

**MINUTES
BOARD OF SELECTMEN MEETING
SEPTEMBER 19, 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

No members of the public provided comment

1. SCHEDULED

a. 6:30pm – One Day Beer/Wine Permit – Becker College – Saturday, October 29th

A motion was made by Ms. Provencher and seconded by Mr. Buckley to issue the one day beer and wine permit to Becker College for Saturday, October 29th, 2016.

Under discussion, Mr. Belanger pointed out that because Becker has policed themselves and been very strict when it has come to these events and the Board holds them to a high standard we do not require them to attend. Mr. Buckley noted the paperwork sent in is impeccable.

The motion carried unanimously.

b. 6:30pm – Pole Hearing – Paxton Street

John O'Donnell with Verizon presented a request to place a pole on the western side of Paxton Street to service the new fire station at 3 Paxton Street. Mr. Mizikar stated this is where the Town wants the pole.

A motion was made by Mr. Shivick and seconded by Ms. Provencher to approve the request for a joint pole location on Paxton Street. The motion carried unanimously.

c. 6:30pm – Class II License Modification – Ernie's Cars

Mr. Mizikar stated that when the Board made previous modifications to the used car dealer license for Ernie's Cars the office did not have a proper procedure in place to have the new plans reviewed by the Fire Department. Mr. Mizikar is seeking to have the Board modify the plans to accommodate the fire code and needs of the Fire Department. Mike Wilson with the Fire Department stated that the layout at 515 & 517 Main Street lacks proper fire lanes and the ability for the Fire Department to access abutting properties. Mr. Wilson stated he met with Mr. Eldridge on May 20th and asked him to move three cars for the weekend for access which Mr. Eldridge did not do. A meeting was held at Town Hall with the Town Administrator, Fire Chief and the Eldridges and a solution was not reached at that time. Mr. Wilson stated the Fire Department needs the side and the back of the building to be open out 20 feet at all times for fire access with no customer parking.

Victoria Eldridge stated cars have been moved from the front of the building and 20 feet away from the back as required. Ms. Eldridge requested customer parking for 3 cars during the day on the side of the building as most customer only stay for 30 minutes maximum and leave. Mr. Wilson stated by law it must be posted that it is a fire lane and there is no parking at any time or the customer would risk getting a citation by the police. Mr.

Eldridge stated that other buildings in Town don't have 20 foot fire lane requirements and have cars parked up against their buildings. Mr. Wilson stated that there is no problem parking cars against the front of the building but a minimum of two sides of the building is needed for fire access not just for Ernie's Cars but also for the building next door and the residence behind it. Chief Wilson added that Ernie can have 25 cars and other businesses have had to comply with these requirements.

Ms. Provencher asked if there is another place for customers to park. Ernie responded that there is. Mr. Shivick asked if there is any reason Mr. Eldridge is saying this law should not apply to him. Mr. Eldridge responded because it is his property and that he owns 18 feet between his building and the right of way. Mr. Wilson stated that the law is cut and dry and allows the Fire Department to require more than 20 feet if needed. Mr. Shivick asked Mr. Eldridge if he is keeping more than 25 cars. Mr. Eldridge stated he is keeping 26 cars right now.

A motion was made by Mr. Buckley and seconded by Mr. Shivick to require full compliance with the Fire Department recommendations including posting and clearance for fire lanes. The motion carried unanimously.

d. 6:45pm – Moose Hill Water Commission Discussion

Mr. Mizikar stated he received a letter from the Moose Hill Water Commission requesting a discussion with the Board of Selectmen. Mr. Mizikar has had many discussions with the Water Districts in Town regarding how they will work together collaboratively to address water quality and quantity issues and Moose Hill is key to this discussion.

Kurt Parliment, Chair of the Moose Hill Water Commission, stated there is a great opportunity to join with all of the water districts to put a water filtration plant up at Moose Hill to open up business opportunities. Mr. Mizikar noted that he has been meeting with the water districts as part of the action plan shared with the Board after the WPI study. He has met with all but the Leicester Water District but will meet with them this Thursday. All have expressed interest so far in joining a Water Prioritization Committee to further discuss these issues. Moose Hill has one asset everyone is looking for – clean water with a volume great than all other districts combined. Mr. Mizikar noted there are preliminary steps such as putting in an overlay district and protecting what can be developed near there to keep the water clean that can be worked towards in the near future. Mr. Mizikar hopes after his meeting with Leicester Water District the Water Prioritization Committee can finally be formed and the work can get started.

