

**MINUTES  
SELECTMEN'S MEETING  
AUGUST 11, 2008**

Chairman Belanger opened the meeting at 5:30pm. Members present were Douglas Belanger, Dianna Provencher, Richard Antanavica and Stanley Zagorski. Also present was Town Administrator Robert Reed. Selectman Brennan was absent due to work conflict.

**Taxi Regulations – Draft Policy**

Mr. Reed noted 1<sup>st</sup> draft of regulations the Board may consider, which were compiled from those adopted by other communities. Mr. Belanger noted a James Setaro in the audience, who he invited in as an interested party and one who is in the business. He noted that this is not a hearing, the Board would schedule one at a later date; the Board will simply review and comment on draft regulations at this time.

Mr. Belanger asked if we can limit the number of licenses issued. Mr. Reed was not sure that we could.

Mr. Setaro noted that he would have to invest some \$25,000 per vehicle to start up, so would be looking to be licensed for five vehicles in order to make any money. He hopes to have a taxi stand located at Wal-Mart. His wife, Linda, would be the applicant under Minority Inc. d/b/a Worcester County Line Cab.

The Board expressed concern over one individual or company being licensed for a number of taxis, and brought up the following issues: maintenance, inspections, waybills, crossing line into other towns, protective glass, along with safe and clean equipment. The Board agreed to consider the draft further. Mr. Zagorski asked that we put together a summary detailing any deliverables or deadlines that pertain to taxi licensing or permitting process.

MOTION: Mr. Antanavica moved to direct Town Administrator to schedule a public hearing to consider taxi regulations. Ms. Provencher seconded. UNANIMOUS

**Smoking Policy – Draft**

Chairman Belanger read aloud the draft policy. A MOTION and SECOND were offered to adopt, but then withdrawn, with the Chairman stating that this draft policy is under discussion, with a public hearing required to adopt any regulations.

Mr. Zagorski asked why this would come through the Board of Selectmen, as smoking is a Board of Health issue. Mr. Reed noted that one mechanism to file a complaint or levy fines for violating Board of Health smoking policies would be through that office, but the Selectmen have the right to enforce non-smoking laws as they pertain to liquor establishments, which are licensed by the Board of Selectmen. Mr. Zagorski expressed concern, as he felt someone could abuse the complaint process if they happen to be against smoking; who will dictate whether an incident actually occurred. Mr. Belanger wondered if Mass General Law would dictate process. Mr. Reed noted that an investigation would take place. Mr. Zagorski asked by whom; we need to first establish a criteria. Mr. Antanavica noted that the Smoke-free Workplace Law speaks to complaints and enforcement, and read aloud those sections. He felt the local Board of Health can be the complaint avenue for liquor establishments, as these licensed facilities are indeed workplaces. Should a complaint be validated, the Board of Selectmen will schedule and conduct a hearing. Ms. Provencher agreed that the Board of Health needs to enforce the non-smoking laws, and felt the draft smoking policy under the Board of Selectmen is a good idea, as it will expand our authority in the facilities licensed by this office. Mr. Zagorski, noting the general guidelines for suspension, wondered if the licensees should be fined as well. Mr. Belanger felt both could occur. Mr. Reed stated no, our only recourse would be through Chapter 138, the liquor licensing authority.

MOTION: Ms. Provencher moved to direct Town Administrator to schedule a public hearing to consider smoking policy regulations. Mr. Antanavica seconded. UNANIMOUS

## Appointments

Police Sergeant – Mr. Belanger read letter of recommendation from Chief Hurley describing the hiring process beginning with the Civil Service promotional exam through oral interview and written exercise followed by examination of personnel files.

The Board commented on the excellent hiring process, way beyond the Civil Service requirements. It was noted that the Civil Service procedure dictates for the most part who is appointed, but the Chief went the extra mile and came up with a recommendation of the same candidate who ranked highest on Civil Service list.

MOTION: Mr. Antanavica moved to appoint Officer Daniel Dyson as Police Sergeant, subject to all Town and Civil Service hiring procedures. Ms. Provencher seconded. UNANIMOUS

The Board congratulated Mr. Dyson, and asked that a letter be sent him in this regard.

CMRPC – Ms. Provencher recommended Selectman Antanavica represent the Selectmen as delegate this year, as she is now employed at CMRPC and can no longer serve. Chairman Belanger thanked Selectwoman Provencher for her years of service and commitment to CMRPC. The Board agreed to hold on the alternate position at this time, and see if Supt. Wood is still interested.

