

**MINUTES  
SELECTMEN'S MEETING  
NOVEMBER 5, 2007**

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

**Executive Session**

MOTION: Mr. Brennan moved to go into Executive Session for the purpose of collective bargaining, no public announcements expected, Board to reconvene in open session.  
Ms. Provencher seconded. The Board was polled: ALL AYES

The Board went into Executive Session at 6:01pm.  
The Board came out of Executive Session at 6:34pm.

**Tax Classification Hearing**

Principal Assessor John Prescott was present for annual public hearing to set our tax rate. His calculations at this time, pending DOR approval, would be \$9.36 per \$1000 in valuation. He had submitted for review (on file) the tax classification issues, including split tax rate availability, Board of Assessor's recommendation, and both small commercial and residential exemptions that are available and BOA's recommendation on these matters. He included charts and spreadsheets on FY'08 levy percentage by class, examples of the effect of a maximum shift, and 7-year growth history by class. He noted that the Assessors' recommendation is for a single tax rate again this year.

MOTION: Mr. Brennan moved to approve single tax rate for FY2008 per Board of Assessors' recommendation. Ms. Provencher seconded. UNANIMOUS

The Board thanked Mr. Prescott for his presentation. Mr. Reed noted Item #1 in Correspondence from Mass. Association of Assessing Officers that Mr. Prescott has met his continuing education requirements for recertification of his MAAO professional designation. He noted also that John is an integral part of the finance team, meeting all pertinent deadlines of his office. He appreciated the good work of his budget group, all competent individuals working for the benefit of the Town of Leicester.

**Common Victuallers License Application**

Ronald Ward was present on his application to open a restaurant at 850 Main Street in Leicester, which was recently occupied by Ginzzie's.

Mr. Belanger noted that the property is owned by Ronald Canane. Asked where his License/Permit Form is, Mr. Ward stated that he is still working on completion, with the Board of Health scheduled for an inspection tomorrow.

Mr. Brennan noted that there is a sign on the property that cocktails will be available. Mr. Ward stated he didn't know why, that must be from Mr. Canane's former business, he has no interest in serving alcohol at this time, perhaps after he gets the business up and running. He was looking into the same type of restaurant as Mr. Canane had there several years ago, a broasted chicken franchise.

Ms. Provencher asked what hours of operation would be. Mr. Ward stated 11am-9pm Monday-Wednesday, 11am-11pm on Thursday/Friday/Saturday, and 12noon-8pm on Sundays. Mr. Brennan suggested he allow for extended hours until 11pm now instead of having to come back to increase the hours later; he would not have to remain open, but the hours would be available for him to be. Mr. Ward agreed with the concept and the 11pm closing time.

MOTION: Mr. Brennan moved to approve Common Victualler License subject to completion of License/Permit checklist. Ms. Provencher seconded. UNANIMOUS

**Correspondence**

1. Letter from Mass. Collectors & Treasurers Association advising the Board of the recertification of Treasurer/Collector Janet Pierce.

MOTION: Mr. Brennan moved to send letter of congratulations to Ms. Pierce.  
Ms. Provencher seconded. UNANIMOUS

2. Request for appointment of Judith Ivel from Arts Council.

MOTION: Mr. Brennan moved to appoint Judith Ivel to Arts Council, term to expire in three years.  
Ms. Provencher seconded. UNANIMOUS

3. Notice from Board of Health of flu clinic to be held November 7<sup>th</sup>. Mr. Reed reported that this date had to be changed due to bereavement issue, and will be rescheduled asap. PENDING

4. Notice from Postal Service of passport night to be held on November 15<sup>th</sup> at the Leicester High School.  
FILE

5. Letter from Willis Center regarding recent program issues. Mr. Reed noted that representatives have been cooperative to the Town's demands regarding this residential home and the Police Chief has kept communications open. PENDING

~~6. DELETED~~

7. Letter from Office of Commissioners of Banks inquiring as to use of Town Hall facility for public hearing relative to petition of Wal-Mart Store to provide check cashing services at 1620 Main Street. Mr. Reed noted that the OCB has given us a few dates from which they may choose.

