

**MINUTES
BOARD OF SELECTMEN MEETING
JANUARY 25, 2016**

CALL TO ORDER/OPENING

Chairwoman Provencher called the meeting to order at 6:30pm. Chair Dianna Provencher, Vice Chair Douglas Belanger, 2nd Vice Chair Sandra Wilson, Selectman Harry Brooks, Selectman Thomas E. Buckley, III and Town Administrator Kevin Mizikar were in attendance.

PUBLIC COMMENT PERIOD

No members of the public provided comment

1. SCHEDULED

a. 6:30pm – Executive Session MGL CHAPTER 30A, SECTION 21A, Exceptions #1 and #6

No executive session was held

b. 7:00pm – Public Hearing - Class II License Transfer of Location – Brian’s Auto Sales

The Chair read the public hearing notice as published in the T&G. A motion was made by Ms. Wilson and seconded by Mr. Belanger to open the public hearing at 7:13 pm.

Vote by Roll Call:

Provencher - Aye
Belanger – Aye
Wilson – Aye
Brooks - Aye
Buckley – Aye

The motion carried unanimously.

Mr. Belanger noted the application is missing information and without the applicant in attendance a decision cannot be made.

A motion was made by Ms. Wilson and seconded by Mr. Buckley to suspend the public hearing.

Vote by Roll Call:

Provencher - Aye
Belanger – Aye
Wilson – Aye
Brooks - Aye
Buckley – Aye

The motion carried unanimously.

c. 7:00pm - Common Victualler License Transfer – Zuzu’s Pizza to Good Guys Pizza

Michael Suarez and Mohamed Rachid presented a request to open Good Guys Pizza at the former location of Zuzu’s Pizza.

A motion was made by Ms. Wilson and seconded by Mr. Belanger to approve the Common Victualler license transfer from Zuzu's Pizza to Good Guy's pizza. The motion carried unanimously.

d. 7:00pm – Common Victualler License Transfer – Giguere Gymnastics

Chris Clark presented a request to transfer the Common Victualler license into his name as he is taking over ownership and management of Giguere Gymnastics.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to transfer the Common Victualler license at Giguere Gymnastics to new owner Chris Clark. The motion carried unanimously.

e. 7:00pm – CDBG Application Public Hearing

The Chair read the public hearing notice as published in the T&G. A motion was made by Ms. Wilson and seconded by Mr. Buckley to open the public hearing at 7:21pm.

Vote by Roll Call:

Provencher - Aye
Belanger – Aye
Wilson – Aye
Brooks - Aye
Buckley – Aye

Paul Dell'Aquila with CMRPC presented the scope of work for the CDBG grant application which is the final step for the submission of the grant application. This will be a joint application with the Town of Charlton and will include housing rehab and accessibility improvements at both Town Halls. The application deadline is February 12, 2016. Mr. Belanger asked which activities qualify for housing rehab. Mr. Dell'Aquila responded activities such as lead based paint removal and septic system upgrades. Mr. Brooks asked if window replacement was an eligible activity. Mr. Dell'Aquila responded that he will check. Mr. Belanger asked if the funds could be used to tie into town sewer. Mr. Dell'Aquila responded that depending on the cost CDBG could likely pay for some component thereof. Mr. Mizikar read a letter of support from the Town of Charlton for this joint application.

A motion was made by Mr. Belanger and seconded by Mr. Brooks to support the submission of a CDBG grant application. The motion carried unanimously.

f. 7:15pm – Liquor License Violation Hearing – Leicester Package Store

Sgt. Doray discussed a liquor violation which occurred during an alcohol compliance check of all liquor license holders in the Town of Leicester on December 30, 2015 using ABCC guidelines and a 19 year old male who looked reasonably his age if not younger. It was decided he would attempt to buy a six pack of Bud Light at all package stores and a bottle of Bud Light at all pouring establishments. If asked for ID he was to say he did not have it and immediately leave. The first stop was the Leicester Package Store. The individual was not asked for ID, purchased the six pack and brought it to the vehicle where it was secured.

