

**MINUTES
BOARD OF SELECTMEN MEETING
NOVEMBER 7, 2016
TOWN HALL, SELECTMEN'S CONFERENCE ROOM**

CALL TO ORDER/OPENING

Chairman Belanger called the meeting to order 6:31pm. 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 – Pole Hearing – Auburn Street (continued from 10/17/16 meeting)

Mr. Mizikar stated the provider and the applicant are still trying to work out a location and asked the Board to close the public hearing without prejudice at this time. A motion was made by Ms. Provencher and seconded by Mr. Shivick to close the public hearing for the Auburn Street pole hearing. The motion carried unanimously.

2. CORRESPONDENCE

a. Student Liaison Reports

The Student Liaisons provided highlights from their report.

b. Donations– Senior Center

A motion was made by Mr. Brooks and seconded by Mr. Buckley to accept the Senior Center donations. The motion carried unanimously.

Mr. Brooks noted the Veterans breakfast will be held this Thursday the 19th at the Senior Center starting at 9am. Mr. Belanger noted the Veterans Day ceremony led by the VFW will be held on Veterans Day at 11am in the center of Town.

3. NEW BUSINESS

a. Resignations

i. Police Department – Michael Gardner

A motion was made by Ms. Provencher and seconded by Mr. Buckley to accept the resignation of Michael Gardner from the Police Department and to send a letter of thanks. The motion carried unanimously.

b. Appointments

i. Full Time Police Officers

Mr. Mizikar recommended the Board move forward with two conditional offers of employment for the Police Department as requested by the Chief. The Chief noted the 2001 staffing study said the PD should have 19 FT officers by 2004 and this request would finally bring staffing to this level. In 2006 LPD handled over 10K calls for service and patrol initiated activity which has increased to between 22K and 30K on top of facing more complex crimes including internet crimes and identity fraud. The bad news is one officer is retiring and another is going out on extended medical leave so these positions are now more critical than ever. Chief Hurley stated he would like to offer conditional offers to Travis McCauley of Leicester and Michael Sielis formerly of Leicester and now

of Holden. Mr. McCauley would be pushed on an emergency basis as he has academy training and could fill a slot immediately. Mr. Mizikar noted that Mr. McCauley was 3rd on the list but is the only candidate that is academy trained and has 5 years of experience with a local police department. Mr. McCauley would replace Sergeant Tebo who is retiring at the end of the month as the academy takers six months and the next one is not until January. The PD can't afford to wait that long just to get back to current staffing levels. Mr. Belanger asked if the process is ok with civil service requirements. Mr. Mizikar responded in the affirmative noting he has consulted with labor council.

A motion was made by Mr. Buckley and seconded by Ms. Provencher to offer conditional offers of employment as Police Officers to Mr. McCauley and Mr. Sielis. The motion carried unanimously.

ii. Parks and Recreation – Brad Dufries

A motion was made by Mr. Brooks and seconded by Mr. Buckley to appoint Brad Dufries to the Parks and Rec Committee. The motion carried unanimously.

c. 2017 Licensing Renewals

Mr. Mizikar presented license renewals that had been checked for tax compliance and which have submitted all required renewal documents. Mr. Mizikar noted the fire department is conducting a more thorough review of used car dealers and those licenses will be coming before the Board later on.

A motion was made by Ms. Provencher and seconded by Mr. Buckley to approve the list of 2017 license renewals as presented. The motion carried unanimously.

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

Mr. Mizikar noted that Parks and Rec expressed interest in accepting the proposed donation of land on Auburn St adjacent to Towtaid and Conservation Commission had a few comments to consider prior to accepting it. The donation would require Town Meeting approval as real estate falls under their purview but Mr. Mizikar wants to see if the Board would like to undertake due diligence including a preliminary environment investigation now that they have feedback from other departments.

A motion was made by Ms. Provencher and seconded by Mr. Buckley to understand an environmental study on the auburn street property adjacent to Towtaid Park.

Mr. Buckley asked if the study would be costly given the site's proximity to the riverfront protection area. Mr. Mizikar responded he thought it would be less than \$1K for a Phase I.

Mr. Belanger expressed concerns about acquiring the property due to a former junkyard that was nearby and the possibility of contamination having spread onto the site.

Mr. Mizikar said a Phase I environmental could be done which is a paper exercise involving the review of Sanborn maps and pollutants on this property and adjacent properties and can stop at this point if there are concerns. Mr. Mizikar noted the most the Town would probably do would be install a parking lot with a trailhead and signs so there would not be excavation of soil but the Town should know if there are any environmental contaminants.