MOTION: Mr. Brennan moved to approve, subject to Town Hall Building Commission approval.  
Ms. Provencher seconded. UNANIMOUS

8. Letter from State Elections Division requesting designation of local census liaison to work on 2010 Federal Census. Town Clerk has reported that Registrar Dale Pitzen will serve in this capacity.

MOTION: Mr. Brennan moved to appoint Dale Pitzen as Local 2010 Federal Census liaison.  
Ms. Provencher seconded. UNANIMOUS

#### **Pole Hearing – McCarthy Ave**

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

Kelly Ann Condon, Verizon rep, was present, stating that following the bridge replacement project on McCarthy Ave, the poles now need to be relocated to a permanent public area. It was noted that the Highway Foreman has approved the permanent locations.

Chairman Belanger asked if any abutters were present that wished to speak. James Gonyea, 38 McCarthy Ave, stated that he was disappointed that Verizon did not contact him directly regarding this matter. As administrative assistant to the Board of Selectmen, I let Mr. Gonyea know that, per Mass. General Law, it is the responsibility of the Selectmen's Office to notify abutters. Mr. Gonyea stated that he was notified, but still felt that Verizon rep should have contacted him personally. Ms. Condon noted that Mr. Gonyea's property is at the corner of Brook Street, in close proximity to the reconstruction project. Mr. Gonyea asked if the poles would be relocated onto Town property. Ms. Condon stated yes.

MOTION: Mr. Brennan moved to approve petition from Verizon for two joint owned poles as submitted. Ms. Provencher seconded. UNANIMOUS

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

#### **Arts Council and Massasoit Art Guild – Presentation**

Members of the Leicester Arts Council were present along with members from the Massasoit Art Guild (MAG). Spokesperson for the Arts Council, Judith Ivel, stated they were awarded a \$350 grant for purchase of a piece from the Massasoit Art Guild's annual art show. The selected piece will be hung in the new Leicester Police Station. Fifteen members of the MAG chose to include a Leicester site as their subject. The art show and sale was held at the Spencer Town Hall on October 13<sup>th</sup> and 14<sup>th</sup>. Works were judged by Judith and Leonard Ivel, who found the winning piece to be stunning.

Mrs. Ivel announced the winner of the chosen piece, Michelle Trczinski, who unveiled the selected artwork, a photograph of the Leicester Town Common during Memorial Day festivities with the crosses and flags set up depicting A World War II memorial site. Mr. Ivel stated that the judges were unanimous that this piece was the best symbol of the community, and was awarded in respect for all those who have served and are remembered.

Ms. Trczinski thanked all those involved for the award. When asked if prints were available, Ms. Trczinski stated no, this is a costly process which she uses, so she limits production to five prints, some of which are already spoken for.

Chief Hurley accepted the artwork, honored at the privilege. He felt it a fitting piece considering Veterans Day is upon us, a fine example of the many pieces done by the artists. He is proud to have it displayed in his facility.

Mr. Antanavica, who attended the art show, was very impressed by the works done by the members, beautiful work. Mrs. Ivel noted that member Ann Marcel, who was present, won 2<sup>nd</sup> place; her piece depicts the Memorial Day festivities as well, with local dignitaries including the Selectmen in attendance.

Ms. Marcel reported that the works done depicting scenes of Leicester are on display this month at our local banks. She thanked the Massachusetts Cultural Council for the funding of this grant award.

MOTION: Mr. Belanger moved to accept the artwork on behalf of the Town of Leicester.  
Mr. Brennan seconded. UNANIMOUS

#### **Chapter 61 Request – Pilling, Rawson Street**

Mr. Belanger noted that the Board of Selectmen has the right of first refusal when land is removed from Chapter 61 protection, having 120 days to act or it is deemed approved if no action is taken. The Town must meet the officer to purchase. Noting that our local boards and committees responded that they are not interested if the Town obtaining these two properties, Mr. Belanger felt the Town, unfortunately, is not in any position to be purchasing this property anyway.

