

**SELECT BOARD & FORMER BECKER ADVISORY MEETING MINUTES
NOVEMBER 21, 2022, AT 6:00 PM
TOWN HALL, SELECT BOARD CONFERENCE ROOM**

CALL TO ORDER/OPENING

Chair Allen Phillips called the meeting to order at 6:00PM. Vice Chair Antanavica started the meeting with a Veterans Prayer. Chair Allen Phillips, Vice Chair Rick Antanavica, Second Vice Chair Dianna Provencher, Selectman Herb Duggan Jr, Selectman John Bujak, Town Administrator David Genereux, and Assistant Town Administrator Chris Vitale were in attendance.

1. SCHEDULED ITEMS

a. 6:00pm - Cannsit HCA Discussion

Town Administrator Genereux started the discussion by introducing Alex of Cannsit. Alex provided an overview of Cannsit's business plan and layout of space. Mr. Phillips stated their security plan should be reviewed by the Police Department. Mr. Bujak asked if this is the same as the other HCA contracts. Mr. Bujak asked if we should review the impact fee. Mr. Genereux stated the town does not know the full regulation changes yet and it does not make sense to change the contract language. Cannsit just needs a signed HCA agreement to move forward in the process. Select Board members discussed a community impact fee for service in town versus fee built into HCA. Mr. Duggan stated that current funds are restricted in terms of how it could spend. Mr. Duggan wants to move to a direction where fees could be more utilized. Cannsit stated they are open to collaborating. Mr. Bujak stated latest legislation is very restrictive and this agreement would follow new terms and the new narrow scope. Mr. Genereux stated that if Cannsit had no agreement, they couldn't move forward at this point.

At this point, drug prevention is only vague guideline. These funds are not part of the operating budget. Seven other agreements will need to be renegotiated once new guidelines come out. Mr. Bujak asked if the town could do a side agreement to realize more benefit. Mr. Genereux stated that he does not State regulations moving in that direction and that side agreements are not endorsed by the CCC. Future HCA funds will be hard to get and will be heavily regulated. Mr. Duggan stated he would consider a six-month agreement and reassess if CCC guidelines change. Mr. Genereux stated the original agreement was a 5-year agreement. Ms. Provencher stated that she doesn't want to hold this up. Ms. Provencher asked if there is a way to make a written agreement where companies will donate to the town once they bring money in. Mr. Genereux stated that if the board voted to amend the agreement, the Chairman can sign.

Motion 112122-1a: A motion was made by Ms. Provencher, seconded by Mr. Duggan to approve a six-month contract with language stating to revisit the contract when CCC guidelines get published and authorize the Select Board Chair to sign. **Motion carries 5-0-0.**

b. 6:15pm – Continued Dog Complaint – 75 Tobin Road

Mr. Genereux began the discussion by introducing the Police Chief. The Police Chief provided a background of the complaints and the latest incident. Ms. Windward of 100 Tobin Road was introduced and provided a timeline of her experiences with the off-leash pets from 75 Tobin Road. Ms. Windward stated as a result they were not able to have visitation at the home as ordered by the Probate Court. When they were allowed to have visitation at their home again, they had another incident with a dog chasing their son around the yard. Ms. Windward stated that she was promised this would be addressed but nothing has been done. The Animal Control Officer will not respond to instances. Calls have been made to the Police Department. Ms. Windward states she does not know what else to do. Ms. Windward showed the Select Board pictures and a video of the latest incidents.

