

Annual Town Meeting Report

May 7, 2019

The following is a report of the Minutes of the Annual Town Meeting held at the Leicester Town Hall, 3 Washburn Square on Tuesday May 7, 2019. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:01pm with 157 voters present stating the Town Clerk has informed me that a quorum is present, the meeting will come to order. Per General By-Laws of the Town of Leicester, this meeting is open only to Registered Voters of the Town of Leicester. For the record, Donald A Cherry, Jr. stated that he was in receipt of the return of service of the warrant. Therefore, we may proceed. If you are not a registered voter, or not a resident of Leicester, please take a seat to my left, behind the press table.

At this time, please stand and join me in the pledge of allegiance then remain standing for a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe here at home and now
Thank you. Please be seated.

Good Evening. I am Don Cherry, Jr., your Town Moderator. I'd like to welcome you all to our Annual Town Meeting, and to Thank You for taking an active role in your government.

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

For the record, I am in receipt of return of service of the warrant. Therefore, we may proceed.

In a moment, I will accept any procedural motions regarding the conduct of this Town Meeting. Before I do, a couple of announcements and acknowledgements are in order.

I have some feedback on the efforts of the members of the October 30, 2018 Special Town Meeting. Attorney General Healy's office has notified us the all warrant items which required their review have been approved. Of note for conduct of town meeting was the affirmative vote to align the quantum of votes for by-law changes. The required quantum for changes to general by-laws is now a simple majority.

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**

WORCESTER, SS.

To a Constable in the Town of Leicester,

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 Town Hall Gymnasium, 3 Washburn Square, Leicester, MA on Tuesday, the Seventh day of May 2019 at 7:00 PM, then and there to act on the following articles, namely:

ARTICLE 1 ADJUST FY 2019 BUDGET AND WARRANT ARTICLES

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, or borrow under the provisions of Chapter 44, as amended, such sums of monies as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2019 operating budget of the Town or take any action thereon.

PROPOSED MOTION

Richard Antanavica moved that the Town vote to transfer the following sums, totaling 356,748 from and to the accounts listed in the table below:

From:

Employee Benefits 01-914-5110-002	\$200,000
Liability Insurance 01-945-5700-009	\$3,000
Vocational Tuition ATM 5/18 Art 9 01-100-5219-910	\$40,000
Overlay Surplus 01-000-3220-000	\$91,748
PD – 2 Radar Trailers ATM 5/18 Art 18 01-101-5819-018	\$2,000
MRIP Grant 11-161-3311-021	\$20,000
Total	\$356,748

To:

Reserve Fund 01-130-5700-007	\$29,515
Town Hall Building Maintenance 01-197-5200-006	\$4,500
Other General Government 01-199-5400-005	\$1,300
Other General Government 01-199-5200-004	\$2,200
Police Salaries 01-210-5100-000	\$37,621
Police Expenses 01-210-5400-001	\$2,500
Fire Salaries 01-220-5100-000	\$4,504
Snow and Ice 01-423-5130-000	\$24,000
01-423-5400-006	\$76,000
Veteran's Benefits 01-543-5700-007	\$20,000
Library Wages 01-610-5100-000	\$3,300
Unemployment Compensation 01-913-5110-000	\$15,000
Workers Compensation 01-912-5700-009	\$3,000
High School Roof Project 33-101-5816-005	\$21,308
Town Hall Accessibility Improvements 30-101-5816-002	\$40,000
Blighted Building Control 01-100-5200-006	\$50,000
PD – Automated License Plate Reader 01-101-5819-007	\$2,000
Town Clerk Records Retention 01-100-5214-005	\$20,000
Total	\$356,748

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (4-1-0)**SELECT BOARD RECOMMENDATION Favorable Action (5-0-0)****DESCRIPTION**

This article would amend the Fiscal Year 2019 (current) operating budget and various existing warrant articles by transferring funds from five (5) current fiscal year accounts that have forecast surpluses to the following accounts:

Reserve Fund: \$29,515 requested to reimburse the Reserve Fund for transfers made to fund the unemployment budget which went into deficit due to a number of claims.

Town Hall Building Maintenance: \$4,500 requested for payment of utility bills that are currently being reviewed.

Other General Government: \$1,300 requested for postage meter lease
\$2,200 requested for increase to the Honeywell service contract

Police Salaries: \$37,621 requested to pay for the retirement payouts of two former employees.

Police Expenses: \$2,500 requested to pay for updated parking ticket books.

Fire Salaries: \$4,504 requested for benefits payout for an employee injured on duty.

Snow/Ice: \$100,000 requested to fund the FY 2019 snow and ice deficit.

Veterans Benefits: \$20,000 requested to cover new veterans claims. These claims are reimbursed at a rate of 75% by the Commonwealth, but that funding is a general fund revenue.

Library Wages: \$3,300 requested to pay for updated salaries in accordance with the Class and Comp plan approved by the Select Board in the summer of 2018.

Unemployment Compensation: \$15,000 requested to cover ongoing claims which began last July and have drained the budget resulting in two reserve fund transfers totaling \$29,515.

Workers Compensation: \$3,000 requested to fund a shortfall due to the payout of various deductibles for unforeseen claims.

High School Roof Project: \$21,308 requested to cover project costs deemed ineligible for reimbursement by the MSBA.

Town Hall Accessibility: \$40,000 requested to remove the non-compliant handicap ramp on the west side of the building, reconstruct the parking lot and install a swipe card system on the front door of the building.

Blighted Building Control: \$50,000 requested to demolish a condemned town-owned building at 275 Pleasant Street.

PD Automated License Plate Reader: \$2,000 requested to cover costs associated with the purchase of the new PD automated license plate reader as approved in the FY19 Capital Plan.

Town Clerk Records Retention: \$20,000 sought to install records management system in the Town Clerk's records room.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

- **VOTED BY A SIGNIFICANT MAJORITY (120-13) 1-abstain**

ARTICLE 2 FY 2019 CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies to fund the Capital Improvement Plan budget beginning July 1, 2018 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.

PROPOSED MOTION

Brian P. Green moved that the Town vote to transfer \$90,081 from Free Cash to fund the Fiscal Year 2019 Capital Improvement Plan budget to pay for ongoing installments of a lease/purchase agreement for an Aerial scope Tower Truck, year three of a five-year lease.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (4-1-0)

SELECT BOARD RECOMMENDATION Favorable Action (5-0-0)

DESCRIPTION

This article seeks funding from Free Cash to fund one continuing lease/purchase agreement.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

- **VOTED BY A SIGNIFICANT MAJORITY (113-22) 3-abstain**

ARTICLE 3 CIVIL SERVICE ASSESSMENT FUNDING

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of monies to fund costs associated with administering police civil service promotional activities or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town transfer \$20,000 from Free Cash to fund costs associated with funding police civil service promotional activities.

