

**TOWN OF LEICESTER
SPECIAL TOWN MEETING
MAY 3, 2011**

The following is a report of the Doings of the Special Town Meeting held in the Town of Leicester on Tuesday, May 3, 2011. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:12 pm with 81 voters present stating "The Town Clerk has informed me that a quorum is present, the meeting will come to order."

Article 1. Thomas V. Brennan, Jr. moved that the Town vote to transfer from Free Cash the sum of \$122,813 to supplement the Fiscal Year 2011 Operating Budget as follows, and as shown in a list in the hands of the voters:

Budget #	111 – Legal	8,000.00
Budget #	141 – Assessors	1,700.00
Budget #	220 – Fire Dept	2,500.00
Budget #	420 – Highway Dept	8,800.00
Budget #	423 – Highway Snow Removal	97,463.00
Budget #	610 – Library	4,350.00

VOTED UNANIMOUSLY

Article 2. Carl Wicklund moved that the Town vote to accept the recommendations of the Capital Improvement Planning Committee to amend the FY'11 Capital Budget and approve the expenditure of \$54,069. from the School's operating budget to fund the purchase of a new truck with plow for the School Department.

VOTED BY A SIGNIFICANT MAJORITY

Dianna Provencher moved that the Town dissolve the Special Town Meeting.

VOTED UNANIMOUSLY

Dianna Provencher moved that the Town reconvene the Annual Town Meeting.

VOTED UNANIMOUSLY

Meeting adjourned at 7:19 pm with 81 voters presents.

Respectfully submitted,

Deborah K. Davis

TOWN OF LEICESTER ANNUAL TOWN MEETING MAY 3, 2011

The following is a report of the Doings of the Annual Town Meeting held in the Town of Leicester on Tuesday, May 3, 2011. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:02 pm with 81 voters present stating "The Town Clerk has informed me that a quorum is present, the meeting will come to order."

The Moderator asked that we all join him in The Pledge of Allegiance and then a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe in our communities

Chairman Dianna Provencher presented Thomas V. Brennan, Jr. with a plaque commemorating his twenty years of service to the Town of Leicester, as Selectman.

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

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

Dianna Provencher moved that the Town vote to recess the Annual Town Meeting and open the Special Town Meeting. VOTED UNANIMOUSLY

Douglas Belanger moved that articles 15, 17, 18, 19, 20, 21, 22 and 31 be held until the 21st day of June 2011 at 7:00pm in the Town Hall; and then and there that the Town Meeting act upon all those remaining articles in the Warrant in the order of their numerical sequence. VOTED UNANIMOUSLY

Article 1. Dianna Provencher moved that the Town vote to accept the Annual Town Report, subject to typographical errors and omissions, in lieu of individual reports and to accept the reports given on the floor of this meeting. VOTED UNANIMOUSLY

Sandra Wilson moved that the meeting advance for consideration Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, and take action on such Articles as stated in the Consent Calendar in the hands of the voters and printed on the report and recommendations of the Leicester Advisory Board, without debate on any of such Articles, provided that upon the request of ten voters at this meeting, made before the vote is taken on this Motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

Article 2. Move that the Town take affirmative action on Article 2 as printed in the Annual Town Meeting Warrant. (Pertaining to authorizing the Treasurer, with the approval of the Selectmen, to borrow money in anticipation of revenue and /or reimbursement and to issue notes of the Town payable thereof in accordance with applicable law)

Article 3. Move that the Town take affirmative action on Article 3 as printed in the Annual Town Meeting Warrant. (Pertaining to authorizing and empowering the Board of Selectmen to sell or dispose of accumulated used or junk property of the Town)

Article 4. Move that the Town take affirmative action on Article 4 as printed in the Annual Town Meeting Warrant. (Pertaining to accepting a sum of money as State Aid to Libraries and apply such sums to the State Aid to Library grant account)

