

PUBLIC NOTICE POSTING REQUEST OFFICE OF THE LEICESTER TOWN CLERK

ORGANIZATION: Select Board

MEETING: X

PUBLIC HEARING:

DATE: September 23, 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. EXECUTIVE SESSION, MGL CHAPTER 30A, SECTION 21A

- a. Exception 3 – To discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAMM, 449 Mass. 444 (2007) (Worker's Compensation case)
- b. Exception 1 - To discuss the dismissal of an employee (Highway Laborer)
- c. Exception 3 - To discuss strategy with respect to collective bargaining (Restoration of employee vacation time – Gov. Employee Union Local 1)

2. SCHEDULED ITEMS

- a. 7:00pm – Middle School Project Presentation & Sign Middle School Design Enrollment Certification
- b. 7:15pm – Common Victualler License – London's Ice Cream & Sandwich Shoppe – 724 Main St

3. PUBLIC COMMENT PERIOD

4. REPORTS & ANNOUNCEMENTS

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

5. RESIGNATIONS & APPOINTMENTS

6. OTHER BUSINESS

- a. [Senior Center Donation](#)
- b. [Police Civil Service List Request](#)
- c. [Reopen the Fall Special Town Meeting Warrant](#)
- d. Vote on Fall Special Town Meeting Warrant Articles
- e. Close the Fall Special Town Meeting Warrant

7. MINUTES

- a. [August 22, 2019](#)
- b. [September 9, 2019](#)
- c. Executive Session Minutes

ADJOURN

Executive Session Motion

Board Member 1

I move to go into Executive Session under MGL Chapter 30A, Section 21(a) under

- a. Exception 3 – To discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAMM, 449 Mass. 444 (2007) (Worker's Compensation case)
- b. Exception 1 - To discuss the dismissal of an employee (Highway Laborer)
- c. Exception 3 - To discuss strategy with respect to collective bargaining (Restoration of employee vacation time – Gov. Employee Union Local 1)

The Board will reconvene in open session at the conclusion of executive session.

Board Member 2

Second

Chairperson

To discuss these matters in open session would compromise the position of the Town, the Chair so declares.

VOTE BY ROLL CALL



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

September 16, 2019

Ms. Sandra Wilson, Chair
Leicester Select Board
3 Washburn Square
Leicester, MA 01524

Re: Town of Leicester, Leicester Middle School

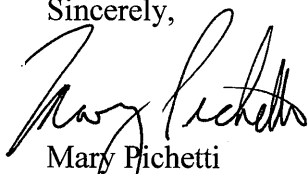
Dear Ms. Wilson:

On August 28, 2019 the Massachusetts School Building Authority's Board of Directors voted to approve the Town of Leicester's Preferred Schematic for the Leicester Middle School project. Based on this approval, enclosed is a Design Enrollment Certification for 930 students in grades K-8 for your review and execution.

Please sign and return the attached certification within 21 calendar days to document the Town of Leicester's agreement on the design enrollment for the Leicester Middle School project.

If you have any questions or comments, please do not hesitate to contact Brittany Gomes (Brittany.Gomes@MassSchoolBuildings.org).

Sincerely,



Mary Pichetti
Director of Capital Planning

Cc: Legislative Delegation
David A. Genereux, Leicester Town Administrator
Stella Richard, Chair, Leicester School Committee
Dr. Marilyn Tencza, Superintendent, Leicester Public Schools
Jeffrey Berthiaume, Director of Technology and Digital Learning, Leicester Public Schools
Bill Cunniff, Owner's Project Manager, NV5 Consultants, Inc.
Melissa Gagnon, Owner's Project Manager, NV5 Consultants, Inc.
Regan Shields Ives, Designer, Finegold Alexander Architects, Inc.
File: 4.1 OPM Selection (Region 2)

**MASSACHUSETTS SCHOOL BUILDING AUTHORITY
TOWN OF LEICESTER
LEICESTER MIDDLE SCHOOL
DESIGN ENROLLMENT CERTIFICATION**

As a result of a collaborative analysis with the Massachusetts School Building Authority (the "MSBA") of enrollment projections and space capacity needs for the proposed project at Leicester Middle School, the Town of Leicester hereby acknowledges and agrees that the design of the proposed project at Leicester Middle School shall be based on an enrollment of no more than 930 students in grades K-8. The Town of Leicester further acknowledges and agrees that, pursuant to 963 CMR 2.00 *et seq.*, the MSBA shall determine the square feet per student space allowance and total square footage for an elementary/middle school serving 930 students in grades K-8. The Town of Leicester acknowledges and agrees that it has no right or entitlement to any particular design enrollment, square feet per student space allowance, or total square footage and that it has no right or entitlement to a design enrollment any greater than 930 students for Leicester Middle School, and further acknowledges and agrees that it shall not bring any claim or action, legal or equitable, against the MSBA, or any of its officers or employees, for the purpose of obtaining an increase in the design enrollment of Leicester Middle School that it has acknowledged and agreed to herein. The Town of Leicester further acknowledges and agrees that, among other things, the design enrollment, square feet per student space allowance, and total square footage of Leicester Middle School shall be subject to the approval of the MSBA's Board and that the final approval of a proposed project at Leicester Middle School shall be within the sole discretion of the MSBA's Board.

The undersigned, for themselves and the Town of Leicester, hereby certify that they have read and understand the contents of this Design Enrollment Certification and that each of the above statements is true, complete and accurate. The undersigned also hereby certify that they have been duly authorized by the appropriate governmental body to execute this Certification on behalf of the Town of Leicester and to bind the Town of Leicester to its terms.

Chief Executive Officer

Duly Authorized Representative of School
Committee

Date

Date

Superintendent of Schools

Date



Town of Leicester
Town Hall, 3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7077 Fax: (508) 892-7070
www.leicesterma.org

GENERAL LICENSE CHECKLIST

(Common Victualler & Miscellaneous Licenses)

Food, Entertainment, Games, Temporary Business, Junk Dealer, Theatre, Auctioneer, BYOB

Enclosed Forms

- ☒ Permit License Form (must be signed off by all departments except this office prior to scheduling a hearing before the Select Board; note that each department has their own individual requirements and associated fees)
- ☒ General License Application
- ☒ CORI form (one for each owner and each manager)
- ☒ Workers Comp Affidavit
- ☒ DOR Certification

Additional Required Information

- ☒ Copy of lease or purchase and sale agreement
- n/a Naturalization Papers (if owner is not a US citizen)
- n/a Articles of Organization and Vote of Corporate Board (if corporation)

Return Completed Forms to:

Office of the Town Administrator
3 Washburn Square, 3rd Floor
Leicester, MA 01524
508-892-7077



