

**SELECT BOARD MEETING MINUTES
JUNE 20, 2023 AT 6:00PM
LEICESTER TOWN HALL, LEICESTER, MASSACHUSETTS 01524**

Chair Rick Antanavica, Vice Chair Allen Phillips, Second Vice Chair Dianna Provencher, Selectman John Bujak, Town Administrator David Genereux, and Grants Manager, Samantha Chatterton were in attendance.

ATTENDANCE:

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| Chair Rick Antanavica | Present |
| Vice Chair Allen Phillips | Present |
| Second Vice Chair Dianna Provencher | Present |
| Kevin Menard | Not Present |
| John Bujak | Present |

ADMINISTRATORS:

David Genereux, Town Administrator

CALL TO ORDER/OPENING

Select Board Chair Antanavica opened the meeting at 6:00 PM and read the veterans prayer.

1. SCHEDULED ITEMS

a. Board reorganization

Motion made by Mr. Phillips for Mr. Antanavica to maintain as chair, Ms. Provencher as vice chair, and Mr. Phillips as second vice-chair. Motion seconded by Ms. Provencher.

Mr. Antanavica asked for any other nominations or discussion.

Mr. Bujak expressed his interest in becoming chair and stated he believed he had the experience to lead the town given the recent issues in town and a change would be welcomed.

Mr. Phillips stated the process would be to amend Mr. Phillips' motion since it was already taken and seconded.

Mr. Bujak made a motion to amend Mr. Phillip's motion, to make himself chair, Ms. Provencher as vice-chair and Mr. Antanavica as second vice-chair. Second not made. Motion fails.

Mr. Antanavica and Mr. Philips clarified the board would be voting on Mr. Phillips original motion. **Roll Call Vote, 3-1-0 Mr. Bujak opposed. Motion passes.**

Mr. Genereux stated Mr. Menard could not make the meeting due to a family commitment and sent his regrets.

b. EMS Reappointments

Mr. Ryan Murphy stated EMS had three appointments to replace vacant positions.

Ms. Adriana Bennett was introduced as a basic EMT to Leicester EMS, and later a paramedic and said she would be appointed for the full-time positions.

Ms. Bennett stated she received her paramedic license in April and wanted to obtain more experience.

Motion to approve the full-time appointment made by Mr. Bujak and seconded by Mr. Phillips. (4-0-0) Motion Passes.

Heather Penney was introduced as a part-time one day a week employee who had worked for several private ambulance companies and had just recently moved to Leicester.

Ms. Penney stated she grew up in Boylston and was a full-time EMT for 2 years and started medic school in the fall. She worked for Coastal Medical and she just moved to town with her boyfriend and wanted to serve the community.

Motion to approve the appointment made by Mr. Phillips, seconded by Ms. Provencher. (4-0-0) Motion passes.

Mr. James Stretzel was appointed as per diem EMT to fill vacant positions; something he has done for 9 years and is also a full-time firefighter in the town of Concord. Mr. Stretzel stated he enjoyed EMS and thought Leicester would be a good fit.

Motion to approve the appointment made by Mr. Phillips, seconded by Ms. Provencher. (4-0-0) Motion passes.

c. Use of cannon at Al Southwick tribute

Mr. Kurt Bannon stated the vendor for the food and cannon resulted in a permit for the Tribute to Al Southwick for a cannon send off. He stated the proposal was brought it to the police but not to the fire department.

Mr. Ken Antanavica stated he went through the permits and the insurance forms appeared to be in order for town requirements and state requirements.

Motion to approve the cannon firing on June 22 made by Mr. Phillips, seconded by Ms. Provencher. (4-0-0) Motion passes.

d. 6:30pm – One-day liquor license for Kevin Jarvi, Milk Room Brewing

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f. One day liquor license – Southwick Celebration (Senior Center)

Mr. Genereux stated it was a one-day liquor license for both the senior center and a tasting of Mr. Southwick's Ale which would require a one-day liquor license.

Kevin Jarvi of Milkroom Brewery is the grandson of Albert Southwick and stated he would love to share his grandfather's beer and share a tasting of the sample. He stated he was not planning to sell any alcohol. **Motion to approve made by Mr. Phillips, seconded by Mr. Bujak. (4-0-0) Motion passes.**

A member of the public who completed the application for the cannon provided clarification on the cannon firing. He stated it was a public shooting event in which 5 to 8 shots would occur with a 4-person crew utilizing the cannon over an open field. He stated he would allow people to view the cannon when it was clear and safe and dispatch would be told prior to the firing of the shots.

Mr. Bujak stated it was 5 to 8 cannon shots and reiterated that to the public.

