



Town of Leicester, Massachusetts

# Special Town Meeting Guide

Special Town Meeting – November 14, 2017 – 7:00PM

“In the hands of the Voters”  
November 14, 2017

## **Town Meeting Rules & Procedures Review**

Each Town Meeting is a formal legislative body. As such, we are governed by both Massachusetts General Laws and Chapter Two of Leicester's Town By-Laws. Our proceedings follow "Town Meeting Time, A Handbook of Parliamentary Law", and tradition.

The Town Moderator does not vote, except in cases of a tie vote on the floor.

Town Meetings in Leicester are open only to registered voters.

As members of the town meeting, voters have the right, if they so choose, to present opinions and to ask questions through the moderator in relation to the motion under discussion, and only to the motion under discussion. You have a right to be comfortable with the facts at hand in order to make an informed vote.

A voter wishing to address the meeting through the moderator should approach the microphone and must identify themselves, and state their address each time they address the meeting. If it seems that the Moderator is not aware of your desire to speak, please give some signal so that you will be recognized. If you are not able to get to the microphone, please give a signal and a teller or volunteer will bring a microphone to you.

No one may speak to any motion more than twice, except to clarify a point or respond to a question through or from the moderator, and maximum time is ten minutes. Voters must stay on topic with the motion at hand, and personal attacks or slurs of any kind will not be tolerated.

If you have a question as to why something is done in a particular fashion, feel free to ask. Raise that question or issue with the statement, "Point of Order."

If a member of this meeting wishes to move the question, that motion must be made from the microphone. A motion to move the question will not be accepted from the floor. A motion to move the question simply indicates that at least the individual offering the motion to move the question and person making the second have heard all the debate they feel is needed. A seconded motion to move the question is not a debatable motion. At such time, all debate will cease and a vote is taken. A 2/3 majority is required for passage. If the motion to move the question passes, we will immediately vote on the motion which was under discussion in the hands of the meeting. If the motion to move the question is defeated, debate on the motion previously under discussion will resume. This procedure is often misunderstood, but is allowed and governed under the By-Laws of the Town of Leicester.

Any motion undertaken by Town Meeting in Leicester may be reconsidered, meaning it can be brought up for a vote a second time. The motion to reconsider a motion must be made within one hour of the taking of the original vote on the motion in question. A motion cannot be brought forward for reconsideration more than once.

Any motion made must be within the scope of the articles posted in the warrant and presented to the moderator in writing.

Respectfully,

Donald A. Cherry, Jr. – Town Moderator

## **ARTICLE 1 PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate 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**

*I move the Town vote to transfer \$692.00 from Free Cash in order to pay bills from prior fiscal years as follows:*

- *\$200.00 to T-Mobile for the Police Department*
- *\$491.90 to Staples for the Town Clerk's Office*

### **FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends approval of this article.

### **DESCRIPTION**

State law regulates the timeframe under which bills can be paid by a municipality. If invoices are presented to the Town Accountant after July 15<sup>th</sup> for the prior fiscal year ending June 30<sup>th</sup>, then the bills must be held and approved by Town Meeting. Bills may be late for various reasons including delays on the part of the vendor or Town staff. Details on the prior year bills currently under consideration:

\$200.00 to T-Mobile – Phone service bill for the Police Department was never sent to the Town due to a T-Mobile billing error. This bill was received after the July 15<sup>th</sup> fiscal year invoice deadline.

\$491.90 to Staples – Office supply bill for the Town Clerk's Office. This bill was to be paid for out of a refund that was not received until FY'18 and therefore could not be applied to this invoice.

## **ARTICLE 2 ADJUST FY'18 BUDGET**

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury or transfer from other budget accounts or adjust budgets or borrow under the provisions of Chapter 44, as amended, such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2018 operating budget of the Town, or take any action thereon.