Mr. Parliment noted that at some point Moose Hill will no longer be a viable option due to rising costs and it would be a shame for the Town to lose it. Mr. Belanger asked the Town Administrator to look into the possibility of an intermunicipal agreement with Worcester where they kick in some capital expenses as water is now a needed commodity. Mr. Buckley expressed concern about selling our water to Worcester and having enough for Leicester and business expansion. Mr. Brooks noted Moose Hill had contacted some communities about purchasing our water but not Worcester because they figured the volume they would need would hurt us.

Vic Taylor recommended going in with other communities and/or trying to get a grant for Moose Hill and tying in to Spencer's pump station which is close to the reservoir, especially now given the drought. Mr. Belanger noted at one point there was talk of connecting lines from Paxton and out to Worcester but Spencer decided it wasn't worth the cost of filtration. However, things may have changed and just because it didn't work 10 or 20 years ago does not mean it won't work now.

2. CORRESPONDENCE

a. Student Liaison Reports

The Student Liaisons provided highlights from their written report

b. Donations – Police Department

A motion was made by Mr. Brooks and seconded by Ms. Provencher to accept the donations to the Police Department in memory of Lisa Ann Haynes. The motion carried unanimously.

c. Letter from the Town of Southbridge

Mr. Mizikar read a letter from the Town of Southbridge thanking all who helped fight fires in their town on August 22nd and also thanked our fire department for their hard work.

3. NEW BUSINESS

a. Resignations

None

b. Appointments

None

c. Town Administrator Performance Review

Mr. Belanger stated that the Board has a contractual obligation to evaluate the performance of the Town Administrator annually and determine if he meets certain standards required by his contract and annual goals which would result in an increase in compensation. There are two parts to the evaluation: behavioral and goal performance. Mr. Mizikar received an aggregate of 9.31 on the behavioral section of the evaluation and an aggregate of 8 on the goal performance section of the evaluation for a combined average score of 8.65. Any combined score above 7 is considered as exceeding expectations and a score of 10 is outstanding. All five members have agreed the Town Administrator's performance is satisfactory which triggers an automatic 3.5% pay increase for the Town Administrator. All evaluations go to the Town Administrator and are public record.

Mr. Mizikar thanked the Board for their transparent process and stated he has enjoyed working with them.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to increase the Town Administrator's salary by 3.5%. The motion carried unanimously.

d. ICMA Credentialed Manager – Kevin J. Mizikar

Mr. Mizikar noted the International City Manager's Association is an international group of city and town managers and like positions of which he is a member and the Town pays for the membership. The highest designation for a manager is known as a credentialed manager. Mr. Mizikar applied for this status and through a group of peers from across the world has been selected to receive this designation. It is a prestigious title within the profession but it also a commitment to continuing education – 40 hours per year of ongoing continuing education through approved sources. Mr. Mizikar is the 27th person in the State of Massachusetts to receive this designation.

e. Change Order(s) – Nexamp – High School Roof Project

Mr. Mizikar presented a request from Nexamp for a change order to supply 3" insulation for roof protection for the solar panels at a cost of \$4542. A motion was made by Ms. Provencher and seconded by Mr. Buckley to approve the change order for insulation in the amount of \$4542. The motion carried unanimously.

Mr. Mizikar presented a request from Nexamp for a change order to increase the number of days cranes will be on site to lift the solar panels back onto the roof. Originally all panels were being installed in one location which would take one crane less than 8 hours. The selected roofing contractor has advised against this approach because it puts a lot of weight on one area and the insulation may become compromised. This change order

provides for 4 additional lifts and Mr. Mizikar has negotiated down the quote by 15% for a not to exceed price of \$16,500.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to approve the change order for 4 additional lifts at a price of not to exceed \$16,500.

Under discussion, Mr. Belanger asked if this was all within budget. Mr. Mizikar noted that this is all within what was authorized by Town Meeting but the Town will have borrow some money with the change orders and other costs associated with the project as we are exceeding the cash on hand by \$22,000 unless a transfer is done at Town Meeting. Mr. Buckley asked if this should be on Nexamp's dime because they should have been aware of this issue when providing the bid. Mr. Mizikar stated in all previous projects the panels were reloaded into one location but our roofing contractor advised against this. Mr. Shivick asked why this issue is coming up so late in the process. Mr. Mizikar stated that there are two separate companies involved this level of detail is now being looked at as we are scheduling the solar panels being put back on the building. The roofing contractor has advised that if more than 250lbs sits in one spot for more than 3 days it could delaminate the insulations. Mr. Belanger noted that this change order is a very small amount on a \$1.8M project.

