

**MINUTES
BOARD OF SELECTMEN MEETING
MARCH 7, 2016**

CALL TO ORDER/OPENING

Chairwoman Provencher called the meeting to order 6:31pm. Chair Dianna Provencher, Vice Chair Douglas Belanger, 2nd Vice Chair Sandra Wilson, Selectman Harry Brooks, Selectman Thomas E. Buckley, III and Town Administrator Kevin Mizikar were in attendance.

PUBLIC COMMENT PERIOD

Dawn Brooks spoke to difficulties her family is having with the school system. Ms. Brooks stated she understands the Board has no control over the schools but has followed the chain of command and has gotten nowhere. She expressed concern about her son's safety at school. He has not gone to school for 9 days because he does not feel safe and she has not been contacted by the principal or the superintendent. The same student who hit her son twice and uses vulgar languages has hit someone else. Ms. Brooks has sought out help for her son's anxiety but beyond that doesn't know what to do to have this issue addressed.

Martha Thompson, a concerned parent with two children in the school system stated she has lost faith in the school administration and School Committee after her son came home injured and bullied three times in two months. Ms. Thompson stated kids are afraid and not going to school and there is a lack of urgency with regard to their safety. The behavioral issues at the schools interfere with learning and she wants to help get the kids feeling safe. Ms. Thompson stated these issues are occurring at the Primary, Memorial and Middle Schools.

Mr. Belanger stated this is disheartening and troubling to hear but as a matter of protocol the Board is limited to what they can do during public comment period. The Board can listen and follow up through the Town Administrator but are prohibited from taking action or making specific recommendations.

Mr. Buckley noted he worked as a Leicester teacher for 38 years and asked if this issue is on the upcoming School Committee agenda. Ms. Thompson responded it is under "other" but parents had asked to have their own specific agenda item. Ms. Thompson stated parents feel they are getting a political response that is not straight forward and discussing a code of conduct for next school year does not address the current issues including swearing at teachers and kids jumping in trash bins with no control over children at the Memorial School.

Jen McGrail stated she is not seeing the same issues but if her son was going through the same thing she would want to work with the School Committee rather than battle with them and is hoping they will work with the schools towards change.

Lynette Moon stated in the 5th grade filthy language is being used, boys sexually harass girls and the entire classroom is removed when there is an issue rather than the student. Ms. Moon states there is no disciplinary action because taken which teaches other kids that this behavior is ok. Her son has been hit a few times and she wants to know why there are no consequences for these actions.

Donna McCance, a teacher at the Primary School, stated there has been a shift from zero tolerate to the other end of the spectrum and there needs to be a balance and common sense must be used. Ms. McCance stated the teachers support and sympathize with the parents and students. Ms. McCance stated that research has suggested that in order to keep kids in school zero tolerance was too harsh but the schools do have suspension policies that are not being followed and asked the schools and School Committee why this is the case.

Mr. Buckley asked if Ms. McCance had the opportunity speak with any School Committee members. Ms. Thompson stated she has had contact with Tyler Keenan but feels she is getting the run around.

Ms. Provencher asked Mr. Mizikar to look into the issue and come back to the Board. Ms. Provencher thanked the parents for coming in and stated they were very brave to do so.

1. SCHEDULED

a. 6:30pm – Representative Kate Campanale

State Representative Kate Campanale outlined the detailed of the Governor's budget which reduces the reliance on one time spending, provides low income tax credits to 40,000 families, eliminates long term structural imbalance identified in the previous year, keeps spending growth around 3.5% increases chapter 70 education funding statewide, provides funding for the Community Compact Program where local communities receive assistance from the State and keeps kindergarten grants in place.

For Leicester specifically, the budget proposals a \$100,000 increase in local aid which includes \$68,000 in unrestricted government aid and a \$32,000 increase in Chapter 70 education funds which is an increase due to a decrease in charter school reimbursement. Representative Campanale noted that the Government's proposal is in the Ways and Means Committee now and the House budget should be out by April 13th with the Senate's version due out in May which will hopefully have better revenue projects. However, Rep. Campanale advises it is safer to go off of the Governor's budget numbers.