MOTION: Mr. Antanavica moved to appoint Selectman Antanavica as Board's delegate to CMRPC for FY'09. Mr. Zagorski seconded. 3-0, Ms. Provencher abstained.

## CIPC

MOTION: Ms. Provencher moved to appoint applicant Leonard Margadonna to Capital Improvement Planning Committee, term to expire 6/30/11. Mr. Antanavica seconded. UNANIMOUS

## Bylaw Committee

MOTION: Ms. Provencher moved to appoint Peter Antanavica to Bylaw Committee, term to expire 6/30/10. Mr. Zagorski seconded. UNANIMOUS

## Correspondence

1. Memo from EMS Director requesting new paramedic pay rates at \$150/full shift and \$108/half shift.

MOTION: Mr. Antanavica moved to approve request as submitted, to be effective August 1, 2008. Ms. Provencher seconded. UNANIMOUS

2. Memo from EMS Director requesting \$989 write-off on patient account.

MOTION: Mr. Antanavica moved to approve request as submitted. Ms. Provencher seconded. UNANIMOUS

3. Memo from Town Planner regarding 8/19/08 hearing on wind turbine zoning, with regard to fall Special Town Meeting. The Board asked that a note of thanks be sent. FILE

4. Letter from Sen. Augustus regarding pending legislation in the House relative to Senate Bill 2808 to increase funding for enhanced 911 services. As it stands now, Leicester could receive an additional \$23,239 in emergency 911 grant funding. FILE

5. Notice from MMA regarding annual Photography Contest. The Board asked that this be displayed on our Website. FILE

6. Letter from Ngrid regarding communication problems during a recent storm event in June, which Mr. Belanger read aloud. Mr. Reed reported that Ngrid has been very responsive since we met, however, he

feels they need to be more specific as to how they will be improving their system when communities call with public safety issues. He also invited Ngrid reps to the Town's emergency planning meeting in September. PENDING

7. Letter from Transportation Secretary regarding Mass Turnpike Interchange issue. Chairman Belanger asked that we hold this item until Selectman Brennan is present. Mr. Zagorski asked for update on survey that was being conducted. Mr. Reed, noting this is part of the planning group he sits on, reported that the findings are in our office on top of the file cabinet. PENDING

Late – Memo from EMS Director requesting appointment of two on-call/per diem EMT Basics.

MOTION: Ms. Provencher moved to appoint Christopher Cherry and Kevin Norton as per diem/on call EMT Basics, subject to all Town hiring procedures. Mr. Antanavica seconded.  
UNANIMOUS

### **Moose Hill Water Commission**

Chairman Belanger welcomed MHWC Chair Kurt Parliment, noting the intent this evening is to get an update on the status of the feasibility study that was funded at recent town meeting, including discussions with other districts on water supply needs, as well as availability or timeframes involved. Mr. Parliament chronicled the work done over the many years (attached) toward accessing the Moose Hill Reservoir water supply. He noted that a goal over the years has been to be certified by DEP as a "Class A" water supply; this has been accomplished in the past, however, the designation is issued for a 5-year period, which has since expired. Ms. Provencher wondered if efforts are being duplicated, feeling that many of the studies we have on hand should cover much of the information the Commission is seeking to obtain. She asked if they'd reviewed the 1962 report... Mr. Parliament stated yes, they had, as did the SEA Consulting firm charged with this current phase of study work. He noted the main concern for DEP at this time is the number of water and sewer districts that exist in Leicester; it seems the consolidation under the Town or MHWC would benefit any future applications where inter-basin transfer issues come into play. Mr. Belanger was concerned, in the meantime, with the millions of gallons of water that is flowing over the dam each day; we must somehow capture and utilize this valuable resource. He felt the districts need to be specific about if and when they will need any of this water supply, otherwise, the Town should seek other ways to promote and profit from it. Mr. Parliament noted that the vague response he has gotten from the water districts is non-committal.

The Board agreed that we certainly need to determine how to distribute the water, with the residents of Leicester having rights to access before we seek customers elsewhere. Mr. Zagorski felt that a capital assets project should begin, what could be a 5-year project; if we begin now we could be ready with plans.