Town of Leicester

APPLICATION FOR GENERAL LICENSES

Applicant Information

Applicant Name Kim Bachant

Applicant Email _____

Business Information

Type of Business Food

Business Name LONDON'S ICE CREAM + SANDWICH SHOPPE

Corporation Name (if applicable) _____

Business Address 724 MAIN ST CHERRY VALLEY MA 01611

Mailing Address (if different) _____

Business Phone 978.549.6162 Business Email bachantkim@yahoo.com

License(s) Applying For (check all that apply)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Common Victualler (\$35) | <input type="checkbox"/> Games (\$35 per game) |
| <input type="checkbox"/> General Entertainment (\$50) | <input type="checkbox"/> Junk Dealer (\$40) |
| <input type="checkbox"/> Sunday Entertainment (\$125 Town; \$100 State) | <input type="checkbox"/> Theatre (\$200) |
| <input type="checkbox"/> Outdoor Business (\$35) | <input type="checkbox"/> Auctioneer (\$50) |
| <input type="checkbox"/> Temporary Business (\$100/3 days; \$25/per extra day) | |

I certify, under the penalties of perjury, that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Kim Bachant
Name of Applicant

Kim Bachant
Signature of Applicant

Social Security or FIN

Name & Title of Corporate Officer (if applicable)

**Nonprofit groups from Leicester may request the Board of Selectmen waive fees at hearing*

***Yard sales are allowed by right in Leicester; no permit is required*

**PERMIT/LICENSE FORM FOR NEW BUSINESSES
TOWN OF LEICESTER**

Date Issued 6/26/19

Date Submitted 06-26-2019

Business Name	LONDON'S ICE CREAM + SANDWICH SHOP	Applicant Name	KIM BOGHANT
Type of Business	ICE CREAM SANDWICH SHOP	pp	JOHN CHIEF
Manager	KIM BOGHANT		
Business Address	724 MAIN ST LEICESTER	Are you a US Citizen?	(Yes) or No
Business Phone	978-549-6102	Are you a permanent resident?	(Yes) or No

	Permit Type	Issued By	Approval Date		Permit Type	Issued By	Approval Date
Zoning (Town Hall, 1st Fl.)				Fire Dept (must call)			
508-892-7003	OK	J.T.	7-1-19	508-892-7022	see attached sheet		
Kelly Conroy				Leave a message			
notes:				notes:			
Planning (Town Hall, 1st Fl.)				Code (Town Hall, 1st Fl.)			
508-892-7019	n/a	MAB	6/26/2019	508-892-7003	OK	J.T.	9-17-19
Wanda Merced				Kelly Conroy			
notes:				notes:			
Conservation (Town Hall, 1st Fl.)				Gas/Plumbing (Town Hall, 1st Fl.)			
508-892-7007	n/a	MAB	6/26/2019	508-892-7003			9-5-19
Wanda Merced				Kelly Conroy			
notes:				notes:			
Assessor (Town Hall, 2nd Fl.)				Electrical (Town Hall, 1st Fl.)			
508-892-7001			6/26/19	508-892-7003			9-16-19
Kathy Asquith				Kelly Conroy			
notes:				notes:	MARKLEY		
Tax Collector (Town Hall 2nd Fl.)				Health (Town Hall, 1st Fl.)			
508-892-7004			6/26/19	508-892-7008	Feed permit		9-18-19
Melanie Rajaniemi				Kelly Conroy			
notes:				notes:			
Police Dept (90 S. Main St.)				Town Clerk (Town Hall, 2nd Fl.)			
508-892-7010 x2005	Alarm Reg Form	JSK	7/1/19	508-892-7011 (SECOND TO LAST)			9/16/19
Sheila Gaffney	Business Info	OK		Deborah Davis			
notes:				notes:			
Select Board (Town Hall, 2nd Fl.)				The purpose of this form is to assist the applicant in obtaining departmental sign-offs required to open a new business. Please note that the Town Clerk and Board of Selectmen will not sign off until all other signatures have been obtained. Should you need assistance contact the Town Administrator's office at 508-892-7000.			
508-892-7000 (LAST)							
Kristen Forsberg							
notes:							

**PERMIT/LICENSE FORM FOR NEW BUSINESSES
TOWN OF LEICESTER**

Date Issued _____

Date Submitted 06-26-2019

Business Name <u>LONDON'S ICE CREAM + SANDWICH SHOP</u>	Applicant Name <u>KIM BOCHANT</u>
Type of Business <u>ICE CREAM SANDWICH SHOP</u>	Applicant Address _____
Manager <u>KIM BOCHANT</u>	Applicant Phone _____
Business Address <u>724 MAIN ST LEICESTER</u>	Are you a US Citizen? <u>(Yes)</u> or No
Business Phone <u>978-549-6102</u>	Are you a permanent resident? <u>(Yes)</u> or No

	Permit Type	Issued By	Approval Date		Permit Type	Issued By	Approval Date
Zoning (Town Hall, 1st Fl.)				Fire Dept (must call)			
508-892-7003				508-892-7022			
Kelly Conroy				Leave a message			
notes:				notes:			
Planning (Town Hall, 1st Fl.)				Code (Town Hall, 1st Fl.)			
508-892-7019				508-892-7003			
Wanda Merced				Kelly Conroy			
notes:				notes:			
Conservation (Town Hall, 1st Fl.)				Gas/Plumbing (Town Hall, 1st Fl.)			
508-892-7007				508-892-7003			
Wanda Merced				Kelly Conroy			
notes:				notes:			
Assessor (Town Hall, 2nd Fl.)				Electrical (Town Hall, 1st Fl.)			
508-892-7001				508-892-7003			
Kathy Asquith				Kelly Conroy			
notes:				notes:			
Tax Collector (Town Hall 2nd Fl.)				Health (Town Hall, 1st Fl.)			
508-892-7004				508-892-7008			
Melanie Rajaniemi				Kelly Conroy			
notes:				notes:			
Police Dept (90 S. Main St.)				Town Clerk (Town Hall, 2nd Fl.)			
508-892-7010 x2005				508-892-7011 (SECOND TO LAST)			
Sheila Gaffney				Deborah Davis			
notes:				notes:			
Select Board (Town Hall, 2nd Fl.)				<p>The purpose of this form is to assist the applicant in obtaining departmental sign-offs required to open a new business. Please note that the Town Clerk and Board of Selectmen will not sign off until all other signatures have been obtained. Should you need assistance contact the Town Administrator's office at 508-892-7000.</p>			
508-892-7000 (LAST)							
Kristen Forsberg							
notes:							



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

September 19, 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 September 19, 2019.

Citizen issues: Topics discussed with various citizens.

- ☐ Met with Lake Avenue residents regarding private road maintenance issues.
- ☐ Met with a resident regarding safety concerns on Laurelwood Avenue. Referred to Public Safety Committee for discussion on October 8th.
- ☐ Also spoke with a resident regarding creating a four way stop at Folsom and Atwood. This will be monitored over the next month and discussed at the same Public Safety Meeting. If the Committee does recommend adding additional stop signs, the Town will be required to petition the State for permission to do so.
- ☐ Spoke with a resident regarding the purchase of tax title property with an assessed value of \$8,900. We expect to set an auction in a month or two on the property, through a Treasurer's auction, approval of which is not required by Town Meeting, as it is a tax foreclosure.
- ☐ Spoke with a resident regarding a police issue on a wellness check that resulted in damaged property.