Mr. Belanger noted that the bottom lines matters and as expenses have increased such as health insurance, it is frustrating to see some of the offsets included. Ms. Campanale noted that even through the increase is meager it should be helpful and asked if the Town has looked into the GIC. Mr. Belanger noted it is an option but not a very good one at this time. Mr. Mizikar added that he has solvency concerns from premiums to the costs from a business standpoint and right now there is not enough savings and too many variables to switch.

Mr. Brooks asked if there are children from Leicester in Charter schools as he was told you can't get a child from Leicester into a charter school. Ms. Campanale responded there are.

Ms. Campanale noted that the recently released Chapter 70 study uses a new formula which shows Leicester is \$200,000 underfunded but there is no push to implement the findings until they are further studied. Ms. Campanale also mentioned the municipal bridge program for which at least 5 bridges in Leicester are eligible. Ms. Provencher asked about Rawson Bridge. Ms. Campanale responded that Rawson Bridge is not eligible for this program because it is structurally obsolete. Mr. Mizikar noted a commitment to fund the repair of this bridge was made in 2012 between Secretary Davie and Representative Binienda and the project is already in the 25% design phase. Ms. Campanale noted that DOT is aware of the project and the promise did not come through but being in the design phase puts the project in a more advantageous position should funding become available. However, there is no indication that the project is moving forward at this time. Mr. Mizikar stated he would follow up with the Highway Superintendent and project engineer.

b. 6:45pm – Fiscal 2015 Financial Audit Presentation – Tom Scanlon

Tom Scanlon presented the FY'15 audit report. This is the second year Scanlon and Associates has undertaken the annual audit for the Town and a clean opinion was issued which helps out in the bond market. Mr. Belanger asked for a general overview of the audit. Mr. Scanlon stated the Town has come a long way in one year with financial reporting and internal controls including reconciling cash on a timely basis and improving controls to properly account for balancing revenue and expenditures. The Town is moving in the right direction but does need a little more improvement in basic controls.

Mr. Scanlon pointed out some key features of the audit including the OPEB and pension liabilities which are now recognized on the balance sheet but paid on a “pay as you go basis” as employees retire. Mr. Scanlon stated the Town has adopted a trust and should consider funding it. Mr. Scanlon stated the bulk of free cash comes from Medicaid reimbursement and the Town is very conservative on excise tax projects which is good. Free cash is a good mix of revenues and expenditures and the financial team has a good understand of free cash and using it to fund stabilization, snow and ice deficits and one time uses which is very sound. Mr. Scanlon stated he would like to see reserves ideally increased to 10% but at 7% the Town is still within the 5%-10% bond market average.

A motion was made by Mr. Buckley and seconded by Mr. Belanger to accept the audit report. The motion carried unanimously.

c. 7:00pm – One Day Beer/Wine License Request – Becker College

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve a one day beer/wine permit for Becker College for March 16, 2016 for the Leicester Business Association event from 5-9pm. The motion carried unanimously.

d. 7:00pm – Medical Marijuana Facility Presentation – Healthy Pharms

Valerio Romano, attorney for Healthy Pharms presented a request for a letter of support/no contest to open a medical marijuana dispensary at 1535 Main Street across from Cumberland Farms. Mr. Romano stated that Healthy Pharms was awarded one of 15 licenses out of 181 applied for and has secured a facility in Georgetown. This would be a second application for the group. Mr. Romano noted that Massachusetts has the most highly regulated medical marijuana program in the country and every aspect is regulated. Healthy Pharms already has security and architectural review plans which have been approved by the Georgetown PD.

Mr. Romano noted that 61% of Leicester residents voted in favor of medical marijuana in 2012. A dispensary in Leicester would provide for economic development and this location meets the zoning and buffer requirements and is a good location to serve the surround communities.

Mr. Belanger asked if the group had worked with Chief Hurley. Mr. Romano responded the plan was to first see if the Board approved as to not go behind their back then to further engage with every Town department including the PD. Mr. Belanger stated input from the PD will be a big part of the Board’s decision along with public input and recommended a public meeting with the neighborhood to get their input and see what the major concerns are.

Mr. Brooks asked if marijuana is legalized would this location sell recreational marijuana. Mr. Romano responded it would not as Healthy Pharms is a nonprofit but does pay full taxes to the Town and must operate for a nonprofit purpose which is to sell medicine. An entirely new business model would need to be created and the citizens could reject it.

