



Town of Leicester, Massachusetts

Annual Town Meeting Warrant with Minutes

Annual Town Meeting – May 2, 2023 7:00PM

“In the Hands of the Voters”

Meeting location:
High School Gymnasium
959 Main Street
Leicester, MA 01524

Version 5 – Posted Copy

SPECIAL MESSAGE FROM THE MODERATOR COVID-19 PRECAUTIONS

Extensive efforts on the part of multiple members of the Leicester Town staff have been made to create a safe environment with effective social distances. To that end, the Moderator will be enforcing the following rules for attendance, per his authority under MA General Laws.

1. Per Leicester Town By-Laws, Town Meeting is open only to registered voters. No one who is not a registered voter in the Town of Leicester will be admitted to the meeting. The exceptions are non-resident department heads, the press, and those employed as legal representatives of persons with business on the warrant.
2. There will be an ample supply of hand sanitizer available at the meeting. Please use as needed.
3. Please arrive early. Check in will be slowed by the requirements of social distancing and to allow checkers working under challenging circumstances to process voters as efficiently as possible.
4. The chairs in the School Gymnasium will be placed to ensure proper social distancing protocols are followed. Please do not move them during the meeting in order to maintain safety protocol.

Town 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.

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.

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 person shall speak more than once on any question to the exclusion of any other person who may desire to speak thereon, and 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 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,

Doug Belanger - Town Moderator

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WORCESTER, SS.

To a Constable in the Town of Leicester,

Note: If all of the transfers from Free Cash and the HCA Stabilization fund are enacted at this meeting, the balance in the HCA Stabilization Fund, after these transfers, will be \$99,300, with an additional \$650,000 owed the fund from Free Cash.

The balance in the Free Cash will be \$253,004.47, with the \$650,000 referenced above, owed to the HCA Stabilization Fund.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Leicester qualified to vote in Town Elections and Town Affairs to meet at the High School Gymnasium, 959 Main Street, Leicester, MA on Tuesday, the second day of May 2023 at 7:00 PM, then and there to act on the following articles:

The meeting began at 7:42 pm due to the large number which was 848 residents attending. The Moderator started with the Pledge of Allegiance followed by the presentation of the Boston Post Cane to oldest registered in town, Leonora M. LaPerle. This was followed by the affirmation of the Warrant being posted, Introduction by the Moderator and reading of the rules. Mr. Antanavica gave a brief update on town projects and Mr. Vitale explained the clicker vote system and had three test vote questions. Motion was made and second received to dispense with the reading of the Warrant with a vote of 763 Yes, 43 No. Motion passed. Motion made and second received to suspend a hand count unless necessary with a vote of 745 Yes, 63 No. Motion passed. At 8:20 pm a motion was made by Mr. Cherry and second received to advance to Articles 4 and 5 with a vote of 786 Yes, 28 No. Motion passed. After discussion on those two articles (see Article 4 and 5 for minutes) a motion was made and second received to suspend the Annual Town Meeting to conclude on Thursday, May 11, 2023, at 7:00pm in the Town Hall Gymnasium. The vote passed with 572 Yes, 86 No.

On May 11, 2023, at 7:00 pm the Moderator declared the meeting open as continued from May 2, 2023. Mr. Vitale explained the clickers for voting and meeting began with 103 residents present.

ARTICLE 1 PRIOR YEAR'S BILLS

To see if the Town will vote to approve to transfer or appropriate a sum of money to pay unpaid bills from a prior fiscal year or take any action thereon.

PROPOSED MOTION

I move that the Town vote to authorize the payment and transfer of \$11,426.40 in Free Cash for the payment of the following prior year bills:

Vendor	Date of Invoice	Amount
Morton Salt	12/27/21	\$5,267.20
Design Temperature Control Inc	12/13/20	\$377.06
Design Temperature Control Inc	03/05/22	\$708.78
Design Temperature Control Inc	12/04/21	\$1,420.00
Central Mass EMS Corp.	07/20/20	\$3,653.36
Total		\$11,426.40

ADVISORY COMMITTEE RECOMMENDATION: Favorable Action (4-1-0)

SELECTBOARD RECOMMENDATION

Favorable Action (4-1-0) Yes

DESCRIPTION

This article is required for the payment of bills prior to July 1, 2022, that were not submitted by the close of the payment period for the fiscal year

VOTE REQUIRED FOR PASSAGE Requires a 4/5th's vote pursuant to MGL Chapter 44, §64.
Motion made by Mr. Antanavica and second received. Motion passes with a vote of 83 Yes, 18 No.

ARTICLE 2 DEPARTMENT AND/OR WARRANT ARTICLE TRANSFERS - FY2023

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, transfer from other budget accounts, adjust budgets, transfer to/from or adjust existing warrant articles such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2023 operating budget of the Town, any other warrant articles or take any action thereon.

2A. Interdepartmental Transfers

PROPOSED MOTION:

I move that the Town vote to transfer the following sums, totaling \$501,528.22 from and to the accounts listed in the tables below:

From	Amount	Reason
Veterans Benefits	\$31,528.22	Budget surplus due to the number of veteran's receiving benefits.
DPW Salaries	\$40,000.00	Budget surplus due to staff vacancies
Unemployment	\$110,000.00	Budget surplus due to small claimant pool
Employee Benefits	\$320,000.00	Budget projects are always conservative as we don't know how many employees will sign up during open enrollment.
Total	\$501,528.22	

To	Amount	Reason
Legal	\$40,000.00	Additional needs for Town Counsel regarding legal opinions, litigation and developmental issues.
Treasurer/Collector	\$26,000.00	To address postage costs being paid for by the T/C without funding.
Snow and Ice	\$285,000.00	Seasonal overage; increased due to rising materials cost.
Liability Insurance	\$40,000.00	To eliminate overage in account due to costs for deductibles
DPW Expenses	\$30,000.00	To add additional funding to the town-wide fuel account that was depleted while the fuel island was being replaced due to the need for purchase of gasoline outlets.
Emergency Management Supplies and PPE 06/20 ATM Article 8	\$18,923.24	To replace funds used during recent emergency events
Fire Station 3 Roof project 5/21 ATM Article 13	\$23,865.00	Funds needed for potential legal costs, and to pay another vendor to complete the project.
Vocational School Tuition 5/22 ATM Article	\$20,000.00	Projected budget shortfall based on enrollment of Leicester students in other districts
Kelly & Ryan Revolving Account	\$17,739.98	To correct a historical structural balance in the Deputy Collector's account.
Total	\$501,528.22	

ADVISORY COMMITTEE RECOMMENDATION 5-1 No

SELECTBOARD RECOMMENDATION
Favorable Action (5-0-0)

DESCRIPTION

The first five transfer requests would amend the Fiscal Year 2023 operating budget by transferring funds from current fiscal year accounts that have forecast surpluses to accounts with projected shortfalls. The second four transfer requests provide additional funding to three warrant articles and one agency account, that either need refunding or show projected deficits.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by Mr. Antanavica and second received. Motion passes with a vote of 50 Yes, 39 No, 4 Abs.

2B. Transfer of Article 5, titled "Police Training Funding" October 26, 2021 Town Meeting to new article with similar purposes:

PROPOSED MOTION:

I move the Town vote to transfer \$17,400 from Article 5 of the October 26, 2021 Town Meeting titled "Police Training Funding" to a new article entitled "Police outfitting and other costs" to pay for costs associated with outfitting new police officers, and other costs and/or programs, said article to remain until funds within are transferred or exhausted.

ADVISORY COMMITTEE RECOMMENDATION 5-1 Yes

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

This transfer to a new article would allow funds that were to be used for submitting trainees to the Police Academy to outfit new officers, and to fund other costs associated with implementation of new programs. We are able to hire seasoned, experienced officers, as the Town has voted to exit Civil Service.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by Mr. Duggan, Jr. and second received. Motion passes with a vote of 79 Yes, 16 No.

2C. Transfer from municipal and School budget to fund a special override election

PROPOSED MOTION:

I move that the Town transfer a total of \$10,000 to the Elections and Registration budget, with \$5,000 to be transferred from the DPW salaries budget, and \$5,000 to be transferred from the Leicester Public Schools budget.

