

**MINUTES  
BOARD OF SELECTMEN MEETING  
DECEMBER 7, 2015 at 6:30PM**

**CALL TO ORDER/OPENING**

Chairwoman Provencher called the meeting to order at 6:30pm. Chair Dianna Provencher, Vice Chair Douglas Belanger, 2<sup>nd</sup> Vice Chair Sandra Wilson, Selectman Harry Brooks, Selectman Thomas E. Buckley, III and Town Administrator Kevin Mizikar were in attendance.

**PUBLIC COMMENT PERIOD**

A motion was made by Mr. Belanger and seconded by Mr. Buckley to waive the public comment period and take up Item 4b. The motion carried unanimously.

**1. SCHEDULED**

**a. 6:30 – Pole Hearing – Merrick Street**

Al Bessette with Verizon discussed a petition for joint pole location on Merrick Street. The project includes the relocation of a pole at 21 Folsom Street to rectify a private property trespass and the installation of a new pole to provide service to both 21 Folsom and 2 Merrick Streets. An agreement has been reached between the two property owners affected. Mr. Belanger recognized the concerns of the property owner at 2 Merrick Street and asked if this new arrangement will provide service to both homes. Mr. Bessette responded in the affirmative. Ms. Wilson asked if this is being done at no cost to the homeowners and if the wires will be up high enough for vehicles to use the right of way. Mr. Bessette responded in the affirmative. Mr. Buckley asked if the electric box at 2 Merrick Street would have to be removed. Mr. Bessette responded in the negative. Kevin Shaughnessy with National Grid stated that a few trees may need to be trimmed. Mr. Buteau of 2 Merrick Street stated that he received a letter from Verizon at 6pm this evening which cleared up many of the issue she had. Mr. Buteau stated the original petition to the Board was lacking information and asked the Board to include this letter in their ruling.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the petition for joint pole location on Merrick Street and to include the letter provided by Verizon with additional information on 12/7/15. The motion carried unanimously.

**b. 6:30 – Utility Hearing – Scott Lane**

Iris Price with National Grid discussed a petition for the installation of underground facilities on Scott Lane. The work will allow a new customer at 5 Scott Lane to receive service. Mr. Mizikar spoke with Highway Supervisor Tom Wood and given the weather the road can still be opened to allow for the work to be completed. Ms. Wilson asked about the timeline for completion of the work. Ms. Price responded that given the time of year she try to schedule the work within the next two weeks.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the petition and direct the Town Administrator through the Highway and Police Departments to waive the current road opening restrictions as appropriate. The motion carried unanimously.

**c. 6:35 – Prime Wellness of Massachusetts – John Glowik**

John Glowik with Prime Wellness presented a request to operate a marijuana grow facility at 82 Huntoon Memorial Highway. Mr. Glowik is hoping to have grow facilities in Sterling and Leicester to serve 3 proposed dispensaries in Springfield, Worcester and Shrewsbury. The Town of Sterling has approved a grow facility in their municipality. Mr. Glowik noted the business, if approved, would create 16-24 jobs. Prime Wellness would also make annual payments to the Town in the amount of \$25K in 2016, \$50K in 2017, \$75K in 2018 and 3% of all sales per year in the following years. The business will pay taxes and discuss any special needs the Town may have including providing a full security

assessment and plan to the Chief of Police. No product will be dispensed to the public from this location. The product would go into a locked vault and be loaded into a truck inside of the building. Odor will be mitigated by using charcoal filters and an HVAC system. Mr. Belanger encouraged the business to provide nice landscaping.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to sign a letter of support to the State for the proposed dispensary to be located at 82 Huntoon Memorial Highway. The motion carried unanimously.

## **2. CORRESPONDENCE**

### **a. Eagle Scout Ceremony Invitation**

The Board requested a certificate of achievement be prepared and presented to Jeremy Gaudet for becoming an Eagle Scout.

## **3. NEW BUSINESS**

### **a. Resignations**

#### **i. Mary Ring – Board of Registrars**

A motion was made by Ms. Wilson and seconded by Mr. Brooks to accept the resignation of Mary Ring from the Board of Registrars and to send a letter of thanks. The motion carried unanimously. Mr. Belanger asked the Town Administrator to confirm whether this now open position is for a democrat or republican.

### **b. Appointments**

#### **i. Jasmine Randhawa - Bylaw Committee**

A motion was made by Ms. Wilson and seconded by Mr. Belanger to appoint Jasmine Randhawa to the Bylaw Committee. The motion carried unanimously.

#### **ii. Derek Fenner – Light Equipment Operator**

A motion was made by Ms. Wilson and seconded by Mr. Belanger to appoint Derek Fenner to the position of Light Equipment Operator. The motion carried unanimously.

