

**MINUTES  
BOARD OF SELECTMEN MEETING  
APRIL 25, 2016**

**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**

No members of the public provided comment

**1. SCHEDULED**

**a. 6:30pm – (2) Becker One Day Beer/Wine License Requests**

A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the (2) one day beer/wine license requests for Becker College. The motion carried unanimously.

**b. 6:30pm - Class II Public Hearing – Ernie's Cars**

Mr. Mizikar presented a request from Ernie's Cars to add 10 cars to his existing 20 used car license, bringing the total number of used cars allowed at his business to 30 as a result of expanding and clearing a lot in the back of his property.

Ernie Eldridge stated he cleared a 70' x 70' space and has more than enough room for an additional 10 cars. Mr. Brooks asked if this space was paved. Mr. Eldridge responded it has grindings. Mr. Belanger noted there has been a history of concern with regard to keeping the driveway clear that is between Ernie's Cars and Creative Florist and goes back to a residence and that Mr. Eldridge should have gotten approval before he increased the number of cars on his lot which he has already done. Mr. Buckley asked about customer parking. Mr. Eldridge stated there are 4 spaces available in front of the garage and he doesn't get many customers at a time. Mr. Belanger requested any time he can leave the side of the building clear of vehicles for sale and customer cars to please do so in order to keep the right of way always open.

Sue McNamara with Creative Florist stated her tenants have complained about not being able to get in and out due to cars blocking the right of way and doesn't see how 30 cars can fit on Mr. Eldridge's lot especially as there is no designated customer parking and cars are parked two rows deep making it difficult to get out. Ms. McNamara expressed concern about water coming off the hill behind both businesses which she believes will get worse since Mr. Eldridge took out part of the hill to clear additional space for his cars. Ms. McNamara asked where cars will go during snow plowing and noted when Mr. Eldridge parks cars on the traffic island it is difficult to see to pull out onto Rt 9. Ms. McNamara felt maybe an additional 5 cars would be ok.

Mr. Mizikar stated the lot clearing was reviewed from a conservation and building perspective and the site work was done within regulations. Ms. Provencher asked if Mr. Eldridge could put up customer parking signs and Mr. Eldridge agreed to do so.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to increase the number of cars allowed under Ernie's Cars Class II license to 25.

Under discussion, Mr. Brooks asked what Mr. Eldridge's snow removal plan is. Mr. Eldridge stated he would put it on the traffic island like everyone else. Ms. McNamara stated then her customers, staff and tenant can't see to pull out onto Rout 9. Mr. Belanger stated that snow can't be put on the island and must be removed.

The motion carried unanimously.

**c. 6:35pm - Fire & EMS Headquarters Design Presentation**

The Fire Station Building Committee asked the architect and OPM to come in and make a presentation to the Board regarding the progress of the new Fire & EMS Headquarters. The project is nearing the end of the design phase and should be going out to bid in the next few weeks.

Chris Logan presented drawings of the two story building and lot which includes new trees on Paxton Street and New plantings on the North and West side of the property, including shrubs, all of which are evergreen for visual privacy. All water from the site will be managed by collecting it in retention basins designed for a 100 year storm. The below grade level of the building opens into the apparatus room, and has storage, a machine room and a bathroom. The first floor has the firefighters' quarters which are six bedrooms and three single user bathrooms plus lockers, a kitchen, dining area, dayroom and fitness room. The second floor which is accessible from Paxton Street will have a meeting room, training room, public restrooms and administrative offices. The team worked with the historical commission to design the building to fit with the neighborhood and have details that matched Becker College. The driveway will be 30 feet wide which is wider than normal to allow for both incoming and outgoing Fire and EMS vehicles with an 8ft buffer along Leroux's property and some trees. The other side will have a retaining wall with a fence.

Mr. Belanger asked if it is safe to say the measures will improve water issues. Mr. Logan responded it lessens the amount of water currently coming off the site. Mr. Buckley asked if there would be fencing around the retention pond. Mr. Logan responded there would be thorny shrubs that are 2-5 tall and fill in quickly. While the ponds are 5-8ft deep they will be empty most of the time and thorny shrubs would be hard to get through without "sacrificing ones skin" according to Mr. Logan.