From	Amount	To	Reason
DPW salaries	\$5,000	Elections and Registration	To fund a special election regarding the proposed Proposition 2 ½ override on May 9, 2023
Leicester Public Schools	\$5,000		

ADVISORY COMMITTEE RECOMMENDATION 5-0 Yes

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

The Superintendent has requested that a special municipal election be held for the proposed override on May 9, 2023. This transfer request, which is needed to fund the election is being funded by transfers from municipal and school budgets in equal amounts.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by Mr. Bujak and second received. Motion passes with a vote of 66 Yes, 35 No, 1 Abs.

2D. Transfer request from the HCA Stabilization Fund for Improvements to the High School Turf Field:

PROPOSED MOTION:

I move the Town vote to transfer \$68,000 from the HCA Stabilization Fund for improvements to be made in fencing, netting, field maintenance/repair, and signage/field numbering.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This request, from the Leicester Football Parents Association (LFPA), is to perform repairs and updates to the turf field in preparation for the fall football season. The existing hawk logo is being replaced with the Leicester Wolverines insignia, funded by an anonymous donor.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rd's majority vote. Motion made by Mr. Antanavica and second received to pass over this article. Motion passes with a vote of 76 Yes, 23 No, 2 Abs.

2E. Transfer request from the HCA Stabilization Fund for improvements to the courts at the Middle/High School.:

PROPOSED MOTION:

I move the Town vote to transfer \$50,000 from the HCA Stabilization Fund to sealcoat, repair, and paint the courts at the Middle-High School.

ADVISORY COMMITTEE RECOMMENDATION Yes

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This request is to use HCA funds to repair and rejuvenate the tennis and basketball courts to the asphalt tennis and basketball courts at the Middle-High School.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rd's majority vote. Motion made by Mr. Duggan, Jr. and second received. Resident Linda Monahan made a motion and received second to increase the amount to \$100,000 which will go out to bid for the work to be done. After much discussion motion to Move Question and second received. Motion passes to move question with a vote of 91 Yes, 17 No. Vote to raise the amount to \$100,000 with a vote of 47 Yes, 61 No and 1 abstain, Motion fails. Motion made and second to reconsider the \$100,000, also fails with a vote of 45 Yes, 63 No. Motion to vote on original \$50,000 to be spent fails with a vote of 56 Yes and 56 No. Motion fails.

Note: The balance in the HCA Stabilization Fund, after these transfers, would be \$99,300, with an additional \$650,000 owed the fund from Free Cash.

ARTICLE 3 ELECTED OFFICIALS SALARIES

To see what compensation the Town will vote to pay elected officials or take any action thereon.

PROPOSED MOTION

I move the Town vote to set the rate of compensation to pay elected officials for Fiscal Year 2024 as detailed in the May 2, 2023, Spring Annual Town Meeting Warrant.

FISCAL YEAR 2024 ELECTED OFFICIALS PAY RATES

POSITION	PAY RATE
TOWN CLERK	\$82,710
SELECT BOARD – CHAIR	\$900
SELECT BOARD – MEMBERS (4) each	\$738
SCHOOL COMMITTEE – CHAIR	\$456
SCHOOL COMMITTEE – MEMBERS (4) each	\$201
PLANNING BOARD – CHAIR	\$327
PLANNING BOARD – MEMBERS (4) each	\$282
MODERATOR	\$85
BOARD OF HEALTH – CHAIR	\$327
BOARD OF HEALTH – MEMBERS (2) each	\$282
ASSESSOR – MEMBERS (3) each	\$609
TOTAL ELECTED SALARIES	\$92,080

ADVISORY COMMITTEE RECOMMENDATION Yes

SELECTBOARD RECOMMENDATION
Favorable Action (4-0-0)

DESCRIPTION

Compensation for elected officials is set by Town Meeting. The proposed FY 2024 elected officials pay rate shows a 2% COLA. These salaries are included in Article 4.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. Chapter 41, Section 108. Motion made by Dianna Provencher and second received. Select Board members to donate their pay to school. Motion to vote with 84 Yes, 26 No and 1 abstain. Motion passes.

ARTICLE 4 FY 2024 OPERATING BUDGET

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2023, and ending on June 30, 2024, as listed in the May 2, 2023, Spring Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

I move the Town vote to approve the budgets of the several Town departments and Town Accounts as printed in the Spring Annual Town Meeting Warrant for the Fiscal Year

beginning July 1, 2023, in the aggregate amount of \$33,528,817 and to fund this amount from the following sources:

<i>Transfer from other revenue:</i>	\$35,000
<i>Transfer from Free Cash:</i>	\$307,414

And the balance of the funds in the remaining sum of \$33,186,403 shall be raised and appropriated by taxation.

DEPT #	DEPARTMENT NAME	FY2022 BUDGET	FY2023 BUDGET	FY2024 PROPOSED	\$ CHANGE	% CHANGE
111	LEGAL					
	TOTAL	100,798	82,151	99,000	16,849	20.51%
114	MODERATOR					
	TOTAL	151	151	200	49	32.45%
122	SELECT BOARD					
	TOTAL	306,431	373,053	411,065	38,012	10.19%
130	RESERVE FUND					
	TOTAL	50,000	50,000	50,000	0	0.00%
131	ADVISORY BOARD					
	TOTAL	1,325	1,325	1,325	0	0.00%
135	ACCOUNTANT					
	TOTAL	149,649	160,746	163,375	2,629	1.64%
141	ASSESSORS					
	TOTAL	134,613	132,457	136,124	3,667	2.77%
145	TREASURER/COLLECTOR					
	TOTAL	182,870	173,744	215,859	42,115	24.24%
147	TAX TITLE					
	TOTAL	16,000	0	0	0	0%
152	PERSONNEL BD					
	TOTAL	275	275	275	0	0%
155	IT DEPARTMENT					
	TOTAL	196,060	206,060	209,242	3,182	1.54%
161	TOWN CLERK					
	TOTAL	131,018	139,239	148,145	8,906	6.40%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	36,500	41,700	37,700	-4,000	-9.59%
180	DEVELOPMENT & INSPECTIONAL SERVICES					
	TOTAL	267,083	268,589	277,771	9,182	3.42%
192	TOWN OWNED BLDG MAINT					
	TOTAL	48,281	56,081	48,281	-7,800	-13.91%
197	TOWN HALL BLDG MAINTENANCE					

Town of Leicester
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DEPT #	TOTAL DEPARTMENT NAME	86,909 FY2022 BUDGET	86,909 FY2023 BUDGET	86,909 FY2024 PROPOSED	0 \$ CHANGE	0% % CHANGE
198	TOWN HALL TELEPHONES					
	TOTAL	6,400	6,400	6,400	0	0%
199	OTHER - GENERAL GOV					
	TOTAL	58,564	33,100	33,100	0	0%
210	POLICE DEPT					
	TOTAL	2,271,573	2,362,250	2,374,272	12,021	0.51%
220	FIRE DEPT					
	TOTAL	390,434	365,963	370,873	4,910	1.34%
231	AMBULANCE					
	TOTAL	Enterprise	Enterprise	Enterprise	Enterprise	Enterprise
232	EMERGENCY MANAGEMENT					
	TOTAL	4,889	6,467	6,546	79	1.22%
241	CODE DEPT					
	TOTAL	75,707	128,667	132,586	3,919	3.05%
292	ANIMAL CONTROL					
	TOTAL	34,444	34,954	35,484	530	1.52%
296	INSECT PEST CONTROL					
	TOTAL	7,850	7,850	7,850	0	0.00%
310	LEICESTER PULIC SCHOOLS					
	TOTAL	16,890,587	17,497,412	18,170,366	672,954	3.85%
420	HIGHWAY DEPT					
	TOTAL	1,102,246	1,041,814	1,085,114	43,300	4.16%
423	SNOW & ICE					
	TOTAL	357,000	121,000	121,000	0	0%
424	STREET LIGHTS					
	TOTAL	28,000	35,000	35,000	0	0%
541	COUNCIL ON AGING					
	TOTAL	107,239	109,342	111,800	2,458	2.25%
543	VETERANS SERVICES					
	TOTAL	86,748	108,336	108,447	141	.13%
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,400	2,400	0	0.00%
610	PUBLIC LIBRARY					
	TOTAL	231,071	239,386	244,236	4,850	2.03%
630	PARKS & RECREATION					
	TOTAL	6,450	6,450	6,450	0	0.00%
691	HISTORICAL COMM					
	TOTAL	950	950	950	0	0.00%