#### **iii. Truck Driver**

A motion was made by Mr. Belanger and seconded by Mr. Brooks to appoint David Bleau to the position of truck driver. The motion carried unanimously.

#### **iv. Michael Curtis - Board of Registrars**

This item was held for a future meeting.

### **c. Internal Borrowing – Fire & EMS Headquarters Project**

A motion was made by Ms. Wilson and seconded by Mr. Belanger to approve the internal borrowing in the amount of \$355,000 for the Fire & EMS Headquarters Project.

Under discussion Ms. Provencher asked if this amount was part of the \$6.5M. Mr. Mizikar explained that the Town is borrowing against itself to save interest but the project total has not changed.

The motion carried unanimously.

### **d. 2016 Miscellaneous License Renewals**

A motion was made by Mr. Belanger and seconded by Ms. Provencher to approve the license renewals as presented. The motion carried unanimously.

**e. Establish Library Building Committee**

A motion was made by Mr. Belanger and seconded by Ms. Wilson to establish a Library Building Committee. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Mr. Brooks to appoint Tom Buckley to the Library Building Committee. The motion carried unanimously.

**f. Syncarpha Estoppel Agreement**

Mr. Mizikar presented an estoppel agreement with Syncarpha, the company from which the Town is purchasing solar. A new lender has come in to the project and has asked the Board to reconfirm the statements made in the original agreement. The agreement has been reviewed and approved by Town Counsel.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to authorize the Board Chair to sign the estoppel agreement with Syncarpha. The motion carried unanimously.

**g. CDBG Grant Extension Request Letter**

Kristen Forsberg, Assistant to the Town Administrator presented a grant extension request letter for the CDBG grant for the Board's consideration. The letter will allow the project to continue moving forward by extending the contract between the Town of Leicester and the State Department of Housing and Community Development (DHCD). This is a no penalty extension as the project will be completed within the HUD contract term.

A motion was made by Mr. Brooks and seconded by Mr. Buckley to authorize the chair to sign the CDBG grant extension request letter. The motion carried unanimously.

**h. Contract – Massachusetts Board of Library Commissioners – Library Expansion and Renovation Project**

Mr. Mizikar presented a contract with the Massachusetts Board of Library Commissioners for the \$4.2M grant for the Library Expansion and Renovation Project. The agreement requires the Board of Selectmen, Library Director and Board of Library Trustees chair to sign so all parties are fully aware of all conditions of the grant. A motion was made by Mr. Buckley and seconded by Mr. Belanger to authorize the chair of the Board of Selectmen to sign the contract with the Massachusetts Board of Library Commissioners for the Library Expansion and Renovation Project. The motion carried unanimously.

**4. DISCUSSION/OLD BUSINESS**

**a. 39 Craig Street Order**

Mr. Mizikar discussed the order issued by the Board in July to address a dangerous dog at 39 Craig Street. The Town has not been able to obtain full compliance with the Board's order from the owner. Colleen Sheard of 39 Craig Street stated the pen outside has been built and an insurance policy has been found but she can't afford it right now and the dog has not been home since the 10 day window to appeal passed. Mr. Mizikar stated that Town has requested the location of the dog and have not received it. The Town is responsible for alerting the Town that currently has the dog to the dangerous dog determination made by the Board. Ms. Sheard stated she does not think it is fair or necessary to release the address because she has been tormented, stalked and chased on her street since the dog bite incident and doesn't want this to happen at the new location. Mr. Mizikar stated that the Town is forced to uphold Mass General Laws and the board must do all it can to provide compliance because it's a liability to the Town. Ms. Wilson requested Ms. Sheard inform the Town Administrator and Animal Control Officer of the location of the dog. Mr. Belanger stated the Board gave special of instructions of what had to be done to allow the owner to keep the dog and these requirements have not been followed. Mr. Belanger directed Ms. Sheard to provide the address to the Town Administrator by tomorrow morning or he would call for another hearing. Patty Dykas added that the pen built does not meet the requirements. Ms. Provencher asked Ms. Sheard if she would tell the Town Administrator of the location by tomorrow morning at 9am. Ms. Sheard agreed to do so. Mr. Belanger stated if this is not followed

another hearing will be held at which the Board will be allowed to exercise all of their powers under Mass General Law and the outcome could be grimmer.

**b. Cell Tower Proposal – 30 Huntoon Memorial Highway**

The Board of Selectmen heard comments from the public regarding an application to the Zoning Board of Appeals for a proposed cell tower at 30 Huntoon Memorial Highway. All comments from the residents that spoke were in opposition to the tower for a variety of reasons ranging from aesthetics to concerns about decreased property values and health risks.

