



# **POLICIES AND PROCEDURES**

## **BOARD OF SELECTMEN**

### **TOWN OF LEICESTER**

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**POLICIES and PROCEDURES  
TOWN OF LEICESTER  
BOARD OF SELECTMEN**

***PURPOSE:***

The Board of Selectmen of the Town of Leicester, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating procedures of the Board of Selectmen.

***NATURE OF POLICIES and PROCEDURES:***

These policies and procedures shall contain items relating to topics that cannot be addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation shall not be addressed in this format.

***PROCEDURE FOR ESTABLISHING POLICIES and PROCEDURES:***

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts shall be in writing, and may be introduced only by a member of the Board or the Town Administrator. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary. Four votes of a five member board is necessary for adoption.

The Town Administrator shall be responsible for the maintenance of all policies and procedures.

***GOALS & OBJECTIVES:***

The goals are numerous and varied. In consideration of same the Board will review the Town's Master Plan, Open Space and Recreation Plan and like documents.

***AUTHORITY:***

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts and the By-Laws of the Town of Leicester.

***ELECTION and QUALIFICATION:***

In accordance with the Town Meeting vote of April 29, 1958, the Board shall consist of five duly elected members. Before assuming official duties, each newly elected member shall be sworn to faithful performance of official responsibilities by the Town Clerk.

***VACANCIES ON THE BOARD:***

When a vacancy occurs in the membership of the Board of Selectmen, the Board or its remaining members shall call a special town election to fill the unexpired term or terms in accordance with the Massachusetts General Laws.

***ROLE OF THE BOARD OF SELECTMEN:***

The Board is responsible for policy development, and review for compliance. The Board works with the Town Administrator on policy formulation.

The Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. This responsibility is delegated to the Town Administrator, and the Board will refrain from involvement in day to day operations. Concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Administrator. The responsibility for addressing these issues is thus carried out through the Town Administrator. Selectmen may be called upon to resolve disputes that are unable to be resolved on the staff level. The Selectmen may follow up on concerns or issues addressing these approved policies.

**ROLE OF THE TOWN ADMINISTRATOR:**

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in the position's job description. The Town Administrator shall also assist and work under the direction of the Selectmen in the formulation of policy.

The Town Administrator must maintain a close working relationship with all members of the Board. He/she shall regularly brief the Board on all important issues.

In order to provide the Town with continuity of management and the Town Administrator with job security, the Selectmen are committed to maintaining an employment agreement with the Town Administrator, as permitted by statute.

**BOARD ETHICS:**

1. A member of the Board of Selectmen, in relation to his or her community should:
  - A. Realize that his or her basic function is to make policy, with administration delegated to the Town Administrator.
  - B. Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.
  - C. Be well informed concerning the duties of a board member on both local and state levels.
  - D. Remember that he or she represents the entire community at all times.
  - E. Accept the office of Selectman as a means of unselfish service, not benefit personally or politically from his or her board or outside activities.
  - F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
  - G. Abide by the ethics established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
  
2. A member of the Board of Selectmen, in his or her relations with administrative officers of the Town, should:
  - A. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.
  - B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.

- C. Give the Town Administrator full responsibility for discharging his or her disposition and solution.
3. A member of the Board of Selectmen, in his or her relations with fellow board members, should:
- A. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board outside of such meetings.
  - B. Not make statements or promises of how he or she will vote on matters that will come before the board until he or she has had an opportunity to hear the pros and cons of the issue during a board meeting.
  - C. Uphold the intent of executive session and respect the privileged communications that exists in executive session.
  - D. Make decisions only after all facts on an issue have been presented and discussed.
  - E. Treat with respect the rights of all members of the board despite differences of opinion.

**ORGANIZATION OF THE BOARD:**

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. A majority vote shall constitute an election. Nominations require no second. The Board shall further appoint a Vice-Chairman and a Second Vice-Chairman under the same provisions stated for the Chairman. Any of the aforementioned officers may be removed by a 4/5 vote of the Board.

The first regular meeting following Annual Town Election shall convene with the immediate past Chairman presiding as Chairman Pro-Tem until the Chairman is elected. If there is no immediate past Chairman, the immediate past Vice-Chairman shall serve as Chairman Pro-Tem. In the absence of an immediate past Chairman and Vice-Chairman, the immediate past Second Vice-Chairman shall serve.

**RESPONSIBILITIES OF THE CHAIRMAN:**

The Chairman of the Board shall:

1. Preside at all meeting of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
2. Sign official documents that require the signature of the Chairman.
3. Call special meeting in accordance with the Open Meeting Law.
4. Prepare agenda with the Town Administrator
5. Arrange orientation for new members.
6. Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairman.
7. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman.

