

PUBLIC NOTICE POSTING REQUEST OFFICE OF THE LEICESTER TOWN CLERK

ORGANIZATION: Select Board

MEETING: X

PUBLIC HEARING:

DATE: March 18, 2019

TIME: 6:30pm

LOCATION: Town Hall, Select Board Conference Room, 3 Washburn Square, Leicester

REQUESTED BY: Kristen L. Forsberg

*Agenda packet and associated documents can be found at www.leicesterma.org/bos. This agenda lists all matters anticipated for discussion; some items may be passed over, and other items not listed may be brought up for discussion to the extent permitted by law. Select Board meetings are recorded by LCAC. Any member of the public planning to record the meeting must first notify the Chair. **PLEASE SILENCE ALL CELL PHONES DURING THE MEETING***

CALL TO ORDER/OPENING

1. SCHEDULED ITEMS

- a. 6:30pm – Resignations/Appointments
 - [Resignation – Kara Miller – Assistant Treasurer](#)
 - [Appointment – Barbara Paszuk – Council on Aging](#)
 - [Appointment – Inspector of Animals – Janet King](#)
- b. 6:35pm – [Library Expansion & Renovation Update](#)

2. PUBLIC COMMENT PERIOD

3. REPORTS & ANNOUNCEMENTS

- a. [Student Liaison Reports](#)
- b. [Select Board Reports](#)
- c. [Town Administrator Report](#)

4. OTHER BUSINESS

- a. [Vote to Authorize Transfer of \\$122,000 from the School Special Education Stabilization Account](#)
- b. [Review Draft Annual Town Meeting Warrant Including:](#)
 - [Proposed Prop 2 ½ Override Article](#)
 - [1 Paxton Street Reuse Discussion](#)
 - [Memorial School Disposition Discussion](#)
- c. [Execute Delegation Agreement for a Police Lieutenant Sole Assessment Center](#)
- d. [Execute Delegation Agreement for a Police Chief Sole Assessment Center](#)
- e. [Flying Flags at Half Staff for Town Officials and Employees](#)

5. MINUTES

- a. [February 25, 2019](#)
- b. [March 4, 2019](#)

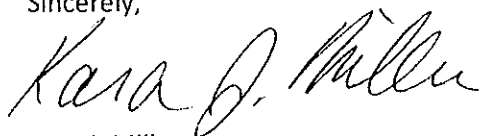
ADJOURN

March 7, 2019

Melanie Rajaniemi
Town of Leicester
3 Washburn Square
Leicester, MA 01542

Please accept my resignation as the Assistant Treasurer effective March 18, 2019. I have thoroughly enjoyed my time working for the Town and will miss you all!

Sincerely,



Kara J. Miller



TOWN OF LEICESTER

Council on Aging

40 Winslow Avenue • LEICESTER, MASSACHUSETTS 01524-1113

TELEPHONE: (508) 892-7016 • FAX: (508) 892-7506

Rachelle S. Cloutier, M.Ed.

Director of Elder Affairs

**MEMO TO: Leicester Town Administrator and
Board of Selectmen**

FROM: Rachelle S. Cloutier, Director of Elder Affairs

RE: COA Board Appointment of Barbara Paszuk

DATE: March 7, 2019

On this date, the Council On Aging unanimously approved the appointment of Barbara Paszuk to be a member of their board.

You may recall that Barbara worked at the center as Outreach Coordinator for many years until her illness but prior to this she was Chair of the COA Board here for many years.

She has a great deal of experience and insight that both lend value to this group. We hope you consider this appointment as she continues on her journey toward full recovery.

Thank you for your kind consideration.



RECEIVED

2019 FEB 26 PM 1:00

TOWN CLERK'S OFFICE
LEICESTER, MASS.

TOWN OF LEICESTER CITIZEN VOLUNTEER FORM

From time to time vacancies/resignations occur on various town boards and committees. Should you be interested in volunteering to serve the Town in any capacity, please complete this form. Information received will be made available to boards, committees, and departments for their reference in filling vacancies.

NAME Barbara Paszuck HOME TEL. _____

EMAIL ADDRESS: _____

Are you a citizen? ☒ Yes ☐ No Are you a registered voter? ☐ Yes ☐ No

- | | |
|---|---|
| <input type="checkbox"/> Advisory/Finance Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Agricultural Commission | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Arts Council | <input type="checkbox"/> Memorial Day Committee |
| <input type="checkbox"/> Bandstand Committee | <input type="checkbox"/> Parks and Recreation Committee |
| <input type="checkbox"/> Burncoat Park Planning Committee | <input type="checkbox"/> Recycling Committee |
| <input type="checkbox"/> Bylaw Committee | <input type="checkbox"/> Road Conversion Committee |
| <input type="checkbox"/> Capital Improvement Planning Comm. | <input type="checkbox"/> Stormwater Committee |
| <input type="checkbox"/> Commission on Disabilities | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Conservation Commission | <input checked="" type="checkbox"/> Other <u>COA</u> |

AVAILABILITY FOR MEETINGS

How many times per month are you available for meetings?

☒ Four ☐ Two ☐ One ☐ Less than one

Are you available for evening meetings?

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday

Are you available throughout the year for committee meetings?

☒ Yes ☐ No

If not, when are you **NOT** available?

☐ Winter ☐ Spring ☐ Summer ☐ Autumn

EDUCATION: High School & Presently @ Worcester State

(Please complete reverse side)

EMPLOYMENT EXPERIENCE:

Town of Leicester: Are you currently or have you ever been employed by the Town? ☒ Yes ☐ No

If yes, state position(s) and date(s): Out Reach Coordinator (Senior Center)

*Other Experience: Start with present or last job (include title) and military service assignments.
Exclude organizations' names which indicate race, religion, sex, or national origin.*

COMMENTS: Please tell us why you are interested in serving on the committees noted and any additional comments you may have: _____

Sometimes there is a short-term need for special background skills.

Please indicate your field(s) of training or experience below, as appropriate. Your application will be added to the list of residents who have expressed an interest in serving in similar capacities.

I possess the following training or experience:

- | | | |
|---|--|---|
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Communications | <input type="checkbox"/> Computer Technology |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Economics | <input type="checkbox"/> Education |
| <input type="checkbox"/> Engineering, Civil | <input type="checkbox"/> Engineering, Electronic | <input type="checkbox"/> Engineering, Mechanical |
| <input type="checkbox"/> Financial Administration | <input type="checkbox"/> Fine Arts | <input type="checkbox"/> Government Contracts |
| <input type="checkbox"/> Health Care | <input type="checkbox"/> Historic Activities | <input type="checkbox"/> Human Services |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Land Use Planning | <input type="checkbox"/> Grant Writing |
| <input type="checkbox"/> Law | <input type="checkbox"/> Management | <input type="checkbox"/> Personnel Administration |
| <input type="checkbox"/> Property Appraisal | <input type="checkbox"/> Public Relations | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Science | <input type="checkbox"/> Statistics | <input type="checkbox"/> Survey Research |
| <input type="checkbox"/> Systems Analysis | <input type="checkbox"/> Transportation | |

Other Skills & Interests: _____

Government or Community Volunteer Experience (Leicester or Elsewhere)

Position/Activity

Date(s)

City or Town

_____	_____	_____
_____	_____	_____
_____	_____	_____

Barbara Pasyn
Signature of Applicant

2/26/2019
Date

Thank you for your interest in serving the Town of Leicester

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

March 6, 2019

RE: NOMINATION OF INSPECTOR OF ANIMALS

Nominating Authority:

Enclosed is the nomination form for the Inspector of Animals for your city or town. **This form is due back to the Division of Animal Health by April 1, 2019.** The appointment will run from May 1, 2019 until April 30, 2020. If more than one inspector was appointed for your city or town, there is a separate form provided for each. If you are nominating the same inspector(s) this year, **be sure that all of the contact information is complete and still correct.** Any corrections should be made in the space provided on the right. If you will be nominating a new inspector, that person's information should be entered in the space provided on the right. Submit a separate form for each inspector nominated. Also, be sure that all of your (nominating authority) information is complete and correct. Any changes to your information should be made in the space provided to the right.

Once all of the contact information is confirmed to be correct, all that is needed is to **have the nominee sign the form**, accepting the nomination and swearing to faithfully perform the duties of that office. **The nominee's signature must be notarized.** In many cases the city or town clerk is a notary.

After the nominee's signature has been notarized, simply **return the form to the Division of Animal Health at the address listed at the top of the form.** The Division of Animal Health will send back confirmation of the inspector's appointment. **Please note that regardless of when the most recent appointment was made, it is only valid through April 30, 2019.** This nomination will cover the year starting May 1, 2019 and run until April 30, 2020.

If you have any questions, please call Elsie Colon at (617) 626-1810

Thank you,

Michael Cahill, Director
Division of Animal Health

RECEIVED MAR 11 2019



The Commonwealth of Massachusetts

Department of Agricultural Resources

Division of Animal Health

251 Causeway Street, Suite 500

Boston, MA 02114-2151

Nomination of Inspector of Animals

In accordance with the Massachusetts General Laws Chapter 129, sections 15 and 16, nominating authorities of each city and town are required to nominate one or more inspectors of animals by April 1, 2019. Please complete or make necessary changes and return this form to the above address. The Director will review your nomination and, assuming appointment is confirmed, will return to you a Certificate of Appointment. Please submit one form for each person nominated. Any city or town not in compliance is subject to a penalty of \$500.

City or Town of Leicester

3/6/2019

To the Director, Division of Animal Health, Department of Agricultural Resources

In accordance with the provisions of section 15 of Chapter 129, General Laws, as amended, the following nomination of inspector of animals for the year ending April 30, 2020 is sent for your approval:

Inspector of Animals

Name: Janet King

Mail Address: 627 Pleasant St

Rochdale, MA - 01542

Phone: (508) 735-1466 Fax: (508) 892-7070

Email: jlkking907@gmail.com

Inspector: (Note all changes here)

Name: _____

Mail: _____

Phone: _____ Fax: _____

Email: _____

Nominating Authority

Contact: Town Administrator

Office: Board of Selectmen

Mail: 3 Washburn Sq.

Leicester, MA - 01524

P: (508) 892-7000 F: (508) 892-7070

Email: forsbergk@leicesterma.org

Nominating Authority: (Note all changes here)

Contact: _____

Office: _____

Mail: _____

Phone: _____ Fax: _____

Email: _____

Acceptance of Nomination of Inspector of Animals (must be notarized)

I hereby accept my nomination as Inspector of Animals for the City or Town of Leicester, and if and when I am appointed, I solemnly swear to faithfully perform the duties of that office, all of which are listed in General Laws Chapter 129, and Massachusetts Regulations 330 CMR 10.00-10.10 (rabies regulations).

Name (print) _____ Signed _____

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Date: _____

Then personally appeared the above-named _____ and acknowledged the foregoing instrument to be his or her free act and deed, before me.

Notary Public

My commission Expires: _____

Appointment of Inspector of Animals (Division of Animal Health use only)

Notice is hereby given that I, Michael Cahill acting under authority of sections 15 and 16 of Chapter 129 of the General Laws, as amended, hereby approve the nomination of _____ as Inspector of Animals for the City or Town of Leicester, Massachusetts.

Date Approved: _____

Director, Division of Animal Health



Town of Leicester
OFFICE OF THE TOWN ADMINISTRATOR

Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070
www.leicesterma.org

March 13, 2019

To: Board of Selectmen, Library Building Committee
From: David Genereux, Town Administrator

RE: Library Building Project Report

Attached is the February financial report of the Library building project. Please see attached spreadsheets for further information.

Pertinent data follows:

Total design & construction budget: \$8,810,217

Construction budget: \$6,624,000

Total Change Orders: \$461,257.65

Change order percentage of total budget: 7.12%

Owner's Contingency: \$120,558.35

Annual Expenditures

FY 2016: \$50,927.50

FY 2017: \$622,133.38

FY 2018: \$4,352,612.98

FY 2019: \$2,997,652.82

Cumulative: \$8,023,326.68

Project interest received: \$6,333.27

Remaining project budget: \$793,223.59

Less: Retainage \$335,733.47

Less: Bills in process \$129,848.38

Project Balance: \$327,641.74

Please feel free to contact me with any questions or concerns.

TOWN OF LEICESTER
LEICESTER PUBLIC LIBRARY
EXPANSION & RENOVATION PROJECT
3/13/2019

		10/20/2017	Budget payment	PAYMENTS FY 2016	PAYMENTS FY 2017	PAYMENTS FY 2018	PAYMENTS FY 2019	Total Payments	Remaining Balance
		CONSTRUCTION							
	AVAILABLE FUNDING	\$ 8,810,217	A,B,C,D	8,810,217.00	8,759,891.11	8,139,632.39	3,789,838.07	8,810,217.00	793,223.59
	i. Other Funding			601.61	1,874.66	2,818.66	1,038.34	6,333.27	-
	TOTAL			8,810,818.61	8,761,765.77	8,142,451.05	3,790,876.41	8,816,550.27	793,223.59
NON-CONSTRUCTION COSTS									
AE	A1. Architect/Engineer (Durland & Vanvoorhis Architects)	\$ 600,000	A,B,C	46,552.50	393,373.75	120,000.00	32,000.00	591,926.25	8,073.75
	A2. Addtl Services (Architect)	\$ 25,000		-	-	-	21,000.00	21,000.00	4,000.00
	Design Contingency	\$ -		-	-	-	-	-	-
OPM	B1. Owner's Project Manager inc Clerk (Lamoureux Pagano & Associates)	\$ 333,870	A,B,C	4,375.00	95,547.50	177,770.00	54,422.50	332,115.00	1,755.00
	B2. Addtl Services (OPM)			-	-	-	-	-	-
LPA(1)	Additional Professional services/fees		A,B,C	-	-	-	-	-	-
LPA(1)	C1. Geotech Investigation w/OPM +	\$ 7,552		-	5,632.00	-	990.00	6,622.00	930.00
LPA(1)	C2. Haz Mat Inspection & Design w/OPM +	\$ 4,290		-	4,290.00	-	-	4,290.00	-
LPA(1)	C3. Haz Mat removal monitoring w/OPM +	\$ 4,136		-	-	3,311.00	451.00	3,762.00	374.00
LPA(1)	C4. Steel/Concrete/Soils testing/budget - Yankee Engineering	\$ 15,400		-	721.00	13,156.00	412.50	14,289.50	1,110.50
LPA(1)	C5. Additional projected testing - due to unsuitable soil installation testing	\$ 5,000		-	-	1,831.50	2,002.00	3,833.50	1,166.50
LPA(1)	C6. Ngrid- Backcharge-revised from \$37,948	\$ 40,291		-	40,161.75	128.38	-	40,290.13	0.87
LPA(1)	C7. N-Grid service Removal	\$ 794		-	-	793.50	-	793.50	0.50
Town	C8. Water connection Fee	\$ 13,000		-	-	13,500.00	-	13,500.00	(500.00)
LPA(1)	C9. Gas Company Fee	\$ -		-	-	-	-	-	-
LPA(1)	C10. Utility Charges			-	-	-	-	-	-
LPA(1)	C11. misc. fees expended to the construction start			-	-	-	-	-	-
closed	C12. Planning board review-Quinn Engineering - Revised from \$720	\$ 945		-	945.00	-	-	945.00	-
closed	C13. Additional survey cost 8/8/17 Land Planning	\$ 480		-	-	480.00	-	480.00	-
LPA(1)	C14. Abutters landscaping and tree pruning not in contract-Budget	\$ 25,000		-	-	3,900.00	5,505.00	9,405.00	15,595.00
	C15. Security system - Revised from \$6,651	\$ 6,810		-	6,551.10	-	990.00	7,541.10	(731.10)
closed	C16. Bidding costs, bid docs on line + advertising Revised from \$4,112	\$ 4,416		-	4,415.65	-	-	4,415.65	0.35
	1			-	-	-	-	-	-
closed	C17. Dumpster fee -cleanout existing building-sheriff's dept - Revised from \$1,037	\$ 1,047		-	1,037.39	9.29	-	1,046.68	0.32
	C18. Insurance Costs	\$ 45,000		-	39,968.00	(19,984.00)	2,144.00	22,128.00	22,872.00
	C19. Legal Fees	\$ 5,000		-	1,393.17	75.00	-	1,468.17	3,531.83
closed	C20. Surveyor	\$ 6,000	A,B,C	-	6,000.00	-	-	6,000.00	-
	C21. Furniture, Fixtures & Equipment	\$ 348,750	A,B,C,D	-	-	94.20	8,898.00	8,992.20	339,757.80
closed	C22. Land Purchase	\$ -		-	-	-	-	-	-
	C23. Moving and Temp Space	\$ 75,000	A,B,C,D	-	22,097.07	2,948.30	5,610.35	30,655.72	44,344.28
	C24. Borrowing Cost	\$ 30,000		-	-	-	-	-	30,000.00
	C25. Project Contingency Budgeted		A,B,C,D	-	-	-	-	-	-
closed	C26. Value Engineering			-	-	-	-	-	-
closed	C27. Independent Review			-	-	-	-	-	-
	Police Detail LWSD Inspection 6/19/18	\$ 200				200.00	-	200.00	-
	LWSD Inspection fees 08/28/18	\$ 4,420				-	4,570.00	4,570.00	(150.00)
	Generator Rental	\$ 2,000				-	1,820.00	1,820.00	180.00
	Total Non-Construction Costs	\$ 1,604,401		50,927.50	622,133.38	318,213.17	140,815.35	1,132,089.40	472,311.60