4. REPORTS

a. Town Administrator's Report

Mr. Genereux read the town administrator's report stating he was at a conference last week. He discussed the bids received and current solicitations. He discussed citizens issues, conservation issues and length of time it was taking to resolve, public record requests, grandfathered lots and buildability, and potential variances, financial matters, shortfalls in the ambulance/EMS budgets, end of year transfers which would come from the general fund, advertisement for building inspector resulting in three candidates for interviews. He stated another town had posted a much higher salary at an adjacent town so the appeal to qualified applicants was lessened due to the competition. Mr. Genereux discussed Leicester PD canopy plans for bids and management of ARPA applications.

Mr. Bujak stated he was unaware the building inspector has resigned.

Mr. Genereux replied he had resigned, and his last day would be June 30.

Ms. Provencher asked if the current building inspector had his license when he was hired and asked if the town paid for that schooling.

Mr. Genereux stated he had his local license, and the town historically pays for additional licensure.

Ms. Provencher stated if employees are going to leave, they should have some contractual obligations to the town for several years.

Mr. Phillips stated the town needed a policy to ensure if people leave within a certain timeframe, the town can recoup some of the educational funds.

Ms. Provencher stated she agreed.

Mr. Genereux stated the cost of transitioning from an inspector to a commissioner is minimal, but he could check into the cost and process.

Mr. Phillips stated the investment for the testing, books etc. should be repaid if employees leave quickly after 2 years.

Mr. Bujak stated in his working life, the policy is not enforceable as it cannot legally be taken from the employee's wages and the employer could not force employees to pay.

Mr. Genereux stated the building inspector was at the end of his 3-year contract and had fulfilled his obligations.

Mr. Phillips stated the policy could be made for employees moving forward.

Mr. Bujak stated incoming employees will need to be invested in so this is cost. He asked about the disrepair of a certain building on the town administrator's report in town and what had been done to resolve the complaint.

Mr. Antanavica stated it was an old school building.

Mr. Genereux stated he would have the DPW director look at it.

Ms. Provencher stated the at one time in the past, she believed the historical commission's budget provided enough funds to care for the building.

Mr. Genereux stated if they can't maintain the building, they should discuss with the historical commission about potential options.

Mr. Bujak asked Mr. Genereux to look into options and stated to lose it would be disappointing and maybe the town could solicit to find funding to repair.

e. Andrea Judge, Fuss and O'Neill Waite Pond Dam Construction

Mr. Genereux introduced Ms. Andrea Judge from Fuss and O'Neill who would discuss Waite Pond Dam Revisions.

Ms. Judge stated existing conditions from the dam resulted in concerns as to how the dam is designed to handle significant storm events and allow water as high as 12 inches.

Mr. Phillips asked for clarification and if there were any issues known to Mr. Genereux. He asked about adding a slab which would create a seam and the impacts of water levels that would breach the seam.

Ms. Judge stated the alternative proposal would reconfigure the wall to retain the flow during a design storm, cast the wall extension, water stops, joints into the concrete.

Mr. Philips asked about the effects if they raised the slab which would create a seam of the dam.

Ms. Judge stated there would still be a seam functionally as it was poured as one wall and there would be a diagonal joint aesthetically.

Mr. Bujak asked if he understood correctly with the design as essentially a splash guard for storm events.

Mr. Phillips stated there is earth behind one wall that has the seams and asked if there would be a buildup behind that.

Ms. Judge stated it would not be under pressure from waters in the channel and would keep the waters within the channel.

Mr. Genereux stated it would only be the cost materials and the remainder is coming from Fuss and O'Neill.

Mr. Antanavica stated he wanted to pay the costs of prior year, not today's costs with inflation.

Ms. Judge discussed the contractor's pricing in 2021 which is different when the project was originally bid in 2020.

Mr. Antanavica stated if there was a discrepancy in pricing, he did not want the town paying the 2021 elevated pricing.

Mr. Phillips asked about the fencing and inquired about the costs.

Ms. Judge stated the fencing needing to be replaced and would be split with the town because it was done correctly initially and the fencing would still be present.

Mr. Bujak stated if the company was committed to resolving the issue, the company should take on the full cost of repair.

Ms. Judge asked for clarification on the costs of materials which would have needed to be incurred or the cost of the fencing.

Mr. Phillips stated the cost of material should be the town because they would have paid that anyway but the fencing and the added price since 2020 should not be paid by the town.

Ms. Judge stated they would take care of the modifications including the fence and asked for a change order to implement the changes.

Mr. Phillips asked if the pond had to be drained and for how long.

