

## Annual Town Meeting Report May 1, 2018

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 1, 2018. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:01pm with 196 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 a moment of silence to observe the passing of several members of our community who served in various ways; Joe Robidoux, a member of the Leicester Fire Department, Bob Barlow, a poll and election worker, and Lee Zagorski, whose service included youth sports and as a member of the Board of Selectman. Please remain standing to join me in observing a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe here at home and now the pledge of allegiance.  
Thank you. Please be seated.

The Moderator wished Douglas A. Belanger long time selectman a happy retirement and said whether you agree or disagree with Doug's politics, Doug loves the town and dedicated 32 years of his life to Leicester. The Moderator then introduced Senator Michael Moore and asked him to the podium. Senator Moore read and presented Doug with a proclamation from the Senate signed by the Senate President. Harry R. Brooks chairman of the Select Board presented Doug's lovely wife Donna with flowers and thanked Donna for allowing Doug to be so dedicated to the Town of Leicester. Harry then presented Doug with a special chair from the Select Board and reiterated Doug's dedication to the town stating whether you like Doug's politics, agree or disagree one thing is for certain he loves the Town of Leicester. Doug served on numerous boards and committees: Parks n Recreation, Town Hall Renovation Committee, Personnel Board, Moderator for Cedar Meadow Water District, Little League President and Coach, Worcester Regional Airport Advisory, The WRTA Treasurer, Moderator for Burncoat Pond Association, and lastly the Select Board for 25 years. The meeting members all stood and gave Doug a standing ovation. It was a great send off.

Harry R. Brooks, chairman of the Select Board then thanked Rob Kemp who is a student liaison to the Select Board for his 3 years of service and dedication to the board. Rob is off to Fitchburg State University, majoring in communications with a concentration in film. Rob is the type of student who is always willing and ready to help in any way he can. Rob was also awarded the DAR (Daughters of the American Revolution) good citizenship award. We are so proud of Rob and wish him well in the next chapter of his life.

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.

I have some feedback on the efforts of the members of the November 14, 2017 Special Town Meeting. In a February 12, 2018 announcement, Attorney General Healy's office notified Town Clerk Deborah Davis that Article 11, which contained modifications to Leicester's By-Laws, were approved.

There are a couple of procedural notes that bear mentioning. Through the efforts of Mr. Genereux and Ms. Forsberg in the Town Administrator's office, we will combine all required business into a single town meeting without the need to recess and conduct a special town meeting. One last thing ladies and gentlemen, 18- FY 2019 Capital Improvement Plan Article 18; this is a two-part motion due to funding sources for some of the proposed expenditures. As a result, we will undertake two motions and have two votes on the items and expenditures detailed in this article. I will now turn the microphone to Chairman Harry R. Brooks to start the meeting.

Harry R. Brooks moved that the Town vote to dispense with the reading of the warrant, which is in the hands of the voters.  
**\*VOTED UNANIMOUSLY**

Harry R. Brooks 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 First day of May, 2018 at 7:00 PM, then and there to act on the following articles, namely:

**ARTICLE 1    REPORTS**

To hear the reports of the Town Officials and Committees and to act thereon.

**PROPOSED MOTION**

**Harry R. Brooks moved that the Town vote to hear the reports of the Town Officials and Committees and to take no further action.**

**FINANCE ADVISORY COMMITTEE RECOMMENDATION**    No recommendation required

**SELECT BOARD RECOMMENDATION**    No recommendation required

**DESCRIPTION**

Pursuant to the Town's Bylaws, Chapter 8, Section 2, all officers, boards, standing committees and special committees of the Town having charge of the expenditures of Town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures. Such reports shall be submitted to the Select Board for inclusion in the Annual Town Report, which is provided to the public at Town Meeting. Pursuant to the General Bylaws, Chapter 2, Section 21, committees failing to report at the Annual Meeting shall automatically be discharged. Any Board or Committee that does not submit a report for inclusion in the 2017 Annual Town Report will be given the opportunity to provide a verbal report at the Annual Town Meeting.

**VOTE REQUIRED** No vote required

**ARTICLE 2    ADJUST FY 2018 BUDGET**

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 money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2018 operating budget of the Town or take any action thereon.

**PROPOSED MOTION**

**Douglas A. Belanger moved that the Town vote to transfer the following sums, totaling \$167,746, from and to the accounts listed in the table below:**

<b>From:</b>	<b>Amount</b>	<b>To:</b>	<b>Amount</b>
Veteran's Benefits	\$20,000	Reserve Fund	\$45,000
Employee Benefits	\$58,377	Maturing Debt Interest	\$33,377
FY 2018 Vocational School Tuition	\$89,369	IT	\$45,000
		Other General Government	\$3,369
		Leicester Public Schools	\$38,000
		Select Board Town Administrator	\$3,000
<b>Total</b>	<b>\$167,746</b>	<b>Total</b>	<b>\$167,746</b>

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

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

DESCRIPTION

This article would amend the Fiscal Year 2018 (current) operating budget by transferring funds from three current fiscal year accounts that have forecast surpluses to the following accounts:

**Reserve Fund** - \$45,000 was transferred by vote of the Finance Advisory Board to provide contingency funds for the Town Hall accessibility project. This transfer returns the Reserve Fund to the pre-transfer level.

**Maturing Debt Interest** – The Town sold notes last October for the Fire Station and a portion of the Town Hall renovations project. These notes have an interest payment due May 1<sup>st</sup> that was not raised in the FY 2018 budget. This \$33,377 transfer funds that payment.

**IT** – The \$45,000 in requested funding will pay for fourteen computers (13 at the Police Department and 1 in other town offices) that have exceeded their useful life. Additionally, it will fund a replacement town phone system estimated at \$10,000, add Wi-Fi to the Police Department, upgrade the malfunctioning Wi-Fi at Town Hall and allow the Town Clerk to purchase a Town Meeting electronic voting program and associated hardware, estimated at \$20,000.

**Other General Government** – This request of \$3,369 will fund a forecast shortfall in the custodian’s salary account, as well as fund the purchase of supplies.