The motion carried unanimously.

f. Crosswalks – Route 9 between Main Street and Pine Street

Mr. Shivick discussed the need for a sidewalk at Main and Pine Street which could improvement access and livability for our residents. Mr. Shivick spoke with MassDOT and they are amenable to looking into a crosswalk at this location but would like it to be ADA compliant. Mr. Shivick asked for a motion to allow Kevin to write a letter to the Director or MassDOT section 3 requesting a crosswalk be installed at this location.

A motion was made by Mr. Buckley and seconded by Ms. Provencher asking Mr. Mizikar to write a letter to MassDOT requesting a crosswalk be installed at Main and Pine Streets.

Under discussion, Mr. Belanger requested following up with the library construction committee because they have already requested this accommodation as it is a public safety issue. Mr. Belanger suggested another crosswalk be installed near the Housing Authority.

The motion was amended to include a request for a crosswalk near the Housing Authority on Main Street.

Mr. Buckley asked if a cone could be put in the middle of the crosswalk at Giguere's that says "pedestrian crossing' and increases the visibility of the crosswalk. Ms. Provencher suggested a flashing light and suggested this also be requested in the letter to MassDOT

The motion carried unanimously.

4. DISCUSSION/OLD BUSINESS

a. Fall Special Town Meeting Warrant

Article 1 – Request from the Town Clerk to increase her compensation to \$56,000. Mr. Brooks requested the Town Administrator do a comparison of other Town salaries.

Article 2 – Budget Adjustments – work in progress

Article 3 – Vocational Tuition – Add \$18,009 in Free Cash from FY'16 vocational tuition allocation to FY'17 vocational tuition

Article 4 – Transfer funds from Free Cash to repair and purchase replacement equipment for the recycling center compactors – approximately \$8500

Article 5 – Authorize the Board to enter into tax agreements with solar facility developers. The Town does not forgo any taxes but these facilities decline in value according to the IRS so the Town would receive high amounts in the first 3 years and small amounts of taxes for the remainder of the 20 year life of the project. These tax agreements divide the payments equally over the 20 year span of the project.

Article 6 – OPEB Trust – The Town has been advised by our investment consultant to readopt this section and establish a trust thereafter due to updates in the municipal modernization bill

Article 7 – Accept Section 13E of Chapter 140 to establish a reserve fund for special education out of district spending. This article would allow the School Committee to vote to use unexpended operating budget funds for special education out of district transportation or tuition.

Article 8 - Rawson Street Bridge – Secure right of ways for bridge replacement project

Article 9 – Solar Development at the Landfill – Develop specifications and procurement documents to select a developer for a solar development at the landfill. Approximately \$9K and would probably pay for itself in the first six months. The Town would lease it out and it would save on maintenance costs.

Article 10 – Bonds – accept provisions of the municipal modernization act which would all bond premiums to be applied to reduce the borrowing amount at the outset by immediately paying off the interest and thereby reducing the borrowing every year thereafter.

b. Community Development Block Grant/Advisory Committee

The Town will be pursuing a CDBG grant for the Town Hall elevator again this year and will be reconvening the CDBG Advisory Committee. We will reach out to current members to see if they are interested in still participating. There are new state rules for how projects will be judged and healthy and regular participation by the Board and the Advisory Committee is very important. CMRPC will be revising our application for resubmittal.

c. Town Administrator Goals – Year 4

Mr. Mizikar stated he used the overarching Board goals to develop tasks and goals for the next two months which will begin on September 30th, his contract anniversary date. These are ideas which the Board has discussed over the last 12 months. Mr. Mizikar presented an outline for the Board and the Board decided to hold one on one meetings with the Town Administrator who would then bring back final goals on October 3rd for further discussion.

d. Consideration of Donation – Parcel of Land on Auburn Street – Map 23D Block B33

Mr. Mizikar received a call from the executor of the estate of a roughly 1.5 acre parcel which is 208 feet in width along Auburn Street and adjacent to Kettle Brook. The property is protected by the River Front Development Act which prohibits development within 2100 feet so the parcel has only 8 total developable feet. They have offered to donate this to the Town and as it is next to Towtaid Park this may be of interest to the Town. Mr. Mizikar stated if the Town could do some minimal improvements such as creating trails or parking this could be a good deal. If the Board is interested, the next steps would be to have Conservation Commission and Parks and Recs review the lot.