Ms. Provencher again expressed concern that we are reinventing the wheel. She felt we need to put an action plan into place. Chairman Belanger appointed Ms. Provencher as the Board's liaison to the Moose Hill Water Commission, effective immediately.

### **Minutes**

MOTION: Ms. Provencher moved to approve 6/24/08 Regular Session minutes.  
Mr. Zagorski seconded. UNANIMOUS

### **Signatures**

MOTION: Mr. Antanavica moved for Board to execute Bond Anticipation Note (BAN) for building improvement projects, as submitted. Ms. Provencher seconded. UNANIMOUS

MOTION: Ms. Provencher moved for Board to executive Order of Taking for three roadways accepted at May 5, 2008 Annual Town Meeting. Mr. Antanavica seconded.  
UNANIMOUS

## **Other Business**

Mr. Belanger asked that the Town Administrator review the RFP that is circulating for lease of Hillcrest Country Club. He was told that it refers to 20-year lease requirement, which should not be so. He asked that other options be made available to potential bidders.

Ms. Provencher announced the completion of the legislative process to allow for 20 acres of land at Burncoat Park to be designated as active recreation. She reported that the Governor signed Bill #2689 on July 31, 2008. She thanked all those involved in the process, and asked that we send along a note of thanks to our legislators.

## **Energy Summit**

The Board had invited community groups in to discuss concerns brought forward relative to what could be a serious winter season for those lower income or fixed income residents. Issues such as the extreme rise heating oil and utility pricing and how that would effect residents; if and how they keep warm, buy food, or pay for prescriptions were discussed at our last meeting.

Those present included Deb Antanavica, Janice Nowicki, Mary O'Brien, Karl Gumpright, Lois Wicklund, Darlene O'Connor, Bill Moore, Claudia Stewart, Donna Bottis and Liz Williamson, all representing various groups or organizations. Ideas that came forward included:

- Open town buildings as shelters to keep those in need at central location at a healthy heat level
- Role of Town will be referral agency, a resource clearinghouse when calls come in
- Seek out those in need; referrals from postal workers, tax office, delivery vendors
- Don't use forms that need to be completed by seniors, as most elderly won't bother or call for help
- "Joe for Oil" allows for one-time \$100 free oil delivery, with 2<sup>nd</sup> allowed for certain circumstances
- Cautioned use of old appliances as heating source
- Fire Association will provide smoke detectors and carbon monoxide monitoring equipment
- Weatherization kits could be made available to improve home insulation
- Generator needed for Senior Center, a good location for shelter use
- Refer veterans or their widows/widowers to Veteran Agent Frank Marcel
- Legion Posts always available to help out
- Leicester Food Bank, run by Cheryl Cooney
- Establish two separate lists: those in need and those in emergency situation
- Harvest Fair fundraisers – apple crisp, have informational handouts, raffle gasoline fill-up
- Dollar donation from every resident could add up to thousands
- Church bulletins great resource – donations increase dramatically
- Prepare buildings with cots, blankets, etc.
- Discuss at Emergency Planning Committee meeting in September
- Adopt a family
- Hotline established – 892-7016
- Eligibility - established criteria

Janice Nowicki volunteered to be the lead organizer. Her social worker skills along with those of Mary O'Brien will combine to benefit the concept moving forward. She suggested calling the group Leicester "C.A.R.E.S"...Community Alliance Resources for Education & Services. It was agreed.

MOTION: Ms. Provencher moved to increase COA budget to accommodate additional hours that will be needed. Mr. Antanavica seconded. UNANIMOUS

## **Fundraising ideas that came forward:**

- Labor Day weekend toll booth – Rick Antanavica and Lee Zagorski to head up
- Raffle items – Deb Antanavica
- No heat calls made to residents "RUOK" = are you okay program – Board of Health

Those present agreed to meet among themselves again at their earliest convenience.

**Next Meeting**

Chairman Belanger will review his schedule as he asked the others to do, with a date for our next meeting to be determined as soon as possible.

**Executive Session**

MOTION: Ms. Provencher moved to go into Executive Session for the purpose of Collective Bargaining, with no public announcements anticipated. Mr. Zagorski seconded.  
The Board was polled: ALL AYES

The Board went into Executive Session at 8:52pm.  
The Board came out of Executive Session at 9:00pm.

MOTION: Ms. Provencher moved to adjourn.  
Mr. Antanavica seconded. UNANIMOUS

The meeting was adjourned at 9:01pm.