8. Make liaison assignments and assign overview responsibilities for projects and tasks to Board members unless otherwise determined by the Board.

The Chairman shall have the same rights as other members to discuss questions and to vote thereon. In the absence of other offerings he/she may introduce motions, seconds to motions and resolutions.

***RESPONSIBILITIES OF THE VICE-CHAIRMAN:***

The Vice-Chairman of the Board shall act in place of the Chairman during his/her absence at meetings. Should the chairman leave office, the Vice-Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

***RESPONSIBILITIES OF THE SECOND VICE-CHAIRMAN:***

The Second Vice-Chairman of the Board shall act in place of the Vice-Chairman during his/her absence at meetings. Should the Vice-Chairman leave office, the Second Vice-Chairman shall assume the duties of Vice-Chairman until the Board elects a new Vice-Chairman.

***RESPONSIBILITIES OF ALL BOARD MEMBERS:***

The Board of Selectmen are responsible to sign Payroll and Expense Warrants prior to Tuesday morning of each week. The Board members are responsible to pick up their meeting packets and be prepared for discussion of the items on the agenda.

***REGULAR BOARD MEETINGS:***

Regular Board Meetings are held on the 2nd and 4th Tuesdays of each month beginning at 7:00 PM. This schedule will be re-voted each year during reorganization period. The Board shall not meet on days designated as legal holidays.

***EMERGENCY MEETINGS:***

Emergency meetings may be convened when a sudden, generally unexpected occurrence or set of circumstances demanding immediate action takes place. The Chairman shall have the authority to call emergency meetings of the Board.

***SPECIAL BOARD MEETINGS:***

A meeting called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called provided that a majority of the members agree to meet and all Board members are notified.

***WORKING MEETINGS:***

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted in accordance with the Open Meeting Law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

***MEETING PROCEDURES:***

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedure be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the

expression of opinion. Robert's Rule of Order may be used as a guide in matters requiring clarification of definition.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes will be identified by name of member.

The Town Administrator is expected to be in attendance at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised and recommend in all matters that fall within the jurisdiction of his office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his jurisdiction.

***EXECUTIVE SESSION:***

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of or beginning of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter into Executive Session the reason the session is sought. A majority of the members present must vote to enter into Executive Session by roll call vote. The Chairman must state whether or not the Board will reconvene into open session.

***AGENDA PROCEDURES:***

The responsibility for coordinating and planning the weekly agenda is that of the Town Administrator. Each of the Board members and the Town Administrator may place items on the agenda. The Town Administrator, in consultation with the Chairman, shall schedule a realistic time period for each appointment, interview, conference or other scheduled items of business.

All items for the agenda must be submitted to the Town Administrator by 10:00 AM on the Friday preceding the meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "Late Correspondence".

Agenda items normally include:

1. Call the meeting to Order
2. Pledge of Allegiance
3. Action Items
4. Correspondence
5. Town Administrator's Report
6. Signatures
7. Notes
8. Old/New Business
9. Committee Reports
10. Acceptance of minutes
11. Adjournment

Members of the Board, staff, Town Administrator or others who prepare background material for the meeting should make an effort to have such material available for Friday afternoon. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda shall be available to the public and the press at the Selectmen's Office the Monday morning of the meeting date and shall be posted at the Town Office bulletin board that same morning. Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to the Board members.

The Board shall not begin discussion of or act on an agenda item after 10:00 PM of a regularly scheduled meeting. This rule may be waived by a majority vote of the members present.

**MINUTES:**

The Secretary to the Board of Selectmen shall record open meetings of the Board by tape recorder or other approved method. The Secretary shall draft minutes from the tape/notes.

Minutes circulated to members of the Board on or before any Friday shall be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Approved minutes shall be recorded in a Minute Book, which shall be bound when filled to capacity. Minutes of Executive Sessions shall be separately kept and recorded in accordance with the above procedures. Minutes (other than of executive session) are open for public inspection. Copies of all approved open session minutes shall be sent to the Leicester Public Library for viewing by the public and recorded with the Town Clerk.

**APPOINTMENTS:**

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case may appointments be made for more than three years unless specifically allowed by State Law. Appointments generally are made prior to March 31st, April 30th or June 30th expirations. In the case of appointments, no second to the nomination or motion will be required prior to Board action. Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practical. Vacancies could be advertised in the local paper as well as on Cable TV. Appointments should be based on merit and qualifications rather than political merit.

