

**MINUTES  
SELECTMEN'S MEETING  
NOVEMBER 3, 2008**

Chairman Belanger called the meeting to order at 6:00pm. Members present were Douglas Belanger, Thomas Brennan, Dianna Provencher, Richard Antanavica, and Stanley Zagorski. Also present was Town Administrator Robert Reed.

**Executive Session – MGL Chapter 39, Section 23B (7)**

MOTION: Mr. Antanavica moved to go in to Executive Session to comply with the provisions of any general or special law or federal grant in aid requirements. Ms. Provencher seconded.  
The Board was polled: ALL AYES

The Board went into Executive Session at 6:02pm.  
The Board came out of Executive Session at 6:13pm.

**Tax Classification Hearing – Principal Assessor**

MOTION: Mr. Brennan moved to open public hearing.  
Mr. Zagorski seconded. UNANIMOUS

Mr. Belanger read aloud the notice of public hearing advertised in the Worcester Telegram on 10/23/08. John Prescott, Principal Assessor, was present and read aloud an outline along with the Board of Assessor's recommendation for a single tax rate with no small commercial or residential tax exemptions again this year, to set tax rate for 2009.

MOTION: Mr. Brennan moved to set single tax rate with no exemptions for small commercial business or for residential rental properties, as recommended.  
Ms. Provencher seconded.

Discussion – Mr. Brennan noted that when assessed values go down, real estate property taxes will go up to meet the Proposition 2½% maximum increase allowed by law. Mr. Zagorski asked what assessed values were used. Mr. Prescott stated 2007, the last valuation that was conducted, noting a normal 2-year lag.

VOTE: UNANIMOUS

MOTION: Mr. Brennan moved for Board to executive Dept. of Revenue form for Tax Classification Allocation. Ms. Provencher seconded. UNANIMOUS

Mr. Reed noted that Mr. Prescott is a great help during the year, noting the difficulties when local aid is cut after our budget has been set, requiring amended DOR calculations. Mr. Brennan felt this yet another good reason not to include so-called "new growth" revenues in budget projections, but to instead use any new growth revenues to fund Stabilization Account or for one-time capital expenditures.

MOTION: Ms. Provencher moved to close public hearing.  
Mr. Zagorski seconded. UNANIMOUS

**Smoking Policy – Hearing**

MOTION: Mr. Brennan moved to open public hearing.  
Ms. Provencher seconded. UNANIMOUS

Mr. Belanger read aloud notice of public hearing advertised in the Worcester Telegram on 10/24/08. Mr. Reed explained that he had submitted a draft Smoking Policy several weeks ago to allow for cooperation with and support of the Board of Health in their efforts to uphold the Massachusetts Smoke-Free Workplace Law. Attorneys at the ABCC advised that the Selectmen adopt a smoking policy for liquor license establishments. The Board of Health will be the investigating authority and will receive complaints.

MOTION: Ms. Provencher moved to for the Board of Selectmen to adopt a Smoking Policy as presented. Mr. Antanavica seconded.

Discussion – Mr. Belanger asked if private clubs would be able to continue to allow for smoking areas. Mr. Reed noted that regulations now in place would not change; such a policy would only enforce what is already on the books. It will still be up to the Board of Selectmen to pursue enforcement should a citation exists. Mr. Brennan asked why we are distinguishing liquor license establishments only, why aren't we applying this to other buildings, such as churches. He did not smoke, doesn't like smoke, agrees that it presents a health issue, but would not support another rule. He asked who would enforce the policy. Mr. Reed noted that the Selectmen will enforce the policy; without such a regulation in place it is difficult to do so otherwise. He noted that the Selectmen have authority over liquor license establishments. The State law protects any and all public buildings and workplaces.

VOTE; 4-1, Mr. Brennan opposed.

MOTION: Mr. Brennan moved to close public hearing.  
Ms. Provencher seconded. UNANIMOUS

### **Hillcrest Country Club – Lease Agreement**

Mr. Belanger noted, at the request of the sole bidder for lease of Hillcrest Country Club, that we postpone signing of lease until our next meeting.

