

FALL SPECIAL TOWN MEETING REPORT

OCTOBER 26, 2021

On September 14, 2021, the Division of Local Services certified the Town of Leicester's FY 2021 Free Cash in the amount of \$2,205,279 for the General Fund, and \$366,562 in Retained Earnings for the LCAC Cable PEG Access enterprise fund.

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 01524 on Tuesday, the twenty-sixth day of October 2021 at 7:00 PM, then and there to act on the following articles, namely:

Town Rules & Procedures Review

Each Town Meeting is a formal legislative body. As such, we are governed by both Massachusetts General Laws and Chapter Two of Leicester's Town By-Laws. Our proceedings follow "Town Meeting Time, A Handbook of Parliamentary Law", and tradition.

The Town Moderator does not vote, except in cases of a tie vote on the floor.

Town Meetings in Leicester are open only to registered voters.

As members of the town meeting, voters have the right, if they so choose, to present opinions and to ask questions through the moderator in relation to the motion under discussion, and only to the motion under discussion. You have a right to be comfortable with the facts at hand in order to make an informed vote.

A voter wishing to address the meeting through the moderator should approach the microphone and must identify themselves and state their address each time they address the meeting. If it seems that the Moderator is not aware of your desire to speak, please give some signal so that you will be recognized. If you are not able to get to the microphone, please give a signal and a teller or volunteer will bring a microphone to you.

No one may speak to any motion more than twice, except to clarify a point or respond to a question through or from the moderator, and maximum time is ten minutes. Voters must stay on topic with the motion at hand, and personal attacks or slurs of any kind will not be tolerated.

If you have a question as to why something is done in a fashion, feel free to ask. Raise that question or issue with the statement, "Point of Order."

If a member of this meeting wishes to move the question, that motion must be made from the microphone. A motion to move the question will not be accepted from the floor. A motion to move the question simply indicates that at least the individual offering the motion to move the question and person making the second have heard all the debate they feel is needed. A seconded motion to move the question is not a debatable motion. At such time, all debate will cease, and a vote is taken. A 2/3 majority is required for passage. If the motion to move the question passes, we will immediately vote on the motion which was under discussion in the hands of the meeting. If the motion to move the question is defeated, debate on the motion previously under discussion will resume. This procedure is often misunderstood but is allowed and governed under the By-Laws of the Town of Leicester.

Any motion undertaken by Town Meeting in Leicester may be reconsidered, meaning it can be brought up for a vote a second time. The motion to reconsider a motion must be made within one hour of the taking of the original vote on the motion in question. A motion cannot be brought forward for reconsideration more than once.

Any motion made must be within the scope of the articles posted in the warrant and presented to the moderator in writing.

Respectfully,

Donald A. Cherry, Jr. – Town Moderator

OPENING REMARKS

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

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.

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

As Town Meeting Members, we are the legislative body here in Leicester. A review of our basic rules and procedures is listed in your meeting guides. That said, as your presiding officer, my primary role is 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.

As members of this town meeting, 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. When you have finished your comments, please use the wipes at the microphone to sanitize it for the next person. As always, please state your name and address before speaking to an article. I will also remind all present that even if you vigorously disagree with

your fellow voter at the microphone, they do have the floor and are entitled to the courtesy of speaking without heckling or interruption.

A couple of reminders with regards to the electronic voting clickers we use for voting. Use of the clickers means that every vote you cast is now secret.

These clickers need to be returned at the conclusion of this Town 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 does record what votes are cast from any single device, it only totals 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 a motion, or the "B" or No button, if your desire is to disapprove a motion. 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, they will be recorded by the Town Clerk, and we will move to the next order of business.

We are also joined by State Representative David LeBoeuf, and State Senator Mike Moore. Welcome, Mr. LeBoeuf and Mr. Moore.

I do have an update on actions taken by members of the May 11 Annual Town Meeting.

Articles 24, 25, 26 28 and 29 were reviewed by the Attorney General's office and all were approved. Article 23 had also been sent in for review, but the Attorney General's office determined that no action was needed.

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

I do have a comment myself. The role of moderator is critical to an effective and productive town meeting, the work of which may be subject to review by various legal entities including bond counsel and the Attorney General's office. I believe that a passion for the fact that we are among a very few states that still practice this truest form of democracy, and an appreciation for those whose tremendous sacrifices have given us the rights to assemble and have a tangible role in our self-governing is essential. I mention this because my fourth term ends next June, and I will not be running again. While not everyone is willing to stand in front of a room, I believe there are others in our community who would do a great job. Should anyone want to talk with me directly about both the visible and behind the scenes aspects of this position, I am easy to find and would be more than happy to chat. Remember, it's not just the glory, it's 81 bucks a year...

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

**** Other Announcements *****

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

**The Town Clerk has informed me that a quorum is present, the meeting will now come to order with 71 special town meeting members present at 7:00pm.**

Per General By-Laws of the Town of Leicester, this meeting is open only to Registered Voters of the Town of Leicester. If you are not a registered voter, or not a resident of Leicester, please take a seat to my left, behind the press table.

Non-resident department heads and those of you under the age of 18 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.