Meetings:

- ☐ Attended a Public Safety Committee meeting which discussed several items, including the School drop off and pick up issue, Burncoat Lane concerns, and a complaint of obstruction of public ways by large bushes.
- ☐ Attended a Middle School Committee Building meeting, the main topic of discussion which was construction methods (Design-Bid-Build vs. CM at Risk). It was agreed that there should be an update at each Select Board meeting of about ten minutes or so, to keep residents informed of the project's status as we move forward to project scope and budget, which is tentatively scheduled to be voted upon by the MSBA in February.
- ☐ Attended a DPU hearing in Boston to obtain approval of the Town's Municipal Aggregation Plan.
- ☐ Conducted the first meeting of the Memorial School Disposition Committee. I was thoroughly impressed with the meeting and the group assembled to meet this charge. The Committee respectfully requests that the Town Meeting warrant be reopened on Monday the 23rd, and the disposition article be placed back on it. The Committee has been told that the Housing Authority is interested in acquiring the property, and that they have already inquired about state money being available for acquisition and renovation. The Committee is willing to speak at Town Meeting in support of the article.
- ☐ Toured the Hillcrest facility with Jim Renke to determine overall condition of the facility. He will be furnishing a report next week, at which time, I will meet with Hilltop Management to negotiate the lease for presentation to the Board at a future meeting.
- ☐ Attended the Leicester Business Association meeting at the Castle.

Activities:

- The Church Street bridge project is now complete. The guardrails have been installed, and all project work has been finished. I would like to thank NEL for their excellent work, and the residents for their patience. We will be applying for Auburn Street next year, under the same small bridge program, but that project should cause less inconvenience, as the bridge is in better condition and is unlikely to be closed early by Mass DOT.
- Approved a \$7,500 change order on the Tarantino basketball court project, comprised of \$5,400 for additional fencing along the top of the parking lot, to be paid from the Parks warrant articles, and \$2,100 to upgrade the basketball standards, to be paid from the Tarantino donations account.

New project breakdown of costs:

State Grant: \$50,000

Parks donations: \$22,100

Parks warrant articles: \$21,058

Project total: \$93,158

- Continued searching for a geotechnical engineer to work with the Town of a specific scope of services regarding the retention pond issue. The first firm that we contacted backed out of the project, citing concerns with potential involvement in litigation. A second firm is considering submitting a proposal. Engineering work is specifically excluded from Chapter 30B procurement, so we don't need to seek quotes. The scope of services is attached to this report.

Meeting Follow-up:

- Spoke with Clearcom regarding placing a Leicester Select Board group email on the website, so residents can email the entire board at once, which addresses the complaint made at the last Select Board meeting. Once added to the website, any email going to this address will be dropped into a segregated email account, which will be forwarded to board members as a bcc without comment by myself or my Assistant. I would have preferred that it be distributed automatically as a bcc, but Clearcom stated this is not possible, and we want to avoid Open Meeting Law issues. The email is now on the website and available to residents. The cost of this service is \$168.00 per year.

Please feel free to contact me with any questions or concerns



TOWN OF LEICESTER

Council on Aging

40 Winslow Avenue • LEICESTER, MASSACHUSETTS 01524-1113

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

Rachelle Cyr-Cloutier, M.Ed.

Director of Elder Affairs

E-mail: cloutierr@leicesterma.org

September 16, 2019

Stu Kravitz, Race Director
Central Massachusetts Striders
P. O. Box 922
Worcester, MA 01613-0922

Dear Stu:

Thank you so very much for your donation of \$150 to our senior center. Thank you also for the pies as our seniors truly enjoy these. Your generosity is very helpful in our abilities to defray some of the expenses of the center.

Again, thank you so much.

Rachelle S. Cloutier, M.Ed.
Director of Elder Affairs

Cc: David Genereux
Board of Selectmen



Leicester Police Department
90 South Main Street
Leicester, MA 01524



www.leicesterpd.org

Chief
Kenneth M. Antanavica
antanavicak@leicesterpd.org

Emergency: 911
Non Emergency: 508-892-7009
Non Emergency: 508-892-7010
Fax: 508-892-7012

Date: September 16, 2019

To: Mr. David Genereux
Town Administrator

Select Board
Town of Leicester

From: Kenneth M. Antanavica
Chief of Police

Re: Leicester Police Department Staffing Recommendation

The Leicester Police Department recently experienced a loss in staffing when Chief James Hurley retired in December 2018 followed by Officer Steven Zecco in April 2019. Since that time, the members of the Leicester Police Department have all continued to work together to keep the regular daily operations going smoothly. This includes the filling of opens shifts generated by these retirements to keep the staffing at a safe level, which of course generates overtime.

LPD recently received word that the new civil service list has been posted with the results of the latest test scores (see attached). I would ask the Select Board to request the latest certified civil service list so the Town can begin the hiring process to fill one of these two positions.

Due to deficiencies in the current police budget, we can only fund one officer at this time, but my hope is to see that change in the near future.

Should anyone have any questions on this update, please feel free to contact me.

Kenneth Antanavica
Chief of Police

Rank	Last Name	First Name	MI	Preference	Status	Residency	EMT	Language F Placed On List
1	Tarentino	Ronald		402A	Veteran	Leicester		
2	Mccarthy	Patrick		402A		Foxborough		
3	Ryan	John	P	Ch. 4 Acts (2018)		Quincy		
4	Almstrom	Patrick	J			Leicester	Basic	
5	Tarentino	Spenser			Leicester			
6	Pepin	Paul			Leicester			
7	Murno	Steven	A		Leicester			
8	Demarco	Ambrose	Y		Leicester			
9	Costello	Amber			Leicester			
10	Hurley	James	E		Disabled Veteran	Easton		Arabic
11	Fadel	Jad			Disabled Veteran	Dedham		
12	Montecalv	Vincent			Disabled Veteran	Worcester		
12	Murphy	Brendan	R		Disabled Veteran	Southbridg		
14	Ames	Derek	C		Disabled Veteran	Worcester		
14	Butler	William	A		Disabled Veteran	Worcester		
14	Peou	Sangvarak	Y		Disabled Veteran	Basic		
14	Pizzi	Vincent	A		Disabled Veteran			
14	Stewart	Brian	W		Disabled Veteran		East Bridge	
19	Soutra	Breanna	M		Disabled Veteran		Hanover	
20	Mauro	Eugenio	M		Disabled Veteran	Worcester		Spanish, Portuguese
21	Gleason	Ryan	P		Disabled Veteran			
22	Clark	Sean	M		Disabled Veteran	Webster		
22	Griffin	Alexander	J		Disabled Veteran			
24	Haywood	J George	W		Disabled Veteran	Fall River		
24	Mueller	Gladys			Disabled Veteran	Boston		Spanish
26	Matson	Caleb	S		Disabled Veteran	Quincy		
27	Lavine	Marc			Disabled Veteran	Tewksbury	Basic	
28	Creaven	Robert			Disabled Veteran	Boston	Basic	
29	Brooks	David	M		Disabled Veteran	Webster		
30	Feely	Brian			Veteran	Hanover		
31	Sands	Aaron	P		Veteran	East Bridge		
32	Driscoll	Brittany			Veteran	Charlton		
33	Greathead	Matthew			Veteran	Mansfield		