DEPT #	DEPARTMENT NAME	FY2022 BUDGET	FY2023 BUDGET	FY2024 PROPOSED	\$ CHANGE	% CHANGE
692	MEMORIAL DAY COMM					
	TOTAL	3,000	3,000	3,000	0	0.00%
710	MATURING DEBT PRINCIPAL					
	TOTAL	1,026,117	1,218,733	1,203,832	-14,901	-1.22%
751	MATURING DEBT INTEREST					
	TOTAL	331,047	293,828	255,321	-38,507	-13.11%
752	TEMPORARY LOAN INTEREST					
	TOTAL	22,665	216,700	743,889	527,189	243.28%
753	BOND ISSUE					
	TOTAL	1,100	1,100	0	-1,100	-100.00%
911	WORC REG RETIREMENT					
	TOTAL	1,556,343	1,717,353	1,823,365	106,012	6.17%
912	WORKER COMPENSATION					
	TOTAL	191,185	219,863	252,842	32,979	15.00%
913	UNEMPLOYMENT COMP					
	TOTAL	60,950	142,000	142,000	0	0%
914	EMPLOYEE BENEFITS					
	TOTAL	2,719,175	3,117,782	3,365,365	247,583	7.94%
945	BONDING & INSURANCE					
	TOTAL	249,263	299,116	358,939	59,823	20.00%
911	SHARED MAINTENANCE EXPENSES					
	TOTAL	0	414,456	642,090	227,545	54.89%
Grand Total – All Budgets		29,531,160	30,524,242	33,528,817	2,004,575	6.36%

ADVISORY COMMITTEE RECOMMENDATION: Approves with a 5 Yes vote 1 No vote.,

SELECTBOARD RECOMMENDATION
Favorable Action (4-0-0)

DESCRIPTION
This is the fiscal year 2024 operating budget for municipal and school services. Property tax proposed to be levied is within the allowances of Proposition 2 ½. We are utilizing the Governor's proposed revenue estimates for local aid. A Proposition 2 ½ override for the School Budget is presented in a separate article.

Please note budget allocations as listed below:

Department	FY 23 Budget	FY 24 Budget	\$ Change	% Change
Municipal Budgets	6,385,809	6,570,808	184,999	2.90%
School Budget	17,497,412	18,170,336	672,954	3.85%
Unclassified Budget	7,641,021	8,787,643	1,146,622	15.01%
Totals	31,524,242	33,528,817	2,004,575	6.36%

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by John Bujak and second received to accept as written. Motion passed with a vote of 650 Yes, 168 No.

ARTICLE 5 CONTINGENT APPROPRIATION BASED ON PROPOSITION 2 ½ OVERRIDE VOTE

To see if the Town will raise and appropriate a sum to supplement the School Department's operating budget for Fiscal Year 2024 contingent on the passage of a Proposition 2 ½ ballot question or take any action thereon.

PROPOSED MOTION

I move that the Town raise and appropriate the sum of \$2,650,000 to fund the FY 2024 School Department's operating budget, said appropriation contingent on the passage of a Proposition 2 ½ ballot question.

ADVISORY COMMITTEE RECOMMENDATION: Approves.

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

The School Committee is seeking an override in the amount of \$2,650,000 to maintain a level service budget, as they have been using reserves for a number of years to supplement its operating budget. Those reserves, including the ESSER funds that were received from the federal government in response to the Covid-19 pandemic, are now nearly exhausted. Passage of this request will allow the School Department to maintain existing staffing and add Chapter 74 vocational programs that will be based out of the garage area of the former Middle School.

Based on current valuations, the override will add \$1.86 on the tax rate and will add the cost of approximately \$621.00 to the average single-family property valued at \$333,922. The equation to compute the cost to any property is assessed value/1000 * \$1.86.

Passage requires both an affirmative majority vote at Town Meeting and by election.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. Chapter 59, Section 21C. Motion made by Mr. Duggan, Jr and second received to accept as written. Mr. Antanavica reads and explains the tax rate increase to all. School Superintendent gave a power point presentation and speaks on why this is needed at this time. Five residents speak as to yes and no vote support. Motion to move the question by a resident was made and a second received. Motion passes with a vote of 719 Yes, 88 No.

The article passes with a vote of 516 Yes, 297 No, contingent appropriation based on Proposition 2 1/1 Override vote to be held on June 9, 2023.

Motion made by Mr. Antanavica to suspend the rest of the Warrant until Thursday, May 11, 2023, at 7:00 pm in the Town Hall Gymnasium and second received. Motion passes with a vote of 572 Yes and 86 No.

ARTICLE 6 VOCATIONAL TUITION

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to fund the Vocational Tuition expenses for Leicester students for the fiscal year beginning July 1, 2023 or take any action thereon.

PROPOSED MOTION

I move the Town vote to raise and appropriate \$1,100,000 for Vocational Tuition expenses for the Fiscal Year beginning July 1, 2023.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

Chapter 74 of the Mass General Laws governs vocational technical education programs in public school districts. This article was moved out of the line-item budget and into a separate warrant article starting in FY16. Tracking these costs independently allows for more accurate accounting of the costs associated with Leicester students attending other schools for vocational education.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by Richard Antanavica and second received. Motion passes with a vote of 85 Yews, 22 No and 2 abstain.

ARTICLE 7 CENTRAL MASS REGIONAL PLANNING COMMISSION ANNUAL ASSESSMENT

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the FY 2024 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate, or take any other action thereon.

PROPOSED MOTION

I move the Town vote to transfer from Free Cash the sum of \$3,420 to fund the FY 2024 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate of \$.30087.

ADVISORY COMMITTEE RECOMMENDATION Yes

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

In accordance with Chapter 40B, Section 7 of the Mass General Laws, the Central Mass Regional Planning Commission requires member municipalities to pay the costs and expenses of the Central Massachusetts Regional Planning District each fiscal year. Leicester is a part of this District. The assessment is based on the population of the Town as it appears in the most recent national census (2020). The payment of this assessment will maintain the Town's services provided by CMRPC.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by Dianna Provencher and second received. Motion passes with a vote of 87 Yes, 15 No and 2 abstain.

ARTICLE 8 FUNDING OPERATIONAL COSTS OF THE LEICESTER HIGH SCHOOL CAMPUS AND ASSOCIATED PROPERTIES

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund operational costs for the Leicester High School Campus and associated properties or take any action thereon.

PROPOSED MOTION

I move the Town transfer \$450,000 from Free Cash to fund operational costs of the Leicester High School Campus and associated properties.

ADVISORY COMMITTEE RECOMMENDATION Yes 5-1.

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

This article seeks funding for the costs to operate the former Becker College campus, now the Leicester High School Campus, including utilities (for buildings not being used for school use), insurance, repairs, grounds maintenance, and security. The Town has voted \$1,150,000 thus far.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote per M.G.L. c. 40, § 5. Motion made by Dianna Provencher and second received. After much discussion a resident made the motion to move the question and a second received. Vote on Move the questions passes with a vote of 98 Yes, 13 No. Motion to vote on original article passes with a vote of 80 Yes, 26 No and 3 abstain.

ARTICLE 9 FY 2024 EMS (AMBULANCE) ENTERPRISE ACCOUNT APPROPRIATION

To see if the Town will vote to appropriate a sum of monies to fund the FY 2024 expenses of the EMS (Ambulance) Enterprise Fund, as established by the vote under Article 8 of the May 3, 2022, Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 1/2, said appropriation to be funded from ambulance receipts, charges, and other income as well as an appropriation from the general fund, or take any action thereon.

PROPOSED MOTION

I move that the Town vote to appropriate \$1,120,938 to fund the FY 2024 expenses of the EMS (Ambulance) Fund, as established by the vote under Article 8 of the May 3, 2022, Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 1/2, said appropriation to be apportioned and funded as follows:

<i>FY 2024 EMS (AMBULANCE) BUDGET</i>	<i>FY22 Budget</i>	<i>FY23 Budget</i>	<i>FY24 Budget</i>	<i>Dollar Change</i>	<i>Percent Change</i>
<i>Salaries</i>	<i>531,602</i>	<i>852,446</i>	<i>952,138</i>	<i>99,692</i>	<i>11.69%</i>
<i>Expenses</i>	<i>124,634</i>	<i>117,508</i>	<i>168,800</i>	<i>51,292</i>	<i>43.65%</i>
<i>Total Budget Appropriation</i>	<i>656,236</i>	<i>969,954</i>	<i>1,120,938</i>	<i>150,984</i>	<i>15.57%</i>

\$1,120,938 anticipated to be charged to the EMS (Ambulance) Enterprise fund

ADVISORY COMMITTEE RECOMMENDATION Yes

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

This is the second year of the EMS (Ambulance) Enterprise Account.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. Chapter 44, §53F ½. Motion made by Herb Duggan, Jr and second received. Motion passes with a vote of 80 Yes, 20 No and 1 abstain.

