



Town of Leicester, Massachusetts

Special Town Meeting Guide

Fall Town Meeting – October 24, 2023 – 7:00PM

“In the Hands of the Voters”

Meeting location:
Town Hall Gymnasium
3 Washburn Square
Leicester, MA 01524

Published 10/17/2023

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,

Doug Belanger

Town Moderator

*On September 6, 2023, the Division of Local Services certified the Town of Leicester's FY 2023 Free Cash in the amount of **\$1,841,834** for the General Fund, **\$344,807** in Retained Earnings for the LCAC Cable PEG Access enterprise fund, and **\$1,040,057** for the Ambulance/EMS Enterprise Fund. If all if the transactions listed are voted at Town Meeting, the remaining balance in Free Cash will be **\$1,285,407.95.***

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-fourth day of October 2023 at 7:00 PM, then and there to act on the following articles, namely:

Good evening,

My name is Doug Belanger, and it is my distinct honor to serve as your Town Moderator.

As Town Meeting members, you serve as the Legislative body for all community matters.

Tonight, you will give direction and set parameters for your town officials.

I have always believed that the best way to improve our community is to participate in the formation of its policies. Thank you for being part of that process tonight.

I would add that your service is needed in year-round participation in Boards and Committee's that form policies and procedures.

How often have we heard the words: "what are they doing" when talking about various decisions made by our officials. Well, this is the time and place that you get to change the "why don't they ...to why don't we!!!

A review of our basic rules and procedures is listed in your town meeting guide so I will simply highlight a few key components.

As Moderator, I will act as your presiding officer (the referee if you will). I respect how valuable your time is so I will endeavor to maintain a fair, open, orderly, and efficient meeting. Each of you, within the rules has the right to speak for, against, or ask questions on, Articles that are before us. Simply approach the microphone, give your name and address and pose your question to the Moderator. I will in turn, call on the appropriate party to try to address your concern.

Only people recognized by the Moderator may speak. Back and forth between parties will not be tolerated.

Furthermore, Heckling or harassment of a recognized speaker will not be tolerated. Our Police Chief Ken Antanavica will explain the law.

Don't make me call upon his services.

Also please be advised that I will strictly enforce the Town By-Laws addressing Town Meeting protocol, which basically allows a person to address each article up to two times for a maximum of ten minutes.

However, no person shall speak more than once on any question to the exclusion of any other person.

Simply put: if you have already spoken on an Article, and there are others in line who have not, you must go behind any first time speakers.

Finally, participation in this meeting is open to registered voters of the town of Leicester. If you are not a Leicester voter and are at least 18 years old, you are required to take a seat in the chairs to my left. Children of registered voters may stay with their parents. If you are an attorney or representative of an interested party with business before this meeting, you must disclose that fact before attempting to address this body.

(Administration explains voting device.)

For the record, I am in receipt of the return of service of the posting of the warrant and we have a quorum. I therefore call this meeting to order.

Please silence all electronic devices and rise for the Pledge of Allegiance.

Please remain standing and join me in observing a moment of silence for all those who serve, and have served, in our military and all of our health and safety professionals.

As Moderator, it is highly recommended that I refrain from sharing personal opinions on any item before us; so if you see a trickle of blood coming from the corner of my mouth, don't be alarmed.....it's just me biting my tongue!

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

SPECIAL TOWN MEETING - October 24, 2023

On the Third (3rd) Tuesday of October 2023 at seven o'clock (7:00) P.M., at the Town Hall Gymnasium, 3 Washburn Square, Leicester, MA, 239 Registered voters were present. Calling of the meeting and the officer's return of service were in order as required.

Town Moderator Doug Belanger began the 2023 Special Town Meeting at 7:05 pm by saying that the Town Clerk had indicated that a quorum had been reached and that the Warrant was returned. New Town Office personnel were introduced, Assistant Town Administrator, Justine Caggiano and Town Clerk, Pamela LaFleur. Testing of the voting clickers was held. Mr. Belanger then led us all in the Pledge of Allegiance, Mr. Belanger then called for a moment of silence in honor of those afflicted by war and those in the Military who are currently serving and whom have served as well as our health care professionals

Mr. Belanger introduced Representatives David LeBoeuf and Paul Frost in appreciation for attending the meeting.

Motion from Mr. Antanavica and second received to move the reading of the Warrant. Passed with unanimous vote via hand count.

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

Rick Antanavica moved that the Town vote to transfer \$26,426.05 from Free Cash to pay the prior year bills as listed in the Fall 2023 Town Meeting warrant (second motion received).

Department	Vendor	Amount
Town Buildings	Polar Beverages (3 Invoices)	24.00
FY 21 CDBG Covid 19 Grant (closed)	Lightsmart Energy Consulting LLC	\$12,756.78
Senior Center	Bigelow Electrical Co. Inc (Generator repair)	\$3,720.36
Department of Inspectional Services	Local IQ New England (Telegram Legal Notices) (6 legal advertisements)	\$428.80
Fire Department	United Medical Waste (4 invoices)	\$419.50
Fire/Ems	Cintas	\$229.43
IT	Clear Com	\$408.00
Highway Department	Classic Automotive	\$232.13
Town Hall	Dillon Boiler Services Co., Inc.	\$3,088.53
Police	Payroll deduction	\$471.24
Town Administrator	Competitive Energy	\$2,500.00
Police	Industrial Designworks	\$564.00
Treasurer/Collector	Tasc - Prior year Insurance deficit	\$1,583.28
Total		26,426.05

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 1. However, the Committee notes that this is an excessive number of unpaid bills from previous years. The Committee reiterates our recommendation made at the May 2023 Annual Town Meeting that the Town adopt a policy regarding the timeliness of invoice submission and payment. Town employees who oversee expenditures must be aware of their responsibility to track expenditures from obligation to payment.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

This article is required for the payment of bills prior to July 1, 2023, that were not submitted by the close of the fiscal year.

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

***MOTION PASSES 195 YES /21 NO /4 ABSTAIN**

ARTICLE 2 DEPARTMENT AND/OR WARRANT ARTICLE TRANSFERS - FY2024

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, transfer from other budget accounts, adjust budgets, transfer to/from or adjust existing warrant articles such sums of money as may be necessary to defray expenses and fund various and diverse accounts in the Fiscal Year 2024 operating budget of the Town, any other warrant articles or take any action thereon.

PROPOSED MOTION #2A - FUND TRANSFERS – ENTERPRISE BUDGET

John Bujak moved that the Town vote to transfer the following sums, totaling \$57,500 from and to the accounts listed in the table below (second motion received):

From	Amount	Reason
EMS Retained Earnings	\$57,500	
Total	\$57,500	

To	Amount	Reason
EMS Budget - Wages	\$29,000	Full Time EMS Director
EMS Budget – Building Maintenance	\$5,000	Increase Station 1 Maintenance
Ems Budget – Dues/Maintenance	\$3,500	Lexipol Membership
EMS Budget - Electricity	\$12,000	Station 1 Electricity
EMS Budget – Heating Fuel	\$8,000	Station 1 Fuel
Total	\$57,500	

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 2A, increasing the FY 2024 EMS Operating Budget by \$57,500, transferring that sum from the EMS Enterprise Fund Retained Earnings to the accounts indicated.

SELECTBOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

This request would amend the Fiscal Year 2024 EMS operating budget by transferring funds from retained earnings to support the increase needed to hire a full time EMS Director, to pay for the portion of the Fire Chief's updated contract that is funded by the

EMS Budget, and to have the EMS budget pay for portions of utilities and maintenance of the Fire Headquarters.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

***MOTION PASSES 197 YES/ 21 NO/ 2 ABSTAIN**

PROPOSED MOTION #2B FUND TRANSFERS – WARRANT ARTICLES

John Bujak moved that the Town vote to transfer the following sums, totaling \$30,000 from Free Cash to the following warrant articles listed in the table below: (Second motion received).

From	Amount	Reason
Free Cash	\$30,000	Available funding
Total	\$30,000	

To	Amount	Reason
Fire Station #3 Roof	\$30,000	Estimate – Budget reduced by settlement costs and architectural fees
Total	\$30,000	

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 2B to support the roof repairs of Fire Station #3.

SELECTBOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

This request seeks to transfer funds from Free Cash to fund a potential shortfall in the Station #3 roof project. We are awaiting architectural drawings before putting it out to bid.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

***MOTION PASSES 187 YES/ 25 NO/ 4 ABSTAIN**

ARTICLE 3 ADJUST FY 2024 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, 2023, as voted at the May 2, 2023 Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

A.) Rick Antanavica moved that the Town raise and appropriate and transfer from available funds the sum \$2,503,913 to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2023, as listed in the May 2, 2023 Annual Town Meeting Warrant and as amended below (second motion received):

Sources	Reason	Amount
Raise and Appropriate; transfer from available funds	Increased overall receipts/reduced assessments	744,664
Transfer from Receipts Reserved (Bond Premium)		259,249
Transfer from grants	ARPA Funds Voted by the Select Board	1,500,000
Total		2,503,913

Town of Leicester
Fall Special Town Meeting – October 24, 2023

DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
111	LEGAL					
	TOTAL	122,151	115,931.52	99,000	99,000	0
114	MODERATOR					
	TOTAL	151	57.00	200	200	0
122	SELECT BOARD/TA					
	TOTAL	373,053	325,710.79	411,065	428,228	17,163
130	RESERVE FUND					
	TOTAL	50,000	0.00	50,000	50,000	0
131	ADVISORY BOARD					
	TOTAL	1,325	264.00	1,325	1,325	0
135	ACCOUNTANT					
	TOTAL	160,746	159,746.11	163,375	168,592	5,217
141	ASSESSORS					
	TOTAL	132,457	126,592.69	136,124	136,124	0
145	TREASURER/COLL ECTOR					
	TOTAL	199,744	194,237.43	215,859	227,522	11,663
147	TAX TITLE					
	TOTAL	16,000	16,000.00	0	0	0
152	PERSONNEL BD					
	TOTAL	275	275.00	275	275	0
155	IT DEPARTMENT					
	TOTAL	206,060	193,873.38	209,242	224,242	15,000
161	TOWN CLERK					
	TOTAL	139,239	124,624.96	148,145	148,145	0
162	ELECTIONS & REGISTRATIONS					
	TOTAL	51,700	51,685.55	37,700	37,700	0
180	DEVELOPMENT & INSPECTIONAL SERVICES					
	TOTAL	268,589	207,205.99	277,771	277,771	0
192	TOWN OWNED BLDG MAINT					
	TOTAL	56,081	54,970.45	48,281	48,281	0
197	TOWN HALL BLDG MAINTENANCE					
	TOTAL	86,909	85,221.09	86,909	86,909	0
198	TOWN HALL TELEPHONES					
	TOTAL	7,400	6,877.89	6,400	6,400	0
199	OTHER - GENERAL GOV					
	TOTAL	33,100	31,176.06	33,100	33,100	0

Town of Leicester
Fall Special Town Meeting – October 24, 2023

DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
210	POLICE DEPT					
	TOTAL	2,362,250	2,160,069.57	2,374,272	2,374,272	0
220	FIRE DEPT					
	TOTAL	385,963	366,196.30	370,873	385,873	15,000
290	EMERGENCY MANAGEMENT					
	TOTAL	6,467	5,823.89	6,546	6,546	0
241	CODE DEPT					
	TOTAL	128,667	122,539.15	132,586	132,586	0
292	ANIMAL CONTROL					
	TOTAL	34,954	32,759.11	35,484	35,484	0
296	INSECT PEST CONTROL					
	TOTAL	7,850	5,014.46	7,850	7,850	0
310	LEICESTER PUBLIC SCHOOLS					
	TOTAL	17,492,412	17,491,838.85	18,170,366	20,605,236	2,434,870
420	DPW					
	TOTAL	1,026,814	959,565.77	1,085,114	1,090,114	5,000
423	SNOW & ICE					
	TOTAL	406,000	404,185.84	121,000	121,000	0
424	STREETLIGHTS					
	TOTAL	35,000	25,925.68	35,000	35,000	0
541	COUNCIL ON AGING					
	TOTAL	109,342	101,931.74	111,800	111,800	0
543	VETERANS SERVICES					
	TOTAL	76,807.78	64,791.58	108,477	108,477	0
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,377.20	2,400	2,400	0
610	PUBLIC LIBRARY					
	TOTAL	239,386	237,688.19	244,236	244,236	0
630	PARKS & RECREATION					
	TOTAL	6,450	5,859.32	6,450	6,450	0
691	HISTORICAL COMM					
	TOTAL	950	0.00	950	950	0
692	MEMORIAL DAY COMM					
	TOTAL	3,000	2,671.39	3,000	3,000	0
710	MATURING DEBT PRINCIPAL					
	TOTAL	1,052,066	1,052,065.85	1,203,832	1,203,832	0
751	MATURING DEBT INTEREST					
	TOTAL	293,828	293,740.61	255,321	255,321	0

DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
752	TEMPORARY LOAN INTEREST					
	TOTAL	191,700	191,699.11	743,889	743,889	0
753	BOND ISSUE					
	TOTAL	1,100	0	0	0	0
911	WORC REG RETIREMENT					
	TOTAL	1,717,353	1,717,353	1,823,365	1,823,365	0
912	WORKER COMPENSATION					
	TOTAL	219,863	192,831.70	252,842	252,842	0
913	UNEMPLOYMENT COMP					
	TOTAL	32,000	15,207.75	142,000	142,000	0
914	EMPLOYEE BENEFITS					
	TOTAL	2,776,782	2,735,642.32	3,365,364	3,365,364	0
945	BONDING & INSURANCE					
	TOTAL	339,116	313,043.64	358,939	358,939	0
911	SHARED MAINTENANCE EXPENSES					
	TOTAL	414,456	414,087.02	642,090	642,090	0
TOTALS		31,268,046.78	30,609,358.95	33,528,817	36,032,730	2,503,913

Explanation of budget increases:

Department	Reason	Amount
Select Board/TA	Funding of Departmental training/professional development (8,794). Funding for an IT/Public Information Officer stipend (8,369)	17,163
Accountant	Funding for step increase for Assistant Accountant	5,217
Treasurer/Collector	Funding for step increases for Asst T/C and T/C administrative clerk (4,506), and contract adjustment for Treasurer/Collector (7,157)	11,663
IT	5,000 sought for replacement of aging hardware, and 10,000 for web site design, implementation, and staff training.	15,000
Fire Department	Contract Increase for Fire Chief	15,000
School Department	Department budget increase approved by Select Board	2,434,870

Department of Public Works	Funding for tree removal	5,000
Total		2,503,913

DESCRIPTION

This article adjusts the FY24 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.

NOTE: The appropriation of ARPA funds is the sole discretion of the Select Board. The Department of Revenue prefers that the funds be voted at Town Meeting for the purpose of keeping the history of general fund budgeting clear as part of the historical.

Also, please be advised that these appropriations are in no way tied to a Proposition 2 ½ override vote. The funding comes from changes in the State budget, the ARPA funds, and appropriations of forecast revenue from the shelter project.

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

Revenue	ATM 5-2-23	STM	Change
Property Tax	19,495,407	19,775,965	280,558
State Aid	13,680,656	13,705,629	24,971
Local Receipts	2,572,596	2,628,963	56,367
Free Cash	307,414	307,414	0
Other Available Funds	1,155,938	3,718,391	2,562,453
Subtotal: Revenue	37,212,013	40,136,362	2,924,349
Non-General Fund Budget Costs			
Vocational School Tuition	-1,100,000	-1,100,000	0
Ambulance Receipts	-1,120,938	-1,178,438	-57,500
State Assessments/offsets	-1,256,840	-1,265,741	196,517
Capital Plan	0	-559,453	-559,453
Subtotal – Non-General Fund Budget costs	-3,683,196	-4,103,632	-420,436
Total Funds for FY 2024 Budget	33,528,817	36,032,730	2,503,915
Expenses			
FY 2024 Budget	33,528,817	36,032,730	2,378,657
Total	33,528,817	36,032,730	2,503,913

Other Available Funds

Source	ATM 5-2-23	STM	Change
Ambulance	1,120,938	1,178,438	57,500
Bond Premium		259,249	259,249
ARPA Funding		1,500,000	1,500,000
Shelter Funds		745,704	745,704
Miscellaneous Revenue	35,000	35,000	
Total	1,276,571	3,718,391	2,562,453

School Appropriation Analysis (Based on the School Committee recommended FY24 budget, not what was appropriated at Town Meeting).