The motion carried 4:1 with Mr. Belanger casting the opposing vote.

e. Consider Bids for Vehicles – Police Department

The Town went out bid to dispose of four vehicles; three police vehicles and one vehicle taken during a drug seizure. The vehicles for sale were advertised and notices were sent out to a list of 20 or so companies the Town has on file.

A motion was made by Mr. Buckley and seconded by Ms. Provencher to sell the 2011 Crown Victoria to Straight Line Auto for \$1971. The motion carried unanimously.

A motion was made by Mr. Buckley and seconded by Ms. Provencher to sell the 2008 Ford Taurus to Chicago Motors for \$1507. The motion carried unanimously.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to sell the 2006 Ford Expedition to Chicago Motors for \$2207. The motion carried unanimously.

A motion was made by Ms. Provencher and seconded by Mr. Buckley to sell the 2005 Jeep Grand Cherokee to Straight Line Auto for \$271. The motion carried unanimously.

4. DISCUSSION/OLD BUSINESS

a. Water Districts

Mr. Mizikar updated the Board on the Nov 1st meeting with the water districts, MassDEP, Rep. Campanale, Senator Moore and others. Mr. Mizikar stated he felt a great discussion took place and the districts found a way to agree to a path forward to talk about near term challenges for the Cherry Valley Rochdale Water District as they are under an emergency interconnection with the City of Worcester. Mr. Mizikar stated he was a little concerned about where the meeting left off in regard to Moose Hill as he felt it was pushed more to the side of the discussion and it needs to be at the forefront until it is determined not to be a viable option. Mr. Mizikar noted Moose Hill once was a drinking water source and the Town needs to determine if it is an appropriate source for the future.

Mr. Mizikar reviewed an Intermunicipal Agreement with the Leicester Water District (LWD) dating back to 2003 and noted promises set forth in this agreement are critical to general taxpayers. The IMA states the Town's desire to make the Route 9 west corridor more attractive to business and this area has just been rezoned to help economic development in the area. In 2003 the LWD was a great partner and expanded the water line from Tractor Supply to the Spencer line with the Town contributing \$1.8M towards the lines and a required pump station. In the agreement, the LWD agreed Moose Hill and Shaw Pond should be a primary source of water for the entire Town. This 25-year agreement further laid out that the LWD, Moose Hill Water Commission and the Board of Selectmen would meet annually. Some parts of this agreement have gotten lost over the last 13 years. The pump station borrowing of \$200,000 will be paid off in 2024 and there is \$12,300 budgeted in FY'17 for principal and interest. The water main borrowing of \$1.6M will be paid off in 2021 and \$125,000 is budgeted in FY'17 for principal and interest. These costs are directly competing with other town projects for operating dollars as they are not debt excluded. The \$1.8M in infrastructure improvements the Town agreed to fund benefited the Town from an economic development perspective but also benefited the district. Mr. Mizikar stated the Town should not walk away because of the agreement, the project and the promises made through the IMA and need to find a way to satisfy the long term promise of the agreement which is determining the feasibility of Moose Hill.

Mr. Mizikar stated he believes the Town should move forward in a simple way by not investigating water quality but doing a cost benefit analysis of the entire scope of bringing Moose Hill online; e.g. the cost to fund a pipeline,

treatment facility, etc. and the benefits. Then the Town should go to the districts and say the water rate will be x amount and see if they are interested in pursuing it further. If it is not economically feasible it should be shelved. The Town has allocated \$48K to investigate water issues. Mr. Mizikar stated he believe the Town has a role, the funding and an agreement with the LWD to work from to help the residents' quality of life by improving drinking water.

Mr. Shivick stated he believes what Mr. Mizikar is proposing is the right step forward and noted Senator Moore dedicated his Chief of Staff to call everyone to get the meeting together. Mr. Shivick noted that Cherry Valley Rochdale Water District will be on the Dec 8th Leicester Water District agenda to formally ask for assistance.

Mr. Belanger got the feeling that MassDEP is less enamored with Moose Hill and wishes the legislature would create a revenue stream for water. He noted the Leicester Water District felt it had been cornered and although a request for assistance may have been made from Superintendent to Superintendent it had not been formally made from Board to Board. Mr. Belanger supports Mr. Mizikar's approach as we need to know the cost before we can make an intelligent decision and we need to build bridges with the groups involved. Mr. Belanger stated that LWD does want to work with the Board, Cherry Valley Rochdale Water District and Moose Hill and has always said at various meetings and in conversations they are willing to help whenever they can but their first priority is to deal with their residents and they are under ordered conditions from DEP themselves. Mr. Belanger stated he has been asked by the LWD Chair to withdraw Mr. Shivick as the Board liaison to the LWD and will do so and will fill this spot himself until he finds another alternative.