The Town Administrator will:

1. Provide on March 15th, April 15th or June 15th (according to expiration date of term) a list of the appointment vacancies to be filled by the Board.
2. Notify the chairman of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
3. Notify incumbents and request their statements of availability regarding reappointment.

The Selectmen may meet with potential new appointees at an open meeting before making a final decision on the appointment. Appointments will normally be made only when all members of the Board are present. Appointments will be made by a majority vote of the Selectmen.

If a vacancy occurs in any elective town office, other than the Office of Selectmen or Town Clerk, the Selectmen shall in writing appoint a person to fill such vacancy.

**JOINT APPOINTMENTS:**

If there is a vacancy in a board consisting of two or more members, the remaining members shall give written notice thereof, within one month of said vacancy, to the Selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The Selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.

If a vacancy occurs on the Leicester Advisory Committee, the Board of Selectmen, the Moderator, and the remaining members of the Advisory Board shall by 2/3 vote of those present fill any unexpired term to the Advisory Committee as soon as possible after the Town Clerk has been notified that a vacancy exists.

When filling Advisory Committee or elected board vacancies the Board of Selectmen shall invite the candidate(s) to a joint meeting of the board for an interview. The Chairman of the Board will allow each Selectman to ask questions of the candidate and make further comment. The Chairman will then allow each member of the subject Board present to ask questions of the candidate and make further comment. The Selectman Chairman will then conduct an alternating roll call vote with a Selectman voting first, a member of the subject board second and so on.

**ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:**

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of the government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committees' agendas and minutes. The Board will discharge committees upon the completion of their work.

The charges and membership of standing advisory committees shall be reviewed periodically - at least annually - to assess the necessity and desirability of continuing the committee. Reappointments will be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement and the changing needs of the committee and the town.

It is the policy of the Selectmen to appoint qualified citizens representing all sections of the Town to all such advisory committees. The Board will normally appoint no individual to more than one standing advisory committee at any one time.

In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable.

**RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS:**

The Board of Selectmen is aware that coordination and cooperation is needed among the Town's major boards, committees and commissions not only in the day-to-day operations of government but also to:

1. Set townwide goals and priorities
2. Identify and anticipate major problems and working together toward their resolution

3. Develop a process for dealing with other governments.

Therefore, as the executive board historically responsible for the overall leadership and coordination of town affairs, the Selectmen will:

1. Regularly schedule meetings with the chairman of major boards and committees to carry out functions 1-3 listed above. One meeting shall, if possible, be held between the annual election and the start of town meeting for the purpose of reviewing the warrant and expediting town meeting.
2. Regularly schedule meetings of the Selectmen, Advisory Committee and School Committee with State legislators to discuss legislative issues which affect the Town of Leicester.
3. The Town Administrator is responsible for inter-board communication in the day-to-day operations of government. The Town Administrator shall develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and commissions with common interest, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports, and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects such as housing needs, revitalization of the center, etc.
4. Appoint certain members of the Board of Selectmen to act in the liaison role defined above.

***RELATIONS WITH CITIZENS:***

The Board recognizes that it both represents and is accountable to all the citizens of the Town. It is the Board's policy to make every effort to strengthen communications with citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the town meeting which will affect them. To this end the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Board by contacting the Town Administrator, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible, so that all parties involved can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Board's meeting packet.
2. Persons who will be directly affected by proposed Board discussions and/or action will be notified by the Secretary of the date and time of meeting at which the matter will be discussed or acted upon by the Board.
3. If the Board is considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman or upon request of any member of the Board.
4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Chairman, after consulting with the Board, or at the discretion of the Chairman, or the Town Administrator.
5. All other questions and all complaints are to be referred to the Selectmen's Office for action

or recommendations. In emergencies or like instances where common sense dictates that the Board member receiving the complaint deal directly with a department head, the Board member shall inform the Town Administrator in writing of the issue and its disposition.

***EMPLOYEE GRIEVANCES:***

Under the Personnel ByLaw, the personnel practices are formulated by the Town Administrator with the approval of the Personnel Board. Accordingly, procedures are to be handled in accordance with the policies and procedures of the Personnel Board as they appear in the Town of Leicester Employee Handbook. If employee's grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

Selectmen will not intercede or interfere with the process. The employee will be shown the administrative process to be followed. If an employee requests a meeting with the Board (as the appointing authority), the Board will defer such meeting until all other remedies have been exhausted.