Description	Amount
Approved SC FY24 budget	\$21,192,587.00
funds from Town per Memo FY24	-\$18,170,366.00
initial shortfall	\$3,022,221.00
School Choice Funding FY23 for FY24	-\$372,221.00
remaining shortfall requested from Town	\$2,650,000.00
ARPA voted by Select Board	-\$1,500,000.00
Remaining shortfall after ARPA vote	\$1,150,000.00
Additional budget reductions	
reduction due to lower Salary for new hires	-\$341,389.00
reduction transportation no bus between LHS/LMS	-\$72,000.00
reduction due to not replacing or hiring some positions	-\$148,532.00
reduction in cost salary OT/PT to Agency FREC	-\$17,000.00
Total budget reductions:	-\$578,921.00
unanticipated Special Ed Agency Hires	\$549,791.00
repurpose ESSER III funds from IT Chromebooks	-\$186,000.00
Total budget reductions revised:	-\$215,130.00

Additional School Budget Request

ARPA Funding	\$1,500,000
Additional Funding from the general fund	\$1,150,000
Subtotal	\$2,650,000
Less: Budget reductions	-\$215,130
Total budget reductions revised:	\$2,434,870

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (3-1-0)

The Advisory Committee recommends favorable action on Article 3 with significant concerns about the dependance on the ARPA grant and unrealized revenue from the dormitory leases to fund school operational costs in FY 2024 and a lack of School Committee long range financial planning for addressing shortfalls in FY 2025 and beyond.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

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

Discussion brought to the town floor by Susan Olivo, she asked to make an amendment to Question 3 to split the departmental budget and the school budget.

***MOTION AND SECOND FOR ARTICLE 3 WITHDRAWN**

Rick Antanavica made the motion to take the remaining articles out of order and second received.

***MOTION PASSES TO TAKE OUT OF ORDER YES/ 39 NO/ 3 ABSTAIN**

ARTICLE 4 FY 2023 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 following Capital Improvement Plan items.

PROPOSED MOTION

Rick Antanavica moved that the Town vote to raise and appropriate the sum of \$559,453 to purchase the capital items listed below.

DESCRIPTION	COST
DPW Dump Truck	\$50,000
DPW Ford F450	\$100,000
Police Flooring	\$44,000
DPW Mower	\$40,738
School Boiler	\$65,853
Fire Forestry Truck	\$80,000
Town Hall Generator	\$125,000
Police Detective Station	\$32,862
Library Computers	\$21,000
Total	\$559,453

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 4 .

Most of the items recommended by the Capital Improvement Committee have been scheduled for replacement in previous years. Many of the recommended purchases address employee and citizen safety issues.

Both DPW vehicle purchases are to replace trucks that are no longer operational or feasibly repairable. DPW Truck #4 was scheduled to be replaced in FY 2025 at a cost of \$270,000, however, the vehicle is no longer operational. The purchase of a used 2011 replacement for \$50,000 supports the near-term operations of the DPW.

Article #14 passed at the May 2023 Annual Town Meeting authorized \$22,550 to replace the damaged brush cutter that attaches to the large John Deere tractor boom. Subsequently, the DPW determined that it is more fiscally responsible to purchase a boom flail mower to attach to the trackless MT7 the Town owns. Whereas the John Deere tractor is only used for brush cutting, the MT7 serves multiple purposes throughout the year. If this article passes, the DPW will purchase a complete boom and brush cutter, sell the John Deere following the procedures for disposing of surplus property.

The proceeds from the sale and the funds authorized through Article #14 of the May 2023 Warrant will be returned to the Town general fund. Proceeds from an insurance payment for the old brush cutter will be applied towards the new purchase.

The Police Station floor has been on the capital list for several years. The existing condition is a safety hazard and the cost for repairs increases each year the project is delayed. The expansion to the 3rd floor of the station was anticipated when the station was built and is necessary to accommodate the growing capabilities of the department.

It is an unreasonable risk to rely on a 20-year-old vehicle, already repurposed from another department, to maintain access to the police and fire stations, and serve as the fire department forestry vehicle.

SELECT BOARD RECOMMENDATION

Favorable Action (4-0-0)

DESCRIPTION

The items listed in this article were recommended by the Capital Improvement Committee based on needs submitted by the Town Departments and are listed in order of importance as ranked by the Committee. Explanations follow:

DPW Dump Truck – Funds a used 2011 six-wheel, which will replace Truck #4, which has a blown rear end and a rotting frame.

DPW Ford F450 – Funds requested to replace a 2006 F450 with a broken frame. This truck will be a 2023 F450 with a dump body and plow.

Police Flooring – Funds requested to replace 18-year old VCT tile flooring at the Police Department with rubberized floor and stair treads.

DPW Mower – Funds a boom flail mower to attach to a trackless MT& that the Town already owns.

School Boiler – Requested to replace a boiler at the Middle School. The Town received an \$85,000 State earmark to assist, lowering the overall request.

Fire Forestry Truck – Replacement of a repurposed 2003 Highway truck with a plow to keep three fire stations and the Police Department parking lots clear, as well as to serve as a transport vehicle to fire academy events.

Town Hall Generator – Requested to allow Town Hall to be fully powered during outages. Assisted by a \$50,000 emergency preparedness grant.

Police Detective Station – To expand the third floor of the PD to fit the growing needs of the Detective Bureau. This request covers the cost of walls, finish carpentry, electrical work, and data connections.

Library Computers – Funds requested to replace 14 Library computers that are beyond their useful life as public access terminals.

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

***MOTION PASSES 192 YES/ 26 NO/ 1 ABSTAIN**

ARTICLE 5 FUNDING OPERATIONAL COSTS OF THE LEICESTER HIGH SCHOOL CAMPUS AND ASSOCIATED PROPERTIES

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund operational costs for the Leicester High School Campus and associated properties or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved the Town transfer \$500,000 from Free Cash to fund operational costs of the Leicester High School Campus and associated properties.

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 5.

SELECTBOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

This article seeks funding for the costs to operate the former Becker College campus, now the Leicester High School Campus, including utilities (for buildings not being used for school use), insurance, repairs, grounds maintenance, and security.

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

***MOTION PASSES 171 YES/ 54 NO/ 3 ABSTAIN**

ARTICLE 6 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 \$344,807 to fund the FY 2024 Cable Access budget, under the direction of the Leicester Cable Access Corporation (LCAC).

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 6.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

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 2023.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote.

***MOTION PASSES 170 YES/ 36 NO/ 4 ABSTAIN**

MOTION TO THE MODERATOR: *Nathan Hagglund made a motion to the moderator to go back to Article 3, second received.*

Mr. Belanger called for a hand count which was unanimous with no objections.

ARTICLE 3 ADJUST FY 2024 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, 2023, as voted at the May 2, 2023 Annual Town Meeting Warrant or take any action thereon.

PROPOSED MOTION

B.) Rick Antanavica moved that the Town raise and appropriate and transfer from available funds the sum \$2,503,913 to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2023, as listed in the May 2, 2023 Annual Town Meeting Warrant and as amended below (motion seconded):

MOTION TO THE MODERATOR: Andrew Kularski made a motion to the moderator to move the question, which was seconded, this motion requires a vote:

***MOTION PASSES TO MOVE THE VOTE 150 YES/ 60 NO/ 2 ABSTAIN**

ARTICLE 3 ADJUST FY 2024 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, 2023, as voted at the May 2, 2023 Annual Town Meeting Warrant or take any action thereon. Second motion received.