Article 5. Move that the Town take affirmative action on Article 5 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$50,000 from Code Inspection/permit Fees to be expended under the direction of the Building Inspector for services and costs relating to Code Inspections. (Pertaining to reauthorizing a Revolving Fund for the Code Inspection Department in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 6. Move that the Town take affirmative action on Article 6 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$20,000 from the EMS Training program tuition receipts to be expended under the direction of the EMS Director for services and costs relating to the training program. (Pertaining to reauthorizing a Revolving Fund for the Emergency Medical Service training program in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 7. Move that the Town take affirmative action on Article 7 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$10,000 from Board of Health Community Septic Loan Management Program to be expended under the direction of the Board of Health for services and costs relating to the Septic Loan Program. (Pertaining to reauthorizing a Revolving Fund for the Board of Health for moneys received from principal and interest on betterment loans under the Community Septic Management Program in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 8. Move that the Town take affirmative action on Article 8 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$5,000 from Board of Health Clinics for Health to be expended under the direction of the Board of Health for services and costs relating to Health Clinics. (Pertaining to reauthorizing a Revolving Fund for the Board of Health for fees and other charges related to health clinics in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 9. Move that the Town take affirmative action on Article 9 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$26,500 from Board of Health inspection/permit fees to be expended under the direction of the Board of Health for services and costs relating to Health Inspection. (Pertaining to reauthorizing a Revolving Fund for the Board of Health for inspection and permit fees in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 10. Move that the Town take affirmative action on Article 10 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$5,000 from Council on Aging program services, to be expended under the direction of the Council on Aging for services and costs relating to various programs offered. (Pertaining to reauthorizing a Revolving Fund for the Council on Aging program services in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 11. Move that the Town take affirmative action on Article 11 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$25,000 from Highway Department fuel usage fees, to be expended under the direction of the Highway Superintendent for services and costs relating to fuel costs. (Pertaining to reauthorizing a Revolving Fund for the Highway Department fuel usage fees in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 12. Move that the Town take affirmative action on Article 12 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$80,000 from Hillcrest Country Club leasing/rental fees, to be expended under the direction of the Board of Selectmen for services and costs relating to maintenance of facility. (Pertaining to reauthorizing a Revolving Fund for the Hillcrest Country Club maintenance fees in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 13. Move that the Town take affirmative action on Article 13 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$60,000 from Town Hall leasing/rental fees to be expended under the direction of the Town Administrator for services and costs relating to maintenance of the facility. (Pertaining to reauthorizing a Revolving Fund for the Town Hall leasing and rentals in accordance with Mass General Laws, Chapter 44, Section 53E½)

Article 14. Move that the Town take affirmative action on Article 14 as printed in the Annual Town Meeting Warrant in an amount not to exceed \$20,000 from recycling fees, to be expended under the direction of the Town Administrator for services and costs relating to the operation of the Recycling Center. (Pertaining to reauthorizing the Recycling Committee Revolving Fund in accordance with Mass General Laws, Chapter 44, Section 53½ to receive fees and other receipts in connection with the Recycling Center program under the direction of the Board of Selectman.)
VOTED UNANIMOUSLY

Article 16. Thomas V. Brennan, Jr. moved that the Town vote to accept and appropriate as available funds such sums of money as may be received from the Commonwealth of Massachusetts under Chapter 90 for highway construction and related purposes for the Fiscal Year commencing July 1, 2011, said funds to be used under the direction of the Highway Superintendent on such projects as may, from time to time, be designated by the Board of Selectmen and approved by the Massachusetts Highway Department. VOTED UNANIMOUSLY

Article 23. Sandra Wilson moved that the Town vote to amend the General Bylaw's Personnel By-Law, Section 11.5 Bereavement, the provisions of which are in the hands of the voters.

This proposal would add one-day Bereavement Leave for nephew and niece, as indicated in bold/italic working below.

The amended portion of Section 11.5 would read as follows...

11.5 BEREAVEMENT In the event of 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:

- One (1) work week: Employee's spouse or domestic partner, child, step-child, parent, step-parent, brother, sister, step-brother, step-sister.
- Three (3) consecutive days: Employee's grandparents, grandparents-in-law, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law.
- One (1) day: Employee's brother-in-law, sister-in-law, aunt, uncle, ***nephew, niece***, first cousin.

VOTED UNANIMOUSLY

Article 24. Justina Lachapelle moved that the Town vote to amend the General By Law Chapter 9 Section 22 Kennel Licenses by adding and deleting language, the provisions of which are in the hands of the voters.

CHAPTER 9 - SECTION 22. Any person applying to the Town Clerk for a Dog Kennel License under the statutes of the Commonwealth of Massachusetts is required to show proof that all local ordinances, ~~especially zoning and Board of Health~~ bylaws and regulatory requirements have been complied with prior to the issuance of said license.

Applicants for Kennel Licenses shall complete and submit the Town's Permit/License form. Kennel inspections shall be required in accordance with MGL Ch. 140-sec. 137A.

