

**MINUTES
BOARD OF SELECTMEN MEETING
MARCH 21ST, 2016 AT 6:30PM**

CALL TO ORDER/OPENING

Chairwoman Provencher called the meeting to order at 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

No members of the public provided comment

1. SCHEDULED

a. 6:30pm – Liaisons to the Board of Selectmen

Mr. Mizikar presented an idea brought forth by Doug Belanger to have student liaisons to the Board. The Town Administrator's office worked with the School Administration to have students apply and be selected for the position and Mr. Mizikar is very happy to announce Jaymi-Lyn Souza and Robert Kemp have been selected. Mr. Mizikar had an opportunity to sit down with both students and discuss what they might be able to do together. The liaisons would be with the Board through the next school year.

Robert Kemp stated he is the vice president of his sophomore class, plays baseball and golf and is very interested in politics. Mr. Kemp loves Leicester and feels this is a great opportunity to be involved.

Jaymi-Lyn Souza is a junior and is a member of the National Honor Society, the Student Council executive Board, plays field hockey and is involved with the drama club. Ms. Souza feels this is an opportunity to bridge the gap between local government and the students of Leicester.

Mr. Brooks stated he felt the schools could not have picked two better students, noting both help out with Special Olympics and Mr. Kemp assists with the food pantry.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to appoint Robert Kemp and Jaymi-Lyn Souza to the position of Liaison to the Board of Selectmen. The motion carried unanimously.

b. 6:45pm – Natural Healthcare Inc. - Medical Marijuana Presentation

Robert Lally with Natural Healthcare wanted to introduce himself to the Town and come back later for a letter of support for a location to be determined in Leicester. Mr. Lally stated his company which is the 3rd largest producer of medical marijuana in Washington State and has growers and producers from California and Colorado. In addition they built the first casino in Maine. Natural Healthcare is just starting the process of looking at sites in Leicester and has not picked a location but is looking along Huntoon Highway and Main Street.

Mr. Belanger stated a lot will depend upon the final selection of the site and the Chief of Police's comments but he likes their professional approach.

Mr. Brooks asked what would happen if marijuana is legalized. Mr. Lally stated that generally one wins out of the over and it would be regulated by the State. If allowed, they would have to reapply but here they are committed to medical marijuana and would want to honor the wishes of the Town.

Ms. Wilson asked if the company is a nonprofit. Mr. Lally responded in the affirmative. Mr. Belanger asked about a PILOT program. Mr. Lally stated they would want to work with the Town to get the appropriate agreement and is very much in favor of payment in lieu of taxes.

Mr. Brooks asked if the Town can have its own laws to ban recreational marijuana. Mr. Mizikar responded general a Town can't ever prohibit a particular use but can regulate where it can and can't go.

Ms. Wilson asked how important Leicester is to Natural Healthcare and what other towns they are looking at. Mr. Lally stated they looked at two dozen towns and liked the zoning and the way it is laid out in Leicester. Leicester is their number one site for producing, processing and home delivery and they are not looking anywhere else at the moment.

Mr. Mizikar noted there will be an information session on medical marijuana siting in Leicester with Healthy Pharms and Natural Healthcare on March 29th at 6:30pm in the Town Hall gym.

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

A motion was made by Mr. Belanger and seconded by Mr. Brooks to approve the one day beer/wine license for Becker College on April 14th, 2016. The motion carried unanimously.

2. CORRESPONDENCE

3. NEW BUSINESS

a. Resignations

b. Appointments

i. Library Building Committee – Mark Armington

A motion was made by Mr. Belanger and seconded by Mr. Brooks to appoint Mark Armington to the at-large position on the Library Building Committee. The motion carried unanimously.

ii. Financial Advisor – Sandy Buxton

Mr. Mizikar noted that although Ms. Buxton has retired and Ms. Lawrence has been appointed Interim Town Accountant through the end of the fiscal year, it was agreed that Ms. Buxton would provide support as a consultant and fill anticipated planned leave in the department.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to appoint Ms. Buxton to the position of Financial Advisor. The motion carried unanimously.

c. OPM Contract – Library Renovation and Expansion Project

Mr. Mizikar presented a contract with Lameroux Pagano for the OPM services for the Library Renovation and Expansion project in the amount of \$333,870 which has been reviewed and approved by both Town Counsel and the Library Building Committee for the Board's review and consideration.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to execute the contract for OPM services with Lameroux Pagano. The motion carried unanimously.

d. Contract Amendment – Kang and Associates – Town Hall ABR Project

Mr. Mizikar presented a contract amendment with Kang and Associates to perform asbestos removal as part of the Town Hall architectural barrier removal project in the amount of \$4,830. Funding would come from the FY'14 CDBG grant.