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

This article seeks funding for the police command position assessments as required by Civil Service.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

- **VOTED BY A SIGNIFICANT MAJORITY (119-23) 3-abstain**

ARTICLE 4 FUNDING IMPROVEMENTS AT TOWN PARKS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies to fund improvements at town parks or take any action thereon.

PROPOSED MOTION

Sandra M. Wilson moved that the Town raise and appropriate \$25,000 to fund improvements at town parks, the application of said funding to be prioritized by the Leicester Highway Department.

FINANCE ADVISORY BOARD RECOMMENDATION **To be given at Town Meeting**

SELECT BOARD RECOMMENDATION **Favorable Action (4-1-0)**

DESCRIPTION

This article seeks funding for the maintenance of town parks, several of which have fallen into disrepair. It is anticipated that these funds will be used to restore lighting, revitalize fields and repair or replace equipment. The source of this \$25,000 in funding is the Cultivate Host Community Agreement.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

- **VOTED BY A SIGNIFICANT MAJORITY (123-16) 2-abstain**

ARTICLE 5 FUNDING HIGHWAY POSITION

To see if the Town will vote to raise and appropriate a sum of monies to fund a Highway Department position, commencing on July 1, 2019, or take any action thereon.

PROPOSED MOTION

Harry R. Brooks moved that the Town vote to raise and appropriate \$50,000 to fund a Highway Department position.

FINANCE ADVISORY BOARD RECOMMENDATION **To be given at Town Meeting**

SELECT BOARD RECOMMENDATION **Unfavorable Action (3-2-0)**

DESCRIPTION

This original purpose of this funding was to hire an employee to serve as a point position for existing and new businesses, write grants and undertake community outreach. At this time, it is recommended that the funding be used to add a Highway Department position due to significant understaffing in this department. The source of this \$50,000 in funding is the Cultivate Host Community Agreement. Funding for the economic development/grant writer position on at least a part time basis will be requested at the Fall Special Town Meeting.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

After much discussion on the article Scott Francis asked the meeting members to move Article 5. A hand vote was taken, and the moderator declared a pass vote to move the question.

Article 5:

- **VOTED BY A SIGNIFICANT MAJORITY (81-69) 1-abstain**

ARTICLE 6 ELECTED OFFICIALS SALARIES

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

PROPOSED MOTION

Richard Antanavica moved that the Town vote to set the rate of compensation to pay elected officials for Fiscal Year 2020 as detailed in the May 7, 2019 Spring Annual Town Meeting Warrant.

FISCAL YEAR 2020 ELECTED OFFICIALS PAY RATES	
<u>POSITION</u>	<u>PAY RATE</u>
TOWN CLERK	\$65,394
SELECT BOARD – CHAIR	\$882
SELECT BOARD – 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	\$81
BOARD OF HEALTH – CHAIRMAN	\$320
BOARD OF HEALTH – MEMBERS (2) each	\$276
ASSESSOR – MEMBERS (3) each	\$577
TOTAL ELECTED SALARIES	\$74,515

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (4-0-0)**

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

DESCRIPTION

Compensation for elected officials is set by Town Meeting. The proposed FY2020 elected officials pay rate is the same as approved by the voters for FY2019 with the exception of the Town Clerk, whose salary contains a 3.03% COLA.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote per M.G.L. Chapter 41, Section 108.

- **VOTED BY A SIGNIFICANT MAJORITY (102-25) 2-abstain**

ARTICLE 7 FY 2020 OPERATING BUDGET

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies as may be necessary to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2019 and ending on June 30, 2020, as listed in the May 7, 2019 Spring Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

Brian P. Green moved that the Town vote to approve the budgets of the Town departments and Town Accounts as printed in the 2019 Annual Town Meeting Warrant for the Fiscal Year beginning July 1, 2019, in the aggregate amount of \$29,343,868, and to fund this amount from the following sources:

Transfer from Ambulance Receipts Reserved Account:	\$371,192
Transfer from Board of Health Title V Reserve Account Principal:	\$19,944
Transfer from Conservation Commission NOI Account:	\$3,882
Transfer from Free Cash:	\$150,000

And the balance of the funds in the remaining sum of \$28,798,850 shall be raised and appropriated by taxation.

DEPT #	DEPARTMENT NAME	FY2018 BUDGET	FY2019 BUDGET	FY2020 TOWN ADMIN	\$ CHANGE	% CHANGE
111	LEGAL					
	TOTAL	59,000	209,000	209,000	0	0.00%
114	MODERATOR					
	TOTAL	151	151	151	0	0.00%
122	SELECT BOARD					
	TOTAL	249,228	239,780	246,361	6,581	2.74%
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	114,955	118,153	122,611	4,458	3.77%
141	ASSESSORS					
	TOTAL	113,136	116,964	121,745	4,781	4.09%
145	TREASURER/COLLECT OR					
	TOTAL	160,514	165,867	163,615	-2,252	-1.36%
147	TAX TITLE					
	TOTAL	16,000	16,000	16,000	0	0%
152	PERSONNEL BD					
	TOTAL	250	250	250	0	0.%
155	IT DEPARTMENT					
	TOTAL	141,620	138,560	144,560	6,000	4.33%
161	TOWN CLERK					
	TOTAL	99,955	104,699	110,491	5,822	5.56%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	21,500	35,600	35,100	-500	-1.40%
180	DEVELOPMENT & INSPECT. SVCS					
	TOTAL	227,640	234,787	241,930	7,143	3.04%
192	TOWN OWNED BLDG MAINT					

197	TOTAL	15,250	8,000	38,281	30,281	378.51%
	TOWN HALL BLDG MAINTENANCE					
	TOTAL	55,155	63,909	63,909	0	0.00%
DEPT #	DEPARTMENT NAME	FY2018 BUDGET	FY2019 BUDGET	FY2020 TOWN ADMIN	\$ CHANGE	% CHANGE
198	TOWN HALL TELEPHONES					
	TOTAL	6,400	6,400	6,400	0	0.00%
199	OTHER - GENERAL GOV					
	TOTAL	79,170	49,355	54,155	4,800	9.73%
210	POLICE DEPT					
	TOTAL	1,881,427	1,963,857	1,964,796	939	0.05%
220	FIRE DEPT					
	TOTAL	305,313	305,307	305,307	0	0.00%
231	AMBULANCE					
	TOTAL	424,850	440,418	440,372	-46	-0.01%
232	EMERGENCY MANAGEMENT					
	TOTAL	4,813	4,813	4,813	0.00	0.00%
241	CODE DEPT					
	TOTAL	67,267	68,879	63,690	-5,189	-7.53%
292	ANIMAL CONTROL					
	TOTAL	33,129	33,552	33,552	0	0.00%
296	INSECT PEST CONTROL					
	TOTAL	9,770	7,850	7,850	0	0.00%
310	SCHOOL					
	TOTAL	16,264,094	16,667,839	16,881,790	213,951	1.28%
420	HIGHWAY DEPT					
	TOTAL	697,060	743,282	751,680	8,398	1.13%
423	SNOW & ICE					
	TOTAL	121,000	121,000.00	121,000.00	0	0.00%
424	STREET LIGHTS					
	TOTAL	70,000	75,000	50,335	-24,665	-32.89%
541	COUNCIL ON AGING					
	TOTAL	84,418	94,122	108,280	14,158	15.04%
543	VETERANS SERVICES					
	TOTAL	97,925	92,980	92,980	0	0.00%
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,400	2,400	0	0.00%
610	PUBLIC LIBRARY					
	TOTAL	189,000	204,306	216,629	12,323	6.03%
630	PARKS & RECREATION					
	TOTAL	6,450	6,450	6,450	0	0.00%
DEPT #	DEPARTMENT NAME	FY2018 BUDGET	FY2019 BUDGET	FY2020 TOWN ADMIN	\$ CHANGE	% CHANGE
691	HISTORICAL COMM					
	TOTAL	950	950	950	0	0.00%