VOTED UNANIMOUSLY

Article 25. Justina Lachapelle moved that the Town vote to amend the General By Law Chapter 9 Section 23 Leicester DOG CONTROL BY-LAW REGULATIONS by adding language to Sections 23.7, 23.8 and by deleting language from Sections 23.8, 23.13 and 23.13a and by amending Sections 23.9 and 23.10 and by adding to Section 23, Definition of terms "Kennel, Commercial and Kennel, Private" and deleting from Section 23 Definition of Terms "Letter of Intent," the provisions of which are in the hands of the voters.

CHAPTER 9 - SECTION 23. LEICESTER DOG CONTROL BY-LAW REGULATIONS

1. Purpose: The provisions of the By-Law will enable the Town to establish its own Dog Fund relative to regulations in accordance with MGL Ch. 140 DOG LAWS and the Town of Leicester General By-Laws.

2. No person owning or keeping a dog in the Town, shall allow such dog to run at large and/or at any time be unlicensed, uncollared and untagged, or become a nuisance to others, within the Town limits.

3. An Owner/Keeper of a dog in the Town, must effectively restrain such dog, on owner's property or with the knowledge and permission of such property's owner.

4. An Owner/Keeper of a dog in the Town may must effectively confine, such dog to owner's property or with the knowledge and permission of such property's owner.

5. An Owner/Keeper of a dog may must physically restrain such dog while accompanied by person responsible for said dog(s), within or on a public way, street, or property of the Town of Leicester, or respectfully on the property of others.

6. An Owner/Keeper of a dog shall not allow such dog(s) to cause to be a nuisance, by reason of vicious disposition or excessive barking or other disturbance and/or annoyance in conjunction with Town By-Law Chapter 9, Section 18.

7. The registering, numbering, description and licensing, pursuant to the provisions of Chapter 140 of the General Laws, of all dogs kept in the Town and of all dog kennels maintained in the Town shall be conducted in the office of the Town Clerk. Kennels will be inspected by the Animal Control Department annually.

8. The fees for the services prescribed in section 7 shall be as prescribed by Chapter 140 of the General Laws, except that the annual fees for licenses for dogs shall be:

INDIVIDUAL DOGS/PRIVATE KENNELS¹

Male	\$ 20.00
Female	20.00
Neutered Male	10.00
Spayed Female	10.00
Substitute Tag	1.00
Transfer License	1.00

KENNEL LICENSE

Four (4) dogs	\$40.00
Under 10 dogs	60.00
More than 10 dogs	80.00

COMMERCIAL KENNEL LICENSE

\$100.00 ANNUALLY

¹ The number of dogs is limited to six (6) in some zoning districts, in accordance with the Leicester Zoning Bylaws.

(Dog fees amended @ ATM 5-4-09)

9. An additional fee of ~~Twenty dollars (\$20.00)~~ Twenty five dollars (\$25.00) shall be charged to each owner or keeper of a dog six months (6) old or over who fails to license said dog on or before June 1 of any year, or after the age of six months, and where proof of ownership is beyond thirty (30) days. The fees so collected shall be deposited into the Town Dog Fund.

10. All unspayed female dogs shall during the 21 day heat period be confined in the owner's domicile or boarded in a kennel. A ~~Twenty-five dollar (\$25.00)~~ Fifty dollars (\$50.00) fine will be imposed on owner/keeper of any such dog running at large during that heat period.

11. **DOG FUND** - All money received for the services prescribed herein as well as monies recovered under fines for violations of Chapter 140 of the General Laws and the Town of Leicester General By-Laws shall be deposited in the Town Treasury in a special fund to be known as the Dog Fund, separate from all other monies of the Town. The money in the Dog Fund shall be expended at the direction of the Selectmen without further appropriation for the payment of costs and expenses imposed on the Town by (a) Section 151B of said Chapter 140 for emergency care, treatment or disposal by registered veterinarians of dogs and cats injured on ways, and (b) Section 161 of said Chapter 140 for damage to livestock and fowl by dogs and for appraising the amount of such damage, pending the location of the owner(s) of the offending dog(s), at which time reimbursement will be made to the Dog Fund, provided that the liability of the Town for such damage shall not exceed the amount of one thousand dollars on account of each occurrence out of which such damage arises. Any amount of money in excess in the Dog Fund shall be distributed for the educational and/or upgrading of the department, pursuant to the findings of the Board of Selectmen.

12. Each known owner or keeper of a dog which has done damage to livestock or fowls shall be jointly and/or severally liable to make restitution to the injured party.

