

**MINUTES  
BOARD OF SELECTMEN MEETING  
AUGUST 11, 2014**

**CALL TO ORDER/OPENING**

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

**PUBLIC COMMENT PERIOD**

The public comment period took place as part of the Item 4a discussion.

**1. SCHEDULED**

**A. 6:45pm – Pole Hearing**

A representative from Verizon presented a request to relocate pole #42 at 484 Whittemore Street to a stub pole across the street at the request of the property owner. Through review prior to the meeting, Tom Wood, Highway Superintendent, concurred with the request. A motion was made by Mr. Belanger and seconded by Ms. Provencher to approve the pole relocation request. The motion carried unanimously.

**B. 7:00pm – Cable Franchise License Transfer Public Hearing**

Mr. Buckley opened the Public Hearing at 7:00pm to discuss the transfer of the Town's cable license from Charter to Comcast. Gerry Buckley with Comcast presented the request. A motion was made by Mr. Belanger and seconded by Ms. Provencher to close the public hearing. The motion carried unanimously. Mr. Buckley noted the 10 year agreement will remain intact and Comcast will notify residents of any changes well in advance. Mr. Mizikar noted that the Town has 120 days to make a decision from the date of the application (June 17, 2014). Gerry Buckley with Charter confirmed that Comcast is obligated to abide by the terms of the existing license. A motion was made by Mr. Belanger and seconded by Ms. Provencher to recess this item to the next scheduled Board of Selectmen meeting to allow for further review by the Board. A vote was taken by roll call.

**Vote by Roll Call:**

Belanger – Aye  
Provencher – Aye  
Dennison – Nay  
Buckley – Aye  
Wilson – Nay

The motion carried 3:2 with Mr. Dennison and Ms. Wilson opposed.

**2. CORRESPONDENCE**

**A. CDBG Grant Award Letter**

Mr. Mizikar discussed the FY14 CDBG grant which was recently award to the Towns of Leicester and Charlton. The joint application was awarded a combined total of \$758,056. The Town will receive funding for ADA design work at Town Hall, a generator for the Leicester Housing Authority and limited housing rehab forgivable loans for low and moderate income residents. The grant will be managed by Pioneer Valley Planning Commission, the agency which wrote the application.

**B. Letter of Recognition – Chief Hurley**

Mr. Buckley read a letter from a resident praising Chief Hurley for assistance provided to their family. The Board of Selectmen expressed their thanks and appreciation for Chief Hurley's efforts.

### **3. NEW BUSINESS**

#### **A. Resignations**

Mr. Buckley presented a resignation letter from Sergeant Joseph Fontaine, effective September 30, 2014. Ms. Wilson asked if Sgt. Fontaine was resigning or retiring. Mr. Mizikar responded that he is retiring. A motion was made by Mr. Belanger and seconded by Mr. Dennison to accept Sgt. Fontaine's resignation effective September 30, 2014. The motion carried unanimously.

#### **B. Appointments**

A motion was made by Ms. Provencher and seconded by Mr. Dennison to appoint four additional election workers as recommended by the Town Clerk. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to appoint Mr. Dennison to the alternate position on the Worcester County Selectmen's Association Executive Board. The motion carried unanimously.

Mr. Mizikar presented a request to appoint Kristen Forsberg Garza to the position of ADA Coordinator for the Town as the State requires this position be held by a Town employee. A motion was made by Ms. Wilson and seconded by Ms. Provencher to appoint Kristen Forsberg Garza to the position of ADA Coordinator.

A motion was made by Ms. Provencher and seconded by Mr. Dennison appoint alternate members to the Open Space and Recreation Committee as recommended by the Town Planner. The motion carried with 4 in favor and 1 abstention.

A motion was made by Ms. Wilson and seconded by Ms. Provencher to appoint Elizabeth Henry to the position of constable. The motion carried unanimously.

A motion was made by Ms. Provencher and seconded by Mr. Dennison to appoint Mary Harris to the position of alternate on the Agricultural Commission. The motion carried unanimously.