AVAILABLE CONSTRUCTION BUDGET									
	Total fees to date minus funding, including full contingency	na							
LPA(1)	D1. Construction cost- base contract	\$ 6,624,000	A,B,C		-	4,034,399.81	2,856,837.47	6,891,237.28	(267,237.28)
LPA(1)	D2. CO# 1, Abatement, Unsuitable soils removal, add retaining wall conc	\$ 50,551.85						-	50,551.85
LPA(1)	D3. CO# 2 Boulder removal, credit abatement	\$ 1,838.78						-	1,838.78
LPA(1)	D4. CO# 3 Boulder and rock removal	\$ 11,867.11						-	11,867.11
LPA(1)	D5. CO# 4 Roofing work valleys, transite credit	\$ 19,498.33						-	19,498.33
LPA(1)	D6. CO #5	\$ 30,690.76						-	30,690.76
LPA(1)	D7. CO #6	\$ 9,007.69						-	9,007.69
LPA(1)	D8. CO #7	\$ 24,743.10						-	24,743.10
LPA(1)	D9. CO #8	\$ 72,096.61						-	72,096.61
LPA(1)	D11. CO #9 Misc Interior	\$ 9,900.14						-	9,900.14
LPA(1)	D12. CO #10 Sewer, drainage, plaster repair. Misc	\$ 49,761.29						-	49,761.29
LPA(1)	D13. CO #11 MEP, Painting lower floor brick	\$ 27,402.89						-	27,402.89
LPA(1)	D14. CO #12 Plaster, Abutter work, misc	\$ 26,111.83						-	26,111.83
LPA(1)	D15. CO #13 Carpet-lino, security, elect circut	\$ 9,042.56						-	9,042.56
LPA(1)	D16. CO#14 Sidewalk, Fixtures, door misc	\$ 36,417.45						-	36,417.45
LPA(1)	D17. CO#15 Plaster repairs, glass repair, terrazo floor	\$ 68,837.26						-	68,837.26
LPA(1)	D17 Future CO Work	\$ -						-	-
LPA(1)	D19 Shift to owners work-budgeted value	\$ 13,490.00						-	13,490.00
								-	-
LPA(1)	Other Construction services	-					-	-	-
LPA(1)	Potential additional	-					-	-	-
	Subtotal - GC	7,085,257.65		-	-	4,034,399.81	2,856,837.47	6,891,237.28	194,020.37
		-							-
				-	-	-		-	-
			A,B,C						
	Total Construction to date w/ CO#s	7,085,257.65		-	-	4,034,399.81	2,856,837.47	6,891,237.28	194,020.37
	Total Project = Owners + costs and construction costs	8,689,658.65		50,927.50	622,133.38	4,352,612.98	2,997,652.82	8,023,326.68	666,331.97
									-
	Owner's Contingency	120,558.35		8,759,891.11	8,139,632.39	3,789,838.07	793,223.59	793,223.59	\$ 126,891.62

LPA(1) Items LPA will track as part of base services

Change orders to date

\$ 461,257.65

(2) Refer to LPA's CO summary

	FY 16	FY 17	FY 18	FY 19	Difference - Project Interest	\$ 6,333.27
Beg Balance	846,653.00	796,327.11	1,869,374.39	(1,710,419.93)		
Net Changes	(50,325.89)	1,073,047.28	(3,579,794.32)	(2,996,614.48)		
VADAR Balance	796,327.11	1,869,374.39	(1,710,419.93)	(4,707,034.41)		
BAN & Grant			3,577,000.00	6,077,000.00		
Revised balance			1,866,580.07	1,369,965.59		
	8,810,217.00	8,759,891.11	8,139,632.39	3,789,838.07		
	601.61	1,874.66	2,818.66	1,038.34		
	(50,927.50)	(622,133.38)	(4,352,612.98)	(2,997,652.82)		
	8,759,891.11	8,139,632.39	3,789,838.07	793,223.59		
		Retainage		335,733.47		
		Bills in process		129,848.38		
		Project balance		327,641.74		

Policy Manual – Town of Leicester, Massachusetts

CITIZEN'S COMMENT PERIOD (excerpted from policy manual)

In order to foster greater direct citizen input and dialogue, in a civil and respectful manner, a "Citizen's Comment Period" will be on the agenda for all regular Selectmen's meetings. Every effort should be made to make such allotted time as the first agenda item.

Those wishing to speak should complete a participation sheet with their name, contact information, and reference as to the item or topic they wish to address.

Individuals who have completed the designated form will be allowed up to three (3) minutes to speak, with a maximum of thirty (30) minutes total time allotted for the comment period. The Chairman will allocate and control the time accordingly. However, a majority vote of the Board can allow for extension of time for either individual speakers or the total time allotment, or to suspend the time to conduct other business.

Selectmen are encouraged to limit their comments or responses to simply requesting the topic of discussion be further investigated or put on as a future agenda item.

To this end the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Board by contacting the Town Administrator, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments involved prior to the appointment insofar as possible, so that all parties can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Board's meeting packet.
2. Persons who will be directly affected by proposed Board discussions and/or action will be notified by the Secretary of the date and time of the meeting at which the matter will be discussed or acted upon by the Board.
3. If the Board is considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration, at the discretion of the Chairman or upon request of any member of the Board.
4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Chairman, after consulting with the Board, or at the discretion of the Chairman or the Town Administrator.
5. All other questions and all complaints are to be referred to the Selectmen's Office for action or recommendations. In emergencies or like instances where common sense dictates that the Board member receiving the complaint deal directly with a department head, the Board member shall inform the Town Administrator in writing of the issue and its disposition.



Town of Leicester
OFFICE OF THE TOWN ADMINISTRATOR

Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070
www.leicesterma.org

March 14, 2019

To: Select Board
From: David Genereux, Town Administrator

RE: Town Administrator's report

The following is a report on the general activities of the Town Administrator through March 4, 2019.

Citizen issues: Topics discussed with various citizens

- ☐ Discussed an issue with a resident on Sinai Road

Meetings:

- ☐ Met with Rep Lebeouf and Recap Solutions regarding possible water/sewer assistance (They will be attending the next W/S meeting)
- ☐ ☐ttended Finance Advisory Committee meeting
- ☐ ☐ttended Leicester Business Association meeting

Activities:

- ☐ Completed Church Street Bridge Contract – Company will be deploying to site on May 6
- ☐ Worked on annual town meeting warrant
- ☐ Research on various issues raised by the Board including 1 Paxton, Memorial School
- ☐ Discussions with counsel on various legal issues

Please feel free to contact me with any questions or concerns



Town of Leicester
OFFICE OF THE TOWN ADMINISTRATOR

Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070
www.leicesterma.org

March 14, 2019

To: Select Board
From: David Genereux, Town Administrator

RE: Select Board 02/25/19 meeting follow up

This memorandum deals with questions posed by the Board at the February 25, 2019 Board meeting. See below for questions and response:

FY20 Budget & Override

- **Project debt exclusion costs out 3 years.**
Memorandum sent separately to the Board; also included in the Highway Override informational memorandum.
- **Answer any requests for information sent to you by the board as requested.**
No questions received; one change to the placement of the funds will be discussed at the meeting.

1 Paxton Street

- **Get an assessment from the Building Inspector.**
See assessment below from same:
 - The electrical is suspect. We had John Markley do some work over there to upgrade for the library use but there are subpanels with electrical running up walls, thru floors and we cannot tell what is going on where we cannot see.
 - The porches are rotted and need replacement. I'm sure without digging up the supports the piers are also undersized and not doubt not code worthy to rebuild the porches.
 - There has been cornice and trim work that has been repaired at a significant cost to the town and there are more areas that will also need this work completed, it's only a matter of time.
 - Although I have never been on the roof and cannot see it right now, with the experience with this building I am sure it will need replacement and possibly the underlayment also.
 - The first floor was braced with new supports for the library use and appears to be in decent shape, but the supports were not meant to be a forever problem solver and are not code compliant for seismic activity, cost was the issue.
 - The foundation is a rubble stone structure and with trucks constantly running down the road this will eventually loosen the stones if it hasn't already where we cannot see and the foundation will need to be replaced or repaired.

- Suzanne mentioned the crawl space with plumbing pipes in there that do freeze and the use of electrical heat tape is a fire waiting to happen. This area needs to be conditioned properly and the plumbing moved if at all possible.
 - Suzanne also mentioned the fact that this building is not ADA or MAAB compliant. If the building renovations cost \$100,000.00 or 30% of the full and fair cash value of the building then by law the entire building will need to comply.
 - The siding/trim needs to be inspected and painted. Any siding that is suspect should be replaced.
 - The windows are not energy efficient and should be replaced to conserve energy and cut costs for heating and air conditioning.
 - The oil fillers in the front yard should be inspected for leaks. There is evidence that one may have been hit as it is displaced.
 - The entire iron fence needs repair and paint.
 - Suzanne mentioned the outbuilding's shape and I concur with her assessment, it needs to be either rebuilt or torn down.
- **Need an official recommendation from the Historical Commission on the best way to move forward.**
Chair contacted. We awaiting scheduling of a meeting.
 - **Would a lessee (e.g. Historical Society) be able to perform work on the building without being subject to prevailing wage?**
No. As long as the Town is the owner of the building, we are required to follow procurement law and prevailing wage. However, self-employed contractors can quote without prevailing wage, as long as they are doing the work themselves. Additional, the Town has time and materials bids in place that set fixed hourly rates for some disciplines.
 - **Does a lease on the building have to be put out to bid even if it's a nonprofit like the Historical Society or a Town entity like the Historical Commission? If the Historical Commission (town entity) is involved does it make the process easier?**
Intragovernmental real property transactions, such as the transfer of use of a property from one department to another department within a single town, are not subject to Chapter 30B. The Town would not have to put the property out to bid if it was being transferred to the Historic Commission, as it is a Town entity. However, in order to transfer or lease the property to the Historic Society, and RFP would have to be issued as the Society is not a Town entity.
 - **If the building is given to someone else to run it can the town retain a right of first refusal in case they can't maintain it financially**
If we sell the building, no. We could put in a right of first refusal, but that would not control when they offer it back to the Town. If we lease the building, we could put terms within the lease to get it returned to the Town.

Memorial School

- **What do we owe and can we make what we owe back?**
If the building is sold and removed – USDA and Solar panel removal costs will have to be paid
If the building is sold and remains – Likely just the USDA loan, assuming the repurposed building can still use the solar credits.
If the building is leased – No payouts

It currently is not known if we could make back what we may have to pay out, as we don't know how much we may wind up owing at this time.

- **Follow up with Superintendent on the collaborative idea**
In process, no further information as of yet.
- **What is the square footage of the school?**
51,755 sq. ft. finished area
- **How many acres are up there?**
28 acres
- **Can we keep the fields?**
We can do whatever we wish; it is a matter of what terms we put in the RFP.
- **What have other communities done to put housing in old schools?**
Generally, speaking, they have put their property out to bid.
- **Who would pay for the following:**
 - **Paying off the USDA loan**
 - **Relocating the solar panels (and any outstanding balance on their purchase and are we breaking any contracts by taking them off Memorial)**
 - **Relocating the repeater and antennae**The Town would be responsible for all of the costs associated with these items.
USDA – Approximately 50k, USDA is calculating.
Solar Panels - \$170,890 to \$248,896 – Under review, as I don't have a date of installation as of yet.
- **\$40k playground up at memorial? Schools could move it over to preschoolers at high school – what would be cost to move it?**
Under review

Miscellaneous Items

- **Process for obtaining Leicester zip codes (01524) for Cherry Valley (01611)**
Per the postmaster at Leicester, this is a big process and could not be done on an individual basis. Cherry Valley has two routes that come out of Worcester through the 01603 post office. The Leicester post office would need to expand to accommodate these additional routes, Worcester would have to be on board, and she has concerns about businesses in the Valley that spend a lot of money on letterhead and business cards, all of which would have to be changed to 01524. This is not an easy task but could be discussed if all residents wanted it. She noted that there was a public outcry when this was discussed in the past.
- **Can the house at Hillcrest be used for police and/or fire training?**
It cannot. It is suitable for demolition only.
- **Can the front doors at town hall going into the gym be used by the public?**
Yes, use of the front doors was allowed by the AAB.



Leicester Public Schools

Office of the Superintendent
3 Washburn Square, Leicester, MA 01524
www.leicester.k12.ma.us

Telephone: (508) 892-7040

Fax: (508) 892-7063

To: David Genereux, Town Administrator

From: Cady Maynard, Director of Finance & Operations

cc: Dr. Marilyn Tencza, Superintendent of Schools

Date: March 13, 2019

Re: Special Education Stabilization Fund Expenses FY2020

In an effort to alleviate the deficit for the FY20 Budget, approximately \$122,000 is anticipated to be expended from the Special Education Stabilization Account, originally accepted at the Annual Town Meeting on May 2, 2017 for the provisions of MGL Chapter 40, Section 13E. As such, funds will only be utilized for special education out of district tuition costs and transportation expenses.