In case of emergency, in addition to the doors you used to enter the hall, additional emergency exits are on both sides of the front of the hall. An emergency defibrillator is located on the wall behind the Board of Selectmen's table.

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, and the members of our emergency management services who work to keep us safe here at home. Thank you. Please be seated.

#### **PROCEDURAL MOTION #1**

**Richard Antanavica moved that the Town vote to dispense with the reading of the Warrant. Which is in the hands of the voters.**

**VOTED 55-4 passed**

#### **PROCEDURAL MOTION #2:**

**Richard Antanavica moved that the Town vote to dispense with a hand count by tellers on motions requiring a 2/3 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 55-4 passed**

#### **ARTICLE 1 PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of monies in order to pay bills from prior fiscal years or take any action thereon.

#### **PROPOSED MOTION**

***Dianna Provencher moved that the Town vote to transfer \$2,426.00 from Free Cash to pay the prior year bills as listed in the Fall 2021 Town Meeting warrant.***

| Department   | Vendor                            | Amount            |
|--------------|-----------------------------------|-------------------|
| Town Hall    | Kleeberg Mechanical Services, LLC | \$2,426.00        |
| <b>Total</b> |                                   | <b>\$2,426.00</b> |

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (6-0-0)

SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This article is required for the payment of bills prior to July 1, 2021 that were not submitted by the close of the fiscal year. There is one bill for this town meeting, which was for boiler work done at Town Hall on May 25, 2020. There was a delay in processing it while the bill was under review.

VOTE REQUIRED FOR PASSAGE Requires a 9/10<sup>th</sup>'s vote pursuant to MGL Chapter 44, §64

**VOTED 58-6 passed**

**ARTICLE 2 ADJUSTMENT OF THE SALARY OF THE TOWN CLERK**

To adjust the FY 2022 salary of the Town Clerk retroactive to July 1, 2021 or take any action thereon.

PROPOSED MOTION

***Allen M. Phillips moved that the Town vote to set the rate of compensation to the Town Clerk to the equivalent of the midpoint between Steps 4 and 5 of Level 4 of the Town's FY 2022 Classification and Compensation plan for Fiscal Year 2022, or \$79,477.11, retroactive to July 1, 2021.***

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (5-0-1)

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

Passage of this article, requested by the Town Clerk, would increase her annual salary from the \$68,134 voted at the 2021 May Annual Town Meeting to \$79,477.11, retroactive

to July 1, 2021. This adjustment places her salary range at the midpoint of Steps 4 and 5 of the Town's Classification and Compensation plan, which is appropriate given her knowledge and tenure in the position. The actual appropriation of funds takes place in Article 3.

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

**VOTED 53-13 passed**

**Note from the Moderator on Article 3  
Adjustments to FY 2022 Operating Budget**

There is a procedural note involved with this article. Due to multiple revenue and funding sources, legally there are two separate motions required. They are listed within your voter guides as 'Proposed Motion A' and 'Proposed Motion B'. I am going to ask that both motions be made prior to taking this article under discussion, since they both affect the outcome of this article. Once questions and debate has concluded, I will ask for two separate votes, Article A then Article B.

**ARTICLE 3 ADJUST FY 2022 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, 2021, as voted at the May 11, 2021 Annual Town Meeting Warrant or take any action thereon.

**PROPOSED MOTION**

***A.) John Shocik moved that the Town raise and appropriate \$205,185 to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2021, as listed in the May 11, 2021 Annual Town Meeting Warrant and as amended below:***

| Sources               | Reason                                         | Amount           |
|-----------------------|------------------------------------------------|------------------|
| Raise and Appropriate | Increased overall receipts/reduced assessments | \$205,185        |
| <b>Total</b>          |                                                | <b>\$205,185</b> |

| Department                                | Reason                                                                 | Amount   |
|-------------------------------------------|------------------------------------------------------------------------|----------|
| Legal<br>(01-111-5200-005)                | Legal expenses associated with Becker, among other matters             | \$21,798 |
| Assessors Dept Wages<br>(01-141-5100-001) | Reclassification of Department Assistant to Assistant Assessor         | \$7,544  |
| IT Small Equipment<br>(01-155-5400-005)   | Purchase of ESO Software, plus set up fees and refurbished laptops for | \$10,000 |

|                                               |                                                                                                    |                  |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------|------------------|
|                                               | Ambulance Department. Funded from general fund taxation.                                           |                  |
| Town Clerk Salaries<br>(01-161-5101-000)      | Requested salary increase                                                                          | \$11,343         |
| Fire Salaries<br>(01-220-5101-000)            | Movement of Fire Chief from part time stipend position to full time position                       | \$57,500         |
| Ambulance Wages<br>(01-231-5100-000)          | Hourly rate adjustments required to hire and retain staff; Funded from Ambulance receipts reserved | \$82,000         |
| Ambulance Wages<br>(01-231-5100-000)          | Funding for staff training. Funded from general fund taxation.                                     | \$13,000         |
| Short Term Debt Interest<br>(01-752-5900-000) | Difference between state share of feasibility study and amount not borrowed                        | \$2,000          |
| <b>Total</b>                                  |                                                                                                    | <b>\$205,185</b> |

#### DESCRIPTION

This article adjusts the FY 2022 budget. The revenues which make up the annual budget come from five categories: taxation, state aid, local receipts, free cash, and other available funds. These revenues are not finalized until July or August of each year. However, the budget is assembled in February using conservative forecasted revenue assumptions. When final estimated revenue numbers come in, funds are either apportioned to or removed from departments at the following Fall Town Meeting.