~~13. An Owner/Keeper may file a Letter of Intent providing the dog(s), are duly licensed and tagged, supervised, and under full control for the purpose of periodic training exercise, or use of hunting dog(s) during open hunting season, competition, or at other times when necessary for field training in non-restricted areas. delete~~

~~13a. 13. At any time Owner/Keeper, allows said dog(s) to cause harm, damage, or nuisance to any person, property, or other animals such dog will be in violation of the provisions of this section. and the Letter of Intent will no longer be recognized in good standing. A Letter of Intent can be obtained at time of licensing or through the Animal Control Officer. delete.~~

VIOLATION:

14. Violations of the By-Law will result in impoundment of animal by the Animal Control Officer. Said animal shall be released upon the remittance of a valid license and payment to the Town of Leicester, of a pick-up fee of Ten dollars (\$10.00), plus normal boarding fees. Violator will also receive penalties in accordance with applicable Town Dog Control By-Laws and Massachusetts General Law, Chapter 140.

PENALTY:

15. Any Owner/Keeper found in violation of any part of the provisions of this By-Law shall be fined by means of citation as follows:

- 1st Offense within 12 month period Written Warning
- 2nd Offense within 12 month period \$25.00
- 3rd Offense within 12 month period \$35.00
- 4th Offense within 12 month period \$50.00
- 5th and subsequent offenses within 24 month period....Forfeiture of license with approval of the Board of Selectmen.

Said fines to be paid to Town Clerk's Office upon citation by Animal Control Officer.

Fines collected shall be deposited into the Town of Leicester DOG FUND.

DEFINITION OF TERMS: Put definitions in alphabetical order

CONFINE - To limit in area, effectively restricted to private property, by means of fence, pen or other devise or structure.

DOG FUND - The fees, fines and reimbursements collected in connection with licensing of dogs and the enforcement of said sections.

FULL CONTROL - Dog(s) will respond to the command, order or signal of the owner or keeper responsible for the dog.

KEEPER - Any person or society, other than the owner harboring or having in his possession any dog(s).

KENNEL, COMMERCIAL-The owning, boarding or housing of dogs three months old or over for the purpose of breeding, grooming, boarding, sale, training, or any other use which is considered to be part of a commercial business, whether or not operating for profit.

KENNEL, PRIVATE: The keeping of more than three (3) dogs three months old or over owned or kept by a person on a single premise for the private use of the owner for show, hunting, or domestic pets and not for the purpose of breeding, grooming or any other use which is considered to be part of a commercial business. .

~~**LETTER OF INTENT** - To make your actions clear, of responsibility, a promise to your fellow citizens that you can and will conduct your pet(s) in a manner, not offensive to others. And be responsible for said animal. delete~~

NUISANCE - Any dog shall be considered a public nuisance when such dog is found to be not under control of the owner/keeper, poses a threat to public safety, cause disturbance via barking/howling.

OWNER - Shall mean any person or persons, firm, corporation, or association owning or keeping a dog(s).

PHYSICALLY RESTRAIN - To deprive of freedom, to limit or restrict by means of leash, harness or lead in compliance with humane requirements.

RESTRAIN - To deprive of freedom, to limit or restrict.

VOTED UNANIMOUSLY

Article 26. Justina Lachapelle moved that the Town vote to amend the Zoning By Law Section 1.3 to define "kennels and pet grooming", the provisions of which are in the hands of the voters.

Amend Section 1.3, DEFINITIONS, by inserting the following new definitions:

KENNEL, COMMERCIAL: The owning, boarding or housing of dogs three months old or over for the purpose of breeding, grooming, boarding, sale, training, or any other use which is considered to be part of a commercial business, whether or not operating for profit. Any kennel or other structure used by dogs shall be no closer than 50 feet to any lot line and no closer than 75 feet to any existing dwelling located beyond any lot line. A commercial kennel shall be located in a separate structure not used for human habitation. In accordance with Leicester's General Bylaws and Massachusetts General Law, a kennel license is required for this use. Disposal of animal waste must comply with state and local board of health regulations as applicable.

KENNEL, PRIVATE: The keeping of more than three (3) dogs three months old or over owned or kept by a person on a single premises for the private use of the owner for show, hunting, or domestic pets and not for the purpose of breeding, grooming or any other use which is considered to be part of a commercial business. The keeping of more than six (6) dogs for any purpose shall be considered a commercial kennel for the purposes of this zoning bylaw, except that a separate structure is not required. In accordance with Leicester's General Bylaws and Massachusetts General Law, a kennel license is required for this use. Disposal of animal waste must comply with state and local board of health regulations as applicable.