PROPOSED MOTION

C.) Rick Antanavica moved that the Town raise and appropriate and transfer from available funds the sum \$2,503,913 to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2023, as listed in the May 2, 2023 Annual Town Meeting Warrant and as amended below:

Sources	Reason	Amount
Raise and Appropriate; transfer from available funds	Increased overall receipts/reduced assessments	744,664
Transfer from Receipts Reserved (Bond Premium)		259,249
Transfer from grants	ARPA Funds Voted by the Select Board	1,500,000
Total		2,503,913

Town of Leicester
Fall Special Town Meeting – October 24, 2023

DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
210	POLICE DEPT					
	TOTAL	2,362,250	2,160,069.57	2,374,272	2,374,272	0
220	FIRE DEPT					
	TOTAL	385,963	366,196.30	370,873	385,873	15,000
290	EMERGENCY MANAGEMENT					
	TOTAL	6,467	5,823.89	6,546	6,546	0
241	CODE DEPT					
	TOTAL	128,667	122,539.15	132,586	132,586	0
292	ANIMAL CONTROL					
	TOTAL	34,954	32,759.11	35,484	35,484	0
296	INSECT PEST CONTROL					
	TOTAL	7,850	5,014.46	7,850	7,850	0
310	LEICESTER PUBLIC SCHOOLS					
	TOTAL	17,492,412	17,491,838.85	18,170,366	20,605,236	2,434,870
420	DPW					
	TOTAL	1,026,814	959,565.77	1,085,114	1,090,114	5,000
423	SNOW & ICE					
	TOTAL	406,000	404,185.84	121,000	121,000	0
424	STREETLIGHTS					
	TOTAL	35,000	25,925.68	35,000	35,000	0
541	COUNCIL ON AGING					
	TOTAL	109,342	101,931.74	111,800	111,800	0
543	VETERANS SERVICES					
	TOTAL	76,807.78	64,791.58	108,477	108,477	0
545	VETERANS GRAVES REG					
	TOTAL	2,400	2,377.20	2,400	2,400	0
610	PUBLIC LIBRARY					
	TOTAL	239,386	237,688.19	244,236	244,236	0
630	PARKS & RECREATION					
	TOTAL	6,450	5,859.32	6,450	6,450	0
691	HISTORICAL COMM					
	TOTAL	950	0.00	950	950	0
692	MEMORIAL DAY COMM					
	TOTAL	3,000	2,671.39	3,000	3,000	0
710	MATURING DEBT PRINCIPAL					
	TOTAL	1,052,066	1,052,065.85	1,203,832	1,203,832	0
751	MATURING DEBT INTEREST					
	TOTAL	293,828	293,740.61	255,321	255,321	0

DEPT #	DEPARTMENT NAME	FY 2023 Budget	FY 2023 Expended	FY2024 Spring Town Meeting Budget	FY2024 Fall Town Meeting Updated Budget	\$ Change
752	TEMPORARY LOAN INTEREST					
	TOTAL	191,700	191,699.11	743,889	743,889	0
753	BOND ISSUE					
	TOTAL	1,100	0	0	0	0
911	WORC REG RETIREMENT					
	TOTAL	1,717,353	1,717,353	1,823,365	1,823,365	0
912	WORKER COMPENSATION					
	TOTAL	219,863	192,831.70	252,842	252,842	0
913	UNEMPLOYMENT COMP					
	TOTAL	32,000	15,207.75	142,000	142,000	0
914	EMPLOYEE BENEFITS					
	TOTAL	2,776,782	2,735,642.32	3,365,364	3,365,364	0
945	BONDING & INSURANCE					
	TOTAL	339,116	313,043.64	358,939	358,939	0
911	SHARED MAINTENANCE EXPENSES					
	TOTAL	414,456	414,087.02	642,090	642,090	0
TOTALS		31,268,046.78	30,609,358.95	33,528,817	36,032,730	2,503,913

Explanation of budget increases:

Department	Reason	Amount
Select Board/TA	Funding of Departmental training/professional development (8,794). Funding for an IT/Public Information Officer stipend (8,369)	17,163
Accountant	Funding for step increase for Assistant Accountant	5,217
Treasurer/Collector	Funding for step increases for Asst T/C and T/C administrative clerk (4,506), and contract adjustment for Treasurer/Collector (7,157)	11,663
IT	5,000 sought for replacement of aging hardware, and 10,000 for web site design, implementation, and staff training.	15,000
Fire Department	Contract Increase for Fire Chief	15,000
School Department	Department budget increase approved by Select Board	2,434,870

Department of Public Works	Funding for tree removal	5,000
Total		2,503,913

DESCRIPTION

This article adjusts the FY24 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.

NOTE: The appropriation of ARPA funds is the sole discretion of the Select Board. The Department of Revenue prefers that the funds be voted at Town Meeting for the purpose of keeping the history of general fund budgeting clear as part of the historical.

Also, please be advised that these appropriations are in no way tied to a Proposition 2 ½ override vote. The funding comes from changes in the State budget, the ARPA funds, and appropriations of forecast revenue from the shelter project.

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

Revenue	ATM 5-2-23	STM	Change
Property Tax	19,495,407	19,775,965	280,558
State Aid	13,680,656	13,705,629	24,971
Local Receipts	2,572,596	2,628,963	56,367
Free Cash	307,414	307,414	0
Other Available Funds	1,155,938	3,718,391	2,562,453
Subtotal: Revenue	37,212,013	40,136,362	2,924,349
Non-General Fund Budget Costs			
Vocational School Tuition	-1,100,000	-1,100,000	0
Ambulance Receipts	-1,120,938	-1,178,438	-57,500
State Assessments/offsets	-1,256,840	-1,265,741	196,517
Capital Plan	0	-559,453	-559,453
Subtotal – Non-General Fund Budget costs	-3,683,196	-4,103,632	-420,436
Total Funds for FY 2024 Budget	33,528,817	36,032,730	2,503,915
Expenses			
FY 2024 Budget	33,528,817	36,032,730	2,378,657
Total	33,528,817	36,032,730	2,503,913

Other Available Funds

Source	ATM 5-2-23	STM	Change
Ambulance	1,120,938	1,178,438	57,500
Bond Premium		259,249	259,249
ARPA Funding		1,500,000	1,500,000
Shelter Funds		745,704	745,704
Miscellaneous Revenue	35,000	35,000	
Total	1,276,571	3,718,391	2,562,453

School Appropriation Analysis (Based on the School Committee recommended FY24 budget, not what was appropriated at Town Meeting).

Description	Amount
Approved SC FY24 budget	\$21,192,587.00
funds from Town per Memo FY24	-\$18,170,366.00
initial shortfall	\$3,022,221.00
School Choice Funding FY23 for FY24	-\$372,221.00
remaining shortfall requested from Town	\$2,650,000.00
ARPA voted by Select Board	-\$1,500,000.00
Remaining shortfall after ARPA vote	\$1,150,000.00
Additional budget reductions	
reduction due to lower Salary for new hires	-\$341,389.00
reduction transportation no bus between LHS/LMS	-\$72,000.00
reduction due to not replacing or hiring some positions	-\$148,532.00
reduction in cost salary OT/PT to Agency FREC	-\$17,000.00
Total budget reductions:	-\$578,921.00
unanticipated Special Ed Agency Hires	\$549,791.00
repurpose ESSER III funds from IT Chromebooks	-\$186,000.00
Total budget reductions revised:	-\$215,130.00

Additional School Budget Request

ARPA Funding	\$1,500,000
Additional Funding from the general fund	\$1,150,000
Subtotal	\$2,650,000
Less: Budget reductions	-\$215,130
Total budget reductions revised:	\$2,434,870

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (3-1-0)

The Advisory Committee recommends favorable action on Article 3 with significant concerns about the dependence on the ARPA grant and unrealized revenue from the dormitory leases to fund school operational costs in FY 2024 and a lack of School Committee long range financial planning for addressing shortfalls in FY 2025 and beyond.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

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

***MOTION PASSES 169 YES/ 59 NO/ 2 ABSTAIN**

MOTION TO THE MODERATOR: *Heather Staple moves to reconsider Article 3, motion was seconded.*

***MOTION TO RECONSIDER FAILS 58 YES/ 151 NO/ 1 ABSTAIN**

ARTICLE 7 – ACCEPTANCE OF DEEDS IN LIEU OF FORECLOSURE OF PROPERTIES IN TAX TITLE

To see if the Town will vote to accept deeds in lieu of foreclosure pursuant MGL c.60 sec.77c, said parcels to be known as Parcel 39-A5, a parcel of land consisting of 29.10 acres more or less, as described in the deed recorded at the Worcester District Registry of deeds in Book 32339, Page 234, currently assessed to Conway RJJ Realty, and Parcel 39-A5.2, a parcel of land consisting of 2.280 acres more or less, as described in the deed recorded at the Worcester District Registry of deeds in Book 32339, Page 234, currently assessed to Conway RJJ Realty; or take any action relating thereto.