The revenue changes in this article come from the following sources:

| Revenue                     | ATM Projected       | STM Final           | Change           |
|-----------------------------|---------------------|---------------------|------------------|
| Property Tax                | \$17,532,163        | \$17,526,615        | -\$5,548         |
| State Aid                   | \$12,303,558        | \$12,239,775        | -\$63,783        |
| Local Receipts              | \$2,501,000         | \$2,501,000         | 0                |
| Free Cash                   | \$150,000           | \$150,000           | 0                |
| Other Available Funds       | \$436,491           | \$518,491           | \$82,000         |
| Assessments/Offset Receipts | -\$1,280,236        | -\$1,087,720        | \$192,516        |
| <b>Total</b>                | <b>\$31,642,977</b> | <b>\$31,848,162</b> | <b>\$205,185</b> |

#### ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (6-0-0)

#### SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G.L. c. 40, §5

**3-A VOTED 54-11 passed**

**PROPOSED MOTION**

***B.) John Shocik moved that the Town transfer \$29,000 between the following departments as amended below:***

| <b>Transfer from:</b>                       | <b>Transfer to:</b>                                | <b>Amount</b>   |
|---------------------------------------------|----------------------------------------------------|-----------------|
| 01-192-5400-003<br>Town-Owned Buildings     | 01-197-5200-0003<br>Town Hall Building Maintenance | \$20,000        |
| 01-199-5200-004<br>Other General Government | 01-155-5200-003<br>IT                              | \$9,000         |
| <b>Total</b>                                |                                                    | <b>\$29,000</b> |

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

**SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

This second portion of this article seeks to transfer surplus funds identified in the Other Town Buildings account to the Town Hall Building Maintenance Account. The other transfer, from Other General Government to IT, is requested to pay for required firewall protection services for all town computers.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote under M.G.L. c. 40, §5

**3-B VOTED 57-9 passed**

**ARTICLE 4 POLICE CRUISER**

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 one (1) police vehicle or take any action thereon.

**PROPOSED MOTION**

***Herbert R. Duggan moved that the Town vote to transfer \$59,700 from Free Cash to purchase and equip one (1) police vehicle and prepare the vehicle being replaced for use by Fire/EMS.***

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (5-1-0)

**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 daily. 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. This is an early replacement, which will allow the vehicle that is being replaced to be moved over as a Fire/EMS general service vehicle. Cost breakout of the article is

| <b>Use</b>                                                                        | <b>Amount</b>   |
|-----------------------------------------------------------------------------------|-----------------|
| New police cruiser                                                                | \$55,315        |
| Repurpose and repaint of cruiser to Fire/EMS including light changeover and paint | \$4,385         |
| <b>Total</b>                                                                      | <b>\$59,700</b> |

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote under M.G.L. c. 40, §5

**VOTED 54-13 passed**

**ARTICLE 5 POLICE TRAINING FUNDING**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the costs associated with training three new police officers.

**PROPOSED MOTION**

***Dianna Provencher moved that the Town vote to transfer \$18,150 from Free Cash to pay for one-time costs associated with hiring three new police officers.***

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

**SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

The Police Department anticipates hiring three new police officers in FY 2022, and needs funding for one-time training costs, as listed below:

| <b>FY22 COSTS ASSOCIATED WITH (3) NEW HIRE POLICE OFFICERS</b>                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(3) new hires for the (2) open and (1) anticipated opening based on retirement notice for FY22:</b>                                                                                     |
| FY22 budget currently has funding for salaries for (2) open patrolman positions and this should cover (3) open patrolman positions while in academy since they will not be a full FY hire. |

|                                                                                                   |                 |
|---------------------------------------------------------------------------------------------------|-----------------|
| Academy tuition x 3                                                                               | \$9,000         |
| Academy supplies (required supplies & equipment, academy uniforms, training ammunition, etc.) x 3 | \$7,500         |
| Physical Abilities Test (\$150 x 3)                                                               | \$450           |
| Psychological Test (\$400 x 3)                                                                    | \$1,200         |
| <b>Total</b>                                                                                      | <b>\$18,150</b> |

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G.L. c. 40, §5

**VOTED 60-7 passed**

**ARTICLE 6 HIGHWAY REPAIRS AND REIMBURSEMENTS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for replacement and repairs of Highway Department equipment.

