

Special Town Meeting
November 17, 2020

Good Evening and welcome, my name is Deborah Davis, I am your Town Clerk. I have been informed that a quorum is present; we can now start the Special Town Meeting. However, first I have an announcement. Our Moderator Don Cherry is unable to be here this evening; therefore, we are looking for a nomination, for an elected temporary moderator for this meeting. However, before we do this, I am turning it over to Kristen Forsberg our Assistant Town Administrator. Kristen has a few test questions for all to answer to be sure that everyone knows how to use the clickers for voting and that they are all working. Now that we have voted on the test questions.

Are there any nominations for an elected temporary moderator? A motion was made for Douglas Belanger to be

temporary elected moderator and a second was made. The Town Clerk called for a vote on the motion made by the Select Board for Douglas Belanger to be temporary elected moderator for this meeting.

Passed 42-11- 2 abstain.

The Town Clerk asked are there any other nominations for a temporary elected moderator. There were none.

The Town Clerk then asked Douglas Belanger to come to the podium to run the Special Town Meeting.

Douglas Belanger asked the body to read the COVID instructions and to please abide by the rules and to also read the procedure for Town Meeting. The moderator then told the body we are in receipt of the warrant so we may proceed with the Town Meeting.

Moderator Belanger asked everyone to stand and pledge allegiance to the flag and to remain standing for a moment of silence for our first responders and military personnel.

Before getting started with the meeting Moderator Belanger wanted to acknowledge and to wish the Town Assessor, John Prescott a happy retirement. John has been the Assessor in Leicester for 24 years and will be leaving at the end of December. The Moderator then asked John to stand and the audience applauded. We are all wishing John, the best.

PROCEDURAL MOTION #1. Dianna Provencher moved that the town dispense with the reading of the warrant.

Passed: 48-3-0 abstain

PROCEDURAL MOTION #2. Dianna Provencher moved that the Town dispense with a hand count by tellers.

Passed: 52-2-1 abstain

ARTICLE 1 PRIOR YEAR BILLS

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

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$1,476.79 from Free Cash to pay the prior year bills as listed in the Fall 2020 Town Meeting warrant.

Department		Vendor	Amount
Parks and Recreation		Barrows Hardware	\$28.49
Highway Department		Everlast Nursery	\$80.00
Highway Department		Republic Services	\$347.84
Highway Department		National Grid	\$298.41
EMS Department		Saint Vincent Hospital	\$722.05
Total			\$1,476.79

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

This article is required for the payment of bills prior to July 1, 2020 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

ARTICLE 1: Passed 54-6-0 abstain

ARTICLE 2 ADJUST FY 2021 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, 2020, as voted at the June 2, 2020 Annual Town Meeting Warrant or take any action thereon.

ACTION #1 – RAISE AND APPROPRIATE

PROPOSED MOTION

Dianna Provencher moved that the Town raise and appropriate \$102,004 to defray the expenses of Town departments and Town accounts for the Fiscal Year beginning July 1, 2020, as listed in the June 2, 2020 Annual Town Meeting Warrant and as amended below:

Sources	Reason	Amount
Raise and Appropriate	Increased overall receipts	\$102,004
Total		\$102,004

Department	Reason	Amount
FY 21 Select Board Professional Services 01-122-5200-004	Funds appropriated to this line will be used to fill anticipated budget deficits due to retirements and other personnel changes at the Spring 2021 Town Meeting.	\$54,191
FY 21 DIS Professional Services 01-180-5200-004	Title V inspections and nursing stipends	\$10,000
FY 21 Reserve Fund 01-130-5700-007	Replenishment of Reserve Fund	\$34,000
FY 21 Emergency Management Salaries 01-290-5101-000	Funds removed when FY 21 budget was assembled	\$3,813
Total		\$102,004

DESCRIPTION

See descriptions in the above table for individual line item explanations. This article adjusts the FY21 budget after the projection of all final revenues. The revenues which make up the annual budget come from five categories: new growth, 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 revenue numbers come in, funds are either apportioned to or removed from departments at the following town meeting, which typically occurs in the Fall.