***HEARINGS BEFORE THE BOARD:***

Hearings before the Board of Selectmen generally shall be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedure for conducting dog hearings, license hearings, and utility hearings are hereinafter outlined:

1. Notice: The Secretary will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.
2. Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.
3. The Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given.
1. The order of presentation will be:
  - a. Presentation by the Proposer
  - b. Receipt of recommendations from any Town agency or officer
  - c. Statements by proponents
  - d. Statements by opponents
  - e. Rebuttal statements by proponents and opponents
  - f. Where appropriate, questions may be asked of any person making a statement after statement is finished. Questions will be accepted first from members of the Board.
5. The Board may permit persons not desiring to speak to record themselves as in favor or against the proposal. At the discretion of the Board, a show of hands may be taken.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

***PROCEDURE FOR CONDUCTING DOG HEARINGS:***

A written complaint sworn under oath must be filed with the Board of Selectmen. The complaint should describe and name the dog and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

Upon receipt of a request for a hearing, the hearing will be included in the agenda for a regular meeting or at the discretion of the Chairman, the complaint may be referred to the Town

Administrator or his/her designee for mediation. In either case the Secretary will notify the Animal Control Officer and all involved persons. Advertisement of hearing is not required. Hearings will be held in open session. The procedure for conducting a hearing is as follows:

1. Read sworn complaint - fully identify and describe dog, present picture when available. Note that the hearing is being conducted under Chapter 140, Section 157 of the MGLs. If the complainant has not previously filed a sworn written complaint, the complainant must be sworn in at the time of the hearing.
2. Hear reports of the Animal Control Officer and/or health officer - make sure dog is fully identified here.
3. Take testimony under oath from complainants who have not previously filed written sworn complaints and all witnesses. Directly question as to why dog is considered vicious or dangerous. Are they fearful of dog? Is there excessive barking, etc.?
4. Take testimony under oath of owner and/or other speaking on his behalf.
5. At the conclusion of a mediation hearing the TA or his designee may take the matter under advisement, announce the terms of a mediated settlement or remand the matter to the Board of Selectmen. All parties of interest will receive written notice of the outcome.
6. Upon the rendering of decisions by the Board of Selectmen, the dog Owner will be notified in writing of the findings via Certified Mail, Return Receipt Requested. If the outcome requires, the appeal language within MGL Chapter 140, Section 157 will be captioned in the text of the letter to the dog Owner and a copy of the law included for the Owner's information.
7. Unless requested by the Board, the dog shall not attend the hearing.

***TOWN MEETINGS:***

***1. Annual Town Meetings***

There shall be an Annual Town Meeting on the first Monday in May of each year for the consideration of all Town business properly before the meeting. The Annual Town Meeting Warrant is the Selectmen's warrant by statute. The Selectmen may insert articles in the warrant on their own initiative or by written petition signed by ten (10) registered voters for the Annual Town Meeting.

***2. Special Town Meetings.***

The Selectmen will call a Special Town Meeting when deferment of the particular matter(s) proposed for inclusion on the Warrant for the Special Town Meeting will not serve the interest of the Town. The Selectmen must call a Special Town Meeting if they receive a written request, signed by two hundred (200) registered voters. It is the practice of the Town of Leicester to address major issues at the Annual versus a Special Town Meeting. Zoning articles are encouraged to be placed on the normal Fall Special Town Meeting.

The Selectmen may insert articles in the warrant on their own initiative or by written petition signed by one hundred (100) registered voters for Special Town Meeting. The Selectmen may also insert articles in the warrant upon request of another committee.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters, the Selectmen shall strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Selectmen may consult with other town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted for each Town Meeting.

***ADOPTED BY THE BOARD OF SELECTMEN January 6, 1998***

AMENDED BY BOARD OF SELECTMEN:  
November 30, 1999

AMENDED BY BOARD OF SELECTMEN:  
October 23, 2001

AMENDED BY BOARD OF SELECTMEN:  
January 4, 2000

AMENDED BY BOARD OF SELECTMEN:  
March 12, 2002

AMENDED BY BOARD OF SELECTMEN:  
March 13, 2001

**APPENDIX TO SELECTMEN'S POLICIES AND PROCEDURES**

**EXISTING**

- A. Parking Rules & Regulations
- B. Liquor License Rules & Regulations
- C. Sexual Harassment Policy and Procedures
- D. Procedures for Designer Selection
- E. Town of Leicester Safety Policy
- F. Family and Medical Leave Act Policy
- G. Fee Schedules:           Selectmen's Office  
  [Code Inspection](#)
- H. Off-duty Police Work Detail Policy
- I. Road Conversion Policy

**PROPOSED**

- G. Purchasing Rules & Regulations
- H. Inspection of Public Records
- I. Private Streets
- J. Volunteer Work on Town Property

K. Permit & Inspection Fees