PROPOSED MOTION

***Richard Antanavica moved that the Town vote to transfer \$49,745 from Free Cash for repairs and reimbursements for Highway Department expenses.***

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (6-0-0)

SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

The Highway Department has requested funding to rebuild the engine and front end of Truck #4, an International six-wheel dump body that is a front-line vehicle for winter maintenance and summer operations. The Department is also seeking reimbursement for expenses associated with repurposing the former police detective car for inspectional services, installing a new fire hydrant on the Town Common, and storm damage repairs. The Town is awaiting approval from MEMA for storm-related costs on Paxton, Rawson, and Marshall Streets associated with weather events on 8/21 and 8/22. Costs are outlined below.

| <b>Purpose<br/>Amount</b>                                |                  |
|----------------------------------------------------------|------------------|
| Rebuilding engine and front end of Truck #4              | \$ 25,000        |
| Reimbursement for inspectional services vehicle expenses | \$ 2,750         |
| Reimbursement for new fire hydrant on the Town Common    | \$ 9,595         |
| Storm Damage                                             | \$ 12,400        |
| <b>Total</b>                                             | <b>\$ 49,745</b> |

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G.L. c. 40, §5

**VOTED 58-9 passed**

**ARTICLE 7 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 or take any action thereon.

PROPOSED MOTION

***Richard Antanavica moved that the Town raise and appropriate \$35,388 from Free Cash to fund improvements at Towtaid Park, the application of said funding to be prioritized by the Leicester Highway Department.***

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (6-0-0)

SELECTBOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

The Town secured a Shared Winter Streets grant for accessibility, sidewalks, and curb improvements at Towtaid Park, in the amount of \$134,601. The low bid came in at \$169,989 following three rounds of bid solicitation in which the Town received no bids in the first two rounds. The Town needs an additional \$35,388 to fund the project which will still result in the project being primarily grant funded.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G.L. c. 40, §5.

**VOTED 56-9 passed**

**ARTICLE 7:** Richard Antanavica made a motion to change the wording from raise and appropriate to transfer from free cash.

**VOTED 59-8 passed**

**ARTICLE 8 INSTALLATION OF SECURITY CAMERAS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to purchase and install security cameras at various town locations

**PROPOSED MOTION**

***Allen M. Phillips moved that the Town vote to transfer \$70,000 from Free Cash to purchase and install security cameras at Town parks and the former Memorial School, and other town locations deemed to be at risk, upon the recommendation of the Public Safety Committee to the Select Board.***

**ADVISORY COMMITTEE RECOMMENDATION**

Unfavorable Action (6-0-0)

**CAPITAL IMPROVEMENT COMMITTEE**

Favorable Action (6-0-0)

**SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

The Town is seeking to purchase and install cameras at Town parks and other locations to safeguard those properties and identify individuals who vandalize these assets. Although it was originally believed that the Town would need to install an entire security system including a console and a file system, it has since been determined that much of the infrastructure that would be used to receive and store the recordings is already in place. This would allow these funds to be primarily used for the purchase and installation of cameras. The Select Board originally voted a negative recommendation on this article but changed their vote to unanimously support it at their October 18, 2021 meeting. The Advisory Committee will be meeting prior to Town Meeting to consider their recommendation in light of this new information.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote under M.G.L. c. 40, §5

There was much discussion on Article 8: Chair Antanavica spoke stating that LCAC was going to contribute 30-40,000 toward the purchase of the cameras.

**1<sup>st</sup> Vote: 34-31 passed**

**There were 2 more motions for Article 8 taken up after Article 9 was presented see below.**

**Note from Moderator on Article 9**

**FY 2022 Capital Improvement Plan**

Here again, there is a procedural note with this article. Due to multiple revenue and funding sources, two separate motions required. They are listed within your voter guides as 'Proposed Motion A' and 'Proposed Motion B'.

I am going to ask that both motions be made prior to taking this article under discussion, since they both affect the outcome of this article. Once questions and debate has concluded, I will ask for two separate votes, Article A then Article B.

**ARTICLE 9 FY 2022 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, 2021 or take any action thereon.

**PROPOSED MOTIONS**

***A.) John Shocik moved that the Town vote to transfer \$55,000 from Ambulance Receipts Reserved for Appropriation to fund the purchase of a pre-owned ambulance as set forth below:***

| DEPARTMENT | ITEM                               | AMOUNT          |
|------------|------------------------------------|-----------------|
| EMS        | Pre-owned 2013 Chevrolet Ambulance | \$55,000        |
|            | <b>Total</b>                       | <b>\$55,000</b> |

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

**CAPITAL IMPROVEMENT COMMITTEE**

Favorable Action (6-0-0)

**SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

This requested transfer seeks funding from Ambulance Receipts Reserved for Appropriation to purchase a pre-owned 2013 Chevrolet Ambulance with low mileage. This ambulance will allow the Town to replace A-1, a 2015 International that has regular mechanical issues and is frequently out of service. The 2013 Chevrolet has a different motor known to be far more reliable.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote under M.G.L. c. 40, §5

**VOTE 9A: 59-7 passed**

***B.) John Shocik moved that the Town vote to transfer \$30,000 from Free Cash to fund the purchase of a pre-owned ambulance as set forth below:***

| DEPARTMENT | ITEM                                   | AMOUNT          |
|------------|----------------------------------------|-----------------|
| EMS        | Pre-owned 2013 International Ambulance | \$30,000        |
|            | <b>Total</b>                           | <b>\$30,000</b> |

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

CAPITAL IMPROVEMENT COMMITTEE

Favorable Action (6-0-0)

SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This requested transfer seeks funding from free cash to purchase a pre-owned 2013 International Ambulance. The Town is seeking to use free cash for this purchase to avoid fully depleting the Ambulance Receipts Reserved for Appropriation account which is used to fund EMS operations. This pre-owned ambulance has higher mileage than the one listed in the first funding request but is a local vehicle with a good service history and a different drivetrain than the 2015 International the department currently has. It would be used to replace A-3, a 2006 Ford with numerous body and mechanical issues that has been permanently out of service since June due to cost prohibitive repairs.

