

**TOWN OF LEICESTER
SPECIAL TOWN MEETING
November 14, 2017**

The following is a report of the Doings of the Special Town Meeting held at the Leicester Town Hall, Washburn Square on Tuesday, November 14, 2017. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:05 pm with 78 voters present stating the Town Clerk has informed me that a quorum is present; the meeting will come to order. Per General By-Laws of the Town of Leicester, this meeting is open only to Registered Voters of the Town of Leicester. If you are not a registered voter, or not a resident of Leicester, please take a seat to my left, behind the press table. Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his or her employment before speaking thereon.

Tonight, we are joined by Scouts from Troop 125, who will lead us in the Pledge of Allegiance.

At this time, please join me in a moment of silence to observe the passing of John Colby, a longtime member of the Leicester Police Department, and the former Tax Collector Ed King. Please remain standing to join me in observing a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe here at home.

To streamline our meetings, rather than reading a review our basic rules and procedures, that review is listed in your meeting guides. That said, as your presiding officer, my primary roles are to maintain an open, fair and orderly meeting and to ensure that each member understands what we are doing. If anyone has a question, please ask.

For the record, I am in receipt of return of service of the warrant. Therefore, we may proceed. In a moment, I will accept any procedural motions with regard to the conduct of this Town Meeting. Before I do, a couple of acknowledgements are in order.

Tonight, marks our first Town Meeting with Petrini & Associates as our Town Counsel. I'd like to welcome Attorney Amanda Zuretti, who has already provided some valuable input into our proceedings.

I have some feedback on the efforts of the members of the May 2017 Town Meeting. With a June 26, 2017 announcement, Attorney General Healy's office notified Town Clerk Deborah Davis that Articles 5, 25 and 26, which contained modifications to Leicester's By-Laws, were approved.

You may notice new velvet drapes at the front of the hall. These were provided by a generous donation from LCAC and additional funds from the Town Clerk's office. These drapes were something that former Assistant Town Clerk Linda Rowden had long advocated for, and not only to decorate this space but will serve as a fitting and steady reminder of Linda and her service to our town.

I'd also like to take a moment to thank Jim Purcell, our outgoing Interim Town Administrator for his services. Jim, you have served us well...again.

We also have the pleasure of welcoming our incoming Town Administrator, Mr. David Genereux. Mr. Genereux, we look forward to working with you.

I have been reminded that Highway Superintendent Tom Wood retires this Friday after 37 years of service to the town of Leicester. While Mr. Wood is not here this evening, it's appropriate to recognize his service.

Are there any other special announcements, proclamations, or recognitions which should be made at this time?

Dianna Provencher moved that the Town vote to dispense with the reading of the warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

Dianna Provencher moved that the Town vote to dispense with a hand count by tellers on motions requiring a two-thirds vote, except when the vote or the method of voting is challenged, or when in the opinion of the Moderator, a hand count is necessary to establish a quantum of vote, or when the vote involves the potential to borrow money.
VOTED UNANIMOUSLY

Before we discuss Article 1 Moderator Cherry explained that prior year bills require a 9/10 majority for passage.

As a procedural note, this is not a new requirement. MGL Chapter has had this quantum requirement for some time, and we were made aware of it by our new Town Counsel.

ARTICLE 1. Sandra M. Wilson moved that 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

VOTED UNANIMOUSLY

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends approval of this article.

On a procedural note, in the posted warrants, the monies for a new compressor for the town hall boiler were to be included in Article 6. This funding is now included in this motion and has been removed from the motion for Article 6.

Approved budget changes have allowed those funds to be included in this motion. Since notification for actions to be taken on these funds were included in the posted warrant, I consider this to be within scope and I will allow this motion as read.

ARTICLE 2. Sandra M. Wilson moved that the Town vote to transfer the sum of \$86,192 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 \$2,550
- 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

VOTED UNANIMOUS

ARTICLE 2-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. Dianna Provencher moved that the Town vote to pass over this article. (Vocational Tuition) VOTED UNANIMOUSLY

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends passing over this article.

ARTICLE 4. Brian P. Green moved that 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. VOTED BY A SIGNIFICANT MAJORITY

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends approval of this article.

ARTICLE 5. Douglas A. Belanger moved that 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. VOTED BY A SIGNIFICANT MAJORITY

DESCRIPTION

As discussed in the previous article, the Town is in the process of relocating the School Administration personnel to the vacant 3rd floor of Town Hall. The cost for required renovations to the 3rd 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

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends approval of this article.

ARTICLE 6. Dianna Provencher moved that the Town vote to pass over this article. (TOWN HALL COMPRESSOR & CUPOLA REPAIR/REPLACEMENT) VOTED UNANIMOUSLY

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends passing over this article.

Before discussion of Article 7 it was explained by the Moderator that if we vote to pass over this article a simple majority is required however if we do not pass over it would require a ballot vote because finance advisory did not 100% recommend passage of this article.

ARTICLE 7. Douglas A. Belanger moved that the Town vote to transfer \$24,000 from Free Cash to pay for the replacement of the Town Common flagpole.
VOTED BY A SIGNIFICANT MAJORITY (Ballot count 96 for and 13 against; motion passed)

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.

ARTICLE 8. Brian P. Green moved that 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. VOTED UNANIMOUSLY

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends approval of this article.

ARTICLE 9. Brian P. Green moved that the Town vote to pass over this article. (TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS)
VOTED BY A SIGNIFICANT MAJORITY

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends passing over this article.

ARTICLE 10. Dianna Provencher moved that 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.

ARTICLE 10. After much discussion on (LIVESTOCK AND BACKYARD POULTRY REGULATIONS)

Sue Sears made a motion to pass over Article 10 until the Annual Town Meeting.

The moderator declared on a pass over vote that all that is required is a majority vote.

VOTED BY A SIGNIFICANT MAJORITY

ARTICLE 11. Sandra M. Wilson moved that 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.

A 2/3 vote is required on zoning amendments per Town bylaw- the sense of the meeting shall be determined by a show of hands, and the Moderator shall declare the vote as it appears to him. VOTED BY A SIGNIFICANT MAJORITY

FINANCE ADVISORY COMMITTEE RECOMMENDATION

The Finance Advisory Board recommends approval of this article.

ARTICLE 12. Dianna Provencher moved that 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. DEFEATED BY A SIGNIFICANT MAJORITY

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.

Dianna Provencher moved that the Town vote to adjourn the Special Town Meeting at 8:57 pm with 121 voters present. VOTED UNANIMOUSLY

Respectfully Submitted,

Deborah K. Davis
Leicester Town Clerk