PET GROOMING: An establishment that offers pet grooming services. In residential districts (SA, R1, and R2), such use shall only be allowed as an accessory use carried out entirely within a dwelling or accessory structure and incidental and subordinate to the dwelling use. Such use shall not include boarding or other animal – related activity.

VOTED UNANIMOUSLY

Article 27. Justina Lachapelle moved that the Town vote to amend the Zoning By law Section 3.2.03 Business by amending 3.2.03 numbers 8 and 9 in regards to Commercial and Private Kennel uses and adding number 17 in regards to Pet Grooming uses, the provisions of which are in the hands of the voters.

Amend Section 3.2.03, by amending uses #8 and #9, and inserting a new use #17, as shown below (new text underlined, deleted text shown as ~~strikethrough~~):

3.2.03 BUSINESS	SA	R1	R2	B	I	BI-A	HB-1
8. Dog Kennel, Commercial – The owning, boarding or housing of more than three (3) dogs for the purpose of breeding, grooming or any other use which is considered to be part of a commercial business <u>(Special Permits issued by Planning Board)</u>	SP	N	N	N	N	N <u>SP</u>	N <u>SP</u>
9. Dog Kennel, Private – The keeping of up to three (3) for private use of the owner and not for the purpose of breeding, grooming or any other use which is considered to be part of a commercial business <u>(Special Permits issued by Zoning Board of Appeals)</u>	Y	Y SP	Y SP	Y	Y	Y	Y
17. Pet Grooming <u>(Special Permits issued by Planning Board)</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

VOTED UNANIMOUSLY

Article 28. Justina Lachapelle moved that the Town vote to amend the Zoning By Law Section 3.30 Business Residential (BR-1) Zone by adding language to require Special Permits for the operation of private kennels and from prohibiting the operation of commercial kennels from said zoning district, the provisions of which are in the hands of the voters.

Amend Section 3.30, Business Residential (BR-1) Zone, by adding the following text:

ii. Private Kennel by Special Permit from the Planning Board (Commercial Kennels prohibited).
VOTED UNANIMOUSLY

Article 29. Jason Grimshaw moved that the Town vote to amend the Zoning By Law Section 5.2.09 Flood Plain District, subsection III by deleting the existing paragraph A and replacing it with language to comply with National Flood Insurance Program requirements, the provisions of which are in the hands of the voters.

New paragraph A (Section 5.2.09.III.):

A. ESTABLISHMENT OF FLOOD PLAIN DISTRICT. The Flood Plain District is herein established as an overlay district. The Flood Plain 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) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Leicester are panel numbers 25027C0590E, 25027C0595E, 25027C0613E, 25027C0780E, 25027C0781E, 25027C0782E, 25027C0783E, 25027C0784E, 25027C0801E and 25027C0803E dated July 4, 2011. 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 July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

. VOTED UNANIMOUSLY

Article 30. Jason Grimshaw moved that the Town vote to amend the Town's Zoning By Law Section 5.2.09 Flood Plain District, subsection IV by adding paragraph C to comply with National Flood Insurance Program requirements, the provisions of which are in the hands of the voters.

New paragraph C (Section 5.2.09.IV.):

C. FLOODWAY DATA 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.

VOTED UNANIMOUSLY

Thomas V. Brennan, Jr. moved that the Town vote to adjourn the Annual Town Meeting to 7:00pm on Tuesday June 21, 2011 at this same location. VOTED UNANIMOUSLY

Meeting adjourned at 7:51 pm with 115 voters present.

**TOWN OF LEICESTER
ADJOURNED ANNUAL TOWN MEETING (May 3, 2011)
JUNE 21, 2011**

The following is a report of the Doings of the Adjourned Annual Town Meeting held in the Town of Leicester on Tuesday, June 21, 2011. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:09 pm with 87 voters present stating "The Town Clerk has informed me that a quorum is present, the meeting will come to order."

The Moderator asked that we all join him in the Pledge of Allegiance and then a moment of silence was observed to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe in our communities.

Let us reflect on the recent passing of two long time servants and friends of the Town of Leicester.

John H. "Herbie" Williamson was Town Clerk for 24 years. For many of us, we didn't go to the "Town Clerk's Office," you simply went to see Herbie. Herbie held the office of Town Clerk from 1972 to 1996.

Leonard S. "Lenny" Gabrila started on the Planning Board in 1970, and held several offices in town until his death. Lenny also served as a Selectman, on the Central MA Regional Planning Board, the Development and Industrial Commission, the Industrial Finance Authority, and was currently both a Commissioner of the Leicester Water District, and member of the Board of Registrars. In fact, the reminders I gave at the first session of this meeting in May about registering and voting in our recent elections came from Lenny.

