

**MINUTES
BOARD OF SELECTMEN MEETING
JULY 21, 2014**

CALL TO ORDER/OPENING

Chairman Buckley called the meeting to order at 6:33pm. Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Douglas Belanger, Selectman Matthew Dennison, Selectwoman Sandra Wilson and Town Administrator Kevin Mizikar were in attendance.

PUBLIC COMMENT PERIOD

Chair Buckley read the Town's public comment policy and opened the public comment period at 6:37.

Mr. Mizikar provided an overview of the group home to be located at 2 Brickyard Road. The Town has been made aware that Community Resources for Justice (CRJ), a nonprofit organization, will be opening a group home at 2 Brickyard Road. The purpose of this home is to provide independent living for five individuals with developmental disabilities under the care and custody of the State Department of Developmental Services (DDS) along with 24 x 7 on-site staff coverage provided by CRJ. CRJ stated the location was chosen based on the proximity to family of the future residents.

Eric Dyson, 2 Brickyard Road, expressed concerns about sex offenders living in the home and the fact that the Town does not have a sex offender bylaw limiting where these individuals can live. Mr. Dyson noted that CRJ does run re-entry housing (halfway houses) in other areas and requested the Town obtain confirmation from CRJ that 2 Brickyard will not be a halfway house.

Tim Alves, 5 Brickyard Road, expressed concerns including lack of lighting, the need for additional police patrols and the safety of children in the neighborhood.

Robert Alves, 5 Brickyard Road, expressed concerns including the length of time residents would be staying in the home, obtaining assurance from CRJ that no more than 5 individuals will live in the home at any one time and structural concerns with regard to the driveway and a deteriorating retaining wall. Mr. Alves recommended setting up a meeting with CRJ. Mr. Alves further noted that CRJ has a group home in West Boylston which was supposed to be for developmentally disabled adults and now houses sex offenders.

Mike Curtis, 6 Brickyard Road noted that Brickyard is a six home cul-de-sac which pays \$32,000 annually in taxes and has only one streetlight. Mr. Curtis expressed concern about sex offenders and developmentally disabled individuals living in the same home.

Ms. Wilson noted that there are currently five homes in Leicester for the developmentally disabled and that the group home on Route 56 which is no longer operating was for "wayward girls".

Kim Mattei, 4 Atwood Street, stated there is a big difference between developmentally disabled adults and sex offenders and a small town like Leicester with four schools should not house criminals.

Brenda Usher, 80 Green Street, asked about security and fencing.

Dave Mero, 25 Deerpond Drive, mentioned that Senator Moore and Doug Belanger are setting up a meeting with CRJ.

Dean Neal, 98 Manville Street, asked how residents would be housed if a major disaster occurred and asked that guidelines be put in place.

Vin Verse, 8 King Street Extension, asked if there would be 24/7 staff staying in the house and believed that with the house being zoned R1 that no more than four unrelated individuals can live in the same dwelling.

Mr. Mizikar clarified that the residential zoning for 2 Brickyard Road allows up to 5 unrelated individuals to live in the same dwelling.

Jim Rivelli, 589 Pleasant Street asked if the Town has to pay the taxes now for 2 Brickyard Road.

John McNaboe, 217 Henshaw Street, stated that there should be developmentally disabled individuals in the neighborhood and they should have the opportunity to assimilate. He recommended the Town look at Spencer's bylaw which restricts the location of group homes.

Len Ivel, Pleasant Street, stated this property brings in no tax revenue, will impact property values and asked if the Town intends to reimburse residents for this loss.

A motion was made by Mr. Belanger and seconded by Mr. Dennison at 7:05pm to extend the public comment period for an additional 15 minutes.

David Wright, 7 King Street Extension, stated that the group home is considered multi-family housing and requires a change of use permit.

Mr. Mizikar responded that 5 unrelated individuals are allowed in the zoning code for this area without special permits or zoning. Mr. Mizikar added that group homes are allowed by-right under Mass General Law and local governments aren't allowed to discriminate against where they are allowed.

Mr. Belanger noted the Town has no control over the siting of these homes and that notification has always been an issue.

Ms. Provencher noted the Town is looking into a sex offender bylaw.

Mr. Buckley stated the Town Administrator and State representatives will address the concerns of residents and the item will be scheduled for a future Board meeting.

Marc Vandall, 593 Pleasant Street, asked if the residence would have a 24 hour security guard and cameras. Mr. Vandall asked where the cameras would be pointing.

Mr. Buckley closed the public comment period at 7:20pm and the Board of Selectmen took a five minute recess.

