

**TOWN OF LEICESTER
SPECIAL TOWN MEETING
MAY 6, 2014**

The following is a report of the Doings of the Special Town Meeting held at the Leicester Town Hall, Washburn Square on Tuesday, May 6, 2014. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:04 pm with 100 voters present.

Article 1. Thomas E. Buckley III moved that the town vote to transfer

\$37,000.00 from UNEMPLOYMENT INSURANCE,
\$35,850.00 from EMPLOYEE HEALTH INSURANCE,
\$4,000.00 from TEMPORARY LOAN INTEREST, and
\$1,700 from Library Emergency Repairs [TOTAL \$78,550.00]

as follows:

\$20,000.00 to LEGAL SERVICES,
\$4,200.00 to SELECTMEN,
\$2,500.00 to TOWN HALL BUILDING MAINTENANCE,
\$13,000.00 to FIRE DEPARTMENT,
\$18,000.00 to AMBULANCE DEPARTMENT,
\$3,750.00 to ANIMAL CONTROL,
\$3,500.00 TO HIGHWAY
\$9,600.00 to STREET LIGHTS, AND
\$4,000.00 to BOND ISSUE COSTS [TOTAL\$78,550.00].

VOTED UNANIMOUSLY

Article 2. Douglas Belanger moved that the Town vote to transfer \$121,295 from Free Cash to balance the Fiscal Year 2014 Snow & Ice Budget. VOTED UNANIMOUSLY

Article 3. Sandra M. Wilson moved that the Town vote to authorize the Selectmen to transfer \$55,500 from Insurance Receipts Reserve Account for a down payment and to enter into a lease/purchase agreement in the amount of \$345,500 for a term of five years for a replacement fire truck and to transfer \$75,000 from Free Cash for the initial installment of the lease/purchase agreement.

VOTED UNANIMOUSLY (2/3 vote needed)

Article 4. Matthew W. Dennison moved that the Town vote to transfer \$3,400 from Free Cash to fund an update to the Emergency Action Plan for Greenville Pond dam under the requirement of Mass Office of Dam Safety. VOTED UNANIMOUSLY

Article 5. Dianna Provencher moved that the Town vote to transfer \$25,000 from Free Cash to fund consulting services for the Town related to Worcester Regional Airport improvements.

VOTED BY A SIGNIFICANT MAJORITY

Sandra M. Wilson moved that the Town dissolve the Special Town Meeting.

VOTED UNANIMOUSLY

Meeting adjourned at 7:35 pm with 100 voters present.

**TOWN OF LEICESTER
ANNUAL TOWN MEETING
MAY 6, 2014**

The following is a report of the Doings of the Annual Town Meeting held at the Leicester Town Hall, Washburn Square on Tuesday, May 6, 2014. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:04 pm with 100 voters present stating the Town Clerk has informed me that a quorum is present; the meeting will come to order.

The Moderator asked that everyone stand and Pledge Allegiance to our flag. He then asked that everyone remain standing so that we observe a moment of silence to commemorate the service and sacrifice of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe in our communities.

Sandra M. Wilson moved that the Town vote to dispense with the reading of the warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

Sandra M. Wilson moved that the Town vote to dispense with a hand count by tellers on motions requiring a two-thirds vote, except when the vote or the method of voting is challenged, or when in the opinion of the Moderator, a hand count is necessary to establish a quantum of vote, or when the vote involves the potential to borrow money. VOTED UNANIMOUSLY

Sandra M. Wilson moved that the Town vote to recess the Annual Town Meeting and open the Special Town Meeting. VOTED UNANIMOUSLY

Sandra M. Wilson moved that the Town reconvene the Annual Town Meeting at 7:35 pm. VOTED UNANIMOUSLY

Article 1. Thomas E. Buckley III moved that the Town vote to accept the several Town Officers, Boards and Committees as printed in the 2013 Town Report without ratification of any action or authorization of any action. VOTED UNANIMOUSLY

Article 2. Dianna Provencher moved that the Town vote to authorize the Treasurer, with the approval of the Selectmen, to borrow money in anticipation of revenue and/or reimbursement and to issue notes of the Town payable thereof in accordance with applicable law. VOTED UNANIMOUSLY

Article 3. Matthew W. Dennison moved that the Town vote to authorize and empower the Board of Selectmen to sell or dispose of accumulated used or junk property of the Town. VOTED UNANIMOUSLY

Article 4. Douglas Belanger moved that the Town will vote to accept a sum of money as State Aid to Libraries and apply such sums to the State Aid to Library grant account. VOTED UNANIMOUSLY

Article 5. Sandra M. Wilson moved that the Town vote to reauthorize revolving accounts as detailed in the hands of the voters and as defined by Mass General Laws, Chapter 44, Section 53E½, for Fiscal Year 2015.