Mr. Ron Canane, owner of the Leicester Package Store for 58 years, stated his employee Jimmy Como who had worked for him for 29 years was working that night and this is the first time he has ever had an issue with him. He noted he takes this very seriously and has arranged for a TIPS refresher course for all employees. Mr. Canane stated he is very sorry and will make sure this never happens again.

Mr. Belanger stated he appreciates Mr. Canane coming to the meeting, showing contrition and having a plan of action. Mr. Mizikar stated there has been no previous history of offenses at this location and is grateful they

scheduled TIPS training as this is part of his recommendation along with a 1 day suspension held in abeyance for 6 months provided there are no additional issues.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to issue a 1 day suspension held in abeyance for 6 months provided there are no additional issues and to require a refresher TIPS course for all employees at the Leicester Package Store.

Under discussion, Ms. Wilson thanked the Chief for undertaking the compliance checks as she has been asking for them for the last six years. Ms. Wilson asked if there had been a previous underage sale at this location during the last compliance check. The Chief responded that there was an issue with someone using a reported missing ID but that the ABCC came through Town earlier last year and everyone passed. Ms. Wilson put the store on warning because there is a huge liability with Becker having very drunk kids at the start of every school year going to the hospital and hopes with the TIPS re-certifications this will not happen again. Mr. Buckley stated the store has been a good business and accidents happen.

The motion carried unanimously.

g. 7:15pm – Liquor License Violation Hearing – Crossroads Marketplace

Sgt. Doray discussed a liquor violation which occurred during an alcohol compliance check of all liquor license holders in the Town of Leicester on December 30, 2015 using ABCC guidelines and a 19 year old male who looked reasonably his age if not younger. It was decided he would attempt to buy a six pack of Bud Light at all package stores and a bottle of Bud Light at all pouring establishments. If asked for ID he was to say he did not have it and immediately leave. Crossroad Marketplace was the 11th establishment visited. LPD parked out front. The 19 year old male approached an older gentleman at the counter with a six pack of bud light, paid for it, was not asked for ID, and brought it out to the vehicle where it was secured.

Mr. Mizikar noted no one was present at the hearing from Crossroads but that notice was provided via both regular and certified mail. The Chief noted there is a significant difference between the contrition shown by Mr. Canane and no one showing up from Crossroads which he finds concerning. Mr. Buckley noted that while people make mistakes not showing up does not show remorse. Mr. Belanger noted this is an overall well run establishment and recommended a 1 day suspension. If Crossroads decides to come to the next Board meeting the Board could decide at that time whether or not to hold the 1 day suspension in abeyance. Mr. Mizikar recommended a one day suspension on a day selected by the Chief unless Crossroads attends the meeting next week.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to suspend Crossroad Marketplace's beer and wine license for one day to be determined by the Board of Selectmen at their next meeting and require all employees to take TIPS recertification. The motion carried unanimously.

2. CORRESPONDENCE

a. Senior Center Donations

A motion was made by Ms. Wilson and seconded by Mr. Brooks to accept the senior center donations and deposit them into the senior center donation account. The motion carried unanimously.

b. Police Department Donation

A motion was made by Mr. Brooks and seconded by Mr. Buckley to accept the police department donation. The motion carried unanimously.

c. EMS Donations

A motion was made by Mr. Buckley and seconded by Mr. Brooks to accept the EMS donations. The motion carried unanimously.

3. NEW BUSINESS

a. Resignations

i. Sandra Buxton – Town Accountant

A motion was made by Mr. Buckley and seconded by Mr. Brooks to accept, with regret, the letter of resignation from Sandy Buxton, Town Accountant, and to send a letter of appreciation. The motion carried 4:1 with Ms. Provencher in opposition.

Mr. Buckley thanked Ms. Buxton for how great and patient she was through the transition in the Treasurer/Collector’s office.

b. Appointments

i. Joanne Rose – Council on Aging

A motion was made by Mr. Belanger and seconded by Mr. Buckley to appoint Ms. Rose to the Council on Aging. The motion carried unanimously.

Ms. Wilson asked that her term be clarified and correctly appointed.

ii. Truck Driver – Highway Department

Mr. Mizikar presented a request to appoint Michael McCormick to the position of Truck Driver for the Highway Department as the department currently has one vacant position and one employee out on a leave of absence. A truck driver is critically needed at this time of year.

