately 90 days since the start of this investigation. At the beginning, Coderre Auto had approximately 50 junk cars and as of today there are approximately 30 junk cars remaining. Mr. Wilson noted the Town of Leicester does not allow junk dealers in town. Under the Town’s Class II policy all vehicles must be in salable, drivable condition. The business must have posted office hours, and no spare or junk parts may be stored outside of the building. Mr. Wilson stated Coderre Auto is in violation of all of these requirements.

Police Chief Jim Hurley stated he conducted an inspection of the property today. Police are authorized under Mass General Laws to walk the property, inspect the vehicles and review the sale books. Chief Hurley noted the spray booth on site is unusable. While the site is being cleaned up, there are still violations that must be addressed including operating a junk yard and cleaning up the site.

Mr. Coderre stated that as of this evening there are no cars on site which violate his license. Mr. Coderre added that he has sold every car on site and that the purchaser is down on site now removing the remaining cars. Mr. Coderre noted he has been operating this business for more than 25 years and has never received a complaint until now. Jaye Coderre, Mr. Coderre's daughter, noted that Mr. Coderre's attorney was not able to be here tonight but she has copies of the vehicle titles that were sold at auction and a sales agreement for the remaining cars on site. The company who purchased the remaining vehicles is also going to take the scrap parts. A new roof was put on the building and the owner stated he and his family are working to clean up the site. Ms. Coderre added that all cars will be gone within two weeks. Mr. Brooks asked if the business was still in violation of their vehicle licenses even if all cars have been removed from the site to which Mr. Genereux responded in the affirmative due to the other issues noted by Mr. Wilson. Mr. Coderre noted he would still like to sell cars at the location but will never again amass junk cars on the site. Ms. Wilson asked if Coderre would have fixed office hours and Mr. Coderre responded that he would. Mr. Coderre noted that other dealers are doing the repairs for his vehicle but that he would like to continue selling cars.

The Board recommended Mr. Coderre put in a new application that shows posted office hours and provides for stickered vehicles for sale. Chief Hurley noted that if the license is revoked the police lose all statutory authority to inspect and regulate the site and Fire Inspector Wilson noted the fire department would be in the same situation. Chief Hurley recommended letting the license expire at the end of December so the police have two months to do enforcement. Fire Inspector Wilson stated the body shop should be permanently revoked because it is not being used and will never meet EPA standards, the Class II license should be suspended until the site complies with the Town's Class II license policy, and that Mr. Coderre should apply for a motor vehicle repair license if he does intend to continue with repair of vehicles on site.

Mr. Antanavica stated he is opposed to revoking the licenses so that police and fire have the ability to enforce regulations on the property until the end of the year. A motion was made by Mr. Brooks and seconded by Mr. Green to close the public hearing. Roll Call: All Ayes. A motion was made by Mr. Brooks and seconded by Ms. Wilson to revoke both of Coderre Auto's licenses. The motion failed 2:3 with Mr. Green, Ms. Provencher and Mr. Antanavica casting the opposing votes.

**g. IGBR Host Community Agreement**

Douglas Klier with Integrated Genetics and Biopharma Research stated he is seeking recreational marijuana cultivation and testing licenses for a 7,000 square foot building at 488 Stafford Street. Mr. Genereux stated that the proposed agreement, if approved, would be the standard going forward for small businesses. The agreement sets up a 1.5% host community agreement fee for sales up to \$1,000,000; any sales over \$1,000,000 would be subject to a 3% host community agreement fee. Mr. Genereux noted that the Cannabis Control Commission has requested towns accommodate all types of recreational marijuana businesses, including small growers in a nondescript buildings with no signs and no public traffic, which has negligible if any effect on the community. Mr. Antanavica stated getting some money is better than having the business look outside of town due to excessive fees.