A motion was made by Mr. Buckley and Mr. Brooks to approve the amendment to the contract with Kang and Associates. The motion carried unanimously.

e. Review draft ATM and STM warrant

Mr. Mizikar discussed the draft Special Town Meeting warrant which includes the following five articles:

- 1) Prior Year Bills – standard, nothing major
- 2) Adjust FY'16 Budget – small adjustments in a few areas such as health insurance funds moving to debt services to pay off the radio upgrade project which will save \$40,000 over the next 3 years
- 3) Balance Snow and Ice deficit – approximately \$45,000
- 4) Fire Engine lease – pay year 3 of lease for new engine
- 5) Accept insurance proceeds – Primary School façade – received \$50,000 but were able to repair for cheaper

Mr. Mizikar discussed the draft Annual Town Meeting warrant which includes the following 26 articles:

- 1-7) Standard business required annual by Mass General Laws
- 8) 2017 budget
- 9) Vocational tuition
- 10) CMRPC annual assessment – helped the Town apply for an FY'17 CDBG grant last minute – getting more than our money's worth
- 11) Funding stabilization account
- 12) FY'17 Capital Plan
- 13) OPEB – consider funding our retirement pension liabilities based on Finance Advisory recommendation
- 14) Easements for Rt 56 resurfacing project – From Main to Hyland Streets – includes resurfacing, draining and repair of sidewalks as well as widening in parts to make it a consistent width. 4 permanent easements (guidewires and draining). Will seek donations of land for temporary easements and need Town Meeting approval for the taking of any easements. Will also include taking land to square off the common at a right angle and straightening out the crosswalk.
- 15) Secret Ballot Citizen Petition – Petition to allow a secret ballot at Town Meeting if voted by at least 7 townspeople. Town should be considering electronic voting which would make every vote secret and not require the preparation of paper ballots. Cost would be \$7,000 for 150 machines and could share with other Towns if need more.
- 16) Animal Control Bylaw Update – Align with State laws revised in 2012
- 17) Dispose of Town Owned Property – will likely not move forward
- 18) Grant easements to MassPort for Airport Project
- 19) Discussed as part of article 14
- 20) Duplicate
- 21) Stormwater Management – standard article; add additional \$11,000 in funding
- 22) Landfill Monitoring – required; costs \$26,000/year over the last 3 years; migrating some costs to the Highway operating budget so only requesting \$23,000
- 23) Tax Title Revolving Account – To fund admin fees for tax title property management
- 24) Amend Zoning Map – Cherry Valley – Shift zoning to be consistent with lot lines
- 25) Amend Zoning Bylaw – Medical Marijuana Treatment Centers - reduce buffer zones for cultivation facilities
- 26) Veteran Work Off Program – Like the Senior Work Off Program, provide up to \$1,000 abatement off of real estate tax in exchange for work for the Town
- 27) Amend Bylaw Committee Bylaw – Five year comprehensive cyclical review of all bylaws rather than a 90 day review cycle

f. Statements of Interest Submission Requests – MSBA

Ellen Whittemore, Director of Finance for the School Department, presented three Statements of Interests to the Massachusetts School Building Authority to fund renovations at the Primary, Memorial and Middle Schools for Board review and approval. Ms. Whittemore noted last year the High School project was approved under this program and is slated to start in May.

Ms. Wilson stated these are projects which really need to be done.

i. Leicester Middle School

A motion was made by Ms. Wilson and seconded by Mr. Brooks to resolve that having convened in an open meeting on March 21, 2016, prior to the closing date, the Board of Selectmen of the Town of Leicester, in accordance with its charter, bylaws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 4, 2016 for the Leicester Middle School located at 70 Winslow Avenue, Leicester, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: (7) Replacement of or addition to obsolete building in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority, in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

The motion carried unanimously.

ii. Leicester Memorial School

A motion was made by Mr. Buckley and seconded by Mr. Brooks to resolve that having convened in an open meeting on March 21, 2016, prior to the closing date, the Board of Selectmen of the Town of Leicester, in accordance with its charter, bylaws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 4, 2016 for the Leicester Memorial School located at 11 Memorial School Drive, Leicester, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: (7) Replacement of or addition to obsolete building in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority, in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

The motion carried unanimously.

iii. Leicester Primary School

A motion was made by Mr. Buckley and seconded by Mr. Brooks to resolve that having convened in an open meeting on March 21, 2016, prior to the closing date, the Board of Selectmen of the Town of Leicester, in accordance with its charter, bylaws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 4, 2016 for the Leicester Primary School located at 170 Paxton Street, Leicester, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: (7) Replacement of or addition to obsolete building in order to provide for a full

range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority, in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

The motion carried unanimously.

g. Set Annual Town Election for Tuesday June 14th, 2016 from 12pm to 8pm

A motion was made by Mr. Belanger and seconded by Ms. Wilson to set the Annual Town Election for Tuesday, June 14th from 12pm to 8pm. The motion carried unanimously.

h. Retiree Health Insurance Payment Rule

Mr. Mizikar stated one of the FY'14 audit recommendations was to create a policy for retiree health insurance payment. The Town provides health insurance benefits to retirees and their pension checks are not always large enough to cover the premiums. This is a very sensitive issue but a policy must be put in place for how to address underpayment of premiums. This rule establishes guidelines with dates, notices and deadlines for termination, gives the Treasurer/ Collector the authority to enforce the rule and has been reviewed by staff and Town Counsel.