Respectfully submitted,

Susan LeChasseur,  
Administrative Assistant

### **Items included in Kurt Parliament's Moose Hill report to the Board of Selectmen on 8/11/08**

#### **Excerpt from "Agreement for Expansion of Water and Sewer Service along Route 9 between Leicester Water Supply District and Town of Leicester, signed 5/13/03:**

- It is understood that current District plant capacities for water and sewer are limited and will only provide an interim solution. Therefore the long-range goal of the Town and the District shall be the development of the Moose Hill Reservoir and/or Shaw Pond as a primary water source for the entire Town. The water transmission main being installed under this Agreement would then become a key component for the distribution of these water sources.
- The District shall provide sewer service to the existing residential properties and to all current and future commercial and industrial properties within the District.
- The District shall provide water service and limited fire protection service west to Spencer town line including West Main Street through the water main from the booster station until such time as Moose Hill Reservoir facility pumps water from the reservoir.
- The District shall construct and own a water storage tank at the District's expense at a later date to provide fire flow storage and future water storage from the Moose Hill Reservoir facility.
- The booster pump station shall become a standby station in the event the Moose Hill Reservoir facility is taken off-line or placed out of service.
- No water shall be provided to these Districts until Moose Hill Reservoir facility is supplying water, unless otherwise agreed to by the Leicester Water Supply District.
- Annually, the Town, represented by a member of the Board of Selectmen, a member of the Moose Hill Water Commission and the Town Administrator, shall meet with the District Commissioners to review and discuss the current water and sewer capacities and water distribution system of the District. Information shared through this meeting will be utilized by all parties to promote the development of Moose Hill Reservoir and/or Shaw Pond as a primary water source and to market the Route 9 West corridor for business development.

#### **Excerpt from 5/30/07 memo from SEA - subject Evaluation of Moose Hill Reservoir:**

- November 9, 1987 – Based on the March 1986 SEA Report submitted to MA-DEP on behalf of the Moose Hill Water Commission, the MA-DEP CERO approves Moose Hill Reservoir as a Public Water Supply.
- April 5, 2002 – Town of Leicester submits letter requesting reclassification of Moose Hill Reservoir to MA-DEP.
- June 18, 2002 – MA-DEP responds to April 5 request by indicating 314 CMR 4.00 regulations are being revised and that MA-DEP will review the request when the revisions are implemented. Town chose not to follow-up.
- Update 1997 SEA cost-benefit analysis of Reservoir feasibility including capital and O&M cost rate recover budget impacts to the three water districts and the Town of Spencer.

#### **Excerpt from SEA's response to MHWC's RFQ for Professional Engineering Services for Evaluation of MH Reservoir, entitled Project Approach:**

- At the conclusion of Task 1, SEA will prepare a concise Technical Memorandum summarizing all work completed including narrative summaries of all Commonwealth agency meetings as well as our findings and conclusion relative to the certification issue.
- At the federal level, we will have informal conversation with the U.S. Army Corps of Engineers to discuss the applicability of Section 404 under the Clean Water Act.
- At the local level, we will have conversations with the Conservation Commission, Planning Board and the Zoning Board of Appeals. While it is certain that a Notice of Intent will be filed with the Leicester Conservation Commission, it is less clear as to whether Planning Board and Zoning Board of Appeals approvals will be required because certain municipalities exempt municipal projects from these local permit conditions.
- Task 3: Cost-Benefit Analysis A requirement under the Massachusetts Environmental Policy Act will be a determination that all feasible alternatives have been considered in order to satisfy this

particular regulatory procedure. It is well known that the Leicester Water Supply District and the Cherry Valley Water Supply District have, in recent years, considered developing supplemental water resources as an alternative to the Moose Hill Reservoir. This existing information will be collected and evaluated to verify that no feasible alternative exist when contrasted with the prospect of developing the Moose Hill Reservoir.

- Task 4: Comprehensive Report Task 4 will be completed by consolidating and coordinating the Technical Memorandums previously completed in the first three tasks. This report will be a comprehensive documentation of all work completed by the SEA Project Team in order for the Moose Hill Water Commission to make informed decisions on the viability of moving forward with the Moose Hill Reservoir as a public water supply. The findings and conclusions will fully document all analysis on environmental impact, economic viability and technical feasibility to implement the program.
- The report will initially be submitted as a draft report for review by the Moose Hill Water Commission.