Ms. Judge stated the lake is drained a few feet after Thanksgiving and the firm would like to perform that work during that period to accommodate everyone since the water levels are naturally low currently.

Mr. Bujak made a motion to approve the modifications by the Waite Street Dam subject to the cost limited to the materials of the 2020 bid pricing and that fencing is included at no cost. Seconded by Ms. Provencher. (4-0-1)

3.RESIGNATIONS & APPOINTMENTS

a.Board & Committee Reappointments (listed in packet)

Mr. Philips read the reappointment list page by page.

Motion to approve made by Mr. Phillips and seconded by Ms. Provencher. Motion excludes COA members listed in the appointment list - Moore, Bergen and Provencher. (4-0-1) Motion passes.

1.SCHEDULED ITEMS

g. Permission to use Memorial School parking lot for film production. (Betti Productions)

Mr. Phillips asked about Memorial School film production but the producer was not in attendance.

Motion to approve the filming made by Mr. Antanavica and seconded by Ms. Provencher. (4-0-1) Motion passes.

2.EXECUTIVE SESSION

- a. To discuss strategy with respect to collective bargaining or litigation, pursuant to MGL Chapter 30A, Section 21(a) (3) if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Cape Cod Builders
- b. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; M.G.L. c. 30A, §21(a)(2) – Health Director

Mr. Bujak moved to enter into executive session. Seconded by Ms. Provencher. Roll call vote. (4-0-1) Motion passes.

Mr. Antanavica re-opened the public meeting at 8:26 PM.

5.PUBLIC COMMENT PERIOD

Mr. Antanavica asked the audience if anyone was in attendance for public commentary. Hearing none,

6.CIVIC ANNOUNCEMENTS

a. Concerts on the Common

Mr. Antanavica stated the concerts on the commons series would be beginning on July 5th.

7.OTHER BUSINESS

a.Contract Award – Borger ADA Entrances IFB

Mr. Antanavica asked Mr. Genereux about the bids and Mr. Genereux replied there was one bidder for the project that came in from Adams and Ruxton totaling \$47,147.79. Mr. Genereux stated reference checks are being done on the bidder.

Mr. Bujak made a motion to approve the contract, seconded by Ms. Provencher. (4-0-1) Motion passes.

b.Contract Award – Borger ADA Bathroom IFB

Mr. Antanavica asked about the ADA bathrooms for \$123,604 and Mr. Genereux stated that project only attracted one bid as well.

Ms. Provencher made motion to approve, seconded by Mr. Phillips. (4-0-1) Motion passes.

Mr. Bujak asked if the funds were coming from monies set aside for Becker to which Mr. Genereux responded yes.

c.Health Director Contract Vote

Motion made by Mr. Phillips to approve the contract as discussed in executive session, seconded by Ms. Provencher to approve the health director contract. (4-0-1) Motion passes.

d. Recruitments – Police, DPW, Assistant Town Administrator, DIS

Mr. Genereux stated with the funding for FY24 voted on by the board and asked for direction of where to go with open positions moving forward.

Mr. Bujak stated he wished for a freeze in the hiring for this year because the plan voted on was risky and could potentially fail at town meeting.

Mr. Genereux stated it would impact the schools more than the town with an increase to their budget.

Mr. Bujak stated reiterated the theme of OneLeicester and stated there is a ripple effect to the town as well.

Ms. Provencher asked if the positions were budgeted for and why they weren't hiring for them.

Mr. Genereux stated all positions were built in the budget and approved at spring town meeting. He stated everything was vetted a part of the budget process, but since the schools require additional funding from the town to retain service levels and he thought it was appropriate to bring the issue back to the board to fill positions.

Mr. Antanavica stated the departments have been struggling to maintain service levels with existing staffing levels resulting in additional overtime and backfilling costs.

Mr. Bujak stated that issue was his expressed concern in prior meetings and asked how the situation changed so quickly.

Mr. Kris Lauzon stated he needs additional equipment and discussed the thought process behind comments about expectations on the timeframe it takes to complete DPW work between snowing and mowing.

Mr. Bujak asked about contracts and the timeframe for them to expire before hiring additional staff.

Mr. Genereux stated the departments are so far behind from lack of staffing, it would be time to revisit the contractors.

Mr. Antanavica stated Mr. Lauzon needs not only staff but equipment as well.

Mr. Phillips stated they previously voted on a budget specifically to not cut or lose the positions so he saw no reason not to fill the vacancies. He stated the police are constantly pulling people over which in turn is keeping the town safe.