1. SCHEDULED

A. 6:30pm - Electricity Aggregation – Kenneth Elstein, Hampshire Council of Governments

Kenneth Elstein with the Hampshire Council of Governments (COG) presented information on energy aggregation. The Hampshire COG was formed by towns in Hampshire County to maintain many of the former County run programs. All towns in Massachusetts are eligible to participate in all Hampshire COG programs. Hampshire COG is a licensed supplier and broker of electricity. Currently, 36 cities and towns in Mass with a total population of 150,000 participate in the energy aggregation program with 4 additional towns and cities

recently signing on. Mr. Elstein recommended placing a warrant on the next Town Meeting authorizing the Town to enter into the program should the Town wish to move forward with this process.

Mr. Mizikar stated he believes the Hampshire COG program is the safest approach to energy aggregation as compared to for profit companies. Hampshire COG is a reputable entity which works with many municipalities to save residents and small businesses money with little effort. Mr. Elstein noted that there is no minimum kilowatt hours required, the program is provided at zero cost to the Town and residents/businesses can opt out at any time. If towns are not happy with the price, they can participate in the opening of bids process. Mr. Mizikar noted the Town has not engaged with any private vendors because the selection process must be competitive.

B. 6:45pm – Public Hearing – Class II License Modification – Ernie’s Cars

Mr. Buckley read the public hearing notice as published in the Telegram and Gazette and noted the hearing was scheduled for 6:45pm.

A motion was made by Ms. Wilson and seconded by Ms. Provencher to open the public hearing at 7:32 pm. The motion carried unanimously.

Mr. Eldridge, owner of Ernie’s Cars, stated there is no net change in the total number of cars at 515 and 517 Main Street, both of which are owned by Mr. Eldridge. Mr. Eldridge stated he is requesting that Ernie’s Cars and TekCar Inc.’s licenses be combined into one license as TekCar, Inc. has gone out of business.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to close the public hearing at 7:34pm. The motion carried unanimously.

Ms. Wilson noted that TekCar, Inc.’s license expired in January of 2014 and asked if they renewed their license.

A motion was made by Mr. Belanger and Ms. Provencher to approve the Class II license transfer request for Ernie’s Cars. The motion carried unanimously.

C. 7:00pm – Public Hearing – Class II License Application – M&N Gas

Mr. Buckley read the public hearing notice as published in the Telegram and Gazette and noted the hearing was scheduled for 7pm.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to open the public hearing at 7:37pm. The motion carried unanimously.

Mr. Belanger clarified that the location is the Cherry Valley gas station and that 3 cars would be parked by the refrigerated area and 4 would be parked in the back. Mr. Bitar, the applicant, responded in the affirmative.

Ms. Provencher asked if the license requests 5 or 7 car spaces. Mr. Belanger responded he felt 5 cars were appropriate. Mr. Bitar stated 5 car spaces would be acceptable.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to close the public hearing at 7:41pm. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to approve the Class II Vehicle License for M&N Gas with 5 cars allowed for sale. The motion carried unanimously.

2. CORRESPONDENCE

Mr. Buckley presented a \$100 donation in memory of Betty Lilyestrom from Mr. and Mrs. Krieger which will be used to plant a weeping cherry tree at the Senior Center.

A motion was made by Ms. Provencher and seconded by Mr. Belanger to accept this donation. The motion carried unanimously.

3. NEW BUSINESS

A. Appoint Selectmen to Town Committees

A motion was made by Mr. Belanger and seconded by Ms. Provencher to appoint Selectmen to Town Committees and Boards as presented. The motion carried unanimously.

B. Assign Selectmen to Liaison Positions

Mr. Belanger noted he has been elected moderator for both the Burncoat and Cedar Meadow Water Districts and would be willing to be the liaison for the Cedar Meadow Water District instead of Ms. Provencher. Ms. Provencher concurred.

C. Appoint Emergency Planning Committee Members

Mr. Mizikar presented the recommended Emergency Planning Committee appointments, noting they normally go through the regular appointment process but weren't finalized in time. Mr. Mizikar noted that staff will work to fill the remaining two seats on the committee (local environmental and extremely hazardous substance facility representatives).

A motion was made by Mr. Dennison and seconded by Mr. Belanger to appoint the Emergency Planning Committee members as presented. The motion carried unanimously.

D. Appoint Election Workers

A motion was made by Mr. Belanger and seconded by Ms. Wilson to appoint the Election Workers as presented. The motion carried unanimously.

Ms. Wilson and Mr. Belanger asked that thank you letters be sent to election workers no longer working.

E. Appoint Agricultural Commission Members

A motion was made by Ms. Wilson and seconded by Mr. Belanger to appoint Kurt Parliment to the Agricultural Commission for a 3 year term. The motion carried unanimously.

A motion was made by Ms. Wilson and Mr. Belanger to appoint Kim Miczek and Matthew Soojan to the Agricultural Commission for 2 year terms, respectively. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Mr. Dennison to appoint Marjorie Cooper to the Agricultural Commission for a 1 year term. The motion carried unanimously.