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

Revenue	ATM Projected	STM Final	Change in Revenue
New Growth (Taxation)	\$16,949,140	\$17,005,247	\$56,107
State Aid	\$12,225,747	\$12,212,604	-\$13,143
Local Receipts	\$2,578,158	\$2,501,000	-\$77,158
Free Cash	\$205,308	\$205,308	0.00
Other Available Funds	\$381,183	\$381,183	0.00
Total	\$32,339,536	\$32,305,342	-\$34,194
State Assessments/Offsets	1,260,731	1,124,534	136,197
Net Budget Difference			\$102,004

Voting affirmatively on Action #1 will increase the FY21 budget by \$102,004.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

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

ARTICLE 2, Action #1: Passed 49-9-1 abstain

ACTION #2 – TRANSFER FROM AVAILABLE FUNDS

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer the following sums, totaling \$111,000 from and to the accounts listed in the table below:

From:	Amount	To:	Amount
FY21 Workers Comp 01-912-5700-009	\$40,000	FY21 Liability Insurance 01-945-5700-009	\$40,000
FY21 DIS Salaries 01-180-5102-000	\$38,000	FY21 Town Admin Office Wages 01-122-5100-000	\$38,000
FY21 DIS Consultant/Prof Services 01-180-5200-004	\$33,000	FY21 DIS Salaries 01-180-5102-000	\$33,000
Total	\$111,000	Total	\$111,000

DESCRIPTION

This transfer is requested to fix an error that occurred in setting up the FY 2021 budget, a lateral staff transfer and a change from regional health services to a Town health agent employee. These actions do not increase spending; they move funds between municipal accounts.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

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

ARTICLE 2, Action 2: Passed 50-6-0 abstain

ACTION #3 – TRANSFER FROM FREE CASH TO FUND FIRE/EMS STUDY

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer the following sums from Free Cash, totaling \$25,000 from and to the accounts listed in the table below:

From:	Amount	To:	Amount
Free Cash	\$25,000	FY 21 Select Board Professional Services 01-122-5200-004	\$25,000
Total	\$25,000	Total	\$25,000

DESCRIPTION

With the impending retirement of the Fire Chief, the Board has determined that there is a need to study potential options for the Fire/EMS function going forward. There are several options to consider, including adoption of MGL regarding management and oversight, recruitment, and department structure going forward. These funds would be used to hire a consultant to study current Fire/EMS operations. The consultant would work with the newly appointed study committee to bring forward recommendations for the consideration of the Select Board and Town Meeting.

FINANCE ADVISORY BOARD RECOMMENDATION No Recommendation (3:3:0)

SELECT BOARD RECOMMENDATION Favorable Action (4:1:0)

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

ARTICLE 2, Action #3: Failed 17-40-2 abstain

ARTICLE 3 POLICE CRUISER

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to purchase and equip one (1) police vehicle or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$48,303 from Free Cash to purchase and equip one (1) police vehicle.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The Police Department utilizes a fleet of ten (10) vehicles to meet the law enforcement needs of the residents of Leicester. This fleet of vehicles includes five (5) frontline marked police cruisers that are used daily. Funding is being requested to replace the oldest marked frontline cruiser which will have over 100,000 miles when replaced. The Town has been following a fleet replacement schedule that includes the replacement of one to two cruisers annually to ensure the full use and reliability of the fleet.

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

ARTICLE 3: Passed 49-12-0 abstain

ARTICLE 4 FY 2021 CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the Capital Improvement Plan budget beginning July 1, 2021 or take any action thereon.

ACTION #1 – TRANSFER FROM FREE CASH

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$263,208 from Free Cash to fund the Fiscal Year 2021 Capital Improvement Plan budget.