692	MEMORIAL DAY COMM					
	TOTAL	3,000	3,000	3,000	0	0.00%
710	MATURING DEBT PRINCIPAL					
	TOTAL	919,485	894,532	1,139,797	245,265	27.42%
751	MATURING DEBT INTEREST					
	TOTAL	306,027	325,635	406,144	80,509	24.72%
752	TEMPORARY LOAN INTEREST					
	TOTAL	18,993	94,647	33,255	-61,392	-64.86%
753	BOND ISSUE					
	TOTAL	0	0	0	0	0.00%
911	WORC REG RETIREMENT					
	TOTAL	1,055,412	1,161,643	1,314,800	153,157	13.18%
912	WORKER COMPENSATION					
	TOTAL	197,000	216,700	227,535	10,835	5.00%
913	UNEMPLOYMENT COMP					
	TOTAL	66,510	66,650	141,650	75,000	112.53%
914	EMPLOYEE BENEFITS					
	TOTAL	3,052,161	3,266,089	3,288,285	22,196	0.68%
945	BONDING & INSURANCE					
	TOTAL	146,200	100,586	110,645	10,059	10.00%
Grand Total – All Budgets		27,435,843	28,521,258	29,343,868	822,610	2.88%

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (4-0-0)**

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

DESCRIPTION

This is the fiscal year 2020 annual operating budget for municipal and school services. Property tax proposed to be levied is within the allowances of Proposition 2 ½. The State FY 2020 budget has not been finalized, so the Governor's proposed revenue estimates for local aid have been used to formulate the Town budget. This financial plan meets the minimum needs of every department and continues to move the Town forward in a sustainable direction. The FY 2020 budget is 2.88% greater than the FY 2019 budget. Please note the budget allocations below:

Department	FY 19 Budget	FY 20 Budget	\$ Change	% Change
Municipal Budget	5,726,937	\$5,799,968	\$73,031	1.28%
School Budget	\$16,667,839	\$16,881,790	\$213,951	1.28%
Unclassified Budget	\$6,126,482	\$6,662,110	\$535,628	8.74%
Totals	\$28,521,258	\$29,343,868	\$822,610	2.88%

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

- **VOTED BY A SIGNIFICANT MAJORITY (102-41) 3-abstain**

ARTICLE 8 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, 2019 or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town vote to raise and appropriate \$1,078,000 for Vocational Tuition expenses for the Fiscal Year beginning July 1, 2019.

FINANCE ADVISORY COMMITTEE RECOMMENDATION Favorable Action (4-0-0)

SELECT BOARD RECOMMENDATION Favorable Action (5-0-0)

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 FY'16. 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.

- **VOTED BY A SIGNIFICANT MAJORITY (120-23) 1-abstain**

ARTICLE 9 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 monies to fund the FY 2020 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

Sandra M. Wilson moved that the Town vote to raise and appropriate the sum of \$3,142 to fund the FY 2020 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate of \$0.28637.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (5-0-0)

SELECT BOARD RECOMMENDATION Favorable Action (4-0-1)

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 (2010). The payment of this assessment will maintain the Town's services provided by the District.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (122-17) 4-abstain**

ARTICLE 10 FY 2020 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION

To see if the Town will vote to appropriate a sum of monies to fund the FY 2020 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 ½, said appropriation to be funded by fees received pursuant to the Town's cable licensing agreement, or act on anything relating thereon.

PROPOSED MOTION

Harry R. Brooks moved that the Town vote to appropriate \$186,395 to fund the FY 2020 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 ½, said appropriation to be funded by funds available in the Cable PEG Access Enterprise Fund pursuant to the Town's cable licensing agreement.

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

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, they must be approved by the voters annually at Town Meeting.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

- **VOTED BY A SIGNIFICANT MAJORITY (104-31) 2-abstain**

ARTICLE 11 OTHER POST-EMPLOYMENT BENEFITS TRUST

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies to deposit into the Other Post-Employment Benefit (OPEB) Trust or take any action thereon.

PROPOSED MOTION

Richard Antanavica moved that the Town vote to transfer \$35,000 from Free Cash to deposit into the Other Post Employment Benefit (OPEB) Trust Fund.

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

Other Post-Employment Benefits are benefits that an employer pays to an employee once they retire. Like most public-sector employers, the Town of Leicester provides matching funds towards the health insurance premiums of eligible retirees. In recent years, financial oversight entities including bond rating agencies and the Governmental Account Standards Board have required municipalities to perform an actuarial analysis to project the future cost of the benefits that are being offered. Further they have encouraged municipalities to begin setting funding aside to ensure they are able to make these payments in the future.

The most recent actuarial analysis performed for the Town estimates that the Town's current OPEB liability is \$23.8 million when projected 18 years into the future. By starting to fund this projected obligation now, the Town will be reducing its projected funding obligations. The funds that are being set aside in the trust will only be able available to fund retiree health insurance contributions. These funds will be reflected on the Town's financial balance sheet as an asset that will help offset the liability. The current balance in this fund is \$100,249.21.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (103-25) 4-abstain**

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 monies 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

Brian P. Green moved that the Town vote to transfer \$21,400 from Free Cash to fund groundwater and other studies at the former landfill site, said funds to be expended by the Highway Department.

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

The Town is obligated to comply with the Massachusetts Department of Environmental Protection's annual monitoring and testing requirements for the closed landfill. These tasks require routine sampling of groundwater from a series of wells as well as any required follow up or additional testing based upon the findings and routine readings of landfill gases being produced. The \$21,400 requested will fund these required activities for Fiscal Year 2020.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (113-19) 2-abstain**

ARTICLE 13 POLICE CRUISERS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies to purchase and equip two (2) police vehicles or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$84,223 from Free Cash to purchase and equip two (2) police vehicles.