In accordance with the law, "[funds shall only be distributed from the reserve funds after a majority vote of the school committee and a majority vote of the board of selectmen or city council...]."

Therefore, at its regularly scheduled meeting on Tuesday, March 12, 2019, the School Committee voted to authorize the use of those funds for FY20 expenditures, and ultimately move forward a request for a subsequent vote of the Select Board.

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 on Tuesday, the Seventh day of May, 2019 at 7:00 PM, then and there to act on the following articles, namely:

ARTICLE ADJUST FY 2019 BUDGET

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, or borrow under the provisions of Chapter 44, as amended, such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2019 operating budget of the Town or take any action thereon.

ARTICLE FUNDING IMPROVEMENTS AT TOWN PARKS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund improvements at town parks.

ARTICLE FUNDING ECONOMIC DEVELOPMENT

To see if the Town will vote to raise and appropriate a sum of money to fund an economic development/grant writing position in the Town Administrator's Office.

ARTICLE ELECTED OFFICIALS SALARIES

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

ARTICLE FY 2020 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, 2019 and ending on June 30, 2020, as listed in the May 7, 2019 Spring Annual Town Meeting Warrant or take any action thereon.

ARTICLE CONTINGENT APPROPRIATION: PROPOSITION 2 ½ HIGHWAY OVERRIDE

To see if the Town will raise and appropriate or transfer from available sums a sum to supplement the Highway Department and other Town Buildings operating budgets for fiscal year 2020 contingent upon the passage of a Proposition 2 ½ ballot question or take any other action relative thereto.

ARTICLE 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, 2019 or take any action thereon.

ARTICLE 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 2020 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate or take any other action thereon.

ARTICLE FY 2020 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION

To see if the Town will vote to appropriate a sum of moneys to fund the FY 2020 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 act on anything relating thereon.

ARTICLE OTHER POST-EMPLOYMENT BENEFITS TRUST

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to deposit into the Other Post-Employment Benefit (OPEB) Trust or take any action thereon.

ARTICLE GROUNDWATER STUDIES AT LANDFILL

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund groundwater and other studies at the former landfill site, said funds to be expended by the Select Board, or take any action thereon.

ARTICLE 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 two (2) police vehicles or take any action thereon.

ARTICLE FY 2020 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, 2019 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.

ARTICLE EXPANSION OF ARTICLE 7 OF THE MAY 2, 2017 SPECIAL TOWN MEETING, ENTITLED "GREENVILLE POND DAM" TO "INSPECTIONS, REPORTING AND/OR GRANT APPLICATION FUNDING FOR TOWN-OWNED DAMS" WITH ADDITIONAL FUNDING

To see if the Town will vote to expand the purpose Article 7 of the May 7, 2017 Special Town Meeting entitled Greenville Pond Dam" from that purpose to "Inspections, Reporting, and/or Grant Application Funding for Town-owned Dams" and raise and appropriate and/or transfer from available funds a sum of money for this purpose or take any action thereon.

ARTICLE TRANSFER FUNDS INTO STABILIZATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Town Stabilization Fund, or take any action thereon.

This section intentionally left blank

ARTICLE AMENDMENT TO THE DEPARTMENTAL REVOLVING FUNDS BYLAW

To see if the Town will vote amend the Departmental Revolving Funds Bylaw by adding the following proposed new revolving funds to the table listed after paragraph 5 of the bylaw.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Library Copier	Library	Library fines and fees	Copier lease payments and misc. operating fees	None	None	Fiscal Year 2020 and subsequent years
Tree Lighting	Tree Lighting Committee	Donations and other miscellaneous receipts	Activities associated with the annual Leicester tree lighting event	None	None	Fiscal Year 2020 and subsequent years

Or take any other action thereon.

ARTICLE 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 2018, or take any action thereon.

ARTICLE BORROWING RESCISSION – HIGHWAY EQUIPMENT

To see if the Town will vote to rescind and outstanding borrowing authorization, in the amount of \$40,000, which was authorized as part of the \$950,000 borrowing authorization voted as Article 3 of the October 30, 2018 town meeting; or take any action thereon.

ARTICLE ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 90, SECTION 20A 1/2

To see if the Town will vote to accept M.G.L. Chapter 90, Section 20A ½ in regards to the assessment and collection of parking tickets and fees; or take any action relative thereto.

ARTICLE DISPOSITION OF 1 PAXTON STREET (THE SWAN TAVERN), MAP 19B, BLOCK E90

To see if the Town will vote to dispose of the fee or any lesser interest in the real property and the improvements thereon at 1 Paxton Street, Leicester, (commonly known as the Swan Tavern) as shown on Assessor's Map 19B, Block E90, containing about 0.824 acres of land, more or less, with building thereon by auction or solicitation of proposals in accordance with M.G.L. c. 30B, any such disposition to be on such terms and conditions that the Select Board shall deem appropriate, which may include the reservation of easements and restrictions and the grant of rights of access or easements appurtenant to the property; and to

authorize the Select Board to take all related actions necessary or appropriate to carry out the purposes of this article; or take any action thereon.

ARTICLE DISPOSITION OF 11 MEMORIAL DRIVE (MEMORIAL SCHOOL), MAP 39, BLOCK A7

To see if the Town will vote to dispose of the fee or any lesser interest in the real property and the improvements thereon used by the Memorial School, located at 11 Memorial Drive, Leicester as shown on Assessor's Map 39, Block A7, containing about 28 acres of land, more or less, with building thereon by auction or solicitation of proposals in accordance with M.G.L. c. 30B, any such disposition to be on such terms and conditions that the Select Board shall deem appropriate, which may include the reservation of easements and restrictions and the grant of rights of access or easements appurtenant to the property; and to authorize the Select Board to take all related actions necessary or appropriate to carry out the purposes of this article; or take any action thereon.

ARTICLE GENERAL BYLAW – PLACEMENT OF SIGNS ON TOWN PROPERTY

To see if the Town will vote to enact the following general bylaw:

PLACEMENT OF SIGNS ON TOWN PROPERTY

Section 1: Prohibition - No person, group, organization, or company shall post or affix in any manner, any bill, placard, advertisement, or notice, either written or printed, upon any building, sidewalk, curbstone, traffic control signal, litter receptacle, tree, tree belt, fence, or post owned by the Town. In addition, no free standing or mounted bill, placard, advertisement or notice shall be placed upon any real property owned or leased by the Town, or on Town-owned property within or abutting a public way.

Section 2: Removal - Any bill, placard, advertisement, or notice placed upon Town-owned property shall be removed and discarded by the Town.
or take any action thereon.

ARTICLE GROUND MOUNTED SOLAR ENERGY SYSTEMS BYLAW AMENDMENT

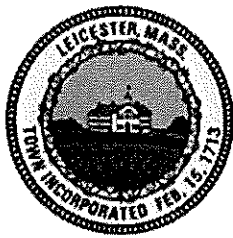
To see if the Town will vote to amend Sections 5.14, Ground-Mounted Solar Energy Systems, Subsection 3.2.05, TRANSPORTATION, COMMUNICATION, UTILITY, and Section 5.14, Ground-Mounted Solar Energy Systems by making the following amendments, or take any action thereon

ARTICLE : EARTH FILL AND REMOVAL

To see if the Town will vote to insert a new section 5.16, Earth Fill and Removal, to the Towns zoning bylaws, or take any action thereon.

ARTICLE : MARIJUANA CULTIVATION (Clarification of the greenhouse issue)

To see if the Town will vote to amend section 5.15, Medical Marijuana Treatment Center and Marijuana Establishments, Subsection 5.15.02 or take any action thereon.



Town of Leicester
OFFICE OF THE TOWN ADMINISTRATOR

Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070
www.leicesterma.org

March 08, 2019

To: Select Board, Finance Advisory Board
From: David Genereux, Town Administrator *DG*

RE: Highway Override Information (Updated)

Following the discussion from the February 25th Board meeting, I have updated this memorandum to further define the scope, cost and purpose of the proposed Highway Department override. For review, I am requesting that the Board place an article on the Town Meeting warrant and the town ballot for an override of \$350,000 to fund additional staffing, services and supplies to the Highway budget to allow the Department to expand its current services to the residents. Please see pertinent data below:

Amount requested - \$350,000

- Tax effect - .34 per thousand dollar valuation on real estate taxes, based on FY 2019 valuations.
- Cost per year to home valued at \$250,000: \$85.00
- Reason requested – To better serve the residents of Leicester, and more effectively manage and maintain the assets of the Town. It is highly unlikely that revenues will increase in a way that will allow the Town do properly fund the Highway Department through the normal appropriation process.

Current debt exclusion cost data

There are currently five debt exclusions on the tax rate (Police station, Hillcrest, Fire/EMS headquarters, Library, and Highway equipment). Between FY 2020 to FY 2024, they add from \$1.07 to \$1.12 per \$1,000 valuation on the tax rate. On a home valued at \$250,000, the annual cost over that five-year period is \$268 to \$280. In FY 2025, three of the five exclusions are retired, dropping the effect on the tax rate to .62, or \$155, under the current debt schedule. The debt exclusion analysis is attached.

Use of funds

A. New personnel

Increase of four Highway positions (Bringing front line staff to 11). Job description changes to be negotiated.

- 3 laborer/truck drivers/light equipment operators (Up to \$23.16 per hour): \$48,173 each or \$144,519.
- 1 Foreman: (up to \$28.99 per hour) \$60,299
- Miscellaneous employee supplies: \$3,182

Total personnel funding: \$210,000

B. Custodial Services Contract

Currently, there are 1.5 positions dedicated to this task. Police has its own service, at \$15,600 per year. There are no funds currently in the budget to clean the expanded, renovated library. The quote provided comes from a vendor on the State Bid List for external custodial services.

- Library (cleaned 4 times per week) - \$24,960 per year
- Town Hall (cleaned 5 times per week) - \$31,200 per year
- Senior Center (cleaned 5 times per week) - \$10,400 per year
- Police Station (cleaned 2 times per week) - \$6,240 per year

Total custodial contract funding: \$72,800 per year

C. Operational Funding

There is \$67,200 remaining after personnel and custodial contract costs are accounted for. I have attached a partial list of potential projects to this memorandum. Additional annual operational costs are listed, totaling \$22,000 that would be recurring, either due to new duties being given to the department, associated with the increase of available personnel. The remaining \$45,200 would be allocated during the budget process and approved annually at the Spring Town Meeting. The project list contains \$192,400 in potential project costs. Having this funding available would reduce the project funding being taken from Free Cash annually, which would allow us to continue funding OPEB and Stabilization per the Town's financial plan.

Total operational funding: \$67,200 per year

Benefits

- Would allow for permanent allocation of staff for municipal buildings and grounds maintenance
- Would allow for snow removal services of all municipal and school buildings
- Would allow for mowing, seeding and aeration of municipal and school fields
- Would help the Town meet storm water maintenance regulations due in 2021, including biannual street sweeping and yearly catch basin maintenance
- Would allow for additional roadside mowing and tree trimming
- Additional time to be allocated to maintenance of town parks
- Would create a supplies and services budget to properly fund buildings and grounds maintenance
- Would allow for all municipal buildings to be cleaned on a regular basis
- Implementation of custodial service would allow a current full time custodian position to be switched to buildings and grounds maintenance
- Savings to departmental budgets for custodial, grounds, and building maintenance costs
- Savings in excess of \$15,000 to the Police budget allocated for other departmental purposes.
- Savings to the School budget of an estimated \$120,000 allocated employee retention.

Activities not included in this override:

- School custodial services
- School building maintenance
- Larger scale municipal projects relating to buildings and grounds

What happens if the override is not placed or approved?

Highway will continue to work as best as it can with current staffing levels. Other departments will continue to have to utilize use contract services. Road, buildings and parks upgrades will be funded only if additional revenue becomes available.

Overrides are contentious issues, and generally speaking, face long odds in getting approved. However, in light of the potential benefits this request could offer to the residents, it is a matter worth consideration and discussion.

Please feel free to contact me with any questions or concerns.

Debt Exclusions FY 2019 - 2025

Effect on tax rate and average home

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Police Station	199,157.04	186,732.16	179,417.36	171,611.19	164,316.41	157,097.56	-
Tax Rate Impact	0.19	0.18	0.17	0.17	0.16	0.15	-
Hillcrest	178,326.98	189,834.26	187,586.42	179,469.03	171,817.91	164,236.19	-
Tax Rate Impact	0.17	0.18	0.18	0.17	0.17	0.16	-
Fire & EMS Headquarters	449,525.00	455,125.00	455,175.00	454,875.00	454,225.00	453,225.00	511,875.00
Tax Rate Impact	0.44	0.44	0.44	0.44	0.44	0.44	0.50
Library	89,425.00	127,755.20	131,856.26	128,356.26	129,856.26	131,106.26	127,106.26
Tax Rate Impact	0.09	0.12	0.13	0.12	0.13	0.13	0.12
Highway Equipment	-	196,206.25	195,000.00	197,000.00	198,500.00	199,500.00	-
Tax Rate Impact	-	0.19	0.19	0.19	0.19	0.19	-
Totals	916,434.02	1,155,652.87	1,149,035.04	1,131,311.48	1,118,715.58	1,105,165.01	638,981.26
Cumulative Tax Rate Impact	0.89	1.12	1.12	1.10	1.09	1.07	0.62
Tax Rate	15.08						
% of budget	5.90%						
Assessors taxable multiplier based on taxable value /1000.	1,029,294.619	1,029,294.619	1,029,294.619	1,029,294.619	1,029,294.619	1,029,294.619	1,029,294.619
Impact on Home valued at 250k	222.59	280.69	279.08	274.78	271.72	268.43	155.20
Proposed Highway Override		0.34					
		85.01					

Recurring additional expenses (Associated with the increase in workforce and additional annual duties to be performed)		
Parks, fields - fertilization and seeding		5,000
Gasoline, oil and associated costs		4,000
Additional tools, equipment maintenance, etc		2,500
Crack sealing/sealcoating of parking areas (1 lot per year)		5,000
Building power washing (annual)		4,000
Line painting - parking lots (1 lot per year)		1,500
Total		22,000

Projects - A list of annual projects to be performed will be listed in the annual budget process. Some of the larger items may be funded separately

Town Hall		
Repairs to ramps, walkways. Etc		\$2,000
Paint front entrance		\$2,500
Generator installation		\$5,000
Lock Repairs/Upgrades for safety and ADA compliance		\$50,000
Demolition of existing handicap ramp		\$20,000
Veteran's Office		\$5,000
Unisex ADA Bathroom - first floor		\$25,000
Server room AC		\$1,500
Floor painting - First floor		\$2,000
Prep for Town Clerk office extension		\$500
Display cabinets - 2nd floor		\$20,000
Unisex bathroom - auditorium/gym area		\$25,000
Stair tread replacement		\$4,000
Basic wall maintenance & painting		\$300
North entrance replacement		\$8,000
Total		\$170,800

General Landscape Maintenance - Turf and Buildings		
Maintenance/security/improvements - Community Field		\$5,000
Painting/maintenance/repairs - Copeland Library		\$5,000
Skate park/volley ball court/structures/tree work - Rochdale Park		\$4,000
Total		\$14,000

Senior Center		
Replace faulty siding, stain		\$3,000
Construction of shed		\$4,000
Resurface/maintain flooring		\$300
Basic painting/wall maintenance		\$300
Total		\$7,600

Recurring expense totals

\$22,000

Projects total

\$192,400



Town of Leicester
OFFICE OF THE TOWN ADMINISTRATOR

Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070
www.leicesterma.org

March 14, 2019

To: Select Board
From: David Genereux, Town Administrator

RE: Override Ballot Question

Below is the question to be listed on the ballot should the Board vote to place it.

