



Town of Leicester, Massachusetts

Annual Town Meeting Warrant

Spring Annual Town Meeting – May 7, 2024 – 7:00PM

“In the Hands of the Voters”

Meeting location:
Town Hall Gymnasium
3 Washburn Square
Leicester, MA 01524

Town Rules & Procedures Review

Each Town Meeting is a formal legislative body. As such, we are governed by both Massachusetts General Laws and Chapter Two of Leicester's Town By-Laws. Our proceedings follow "Town Meeting Time, A Handbook of Parliamentary Law", and tradition.

The Town Moderator does not vote, except in cases of a tie vote on the floor.

Town Meetings in Leicester are open only to registered voters.

As members of the town meeting, voters have the right, if they so choose, to present opinions and to ask questions through the moderator in relation to the motion under discussion, and only to the motion under discussion. You have a right to be comfortable with the facts at hand in order to make an informed vote.

A voter wishing to address the meeting through the moderator should approach the microphone and must identify themselves and state their address each time they address the meeting. If it seems that the Moderator is not aware of your desire to speak, please give some signal so that you will be recognized. If you are not able to get to the microphone, please give a signal and a teller or volunteer will bring a microphone to you.

No one may speak to any motion more than twice, except to clarify a point or respond to a question through or from the moderator, and maximum time is ten minutes. Voters must stay on topic with the motion at hand, and personal attacks or slurs of any kind will not be tolerated.

If you have a question as to why something is done in a fashion, feel free to ask. Raise that question or issue with the statement, "Point of Order."

If a member of this meeting wishes to move the question, that motion must be made from the microphone. A motion to move the question will not be accepted from the floor. A motion to move the question simply indicates that at least the individual offering the motion to move the question and person making the second have heard all the debate they feel is needed. A seconded motion to move the question is not a debatable motion. At such time, all debate will cease, and a vote is taken. A 2/3rds majority is required for passage. If the motion to move the question passes, we will immediately vote on the motion which was under discussion in the hands of the meeting. If the motion to move the question is defeated, debate on the motion previously under discussion will resume. This procedure is often misunderstood but is allowed and governed under the By-Laws of the Town of Leicester.

Any motion undertaken by Town Meeting in Leicester may be reconsidered, meaning it can be brought up for a vote a second time. The motion to reconsider a motion must be made within one hour of the taking of the original vote on the motion in question. A motion cannot be brought forward for reconsideration more than once.

Any motion made must be within the scope of the articles posted in the warrant and presented to the moderator in writing.

Respectfully,

Doug Belanger

Town Moderator

Table of Contents

ARTICLE 1	PRIOR YEAR BILLS	5
ARTICLE 2	DEPARTMENT AND/OR WARRANT ARTICLE TRANSFERS - FY2024	6
ARTICLE 3	ELECTED OFFICIALS SALARIES	8
ARTICLE 4	AMEND THE REVOLVING FUND BYLAW	9
ARTICLE 24	CITIZENS PETITION - Revoke the authority of the Select Board to sell, rent lease or otherwise dispose of the former Becker Campus real estate and assets	11
ARTICLE 5	FY 2025 OPERATING BUDGET	11
ARTICLE 6	VOCATIONAL TUITION	15
ARTICLE 7	CENTRAL MASS REGIONAL PLANNING COMMISSION ANNUAL ASSESSMENT	16
ARTICLE 8	FY 2025 EMS (AMBULANCE) ENTERPRISE ACCOUNT APPROPRIATION	16
ARTICLE 9	FY 2025 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION	17
ARTICLE 10	FUNDING OPERATIONAL COSTS OF THE LEICESTER HIGH SCHOOL CAMPUS AND ASSOCIATED PROPERTIES	18
ARTICLE 11	FY 2025 CAPITAL IMPROVEMENT PLAN	18
ARTICLE 12	POLICE CRUISERS	19
ARTICLE 13	TRANSFER PROCEEDS FROM SALE OF VICTORIAN PROPERTIES FROM RECIEPTS RESERVED FOR APPROPRIATION TO RECEIPTS RESERVED FOR EXPENDITURE	19
ARTICLE 14	BORROWING RECISSION	20
ARTICLE 15	BORROWING RECISSION	20
ARTICLE 16	ESTABLISH REVOLVING FUND ANNUAL SPENDING LIMITS	21
ARTICLE 17	EXEMPT THE POSITION OF POLICE CHIEF FROM CIVIL SERVICE	22
ARTICLE 18	PETITION TO EXTEND POLICE CHIEF'S SERVICE TO THE TOWN	22

ARTICLE 19 AMMENDMENT TO ACCEPTANCE OF MGL CHAPTER 40, SECTION 57 – LOCAL
LICENSES AND PERMITS; DENIAL, REVOCATION OR SUSPENSION FOR FAILURE TO PAY
MUNICIPAL TAXES AND CHARGES (ORIGINALLY ACCEPTED ON 5/03/1993).23

ARTICLE 20 ACCEPTANCE OF UPDATED MGL CHAPTER 44, SECTION 54 – INVESTMENT
OF FUNDS PURSUANT TO THE PRUDENT INVESTMENT RULE.24

ARTICLE 21 AMEND THE ZONING MAP25

ARTICLE 22 AMMEND SECTIONS 5.5 AND 3.2.02 OF THE ZONING BYLAW TO ADD MIXED
USE AND HORIZONTAL MIX TO THE HB-1 DISTRICT.25

ARTICLE 23 BATTERY ENERGY STORAGE FACILITIES BYLAW28

WORCESTER, SS.

To a Constable in the Town of Leicester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Leicester qualified to vote in Town Elections and Town Affairs to meet at the Town Hall Gymnasium, 3 Washburn Square, Leicester, MA 01524 on Tuesday, the seventh day of May, 2024 at 7:00 PM, then and there to act on the following articles, namely:

ARTICLE 1 PRIOR YEAR BILLS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies in order to pay bills from prior fiscal years or take any action thereon.

PROPOSED MOTION

Move the Town vote to transfer \$45,601.83 from Free Cash to pay the prior year bills as listed in the May 7, 2024 Town Meeting warrant.