<u>Board/Department/Officer Authorized to expend:</u>	<u>Revenue Source:</u>	<u>Funds may be expended only for:</u>	<u>Spending Limit:</u>
Code Inspection Department	Inspection & Permit	Inspectional Services	\$50,000

Emergency Medical Service	Fees EMS training program fees	EMS training programs	\$20,000
Board of Health	Interest from Title V loans	Community Septic Management Program	\$10,000
Board of Health	Health clinic fees	Health clinics	\$5,000
Board of Health	Inspection & Permit Fees	Inspectional Services Program	\$26,500
Council on Aging	Senior Center program fees	Program services	\$10,000
Highway Department	Fuel usage by depts. And districts	Fuel usage program	\$35,000
Town Administrator	Hillcrest CC Maintenance fees	Hillcrest CC maintenance	\$10,000
Code Inspection Dept	Town Hall rental & maintenance fees	Town Hall maintenance program	\$15,000
Board of Selectmen	Recycling fees	Recycling programs	\$30,000
Police Department	Police training fees	Police training programs	\$5,000

VOTED UNANIMOUSLY

Article 6. Thomas E. Buckley III moved that the Town vote to appropriate such sums of money as may be received from the Commonwealth of Massachusetts for highway construction and related purposes for the fiscal year commencing July 1, 2014, said funds to be used under the direction of the Highway Superintendent on such projects as may, from time to time, be designated by the Board of Selectmen.

VOTED UNANIMOUSLY

Article 7. Dianna Provencher moved that the Town vote to set the rate of compensation to pay elected officials for fiscal year 2015 as detailed in the hands of the voters.

2015 ELECTED OFFICIAL PAY RATE

<u>POSITION</u>	<u>PAY RATE</u>
TOWN CLERK	48,000
SELECTMEN - CHAIRMAN	882
SELECTMEN - MEMBERS (4) each	724
SCHOOL COMMITTEE – CHAIRMAN	447
SCHOOL COMMITTEE – MEMBERS (4) each	197
PLANNING BOARD – CHAIRMAN	320
PLANNING BOARD – MEMBERS (4) each	276
MODERATOR	81
BOARD OF HEALTH – CHAIRMAN	320

BOARD OF HEALTH – MEMBERS (2) each	276
ASSESSOR – MEMBERS (3) each	577

VOTED UNANIMOUSLY

Article 8. Douglas Belanger moved that the Town vote to approve the budgets of the several Town departments and Town Accounts as printed and in the hands of the voters for the Fiscal Year beginning July 1, 2014, in the aggregate amount of \$25,783,162 and to fund this amount from the following sources:

Transfer from Ambulance Receipts Reserved Account:	\$228,000
Transfer from Board of Health Title V Reserve Account Principal:	\$20,125
Transfer from, Dog Fund Receipts Reserved Account:	\$18,000
Transfer from, Conservation Commission NOI Account:	\$10,000
Transfer from, Assessors' Overlay Surplus:	\$20,000

And the balance of the funds in the remaining sum of \$25,487,037 shall be raised and appropriated by taxation.

DEP T #	DEPARTMENT NAME	FY2013 ACTUAL	FY2014 BUDGET	FY2015 TOWN ADMIN	\$ CHANGE	%CHA NGE
111	LEGAL					
	TOTAL	62,299.50	50,000.00	62,500.00	12,500.00	25.00%
114	MODERATOR					
	TOTAL	81	100	100	0	0.00%
122	SELECTMEN					
	TOTAL	209,172.31	212,650.00	221,142.00	8,492.00	3.99%
131	ADVISORY BOARD					
	TOTAL	320	1,600.00	1,600.00	0	0.00%
135	TOWN ACCOUNTANT					
	TOTAL	125,518.31	106,853.00	105,055.00	-1,798.00	-1.68%
141	ASSESSORS					
	TOTAL	103,702.90	97,385.00	102,736.00	5,351.00	5.49%
145	TREASURER/C OLLECTOR					
	TOTAL	139,031.95	142,277.00	163,599.00	21,322.00	14.99%
147	TAX TITLE					
	TOTAL	19,972.34	20,000.00	20,000.00	0	0.00%
152	PERSONNEL BOARD					
	TOTAL	597.77	974	1,005.00	31	3.18%
155	IT DEPARTMENT					
	TOTAL	109,440.54	93,900.00	99,000.00	5,100.00	5.43%
161	TOWN CLERK					
	TOTAL	80,712.43	82,678.00	88,123.00	5,445.00	6.59%
162	ELECTIONS & REGISTRATIONS					
	TOTAL	33,250.25	26,225.00	25,500.00	-725	-2.76%
171	CONSERVATION COMM					
	TOTAL	7,137.48	14,485.00	12,168.00	-2,317.00	16.00%