DEPARTMENT	ITEM	AMOUNT
Fire	Aerial scope Tower Truck Lease/Purchase Payment – Year 5 of 5	\$90,081
Police	F150 Pickup Truck	\$49,845
Police	Detective Car	\$43,307
Police	Carport	\$50,000
Highway	1.5 Ton Double Drum Roller	\$14,975
Highway/Senior Center	Phone Systems	\$15,000
	Total FY 2021 Capital Purchases/Lease Payments	\$263,208

FINANCE ADVISORY BOARD RECOMMENDATION No Recommendation (3:3:0)

CAPITAL IMPROVEMENT COMMITTEE RECOMMENDATION Favorable Action (4:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

This article seeks funding from Free Cash to fund the final year of a lease/purchase agreement, as well as six other items:

F150 Pick Up Truck – The School Department transferred their Ford F350 dump truck to the Highway Department upon the recommendation of a previous employee. The new Facilities Manager needs a pickup truck to assist with plowing and to transport materials and equipment. The Police Department has an F250, which is a bigger vehicle than needed, especially now that the Police lot is being plowed by Highway. The Police Department would transfer the F250 to the School Department and purchase a more practical vehicle that would allow for the transportation of equipment, tow trailers, and personnel to training sessions. It would also be pursuit rated, which would allow it to be used in police operations if one of the front-line cruisers is not available.

Detective Car – The current detective car, a Ford Focus, has high mileage and sees rugged usage for non-police equipped vehicle. The Police Department recommends purchasing a 2021 Ford Explorer as a replacement vehicle. The Focus would be retained for use by the Town's inspection & assessing departments.

Police Station Carport – There is limited storage at the Police Department in order to protect vehicles and equipment from the weather, and there have been incidents in recent years with falling ice presenting a danger to employees and equipment. The installation of a carport would keep vehicles and equipment clean so it would be available for use without having to be cleaned off or dug out and provide a safe entrance and exit from the building to shield visitors and employees from falling ice.

1.5 Ton Double Drum Roller – The Highway Department recommends replacing an aged one-ton roller that has outlived its useful life and is no longer compliant with worker safety codes. This vibratory unit, which is used to compact asphalt and dirt, is a necessary and effective upgrade for the work that is done on the Town's public and private roads.

Phone System Upgrades – Senior Center and Highway – The Highway and Senior Center phone systems are obsolete and prone to failure. The recommended system, which is an extension

of the Town Hall system would place them within the Town network, offering VPN service, interoffice connection, additional lines and increased reliability.

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

ARTICLE 4, Action #1: 40-20-1 abstain

ACTION #2 – TRANSFER FROM AMBULANCE RECEIPTS RESERVE FOR APPROPRIATION

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$229,000 from Ambulance Receipts Reserved for Appropriation to fund the purchase of a new ambulance.

DEPARTMENT	ITEM	AMOUNT
EMS	New Ambulance	\$229,000

DESCRIPTION

These funds would be used to purchase a 2021 four-wheel drive ambulance to replace a 2005 front line vehicle. The goal of the EMS department in managing the fleet is to update the fleet with a new ambulance every four years. Recently, that has dropped to every five years due to financial pressures. This will result in the fleet of three ambulances being fully turned over every fifteen years. Fortunately, there is an excess balance in the Ambulance receipts account, which allows this purchase to be made without using Free Cash.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

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

ARTICLE 4, Action #2: Passed 55-4-0 abstain

ARTICLE 5 AERIALSCOPE FIRE TRUCK REPAIRS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to repair the Aerial Tower Fire Truck or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$34,698 from Free Cash to pay for repairs to the waterway of the Aerial Tower Fire Truck.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The waterway for the Aerial Tower Fire Truck needs to be replaced due to a slight deflection that caused it to wear improperly and prevents it from retracting. These funds will be used to remove the existing waterway, replace the truck's hydraulic lines in two phases, and install a new 95-foot waterway to bring the apparatus back up to full service.

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

ARTICLE 5: Passed 47-13-1 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 \$327,457 to fund the FY 2021 Cable Access budget, under the direction of the Leicester Cable Access Corporation (LCAC).

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The Town serves as a pass-through for franchise fees collected from cable subscribers which support our local cable PEG access service (LCAC). This amount represents the amount of retained earnings in the Cable PEG access account that was certified as excess by the Department of Revenue at the close of Fiscal Year 2020.

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

ARTICLE 6: Passed 44-14-0 abstain

ARTICLE 7 FUNDING THE FY 2022 VALUATION UPDATE AND CERTIFICATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the FY 2022 valuation update and certification or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$57,800 from Free Cash to fund the FY 2022 valuation update for the Board of Assessors.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The Town is required to update its values every five years. These funds would be used to hire outside contractors to revalue the Town's commercial real estate and personal property assessments for FY 2022.