“Shall the Town of Leicester be allowed to assess an additional \$350,000 in real estate and personal property taxes for the purposes of funding 4 additional Highway Department positions, and funding custodial and building maintenance for municipal buildings for the fiscal year beginning July 1, 2019?”

Please feel free to contact me with any questions or concerns.



Town of Leicester, Massachusetts

Annual Town Meeting Warrant

Annual Town Meeting – May 7th, 2019 – 7:00PM

“In the Hands of the Voters”

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

Published March 18, 2019

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 particular 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 2/3 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,

Donald A. Cherry, Jr. – Town Moderator

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 on Tuesday, the Seventh day of May, 2019 at 7:00 PM, then and there to act on the following articles, namely:

ARTICLE ADJUST FY 2019 BUDGET

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, or borrow under the provisions of Chapter 44, as amended, such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2019 operating budget of the Town or take any action thereon.

PROPOSED MOTION

I move that the Town vote to transfer the following sums, totaling \$_____ from and to the accounts listed in the table below.

From:	Amount	To:	Amount
Employee Benefits	\$200,000	Reserve fund	\$29,515
Vocational Tuition ATM 5/18 Art 9	\$40,000	IT Maint. Contracts/Repairs	\$3,000
Overlay Surplus	\$67,244	Veteran's Benefits	\$20,000
		Snow and Ice	\$100,000
		Library Wages	\$3,300
		Unemployment Comp	\$15,000
		Police Salaries	\$37,621
		Police Expenses	\$2,500
		High School Roof Project	\$21,308
		Town Hall Accessibility	\$25,000
		Blighted Building Control (01-100-5200-006)	\$50,000
Total	\$307,244	Total	\$307,244

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

This article would amend the Fiscal Year 2019 (current) operating budget by transferring funds from three current fiscal year accounts that have forecast surpluses to the following accounts:

Reserve Fund: Will reimburse the Reserve Fund for transfers made to fund the unemployment budget, which went into deficit due to a number of claims.

IT Maint. Contract/Repairs: Additional equipment replacement needed

Veterans Benefits: Funding sought to correct an insufficient budget. Veteran's claims are reimbursed at the rate of 75% by the Commonwealth, but that funding is a general fund revenue.

Snow/Ice: This account requires annual adjustment depending on weather events and associated costs

Library Wages: The Select Board approved an updated classification and compensation plan for non-union employees last summer. The Library budget needs additional funding to pay the updated salaries implemented by the plan.

Unemployment Compensation: The large number of claims that were process starting last July emptied the budget and required two reserve fund transfers totaling \$29,515. There are still ongoing claims, meaning additional funding for the budget is required.

Police Salaries: Funds required to pay for the retirement payouts of two former employees

Police Expenses: Funds requested to pay for updated parking ticket books.

High School Roof Project: Additional funding required due to the costs on the projects that were deemed to be ineligible for reimbursement by the MSBA.

Town Hall Accessibility: Funding being sought for the removal of handicap ramp on the west side building, which will be followed by a reconstruction of the Town Hall parking lot.

Blighted Building Control: Funds sought to remove a condemned town –owned building at 325 Pleasant Street.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the Stabilization Fund. Transfers from the Stabilization fund requires a 9/10th's vote per Town bylaw.

ARTICLE FUNDING IMPROVEMENTS AT TOWN PARKS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund improvements at town parks or take any action thereon.

PROPOSED MOTION

I move the Town raise and appropriate \$25,000 fto fund improvements at town parks, the application of said funding to be prioritized by the Leicester Highway Department.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

This article seeks funding for the maintenance of town parks, several of which have fallen into disrepair. It is anticipated that these funds will be used to restore lighting, field revitalization and equipment repair or replacement. The source of this funding will be \$25,000 from the Cultivate Host Community Agreement.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization fund requires a 9/10th's vote per Town bylaw

ARTICLE FUNDING ECONOMIC DEVELOPMENT

To see if the Town will vote to raise and appropriate a sum of money to fund an economic development/grant writing position in the Town Administrator's Office or take any action thereon.

PROPOSED MOTION

I move the Town vote to transfer and appropriate \$50,000 to fund an economic development/grant writing position based in the Town Administrator's Office.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

This position, based out of the Town Administrator's office and working with the Economic Development Committee, would be utilized to serve as a point position for existing and new businesses, as well as grant writing and community outreach. The source of this funding will be \$50,000 from the Cultivate Host Community Agreement.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the Stabilization Fund. Transfers from the Stabilization fund requires a 9/10th's vote per Town bylaw

ARTICLE 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 2020 as detailed in the May 7, 2019 Spring Annual Town Meeting Warrant.

FISCAL YEAR 2019 ELECTED OFFICIALS PAY RATES	
<u>POSITION</u>	<u>PAY RATE</u>
TOWN CLERK	\$65,389
SELECT BOARD – CHAIR	\$882
SELECT BOARD – MEMBERS (4) each	\$724
SCHOOL COMMITTEE – CHAIRMAN	\$447
SCHOOL COMMITTEE – MEMBERS (4) each	\$197
PLANNING BOARD – CHAIRMAN	\$320
PLANNING BOARD – MEMBERS (4) each	\$276
MODERATOR	\$81
BOARD OF HEALTH – CHAIRMAN	\$320
BOARD OF HEALTH – MEMBERS (2) each	\$276
ASSESSOR – MEMBERS (3) each	\$577
TOTAL ELECTED SALARIES	\$73,786

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

Compensation for elected officials is set by Town Meeting. The proposed 2020 elected officials pay rate is the same as approved by the voters for fiscal year 2019 with the exception of the Town Clerk, whose salary contains a 2% COLA.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. Chapter 41, Section 108, unless funding is sought from the Stabilization Fund. Transfers from the Stabilization fund requires a 9/10th's vote per Town bylaw.

ARTICLE FY 2020 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, 2019 and ending on June 30, 2020, as listed in the May 7, 2019 Spring Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

I move the Town vote to approve the budgets of the several Town departments and Town Accounts as printed in the Spring Annual Town Meeting Warrant for the Fiscal Year beginning July 1, 2019, in the aggregate amount of \$29,343,868, and to fund this amount from the following sources:

<i>Transfer from Ambulance Receipts Reserved Account:</i>	<i>\$371,192</i>
<i>Transfer from Board of Health Title V Reserve Account Principal:</i>	<i>\$19,944</i>
<i>Transfer from Conservation Commission NOI Account:</i>	<i>\$3,882</i>
<i>Transfer from Free Cash:</i>	<i>\$150,000</i>

And the balance of the funds in the remaining sum of \$28,778,850 shall be raised and appropriated by taxation.

DEPT #	DEPARTMENT NAME	FY2018 BUDGET	FY2019 BUDGET	FY2020 TOWN ADMIN	\$ CHANGE	% CHANGE
111	LEGAL					
	TOTAL	59,000	209,000	209,000	0	0.00%
114	MODERATOR					
	TOTAL	151	151	151	0	0.00%
122	SELECT BOARD					
	TOTAL	249,228	239,780	246,361	6,581	2.74%
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	114,955	118,153	122,611	4,458	3.77%
141	ASSESSORS					
	TOTAL	113,136	116,964	121,745	4,781	4.09%
145	TREASURER/COLLECTOR					
	TOTAL	160,514	165,867	163,615	-2,252	-1.36%
147	TAX TITLE					
	TOTAL	16,000	16,000	16,000	0	0%
152	PERSONNEL BD					
	TOTAL	250	250	250	0	0.0%

Town of Leicester
Annual Town Meeting – May 7, 2019

DEPT #	DEPARTMENT NAME	FY2018 ACTUAL	FY2018 BUDGET	FY2020 TOWN ADMIN	\$ CHANGE	% CHANGE
155	IT DEPARTMENT					
	TOTAL	141,620	138,560	144,560	6,000	4.33%
161	TOWN CLERK					
	TOTAL	99,955	104,699	110,491	5,822	5.56%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	21,500	35,600	35,100	-500	-1.40%
180	DEVELOPMENT & INSPECT. SVCS					
	TOTAL	224,640	234,787	241,930	7,143	3.04%
192	TOWN OWNED BLDG MAINT					
	TOTAL	15,250	8,000	38,281	30,281	-378.51%
197	TOWN HALL BLDG MAINTENANCE					
	TOTAL	55,155	63,909	63,909	0	0.00%
198	TOWN HALL TELEPHONES					
	TOTAL	6,400	6,400	6,400	0	0.00%
199	OTHER - GENERAL GOV					
	TOTAL	79,170	49,355	54,155	4,800	9.73%
210	POLICE DEPT					
	TOTAL	1,881,427	1,963,857	1,964,796	939	0.05%
220	FIRE DEPT					
	TOTAL	305,313	305,307	305,307	0	0.00%
231	AMBULANCE					
	TOTAL	424,850	440,418	440,372	-46	-0.01%
232	EMERGENCY MANAGEMENT					
	TOTAL	4,813	4,813	4,813	0.00	0.00%
241	CODE DEPT					
	TOTAL	67,267	68,879	63,690	-5,189	-7.53%
292	ANIMAL CONTROL					
	TOTAL	33,129	33,552	33,552	0	0.00%
296	INSECT PEST CONTROL					
	TOTAL	9,770	7,850	7,850	0	0.00%
310	SCHOOL					
	TOTAL	16,264,094	16,667,839	16,881,790	213,951	1.28%
420	HIGHWAY DEPT					
	TOTAL	697,060	743,282	751,680	8,398	1.13%
423	SNOW & ICE					
	TOTAL	119,500	121,000.00	121,000.00	0	0.00%
424	STREET LIGHTS					
	TOTAL	70,000	75,000	50,335	-24,665	-32.89%

Town of Leicester
Annual Town Meeting – May 7, 2019

DEPT #	DEPARTMENT NAME	FY2018 ACTUAL	FY2019 BUDGET	FY2020 TOWN ADMIN	\$ CHANGE	% CHANGE
541	COUNCIL ON AGING					
	TOTAL	84,418	94,122	108,280	14,158	15.04%
543	VETERANS SERVICES					
	TOTAL	97,925	92,980	92,980	0	0.00%
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,400	2,400	0	0.00%
610	PUBLIC LIBRARY					
	TOTAL	189,000	204,306	216,929	12,323	6.03%
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	919,485	894,532	1,139,797	245,265	27.42%
751	MATURING DEBT INTEREST					
	TOTAL	306,027	325,635	406,144	80,509	24.72%
752	TEMPORARY LOAN INTEREST					
	TOTAL	18,993	94,647	33,255	-61,392	-64.86%
753	BOND ISSUE					
	TOTAL	0	0	0	0	0.00%
911	WORC REG RETIREMENT					
	TOTAL	1,055,412	1,161,643	1,314,800	153,157	13.18%
912	WORKER COMPENSATION					
	TOTAL	197,000	216,700	227,535	10,835	5.00%
913	UNEMPLOYMENT COMP					
	TOTAL	66,510	66,650	141,650	75,000	112.53%
914	EMPLOYEE BENEFITS					
	TOTAL	3,052,161	3,266,089	3,288,285	22,196	.68%
945	BONDING & INSURANCE					
	TOTAL	146,200	100,586	110,645	10,059	10.00%
Grand Total – All Budgets		27,435,843	28,521,258	29,343,868	822,610	2.88%

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

This is the fiscal year 2020 annual operating budget for municipal and school services. Property tax proposed to be levied is within the allowances of Proposition 2 ½. Although the State FY 2020 budget is not set, we are utilizing the Governor's proposed revenue estimates for local aid. This financial plan meets at least the minimum needs of every department and continues to move the Town forward in a sustainable direction. The budget process has been challenging this year due to a number of significant increases in non-discretionary areas of the budget including health insurance and retirement assessments. The FY 2020 budget is 2.88% greater than the FY 2019 budget. Please note budget allocation below:

Department	FY 19 Budget	FY 20 Budget	\$ Change	% Change
Municipal Budgets	\$5,726,937	\$5,799,968	\$73,061	1.28%
School Budget	\$16,667,839	\$16,881,790	\$213,951	1.28%
Unclassified Budget	\$6,126,482	\$6,662,110	\$535,628	8.74%
Totals	\$28,521,258	\$29,343,868	\$822,610	2.88%

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the Stabilization Fund. Transfers from the Stabilization fund requires a 9/10th's vote per Town bylaws.

ARTICLE CONTINGENT APPROPRIATION: PROPOSITION 2 ½ HIGHWAY OVERRIDE

To see if the Town will raise and appropriate or transfer from available sums a sum to supplement the Highway Department and other Town Buildings operating budgets for fiscal year 2020 contingent upon the passage of a Proposition 2 ½ ballot question, or take any other action relative thereto.

PROPOSED MOTION:

I move that the town raise and appropriate an additional \$350,000; for the Highway Department's fiscal year 2020 operating budget to be allocated as follows: \$210,000 for salaries and \$22,000 for expenses, and \$118,000 in expenses for the Other Town Buildings account for custodial and building maintenance expenses, provided that such additional appropriations be contingent on the passage of a Proposition 2½ ballot question.

FINANCE ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

The Highway Department is seeking an override of \$350,000 to bring its compliment of front line workers to eleven. The increase in personnel would allow the Department to maintain all Town and School athletic fields, plow and sand all municipal and school parking lots, fund an outside custodian service contract for municipal buildings, and have available funding for municipal buildings and grounds maintenance. The School Department would continue to be responsible for funding its own custodial services and building maintenance.

The funds requested would be segmented into two separate town budgets.

Cost breakdown is as follows:

- **Highway Budget**
4 front line staff: \$210,000
Annual supplies, fuel, & misc.: \$22,000
Total: \$232,000
- **Other Town Buildings Budget**
Custodial contract for municipal buildings: Library, Town Hall, Senior Center, Police Station: \$72,800
Maintenance funding for municipal buildings: \$45,200
Total: \$118,000
Grand total requested: \$350,000

The reason for the funding being split into two departments is to insure that the maintenance & custodial funds are in a budget that cannot be offset by contractual increases in future years.

Successful passage of this article, as well as a ballot question at the annual town meeting in June, is required for the override to be approved.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization Fund requires a 9/10th's vote per Town bylaws.