**Leicester Public Schools** – The \$38,000 is requested to fund the expansion of the chrome book program to the Middle School. This transfer represents the first year’s payment on a three-year lease/purchase agreement. The remaining payments will be made from the School’s operating budget in FY 2020 and FY 2021.

**Select Board /Town Administrator:** The \$3,000 is needed to address shortfall in the professional services budget associated with document shredding, office relocation, energy upgrades, and other related expenses.

VOTE REQUIRED FOR PASSAGE Requires a simple majority

**\*VOTED UNANIMOUSLY**

**ARTICLE 3 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 money to fund improvements at town parks.

PROPOSED MOTION

**Dianna Provencher moved that the Town transfer \$20,000 from the FY 2018 Vocational School Tuition budget to purchase to fund improvements at town parks, the application of said funding to be prioritized by the Leicester Highway Department.**

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

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

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.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote.

**\*VOTED BY A SIGNIFICANT MAJORITY- one in opposition**

**ARTICLE 4 FUNDING RECYCLING PROGRAMS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund operations at the Leicester Recycling Center.

PROPOSED MOTION

**Sandra M. Wilson moved that the Town vote to transfer and appropriate \$10,000 from the FY 2018 Vocational School Tuition budget to fund operations at the Leicester Recycling Center.**

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

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

DESCRIPTION

The cost of recycling has increased over the past few years, while the market for materials has softened. The recycling program is self-supported by fees and donations. Funding this appropriation will allow the program to continue operations in the short term while awaiting recovery of the market.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

**\*VOTED UNANIMOUSLY**

**ARTICLE 5 ESTABLISHMENT OF A CABLE PEG ACCESS ENTERPRISE ACCOUNT**

To see if the Town will vote to establish a Cable Access Enterprise Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said fund to be funded by fees received pursuant to the Town's cable licensing agreement, and furthermore, to transfer all funds currently held by the Town for the purpose of cable PEG access operations to this fund, said transfer to be effective upon passage of this article.

PROPOSED MOTION

**Brian P. Green moved that the Town vote to establish a Cable Access Enterprise Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F3/4, said fund to be funded by fees received pursuant to the Town's cable licensing agreement, and furthermore, to transfer up to \$199,068 currently held by the Town for the purpose of cable PEG access operations to this fund, said transfer to be effective upon passage of this article.**

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

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

DESCRIPTION

The Department of Revenue is requiring the Town to change its accounting methods for funds received through Charter to fund Cable PEG Access operations. Creating an enterprise fund will meet the demands set forward by the State and will allow the funds to continue to be used exclusively for Cable PEG Access operations through LCAC. There will be appropriation limit that will have to be set annually, which is included in a separate article on this warrant.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote,

**\*VOTED UNANIMOUSLY**

**ARTICLE 6 BALANCE THE FY 2018 SNOW & ICE ACCOUNT**

To see if the Town will vote to transfer from available funds a sum of money to balance the Fiscal Year 2018 Snow & Ice Budget or take any action thereon.

PROPOSED MOTION

**Douglas A. Belanger moved that the Town vote to transfer \$135,500.00 from Free Cash to the FY 2018 Snow & Ice account.**

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

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

DESCRIPTION This article is a standard transfer done each year to fund the deficit in the snow/ice account.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**\*VOTED UNANIMOUSLY**

**ARTICLE 7 ELECTED OFFICIALS SALARIES**

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

PROPOSED MOTION

**Dianna Provencher moved that the Town vote to set the rate of compensation to pay elected officials for fiscal year 2019 as detailed in the May 1, 2018 Spring Annual Town Meeting Warrant.**

<b>FISCAL YEAR 2019 ELECTED OFFICIALS PAY RATES</b>	
<b><u>POSITION</u></b>	<b><u>PAY RATE</u></b>
TOWN CLERK	\$63,465
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	\$72,586

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

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

DESCRIPTION

Compensation for elected officials is set by Town Meeting. The proposed 2019 elected officials pay rate is the same as approved by the voters for fiscal year 2018 with the exception of the Town Clerk, whose salary contains a 2% COLA.

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

**\*VOTED UNANIMOUSLY**

**ARTICLE 8 FY 2019 OPERATING BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as may be necessary to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2018, as listed in the May 1, 2018 Spring Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

Sandra M. Wilson moved that the Town vote to approve the budgets of the several Town departments and Town Accounts as printed in the Spring Annual Town Meeting Warrant for the Fiscal Year beginning July 1, 2018, in the aggregate amount of \$28,120,623, 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 Assessors' Overlay Surplus:	\$20,000

And the balance of the funds in the remaining sum of \$27,705,605 shall be raised and appropriated by taxation.

DEPT #	DEPARTMENT NAME	FY2017 BUDGET	FY2018 BUDGET	FY2019 TOWN ADMIN	\$ CHANGE	% CHANGE
111	LEGAL					
	TOTAL	59,000	59,000	59,000	0	0.00%
114	MODERATOR					
	TOTAL	151	151	151	0	0.00%
122	SELECT BOARD					
	TOTAL	247,170	249,228	237,181	-12,047	-4.83%
130	RESERVE FUND					
	TOTAL	50,000	50,000	50,000	0	0.00%
131	ADVISORY BOARD					
	TOTAL	875	1,325	1,325	0	0.00%
135	ACCOUNTANT					
	TOTAL	124,375	114,955	116,659	1,704	1.48%
141	ASSESSORS					
	TOTAL	112,182	113,136	115,213	2,077	1.84%
145	TREASURER/COLLECTOR					
	TOTAL	160,269	160,514	163,634	3,120	1.94%
147	TAX TITLE					
	TOTAL	18,000	16,000	16,000	0	0%
152	PERSONNEL BD					
	TOTAL	250	250	250	0	0.0%
155	IT DEPARTMENT					
	TOTAL	111,785	141,620	133,560	-8,060	-5.69%
161	TOWN CLERK					
	TOTAL	94,458	99,955	101,879	1,924	1.93%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	33,900	21,500	35,600	14,100	65.58%