173	MOOSE HILL COMM					
	TOTAL	1,064.91	3,636.00	3,611.00	-25	-0.69%
175	PLANNING BOARD					
	TOTAL	65,727.76	67,444.00	68,819.00	1,375.00	2.04%
176	ZONING BOARD					
	TOTAL	4,304.54	4,579.00	4,567.00	-12	-0.26%
197	TOWN HALL BLDG MAINT					
	TOTAL	62,772.33	60,647.00	61,696.00	1,049.00	1.73%
198	TOWN HALL TELEPHONES					
	TOTAL	6,179.59	6,600.00	6,600.00	0	0.00%
210	POLICE DEPT					
	TOTAL	1,697,797.63	1,733,173.00	1,761,381.00	28,208.00	1.63%
220	FIRE DEPT					
	TOTAL	223,048.70	208,048.00	225,855.00	17,807.00	8.56%
231	AMBULANCE DEPT					
	TOTAL	339,831.81	341,990.00	350,742.00	8,752.00	2.56%
232	EMERGENCY MANAGEMENT					
	TOTAL	0	0	4,600.00	4,600.00	100%
241	CODE DEPT					
	TOTAL	119,976.85	133,653.00	129,639.00	-4,014.00	-3.00%
292	ANIMAL CONTROL					
	TOTAL	26,505.50	26,338.00	29,105.00	1,767.00	6.71%
	INSECT PEST					
296	CONTROL					
	TOTAL	7,847.00	7,847.00	7,883.00	36	0.46%
310	SCHOOL					
	TOTAL	15,846,852.00	15,783,772.00	16,178,400.00	394,628.00	2.50%
420	HIGHWAY DEPT					
	TOTAL	694,844.84	673,195.00	686,265.00	13,070.00	1.94%
423	SNOW & ICE					
	TOTAL	253,243.61	84,000.00	97,500.00	13,500.00	16.07%
424	STREET LIGHTS					
	TOTAL	66,734.06	64,000.00	70,400.00	6,400.00	10.00%
	BOARD OF					
510	HEALTH					
	TOTAL	94,006.00	86,449.00	87,364.00	915	1.06%
541	COUNCIL ON AGING					
	TOTAL	69,604.36	80,790.00	82,326.00	1,536.00	1.90%
543	VETERANS SERVICES					
	TOTAL	68,169.93	70,505.00	90,775.00	20,270.00	28.75%
	VETERANS					
545	GRAVES REG					
	TOTAL	2,352.44	2,372.00	2,380.00	8	0.34%

610	PUBLIC LIBRARY					
	TOTAL	159,565.51	157,579.00	165,335.00	7,756.00	4.92%
630	PARKS & RECREATION					
	TOTAL	4,708.75	4,872.00	6,938.00	2,066.00	42.41%
691	HISTORICAL COMM					
	TOTAL	0	776	776	0	0.00%
692	MEMORIAL DAY COMM					
	TOTAL	2,669.10	2,790.00	2,790.00	0	0.00%
710	MATURING DEBT PRINCIPAL					
	TOTAL	1,433,250.74	1,463,612.00	553,885.00	-909,727.00	62.16%
751	MATURING DEBT INTEREST					
	TOTAL	313,613.76	265,478.00	199,018.00	-66,460.00	25.03%
752	TEMPORARY LOAN INTEREST					
	TOTAL	0	4,000.00	3,000.00	-1,000.00	25.00%
753	BOND ISSUE					
	TOTAL	0	2,500.00	0	-2,500.00	100.00%
911	WORC REG RETIREMENT					
	TOTAL	761,089.00	871,707.00	979,523.00	107,816.00	12.37%
913	UNEMPLOYMENT COMP					
	TOTAL	0	100,000.00	75,000.00	-25,000.00	25.00%
914	EMPLOYEE BENEFITS					
	TOTAL	2,478,060.04	2,592,321.00	2,666,625.00	74,304.00	2.87%
945	BONDING & INSURANCE					
	TOTAL	250,648.55	254,264.00	277,836.00	23,572.00	9.27%
	TOTAL BUDGET					
	TOTAL	25,945,706.09	26,008,064.00	25,783,162.00	-224,902.00	-0.86%
	VOTED BY A SIGNIFICANT MAJORITY					

