

**TOWN OF LEICESTER
SPECIAL TOWN MEETING
May 4, 2010**

The following is a report of the Doings of the Special Town Meeting held in the Town of Leicester on Tuesday, May 4, 2010. The Moderator, William T. Griffin, opened the meeting at 7:49 pm with 68 voters present.

ARTICLE 1. Thomas V. Brennan Jr. moved that the Town vote to pass over this article.
(Pertaining to transferring from available funds a sum of money to pay bills from prior fiscal years). VOTED UNANIMOUSLY

ARTICLE 2. Dianna Provencher moved that the Town vote to transfer from Free Cash the sum of \$180,700 to supplement the Fiscal Year 2010 Operating Budget as follows, and as shown in a list in the hands of the voters.

Department	Issue	Line Item Number	Amount
Legal Budget	Pending litigation	01-111-5200-005	6,500
Information Technology	Increased software contracts	01-155-5200-003	3,000
Highway Snow & Ice Accounts	Budgeted line items under deficit	01-423-5200-004	82,200
Highway	Stormwater management	01-420-5200-004	19,000
Unemployment Comp	Fund layoffs	01-913-5110-000	70,000
	TOTAL:		\$180,700

VOTED UNANIMOUSLY

ARTICLE 3. Stanley A. Zagorski moved that the Town vote to amend Article 12 of the May 4, 2009 Annual Town Meeting relative to the Hillcrest Revolving Fund by transferring authority for this Fund to the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

ARTICLE 4. Richard Antanavica moved that the Town vote to accept the recommendations of the Capital Improvement Planning Committee and approve the expenditure of \$86,106. for computer software improvements for various offices in the town hall, which expenditure shall be made over the next seven (7) consecutive years in equal amounts of \$12,301 annually, and the expenditure of \$19,328 from the School Department Deferred Maintenance Account to fund the installation of two condensing units at the Primary School. VOTED UNANIMOUSLY

Thomas V. Brennan Jr. moved that the Town dissolve the Special Town Meeting.
VOTED UNANIMOUSLY

Meeting adjourned at 7:57pm with 68 voters present.

**TOWN OF LEICESTER
ANNUAL TOWN MEETING
May 4, 2010**

The following is a report of the Doings of the Annual Town Meeting held in the Town of Leicester on Tuesday, May 4, 2010. The Moderator, William T. Griffin, opened the meeting at 7:15 pm with 68 voters present. Boy Scout Troop 123, lead by their Scout Master Brian Jubinville, presented the Honor Guard and lead the meeting in the Pledge of Allegiance. The moderator then called for a moment of silence for the men and women of the armed forces who are protecting our Country.

This was a historical evening for it is the first time since 1912 the Boston Post Cane is being presented to a resident of Leicester. Donald Lennerton Chairman of the Historical Commission, presented a history of the Boston Post Cane. On August 2, 1909, Mr. Edwin A. Grozier, Publisher of the Boston Post, a newspaper, forwarded to the Board of Selectmen in 700 towns (no cities included) in New England a gold-headed ebony cane with the request that it be presented with the compliments of the Boston Post to the oldest male citizen of the town, to be used by him as long as he lives (or moves from the town), and at his death the cane would be handed down to the next oldest citizen of the town. The cane would belong to the town and not the man who received it. In 1930, after considerable controversy, eligibility for the cane was opened to women as well. Donald Lennerton and Thomas V. Brennan Jr., Chairman of the Board of Selectmen presented the cane to the oldest resident on record, a "woman" Carmen Mathieu born November 26, 1907. Carmen is 102 years old, an avid golfer and bridge player in her day who also loves watching the Red Sox, Celtics and Patriots on TV. Carmen was also presented two citations, one from Senator Michael Moore and one from Representative John Binienda read by Thomas V. Brennan Jr. Carmen was accompanied by her loving family.