Ms. Provencher stated if we take this land it would give Towtaid Park a little over 21 acres and felt it is a good thing for Cherry Valley. Mr. Belanger cautioned the Town against accepting the land if it has issues such as pollution or brownfields and wanted to make sure we do our due diligence. Mr. Brooks asked how much we would lose in taxes by accepting this land as a donation. Mr. Mizikar responded approximately \$250/year.

e. Consider Declaration of Excess Real Estate – Portion of Map 21 Block 3A +/- 1.25 Acres

Mr. Mizikar has been approached by the property owner adjacent to the ball fields who had an encroachment on his hand when the Little League fields were developed. In that discussion, it came up that the owner would be interested in buying the outlying portion of the ball fields if the Town no longer had an interest in it and putting a conservation easement on this parcel. They would do any necessary legwork. This would have to go through a public bid process and the Board would have to first declare the land excess and Town Meeting would have to authorize the sale of the land. This portion of the land could be redeveloped but given its strange location and narrow width of less than 300 feet Mr. Mizikar does not see any development potential. Mr. Belanger recommended speaking with Becker College, the Little League and the Softball League and reviewing all contracts.

5. TOWN ADMINISTRATOR REPORT

The Town Administrator presented highlights from his written report

6. BOARD OF SELECTMEN REPORTS

Mr. Shivick noted that the Bottomly Ave crosswalk issue has been dealt with and line painting in the center of Town should be done in the next couple of weeks. Mr. Shivick has been approached by residents concerned about sex offenders in certain areas of Town such as bus stops and asked about the status of the Town's Sex Offender Bylaw. Mr. Mizikar noted that the bylaw restricted where sex offenders are allowed to reside but does not limit free travel and movement. If someone is concerned about a particular individual they should contact the non-emergency police line at 508-892-7010. There are constitutional restrictions on limiting a person's movements, however, and even the Attorney General's office cautioned the Town that our sex offender bylaw could be struck down by the Supreme Court. Mr. Shivick noted he also attended the Parks and Recs meeting and asked them to come up with some kind of a Master Plan to see what the Town should be focused on.

Ms. Provencher noted there was a Burncoat Park meeting September 12th with many good ideas including possibly reviving the girls' softball field. The Town has \$15K set aside for a survey of Burncoat Park. The Worcester County Selectmen's Association quarterly meeting was held on September 15th and Ms. Provencher was voted in as their next president. Many other Towns spoke of having budgetary issues at this meeting.

Mr. Buckley thanked the Board for approving his 20B exemption so he can substitute teach at the schools and enjoyed being a judge at the Harvest Fair. He noted that a Rt 56 off ramp from the Mass Pike would be a boom for economy development for the Town and may be looking like more of a reality due to the backlog of traffic.

Mr. Brooks had a great time at the Harvest Fair.

Mr. Belanger asked for an update on the regional emergency dispatch center. Mr. Mizikar said a tentative move date has been set for October 3rd. The City has moved forward with HR aspects to bring our dispatchers on board including physicals, background checks, etc and we are working to iron out the final pieces of technology integration between Leicester IT and what will be housed in Worcester to make sure we have a large enough secure tunnel to communicate back and forth between the two facilities.

7. MINUTES

a. August 15, 2016

A motion was made by Ms. Provencher and seconded by Mr. Shivick to approve the minutes of August 15, 2016. The motion carried unanimously.

b. August 29, 2016

A motion was made by Mr. Shivick and seconded by Ms. Provencher to approve the minutes of August 29, 2016. The motion carried unanimously.

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

A motion was made by Ms. Provencher and seconded by Mr. Buckley to enter into executive session at 8:41pm and to resume in open session only for the purpose of adjournment.

Vote by Roll Call:

Belanger – Aye

Brooks - Aye

Buckley – Aye

Provencher – Aye

Shivick - Aye

The motion carried unanimously.

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Buckley at 9:11pm. The motion carried unanimously.