PROPOSED MOTION

John Bujak moved that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (3-0-1)

The Advisory Committee recommends favorable action on Article 7. accepting the two properties in lieu of foreclosure. These two parcels have a combined assessed value greater than the amount owed. This action will result in a savings of staff time and legal costs.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

These two parcels have been in tax title since 2014, with a total of \$140,469.66 owed (as of 09/25) with per diem interest of \$29.05. The current owners have no interest in redeeming the property. If approved, these properties will become part of the inventory of Town-owned properties or may be sold at a later date. Having Town Meeting accept the properties allows the Town to take ownership of the property without further legal costs.

VOTE REQUIRED FOR PASSAGE Requires a 2/3rds vote.

***MOTION PASSES 173 YES/ 10 NO/ 2 ABSTAIN**

ARTICLE 8 – ACCEPTANCE OF MGL CHAPTER 59, SECTION 57A REGARDING TAX BILLS UNDER \$100

To see if the Town will vote to accept MGL c.59 s.57a which allows the town to issue small preliminary or actual tax bills of \$100 or less to be due and payable in a single installment; Or take any other action relating thereto.

PROPOSED MOTION

Dianna Provencher moved that the article be accepted as written.

ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 8. Following the processed outlined in MGL C59 §57A will save staff time and processing costs.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

Acceptance of this section of MGL will allow the Town to save postage and printing costs by mailing single preliminary and actual tax bills on properties whose overall tax liability is less than \$100 per year. This would affect 379 tax bills.

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote under M.G. L. c. 59 s. 57a.

***MOTION PASSES 165 YES/ 2 NO**

ARTICLE 9 – AMENDMENTS TO THE PERSONNEL BYLAW

To see if the Town will vote to amend certain sections of the Personnel Bylaw (Chapter 12 of the General Bylaws) to incorporate updates required by law, reflect current procedures and to implement best modern human resources practices.

Pass any vote and take any action relative thereto.

PROPOSED MOTION:

Kevin Menard moved that the Town vote to adopt the proposed amended Personnel Bylaw, as listed in the Town Warrant:

CHAPTER 12: PERSONNEL BYLAW

History of Amendments:

1. Original Adoption @ ATM May 5, 1979
2. Amendment accepted @ ATM (May 4, 2009
3. (Amended ATM May 6, 2014)()
4. Amended STM November 17, 2020
5. (Amended ATM May 2, 2023)
6. (Amended STM October 24, 2023.)

SECTION 1: PURPOSE

This bylaw shall be known as and cited as “The Town of Leicester Personnel Bylaw.” Its purpose is to establish personnel policies which may be adopted by the Town under provisions of Massachusetts General Laws, Chapter 41, Section 108A, and the Home Rule Amendment. These policies shall encompass a Job Classification and Compensation Plan and leave benefits.

SECTION 2: DEFINITIONS

For the purpose of this Bylaw, the words and phrases used herein shall have the following meaning, except in those instances where the context clearly indicates a different meaning:

- **ACTING:** Performing the duties and having the responsibilities of another position on a temporary basis without having officially been appointed to the position.
- **APPOINTING AUTHORITY:** Any person, board, or commission having the power of appointment or employment pursuant to Massachusetts General Laws.
- **BOARD:** The Select Board, serving as the Personnel Board.
- **CLASSIFICATION:** A job title of a position or a group of positions similar in duties, authority, responsibility, and qualifications.
- **CLASSIFICATION DATE:** First day of employment in a given classification.
- **CLASSIFICATION PLAN:** A listing of all approved job titles and an occupational grouping of classifications.
- **COMPENSATION PLAN:** A listing of wages designated to job classifications.
- **CONTINUOUS SERVICE:** Paid full-time and part-time employment in the service of the Town, which is not interrupted by resignation, termination, dismissal, or a failure of reappointment. “Continuous service” shall include all leave with pay.

- **DAY:** One-fifth (1/5) the total number of regularly scheduled hours in one work week.
- **DEPARTMENT HEAD:** The officer, board, or other body having immediate charge and control of a department or agency.
- **FULL-TIME EMPLOYEE:** An individual in the employ of the Town regularly scheduled for an average of not less than thirty-two (32) hours per week for fifty-two (52) weeks per annum.
- **HIRE DATE:** First day of employment with the Town.
- **PART-TIME EMPLOYEE:** An individual in the employ of the Town regularly scheduled for less than thirty-two (32) hours per week for fifty-two (52) weeks per annum. Part-time employees regularly scheduled for a minimum of twenty (20) hours per week for fifty-two (52) weeks per annum qualify for certain benefits as defined by this Bylaw. Part-time employees include stipend employees who receive a periodic stipend for their services, either monthly, bi-annually, or annually, and intermittent or on-call employees who perform services for the Town on an as needed basis as requested by the Town Administrator or department head. **PROBATIONARY EMPLOYEE:** Every new employee in the Town shall be whose tenure in the Town service has not exceeded 180 days; such employees have limited rights during this stage of their employment and may be discharged at any point for any legal, non-discriminatory reason, or for no reason at all, by the appointing authority. At the end of the probationary period, a written review shall be prepared by the department head which will state whether the probationary employee has performed satisfactorily to be accepted as a regular Town employee. If the performance is not acceptable, the reason or reasons will be stated. The original 180 probationary period may be extended with the written approval of the Town Administrator.
- **RATE:** Amount of money designated as compensation for a job classification
- **TOWN:** The Town of Leicester.
- **WORK WEEK:** The total number of regularly scheduled hours from Sunday to the following Saturday.

SECTION 3: SELECT BOARD as PERSONNEL BOARD

The Personnel Bylaw shall be administered by the Select Board who shall serve the Town as the Personnel Board.

SECTION 4: DUTIES OF PERSONNEL BOARD

- a) The Board shall review and approve written position descriptions and personnel policies, which shall be drafted by the Town Administrator. The descriptions shall not be interpreted as complete or limiting definitions, and employees shall continue to perform duties assigned by their supervisors.
- b) The Town Administrator and department heads shall keep such records of Town employees as the Board may require. The Board shall keep such records of its own, as it considers appropriate.
- c) The Board may review the job classification and compensation plan under its jurisdiction from time to time. The Board may review and approve job descriptions as drafted by the Town Administrator. .

SECTION 5: APPLICATIONS

- a)** The provisions of this Bylaw shall apply to all non-bargaining employees in the service of the Town of Leicester, except for positions filled by popular election, positions under the jurisdiction of the School Committee, positions covered by collective bargaining units of the Town pursuant to Chapter 150E of the General Laws, and positions covered under other contracts. This Bylaw may be used as a guide for authorized officials in determining the compensation of, and personnel policies for those employees that are not specifically governed under this bylaw. Said employee relationship shall neither be for an established duration or for an indefinite period and such employment shall, irrespective of classification or definition, remain at-will, and terminable for any lawful reason at any time.
- b)** Nothing in this Bylaw or the Administrative rules and regulations adopted by the Board shall limit any rights of employees under Massachusetts General Laws, Chapter 150E, or Chapter 31.
- c)** Subject to the General Bylaws of the Town and this Bylaw, the Town Administrator shall be responsible for the day-to-day administration of the personnel system, in accordance with the policies of the Board. The Town Administrator may formulate, with the approval of the Board, personnel guidelines, employee handbooks and directives for the purpose of effecting standardized, efficient, and equitable personnel procedures and practices. The Town Administrator may obtain such information or records as may be necessary from department heads in order to carry out his/her duties under this Bylaw.
- d)** The Appointing Authority for all positions in Leicester is the Select Board acting as the Personnel Board..

SECTION 6: APPOINTMENTS

All part-time employees as defined herein shall be subject to annual appointment or reappointment by the Select Board. If the Select Board fails to annually reappoint said part-time or stipend employee(s), said employee(s) shall continue to serve in their position in a holdover capacity until the Select Board takes action to reappoint or not reappoint said employee(s). No appointment, reappointment or failure to reappoint shall alter the at-will nature of the employment relationship or guarantee the reappointment or continued employment of said employee(s) to a specific period of time.

SECTION 7: CONFLICT AND MODIFICATION

If any of the provisions of this Bylaw conflict with any relevant state law, the conflicting provision of this Bylaw shall be deemed modified by the law or regulation sufficiently only to end the conflict.

If any provision of this Bylaw, or application thereof, is determined to be invalid under state or federal law, such determination shall not be construed to affect the validity of any other provision of this Bylaw, or application thereof.