Mr. Genereux provided the order from the dog hearing on June 6th, 2022. Mr. Bujak asked if the dogs had any collars on. Ms. Windward states the dogs were attached to the house and ripped them off. Mr. Phillips called Mr. Dursa up to speak. Mr. Dursa stated there has been a couple leashes broken, but they have a routine, and his house is far enough from his neighbors where they do not need to see each other. Mr. Dursa explained the story behind one of the incidents. Mr. Dursa explained it is intimidating for neighbors to be taking pictures out his house. Mr. Bujak asked how often the dogs go to the dog park. Mr. Dursa replied one to two times per day with no complaints or issues at the dog parks. Ms. Provencher asked if the Animal Control Officer had seen him. Mr. Dursa replied that he has and that he has been cited. Mr. Dursa said there has been no dog bites or property damage, just getting off leash. Mr. Duggan stated dogs get out sometimes, but you must learn from that. Mr. Duggan stated it's not fair to the neighbor. He recommends a smart collar. Mr. Phillips stated that back in June, the Select Board issued an order stating the dog could not be outside unless they were leashed. If they can get away, they are not in control of dogs. Everyone has right to not have other dogs in their yard. The Select Board issued a fine at that time. The Select Board did not take action earlier in the Fall because a fence was going in, but this issue needs to end. Mr. Dursa stated Kelley submitted a letter discussing the issue. Mr. Dursa stated there is always a chance they could get out. Mr. Phillips stated they need to maintain control over the dogs. Mr. Phillips stated the options are do nothing, issue fines, issue additional orders, banish the dogs, or put the dogs to sleep. The dogs being put to sleep is not an option.

Mr. Bujak stated he wants to see an electric fence get installed. Mr. Duggan stated Mr. Dursa could get a cheaper shock collar, and that he understands there may be some restrictions at home. The Police Chief stated that the department's records are accurate and thorough. Audio of the radio is recorded. There is a code for unfounded claims.

Motion 112122-1b: A motion was made by Mr. Duggan, seconded by Mr. Antanavica to order the residents of 75 Tobin Road to purchase a smart dog collar by midnight on Friday, November 23, 2022, and submit proof of purchase to the Police Chief. If this is not completed, 75 Tobin Road will be subject to fines for each Police call made to this point (\$800 total). **Motion carries 5-0-0.**

c. **6:45pm – Request approve to set up CERT team (Emergency Management Director)**

Mr. Genereux introduced Mr. Main regarding reestablishing the CERT team. Mr. Main provided an overview of what a CERT team does and stated they provide the town additional support during emergencies. Mr. Main stated when he was appointment Emergency Management

Director he would follow through on this initiative. Mr. Antanavica stated he is in support. Mr. Main stated that now that they are recognized by FEMA, the former CERT team is disbanded. Former members can be put back on following retraining. Ms. Provencher stated the CERT team helped with an ice storm in the past and it really helped. Mr. Duggan stated Bob Dupuis should be an honorary member. Mr. Bujak asked if there was any cost to this program. Mr. Main stated \$2,000 was already budgeted for this fiscal year and they put in a grant to help sustain the effort. There are no stipends as it is all volunteers. Mr. Phillips asked why to limit the CERT team to 10 members. Mr. Main stated 10 was a good starting point. Mr. Phillips stated the town will leave it open to offer more flexibility.

Motion 112122-1c: A motion was made by Mr. Antanavica, seconded by Ms. Provencher, to authorize the CERT team with no cap on members and move forward. **Motion carries 5-0-0.**

2. PUBLIC COMMENT PERIOD

Mr. Greg Buteau, who was a virtual attendee, asked what the status was of the Moose Hill Grant. Mr. Genereux stated we got notified of the award but there is no contract paperwork yet. The engineer has already been notified. The scope of services will be established once the town gets a contract from the State. The primary goal of this study is to determine if Moose Hill is a viable water source. The Moose Hill Committee will meet once the town has the grant contract finalized.

3. CIVIC ANNOUNCEMENTS

a. Tree Lighting – December 3, 2022

4. RESIGNATIONS & APPOINTMENTS

a. Appointment – Michael Dyson – Firefighter Recruit

Chief Dupuis began the discussion. Mr. Dyson was not available at the last meeting, but he is here now. Mr. Dyson introduced himself. Mr. Phillips asked why he wanted to work for the town. Mr. Dyson stated this position is good experience before going to the Police Academy.

Motion 112122-4a: A motion was made by Mr. Antanavica, seconded by Ms. Provencher to approve the appointment. **Motion carries 5-0-0.**

b. Appointment – Susan Rowland – Regional Public Health Nurse (Health Dept.)

Mr. Phillips stated that an appointment vote would not be taking place due to Ms. Rowland rescinding the offer.

No motion was made by the Select Board.