Town of Leicester, Massachusetts

Special Town Meeting Draft

Fall Town Meeting – October 22, 2019 – 7:00PM

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

Third Version - Published September 23, 2019

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 twenty-second day of October 2019 at 7:00 PM, then and there to act on the following articles, namely:

ARTICLE PRIOR YEAR BILLS

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

PROPOSED MOTION

Move that the Town appropriate \$36.00 from Free Cash to fund the payment of a June 30, 2018 bill to Kelly and Ryan Associates, Inc.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

This article is required for the payment of any FY 2019 bills that are were not submitted timely or carried over by any department. There was a \$36.00 bill that was inadvertently paid out of the Deputy Collector account but should have been paid out of the general fund budget. As a result, the payment has created a deficit in that account, requiring approval of Town Meeting to pay the bill and transfer from Free Cash into that account.

VOTE REQUIRED FOR PASSAGE: Requires a 9/10th's vote at a special town meeting per MGL.

ARTICLE AUTHORIZATION OF LEASE PERIOD GREATER THAN THREE YEARS – TOWN HALL POSTAGE MACHINE

To see if the Town will vote to authorize a five-year lease purchase agreement with Pitney-Bowes Inc. for a new postage machine at Town Hall, or take any action thereon.

PROPOSED MOTION

Move that the article be accepted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

Towns are required to seek town meeting authorization for lease agreements that exceed three years. We are reviewing options for a five-year lease agreement on a new postage machine. The useful life of the machine exceeds five years and this longer lease will allow the Town to fund the cost of a new machine at the end of our current lease without having to raise additional funds to pay for the newer version.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

CHANGED ARTICLE - REVOTE

**ARTICLE COMBINATION OF THREE FOUNDERS DAY/300th ANNIVERSARY
ACCOUNTS INTO A 300TH ANNIVERSARY REVOLVING ACCOUNT**

To see if the Town will vote to close Article 16 of the May 6, 2014 Town Meeting, which appropriated monies for the Founder's Day celebration; close the Founder's Day Donation Account; close the 300th Anniversary Donation Account; and transfer balances in the three closed accounts to the 300TH Anniversary Revolving Fund., or take any action thereon.

PROPOSED MOTION

Move that the Town close Article 16 of the May 6, 2014 Town Meeting, which appropriated monies for the Founder's Day celebration; close the Founder's Day Donation Account; and close the 300th Anniversary Donation Account; and transfer balances in the three closed accounts, totaling \$3,900.25 to the 300th Anniversary Revolving Fund.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

This article seeks to transfer the balances from three separate funds established to celebrate the Founders Day and the 300th Anniversary to the 300th Anniversary Revolving Fund.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

ARTICLE FUNDING POLICE DETAIL ACCOUNT

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies to fund the Police Detail Account or take any action thereon.

PROPOSED MOTION

Move that the Town appropriate and transfer the amount of \$1,527.00 from Free Cash to the Police Detail account.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

This amount is sought to reimburse the Police detail account for a revenue deficit that was caused by a bill that will not be paid because the contractor is in Chapter 7 bankruptcy.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

INFORMATION PENDING; WILL HAVE MONDAY NIGHT

ARTICLE ADJUST 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, as listed in the May 7, 2019 Spring Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION:

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

CHANGED ARTICLE - REVOTE

ARTICLE FIRE STATION PROJECT BORROWING

To see if the Town will vote to raise and appropriate, transfer from available funds and/or authorize the Select Board to borrow a sum of money under the provisions M.G.L. c.44 as amended, for the purpose of engineering, site work, and all other costs relevant to addressing and correcting stormwater runoff and infiltration affecting properties in general vicinity of the Leicester Fire Station, located at 3 Paxton Street, Leicester; as well as additional equipment and site improvements requested, such funds to be supplemented by the remaining original project budget, and any other costs incidental and related thereto; such borrowing to be a general obligation of the Town, and shall be expended under the direction of the Select Board and the Office of the Town Administrator, or to take any action thereon.

PROPOSED MOTION:

Move that the Town authorize the Select Board to borrow the sum of \$500,000 under the provisions M.G.L. c.44 as amended, for the purpose of engineering, site work, and all other costs relevant to addressing and correcting stormwater runoff and infiltration affecting properties in general vicinity of the Leicester Fire Station, located at 3 Paxton Street, Leicester; as well as additional equipment and site improvements requested, such funds to be supplemented by the remaining original project budget, and any other costs incidental and related thereto; such borrowing to be a general obligation of the Town, and shall be expended under the direction of the Select Board and the Office of the Town Administrator.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

The retention ponds at the new Fire Station do not appear to have not been performing in the manner for which they were designed, which is creating stormwater runoffs and ground water seepage to adjacent properties, leaving resident's yards saturated with water. The funding request

represents the estimated amounts needed to address this issue, for both engineering and implementation of a proposed solution.

Additionally, there are remaining landscaping and equipment needs to fully complete the station. This includes radio installation and fencing.

Cost estimates are as follows:

- Engagement of a third-party engineering firm to identify the problem, determine why it occurred and offer solutions to mitigate it: \$50,000.
- Estimated funding for potential resolution of the retention pond issue: \$400,000
- Equipment and Landscaping: \$50,000

At this time, these costs are estimates only. They are based on a worse-case scenario. If the overall costs come in lower, the borrowing will be reduced and the remaining authorization will be rescinded at a future town meeting. The Town is currently seeking an engineer to cost out the project and identify potential solutions.

It is anticipated that the Town will pay the debt service for this article and for Article 7 through an annual appropriation of Free Cash. It will have no impact on residents' annual tax bills.

VOTE REQUIRED FOR PASSAGE: Requires a 2/3rd's majority vote under M.G.L. c. 44 §20

ARTICLE FIRE STATION CONSTRUCTION SETTLEMENT

To see if the Town will approve pursuant to General By-law Chapter 7, Section 1 settlement of a construction suit and vote to raise and appropriate, transfer from available funds and/or authorize the Select Board to borrow a sum of money under the provisions of M.G.L. c. 44 as amended, for the purpose of settling a suit filed in the Worcester Superior Court as C.A. No. 1885CV00985, captioned as Builders Systems, Inc. v. Town of Leicester et al, paying all other costs incidental and related thereto; and further to authorize the Select Board to enter into any and all contracts necessary to settle such suit or take any action thereon.