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

ARTICLE 7: Passed 47-13-0 abstain

ARTICLE 8 FUNDING REVISIONS TO THE TOWN'S OPEN SPACE AND RECREATION PLAN

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund an update to the Town's open space and recreation plan or take any action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$15,500 from Free Cash to fund revisions to the Town's open space and recreation plan.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The Town's open space and recreation plan will expire in December of 2021. It must be revised and updated to meet state requirements. This funding will allow the Town to contract with CMRPC to revise the existing plan.

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

ARTICLE 8: Passed 47-14-0 abstain

ARTICLE 9 FUNDING RENOVATION OF BASKETBALL/PICKLEBALL COURTS AT TOWTAID PARK WITH PARC GRANT FUNDING

To see if the Town will vote to appropriate the sum of \$90,000 to renovate the basketball/pickleball courts at Towtaid Park in Leicester, to be managed and controlled by the Parks and Recreation Committee of the Town of Leicester, and the Town Administrator be authorized to file on behalf of the Town of Leicester any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Urban Self-Help Act now known as the PARC Grant Program (301 CMR 5.00) and/or any others in any way connected to the scope of this Article, and the Town of Leicester and the Parks and Recreation Committee be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Leicester to affect said renovation costs. Towtaid Park is dedicated to park and recreation purposes via deed recorded in Book 1643, Page 518 in the Worcester District Registry of Deeds, and under MGL Chapter 45, Section 3 or take any other action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town to transfer the sum of \$90,000 from Free Cash to renovate the basketball/pickleball courts at Towtaid Park in Leicester, to be managed and controlled by the Parks and Recreation Committee of the Town of Leicester, and the Town Administrator be authorized to file on behalf of the Town of Leicester any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Urban Self-Help Act now known as the PARC Grant Program (301 CMR 5.00) and/or any others in any way connected to the scope of this Article, and the Town of Leicester and the Parks and Recreation Committee be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Leicester to affect said renovation costs. Towtaid Park is dedicated to park and recreation purposes via deed recorded in Book 1643, Page 518 in the Worcester District Registry of Deeds, and under MGL Chapter 45, Section 3.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0) Funds would only be expended if the grant is successful.

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The Town has applied for a \$90,000 PARC Grant to fund the renovation of the basketball and pickleball courts at Towtaid Park. The grant requires that the entire amount of the project be funded by the Town. The grant will then reimburse the Town for 70% of the cost of the project, or \$63,000, leaving the Town's actual funding of the project at \$27,000. Funding will not be spent if the Town fails to receive the grant.

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

ARTICLE 9: Passed 53-8-0 abstain

**ARTICLE 10 USE OF SETTLEMENT FUNDS FOR FIRE STATION RETENTION PONDS
REMEDICATION PROJECT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to correct drainage issues with the retention ponds at the Fire Station headquarters at 3 Paxton Street, said corrections to include design, engineering, permitting, funding of potential easements, construction and other related costs; or take any other action thereon.

PROPOSED MOTION

Dianna Provencher moved that the Town vote to transfer \$560,000 from receipts reserved for appropriation to correct retention pond drainage issues at the Fire & EMS Headquarters (3 Paxton Street), said corrections to include design, engineering, permitting, funding of potential easements, construction and other related costs.

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The Town recently negotiated a settlement with the Fire project architect and their subcontractors regarding drainage issues with the retention ponds that were installed at 3 Paxton Street as part of the Fire & EMS Headquarters construction project. These funds will be used to design and construct a new drainage system to better manage stormwater generated onsite.

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

ARTICLE 10: Passed 43-16-1 abstain

**ARTICLE 11 TRANSFER OF FREE CASH TO THE TRANSPORTATION INFRASTRUCTURE FUND
(WITHDRAWN)**

ARTICLE 11, PASSEVER

ARTICLE 12 WARREN AVENUE EASEMENT (WITHDRAWN)

This article was a placeholder for a potential easement through one of the properties behind the Fire & EMS Headquarters to allow for the retention pond repairs to move forward. Site selection and negotiations for the easement are ongoing. Per Town Counsel, once a site is finalized and negotiations conclude, a license between the Select Board and the property owner can be voted and executed, which will allow site work to begin. The easement can be voted at a future Town meeting. No action is required on the article at this time.

