

**MINUTES
BOARD OF SELECTMEN MEETING
APRIL 4, 2016**

CALL TO ORDER/OPENING

Chairwoman Provencher called the meeting to order at 6:32pm. Chair Dianna Provencher, Vice Chair Douglas Belanger, 2nd Vice Chair Sandra Wilson, Selectman Harry Brooks, and Town Administrator Kevin Mizikar were in attendance. Selectman Thomas E. Buckley, III was absent.

PUBLIC COMMENT PERIOD

Joseph Olivo asked what the purpose of the information medical marijuana meeting was. Mr. Mizikar responded it was to give residents an opportunity to interact with the two companies interested in operating two facilities in Town. Mr. Olivo asked why so few residents were notified. Mr. Mizikar responded the meeting notice was put out on the website, via social media and also sent to abutters to abutters within 500 feet of the two proposed sites. Mr. Brooks noted the meeting is running on LCAC and will be available on YouTube tomorrow.

1. SCHEDULED

a. 6:30pm – Senator Moore

Senator Moore discussed the Governor's FY'17 budget proposal, noting the Senate budget will not be done until the end of May. The Governor's budget proposed an increase in unrestricted general government aid of \$42M which is a 4.3% increase and an increase in Chapter 70 of \$70M which is a 1.6% increase. Chapter 70 provides a minimum of \$20 per pupil. Leicester has 1,585 students and continues the trend of declining enrollment since 2007. The Governor's budget also proposes legislation to increase the number of Charter schools.

Mr. Belanger expressed concern about kids going to Charter schools and a higher cap on the number of Charter schools drains public schools which is costly and unfair. Mr. Belanger stated he hopes the State will keep the cap on Charter schools and hopes Senator Moore will assist the Town to this end. Senator Moore noted that the proposal includes changes to Charter schools such as a requirement to provide educational services to reduce the rate of students placed on suspension or expelled, a recommendation to fully fund public schools at the higher rates proposed in a recent study and to allow local elected officials to decide whether or not a charter school comes to their community. Mr. Belanger expressed concern about losing money to Charter schools and Senator Moore noted there is a bill for a 4% tax on millionaires which, if passed, would provide funding for early education and transportation projects.

Mr. Mizikar asked about having a local option for fuel tax like Charlton and Senator Moore stated he would gladly support a home rule petition if passed at Town Meeting. Senator Moore also mentioned an upcoming meeting with MassDOT to discuss the Rawson Street bridge project which was awarded funding two years ago and the State is stating there is currently no funding available. Selectmen expressed their concern over the bridge's state of disrepair and the need to replace this bridge.

2. CORRESPONDENCE

a. Senior Center Donations

A motion was made by Mr. Belanger and seconded by Mr. Brooks to accept the Senior Center donation and deposit it into the Senior Center donation account. The motion carried unanimously.

3. NEW BUSINESS

a. Resignations

None

b. Appointments

None

i. Board of Fire Engineers

A motion was made by Mr. Belanger and seconded by Mr. Brooks to appoint the Board of Fire Engineers as presented. The motion carried with one abstention (Ms. Wilson).

ii. Inspector of Animals – Patricia Dykas

A motion was made by Mr. Belanger and seconded by Mr. Brooks to appoint Ms. Dykas to the position of Inspector of Animals.

Under discussion, Ms. Wilson asked if we would have issues with the State confirming this appointment. Mr. Mizikar noted we may but the Town has done at least 3 postings over the past fiscal year and has been unable to find a new Inspector of Animals since John Carlson resigned last summer. Mr. Mizikar recommended submitting the nomination and seeing what the State says and if they have a valid concern.

The motion carried unanimously.

iii. Temporary Department Assistant – Accounting Department – Debbie McArdle

A motion was made by Mr. Brooks and seconded by Mr. Belanger to appoint Ms. McArdle to the position of temporary Department Assistant for the Accounting Department. The motion carried unanimously.

c. Fire Department Fees

As part of the budget review, Mr. Mizikar asked all departments to review their fee schedules. Chief Wilson stated the Fire Dept. fees have not been increased in over a decade and an increase in fees would bring in more revenue to make the department more user friendly by increasing the number of inspection hours. The requested fee increases would take effect July 1st.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the new fee schedule for the Fire Department effective July 1, 2016. The motion carried unanimously.

d. Host Community Agreements

Mr. Mizikar noted communities have been entering into Host Community Agreements with medical marijuana facilities. The purpose of these agreements are to enable the Towns to work with developers to mitigate any negative impacts a project would have by providing for various types of services or offsetting costs. The content of these agreements should not undermine the business or the intent of the legislation to provide medical products to patients. Mr. Brooks asked if there are any other examples of host agreements. Mr. Mizikar stated casinos often have them but a community can enter into a host agreement with any business to mitigate impacts the business may have on a community.