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

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 on a daily basis. Funding is being requested to replace the two oldest marked frontline cruisers which will have over 100,000 miles when replaced. 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

- **VOTED BY A SIGNIFICANT MAJORITY (104-35) 2-abstain**

ARTICLE 14 FY 2020 CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies to fund the Capital Improvement Plan budget beginning July 1, 2019 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 installments of the lease/purchase agreement(s), or take any action thereon.

PROPOSED MOTION

Sandra M. Wilson moved that the Town vote to transfer \$40,037 from Free Cash to fund the Fiscal Year 2020 Capital Improvement Plan budget to pay for the final installment of the Backhoe lease/purchase agreement (Year 3 of 3).

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

This article seeks funding from Free Cash to pay for the final lease payment on the Highway Department's backhoe.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (121-17) 2-abstain**

ARTICLE 15 EXPANSION OF ARTICLE 7 OF THE MAY 2, 2017 SPECIAL TOWN MEETING, ENTITLED "GREENVILLE POND DAM" TO "INSPECTIONS, REPORTING AND/OR GRANT APPLICATION FUNDING FOR TOWN-OWNED DAMS" WITH ADDITIONAL FUNDING

To see if the Town will vote to expand the purpose Article 7 of the May 2, 2017 Special Town Meeting entitled Greenville Pond Dam" from that purpose to "Inspections, Reporting, and/or Grant Application Funding for Town-

owned Dams” and raise and appropriate and/or transfer from available funds a sum of monies for this purpose or take any action thereon.

PROPOSED MOTION

Harry R. Brooks moved to expand the purpose Article 7 of the May 7, 2017 Special Town Meeting entitled “Greenville Pond Dam” from that purpose to “Inspections, Reporting, and/or Grant Application Funding for town-owned dams” and transfer from Free Cash the sum of \$6,675 for this purpose.

FINANCE ADVISORY COMMITTEE RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

The Town owns two dams that require annual inspections and reporting to DCR. Funds are being sought to broaden the purpose of the 2017 article to pay for some these costs, as well as move additional funds from Free Cash to the article. The Greenville Dam article has a balance of \$8,325. Coupled with the transfer request of \$6,675 from Free Cash, the end result is a general dam inspection and/or grant application article with funding of \$15,000.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (105-25) 2-abstain**

ARTICLE 16 TRANSFER FUNDS INTO STABILIZATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies to the Town Stabilization Fund or take any action thereon.

PROPOSED MOTION

Richard Antanavica moved that the Town appropriate and transfer \$91,387 from Free Cash to the Town Stabilization Fund.

FINANCE ADVISORY COMMITTEE RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

The Town has a financial policy that calls for 25% of annual free cash to be placed into the Stabilization Fund until the fund achieves a balance of 5% of total revenues. The amount requested for transfer is less than the 25% of free cash as stated in the policy but represents a good faith effort to increase the balance in the stabilization fund. The balance in the Stabilization fund prior to this transfer is \$971,610.69.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (108-18) 3-abstain**

ARTICLE 17 AMENDMENT TO THE DEPARTMENTAL REVOLVING FUNDS BYLAW

To see if the Town will vote amend the Departmental Revolving Funds Bylaw by adding the following proposed new revolving funds to the table listed after paragraph 5 of said bylaw.

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A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Library Copier	Library	Library fines and fees	Copier lease payments and misc. operating fees	None	None	Fiscal Year 2020 and subsequent years
Tree Lighting	Tree Lighting Committee	Donations and other miscellaneous receipts	Activities associated with the annual Leicester tree lighting event	None	None	Fiscal Year 2020 and subsequent years
300 th Anniversary	300 th Anniversary	Donations and other miscellaneous receipts	Activities associated with Leicester 300 th anniversary events	None	None	Fiscal Year 2020 and subsequent years
Agricultural Land Acquisition	Agricultural Commission	Donations and other miscellaneous receipts	Agricultural land acquisitions	None	None	Fiscal Year 2020 and subsequent years

Or take any other action thereon.

PROPOSED MOTION

Brian P. Green moved that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

This article requests that four new revolving funds to be added to the Revolving Funds Bylaw, as explained above.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (109-25) 4-abstain**

ARTICLE 18 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 2020, or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that 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 2020.

<u>Revolving Fund</u>	<u>Spending Limit:</u>
Inspectional Services	\$50,000
Health Clinics	\$5,000
Senior Center Programs	\$10,000
Fuel Usage	\$35,000
Town Hall	\$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
300 th Anniversary	\$100,000
Agricultural Land Acquisition	\$100,000

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (5-0-0)**

SELECT BOARD 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

- **VOTED BY A SIGNIFICANT MAJORITY (117-14) 6-abstain**

ARTICLE 19 BORROWING RESCISSION – HIGHWAY EQUIPMENT

To see if the Town will vote to rescind an outstanding borrowing authorization, in the amount of \$40,000, which was authorized as part of the \$950,000 borrowing authorization voted as Article 3 of the October 30, 2018 town meeting; or take any action thereon.

PROPOSED MOTION

Sandy M. Wilson moved that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (5-0-0)

SELECT BOARD RECOMMENDATION Favorable Action (5-0-0)

DESCRIPTION

An authorization for a debt exclusion of \$950,000 to purchase 7 pieces of Highway Department equipment was approved by the voters last fall. The equipment has been ordered at a total cost of \$910,000. This article requests the leftover authorization be rescinded.

VOTE REQUIRED FOR PASSAGE Requires a majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (127-10) 1-abstain**

ARTICLE 20 ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 90, § 20A 1/2

To see if the Town will vote to accept M.G.L. Chapter 90, § 20A ½ in regard to the assessment and collection of parking tickets and fees; or take any action thereon.

PROPOSED MOTION

Harry R. Brooks moved that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (5-0-0)

SELECT BOARD RECOMMENDATION Favorable Action (5-0-0)

DESCRIPTION

Chapter 90, §20A½ is a local acceptance statute which would allow the following changes to be enacted over the Town's currently accepted statute, Chapter 90, §20A:

- Requires parking violation notices to be in tag form
- Eliminates mailing provisions of current law
- Eliminates automatic dismissal of violator's first violation per calendar year unless there is a contrary rule or bylaw in place
- Changes the fee schedule for certain parking tickets

Although parking tickets are not a major focus of Police Department activities, the changes within 20 A1/2 provide for a more cost-effective use of police powers with a lesser administrative burden on the Police Department.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (109-24) 5-abstain**

ARTICLE 21 DISPOSITION OF 11 MEMORIAL DRIVE (MEMORIAL SCHOOL), MAP 39, BLOCK A7

To see if the Town will vote to dispose of the fee or any lesser interest in the real property and the improvements thereon used by the Memorial School, located at 11 Memorial Drive, Leicester as shown on Assessor's Map 39, Block A7, containing about 28 acres of land, more or less, with building thereon by auction or solicitation of proposals in accordance with M.G.L. c. 30B, any such disposition to be on such terms and conditions that the Select Board shall deem appropriate, which may include the reservation of easements and restrictions and the grant of rights of access or easements appurtenant to the property; and to authorize the Select Board to take all related actions necessary or appropriate to carry out the purposes of this article; or take any action thereon.