ARTICLE 10 FY 2024 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION

To see if the Town will vote to appropriate a sum of moneys to fund the FY 2024 expenses of the Cable Access Enterprise Fund, as established by the vote under Article 5 of the May 1, 2018, Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by fees received pursuant to the Town's cable licensing agreement, or take any action thereon.

PROPOSED MOTION

I move that the Town vote to appropriate \$105,000 to fund the FY 2024 expenses of the Cable Access Enterprise Fund, which was established by the vote under Article 5 of the May 1, 2018 Annual Town Meeting, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by funds available in the Cable PEG Access Enterprise Fund pursuant to the Town's cable licensing agreement.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

The Department of Revenue requires the Town to budget for the funds received through Charter for Cable PEG Access operations. While these funds are exclusively for Cable Access operations, it must be approved by the voters annually at Town Meeting.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. c. 44, §53 F3/4. Motion made by John Bujak and a second received. Motion passes with a vote of 88 Yes, 17 No and 1 abstain.

ARTICLE 11 STORMWATER MANAGEMENT

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund stormwater management operations throughout the Town, said funds to be expended by the Highway Department, or take any action thereon.

PROPOSED MOTION

No Motion: Moved to the general fund budget

Motion made by Richard Antanavica and second received to withdraw articles 11, 12 and 13.

ARTICLE 12 GROUNDWATER STUDIES AT LANDFILL

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund groundwater and other studies at the former landfill site, said funds to be expended by the Select Board, or take any action thereon.

PROPOSED MOTION

No Motion: Moved to the general fund budget

Motion made by Richard Antanavica and second received to withdraw articles 11, 12 and 13.

ARTICLE 13 TOWN-OWNED DAMS

To see if the Town will vote to raise and appropriate and/or transfer from available funds to this article a sum of money for the purpose of inspections, reporting, and/or grant application funding for Town-owned dams or take any action thereon.

PROPOSED MOTION

No Motion: Moved to the general fund budget

Motion made by Richard Antanavica and second received to withdraw articles 11, 12 and 13.

ARTICLE 14 FY 2024 CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the Capital Improvement Plan budget beginning July 1, 2023 and authorize the Select Board to enter into lease purchase agreement(s) for a term of years and to transfer

from available funds a sum of money to pay for the initial installments of the lease/purchase agreement(s), or take any action thereon.

A. Capital Plan Purchases from Free Cash

PROPOSED MOTION

I move the Town vote to transfer \$22,550 from Free Cash to fund the projects/items recommended by the Capital Committee, as listed:

DEPARTMENT	ITEM	AMOUNT
DPW	Brush Cutter	\$22,550

CAPITAL PLANNING COMMITTEE RECOMMENDATION

Favorable Action (6-0-0)

ADVISORY COMMITTEE RECOMMENDATION Yes

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This article seeks funding for purchase of a single item in the Capital Plan, a 44" heavy duty flail style mower head (brush cutter) for the DPW. This tool will be used to cut and trim wild greenery that is intruding upon public roads and sidewalks.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by Richard Antanavica and second received. Motion passes with a vote of 87 Yes, 18 No.

B. Capital Plan Purchases from Enterprise Funds

PROPOSED MOTION

I move the Town vote to appropriate \$247,330.06 from ambulance revenues to fund the lease purchase of a new ambulance as recommended by the Capital Committee, listed below:

DEPARTMENT	ITEM	AMOUNT
EMS/Ambulance	New Ambulance	\$247,330.06

CAPITAL PLANNING COMMITTEE RECOMMENDATION

Favorable Action (6-0-0)

ADVISORY COMMITTEE RECOMMENDATION Vote of 3-3

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This article seeks funding for the lease purchase of a new ambulance to replace A4, a 2005 Chevrolet, which is being retired because it is no longer road worthy. The total purchase cost of the new ambulance is \$450,000. This down payment will leave \$202,669.94 financed for 7 years at \$35,000 per year.

Motion made by Richard Antanavica and second received. Motion passes with a vote of 77 Yes, 26 No and 1 abstain.

ARTICLE 15 POLICE CRUISER

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to purchase and equip one (1) police vehicle or take any action thereon.

PROPOSED MOTION

I move the Town vote to transfer \$61,000 from Free Cash to purchase and equip one (1) front line police vehicle.

ADVISORY COMMITTEE RECOMMENDATION No 2-3-1

SELECT BOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

The Police Department utilizes a fleet of ten (10) vehicles to meet the law enforcement needs of the residents of Leicester. This fleet of vehicles includes five (5) frontline marked police cruisers that are used daily. The Town has been following a fleet replacement schedule that includes the replacement of one to two cruisers annually to ensure the full use and reliability of the fleet.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G.L. c. 40, §5. Motion made by Herb Duggan, Jr and second received. Motion passes with a vote of 77 Yes, 26 No and 1 abstain.

ARTICLE 16 ESTABLISH REVOLVING FUND ANNUAL SPENDING LIMITS

To see if the Town will vote to set annual spending limits for revolving accounts as detailed in the hands of the voters and as defined by Massachusetts General Laws, Chapter 44, § 53E½ for Fiscal Year 2024, or take any action thereon.

PROPOSED MOTION

I move the Town vote to set annual spending limits for revolving accounts as detailed in the warrant and as defined by Mass General Laws, Chapter 44, § 53E½, for Fiscal Year 2024.

Revolving Fund

Spending
Limit:

Leicester Schools Campus Use	\$500,000
Inspectional Services	\$50,000
Health Clinics	\$5,000
Senior Center Programs	\$10,000
Fuel Usage	\$35,000
Town Hall/Bandstand	\$15,000
Recycling	\$30,000
Police Training	\$5,000
Recreation	\$20,000
One-to-one Technology	\$25,000
DIS Fees	\$5,000
Library Copier	\$5,000
Tree Lighting	\$20,000
EV Charging	\$2,000
Agricultural Land Acquisition	\$100,000
Founders Day	\$100,000

ADVISORY COMMITTEE RECOMMENDATION Yes 6-0

SELECTBOARD RECOMMENDATION
Favorable Action (5-0-0)

DESCRIPTION

Under MGL Chapter 44, Section 53E½ as amended through the Municipal Modernization Act of 2016, Town Meeting is required to vote on the amount that may be spent from each revolving fund established through the Town's General Bylaws during the upcoming fiscal year prior to July 1st.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote. Motion made by John Bujak and second received. Motion passes with 76 Yes, 24 No and 2 abstain.

ARTICLE 17 AMEND THE REVOLVING FUND BYLAW

To see if the Town will vote to amend the revolving fund bylaw, as listed in the Town Meeting warrant, or take any action thereon.

PROPOSED MOTION

Passover – Voted at 01/10/2023 Special Town Meeting.

Motion made by Richard Antanavica and second received to Pass Over Article 17.

ARTICLE 18 AMEND THE REVOLVING FUND BYLAW

To see if the Town will vote to amend the revolving fund bylaw, as listed in the Town Meeting warrant, or take any action thereon.

PROPOSED MOTION

I move the Town vote to amend the Town's Chapter 44 Section 53 E½ revolving fund bylaw, as follows:

To amend Columns B and C of the Recycling Revolving Fund, with the annual fund retention limit set at \$30,000.00, as follows:

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements /Reports	G Fiscal Year s
Recycling	Recycling Committee	Fees charged and received by the Recycling Center to recycle items; sale of any applicable commodities	Expenses associated with the operation and maintenance of the Recycling Center	None	None	Fiscal Year 2018 and subsequ ent years

ADVISORY COMMITTEE RECOMMENDATION Yes 6-0

SELECT BOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

This article requests amendments to the revolving fund bylaw for the following purposes to adjust of the language of the Recycling revolving fund to allow the Recycling Committee to oversee expenditures, and to allow for the funds received from the sale of items or materials to be placed into the fund.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote per M.G.L. c. 44, § 53E

½

PROPOSED MOTION

Move that the vote be accepted as written.

Motion made by John Bujak and second received. Motion passes with 86 Yes, 15 No and 2 abstain.