DEPT #	DEPARTMENT NAME	FY2017 BUDGET	FY2018 BUDGET	FY2019 TOWN ADMIN	\$ CHANGE	% CHANGE
180	DEVELOPMENT & INSPECT. SVCS					
	TOTAL	224,174	227,640	230,553	2,913	1.28%
192	TOWN OWNED BLDG MAINT					
	TOTAL	4,500	15,250	8,000	-7,250	-47.54%
197	TOWN HALL BLDG MAINTENANCE					
	TOTAL	35,432	55,155	52,355	-2,800	-5.08%
198	TOWN HALL TELEPHONES					
	TOTAL	6,400	6,400	6,400	0.00	0.00%
199	OTHER - GENERAL GOV					
	TOTAL	0	79,170	49,355	-29,815	-37.66%
210	POLICE DEPT					
	TOTAL	1,830,064	1,881,427	1,885,111	3,684	.20%
220	FIRE DEPT					
	TOTAL	265,949	305,313	305,307	-6	0.00%
231	AMBULANCE					
	TOTAL	380,915	424,850	436,850	12,000	2.82%
232	EMERGENCY MANAGEMENT					
	TOTAL	4,720	4,813	4,813	0	0.00%
241	CODE DEPT					
	TOTAL	103,967	67,267	68,879	1,612	2.40%
292	ANIMAL CONTROL					
	TOTAL	30,100	33,129	33,552	423	1.28%
296	INSECT PEST CONTROL					
	TOTAL	8,900	9,770	7,850	-1,920	-19.65%
310	SCHOOL					
	TOTAL	15,910,800	16,264,094	16,372,364	108,270	.67%
420	HIGHWAY DEPT					
	TOTAL	693,775	697,060	740,134	43,074	6.18%
423	SNOW & ICE					
	TOTAL	119,500	121,000	121,000	0	0.00%
424	STREET LIGHTS					
	TOTAL	86,000	70,000	70,000	0	0.00%
541	COUNCIL ON AGING					
	TOTAL	86,918	84,418	85,483	1,066	1.26%
543	VETERANS SERVICES					
	TOTAL	109,750	97,925	92,980	-4,945	-5.05%

DEPT #	DEPARTMENT NAME	FY2017 BUDGET	FY2018 BUDGET	FY2019 TOWN ADMIN	\$ CHANGE	% CHANGE
545	VETERANS GRAVES REG					
	TOTAL	2,390	2,400	2,400	0	0.00%
610	PUBLIC LIBRARY					
	TOTAL	182,005	189,000	204,306	15,306	8.10%
630	PARKS & RECREATION					
	TOTAL	6,060	6,450	6,450	0	0.00%
691	HISTORICAL COMM					
	TOTAL	950	950	950	0	0.00%
692	MEMORIAL DAY COMM					
	TOTAL	2,790	3,000	3,000	0	0.00%
710	MATURING DEBT PRINCIPAL					
	TOTAL	819,894	919,485	894,532	-24,953	-2.71%
751	MATURING DEBT INTEREST					
	TOTAL	219,205	306,027	325,635	19,608	6.41%
752	TEMPORARY LOAN INTEREST					
	TOTAL	11,200	18,933	99,943	81,010	427.88%
753	BOND ISSUE					
	TOTAL	0	0	0	0	0.00%
911	WORC REG RETIREMENT					
	TOTAL	1,024,269	1,055,412	1,161,643	106,531	10.09%
912	WORKER COMPENSATION					
	TOTAL	191,034	197,000	216,700	19,700	10.00%
913	UNEMPLOYMENT COMP					
	TOTAL	66,330	66,510	66,650	140	0.21%
914	EMPLOYEE BENEFITS					
	TOTAL	2,992,509	3,052,161	3,386,089	333,928	10.94%
945	BONDING & INSURANCE					
	TOTAL	136,963	146,200	150,586	4,386	3.00%
<b>Grand Total – All Budgets</b>		<b>26,571,378</b>	<b>27,435,844</b>	<b>28,120,623</b>	<b>684,779</b>	<b>2.50%</b>

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

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

DESCRIPTION

This is the fiscal year 2019 annual operating budget for municipal and school services. Property tax proposed to be levied is within the allowances of Proposition 2 ½. Although the State FY 2019 budget is not set, we are utilizing the Governor's proposed revenue estimates for local aid. This financial plan

meets at least the minimum needs of every department and continues to move the Town forward in a sustainable direction. The budget process has been challenging this year due to a number of significant increases in non-discretionary areas of the budget including health insurance and retirement assessments. The FY 2019 budget is 2.50% greater than the FY 2018 budget. Please note budget allocation below:

Department	FY 18 Budget	FY 19 Budget	\$ Change	% Change
<b>Municipal Budgets</b>	<b>\$5,410,021</b>	<b>\$5,446,181</b>	<b>\$36,160</b>	<b>.67%</b>
<b>School Budget</b>	<b>\$16,264,094</b>	<b>\$16,372,364</b>	<b>\$108,270</b>	<b>.67%</b>
<b>Unclassified Budget</b>	<b>\$5,761,728</b>	<b>\$6,302,078</b>	<b>\$540,350</b>	<b>9.38%</b>
<b>Totals</b>	<b>\$27,435,844</b>	<b>\$28,120,623</b>	<b>\$684,779</b>	<b>2.50%</b>

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote,

**\*VOTED UNANIMOUSLY.**

**ARTICLE 9 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, 2018 or take any action thereon.

PROPOSED MOTION

**Harry R. Brooks moved that the Town vote to raise and appropriate \$1,078,000 for Vocational Tuition expenses for the Fiscal Year beginning July 1, 2018.**

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

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 UNANIMOUSLY**

**ARTICLE 10 TRANSFER FROM SCHOOL REVOLVING FUND.**

To see if the Town will vote to appropriate a sum of money from the Expanded Learning Revolving Fund to the Leicester School Department Operating Budget for Fiscal Year 2019 to fund educational supplies, teacher and paraprofessional salaries, contractual obligations for technology as well as tuitions for students attending out of district programs and transportation to and from school within the District; or act on anything relative thereto.