### **PROPOSED MOTION**

*I move the Town vote to transfer the sum of \$85,992 from the Ambulance Receipts Reserve for Appropriations to adjust the following budgets and to defray the costs of ambulance services and to defray expenses in the Fiscal Year 2018 operating budget of the Town.*

- *Increase Memorial Day budget by \$2,350*
- *Increase Senior Center budget by \$764*
- *Increase Animal Control budget by \$3,400*
- *Increase Fire Department budget by \$9,778*
- *Increase General Government budget by \$300*
- *Increase Ambulance Department budget by \$13,000*
- *Increase Town Owned Building Maintenance budget by \$12,750*

- *Increase Highway Department budget \$6,000*
- *Increase IT budget by \$12,000*
- *Increase Police Department budget by \$6,000*
- *Increase Liability and Bonding Insurance budget by \$5,000*
- *Increase Town Hall Building Maintenance budget by \$14,650*

#### FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends approval of this article.

#### DESCRIPTION

This article requests that Town Meeting consider making twelve adjustments to the FY2018 operating budget of the Town. There were insufficient funds on hand at the time of the Annual Town Meeting to adequately cover the cost of providing EMS services. Transferring funds from the Ambulance Receipts Reserved Account will allow the Town to utilize available funds to offset the costs of providing EMS services to the Town and to defray a portion of the operating costs in the FY2018 budget.

1. Increase Memorial Day budget by \$2,350 – Restores budget to FY'17 level to fund annual Memorial Day Parade activities.
2. Increase Senior Center budget by \$764– Funds the 2% wage increase authorized for FY'18 for the Senior Center Director.
3. Increase Animal Control budget by \$3,400- Funds the Town's new Inspector of Animals' stipend and per diem compensation for quarantines. The Town has been without an Inspector of Animals for the past two years despite recruiting for the position four times. As a result, this line item had been dropped from the Animal Control budget.
4. Increase Fire Department budget by \$9,778 – A new 3-year collective bargaining agreement with the Leicester Firefighters' Association was signed in July of 2017 after the 2018 budget was approved at May Town Meeting. The new agreement includes the following changes for FY'18:
  - 3% salary increase at a cost of \$3,778
  - Longevity bonus for firefighters with at least 10 years of service at a cost of \$3,500
  - One-time stipend for new firefighters upon completion of Firefighter I and II training at a cost of \$2,500
5. Increase General Government budget by \$300 – Funds half of the Town custodian's annual cell phone cost. The custodian manages three Town buildings and uses his personal cell phone to address issues at these buildings during work hours and to take after-hours emergency calls.
6. Increase Ambulance Department budget by \$13,000 – The Town of Leicester signed a 3 year agreement with Comstar Ambulance Billing Service to perform billing and collection services on behalf of the Town's ambulance department. For FY'18, Comstar receives a 3.25% collection fee on all funds brought in. This adjustment will pay the estimated annual cost to fund these services.
7. Increase Town Owned Building Maintenance budget by \$12,750 – The Town owns Hillcrest Country Club and leases this property out. As the owner, the Town is responsible for repairs to the building. The rear Hillcrest deck has deteriorated to the point where it must be removed and replaced due to code and safety issues. The Town has solicited quotes and received a price of \$9,000 for this work. Also, the oil tanks at Hillcrest required replacement at a cost of \$3,750.

8. Increase Highway Department budget \$6,000 – This adjustment will fund the new Highway Superintendent's estimated beginning salary based on a comparative analysis of comparable town salaries and also pay for the departing Superintendent's vacation leave payout.
9. Increase IT budget by \$12,000 – This adjustment will fund the cost to upgrade the Town's ambulance reporting software to comply with new State Office of Emergency Management reporting requirement. This unfunded mandate requires data on call data and is not related to billing services. Cost includes the purchase of the software and the first year's maintenance and service fee.
10. Increase Police Department budget by \$6,000 – The FY'18 budget includes funding for a Police Lieutenant position. In order to comply with State Civil Service requirements, the Town must hold an Assessment Center to rate and rank candidates for this position. This adjustment covers the one-time cost for a consultant to conduct this assessment to promote a Sergeant to the position of Lieutenant.
11. Increase Liability and Bonding Insurance budget by \$5,000 – This adjustment will fully fund the Town's bond premiums and insurance deductibles for FY'18.
12. Increase Town Hall Building Maintenance budget by \$14,650 – Fund a structural evaluation of the cupola at Town Hall to summarize the conditions observed and the recommended repairs to preserve this historic feature of Town Hall. This evaluation is required to understand the nature and extent of the repair work required at a cost of \$1,650. The compressor at Town Hall also requires replacement as it is failing and will likely not make it through this winter. The Town has solicited quotes and the low price to replace the compressor is \$8,000. Also, this account must be adjusted to full fund the cost of oil used to heat the Town Hall for FY'18 at a cost of \$5,000.