Mr. Romano stated some of the benefits of the dispensary in Leicester include the creation of 10-15 full time jobs, patients spending money in town, tax revenue, and a host agreement to provide revenue to the Town which the Town could use at its discretion. Having a dispensary in Town would also eliminate the hardship cultivation allowance meaning people would not be able to grow it on their own now that they have access to a dispensary close by. The dispensary would offer small amounts of financial assistance to those who really need it and delivery to those who are home bound with GPS monitored scheduled routes. Mr. Romano also stated an American Medical Association study showed that medical marijuana helps reduce opioid mortality which goes down by nearly 25% in states with medical marijuana. There is also no evidence of increased use amongst students.

Mr. Romano stated he is looking for a letter of support or a letter of non-opposition to having a dispensary at 1535 Main Street so that Healthy Pharms can move forward in the application process with the Department of Public Health. Healthy Pharms currently has a binding commitment on the property. The Board's letter would be more of a zoning endorsement and Mr. Romano believes the location meets all zoning requirements for a dispensary in Town. Ms. Wilson asked about other Towns being considered. Mr. Romano stated the focus is on Leicester for the second application. Mr. Belanger stated that while the business is necessary and meets the needs of people with serious difficulties, he would like input from the PD, EMS and a public input meeting. Mr. Buckley asked what makes Leicester so attractive; is it that a special permit is not required? Mr. Romano responded that not having to obtain a special permit helps but really the reason is that there are not many dispensaries in the area and Healthy Pharms is a smaller self-funded company that can't compete in Boston. Ms. Wilson asked about the timeline. Mr. Mizikar responded that he has met with the group several times it was his recommendation to approach the Board for approval first. The conversations they have had are on par if not better than those with other interested facilities in the past. Mr. Mizikar stated he gave a couple of sites to the group that meet the economic development goals of the Town in the allowed area and they went after the number one site. The group has been very up front and supportive of the Town's interests.

A motion was made by Mr. Belanger and seconded by Mr. Brooks to direct the Town Administrator to work with Healthy Pharms, Chief Hurley, EMS and to set up a public input meeting.

Under discussion, Mr. Brooks asked how we can prevent the group from opening a recreational marijuana facility. Mr. Mizikar noted it would be subject to negotiation but the group could be asked not to open such a facility in the Town and it could be written into the host agreement.

The motion carried unanimously

2. CORRESPONDENCE

None

3. NEW BUSINESS

a. Resignations

None

b. Appointments

Interim Town Accountant – Allison Lawrence

Mr. Mizikar recommended Allison Lawrence for the position of Interim Town Accountant. Ms. Lawrence has plenty of private sector finance experience and has served over the last three and a half years as the Assistant Town Accountant and learned under the steady guidance of Sandy Buxton. The position was posted internally and Mr. Mizikar stated he plans to follow the same model used to fill the Treasurer/Collector position.

A motion was made by Mr. Brooks and seconded by Ms. Wilson to appoint Allison Lawrence to the position of Interim Town Accountant. The motion carried unanimously.

c. Designer Services Contract – Library Renovation and Expansion

Mr. Mizikar presented an architectural and engineering services contract for the library expansion and renovation project with Charlie Van Voorhis in the amount of \$600,000. Mr. Van Voorhis is the same designer who worked on the original plans for the library. This contract would provide for the complete design of the library and has been reviewed and approved by the Library Building Committee.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to sign the agreement with Charlie Van Voorhis for the design of the library renovation and expansion project. The motion carried unanimously.

d. Fiscal Year 2017 Budget Proposal

Mr. Mizikar presented his FY'17 budget proposal which has also been sent to the Superintendent of Schools and the Finance Advisory Board. The opening message format is new and the budget is supported by department missions and goals which nest back to up to the Board's goals. Additional guidance will be developed for residents to make the budget even more user friendly going forward.

For FY'16, 60.73% of the budget has been expended which is on track for being 75% of the way through the fiscal year as the numbers are never perfectly aligned. No reserve funds have been spent and Mr. Mizikar is looking at excess funds that can be reallocated at Town Meeting. Unobligated free cash is much lower due to major capital projects such as the high school roof.