PROPOSED MOTION

**Dianna Provencher moved that the Town vote to transfer and appropriate \$90,000 from the expanded learning revolving fund to the Leicester School Department Operating Budget for Fiscal Year 2019 to fund educational supplies, teacher and paraprofessional salaries, contractual obligations for technology as well as tuitions for students attending out of district programs and**

**transportation to and from school within the District, or any other expense deemed necessary and proper by the Leicester School Committee.**

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

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

DESCRIPTION

This article seeks to transfer surplus balances in the expanded learning revolving fund to assist in funding the FY 2019 school budget. The surplus was created in prior years when bills and charges that the fund could have paid were charged to the general fund budget.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote,

**\*VOTED BY A SIGNIFICANT MAJORITY-2 in opposition**

**ARTICLE 11 CENTRAL MASS REGIONAL PLANNING COMMISSION ANNUAL ASSESSMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the FY 2019 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

**Brian P. Green moved that the Town vote to raise and appropriate the sum of \$3,065 to fund the FY 2019 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate of \$0.27939.**

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 UNANIMOUSLY**

**ARTICLE 12 FY 2019 CABLE PEG ACCESS ENTERPRISE ACCOUNT APPROPRIATION**

To see if the Town will vote to appropriate a sum of moneys to fund the FY 2019 expenses of the Cable Access Enterprise Fund, as established in Article 3 of this warrant, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by \$377,868 in fees received pursuant to the Town's cable licensing agreement, or act on anything relating thereon.

PROPOSED MOTION

**Sandra M. Wilson moved that the Town vote to appropriate \$199,068 to fund the FY 2019 expenses of the Cable Access Enterprise Fund, as established in Article 5 of this warrant, pursuant to Massachusetts General Laws, Chapter 44, Section 53 F 3/4, said appropriation to be funded by funds available in the Cable PEG Access Enterprise Fund pursuant to the Town's cable licensing agreement.**

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

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

DESCRIPTION

The Department of Revenue is requiring the Town to change its accounting methods for the funds received through Charter for Cable PEG Access operations. Creating an enterprise fund will meet the demands set forward by the State and will allow the funds to continue to be used exclusively for Cable PEG Access operations through LCAC. This article is considered to be a budget article and will now appear annually.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**\*VOTED UNANIMOUSLY**

**ARTICLE 13 – ESTABLISH OPEB TRUST (MGL CH. 32B, S.20)**

To see if the Town will vote to accept the provisions of Section 20 of Chapter 32B of the *Massachusetts General Laws*, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Select Board and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund.

PROPOSED MOTION

**Brian P. Green moved that the Town vote to accept the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Select Board and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws.**

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

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

DESCRIPTION

This is a housekeeping article. When the Town adjusted the wording for establishing the OPEB Trust Fund (5.2.17) after the Municipal Modernization Act we were missing the key words of “prudent investor rule”.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**\*VOTED UNANIMOUSLY**

**ARTICLE 14 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 money to deposit into the Other Post-Employment Benefit (OPEB) Trust or take any action thereon.

PROPOSED MOTION

**Douglas A. Belanger 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 requirement. The funds that are being set aside in the trust will only be able to be used to pay for 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 \$35,000.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote,

**\*VOTED BY A SIGNIFICANT MAJORITY- one in opposition**

**ARTICLE 15 GROUNDWATER STUDIES AT LANDFILL**

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

PROPOSED MOTION

**Dianna Provencher moved that the Town vote to transfer \$18,000 from Free Cash to fund groundwater and other studies at the former landfill site, said funds to be expended by the Select Board.**

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, any required follow up or additional testing based upon the findings and routine readings of landfill gases being produced. The \$18,000 being requested will fund these required activities in Fiscal Year 2019.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**\*VOTED UNANIMOUSLY**

**ARTICLE 16 STABILIZATION ACCOUNT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for deposit into the General Stabilization Account or take any action thereon.

PROPOSED MOTION

**Sandra M. Wilson moved that the Town transfer the sum of \$21,787 from Free Cash to the Stabilization Fund.**

FINANCE ADVISORY BOARD RECOMMENDATION

Favorable Action (5-0-0)

This is well short of the \$217,787 which would have been transferred to Stabilization per the working plan. However, given the capital needs of the Town, we have reduced the dollars to Stabilization as stated. Note the total in the Stabilization Fund will rise to \$970,563, or 3.2% of projected revenues (\$30,341,630) for FY2019.

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

DESCRIPTION

A stabilization fund is a mechanism for setting aside money for unforeseen circumstances. This fund is sometimes referred to as a "rainy day" fund. The Town's stabilization fund has a current balance of \$948,776. Bond rating agencies look favorably upon towns with stabilization accounts totaling 5% of annual revenues when determining interest rates for lending. The current balance is 3.1% of the FY 2019 projected revenues.

VOTE REQUIRED FOR PASSAGE: Transfers to the General Stabilization Fund require a simple majority vote.

**\*VOTED UNANIMOUSLY**

**ARTICLE 17 POLICE CRUISERS**

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

PROPOSED MOTION

**Douglas A. Belanger moved that the Town vote to transfer \$82,588.00 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 UNANIMOUSLY**

**ARTICLE 18 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 money 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 (A)

**Brian P. Green moved that the Town vote to transfer \$390,725 from Free Cash to fund the Fiscal Year 2019 Capital Improvement Plan budget; \$263,223 to pay for ongoing installments of the four lease/purchase agreements, and \$127,502 for five new capital acquisitions, as detailed in the warrant, said payments totaling \$390,725.**