### **ARTICLE 3 VOCATIONAL TUITION**

To see if the Town will vote to transfer from available funds a sum of money as may be necessary to adjust the account established for Vocational Tuition expenses for Leicester students in Article 11 of the May 2016 Annual Town Meeting the for the fiscal year beginning July 1, 2017, or take any action thereon.

#### **PROPOSED MOTION**

*I move the Town vote to pass over this article.*

#### **FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends passing over this article.

### **ARTICLE 4 1078 MAIN STREET RENT**

To see if the Town will vote to transfer from the Reserve for Appropriations account a sum of money to pay the rent for 1078 Main Street, or take any action thereon.

#### **PROPOSED MOTION**

*I move the Town vote to transfer \$10,000 from the Receipts Reserved for Appropriations account to the School Choice account to pay the rent for 1078 Main Street.*

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends approval of this article.

**DESCRIPTION**

In August of 2017, the Town of Leicester closed on the sale of the School Administration Building located at 1078 Main Street. The Town of Leicester is in the process of relocating the School Administration to the vacant 3<sup>rd</sup> floor of Town Hall. The Town put the building out for sale twice and received one bonafide offer for \$50,000. In order to keep the buyer and move forward with the sale, the Town reached an agreement with the buyer to allow the School Administration to remain at 1078 Main Street for up to 10 months at a cost of \$1,000 per month while renovations are being completed at their new space in Town Hall. This article would backfill the School Choice account which has been temporarily used to pay for the monthly lease.

**ARTICLE 5 TOWN HALL THIRD FLOOR RENOVATIONS**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in order to pay for Town Hall Renovations, or take any action thereon.

**PROPOSED MOTION**

*I move the Town vote to transfer \$45,000 from Free Cash and \$40,000 from the Receipts Reserved for Appropriations account to pay for Town Hall renovations.*

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends approval of this article.

**DESCRIPTION**

As discussed in the previous article, the Town is in the process of relocating the School Administration personnel to the vacant 3<sup>rd</sup> floor of Town Hall. The cost for required renovations to the 3<sup>rd</sup> floor is anticipated to be \$185,000 based on the architect's estimate. At the May 2012 Annual Town Meeting, voters authorized a borrowing of \$100,000 to fund part of these renovations with the idea that the proceeds from the sale of 1078 Main Street would also be used to fund the balance of the renovations. The Town sold 1078 Main Street for \$50,000 due to structural, hazardous materials and code issues estimated to cost over \$130,000. To keep the sole interested buyer, the Town closed on the sale of the building in August of 2017 and negotiated a lease-back agreement at a total cost of \$10,000. The Town is requesting the remaining \$40,000 balance from the sale proceeds be appropriated for this project. An additional \$45,000 is required to complete this project. These additional funds would come from Free Cash and would not be borrowed. The project will go out to bid this fall with an anticipated completion date of mid-April. The total project cost and sources of funds are summarized below:

1. \$100,000 borrowing authorization approved at May 2012 Annual Town Meeting
2. \$40,000 transfer of funds from the sale proceeds of 1078 Main Street
3. \$45,000 in Free Cash

**ARTICLE 6 TOWN HALL COMPRESSOR & CUPOLA REPAIR/REPLACEMENT**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in order to pay for repairs to or replacement of the Town Hall Cupola, or take any action thereon.

**PROPOSED MOTION**

*I move the Town vote to pass over this article.*

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends passing over this article.

**ARTICLE 7 TOWN COMMON FLAGPOLE REPLACEMENT**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for the replacement of the Town Common flagpole, or take any action thereon.

**PROPOSED MOTION**

*I move the Town vote to transfer \$24,000 from Free Cash to pay for the replacement of the Town Common flagpole.*

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends passing over this article because the Town needs more time to see if there is an opportunity for a business to fund this opportunity or to arrange for private donations to defer some of the cost, to find out if this is appropriate to place an antenna in or on for the Police, Fire or other, to find out if we need an 80' flagpole or if shorter is an option and to find out if there is an opportunity to solicit local contractors who may have businesses in Town to donate the construction, concrete and hoisting expertise for the project.

**DESCRIPTION**

The 80-foot flagpole on the Town Common must be replaced due to structural issues including a severely cracked concrete base which puts the flagpole at risk of falling. The Town has solicited quotes and the cost to replace the flagpole is estimated at \$24,000 including installation.