Mr. Bujak asked if the town doesn't approve the budget changes utilizing the one-time funds, how to proceed with the existing budget, as the voters had only approved an \$18 million budget.

Mr. Genereux stated the 1.5 million in ARPA was voted and the school needs to journal school budget expenses against the ARPA grant and the appropriation at town meeting won't show the \$1.5 million at all.

Mr. Phillips stated the remaining sources of funding for the schools would be voted on at town meeting by some process.

Mr. Genereux stated if it didn't pass, town meeting would have to pass to increase the town budget, and he doesn't anticipate it to be a problem.

Mr. Antanavica stated he also doesn't see it as a problem.

Mr. Bujak stated raises for school department officials is likely to spark some debate so close after the financial issues and said additional time was needed before funding additional positions.

Ms. Provencher said it was already voted on at the budget meeting and the positions should be filled. She asked Chief Ken Antanavica if the two positions would help his department and lessen the overtime costs.

Mr. Ken Antanavica stated the additional staffing would help immensely in the crimes happening locally and stressed the open campus would require additional full-time staff to keep the school grounds secure. He stated the call log is continually increasing and the extra staffing would remove his guys working double shifts.

Mr. Bujak inquired about the school hiring a resource officer and what that would mean for the police department.

Mr. Ken Antanavica stated his officers would be separate as opposed to the resource officer.

Mr. Rick Antanavica was temporarily cut from the budget due to financial amendments.

Mr. Phillips proposed budget ideas to fund different positions and he would like to utilize funds to ensure both police officers are filled.

Ms. Provencher stated Mr. Lauzon was struggling with the highway department struggles with the staff shortage and asked Ms. Chatterton about the demands of the Town Administrator's office.

Ms. Chatterton stated the demands of the town administrator's office is rather daunting between the calls and walk-ins and the nature of the interactions was generally elevated requiring more time to resolve and the time it took to prep for board meetings.

Mr. Genereux clarified that since that the budget was voted on it was time for discussion on what to do with the open positions.

Motion made by Ms. Provencher to fill the budgeted and vacant positions, seconded by Mr. Phillips.

Mr. Antanavica inquired about the assistant town planner.

Mr. Genereux stated planning is looking for someone to take on the minutes and assist with conservation.

Mr. Antanavica acknowledged the delays in the planning process and how people were upset with the time it takes to receive a special permit and the delay in conservation meetings to attract more businesses.

Mr. Bujak stated he heard the rules were so elaborate, people weren't allowed to smoke a cigarette on a long stretch of Route 9.

Mr. Antanavica stated the town needs to move forward with positions that will help increase and bring in revenues to the town.

Mr. Bujak stressed the importance of being frugal with funds regarding open positions.

Motion passes 3-1-1 (Mr. Bujak opposed)

e. Personnel Board discussion

Mr. Bujak discussed the personnel board proposal that he put together to develop a five-member board to establish a game plan of how employees are hired, compensated and managed comprised of members from the public, a Select Board member, an Advisory Board member and possibly a town employee separate from the Town Administrator.

Ms. Provencher stated a member of the Select Board is problematic as it would be difficult to keep people up to speed of everything that is going on and it gets tricky because it's a confidential board and elected and rotating officials on the board could be a problem.

Mr. Bujak stated the board would ensure everyone is treated properly and fairly and with the Select Boarding overseeing personnel matters has led to awkward situations. He stated the board would review policies and procedures. He said the personnel board would remove some of the stress of the Select Board and remove them from the majority of HR related issues including policies and procedures.

Mr. Phillips stated he had thought about a personnel board previously and his thoughts are the town needs an HR person over a board. He said he had heard of a company named Bambee that could come in one or two days per week and assist the town with an outside perspective. Mr. Phillips stated having residents and employees on the same board could create conflicts and dislikes based on a one-sided thought process. He stated it would be better to bring in an outside professional for the job.

Mr. Bujak stated they just voted on an employee contract which would have been more appropriate to go to an HR or personnel board by discussion.

Mr. Antanavica asked Ms. Provencher to bring her book from the former HR board to review.

Mr. Phillips asked about the cost of providing HR services for a day as a contracted employee.

Mr. Genereux stated typically an Assistant Town Administrator would handle the HR component pieces.

Mr. Phillips reiterated the Select Board is not HR people and it would be better to have an outside official.

f. Former Becker Advisory Committee discussion

Mr. Antanavica passed over the Becker Advisory Committee until Mr. Menard can join the board.

g. Select Board Draft Meeting Schedule

Mr. Phillips read the schedule for FY24 meetings.

Motion to adjourn Mr. Phillips, second Mr. Bujak. (4-0-1) Motion passes.