5. OTHER BUSINESS

a. **Vote to place articles on the January 10, 2023, Special Town Meeting Warrant**

Town Administrator Genereux asked the Select Board to review the handout with the proposed warrant articles. The Select Board will make their recommendations later. This vote is to place the articles on the warrant. Warrant articles are under the Select Board's purview. Mr. Genereux provided an overview of all warrant articles. In total there were 9 articles, with two articles being contingent on the passing of Article 7- HCA Stabilization Fund. Mr. Duggan asked for there to be a handout for town meeting that provides a very abbreviated explanation of each article for the Special Town Meeting. Mr. Bujak asked where some of the warrant articles came from. Mr. Phillips stated that the town received submissions. Mr. Genereux stated the Article 7 article came from previous HCA discussions and outlines approved uses. Mr. Phillips stated allocating HCA funds for after school programs is not a bad idea and that they are growing in popularity. Members of the Select Board discussed the allocation of HCA funds and the restrictions set by the state. Mr. Phillips asked for there to be a line added in the Warrant Article #7 for Other Related Qualifying Items as determined by the Select Board. This would allow increased flexibility. Mr. Duggan commented that the town needs a plan for spending in its other parks going forward. Mr. Bujak stated the town may have too many parks based on its size.

Motion 112122-5a: A motion was made by Ms. Provencher seconded by Mr. Bujak to accept the articles. **Motion carries 5-0-0.**

b. **FY2023 snow removal contract award (High School Property) – Evergreen**

Mr. Genereux started the discussion with how the town is on its way to maintain the property. The town met with Evergreen last week. The Select Board, in their packet, has a draft fixed three-year contract for \$64K per year. Mr. Antanavica commented that no extra costs are in the contract unless if snow had to be taken offsite but the town shouldn't have that issue. Mr. Phillips stated Evergreen has done a good job in the past. Mr. Genereux stated that if the town was dissatisfied, there is a 30-day termination clause in the contract. Mr. Bujak asked about the school properties. Mr. Genereux stated that the Highway Department does this but not the campus due to staffing limitation and equipment.

Motion 112122-5b: A motion was made by Mr. Antanavica seconded by Mr. Bujak to approve the contract. **Motion carries 5-0-0.**

c. **2022 License Renewals**

- **CV License**

- i) **Subway Wal-Mart, 20 Soojian Dr**
- ii) **Buddy's Spa, 1080 Stafford St**
- iii) **Blue Collar Vintage Salvage, 468 Auburn St**
- iv) **Barber's Crossing, 861 Main St**
- v) **Cherry Valley American Legion, 167 Main St**
- vi) **Crossroads Marketplace, 1060 Main St**
- vii) **Leicester – Spencer Eagles, 850 Main St**
- viii) **Ellers, 190 Main St**
- ix) **Hotdog Annie's, 244 Paxton St**

- x) Leicester Country Club, 1430 Main St
- xi) Knights of Columbus, 91 Manville St
- xii) Subway of Leicester, 1199 Main St
- xiii) Leicester Rod & Gun Club, 1015 Whittemore St

Motion 112122-5c.1: A motion was made by Mr. Antanavica, seconded by Ms. Provencher, to approve the CV license renewals contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **General Entertainment Licenses**
 - i) Barber's Crossing, 861 Main St
 - ii) Cherry Valley American Legion, 167 Main St
 - iii) Ellers, 190 Main St
 - iv) Leicester Country Club, 1430 Main St
 - v) Knights of Columbus, 91 Manville St
 - vi) Leicester Rod & Gun Club, 1015 Whittemore St
 - vii) Blue Collar Vintage Salvage, 468 Auburn St

Motion 112122-5c.2: A motion was made by Ms. Provencher, seconded by Mr. Antanavica, to approve the general entertainment license renewals contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Junk Dealer**
 - i) Blue Collar Vintage Salvage, 468 Auburn St

Motion 112122-5c.3: A motion was made by Mr. Antanavica, seconded by Ms. Provencher, to approve the junk dealer license renewal contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Outdoor Business**
 - i) George MacDougall Christmas Trees, 449 Main St
 - ii) Cherry Valley American Legion, 167 Main St