**d. 7:00pm - Executive Session, MGL Chapter 30A, Section 21A, Exception 3 – Litigation**

A motion was made by Ms. Wilson and seconded by Mr. Belanger to enter into executive session at 7:25pm under exception #2, litigation, and to resume in open session at its conclusion.

**Vote by Roll Call:**

Provencher - Aye

Belanger – Aye

Wilson – Aye

Brooks - Aye

Buckley – Aye

The motion carried unanimously. The Board resumed in open session at 7:53pm.

**e. 7:30pm - Healthy Pharms Medical Marijuana**

Valerio Romano, attorney for Healthy Pharms requested a letter of support/non-opposition for a medical marijuana dispensary at 1535 Main Street after meeting with various Town departments and having a public meeting to address neighborhood concerns. Healthy Pharms has a provisional registration from DPH but needs the letter to move forward in Leicester.

Mr. Mizikar noted the terms of a host community agreement have been discussed should the state grant approval, is very pleased with the direction of the discussions and sees no hurdles to having this agreement in place by the end of May.

Mr. Belanger stated he appreciated the business taking a pause and having an open and candid public meeting as he requested which he felt was pretty well attended. He felt the group gave candid answers, presented a clear plan and their security plan in particular was very impressive. Mr. Belanger asked if their license was a renewable license from the State. Mr. Romano stated it is an annual renewal and if there are complaints from the Town the State would not renew the license. Mr. Mizikar stated the business would be under constant review from the PD and Regional Health Alliance in addition to the State.

Mr. Buckley asked for clarification on the types of products that would be sold. Mr. Romano stated a range of products would be provided because people require difficult forms of ingestion and different strains depending on their conditions. For example, PTSD is treated with THC but seizures are treated with CBDs. The packaging, however, is not see through and not attractive to kids. Although there will be edible products for people who need to ingest the product this way, there will be no packing that looks like fake Hershey bars or anything like that. Mr. Romano noted the industry and patients are moving away from buying and smoking medical marijuana. Most use vaporizers, making the facility much closer to a biotech facility.

Mr. Brooks asked about recreation marijuana. Mr. Romano stated Healthy Pharms is a Chapter 180 nonprofit and must act for a nonprofit purpose which is in this case to provide medicine, educational materials and vaporizers. There is no way Healthy Pharms can flip a switch and become a retail business because they are a nonprofit. It can also be written in the host agreement that they would have to come back before the board to get authorization to open a new recreational business but noted this is not a play at becoming a recreational marijuana business. Mr. Romano noted after marijuana became legal in Colorado medical sales increased because it still costs less and provides different products such as those with high CBDs.

Mr. Brooks asked if Healthy Pharms writes prescriptions for medical marijuana. Mr. Romano stated they do not and cannot under the law.

Jaymi-Lyn Souza, Student Liaison, asked about the distance medical marijuana facilities must be from residential housing. Mr. Mizikar responded that there is a 1000 foot buffer from residential zoning districts and this site meets the standard. Healthy Pharms provided the Board of Selectmen with a certified survey showing the building, at its closest point, is 1,121 from the nearest residential zoning district.

Mr. Belanger stated not every group goes above and beyond like this group did and he has watched a Leicester family travel two hours for medication for seizures and they should not have to do this for something that is legal and controlled.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to issue a letter of support to Healthy Pharms for a medical marijuana dispensary to be located at 1535 Main Street. The motion carried unanimously.

## **2. CORRESPONDENCE**

### **a. Student Liaison Reports**

The Student Liaisons presented highlights from their written report. A motion was made by Mr. Belanger and seconded by Mr. Buckley to accept the report and put it on file. The motion carried unanimously.

**b. Letter from Senator Michael O. Moore & Representative Kate Campanale – Rawson Street Bridge**

Mr. Belanger noted the meeting referenced in the letter was attended by the Town Administrator, Mr. Belanger and Ms. Provencher to discuss the funding that Senator Moore and the late Representative Binienda got approved for Rawson Street Bridge. The meeting was very effective and had the great end result of MassDOT confirming funding is available to replace the bridge.

**3. NEW BUSINESS**

**a. Resignations**

None

**b. Appointments**

None

**c. Devin Kravitz Memorial 5k Race**

A motion was made by Mr. Belanger and seconded by Mr. Buckley to approve the Devin Kravitz Memorial 5K race. The motion carried unanimously.