A motion was made by Mr. Brooks to adjust the host community agreement 3% of all revenue. The motion received no second and failed. A motion was made by Mr. Antanavica and seconded by Mr. Green to accept the host community agreement as presented. Under discussion, Mr. Brooks felt that IGBR will be selling a specialty product which would be more expensive so they should pay a higher impact fee. Mr. Klier stated IGBR will be offering unique genetic products but as they are not yet flowing or producing THC when sold the price will not be the \$6,000 a pound price of fully grown marijuana sold at the dispensaries. The building will also be small so Mr. Klier stated the 1.5% impact fee would allow the company to scale up an the business and give time for the market to grow because as is not a market to sell to at this time. Mr. Klier further added that IGBR wants to be

an active part of the community in addition to helping the Town monetarily. Mr. Brooks expressed concern that host agreements may be null and void after five years so the Town would potentially lose 5 years of 3% up front in fees. Mr. Klier further added that as this is a non THC producing facility, odor will be negligible. Roll Call: 3:1 with Mr. Brooks casting the opposing vote (Ms. Wilson was no longer on the call).

**h. Sign Ngrid Easements - Town Hall and Burncoat Park**

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to sign the Ngrid easements for three phase power at the Town Hall and for the lighting at Burncoat Park. Roll call: All Ayes

**i. Donations – Tree Lighting Ceremony**

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to accept donations to the Town for the tree lighting ceremony. Roll call: All Ayes

**j. Donations – Senior Center**

A motion was made by Mr. Antanavica and seconded by Mr. Brooks to accept donations for the Senior Center Veterans Breakfast. Roll call: All Ayes

**k. Discuss Police Chief Recruitment**

Ms. Wilson called back in on the conference phone. The Board discussed the impending retirement of Chief Hurley at the end of the calendar year and whether or not to take the position out of service when recruiting for a new police chief. The Police Chief position was put into civil service by town meeting in 1959 and would require town meeting approval to take it out of civil service. A civil service police chief recruitment is a 3-6 month process. The evaluation of candidates can be based on education, test scoring and/or similar experience. The Town would be required to hold an Assessment Center at a cost of \$6,000 to \$8,000 to evaluate the candidates. Mr. Genereux noted that the main difference between civil service and a contract through the Board is that the chief would no longer be able to appeal Board decisions to civil service. However, a contracted employee still has a method for recourse if terminated for cause. Mr. Genereux recommended keeping the position in civil service to maintain a level playing field between candidates so the motives for the appointment are not questioned and the Town ends up hiring the best and most qualified person.

Mr. Belanger discussed a third option which would be the possibility of sharing a Chief with another community and creating a lieutenant position for the department to oversee day to day operations. Mr. Genereux has not reached out to any towns yet regarding this option because he wanted feedback from the Board. Mr. Antanavica stated we tried to share the Town Planner with Spencer and it was overwhelming and regional dispatch in Worcester is rife with problems. Ms. Wilson thanked Mr. Belanger for bringing the option up but stated the option is likely a non-starter given the surrounding towns. Ms. Wilson would like to remove the position from civil service to widen the Town's candidate pool. Mr. Genereux note that if the Board wants to remove the position from civil service no recruitment could occur until at least May as Town Meeting approval is required. Mr. Antanavica stated the Chief's job is to make the right choices which doesn't make everyone happy all of the time. He argued for retaining civil service to keep the Chief protected from board members who don't like a particular action taken due to citizen pressure. Mr. Antanavica stated the Chief's job is to make decisions that don't make everyone happy all the time, adding that a civil service process but enables the Chief to do their job without facing ramifications from Select Board. Mr. Brooks stated that civil service is an antiquated process and that many towns are moving away from using it. Mr. Genereux will research this matter further with civil service and report back to the Board at the next meeting.

**l. Warrant Signature Authority**

Mr. Genereux stated the municipal modernization act allows the select board to designate one of its members or the town administrator to sign warrants. The Town has struggled to obtain the required signatures prior to releasing checks and the new Treasurer/Collector is unwilling to release checks without the required signatures. Mr. Genereux noted he has had discussions with the Treasurer/Collector and the Town Accountant regarding weekly warrants to avoid the current lag time in paying certain vendors. Ms. Wilson volunteered to sign the warrants as she works from home and can come up to Town Hall to sign within 24 hours of being notified. A motion was made by Mr. Brooks and seconded by Mr. Green to authorize Ms. Wilson to be the sole signatory on the warrants. Roll call: All Ayes