MOTION: Mr. Brennan moved to table Hillcrest Country Club lease agreement and discussion thereof. Ms. Provencher seconded. UNANIMOUS

### **Correspondence**

1. Letter from Rep. Binienda to Chief of Police Hurley regarding upcoming office hours to be held now at the Police Department, due to the Town Hall being closed on Fridays. The hours for constituents will continue to be 10:00am-12:00 noon on the 1<sup>st</sup> Friday of each month. FILE

2. Bid List for sale of 2006 Police Cruiser, to be declared surplus property.

MOTION: Mr. Brennan moved to declare 2006 Ford Crown Vic as surplus, and further moved to award sale to Yousef Dabbagh of Island Lake Illinois for the highest bid price of \$3680.  
Ms. Provencher seconded. UNANIMOUS

### **Signatures**

MOTION: Mr. Brennan moved to sign Change of Location liquor license for Eller's, 190 Main Street.  
Ms. Provencher seconded. UNANIMOUS

### **GASB 45 – Bid Award**

Mr. Reed reported on bids received under RFP for actuarial study of post-retirement costs. He noted that Treasurer Janet Pierce has recommended award to Stone Consulting of Medfield MA. Although not the low bidder, the company with the lowest bid has no Massachusetts actuarial study experience.

MOTION: Mr. Brennan moved to award actuarial study work to Stone Consulting.  
Ms. Provencher seconded. UNANIMOUS

### **Taxi Regulations**

MOTION: Mr. Brennan moved to open public hearing.  
Ms. Provencher seconded. UNANIMOUS

Mr. Belanger noted the 2<sup>nd</sup> Draft of Taxi/Livery Regulations for Town of Leicester. Members made the following comments to clarify or amend this draft document, and to address proposed procedures:

- Under Section II – License...vehicles used for the purpose of these regulations shall be garaged within the geographical boundaries of the Town of Leicester...to ensure the Town receives excise tax
- Should the garaging facility be inspected by Code or other Town department?
- Age and/or mileage limit on all motor vehicles used under these regulations; free from rust, etc.

- Have Chief of Police review draft regulations; applications for License and Permit are made to the Police Department
- Develop and utilize Inspection check list; police may already have one on hand
- Remove costs associated with regulations and attach as list to allow periodic changes at Selectmen's discretion
- How are rates of fare established; per whose recommendation? Include in attached list of costs associated with licensing and permitting
- Section V – C – Senior citizen discount – shall be discounted minimum of 10% up to 25%
- Meters – Town's Sealer of Weights & Measures should be involved with inspection of equipment
- License and/or Permit Fees should be higher; companies won't get rich off of Leicester fares. Let Town get significant amount for permitting of taxi vehicles and drivers
- How to avoid abuse of Worcester's regulations?

The Board asked that we incorporate changes and again seek guidance from other cities and towns. They felt town counsel may need to review final draft.

MOTION: Mr. Antanavica moved to recess Public Hearing, to be reconvened on a date to be determined. Ms. Provencher seconded. UNANIMOUS

### **Special Town Meeting**

Mr. Belanger noted that the Board has postponed the previously scheduled November 10<sup>th</sup> special town meeting. Not knowing if local aid will be cut or if the income tax will be revoked at the upcoming State election, he thought it would be January at the earliest before we would know if a special town meeting is needed or not. Mr. Reed noted there may be some budget transfers needed, but we may be allowed to make adjustments in the Spring if Local Aid is indeed cut. Members noted pending issues such as windmill bylaw, change date of town election to follow town meeting; they agreed nothing urgent at this time. The Board agreed to hold off on any special town meeting until further notice, and asked that we notify departments accordingly.

### **Disability Insurance Policy**

Mr. Belanger explained that certain employees have been allowed through the School department to sign up for Disability Insurance, which is in violation of the group insurance statute. The same benefits must be offered to either all employees, or none of them. Discussions have been held with the group of employees that have been receiving this benefit; while the cost may go up for the premiums paid as the product offered will change, it seems that we should offer the disability program to all employees. Any premium for Disability Insurance coverage will be paid entirely by the employee, at no cost to the Town.

Mr. Reed submitted handout detailing voluntary plan options available, recommending Option #1. He reported that current plan members with any pre-existing conditions will not be subject to usual disqualifications, but moved to the new plan. The only catch, he noted, is that there is a minimum participation requirement of 75% of employees.

MOTION: Mr. Brennan moved to offer Long-term Disability Plan Option 1 to Town employees. Mr. Zagorski seconded.

Mr. Belanger wanted to note that this plan offering will not be any cost to the Town but be paid fully by those employees who choose to enroll. Mr. Reed did expect additional work hours needed within the Treasurers Office to process insurance.