A motion was made by Mr. Buckley and seconded by Mr. Brooks to oppose the proposed cell tower at 30 Huntoon Memorial Highway and to adopt the following resolution:

The Town of Leicester does not desire to prohibit the provision of wireless services. However, in this particular case, the Board of Selectmen recommend disapproval of the Verizon application for a 150' cell tower to be installed at 30 Huntoon Highway, Leicester, Massachusetts as being an undesirable siting for the Town which will likely reduce housing values, diminish tax revenue and lead to blight.

The Town of Leicester does not desire to prohibit the provision of wireless services. In the event that the Zoning Board of Appeals denies the special permit for Verizon at 30 Huntoon Highway, Leicester, Massachusetts, the Town Administrator is directed to work with representatives of Verizon to locate a more suitable site for placement of a cell tower (including, but not limited to, placement on town property, town buildings, water towers, identifying willing private landowners of more suitable land for siting, etc.). The Town does not seek an effective prohibition on the provision of wireless services, and the Town does not intend to exhaust Verizon by requiring successive applications without giving any clue of what is necessary to be successful. Negotiations are welcome and the Town is willing to work with Verizon to identify alternative options that will suite Verizon's needs to provide adequate services to its customers and the Town's need to reduce the visual and economic impact on the community.

The motion carried 4:1 with Ms. Wilson casting the opposing vote.

Ms. Provencher reminded the meeting attendees that the comments of the Board of Selectmen would be submitted to the Zoning Board of Appeals, but that the ZBA holds the authority to grant or deny the special permit.

**5. TOWN ADMINISTRATOR REPORT**

The Town Administrator presented highlights from his written report.

**6. BOARD OF SELECTMEN REPORTS**

Mr. Buckley enjoyed the Thanksgiving Dinner given by Senator Moore at the Senior Center and reminded the public about the Denny portrait reception happening Thursday from 6-8pm at the Library.

Mr. Brooks thanked Joe Hamm and Mike Rivelli for removing trash off of Main Street. Mr. Brooks asked how the Town deals with dumping outside of houses. Mr. Mizikar responded the Town must work with the individual property owner(s).

Ms. Wilson noted that Olympia at Mike's Donuts has retired and thanked her for being a huge asset to the community. Ms. Wilson welcomed Dippin' Donuts and noted they will maintain the same staff and things will stay as they are for now. Ms. Wilson noted Cumberland Farms has demolished the old gas station in the center of Town and the sidewalk is nearly done. Ms. Wilson asked about the status of Eastern Pearl. Mr. Mizikar responded they went before the

Planning Board last week and received a conditional approval subject to parking requirements. Ms. Wilson congratulated Danielle Reader on a successful craft fair that was well attended.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to proclaim the month of December as “shop Leicester first” month. The motion carried unanimously.

Mr. Belanger stated the PD did an amazing job getting a weapons off the street in a recent arrest and asked that they be formally recognized. A motion was made by Mr. Belanger and seconded by Mr. Brooks to formally recognize the police department for their efforts in getting weapons off the streets. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Mr. Brooks to formally recognize Becker College donating 3 Paxton Street to the Town of Leicester by putting a plaque on the new fire station. The motion carried unanimously.

Ms. Provencher thanked the volunteers who served the Thanksgiving Dinner at the Senior Center, welcomed the new owners at Mike’s Donuts and congratulated Olympia on her retirement. Ms. Provencher congratulated Danielle Reader for doing a great job with the craft fair at the high school. Ms. Provencher asked that a thank you note be sent to Paul Fontaine for fixing the lights in Bean Square. Ms. Provencher thanked the Meadows for all they do for the community including meals on holidays, contributing funds to Town projects and causes such as the Library and Hearts for Heat, offering blood drives and community health fairs.

## **7. MINUTES**

- a. November 2, 2015**
- b. November 9, 2015**
- c. November 16, 2015**

A motion was made by Mr. Belanger and seconded by Mr. Brooks to approve the minutes of November 2, 2015, November 9, 2015 and November 16, 2015. The motion carried unanimously.

## **8. EXECUTIVE SESSION – MGL CHAPTER 30A, SECTION 21A**

- a. Exception 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel**
- b. Exception 6 – To consider the purchase, exchange, lease or value of real property**

A motion was made by Ms. Wilson and seconded by Mr. Buckley to enter into executive session under Exceptions 2 and 6 at 9:06pm.

### **Vote by Roll Call:**

Provencher – Aye  
Belanger – Aye  
Wilson – Aye  
Brooks – Aye  
Buckley – Aye

The motion carried unanimously.

The Chair declared that to discuss these matters in open session would compromise the position of the Town.

A motion to adjourn was made by Ms. Wilson and seconded by Mr. Buckley at 9:35pm. The motion carried unanimously.