A motion was made by Ms. Wilson and seconded by Mr. Belanger to appoint Michael McCormick to the position of Truck Driver for the Highway Department. The motion carried unanimously.

c. Authorize Deficit Spending – Snow & Ice Account

The Snow and Ice account is down to \$8,800 and although not all of the salt has been used the Town is required to purchase another \$17,000 worth due to their signed contract. Finance advisory board has already voted to authorize deficit spending in this account.

A motion was made by Mr. Belanger and seconded by Mr. Brooks to authorize deficit spending in the snow and ice account. The motion carried unanimously.

Ms. Provencher asked if we have a place to store the salt if it goes unused. Mr. Mizikar responded in the affirmative.

d. January 26, 2016 Special Town Meeting

Mr. Mizikar noted that the Town has yet to receive all documents and authorizations from Becker needed to pass over Article 3. Mr. Belanger expressed concern that Becker has agreed to the terms but has yet to sign the purchase and sale agreement but that the President has informed him he has assigned someone to “get the deal done”. Ms. Wilson noted if the Town has to purchase the property the funds will come out of the existing project funds and will compete with funding that is critical to the completion of the project.

Ms. Provencher assigned the reading of the motions. Mr. Belanger will read article 1, Ms. Wilson will read article 2 and Mr. Buckley will read article 3.

e. Set, Date, Time and Location for Special Town Meeting – May 3, 2016

A motion was made by Mr. Belanger and seconded by Mr. Brooks to set the date, time and location for spring Special Town Meeting as Tuesday, May 3rd, 2016 at 7pm in the Town Hall Gym. The motion carried unanimously.

f. Open May 3, 2016 Special Town Meeting Warrant

A motion was made by Mr. Belanger and seconded by Ms. Wilson to open the Special and Annual Town Meeting warrants. The motion carried unanimously.

g. Set Date Time and Location for Annual Town Meeting – May 3, 2016

A motion was made by Mr. Belanger and seconded by Ms. Wilson to set the date, time and location of the Annual Town Meeting as Tuesday, May 3rd, 2016 at 7pm in the Town Hall Gym. The motion carried unanimously.

h. Open May 3, 2016 Annual Town Meeting Warrant

Motion made as part of Item 3f

i. Designer Contract - Waite Pond Dam

Mr. Mizikar presented a contract with Fuss & O'Neill to design the reconstruction of Waite Pond Dam. These documents will prepare the project for construction in the fall of 2016. All funding requested in this agreement has already been put in place at Town Meeting.

A motion was made by Mr. Belanger and seconded by Mr. Provencher to approve the agreement designer contract with Fuss & O'Neill for Waite Pond Dam. The motion carried unanimously.

j. Estoppel – Syncarpha, Inc.

As a requirement of project financing, Syncarpha Inc. is requesting a 3rd estoppel be signed to reaffirm the terms of the solar power project agreement. The Town started receiving solar credits in late December and the project is fully operational.

A motion was made by Mr. Belanger and seconded by Ms. Wilson to authorize the Chair to sign the estoppel with Syncarpha Inc. The motion carried unanimously.

k. Funding Agreement - Mass School Building Authority

A motion was made by Mr. Belanger and seconded by Ms. Wilson to sign the agreement with the MSBA for the high school roof project grant. The motion carried unanimously.

l. Contract - LPD Radio System Expansion Project

Chief Hurley presented a request to purchase a voter receiver site for the Rochdale Fire Station. In 2009 a Justnet radio study indicated the police department needed a new radio system. In 2013 the Board unanimously approved purchasing a mixed mode VHF conventional system at a cost of \$190,000. However, there are gaps in this system which need to be filled in. Town Meeting has now approved the funding for additional voter receiver sites to address these gaps. The Chief is recommending beginning by purchasing the voter receiver for the Rochdale Fire Station first and seeing if the Town receives a State 911 grant for the rest of the project.

A motion was made by Mr. Belanger and seconded by Mr. Brooks to sign a contract with Motorola for the LPD radio system expansion project.