Chairman Thomas V. Brennan Jr. presented plagues & citations from the Board of Selectmen, The Senator and Representative to our Town Moderator, William Griffin and Selectman, Stanley (Lee) Zagorski both of whom will not be seeking re-election. This was the last Town Meeting for both of them in an official capacity. The Town would like to express gratitude and well wishes to them both.

After the presentations Moderator William Griffin asked Town Administrator Robert Reed to speak on the fiscal crisis of the town. Mr. Reed painted a very grim picture of the financial future explaining that Town Departments have cut 2 ½% from January 2010 through June 30, 2010 to help with the 2011 budget and all departments will be cutting again and many employees' hours will be cut. Mr. Reed thanked the departments for all coming together in these hard times. Next Chairman of the School Committee Mark Armington spoke about the school department's fiscal problems and what parents should expect in the way of teacher cuts etc.

Thomas V. Brennan Jr. moved that the Town vote to dispense with the reading of the warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

Thomas V. Brennan Jr. 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

Thomas V. Brennan Jr. moved that the Town vote to recess the Annual Town Meeting and open the Special Town Meeting. VOTED UNANIMOUSLY

Thomas V. Brennan Jr. moved that the Town reconvene the Annual Town Meeting.
VOTED UNANIMOUSLY

Article 1. Douglas A. Belanger 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

Thomas V. Brennan Jr. moved that the meeting advance for consideration Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, 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)

VOTED UNANIMOUSLY

Article 14. Dianna Provencher moved that the Town vote to establish, in accordance with MGL Chapter 44 Section 53E½, a new Recycling Revolving Fund, under the direction of the Board of Selectmen, for costs related to the Town's recycling program not to exceed \$20,000 and further that the Town transfer the sum of \$2,000.00 from the Board of Health inspections and fees Revolving Fund to this account. VOTED UNANIMOUSLY

Article 15. Stanley A. Zagorski moved that the Town vote to transfer the sum of \$3,000 from Free Cash to the Town's Health Fund Trust.
VOTED UNANIMOUSLY

Article 16. Richard Antanavica moved that elected officials be paid according to the following schedule in the hands of the voters.

ARTICLE 16 - SET 2011 ELECTED OFFICIALS PAY RATE

<u>POSITION</u>	<u>PAY RATE</u>
TOWN CLERK	42,424
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 17. Douglas A. Belanger 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, 2010 in the aggregate amount of \$25,629,246. and to fund this amount from the following sources...

Transfer from available funds, Free Cash	\$ 65,300.
Transfer from available funds, Board of Health Title V Reserves Acct Principal	\$ 20,142.
Transfer from available funds, Ambulance Receipts reserves account	\$ 319,000.
Transfer from available funds, Dog Fund Receipts reserves account	\$ 15,000.
Transfer from Stabilization Account, up to	\$ 742,000.
Transfer from available funds, Assessors' overlay reserve	\$ 30,000.
Amount to be raised or greater amount corresponding to any increase in State Aid which would offset any transfer from the Stabilization Fund	\$24,437,804.

BUDGET DEPT # and CATEGORY FY'11 BUDGETED

103 - Cable Comm	-
111 - Legal Dept	50,000
114 - Moderator	77
120 - Capital Planning	-
122 - Selectmen	211,147
131 - Advisory Board	1,600
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	-
159 - ByLaw Comm	-
161 - Town Clerk	76,477
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
193 - Bonding & Insurance	305,000
197 - Town Hall Maintenance	52,075
198 - Town Hall Telephone	7,700
210 - Police Dept.	1,674,888
220 - Fire Dept.	203,553
231 - Ambulance	335,374
241 - Code Inspector	143,353
244 - Sealer of Wts & Meas.	-
292 - Animal Control Officer	26,000

296 - Pest Control Officer	6,000
310 - Schools	-
420 - Highway	669,096
423 - Snow & Ice	84,000
424 - Street Lights	63,000
510 - Board of Health	104,167
520 - Recycling	-
541 - Council on Aging	109,000
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
General Gov't sub-total:	4,900,595
 General Government Operations:	4,900,595
# 300 - 399 - School Operations:	15,662,949
# 700 - 945 - Inter-Governmental Costs:	5,065,702
TOTAL:	25,629,246