**m. 15 Water Street/1 Paxton Street Discussion**

The Board held a joint meeting with the Historical Commission regarding 1 Paxton Street. The Commission would like to keep the building. Mr. Genereux says he sees no way the Town can afford to keep and maintain the building, adding the former Fire Station at 15 Water Street should be considered if the Historical Commission needs a location to store Town artifacts so the Board should wait to sell 15 Water Street. Mr. Genereux recommended the Town also look into removing the lockers at Town Hall and putting in display cases for historical items. Mr. Green stated that people are asking about 15 Water Street and the Town is holding on to a building that is decaying. Ms. Wilson felt the locker idea in Town Hall is a great idea but there are larger items that won't fit and she can only see 15 Water Street as being used for vehicles. Ms. Provencher stated an historical architect went through 1 Paxton Street with Deb Friedman, Don Lennerton and herself and is going to give a written report to the historical commission. Mr. Antanavica asked where the Town would get he funding from to operate and maintain 1 Paxton Street, noting the fence is falling apart and the retaining wall is crumbling. Mr. Antanavica advocated for fiscal responsibility. Mr. Brooks stated the Town should try to keep 1 Paxon Street, noting the Historical Commission will be looking at grants and foundations. Ms. Wilson stated the Town should explore all potential options for the reuse of the building prior to deciding to sell it. The Board agreed to wait for the report from the historical architect and discuss the issue further at that time. A motion was made by Mr. Brooks and seconded by Mr. Antanavica to retain ownership of 15 Water Street until further notice. Roll call: 4 ayes and one nay (Mr. Green)

**n. Town Administrator Performance Review**

This item was moved to the next Board agenda. Ms. Provencher sent out an email to all board members asking for feedback and handed out the responses she received. She asked the Board to review the feedback prior to the next meeting.

**o. Handicapped Parking at Town Hall**

Mr. Brooks discussed adding handicapped parking spaces at Town Hall once the accessibility project is finished and the parking lot is regraded and paved. Mr. Brooks asked for handicapped parking spaces on the Becker side of the building in addition to the planned spaces adjacent to the elevator and recommended the Commission on Disabilities weigh in on the matter.

**p. Town Hall Weather Related Closings**

The Board discussed the policy for closing or delaying the start of operations at Town Hall during inclement weather. The Board felt that the Governor's closing policy should no longer be used and the Town Administrator and Highway Superintendent should make the decision in the early morning hours of a severe weather event. The Board felt the Town Hall should remain open as often as possible, with a delayed opening as necessary as opposed to closing for the entire day. Mr. Genereux stated the Town Hall automated message would be changed and closings/delays posted on the website for employees to check. The Board was also in agreement with closing the Town Hall at 2pm on the days before Thanksgiving, Christmas and New Years.

A motion was made by Mr. Brooks and seconded by Ms. Provencher to continue the meeting past 10pm. Roll call: All Ayes

## **6. REPORTS**

### **a. Town Administrator Report**

The Town Administrator presented highlights from his written report.

### **b. Select Board Reports**

The Board discussed several topics including future use of Hillcrest Country Club, the insufficient cleanup on Route 9 by MassDOT and need to remove a downed tree, getting a grant writer as soon as possible, the Green Communities project to replace streetlights with LED lights, the State election tomorrow, the veterans breakfast Thursday at 9am at the senior center, the Christmas Tree Lighting preliminary plans, the new Christmas tree that was planted on the common, checking your smoke detector batteries and the November 8<sup>th</sup> CMRPC meeting for new delegates.

## **7. MINUTES**

### **a. October 15, 2018**

### **b. October 17, 2018**

### **c. October 30, 2018**

A motion was made by Mr. Brooks and seconded by Mr. Green to approve the minutes of October 15<sup>th</sup> and October 17<sup>th</sup>. Roll call: All Ayes

A motion was made by Mr. Brooks and seconded by Mr. Green to approve the minutes of October 30<sup>th</sup>. Roll call: All Ayes with one abstention (Mr. Antanavica)

A motion to adjourn was made by Mr. Brooks and seconded by Mr. Green at 10:22pm. Roll call: All Ayes