

**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, 2<sup>nd</sup> 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 8<sup>th</sup>, 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 21<sup>st</sup>, 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 14<sup>th</sup>, town wide yard sale September 28<sup>th</sup>, 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 23<sup>rd</sup> through October 31<sup>st</sup>. 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 13<sup>th</sup>**

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 13<sup>th</sup>. 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. 300<sup>th</sup> 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.