Department	Vendor	Amount
Legal	Petrini and Associates	\$1,465.80
Legal	Petrini and Associates	\$1,060.88
Legal	Melick & Porter	\$1,008.50
Planning Board	FY23 Stipends	\$1,424.00
DPW	National Grid Electric	\$471.91
DPW	National Grid Electric	\$461.87
DPW	National Grid Electric	\$481.55
DPW	National Grid Electric	\$614.70
DPW	National Grid Electric	\$553.85
DPW	National Grid Electric	\$570.04
DPW	National Grid Electric	\$287.19
Knight Hall (School)	National Grid Electric	\$6,738.14
Knight Hall (School)	National Grid Electric	\$4,442.53
Police	National Grid Gas	\$10,585.81
DPW	Tradebe Environmental Services, Inc.	\$14,743.75
Various Departments	Spectrum Enterprise	\$691.31
Total		\$45,601.83

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

This article is required for the payment of bills prior to July 1, 2023, that were not submitted by the close of the fiscal year. The legal bills, Planning Board stipends, and Spectrum bills were overlooked due to staff error. The environmental services bill was for a hazardous waste event

that was not billed timely. The electric and gas bills are for services that were not previously billed and commenced randomly by National Grid.

VOTE REQUIRED FOR PASSAGE Requires a 4/5th's vote pursuant to MGL Chapter 44, §64.

ARTICLE 2 DEPARTMENT AND/OR WARRANT ARTICLE TRANSFERS - FY2024

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, transfer from other budget accounts, adjust budgets, transfer to/from or adjust existing warrant articles such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2024 operating budget of the Town, any other warrant articles or take any action thereon.

PROPOSED MOTION #2A – BUDGET TRANSFERS

Move that the Town vote to transfer the following sums, totaling \$369,309.26 as listed in the table under Article 2A of the Town Meeting warrant.

From	Amount	Reason
FY 2024 Employee Benefits	\$323,309.26	Forecast budget surplus
Unemployment Compensation	\$46,000.00	Forecast budget surplus
Total	\$369,309.26	

To Budget/Article	Amount	Reason
Town Hall Telephones	\$600	Budget insufficient
Town Clerk	\$760.00	Budget insufficient due to the presidential primary and the special election for Massachusetts State Senate seat won by Peter Durant.
Elections	\$35,335	Same as above
Other General Government	\$1,000	Additional funding requested due to the Vote-By-Mail provision of the Presidential primary
Snow & Ice	\$201,000	Annual overage in expenditures for keep the roads clean during winter weather events.
Shared Maintenance (950)	\$85,000	Account at \$47,549.07 with three months remaining. \$50,000 is a buffer against future expenses; \$35,000 is for a painting project for Town Hall that is out to bid.
Stormwater Management ATM 5/22 Art 10	\$264.26	Article in deficit
Fire Hydrant Repair STM 10/22 Art 10	\$6,850	Article in deficit

To Budget/Article	Amount	Reason
Police Flooring STM 10/23 Art 4	\$20,000	Bids are out on this project; original funding of \$44,000 is likely to be insufficient due to rising costs. Additional funding sought to insure there is enough funding to complete the project.
Police Detective Station STM 10/23 Art 4	\$14,000	Project costs exceeding budget
Ambulance Expenses	\$4,500	Former EMS 2005 Chevrolet ambulance was scheduled to be traded in as part of the down payment for a new Ambulance. Vehicle has since been incorporated into the School medical program, leaving the need to fund the trade-in allowance.
Total	\$369,309.26	

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

This request amends the Fiscal Year 2024 operating budget and various general fund warrant articles with transfers from the FY 2024 Employee Benefits budget.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

PROPOSED MOTION #2B – FUND TRANSFERS

Move that the Town vote to transfer the following sums, totaling \$135,000.00 from Free Cash to the accounts listed in the table under Article 2B of the Town Meeting warrant from Free Cash.

Fund	Amount	Reason
Other Post-Employment Benefits Fund (OPEB)	\$35,000	Funding sought to continue building the OPEB Stabilization fund
Stabilization Fund	\$100,000	Funding sought to add additional funds to Stabilization
Total	\$135,000	

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

This request is to add additional reserves to two Stabilization funds. The Town has not been able to make annual contributions due to the need for funding the maintenance of the high school campus and non-school related buildings from Free Cash. Now that those costs are included in the general fund budget, this transfer can be recommended.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote.

ARTICLE 3 ELECTED OFFICIALS SALARIES

To see what compensation the Town will vote to pay elected officials or take any action thereon.

PROPOSED MOTION

I Move the Town vote to set the rate of compensation to pay elected officials for Fiscal Year 2025 as detailed in the May 7, 2024, Spring Annual Town Meeting Warrant.

FISCAL YEAR 2025 ELECTED OFFICIALS PAY RATES	
<u>POSITION</u>	<u>PAY RATE</u>
TOWN CLERK	\$84,385
MODERATOR	\$87
SELECT BOARD – CHAIR	\$918
SELECT BOARD – MEMBERS (4) each	\$753
SCHOOL COMMITTEE – CHAIR	\$465
SCHOOL COMMITTEE – MEMBERS (4) each	\$205
PLANNING BOARD – CHAIR	\$334
PLANNING BOARD – MEMBERS (4) each	\$288
BOARD OF HEALTH – CHAIR	\$334
BOARD OF HEALTH – MEMBERS (2) each	\$288
ASSESSOR – MEMBERS (3) each	\$621

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

Compensation for elected officials is set by Town Meeting. The proposed FY 2025 elected officials pay rates have been increased by the same cost of living increase given to other non-union staff.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. Chapter 41, Section 108.

ARTICLE 4 AMEND THE REVOLVING FUND BYLAW

To see if the Town will vote to amend the revolving fund bylaw, as listed in the Town Meeting warrant, or take any action thereon.

PROPOSED MOTION

I Move the Town vote to amend the Town's revolving fund bylaw, as follows:

To amend Column C and D of the Leicester Schools Campus Use Revolving Fund as follows:

From:

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements /Reports	G Fiscal Years
Leicester Schools Campus Use	Select Board/Town Administrator	All fees, charges or other receipts collected from the use of the former campus property; and any other funds collected from programs or activities for the use of the property.	All costs associated with the operation of the former Becker property, including utilities, maintenance, repairs, grounds- keeping, and any and all other associated costs	None	None	Fiscal Year 2022 and subsequent years

To:

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements /Reports	G Fiscal Years
Leicester Schools Campus Use	Select Board/Town Administrator	Fees, charges, short term rental and/or other receipts collected from the use of fields and facilities for athletic events, meetings, gatherings, and social functions on campus property. Lease and/or long-term rental payments are excluded.	Costs associated with the operation of the property, including but not exclusively for maintenance, event costs, utilities repairs, and groundskeepi ng, and any and all other associated costs	None	None	Fiscal Year 2022 and subsequent years

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

The Leicester School Campus Use fund was established to take in any receipts received from the use of campus facilities to fund maintenance and repairs. At the time, the assumption was that the funds would come from user fees for daily rent of the turf field or the gym. We did not anticipate that we would be establishing long term leases for housing through the Commonwealth. As funding for the maintenance of the campus now comes from the general fund, we are requesting that those lease funds be considered a general fund receipt. This

change to the bylaw restricts the receipts going into the fund to be the original intent of fees charged for short term use of facilities.