ARTICLE 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, 2019 or take any action thereon.

PROPOSED MOTION

I move the Town vote to raise and appropriate \$1,078,000 for Vocational Tuition expenses for the Fiscal Year beginning July 1, 2019.

FINANCE ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

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 FY'16. Tracking these costs independently allows for more accurate accounting of the costs associated with Leicester students attending other schools for vocational education.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization Fund requires a 9/10th's vote per Town bylaws.

ARTICLE 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 2020 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

I move the Town vote to raise and appropriate the sum of \$3,142 to fund the FY 2020 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate of \$0.28637.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

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 (2010). 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 FY 2020 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION

To see if the Town will vote to appropriate a sum of moneys to fund the FY 2020 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 act on anything relating thereon.

PROPOSED MOTION

I move that the Town vote to appropriate \$100,000 to fund the FY 2020 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 funds available in the Cable PEG Access Enterprise Fund pursuant to the Town's cable licensing agreement.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

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.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization Fund requires a 9/10th's vote per Town bylaws.

ARTICLE OTHER POST-EMPLOYMENT BENEFITS TRUST

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to deposit into the Other Post-Employment Benefit (OPEB) Trust or take any action thereon.

PROPOSED MOTION

I move the Town vote to transfer \$35,000 from Free Cash to deposit into the Other Post Employment Benefit (OPEB) Trust Fund.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

Other Post-Employment Benefits are benefits that an employer pays to an employee once they retire. Like most public-sector employers, the Town of Leicester provides matching funds towards the health insurance premiums of eligible retirees. In recent years, financial oversight entities including bond rating agencies and the Governmental Account Standards Board have required municipalities to perform an actuarial analysis to project the future cost of the benefits that are being offered. Further they have encouraged municipalities to begin setting funding aside to ensure they are able to make these payments in the future.

The most recent actuarial analysis performed for the Town estimates that the Town's current OPEB liability is \$23.8 million when projected 18 years into the future. By starting to fund this projected obligation now, the Town will be reducing its projected funding requirement. The funds that are being set aside in the trust will only be able to be used to pay for retiree health insurance contributions. These funds will be reflected on the Town's financial balance sheet as an asset that will help offset the liability. The current balance in this fund is \$70,000.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization fund requires a 9/10th's vote per Town bylaws.

ARTICLE GROUNDWATER STUDIES AT LANDFILL

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund groundwater and other studies at the former landfill site, said funds to be expended by the Select Board, or take any action thereon.

PROPOSED MOTION

I move the Town vote to transfer \$18,000 from Free Cash to fund groundwater and other studies at the former landfill site, said funds to be expended by the Highway Department.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

The Town is obligated to comply with the Massachusetts Department of Environmental Protection's annual monitoring and testing requirements for the closed landfill. These tasks require routine sampling of groundwater from a series of wells, any required follow up or additional testing based upon the findings and routine readings of landfill gases being produced. The \$18,000 requested will fund these required activities in Fiscal Year 2020.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization fund requires a 9/10th's vote per Town bylaws.

ARTICLE 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 two (2) police vehicles or take any action thereon.

PROPOSED MOTION

I move the Town vote to transfer \$84,233.00 from Free Cash to purchase and equip two (2) police vehicles.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

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 on a daily basis. Funding is being requested to replace the two oldest marked frontline cruisers which will have over 100,000 miles when replaced. 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, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization fund requires a 9/10th's vote per Town bylaw

ARTICLE **FY 2020 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, 2019 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

I move the Town vote to transfer \$156,081 from Free Cash to fund the Fiscal Year 2020 Capital Improvement Plan budget to pay for ongoing installments of the two lease/purchase agreements.

DEPARTMENT	ITEM	AMOUNT
Fire	Aerial scope Tower Truck Lease/Purchase Payment – Year 3 of 5	\$115,081
Highway	Backhoe Lease/Purchase Payment – Year 2 of 3	\$41,000
	Total FY 2020 Capital Lease Payments	\$156,081

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

This article seeks funding from Free Cash to fund two continuing lease/purchase agreements

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization fund requires a 9/10th's vote per Town bylaw

ARTICLE EXPANSION OF ARTICLE 7 OF THE MAY 2, 2017 SPECIAL TOWN MEETING, ENTITLED “GREENVILLE POND DAM” TO “INSPECTIONS, REPORTING AND/OR GRANT APPLICATION FUNDING FOR TOWN-OWNED DAMS” WITH ADDITIONAL FUNDING

To see if the Town will vote to expand the purpose Article 7 of the May 7, 2017 Special Town Meeting entitled Greenville Pond Dam” from that purpose to “Inspections, Reporting, and/or Grant Application Funding for Town-owned Dams” and raise and appropriate and/or transfer from available funds a sum of money for this purpose or take any action thereon.

PROPOSED MOTION

I move to expand the purpose Article 7 of the May 7, 2017 Special Town Meeting entitled Greenville Pond Dam” from that purpose to “Inspections, Reporting, and/or Grant Application Funding for town-owned dams.” and transfer from Free Cash the sum of \$6,675 for this purpose.

FINANCE ADVISORY COMMITTEE RECOMMENDATION

DESCRIPTION

The Town owns two dams that require annual inspections and reporting to DCR. We are seeking to broaden the purpose of the 2017 article to pay for some these costs, as well as move additional funds from Free Cash to the article. The Greenville Dam article has a balance of \$8,325. Coupled with the transfer request of \$6,675 from Free Cash, the end result is a general dam inspection and/or grant application article with funding of \$15,000.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization fund requires a 9/10th's vote per Town bylaw.

ARTICLE TRANSFER FUNDS INTO STABILIZATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Town Stabilization Fund, or take any action thereon.

PROPOSED MOTION

Move that the Town appropriate and transfer \$88,824 from Free Cash to the Town Stabilization Fund.

FINANCE ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

DESCRIPTION

The Town has a financial policy that calls for 25% of annual free cash to place into the Stabilization Fund until the fund achieves a balance of 5% of total revenues. The amount requested for transfer is less than the 25% of free cash as stated in the policy, but represents a good faith effort to increase the balance in the stabilization fund.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the General Stabilization Fund. Transfers from the General Stabilization fund requires a 9/10th's vote per Town bylaw

ARTICLE AMENDMENT TO THE DEPARTMENTAL REVOLVING FUNDS BYLAW

To see if the Town will vote amend the Departmental Revolving Funds Bylaw by adding the following proposed new revolving funds to the table listed after paragraph 5 of said bylaw.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Library Copier	Library	Library fines and fees	Copier lease payments and misc. operating fees	None	None	Fiscal Year 2020 and subsequent years
Tree Lighting	Tree Lighting Committee	Donations and other miscellaneous receipts	Activities associated with the annual Leicester tree lighting event	None	None	Fiscal Year 2020 and subsequent years

Or take any other action thereon.

ARTICLE 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 2020, or take any action thereon.

PROPOSED MOTION

I 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 2020.

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<u>Revolving Fund</u>	<u>Spending Limit:</u>
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

FINANCE ADVISORY BOARD RECOMMENDATION

SELECTBOARD RECOMMENDATION

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 BORROWING RESCISSION – HIGHWAY EQUIPMENT

To see if the Town will vote to rescind an outstanding borrowing authorization, in the amount of \$40,000, which was authorized as part of the \$950,000 borrowing authorization voted as Article 3 of the October 30, 2018 town meeting; or take any action thereon.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION:

An authorization for a debt exclusion of \$950,000 for 7 pieces of Highway Department equipment was approved by the voters last fall. The equipment has been ordered, at a total cost of \$910,000. This article requests the leftover authorization be rescinded.

VOTE REQUIRED FOR PASSAGE: Requires a majority vote

**ARTICLE ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 90, SECTION 20A
1/2**

To see if the Town will vote to accept M.G.L. Chapter 90, Section 20A 1/2 in regards to the assessment and collection of parking tickets and fees; or take any action thereon.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION:

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote

ARTICLE DISPOSITION OF 1 PAXTON STREET (THE SWAN TAVERN), MAP 19B, BLOCK E90

To see if the Town will vote to dispose of the fee or any lesser interest in the real property and the improvements thereon at 1 Paxton Street, Leicester, (commonly known as the Swan Tavern) as shown on Assessor's Map 19B, Block E90, containing about 0.824 acres of land, more or less, with building thereon by auction or solicitation of proposals in accordance with M.G.L. c. 30B, any such disposition to be on such terms and conditions that the Select Board shall deem appropriate, which may include the reservation of easements and restrictions and the grant of rights of access or easements appurtenant to the property; and to authorize the Select Board to take all related actions necessary or appropriate to carry out the purposes of this article; or take any action thereon.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION:

The library project is completed, which will result in the building at 1 Paxton Street being emptied. Passage of this article would allow the Select Board the authority to seek a purchaser for the building using an auction process with a minimum bid and recorded preservation restrictions. Should that process fail, the Town will issue an RFP, a process that would allow the Board to have the quality of a proposal, not the price offered, be the primary determinant in disposing of the building. While the building is historic and unique, it is expensive to maintain, and needs significant restoration.

VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority per M.G.L. c. 40, § 15.

**ARTICLE DISPOSITION OF 11 MEMORIAL DRIVE (MEMORIAL SCHOOL), MAP 39, BLOCK
A7**

To see if the Town will vote to dispose of the fee or any lesser interest in the real property and the improvements thereon used by the Memorial School, located at 11 Memorial Drive, Leicester as shown on Assessor's Map 39, Block A7, containing about 28 acres of land, more or less, with building thereon by auction or solicitation of proposals in accordance with M.G.L. c. 30B, any such disposition to be on such terms and conditions that the Select Board shall deem appropriate, which may include the reservation of easements and restrictions and the grant of rights of access or easements appurtenant to the property; and to authorize the

Select Board to take all related actions necessary or appropriate to carry out the purposes of this article; or take any action thereon.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION:

VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority per M.G.L. c. 40, § 15.

ARTICLE GENERAL BYLAW – PLACEMENT OF SIGNS ON TOWN PROPERTY

To see if the Town will vote to enact the following Town General Bylaw:

PLACEMENT OF SIGNS ON TOWN PROPERTY

Section 1: Prohibition - No person, group, organization, or company shall post or affix in any manner, any bill, placard, advertisement, or notice, either written or printed, upon any building, sidewalk, curbstone, traffic control signal, litter receptacle, tree, tree belt, fence, or post owned by the Town. In addition, no free standing or mounted bill, placard, advertisement or notice shall be placed upon any real property owned or leased by the Town, or on Town-owned property within or abutting a public way.

Section 2: Removal - Any bill, placard, advertisement, or notice placed upon Town-owned property shall be removed and discarded by the Town.

or take any action thereon.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION:

VOTE REQUIRED FOR PASSAGE: Requires a simple majority per M.G.L.

ARTICLE GROUND MOUNTED SOLAR ENERGY SYSTEMS BYLAW AMENDMENT

To see if the Town will vote to amend Sections 5.14, Ground-Mounted Solar Energy Systems, Subsection 3.2.05, TRANSPORTATION, COMMUNICATION, UTILITY, and Section 5.14, Ground-Mounted Solar Energy Systems by making the following amendments:

A. Amend Section 5.14, Ground-Mounted Solar Energy Systems, by amending subsection 6.8. Land Clearing, Habitat Protection, and Screening Requirements, by amending subsections A and C as follows:

A. Land Clearing

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy systems or otherwise prescribed by applicable laws, regulations, and bylaws. **Vegetation includes all types of vegetation, including trees.** Solar energy systems, to the maximum extent

feasible, shall be located on previously-disturbed sites that do not require tree clearing. Existing vegetation shall remain in required setback areas, ~~except where such vegetation would shade the solar energy system.~~ ~~However, in no event shall clearing of existing vegetation in setbacks exceed half the required setback width.~~ **In the SA district, land clearing shall not exceed sixty (60%) of the total lot area.** Adequate erosion control measures shall be provided for all proposed land clearing. **The Planning Board may require phasing of tree clearing to minimize potential erosion control problems.**

B. Protection of Natural Resources and Habitat

Medium-scale and large-scale ground-mounted solar energy systems shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. Such systems shall not be located on permanently protected land subject to conservation, preservation, agricultural preservation, and watershed preservation restrictions under MGL Chapter 184, Sections 31-33; Priority Habitat and Bio Map 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage and Endangered Species Program (NHESP); or "Important Wildlife Habitat" mapped by the DEP. Access driveways shall be constructed to minimize grading, removal of stone walls or roadside trees, and to minimize impacts to environmental or historic resources.

C. Screening/Buffering:

Medium-scale and large-scale ground-mounted solar energy systems shall be screened year-round from all ~~adjoining~~ **abutting** properties in residential use in all zoning districts and from public and private ways in residential districts (SA, R1, and R2). **For purposes of this section, abutting properties shall include adjacent properties and properties directly opposite on any public or private street or way.** Such screening shall be provided in the required setback areas and where existing vegetation in setbacks is insufficient for year-round screening purposes shall consist of dense vegetative screening, fencing, berms, or other methods to adequately screen the facility, depending on site specific conditions. Landscaping shall be maintained and replaced as necessary by the owner/operator of the solar energy system.

C. Amend the Zoning Bylaw, , Subsection 3.2.05, TRANSPORTATION, COMMUNICATION, UTILITY, as shown below*: Section 3.2, Schedule of Use

3.2.05	TRANSPORTATION, COMMUNICATION, UTILITY	SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
7.	Large-Scale Ground-Mounted Solar Energy System	SP	N SP	N SP	SP	N	Y	Y	Y
8.	Medium-Scale Ground-Mounted Solar Energy System	SP	N SP	N SP	Y	N	Y	Y	Y
9.	Small-Scale Ground-Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y

**Note: Large-Scale Ground-Mounted Solar Energy Systems are already prohibited in R1 & R2 under Section 5.14., subsection 4.0. The amendment of this section is to correct an administrative error.*

D. Amend Section 5.14, Ground-Mounted Solar Energy Systems, by inserting a new subsection 6.13:

- 6.13. The total number of medium and large-scale ground-mounted solar energy systems in Leicester shall be limited to twenty (20). Facilities constructed prior to this bylaw are counted in this total. For the purposes of this bylaw, projects on separate parcels are considered separate projects, even if such parcels are under common ownership.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION

Explanation: The purpose of this amendment is to make corrective amendments to the Leicester Zoning Bylaw related to Ground-Mounted Solar Energy Systems, and to improve the bylaw to better protect natural resources and abutting property owners.

VOTE REQUIRED FOR PASSAGE: 2 Requires a two-thirds majority per M.G.L. c. 40A, § 5.

ARTICLE : EARTH FILL AND REMOVAL

To see if the Town will vote to insert a new section 5.16, Earth Fill and Removal, to the Towns zoning bylaws:

Section 5.16, Earth Fill & Removal Bylaw, as follows:

Section 5.16 Earth Filling & Removal

A. Purpose

The purpose of this bylaw is to regulate filling of land and earth removal operations to protect of public health, safety and welfare, and to protect the integrity of natural resources in the Town of Leicester.