PROPOSED MOTION

Richard Antanavica moved that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (5-0-0)

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

The School Committee has voted to turn the Memorial School back to the Town due to declining enrollment, financial concerns and building issues. Closing the school is seen as a cost cutting measure and will allow the Town to explore alternative uses for the building. There are challenges to be addressed including an outstanding USDA loan on the property and leased solar panels on the roof of the structure, but Town Meeting authorization is required pursuant to M.G.L. c. 40, § 15 before the Select Board can explore the lease or sale of the property.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority per M.G.L. c. 40, § 15.

- **REQUIRES A 2/3 VOTE: MOTION FAILED (74-58) 2-ABSTAIN**

ARTICLE 22 GENERAL BYLAW – PLACEMENT OF SIGNS ON TOWN PROPERTY

To see if the Town will vote to enact the following Town General Bylaw:

PLACEMENT OF SIGNS ON TOWN PROPERTY

Section 1: Prohibition - No person, group, organization, or company shall post or affix in any manner, any bill, placard, advertisement, or notice, either written or printed, upon any building, sidewalk, curbstone, traffic control signal, litter receptacle, tree, tree belt, fence, or post owned by the Town. In addition, no free standing or mounted bill, placard, advertisement or notice shall be placed upon any real property owned or leased by the Town, or on Town-owned property within or abutting a public way.

Section 2: Removal - Any bill, placard, advertisement, or notice placed upon Town-owned property shall be removed and discarded by the Town.

or take any action thereon.

PROPOSED MOTION

Brian P. Green moved that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable Action (4-1-0)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

The purpose of this bylaw is to eliminate the placement of temporary signage on Town owned property, no matter the purpose. The premise behind the bylaw is that all town property is owned by the residents of the Town and should not be used to promote any singular goal or purpose. There are no fines attached to the bylaw but all signs placed on town property will be removed and destroyed.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (83-58) 3-abstain**

ARTICLE 21 DISPOSITION OF 11 MEMORIAL DRIVE (MEMORIAL SCHOOL), MAP 39, BLOCK A7

RECONSIDERED MOTION

Thomas Lauder asked the members of Town Meeting to reconsider Article 21

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

- **VOTED BY A SIGNIFICANT MAJORITY (74-60) 0-ABSTAIN**

ARTICLE 21 VOTE TO MOVE THE QUESTION

After much discussion on the disposition of Memorial School Scott Francis asked to move the question.

- **VOTED BY A SIMPLE MAJORITY (43-41) 1-ABSTAIN**

ARTICLE 21 DISPOSITION OF 11 MEMORIAL DRIVE (MEMORIAL SCHOOL), MAP 39, BLOCK A7

A second vote was taken on the Disposition of Memorial School

- **REQUIRES A 2/3 VOTE: MOTION FAILED (60-48) 2-ABSTAIN**

ARTICLE 23 GROUND MOUNTED SOLAR ENERGY SYSTEMS BYLAW AMENDMENT

To see if the Town will vote to amend the Leicester Zoning Bylaw Sections 5.14, Ground-Mounted Solar Energy Systems and Section 3.2, Subsection 3.2.05 (Transportation, Communication, Utility) as follows:

A. Amend Section 5.14, Ground-Mounted Solar Energy Systems, subsection 6.8. (Land Clearing, Habitat Protection, and Screening Requirements), by amending subsections A and C as follows:

A. Land Clearing

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy systems or otherwise prescribed by applicable laws, regulations, and bylaws. Vegetation includes all types of vegetation, including trees. Solar energy systems, to the maximum extent feasible, shall be located on previously-disturbed sites that do not require tree clearing. Existing vegetation shall remain in required setback areas, ~~except where such vegetation would shade the solar energy system. However, in no event shall clearing of existing vegetation in setbacks exceed half the required setback width.~~ In the SA district, land clearing shall not exceed sixty (60%) of the total lot area. Adequate erosion control measures shall be provided for all proposed land clearing. The Planning Board may require phasing of tree clearing to minimize potential erosion control problems.

C. Screening/Buffering:

Medium-scale and large-scale ground-mounted solar energy systems shall be screened year-round from all ~~adjoining~~ abutting properties in residential use in all zoning districts and from public and private ways in residential districts (SA, R1, and R2). For purposes of this section, abutting properties shall include adjacent properties and properties directly opposite on any public or private street or way. Such screening shall be provided in the required setback areas and where existing vegetation in setbacks is insufficient for year-round screening purposes shall consist of dense vegetative screening, fencing, berms, or other methods to adequately screen the facility, depending on site specific conditions. Landscaping shall be maintained and replaced as necessary by the owner/operator of the solar energy system.

B. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.05 (Transportation, Communication, Utility), as shown below:

3.2.05 TRANSPORTATION, COMMUNICATION, UTILITY	SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
Large-Scale Ground-Mounted Solar Energy System	SP	SP N	SP N	SP	N	Y	Y	Y
Medium-Scale Ground-Mounted Solar Energy System	SP	N SP	N SP	Y	N	Y	Y	Y

C. Amend Section 5.14, Ground-Mounted Solar Energy Systems, by inserting a new subsection 6.13:

- 6.13. The total number of medium and large-scale ground-mounted solar energy systems in Leicester shall be limited to twenty (20). Facilities constructed prior to this bylaw are counted in this total. For the purposes of this bylaw, projects on separate parcels are considered separate projects, even if such parcels are under common ownership.

or take any action in relation thereto.

PROPOSED MOTION

Dianna Provencher moved that the article be voted as written

PLANNING BOARD RECOMMENDATION

Favorable Action (3:0:0)

FINANCE ADVISORY BOARD RECOMMENDATION

No recommendation without prejudice

SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

The purpose of this amendment is to make corrective amendments to the Leicester Zoning Bylaw related to Ground-Mounted Solar Energy Systems, and to improve the bylaw to better protect natural resources and abutting property owners.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority per M.G.L. c. 40A, § 5.

- **REQUIRES A 2/3 VOTE: (104-25) 4-ABSTAIN**

ARTICLE 24 EARTH FILL AND REMOVAL

To see if the Town will amend the Leicester Zoning Bylaw by inserting a new Section 5.16, Earth Filling and Removal, and amending Section 3.2, Subsection 3.2.04 (Industrial), Section 3.30 (BR-1 Zone) and Section 5.3 (Uses Prohibited in all Districts) as follows:

A. Insert a new Section 5.16, Earth Filling & Removal, as follows:

Section 5.16 Earth Filling & Removal

A. Purpose

The purpose of this bylaw is to regulate filling of land and earth removal operations to protect of public health, safety and welfare, and to protect the integrity of natural resources in the Town of Leicester.