PROPOSED MOTION

Move that the Town will approve pursuant to General By-law Chapter 7, Section 1, settlement of a construction suit filed in the Worcester Superior Court as C.A. No. 1885CV00985, captioned as Builders Systems, Inc. v. Town of Leicester et al, to authorize the Select Board to enter into any and all contracts necessary to settle such suit, to authorize the Select Board to borrow \$700,000 under the provisions of M.G.L. c. 44 as amended, for the purpose of such suit paying all other costs incidental and related thereto.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

This article seeks funding for a settlement associated with a construction suit filed in Worcester Superior Court for damages by Builder's Systems, Inc. for \$1,100,000 against the Town. This settlement, through which the Town admits to no liability, was achieved after months of negotiations

between the parties. It eliminates the possibility of two to three years' worth of legal fees, as well as interest that would be compounded on any judgement or settlement made in BSI's favor. It is anticipated that the Town will pay the debt service for this article and for Article 6 through an annual appropriation of Free Cash. It will have no impact on residents' annual tax bills.

VOTE REQUIRED FOR PASSAGE: Requires a 2/3rd's majority vote under M.G.L. c. 44 §20

ARTICLE FUNDING AN ECONOMIC DEVELOPMENT POSITION

To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of monies to fund an Economic Development position, effective December 1, 2019 or take any action thereon.

PROPOSED MOTION

Move to transfer the sum of \$35,600 from Free Cash to the Town Administrator's budget to fund an Economic Development position for the remainder of FY 2019.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

This position, funded via Free Cash transfer, will be used to fund the hiring of an Economic Development Specialist. The individual hired for this position will be responsible for business outreach, new business recruitment, licensing, and grant writing. The amount requested is based on a partial year's salary. We will determine through our advertising and interview process whether will hire an experienced individual on a part time basis, or a recent college graduate on a full-time basis.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

ARTICLE CAPITAL IMPROVEMENTS

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

1. Ambulance – Cardiac Monitors
2. Fire/Ambulance – Installation of repeater

PROPOSED MOTIONS:

Move that the Town appropriate the sum of \$111,900 from Free Cash for the purposes listed in the table included in the hands of the voters for the benefit of the EMS Department.

<u>Item</u>	<u>Amount</u>	<u>Purpose</u>
3 Replacement Cardiac Monitors Defibrillators	\$101,900	To replace existing Cardiac Monitors/Defibrillators which are at the end of their useful life and are no longer supported by the manufacturer

Installation of repeater on new water tower	\$10,000	Estimated cost of labor and equipment to move the repeater on the old water Tower by the Memorial School to a new one being constructed in the same vicinity.
Total	\$111,900	

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

See table above.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

ARTICLE CAPITAL IMPROVEMENTS – CABLE PEG ACCESS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund capital improvements, under the direction of the Leicester Cable Access Corporation (LCAC) or take any action thereon.

PROPOSED MOTION

Move that the Town vote to raise and appropriate from cable access receipts the sum of \$100,000 to fund capital improvements, under the direction of the Leicester Cable Access Corporation (LCAC).

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

LCAC received \$100,000 in FY 2019 per its contract with Charter Communications to receive funding for capital improvements ever five years. Passage of this warrant article sets the funds aside for that purpose.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

ARTICLE TRANSFER OF TOWN-OWNED PROPERTY ON RIVER STREET (MAP 43 BLOCK A11 0) TO COMMON GROUND LAND TRUST

To see if the Town will vote to dispose of the fee or any lesser interest in the real property and the improvements thereon, located on River Street, Leicester as shown on Assessor's Map 43, Block A11 0, containing about .42 acres of land, and to transfer said property to the Common Ground Land Trust, under such terms and conditions that the Select Board may deem appropriate, which 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 accepted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

The Town received a request from Common Ground Land Trust to transfer a piece of tax title property to preserve public access to Greenville Pond. This property is .42 acres of land located on River Street.

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

ARTICLE AMENDMENT TO THE GENERAL BYLAWS – SELECT BOARD

To see if the Town will vote to amend the Town By-laws to substitute the term “Board of Selectmen” throughout with the term “Select Board” and the words “selectman, selectmen, selectwoman, or selectwomen” with the words “select board member(s)” or “member(s) of the select board” in each and every place they appear in the Town By-laws, and, further, to insert the following in before Article 1, Section 1 of the Town By-laws the following:

For purposes of these bylaws, and for all official business of the Town, the board previously referred to as the Board of Selectmen shall hereinafter be referred to as the Select Board, with individual members to be referred to as “select board members” or “members of the select board”, and said Select Board shall have all the powers and duties of a board of selectmen as set forth in the General Laws or any special act applicable to the Town. Or take any action thereon.

PROPOSED MOTION

Move that the article be voted as written.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

Passage of this article would change the name of the Board of Selectmen to a gender-neutral term. The Board of Selectmen is the only gender-specific title of all town boards and committees. This change, which was unofficially embraced by the Board in 2017, would change the title of the Board in all bylaws and other town records going forward.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

VOTE TO REMOVE

ARTICLE AMENDMENT TO THE GENERAL BYLAWS – CHANGE DATE OF ANNUAL TOWN ELECTION

To see if the Town will vote to amend the Chapter 2, section 1 of Town By-laws by striking the text that reads “second Tuesday in June”...and inserting “...third Tuesday in May...” or take any action thereon.

PROPOSED MOTION

Move that the article be voted as written.

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECT BOARD RECOMMENDATION

DESCRIPTION:

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

ARTICLE AMENDMENT TO THE ZONING BYLAWS – DELETION OF SECTION 5.14.7 OF THE ZONING BY-LAW, TEMPORARY MORATORIUM – MEDIUM AND LARGE-SCALE GROUND-MOUNTED SOLOAR ENERGY SYSTEMS

To see if the Town will vote to delete Section 5.14.7 of the Zoning Bylaw, Temporary Moratorium on the Construction of Medium and Large-Scale Ground-Mounted Solar Energy Systems in its entirety, or take any action thereon.

PROPOSED MOTION

Move that the article be voted as written.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION:

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

ARTICLE AMENDMENT TO THE ZONING BYLAWS – DELETION OF SECTION 6.2.01, OF THE ZONING BYLAW, PHASED GROWTH ZONING

To see if the Town will vote to delete Section 6.2.01 of the Zoning Bylaw, Phased Growth Zoning Bylaw, in its entirety, delete 5.7.04.1 General Standards (D), a cross reference to the Phased Growth Zoning Bylaw, and re-letter the subsections of Section 5.7.04.1 following said deletion, or take any action thereon.

PROPOSED MOTION

Move that the article be voted as written.

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

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

ARTICLE CITIZEN'S PETITION

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to adopt a special act, as set forth below, to allow Paul S. Doray to continue to serve in the Position of Police Sergeant or a higher rank until August 31, 2025, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendment shall be within the public purpose of said petition;

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

Section 1. Notwithstanding any general or special law to the contrary, Paul S. Doray, currently Interim Police Lieutenant of the Town of Leicester, may continue to serve in the position of Police Sergeant or a higher rank until August 31, 2025, until the date of his retirement; provided, however, that he is mentally and physically capable of performing the duties of his office. No further deductions shall be made from the regular compensation of Paul S. Doray under Chapter 32 of the General Laws for any service subsequent to August 31, 2020, and upon retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on that date.