#### **C. Purple Heart Town Proclamation**

Ms. Provencher read the Town of Leicester's Purple Heart Town Proclamation which honors men and women who fought for our freedoms. A motion was made by Ms. Wilson and seconded by Mr. Dennison to proclaim Leicester to be a Purple Heart Town. The motion carried unanimously. Mr. Dennison noted that no words can say thanks enough for all that veterans have done for us. Ms. Provencher thanked Betty Benoit for bringing the designation to the Town's attention. Ms. Benoit noted her husband was a Korean War veteran and Purple Heart recipient. Ms. Benoit is working to help all cities and towns in Mass become designated as Purple Heart Communities to honor all who have served our country. Ms. Benoit noted that the next step is to send the proclamation to the State and National Order of the Purple Heart to request a certificate of acknowledgement to be presented to the Town at a later ceremony.

#### **D. Request to Dispose of Equipment**

A motion was made by Ms. Provencher and seconded by Ms. Wilson to approve all department equipment disposal requests conditioned upon following proper recycling protocols. The motion carried unanimously.

#### **E. MOA FY 2014 Patrol Officers**

Mr. Mizikar presented the proposed FY'14 MOA between the Patrol Officers and the Town of Leicester. Mr. Mizikar noted that the only change is the effective date of the agreement. A motion was made by Ms. Wilson and seconded by Ms. Provencher to approve the FY'14 Patrol Officer MOA. The motion carried unanimously.

**F. MOA FY 2015 to FY 2017 Patrol Officers**

Mr. Mizikar presented the proposed FY15-FY17 MOA between the Patrol Officers and the Town of Leicester. Mr. Mizikar highlighted key provisions of the MOA including required direct deposit, advance notification of retirement, rolling stipends into the base wage if not retiring in three years and increases to wages and stipends. A motion was made by Mr. Belanger and seconded by Mr. Dennison to approve the FY15-FY17 Patrol Officer MOA. The motion carried unanimously.

**G. Contract with Leicester Firefighters Association**

Mr. Mizikar presented the three year Collective Bargaining Agreement between the Town of Leicester and the Leicester Firefighters Association. Mr. Mizikar highlighted key provisions of the agreement including wage increases, stipend modifications and adjustments to temporary disability benefits. A motion was made by Mr. Belanger and seconded by Ms. Provencher to approve the agreement with the Leicester Firefighters Association. The motion carried unanimously.

Mr. Belanger praised Mr. Mizikar's work on the contract. Mr. Buckley received a call from Ryan Plante, union representative, regarding how much he appreciated working with Mr. Mizikar.

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A motion was made by Ms. Wilson and seconded by Ms. Provencher at 9:33pm to extend the meeting one half-hour. The motion carried unanimously.  
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**H. Fire/EMS Building Study**

Mr. Mizikar presented a request from Chief Wilson to create a new Fire Station Building Study Committee. Mr. Mizikar drafted a modified charge for the proposed seven member committee to include oversight of the planning, construction and spending associated with building a new Fire/EMS Station. A motion was made by Ms. Wilson and seconded by Ms. Provencher to approve the charge for the creation of a new Fire Station Building Committee with the following modification: remove one at large position and add one CIPC position. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to appoint Ms. Wilson as the BOS representative to the Fire Station Building Committee. The motion carried unanimously.

**4. DISCUSSION/OLD BUSINESS**

**A. 2 Brickyard Road**

Mr. Mizikar provided information he had received from Community Resources for Justice (CRJ) to address resident concerns regarding the group home at 2 Brickyard Road. CRJ has signed a lease with the owner, nonprofit Center for Independent Living (CIL), for 30 years. The group home will house 5 males 22 years of age or older. The individuals must have a developmental disability to live in the home; all other issues are secondary. A very small number of individuals with developmental disabilities are sex offenders, have a criminal record and/or substance abuse issues. It is not a halfway house and no parolees or juvenile offenders will live there. The turnover will be low and some individuals will require 24/7 direct care beyond the on-site staff who will work in 8 hour shifts 24/7. Some of the residents may come and go for employment, typically with a job coach. Internal and external work is underway to address safety issues and all work has been properly permitted

through the Town. CRJ has requested a meeting with LPD and LFD and also agreed to meet with residents. In case of an emergency, residents would shelter in place or relocate to another CRJ location.

Bob Alves, 5 Brickyard Road, expressed concern regarding a level 3 sex offender who was working on the property supervised by someone in a truck. Mr. Alves stated CRJ should have notified police and residents should have been notified. Mr. Alves also requested CRJ not park on the street and requested a sex offender bylaw be drafted. Mr. Alves finally noted that the group home would be better situated in a business district and expressed concerns about bus stops for children and the safety of neighborhood residents. Mr. Buckley noted that the Town has raised many of these concerns to CRJ.