MOTION: Ms. Provencher moved to release the Board's Right of First Refusal on Lot 1, Rawson Street, as presented. Mr. Antanavica seconded. UNANIMOUS

MOTION: Ms. Provencher moved to release the Board's Right of First Refusal on Lot 6, Rawson Street, as presented. Mr. Brennan seconded. UNANIMOUS

Mr. Reed noted that the seller must pay roll-back taxes to the Town when property is removed from the protection of Chapter 61, either agricultural or forestry land. Ms. Provencher noted several recent amendments to the Chapter 61 laws, and that at least 70% of property must remain under Chapter 61 protection.

#### **End of Year Agreement – Board of Selectmen/School Committee**

Mr. Reed noted Agreement submitted for consideration, which outlines the method in which the Town identifies general fund appropriations as school department expenditures. These numbers are then reported in the School's End of Year Pupil & Financial Report to the Mass. Dept. of Education (DOE). This is something that has been pursued by the Town Accountant, the goal being to formalize this accounting procedure. Once the Agreement has been signed by both parties, any changes would need to be approved by DOE.

Discussion on Agreement as presented. Mr. Brennan asked where sharing of attorneys' fees would be included, along with a share in the Accountant and Treasurer's salaries which has been significant of late as their time has related to School issues. He asked if the Finance Advisory Board has reviewed this draft.

Mr. Reed stated that this Agreement will formalize how we have been operating. Mr. Belanger felt it was good to have this in writing, however, he wondered how the figure of \$7000 was determined as Schools share in snowplowing costs line item. He suggested, if formulas are used, we know what that information is. Mr. Reed will obtain that information and provide it for the next Board meeting. PENDING

### **Facilities – Capital Review**

Regarding the October 31<sup>st</sup> memo to the Board detailing three capital projects, namely Town Hall phase 3 renovations, Fire Station replacement, and Library addition, he did not feel any would be ready for construction funding for the upcoming annual town meeting. Noting that it does not appear that the Library project will involve construction money for a few more years, he suggested that the Board consider preparing articles to fund feasibility studies for the two other projects at the ATM. He felt we need to get serious with feasibility studies, seek funding for such at 2008 ATM, with construction costs funded at 2009 ATM.

Mr. Belanger agreed that we need to have formal discussions with all projects under consideration being reviewed. Mr. Antanavica agreed; we have gone as far as they can as sub-committee at this point. Mr. Brennan asked if needs assessment for Fire Station has been completed. Mr. Antanavica noted that \$16,000 was appropriated at the last annual town meeting with final report due out soon. He was concerned with timing, however, as 65 staff persons use the 3<sup>rd</sup> floor of the Town Hall for instructional classes, they would be displaced if space designated for other use. He felt that we need one accessible fire station suited for storage of current equipment, not have vehicles sitting outside and continuing use of a unisex bathroom facility at Station 1. He also felt that our ambulance service is needed, and it is less expensive to run our own operation than to hire out these services, yet the department will never be self-sufficient anymore due to cuts in insurance reimbursement rates. Mr. Brennan suggested a smaller fire station be considered, and use one of the older stations to house the ambulance equipment, to be housed nearby but not necessarily in the same building. Mr. Antanavica did not feel that the Fire Dept. should accept any band-aid approach; the members serve this town 24/7 working off a \$200,000/year budget, a bargain for the Town. He reported that moral is poor due to the conditions of the facilities and lack of parking to answer fire calls. He suggested we allow the townspeople to decide whether or not to building a new fire station facility, whether they want to spend money to do so. Mr. Belanger felt that housing of fire equipment is the number one priority, while parking would be secondary. With regard to the Library project, Mr. Belanger felt that eventually some town moneys would be needed. Ms. Provencher asked if the Library and the Fire project are considering the same parcel on Main Street. Mr. Belanger stated no, two separate parcels are under consideration at this time.

The Board asked that Mr. Reed provide cost estimates for these feasibility studies for our next meeting.