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

PROPOSED MOTION

Motion, if any, to be provided by the petitioner

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECT BOARD RECOMMENDATION

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL

ADDITIONS

**ARTICLE DISPOSITION OF 11 MEMORIAL DRIVE (FORMER 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 23, Block B21B 0, 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 votes as written.

FINANCE ADVISORY BOARD RECOMMENDATION:

SELECT BOARD RECOMMENDATION

DESCRIPTION

The Memorial Building ended its life as a School on August 31st. It is now a surplus town building. The Select Board has assembled a seven member committee to make recommendations regarding a strategy for find a new use for property with as little burden on residents as possible. There are challenges to be addressed including an outstanding USDA loan on the property and leased solar panels on the roof of the structure.

The Committee is requesting authorization from Town Meeting to allow for the Select Board to dispose of the building, so that it may be able to consider and enact all available options. The Committee is willing to work with residents and abutters to ensure that the repurposing process is open and transparent.

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

**ARTICLE BORROWING RESCISSION – MUNICIPAL/SCHOOL FACILITIES
UPGRADES (H.S ROOF REPLACEMENT)**

To see if the Town will vote to rescind an outstanding borrowing authorization, in the amount of \$19,165, which was authorized as part of the \$3,145,000 borrowing authorization voted as Article 8 of the May 5, 2015 special town meeting; or take any action thereon.

PROPOSED MOTION

move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

This amount represents the remaining sum that was not borrowed on the Municipal/School Facilities upgrades (H.S. Roof) project that was authorized at the May 5, 2015 Special Town Meeting, but not borrowed. This is a housekeeping measure to remove this outstanding debt authorization from the Town's Statement of Indebtedness.

VOTE REQUIRED FOR PASSAGE Requires a majority vote

ARTICLE FUNDING THE TOWN'S MATCH OF THE REGIONAL FIRE TRAINING FACILITY

To see if the Town will vote to appropriate the amount of \$4,338 from free cash to pay for the Town's portion of a regional training facility, or take any action thereon.

PROPOSED MOTION

Move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

The Auburn Fire Department received a grant for \$477,273, for the outfitting of a regional fire training facility. This grant required a 10% local match by participating communities of \$47,727, which when split among the eleven participants, totals \$4,338 per community.

VOTE REQUIRED FOR PASSAGE Requires a majority vote

ARTICLE TRANSFER OF FREE CASH TO THE TRANSPORTATION INFRASTRUCTURE FUND

To see if the Town will vote to appropriate the amount of \$599.50 from Free Cash to the Transportation Infrastructure Fund, or take any action thereon.

PROPOSED MOTION

I move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION

DESCRIPTION

The Town received \$599.50 from the Department of Public Utilities on June 12, 2018 under the Transportation Network Surcharge program. These funds are required to be placed in a regional transportation receipts reserved for appropriation account. We closed the receipt out to Free Cash before receiving information as to how the receipts were supposed to be treated. This transfer brings us in line with state requirements.

VOTE REQUIRED FOR PASSAGE Requires a majority vote

TOWN OF LEICESTER
ANNUAL TOWN MEETING
October 22nd, 2019

And you are hereby directed to serve this Annual Town Meeting Warrant by posting an attested copy in at least one public place in each precinct of the Town, on the Town Clerk's bulletin board, and on the bulletin board in the front entry of the Town Hall, and also by serving a copy of said Warrant to the Moderator and the Town Clerk, not less than fourteen (14) days before the 22nd day of October 2019.

Given under our hand and seal of the Town on this _____ day of _____ 2019

Respectfully submitted, Leicester Select Board

Chair

Date: _____

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

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

and on the Town Clerk's bulletin board, in the front entry of the Town Hall, with the Moderator, and with the Town Clerk, not less than fourteen days before the 22nd day of October, 2019.

Printed Name of Constable

Signature of Constable

SELECT BOARD MEETING MINUTES
AUGUST 22, 2019 at 6:30pm
TOWN HALL, SELECT BOARD CONFERENCE ROOM

CALL TO ORDER/OPENING

Vice Chair Harry Brooks called the meeting to order at 6:30pm. Vice-Chair Harry Brooks, 2nd Vice-Chair Rick Antanavica, Selectman John Shocik, Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance. Selectwoman Sandra Wilson and Selectwoman Provencher were absent.

1. SCHEDULED ITEMS

a. Meeting with residents regarding drainage issues in the Warren Avenue area

Town Administrator David Genereux noted the Town has been evaluating options for addressing the malfunctioning retention ponds at the new Fire & EMS Headquarters. The Town obtained approval from DEP to drain the ponds with a submersible pump on Tuesday. This method of draining the ponds is less labor intensive and is automatic.

Highway Superintendent Dennis Griffin discussed the neighborhood site walk. During the visit, no overflow or leeching from the ponds traversing open ground was observed. The swale is now at ground level and full of vegetation from small weeds to 8-20" trees. Mr. Griffin noted that lack of maintenance of the swale by the residents is contributing to the issue and he found grass clippings, trees, flowerpots etc. built up over the years in the swale. When the ponds were initially drained, the first pond remained empty for a few days and the pond behind the station filled minimally. The middle pond slowly filled up. Mr. Griffin stated that the pump now in place should keep the main pond at base level which should keep the other ponds empty as well.

Mr. Genereux discussed the potential design/construction issue with the ponds themselves. The ponds were supposed to drain by themselves but are staying full unless the town pumps them out. The Town can't make any changes to the ponds or any claim of design or construction flaws would be voided. The system now in place will drain automatically and will be watched to see the impact on the neighborhood through the spring.

Mr. Griffin noted that if the ponds were found to be designed or installed incorrectly, there could be the possibility of redesigning a system that would be pumped into the Town's existing stormwater system. Mr. Griffin stressed that the Town can't touch the retaining ponds until the lawsuit is complete or any warranty claims would be voided. Mr. Griffin stated the swale must be maintained by the neighbors as this is also a contributing factor. If there are no design or construction flaws, the Town will have to research the next steps. By maintaining the ponds at their most minimal the problems with excess water in the neighborhood should be resolved. Putting in a perimeter drainage system with an underground tank would be very expensive and the Town needs to understand the root of the problem in order to permanently address it. Mr. Genereux noted the Town will continue to work with the Department of Environmental Protection (DEP) and explore options with a third-party engineer after seeing the effects of the new pump. As the backyards in this area have always been yet, it is important to fully understand the issue before implementing a solution that may be the wrong one.

Residents expressed concerns including the swale no longer working, water coming off the Fire station property, the inability of the old drainage system to maintain the additional water coming off of the site, the inability of neighbors to use their backyards, concerns about EEE and potential mold in their basements and concerns about how well the sump pump will work in the winter.

The Board discussed the possibility of using remaining project funds coupled with a warrant article at Town meeting to fund the engineering study. Residents requested a borrowing authorization be put on Fall Town Meeting to fund the permanent solution once determined and that the Town check with Town Counsel to see if there is a way to work on the ponds now without voiding the warranty or eliminating the possibility of assigning liability. Mr. Genereux noted that a debt exclusion can't be passed without an election, and a borrowing amount is needed for the election. The residents requested that they be involved in the site walk for the engineering study.