**ARTICLE 8 RESCIND HIGH SCHOOL ROOF BORROWING AUTHORIZATION**

To see if the Town will vote to rescind the excess borrowing authorization of the October 2015 Special Town Meeting Article 5 relative to the High School Roof Replacement Project, or take any action thereon.

**PROPOSED MOTION**

*I move the Town vote to rescind \$187,301.26 in excess borrowing authorization as approved at the 2016 Fall Special Town meeting, Article 3, related to the High School Roof Replacement.*

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends approval of this article.

**DESCRIPTION**

In 2016, Town Meeting approved borrowing up to \$187,301.26 to fund the replacement of the roof at the High School. Once put out to bid, the total cost of the project came to less than was originally estimated. As a result, the Town did not borrow funds to complete this project and the borrowing authorization needs to be rescinded. This will also help to improve the overall financial condition of the Town by eliminating the potential for borrowing these funds which impacts the Town's ability to borrow new funding as needed at a low interest rate.

**ARTICLE 9 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

To see if the Town will vote to amend Section 1.3 of the Town's Zoning Bylaws and insert a new Section 5.16, a zoning bylaw to enact a Temporary Moratorium on Recreational Marijuana Establishments, as on file in the Town Clerk's Office, or take any action thereon.

**PROPOSED MOTION**

*I move the Town vote to pass over this article.*

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends passing over this article.

**ARTICLE 10 LIVESTOCK AND BACKYARD POULTRY REGULATIONS**

To see if the Town will vote to amend Sections 1.3, 3.2, 3.30, 3.32 of the Town's Zoning Bylaws and insert a new Section 5.17 to regulate the keeping of livestock, chickens and other poultry of the Town's Zoning Bylaws as on file in the Town Clerk's Office, or take any action thereon.

**PROPOSED MOTION**

*I move the Town vote to amend Sections 1.3, 3.2, 3.30, 3.32 of the Town's Zoning Bylaws and insert a new Section 5.17 to regulate the keeping of livestock, chickens and other poultry of the Town's Zoning Bylaws as on file in the Town Clerk's Office.*

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends approval of this article.

**DESCRIPTION**

Leicester's current Zoning Bylaw requires a special permit from the Zoning Board of Appeals for the raising of livestock (including chickens and other poultry). The purpose of this amendment is to eliminate the requirement for a special permit for the keeping of up to 6 female turkeys, ducks or chickens per lot in several zoning districts. This amendment also defines and clarifies the regulation of livestock and backyard poultry.



## **ARTICLE 11 PARKING REGULATIONS**

To see if the Town will vote to amend Section 5.1 and Section 5.8 of the Town's Zoning Bylaws to clarify parking requirements and to allow shared and off-site parking as on file in the Town Clerk's Office, or take any action thereon.

### **PROPOSED MOTION**

*I move the Town vote to amend Section 5.1 and Section 5.8 of the Town's Zoning Bylaws to clarify parking requirements and to allow shared and off-site parking as on file in the Town Clerk's Office.*

### **FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board recommends approval of this article.

### **DESCRIPTION**

The purpose of these amendments is to provide more flexibility in Leicester's parking requirements by allowing off-site parking on contiguous parcels in all zoning districts, off-site parking within 300 feet in the Business (B) district, and off-site parking anywhere in the Central Business (CB) district. In addition, these amendments allow the Planning Board to waive parking space size requirements in the B and CB districts.

## **ARTICLE 12 CEDAR MEADOW POND DONATION**

To see if the Town will authorize the Board of Selectmen to accept property located off of Rawson Street in Leicester and identified as "Cedar Meadow Pond", and that such acceptance to be on such terms and conditions the Board of Selectmen deem appropriate, or take any action thereon.

### **PROPOSED MOTION**

*I move the Town vote to authorize the Board of Selectmen to accept property located off of Rawson Street in Leicester and identified as "Cedar Meadow Pond", and that such acceptance to be on such terms and conditions the Board of Selectmen deem appropriate.*

### **FINANCE ADVISORY COMMITTEE RECOMMENDATION**

The Finance Advisory Board does not recommend approval of this article. The Board considers that the liability and the cost of upkeep are a potential drain to Town resources and sees no gain to the taxpayers of Leicester by obtaining this property.

### **DESCRIPTION**

The owner of Cedar Meadow Pond, Central Water District and Associates, has approached the Town with an offer to donate the pond to the Town for use as a fishing hole. This article would authorize the Selectmen to accept this donation once due diligence has been complete including an environmental assessment to determine if the property has any contamination issues.