If you would, please rise and observe a moment of silence as a tribute to the long time service of these two men.

Richard Antanavica moved that the Town reconvene the Annual Town Meeting.
VOTED UNANIMOUSLY

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

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

Article 15. Thomas E. Buckley III moved that the Town vote to pass over this article (Pertaining to authorizing a revolving fund for the Town Clerk's office in accordance with MGL Chapter 44, Section 53E½ to receive fees and other receipts in connection with the MassDEP Host Community Grant, and to expend from these receipts to offset administrative and office expenses.) VOTED UNANIMOUSLY

Article 17. Douglas Belanger moved that elected officials be paid according to the following schedule in the hands of the voters.

<u>FY'12</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
	TOWN CLERK – full time position with salary	43,272
	Fiscal year 2012 equity compensation	848
	SELECTMEN - CHAIRMAN	882
	SELECTMEN - MEMBERS (4) each	724

SCHOOL COMMITTEE - CHAIRMAN	447
SCHOOL COMMITTEE - MEMBERS (4) each	197
PLANNING BOARD - CHAIRMAN	320
PLANNING BOARD - MEMBERS (4) each	276
MODERATOR	77
BOARD OF HEALTH - CHAIRMAN	320
BOARD OF HEALTH - MEMBERS (2) each	276
ASSESSOR - MEMBERS (3) each	577

VOTED UNANIMOUSLY

Article 18. Kenneth M. Antanavica moved that the Town vote to raise and appropriate the sum of \$60,000.00 to purchase and equip new police vehicles (2). VOTED UNANIMOUSLY

Article 19. Sandra Wilson moved that the Town vote to transfer the sum of \$3,000.00 from free cash in the Treasury to fund the Town's Health Fund Trust. VOTED UNANIMOUSLY

Article 20. Dianna Provencher moved that the Town vote to raise and appropriate the sum of \$50,000.00 to establish a Reserve Fund according to Chapter 40, Section 6 of the Mass General Laws. VOTED UNANIMOUSLY

Article 21. Thomas E. Buckley III moved that the Town vote to pass over this article (Pertaining to Raising and Appropriating, Transferring from Available Funds, and/or Borrowing under the provisions of Mass General Laws Chapter 44 as amended, a sum of money to fund the Fiscal Year 2012 Capital Improvement Plan budget.) VOTED UNANIMOUSLY

Article 22. Donald A Cherry Sr. moved that the Town vote to transfer the sum of \$2,200.00 from free cash in the Treasury to fund the removal and replacement of the oil tank at the Public Library. VOTED UNANIMOUSLY

Article 31. Richard Antanavica moved that the Town vote to approve the budgets of the several Town Departments as printed and in the hands of the voters for the Fiscal Year beginning July 1, 2011 in the aggregate amount of \$25,276,645. and to fund this amount from the following sources:

Transfer from available funds, Board of Health Title V Reserves Acct Principal:	\$20,142.
Transfer from available funds, Ambulance Receipts reserves account:	\$355,373.
Transfer from available funds, Dog Fund Receipts reserves account:	\$25,000.
Transfer from Stabilization Account;	\$326,000.
Transfer from Conservation Commission NOI Fund:	\$10,000.
Balance to be raised;	\$24,540,130.

BUDGET CATEGORY	FY'12 BUDGETED
100 - Contract/Wage Settlements	0
103 - Cable Comm	0
111 - Legal Dept	50,000
114 - Moderator	77
120 - Capital Planning	0
122 - Selectmen	211,147
131 - Advisory Board	1,600

BUDGET CATEGORY**FY'12 BUDGETED**

135 - Accountant	119,151
141 - Assessors	94,996
145 - Treasurer/Collector	136,191
147 - Tax Title	17,000
152 - Personnel Board	974
155 - IT Services	90,000
158 - Tax Title	0
159 - ByLaw Comm	0
161 - Town Clerk	79,629
162 - Elections & Reg.	26,577
171 - Conservation Comm	14,985
173 - Moose Hill Water	3,636
175 - Planning Board	65,200
176 - Zoning Board	4,594
179 - C.M.R.P.C.	0
193 - Bonding & Insurance	263,003
197 - Town Hall Maintenance	52,075
198 - Town Hall Telephone	7,700
210 - Police Dept.	1,640,888
220 - Fire Dept.	203,553
231 - Ambulance	335,374
241 - Code Inspector	143,353
244 - Sealer of Wts & Meas.	0
292 - Animal Control Officer	26,000
296 - Pest Control Officer	6,000
310 - Schools	0
420 - Highway	669,096
423 - Snow & Ice	84,000
424 - Street Lights	63,000
510 - Board of Health	89,000
520 - Recycling	0
541 - Council on Aging	99,000
543 - Veterans Service	39,779
545 - Veterans Graves	1,957
610 - Library	153,160
630 - Parks & Recreation	4,872
691 - Historical Commission	1,676
692 - Memorial Day	3,340
<u>General Government sub-total</u>	<u>4,802,583</u>
General Government Operations	4,802,583
300-399 - Schools Budget	15,349,690
700-945 - Inter-Governmental budget	5,124,372
TOTALS	25,276,645