VOTE REQUIRED FOR PASSAGE Requires a simple majority.

ARTICLE 24 CITIZENS PETITION - Revoke the authority of the Select Board to sell, rent lease or otherwise dispose of the former Becker Campus real estate and assets.

To see if the Town will vote to:

To revoke the authorization granted to the Select Board, in Article 3 of the Special Town Meeting held on September 14, 2021, to sell, rent, lease, or otherwise dispose of any or all of the interests in real estate and assets acquired in the purchase of the former Becker Campus. Any further sale, rental, lease, or disposal of the acquired interests in real estate and assets from the former Becker Campus shall require a simple majority of registered voters at a Town Meeting.

PROPOSED MOTION

Motion, if any, to be provided by the Petitioner.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Unfavorable Action (3-1-0)

DESCRIPTION

Citizens petitions are normally placed further back in the warrant and are only moved ahead of other articles if Town Meeting votes to allow it, but as passage of the article as written could potentially affect the FY 2025 Budget, the article has been placed out of order ahead of the budget article.

ARTICLE 5 FY 2025 OPERATING BUDGET

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2024, and ending on June 30, 2025, as listed in the May 7, 2024, Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

I move the Town vote to approve the budgets of Town departments and Town Accounts as printed in the Annual Town Meeting Warrant for the Fiscal Year beginning July 1, 2024, in the aggregate amount of \$37,574,155 and to fund this amount from the following sources:

Transfer from other revenue:
Transfer from Bond Premium
Transfer from Free Cash:

\$35,000
\$159,150
\$700,000

And the balance of the funds in the remaining sum of \$36,680,005 shall be raised and appropriated by taxation, state aid, and local receipts.

DEPT #	DEPARTMENT NAME	FY2023 BUDGET	FY2024 BUDGET	FY2025 PROPOSED	\$ CHANGE	% CHANGE
111	LEGAL					
	TOTAL	122,151	99,000	99,000	0	0.00%
114	MODERATOR					
	TOTAL	151	200	202	2	1.00%
122	SELECT BOARD					
	TOTAL	373,053	428,228	371,208	-57,020	-13.32%
130	RESERVE FUND					
	TOTAL	50,000	50,000	50,000	0	0.00%
131	ADVISORY BOARD					
	TOTAL	1,325	1,325	1,325	0	0.00%
135	ACCOUNTANT					
	TOTAL	160,746	168,592	171,337	2,745	1.63%
141	ASSESSORS					
	TOTAL	132,457	136,124	164,594	28,470	20.92%
145	TREASURER/CO LLECTOR					
	TOTAL	199,744	227,522	247,385	19,863	8.73%
147	TAX TITLE					
	TOTAL	16,000	32,000	32,000	0	0%
152	PERSONNEL BD					
	TOTAL	275	275	275	0	0%
155	IT DEPARTMENT					
	TOTAL	206,060	224,242	243,085	18,843	8.40%
161	TOWN CLERK					
	TOTAL	139,239	148,145	148,532	387	0.26%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	51,700	37,700	51,360	13,660	36.23%
180	LAND USE					
	TOTAL	268,589	277,771	135,097	-142,674	-51.36%
192	TOWN OWNED BLDG MAINT					
	TOTAL	56,081	48,281	51,700	3,419	7.08%

DEPT #	DEPARTMENT NAME	FY2023 BUDGET	FY2024 BUDGET	FY2025 PROPOSED	\$ CHANGE	% CHANGE
197	TOWN HALL BLDG MAINTENANCE					
	TOTAL	86,909	86,909	92,205	5,296	6.09%
198	TOWN HALL TELEPHONES					
	TOTAL	7,400	6,400	7,400	1,000	15.63%
199	OTHER - GENERAL GOV					
	TOTAL	33,100	33,100	34,100	1,000	3.02%
210	POLICE DEPT					
	TOTAL	2,362,250	2,374,272	2,549,058	174,786	7.36%
220	FIRE DEPT					
	TOTAL	385,963	385,872	391,314	5,442	1.41%
232	EMERGENCY MANAGEMENT					
	TOTAL	6,467	6,546	6,627	81	1.24%
241	CODE DEPT					
	TOTAL	128,667	132,586	151,933	19,347	14.59%
292	ANIMAL CONTROL					
	TOTAL	34,954	35,484	36,025	541	1.52%
296	INSECT PEST CONTROL					
	TOTAL	7,850	7,850	14,700	6,850	87.26%
310	LEICESTER PULIC SCHOOLS					
	TOTAL	17,492,412	20,605,636	20,330,236	-275,000	-1.33%
420	DEPARTMENT OF PUBLIC WORKS					
	TOTAL	1,026,814	1,090,114	1,231,211	141,097	12.94%
423	SNOW & ICE					
	TOTAL	406,000	121,000	121,000	0	0%
424	STREETLIGHTS					
	TOTAL	35,000	35,000	35,000	0	0%
510	BOARD OF HEALTH					
	TOTAL	0	0	92,594	92,594	
541	COUNCIL ON AGING					
	TOTAL	109,342	111,800	113,969	2,169	1.94%

DEPT #	DEPARTMENT NAME	FY2023 BUDGET	FY2024 BUDGET	FY2025 PROPOSED	\$ CHANGE	% CHANGE
543	VETERANS SERVICES					
	TOTAL	76,808	108,477	76,150	-32,327	-29.80%
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,400	2,400	0	0.00%
610	PUBLIC LIBRARY					
	TOTAL	239,386	244,236	254,333	10,097	4.13%
630	PARKS & RECREATION					
	TOTAL	6,450	6,450	6,450	0	0.00%
691	HISTORICAL COMM					
	TOTAL	950	950	950	0	0.00%
692	MEMORIAL DAY COMM					
	TOTAL	3,000	3,000	3,000	0	0.00%
710	MATURING DEBT PRINCIPAL					
	TOTAL	1,218,733	1,203,832	1,080,761	-123,071	-10.22%
751	MATURING DEBT INTEREST					
	TOTAL	293,828	255,321	220,272	-35,049	-13.73%
752	TEMPORARY LOAN INTEREST					
	TOTAL	216,700	743,889	964,009	220,120	29.59%
753	BOND ISSUE					
	TOTAL	1,100	0	0	0	-100.00%
911	WORC REG RETIREMENT					
	TOTAL	1,717,353	1,823,365	2,007,244	183,879	10.08%
912	WORKER COMPENSATION					
	TOTAL	219,863	252,842	290,768	37,926	15.00%
913	UNEMPLOYMENT COMP					
	TOTAL	32,000	142,000	78,000	-64,000	-45.07%
914	EMPLOYEE BENEFITS					
	TOTAL	2,776,782	3,365,365	3,699,601	334,236	9.93%
945	BONDING & INSURANCE					
	TOTAL	339,116	358,939	679,813	320,874	89.40%