In summary, the purchase of these two pre-owned ambulances will allow the Town to surplus A-1, a 2015 International that has a troubled repair record, and A-3, a 2006 Ford which has numerous body and mechanical issues. The Town also has a new ambulance on order which will eventually replace A-2, a 2005 Chevrolet which is the oldest vehicle in the fleet. The delivery of the new ambulance has been delayed due to COVID related shortages. In the end, the Town will have replaced its entire fleet of ambulances in order to address reliability and durability issues that have occasionally left the department without adequate coverage, resulting in the Town needing to rely on mutual aid.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G. L. c. 40, §5

**VOTE: 58-8 passed**

**Article 8:** Installation of Security Cameras

I, Christopher Goodney hereby request that Article 8 of the STM be taken up for reconsideration.

Christopher is a member of LCAC and stated the money donation had never been discussed or agreed upon by the board. Another vote was taken.

**2<sup>nd</sup> Vote: 38-24 passed**

**Article 8:** Allen M. Phillips made a motion to reconsider purchasing Security Cameras for the parks.

**3<sup>rd</sup> Vote: 33-33 motion failed**

**ARTICLE 10 STORMWATER MANAGEMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund stormwater management operations throughout the Town, said funds to be expended by the Highway Department, or take any action thereon.

**PROPOSED MOTION**

***Herbert R. Duggan moved that the Town vote to transfer \$15,000 from Free Cash for stormwater management operations throughout the Town, said funds to be expended by the Highway Department.***

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

**SELECTBOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

This article funds stormwater management operations for the Town, including professional services and reporting requirements for the Town's MS-4 permit.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote under M.G.L. c. 40, §5.

**VOTE: 53-10 passed**

**ARTICLE 11 CREATE A RECREATIONAL MARIJUANA HOST COMMUNITY AGREEMENT  
STABILIZATION FUND AND APPROPRIATE FUNDING TO SAID FUND**

To see if the Town will vote to create a Recreational Marijuana Host Community Agreement Stabilization Fund, pursuant to G.L. c. 40, §5B, said fund to receive receipts collected via recreational marijuana host community agreement fees; and further, to raise and appropriate or transfer from available funds a sum of money to the said Host Community Stabilization fund, or take any action thereon.

**PROPOSED MOTION**

***Herbert R. Duggan moved that the Town vote to create a Recreational Marijuana Host Community Agreement Stabilization Fund, pursuant to G.L. c. 40, §5B, said fund to receive receipts collected via recreational marijuana host community agreement fees; and further, to transfer from free cash the sum of \$500,000 to the Host Community Stabilization fund.***

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (5-1-0)

**SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

According to guidance issued by the Cannabis Control Commission (CCC), Host Community Agreements for recreational marijuana are to be used to offset costs associated with local impacts resulting from recreational marijuana businesses within the Town. There continue to be discussions at the state level as to whether that requirement is just or enforceable. Creating a stabilization fund for these receipts until their lawful use can be determined would ensure the Town does not have to raise funds at a future Town Meeting should these funds be used and end up having to be returned.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote pursuant to G.L. c. 40, §5B.

**VOTE: 58-10 passed**

**ARTICLE 12 REVOKE ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS  
CHAPTER 53, SECTION 18B (INFORMATION RELATING TO QUESTIONS  
ON TOWN BALLOT; CONTENTS; WRITTEN ARGUMENTS BY  
PROPOSANTS AND OPPONENTS**

To see if the Town will vote to revoke acceptance of MGL Chapter 53, Section 18B, which requires information on town ballot questions to be addressed via written arguments from question proponents and opponents, be vetted by Town Counsel, and made available to the voters of the Town.

**PROPOSED MOTION**

***John Shocik moved that the article be passed over***

**ADVISORY COMMITTEE RECOMMENDATION:**

Favorable Action (6-0-0)

**SELECTBOARD RECOMMENDATION:**

Pass over (5-0-0)

**DESCRIPTION**

The acceptance of this law, which relates to an informational process to be followed for ballot issues, was adopted at Town Meeting on October 30, 2018. The process itself has proved to be costly and overtly cumbersome, but it must be followed by law. The statute must be in place for three years before it can be repealed. Revocation at this meeting misses this deadline by four days, so this article should be passed over at this time. The Advisory Committee will consider this information when it meets in advance of Town Meeting.

**VOTE REQUIRED FOR PASSAGE:** Requires a simple majority per M.G.L. c. 53, § 18B



## **NO VOTE TAKEN ARTICLE 12 IS A PASSOVER**

### **ARTICLE 13 FUNDING THE CABLE PEG ACCESS BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the cable access budget under the direction of the Leicester Cable Access Corporation (LCAC) or take any action thereon.