B. Definitions:

1. EARTH: This term shall include soil, loam, sand, gravel, clay, peat, rock, or other earth material in solid form.
2. EARTH FILLING OPERATION: the permanent filling of land that involves greater than 1,000 cubic yards of or more of earth and/or fill material per calendar year (January through December)
3. EARTH REMOVAL OPERATION: Any commercial mining, stripping, quarrying, filling, digging or blasting of earth originating from the Town of Leicester and its transportation into or out of the Town of Leicester.
4. FILL MATERIAL: Any geologic, man-made, recycled or processed material including in its entirety or as a proportion containing clay, rock, sand, gravel, peat and sediment. Material meeting the Federal and/or State definition of solid or hazardous waste or as toxic, infectious, radioactive, corrosive, or reactive material is specifically excluded.
5. FILLING OF LAND: The importation, use, redistribution, alteration or movement of earth and or fill material on or within any land area or water body within the Town of Leicester.
6. GRAVEL: Loose fragments of rock or coarse aggregate resulting from natural disintegration and abrasion of rock or processing of weakly bound conglomerate.
7. LOAM OR TOPSOIL: A soil consisting of a friable mixture of varying proportions of clay, sand, silt, and organic matter.
8. PROCESSING: The sorting or separation of earth into distinct categories based on particle size or type usually through the use of a screening process, not including stone crushing.
9. SILT: Loose sedimentary material with rock particles usually less than 1/16 mm or less in diameter based on the Wentworth scale of measurement.
10. SITE: A distinct portion of contiguous lots, under the same or different ownerships, on which an earth removal and/or fill operation is conducted, or is proposed to be conducted, under the Permit.
11. STONE CRUSHING: The mechanical operation which creates smaller sized stones or stone products from larger sized stones, boulders or particles typically using a crushing plant or similar machinery.
12. SIGNIFICANTLY GREATER CONCENTRATION: The concentration of a substance in earth or fill materials as measured by Federal or State-approved analytical methods, which is one order of magnitude or greater in concentration than the same substance measured in existing, pre-fill earth materials.

C. Applicability

1. A Special Permit from the Planning Board shall be required for:
 - a. The filling of land that involves greater than 1,000 cubic yards of or more of earth and/or fill material per calendar year (January through December).
 - b. Earth removal operation that that involves excavation of more than 1,000 cubic yards of earth material per calendar year (January through December).
2. Contiguous parcels under the same ownership or right of operation shall be considered one location for the purpose of this bylaw.

D. Exemptions from Special Permit Requirements

1. Earth removal or placement of fill associated with the installation of septic systems, which shall be governed by the Commonwealth of Massachusetts Environmental Code (Title 5, 310 CMR 15.00).
2. Earth removal or the placement of fill associated with the installation of foundations for new buildings and/or building additions, which shall be governed by M.G.L. c. 143 and the Commonwealth of Massachusetts Building Code (780 CMR).
3. Earth removal or the placement of fill associated with grading and/or landscaping in connection with the otherwise lawful construction of new driveways, structures, buildings and/or building additions.
4. Earth removal or the placement of fill associated with the normal use of a cemetery.
5. Earth removal or the placement of fill associated with grading in the course of normal and customary use of land in connection with a bona fide commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture operation that is exempt under MGL c.40A, §3.
6. Earth removal or the placement of fill, where the operation occurs entirely within an individual parcel or between contiguous parcels under common ownership and where a town-accepted public way is not used for the transportation of the material.
7. Earth removal or the placement of fill related to a new subdivision road that has been approved by the Planning Board, or by the Zoning Board of Appeals pursuant to M.G.L. c. 40B, where there is already a bond in place with the Town to ensure performance.
8. Earth removal or the placement of fill for the construction, maintenance and repair of fire ponds, existing public roadways or the installation of public utilities and appurtenances.
9. Operations lawfully in existence at the time of adoption of this bylaw to the extent that such operations are protected by MGL c.40A, §6.

E. Prohibited Activities and Uses:

The following activities and uses are prohibited in the Town of Leicester:

1. Use or importation of earth or fill materials whose quality would either meet Federal or State criteria for definition as being toxic, reactive, radioactive, corrosive, explosive, hazardous, infectious, oil-impacted, or as a hazardous or solid waste.
2. Use or importation of earth or fill containing toxic, reactive, corrosive, hazardous, infectious, or solid waste at individual concentrations, or presence by weight or volume, which would render such material a regulated substance or material subject to M.G.L. c. 21E or as a Solid Waste as defined in the regulations promulgated by the Massachusetts Department of Environmental Protection as 310 Code of Massachusetts Regulations (CMR) 19.00.
3. Use or importation of earth or fill at any location not otherwise regulated or permitted for acceptance of earth materials containing toxic, reactive, radioactive, corrosive, hazardous, infectious, oil, solid waste, or metals when such fill materials contain concentrations of these substances less than regulatory criteria established for reporting or special handling purposes but with one or more significantly greater concentrations by weight or volume than existing, pre-fill concentrations.
4. Transport of earth or fill materials in a manner which is prone to release the same during transport.
5. Use of earth or fill materials in a manner which renders the fill area structurally unstable, produces uncontrolled leachate or off-gases, creates nuisance conditions, creates uncontrolled storm water run-off, siltation, or visually apparent erosion of fill materials, or where finished fill grading slopes are not properly stabilized.
6. Construction of permanent structures over or adjacent to areas of fill unless the fill material is structurally stable and free of emissions or other hazardous criteria relative to permanent building construction and use.
7. Use of fill material which may cause chemical or physical impact to off- site ground water, surface water, or wetland resource areas without specific Soil Management Plan and field procedures designed to prevent degradation of

these natural resources. This prohibited use specifically includes, but is not limited to, fill materials containing nutrient or salt concentrations at significantly greater concentrations than pre-existing soil conditions on the site.

F. General Standards

1. Earth Filling Operations:

- a. Throughout the length of the project, the applicant must identify the point of earth material origin and receiving location for fill material and must document that 1) that the earth material is not otherwise prohibited from use as fill material in accordance with Leicester's Zoning Bylaw and Regulations or other applicable Federal and State standards, regulations, and guidelines; and, 2.) that a Massachusetts Licensed Site Professional (LSP) has compared analytical results of earth materials to existing, pre-fill conditions specific to the location and determined that the concentrations of substances in the earth materials intended for use as fill do not contain significantly greater concentrations than existing, pre-fill conditions for that location. The applicant will facilitate off-site inspections at points of origin for earth materials if requested by the Planning Board or its agents.
- b. The LSP shall perform site inspections during the course of the project as specified by the Planning Board to ensure compliance with Leicester's Bylaws and Regulations and shall upon completion of work provide written certification signed and stamped stating that all earth materials used for fill comply with Leicester's Bylaws and Regulations and applicable Federal and State Regulations.
- c. Should an applicant or Special Permit holder seek an Administrative Consent Order (ACO) from the Massachusetts Department of Environmental Protection to use or deposit earth or fill materials in the Town, the Town reserves all rights to impose additional requirements upon the applicant or Special Permit holder to assure mitigation of all impacts or effects of the activities undertaken pursuant to such ACO.