VOTED AFFIRMATIVELY BY A 9/10 VOTE

NOTE: Article 17 amended at the November 16, 2010 STM (Article 2)

Article 18. Thomas V. Brennan Jr. moved that the Town vote to transfer the sum of \$50,000 from available Free Cash in the treasury to establish a Reserve Fund according to Chapter 40, Section 6 of the Mass General Laws. VOTED UNANIMOUSLY

Article 19. Dianna Provencher 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, 2010, 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 20. Richard Antanavica moved that the Town vote to approve the recommendations of the Capital Improvement Planning Committee and fund the purchase of one dump truck – catch basin cleaner for the Highway Department with \$142,000 from the Town's Chapter 90 Highway funds. VOTED UNANIMOUSLY

Article 21. Stanley A. Zagorski moved that the Town vote to pass over this article. (Pertaining to Raising and Appropriating, Transfer from Available Funds, and/or Borrow under the provisions of Mass General Law Chapter 44 as amended, a sum of money to meet Town requirements under its Stormwater Management Permit) VOTED UNANIMOUSLY

Article 22. Douglas A. Belanger moved that the Town vote to transfer the sum of \$11,000.00 from Free Cash in the treasury to fund annual inspections and other responsibilities regarding Town owned dams, under the direction of the Board of Selectmen. VOTED UNANIMOUSLY

Article 23. Kenneth Antanavica moved that the Town vote to pass over this article. (Pertaining to Raising and Appropriating, Transfer from Available Funds, and/or Borrow under the provisions of Mass General Laws Chapter 44 as amended, a sum of money to fund the purchase and equipping of police vehicle(s). VOTED UNANIMOUSLY

Article 24. Donald A. Cherry, Sr. moved that the Town authorize the Library Building Committee to apply for any state funds and grants which might be available to defray all or part of the cost of the design, construction and equipping of the library project, and to authorize the Library Trustees and the Library Building Committee to accept and expend any such funds when received without further appropriation, with the specific direction that acceptance of state funds and grants will not obligate the Town to appropriate additional monies for the construction of the library or otherwise obligating the Town to expend additional Town funds for the construction and equipping of a library project. VOTED UNANIMOUSLY

Article 25. Stanley A. Zagorski moved that the Town allow the Board of Selectmen to lease all or portions of the roof of the Police Station for the purpose of generating solar energy for a period beyond ten years, upon such terms and at such a time that the Board of Selectmen deems to be in the best interest of the Town. VOTED UNANIMOUSLY

Article 26. Richard Antanavica moved that the Town vote to accept Mass General Law Chapter 64L Section 2(a) to impose a local meals excise. (Allowing an additional .75 to existing meals excise) VOTED BY A SIGNIFICANT MAJORITY

Article 27. Dianna Provencher moved that the town vote to increase the Treasurer's demand fees from Five (\$5.00) Dollars to Twenty-five (\$25.00) Dollars to be added to and collected as part of the tax for Real Estate Demand notices, and Fifteen (\$15.00) Dollars to be added to and collected as part of the tax for Excise Tax Demand notices, as authorized by MGL Chapter 60, Section 15, effective immediately. VOTED BY A SIGNIFICANT MAJORITY

Article 28. Douglas A. Belanger moved that the Town vote to authorize the Conservation Commission, pursuant to MGL Chapter 40, Section 8C, to accept a Conservation Restriction as defined by MGL C.184 Section 31-33 from the Greater Worcester Land Trust, Inc. on land located on the northerly side of Marshall Street and shown as Lot O on a plan of land recorded at the Worcester District Registry of Deeds in Plan Book 877, Plan 52 and vote to authorize the Board of Selectmen to approve said acceptance by the Conservation Commission. VOTED UNANIMOUSLY

Article 29. Richard Antanavica moved that the Town vote to accept as public ways Billy's Way, Maighan's Way and Sandy Circle, also known as Whittemore Estates, as laid out by the Board of Selectmen and according to plans on file with the Town Clerk. (Please note: Engineer Kevin Quinn submitted the lengths of the streets Billy's Way 608.23', Maighan's Way 2119.89' and Sandy Circle 1359.93') VOTED BY A SIGNIFICANT MAJORITY

Article 30. Dianna Provencher moved that the Town vote to approve the Right to Farm Bylaw, the provisions of which are in the hands of the voters.