DEPT #	DEPARTMENT NAME	FY2023 BUDGET	FY2024 BUDGET	FY2025 PROPOSED	\$ CHANGE	% CHANGE
950	SHARED MAINTENANCE EXPENSES					
	TOTAL	414,456	642,090	1,235,932	593,842	92.49%
Grand Total – All Budgets		31,459,714	36,064,728	37,574,155	1,509,426	4.19%

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

This is the fiscal year 2025 operating budget for municipal and school services. Property tax proposed to be levied is within the allowances of Proposition 2 ½. We are utilizing the Governor's proposed revenue estimates for local aid. This budget, as written, is not reliant on a Proposition 2 ½ override.

Please note budget allocations as listed below:

Department	FY 24 Budget	FY 25 Budget	\$ Change	% Change
Municipal Budgets	6,671,851	6,987,519	315,669	4.73%
School Budget	20,605,236	20,330,236	-275,000	-1.33%
Intergovernmental Budgets	8,787,642	10,256,399	1,468,757	16.71%
Totals	36,074,728	37,574,155	1,509,426	4.19%

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

ARTICLE 6 VOCATIONAL TUITION

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to fund the Vocational Tuition expenses for Leicester students for the fiscal year beginning July 1, 2024 or take any action thereon.

PROPOSED MOTION

Move the Town vote to raise and appropriate \$967,474 for Vocational Tuition expenses for the Fiscal Year beginning July 1, 2024.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

Chapter 74 of the Mass General Laws governs vocational technical education programs in public school districts. This article was moved out of the line-item budget and into a separate warrant article starting in FY16. Tracking these costs independently allows for more accurate accounting of the costs associated with Leicester students attending other schools for vocational education. The Town budgeted \$1,100,000 for vocational tuition last year.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

ARTICLE 7 CENTRAL MASS REGIONAL PLANNING COMMISSION ANNUAL ASSESSMENT

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the FY 2025 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate, or take any other action thereon.

PROPOSED MOTION

Move the Town vote to transfer from Free Cash the sum of \$3,419.11 to fund the FY 2025 assessment, at a rate of 0.30839 per capita from the Central Mass Regional Planning Commission.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

In accordance with Chapter 40B, Section 7 of the Mass General Laws, the Central Mass Regional Planning Commission requires member municipalities to pay the costs and expenses of the Central Massachusetts Regional Planning District each fiscal year. Leicester is a part of this District. The assessment is based on the population of the Town as it appears in the most recent national census (2020). The payment of this assessment will maintain the Town's services provided by the District.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

ARTICLE 8 FY 2025 EMS (AMBULANCE) ENTERPRISE ACCOUNT APPROPRIATION

To see if the Town will vote to appropriate a sum of monies to fund the FY 2025 expenses of the EMS (Ambulance) Enterprise Fund, as established by the vote under Article 8 of the May 3, 2022, Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 1/2, said appropriation to be funded from ambulance receipts, charges, and other income as well as an appropriation from the general fund, or take any action thereon.

PROPOSED MOTION

Move that the Town vote to appropriate up to \$1,278,496 to fund the FY 2025 expenses of the EMS (Ambulance) Fund, as established by the vote under Article 8 of the May 3, 2022, Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 1/2, said appropriation to apportioned and funded as follows:

<i>FY 2025 EMS BUDGET</i>	<i>FY23 Budget</i>	<i>FY24 Budget</i>	<i>FY25 Budget</i>	<i>Dollar Change</i>	<i>Percent Change</i>
<i>Salaries</i>	<i>633,808</i>	<i>981,136</i>	<i>1,051,896</i>	<i>70,760</i>	<i>7.21%</i>
<i>Expenses</i>	<i>117,493</i>	<i>197,300</i>	<i>226,600</i>	<i>29,300</i>	<i>14.85%</i>
<i>Total Budget Appropriation</i>	<i>751,301</i>	<i>1,178,436</i>	<i>1,278,496</i>	<i>100,060</i>	<i>8.49%</i>

\$1,278,496 anticipated to be charged to the EMS (Ambulance) Enterprise fund.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

The Ems/Ambulance enterprise budget is an enterprise fund and is fully funded via user fees.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. Chapter 44, §53F 1/2.

ARTICLE 9 FY 2025 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION

To see if the Town will vote to appropriate a sum of moneys to fund the FY 2025 expenses of the Cable Access Enterprise Fund, as established by the vote under Article 5 of the May 1, 2018, Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by fees received pursuant to the Town's cable licensing agreement, or take any action thereon.

PROPOSED MOTION

Move that the Town vote to appropriate up to \$133,408.01 to fund the FY 2025 expenses of the Cable Access Enterprise Fund, which was established by the vote under Article 5 of the May 1, 2018 Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by funds available in the Cable PEG Access Enterprise Fund pursuant to the Town's cable licensing agreement.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

The Department of Revenue requires the Town to budget for the funds received through Charter for Cable PEG Access operations. While these funds are exclusively for Cable Access operations, it must be approved by the voters annually at Town Meeting. There was no budget article at the Spring Town Meeting, so this article both raises and transfers funding from retained earnings to give LCAC access to all available funding in the account.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 44, §53 F3/4.

ARTICLE 10 FUNDING OPERATIONAL COSTS OF THE LEICESTER HIGH SCHOOL CAMPUS AND ASSOCIATED PROPERTIES

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund operational costs for the Leicester High School Campus and associated properties or take any action thereon.

PROPOSED MOTION

Move that the article be passed over.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Recommended to pass over (4-0-0)

DESCRIPTION

This article was placed on the warrant as a placeholder, but as it appears the transfer made in October still has significant funding, and the campus maintenance is now in the general fund budget, the recommendation is to pass over the article.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote per M.G.L. c. 40, § 5.

ARTICLE 11 FY 2025 CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the Capital Improvement Plan budget beginning July 1, 2024 and authorize the Select Board to enter into lease purchase agreement(s) for a term of years and to transfer from available funds a sum of money to pay for the initial installments of the lease/purchase agreement(s), or take any action thereon.