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to authorize the Town Administrator and the Highway Superintendent to obtain quotes for an engineering study for the affected area and to ask the Fire Station Building Committee to attend the next Select Board meeting. The motion carried 3:0:0.

b. Set Date, Time and Location of Fall Special Town Meeting – October 22, 2019 at 7pm, Town Hall Gym

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to set the date, time and location for Fall Special Town Meeting as October 22, 2019 at 7pm in the Town Hall Gym. The motion carried 3:0:0.

c. Open the Fall Special Town Meeting Warrant and Set Warrant Close Date of September 5, 2019

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to open the Fall Special Town Meeting warrant and set the warrant close date of September 5, 2019. The motion carried 3:0:0.

A motion to adjourn was made by Mr. Antanavica and seconded by Mr. Shocik at 8:16pm. The motion carried 3:0:0.

**SELECT BOARD MEETING MINUTES
SEPTEMBER 9, 2019 at 6:30pm
TOWN HALL, SELECT BOARD CONFERENCE ROOM**

CALL TO ORDER/OPENING

Chairwoman Wilson called the meeting to order at 6:30pm. Chair Sandra Wilson, Vice-Chair Harry Brooks, 2nd Vice-Chair Rick Antanavica, Selectwoman Dianna Provencher, Selectman John Shocik, Student Liaisons Katheryn Stapel and Jacob Stolberg and Town Administrator David Genereux were in attendance.

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

- a. **Executive Session Minutes**
- b. **Discuss strategy with respect to pending litigation in the case of BSI v. Town of Leicester, Civil Action No. 1885CV00985 pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007)**

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 6:34 pm under Mass General Law Chapter 30A, Section 21A to discuss strategy with respect to pending litigation in the case of BSI v. Town of Leicester, Civil Action No. 1885CV00985 pursuant to G.L. c. 30A Section 21(a) (3) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

2. SCHEDULED ITEMS

- a. **7:00pm - Vote on Builder Systems Inc. Settlement**

The Town has come to a settlement agreement with Builder Systems Inc in the lawsuit over the Fire and EMS Headquarters lawsuit. The agreement would require the Town to pay \$700,000 to Builder Systems Inc. in two payments. The funding mechanism will be presented at Fall Town Meeting. A motion was made by Mr. Shocik and seconded by Mr. Antanavica to sign the \$700,000 settlement agreement with Builder Systems Inc. The motion carried 5:0:0.

- b. **7:15pm - Fire Station Building Committee Discussion**

Chairwoman Wilson turned the running of the meeting over to Vice-Chairman Brooks and spoke as Chairwoman of the Fire Station Building Committee. Ms. Wilson stated that the balance in the project account is \$28,577.15 plus \$15,500 in retainage not paid out to Builder Systems Inc. The Building Committee voted to not spend any additional funds at their meeting last week. Ms. Wilson stated the building still needs radios, a hose rack for spare hoses, a shed to store outside equipment (e.g. lawnmower, snowblower, shovels, rakes), a picnic table for outside the day room, bins for equipment mounted on the walls of the EMS storage room and sanitizer stations on each floor. Ms. Wilson noted the Opticom reimbursement from MassDOT is included in the project balance she provided. Mr. Genereux noted the LED streetlights are being housed in the former Fire Station at 15 Water Street until that project is complete then the building will be sold. The Fire Department is looking into relocating the Opticom at Walmart, but this would be at the Town's expense. A resident asked if these funds could be allocated towards the water issues on Warren Ave and this is being looked into. Mr. Brooks turned the running of the meeting back to Ms. Wilson.

- c. **7:30pm – Board of Health Eastern Equine Encephalitis (EEE) Discussion**

Chris Montiverdi, Chair of the Board of Health, discussed the Central Mass Mosquito Control Program and concerns about Eastern Equine Encephalitis (EEE). The Town has not participated in this program previously due to financial constraints. Timothy Deschamps from Central Mass Mosquito Control stated the program provides year-round mosquito control including larvae control, spraying around residential properties, wetlands surveying to make recommendations on reducing stagnate water, mosquito surveillance including traps, public

education, research into new products and techniques, source reduction (e.g. recycling old tires) and a beaver mitigation program. The spray program is based on citizens requests once the Town's opts-in to the program. The Department of Revenue would reduce the Town's local aid to fund this program at a cost of \$63,000 annually. The assessment is the same regardless of how many services are utilized. The Department of Public Health will do testing occasionally in communities that have not opted-in to the program. The spraying has very low to no impact on bees. The pesticides are extremely difficult to detect the next day after being sprayed the previous evening. The reservoirs in Leicester that belong to the City of Worcester are not currently being tested. Spraying is along the street and can drift up to 300 feet. Several residents spoke in support of the program including Animal Control Officer Patricia Dykas. Mr. Montiverdi will ask the Board of Health to take a vote and forward it to the Select Board.

3. PUBLIC COMMENT PERIOD

Resident Jeffrey Fisher discussed his support for the Board changing its name to Select Board and the new social media policy that was adopted. Mr. Fisher was upset that the Board considered having Town Meeting on October 8th, which is the start of Yom Kipper, the holiest Jewish holiday and that some board members have private emails they do not give out. Mr. Fisher also asked that he be able to email all board members with one email.

4. REPORTS & ANNOUNCEMENTS

a. Student Liaison Reports

The Student Liaisons provided updates from the Leicester Public Schools.

b. Select Board Reports

The Select Board discussed a variety of topics including the CVRWD meeting and discussions about town streets being given to the city in exchange for residents receiving the in-city water rate which would require a town vote, radar trailer on Sergeant Street, the Tarentino Motorcycle Run last Sunday with over 400 participants, how well maintained the roads are in Leicester and thanks to highway and police, the Harvest Fair on September 21st, thanks to all of the summer help in town, Deja Nu golf tournament last Saturday at Pineridge Country Club, an update on streetlight installation, creating one contact email for all Select Board members, St. Joseph/St. Pius annual fair on September 14th, town wide yard sale September 28th, recycling has been busy and saved the town \$1500 and thanks to all volunteers.

c. Town Administrator Report

The Town Administrator provided highlights from his written report.

d. Proclamation – Red Ribbon Week, Natchaug River Young Marines

A motion was made by Mr. Shocik and seconded by Ms. Provencher to sign a proclamation in support of Red Ribbon Week from October 23rd through October 31st. The motion carried 4:0:0.