Article 9. Sandra M. Wilson moved that the town vote to raise and appropriate from taxation the sum of \$2,777.00 to fund the FY'15 assessment from the Central Mass Regional Planning Commission, said assessment to be based on a per capita rate of \$0.25311 (cents).
VOTED BY A SIGNIFICANT MAJORITY

Article 10. Matthew W. Dennison moved that the Town vote to transfer \$205,000 from Free Cash to General Stabilization Account. VOTED UNANIMOUSLY (2/3 voted needed)

Article 11. Thomas E. Buckley III moved that the Town vote to transfer \$50,000 from Free Cash to be used for a Reserve Account pursuant to Chapter 40, Section 6 of the Mass General Laws.
VOTED UNANIMOUSLY

Article 12. Matthew W. Dennison moved that the Town vote transfer \$20,600 from the COA Generator – STM 11/8/11 Article 1b, \$2,000 from Driveway Repair Map 20B-C2 ATM 5/13 and

\$127,600 from Free Cash and authorize the Selectmen to enter into a lease/purchase agreement for a term of five (5) years and to transfer \$36,000 from Free Cash to pay for the initial installment of the lease/purchase agreement to fund the Fiscal Year 2015 Capital Improvement Plan budget as detailed in the hands of the voters, and adopt the five year capital plan of the Town.

ITEM	AMOUNT	DEPARTMENT
Ambulance - Lease/Purchase Year 1	\$ 36,000	Ambulance
1 Ton Dump Truck	\$ 62,000	Highway
Camera System	\$ 28,200	Police
Technology Infrastructure Upgrades	\$ 60,000	School
TOTAL CAPITAL BUDGET	\$186,200	

FY15 CAPITAL PLAN

	Line	Dept	Projects and Equipment	2015	2016	2017	2018	2019
* Status		<i>Schedule I - Detail Capital Plan by Department:</i>						
	1	Highway	Purchase Sweeper replacement		178,000			
	2	Highway	Purchase dump truck			181,000		
	3	Highway	Purchase 1 ton dump truck w/ plow	62,000				-
	4	Highway	Purchase 1 ton dump truck w/ plow		65,000			
	5	Highway	Purchase new loader			199,000		
	6	Highway	Brush Cutter					
	7	Highway	Backhoe		137,000			
	8	EMS	new ambulance #1 - Begin Lease 2015	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>
	9	Fire	Scope truck remount				750,000	

	10	Fire	Engine 3 replacement				450,000	
	11	Fire	SCBA Replacement		285,000			
	12	Fire	Replacement Truck - Begin Lease 2015	<u>75,000</u>	<u>75,000</u>	<u>75,000</u>	<u>75,000</u>	<u>75,000</u>
	13	Police	Camera System (Evidence Room)	28,200				
	14	Police	Camera System (Booking Area and lockup) included above					
	15	Police	AED Portable for Cruisers		19,160			
	16	Sch-All	Tech Infrastructure	60,000				
	17	Sch-Caf. Comb.	Expansion of serving areas - (Primary, Middle & Memorial)		34,500			
	18	Sch-All	Energy management (Primary & Middle)		50,000	50,000	40,000	
	19	Sch-All	Storage facility		70,000			
	20	Sch-All	Irrigation Expansion		20,000			
	21	Sch-All	Replacement tractor		38,000			
	22	Sch-All	Snowblower/lawn machine			30,000		
	23	Sch-All	Purchase 1 ton dump truck w/ plow (replaces 2000 F350)				37,000	
B	24	Sch-All	Replacement of Toro front mower w/heated cab & snow thrower lease		<u>5,903</u>	<u>5,904</u>		
	25	Sch-Comb.	Security locks and HC Accessibility Pri/Mem/Mid		56,000			
	26	Sch-Comb.	Classroom renovation (Middle & Memorial)		16,000	16,000	16,000	16,000
	27	Sch-Admin	Generator (Memorial School)		75,000			
	28	Sch-High Sch.	Bleacher system, athletic fields		155,000			
	29	Sch-	Computer room air		75,000			