### **Board Reports/Other Business**

#### **Roadway Maintenance**

Mr. Antanavica felt that the Town needs to institute realistic charges for plowing and sanding of roadways under development. He felt the low rates we have been using do not allow any incentive for the project to be completed and instead the developers rely on the Town to maintain these private roads. He noted that two developers have not even paid for services provided last winter. Mr. Brennan felt that was like a free loan, and perhaps we should add interest charges at 1.5% per annum onto these bills. Mr. Reed felt that perhaps the developers bond could be used as leverage.

MOTION: Mr. Brennan moved to adopt schedule dated 10/31/07 from Mr. Reed, and to add 14% annual interest rate to road maintenance invoices over 30 days old.  
Mr. Antanavica seconded. UNANIMOUS

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

Mr. Reed reported on Feasibility proposals for Moose Hill Reservoir evaluation, two received by Town. He is recommending award to SEA Consultants Inc. in an amount not to exceed \$8000. He felt SEA's experience working on Moose Hill issues over the years resulted in lower bid.

MOTION: Ms. Provencher moved to award contract for Feasibility Evaluation of Moose Hill Reservoir as public water supply to SEA Consultants Inc., in an amount not to exceed \$8000. Mr. Antanavica seconded.

Mr. Brennan cautioned that increased costs could creep up, or that we may not receive a true study. Mr. Reed assured him that the Board of Selectmen would have to approve any additional charges beyond the \$8000.

VOTE: UNANIMOUS

Mr. Reed reported that he and the School Superintendent are moving forward with improvements to internal policies with regard to payroll, employee agreements, and the like. He felt that a new policy should be adopted at the next School Committee meeting. He felt that the School Committee's involvement has made a difference this year. The Board asked that the School Committee get these important issues in place at their next available meeting of November 26<sup>th</sup>, then the Selectmen could sign off on the Agreements at our next meeting scheduled for December 3<sup>rd</sup>; this is urgent, we'll be getting into holiday season, and we don't want this to drag out into January. Mr. Reed will follow up on the timing.

Mr. Reed felt that the Board had approved the so-called Section 125 Cafeteria Plan under MIIA Insurance Program, but he did not see where they had taken an official vote.

MOTION: Mr. Brennan moved to accept and approve Section 125 Cafeteria Plan under MIIA. Ms. Provencher seconded. UNANIMOUS

Mr. Reed noted that the Board has in the last few years allowed Town Hall employees an extra day off, the Friday after Thanksgiving.

MOTION: Ms. Provencher moved to allow for extra day off on November 23, 2007 on which date the Town Hall will officially be closed for business. Mr. Antanavica seconded. UNANIMOUS

Mr. Reed reported on RFP results with regard to the Town's auditing services. Although there was no problem with our current firm, he felt a change might be refreshing. He noted that the price for the auditing services is higher, so we will need to amend the budget above the current \$17,000 funding. He recommended contracting with Powers & Sullivan of Wakefield for the fiscal years 2007, 2008 and 2009 at a \$21,784 fee per year; an additional \$3075 per year will cover cost of annual audit of Student Activity Funds for 2007, 2008, 2009. A separate audit required by DOE for End of Year Pupil and Financial Report for a \$4600 per year fee to be paid by School Department.

MOTION: Mr. Brennan moved to award and approve Agreement with Powers & Sullivan for auditing services as presented. Ms. Provencher seconded. UNANIMOUS

The Board asked that a letter of thanks be forward to Thomas Scanlon Associates for their work over the past several years. Mr. Brennan felt that all auditing costs and services should be managed under one department; Mr. Reed noted it's typically the Town Accountant. The Board agreed that any School related costs associated with annual audit be charged appropriately.

### **Minutes**

MOTION: Mr. Brennan moved to approve August 13, 2007 Regular Session minutes. Ms. Provencher seconded. UNANIMOUS

MOTION: Ms. Provencher moved to approve October 1, 2007 Regular and Executive Session minutes. Mr. Antanavica seconded. 4-0, Mr. Brennan abstained.

