

MINUTES
BOARD OF SELECTMEN MEETING
JULY 11, 2016 at 6:30pm
TOWN HALL, SELECTMEN'S CONFERENCE ROOM

CALL TO ORDER/OPENING

Chairman Belanger called the meeting to order at 6:30pm. Chairman Douglas Belanger, Vice Chair Harry Brooks, 2nd Vice Chair Thomas E. Buckley, III, Selectwoman Dianna Provencher, Selectman Michael Shivick, Town Administrator Kevin Mizikar, Assistant to the Town Administrator Kristen Forsberg and Student Liaisons Jaymi-Lyn Souza and Robert Kemp were in attendance.

PUBLIC COMMENT PERIOD

Nancy Ortiz, President of the New England Handballer's Association stated she has built a wooden one wall handball court at Towtaid park to promote sports and provide positive recreation for the community. She will be holding handball clinics. She is working to securing funding to renovate parks in the Town of Leicester. Mr. Belanger thanked her for her efforts and asked if she went to Parks and Rec to which she responded in the affirmative. Mr. Shivick thanked her for a job well done and noted it is great to see someone working on our parks that have fallen by the wayside over the years.

1. SCHEDULED

a. 6:30pm - Dog Hearing – 866 Pleasant Street

A motion was made by Mr. Brooks and seconded by Mr. Shivick to open the dog hearing.

Vote by Roll Call:

Belanger – Aye

Brooks - Aye

Buckley – Aye

Provencher – Aye

Shivick – Aye

The motion carried unanimously

Mr. Belanger swore in all wishing to speak and read the letter of complaint. Animal Control Officer Pat Dykas stated she has responded several times to 12 Sinai Road regarding issues with dogs coming through the woods and attacking their dogs. The dogs are coming from 866 Pleasant Street and are named Jet and Rose. Ms. Dykas stated there are concern for the safety of the children of 12 Sinai Road who may end up in the middle of one of these fights. There are no other complaints against Jet and Rose except at 12 Sinai Road. Both dogs are licensed and vaccinated. This issue has been going on for at least two years. The owners have been cited multiple times and the police have been called. The issue appears to be with dogs getting out or not being restrained on the property. Ms. Dykas recommended the Board deem the dogs nuisance dogs and order they be confined on the property. Ms. Dykas stated the dogs could be kenneled in an outdoor enclosure that does not necessarily need a roof or a floor unless the dogs begin to dig or climb.

Mr. Shivick asked if Ms. Dykas would recommend muzzling and Ms. Dykas responded they are not dangerous and have never bitten a person as of yet; the dogs are just fighting other dogs and she is trying to prevent it from getting to the point where someone gets bitten trying to intervene. Mr. Buckley stated the violations go back to 2010 and police reports go back to 2013. He questioned why this issue has continued over and over and stated it is the owner's responsibility to fix this issue. Mr. Brooks asked if the entire yard could be fenced in

with a six foot fence. MS. Dykas stated it could be but this is a little extreme and they are renters. A kennel would be more portable especially as this order will follow the dogs for the rest of their lives.

Mr. Belanger read the letter sent to the dogs' owners Nancy and Robert Kerr from the Town of Leicester. Ms. Kerr stated she didn't realize there were problems in the beginning and thought her dogs were playing with the neighbor's dogs. There have been times where they have escaped from the house and one broke loose from a dog run. Ms. Kerr stated her dogs are not vicious and have never hurt a child or animal. The Kerrs have installed a 12x6x8ft pen in the back yard. Ms. Kerr stated she did not know violence was going on as the neighbors never came down to talk with her.

Christine Robidoux of 12 Sinai Road stated she has lived there for 27 years and lets everyone's dogs come on to her property as she lives in the middle of the woods but has never had a problem until these two dogs came along. She has asked a number of times through the Police and Animal Control Officer to please tell the Kerr's to keep their dogs off of their property. The dogs go through a trail directly from the back of the Kerr's house onto the Robidoux property. The dogs start a fight and her kids would be in the middle trying to break it up. One day one of the dogs growled at a kid walking home from school. On December 24th her smallest dog was attacked and ripped open. There is no proof it was Jet or Rose but they are the only dogs that come on her property and pin her animals down. Annalise Robidoux of 12 Sinai Road stated they didn't call the police until after a few occurrences because it first it was growling and nipping at the paws but the last time they came down her big dog got pinned to the ground and Jet and Rose were on top of her dog.