Section 1. Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right-to-Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder, including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Leicester restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Leicester by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies.

This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses; and
- Keeping and raising of poultry, swine, cattle, sheep, goats, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing, slaughtering and packaging of the agricultural output of the farm and the operation of a farmers' market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right to Farm Declaration

The Right-to-Farm is hereby recognized to exist with the Town of Leicester. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right-to-Farm Bylaw shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4. Precedence

In the event of conflict between this Bylaw and all other town regulations, this Bylaw shall take precedence. In the event of conflict between this Bylaw and federal or state law, federal or state law shall take precedence respectively.

Section 5. Disclosure Notification

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the buyer's property within the

Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

Section 6. Resolution of Disputes

Dispute resolution will be the responsibility of the Board of Selectmen, or its designee(s), until at which time an Agricultural Commission is formed by the Town and empowered to resolve disputes arising from this by-law.

Section 7. Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Leicester hereby declares the provisions of this Bylaw to be severable.

VOTED UNANIMOUSLY (2/3 vote needed)

Article 31. Police Chief James Hurley moved that the Town vote to add to the General Bylaws, Chapter 9, Safety and Order, a new Section 33, "Police Towing Administrative Fee", the provisions of which are in the hands of the voters.

1.0 - Definitions

Police Ordered Tow – A vehicle being towed at the direction of the Leicester Police Department (excluding motor vehicle accidents) as authorized by a federal, state or local law and/or ordinance.

Motor Vehicle Violation – A violation of a federal, state, or local law and/or ordinance involving the operation, permitting the operation of and/or use of a motor vehicle. This shall include vehicle safety and equipment violations as well as any violations pertaining to the registration and insurance requirements which are lawfully required for motor vehicles.

Parking Violation - A violation of any federal, state, or local law and/or ordinance involving parking of a motor vehicle and/or a motor vehicle obstructing a public way or a way which the public has the right of access.

Arrest or Custodial Detention – Anyone taken into custody by the Leicester Police Department or any agency assisting or receiving assistance from the Leicester Police Department for a violation(s) of a federal, state, or local ordinance violation or an arrest warrant. This shall include individuals taken into protective custody, detained for mental health evaluations, or warrants of apprehension. This shall also include vehicles towed as the result of the initiation or the result of civil proceedings (including asset forfeitures).

Illegal Activity – Any violation of federal, state, or local criminal/civil ordinances which police are statutorily authorized to enforce.

2.0 - Fees

The Town of Leicester hereby imposes, upon the owner of any vehicle moved or towed to a convenient place under the provisions of this Bylaw, the following fees:

1. **Removal or Towing Fee** – Fees are not to exceed that which is authorized by Massachusetts General Laws and/or the Code of Massachusetts Regulations and are payable to the tow company directly.
2. **Storage Fees** – Fees are not to exceed that which is authorized by Massachusetts General Laws and/or the Code of Massachusetts Regulations and are payable to the tow company directly.
3. **Administrative Fee** – An administrative fee of \$10.00 shall be collected on any motor vehicle that was the subject of a police ordered tow resulting from a motor vehicle or parking violation, arrests, or illegal activity (excluding motor vehicle accidents) as ordered by the Leicester Police Department.

Said Administrative Fee shall be paid by cash or money order at the Leicester Police Department prior to the release of the vehicle to the owner and a receipt shall be issued. The Administrative Fee for towing shall be deposited by the Police Department into the Town's General Fund.