SECTION 8: AMENDMENTS

This Bylaw may be amended by vote of the Town at any Annual or Special Town Meeting. The Board shall make a report and recommendation to the Town prior to the taking of any action by the Town on any proposed amendment. Failure of the Board to report shall not prevent the Town from amending this Bylaw, or to the application thereof.

SECTION 9: POLICIES AND PROCEDURES

The Board shall establish, adopt, and maintain such policies, procedures, rules, and regulations as it deems necessary for the implementation and administration of this Bylaw, or may delegate such responsibility to the Town Administrator.

SECTION 10: SICK LEAVE

Full-time and part-time employees of the Town subject to this Bylaw shall be allowed, without loss of pay, sick leave for personal illness as provided for in this section.

10.1 RATE OF ACCUMULATION Full-time and part-time benefit-eligible employees shall accrue and accumulate earned sick leave credit for personal illness at the rate of one-fifth (1/5) the total regular weekly scheduled hours x 1¼ for each full month of service.

10.2 MAXIMUM ACCUMULATION Full-time and part-time employees may earn and accumulate sick leave up to a maximum of ninety (90) days.

10.3 USE OF SICK LEAVE No sick leave with pay shall be granted during the first three (3) months of employment. The Town will allow an employee to use up to five (5) days of sick leave per calendar year for the purpose of caring for a spouse, child, or parent of either the employee or the employee's spouse, or for any person living under the same roof as part of the family, who is seriously ill or injured. A seriously ill or injured person is defined as any person under the care of a doctor who has been confined to a home or hospital with a serious verifiable medical condition.

10.4 SICK LEAVE EXTENSION A full-time employee with ten (10) years of service and seventy (70) days of earned sick leave at the date of first absence for illness or disability of a prolonged and uninterrupted nature, shall be compensated at 60% of base pay while absent from work for said sickness for the period commencing upon exhaustion of sick leave and all other paid leaves, and ending on the first anniversary date of the illness. If prior to the first day of an extended illness, a full-time employee with five (5) years of service has been credited with thirty-five (35) or more days of accrued sick leave, then upon exhaustion of sick leave and all other paid leaves, the employee shall be compensated at 30% of his/her base weekly salary or wage until the first anniversary date of the extended illness. Employees on worker's compensation shall not be eligible for compensation under this provision.

10.5 DEDUCTIONS Any compensated sick leave taken by any employee shall be deducted from his/her sick leave credit. Holidays and days not included in the employee's normal workweek shall not be deducted from sick leave credit. Loss of time directly attributed to injury incurred while performing regular duties and qualifying for workers compensation shall not be charged to sick leave.

10.6 WITHIN TOWN SERVICES No transfer within the service of the Town shall affect the amount of earned sick leave credit and accumulations to which an employee has been entitled under this Bylaw. Upon transfer to another department, the employee's former department head shall transfer the employee's sick leave record to the employee's new department head.

10.7 UPON RETIREMENT Upon retirement from the Town, an employee with a minimum of twenty (20) years of service shall be entitled to payment of twenty (20) days of accrued sick leave credits. If a retiree with twenty years of service has fewer than 20 days of accrued sick leave credits, he/she shall be paid the balance of said

accrual. One (1) day would be equal to one-fifth (1/5) of the regularly scheduled hours per week.

10.8 ABSENCES For absences on account of sickness in excess of three (3) consecutive working days, the department head may request a physician's certificate. For absences on account of sickness in excess of five (5) consecutive working days, the department head shall require a physician's certificate.

10.9 EARNING SICK LEAVE WHILE ON LEAVE OR WORKERS' COMPENSATION
All employees entitled to sick leave under this Bylaw shall earn sick leave credit even while in the status of paid sick leave. Employees entitled to sick leave under this Bylaw shall earn sick leave credit up to one year from the anniversary of the illness while in the status of Workers' Compensation. No sick leave will accrue while on unpaid leave. Accrual will resume upon return to work.

Section 11: VACATION LEAVE

11.1 ELIGIBILITY

Full-time and part-time benefited employees as defined in this Bylaw shall be entitled to paid vacation in accordance with the following schedule...

The vacation year of the Town shall be the period of July 1 to June 30, inclusive. Any Town employee working twenty (20) or more hours per week will be credited as of June 30th, with vacation leave with pay for the subsequent year not to exceed the following:

11.1.1 VACATION LEAVE FIRST YEAR OF SERVICE

For any employee with less than one (1) years' service, the following schedule will be used to determine vacation for the first fiscal year:

INCLUSIVE HIRE DATES

From	Through	Vacation Hours Earned (1 st years' service only)
Jul 1	Jul 1	2.00 X Weekly Authorized Hours
Jul 2	Aug 1	1.80 X Weekly Authorized Hours
Aug 2	Sep 1	1.60 X Weekly Authorized Hours
Sep 2	Oct 1	1.40 X Weekly Authorized Hours
Oct 2	Nov 1	1.20 X Weekly Authorized Hours
Nov 2	Dec 1	1.00 X Weekly Authorized Hours
Dec 2	Jan 1	0.80 X Weekly Authorized Hours
Jan 2	Feb 1	0.60 X Weekly Authorized Hours
Feb 2	Mar 1	0.40 X Weekly Authorized Hours
Mar 2	Apr 1	0.20 X Weekly Authorized Hours
Apr 2	Jun 30	0.00 X Weekly Authorized Hours

11.1.2 ACCRUAL OF VACATION LEAVE AFTER FIRST YEAR OF SERVICE

For service after July 1 after the first year of employment up to and including four full years of service completed June 30, vacation leave is two (2) times the weekly authorized hours. If a person enters municipal service on the first working day of a vacation year, that year shall constitute the first of four (4) years completed.

For five (5) through nine (9) years of service, inclusive, completed on June 30 the vacation leave is three (3) times the weekly authorized hours.

For ten (10) through nineteen (19) years of service, inclusive, completed on June 30 the vacation leave is four (4) times the weekly authorized hours.

For twenty (20) years or greater of service, inclusive, completed on June 30 the vacation leave is five (5) times the weekly authorized hours.

One (1) week shall be the total number of regularly scheduled hours between Sunday and Saturday.

Temporary employees or employees working fewer than 20 hours per week are not entitled to Vacation Leave.

11.2 USE OF VACATION LEAVE

Vacations shall be scheduled with the approval of the department head and Town Administrator for such time as best serves the needs of the department and the public. Although vacation accruals begin from date of hire, vacation entitlement and use may be permitted within the probationary period of employment, upon the approval of the Department Head and Town Administrator.).

Vacation leave is not cumulative from year-to-year, except upon the written approval of the Town Administrator. The Town Administrator may, in his/her sole discretion, authorize a carryover of not more than ten (10) days.

The Town Administrator may in his/her discretion may loan unearned vacation time to a probationary or other employee, provided it is understood and agreed in writing by the employee that any used and unearned vacation time will be deducted from the employee's final paycheck(s). The loan of unearned vacation time shall be capped at a maximum of two (2) weeks.

11.3 TERMINATION OF EMPLOYMENT

Upon termination of employment with the Town, (including but not limited to retirement, resignation, dismissal and/or a failure of reappointment), an employee shall be entitled to payment of all unused accrued vacation credit prorated to the date of separation. Any employee who leaves or separates from Town service while in good standing and/or is not reappointed who is subsequently reappointed by the Town shall upon successful completion of one-year of service, be given credit for their previous years of service for the purposes of vacation accrual and longevity pay.

11.5 EARNING VACATION WHILE ON LEAVE OR WORKERS' COMPENSATION

Employees will continue to earn vacation credit while on paid leave. An employee will continue to earn vacation credit while in the status of workers' compensation for up to one year from the anniversary date of the injury at which point accumulation of vacation credit will cease. No vacation credit will accrue while on unpaid leave. Accrual will resume upon return to work.

11.6 RATE OF PAY FOR VACATION LEAVE

Vacation Leave will be paid at the employee's base pay rate at the time of vacation.

SECTION 12: OTHER LEAVES

12.1 MILITARY TRAINING

Full-time employees who are required to report for temporary summer, or a like period of training in the military forces of the nation or the Commonwealth, shall be paid an amount equal to the difference between compensation for a normal working period and the amount paid for military training; provided that the employee furnish to his/her Department head a

certified copy of the orders issued to him/her and a certified certificate showing the date or dates on which such duty was performed. Instead, an employee, on his/her request, may schedule his/her regular vacation during his/her period of military leave. The maximum amount of military training allowed in a fiscal year for reimbursement of the differential set forth herein is forty (40) working days, or whatever the current maximum amount is allowed by G.L c. 33, §59.