VOTED AFFIRMATIVELY BY A 9/10 VOTE

Meeting adjourned at 7:53pm with 161 voters present.

Respectfully Submitted,

Deborah K. Davis

TOWN OF LEICESTER SPECIAL TOWN MEETING NOVEMBER 8, 2011

The following is a report of the Doings of the Special Town Meeting held in the Town of Leicester on Tuesday, November 8, 2011. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:10 pm with 50 voters present stating "A quorum being present, the meeting will come to order. I would remind you that, per General By-Laws of the Town of Leicester, this meeting is open only to Registered Voters of the Town of Leicester. If you are not a registered voter, or not a resident of Leicester, please take a seat to my left, behind the press table. If you are under the age of 18, you may remain with your party. Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereon."

The Moderator asked that we all rise and join him in The Pledge of Allegiance. Then he asked that we observe a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe in our communities.

The Moderator asked that all in attendance give a big round of applause to the Board of Health for the purchase and installation of a defibrillator at the Town Hall. Dianna Provencher asked that all veterans in the auditorium please stand and that all in attendance give a round of applause for them. The Moderator offered condolences on the recent loss of Superintendent Paul Soojian's wife and relayed that our thoughts and prayers remain with the family.

He reminded all present that a Convention of the Boards, which is a working meeting of the three major boards in town; Selectmen, Financial Advisory and School Committee will be held in this same room one week from tonight, Tuesday, November 15th at 7 PM. This is a posted meeting falling under MA General Law for open meetings. Members of the public are welcome to attend.

Douglas Belanger moved that the Town vote to dispense with the reading of the Warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

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

ARTICLE 1. Richard Antanavica moved that the Town amend the vote taken on Article 31 (2012 budget) of the May 2011 Annual Town Meeting in the following particulars:

- a. The sum of \$5,000. be transferred from Free Cash in the Treasury to the Veterans Services Account to fund veterans' benefits.
- b. The sum of \$50,000. be transferred from Free Cash in the Treasury to the Selectmen's Account to fund installation of a generator and related expenses at the Senior Center.
- c. The sum of \$181,326. be transferred from Free Cash in the Treasury and applied to the funds required for the 2012 annual operating budget. VOTED UNANIMOUSLY

ARTICLE 2. Sandra Wilson moved that the Town vote to transfer the sum of \$64.24 from Free Cash in the Treasury to pay a Council on Aging bill from Verizon, which is from a prior fiscal year. VOTED UNANIMOUSLY

ARTICLE 3. Thomas E. Buckley III moved that the Town vote to transfer the sum of \$20,000. from Free Cash in the Treasury to fund the Town's Stormwater management obligations, which funds are to be managed by the Board of Selectmen. VOTED UNANIMOUSLY

ARTICLE 4. Dianna Provencher moved that the Town vote to transfer from Free Cash in the Treasury the sum of \$10,000. to fund the study and repair of Town owned dams, which funds are to be managed by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

ARTICLE 5. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw by adding Section 5.14, "Large Scale Ground-mounted Solar Photovoltaic Installations", the provisions of which are in the hands of the voters.

5.14 Large-Scale Ground-Mounted Solar Photovoltaic Installations

1.0 Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

2.0 Definitions

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of equal or greater than 250 kW DC.

Small-Scale Solar Photovoltaic Installation: A solar photovoltaic system that has a minimum nameplate capacity of less than 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

3.0 Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

4.0 General Requirements

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. Large-scale ground-mounted solar photovoltaic installations shall require a special permit in the following districts: Residential 1(R1), Residential (R2), Neighborhood Business (NB), and Central Business (CB).

Applications for large-scale ground-mounted solar photovoltaic installations shall be filed in accordance with the Leicester Planning Board Rules and Regulations for Site Plan Review Applications and/or Special Permit Applications, as applicable. Where a special permit is required, the Planning Board shall use the general standards for Special Permit Approval contained in the Planning Board Rules and Regulations for Special Permit Applications.