#### **PROPOSED MOTION**

***Dianna Provencher moved that the Town vote to appropriate from cable access retained earnings the sum of \$366,562 to fund the FY 2022 Cable Access budget, under the direction of the Leicester Cable Access Corporation (LCAC).***

#### **ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

#### **SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

#### **DESCRIPTION**

The Town serves as a pass-through for franchise fees collected from cable subscribers which support our local cable PEG access service (LCAC). This amount represents the amount of retained earnings in the Cable PEG access account that was certified as excess by the Department of Revenue at the close of Fiscal Year 2021.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote under M.G.L. c. 40, §5

**VOTE: 57-4 passed**

### **ARTICLE 14 AMEND THE REVOLVING FUND BYLAW**

To see if the Town will vote to amend the revolving fund bylaw, as listed in the Town Meeting warrant, or take any action thereon.

#### **PROPOSED MOTION**

***Richard Antanavica moved that the Town vote to amend the Town's revolving fund bylaw, as follows:***

- 1.) To amend the language of the Town Hall revolving fund as listed in the grid below to allow for the collection of receipts and payment of expenses associated with the Town Bandstand**

| <b>A<br/>Revolving<br/>Fund</b> | <b>B<br/>Department,<br/>Board,<br/>Committee,<br/>Agency or<br/>Officer<br/>Authorized to</b> | <b>C<br/>Fees,<br/>Charges or<br/>Other<br/>Receipts<br/>Credited to<br/>Fund</b>                          | <b>D<br/>Program or<br/>Activity<br/>Expenses<br/>Payable<br/>from Fund</b>             | <b>E<br/>Restrictions<br/>or<br/>Conditions<br/>on Expenses<br/>Payable from<br/>Fund</b> | <b>F<br/>Other<br/>Requirements/<br/>Reports</b> | <b>G<br/>Fiscal<br/>Years</b>                     |
|---------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------------------|
| Town<br>Hall/Bandstand          | Town<br>Administrator                                                                          | Fees<br>charged and<br>received by<br>the Town for<br>renting out<br>the Town<br>Hall and the<br>Bandstand | Expenses<br>associated<br>with<br>maintenance<br>costs at<br>the Town<br>Hall/Bandstand | None                                                                                      | None                                             | Fiscal<br>Year<br>2018 and<br>subsequent<br>years |

**2.) To create a Former Becker Property Revolving Fund, pursuant to MGL Chapter 44, Section 53 E1/2 with the annual fund retention limit set at \$500,000:**

| <b>A<br/>Revolving<br/>Fund</b>     | <b>B<br/>Department,<br/>Board,<br/>Committee,<br/>Agency or<br/>Officer<br/>Authorized to</b> | <b>C<br/>Fees,<br/>Charges or<br/>Other<br/>Receipts<br/>Credited to<br/>Fund</b>                                                                      | <b>D<br/>Program or<br/>Activity<br/>Expenses<br/>Payable from<br/>Fund</b>                                                         | <b>E<br/>Restrictions<br/>or<br/>Conditions<br/>on<br/>Expenses<br/>Payable</b> | <b>F<br/>Other<br/>Requirements/<br/>Reports</b> | <b>G<br/>Fiscal<br/>Years</b>                        |
|-------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------|
| Former<br>Becker<br>Property<br>Use | Select<br>Board/Town<br>Administrator                                                          | All fees<br>collected for<br>the use of the<br>former Becker<br>property;<br>including lease<br>and rental<br>payments,<br>donations, and<br>any other | All costs<br>associated<br>with the<br>operation of<br>the former<br>Becker<br>property,<br>including<br>utilities,<br>maintenance, | None                                                                            | None                                             | Fiscal<br>Year<br>2022<br>and<br>subsequent<br>years |

**3.) To create an EV Charging Station Fund, pursuant to MGL Chapter 44, Section 53 E1/2, with the annual fund retention limit set at \$10,000:**

| <b>A<br/>Revolving<br/>Fund</b> | <b>B<br/>Department,<br/>Board,<br/>Committee,<br/>Agency or<br/>Officer<br/>Authorized to</b> | <b>C<br/>Fees,<br/>Charges or<br/>Other<br/>Receipts<br/>Credited to<br/>Fund</b> | <b>D<br/>Program or<br/>Activity<br/>Expenses<br/>Payable<br/>from Fund</b> | <b>E<br/>Restrictions<br/>or<br/>Conditions<br/>on<br/>Expenses<br/>Payable</b> | <b>F<br/>Other<br/>Requirements/<br/>Reports</b> | <b>G<br/>Fiscal<br/>Years</b> |
|---------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------|
|---------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------|

|                         |                           |                                                                                                            |                                                                                               |             |             |                                              |
|-------------------------|---------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------|-------------|----------------------------------------------|
| <b>EV Charging Fund</b> | <b>Town Administrator</b> | <b>All fees collected by Electric Vehicle charging stations, as well as any associated fees, local aid</b> | <b>Maintenance, warranty, and electricity expenses associated with the charging stations.</b> | <b>None</b> | <b>None</b> | <b>Fiscal Year 2022 and subsequent years</b> |
|-------------------------|---------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------|-------------|----------------------------------------------|

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

**SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

This article requests amendments to the revolving fund bylaw for the following purposes:

- 1.) To allow the fees received from rental of the Bandstand to go into the Town Hall revolving account and allow repairs and maintenance to the Bandstand to be paid from that account.
- 2.) To establish a Former Becker Property Use fund to allow all fees collected from all uses and events at the former Becker campus to be placed in a new revolving fund. These funds will be used exclusively for maintenance of that property.
- 3.) To establish an EV Charging revolving fund that will allow fees taken in by EV charging stations that are being installed to be used to maintain the stations and paying for the electricity and costs associated with the ChargePoint system that runs the station.