B. Definitions:

1. EARTH: This term shall include soil, loam, sand, gravel, clay, peat, rock, or other earth material in solid form.
2. EARTH FILLING OPERATION: filling of land that involves greater than 1,000 cubic yards of or more of earth and/or fill material per calendar year (January through December)
3. EARTH REMOVAL OPERATION: Any commercial mining, stripping, quarrying, filling, digging or blasting of earth originating from the Town of Leicester and its transportation into or out of the Town of Leicester.
4. FILL MATERIAL: Any geologic, man-made, recycled or processed material including in its entirety or as a proportion containing clay, rock, sand, gravel, peat and sediment. Material meeting the Federal and/or State definition of solid or hazardous waste or as toxic, infectious, radioactive, corrosive, or reactive material is specifically excluded.
5. FILLING OF LAND: The importation, use, redistribution, alteration or movement of earth and or fill material on or within any land area or water body within the Town of Leicester.
6. GRAVEL: Loose fragments of rock or coarse aggregate resulting from natural disintegration and abrasion of rock or processing of weakly bound conglomerate.
7. LOAM OR TOPSOIL: A soil consisting of a friable mixture of varying proportions of clay, sand, silt, and organic matter.
8. PROCESSING: The sorting or separation of earth into distinct categories based on particle size or type usually through the use of a screening process, not including stone crushing.
9. SILT: Loose sedimentary material with rock particles usually less than 1/16 mm or less in diameter based on the Wentworth scale of measurement.
10. SITE: A distinct portion of contiguous lots, under the same or different ownerships, on which an earth removal and/or fill operation is conducted, or is proposed to be conducted, under the Permit.
11. STONE CRUSHING: The mechanical operation which creates smaller sized stones or stone products from larger sized stones, boulders or particles typically using a crushing plant or similar machinery.
12. SIGNIFICANTLY GREATER CONCENTRATION: The concentration of a substance in earth or fill materials as measured by Federal or State-approved analytical methods, which is one order of magnitude or greater in concentration than the same substance measured in existing, pre-fill earth materials.

C. Applicability

1. A Special Permit from the Planning Board shall be required for:
 - a. The filling of land that involves greater than 1,000 cubic yards of or more of earth and/or fill material per calendar year (January through December).
 - b. Earth removal operation that that involves excavation of more than 1,000 cubic yards of earth material per calendar year (January through December).
2. Contiguous parcels under the same ownership or right of operation shall be considered one location for the purpose of this bylaw.

D. Exemptions from Special Permit Requirements

1. Earth removal or placement of fill associated with the installation of septic systems, which shall be governed by the Commonwealth of Massachusetts Environmental Code (Title 5, 310 CMR 15.00).
2. Earth removal or the placement of fill associated with the installation of foundations for new buildings and/or building additions, which shall be governed by M.G.L. c. 143 and the Commonwealth of Massachusetts Building Code (780 CMR).
3. Earth removal or the placement of fill associated with grading and/or landscaping in connection with the otherwise lawful construction of new structures, buildings and/or buildings addition.
4. Earth removal or the placement of fill associated with the normal use of a cemetery.
5. Earth removal or the placement of fill associated with grading in the course of normal and customary use of land in connection with a bona fide agriculture operation that is exempt under MGL c.40A, §3.
6. Earth removal or the placement of fill, where the operation occurs entirely within an individual parcel or between contiguous parcels under common ownership and where a town-accepted public way is not used for the transportation of the material.
7. Earth removal or the placement of fill related to a new subdivision road that has been approved by the Planning Board, or by the Zoning Board of Appeals pursuant to M.G.L. c. 40B, where there is already a bond in place with the Town to ensure performance.
8. Earth removal or the placement of fill for the construction, maintenance and repair of fire ponds, existing public roadways or the installation of public utilities and appurtenances.
9. Operations lawfully in existence at the time of adoption of this bylaw to the extent that such operations are protected by MGL c.40A, §6.

E. Prohibited Activities and Uses:

The following activities and uses are prohibited in the Town of Leicester:

1. Use or importation of earth or fill materials whose quality would either meet Federal or State criteria for definition as being toxic, reactive, radioactive, corrosive, explosive, hazardous, infectious, oil-impacted, or as a hazardous or solid waste
2. Use or importation of earth or fill containing toxic, reactive, corrosive, hazardous, infectious, or solid waste at individual concentrations, or presence by weight or volume, which would render such material a regulated substance or material subject to M.G.L. c 21E or as a Solid Waste as defined in the regulations promulgated by the Massachusetts Department of Environmental Protection as 310 Code of Massachusetts Regulations (CMR) 19.00.
3. Use or importation of earth or fill at any location not otherwise regulated or permitted for acceptance of earth materials containing toxic, reactive, radioactive, corrosive, hazardous, infectious, oil, solid waste, or metals when such fill materials contain concentrations of these substances less than regulatory criteria established for reporting or special handling purposes but with one or more significantly greater concentrations by weight or volume than existing, pre-fill concentrations.

4. Transport of earth or fill materials in a manner which is prone to release the same during transport.
5. Use of earth or fill materials in a manner which renders the fill area structurally unstable, produces uncontrolled leachate or off-gases, creates nuisance conditions, creates uncontrolled storm water run-off, siltation, or visually apparent erosion of fill materials, or where finished fill grading slopes are greater than 15 percent.
6. Construction of permanent structures over or adjacent to areas of fill unless the fill material is structurally stable and free of emissions or other hazardous criteria relative to permanent building construction and use.
7. Use of fill material which may cause chemical or physical impact to off- site ground water, surface water, or wetland resource areas without specific Soil Management Plan and field procedures designed to prevent degradation of these natural resources. This prohibited use specifically includes, but is not limited to, fill materials containing nutrient or salt concentrations at significantly greater concentrations than pre-existing soil conditions on the site.

F. General Standards

1. Earth Filling Operations:
 - a. Throughout the length of the project, the applicant must identify the point of earth material origin and receiving location for fill material and must document that 1) that the earth material is not otherwise prohibited from use as fill material in accordance with Leicester's Zoning Bylaw and Regulations or other applicable Federal and State standards, regulations, and guidelines; and, 2.) that a Massachusetts Licensed Site Professional (LSP) has compared analytical results of earth materials to existing, pre-fill conditions specific to the location and determined that the concentrations of substances in the earth materials intended for use as fill do not contain significantly greater concentrations than existing, pre-fill conditions for that location. The applicant will facilitate off-site inspections at points of origin for earth materials if requested by the Planning Board or its agents.
 - b. The LSP shall perform site inspections during the course of the project as specified by the Planning Board to ensure compliance with Leicester's Bylaws and Regulations and shall upon completion of work provide written certification signed and stamped stating that all earth materials used for fill comply with Leicester's Bylaws and Regulations and applicable Federal and State Regulations.
 - c. Should an applicant or Special Permit holder seek an Administrative Consent Order (ACO) from the Massachusetts Department of Environmental Protection to use or deposit earth or fill materials in the Town, the Town reserves all rights to impose additional requirements upon the applicant or Special Permit holder to assure mitigation of all impacts or effects of the activities undertaken pursuant to such ACO.
2. Earth Removal Operations
 - a. All topsoil and subsoil stripped from operation areas shall be stockpiled, seeded with an erosion control seed mixture, and used in restoring the area.
 - b. If erosion control structures are utilized, these devices shall be in place and stabilized before excavation can begin in the affected area. These structures shall be inspected and maintained in accordance with the approved plan and the capacity of the structural device.
 - c. Except for fire ponds, no area shall be excavated so as to cause the accumulation of free-standing water. Drainage shall be provided as needed in accordance with accepted engineering and conservation practices. Measures shall be taken to ensure that silting and sedimentation of nearby streams is not caused by a temporary or permanent drainage systems on site. Drainage shall not lead directly into streams, ponds, abutting properties nor shall drainage from access roads drain directly onto public ways.
 - d. The active excavation area shall not exceed a total of three (3) acres at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.

- e. Restoration shall be carried on simultaneously with excavation, so that when any three (3) acre operation area has been excavated, at least two (2) acres shall be restored before work commences on the next contiguous three (3) acres.

G. Financial Security; Inspection of Conditions

1. The applicant shall provide financial surety in the form of a cash deposit or bond, or similar financial surety acceptable to the Planning Board, to insure faithful performance of the work to be undertaken pursuant to the conditions of approval or approval with modifications, and conditioned upon completion of the regulated activity in accordance with the conditions established by the Planning Board at the time of granting of the Special Permit or any subsequent changes of such conditions.
2. The Planning Board may waive or reduce the financial surety requirements, but no such financial surety shall be released, until the applicant has complied with the conditions of approval and this bylaw. The Planning Board shall act on a requested release of the financial surety within sixty-five (65) days of submission of the applicant for such release.

H. Special Permit Procedures

1. The Planning Board may adopt and periodically amend its Special Permit Regulations for the implementation of this Bylaw. Such Regulations may set forth performance standards for earth removal and fill operations, impose filing and consultant fees, define additional terms not inconsistent with the Bylaw, and establish administrative procedures. Failure by the Planning Board to adopt such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.
2. Any person wishing to obtain a Special Permit under this Section shall file a completed application for a Special Permit together with any required supporting data, maps, and the filing fee in accordance with the Planning Board's Special Permit Regulations and Fee Regulations.
3. Any Permit issued is non-transferable and shall automatically expire upon completion of the earth removal or fill project for which it was issued or at such time as may be specified in said Special Permit. In no case shall a Special Permit be issued initially for a period longer than three years. A Special Permit may be renewed for up to two years or lesser time as determined by the Planning Board after evidence is presented that all conditions of the expiring Special Permit have been complied with and the work has been performed in good faith. There is no limit on the number of Permit renewals an Applicant can apply for. A public hearing may be required by the Planning Board, at its discretion, for renewal of Special Permits.
4. The applicant shall pay reasonable fees for independent inspection to assess adherence to the Planning Board's special permit conditions in accordance with the Planning Board's Special Permit Regulations and Fee Regulations. Said fee shall be deposited into a Revolving Fund Account pursuant to M.G.L. c. 40, §53G.

I. Special Permit Criteria for Earth Removal & Fill Operations

1. The Planning Board shall use the general standards for Special Permit Approval contained in the Planning Board Special Permit Regulations, any district-specific special permit requirements, and the additional standards contained herein
2. Permits for earth removal and/or fill operations shall be granted by the Planning Board only upon its written determination that the proposed use shall not cause substantial detriment to the neighborhood, or the Town, considering the characteristics of the site and the proposal in relation to the site and surrounding environment. In addition to any specific factors that may be set forth elsewhere in this Bylaw and its associated Regulations, such determination shall include consideration of each of the following:
 - a. Impacts on the natural environment
 - b. Traffic flow and safety, including loading and unloading; and
 - c. Management of stormwater
3. No Special Permit shall be issued for the removal of earth or the placement of fill in any location if such an operation will:

- a. endanger the public safety, public health or constitute a nuisance; or
- b. produce noise, dust, or other noxious effects observable at the lot lines of the property in amounts objectionable or detrimental to the normal use of adjacent properties; or
- c. result in the transportation of materials in such manner as to cause traffic congestion, dust, spillage, noise, or other nuisances or hazards, particularly on residential streets; or
- d. result in the transportation over ways which will be unduly injured thereby; or
- e. cause irreparable harm to or loss of important wildlife, wildlife habitat or rare plant species indigenous to the area; or
- f. result in stormwater damage to abutting properties.

J. Conditions of Special Permit

The Planning Board may impose reasonable conditions on any special permit granted under this bylaw for earth filling or earth removal operations, including but not limited to the following:

- 1. Limitations on the size, number, and maximum weight of trucks that may access the property in any 24-hour period as well as routes of travel
- 2. Requirements for site security procedures
- 3. Limitations on hours of operation
- 4. Requirements for regular access to the Town of Leicester or its agents for the purpose of inspection of records or field conditions, and enforcement of this Bylaw
- 5. Implementation of erosion and sedimentation control measures to prevent material from moving offsite or into wetland or water resource areas
- 6. Limitations on slope
- 7. Requirements for ongoing monitoring by licensed professionals at the Applicant's expense to document full conformance with this bylaw and any conditions of approval.
- 8. Requirements for site stabilization and restoration

K. Violations and Enforcement

- 1. The Planning Board or its authorized agent shall enforce this Bylaw, its regulations, and the requirements and conditions of Permits issued thereunder, and may pursue civil and criminal remedies for violations of the same including but not limited to fines per Zoning Bylaw 6.5 (Penalty).
- 2. The Building Inspector or other authorized agent of the Planning Board is authorized to conduct inspections on behalf of the Planning Board. To the extent permitted by law, or if authorized by the owner, operator, or other person in control of the site, the Building Inspector or other agent of the Planning Board may enter on the site to conduct inspections.
- 3. The Building Inspector or other authorized agent of the Planning Board may issue such orders as are deemed necessary to stop violations and ensure compliance with this Bylaw, its regulations, and Permits, including an order to cease and desist operations.
- 4. If the violator holds a Special Permit issued under this Bylaw, the Planning Board may without prior hearing order that the violator cease and desist from violations of this bylaw and/or conditions of the Special Permit, or may suspend or revoke the Special Permit after a public hearing, at which point all operations shall cease until such time as the necessary measures are taken to assure compliance with this Bylaw and a new Permit is issued.

L. Change of Conditions

1. Any change in the activities not included in, or contemplated by, the Special Permit application or approved pursuant to a modification to a Special Permit shall be brought to the attention of the Planning Board or its agents prior to, or immediately following, such change in activities.
2. This notice shall be in writing and include specific actions recommended by the applicant to correct or to demonstrate compliance with the Special Permit and this bylaw. All operations shall be suspended within one operation day following such occurrence and remain suspended until the Planning Board or its agents have reviewed and amended the Special Permit with the applicants recommended change(s). Nothing herewith shall be interpreted to require acceptance of changed conditions or recommended corrective actions by the Planning Board.

Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.04, INDUSTRIAL, as shown below:

3.2.04 INDUSTRIAL		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
4.	<u>Earth Removal Operation (See Section 5.16)</u> Gravel, sand or stone removal for commercial venture.	SP	SP	SP	SP	N	SP	SP	N
5.	<u>Earth Filling Operation (See Section 5.16)</u>	SP	SP	SP	SP	SP	SP	SP	SP

Amend Section 3.30, Business Residential-1 (BR-1) Zone, by re-numbering use nn. as oo. and inserting use pp. as follows:

~~nn.oo.~~ Brewery, Distillery, Winery by special permit

pp. Earth Removal Operation or Earth Filling Operation by special permit from the Planning Board (See Section 5.16)

Amend Section 5.3, USES PROHIBITED IN ALL DISTRICTS, subsection 5.3.01, as follow:

5.3.01 Dumping of other than clean fill. Dumping of refuse, contaminated or combustible materials except as a municipal function. **See definition of Clean Fill (Section 1.3) and Section 5.16 (Earth Filling & Removal).**

5.3.04 The stripping and removal of topsoil for use outside of the Town of Leicester boundaries. **See Section 5.16 (Earth Filling & Removal)**

Note 1: the existing definition of clean fill is as follows:

CLEAN FILL- Clean fill shall be friable soil containing no stumps or roots greater than 4" in diameter and shall not contain concrete, brick, asphalt, metal or other trash or debris and shall be free of contamination as defined by the Massachusetts Department of Environmental Protection (DEP).

