

SPECIAL TOWN MEETING

SATURDAY SEPTEMBER 26, 2020

The following is a report of the Minutes of the Special Town Meeting held at the 88 Huntoon Memorial Highway (The former Millbrook Distributors Building) Leicester, MA. The Moderator, Donald A. Cherry, Jr., opened the meeting at 10:02pm with over 700 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. Non-resident department heads are welcome on the floor.

Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his or her employment before speaking thereon.

First, a couple of safety points;

In addition to the large door we all used to check in, there are three emergency exits, staffed by a member of our fire and EMS service. There are doors to my left and right as well as one on the back wall. Would the folks manning those doors stand up, so everyone can be sure of where those exits are located? Additionally, four EMTs will be on hand for the duration of the meeting. A stretcher with an AED machine and full emergency kit is already inside the building.

Police Chief Antanavica has asked that at the conclusion of this meeting you all remain seated so that he can dismiss us in an orderly fashion. As you exit the building, we ask that you continue to maintain social distance so that all members of this meeting are able to return safely to their cars or the bus stops.

Per MA Law, I must inform all present that this meeting is being recorded for future broadcast on LCAC.

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

Out of respect for each other, and the Town Meeting, please place any personal electronics on silent or vibrate.

Please rise and join me in the Pledge of Allegiance.

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, members of our emergency management services and those we call front line workers who work to keep us safe here at home.

Let us also remember those lost, and those devastated by the loss, of so many of our neighbors, families, and friends from the coronavirus pandemic.

Thank you. Please be seated.

Good Morning. I am Don Cherry, Jr., your Town Moderator. I'd like to welcome you all to this very unique Special Town Meeting, and to Thank You for taking an active role in your government.

As Town Meeting Members, we are the legislative body here in Leicester.

The configuration of this meeting space is the result of a lot of work and planning on the part of many people, including Superintendent Griffin and the Leicester Highway Department, our Board of Health and Public Health Agent, Chief Antanavica and men and women of the Leicester Police Department, the Leicester School Department, the Town Clerk, the Town Administrator and Assistant Town Administrator as well as Registrar Len Ivel, who mapped out the floor plan.

We also need to thank Richard Rafferty, the owner of this building, for the gracious and generous offer to utilize this space at no cost to the town.

Is there anyone attending a Town Meeting for the first time? Thank you for taking the time to exercise your rights as a voter and the freedom that you have to do so.

A review of our basic rules and procedures 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. Additionally, as presiding officer, it is incumbent on me to ensure that our procedure and outcome will pass review by the Office of the Attorney General.

To that end, this meeting is more than a little unique for several reasons, and the single article on the warrant demands a few extra moments of review.

Membership in a Town Meeting is voluntary, and it does mandate that any voter who chooses to become a member of a particular town meeting will be held to the rules and laws governing procedures and conduct of town meetings. This includes the understanding that personal attacks, slurs and profanity will not be tolerated.

It is important to remember that we are here because we are neighbors. Regardless of the outcome of this meeting, we will also leave as neighbors. You may not agree with your neighbors on all things, but each and every one of you is here because you care. Remember that your neighbor cares as well.

First, today's meeting is the abject example of a one trick pony. In my ten years as moderator and over 25 years of town meeting attendance prior, I cannot recall another case of a single article town meeting. The single article before us this morning is also unique in another aspect. Many articles can be amended, and alternative or modified versions of the article can be discussed and acted upon. However, because this article involves specific grant and funding language, it cannot be amended in any way. We are faced with a simple up or down vote on the article as written.

As a result, discussion and comments on this article should also follow a similar path. I will be limiting discussion and comments to the pros and cons of the article as written. Please allow me to explain why; Town Meeting cannot mandate, nor can it advise. Our role is to approve or disapprove of items of business brought before us. We cannot direct any department or town agency to do anything.

Town Meeting business also must stick within the scope of the warrant, which advertises to any prospective voters the items of business and the extend of that business that the Town Meeting members will undertake. If it was not advertised, we cannot legally undertake it. That matters directly with the article on today's warrant. There is no provision for the members of this meeting to do anything but approve or reject this motion. We cannot, and will not undertake discussion, nor can I allow a vote, on any alternative plans, since doing so was not part of the language of the article.