ARTICLE 19 ADOPTION OF NEW BYLAW – BUSINESS REGISTRATION

To see if the Town will vote to create a new Town bylaw, as written below:

BUSINESS REGISTRATION (ATM 05-02-23)

1. All commercial property owners that have tenants are required per the Town of Leicester to have each tenant register their business through the business process at the town hall.
2. Commercial property owners with existing tenants must have each tenant register their business with the Town within 90 days of the passage of this bylaw.
3. Commercial property owners with new tenants must have each tenant register with the Town before opening their business.
4. Each tenant must be properly zoned for their business, properly permitted, and inspected by each department.
5. Failure to have each tenant registered will result in fine to the property owner of \$100.00 per tenant. Failure of each tenant to register in subsequent months will result in a fine to the property owner of \$300.00 per tenant, per month, with each month of failure to register being considered a separate offence.
or take any action thereon.

PROPOSED MOTION

Move that the vote be accepted as written, with the addition of “business and commercial” between “have” and “tenants” under 1.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

This proposed bylaw requires that commercial property owners require new business tenants to register their business through the Town, ensure that each business is checked for zoning. The adjustment to the motion is at the recommendation of the Bylaw Review Committee, to clarify that bylaw refers to business and commercial tenants only.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority. Motion made by Richard Antanavica and second received to Pass Over Article 19.

ARTICLE 20 AMEND THE PERSONNEL BYLAW IN RELATION TO THE PROBATIONARY PERIOD AND THE USE OF LEAVE

To see if the Town will vote to amend the following sections of the personnel bylaw:

- Under Section 11.5 BEREAVEMENT:

From: "In the event a death in the immediate family of a full-time or part-time employee, he/she will be entitled to a maximum of one (1) regularly scheduled work week of Bereavement Leave. Paid bereavement begins the first day following death and is payable according to the following:..."

To: "In the event of a death in the immediate family of a full-time or part-time employee, he/she will be entitled to bereavement leave with submission and approval of required documentation. Paid bereavement begins the first day following death and is payable according to the following:..."

- Under Section 9.3 USE OF SICK LEAVE:

Remove:

"No sick leave with pay shall be granted during the first three (3) months of employment." or take any action thereon.

PROPOSED MOTION

Move that the article be accepted as written, removing "...with submission and approval of the required documentation", and adding "If submission of documentation associated with the leave is not received within two weeks from the end of the bereavement period, other leave time shall be used in its place."

ADVISORY COMMITTEE RECOMMENDATION Yes 6-0

SELECT BOARD RECOMMENDATION
Favorable Action (4-0-0)

DESCRIPTION

This article serves two purposes. The first change requires employees claiming bereavement leave to produce documentation and removes inaccurate language regarding the amount of time given for bereavement leave that is clarified further in the section of the bylaw. The second change allows new employees to use sick time as it accrues. The adjustment to the motion is at the recommendation of the Bylaw Review Committee.

VOTE REQUIRED FOR PASSAGE - Requires a simple majority vote M.G.L. c. 40, § 21. Motion made by Richard Antanavica and second received. Motion passes with a vote of 85 Yes, 10 No and 1 abstain.

ARTICLE 21 AMEND THE ADVISORY AND BYLAW COMMITTEE BYLAW IN RELATION TO THE ADVISORY COMMITTEE

To see if the Town will vote to amend Chapter 4 of the Town's general bylaws by removing sections 1, 2, and 3 in their entirety, and replacing them with new language as listed below:

SECTION 1. Composition

There shall be an Advisory Committee consisting of seven (7) legal voters of the Town, who shall be appointed as herein provided. No elected or appointed Town official, or Town employee shall be eligible on said Committee. Members of the Advisory Committee shall be appointed by a selection committee comprised of the Moderator, the Chairperson of the Select Board or designee and the Chairperson of the Advisory Committee or designee to a term of three (3) years. The selection committee shall fill any unexpired terms to the Advisory Committee as soon as possible after the Town Clerk has been notified that a vacancy exists. The terms of office of said members shall commence immediately upon qualification and shall expire on June 30th. Such committee shall choose its own officers and shall serve without pay and it shall cause to be kept a true record of its proceedings. A quorum of the Advisory Committee shall consist of a majority of the membership of the Committee.

SECTION 2. Roles and Responsibilities

The Advisory Committee:

- Has an advisory capacity regarding all municipal matters.
- Shall develop and implement a budget process that results in a clear and meaningful comprehensive budget document incorporating operating and capital budgets.
- Responsible for preparing, submitting and distributing the budget to Town Meeting.
- Works with the Select Board to develop budget forms and establish budgetary guidelines for department heads.
- Works with department heads and other local officials to develop long-range revenue and expenditure forecasts to help identify upcoming operating and capital budget needs.
- May hold public meetings for department heads to present their budget requests and respond to questions from the committee or the public.
- Has authority over the reserve fund for extraordinary or unforeseen needs.
- Monitors fiscal performance using monthly financial reports.

- Reviews and recommends action on the capital budget in context with the overall capital program. May make recommendations to amend the capital budget.
- May approve, in conjunction with the Select Board some budget transfers during the last two months of the fiscal year and the first 15 days of the next year in order to close out the town's financial records.
- Shall have the authority at any time to investigate the books, accounts, and management of any department of the town, and to employ such experts and other assistance as they may deem advisable for that purpose; and the books and accounts of all departments and officers of the Town shall be open to the inspection of the committee and any persons employed by it for that purpose. The committee may summon the attendance of witnesses under M.G.L. Ch. 233 §8 through §10. The committee may appoint sub-committees of its members and delegate to them such of its powers as it deems expedient.

SECTION 3. Town Meeting Warrant

It shall be the duty of the Advisory Committee to consider all articles for any Town Warrant and make written recommendations thereon. Any article in any warrant for a Town meeting shall be referred to the Advisory Committee for its consideration by the Select Board at the Select Board's first meeting following the submission of the article. The Select Board after drawing any such warrant shall transmit immediately a copy thereof to each member of said committee. A public hearing shall be held at least 72 hours, excluding Saturdays, Sundays, and legal holidays, before the Annual Town Meeting upon all such articles, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be posted in at least four public places in the Town. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the Annual Town Meeting, in writing, such recommendations as it deems best to the interest of the Town and its citizens. The recommendations shall be those of a majority of the members of the committee present and voting but this shall not be construed to prevent recommendations by a minority. Should a petition for a public hearing, signed by at least ten (10) legal voters of the Town, be presented to the Chairman of the Advisory Committee at least six days prior to any Special Town Meeting, then the Advisory Committee shall hold a public hearing, in accordance with this section. Or take any action relative thereto.

PROPOSED MOTION

Motion, if any, to be provide by the Advisory Committee

ADVISORY COMMITTEE RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

Unfavorable Action (3-1-0)

DESCRIPTION:

VOTE REQUIRED FOR PASSAGE: Requires a simple majority. Motion made by Peter Cusolito and second received. Motion does not pass with a vote of 34 Yes, 58 No and 3 abstain.

ARTICLE 22 BYLAW FOR THE RECALL OF ELECTED OFFICIALS

To see if the Town will vote to authorize the Select Board to petition the Great & General Court of the Commonwealth to enable the recall of elected officials consistent with this suggested format in the hands of the voters, and if that legislation is enabled that it be recorded as a special Chapter in the Town of Leicester's Bylaws, as on file in the Town Clerk's office.

Proposed Legislation: Recall of Elected Officials

SECTION 1.

Any holder of an elected office in the town of Leicester may be recalled, and removed from that office, by the qualified voters of the town as provided in this chapter.

SECTION 2.

Any fifty (50) registered voters may initiate a recall petition by filing with the Town Clerk of the Town of Leicester an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall.

After the Town Clerk has certified the affidavit, the Town clerk shall within four (4) business days, deliver to the voter first named on the affidavit a sufficient number of copies of petition blanks demanding the recall. These blanks shall be issued by the town clerk with the town clerk's signature and official seal attached to them. They shall be dated and addressed to the selectmen of the town, shall contain the name of the person to whom issued, the name of the person sought to be recalled, the office from which recall is sought, the grounds of recall stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

The completed recall petition shall be returned and filed with the Town Clerk on or before 5:00 p.m. of the thirtieth (30th) day after the issuance of the petition to the filers. If the thirtieth day is a Friday, Saturday, Sunday or a holiday, the petition may be filed on the next business day.

The petition shall be signed by at least ten (10) percent of the registered voters and every signature shall also include the place of residence with street and number, of the signer.