ARTICLE 12, PASSEVER

ARTICLE 13 RESCIND HIGH SCHOOL ROOF BORROWING

To see if the Town will vote to rescind an excess borrowing authorization, in the amount of \$519,567.74, as approved through Article 5 of the October 2015 Special Town Meeting relative to the High School Roof Replacement Project or take any action thereon.

PROPOSED MOTION

I move that the article be voted as written

FINANCE ADVISORY BOARD RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

There is an outstanding borrowing authorization for the high school roof replacement project that was only partially rescinded at the November 14, 2017 Special Town Meeting. The additional amounts to rescind are:

Amount authorized (10/20/2015 TM, Article 5)	\$ 1,684,963.00
MSBA Project Reimbursement	\$ (978 ,094.00)
Amount Rescinded (11/14/17 TM, Article 8)	\$ (187,301.26)
Remaining Amount to Rescind	\$ 519,567.74

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

ARTICLE 13, Passed 51-7-0 abstain

ARTICLE 14 CREATE A RECREATIONAL MARIJUANA HOST COMMUNITY AGREEMENT STABILIZATION FUND AND APPROPRIATE FUNDING TO SAID FUND

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

PROPOSED MOTION

No Motion (pass over article)

FINANCE ADVISORY COMMITTEE RECOMMENDATION Unfavorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Unfavorable Action (5:0:0)

DESCRIPTION

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

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

ARTICLE 14, PASSEVER

ARTICLE 15 SPECIAL ACT – REQUEST FOR AUTHORITY OF THE TOWN TO GRANT A FULL ANNUAL PROPERTY TAX EXEMPTION PURSUANT TO MGL CHAPTER 59, SECTION 5, CLAUSE 42 TO THE SURVIVING SPOUSE OF RUTLAND POLICE DETECTIVE AND TOWN RESIDENT JOHN D. SONGY.

To see if the Town will vote to request that its' elected representatives in the General Court file a Special Act with the General Court on behalf of the inhabitants of the Town of Leicester as follows:

An Act to give the Town of Leicester authority to grant full annual property tax exemptions to the surviving spouse of Rutland Police Detective and Leicester resident John D. Songy pursuant to MGL Chapter 59, Section 5, Clause 42.

Section 1. Whereas Rutland Police Detective John D. Songy of Leicester, died after contracting COVID-19 on May 29, 2020.

Section 2. Whereas, MGL 59, Section 5, Clause 42 allows for the full exemption from property taxes for surviving spouses of police officers killed in the line of duty.

Section 3. Whereas, the U.S. Department of Justice determined that Detective Songy perished in the line of duty though contraction of COVID-19 at the workplace.

Section 4. Whereas, the definition of "Killed in the line of duty" according to the Massachusetts Division of Local Services is: "Death as a result of some violent act, or occurrence of violent external physical force to the body, while in the line of duty."

Section 5. Whereas, the Town has been prohibited by the Division of Local Services from granting a property tax exemption pursuant to MGL 59, Section 5, Clause 42 to Detective Songy's surviving spouse because death from the coronavirus does not meet the Division of Local Service's definition.

Section 6. Whereas, the Town, through this petition, respectfully requests the authority to grant such exemption, pursuant to and under the terms of MGL 59, Section 5, Clause 42, retroactive to fiscal year 2020, and forward; or take any other action in relation thereon.

PROPOSED MOTION

Dianna Provencher moved that the article be voted as written.

FINANCE ADVISORY COMMITTEE RECOMMENDATION Favorable Action (5:1:0)

SELECTBOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

Passage of this article would create special legislation which broadens the definition of "killed in the line of duty", to allow the Town to issue a full real estate tax exemption to the surviving spouse of Detective John Songy. Death by COVID-19 is currently not recognized by the Commonwealth for the purposes of the tax exemption.

VOTE REQUIRED FOR PASSAGE Requires a simple majority

ARTICLE 15, Passed 37-21-0 abstain

ARTICLE 16 AMENDMENT TO THE GENERAL BYLAWS – COLLECTION BOXES

To see if the Town will vote to amend the Collection Box bylaw by inserting all underlined text and removing any text that is crossed out, said changes to be inserted to or removed from said bylaw in font and script consistent with the existing bylaw or take any action thereon.