Mr. Brooks asked if the dogs had been seen at 12 Sinai Road since the pen was installed. Christine Robidoux said they had not been seen. Mr. Belanger stated the Animal Control Officer's recommendation is to declare the dogs nuisance dogs and have them confined on the property but that the Board does have other options under Mass General Laws.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to close the public hearing.

Vote by Roll Call:

Belanger – Aye

Brooks - Aye

Buckley – Aye

Provencher – Aye

Shivick – Aye

The motion carried unanimously.

Ms. Provencher stated Ms. Dykas is the professional and expert and the Board normally listens to her recommendations. Mr. Buckley stated the nuisance determination is giving the Kerrs a chance to fix the situation as a dangerous determination is much more serious.

A motion was made by Mr. Brooks and seconded by Ms. Provencher to deem Jet and Rose nuisance dogs, order them confined on their owners' property and direct the Animal Control Officer to inspect for compliance.

Under discussion, Ms. Provencher asked if the dogs can be walked on a leash. Ms. Dykas responded in the affirmative. Mr. Belanger stated the Board is giving the Kerrs an extra pass compared to what could be required and what the Robidoux's are requesting and it could be more burdensome the next time as the Board will likely come down a lot harder so he wants it to end here. Mr. Shivick stated that what happened tonight is not just

another chance where the Kerrs get to come back; there are ramifications for lack of compliance with the order and the Kerrs have the right to talk to a lawyer and appeal the decision. Mr. Buckley asked about a timetable for compliance. Ms. Dykas stated the dogs should be kept inside until the kennel is in compliance.

The motion was amended by Mr. Brooks to add that the pen will be inspected and in compliance by Friday, July 15th at 5pm.

Vote by Roll Call:

Belanger – Aye

Brooks - Aye

Buckley – Aye

Provencher – Aye

Shivick – Aye

The motion carried unanimously

b. 6:45pm - Natural Healthcare – Tool & Die Property

Natural Healthcare came back before the Board asking for a letter of support for their proposal to grow, produce and sell medical marijuana at 1764 Main Street. The site has a 22,000 sq foot building and meets the Town's zoning bylaws. The State is currently reviewing their management and operations plan. The next step is submitting a siting profile. This new location and the proposed host agreement has been discussed with the Chief of Police, Town Planner and the Town Administrator. Natural Healthcare has agreed to have a hiring preference for local residents. The business would generate 30-40 jobs. Playground improvements were discussed with Mr. Shivick and they are committed to working with the Town on projects such as these through the host agreement. There is always the question of whether or not marijuana will go recreational and while they can't predict the future Natural Healthcare promises to be a good corporate citizen who will follow all state and town laws and requirements at all times and come back to the Town if things change. They expressed their desire to be in Leicester and work with the Town. Mr. Belanger asked if they were open to impact bargaining in the host agreement. Mr. Mizikar noted the draft host agreement has that type of open provision within in it and requires that formal discussion with the Board happen with any change in conditions. Natural Healthcare agreed they were open to this. However, they would need some assurance that if medical goes away and they have to go recreational that they could still cultivate in Town due to the investments they are making in the facility.

Mr. Shivick asked how much money is being put into the facility. Rob Lally with Natural Healthcare responded at least 3 million and noted while they are a nonprofit they will still be paying their taxes. Mr. Shivick asked if they are open to a police detail if necessary. Natural Healthcare stated they are lockstep on security plans with the Chief and if he wants something they would seriously consider it but the plan has been reviewed and found to be satisfactory by the Chief. The plan would allow a monitoring station for dispatch to see inside of the building and an armed security office on premises while open during the day. Mr. Brooks thanked them for all of the information they have provided including the information session and coming before the Board several times. Mr. Brooks asked if marijuana goes recreational, will people who need special medical strains like children will be able to get them. Mr. Lally stated they expect to still continue to carry high quality medical marijuana should recreational pass. Mr. Lally requested a letter of support from the Board for their facility at 1764 Main Street.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to provide a letter of support to Natural Healthcare for their marijuana cultivation facility and dispensary at 1764 Main Street. The motion carried unanimously.