VOTE: UNANIMOUS

### **Town Administrator's Report**

- Budget message has gone out to Department Heads with Schools issuing their message directly to cabinet members; the Advisory Board supports the message as well. Immediate hiring freeze as well as a freeze on all non-essential spending with mandated costs or those essential for the functioning of the department or maintenance services to the public are, at this time, excepted from this directive.

- Met with department heads last week to notify all of dire straights we find ourselves in; if income tax is revoked tomorrow by the voters it will kill us. He explained that even a level funded FY'10 Budget shows almost a ½ million dollar deficit at this point. Mr. Brennan felt an efficiency audit is needed to look toward consolidating any duplicate work. Mr. Reed felt that may be helpful, but only if the School Department is a willing participant. He will inquire with MMA Consulting firm to see whether they have experience with this type of study. Mr. Zagorski noted this is common in the private sector, takes a major effort and must be looked at as functions vs. people. Mr. Reed again noted that the School is authorized by law with much autonomy within the public sector to operate more freely than the General Government side. Mr. Antanavica urged department heads to get creative, noting procurement might be a good place to start. Mr. Reed reported that offices are diligent in obtaining supplies, utilizing the State bid list regularly. Mr. Antanavica wanted "made in USA" purchases.

MOTION: Ms. Provencher moved to authorize research into cost of an operational audit.  
Mr. Brennan seconded. UNANIMOUS

- Rawson Street bridge does not meet 20' span standard for issuance of any MHD bond moneys to pay for replacement.
- Treasurer/Collector's position has been advertised in local publications as well as municipal search publications. Janet Pierce will be leaving our employ on November 20<sup>th</sup>. He wants to offer stipend to Alyce Johns and have her serve as Acting Treasurer/Collector. Ms. Johns has requested she and Assistant Tax Collector Elaine Ricciardi both be compensated as duties will be split between the two with Alyce being in charge of the office. He is confident they can handle the routine tasks.

MOTION: Mr. Brennan moved to appoint Alyce Johns as Acting Treasurer/Collector with all authority and privileges. Ms. Provencher seconded. UNANIMOUS

Mr. Brennan asked that we check on the level of bond coverage for Ms. Johns.

- 4-day work week conflicts in some respects to benefits within Personnel Bylaws, which dictate that 1/5 of regular hours be paid for holiday pay. With the varied schedules the employees share and any changes necessary to the Bylaws not being made until the annual town meeting, he asked that the long day next week be Wednesday instead of Tuesday, which is the Veterans Day holiday.

MOTION: Mr. Brennan moved to change schedule in Town Hall for those employees working 4-day week to Wednesday November 12<sup>th</sup> as the 11hr day. Ms. Provencher seconded.

Mr. Zagorski wanted to make sure that no employees are losing hours. Mr. Reed explained that some want to not lose any time and may choose to make up the hours while others may select to be short the time that week.

VOTE: UNANIMOUS

- Energy Audit and Study of Town Hall and School buildings is still a possibility, we seem to have moved up on the list of communities that may be funded this year. He continues to work with Mark Armington and Department of Energy Resources staff along with the accounting office to obtain vital information. In addition, Nault Architects is moving forward on the Phase 3 accessibility issue with regard to elevator installation plans.

### **Bitar Getty**

Chairman Belanger explained that long-time manager of Cherry Valley Getty is again leasing the facility, welcoming Mikhail Bitar to the meeting. He commented on what a hard worker Mr. Bitar is and how pleased he was to see him back in Town. He asked that we refrain from the usual hearing procedures as Mr. Bitar has worked there for many years, only absence for a brief period.

The Board agreed, asking what his hours of operation will be. Mr. Bitar stated 6:00am-8:30pm for motor vehicle repair, no Sundays unless emergency. The Board asked that the same restrictions be added to this license with regard to number of vehicles.

MOTION: Mr. Brennan moved to issue Motor Vehicle Repair License to Mikhail Bitar, d/b/a Bitar Getty, with same number of vehicles as with previous license held at this location by Mr. Bitar. Mr. Antanavica seconded. UNANIMOUS

### Minutes

MOTION: Ms. Provencher moved to approve 9/27/08 Regular Session minutes. Mr. Brennan seconded. UNANIMOUS

### Board Reports/Other Business

#### Selectman Zagorski:

- Thanked head custodian Bill Burt for all his work volunteering at the Leicester Lions Club Halloween party held recently here at Town Hall. He did a fantastic job and helped to make the festivities a huge success.
- Economic Development Committee met and will obtain plot plans for Route 9 and Route 56 properties and then invite owners and realtors into an upcoming meeting in hopes of enabling them to promote sale of their parcels in a proactive manner. They will also invite a representative from Wal-Mart in to speak about development of Route 9 West area.
- WPI is working on energy study under the direction of Leicester resident Fred Looft, with solar power potential being a possibility for Town buildings such as School and Police.