### **Board Reports/Other Business (continued)**

Mr. Antanavica commended the work being done by Police Chief with regard to acquisition of Mobile Data Terminals, installation of which will greatly help dispatchers' workload and keep officers within the cruisers more, out in the public and therefore more visible. He noted the original Town appropriation of \$35,000

for two units that has been supplemented by receipt of grant funds through the Chief's efforts, enabling the Town to purchase four units for the cruisers.

Mr. Antanavica applauded the work of Leicester resident Ann Marcel and other Massasoit Art Guild members for their accomplishments. Mr. Zagorski agreed, who also attended the October art show.

Mr. Antanavica reported on recent delivery of pickup truck to Fire Department, purchased for hazardous materials use through funds donated by Wal-Mart, which will include trailer, computers and other related equipment. Ms. Provencher noted that the new hazmat unit will be used for all of Leicester, not just the store.

Ms. Provencher noted that CMRPC has recently moved to new facilities within Union Station in Worcester, which should be a positive step, having received a beneficial contract lease.

Ms. Provencher reported that progress has been made with regard to RFP on Burncoat Park for services related to Environmental Notification Form requirement.

Ms. Provencher reported that the Master Plan Update has been completed, thanks to the driving force of Town Planner Michelle Buck. They are now working on the Open Space & Recreation Plan, also spearheaded by Ms. Buck, which is near completion.

Mr. Brennan reported that work at the Rochdale Park baseball field will begin soon, a volunteer project in memory of local youths.

Mr. Brennan noted that the newly won World Series Championship Trophy will again make the rounds of the Massachusetts communities, and thanked those involved in such a positive presentation.

Mr. Brennan noted that local firefighter Mike Wilson is on a short list of finalists for the position of Area 3 Fire Warden. Noting the community involvement of Mr. Wilson, he asked that the Board send a letter of support.

MOTION: Mr. Brennan moved to send letter of support on behalf of Mike Wilson, as noted.  
Ms. Provencher seconded. UNANIMOUS

Mr. Brennan noted the upcoming 35<sup>th</sup> Anniversary of Town employee Jim Coughlin. The Board was pleased to announce December 11<sup>th</sup> as Jim Coughlin Day in Leicester.

Mr. Brennan noted that the State Treasurer's Office has received some 110 requests for efficiency audits from various communities within the Commonwealth. He urged our legislators to expedite this process on behalf of the cities and towns. He also did not want Leicester penalized for taking care of business and maintaining appropriate budget policies and procedures, making the tough decisions. Why should towns that did not do so benefit from our hard work?

Mr. Belanger reported on the issues involved possible cuts in service at the WRTA. He noted that the WRTA advisory group, which he is a member of, first considered administrative cuts and made some changes there, consolidation of bus runs was looked at next, reduction of weekend and holiday service with less frequent daily runs were looked at, all in the hopes of saving this vital service to our lower income population, which it hurts most. They have had to and will continue to make some tough choices.

Mr. Belanger reported on a recent meeting with Patricia Haddad, Chairman of the Education Committee at the State House, which was arranged by our Rep. Binienda. He felt the discussions were most enlightening to both sides, with Ms. Haddad commenting that she wished more people would come to her directly with concerns they may have. One issue on a positive note was an upcoming pilot program with regard to Special Education bussing that we were not made aware of. He hoped to follow up on his conversation, that more people should be heard as to their concerns with regard to School funding requirements and related mandates; he promoted a Lobbying Day where we would present our concerns in solidarity to the State House.

Mr. Belanger warned whoever the jerk was that reportedly tainted Halloween candy. He noted the public relations nightmare that this has caused, the fear that innocent youth have to deal with, this person has stolen what was always an enjoyable holiday for the kids. The Board agreed. Mr. Brennan noted that the Knights of Columbus has matched the \$250 reward put out by the Board of Selectmen.

In closing, Mr. Belanger sent the Board's deepest sympathy to Selectmen Zagorski for the loss of his mother, Dorothy. He asked that the community remember Lee and his family in their prayers.

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

The meeting was adjourned at 9:00pm.

Respectfully submitted,

Susan LeChasseur,  
Administrative Assistant