**d. Vote on Warrant Articles**

A motion was made by Mr. Belanger and seconded by Mr. Brooks to approve the Special Town Meeting motions as they appear in the Special Town Meeting Guide. The motion carried unanimously.

A motion was made by Mr. Belanger to approve the Annual Town Meeting motions as they appear in the Annual Town Meeting Guide.

Under discussion Mr. Brooks asked what changes have been made. Mr. Mizikar responded that the language used in Article 19 has been used to use Chapter 90 funds to purchase permanent easements but otherwise no numbers have changed. After further review of the insurance quotes there is sufficient funding to restore \$10K to the part time position removed from the Board of Selectmen/Town Administrator office but another \$5K is needed to fully fund the position.

Mr. Brooks seconded the motion.

Mr. Buckley asked about the citizens' petition on the secret ballot. Kristen Forsberg explained that she shared the Board's request for a percentage of attendees rather than a fixed number required to pass the motion for a secret ballot vote. The number 7 was selected because it is used by the Town of Paxton and it is also the number required to request a hand count of the votes.

The motion carried unanimously.

**e. Declare Water Tower Land Excess**

Annual Town Meeting Article 28 requests authorization for the Board to negotiate the disposal of land associated with the water tower on Lehigh Road. The first step in the process is for the Board to declare this land excess. Mr. Mizikar stated he has received information that may further complicate the process and requested this item be held until the 5/2 meeting.

**f. Memorandum of Agreement – Snow Removal Support – Mass Port Authority**

Item held until 5/2 meeting.

**g. High School Roof Replacement Project – Solar Panel Removal Agreement**

Item held until 5/2 meeting.

**4. DISCUSSION/OLD BUSINESS**

**a. Fiscal Year 2017 Budget**

The full proposed FY'17 budget appears in the Town Meeting guide. The House Ways and Means budget is out and shows an increase of approximately \$50,000 in State Aid mainly on the Chapter 70 side. However, there are nearly 1,000 amendments proposed to the House budget so Mr. Mizikar is holding with the Governor's budget numbers to be safe.

**b. Paxton Street Resurfacing – School Zone**

In reviewing the Rt. 56 resurfacing plan, MassDOT has determined that Paxton Street does not meet the qualifications for having a school zone next to our schools. Mr. Mizikar stated the Town will have to engage in a political effort to keep our school zone and is seeking Board permission to write a letter to MassDOT and engage on their behalf.

Mr. Belanger stated this is asinine and that one issue is not having sidewalks on both sides but the Town has sidewalks where the kids are and why do we need them next to open farmland.

Jaymi-Lyn Souza, Student Liaison, asked what constitutes a school zone for MassDOT. Mr. Mizikar responded sidewalks crosswalks and dual use of both sides of the road. Mr. Mizikar added, however, that regardless of the standards, the purpose is traffic calming near schools. Even with adding a crosswalk at Whittemore, MassDOT still did not approve of the existing school zone and is asking for it to be removed.

**5. TOWN ADMINISTRATOR REPORT**

The Town Administrator presented highlights from his written report

**6. BOARD OF SELECTMEN REPORTS**

Mr. Buckley apologized for missing the last meeting as he and his wife were ill. He complimented Mr. Mizikar and Ms. Forsberg on the Town Meeting warrants and budget.

Mr. Brooks noted the opiate abuse meeting hosted by the DA's office at LHS on Wednesday night from 6-8pm and the Earth Day cleanup Sunday at 10am on the Common followed by a pizza party at 12:30pm. Mr. Brooks also reminded those who have pulled papers that they are due back to the Town Clerk by 5pm tomorrow and noted he is collecting gift cards for the Glenn family who lost their home in the fire.

Mr. Belanger reminded everyone of the Town Meeting Information Session on Thursday evening at 7pm in the Selectmen's Conference Room.

Ms. Provencher thanked the Town Clerk for coming in on her day off to help someone with a marriage license.

**7. MINUTES**

None

**8. EXECUTIVE SESSION**

A motion was made by Ms. Wilson and seconded by Mr. Brooks to enter into executive session at 9:00pm 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. Belanger at 9:15pm. The motion carried unanimously.