DEPARTMENT	ITEM	AMOUNT
Fire	Engine 3 Lease/Purchase Payment – Year 5 of 5	\$72,400
Fire	Aerialscope Tower Truck Lease/Purchase Payment – Year 2 of 5	\$115,081
EMS	Ambulance Lease/Purchase Payment – Year 5 of 5	\$34,742
Highway	Backhoe Lease/Purchase Payment – Year 2 of 3	\$41,000
	<b>Total FY 2019 Capital Lease Payments</b>	<b>\$263,223</b>
Highway	Vehicle Lift	\$24,000
Highway	Tires for Volvo Loader	\$10,500
Highway	Waste Oil Burner Replacement	\$20,000
Fire	Self-Contained Breathing Apparatus (SCBA) replacement	\$47,250
Police	Automated License Plate Reader	\$25,752
	<b>Total FY 2019 Capital Purchases</b>	<b>\$127,502</b>
	<b>Grand Total</b>	<b>\$390,725</b>

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 fund four continuing lease/purchase agreements, as well as fund the purchase of five new additional capital purchases:

1. **Vehicle Lift:** Current lift is outdated, with a load rating which does not meet operational needs. Current lift can only service PD cars.
2. **Tires for Volvo Loader:** Current tires in poor condition.
3. **Waste Oil Burner:** Current burner insufficient in size for square footage of the garage and is in poor condition.
4. **SCBA Replacement:** Funds replacement of 75 SCBA bottles, which expire 15 years after the date of manufacture, which for the grouping was July of 2003.
5. **Automated License Plate Reader:** Purchase of a replacement ALPR for the Police Department.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**A- \*VOTED UNANIMOUSLY**

PROPOSED MOTION (B)

**Brian P. Green moved that the Town vote transfer \$1,809.00 from Free Cash and \$30,573.19 from the warrant articles detailed in the table below in the Spring Annual Town Meeting Warrant to fund two replacement radar trailers for the Leicester Police Department.**

From	Meeting	Article	Purpose	Amount
01-100-5213-006	10/12	6	Rochdale Park Lighting	\$500.00
01-100-5216-060	05/16	6	Vegetation Management	\$6,000.00
01-100-5217-910	05/16	11	Vocational School Tuition	\$4,938.69

01-100-5815-008	05/15	8	Town/School Energy Upgrades	\$10,636.50
01-100-5816-292	11/15	N/A	New Animal Control Vehicle	\$8,498.00
Free Cash			Free Cash	\$1,809.00
			<b>TOTAL</b>	<b>\$32,382.19</b>

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

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

DESCRIPTION

This motion seeks to use balances in prior warrant articles and a portion of Free Cash in order to fund radar trailer replacements for the Leicester Police Department. The articles that are requested to be repurposed are as follows:

1. **Rochdale Park:** \$500 – Leftover funds from a \$7,500 appropriation for lighting improvements at Rochdale Park.
2. **Vegetation Management:** \$6,000 – These funds were voted to fund a vegetation study for invasive species growth on Town waterways. The Town has a study with recommendations that was done in 2016.
3. **Vocational Tuition:** \$4,938.69 - Leftover funds from the 2016 Vocational Schools warrant article
4. **Town/School Energy Upgrades:** \$10,636.50 – Leftover funds from the Town buildings energy upgrade project.
5. **New Animal Control Vehicle:** \$8,498.00 – Funds remaining from the purchase and badging of a new ACO vehicle.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote, unless funding is sought from the

**B. \*VOTED BY A SIGNIFICANT MAJORITY- one in opposition**

**ARTICLE 19 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 2018, or take any action thereon.

PROPOSED MOTION

**Brian P. Green 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 2019.**

**This area is intentionally left blank (see table below)**

<u>Revolving Fund</u>	<u>Spending Limit:</u>
<b>Inspectional Services</b>	<b>\$50,000</b>
<b>Health Clinics</b>	<b>\$5,000</b>
<b>Senior Center Programs</b>	<b>\$10,000</b>
<b>Fuel Usage</b>	<b>\$35,000</b>
<b>Town Hall</b>	<b>\$15,000</b>
<b>Recycling</b>	<b>\$30,000</b>
<b>Police Training</b>	<b>\$5,000</b>
<b>Recreation</b>	<b>\$20,000</b>
<b>One-to-one Technology</b>	<b>\$25,000</b>
<b>DIS Fees</b>	<b>\$5,000</b>

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 prior to July 1st on the amount that may be spent during the upcoming fiscal year from each revolving fund established through the Town's General Bylaws.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

**\*VOTED UNANIMOUSLY**

**ARTICLE 20 FIVE YEAR CONTRACT – SPECIAL EDUCATION TRANSPORTATION SERVICES**

To see if the Town will vote to authorize the School Department to enter into a contract for special education transportation services for a three (3) year contract term plus two (2) additional years for a total of five (5) years for transportation services both within the district and outside the district for special needs students or act on anything relative thereon.

PROPOSED MOTION

**Harry R. Brooks moved that the article be accepted as written.**

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

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

DESCRIPTION

MGL 30B, Section 12(b) requires Town Meeting authorization for any lease term greater than three years.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

**\*VOTED UNANIMOUSLY**

**ARTICLE 21 AMEND CHAPTER 1, SECTION 5 OF THE GENERAL BYLAWS**

To see if the Town will vote to amend Chapter 1 of the general bylaws of the Town of Leicester by removing in its entirety, Section 5, as printed,

**SECTION 5.**

Any or all of these By-Laws may be repealed or amended or other By-Laws may be adopted at any Town Meeting by a 2/3 vote of the voters present and voting, an article or articles for that purpose having been inserted in the warrant for such meeting by the Board of Selectmen. All proposed By-Laws and changes in By-Laws must be submitted, in writing, to the By-Law Committee not less than 90 days prior to the business session of the Annual Town Meeting or ninety days prior to a Special Town Meeting at which they shall be considered. The Moderator shall solicit recommendations from the By-Law Committee at the Town Meeting when said By-Laws or By-Law changes are considered.