Ms. Wilson felt that termination for a one month lapse in payment was too short. Mr. Brooks asked if there is a big abuse of this system. Mr. Mizikar stated they have had retirees thousands of dollars behind putting Town accounts in deficit and the reason for a one month deadline is because premiums are paid one month in advance. Ms. Wilson recommended a two month deadline. Mr. Belanger agreed, stated retirees can't enter into 2nd month in arrears without a written payment plan. Mr. Mizikar stated the rule does not have to be absolute and does allow for considerations if they need to be made for illness or a family issue. However, Mr. Mizikar stated it is not good for the Town to have withholding accounts in the negative and to be paying more than we are allowed to. Mr. Brooks asked if it is easy to re-enroll. Mr. Mizikar stated per the policy the retiree would have to wait until the next enrollment period. The Board asked the Town Administrator to review the policy and come back with recommendations.

4. DISCUSSION/OLD BUSINESS

a. Rawson Street Bridge

Mr. Mizikar stated he has confirmed with the State that a funding source has not been identified for replacing the Rawson Street bridge despite MassDOT hosting a kickoff meeting, setting a project timeline and completing 25% design plans. Further design work will be done but there is no funding for construction. Several other legacy projects that Senator Brewer worked on are also without funding. Rep. Campanale has offered to have a meeting with MassDOT and Mr. Mizikar has recommended it should be in the field to see how bad the bridge is as today the side panels came off while plowing the temporary bridge.

Mr. Belanger stated the plan was to always name it the John Binienda bridge and it has been approved so this is asinine. He is disappointed in his on legislative delegation and it's time to make noise. Mr. Belanger urged the Board to reach out to the Central Mass legislative delegation to push at the Statehouse for funding. Mr. Belanger asked the Board to write a letter to the delegation stating the Town intends to name the bridge the John Binienda Memorial Bridge. Mr. Buckley stated pulling the plug on this project is a disservice to the community and to the Binienda family.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to name the Rawson Street bridge the John Binienda Memorial bridge upon completion. The motion carried unanimously.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to direct the Town Administration to draft a letter from the Board to the Central Mass legislative delegation regarding this project. The motion carried unanimously.

b. FY'17 Budget

No updates

c. FY'17 Health Insurance

Mr. Mizikar stated the Health Insurance Advisory Committee voted to support the FY'17 health insurance plan as presented in the board's binders. Due to receiving only \$2.9M in premiums but incurring \$3.5M in expenses, Fallon told the Town they must sustain a 40% rate increase which would be \$880K for the Town and \$360K for staff. The Town has worked with a consultant to manage this risk by instituting \$2k individual/\$4k family deductibles which lowered the rate increase to 15-18%. The Town will provide a health reimbursement account to reimburse deductibles up to \$500 individual/\$1000 family for Direct plans and \$250 individual/\$500 family for Select plans. Whenever any individual or family pays a deductible they can request reimbursement from the treasurer up to these prescribed amounts.

Mr. Brooks asked if an information session would be held and Mr. Mizikar responded in the affirmative. Mr. Brooks asked how deeply the Town looked into the GIC. Mr. Mizikar responded that the Town has a very good understanding of the costs and the GIC is still a little more costly than staying with Fallon plus the Town can manage changes to set their own costs whereas there is no control with the GIC and it is in the Town's best interest to maintain as much control as possible over plan design while it is still cost effective. Switching to the GIC also requires 6mo notice.

Mr. Belanger stated it is heartwarming how much the insurance advisory committee understands the situation and hopes this is a one year bite then the Town can be competitive again. Part of the issue is expenses passed down by the State and Federal government to private insurers previously covered. This will be a tough hit but the HRA will help somewhat to ease the burden.

5. TOWN ADMINISTRATOR REPORT

The Town Administrator presented highlights from his written report

6. BOARD OF SELECTMEN REPORTS

Mr. Brooks noted that March 21st is World Down Syndrome Day

Ms. Wilson noted that dog licenses are now available and will also be available at the rabies clinic on April 2nd from 10am to 12pm. Proof of rabies vaccines are required to license your dog and dog licenses cost \$20 or \$10 if spayed/neutered.

Mr. Belanger and Ms. Provencher wished everyone a Happy Easter.

7. MINUTES

a. March 7, 2016

A motion was made by Mr. Belanger and seconded by Mr. Buckley to approve the minutes of March 7, 2016. The motion carried unanimously.

8. EXECUTIVE SESSION

A motion was made by Ms. Wilson and seconded by Mr. Buckley to enter into executive session at 8:19pm and to resume in open session only for the purpose of adjournment.

Vote by Roll Call:

Provencher - Aye

Belanger – Aye

Wilson – Aye

Brooks - Aye

Buckley – Aye

The motion carried unanimously.

A motion to adjourn was made by Ms. Wilson and seconded by Mr. Brooks at 8:51pm. The motion carried unanimously.