2. Earth Removal Operations

- a. All topsoil and subsoil stripped from operation areas shall be stockpiled, seeded with an erosion control seed mixture, and used in restoring the area.
- b. If erosion control structures are utilized, these devices shall be in place and stabilized before excavation can begin in the affected area. These structures shall be inspected and maintained in accordance with the approved plan and the capacity of the structural device.
- c. Except for fire ponds, no area shall be excavated so as to cause the accumulation of free-standing water. Drainage shall be provided as needed in accordance with accepted engineering and conservation practices. Measures shall be taken to ensure that silting and sedimentation of nearby streams is not caused by a temporary or permanent drainage systems on site. Drainage shall not lead directly into streams, ponds, abutting properties nor shall drainage from access roads drain directly onto public ways.
- d. The active excavation area shall not exceed a total of three (3) acres at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.
- e. Restoration shall be carried on simultaneously with excavation, so that when any three (3) acre operation area has been excavated, at least two (2) acres shall be restored before work commences on the next contiguous three (3) acres.

G. Financial Security; Inspection of Conditions

1. The applicant shall provide financial surety in the form of a cash deposit or bond, or similar financial surety acceptable to the Planning Board, to insure faithful performance of the work to be undertaken pursuant to the conditions of approval or approval with modifications, and conditioned upon completion of the regulated activity in accordance with the conditions established by the Planning Board at the time of granting of the Special Permit or any subsequent changes of such conditions.
2. The Planning Board may waive or reduce the financial surety requirements, but no such financial surety shall be released, until the applicant has complied with the conditions of approval and this bylaw. The Planning Board shall act on a requested release of the financial surety within sixty-five (65) days of submission of the applicant for such release.

H. Special Permit Procedures

1. The Planning Board may adopt and periodically amend its Special Permit Regulations for the implementation of this Bylaw. Such Regulations may set forth performance standards for earth removal and fill operations, impose filing and consultant fees, define additional terms not inconsistent with the Bylaw, and establish administrative procedures. Failure by the Planning Board to adopt such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.
2. Any person wishing to obtain a Special Permit under this Section shall file a completed application for a Special Permit together with any required supporting data, maps, and the filing fee in accordance with the Planning

Board's Special Permit Regulations and Fee Regulations.

3. Any Permit issued is non-transferable and shall automatically expire upon completion of the earth removal or fill project for which it was issued or at such time as may be specified in said Special Permit. In no case shall a Special Permit be issued initially for a period longer than three years. A Special Permit may be renewed for up to two years or lesser time as determined by the Planning Board after evidence is presented that all conditions of the expiring Special Permit have been complied with and the work has been performed in good faith. There is no limit on the number of Permit renewals an Applicant can apply for. A public hearing may be required by the Planning Board, at its discretion, for renewal of Special Permits.
4. The applicant shall pay reasonable fees for independent inspection to assess adherence to the Planning Board's special permit conditions in accordance with the Planning Board's Special Permit Regulations and Fee Regulations. Said fee shall be deposited into a Revolving Fund Account pursuant to M.G.L. c. 40, §53G.

I. Special Permit Criteria for Earth Removal & Fill Operations

1. The Planning Board shall use the general standards for Special Permit Approval contained in the Planning Board Special Permit Regulations, any district-specific special permit requirements, and the additional standards contained herein
2. Permits for earth removal and/or fill operations shall be granted by the Planning Board only upon its written determination that the proposed use shall not cause substantial detriment to the neighborhood, or the Town, considering the characteristics of the site and the proposal in relation to the site and surrounding environment. In addition to any specific factors that may be set forth elsewhere in this Bylaw and its associated Regulations, such determination shall include consideration of each of the following:
 - a. Impacts on the natural environment
 - b. Traffic flow and safety, including loading and unloading; and
 - c. Management of stormwater
3. No Special Permit shall be issued for the removal of earth or the placement of fill in any location if such an operation will:
 - a. endanger the public safety, public health or constitute a nuisance; or
 - b. produce noise, dust, or other noxious effects observable at the lot lines of the property in amounts objectionable or detrimental to the normal use of adjacent properties; or
 - c. result in the transportation of materials in such manner as to cause traffic congestion, dust, spillage, noise, or other nuisances or hazards, particularly on residential streets; or
 - d. result in the transportation over ways which will be unduly injured thereby; or
 - e. cause irreparable harm to or loss of important wildlife, wildlife habitat or rare plant species indigenous to the area; or
 - f. result in stormwater damage to abutting properties.

J. Conditions of Special Permit

The Planning Board may impose reasonable conditions on any special permit granted under this bylaw for earth filling or earth removal operations, including but not limited to the following:

1. Limitations on the size, number, and maximum weight of trucks that may access the property in any 24-hour period as well as routes of travel
2. Requirements for site security procedures
3. Limitations on hours of operation
4. Requirements for regular access to the Town of Leicester or its agents for the purpose of inspection of records or field conditions, and enforcement of this Bylaw
5. Implementation of erosion and sedimentation control measures to prevent material from moving offsite or into wetland or water resource areas
6. Limitations on slope
7. Requirements for ongoing monitoring by licensed professionals at the Applicant's expense to document full conformance with this bylaw and any conditions of approval.
8. Requirements for site stabilization and restoration

K. Violations and Enforcement

1. The Planning Board or its authorized agent shall enforce this Bylaw, its regulations, and the requirements and conditions of Permits issued thereunder, and may pursue civil and criminal remedies for violations of the same including but not limited to fines per Zoning Bylaw 6.5 (Penalty).
2. The Building Inspector or other authorized agent of the Planning Board is authorized to conduct inspections on behalf of the Planning Board. To the extent permitted by law, or if authorized by the owner, operator, or other person in control of the site, the Building Inspector or other agent of the Planning Board may enter on the site to conduct inspections.
3. The Building Inspector or other authorized agent of the Planning Board may issue such orders as are deemed necessary to stop violations and ensure compliance with this Bylaw, its regulations, and Permits, including an order to cease and desist operations.
4. If the violator holds a Special Permit issued under this Bylaw, the Planning Board may without prior hearing order that the violator cease and desist from violations of this bylaw and/or conditions of the Special Permit, or may suspend or revoke the Special Permit after a public hearing, at which point all operations shall cease until such time as the necessary measures are taken to assure compliance with this Bylaw and a new Permit is issued.