F. Appoint Per-Diem/On-Call EMT

A motion was made by Ms. Provencher and seconded by Mr. Dennison to appoint Molly Dube to the position of per-diem/on-call EMT with a 6 month probationary period pending a CORI check and subject to all Town hiring policies and procedures. The motion carried unanimously.

G. Authorize Transfer of Solar Panels

Mr. Mizikar presented a request to transfer ownership of solar panels on Town buildings from Broadway Electric to Nexamp with all terms and conditions to remain in place and rates to remain the same.

Zaid Ashai, Nexamp CEO, noted that Nexamp is based in Boston and has agreed to acquire the operating assets of Broadway Electric. Rates will remain the same. Mr. Ashai has inspected the system and believes it to be in very good shape.

A motion was made by Ms. Wilson and seconded by Mr. Buckley to approve the transfer of the Town's solar panels from Broadway Electric to Nexamp and to authorize the Chair of the Board of Selectmen to sign the estoppel. The motion carried unanimously.

H. MOA FY 2014 Patrol Officers

Item postponed until the August 11, 2014 meeting.

I. MOA FY 2015 to FY 2017 Patrol Officers

Item postponed until the August 11, 2014 meeting.

J. Leicester Little League Lease Agreement – 90 Main Street

Mr. Buckley presented the request to renew the Leicester Little League Lease Agreement for use of the fields at 90 Main Street. The previous lease was for 10 years at a cost of \$1 per year and the Little League agreed to upgrade and maintain the property. All terms and conditions will remain the same. Mr. Belanger recommended leaving the address line blank for the Little League current president to complete.

A motion was made by Mr. Belanger and seconded by Mr. Dennison to approve the lease between the Town of Leicester and the Leicester Little League for use of the fields at 90 Main Street. The motion carried unanimously.

Ms. Wilson asked about highway department grindings provided at the site. Mr. Mizikar recommended this not be included in the lease but the highway could provide grindings if they are available. Mr. Belanger noted the Little League has been meticulous in maintaining and improving the field and this is a model for Leicester.

4. DISCUSSION/OLD BUSINESS

A. Social Media Policy

Mr. Mizikar presented the finalized Social Media policy for Board review and consideration. The Town has created a Facebook page and will have a Twitter account shortly.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to approve the Town's Social Media Policy. The motion carried unanimously.

B. Updated on DOR Financial Management Review Items

Mr. Mizikar discussed progress made towards addressing the 39 recommendations contained in the DOR Financial Management and noted significant progress made in implementing prudent changes for the Town. Mr. Mizikar estimated the Town has worked on 85-95% of the issues and will continue to work implement the recommendations as appropriate.

C. Cumberland Farms

Mr. Mizikar provided an update on Cumberland Farms' progress to donate a portion of the former Exxon property to the Town that Cumberland Farms does not need. Mr. Mizikar received little or no response when reaching out to Cumberland Farms regarding this deal until two weeks ago when Cumberland Farms stated they are still interested in donating a portion of the property to the Town but it must be approved by their internal real estate team in September.

5. TOWN ADMINISTRATOR REPORT

Mr. Mizikar presented highlights from his Town Administrator Report including new policies and procedures regarding employee leave, discussions regarding the Worcester Airport expansion, an update on the Rawson Street bridge project, the replacement of non-functioning fire hydrants and the new Fire Engine 3 in service as of July 7th.

6. BOARD OF SELECTMEN REPORTS

Ms. Wilson noted that the WRTA will be holding a series of public meeting and will be in their mobile bus at the Walmart on July 25th from 9:00 to 10:30am to seek input on new routes. Ms. Wilson also noted the concerts on the common have been very well attended with the 4th concert being held this week.

Mr. Belanger discussed signs nailed to telephone poles in Town and potentially having the Police Department call the number on the signs to ask that they be removed. Mr. Belanger noted that a working Brickyard Road meeting should be held between CRJ and the Town Administrator, Senators etc. so the owners and managers are more likely to give a candid information. Mr. Belanger suggested looking into whether or not group homes are an unfunded mandate due to the loss of tax revenue, increased liability and property devaluation.

Mr. Dennison mentioned a discussion held at the EDC meeting regarding difficulties opening businesses in Leicester and that interested individuals should be directed to the Town Administrators' office until a solution is determined. Also discussed was a subscription service to be offered by CMRPC where Towns can use their panel of experts to review projects.

Mr. Buckley noted that the highway department does remove signs off of Town buildings and Town property but can't take signs off the phone poles unless they are alcohol signs which are in violation of the sign bylaw.

7. MINUTES

A motion was made by Ms. Provencher and seconded by Ms. Wilson to accept the minutes from the June 30th, 2014 Board of Selectmen meeting.

A motion to adjourn at 8:52 pm was made by Ms. Wilson and seconded by Ms. Provencher. The motion carried unanimously.