COLLECTION BOXES FOR NOT FOR PROFIT AND PROFIT ORGANIZATIONS AND INDIVIDUALS

(New Bylaw 5-7-01, Amended 10-20-15, 11-17-20)

SECTION 1: This General Bylaw shall be known and cited as the "Collection Box Bylaw". Its purpose is to standardize the placement of collection boxes and maintenance of the area in which the collection boxes are located on real property in the Town of Leicester to promote the health, safety and welfare of the inhabitants of the Town of Leicester by reducing sources of filth, litter and debris caused by the improper placement and maintenance of such collection boxes. Effective the passage of the revised bylaw, this bylaw will be enforced by the Board of Health.

SECTION 2: DEFINITIONS: For the purpose of this General Bylaw, the words and phrases used

herein shall have the following meaning, except in those instances where the context clearly indicates a different meaning:

APPLICANT: An Operator, as defined within this bylaw, applying to have a collection box installed on a property.

CERTIFICATE OF COMPLIANCE: The Certificate of Compliance issued by the Board of Health to an operator of a collection box.

COLLECTION BOXES: Any type of self-service device for the collection of used and/or new articles of clothing, shoes; new and/or used articles of household goods including but not limited to bedding, curtains, decorative items such as pictures, and object d'art; books and/or magazines.

NOT FOR PROFIT ORGANIZATIONS OR AGENCY: Any entity that has been approved by the Internal Revenue Service as a not for profit organization, agency or corporation pursuant to Internal Revenue Code Section 5011, and is recognized as any legal entity by the Commonwealth of Massachusetts and/or is registered with the Secretary of the Commonwealth, Department of Corporations.

FOR PROFIT ORGANIZATIONS OR AGENCY: Any entity that has not been approved by the Internal Revenue Service as a not for profit organization, agency or corporation pursuant to Internal Revenue Code Section 501 I, and is recognized as a legal entity by the Commonwealth of Massachusetts and/or is registered with the Secretary of the Commonwealth, Department of Corporations.

INDIVIDUAL: Any person or persons including any person registered with the Town of Leicester as doing business under another name, who is not a legal entity recognized by the Commonwealth of Massachusetts and/or is not registered with the Secretary of the Commonwealth, Department of Corporations.

PROPERTY OWNER: Any individual, not for profit and/or for profit organization or agency who is the record owner of real estate located within the Town of Leicester and recorded at the Worcester District Registry of Deeds.

OPERATOR: Any natural person or other legal entity, including but not limited to, not for profit or for profit corporations, partnerships, joint ventures who either own, operate or are otherwise in control of the collection box.

SECTION 3: PERMITTED LOCATIONS Collection boxes are permitted in all zoning districts designated on the Town of Leicester Zoning Map.

SECTION 4: GENERAL REQUIREMENTS The placement of collection boxes on real estate by an operator is prohibited without the written permission of the property owner.

SECTION 5: SITING CRITERIA

The Board of Health will use the following criteria in determining whether to allow placement of a collection box at a location:

1. The applicant's name, business name, business address and telephone number as well as the name, address and telephone number of the person or persons responsible for maintaining each collection box;
2. Written permission of the owner allowing the placement of the collection box;
3. A sketch plan showing the proposed location of the collection box on the property as well as existing conditions on the property such that there is safe and convenient pedestrian and vehicular access to them. The Board of Health may, by regulation, limit the number of collection boxes within a specific radius from existing collection boxes;
4. That the collection boxes shall be of the type that is enclosed by use of a receiving door and locked so that the contents of the collection box may not be accessed by anyone other than those responsible for the retrieval of the contents;
5. That each collection box must be regularly emptied of its contents so that it does not overflow. Used clothing or other donated goods and materials may not be placed about the

surrounding area. All collection boxes must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

6. Additional information as offered by the Applicant or requested by the Board of Health.

If the applicant satisfies the requirements of the Board of Health as annotated above, the Board of Health shall issue a Certificate of Compliance. If the Operator's application for a Certificate of Compliance is denied, a letter with the reason(s) for denial will be sent to the applicant and the property owner.