12.2 JURY DUTY

An employee required to serve on a jury on days he/she is scheduled to work, shall be paid his/her regular wages for the first three (3) days, or part thereof, of such juror service, at his/her regular straight time rate. For fourth and subsequent days of such juror service, the employee shall be paid the difference between the amount received as juror compensation (excluding travel allowance) and the employee's straight time wage.

An employee seeking compensation in accordance with this Section shall notify the Department head after receipt of the notice of selection for jury duty and shall furnish a written statement to the Town showing dates of juror service, time served, and the amount of juror compensation received.

If an employee is required to appear in Court as a defendant or witness in an action arising out of the performance of his/her duties for the Town, the employee shall be construed to be on duty for the Town if such time as he/she is officially required to be in court falls within his/her regularly scheduled working hours. The employee shall provide prior notice to his/her Department head of such court appearance and such documentation as may be requested by the Department head.

12.3 PARENTAL LEAVE

All qualified full-time and part-time employees, as defined in this Bylaw and covered by MGL Chapter 149, Section 105D, shall be entitled to parental leave.

12.4 FAMILY AND MEDICAL LEAVE:

The Town of Leicester shall provide its employees Family and Medical Leave in accordance with provisions of the Federal Family and Medical Leave Act (29 U.S.C. §2601 et seq.) and the Massachusetts Small Necessities Act (MGL Chapter 149, §52D). The Select Board may issue such rules, regulations, and policies as may be necessary to carry out these Acts. The Town Administrator shall administer the leave program.

12.5 BEREAVEMENT

- **In the event of a death in the immediate family of a full-time or part-time employee, he/she will be entitled to bereavement leave. If submission of documentation associated with the leave, if required by the department head or Town Administrator, is not received within two weeks from the end of the bereavement period, other leave time shall be used in its place. Paid bereavement begins the first day following death and is payable according to the following:** **One (1) work week:** Employee's spouse or domestic partner, child, stepchild, parent, step-parent, brother, sister, step-brother, step-sister.
- **Three (3) consecutive days:** Employee's grandparents, grandparents-in-law, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law. **One (1) day:** Employee's brother-in-law, sister-in-law, aunt, uncle, nephew, niece, first cousin.

Bereavement Leave is normally granted immediately following a death in the family. If funeral arrangements are postponed or when other unusual circumstances exist, the employee may, with supervisory approval, defer the Bereavement Leave to a later date. Bereavement Leave cannot be paid in addition to any other paid time off such as Holiday, Vacation, Sick, or Personal Leave. However, if an employee is being paid Sick, Vacation, and/or Personal Leave, he/she may request to be paid Bereavement Leave.

If an employee is regularly scheduled to work on a day on which a holiday falls and is on Bereavement Leave, he/she will be paid Bereavement Leave for his/her regularly scheduled hours and will receive Holiday Compensatory Leave for his/her regularly scheduled hours.

12.6 PERSONAL LEAVE

a. Full-time and part-time benefited employees will accrue personal leave *annually*. This shall be calculated as follows: Eligible employees will accrue 0.75x their average regularly scheduled hours per work week annually.

- During the first year of employment each such employee will be eligible for the following Personal Leave: Hired between July 1-October 30 – 1.0x annual accrual
- Hired between November 1-February 28(29) – 0.33x annual accrual
- Hired between March 1-June 30 – 0.00x annual accrual

Personal Leave shall be scheduled with prior approval of the department head subject to the operating and staffing needs of the department as determined by the department head. Personal Leave must be used during the fiscal year in which it is awarded and cannot be carried over from fiscal year to fiscal year. Personal Leave not used by the end of the fiscal year shall be forfeited and may not be converted to cash. Upon termination or retirement Personal Leave may not be converted to cash.

12.7 HOLIDAY LEAVE

Full-time and part-time benefited employees shall be paid for each of the following holidays as outlined below:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Day
Juneteenth	
Independence Day	

If a full-time or part-time employee is:

1. regularly scheduled to work on a day on which a holiday falls, he/she will be paid for his/her regularly scheduled hours.
2. regularly scheduled and required to work on a day on which a holiday falls, he/she will be paid straight time for hours worked and receive holiday pay for his/her regularly scheduled hours.
3. not regularly scheduled to work on a day on which a holiday falls but is required to work (with the exception of department heads), he/she will be paid straight time (or according to overtime rules, if applicable) for hours worked and receive Holiday Compensatory Leave at

one-fifth (1/5) the total number of hours he/she is regularly scheduled to work during a normal work week.

4. not regularly scheduled to work on a day on which a holiday falls, the employee will receive another day in compensation as determined by the Department Head or Town Administrator.

NOTE: Holiday Compensatory Leave will be scheduled at the discretion of the department head and must be taken within six (6) months.

12.8 AUTHORIZED LEAVE WITHOUT PAY

Leaves of absence without pay may be granted only after the written recommendation of the department head and the approval of the Select Board. The Select Board shall consider whether the leave is scheduled for such time as best serves the needs of the department and the public.

12.9 UNAUTHORIZED LEAVE WITHOUT PAY

Any absence which has not been authorized by law, this Bylaw, or by administrative rules and regulations shall be unauthorized leave without pay. Any employee who is absent for a period of five (5) consecutive workdays without specific authorization for such absence shall be deemed to have permanently vacated his/her position, unless authorization is subsequently granted by the Town Administrator.

SECTION 13: COMPENSATION

All employees included in the Job Classification and Compensation Plan shall be eligible to receive pay based upon their job classifications. The Town Administrator shall have the authority to award step increases based upon the written recommendation of the Department Head. All job classification adjustments for employees shall be subject to written recommendation of the Department Head and Town Administrator, with the approval of the Board.

The starting rate of the employee shall be placed on the range as stipulated in the classification and compensation plan. A new employee's education and years of experience in similar positions shall be used in determining the recommendation must substantiate that the candidate possesses prior job experience, extra qualifications, and/or education that directly relates to the job classification.

13.1 PERFORMANCE REVIEW A written evaluation of each employee's performance shall be conducted annually by the department head on such form as the Town Administrator shall require. The purpose of the performance review is to provide a periodic, formal process to review the employee's performance matched against prior mutually agreed upon goals and objectives. The written performance evaluation shall be reviewed with the employee and signed by both parties attesting to the review; however, the employee only attests to the review itself, not necessarily its contents.

Base Wage increases are based on merit and ability as determined through the annual performance review process. They are not automatic. The department head shall perform the evaluation, and the Town Administrator shall review it. Employees who receive a satisfactory or better evaluation shall be eligible for a base wage increase. The Town Administrator shall determine the amount of any increase in light of the availability of appropriated funds and the employee's overall performance. If the employee receives a satisfactory or better review from his department head and funds have been appropriated, the employee may appeal the Town Administrator's decision to award a base wage increase below the average on a percentage basis (including the decision to award the employee no base wage increase) to the Board for ratification.

SECTION 14 REIMBURSEMENT OF REASONABLE EDUCATION EXPENSES.

With the advance written approval of the Department head and the Town Administrator, the Town shall pay for or reimburse employees for the tuition costs of educational courses taken by the employee related to the performance of the employee's job. Such payment or reimbursement shall be provided contingent upon written evidence of satisfactory completion of the course. A record of all courses taken by employee and reimbursed by the Town shall be maintained by the Town.

Should the employee leave the Town's employ, the Town shall withhold the cost of such courses from the employee's last paycheck(s) pursuant to the following schedule:

Year 1	100% of all costs <u>paid or reimbursed</u> by the Town
Year 2:	75% of all costs <u>paid or</u> reimbursed by the Town
Year 3:	50% of all <u>costs paid or</u> reimbursed by the Town
Year 4:	25% of all costs <u>paid or</u> reimbursed by the Town
Year 5:	<u>0% of all costs</u> <u>paid or</u> reimbursed by the Town

Note: The years listed in this schedule refers to costs incurred from the date of hire, or transfer from one department to another and does not include continuing education courses

SECTION 15: CLASSIFICATION: Refer to the Town's "Classification and Compensation Plan."

SECTION 16: PAY SCHEDULE: Refer to the Town's "Classification and Compensation Plan."