Motion 112122-5c.4: A motion was made by Ms. Provencher, seconded by Mr. Bujak, to approve the outdoor business license renewals contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Games**
 - i) Cherry Valley American Legion, 167 Main St
 - ii) Leicester Country Club, 1430 Main St

Motion 112122-5c.5: A motion was made by Ms. Provencher, seconded by Mr. Bujak, to approve the games license renewals contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Sunday Entertainment**
 - i) **Cherry Valley American Legion, 167 Main St**
 - ii) **Leicester Country Club, 1430 Main St**

Motion 112122-5c.6: A motion was made by Ms. Provencher, seconded by Mr. Bujak, to approve the Sunday entertainment license renewals contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Auto Body**
 - i) **Prestige Auto, 200 S Main St**
 - ii) **Classic Auto, 1323 Main St**

Motion 112122-5c.7: A motion was made by Ms. Provencher, seconded by Mr. Bujak, to approve the auto body license renewals contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Motor Vehicle**
 - i) **Desmarais Auto, 1067 Stafford St**
 - ii) **Davis Auto, 1655 Main St**
 - iii) **Convenient Auto, 1135 Stafford St**
 - iv) **Classic Auto, 1323 Main St**
 - v) **Wal-Mart, 20 Soojian Dr**
 - vi) **Worcester City Welding, 101 Huntoon Memorial Hwy**
 - vii) **Raul's, 81 S Main St**
 - viii) **Prestige Auto, 200 S Main St**

Motion 112122-5c.8: A motion was made by Mr. Antanavica, seconded by Ms. Provencher, to approve the motor vehicle license renewals contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Rental**
 - i) **Classic Auto, 1323 Main St**

Motion 112122-5c.9: A motion was made by Ms. Provencher, seconded by Mr. Bujak, to approve the rental license renewal contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Class II**
 - i) **Route 9 Auto Group, 1323 Main St**
 - ii) **Prestige Auto, 200 S Main St**
 - iii) **G&L Auto Sales, 449 Main St**
 - iv) **Convenient Auto, 1135 Stafford St**
 - v) **Siwek Auto, 350 Marshall St**

Motion 112122-5c.10: A motion was made by Ms. Provencher, seconded by Mr. Bujak, to approve the Class II license renewal contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

- **Class III**
 - i) **Blue Collar Vintage Salvage, 468 Auburn St**

Motion 112122-5c.11: A motion was made by Ms. Provencher, seconded by Mr. Bujak, to approve the Class III license renewal contingent upon payment of taxes and completion of necessary paperwork and inspections. **Motion carries 5-0-0.**

d. **Discussion on potential creation of a Department of Public Works and Director of Public Works (DPW) Director position.**

Mr. Genereux began the discussion stating a meeting with the union will happen this upcoming Wednesday. With staff shortages, it is clear management needs to get down there. The Town has had discussions of a Public Works Department versus Highway Department. Mr. Phillips stated the town needs to move to a consolidated department for facilities and highway. Mr. Duggan asked who is in charge down there. Mr. Genereux stated he is doing the paperwork, and the prior foreman is staying on staff to complete work. Mr. Phillips stated this is a great opportunity to move staff to the facilities side. Mr. Antanavica additional discussions are needed about day-to-day operations. Mr. Phillips stated the town needs management down there. Mr. Duggan asked if there could be a management progression from a Highway Superintendent to DPW Director. Mr. Genereux stated the pay scale for the positions is different. Mr. Phillips asked if this can be added to the upcoming Select Board meeting agenda.

No motion was made by the Select Board.

6. MINUTES

7. REPORTS

a. Student Liaison Reports

Ms. Chloe Bouchard was in attendance. She stated the Thanksgiving football game was at 10:15AM. Report cards are finalized on Power School. Ms. Bouchard reviewed the programming activities coming up at the school. Mr. Phillips asked who works at the food pantry. Ms. Bouchard stated the Student Council at the High School. Mr. Phillips stated the town should send a letter of thanks for the work the students are doing at the food pantry.

b. Report of the Town Administrator's Office

Mr. Genereux provided a recap of the Town Administrator's Report that was included in the Select Board meeting packet. Mr. Bujak asked for an update on Chapter 90 funds. Mr. Genereux stated reimbursements are pending. Mr. Bujak asked the free cash amount. Mr. Genereux stated it was \$1,446,620. Mr. Bujak asked about the Town Administrator's Office Performance Goals. Mr. Genereux stated the financial reporting package can be sent out, but they may be difficult to read. Mr. Bujak stated more performance goals are due at the beginning of December.