Mr. Buckley noted the Town picked up a large chunk of funds for the water line and kept it more affordable for the Leicester Water District but annual meetings have not been held and everyone in Town is paying taxes for those water lines including people with wells and separate tanks. Mr. Buckley fully supports Mr. Mizikar's plan. Mr. Buckley states he feels it is a mistake to remove Mr. Shivick as liaison because although he may have ruffled a few feathers he is a first-year selectmen and his heart is in this town and he is trying to help people solve a serious problem that is not going away. Mr. Buckley believes there has been progress and that Mr. Shivick will be a good liaison and he asked Mr. Belanger to sit on it and reconsider.

Ms. Provencher stated the Town paid \$1.8M for the water lines but will recoup some money if Moose Hill comes online and this is where our legal obligation to explore bringing Moose Hill online lies as we have invested funds and can't walk away.

Mr. Brooks stated he has been going to moose Hill meetings for five years and while the water may not be drinkable it needs to be explored and this is the best first step the Town has taken since this agreement was signed in 2003.

Mr. Belanger stated that the definition of liaison is communication or cooperation that facilitates close working relations with people and when people feel attacked and put a wall up you lose the ability to get things done. Mr. Belanger stated he understands Mr. Buckley's points but this is too important of an issue and he has not had success with public and private coaching. Mr. Belanger stated there is a point where it would cost the community more if we don't build bridges and cooperation so if LWD is saying they don't want someone to be their liaison cooperation ends and therefore he stands by his decision.

Mr. Buckley stated everyone is entitled to mistakes and when a mistake is made people should be offered a second chance as he has been on the Board for several years and there have been people who have made mistakes and the Board has been very good about it. Mr. Buckley stated this is the wrong way to go and that there should be an understanding with a handshake and let's start over.

Mr. Belanger stated this is not a one-time issue and you can only teach so much. This particular issue has become too critical and there are too many people affected. Mr. Belanger added he gave Mr. Shivick the opportunity to step aside privately.

Mr. Shivick stated bridge building is being latched onto as the reason for his removal and while he made a mistake in misstating the Board's position he stated this is purely a political move.

b. Route 56 Roadway Improvement Project Update

Ms. Forsberg provided an update on obtaining the required easements for the Route 56 project. Ms. Forsberg noted that of the 28 affected properties, 15 donated their easements and the deeds are out to be signed and are due back by December 5, 2016. The remaining 13 properties have had the value of their easements appraised and the total appraised value of all remaining easements is \$5,330. The total cost to appraise the 13 properties was \$9,750. The written offers, appraisal and easements deeds have gone out to the property owners to be signed on October 31st which started a 30-day negotiation period. On December 5, 2016, the Board will vote to accept all easement deeds and acquire those that have not signed via eminent domain as authorized at Town Meeting. MassDOT will put the project out to bid on December 17th with an expected start in late spring/early summer of 2017.

5. TOWN ADMINISTRATOR REPORT

The Town Administrator provided highlights from his written report.

6. BOARD OF SELECTMEN REPORTS

Mr. Shivick discussed adding yellow lines to Watson, Bond and Charles Street. Mr. Mizikar stated federal highway criteria states the center line marking shall be a double yellow line but the roadway must be marked 45mph and wide enough for this line marking. The Town can selectively stripe certain curves or aspects where there are safety concerns so Mr. Mizikar will look at this issue with the Highway Superintendent. Mr. Shivick also asked that painting the crosswalks at 56 and Stafford be looked into.

Ms. Provencher thanked the Highway Dept for cleaning up trash at the softball fields at Burncoat Park and added that the loam being brought over Town Beach Road is for refurbishing the girls' softball field and is not being dumped there. Mr. Provencher reminded residents about Veterans Day this coming Friday and the small parade at Bean Square and celebration in the center of Town at 11:11am.

Mr. Buckley wished Irene King, wife of former Town Treasurer Ed King, a happy 95th birthday. He asked the Town Administrator if he had reached out to the Town Administrator of Oxford about the MassPike interchange and asked who is responsible for the Rochdale library that is falling apart.

Mr. Brooks reminded residents about the veterans breakfast at the Senior Center on the 19th which starts at 8:30 with food served around 9:00 and reminded folks to vote tomorrow.

Mr. Belanger noted the Cherry Valley Legion does a respectful disposal of ripped and worn out flags. He credited the Town Administrator and his staff for digging up the IMA with LWD and bringing it to the attention of various participants who had probably forgotten about it which has led to good progress.

7. MINUTES

a. October 17, 2016

A motion was made by Ms. Provencher and seconded by Mr. Brooks to approve the minutes of October 17, 2016. The motion carried unanimously.

8. EXECUTIVE SESSION

No executive session was held.

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Shivick at 8:11pm. The motion carried unanimously.