PROPOSED MOTION

Move that the Town vote to transfer the sum of \$300,000 from Free Cash into the Capital Stabilization Fund.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

While there is a listing of items in the Capital Plan, it is not complete. We intend to work with the Capital Committee over the summer to reprioritize the plan, in order for it to be part of the FY 2026 budget process with some necessities potentially funded at Fall Town Meeting. In the meantime, the request is to transfer funds into the Capital Stabilization Fund to preserve funding for the Capital Plan.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

ARTICLE 12 POLICE CRUISERS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to purchase and equip up to two (2) police vehicles or take any action thereon.

PROPOSED MOTION

Move the Town vote to transfer \$100,000 from Free Cash and \$49,930 from the FY2024 Employee Benefits budget to purchase and equip two (2) police vehicle(s)

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

The Police Department utilizes a fleet of ten (10) vehicles to meet the law enforcement needs of the residents of Leicester. This fleet of vehicles includes five (5) frontline marked police cruisers that are used daily. The Town has been following a fleet replacement schedule that includes the replacement of one to two cruisers annually to ensure the full use and reliability of the fleet.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G.L. c. 40, §5.

**ARTICLE 13 TRANSFER PROCEEDS FROM SALE OF VICTORIAN PROPERTIES FROM
RECIEPTS RESERVED FOR APPROPRIATION TO RECEIPTS RESERVED FOR
EXPENDITURE**

To see if the Town will vote to transfer from receipts reserved for appropriation to receipts reserved for expenditure a sum of money to pay debt principal associated with the borrowing to acquire the former Becker campus, or take any action thereon.

PROPOSED MOTION

Move the Town transfer \$1,235,000 from Receipts Reserved for Appropriation to Receipts reserved for Expenditure to pay debt principal associated with the borrowing to acquire the former Becker campus.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

This article seeks to transfer the funds acquired from the sale of the former Becker campus dormitories to reduce the debt on the purchase of the property. Total proceeds from the sale were \$1,235,000.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote per M.G.L. c. 40, § 5.

ARTICLE 14 BORROWING RECISSION

To see if the Town will vote to rescind an outstanding borrowing authorization, in the amount of \$7,000,157.00 which was authorized as part of the \$8,900,157 borrowing authorization voted as Article 3 of the October 20, 2015 special town meeting, or take any action thereon.

PROPOSED MOTION

Move that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

This is a housecleaning measure to remove an outstanding borrowing authorization on the Library remodeling project.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote

ARTICLE 15 BORROWING RECISSION

To see if the Town will vote to rescind an outstanding borrowing authorization, in the amount of \$400,000.00 which was authorized as part of the \$400,000 borrowing authorization voted as Article 8 of the October 19, 2019 special town meeting, or take any action thereon.

PROPOSED MOTION

Move that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

This is a housecleaning measure to remove an outstanding borrowing authorization for the redirection of drainage from the new fire station. Funds to accomplish this project were paid via ARPA.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote

ARTICLE 16 ESTABLISH REVOLVING FUND ANNUAL SPENDING LIMITS

To see if the Town will vote to set annual spending limits for revolving accounts as detailed in the hands of the voters and as defined by Massachusetts General Laws, Chapter 44, § 53E½ for Fiscal Year 2025, or take any action thereon.

PROPOSED MOTION

Move the Town vote to set annual spending limits for revolving accounts as detailed in the warrant and as defined by Mass General Laws, Chapter 44, § 53E½, for Fiscal Year 2025.

Revolving Fund	Spending Limit
Leicester Schools Campus Use	\$500,000
Inspectional Services	\$50,000
Health Clinics	\$5,000
Senior Center Programs	\$10,000
Fuel Usage	\$35,000
Town Hall	\$15,000
Recycling	\$30,000
Police Training	\$5,000
Recreation	\$20,000
One-to-one Technology	\$25,000
DIS Fees	\$5,000
Library Copier	\$5,000
Tree Lighting	\$20,000
EV Charging	\$2,000
Agricultural Land Acquisition	\$100,000
Founder's Day	\$100,000

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

Under MGL Chapter 44, Section 53E½ as amended through the Municipal Modernization Act of 2016, Town Meeting is required to vote on the amount that may be spent from each revolving fund established through the Town's General Bylaws during the upcoming fiscal year prior to July 1st.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

ARTICLE 17 EXEMPT THE POSITION OF POLICE CHIEF FROM CIVIL SERVICE

To see if the Town will vote the following to exempt the position of Police Chief from Civil Service:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the position of Police Chief in the Town of Leicester shall be exempt from the provisions of Chapter 31 of the General Laws.

Section 2. The provisions of Section 1 shall not impair the civil service status of any incumbent holding the office of Police Chief in the Town of Leicester on the effective date of this act.

Section 3. This act shall take effect upon its passage.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (3-0-1)

PROPOSED MOTION

Move the article be accepted as written.

DESCRIPTION

While Town meeting voted previously to support the exemption of the Police Chief from Civil Service, we have been advised to reauthorize the exemption through this article.

VOTE REQUIRED FOR PASSAGE Requires a simple majority.

ARTICLE 18 PETITION TO EXTEND POLICE CHIEF'S SERVICE TO THE TOWN

To see if the Town will vote to authorize the Select Board to petition the General Court to adopt a special act, as set forth below, to allow Kenneth M. Antanavica to continue to serve in the Position of Police Chief until April 30, 2027, provided, however, that the General Court may make administrative or editorial changes of form only to the bill, unless the Select Board approves amendments thereto

before enactment by the General Court, which amendment shall be within the public purpose of said petition;

Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same as follows;

Section 1. Notwithstanding any general or special law to the contrary, Kenneth M. Antanavica, Police Chief of the Town of Leicester, may continue to serve in the position of Police Chief until April 30, 2027, or until the date of his retirement, non-reappointment, or the date he is relieved of his duties by the town, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. No further deductions shall be made from the regular compensation of Kenneth M. Antanavica under Chapter 32 of the General Laws for any service subsequent to April 30, 2025, and upon retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on that date.

Section 2. This act shall take effect upon its passage.

Or take any action relative thereto.

PROPOSED MOTION

Move the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (3-0-1)

DESCRIPTION

Chief Antanavica reached retirement age in April of 2023. Special legislation was passed to allow him to work 1 year beyond his retirement date. The original goal was to have the Chief provide steady leadership while the Police Department, which had a number of vacancies, rebuilt its staff, and a new chief was recruited. The Town is in a better position due to a number of successful recruitments, but still faces challenges in recruiting a new Police Chief.