SECTION 17: HEALTH FUND AGREEMENT AND TRUST

A. Non-bargaining unit members shall be eligible to participate in the Town's Health Fund Agreement and Trust, established pursuant to Section 15 of Chapter 32B, where non-bargaining unit members live outside of the HMO service area and who were full-time employees retiring after November 1, 1994 from the service of the Town.

B. To be eligible for benefits under the Trust, a retired employee must be participating in the Town's health insurance program unless said employee is located in an area where it is unavailable and must be actually retired under Chapter 32 of the Massachusetts General Laws.

C. The Town's minimum financial contribution and liability under the Trust shall not be less than 50%. The Select Board shall have the right to adjust the Town's level of contribution and to set a financial cost ceiling on the Town's contribution under the Trust.

D. No person receiving benefits under this bylaw may pyramid health insurance benefits with another health insurance program of the Town.

E. The Select Board may adopt appropriate rules and regulations to implement this bylaw.

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

The Advisory Committee recommends favorable action on Article 9 with the modifications noted by the Advisory Committee and the Bylaw Committee.

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

The Town has been making piecemeal adjustments to the personnel bylaw over the last few years. The modifications included in these changes are an effort to make a comprehensive update, from which we will assemble an employee handbook.

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote

***MOTION PASSES 143 YES/ 6/NO, 4/ABSTAIN**

ARTICLE 10 ADOPTION OF NEW BYLAW – BUSINESS REGISTRATION

PROPOSED MOTION

No Motion

Update: More research needs to be done on this proposed bylaw. We anticipate that it will be presented at Spring Town Meeting.

VOTE REQUIRED FOR PASSAGE: N/A

MOTION TO THE MODERATOR: *Rick Antanavica made motion to pass over Business Registration and second received.*

***MOTION PASSES 108 YES/ 1 NO/ 5 ABSTAIN**

ARTICLE 11 – STREET ACCEPTANCE – FLINT WAY

To see if the Town will vote under provisions of Chapter 82 of the General Laws to accept the laying out of the Town-owned property known as Flint Way as a public way; and, further, to authorize the Select Board to acquire by gift, purchase, or eminent domain and to accept the deed or deeds to the Town of a fee simple interest or easements in any land necessary for said laying out, and any associated drainage, utility or other easements for said street, and to authorize the Select Board and Town officers to take all related actions necessary or appropriate to carry out the purposes of this article.

PROPOSED MOTION

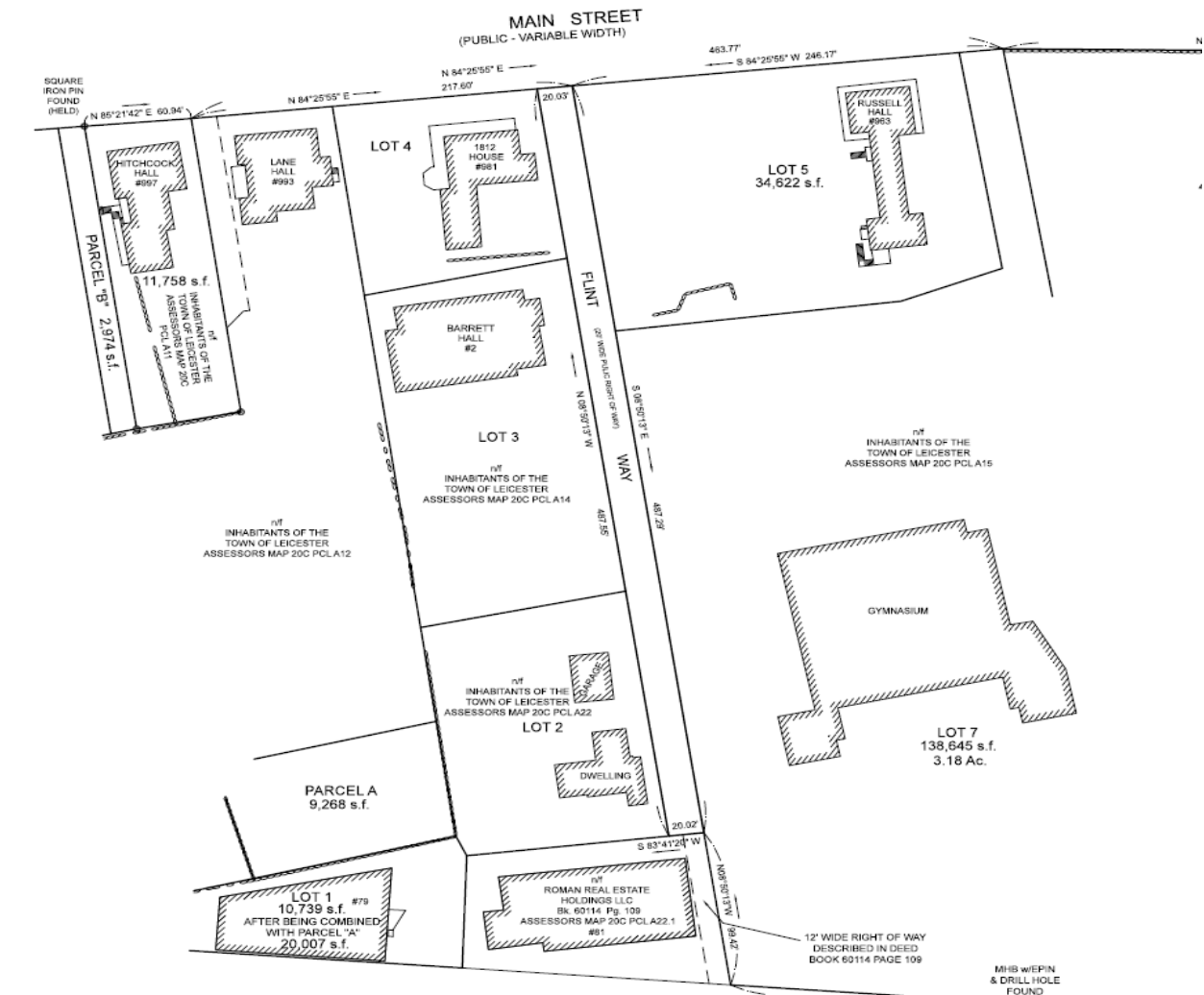
John Bujak moved that the laying out of Flint Way as a public way, as written below in the Select Board report, be accepted (second motion received).

Select Board Report

Pursuant to Chapter 82 of the General Laws, we, the Select Board of Leicester, met on the 16th day of October A. D. 2023, at six o'clock PM, to consider a petition for the laying out of Flint Way as a public way, and we, the Select Board, upon consideration of the matter, do hereby adjudge that public convenience and necessity require that Flint Way be laid out as and for a public way, in accordance with the following description, and as shown on a plan drawn by Tauper Land Survey, and dated October 10, 2023.

Flint Way description

Beginning at a point on the southerly side of
Main Street and at Lot 5 shown in Plan Book 966 plan 64 ;
thence S 08°50'13" E a distance of 487.29' by Lot 5 and Lot 7
shown on said plan to a point at now or formerly Roman Real Estate Holdings LLC;
thence S 83°41'20" W a distance of 20.02' by Roman Real Estate Holdings LLC to a
point; thence N 08°50'13" W a distance of 487.55' over land shown as Lot 2 Lots 3 and
Lots 4 on said plan to a point on the south side of Main Street;
thence N 84°25'55" E a distance of 20.03' by Main Street to the point of beginning
having an area of 9748 Square Feet, 0.22 Acres



ADVISORY COMMITTEE RECOMMENDATION

Favorable Action (4-0-0)

The Advisory Committee recommends favorable action on Article 11

SELECT BOARD RECOMMENDATION

Favorable Action (3-0-0)

DESCRIPTION

The purpose of this article is to accept the existing paved roadway known as Flint Way as a Town road, which will allow for the properties on the street to have frontage. It will also allow the Town to use Chapter 90 funds to maintain and upgrade the road as necessary.

VOTE REQUIRED FOR PASSAGE Requires a two-thirds majority vote.

***MOTION PASSES 141/YES and 6/NO**

Chairman Rick Antanavica made motion to adjourn the Special Town Meeting, Second motion received.

The Moderator declared the meeting was adjourned by a majority vote at 8:45pm with 147 voters present.

Respectfully submitted,

Pamela LaFleur, Town Clerk