L. Change of Conditions

1. Any change in the activities not included in, or contemplated by, the Special Permit application or approved pursuant to a modification to a Special Permit shall be brought to the attention of the Planning Board or its agents prior to, or immediately following, such change in activities.
2. This notice shall be in writing and include specific actions recommended by the applicant to correct or to demonstrate compliance with the Special Permit and this bylaw. All operations shall be suspended within one operation day following such occurrence and remain suspended until the Planning Board or its agents have reviewed and amended the Special Permit with the applicants recommended change(s). Nothing herewith shall be interpreted to require acceptance of changed conditions or recommended corrective actions by the Planning Board.

B. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.04 (Industrial), as shown below:

3.2.04 INDUSTRIAL		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
4.	<u>Earth Removal Operation (See Section 5.16) Gravel, sand or stone removal for commercial venture.</u>	SP	SP	SP	SP	N	SP	SP	N
5.	<u>Earth Filling Operation (See Section 5.16)</u>	SP	SP	SP	SP	SP	SP	SP	SP

C. Amend Section 3.30, Business Residential-1 (BR-1) Zone, by re-numbering use nn. as oo. and inserting use pp. as follows:

~~nn-oo.~~ Brewery, Distillery, Winery by special permit

pp. Earth Removal Operation or Earth Filling Operation by special permit from the Planning Board (See Section 5.16)

D. Amend Section 5.3, Uses Prohibited in All Districts, subsection 5.3.01, as follow:

5.3.01 Dumping of other than clean fill. Dumping of refuse, contaminated or combustible materials except as a municipal function. See definition of Clean Fill (Section 1.3) and Section 5.16 (Earth Filling & Removal).

5.3.04 The stripping and removal of topsoil for use outside of the Town of Leicester boundaries. See Section 5.16 (Earth Filling & Removal)

or take any action in relation thereto.

PROPOSED MOTION

Sandy M. Wilson moved that the article be voted as written.

PLANNING BOARD RECOMMENDATION

Favorable Action (3:0:0)

FINANCE ADVISORY BOARD RECOMMENDATION **No recommendation, without prejudice**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

Currently, there are no standards or procedural requirements for importation of fill or commercial earth removal operations. These amendments establish permitting requirements and reasonable regulations for earth fill and removal operations.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority per M.G.L. c. 40A, § 5.

ARTICLE 24 -Amend EARTH FILL AND REMOVAL

A vote was taken to amend some of the wording in the bylaw.

VOTE REQUIRED FOR PASSAGE Requires a simple majority

- **VOTED BY A SIMPLE MAJORITY (115-7) 2-ABSTAIN**

ARTICLE 24 - EARTH FILL AND REMOVAL

Marjorie Cooper moved that page 23 of the Town Meeting Guide, section D. Exemptions from Special Permit Requirements #5 Earth removal or the placement of fill associated with grading in the course of normal and customary use of land in connection with a bona fide commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture operation that is exempt under MGL c.40A, §3 be changed to read

New #5: Earth removal or the replacement of fill in connection with commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture compliant with the provision of MGL Chapter 40A, §3.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority per M.G.L. c. 40A, § 5.

- **REQUIRES A 2/3 VOTE: (102-23) 1-ABSTAIN**

ARTICLE 25 MARIJUANA CULTIVATION (Clarification of the greenhouse issue)

To see if the Town will vote to amend the Leicester Zoning Bylaw Section 5.15, Medical Marijuana Treatment Center and Marijuana Establishments, Subsection 5.15.02 (Standards) by amending paragraph A and inserting new paragraph J as follows:

5.15.02 STANDARDS:

A. General

All aspects of a Medical Marijuana Treatment Center or Marijuana Establishment must take place at a fixed location within a fully enclosed building with opaque walls and shall not be visible from the exterior of the ~~business building~~. (Greenhouses with transparent or translucent walls are prohibited; glass or other transparent roofs are allowed. See related subsection J., Lighting). No outside storage of marijuana, related supplies, or educational materials is permitted. Medical Marijuana Treatment Centers and Marijuana Establishments are not permitted as a home occupation. Site Plan Review is required for all Medical Marijuana Treatment Centers and Marijuana Establishments, including when the facility will reuse an existing structure.

J. Lighting

Lighting shall not extend beyond property lines. Artificial lighting from within the building(s) shall not create light pollution.

or take any action in relation thereto.

PROPOSED MOTION

Harry R. Brooks moved that the article be voted as written

PLANNING BOARD RECOMMENDATION

Favorable Action (3:0:0)

FINANCE ADVISORY BOARD RECOMMENDATION **Favorable action (4-0-1)**

SELECT BOARD RECOMMENDATION **Favorable Action (5-0-0)**

DESCRIPTION

The purpose of this amendment is to clarify that marijuana establishments, including cultivation, are allowed only in fully enclosed buildings with opaque sides.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority per M.G.L. c. 40A, § 5.

- **REQUIRES A 2/3 VOTE: (104-17) 0-ABSTAIN**

ARTICLE 26 – MOOSE HILL WATER COMMISSION

To see if the Town will vote to disband the Moose Hill Water Commission, at the request of said Commission, as formed by majority vote at the January 17, 1977 Special Town Meeting or take any action in relation thereto.

PROPOSED MOTION **Pass Over**

FINANCE ADVISORY BOARD RECOMMENDATION

SELECT BOARD RECOMMENDATION **Pass Over**

DESCRIPTION

At a meeting held on April 18th, 2019, the Moose Hill Water Commission voted unanimously ask the Select Board to place an article on the May 7th Annual Town Meeting warrant requesting Town Meeting disband the Commission.

The Moose Hill reservoir and surrounding property was acquired by the State as a flood control project in 1977. Legislation approved in 2000 enabled the Town to acquire the Moose Hill property at market value for the construction of a water treatment facility to be managed by the Commission. The Town never acquired Moose Hill and the property is currently owned and managed by the Department of Conservation and Recreation (DCR).

The Commissioners believe that the development of Moose Hill as a drinking water source is not feasible based on the following reasons:

- Significant estimated capital cost of \$27,600,000 to construct a water treatment facility by 2025 based on the Moose Hill Feasibility Study Update undertaken by WhiteWater in 2017 in addition to legal and market value property acquisition costs
- Regulatory issues impeding the development of new surface water bodies like Moose Hill as drinking water sources due to current Federal and State regulations

Costs to develop Moose Hill would be borne by all taxpayers whether or wells or town water and the districts would need to agree to purchase this water at a rate which is currently unknown.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

Harry R. Brooks moved that the Town pass over this Article.

- **VOTED BY A SIMPLE MAJORITY (101-13) 0-ABSTAIN**

Dianna Provencher moved that the Annual Town Meeting be adjourned. The vote was unanimous. The meeting adjourned at 9:33pm with 157 members.

Respectfully submitted

Deborah K. Davis, Leicester Town Clerk