Despite the unique conditions, each of you has a voice and a right to be heard, should you choose. If any member of this town meeting wishes to speak through the moderator on an article on the floor, please approach the microphone with as much social distance as you are able.

There are 7 microphones available for town meeting members to address the meeting. The microphones on the main floor are numbers 1 to 6 and number 7 is on the mezzanine. I will do the best I can to recognize those who wish to speak but bear with me on this. On the mezzanine, if need be, give me a visual sign, so that I can make sure you have a chance to speak. Two of our EMTs will rotate to the microphones being used to clean them after use. Please remember to wear your mask as you approach the microphone and when you return to your seat, but feel free to lower or remove your mask while addressing the meeting. Please allow for a safe distance as you que up to the microphone.

As always, please state your name and address before speaking to an article.

With that said, please bear in mind that the period of discussion and debate allows town meeting members to ask questions and offer points of view that they feel will inform or change their position, or the position of others. If you have a point or perspective that you feel offers a fresh look at the business at hand, please feel free to exercise your rights. However, large numbers of folks stepping up to say things like they agree or disagree with Don, or worst idea ever, vote no, best idea ever vote yes are precisely what your voting devices are for.

Tied directly to that point, I will only accept a motion to move the question from a microphone, not from the floor.

The electronic voting clickers we use really help speed up town meetings and allow easy and accurate tabulation of votes. Use of the clickers also means that every vote you cast is now secret.

Please note; these clickers need to be returned at the conclusion of this Town Meeting. There will be boxes near the large overhead door for you to deposit the clickers on your way out of the meeting.

The number sticker on each clicker is strictly to ensure that if someone does forget to return a clicker that the registrars have a mechanism to know who to call and ask for return. The tabulation system is not used to record what votes are cast from any single device, only to total yes and no votes.

Use of the devices is quite simple. Instead of calling for votes in favor and those against, I will simply call for a vote. At that time, simply press the "A" or Yes button if you are in favor of the motion, or the "B" or No button, if your desire is to disapprove. Your choice will show on the small screen on the device. If you

change your mind, simply press the other button, as the selection showing when the 15 second voting window closes is what is recorded.

The results will display on the screen, I will announce the results, they will be recorded by the Town Clerk, and we will move to the next order of business. For the record, the operations of the electronic voting system and voting tabulations during this meeting are being performed by employees of the electronic voting system company, not by Town of Leicester employees.

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

As we all have, town employees, town boards and our first responders have been operating under very unusual conditions since March. They have found ways to ensure that the business of our community has continued, please join me in saying 'Thank You' all for your efforts.

We are also joined by State Representative David LeBoeuf.

A significant event will occur soon within one of our most visible public departments. After decades of service to the town of Leicester, Fire Chief Robert "Bobby" Wilson is retiring from the Fire Service on November 30th. Please join me in offering Chief Wilson both thanks for his professionalism and years of dedication to the fire service, and our best wishes for the next chapters of his life.

Are there any other special announcements, proclamations, or recognitions which should be made at this time?

Before we begin the actual business of this town meeting, we will use a couple of test questions to ensure all voters are comfortable with the operation of the voting devices.

I will now accept any procedural motions for conduct of this meeting.

Article One: Borrowing Authorization for a Pre K through Grade 8 School Building

In addition to the school building committee, the votes of three boards and committees was required to advance this article to the Special Town Meeting.

- The Select Board voted for disapproval of this article.
- The Finance Advisory Board voted for approval of this article.
- The Capital Planning Improvement Committee for disapproval of this article.

A Two Thirds majority vote is required for passage of this article.

A few procedural notes; After a motion and second for this article have been made, the motion will be read.

The discussion and debate period will progress as follows;

The School Building Committee will present details of the article and the proposed project. Immediately thereafter, I will call on the chairs of the three boards and committees which also voted on this article, or their designee, to offer a statement as to their board or committee's stance, should they choose to do so. That does not preclude individual members of the various boards from speaking as registered voters on this matter during open discussion.

I will then open the floor to town meeting members for questions and discussion within the scope of the article, followed by your vote to approve or disapprove of this article.

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

***608 Yes; 163 No; 7 Abs**

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.