VOTED AFFIRMATIVELY BY A 2/3 VOTE

Article 32. Chief Hurley moved that the Town vote to amend the Alarm System Bylaw under Chapter 9 Safety & Order/Section 30 of the General Bylaws by omitting Part B. of Section 7-

General Provisions, and replacing it with the following, the provisions of which are in the hands of the voters:

- B. The alarm user may appeal the decision of the Alarm Administrator by filing an appeal to the District Court as set forth under Mass General Laws Chapter 40 Section 21.*

UNDER CHAPTER 9, SAFETY AND ORDER - SECTION 30 "ALARM SYSTEM BYLAW"
adopted May 2007, specifically propose to amend Section 7 as written below:

Section 7. General Provisions

- (A) Except as otherwise required by law, the information furnished and secured pursuant to this by-law shall be confidential in character and shall not be subject to public inspection.
- (B) The alarm user may appeal the decision of the alarm administrator to the Town Administrator or designee by filing a written request for a review within ten (10) days after receipt of a non-criminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within 30 days. The decision of the administrator or designee shall be final.
- (C) The Chief of Police, Fire Chief or his designee shall serve as the alarm administrator to: administer, control and review alarm applications, registrations and alarm dispatch requests, develop a procedure to accept verified cancellation of alarm dispatch requests, promulgate such regulations as may be necessary or required to implement this by-law.

Under Article 32 of the May 2010 Annual Town Meeting, it is proposed to amend Section 7 of Chapter 9, Section 30 as follows:

Remove (B) as written above under Section 7, and

Replace with a new (B) as indicated below:

"The alarm user may appeal the decision of the alarm administrator by filing an appeal to the District Court as set forth under Massachusetts General Law Chapter 40, Section 21."
VOTED UNANIMOUSLY (2/3 vote was needed)

Article 33. Debra Friedman moved that the Town amend its Zoning Bylaw Section 3.2.03.10 to allow Bed & Breakfasts in pre-existing buildings in the HB-1 and HB-2 zoning districts all of which is more particularly set forth and stated in the hands of the voters.

Amend Section 3.2.03.10, by changing "N" to "Y" in HB-1 and adding a note that reads as follows: in a pre-existing building", so that the revised Section reads as follows:

3.2.03 BUSINESS	SA	R1	R2	B	I	BI-A	HB-1
10. Bed & Breakfast	SP	SP	SP	Y	N	N	Y*
*in a pre-existing building							

AFFIRMATIVELY BY A 2/3 VOTE

Article 34. Debra Friedman moved that the Town amend its Zoning Bylaw Section 1.3 by adding thereto in alphabetical order definitions of "veterinary clinics" and "veterinary hospitals" all of which is more particularly set forth and stated in the hands of the voters, and I further move consistent with the above amendment that the Town amend its Zoning Bylaw Section 3.2.03 by

adding a new use #15 "veterinary clinic" all of which is more particularly set forth and stated in the hands of the voters, and I further move consistent with the above amendments that the Town amend its Zoning Bylaw Section 3.30 by adding "veterinary clinic" as a new use all of which is more particularly set forth and stated in the hands of the voters.

A. Amend Section 1.3 by adding the following definitions in alphabetical order:

VETERINARY CLINIC: An establishment maintained and operated by a licensed veterinarian solely to provide out-patient medical care to animals. The establishment shall not be used as a kennel or animal daycare. There shall be no boarding of animals and no outdoor facilities to house or exercise animals unattended.

VETERINARY HOSPITAL: An establishment maintained and operated by a licensed veterinarian solely to provide medical care to animals, which may include the boarding of animals limited to short-term care incidental to the hospital use. The establishment shall not be used as a kennel or animal daycare. There shall be no outdoor facilities to house or exercise animals unattended.