That process has been paused until the Chief's position can be removed from Civil Service, which is being sought through Article 17 of this Town Meeting. Once these two articles are passed by Town Meeting and enacted by the State Legislature, we will be able to move forward.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

**ARTICLE 19 AMMENDMENT TO ACCEPTANCE OF MGL CHAPTER 40, SECTION 57 –
LOCAL LICENSES AND PERMITS; DENIAL, REVOCATION OR SUSPENSION FOR
FAILURE TO PAY MUNICIPAL TAXES AND CHARGES (ORIGINALLY ACCEPTED ON
5/03/1993).**

To see if the Town will vote to accept the current MGL Chapter 40 Section 57 as amended; eliminating the current minimum 12-month delinquency requirement and directing the tax collector to disseminate a delinquency list to the community's permitting or licensing boards on a more frequent schedule or take any action thereon.

PROPOSED MOTION

Move the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

The municipal modernization act had amended the law and removed the 12-month schedule of taxpayer delinquency. The amended law, which is subject to local acceptance eliminates the current minimum 12-month delinquency requirement and directs the collector to disseminate a delinquency list to the community's permitting or licensing boards on a more frequent schedule.

VOTE REQUIRED FOR PASSAGE Requires a simple majority.

**ARTICLE 20 ACCEPTANCE OF UPDATED MGL CHAPTER 44, SECTION 54 –
INVESTMENT OF FUNDS PURSUANT TO THE PRUDENT INVESTMENT RULE.**

To see if the Town will vote to accept MGL Chapter 44, Section 54 (b)(1) of the General Laws, for the purpose of management of trust funds held in its custody as a combined investment pool for the purpose of investing said funds in accordance with the provisions of the Massachusetts Prudent Investor Act of Chapter 203C of the General Laws. If any provision of this paragraph conflicts with the terms of a bequest, trust, or other instrument that expresses the clear intent of the donor, then such funds may be managed and invested only in accordance with the terms of such bequest, trust, or other instrument or take any action thereon.

PROPOSED MOTION

Move the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

Acceptance of this section of MGL will allow for Town trust funds to be invested in with stocks and other investments outside of the Massachusetts Legal List for public investment based on rules contained within the legislation. It will allow these funds to earn a better return with minimal risk of loss due to the quality of the available investments. If the terms of a bequest, trust, or other instrument expresses the clear intent of the donor to invest differently, the section mandates that the funds be invested according to the wishes of the donor.

VOTE REQUIRED FOR PASSAGE Requires a simple majority.

ARTICLE 21 AMEND THE ZONING MAP

To see if the Town will vote to amend the Zoning Map, by altering the district boundaries, as listed, by parcel, in the Spring Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

Move the article be passed over.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

The purpose of this amendment to the zoning bylaw is to provide a developmental stone between residential and commercial/industrial districts. We have been advised that the Planning Board does not want to move with the article at this time.

VOTE REQUIRED FOR PASSAGE Requires a two/thirds majority vote

ARTICLE 22 AMEND SECTIONS 5.5 AND 3.2.02 OF THE ZONING BYLAW TO ADD MIXED USE AND HORIZONTAL MIX TO THE HB-1 DISTRICT.

To see if the Town will vote to amend the Zoning Bylaws to include the addition of Mixed Use, Horizontal Mix to the HB-1 District to Section 3.2.02 (Schedule of Use), and Section 5.5 as described below:

5.5 Highway Business Industrial District 1 (HB-1 & HB-2)

5.5.01.2: HB-1 Mixed Use– (Horizontal Mix) - Mixed use developments shall have both a residential and a commercial component, regardless of the composition of uses, all mixed use projects shall be scaled to ensure consistency with the surrounding neighborhoods. Mixed use projects can utilize

“horizontal “mixed use where commercial, office, and residential uses are designed as a single project, yet constructed in separate and distinct building footprints.

5.5.01.3 HB-1 Mixed Use, Horizontal Mix Density Requirements

Residential Density	
Units/Acre (max)	20
Units/Acre (minimum)	5

Minimum Commercial Requirements ^{1, 2}	
Overall Project Size	Minimum Commercial Building Area Required
Up to 3 Acres	1,500 square feet
3-5 Acres	2,500 square feet
5-7.5 Acres	3,500 square feet
7.5-10 Acres	4,500 square feet
10-15 Acres	5,500 square feet
15-20 Acres	6,500 square feet
20+ Acres	7,500 square feet

¹ The Planning Board may authorize a reduction in the amount of minimum commercial building area if the Board can make findings supported by substantial evidence, including market analysis submitted by the applicant, demonstrating that the goals and intent of the HB-1 zone are being achieved with the project as designed.

² The Planning Board may authorize a reduction in the minimum amount of commercial building area if the amount of mandatory land set aside 20% Open Space and 10% useable outdoor space.

5.5.01. 4 Design standards for Mixed Use, Horizontal Mix

1. Newly constructed buildings should not overwhelm or disregard the adjacent context with regard to building location, scale, bulk, massing, material, color, texture and fenestration.
2. Contemporary designs should respect the traditional character of their context and maintain the front setback established by neighboring buildings.
3. Distinguishing features, historic elements and examples of craftsmanship should not be removed or covered during the alteration of existing older structures. Where damaged, they should be restored or recreated.
4. Signage, awnings, light fixtures and other applied elements should not cover architectural details, and should be in scale with the building facade and its immediate context. Generally, materials that have been applied to cover older traditional facade elements should be removed and not replaced.

5. Materials used should be of high quality and durability, and should complement existing contextual materials.
6. Consider the effect of small-scale details on visual appeal for pedestrians.
7. Consider the effect of overall forms, materials and colors on visual appeal for drivers.
8. All service entrances, dumpsters and loading facilities should be located at the rear of buildings. They should be screened from view with solid wood fencing, a masonry wall and/ or landscaping from public streets and parking areas.
9. Equipment (such as air conditioner units or exhaust fans) should be screened from view, and located either in the rear of the building or on the roof. No equipment should be mounted on street facade(s), or be visible from the street or customer parking areas.
10. Break up long expanses of blank wall with pilasters to suggest structural bays, or vary massing and/ or roofline to provide visual interest.
11. Break up vertical massing with materials or trim that define a distinct base, middle and top
12. Colors should be complementary and harmonic, and not clash on any given facade. Developer should not use the entire building as a brand identity package in such a way that it becomes an “attractive nuisance.”
13. Applied elements - Such as railings, awnings, signage and light fixtures - Should coordinate with, rather than overwhelm the proportions of the building.
14. If equipment is mounted behind louvered panels or other visual screen, screening should be oriented to conceal the equipment from view from any public way or private residence and finished to obscure.
15. Visible roof vents, and other roof elements and penetrations, should be finished to match adjacent roof color
16. Windows and Doors should reflect the style of the building itself in scale, proportion and construction. Storefront windows and doors can utilize modern framing systems, but it is preferred that glazing not extend to the ground.
17. Appropriately scaled lighting fixtures are recommended
18. Free-standing fixtures should be coordinated in appearance with building-mounted light fixtures
19. Landscape lighting is encouraged
20. Expanses of blank wall should be softened through the use of landscape treatments such as foundation plantings or trellises.
21. Chain link fencing is discouraged.
22. Landscaping should be designed with consideration of nearby building, walkways and parking areas.
23. Parking lots should be designed with landscaped islands, and islands between buildings, roads and walkways should be abundantly planned to create a strong horticulture character throughout the year
24. All landscaping shall be scaled appropriately for pedestrian traffic and properly maintained in a healthy condition or take any action thereon.