**VOTE REQUIRED FOR PASSAGE** Requires a simple majority vote

**VOTE: 62-5**

**ARTICLE 15 ACQUISITION OF PERMANENT DRAIN EASEMENT REQUIRED FOR  
LEICESTER FIRE & EMS HEADQUARTERS STORMWATER  
IMPROVEMENTS**

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, or otherwise, the following permanent drain easements:

1. over, under, across and upon a portion of that land located at **5 Gleason Way, Leicester, Massachusetts**, shown as "PROPOSED 15' WIDE DRAIN EASEMENT AREA = 2,007 SQUARE FEET (0.046 ACRES)" on a plan titled "Easement Plan of Land in Leicester Massachusetts" dated March 9, 2021, prepared by VHB, Inc. in consideration of Three Thousand One Hundred Fifty-Nine and 00/100 Dollar (\$3,159.00);

2. over, under, across and upon a portion of that land located at **22 Warren Avenue, Leicester, Massachusetts**, shown as "PROPOSED 15' WIDE DRAIN EASEMENT AREA = 2,457 SQUARE FEET (0.056 ACRES)" on a plan titled "Easement Plan of Land in Leicester Massachusetts" dated March 9, 2021, prepared by VHB, Inc., in consideration of Four Thousand Two Hundred Sixty-Four and 00/100 Dollar (\$4,264.00); and
3. over, under, across and upon a portion of that land located at **14 Harberton Drive, Leicester, Massachusetts**, shown as "PROPOSED DRAIN EASEMENT AREA = 17,126 SQUARE FEET (0.393 ACRES)" on a plan titled "Easement Plan of Land in Leicester Massachusetts" dated May 5, 2021, prepared by VHB, Inc.,

or take any action thereon.

**PROPOSED MOTION**

***Allen M. Phillips moved that the article be voted as written.***

**ADVISORY COMMITTEE RECOMMENDATION**

Favorable Action (6-0-0)

**SELECT BOARD RECOMMENDATION**

Favorable Action (5-0-0)

**DESCRIPTION**

There are three easements required to provide a path for stormwater runoff from the Fire Station property at 3 Paxton Street. Passage of these articles will allow this project to move forward.

**VOTE REQUIRED FOR PASSAGE** Requires a 2/3<sup>rd</sup>s majority vote

**VOTE; 55-8 PASSED**

**ARTICLE 16 AMEND THE ZONING BYLAWS**

To see if the Town will vote to amend Section 1.3 (Definitions) and Section 3.2.03 of the Zoning Bylaws, as listed in the Town Meeting warrant,

**Zoning Bylaw Amendments:  
Marijuana Establishments  
7/29/2021**

***A. Amend Section 1.3 (Definitions), by inserting new definitions and amending existing definitions, as follows:***

**MARIJUANA COURIER:** an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Medical Marijuana Treatment Center but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): *Control Limitations*.

**MARIJUANA DELIVERY LICENSEE:** an entity that is authorized to deliver marijuana and marijuana products directly to consumers and as permitted, Marijuana Couriers to patients and caregivers

**MARIJUANA DELIVERY OPERATOR:** an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): *Control Limitations*.

**MARIJUANA ESTABLISHMENT:** a licensed Marijuana Cultivator, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Delivery Operator 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. Not to include Marijuana Outdoor Cultivator or Marijuana Delivery Operator. ***[amended ATM 6/2/2020]***

**MARIJUANA RETAILER, CONSUMER SALES ONLY:** a marijuana establishment that involves on-site retail sales to consumers and may also involve delivery to consumers by Marijuana Courier, excluding Marijuana Social Consumption Operators.

***B. Amend Section 3.2.03, by inserting new use #23 (and renumbering later uses), as follows:***

| 3.2.03 BUSINESS |                           | SA       | R1       | R2       | B        | CB        | I         | BI-A      | HB-1<br>& HB. |
|-----------------|---------------------------|----------|----------|----------|----------|-----------|-----------|-----------|---------------|
| 23.             | <u>Marijuana Delivery</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>Y</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>Y</u>      |

Or take any action relative thereto

PROPOSED MOTION

***Herbert R. Duggan moved that the article be voted as written.***

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (5-0-0)

SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

DESCRIPTION

This article establishes a Marijuana delivery use within the Town and establishes specific zones for which it would be allowed on the table of uses.