The Town Clerk shall, within one (1) business day after the date of its filing with the Town Clerk, submit the recall petition to the Board of Registrars of voters of the Town of Leicester, which shall, within five (5) business days certify in writing the number of Town voter signatures. Upon completion of its certification the Board of Registrars shall return the petition to the Town Clerk.

SECTION 3.

If the petition has a sufficient number of valid signatures and is certified by the Town Clerk and Board of Registrars, the Town Clerk shall submit it to the Board of Selectman within one (1) business day.

The Selectmen shall, within three (3) business days, give written notice to the officer subject to the recall that they have received the certification, and if the officer does not resign within five (5) business days after receipt of the notice, order a special election to be held not less than sixty (60) nor more than seventy-five (75) days after the date of the Town Clerk's certificate that a sufficient petition has been filed, but if any other town election is to occur within ninety (90) days after the date of the certificate, the selectmen may, in their discretion, postpone the holding of the removal election to the date of that other election.

If a vacancy occurs in the office subject to recall after the election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4.

Any officer sought to be recalled may be a candidate to succeed to the office, and unless the officer requests otherwise in writing, the Town Clerk shall place that officer's name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the election shall all be in accordance with the law relating to elections, unless otherwise provided in this Chapter.

SECTION 5.

The incumbent shall continue to perform the duties of the office until the recall election. If the recall fails, or if the incumbent is re-elected, the incumbent shall continue in the office for the remainder of the unexpired term, subject to recall as before, except as provided in this chapter, Section 7.

If not re-elected in the recall election, the incumbent shall be considered removed upon certification of the election by the Town Clerk.

If the successor fails to qualify within five (5) working days after receiving notification of his or her election, the office shall thereupon be deemed vacant.

SECTION 6.

Ballots used in a recall election shall submit the following proposition in the order indicated:

For the removal/recall of *(name of Officer)*.

Against the removal/recall of *(name of Officer)*.

Under the propositions shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as herein before provided.

If the majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If the majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7.

No recall petition shall be filed against an officer within six (6) months after taking office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six (6) months after that election.

SECTION 8.

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him or her shall be appointed to the office from which the person has been removed within one(1) year after such removal by recall or resignation.

PROPOSED MOTION

I move the Town vote to authorize the Select Board to petition the Great & General Court of the Commonwealth to enable the recall of elected officials consistent with this suggested format in the hands of the voters, and if that legislation is enabled that it be recorded as a special Chapter in the Town of Leicester's Bylaws, as on file in the Town Clerk's office.

Summary of the Process:

- 50 Registered voters file an affidavit with Town Clerk with the name of the official and reason for recall
- Town Clerk provides enough petitions with appropriate details for required number of signatures
- The petitions shall be returned **within 30 days** with signature and address (number and street name) of the signatory.
- Required number of signatures • 10% of registered voters – per 2021 annual report 8096 voters thus 10% is 810

- Signatures validated by Board of Registrars
- Town Clerk submits validated petition to the Select Board
- Select Board gives written notice to the officer subject to the recall
- If the official resigns – Select Board fills the position as it would with any vacancy
- If the person doesn't resign a special election shall be called not less than 60 days nor more than 75 days from date of Town Clerk's certification. Exception is if there is an election already scheduled within 90 days then it can be postponed until that date
- Officer being recalled will be on the ballot unless he/she requests not to be in writing to the Town Clerk
- Ballot has 2 parts • Part 1: Vote for One • For the removal/recall of (*name of officer*)
- Against the removal/recall of (*name of officer*)

- Part 2: Vote for One • List of Candidates

- If the majority are FOR removal then the candidate with the highest votes is elected
- If the majority are AGAINST – the votes for candidates need not be counted
- No recall shall be initiated in an officer's initial first 6 months
- An officer who has resigned or removed by a recall shall not be appointed into that position for 1 year or take any action thereon.

ADVISORY COMMITTEE RECOMMENDATION: Yes 4-2

SELECTBOARD RECOMMENDATION:
Unfavorable Action (4-0-0)

DESCRIPTION:

From the Advisory Committee: We ask that the Select Board put the following article on the 2023 annual town meeting:

To see if the Town will vote to have the Board of Selectmen petition the Great & General Court of the Commonwealth to enable the recall of elected officials consistent with this suggested format and if that legislature is enabled that it be recorded as a new Chapter in the Town of Leicester 's Bylaws. The proposed legislature is on the attached pages.

Our reason for proposing this change is as follows:

We believe that no elected official shall be exempt from removal from office by the electorate that voted them into office.

The Massachusetts State General Laws allow for recall elections if and only if the town or city has voted to request the state legislature to enable such actions, and such legislature is enabled.

We the Leicester Finance Advisory Committee request that the Leicester Select Board place an article on the 2023 Annual Town Meeting Warrant to have the town meeting voters consider and vote upon this bylaw.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority. This is a citizen's petition. Motion made by Sandy Wilson and second received. After much discussion a Motion from audience was made and second received to move the question. A vote by voice passed unanimous. Motion to vote fails with a vote of 13 Yes, 76 No and 1 abstain.

ARTICLE 23 ADOPTION OF A NEW BYLAW - ESTABLISHMENT OF AN OPEN SPACE AND RECREATION PLAN IMPLEMENTATION COMMITTEE

To see if the Town will vote to create a new bylaw as written below:

Open Space and Recreation Plan Implementation Committee (OSRPIC)

Section 1. There shall be established an Open Space and Recreation Plan Implementation Committee consisting of seven members appointed by the Selectboard. The goal of the OSRPIC is to establish a continuous open space planning process to effectively carryout the goals outlined in the Leicester Open Space and Recreation Plan.

The OSRPIC shall include one member of the Conservation Commission, one member of the Planning Board, one member of the Parks and Recreation Commission, one member of the Board of Health, one member representing a local land trust, and two at large members. At least one of the at large members shall be a student representative between the ages of 13 and 17 years old to represent the Leicester youth community. Each person appointed to the committee shall be a resident of the Town of Leicester.

Committee members will be appointed for terms of three years. In order to create a revolving committee, two initial appointments will be for three-year terms, three appointments will be for two-year terms, and two appointments will be for a one-year term.

Section 2. The Open Space Committee shall be an advisory body and resource to the Selectboard, Conservation Commission, Planning Board, and Parks and Recreation Commission on open space and recreation related goals and initiatives across Town. The committee shall be mainly responsible for implementation of the Leicester Open Space and Recreation Plan which may include assisting in facilitating improvement of open space, enhancing access to open space for all, and raising awareness of land use issues that may conflict with the existing and future Leicester open space network. The Open Space Committee in conjunction with the Town shall also be responsible for updating the Leicester Open Space & Recreation Plan as needed to comply with federal and state requirements.

At least once during each calendar year the Committee shall report to the Selectboard and the Planning Board regarding its activities. The Committee shall also provide an annual update for the Town's Annual Report.

or take any action thereon.

PROPOSED MOTION

Move that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION:

SELECTBOARD RECOMMENDATION:

Favorable Action (4-0-0)

DESCRIPTION:

The goal of the OSRPIC is to establish a continuous open space planning process to effectively carryout the goals outlined in the Leicester Open Space and Recreation Plan. By establishing a

designated committee to provide general oversight of plan implementation the Town ensures compliance with federal and state requirements, strengths competitiveness when pursuing external funding opportunities, and balances growth with the protection of natural resources.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority. Motion made by Dianna Provencher and second received. Motion passes with a vote of 69 Yes, 9 No and 1 abstain.

ARTICLE 24 AMEMENDMENT OF BYLAW GOVERNING ILLICIT DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

To see if the Town will vote to amend Chapter 16 of the Town's General Bylaws, as listed in the Town Meeting warrant:

CHAPTER 16: Bylaw Governing Illicit Discharges to the Municipal Storm Drain System (ATM 5-6-14; amended @ ATM 5-2-23)

SECTION 1: PURPOSE

The purpose of this bylaw is to provide for the health, safety, and general welfare of the citizens of the Town of Leicester through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. The bylaw establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this bylaw are:

1. To prevent pollutants from entering Leicester's municipal separate storm sewer system.
2. To prohibit illicit connections and unauthorized discharges to the MS4.
3. To require the removal of all such illicit discharges.
4. To comply with state and federal regulations relating to storm water discharges; and
5. To establish legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

SECTION 2: DEFINITIONS

For the purposes of this bylaw, the following shall mean:

Authorized Enforcement Agency: The Town of Leicester's Select Board shall administer and implement this bylaw. The Town's Highway Department shall enforce this bylaw. Any powers granted to or duties imposed must be delegated in writing by the Select Board to the appropriate agents of the town, i.e. the employees of and agents of the Highway Department, the Board of Health, the Conservation Commission, District Water and Sewer Superintendents, Building Inspector, and Town Engineer.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water,

receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C § 1251 et seq.) and any subsequent amendments thereto.