Note 2: The Planning Board will have to adopt amendments to the Special Permit Regulations to address application submittal requirements.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION: Currently, there are no standards or procedural requirements for importation of fill or commercial earth removal operations. These amendments establish permitting requirements and reasonable regulations for earth fill and removal operations.

VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority per M.G.L. c. 40A, § 5.

ARTICLE : MARIJUANA CULTIVATION (Clarification of the greenhouse issue)

To see if the Town will vote to amend section 5.15, Medical Marijuana Treatment Center and Marijuana Establishments, Subsection 5.15.02 as follows:

5.15.02 STANDARDS:

- A. General All aspects of a Medical Marijuana Treatment Center or Marijuana Establishment must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the **business building (greenhouses prohibited)**. No outside storage of marijuana, related supplies, or educational materials is permitted. Medical Marijuana Treatment Centers and Marijuana Establishments are not permitted as a home occupation. Site Plan Review is required for all Medical Marijuana Treatment Centers and Marijuana Establishments, including when the facility will reuse an existing structure.

PROPOSED MOTION: Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

DESCRIPTION:

VOTE REQUIRED FOR PASSAGE: Requires a two-thirds majority per M.G.L. c. 40A, § 5.

DELEGATION AGREEMENT
FOR A SOLE ASSESSMENT CENTER
Between the Leicester Police Department and the
Massachusetts Human Resources Division

The Leicester Police Department has chosen to utilize a delegated Assessment Center for the selection process for Police Lieutenant. With the exception of additional points as required by statute or rule, this delegated selection process for Police Lieutenant will be used as the sole basis for scoring and ranking candidates on an eligible list.

I. It is agreed that:

- 1) HRD authorizes Regina Caggiano, Director of Civil Service, (617) 878- 9747, and/or her designee to act as its representative in all matters relative to this delegation agreement. Primary responsibility for the administration of all delegated civil service functions, as described herein, for the Leicester Police Department will be assigned to Board of Selectmen, who will serve as Delegation Administrator. They, or their designee, will be responsible for all matters relative to this delegation agreement.
- 2) Periodic or random audits of all examination materials, examination records, and/or delegated personnel transactions may be conducted at any time by representatives from HRD. All examination materials, records, ledgers and correspondence relating to the delegated functions shall be made readily available and accessible to HRD upon request. HRD may also at its option attend the administration of the examination as an observer. HRD retains the rights to review, retain, approve, and/or disapprove any and all examination related materials and/or records, before or after the administration of the examination, at its discretion
- 3) A report on any audit findings regarding delegated personnel transactions will be made available to the Delegation Administrator. Any corrective action as a result of the audit findings, must be taken by the Leicester Police Department within thirty 30 days from receipt of the audit report. A written report of that corrective action shall be submitted to HRD.
- 4) The Human Resources Division will be responsible for notifying the Delegation Administrator on a timely basis of any changes in the law or regulations which may affect the delegated functions.
- 5) HRD reserves the right to take action, up to and including rescinding this agreement if the Leicester Police Department or Assessment Center Vendor violates this delegation agreement.
- 6) HRD will be available to the Delegation Administrator throughout the delegation process and HRD will provide technical assistance to the Delegation Administrator upon request.
- 7) Changes in approved procedures for the administration of the delegated functions as outlined in this agreement may not be made without the review and approval of both parties. No duties may be assumed by the Delegation Administrator which have not been authorized by this agreement or subsequent attachment.
- 8) The cost of all services, forms, and materials provided directly by HRD shall be assumed by HRD unless otherwise agreed to by both parties. All other costs involved in the delegation of the functions set forth herein will be the responsibility of the Leicester Police Department.
- 9) The Leicester Police Department will pay HRD \$500 for its role in the administration of the Assessment Center. Payment must be remitted to HRD prior to the release of the scores.
- 10) Education and Experience is a component of this sole Assessment Center. The component weights will be 80% Assessment Center and 20% Education and Experience. Candidates are responsible for payment of \$250 each to HRD, for the Education and Experience administration. HRD will develop and score the Education and Experience.
- 11) A department promotional examination has been requested, therefore candidates will need to meet the eligibility criteria of a department promotional examination.

- 12) Individual candidate scores from the Assessment Center shall only be available to the individual candidates and HRD.

II. The Leicester Police Department shall:

- 1) Except as otherwise stated in this agreement, pay all attendant costs associated with the development, administration, and scoring of the Police Lieutenant Assessment Center.
- 2) Ensure proper posting of the examination announcement in all Department stations.
- 3) Be responsible for issuing notice to all candidates of any training materials that will be distributed to, or study sessions conducted for, applicants prior to the administration of the assessment center in order to familiarize them with assessment center procedures.
- 4) Coordinate with HRD, and ensure that the Assessment Center vendor coordinates with HRD, regarding any Requests for Review permitted pursuant to Section 22 of Chapter 31 of the MGL.
- 5) Ensure any "Fair Test Request for Review, Essay Request for Review, or Experience Request for Review", along with the Assessment Center Vendors' summary of facts related to the Request for Review and position, be forwarded to HRD. HRD will issue a determination as to all "Requests for Review".
- 6) In the event that the assessment center is challenged, the Leicester Police Department will ensure that the Assessment Center Vendor will provide evidence of said validation.
- 7) Maintain a record of the examination for three years from the date of the examination.

III. The Leicester Police Department has agreed to hire an Assessment Center Vendor to administer and score a validated assessment center that is based on the results of a job analysis. The Leicester Police Department must choose an Assessment Center Vendor who is willing to assume the following responsibilities in relation to this Delegation Agreement. Notwithstanding Paragraph VI, if the Assessment Center Vendor neglects to follow the requirements listed below, this Delegation Agreement may be revoked by HRD. Assessment Center Vendor responsibilities are as follows:

- 1) Administer and score a validated assessment center that is based on the results of a job analysis.
- 2) Follow any requirements of the Personnel Administration Rules, State and Federal Law.
- 3) Provide HRD with Assessment Center subjects, statement of each Assessment Center exercise and length of each exercise.
- 4) Fully cooperate with HRD regarding all instances of Requests for Review, (i.e., Fair Test Requests for Review, Essay Requests for Review, and Experience Requests for Review) (GL Chapter 31 § 22).
- 5) Will appear and defend the Assessment Center content if an appeal is filed with the Civil Service Commission or any Court.

IV. HRD delegates responsibility in the following areas to the Delegation Administrator Board of Selectmen and the Assessment Center Vendor:

- 1) Determination of the knowledges, skills, abilities, and personal characteristics (KSAP's) that will be evaluated during the assessment center exercises as supported by job analysis data.
- 2) The review and approval of the rating schedules to be used.
- 3) The determination of a passing point for the assessment center.
- 4) Develop the job simulated, content valid, exercises that will be used during the assessment center for which validation evidence has been gathered in accordance with professionally accepted guidelines.

- 5) Develop a security plan that will be utilized to ensure the integrity of the assessment center.
- 6) Select the assessors for the assessment center exercises, and train them in the administration of exercises, and the use of the relevant rating schedules
- 7) Provide any validation materials which support the assessment center activities.

V. The Delegation Administrator shall be responsible for:

- 1) Notifying all eligible candidates of: security of the administration and scoring of the Assessment Center which results in the establishment of an eligible list for Police Lieutenant.
- 2) Maintenance of the eligible list for Police Lieutenant for a maximum of two years in accordance with applicable statutory language and HRD policy.
- 3) Certification of the eligible list in accordance with civil service laws, rules, regulations and procedures.
- 4) Notifying HRD of promoted employee(s) employment from the eligible list created.
- 5) Ensuring that the examination referenced herein is administered within 18 months of the issuance of this Delegation Agreement. An extension of a maximum of six additional months may be approved by HRD upon review of a written request from the Delegation Administrator detailing extenuating circumstances necessitating such extension. Such request must be submitted at least 30 days prior to its expiration. A failure to administer this examination within the timeframe approved by HRD will result in the cancellation of this examination and Delegation Agreement. The Delegation Administrator will be responsible for refunding any examination processing fee(s) paid by applicants.
- 6) Ensuring continued public access to all records determined to be public information.

VI. If at any time after the execution of this agreement either the Leicester Police Department or HRD determines that delegation authority should be discontinued, reversion of the authority for all delegated functions to the Leicester Police Department may be effected through 30 days' written notice, by e-mail, by either the Leicester Police Department or the Personnel Administrator (Chief Human Resources Officer).

VII. The specific functions to be delegated are described and detailed in this Agreement. As further functions are delegated, detailed descriptions shall be reviewed by both parties and appended to this Agreement.

DATE OF ISSUANCE: 1/11/2019

For the Leicester Police Department:

Board of Selectmen
Town of Leicester

Date

For the Human Resources Division:

Ronald J. Arigo
Chief Human Resources Officer

Date

DELEGATION AGREEMENT
FOR A SOLE ASSESSMENT CENTER
Between the Leicester Police Department and the
Massachusetts Human Resources Division

The Leicester Police Department has chosen to utilize a delegated Assessment Center for the selection process for Police Chief. With the exception of additional points as required by statute or rule, this delegated selection process for Police Chief will be used as the sole basis for scoring and ranking candidates on an eligible list.

I. It is agreed that:

- 1) HRD authorizes Regina Caggiano, Director of Civil Service, (617) 878- 9747, and/or her designee to act as its representative in all matters relative to this delegation agreement. Primary responsibility for the administration of all delegated civil service functions, as described herein, for the Leicester Police Department will be assigned to Board of Selectmen, who will serve as Delegation Administrator. They, or their designee, will be responsible for all matters relative to this delegation agreement.
- 2) Periodic or random audits of all examination materials, examination records, and/or delegated personnel transactions may be conducted at any time by representatives from HRD. All examination materials, records, ledgers and correspondence relating to the delegated functions shall be made readily available and accessible to HRD upon request. HRD may also at its option attend the administration of the examination as an observer. HRD retains the rights to review, retain, approve, and/or disapprove any and all examination related materials and/or records, before or after the administration of the examination, at its discretion
- 3) A report on any audit findings regarding delegated personnel transactions will be made available to the Delegation Administrator. Any corrective action as a result of the audit findings, must be taken by the Leicester Police Department within thirty 30 days from receipt of the audit report. A written report of that corrective action shall be submitted to HRD.
- 4) The Human Resources Division will be responsible for notifying the Delegation Administrator on a timely basis of any changes in the law or regulations which may affect the delegated functions.
- 5) HRD reserves the right to take action, up to and including rescinding this agreement if the Leicester Police Department or Assessment Center Vendor violates this delegation agreement.
- 6) HRD will be available to the Delegation Administrator throughout the delegation process and HRD will provide technical assistance to the Delegation Administrator upon request.
- 7) Changes in approved procedures for the administration of the delegated functions as outlined in this agreement may not be made without the review and approval of both parties. No duties may be assumed by the Delegation Administrator which have not been authorized by this agreement or subsequent attachment.
- 8) The cost of all services, forms, and materials provided directly by HRD shall be assumed by HRD unless otherwise agreed to by both parties. All other costs involved in the delegation of the functions set forth herein will be the responsibility of the Leicester Police Department.
- 9) The Leicester Police Department will pay HRD \$500 for its role in the administration of the Assessment Center. Payment must be remitted to HRD prior to the release of the scores.
- 10) Education and Experience is a component of this sole Assessment Center. The component weights will be 80% Assessment Center and 20% Education and Experience. Candidates are responsible for payment of \$250 each to HRD, for the Education and Experience administration. HRD will develop and score the Education and Experience.
- 11) A department promotional examination has been requested, therefore candidates will need to meet the eligibility criteria of a department promotional examination.

- 12) Individual candidate scores from the Assessment Center shall only be available to the individual candidates and HRD.

II. The Leicester Police Department shall:

- 1) Except as otherwise stated in this agreement, pay all attendant costs associated with the development, administration, and scoring of the Police Chief Assessment Center.
- 2) Ensure proper posting of the examination announcement in all Department stations.
- 3) Be responsible for issuing notice to all candidates of any training materials that will be distributed to, or study sessions conducted for, applicants prior to the administration of the assessment center in order to familiarize them with assessment center procedures.
- 4) Coordinate with HRD, and ensure that the Assessment Center vendor coordinates with HRD, regarding any Requests for Review permitted pursuant to Section 22 of Chapter 31 of the MGL.
- 5) Ensure any "Fair Test Request for Review, Essay Request for Review, or Experience Request for Review", along with the Assessment Center Vendors' summary of facts related to the Request for Review and position, be forwarded to HRD. HRD will issue a determination as to all "Requests for Review".
- 6) In the event that the assessment center is challenged, the Leicester Police Department will ensure that the Assessment Center Vendor will provide evidence of said validation.
- 7) Maintain a record of the examination for three years from the date of the examination.

III. The Leicester Police Department has agreed to hire an Assessment Center Vendor to administer and score a validated assessment center that is based on the results of a job analysis. The Leicester Police Department must choose an Assessment Center Vendor who is willing to assume the following responsibilities in relation to this Delegation Agreement. Notwithstanding Paragraph VI, if the Assessment Center Vendor neglects to follow the requirements listed below, this Delegation Agreement may be revoked by HRD. Assessment Center Vendor responsibilities are as follows:

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- 1) Determination of the knowledges, skills, abilities, and personal characteristics (KSAP's) that will be evaluated during the assessment center exercises as supported by job analysis data.
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- 5) Develop a security plan that will be utilized to ensure the integrity of the assessment center.
- 6) Select the assessors for the assessment center exercises, and train them in the administration of exercises, and the use of the relevant rating schedules
- 7) Provide any validation materials which support the assessment center activities.

V. The Delegation Administrator shall be responsible for:

- 1) Notifying all eligible candidates of: security of the administration and scoring of the Assessment Center which results in the establishment of an eligible list for Police Chief.
- 2) Maintenance of the eligible list for Police Chief for a maximum of two years in accordance with applicable statutory language and HRD policy.
- 3) Certification of the eligible list in accordance with civil service laws, rules, regulations and procedures.
- 4) Notifying HRD of promoted employee(s) employment from the eligible list created.
- 5) Ensuring that the examination referenced herein is administered within 18 months of the issuance of this Delegation Agreement. An extension of a maximum of six additional months may be approved by HRD upon review of a written request from the Delegation Administrator detailing extenuating circumstances necessitating such extension. Such request must be submitted at least 30 days prior to its expiration. A failure to administer this examination within the timeframe approved by HRD will result in the cancellation of this examination and Delegation Agreement. The Delegation Administrator will be responsible for refunding any examination processing fee(s) paid by applicants.
- 6) Ensuring continued public access to all records determined to be public information.