And inserting the following (Please note that all proposed changes are listed in bold italic):

**SECTION 5.**

**A). Bylaw Adoption & Amendment Procedure**

Any or all of these By-Laws may be repealed or amended or other By-Laws may be adopted at any Town Meeting by a 2/3 vote of the voters present and voting, an article or articles for that purpose having been inserted in the warrant for such meeting by the **Select Board**. All **proposed bylaws or amendments to existing bylaws whether petitioned by Board, Committee or Citizens Petition** must be submitted, in writing, to the Town Administrator and the Town Clerk not less than **sixty** days prior to ~~the business session of~~ the Annual Town Meeting or **sixty days** prior to a Special Town Meeting at which they shall be considered. **The Town Administrator and/or Town Clerk will forward to the By-Law Committee within 3 business days.** The Moderator shall solicit recommendations from the By-Law Committee at the Town Meeting when said By-Laws or By-Law changes are considered.

- **Any Citizen interested in starting a Citizens Petition can ask the Town Clerk for instructions on how to proceed with said petition.**

**B). Authority for Town Clerk to Assign Headings, Alphanumeric References, & Cross-References**

- 1. The Town Clerk is authorized to assign appropriate headings, numbers or letters to sections, subsections, paragraphs, and subparagraphs of Leicester General Bylaws where none are approved at Town Meeting.**
- 2. Where Town Meeting has approved numbering or lettering of sections, subsections, paragraphs, and subparagraphs of Leicester's General Bylaws, the Town Clerk shall be authorized to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing, organization and numbering of the bylaws.**
- 3. The Town Clerk is authorized to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the General Bylaws to ensure accuracy and conformity.**
- 4. Any such revisions shall be kept on file in the Town Clerk's Office.**

or take any action thereon.

PROPOSED MOTION

Douglas A. Belanger moved that the Town approve the article as written.

FINANCE ADVISORY BOARD RECOMMENDATION

Favorable Action (5-0-0)

SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This proposed bylaw change reduces the number of days required to file for new Town bylaws and changes to Town bylaws from 90 days to 60 days and sets parameters for the collection and distribution

of said petitions. Upon approval by Town Meeting, the bylaw also authorizes the Town Clerk to make non-substantive changes to the General Bylaws to ensure that the format of the bylaws is consistent.

VOTE REQUIRED FOR PASSAGE Requires a 2/3<sup>RD</sup> majority per Town General Bylaws Chapter 1, Section 5.

**\*VOTED UNANIMOUSLY**

**ARTICLE 22 DISPOSITION OF LEICESTER FORMER FIRE HEADQUARTERS**

To see if the Town will vote to dispose of and authorize the Select Board to sell or dispose of the fee or any lessor interests in the property known as the old fire station, located at 15 Water Street, Leicester as shown on Assessor's Map 19B, Block A3, containing about 0.184 acres of land, more or less, with building thereon, Subject to M.G.L. c. 30B, any such disposition to be on such terms and conditions that the Select Board deem appropriate which may include the reservation of easements and restrictions and further authorize the Select Board to enter into all agreements and execute any and all instruments as may be necessary to sell such property and any access easements in and to the property; or take any action thereon.

PROPOSED MOTION

**Sandra M. Wilson moved that the Town approve the article as written.**

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

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

DESCRIPTION

This article seeks permission for the Town to sell the former fire station headquarters, which has been declared as surplus by the Select Board, now that the Fire Station Project has been completed.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rds majority per MGL Chapter 40, Section 5

**\*VOTED BY A SIGNIFICANT MAJORITY- one in opposition**

**ARTICLE 23 AMENDMENT TO SECTIONS OF THE ZONING BYLAWS REGARDING MEDICINAL AND RECREATIONAL MARIJUANA**

To see if the Town will vote to amend the following sections of Zoning Bylaws of the Town of Leicester for the purpose of establishing/amending zoning regulations regarding marijuana establishments, as follows:

**A. Amend Section 1.3, Definitions, by modifying the existing definition of Medical Marijuana Treatment Center and inserting several new definitions in alphabetical order, as follows:**

**MARIJUANA:** Marijuana or Marihuana means all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided that "Marijuana" shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

**MARIJUANA CULTIVATOR:** an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

**MARIJUANA ESTABLISHMENT:** a licensed Marijuana Cultivator, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, or any other type of licensed marijuana-related business or businesses at a single location except a medical marijuana treatment center.

**MARIJUANA ESTABLISHMENT, NON-RETAIL:** a marijuana establishment that does not involve on-site retail sales to consumers, including Marijuana Cultivators, Marijuana Product Manufacturers that only sell to Marijuana Establishments but not consumers, Marijuana Testing Facilities, and Marijuana Transportation or Distribution Facilities.

**MARIJUANA RETAILER, CONSUMER SALES ONLY:** a marijuana establishment that involves on-site retail sales to consumers, excluding Marijuana Social Consumption Operators.

**MARIJUANA PRODUCT MANUFACTURER:** an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**MARIJUANA PRODUCTS:** products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**MARIJUANA SOCIAL CONSUMPTION FACILITY:** a “Marijuana Social Consumption Establishment” that is licensed by the Cannabis Control Commission where single servings of marijuana may be sold for consumption on the premises.

**MARIJUANA SOCIAL CONSUMPTION OPERATOR:** a marijuana retailer licensed to purchase marijuana and marijuana products from marijuana establishment and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.

**MARIJUANA TESTING FACILITY:** An Independent Testing Laboratory as defined in 935CMR 500.002 licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

**MARIJUANA RETAILER:** an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY:** an entity with a fixed location not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain and possess cannabis or marijuana products solely for the purpose of transporting and temporarily storing the same on the premises for sale and distribution to Marijuana Establishments, but not consumers.

**MEDICAL MARIJUANA TREATMENT CENTER:** a not-for-profit entity, as defined by Massachusetts law only, registered under Massachusetts law [Chapter 369 of the Acts of 2012], that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

**MEDICAL MARIJUANA TREATMENT CENTER:** a not-for-profit entity registered under 105 CMR 725.100, also known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.