		High Sch.	conditioning					
	30	Sch-High Sch.	Roof study/repair/replacement				600,000	
	31	Sch-Middle	Heating convector replacement - Middle School		280,000			
	32	Sch-Middle	Reconstruction of cement walkways		15,000			
	33	Sch-Middle	Replace driveway/parking lot		85,000			
	34	Sch-Middle	Boiler study & asbestos abatement study		10,000			
	35	Sch-Middle	Emergency Generator upgrade		40,000			
	36	Sch-Middle	Energy conservation - window/door replacement - last phase		75,000			
	37	Sch-Memorial	Parking lot resurfacing		40,000			
	38	Sch-Memorial	Access apron to emergency exits			25,000		
	39	Sch-Primary	Window replacement		85,000	85,000		
	40	Sch-Primary	Parking lot resurfacing		40,000			
	41	Sch-Primary	Emergency Generator upgrade			45,000		
	42	Selectmen	Town Hall Renovations - design and construction		541,000			
	43	Selectmen	Rawson Street bridge		500,000			
	44	Selectmen	Underground fuel Storage tank replacement		85,000			
B	45	Selectmen	Financial Support Software (7-year financing through IT budget)		<u>12,301</u>	<u>12,301</u>	<u>12,301</u>	<u>12,300</u>
	46	TH Bldg Svc.	Town Hall boiler replacement		300,000			

Article 19. Dianna Provencher moved that the Town vote to accept Section 20 of Chapter 32B Mass General Laws relative to the creation of a municipal trust fund for the purposes of funding Other Post-employment Benefits (OPEB). VOTED UNANIMOUSLY

Article 20. Douglas Belanger moved that the Town vote to accept the provisions of Mass General Laws Chapter 200A, Section 9A, for managing of Town Treasurer's checking accounts. VOTED UNANIMOUSLY

Article 21. Matthew W. Dennison moved that the Town vote to authorize the Board of Selectmen to sell at public auction or by other lawful means certain Town owned real estate in such manner and on such terms as the Board deems in the best interest of the Town, per a list at the Town Clerk's office and in the hands of the voters.

LAND TO BE DECLARED EXCESS							
parce l id	location	land area	legal ref	front age	zon e	asses sed	notes
12A F4	WHITTEMOR E	5000 SF		50	SA	7300	
13 B1	EARLE	1 AC		0	SA		
15A A19	CHAPEL	1 AC	20297- 340	165	SA		REAR WET
21 A11	REAR S. MAIN	6.12 AC	42841- 136	0	B	15,900	LANDLOCKED
21B B11	HAWTHORN E	2.67A C	7694- 161	0	R1	5500	PAPER ST
21B B23	GRAND VIEW	5920 SF	6899- 146	0	B	2600	PAPER ST
21B E3	OAK	1.23 AC	7694- 161	0	B	3200	PAPER ST
21B F2	OAK	1.69 AC	7694- 161	0	B	3300	PAPER ST
21B H6	CARLISLE	8000 SF	7004- 336	0	B	2700	PAPER ST
23A A50	MAIN	1.54A C	39413- 122	171	B	52000	SLOPING LOT--- SELL
23D A4	MAIN	6995 SF	38741- 371	60	SA	5600	LOW,WET
24 C20	GURTRUDE	7.117 AC	43148- 47	0	SA	18,500	
25A E15	NEWFIELD	7500 SF	38741- 371	0	R1	8000	PAPER ST
25A E17	SOMERSET	1000 0SF	38741- 371	0	R1	8,100	PAPER ST
25A E20	UTICA	1500 0SF	38741- 371	0	R1	8300	PAPER ST
26C A1	BURNCOAT	3000 0SF		100	R1	66,200	WET?
27 C5	RAWSON	2 AC	41535- 346	20	SA	73,200	BLD WITH LIMITED FRTG VARI
28A C6	LAKE SHORE DR	5475 SF	38741- 371	19	SA	8,000	
28A	LAKE SHORE	6250	37081-	50	SA	19000	