PROPOSED MOTION

Move the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

To amend the Zoning Bylaws to provide for the allowance of Mixed Use, Horizontal Mix. This use would allow for the construction of developments which would have a residential and commercial use constructed on the same lot. The proposed amendment contains design and density standards for both residential and commercial components in order to ensure that new developments are scaled and consistent with the surrounding area.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority vote.

ARTICLE 23 BATTERY ENERGY STORAGE FACILITIES BYLAW

To see if the Town will vote to amend the zoning bylaws to add the following Battery Energy Storage Bylaw as Section 5.19. The bylaw will include definitions added to Section 1.3, Additions to the Schedule of Uses under 3.2.05 and the following zones not outlined under Section 3.2: 3.30 Business Residential -1 Zone (BR-1), 3.32 Residential Industrial Business Zone (RIB), and 5.6 Greenville Village Neighborhood Business District (NB).

Section 1.3 Definitions

Battery(ies): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A Battery Energy Storage System is classified a Tier 1, Tier 2, Tier 3, or Tier 4 BESS as follows:

1. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and, whose purpose is to store energy from residential solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
2. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and, whose purpose is to store energy from commercial solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
3. Tier 3 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater 250 KWh but less than or equal to 10 MWh.
4. Tier 4 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater than 10 MWh. The

facility must comply with the State’s most current electrical code (527 CMR. 12.00) and the State’s most current Fire Code (527 CMR 1.00)

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Dedicated-Use Building: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building’s only use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

3.2.05 Transportation, Communication, Utility

	SA	R1	R2	B	CB	I	BI-A	HB-1	HB-2
Tier 3 and 4 Battery Energy Storage Systems (standalone)	N	N	N	SP	N	SP	SP	SP	SP
Tier 1 Residential Battery Energy Storage Systems	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tier 2 Battery Energy Storage Systems	SP	SP	SP	SP	SP	SP	SP	SP	SP

Section 3.30 Business Residential -1 Zone (BR-1).

43: Tier 3 and 4 Battery Energy Storage Systems are prohibited

44: Tier 1 Residential Battery Energy Storage Systems are allowed

45: Tier 2 Battery Energy Storage Systems are allowed by Special Permit (Planning Board SPGA)

Section 3.32 Residential Industrial Business Zone (RIB)

E: Tier 3 Battery Energy Storage Systems are prohibited

3.32.B.o: Tier 1 Residential Battery Energy Storage Systems are allowed

3.32.B.p: Tier 2 Battery Energy Storage Systems are allowed by Special Permit (Planning Board SPGA)

Section 5.6 Greenville Village Neighborhood Business District (NB)

5.6.04.5: Tier 3 Battery Energy Storage Systems are prohibited

5.6.02.2.L: Tier 1 Residential Battery Energy Storage Systems are allowed

5.6.03.6 Tier 2 Battery Energy Storage Systems are allowed by Special Permit (Planning Board SPGA)

5.19 Battery Energy Storage Systems (BESS)

A. Purpose.

The purpose of this bylaw is to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification and removal of energy storage systems that address public safety, protection of the Town and private drinking water supply, minimize impacts on scenic, natural and historic resources of the Town of Leicester, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of Battery Energy Storage Systems.

B. Definitions – Refer to definitions in Section 1.3

C. Applicability

1. Building-integrated Battery Energy Storage Systems

- a. Battery Energy Storage Systems that are building-integrated, whether a residential or commercial building, energy storage systems shall not be erected, constructed, installed, or modified as provided in this section without first obtaining a building permit from the Building Inspector.
- b. Building-integrated energy storage systems may be coupled with rooftop solar or behind the meter applications for peak shaving.
- c. Building-integrated battery energy storage systems may be located in any zoning district of the Town of Leicester.

2. Co-located Battery Energy Storage Systems

- a. Battery Energy Storage Facilities are encouraged to co-locate with solar photovoltaic installations, energy, power generation stations, and electrical substations. Leicester Zoning
- b. Battery Energy Storage Systems associated with on-site solar power generation shall be permitted in the same districts as Large-Scale Solar Arrays by Special Permit and Site Plan Review.
- c. If co-located with a solar photovoltaic installation, the BESS shall not exceed the necessary capacity and size generated by the output of the co-located solar photovoltaic installation.

3. Battery Energy Storage systems not associated with on-site solar generation shall only be permitted in the Business (B), Industrial (I), Business-Industrial A (BI-A), Highway Business-Industrial District 1, and Highway-Business-Industrial District 2, districts, and shall require a Special Permit and Site Plan Review from the Planning Board. Battery Energy Storage

Systems not associated with on-site solar generation are prohibited in the Water Resource Protection Overlay District

- a. The nameplate capacity of an Energy Storage system shall not exceed the total kw of renewable energy being produced on the 3-phase distribution line that the energy storage system will be interconnected to.
- b. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this bylaw.

D. General Requirements

1. In accordance with Section C above, all Tier 2, Tier 3 and Tier 4 battery energy storage systems shall require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this bylaw.
2. The construction, operation, and decommissioning of all battery storage energy storage systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.
3. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

E. Application Materials

- 1) In addition to requirements of Section 6.12 Site Plan Review the application for a Special Permit under this Section 5.20 shall include the following:
 - a. A site plan prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, that shows the following:
 - b. An existing condition plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site;
- 1) Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
- 2) Trees with a DBH of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
- 3) Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;

- 4) Property lines of adjacent parcels within 300 feet.
- 5) Location, dimensions, and types of existing major structures on the property;
- 6) Location of the proposed battery energy storage structures, foundations, and associated equipment;
- 7) The right-of-way of any public road that is contiguous with the property;
- 8) Any overhead or underground utilities;
- 9) At least one color photograph of the existing site, measuring eight (8) inches by ten (10) inches;
- 10) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP;
- 11) Locations of floodplains or inundation areas for moderate or high hazard dams;
- 12) Locations of local or National Historic Districts; and
- 13) Stormwater management and erosion and sediment control.
 - a. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed, including manufacturer and model. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
 - b. One- or three-line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices.
 - c. Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners.
 - d. Contact information and signature of agents representing the project proponent, if any;
 - e. Contact information for the person(s) responsible for public inquiries throughout the life of the system.
 - f. An operations and maintenance plan for Battery Energy Storage System. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information.
 - i) Energy Storage System technical specifications, including manufacturer and model.
 - g. Electrical schematic.
 - h. Documentation that shows the owner of the Energy Storage System has site control, which shall include easements and access roads.
 - i. Documentation that shows the owner of the Energy Storage System has notified the electric utility of this installation.