5. RESIGNATIONS & APPOINTMENTS

a. Resignation – Capital Improvement Planning Committee – Sara Zwicker

A motion was made by Ms. Provencher and seconded by Mr. Antanavica to accept the resignation of Sara Zwicker from the Capital Improvement Planning Committee and to send a letter of thanks. The motion carried 4:0:0.

b. Retirement – Building Inspector – Jeff Taylor

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to accept the retirement of Building Inspector Jeff Taylor with a letter of thanks for service. The motion carried 5:0:0.

c. FY20 Reappointments (WRTA and Burncoat Pond Watershed District)

A motion was made by Mr. Brooks and seconded by Ms. Provencher to appoint Doug Belanger as the Select Board representative to the WRTA through June 30, 2020. The motion carried 5:0:0.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to appoint Doug Belanger as the Select Board representative to the Burncoat Pond Watershed District through June 30, 2020. The motion carried 5:0:0.

d. Application – Memorial Day Committee – Patrick Flint

A motion was made by Ms. Provencher and seconded by Mr. Brooks to appoint Patrick Flint to the Memorial Day Committee. The motion carried 5:0:0.

e. Applications – Zoning Board of Appeals

Ms. Wilson presented two applications for the Zoning Board of Appeals (ZBA). The applicants have not been able to attend a ZBA meeting yet so there is no recommendation from the ZBA at this time. A motion was made by Mr. Brooks and seconded by Ms. Provencher to give the applicants until the end of September to attend a ZBA meeting and to ask the ZBA Chair to reach back out to the applicants. The motion carried 5:0:0.

f. Application – Commission on Disabilities – Deborah Nash

A motion was made by Mr. Brooks and seconded by Ms. Provencher to appoint Deborah Nash to the Commission on Disabilities. The motion carried 5:0:0.

g. Tree Lighting Committee – Approval of Charge and Appointments

A motion was made by Ms. Provencher and seconded by Mr. Antanavica to approve the Tree Lighting Committee charge and establish the committee with 5 at-large members, one of which can be a select board member. The motion carried 5:0:0.

6. OTHER BUSINESS

a. Police Department Donation

A motion was made by Ms. Provencher and seconded by Mr. Brooks to accept a \$20 donation to the Leicester Police DARE program from Alice Kenney. The motion carried 5:0:0.

b. Senior Center Donation

A motion was made by Ms. Provencher and seconded by Mr. Brooks to accept a \$500 donation to the Senior Center from the Camosse Foundation. The motion carried 5:0:0.

c. Request to Use Town Roads – Ultra Marathon – October 13th

A motion was made by Ms. Provencher and seconded by Mr. Brooks to approve the use of Town owned roads for the Ultra Marathon on October 13th. The motion carried 5:0:0.

d. Review and/or Vote Fall Special Town Meeting Warrant Articles

The Board discussed the draft Fall Town Meeting warrant (enclosed). Funding for the proposed study at Hillcrest has been removed at this time as lease negotiations are underway with Hilltop Management. The proposed transfer of Town owned property to the City of Worcester requires further discussion so this article has been removed. The codification of the General Bylaws will not be complete until spring Town Meeting. The request for the transfer of land on Auburn Street to Common Ground Land Trust has been removed. A citizen's petition requesting Lieutenant Paul Doray be permitted to work beyond the age of 65 has been added. The Board voted to put the following articles on the Fall Special Town Meeting warrant:

- 1) A motion was made by Mr. Antanavica and seconded by Mr. Brooks to place an article on the warrant to pay prior year bills. The motion carried 5:0:0.
- 2) A motion was made by Mr. Antanavica and seconded by Ms. Provencher to place an article on the warrant to enter into a five-year postage machine lease. The motion carried 5:0:0
- 3) A motion was made by Mr. Antanavica and seconded by Mr. Shocik to place an article on the warrant to transfer the balance of the Founders Day warrant article into the Founders Day donation account. The motion carried 5:0:0.
- 4) A motion was made by Mr. Antanavica and seconded by Ms. Provencher to place an article on the warrant to transfer funds to the police detail account. The motion carried 5:0:0.
- 5) A motion was made by Ms. Provencher and seconded by Mr. Shocik to place an article on the warrant to adjust the FY20 operating budget. The motion carried 5:0:0.

A motion was made by Ms. Provencher and seconded by Mr. Antanavica to continue the meeting past 10pm. The motion carried 5:0:0

- 6) A motion was made by Mr. Antanavica and seconded by Ms. Provencher to put a placeholder on the warrant for two articles regarding borrowing to finalize the fire station and to address water issues in the surrounding neighborhoods. The motion carried 5:0:0.
- 7) A motion was made by Mr. Antanavica and seconded by Ms. Provencher to place an article on the warrant to fund the fire station litigation settlement. The motion carried 5:0:0.
- 8) A motion was made by Mr. Brooks and seconded by Ms. Wilson to place an article on the warrant to fund an Economic Development position. The motion carried 5:0:0.
- 9) A motion was made by Ms. Provencher and seconded by Mr. Brooks to place an article on the warrant to fund the FY20 Capital Plan. The motion carried 5:0:0.
- 10) A motion was made by Ms. Provencher and seconded by Mr. Shocik to place an article on the warrant to transfer Capital Improvement PEG access funds to LCAC. The motion carried 5:0:0.
- 11) A motion was made by Ms. Provencher and seconded by Mr. Brooks to remove the Memorial School disposition article from the warrant. The motion carried 5:0:0.
- 12) A motion was made by Mr. Antanavica and seconded by Mr. Brooks to place an article on the warrant to transfer land on River Street from the Town to Common Ground Land Trust. The motion carried 5:0:0.
- 13) A motion was made by Ms. Provencher and seconded by Mr. Antanavica to place an article on the warrant to amend the general bylaws to change the name of the Board of Selectmen to the Select Board. The motion carried 5:0:0.
- 14) A motion was made by Mr. Antanavica and seconded by Ms. Provencher to place an article on the warrant to amend the general bylaws to change the annual town election to the third Tuesday in May. The motion carried 5:0:0.
- 15) A motion was made by Mr. Brooks and seconded by Ms. Provencher to place an article on the warrant to amend the zoning bylaws to remove the moratorium on medium and large-scale ground mounted solar systems. The motion carried 5:0:0.
- 16) A motion was made by Mr. Brooks and seconded by Ms. Provencher to place an article on the warrant to amend the zoning bylaws to include a new bylaw regarding medium and large-scale ground mounted solar systems. The motion carried 5:0:0.
- 17) A motion was made by Mr. Brooks and seconded by Ms. Provencher to place an article on the warrant pursuant to a citizen's petition to authorize Lieutenant Paul Doray to extend his service for five additional years. The motion carried 5:0:0.

e. Town Administrator FY19 Performance Review

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to approve a 2% raise for the Town Administrator in conjunction with his FY19 Performance Review as discussed at the last Board meeting. The motion carried 5:0:0.

f. Town Administrator FY20 Goals

The Board discussed the proposed FY20 Town Administrator Goals. A motion was made by Ms. Provencher and seconded by Mr. Brooks to approve the FY20 Town Administrator goals as presented (attached). The motion carried 5:0:0.

g. 300th Anniversary Discussion

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to table this item for one month and to re-advertise for additional members. The motion carried 5:0:0.

7. MINUTES

a. August 19, 2019

A motion was made by Ms. Provencher and seconded by Mr. Shocik to approve the minutes of August 19, 2019. The motion carried 5:0:0.

b. August 22, 2019

This item was passed over

A motion to adjourn was made by Mr. Brooks and seconded by Ms. Provencher. The motion carried unanimously.