B. Amend the Zoning Bylaw, Section 3.2.03, by adding a new use #15, as follows:

3.2.03 BUSINESS	SA	R1	R2	B	I	BI-A	HB-1
15. Veterinary Clinic	N	N	N	SP	N	N	N

C. Amend Section 3.30 (Business Residential 1), by adding the following new use:

hh. Veterinary Clinic by Special Permit from the Planning Board

VOTED UNANIMOUSLY (2/3 vote was needed)

Article 35. Debra Friedman moved that the Town amend its Zoning Bylaw Section 1.3 by adding thereto the definition of "farmers market" all of which is more particularly set forth and stated in the hands of the voters and I further move consistent with the above amendment that the Town amend its Zoning Bylaw Section 3.2.03 by adding a new use #16 "farmers market" all of which is more particularly set forth and stated in the hands of the voters, and I further move consistent with the above amendments that the Town amend its Zoning Bylaw Section 3.30 by adding "farmers market" as a new use, all of which is more particularly set forth and stated in the hands of the voters and I further move consistent with the above amendments that the Town amend its Zoning Bylaw Section 3.32.B.4 by adding "farmers market" as a new use all of which is more particularly set forth and stated in the hands of the voters.

A. Amend Section 1.3 by adding the following definition in alphabetical order:

FARMERS' MARKET: A temporary market, usually held out-of-doors, where farmers can sell their produce, other edible farm products, flowers, preserves and similar products to the public. Products at such markets should be locally and/or regionally grown. Farmers' Markets shall not include the construction of permanent structures and are limited to no more than 52 total days per calendar year. Written approval of the property owner is required. All signs, trash and debris shall be removed from the site upon the termination of the activity. Farmers' Markets must be located on a site with adequate ingress and egress and sufficient parking as determined by the Zoning Enforcement Officer. Farmers' Markets are subject to regulation by the Board of Health. The Board of Selectmen may adopt Farmers' Market Rules and Regulations.

B. Amend the Zoning Bylaw, Section 3.2.03, by adding a new use #16, as follows:

3.2.03 BUSINESS	SA	R1	R2	B	I	BI-A	HB-1
16. Farmers' Market	Y	Y	Y	Y	N	Y	Y

- C. **Amend Section 3.30 (Business Residential - 1), by adding the following new use:**
 - ii. Farmers' Market
- D. **Amend Section 3.32 (RESIDENTIAL INDUSTRIAL BUSINESS), subsection B. 4., by adding the following new use:**
 - k. Farmers' Market

VOTED UNANIMOUSLY (2/3 vote was needed)

Article 36. Debra Friedman moved that the Town amend its Zoning Bylaw Section 5.8.02 to correct a typographical error by replacing the word "non-commercial" with "non-residential" and I further move that the Town amend its Zoning Bylaw Section 5.11, Subsection 6.19 by renumbering said subsection to read "5.19" and I further move that the Town amend its Zoning Bylaw Section 5.12 Subsection 6.3 by renumbering sub paragraphs "C and D" as "a and b", all of which is more particularly set forth and stated in the hands of the voters.

- A. **Amend Section 5.8 (Business District Site Development Standards), subsection 5.8.02 (Applicability), by replacing the words "non-commercial" with "non-residential."**
- B. **Amend Section 5.11 (Large Wind Facilities), Subsection 6.19 (Location Preference), by re-numbering as 5.19.**
- C. **Amend Section 5.12 (Small Wind Facilities), Subsection 6.3 (Expiration of Permit), by re-numbering sub-paragraphs "C" and "D" as "a" and "b"**

VOTED UNANIMOUSLY (2/3 vote was needed)

Article 37. Debra Friedman moved that the Town amend its Zoning Bylaw and specifically its Zoning Map by changing the titles of districts "RA and RB" to "R1 and R2" wherever they may be referred to on the Zoning Map all of which is more particularly set forth and stated in the hands of the voters. VOTED UNANIMOUSLY (2/3 vote was needed)

Thomas V. Brennan Jr. moved that the town vote to adjourn the Annual Town Meeting.
VOTED UNANIMOUSLY

Meeting adjourned at 9:43pm with 68 voters present.