#### Selectman Antanavica:

- Reminded residents to change batteries in smoke detectors, or call and leave word at the Senior Center if they cannot afford replacement. Also, beware of heating devices to ensure proper use.
- Meeting of Leicester Cares will be held at 6:30pm on November 9<sup>th</sup> at Town Hall
- Hearts for Heat raffle will be drawn on November 10<sup>th</sup> at 7:00pm, live on LCAC. Tickets are still available through the Senior Center. Donations for energy costs to assist those in need are still being accepted at P O Box 69 in Rochdale.

#### Selectwoman Provencher:

- Days are shorter with morning and evening commutes being dark outdoors; be careful for children walking or waiting for school bus
- Careful when burning green wood, which can cause problems; it's worth spending money for seasoned. Mr. Antanavica explained that it depends on the stove, some manufacturers' allow for unseasoned wood to be burned, which burns hot. He asked that residents not take shortcuts, have wood or coal stoves installed by licensed installer with inspection permits issued.
- Fire/EMS Study Group remains active, still reviewing site locations.

#### Selectman Brennan:

- License renewals from Selectmen's Office to be sent out with Board of Health's renewals
- Pursue new bylaw that would allow for automatic approval of application if a committee cannot hold a meeting within one week of a scheduled public hearing that was postponed due to lack of quorum. Mr. Zagorski thought we should check with counsel first, he couldn't imagine any application being approved without a vote of a board or committee.
- State ballot Question #1 to revoke income tax would be dollars into your pocket, but will not affect the State government like some would like to see occur; it will instead devastate town government. He asked all to vote "NO" on Question 1 tomorrow.

#### Selectman Belanger:

- Highway Supt. Tom Wood continues to do an extraordinary job with less tools and Highway workers. In the past four years there have been 3-4 workers that are no longer part of the workforce, the positions have not been filled, yet they carry on and accomplish much. Now we have the winter season approaching with huge costs associated with roadway maintenance. He wondered how to proceed with sidewalk maintenance regulations and how to implement citations to those that don't comply; how do we enforce this. Mr. Antanavica asked for status of letters to developers relative to snow & ice maintenance on roadways within private developments not yet accepted as town roads.

Mr. Reed reported that letters will be sent out before mid-month. Mr. Reed noted that Planning Board does require developments to be kept up to certain standards, including winter maintenance. Mr. Zagorski suggested we put cease & desist on any open permits or not issue any future permits to violators. Also, Mr. Antanavica wanted the Town to be compensated for any damage to our vehicles for maintaining these roadways; he asked Mr. Reed to check with Town Counsel in this regard.

- Salt Shed at Highway Department is needed as regulations now require the materials to be covered. They have been working on cost affective plan to build one. Ms. Provencher noted the importance of such a facility, as Stormwater Protection Plan mandates this now.
- Requested an ongoing project list to be kept in Selectmen's Agenda books. Mr. Reed noted that Ms. LeChasseur has been working on such a list, with the first draft ready for release. He noted that some of the Board members have not responded to his request to send us the current projects they are working on.
- Election Day tomorrow November 4<sup>th</sup> from 7:00am-8:00pm in Massachusetts, all precincts voting at Town Hall here in Leicester. Mr. Brennan thanked newly elected Town Clerk Deborah Davis for her involvement with and encouragement of the absentee ballot procedure, which is available right up to the day before Election day. He also appreciated the placement of two greeters in the Town Hall lobby, Mr. & Mrs. Poirier, who will assist voters as they enter. We are expecting a huge turnout, and Mr. Reed reported that Ms. Davis is prepared, has held meetings with workers, addressed parking issues, and has been very proactive.
- Veterans Day with ceremonies to be held at 11:11AM on November 11<sup>th</sup> at Bean Square.

Next meeting – Chairman Belanger noted our next regularly scheduled meeting is November 17th; however, if there is nothing pressing we will not meet.

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

The meeting was adjourned at 8:20pm.

Respectfully submitted,

Susan LeChasseur,  
Administrative Assistant