5.0 Development Standards for Large Scale Solar Photovoltaic Installations

Unless otherwise expressly provided by this section of the bylaw all requirements of the underlying zoning district shall apply. In addition, the following standards shall apply to all large-scale ground-mounted solar photovoltaic installations:

5.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code. No large-scale solar photovoltaic installation shall be

constructed, installed or modified as provided in this section without first obtaining a building permit.

5.2 Dimensional Requirements

Dimensional requirements (lot size, setback, etc.) shall follow the requirements of the applicable zoning district, except that minimum frontage shall be fifty (50) feet.

5.3 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5.4 Accessory Structures

Accessory structures to large-scale ground-mounted solar photovoltaic installations, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

5.5 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

5.6 Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Leicester's sign bylaw. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

5.7 Emergency Services

The large-scale solar ground-mounted photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to local emergency services. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

5.8 Land Clearing

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

5.9 Monitoring and Maintenance

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

5.10 Abandonment or Decommissioning

A. Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. When the facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the solar facility no more than 150 days after the date of discontinued operations. At the time of removal, the solar facility site shall be restored. More specifically, decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

B. Abandonment

Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Planning Board. The Planning Board shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the solar facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility at the owner's expense. The Town may, at its option, impose a lien on the property according to statute for the removal of the solar facility.

C. Financial Surety

The Planning Board may require the applicant for large-scale ground-mounted solar photovoltaic installations to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility, of an amount and form determined to be reasonable by the Planning Board. Such surety will not be required for municipally or state-owned facilities. VOTED UNANIMOUSLY

Note: James Reinke made an amendment regarding the glare from the ground-mounted solar photovoltaic. This was not seconded.

ARTICLE 6. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw Section 3.2.05 TRANSPORTATION, COMMUNICATION, UTILITY by adding "Large Scale Ground-mounted Solar Photovoltaic Installation and Small Scale Solar Photovoltaic Installation" as permitted uses, the provisions of which are in the hands of the voters.

Amend Section 3.2.05 as shown below:

<u>USE</u>	<u>SA</u>	<u>R1</u>	<u>R2</u>	<u>B</u>	<u>I</u>	<u>BI-A</u>	<u>HB-1</u>
7. Large-Scale Ground-Mounted Solar Photovoltaic Installation	Y	SP	SP	Y	Y	Y	Y
8. Small-Scale Solar Photovoltaic Installation	Y	Y	Y	Y	Y	Y	Y

VOTED UNANIMOUSLY

ARTICLE 7. Jason Grimshaw moved that the Town vote to amend the Town's Zoning ByLaw Section 3.30 Business Residential 1 (BR-1) Zone by adding language to paragraph kk: Solar Photovoltaic Installation, the provisions of which are in the hands of the voters.

Amend Section 3.30, Business-Residential 1 (BR-1) Zone, by adding the following text at the end of the section:

kk: Solar Photovoltaic Installations

VOTED UNANIMOUSLY

ARTICLE 8. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw Section 3.34, Central Business District (CB) Zone by adding the language: "Large Scale Ground-Mounted Solar Photovoltaic Installations are allowed by special permit from the Planning Board and Small-Scale Solar Photovoltaic Installations are permitted by-right in the Central Business District," the provisions of which are in the hands of the voters.

Amend Section 3.34, Central Business District (CB) by adding the following text at the end of the section:

Large-Scale Ground-Mounted Solar Photovoltaic Installations are allowed by special permit from the Planning Board in the Central Business District. Small-Scale Solar Photovoltaic Installations are permitted by-right. VOTED UNANIMOUSLY

ARTICLE 9. Jason Grimshaw moved that the Town vote to amend the Town's Zoning Bylaw Section 5.2.02.1 Projects Requiring Site Plan Review by adding a new subparagraph "g. Large Scale Ground-mounted Solar Photovoltaic Installation", the provisions of which are in the hands of the voters.

Amend Section 5.2.02.1. (Projects Requiring Site Plan Review), by adding a new subparagraph g. as follows:

g. Large-Scale Ground-Mounted Solar Photovoltaic Installations

VOTED UNANIMOUSLY

Douglas Belanger moved that the Special Town Meeting adjourn. VOTED UNANIMOUSLY

Meeting adjourned at 8:01 pm with 69 voters present.

Respectfully submitted,

Deborah K. Davis
Leicester Town Clerk