VI. If at any time after the execution of this agreement either the Leicester Police Department or HRD determines that delegation authority should be discontinued, reversion of the authority for all delegated functions to the Leicester Police Department may be effected through 30 days' written notice, by e-mail, by either the Leicester Police Department or the Personnel Administrator (Chief Human Resources Officer).

VII. The specific functions to be delegated are described and detailed in this Agreement. As further functions are delegated, detailed descriptions shall be reviewed by both parties and appended to this Agreement.

DATE OF ISSUANCE: 1/11/2019

For the Leicester Police Department:

Board of Selectmen
Town of Leicester

Date

For the Human Resources Division:

Ronald J. Arigo
Chief Human Resources Officer

Date



Town of Leicester

OFFICE OF THE TOWN ADMINISTRATOR

Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7000 Fax: (508) 892-7070
www.leicesterma.org

MUNICIPAL FLAG POLICY

Scope: This policy shall encompass all Municipal American flags on Leicester Town property, including, but not limited to, flags at the Town Hall, Police and Fire Stations, Library, Highway, Schools and on the Town Common.

Purpose: To ensure that all of Leicester's municipal flags are flown appropriately.

Standard Flag Protocol: All American flags shall be flown in accordance with applicable state and federal Laws.

In particular:

1. The American Flag shall be flown only during daylight hours, unless properly lit.
2. The American Flag should not be flown during inclement weather.
3. The American Flag shall be flown at full mast unless otherwise indicated by this policy.
4. The American Flag shall be flown on all federal and state holidays.

Half Staff Protocol: Leicester's municipal American Flags shall be flown at half-staff under the following conditions:

1. When so ordered by the federal government or President of the United States.
2. When so ordered by the state government or the Governor of the Commonwealth of Massachusetts.
3. Upon the death of any in-service or retired military personnel with principle residence in the Town of Leicester, upon request.
4. Upon the death of any active Leicester municipal official or employee, upon request
5. Upon the death of any former Leicester municipal official or employee, upon request

Note: When the American Flag is flown at half-staff after the death of an individual it shall remain at half-staff the Monday of the week of interment until burial, unless otherwise indicated.

Half Staff Process: In the case of requests to fly the Flag at half-staff, the Town Administrator shall poll the Select Board, either at a posted meeting, or individually via email or telephone. Upon authorization by the Board, the Town Administrator shall inform all departments and pertinent individuals of the need to fly the American Flag at half-mast via email. In addition, the Town Administrator may inform individuals by telephone or in person, if it is more expedient.

**SELECT BOARD MEETING MINUTES
FEBRUARY 25, 2019 at 6:30PM
TOWN HALL, SELECT BOARD CONFERENCE ROOM**

CALL TO ORDER/OPENING

Chairwoman Provencher called the meeting to order at 6:30pm. Chair Dianna Provencher, Vice Chair Sandra Wilson, 2nd Vice Chair Brian Green, Selectman Harry Brooks, Selectman Rick Antanavica, Town Administrator David Genereux, Assistant to the Town Administrator Kristen Forsberg and Student Liaisons Alyssa Pupillo and Katheryn Stapel were in attendance.

1. SCHEDULED ITEMS

a. 6:30pm – One Day Beer/Wine License Request (March 13th) – Becker College, 964 Main Street

A motion was made by Ms. Wilson and seconded by Mr. Green to approve the one-day beer/wine license for Becker College. The motion carried 5:0:0.

2. PUBLIC COMMENT PERIOD

No members of the public provided comment.

3. REPORTS & ANNOUNCEMENTS

a. Student Liaison Reports

The student liaisons provided updates from their written report including the Yankee Candle fundraiser at Primary, the shoe tying Olympics for 1st graders, the community reading event at Memorial on March 6th, congratulations to Memorial School student Kailyn for winning the country bank essay contest, the Scholastic Book Fair this week at the Middle School and parent teacher conferences February 27th at the Middle School and February 28th and March 1st at the High School. All schools will have a half day on Friday, March 1st for professional development.

b. Select Board Reports

The Select Board discussed various topics including looking into handicapped parking fine funds for the Commission on Disabilities and putting this item on May Town Meeting if necessary, selecting a day for the John Binienda Memorial Bridge dedication, Earth Day and Burncoat Park cleanup on May 5th, the passing of Pete Martinson, former firefighter, police officer and the Town's fire EMT, the passing of Mary Johnson who was instrumental in getting the Senior Center built, determining the process for obtaining Leicester zip codes for Cherry Valley Residents, the importance of completing your census and returning it to the Town Clerk's office, thanking Harry Brooks and his son for picking up trash in Cherry Valley last Sunday and renewing dog licenses beginning this Friday, March 1st.

c. Town Administrator Report

The Town Administrator presented highlights from his written report.

4. OTHER BUSINESS

a. BYOB Permit Request – Uncle Jay's Twisted Fork – 509 Stafford Street, Cherry Valley

A motion was made by Ms. Wilson and seconded by Mr. Green to approve a BYOB License for the Twisted Fork French, Italian and American Bistro pending receipt of TIPS training. The motion carried 4:0:0 with Mr. Antanavica abstaining.

b. Reserve Fund Transfer Request – Unemployment Compensation

A motion was made by Ms. Wilson and seconded by Mr. Antanavica to authorize the Chair to sign a reserve fund transfer request in the amount of \$9,515 for the unemployment compensation account. The motion carried 5:0:0.

c. Summer Concert Series Request to Place Portable Bathrooms at Town Hall

This item was continued to the next meeting for further discussion.

d. Flag flying at half-staff police request – Police Department

The Board directed the Town Administrator to put together a policy for flying flags at half-mast at all Town buildings upon the passing of a current or former employee. This item will be discussed at the next Board meeting.

e. Dissolve Burncoat Park Reuse Subcommittee

A motion was made by Mr. Brooks and seconded by Ms. Wilson to dissolve the Burncoat Park Reuse Subcommittee. The motion carried 5:0:0.

f. Burncoat Park Sports Planning Committee Revised Charge – Add 2 members (BPWD, Snowmobile Club)

A motion was made by and seconded by to approve the revised charge for the Burncoat Park Sports Planning Committee, adding a member from the Burncoat Pond Watershed District and the Snowmobile Club. The motion carried 5:0:0.

g. Establish Public Safety Committee

Mr. Genereux discussed the proposed Public Safety Committee which would including the Town Administrator, School Superintendent, Police Chief, Fire Chief/EMS Director and the Highway Superintendent. The Committee would hold open public meetings largely during the day and would work to address resident complaints, plan town events and recommend improvements.

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to establish the Public Safety Committee. The motion carried 5:0:0.

h. Board and Committee Appointments

The Board discussed setting a deadline for Boards and Committees to respond with their recommendation on applicants and also asked that applicants come before the Board.

i. Open Annual Town Meeting Warrant & Set Closing Date for Filing of Warrant Articles (March 21, 2019)

A motion was made by Mr. Antanavica and seconded by Mr. Green to open the annual town meeting warrant and set the closing date for filing of warrant articles as March 21, 2019 at 5pm. The motion carried 5:0:0.

j. FY 2020 Budget Review & Proposed Prop 2 ½ Override Discussion and/or Vote

Mr. Genereux discussed the FY20 budget to which no major changes have been made. Mr. Genereux discussed the proposed Proposition 2 ½ override which requests \$350,000 annually for the Highway Department. The impact on the taxpayer would be approximately \$85 per year for homes valued at \$250,000. The override would allow for increased services to Town buildings and grounds, including school grounds. The Town currently does not have anyone overseeing facilities, but the Highway Superintendent has been helping out in this area. Mr. Genereux noted if the override fails services will remain at the current levels; nothing is closing or diminishing.

The override would provide for 4 positions, custodial services and professional services for repairs/improvements the Town does not have the staffing expertise to do itself.

The Board and members of the public discussed various issues including the burden on taxpayers especially with high water bills in Cherry Valley and residents using the food pantry and obtaining fuel assistance, level funded budgets continuing, the condition of Town buildings and the need for current repairs and preventative maintenance, improving the school fields, the fact that the roads will still be plowed if the override fails, waiting another year for the override and the difficulty faced by residents on fixed incomes.

The Board asked for additional information on the impact of this potential override and all outstanding debt exclusions projected three years out. The Board will vote on whether to put the override on the Town Meeting warrant at their meeting on March 18th.

k. Town Paid Streetlight Discussion

The Board discussed streetlights in new subdivisions and if homeowners could be responsible for paying the electricity or if they had to go on the Town's streetlight bill as the Planning Board is asking for guidance. The Highway Superintendent stated that the contractor should put streetlights in at intersections and these should go on the Town's bill in the interest of public safety. Mr. Griffin noted further that many residents want control of the lighting within their neighborhoods. Mr. Genereux will do some research on these matters including potential cost savings from adding LED streetlights and if residents can be billed directly for streetlights in their neighborhood.

l. 1 Paxton Street Reuse Discussion

Mr. Genereux noted that there is no funding in the FY20 budget for utilities at 1 Paxton Street. The Building Inspector and the Highway Superintendent will do an assessment of building issues. The Historical Society offered to take ownership of the building and run it as a Town museum. The Board requested the Historical Commission weigh in on this matter. Town meeting vote is required for leasing out or selling the building.

m. Kaboom Grant – Vote to authorize Town Administrator to sign documents

A motion was made by Mr. Brooks and seconded by Ms. Wilson to authorize the Town Administrator to sign all documents relative to the Kaboom Grant. The motion carried 5:0:0.

n. Memorial School Disposition Discussion

Mr. Genereux noted the School Committee has voted to close Memorial School and turn the building back over to the Town effective August 31st.

A motion was made by Mr. Brooks and seconded by Ms. Wilson to continue the meeting past 10pm. The motion carried 3:2 (Mr. Green and Mr. Antanavica cast the opposing votes).

The Board discussed the costs of keeping the school, debt on the building, options for leasing/selling the building, if the Town can keep the fields, mothballing the building for the winter, putting up a cell tower, options for conversion to housing, issues surrounding the solar panels on the roof and if the playground can be moved to the high school for pre-K. The Board asked a number of questions which Mr. Genereux will look into.

5. MINUTES

a. January 28, 2019

A motion was made by Mr. Antanavica and seconded by Mr. Green to approve the minutes of January 28, 2019. The motion carried 5:0:0.

b. February 11, 2019

A motion was made by Mr. Brooks and seconded by Ms. Wilson to approve the minutes of February 11, 2019. The motion carried 5:0:0.

A motion to adjourn was made by Mr. Brooks and seconded by Ms. Wilson at 10:13pm. The motion carried unanimously.

SELECT BOARD MEETING MINUTES
MARCH 4, 2019 at 6:30PM
TOWN HALL, SELECT BOARD CONFERENCE ROOM

CALL TO ORDER/OPENING

Chairwoman Provencher called the meeting to order at 6:30pm. Chair Dianna Provencher, Vice Chair Sandra Wilson, Selectman Harry Brooks, Selectman Rick Antanavica, Town Administrator David Genereux, Assistant to the Town Administrator Kristen Forsberg and Student Liaisons Alyssa Pupillo and Katheryn Stapel were in attendance. 2nd Vice Chair Brian Green arrived at 7:19pm.

1. PUBLIC COMMENT PERIOD

No members of the public provided comments

2. REPORTS & ANNOUNCEMENTS

a. Student Liaison Reports

The Student Liaisons provided updates from the Leicester Public Schools including community reading day at Primary on March 5th, community reading day at Memorial on March 6th, spring picture day on March 8th, congratulations to Taylor and Andrew at Memorial who were selected to sing in the All State Treble Chorus, Footloose play at the High School on March 5,6,8 and 9 for which admission is \$5, athletic night for those interested in spring sports on March 14th from 6-8pm and no school on March 15th due to a professional development day.

b. Select Board Reports

The Select Board discussed various topics including the recent meeting with water and sewer districts, staying on trails when snowmobiling, staying off the land at Hillcrest Country Club and obtaining permission from your neighbors prior to snowmobiling on their properties, and the great job Highway did during this recent storm.

c. Town Administrator Report

The Town Administrator presented highlights from his written report

3. OTHER BUSINESS

a. Summer Concert Series Request to Place Portable Bathrooms at Town Hall

Ms. Ivel presented a request to place portable bathrooms at Town Hall for the Summer Concert Series as a convenience to those who are disabled. Ms. Ivel noted that the portable bathrooms have been successfully used for the past two summers as there are concertgoers who can't walk well and have a hard time getting all the way to Town Hall. Mr. Brooks felt the Town Hall bathrooms should always be available when Town event is being held on the Common. Mr. Genereux discussed issues with building access based on a ruling by the Architectural Access Board and building security issues. A motion was made by Mr. Brooks and seconded by Mr. Antanavica to allow portable bathrooms to be placed on the Town Common through the Harvest Fair in September. The motion carried 4:0:0.

b. Board/Committee Application – Burncoat Park Sports Planning Committee (Burncoat Pond Watershed District Rep) – Rose Dolan

A motion was made by Ms. Wilson and seconded by Mr. Brooks to appoint Rose Dolan to the Burncoat Park Sports Planning Committee as the Burncoat Pond Watershed District Representative. The motion carried 4:0:0.

c. Board/Committee Application – Burncoat Park Sports Planning Committee (Snowmobile Club Rep) – John True

A motion was made by Mr. Brooks and seconded by Ms. Wilson to appoint John True to the Burncoat Park Sports Planning Committee as the Snowmobile Club Representative. The motion carried 4:0:0.

d. Appoint Public Safety Committee Members

A motion was made by Mr. Brooks and seconded by Ms. Wilson to appoint David Genereux, Marilyn Tencza, Chief Ken Antanavica, Chief Bob Wilson and Dennis Griffin to the Public Safety Committee. The motion carried 4:0:0.

e. Flying Flags at Half Staff for Town Officials and Employees

The Board discussed the draft policy for flying flags at half-staff for Town officials and employees. Mr. Genereux stated the Town could follow the flag code and also honor some of our own upon their passing. The Board discussed who would be considered eligible for this honor and if the Legion would be opposed. The Board requested Mr. Genereux change the worded to state that the flag would fly half staff during the week of internment instead of from death to interment, that the request would need to come from the family or a board member, and requested information on notifications Police and Fire receive in addition to State notifications. Mr. Genereux stated he would update the policy, send it out to the Board tomorrow and bring it back before the Board on March 18th.

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

a. Executive Session Minutes

b. Exceptions 3 & 7 – Discuss strategy with respect to litigation (BSI Litigation); meeting with Town Counsel pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) to discuss pending litigation in the case of BSI v. Town of Leicester, Civil Action No. 1885CV00985

Mr. Green arrived at 7:19pm. A motion was made by Mr. Brooks and seconded by Ms. Wilson to enter into executive session under Mass General Law Chapter 30A, Section 21A, Exceptions 3 and &, to discuss strategy with respect to litigation (BSI Litigation); meeting with Town Counsel pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) to discuss pending litigation in the case of BSI v. Town of Leicester, Civil Action No. 1885CV00985 and to review executive session minutes. The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

A motion to adjourn was made by Mr. Brooks and seconded by Mr. Antanavica at 7:44pm. Roll call: 5:0:0.