Under discussion, Ms. Wilson noted the contract price is \$126,000. The Chief responded that only one receiver site would be installed at this time at a cost of \$50,000. Ms. Wilson opposed staying with a mixed mode system, arguing it cost more. The Chief responded this system addresses the concern that the Town may not be able to listen with a digital system. Jim Wilson spoke in opposition to a mixed mode system, citing the additional cost.

The motion carried 4:1 with Ms. Wilson in opposition.

m. Contract Amendment – Town Hall Access Improvements Design

Mr. Mizikar presented an amendment with Kang and Associates, architects for the Town Hall accessibility project to complete a required asbestos inspection at a cost of \$2,850. A motion was made by Mr. Belanger and seconded by Ms. Wilson to approve the contract amendment with Kang and Associates. The motion carried unanimously.

4. DISCUSSION/OLD BUSINESS

a. Discuss Comprehensive Bylaw Review and Government Study Committee(s)

Mr. Mizikar recommended establishing a group to take a comprehensive review of all bylaws and a government study committee to look at potentially establishing a charter. Mr. Belanger noted that a number of years ago a diverse group of individuals undertook a government study and looked at different forms of government structure, consolidating the water and the sewer districts, etc. for two years. The effort went down in flames on Town Meeting floor. As a result, he recommends attempting to make small, incremental changes. Ms. Provencher noted residents wanted to keep Town Meeting rather than have representative forms of government like Auburn and Shrewsbury.

b. Electronic Executive Initiative

Mr. Mizikar recommended moving away from paper warrants and paper Board binders to electronic versions of both to reduce waste and save time. Mr. Mizikar noted a savings of approximately \$1500 a year in resources and staff time could be saved by moving to electronic board packets on tablets which would go to the cost of purchasing the tablets. The full warrant could be put on a secure internal portal on the website that only the Board could access. Mr. Brooks said it's time to clean up, go green and stop wasting paper. Mr. Buckley felt the electronic initiative was a great idea and recommended putting an agenda on a screen.

c. Accounting Office

Mr. Mizikar proposed following a similar plan as was used in the Treasurer/Collector's office upon Ms. Buxton's retirement by advertising internally for an Interim Town Accountant position for which the current Assistant Accountant intends to apply. The Interim term would last from March to the end of the fiscal year, thereby giving the Town Administrator the opportunity to assess if the interim is a good fit for a permanent position. The position would be full time with a part time assistant accountant. A consultant would be brought on board to assist during the transition. The consultant would likely be Ms. Buxton as she is best positioned to facilitate this transition. Mr. Mizikar believes Ms. Lawrence has the ability to take on this position and although not required, is prepared to take the accounting tests. This transition should have a minimal impact on the budget since the positions are being switched around in terms of hours. At the end of the fiscal year, the Interim Town Accountant would either be permanently appointed or a formal search would begin.

5. TOWN ADMINISTRATOR REPORT

The Town Administrator presented highlights from his written report and informed the Board the Northeastern University will make the final presentation of the Economic Development Self Assessment Tool February 18th at 7:30pm.

6. BOARD OF SELECTMEN REPORTS

Mr. Buckley thanked Troop 123 for the invite to Jeremy Gaudette's Eagle Scout ceremony and stated he enjoyed the participation by all the scouts in the troop. Mr. Buckley recommended residents thrown away old Dole salad as his wife was poisoned.

Ms. Wilson stated great progress is being made on the fire station and the latest designs appear to fit both the program needs and the budget. She noted the project will go before the Planning Board on 2/2/16 and the ZBA on 2/3/16. Ms. Wilson reminded residents that the ice isn't safe and not to go on it unless it has been measured and tested. This information is available online.

Mr. Belanger congratulated the 14 other establishments that passed the liquor license compliance checks and expressed concern with the security of Town Hall.

Ms. Provencher apologized for not making it to the Eagle Scout ceremony because she had a death in the family. Ms. Provencher discussed several classes she took at the MMA Annual Meeting and noted it is Jet Blue's second anniversary in Worcester.

7. MINUTES

a. January 4, 2016

A motion was made by Ms. Wilson and seconded by Mr. Brooks to approve the minutes of January 4, 2016. The motion carried unanimously.

A motion to adjourn was made by Ms. Wilson and Mr. Brooks at 8:32pm. The motion carried unanimously.