**B. Amend Section 3 (Use Regulations), sub-section 3.2.03., as shown below:**

3.2.03 BUSINESS	SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
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18. Medical Marijuana Treatment Center, <del>with limitation (see Section 5.15). (Planning Board Site Plan Review Required)</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<del>Y</del> <u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
19. Marijuana Retailer, Consumer Sales Only (Special Permits issued by the Planning Board)	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
20. Marijuana Establishment, Non-Retail (Planning Board Site Plan Review Required)	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
21. Marijuana Social Consumption Facility	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

**C. Amend Section 3.30, Business Residential – 1 (BR-1) Zone, subsection II, and add a new subsection mm, as follows:**

- II. ~~Medical Marijuana Treatment Center, with limitations (Planning Board Site Plan Review Required, see Section 5.15).~~
- mm. Marijuana Establishment by special permit (See Section 5.15)

**D. Amend Section 5.2, Site Plan Review, subsection 5.2.02.1, by inserting a new subsection h., as follows:**

**h. Medical Marijuana Treatment Centers and Marijuana Establishments**

**E. Amend Section 5.15, as follows:**

**5.15 MEDICAL MARIJUANA TREATMENT CENTERS AND MARIJUANA ESTABLISHMENTS**

**5.15.01 PURPOSE AND INTENT:**

To provide for the limited establishment of Medical Marijuana Treatment Centers and Marijuana Establishments in appropriate places and to minimize the adverse impacts of Medical Marijuana Treatment Centers and Marijuana Establishments on residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.

2. Location:

~~No Medical Marijuana Treatment Center may be located within 1,000 feet of a residential zoning district, school, church or other religious use, child care facility, family child care home, park, playground, drug or alcohol rehabilitation facility, or other Medical Marijuana Treatment center. Distance shall be measured as the shortest between buildings, or as the shortest distance between the building of the Medical Marijuana Treatment Center and the lot line of a church, child care facility,~~

**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 and shall not be visible from the exterior of the business. 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.

**B. Buffer Requirements**

No Medical Marijuana Treatment Center or Marijuana Establishment may be located within required buffer areas. Buffers shall be 500 feet for Medical Marijuana Treatment Centers and Marijuana Retailers, Consumer Sales Only and 200 feet for Marijuana Establishments, Non-Retail, from the following: residential zoning districts (SA, R1, and R2), and pre-existing public or private schools (pre-school through grade 12). Distance shall be measured in a straight line as the shortest between the Medical Marijuana Treatment Center or Marijuana Establishment building and residential district boundaries, and as a straight line from the nearest

point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center or Marijuana Establishment is or will be located for schools.

C. Signage

All business signage shall be subject to the requirements of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and the requirements of Leicester Zoning Bylaw

D. Ventilation/Odor

All Marijuana Establishments shall be ventilated in such a manner that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Medical Marijuana Treatment Center or Marijuana Establishment or at any adjoining use or property

E. Security

All Medical Marijuana Treatment Centers and Marijuana Establishments shall provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.

F. Permitting

All Medical Marijuana Treatment Centers and Marijuana Establishments shall meet all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.

G. Private Clubs

Clubs, lodges, or other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, but not operating as a licensed marijuana social consumption operator are prohibited.

H. Conversion

The conversion of a Medical Marijuana Treatment Center (also known as a registered marijuana dispensary or RMD) licensed or registered not later than July 1, 2017 that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products in Leicester to a marijuana establishment for adult use (also known as recreational use) engaged in the same type of activity shall be permitted by-right (without a special permit), but shall require Planning Board Site Plan Review. Abutters, and abutters to the abutters within three hundred feet of the property line of the applicant, shall be notified of the date and time of the Site Plan Review discussion.

I. Limitations

Marijuana Retailers, Consumer Sales Only shall be limited to 1 establishment in the Town of Leicester.

**5.15.03 SPECIAL PERMIT REQUIREMENTS:**

The Planning Board shall be the Special Permit Granting Authority for all Marijuana Establishments. Applications shall be submitted in accordance with the Planning Board's Special Permit Regulations. In addition to the special permit approval criteria for the applicable zoning district and the Planning Board's Special Permit Regulations, the Planning Board shall find that the proposed use meets the requirements of this section 5.15.

PROPOSED MOTION

**Douglas A. Belanger moved that the Town approve the article as written.**

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

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

DESCRIPTION

This article amends the regulation of Medical Marijuana Treatment Centers and defines and regulates all types of marijuana establishments, including recreational (also known as adult use) marijuana facilities. The purpose of the proposed amendment is to address the November 2016 legalization of recreational marijuana and related changes in Massachusetts laws and regulations related to both medical and recreational marijuana facilities. The Article defines several categories of marijuana facilities

consistent with state law, specifies where each type of facility is allowed and what level of permitting is required, establishes buffer zones from residential zoning districts and schools, creates standards for approval, and limits retail marijuana facilities.

VOTE REQUIRED FOR PASSAGE: Requires a 2/3rds majority per MGL Chapter 40A Section 5.

**\*THE MODERATOR DECLARED ARTICLE 23 PASSED BY A CLEAR 2/3 MAJORITY (per Ch 2, Section 16 of the General by-laws for the Town of Leicester.**

**- In favor-141; in opposition-12**

#### **ARTICLE 24 LOCAL OPTION RECREATIONAL MARIJUANA EXCISE TAX**

To see if the Town will vote to accept M.G.L. Chapter 64N Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the town to anyone other than a marijuana establishment at a rate of 3% of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of Town Meeting.

#### **PROPOSED MOTION**

**Harry R. Brooks moved that the Town approve the article as written.**

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

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

#### **DESCRIPTION**

This article seeks permission by the Town to impose a 3% sales tax upon retail sales of marijuana products, which is intended to be used to fund the Town's Capital Improvement Program.

VOTE REQUIRED FOR PASSAGE Requires a simple majority per MGL Chapter 64N Section 3.