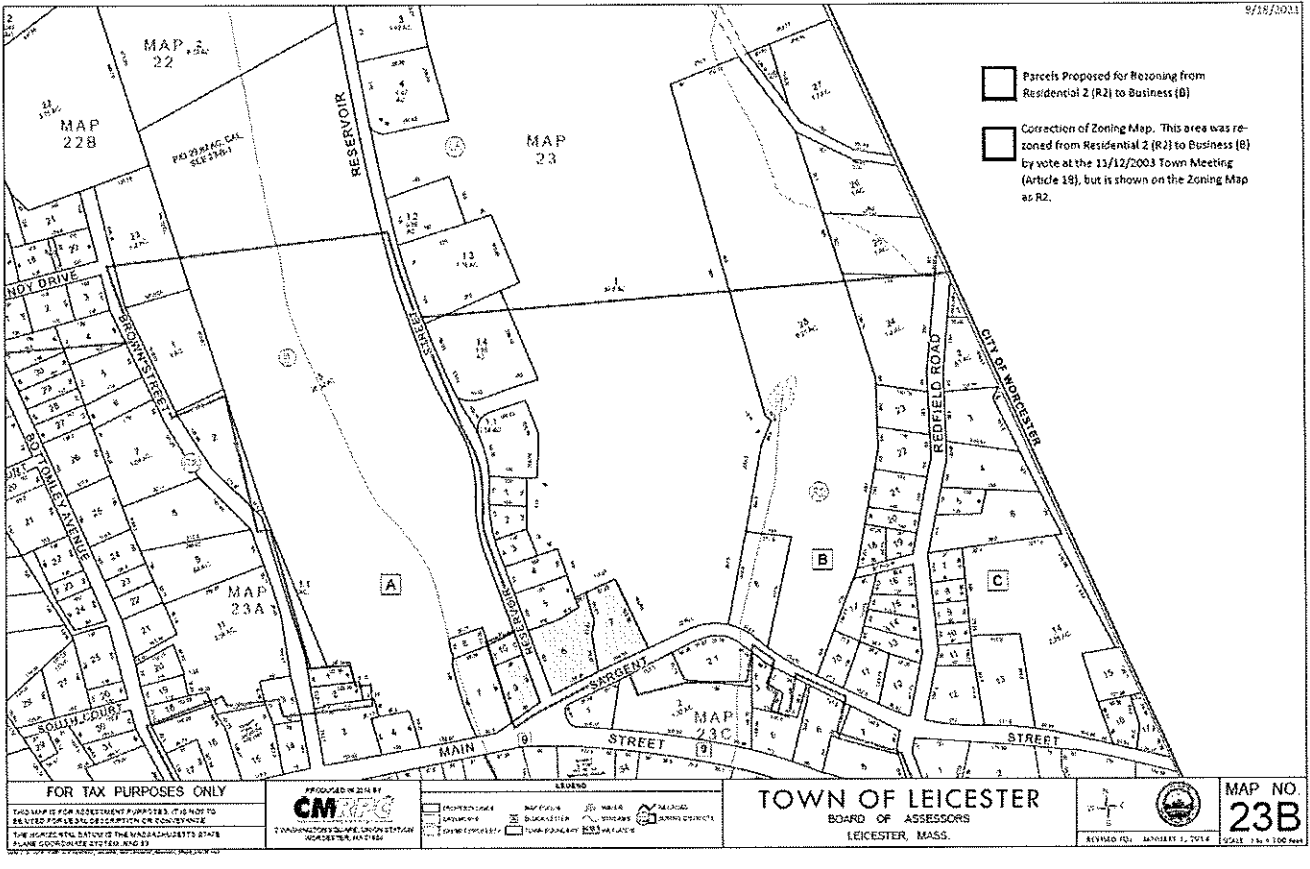
VOTE REQUIRED FOR PASSAGE Requires a 2/3<sup>rd</sup>s majority vote under M.G.L. c. 40A, §5

**VOTED: 52-10 passed**

**ARTICLE 17 AMENDMENT TO THE ZONING MAP**

To see if the Town will vote to amend the Zoning Map to rezone the following parcels from Residential 2 (R2) to Business (B): 4, 18 & 18A Sargent Street, and 1 Reservoir Street (Assessors Map 23B, Parcels A9, A10, B6, & B7); and to correct an error on the Zoning Map to reflect a change from R2 to B approved 11/12/2003, Article 18 (affecting 146 Main Street/Map 23C, Parcel J2) so that the entire parcel is in the B district as intended or take any action relative thereto.

See MAP below



## PROPOSED MOTION

***John Shocik moved that the article be voted as written.***

## ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (5-0-0)

### SELECT BOARD RECOMMENDATION

Favorable Action (5-0-0)

## DESCRIPTION

This article requests a change to the zoning map to correct an error from 11/12/2003 Town Meeting.

**VOTE REQUIRED FOR PASSAGE** Requires a 2/3<sup>rd</sup>s majority vote under M.G.L. c. 40A, §5

**VOTED: 59-5 passed**

There was no electronic vote to adjourn the Special Town Meeting. The Moderator declared the meeting was adjourned by a majority vote at 8:36pm with 71 voters present.

Respectfully submitted,

Deborah K, Davis  
Leicester Town Clerk