c. 7:00pm – Fire Station - Award Construction Bid/Contract Authorization

Mr. Mizikar noted that the General Contractor bids for the construction of the fire station have been received and the Fire Station Building Committee will be making a recommendation on a contractor to the Board this evening. Sandy Wilson, Chair of the Fire Station Building Committee, stated the bids came in on Jun 29th and the low bid is Builder Systems Inc. out of Auburn. Builder Systems Inc. received a 95% DCAMM rating and the next highest bidders were 93% and 91% respectively. As the bid is below estimate, Ms. Wilson asked the Board to award the bid to Builder System Inc., authorize the Town Administrator to sign the contract once insurance and bond payments have been received, and then consider future contract amendments to reinstate some of the downgraded or eliminated items cut out to meet the estimate. For example, going back to hearty plank instead of vinyl on the building for the appearance and maintenance. The project will still be under budget and have a substantial contingency.

Mr. Mizikar stated that the project was originally projected to cost \$5.5M and the final bid is for \$4.531M. Items that were stripped out should be put back in to take advantage of the market that is favorable to the community in order to build the best facility that will last 80 years.

Mr. Brooks asked if the Board can review changes to make sure no money is spent that is not really necessary. Mr. Mizikar stated yes and that the Committee understands and will develop a list of critical items which should go back on for the Board's review. He noted they have painfully stripped away many items since January.

A motion was made by Mr. Buckley and seconded by Mr. Brooks to award the construction bid for the Fire & EMS Headquarter to Builders Systems Inc. and to authorize the Town Administrator to sing the contract. The motion carried unanimously.

2. CORRESPONDENCE

a. Student Liaison Reports

Robert Kemp noted that the Hillcrest crosswalk is very dangerous. He plays golf there and cars just fly by and don't stop. He also noted the American flags on the telephone posts on Main Street are getting tangled and the one in front of Morin's is hanging by a thread. Ms. Souza asked how often the flags are repaired or replaced. Mr. Belanger responded as needed; the veterans put them up and do have an annual flag burning day in the appropriate manner put on the by the American Legion.

3. NEW BUSINESS

a. Resignations

i. Council on Aging – Renee McCue-Hall

A motion was made by Ms. Provencher and seconded by Mr. Buckley to accept the resignation of Renee McCue-Hall from the Council on Aging and to send a letter of thanks. The motion carried unanimously.

b. Appointment – Finance Advisory Board – Richard Antanavica and Dennis McGrail

The Finance Advisory Board reappointing committee consisting of the Moderator, Board Chair and Advisory Chair met regarding the reappointments of Rick Antanavica and Dennis McGrail. Mr. Cherry stated that the service of both individuals as been outstanding.

A motion was made by Mr. Belanger and seconded by Mr. Cherry to reappoint Rick Antanavica and Dennis McGrail to the Finance Advisory Board. The motion carried unanimously.

The Town Moderator noted it may not make sense to have an electronic voting system at this time unless the new bylaw causes problems with the flow and timing of the meeting. He will sit with the Town Administrator

and explore the Town of Grafton's system but it is a system the Mass Moderators Association does not consider to be optimal.

c. Appointment – Town Accountant – Allison Lawrence

Mr. Mizikar noted he is pleased to recommend Allison Lawrence, current Interim Town Accountant, for the permanent Town Accountant position. Ms. Lawrence has been with the Town since 2012 and has served most of her time in the Assistant Town Accountant role. In March of 2016 she was appointed Interim Town Accountant and has been excellent in this role including through some difficult situations. The books are reconciled through May of 2016 which is as recent as they can be and he does not expect to have any issues or concerns as through the FY'16 closeout process. Mr. Mizikar recommended a 3-year contract with Ms. Lawrence.

Ms. Lawrence stated she has enjoyed working here under Sandy Buxton's tutelage and is ready for the challenge and to take on the job. Mr. Buckley stated he thinks Allison will do a great job as she has been doing a great job.