Joe Olivo stated the Board should negotiate a host agreement before signing a letter of non-opposition for a medical marijuana facility. Mr. Belanger stated that terms can be discussed but not signed because it could have legal issues of impropriety with the appearance of an exchange of favors. Mr. Olivo stated that Healthy Pharms described their plan but Natural Healthcare did not have a good plan or good answers for the neighbors in the Wasilla Drive and Clark Street area and that he is opposed to supporting Natural Healthcare.

Jaymi-Lyn Souza, Student Liaison to the Board, asked if the business would impact property values. Mr. Mizikar responded the data from other states with medical marijuana laws shows it does not and the Town enacted a

2013 zoning bylaw to regulate where the facilities are allowed to operate and they can do so by right in certain areas.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to direct the Town Administrator to enter into discussions with Healthy Pharms and Natural Healthcare with the goal of finding an agreement that protects the neighborhoods.

Under discussion, Mr. Brooks asked that recreational marijuana be kept out of Town through this agreement even if it is approved by the voters. Ms. Wilson asked if the business must have a specific address before a letter of support/non-opposition can be issued. Mr. Mizikar responded in the affirmative. Mr. Olivo stated that the potential Rt 56 site requires a zoning reclassification. Mr. Mizikar stated that the proposed zoning reclassification is not for any specific property but is a general rezoning for the community to be voted on at Town Meeting and requires a 2/3rd vote.

The motion carried unanimously.

e. Annual Town Meeting Warrant

Mr. Mizikar discussed the Annual Town Meeting warrant articles as outlined below:

- 1-5 - Standard housekeeping articles
- 6 - Create a new revolving account to fund tablet devices for grades 9-12
- 7 – Establish a tax title revolving fund for expenses related to properties taken due to nonpayment of taxes
- 8 – Chapter 90 funding to repair roads
- 9 – Set pay for elected officials
- 10 – FY'17 budget
- 11 – Vocational tuition (\$900,000)
- 12 – CMRPC annual assessment (\$2,919)
- 13 – Add \$35,000 to stabilization
- 14 – FY'17 Capital Plan (\$103,000 for the 3rd ambulance lease/purchase payment, three CPR compression devices, replacement highway foreman truck and a replacement unmarked cruiser)
- 15 - \$12,000 to ensure monitor stormwater as required by the EPA
- 16 - \$78,000 to purchase two cruisers
- 17 - \$35,000 to fund OPEB (retirement benefits)
- 18 – Easement to square off the Town Common as part of the Rt 56 roadway improvements
- 20 – Easements along Paxton Street to enable the Rt 56 roadway improvement project (27 temporary and 7 permanent)
- 21- \$23,000 to fund groundwater and other studies at the former landfill as required by the EPA
- 22 – Cherry Valley zoning map changes; changing all properties directly abutting the south side of Rt 9/Main Street between Auburn and Church Street from Residential 2 to Business.
- 23 – Reduce the buffer zones to 500 feet for medical marijuana facilities without on site sales
- 24 – Citizen petition to all 7 town hall votes to permit a secret ballot vote. Board recommended a percentage of Town Hall attendees rather than a set number.
- 25 – Revised Animal Control Bylaw to bring the Town's bylaw into conformance with changes in State regulations and to allow any person over the age of 70 to be exempt from the annual license fee for one dog per year
- 26 – Amend Chapter 1 of the General Bylaws to require a comprehensive review of all Town Bylaws every 5 years
- 27 – Allow Veterans to earn up to \$1,000 off their annual real estate bills by working for the Town
- 28 – Allow the Board of Selectmen to sell 15,000 square feet of land around and under the water tank owned by the Hillcrest Water District off of Lehigh Road to the Hillcrest Water District.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the Annual Town Meeting warrant articles with various caveats. The motion carried unanimously.

f. Special Town Meeting Warrant

Mr. Mizikar discussed the Special Town Meeting warrant articles as outlined below:

- 1 – Pay prior year bills in the amount of \$340 which were received after the July 15th deadline
- 2 – Adjust the FY'16 budget including increasing veterans services, the IT budget due to Charter rate increases, the BOS budget due to training, the Accounting office due to consulting, the PD budget due to overtime and paying off the radio upgrade borrowing. These additional expenses would be paid for out of overages in the Employee Benefits line item.
- 3 – Balance the Snow & Ice budget which has an approximate deficit of \$44K to date
- 4 – Pay the 3rd year lease/purchase payment for the new fire truck
- 5 – Accept \$50K in insurance proceeds for the Primary School façade repairs
- 6 – Fund a vegetation management study and manage invasive growth at Greenville pond and surrounding waterways
- 7 – Pass over. This matter will be handled through Article 2.

A motion was made by Ms. Wilson and seconded by Mr. Brooks to approve the Special Town Meeting warrant articles. The motion carried unanimously.

g. Sign Bond Anticipation Notes – Fire & EMS Headquarters

Mr. Mizikar presented a request to borrow \$1.6M for the Fire Station which will be the first of several borrowings out of the \$6.5M borrowing approved at Town Meeting. The interest rate is 7/10ths of 1% and \$11,250 in interest will be due in one year and the final long term borrowing will occur within a year's time so this short time borrowing will be paid off. Unibank was the low bidder.

A motion was made by Ms. Wilson and seconded by Mr. Brooks to sign the bond anticipation notes in the amount of \$1.6M with Unibank for the Fire & EMS Headquarters project. The motion carried unanimously.

h. FY17 Health Insurance Proposal

The Health Insurance Advisory Committee has met over the past several months to discuss the 40% rate increase proposed by Fallon and have come to an agreement on plan design changes including implementing deductibles on in-patient and outpatient surgery, durable medical, lab work and imaging in the amount of \$2K for individuals and \$4K for families and increasing maximum out of pocket expenses to \$6,550 for individuals and \$13,150 for families plus small premium increases. The town will institute a Health Reimbursement Account to help offset a portion of the deductibles for employees.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the changes to the FY'17 health insurance plan as presented. The motion carried unanimously.

4. DISCUSSION/OLD BUSINESS

a. FY'17 Budget

Workers comp insurance increased by \$24,000 due to 138% loss runs and although the Town is shopping around for the best quotes, the new part time admin position has been pulled from the Town Administrator's budget and operating costs for the new Fire Station have been reduced. Mr. Belanger expressed concern about the new position being cut and hoped that if State aid numbers come in higher this position could be revisited.

b. Rawson Street Bridge

Mr. Mizikar noted Town officials, Selectmen, Senator Moore and Representative Campanale are having a meeting with MassDOT on April 12th to discuss funding for the Rawson Street Bridge.

5. TOWN ADMINISTRATOR REPORT

Mr. Mizikar discussed highlights from his written report.

6. BOARD OF SELECTMEN & STUDENT LIAISON REPORTS

The student liaisons discussed highlights from their written report.

Mr. Brooks thanked everyone who helped out with the rabies clinic including Debbie Davis, Pattie Dykas, Linda Rowden and Dianna Provencher. The Special Olympics fundraiser was held at the Senior Center on Friday night and the liaisons helped out. Ashley Daige is hosting an Earth Day cleanup on May 1st. Those interested can meet at the common at 10am for the cleanup which will be followed by a pizza party and socializing.

Ms. Wilson stated she will not be seeking reelection in June. Nomination papers are available in the Town Clerk's office as of today and must be returned to the Town Clerk with 41 signatures by April 26th at 5pm.

Mr. Belanger thanked Ms. Wilson for her service, stating she brings a lot to the table. The EDSAT meeting at Becker was very creative and Mr. Belanger looks forward to the follow-up.

Ms. Provencher stated the rabies clinic had a good turnout and almost 500 dog licenses were issued. Ms. Provencher thanked the volunteers, Pat Dykas and the vets who helped out.

7. MINUTES

a. March 21, 2016

A motion was made by Mr. Belanger and seconded by Mr. Brooks to approve the minutes of March 21, 2016. The motion carried unanimously.

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

No executive session was held.

A motion to adjourn was made by Ms. Wilson and seconded by Mr. Brooks at 9:08pm. The motion carried unanimously.