E6	DR	SF	241				
29A D8	BIRCHWOOD	4000 SF	16890-113		SA	5,800	UNFIN CULDESAC
29A D9	BIRCHWOOD	2957 5SF	41962-317		SA	9,900	UNFIN CULDESAC
29A D10	WALBRIDGE	1755 0SF	41962-317		SA	9300	UNFIN CULDESAC
29A G1	R.O.W.	1575 2SF	42841-136	0	SA	3,100	PAPER ST
29A G2	R.O.W.	1757 5SF	26324-023	0	SA	3100	PAPER ST
29A G3	R.O.W.	2240 0SF	26324-023	0	SA	3,200	PAPER ST
30A A18	STERLING	2650 0SF	38741-371	0	R1	9800	PAPER ST
31 A2	PETER SALEM	7.01A C	16890-113	50	R1	7,300	WET
33A A1	LOGAN	1745 8SF	38741-371	0	R2	8400	PAPER ST
34B B4	STAFFORD	5000 SF	39413-121	55	R1	6,600	
35A A3.7	AUBURN	2015 0SF		126	BR1	63000	CHECK ASSMNT
36 B5	STAFFORD	4010 1SF	35653-374	173	BR1	31,300	WET? TOPO
36 B7	STAFFORD	4030 9SF	35653-374	150	BR1	31,300	WET? TOPO
38A A4	PLEASANT	1659 0SF	38741-371	36	R1	11,100	SHAPE
41A B14	FERNCROFT	1373 7SF	40786-273	85	SA	9,100	
43 A11	RIVER	1830 0SF	24396-169	303	SA	7,900	STRIP ON GREEVILLE POND
43 C5	REAR PLEASANT	11.25 AC	38102-203	0	SA	29,300	LANDLOCKED
43A B4	REAR PLEASANT	4647 SF	38741-371	0	NB	300	LANDLOCKED
46B E3.1	DENNY PLACE	1982 SF	4576-527	50	R2	2,600	ABUTTER GARAGE PARTLY ON THIS
46D H5	VIRGINIA DR	8500 SF	3995-403	85	R1	8,900	
49 C8	PARKER	5.1A C		153	SA	65,000	FRONT WET
21B B12	PINE	4000 SF	7004-336	0	B	1,800	PAPER ST
21B B15	PINE	4000 SF	1559-323	0	B	1,800	PAPER ST

VOTED UNANIMOUSLY (2/3 voted needed)

Article 22. Sandra M. Wilson moved that the Town vote to authorize the Board of Selectmen to enter into a Tax Agreement, pursuant to Mass General Laws Chapter 59, Section 38H, with the lessees/operators of the solar photovoltaic energy generating facilities or its successors/assigns, for a period of up to twenty (20) years, and to approve said Agreement under which the lessees/operators, or its successors/assigns, will pay the Town a sum of money per year pursuant to a structured Tax Agreement for taxation of the real and personal property on 396

Auburn St, Assessors Map 35A, Parcel A3, due to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately six (6) megawatts, said Tax Agreement is on file in the Town Clerk's Office, and further allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the Tax Agreement rise or lower commensurately.
VOTED UNANIMOUSLY (2/3 voted needed)

Article 23. Thomas E. Buckley III moved that the Town vote to authorize the Board of Selectmen to enter into a Tax Agreement, pursuant to Mass General Laws Chapter 59, Section 38H, with the lessees/operators of the solar photovoltaic energy generating facilities or its successors/assigns, for a period of up to twenty (20) years, and to approve said Agreement under which the lessees/operators, or its successors/assigns, will pay the Town a sum of money per year pursuant to a structured Tax Agreement for taxation of the real and personal property on 748A Stafford Street, Assessors Map 36, Parcel A3, due to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately one (1) megawatt, said Tax Agreement is on file in the Town Clerk's Office, and further allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreement to reflect any changes in the size of the parcel of land or size of the system so long as the payments reflected in the Tax Agreement rise or lower commensurately.
VOTED UNANIMOUSLY (2/3 voted needed)

Article 24. Dianna Provencher moved that the Town vote to authorize the Board of Selectmen to lease the former landfill real property located on Mannville Street and otherwise shown on the Assessors Map 12, Parcel C12 and Map 15 Parcel A3 for a solar to electric generation facility upon such terms as the Selectmen deem best. VOTED UNANIMOUSLY (2/3 voted needed)

Article 25. Sandra M. Wilson moved that the Town vote to amend the General Bylaws "Personnel Bylaw" section, per document at Town Clerk's office and in the hands of the voters.

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 Personnel Board.

CASUAL EMPLOYEE: An individual employed in a position calling for work which does not constitute regular employment; the work being rendered occasionally and without regularity on an ad hoc basis, according to the demands, therefore as determined by appointing authority.

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, or dismissal. "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.

INTERMITTENT EMPLOYEE: An individual employed in a position whose service, although regular, is not rendered for prescribed working hours, either daily, weekly, or annually, but is rendered as required according to the department head or appointing authority.

ON-CALL EMPLOYEE: An individual in the employ of the Town who has been designated as available for duty as needed.

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.