- j. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - 1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions.
 - 2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - i.) This includes hazmat appliances for conducting atmospheric monitoring with a scientific officer to support.
 - 3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - 4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - 5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - 6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - 7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
 - 8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - i.) Trainings must be provided and organized by the applicant.
- k. Proof of liability insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.

- I. A noise study, prepared by a qualified individual with experience in environmental acoustics, to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures.

F. Design and Site Standards

1. In addition to the standards for Special Permit and Site Plan Review in the Zoning Bylaw, the applicant shall adhere to the following standards and provide such information on the site plan:

- a. Utility Lines. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.
- b. Signage. The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- c. Lighting. Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- d. Setbacks. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall adhere to a fifty (50) foot setback from the front, side, and rear property lines and shall adhere to a one hundred fifty (150) foot setback from any residential buildings. . BESS's shall also adhere to a one hundred (100) foot setback from water wells (both private and public) located either on-site or on abutting properties.
- e. Fire protection. Battery Energy Storage Systems not co-located with solar photovoltaic installations shall be located on properties serviced by the public water system or by a water supply acceptable to the Planning Board and Leicester Fire Department.
- f. Vegetation and Tree-Cutting. Areas within ten (10) feet on each side of a system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated ground covers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the system and that which is otherwise prescribed by applicable bylaws and regulations.

- g. Noise. The 1-hour average noise generated from the systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line.

G. Safety System Certification.

Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- b. UL 1642 (Standard for Lithium Batteries),
- c. UL 1741 or UL 62109 (Inverters and Power Converters),
- d. Certified under the applicable electrical, building, and fire prevention codes as required.
- e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

H. Special Permit Criteria

- 1. The Planning Board may approve an application if the Board finds that the system complies with the Site Plan Review and Approval criteria and with the conditions for granting Special Permits. Battery energy storage systems shall also satisfy the following additional criteria:
 - a. Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.
 - b. The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.
 - c. No occupancy permit shall be granted by the Building Commissioner, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater

management components and associated offsite improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner.

- d. The Planning Board may, in its discretion, approve an as-built plan upon provision of a type of surety as determined by the SPGA, to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.
- e. The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

I. Decommissioning

- 1. As part of the applicant's submission to the Board, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. The plan shall include:
 - a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the property.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
 - c. The anticipated life of the battery energy storage systems.
 - d. The estimated decommissioning costs and how said estimate was determined.
 - e. The method of ensuring that funds will be available for decommissioning and restoration.
 - f. The method by which the decommissioning cost will be kept current.
 - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection

suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

- h. A listing of any contingencies for removing an intact operational battery energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2. Decommissioning Fund.

- a. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in an approved form for the removal of the battery energy storage system, in an amount to be determined by the SPGA for the period of the life of the facility.
- b. All costs of the financial security shall be borne by the applicant. The amount shall include a mechanism for calculating increased removal costs due to inflation.
- c. An inspection of the completed decommissioned area shall be reviewed by a consultant hired by the Planning Board before approving the decommissioning work in accordance with the Decommissioning Plan.
- d. The owner and/or operator shall pay for the cost of this review with such payment being provided by the owner and/or operator prior to the consultant undertaking said review, in accordance with MGL Chapter 44, Section 53G.

J. Abandonment.

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Inspector as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the Town, may, at its discretion, and utilize the 88 for the removal of a system and restore the site in accordance with the decommissioning plan.

K. Severability.

If any provision of this By-Law is found to be invalid by a court of competent jurisdiction, the remainder of this By-Law shall not be affected but remain in full force. The invalidity of any provision of this By-Law shall not affect the validity of the remainder of the Leicester Zoning By-Law;
Or take any action thereon.

PROPOSED MOTION

Move the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECT BOARD RECOMMENDATION

Favorable action (4-0-0)

DESCRIPTION

To provide for the construction and operation of Battery Energy Storage Systems and provide standards for the placement, design, construction, monitoring, modification, and removal of energy storage systems. The bylaw addresses public safety, protection of the town and private drinking water supplies while minimizing impacts on scenic, natural, and historic resources. The bylaw also seeks to also provide adequate financial assurance for the decommissioning of Battery energy Storage Systems.

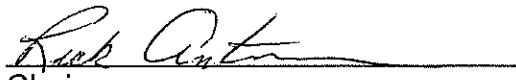
VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority vote

**TOWN OF LEICESTER
ANNUAL TOWN MEETING
MAY 7, 2024**

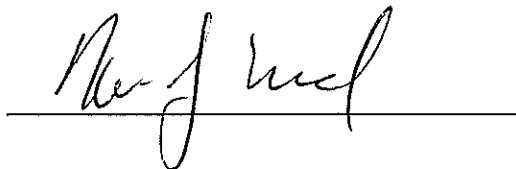
And you are hereby directed to serve this Annual Town Meeting Warrant by posting an attested copy in at least one public place in each precinct of the Town, on the Town Clerk's bulletin board, and on the bulletin board in the front entry of the Town Hall, and also by serving a copy of said Warrant to the Moderator and the Town Clerk, not less than seven (7) days before the 7th day of May 2024.

Given under our hand and seal of the Town on this 18th day of April 2024

Respectfully submitted, Leicester Select Board


Chair






Date: April 18, 2024

Pursuant to above warrant, I have notified and warned the inhabitants of the Town of Leicester by posting a certified copy in the following precincts:

- Precinct 1. Leicester Post Office,
- Precinct 2. Redemption Center/Jan's Beer Mart,
- Precinct 3. Post Office in Rochdale,
- Precinct 4. Leicester Country Bank for Savings;

and on the Town Clerk's bulletin board, in the front entry of the Town Hall, with the Moderator, and with the Town Clerk, not less than seven (7) days before the 7th day of May 2024.


Printed Name of Constable


Signature of Constable