No motion was made by the Select Board.

c. Economic Development Report

Mr. Vitale provided a recap of the Economic Development Report that was included in the Select Board meeting packet. Mr. Phillips stated that State Representatives and Senators should be invited to future events. Mr. Bujak stated the town should court a gas station for near the new warehouse on Route 56. Select Board members discussed traffic counts and traffic flows in the area. Ms. Provencher suggested the slogan for Leicester should be *Central Gateway to Worcester*.

No motion was made by the Select Board.

d. Select Board Reports

Ms. Provencher said she apologized she should not attend Veteran's event due to health reasons. Mr. Bujak has no update. Mr. Duggan gave an 'atta-boy' to the Leicester Police Department and National Grid for their response to a recent accident. Mr. Duggan sent prayers to the accident victims. Mr. Antanavica thanked everyone who showed up to the Veterans Breakfast. Mr. Antanavica stated that he knows the Board gave the Town Administrator's Office Performance Goals, but it against their staff sitting in department offices. Mr. Antanavica stated that the Town Administrator's Office will get behind in their own work. Mr. Antanavica stated that in his own conversations, staff stated that the people making rules don't even go to their offices. Mr. Antanavica said the Board needs to be the ones that show up. Mr. Antanavica wished everyone a Happy Thanksgiving. Ms. Provencher stated she was happy Mr. Antanavica brought that up. Mr. Phillips stated that the Town Administrator's Office is not babysitting, and it is intended to be for learning and bonding purposes with office staff. Mr. Duggan stated that he finds it interesting and that he has received different feedback. Mr. Antanavica stated that it should be ten minutes once per week instead. Mr. Phillips stated the Performance Goals were agreed upon, and that the town will reevaluate after they are completed. Mr. Bujak stated these goals are for the entire office and allows the Town Administrator's Office to get a flavor for the day for staff. Mr. Phillips asked if the town could schedule an after action in December for the oil leak as well as a strategic planning session. Mr. Phillips wished everyone a Happy Thanksgiving and Happy Holidays.

8. EXECUTIVE SESSION

Motion 112122-8.1: A motion was made by Ms. Provencher to go into Executive Session, seconded by Mr. Bujak at 9:16PM. **Motion carries 5-0-0. (Roll Call Vote)**

- a. **Meeting with Defense Counsel pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) to obtain legal advice regarding Joseph Lijoi v. Town of Leicester et al., United States District Court, Civil Action N. 4:21-cv-40114-TSH**

A motion was made in Executive Session at 9:29PM. The motion will be announced at a future Select Board meeting.

- b. **Discussion pursuant to G.L. c. 30A, §21(a)(3) and (7) regarding Thomas Moughan v. Leicester Police Department, Division of Labor Relations, MUP-22-9568**
- c. **To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual pursuant to M.G.L. c. 30A, §21(a)(1) – Town Administrator, Fire Chief, Interim EMS Director.**

Ms. Provencher left at 9:50PM due to personal reasons.

Motion 112122-8.2: A motion was made by Mr. Antanavica to continue the meeting past 10:00PM, seconded by Mr. Duggan at 9:59PM. **Motion carries 4-0-1. (Roll Call Vote – Ms. Provencher not in attendance)**

- d. **To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel pursuant to M.G.L. c. 30A, §21(a)(2) – Police Chief**

Mr. Antanavica left at 10:07PM prior to the discussion.

Motion 112122-8.3: A motion to exit executive session was made by Mr. Bujak and seconded by Mr. Duggan at 10:30PM. **Motion carries 3-0-2. (Roll Call Vote – Ms. Provencher and Mr. Antanavica not in attendance)**

Motion 112122-8.4: A motion to adjourn was made by Mr. Bujak and seconded by Mr. Duggan at 10:30PM. **Motion carries 3-0-2. (Roll Call Vote – Ms. Provencher and Mr. Antanavica not in attendance)**

ADJOURN