Hazardous Material: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 5 of this bylaw.

Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and waste water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR. Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drain System: Publicly owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm

drains, pumping facilities, retention, and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3: APPLICABILITY

This bylaw shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4: RESPONSIBILITY FOR ADMINISTRATION

The Select Board shall administer and implement the provisions of this bylaw. The Highway Department shall enforce this bylaw. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Chairman of the Select Board to persons or entities acting in the beneficial interest of the Town of Leicester.

SECTION 5: DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges: No person shall discharge or cause to be discharged into the municipal separate storm sewer system (MS4) or watercourses any materials, including but not limited to pollutants or waters containing pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water, including discharges from properties not owned by or controlled by the MS4 that discharge into the MS4 system. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this bylaw:

- Water line flushing or other potable water sources
- Landscape irrigation or lawn watering
- Diverted stream flows
- Rising ground water
- Uncontaminated ground water infiltration from storm drains
- Uncontaminated pumped ground water
- Foundation or footing drains
- Crawl space pumps
- Air conditioning condensation
- Springs
- Individual resident car washing
- Natural riparian habitat or wet-land flows
- De-chlorinated Swimming pools
- Street wash waters
- Residential building wash waters without detergents
- Firefighting activities

2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections:

1. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 or watercourse or allows such a connection to continue.

SECTION 6: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4 system, or water of the U.S. said person shall take all the necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies and the Leicester Highway Department. In the event of non-hazardous materials, said person shall notify the Leicester Highway Department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Leicester Highway Department within three business days of the phone notice. If the discharge of prohibited material emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 7: MONITORING OF DISCHARGES

Inspectors authorized by the Select Board shall be permitted to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized inspectors.

SECTION 8: ENFORCEMENT

The Select Board through the Highway Department shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief: If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Select Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders: The Select Board or another authorized agent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:

1. Elimination of illicit connections or discharges to the MS4;
2. Performance of monitoring, analyses, and reporting;
3. That unlawful discharges, practices, or operations shall cease and desist; and
4. Remediation of contamination in connection therewith.

If the enforcing body determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the enforcing body may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Criminal Penalty: Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Select Board may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D in which case the Highway Department shall be the enforcing Town department. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$250.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violations occur or continues shall constitute a separate offense.

Entry to Perform Duties Under This Bylaw: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Highway Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under the bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.

Appeals: The decisions or orders of the Select Board shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive: The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state, or local law.

SECTION 9: SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

or take any action thereon.

PROPOSED MOTION

Move that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

SELECTBOARD RECOMMENDATION:

Favorable Action (4-0-0)

DESCRIPTION

Beyond administrative changes, the purpose of the revised bylaw is to allow it to be applied to non-MS4 properties that discharge into the Municipal Stormwater System.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority. Motion made by Richard Antanavica and second received. Motion passes with a vote of 42 Yes, 31 No and 3 abstain.

ARTICLE 25 AMEMENDMENT OF STORMWATER BYLAW

To see if the Town will vote to amend Chapter 15 of the Town's General Bylaws, as listed in the Town Meeting warrant:

CHAPTER 15: STORMWATER BYLAW

(New bylaws accepted @ ATM May 5, 08; amended @ ATM 5-2-23)

SECTION 1: PURPOSE

The purpose of this Bylaw is to protect the public health, safety, and welfare by establishing requirements to better manage stormwater runoff from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish stormwater management standards and design criteria that will prevent or reduce sedimentation, flooding, stream erosion, pollution, property damage, harm to aquatic life, and overloading or clogging of municipal drainage systems.
2. Encourage the use of "low-impact development practices", such as reducing the amount of impervious area and preserving existing vegetation.

3. Ensure that stormwater management practices will be well-maintained and will continue to function as intended.
4. Establish procedures for issuance of stormwater management permits and for the Town's inspection of approved stormwater treatment practices.

SECTION 2: DEFINITIONS

Definitions in Appendix A of this Bylaw shall apply in the interpretation and implementation of the Bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning.

SECTION 3: ADMINISTRATION

- A) Jurisdiction:** The Planning Board shall administer, implement and enforce this Bylaw. Any powers granted to, or duties imposed on the Planning Board may be delegated in writing by the Planning Board to its employees or agents, as defined in the regulations adopted for this Bylaw.
- B) Regulations:** The Planning Board may adopt and amend rules and regulations for administration of this Bylaw by majority vote of the Planning Board, after conducting a public hearing to receive comments. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date.
- C) Stormwater Management Manual:** The Planning Board will use specifications and standards that are consistent with the Massachusetts Stormwater Management Policy. This Policy provides criteria for stormwater treatment practices, which are based on engineering, science, monitoring, and maintenance experience. Stormwater treatment practices that are designed, constructed, and maintained in accord with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D) Permit Procedures:** Projects requiring a permit shall submit the materials specified in the Planning Board Stormwater Regulations. Filing an application for a permit grants the Planning Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit. The Planning Board is authorized to retain a Registered Engineer or other professional consultant to advise on any aspect of the permit application at the applicant's expense.
- E) Actions by the Planning Board:** The Planning Board may take any of the following actions after reviewing an application for a Stormwater Management Permit – “approval”, “approval with conditions”, “disapproval”, or “withdrawal without prejudice”. A written report of the decision shall be made. The failure of the Planning Board to take action within the applicable deadline shall be deemed approval of that application. Applicants shall not receive any building or land development permits until the stormwater permit is issued. The project shall begin within one year after issuance of the stormwater permit. If the project does not begin within one year, unless there is an extension granted, and the Planning Board finds that the approved Stormwater Management Plan is no longer valid, the applicant shall submit a modified Plan that requires approval prior to the commencement of land-disturbing activities.
- F) Appeals:** A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch. 249 § 4.

G) Low Impact Design: The Planning Board may adopt criteria for practices that will qualify as low impact designs, as part of the Regulations authorized by this Bylaw. These criteria will allow applicants the option to use low-impact practices to improve the amount and quality of stormwater runoff.

SECTION 4: APPLICABILITY

A. This Bylaw shall apply to proposed new development including but not limited to residential subdivisions, site plan applications, commercial uses, municipal uses, and multi-family dwellings.

This Bylaw shall also apply to other activities that will increase the amount of stormwater runoff or pollutants from a parcel of land or that will alter the drainage characteristics of a parcel of land unless the activity is listed as an exemption under Section 4.D of this Bylaw.

All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Stormwater Management Permit from the Planning Board.

B. Redevelopment projects will fulfill the Bylaw requirements if the amount and quality of stormwater is improved from existing conditions. Where site conditions prevent reduction in impervious area, stormwater treatment shall improve runoff, as determined by the Planning Board.

C. The redevelopment or conversion of land to an automotive salvage yard, fueling facility, storage yard or commercial parking lot, or storage area for road salt or hazardous substances, or other land use with greater potential for pollution, as defined by the Massachusetts Stormwater Policy or the Bylaw regulations, shall require a Stormwater Management Permit.

D. Exemptions. No person shall alter land within the Town of Leicester without having obtained a Stormwater Management Permit for the property with the following exceptions:

1. Any activity that will affect an area less than 10,000 square feet, or less than 2,500 square feet if the activity is within the Water Resources Protection Overlay.
2. Normal maintenance and improvement of land in agricultural use.
3. Timber harvesting under an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46, and the Town of Leicester Forest Cutting Bylaw.
4. Construction of a single-family dwelling, where "approval is not required" (ANR), as defined in the Subdivision Control Act. Persons constructing a single-family dwelling are encouraged to use stormwater practices and site planning methods to be described in the Town of Leicester Best Development Practices Guidebook.
5. Maintenance of landscaping, gardens or lawn areas associated with residential uses.
6. Construction of a house addition, garage, deck, patio, retaining wall, shed, swimming pool, tennis or basketball court associated with residential uses.
7. Repair or replacement of a roof of an existing building.
8. Repair or replacement of an existing septic system.