***606 Yes; 153 No; 26 Abs**

ARTICLE 1: BORROWING AUTHORIZATION VIA DEBT EXCLUSION; SITE WORK, CONSTRUCTION AND FURNISHING OF A PRE K-8 SCHOOL BUILDING AND ASSOCIATED FIELD REPLACEMENT.

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the construction of a Pre K – 8 School with associated field replacement and site work, located on town-owned land on Paxton Street, Leicester, MA which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 61.32 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

PROPOSED MOTION

Paul McCarthy moved that the Town appropriate the amount of Ninety-One Million, Four Hundred Four Thousand, Seven Hundred Thirty-Four (\$91,404,734) Dollars for the purpose of paying for the cost of a Pre K – 8 School with associated field replacement and site work, located on town-owned land on Paxton Street, Leicester, MA, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 65.04 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount as determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (4-2-0)

CAPITAL PLANNING IMPROVEMENT COMMITTEE RECOMMENDATION
Unfavorable Action (4-1-0)

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

DESCRIPTION

The Town of Leicester is seeking a grant from the Massachusetts School Building Authority (“MSBA”) to fund a new Pre-K through Eighth Grade school with associated field replacement and site work, located on town-owned land on Paxton Street (“School Building Project”). This building will replace the Middle School, which will be removed, and Elementary School, which will be closed and potentially repurposed or sold.

The total cost of the School Building Project is set at a maximum amount of \$91,404,734. The estimated design and construction costs total \$85,543,050. Owner’s and construction contingencies, as required by MSBA to mitigate potential unforeseen expenses, total \$5,861,684.

The Town will be responsible for payment of School Building Project costs over the amount of the grant approved by and received from the MSBA. The MSBA has signed a Project Scope and Budget Agreement with the Town, which guarantees project funding at up to 65.04% reimbursement of **eligible** costs. The maximum total facilities grant from MSBA is set at \$41,937,394, leaving the Town's total maximum project budget, including contingencies, at \$49,467,340

This project is anticipated to be funded via a debt exclusion, meaning that it requires both a town meeting vote and a ballot question seeking authority from residents to raise the payment of the borrowing costs over the cap imposed by Proposition 2 ½ for the life of the borrowing, as permitted by M.G.L. Ch. 59 §21C(k). Proposition 2½ limits the amount of revenue that the town may raise from local property taxes each year to fund municipal operations. However, Proposition 2½ allows a city or town to increase tax revenues above that limit with voter approval, i.e., by voting on a ballot question, which will be on the November 3 presidential election ballot.

If approved, the Town's portion of the debt will be funded by a twenty-year permanent borrowing, with four years of temporary debt preceding it. Estimated cost per thousand-dollar valuation per year, based on forecast interest rates and the average single-family home value of \$259,606 are as follows:

Fiscal Year	Cost per thousand	Cost to Avg. Single Family
FY 2021	.0582 (\$0.06)	\$15.10
FY 2022	.6792 (\$0.68)	\$176.32
FY 2023	1.4797 (\$1.48)	\$384.13
FY 2024	2.5365 (\$2.54)	\$658.47
FY 2025 – FY 2044	3.5085 (\$3.51)	\$910.80

*To calculate the cost of the annual debt for a property, take its assessed value, divide it by \$1,000 and multiply by the rate listed in the "cost per thousand" column. Example: Year 1 cost on average residential property valued at \$259,606/1000=259.60; 259.60*0.582 = \$15.10

VOTE REQUIRED FOR PASSAGE Requires a 2/3rd's majority vote under M.G.L. c. 44 §20

After the reading of Article 1 the Moderator allowed for some discussion from the floor.

Sue Sears made a motion to move the question and at that time the moderator denied the motion to allow for more people to speak either for or against Article 1. Several minutes later a motion was made by Douglas Belanger to move the question.

Douglas Belanger moved that the Town vote to move the question a vote was taken.

*** 706 Yes; 90 No; 5 Abs**

Douglas Belanger moved that the Town vote on Article 1. A 2/3 vote is required for the passage.

*** 315 Yes; 506 No; 3 Abs; the Article failed**

The Moderator moved that the Town vote to adjourn the STM at approximately 12:05 with 852 voters present.

*** 492 Yes; 51 No; 4 Abs.**

Respectfully Submitted

Deborah K. Davis
Leicester Town Clerk