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

d. Appointment – Assistant Town Accountant

Over the past few weeks Mr. Mizikar and Ms. Lawrence have been interviewing candidates for the part time 24-hour Assistant Town Accountant position which would return the department to the original staffing levels found in 2013. Mr. Mizikar recommended Katie Messina for this position.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to appoint Katie Messina to the position of Assistant Town Accountant. The motion carried unanimously.

e. Appointment – Council on Aging – Marilyn Hyland

A motion was made by Ms. Provencher and seconded by Mr. Shivick to appoint Marilyn Hyland to the Council on Aging. The motion carried unanimously.

f. Appointment – Temporary Part-time Town Clerk Department Assistant – Susan Zuscak

A motion was made by Mr. Brooks and seconded by Ms. Provencher to appoint Susan Zuscak to the position of Temporary Part Time Department Assistant in the Town Clerk's office. The motion carried unanimously.

g. Appointment – Special Bylaw Committee

A motion was made by Ms. Provencher and seconded by Mr. Brooks to appoint Adam Menard and Jeffrey Fisher to the Special Bylaw Committee. The motion carried unanimously.

h. FY'17 Board & Committee Appointments and Liaison Assignments

Mr. Belanger made his liaison appointments and recommended Board and Committee appointments for the Selectmen.

A motion was made by Mr. Brooks and seconded by Ms. Provencher to accept the Board and Committee appointments as presented with the following change:

- Historical Commission assigned to Dianna and ZBA assigned to Tom

The motion carried unanimously.

i. Contract Amendment – Fire Station – Donham & Sweeney Architects

Mr. Mizikar presented a proposed contract amendment with the architects for the Fire Station for additional design work which would be required for some of the proposed upgrades including upgrading the HVAC system, fiber cement sider and a training area for throwing ground ladders. Mr. Shivick asked if the training tower would bring in revenue. Chief Wilson noted there would not be live fire in there like the facility in Auburn; it would just be for Leicester to practice ladder training which needs to be done regularly and not have to book a facility in advance.

A motion was made by Mr. Buckley and seconded by Ms. Provencher to approve the contract amendment with Donham & Sweeney Architects for the Fire & EMS Headquarters project design. The motion carried 4:1 with Mr. Shivick casting the opposing vote.

4. DISCUSSION/OLD BUSINESS

a. Uncollectible Accounts Receivable Action

Due to the FY'15 audit which recommended the Town write off aged debt deemed uncollectible, a policy was developed which the Board approved and Mr. Mizikar is now notifying the Board that he intends to write off aged EMS debt from 2003, 2004 and 2005. The Town has done its best over the past 13 years to collect these funds and will continue to attempt to collect it. This authorization allows it solely to be expunged from the town records. If collected, it will show up as unanticipated revenue.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to allow the Town Administrator to write off aged EMS debt deemed uncollectible from 2003, 2004 and 2005.

Under discussion Mr. Buckley asked if we can write off other years. Mr. Mizikar said yes but it will take some time and will stick to a 6-7 year write off timeframe. This write off would remove approximately \$130,000 from the books to make them more accurate. Mr. Belanger stated this used to be done on a fairly regular basis but the Town fell out of practice doing it.

The motion carried unanimously.

5. TOWN ADMINISTRATOR REPORT

The Town Administrator presented highlights from his written report

6. BOARD OF SELECTMEN REPORTS

Mr. Belanger stated better crosswalk warning signs need to be installed at Hillcrest and Gigueres. The Mike's Donut traffic light could be moved as a result of the new fire station so this intersection needs to be looked at as well. Mr. Belanger also asked that the cost in dollars and efficiencies of having two men night patrols be looked into.

Mr. Buckley asked if we can keep the traffic light at Mike's Donuts. He suggested residents look into a home energy audit from Home Energy Sources to see where energy savings can be created.

Ms. Provencher said it is impossible for people to get across Pleasant Street at Hillcrest and asked Mr. Mizikar to speak with MassDOT.

Mr. Shivick mentioned the faded paint on the crosswalk at Bottomley Ave and asked that this be brought to MassDOT's attention. He asked if the crosswalks could be painted maroon. Mr. Mizikar stated that we do this on non-state roads whenever possible but we have not done line painting this year.

7. MINUTES

None

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

None

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Shivick at 8:32pm. The motion carried unanimously.