9. The construction of any fence that will not alter existing terrain or drainage patterns.
10. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns.
11. Emergency repairs to any stormwater management practice that poses a threat to public health or safety, or as deemed necessary by the Planning Board.
12. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

SECTION 5: STORMWATER MANAGEMENT PERMITS

The Permit Application shall be filed with the Planning Board, and copies shall be provided to other Town Boards, as defined in the regulations adopted for this Bylaw. The permit application shall include information that describes stormwater management practices, including sediment and erosion controls, which will be installed and maintained. Specifications for the application form and the stormwater management information shall be part of the rules and regulations adopted under Section 3 of this Bylaw.

Nothing in this Bylaw is intended to replace the requirements of the Town of Leicester Flood Plain District, Water Resources Protection Overlay District, Wetland Bylaw, or any other Bylaw that may be adopted by the Town of Leicester. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each. A driveway permit from the DPW Superintendent is also required for the construction of any dwelling, as provided in Section 6.2A of the Town of Leicester Zoning Bylaw.

The Stormwater Management Permits will not go into effect until the regulations are adopted by the Planning Board, as provided in Section 3.0 B of this Bylaw.

SECTION 6: ENFORCEMENT

The Planning Board or its authorized agent shall enforce this Bylaw and may pursue all civil and criminal remedies for violations, including a written enforcement order. Enforcement shall be further defined as part of the rules and regulations adopted under Section 3 of this Bylaw.

SECTION 7: AUTHORITY

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of Leicester at Town Meeting, dated May 5, 2008.

SECTION 8: SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

APPENDIX A: DEFINITIONS

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns.

STORMWATER MANAGEMENT PRACTICES: Structures and techniques that prevent flooding, reduce pollution, and protect local rivers, streams, lakes, and water supplies.

BETTER SITE DESIGN: Site design techniques that can reduce environmental impacts, such as protecting existing vegetation, reducing impervious areas, and using natural drainage ways for stormwater management.

IMPERVIOUS AREA: A material or a structure that prevents water from entering the underlying soil, such as paved parking lots, paved roads, sidewalks, and buildings.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the state Department of Environmental Protection, which provides performance standards to prevent water pollution and control the amount of runoff from new development.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, trust, estate, a political subdivision of the Commonwealth or the federal government, to the extent subject to the Bylaws of the Town of Leicester.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Planning Board. Where phased development or plan approval occurs (preliminary grading, roads, and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT: The conditions that reasonably may be expected after completion of the land development activity on a specific site or tract of land. Post-development does not refer to the construction phase of a project.

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of 10,000 square feet, where the existing land use is commercial, or institutional.

PLANNING BOARD: The Town of Leicester Planning Board OR its authorized agent(s). The Planning Board is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments will participate in the permit process as defined in the Stormwater Regulations adopted by the Planning Board.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Planning Board, which protects the streams, lakes and water supplies in the Town from the adverse effects of uncontrolled and untreated stormwater runoff.

LOW IMPACT DESIGN: Low impact practices allow for the reduction of impervious areas that result in smaller volumes required for stormwater storage. These site design techniques can reduce the size and costs of stormwater collection systems and detention basins.
or take any action thereon.

PROPOSED MOTION

Move that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION: Yes

SELECTBOARD RECOMMENDATION:
Favorable Action (4-0-0)

DESCRIPTION

The purpose of the amendments to the Stormwater Bylaw is to clarify the permitting and enforcement process under the bylaw. The new language clarifies the role of various Town agencies in the process and sets timelines for actions on submitted permit materials.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority. Motion made by John Bujak and second received. Motion passes with a vote of 57 Yes, 20 No and 2 abstain.

ARTICLE 26 AMENDMENT OF FLOOD PLAIN DISTRICT ZONING BYLAW

To see if the Town will vote to amend Section 5.2.09 of the Town's Zoning Bylaws, as listed in the Town Meeting warrant:

SECTION 5.2.09 FLOOD PLAIN DISTRICT (formerly 5.2.04)
[Amended @ ATM 5-7-2008, 5-2-2023]

I. PURPOSE

A. The purpose of the Flood plain District is to:

1. Ensure public Safety through reducing the threats to life and personal injury.
2. Eliminate new hazards to emergency response officials.
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
4. Avoid the loss of utility service which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
5. Eliminate costs associated with the response and cleanup of flooding conditions.
6. Reduce damage to public and private property resulting from flooding waters.

II. DEFINITIONS

Where not expressly defined in the Zoning Bylaws, terms used in this section shall be interpreted as defined below:

BASE FLOOD: the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT: any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59].

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): administers the National Flood Insurance Program (NFIP). FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM): an official map of a community in which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: and examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY: the channel of the river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202].

FUNCTIONALLY DEPENDENT USE: a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE: any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE: a vehicle which is:

- a. Built on single chassis.
- b. 400 square feet or less when measured at the largest horizontal projection.
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY: see FLOODWAY.

SPECIAL FLOOD HAZARD AREA: the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION: the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202].

STRUCTURE: for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL DAMAGE: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed.

SUBSTANTIAL REPAIR OF A FOUNDATION: when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE: a grant of relief by a community from the terms of a floodplain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION: the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

III. FLOOD PLAIN DISTRICT

1. **The Floodplain District** is herein established as an overlay district. The district includes all special flood hazard areas within the Town of Leicester designated as Zones A and AE, on the Worcester County Flood Insurance Rate Map (FIRM), dated June 21, 2023 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the Flood Plain District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated June 21, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and the Department of Development and Inspectional Services.

The Floodplain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with MGL c. 131, § 40 and with the requirements of Massachusetts State Building Code, 780 CMR as well as the Department of Environmental Protection Regulations, 310 CMR.

2. **Permits Required.** A permit is required for all proposed construction or development in the Floodplain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
3. **Designation of a Community Floodplain Administrator.** The Town of Leicester hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.
4. **Permit Review Process.** Leicester's permit review process includes the use of a Floodplain Development Review Form in addition to the traditional building permit. The proponent must acquire all necessary local, state, and federal permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.
5. **Variances to Building Code Floodplain Standards.**
 - a. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.
 - b. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:
 - i. The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - ii. Such construction below the base flood level increases risks to life and property.
 - c. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
6. **Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP).** Variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:
 - a. Good and sufficient cause and exceptional non-financial hardship exist.
 - b. the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
 - c. the variance is the minimum action necessary to afford relief.
7. **Unnumbered A Zones.** In the absence of FEMA BFE data and floodway data, the applicant shall obtain any existing flood elevation and floodway data available from a federal, state, or other source, to be reviewed by the Building Commissioner and utilized to determine compliance with this bylaw and the State Building Code.
8. **Floodway Encroachment.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the

proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

9. **Subdivision Proposals.** Subdivision proposals shall be reviewed to assure that:
 - a. Such proposals minimize flood damage.
 - b. Public utilities and facilities are located and constructed so as to minimize flood damage.
 - c. Adequate drainage is provided.
10. **Base Flood Elevation Data for Subdivision Proposals.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is less. Where there are not already base flood elevations (BFEs) for each parcel, then the developer must provide BFEs for each parcel so that flood-resistant standards can be appropriately applied.
11. **AO and AH Zones Drainage Requirements.** Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
12. **Recreational Vehicles.** In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
13. **Watercourse Alterations or Relocations in Riverine Areas.** In a riverine situation, the following parties shall be notified of any alteration or relocation of a watercourse:
 - Adjacent communities
 - Bordering states (possibly)
 - NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist, Federal Emergency Management Agency, Region I
14. **Requirement to submit new technical data.** If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within six months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:
 - NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist, Federal Emergency Management Agency, Region I
15. **Abrogation and greater restrictions.** The floodplain management regulations found in this Floodplain District section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.
16. **Disclaimer of liability.** The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
17. **Severability.** If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

PROPOSED MOTION

Move that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION: Yes

SELECTBOARD RECOMMENDATION:
Favorable Action (5-0-0)

DESCRIPTION

The Town of Leicester is required to adopt and enforce floodplain management regulations to be eligible to participate in the National Flood Insurance Program (NFIP). The purpose of the amendments is to comply with updated FEMA guidance and remain in good standing with the program.

VOTE REQUIRED FOR PASSAGE: Requires a 2/3 Vote. Motion made by Dianna Provencher and second received. Motion passes with a vote of 69 Yes, 12 No and 1 abstain.

Motion made by Richard Antanavica and second received to Adjourn at 10:10 pm. All in favor with a voice vote of Yes.

Respectfully Submitted,

Lisa J. Johnson

Leicester Interim Town Clerk