Mike Curtis, 6 Brickyard Road asked why Leicester does not have a sex offender bylaw as Spencer has had one since 2012. Mr. Mizikar responded that such a bylaw would require town meeting approval, preceded by a 90 day review period for the Bylaw Committee, should the Selectmen direct him to draft such a bylaw. Mr. Dennison noted that the State can still challenge a local sex-offender bylaw. Mr. Belanger cited MGL 40a, the Dover Amendment, which states that no zoning ordinance or bylaw shall restrict facilities allowed by-right, under which 2 Brickyard Road qualifies.

Mr. Belanger expressed his desire to make changes to the Dover Amendment at the State level.

Tim Alves, 5 Brickyard Road, requested the bus pickup locate be moved to the top of the cul-de-sac.

Dawn Foley, 10 King Street Extension, asked if there is any recourse should incidents occur at the site. Mr. Mizikar noted that CRJ is licensed through the State Department of Developmental Services which conducts an annual review of CRJ funded programs and projects. Concerns can be forwarded to the State or the Town Administrator.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to take a five minute recess and continue the meeting in the Selectmen's Conference Room. The motion carried unanimously.

#### **B. Fall Special Town Meeting**

Mr. Mizikar discussed proposed items for the Fall Special Town meeting including electricity aggregation, budget adjustments to the Town Clerk's salary and ambulance receipts, stabilization funding, sex offender residency bylaw and additional funding allocated to the Town in the Governor's budget. The Selectmen discussed November 15<sup>th</sup> and November 18<sup>th</sup> as possible meeting dates. A motion was made by Mr. Belanger and seconded by Ms. Provencher to direct the Town Administrator to prepare a sex offender residency bylaw and submit the draft to the Bylaw Committee to start the required 90 day notification period. The motion carried unanimously.

#### **C. 9 Water Street**

Mr. Mizikar asked Kristen Forsberg Garza, Assistant to the Town Administrator, to present an analysis on seeking a historic designation for 9 Water Street for the purpose of renovating the existing on-site building into a new Fire Station for the Town. While the designation affords grant opportunities, significant alterations required to render the building structurally sound would likely disqualify the property from receiving a historic designation and it was recommended not to proceed with the National Register process for the purpose of obtaining grant funding to build a new Fire Station.

Ms. Wilson noted that the current building already qualifies for designation on the National Historic Register and the current owner could use this designation to attract development. Mr. Mizikar noted the purpose of this

analysis was only to determine if seeking historic designation for the purpose of receiving grant funds to build a new Fire Station would benefit or hinder the project, not whether the site should seek historic designation for other purposes.

Ms. Wilson noted the Town should seek historic designation for more buildings in Town and extend the historic district to include this property. Ms. Wilson asked that this item be included on the next BOS agenda at which she would provide additional information regarding historic preservation of this property.

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A motion was made by Ms. Provencher and seconded by Mr. Dennison at 10:02pm to extend the meeting for an additional 15 minutes. The motion carried unanimously.  
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**5. TOWN ADMINISTRATOR REPORT**

Mr. Mizikar presented highlights from his Town Administrator report.

**6. BOARD OF SELECTMEN REPORTS**

Mr. Belanger has drafted an amendment to MGL 40A, Section 3 relative to the Dover Amendment and local notification requirements. Mr. Belanger intends to bring this amendment forward for Board consideration at the next BOS meeting.

Mr. Dennison thanked the residents for coming out and expressing their concerns regarding 2 Brickyard Road.

Mr. Buckley thanked Mr. Mizikar and Mr. Belanger for participating in the meeting with CRJ to answer residents' concerns.

**7. MINUTES**

A motion was made by Ms. Provencher and seconded by Mr. Belanger to accept the minutes of July 21, 2014. The motion carried unanimously.

A motion was made by Ms. Wilson and seconded by Ms. Provencher to accept the minutes of July 25, 2014. The motion carried by a majority in favor with Mr. Dennison abstaining.

**8. EXECUTIVE SESSION**

A motion was made by Mr. Belanger and seconded by Ms. Provencher to enter into executive session at 8:34pm and to resume in open session to discuss the remaining agenda items.

**Roll Call:**

Belanger – Aye  
Provencher – Aye  
Dennison – Aye  
Buckley – Aye  
Wilson – Aye

A motion to adjourn was made by Mr. Belanger and seconded by Ms. Provencher at 10:13pm. The motion carried unanimously.