PROBATIONARY EMPLOYEE: Any new employee whose tenure in the Town service has not exceeded 90 days; such employees have limited rights during this stage of their employment and may be discharged at any point at which the level of performance is determined to be unacceptable 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 90 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: PERSONNEL BOARD

The Personnel Bylaw shall be administered by a Board consisting of five (5) residents of the Town, who shall be appointed by the Board of Selectmen. The term of office of members of the Board shall be three years, but the terms of no more than two members shall expire the same year.

No elected or appointed officer of the Town of Leicester and no person employed by the Town of Leicester shall be eligible for service on the Board. The Board shall meet regularly as necessary to consider such business as may be presented by Town officials, Town employees, and others. Any member of the Board missing three (3) consecutive meetings without sufficient reason may be subject to removal. At least three (3) members of the Board shall be present in order to constitute a quorum. At any meeting of the Board, action by a majority of all the Board members shall be binding. The Board shall serve without compensation.

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 and subject to approval by the Board of Selectmen upon the Town Administrator's recommendation. 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 shall review the job classification and compensation plan under its jurisdiction at intervals of not more than three (3) years. The Board may review and approve existing job classifications as drafted by the Town Administrator and subject to approval by the Board of Selectmen upon the Town Administrator's recommendation. No new classification(s) shall be established without a report of the Board, subject to the subsequent ratification of its actions by the Board of Selectmen. No new classification shall permanently exist until such ratification.

SECTION 5: APPLICATIONS

a. The provisions of this Bylaw shall apply to all 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.

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 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 shall notify the Board upon selection of an applicant to a position with the Town and shall provide all pertinent information for the records of the Board. In the case of a Board of Selectmen appointment, the Town Administrator shall notify the Board.

SECTION 6: 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 7: 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 taking action on the proposal of this Bylaw, or application thereof.

SECTION 8: POLICIES AND PROCEDURES

The Personnel Board shall establish, adopt, and maintain such policies, procedures, rules, and regulations as it deems necessary for the implementation and administration of this Bylaw.

SECTION 9: 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.

9.1 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.

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

9.3 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.

9.4 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 of time 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.

9.5 DEDUCTIONS Any compensated sick leave actually 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.

9.6 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.

9.7 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.

9.8 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.

9.9 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 10: VACATION LEAVE

10.1 ELIGIBILITY Upon completion of the 90-day probationary period, 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:

10.1.1 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 (1st 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

10.1.2 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.

10.2 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 commences upon completion of the 90-day probationary period.

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. This shall be subject to notification in writing to the Board of Selectmen.

NOTE: There will be a period of adjustment with a higher maximum carryover permitted for FY15 to allow use of previously earned vacation accruals under the previous provisions of this bylaw.

10.4 TERMINATION OF EMPLOYMENT Upon termination of employment with the Town, an employee shall be entitled to payment of all unused accrued vacation credit prorated to the date of separation.

10.5 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. No vacation credit will accrue while on unpaid leave. Accrual will resume upon return to work.

10.6 RATE OF PAY FOR VACATION LEAVE Vacation Leave will be paid at the employee's base pay rate at the time of vacation.

SECTION 11: OTHER LEAVES

11.1 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 an authenticated copy of the orders issued to him/her and an authenticated 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 is seventeen (17) working days.

11.2 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.

11.3 MATERNITY 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 maternity benefits.

11.4 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 and the Massachusetts Small Necessities Act. The Board of Selectmen may issue such rules, regulations, and policies as may be necessary to carry out the Acts. The Town Administrator shall administer the leave program.

11.5 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 a maximum of one (1) regularly scheduled work week of Bereavement Leave. 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, step-child, 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.

11.6 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.

11.7 HOLIDAY LEAVE. This section effective upon approval at 2009 Town Meeting (June 16-09). 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
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, he/she will 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 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.

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

11.8 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 Board of Selectmen. The Board of Selectmen shall consider whether the leave is scheduled for such time as best serves the needs of the department and the public.

11.9 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.

PART II

SALARY/WAGES

SECTION 12: COMPENSATION

All employees included in the Job Classification and Compensation Plan shall be eligible to receive pay based upon their job classifications. All job classification adjustments shall be subject to written recommendation of the appointing authority with the approval of the Board.

The starting rate shall be the minimum of the salary range of the job classification to which the new employee has been hired. Upon the recommendation of the Town Administrator, the Appointing Authority may provide a starting rate higher than the minimum of the salary range up to the mid-point of the salary range. The recommendation must substantiate that the candidate

possesses prior job experience, extra qualifications, and/or education that directly relates to the job classification.