Excerpt from Moose Hill Water Commission minutes of 9/24/07:

- Mr. Zuena said an interdistricts/inter-municipal contract agreement would be needed to show there will be continued support.
- Mr. Coyle said at the DEP meeting, it was felt that permitting the reservoir was doable; their big concern was who would be the proponent of this project. Having more than one proponent would make the process more complicated.
- Mr. Coyle asked how does Moose Hill sell the water to others & how is billing to other districts done; how would this be handled?
- Mr. Zuena said this would be answered through the cost-benefit analysis on the use of the reservoir; a letter of intent from potential customers showing a commitment for the water, i.e. pro-former.
- Mr. Zuena said each district needs to be held accountable & show their need for water. The cost analysis shows how to get the water flowing.
- Mr. Zuena wanted to make sure that it was understood their bid proposal of \$8000 was to conduct the feasibility evaluation and not to secure permits related to utilizing the Reservoir as a new source public water supply.
- Mr. Rigiero asked what if the Blackstone doesn't allow more flow? Mr. Zuena said that will be part of the feasibility report, which will also include financial base, customer base and total cost.
  - Mr. Rigiero asked if the water districts express no need for water and an outside source is interested, does this outside source trigger an Interbasin Transfer.
- Mr. Zuena said it would depend where it is located and which Basin they discharge to. As part of the feasibility study, they will take a look at the 3 water districts, as well as Spencer and Paxton. They will set up meetings with each, if that is what the Commissioners want, to see if there is an interest and/or future needs. If Paxton or Spencer shows an interest, it would add more to the cost and that would be shown in the feasibility study.
- Mr. Rigiero asked if each water district wanted water and they want to increase their allotted amount, would that be covered under their existing permit already approved.
- Mr. Zuena said the cost-benefit analysis will look at the minimum and the maximum amount and will show comparison to other water districts costs.
- Mr. Rigiero asked if they can put together what the cost to produce the water and compare costs down the road to today's costs.
- Mr. Zuena said they can't do an alternative analysis for the other water districts without first meeting with them and seeing what their needs will be.

Excerpt from October 2007 Agreement for Professional Service for Feasibility Evaluation of Moose Hill Reservoir as a Public Water Supply:

- The Client will furnish to and shall assist SEA in obtaining from municipal and state agencies, water districts and private individuals or companies, such information and data as is available and pertinent to the work contemplated under this agreement. In general, this will consist of the following: Evaluate the feasibility, prepare a timeline, and conduct a cost-benefit analysis

Excerpt from Moose Hill Water Commission minutes of January 7, 2008:

- Discussion was held regarding SEA and the potential meetings with the Water Districts and the State Departments.
- Mr. Parliament said that he had asked the Board Secretary to contact SEA to ask them to forward all information pertaining to meetings, etc. to her and in turn she can forward it on to the Commissioners. The Commissioners are particularly interested in knowing if SEA has received an answer from either water district regarding a meeting date.
- A response was received from Jon Beekman stating that both water districts were unable to set up meetings before the holidays. Mr. Beekman will get back in touch with the water districts and hopefully get a day and time set up soon. Mr. Beekman will inform the Commission when the meetings are scheduled.

Excerpt from Moose Hill Water Commission minutes of March 3, 2008:

- Motion as made and seconded to send an email to Mr. Beekman (SEA) making a request for the Commission to be kept informed when any meeting dates are scheduled with the Water Districts. Also to inform the Board with advance notice, in order for the Commissioners to adjust their working schedules to attend the meetings.

Excerpt from Moose Hill Water Commission minutes of June 20, 2007:

- DEP indicated that the most important issue is to be able to show the need for the water. They also indicated that the Interbasin Transfer Act will be a very complex permit to obtain and will be the main issue in the permitting process.
- The Commissioners will need to receive a full 100% commitment from the Water Districts, because that will show DEP the need for this project.

Excerpt from Moose Hill Water Commission minutes of August 15, 2007:

- Inter-basin will still have to file to determine an insignificant or significant discharge.
- The process could become more complicated if there is more than one proponent. Moose Hill (i.e. Town of Leicester) should be proponent rather than Moose Hill and the 2 water districts together.
- When a reservoir is approved as a public water supply, the approval is good for 5 years; Moose Hill approval was done in 1987, therefore needs to go through new approval process.