**\*VOTED BY A SIGNIFICANT MAJORITY-one in opposition**

#### **ARTICLE 25 AMEND THE ZONING BYLAW, SECTION 5.13, OPEN SPACE RESIDENTIAL DEVELOPMENT**

To see if the Town will vote to amend Chapter 5.13 of the zoning bylaws of the Town of Leicester, as follows, (with deletions showing as stricken, and additions underlined):

**Amend subsection 5.13.02 to correct zoning district names, as follows:**

##### **5.13.02 Applicability**

Open Space Residential Developments shall be allowed within Suburban Agriculture (SA), ~~Residential A (RA), Residential B (RB)~~ Residential 1 (R1), Residential 2 (R2), Residential-Industrial-Business (RIB), Business Residential-1 (BR-1) and Business Industrial-A (BI-A) districts, subject to the requirements of this section for those districts, and in accordance with the additional requirements specified herein.

And further:

**Amend subsection 5.13.06.A, Table of Minimum Requirements to add the R2 district, as follows:**

##### **5.13.06 Intensity regulations**

**TABLE OF MINIMUM REQUIREMENTS**

	<b>SA</b>	<b>R1 BR-1</b>	<b>R2 RIB, BI-A</b>
Minimum area (square feet)	20,000	15,000	10,000
Minimum frontage (feet)	100	100	100
Minimum setbacks(feet)	20	20	20

**Amend subsection 5.13.07.C (Buffer Areas) to delete references to Zoning Districts that don't exist in Leicester, as follows:**

**C. Buffer areas.**

- (1) There shall be a land area known as a “buffer” at the perimeter of the site consisting of trees, shrubs, vegetation and topographic features sufficient to separate and/or screen the development from abutting properties. This buffer shall be no less than 100 feet in width. The buffer shall be considered open space and shall be restricted in accordance with Section 5.13.08 below. Upon a finding by the Planning Board that a buffer of lesser width would be sufficient to screen and/or separate the development from adjacent property, the buffer may be reduced. ~~If, however, the perimeter of the site abuts a Business (B), Downtown Business (BD), Rural Business (BR) or Industrial A (IA) or Industrial B (IB) zoning district, the Planning Board may require the buffer area abutting a B, BR or I District to be greater than 100 feet in order to ensure adequate separation and/or screening from the abutting commercial zoning districts.~~

or take any action thereon.

PROPOSED MOTION

**Dianna Provencher moved that the Town approve the article as written.**

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

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

DESCRIPTION

The purpose of this article is to correct errors in Leicester’s Open Space Residential Development Bylaw (incorrect zoning district names, reference to districts that don’t exist in Leicester, district mistakenly left off Table of Minimum Requirements).

VOTE REQUIRED FOR PASSAGE Requires a 2/3rds majority per MGL Chapter 40A, Section 5

**\*THE MODERATOR DECLARED ARTICLE 25 PASSED BY A CLEAR 2/3 MAJORITY (per Ch 2, Section 16 of the General by-laws for the Town of Leicester.**

**ARTICLE 26 AMEND THE ZONING BYLAW, SECTION 3, USE REGULATIONS**

To see if the Town will vote to amend portions of Chapter 3 of the zoning bylaws of the Town of Leicester, as follows, (with deletions showing as stricken, and additions underlined):

**F. Amend Section 3 (Use Regulations), Subsection 3.1, Basic Requirements, as follows:**

**3.1 BASIC REQUIREMENTS**

Except as provided in Section 1.4 of this by-law, no building or structure shall be constructed, and no building, structure or land or part thereof shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted in the district in which such a building, structure or land is located, or set forth as permissible by Special Permit in said district and so authorized and in accordance with the following notation: Y – Use Permitted N – Use Prohibited SP – Use allowed by Special Permit ~~by the Board of Appeals. The Planning Board shall be the Special Permit Granting Authority for all uses listed as requiring a Special Permit (SP) in the HB-1 district and B district.~~ Except where specifically noted in Section 3.2 or

elsewhere in the bylaw, the Special Permit Granting Authority for uses listed in Section 3.2 is the Zoning Board of Appeals in the SA, R1, R2, I, and BI-A districts and the Planning Board in the B, CB, HB-1, and HB-2 districts. Any use NOT listed is prohibited.

**G. Amend Section 3 (Use Regulations), Subsection 3.2 (Schedule of Use), as follows:**

**3.2 SCHEDULE OF USE**

NOTE: Permitted uses for zones BR-1, and RIB refer to the following sections:

~~BR-1 Section 3.30~~ — ~~RIB Section 3.32~~

~~See also Section 3.31 and 3.33 for information related to HB-1 & HB-2, and Section 3.34 for Central Business District~~

NOTE: See the following sections for permitted uses in the following districts:

<u>District</u>	<u>Bylaw Section</u>
<u>BR-1</u>	<u>3.30</u>
<u>HB-2</u>	<u>3.31 &amp; 3.32</u>
<u>RIB</u>	<u>3.32</u>
<u>HB-1</u>	<u>3.32</u>
<u>NB</u>	<u>5.6</u>

**H. Amend Section 3.30, Business Residential – 1 (BR-1) Zone, by inserting the following sentence at the end of the first paragraph:**

The Special Permit Granting Authority in the BR-1 District shall be the Planning Board.

**I. Amend Section 3.32: Residential Industrial Business Zone (RIB), by inserting the following sentence at the end of the first paragraph:**

The Special Permit Granting Authority in the RIB District shall be the Planning Board. or take any action thereon.

PROPOSED MOTION

**Douglas A. Belanger moved that the Town approve the article as written.**

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

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

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

DESCRIPTION

The purpose of this article is to 1) clarify which Board (Zoning Board of Appeals or Planning Board) issues special permits in particular districts and 2) improve cross-references related to allowed uses.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rds majority per MGL Chapter 40A, Section 5

**\*THE MODERATOR DECLARED ARTICLE 26 PASSED BY A CLEAR 2/3 MAJORITY (per Ch 2, Section 16 of the General by-laws for the Town of Leicester.**

Harry R. Brooks moved that the Town vote to adjourn the Annual Town Meeting at 9:13pm with 196 voters present. **\*VOTED UNANIMOUSLY**

**Respectfully submitted,**

**Deborah K. Davis  
Leicester Town Clerk**