12.1 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 of Selectmen, which shall confer with the employee, the department head, and the Town Administrator.

SECTION 13: CLASSIFICATION Refer to the Town's "Classification and Compensation Plan."

SECTION 14: PAY SCHEDULE Refer to the Town's "Classification and Compensation Plan.

SECTION 15: 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 Board of Selectmen 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 Board of Selectmen may adopt appropriate rules and regulations to implement this bylaw.
VOTED UNANIMOUSLY (2/3 voted needed)

Article 26. Matthew W. Dennison moved that the Town vote to add a new section to the General Bylaws entitled "Illicit Discharge to Municipal Storm Drain System", per document at Town Clerk's office and in the hands of the voters.

Bylaw Governing Illicit Discharges to the Municipal Storm Drain System

SECTION 1: PURPOSE

The purpose of this bylaw is to provide for the health, safety, and general welfare of the citizens of the Town of Leicester through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. The bylaw establishes methods for controlling the introduction of pollutants into the municipal

separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this bylaw are:

1. To prevent pollutants from entering Leicester's municipal separate storm sewer system;
2. To prohibit illicit connections and unauthorized discharges to the MS4;
3. To require the removal of all such illicit discharges;
4. To comply with state and federal regulations relating to storm water discharges; and
5. To establish legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

SECTION 2: DEFINITIONS

For the purposes of this bylaw, the following shall mean:

Authorized Enforcement Agency: The Town of Leicester's Board of Selectmen shall administer and implement this bylaw. The Town's Highway Department shall enforce this bylaw. Any powers granted to or duties imposed must be delegated in writing by the Board of Selectmen to the appropriate agents of the town, i.e. the employees of and agents of the Highway Department, the Board of Health, the Conservation Commission, District Water and Sewer Superintendents, Building Inspector, and Town Engineer.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C § 1251 et seq.) and any subsequent amendments thereto.

Hazardous Material: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 5 of this bylaw.

Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and waste water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR. Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes

and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drain System: Publically-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3: APPLICABILITY

This bylaw shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4: RESPONSIBILITY FOR ADMINISTRATION

The Board of Selectmen shall administer and implement the provisions of this bylaw. The Highway Department shall enforce this bylaw. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Chairman of the Board of Selectmen to persons or entities acting in the beneficial interest of the Town of Leicester.

SECTION 5: DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges: No person shall discharge or cause to be discharged into the municipal separate storm sewer system (MS4) or watercourses any materials, including but not limited to pollutants or waters containing pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this bylaw:

- Water line flushing or other potable water sources
- Landscape irrigation or lawn watering
- Diverted stream flows
- Rising ground water
- Uncontaminated ground water infiltration from storm drains
- Uncontaminated pumped ground water
- Foundation or footing drains
- Crawl space pumps
- Air conditioning condensation
- Springs
- Individual resident car washing
- Natural riparian habitat or wet-land flows
- De-chlorinated Swimming pools
- Street wash waters
- Residential building wash waters without detergents
- Firefighting activities

2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections:

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 or watercourse, or allows such a connection to continue.

SECTION 6: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4 system, or water of the U.S. said person shall take all the necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies and the Leicester Highway Department. In the event of non-hazardous materials, said person shall notify the Leicester Highway Department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Leicester Highway Department within three business days of the phone notice. If the discharge of prohibited material emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 7: MONITORING OF DISCHARGES

Inspectors authorized by the Board of Selectmen shall be permitted to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized inspectors.

SECTION 8: ENFORCEMENT

The Board of Selectmen through the Highway Department shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief: If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders: The Board of Selectmen or another authorized agent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:

1. Elimination of illicit connections or discharges to the MS4;
2. Performance of monitoring, analyses, and reporting;
3. That unlawful discharges, practices, or operations shall cease and desist; and
4. Remediation of contamination in connection therewith.

If the enforcing body determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the enforcing body may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Criminal Penalty: Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Board of Selectmen may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D in which case the Highway Department shall be the enforcing Town department. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$250.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violations occurs or continues shall constitute a separate offense.

Entry to Perform Duties Under This Bylaw: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Highway Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under the bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.

Appeals: The decisions or orders of the Board of Selectmen shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive: The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 9: SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

VOTED UNANIMOUSLY (2/3 voted needed)

Douglas Belanger moved that the town vote to adjourn the Annual Town Meeting at 8:58pm with 125 voters present. VOTED UNANIMOUSLY