Departments were asked to submit level service budget requests which is not necessarily the same dollar amount but what is needed to provide the same level of services. The Board set four major goals and the departments were asked to align their goals with these goals. Mr. Mizikar has taken a detailed review and audit of major accounts and presented a balanced proposal with projected revenues of \$28.66M and expenditures of \$28.65M which is an increase of 2.74% over the FY'16 plan and uses the Governor's state aid budget numbers. Property tax will increase 4.76% due to debt exclusions voted on at Town Meeting. The increase in local receipts is due to City of Worcester funding for dispatch. Ambulance receipts is the only revenue source decreasing and their budget will not be able to be fully funded but the town still gets a much greater value by having these services in house.

On the expenditure side the general government costs have decreased due to the removal of one-time expenses. Public safety is decreasing on paper due to dispatch moving to Worcester but the additional revenue allows the Town to increase staffing for Fire, EMS and PD. One of the largest increases is the intergovernmental line item due to health insurance premiums going up 13-14%. The Board of Selectmen budget is proposed to go up 8.3% due largely to the addition of a part time admin position in the office in over to allow the Town Administrator and his Assistant to focus on mission driven projects such as economic development and building strategic plans.

Mr. Belanger asked what happens if the unions don't accept the terms of the new healthcare proposal. Mr. Mizikar responded that the Town would have to forgo changes such as an agreement with CMRPC for GIS or the change in staffing in the Selectmen's office. Additional overlay surplus funds could also be used.

Ms. Wilson asked if the school department budget has decreased. Mr. Mizikar responded that due to energy savings and by identifying an additional \$50,000-\$60,000 in additional cuts the budget has decreased. Ms. Wilson asked if other than the part time person in the Selectmen's office is the head count flat. Mr. Mizikar responded that the PD has one additional officer. Mr. Brooks asked about nonunion raises. Mr. Mizikar stated the budget includes 2.5% nonunion wages.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the budget as presented. The motion carried unanimously.

e. Fiscal Year 2017 Capital Plan Improvement Plan Proposal

A motion was made by Mr. Belanger and seconded by Mr. Buckley to approve the capital plan as presented. The motion carried unanimously.

f. Leave of Absence and Reclassification of Position – Highway Department

Mr. Mizikar presented a request from Robert Provost of the Highway Department to extend his leave of absence through June 30, 2016. The position would be reclassified to a laborer position based upon a detailed agreement.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to authorize the Town Administrator to sign the agreement with Mr. Provost. The motion carried unanimously.

g. Notice of Award – High School Roof Replacement Project – Greenwood Industries

Passed over

4. DISCUSSION/OLD BUSINESS

a. Plan for Borrowings for Capital Projects

Mr. Mizikar stated that the bids have come in lower than expected and the Town does not need to borrow for the High School roof. For the major capital projects, Mr. Mizikar intends to borrow in phases and is looking at USDA financing for which an application should be submitted by the end of March. The tax rate impact of the debt exclusions is lower than what was expressed to residents at Town Meeting and the highest year will be FY2019 with an increase of 94 cents.

5. TOWN ADMINISTRATOR REPORT

The Town Administrator presented highlights from his written report.

6. BOARD OF SELECTMEN REPORTS

Mr. Buckley had a great time at the Cub Scouts blue and gold ceremony and thanked Eller's for catering.

Mr. Brooks was very proud of the 9 young men who crossed the bridge to become boy scouts and noted there is now a place at the police station to exchange goods sold over the internet that is covered under video surveillance for safety.

Ms. Wilson noted the purchase and sale agreements have been signed for 1 and 3 Paxton Street and the architect presented the latest designs to the fire station building committee. The Project is on budget with a target start date of June.

Mr. Belanger wanted water run off on Westminster and Green Streets looked at before any issues occur.

Ms. Provencher noted the Board gave the cub scouts a certificate of congratulations and all parents' leaders and kids did a wonderful job.

7. MINUTES

a. February 22, 2016

Mr. Buckley requested a typo be fixed on page 5 of the minutes. A motion was made by Ms. Wilson and seconded by Mr. Buckley to approve the minutes of February 22, 2016 as amended. The motion carried unanimously.

8. EXECUTIVE SESSION, MGL CHAPTER 30A, SECTION 21A

None

A motion to adjourn was made by Mr. Belanger and seconded by Ms. Wilson at 9:34pm. The motion carried unanimously.