SECTION 6: ANNUAL APPLICATION An annual application shall be filed by the operator by
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SECTION 6: ANNUAL APPLICATION 6: ANNUAL APPLICATION
SECTION 6: ANNUAL APPLICATION An annual application shall be filed by the operator by January 31st of each year, for placement of collection bins for that calendar year. Applications must contain all of the information list in Section 5 of this bylaw. Upon approval of said application, the Board of Health shall give the operator a certificate of compliance for the approved collection box. The operator shall be required to post said certificate upon the approved collection box.

Bins that are not approved by the Board of Health, or bins that do not bear the Certificate of Compliance shall be subject to actions defined in Section 8 of this bylaw.

SECTION 6: PROPERTY OWNER OBLIGATIONS Any property owner who grants permission to an operator for placement of a collection box shall be held responsible for keeping the area around the collection box free from excess articles that do not fit into the collection box or have not been properly placed into the collection box. The property owner will be responsible for the removal and storage of articles that will not fit into the collection box. The property owner shall maintain the area around the collection box daily. The Board of Health may assess fines not to exceed \$100.00 for each offense per Section 8 of this bylaw to the property owner for failure to remove excess articles immediately upon receipt of written notification from the Board of Health. All notices shall be sent to both the property owner and operator.

SECTION 7: OPERATOR OBLIGATIONS Collection boxes must be clearly labeled with contact information for the operator on the front of the box including name, address and telephone number. Any operator who fails to obtain and post a Certificate of Compliance upon the collection box or fails to pick up items from the collection box within five (5) calendar days from the Board of Health's written request to remove same shall bear the expense of the collection box removal and storage by the Town of Leicester and/or the property owner. The Board of Health shall enforce compliance with this Bylaw and may enter upon real property for purposes of such compliance. The Board of Health may assess fines not to exceed \$100.00 per Section 8 of this bylaw to the operator for failure to empty and maintain the collection box(es) immediately upon receipt of written notification from the Board of Health. All notices shall be sent to both the property owner and operator.

SECTION 8: VIOLATION Any violation of the provisions of this Bylaw shall be punished by a fine not to exceed \$100.00 for each offense. Both the property owner and collection box operator shall be jointly and severally liable for each violation. If within one year from the issue date of the Certificate of Compliance, the Board of Health issues three (3) notices of non-compliance to the property owner and/or operator, said operator shall not be allowed to place any collection boxes within the Town of Leicester and any existing placements shall be removed by the operator forthwith after notice or by the Town. Any operator or owner shall be granted the opportunity to be heard by the Board of Health prior to the final notice of non-compliance. Any continued violation of this Bylaw after final notice and hearing shall be subject to the provisions of Section 6.1 of the General Bylaws of the Town of Leicester.

PROPOSED MOTION

Dianna Provencher moved that the article be voted as written.

FINANCE ADVISORY COMMITTEE RECOMMENDATION Favorable Action (6:0:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

This proposed change to the Collection Box Bylaw moves responsibility for enforcement of the bylaw from the Select Board to the Board of Health, and places criteria to be considered by the Board in siting collection boxes. It also requires annual application process.

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

ARTICLE 16, Passed 51-6-0 abstain

ARTICLE 17 AMENDMENT TO THE GENERAL BYLAWS – PERSONNEL BYLAW

To see if the Town will vote to amend the Personnel Bylaw by inserting all underlined text and removing any text that is crossed out, said changes to be inserted to or removed from said bylaw in font and script consistent with the existing bylaw or take any action thereon.

PERSONNEL BYLAW (5-5-79) (Amendment accepted @ ATM May 4, 2009) (Amended ATM May 6, 2014) (Amended STM November 17, 2020)

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, 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: 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 BOARD

1. 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 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. No new classification(s) shall be established without a report of the Board, . No new classification shall permanently exist until such ratification.

SECTION 5: APPLICATIONS

1. 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.

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 1 1/4 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 180-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) year's 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

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 180 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 based upon the employee's regularly scheduled hours.

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 the rate of one-fifth (1/5) the total regular weekly scheduled hours x 1 1/4.
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
4. +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 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.

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 For ratification.

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

1. 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 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 may adopt appropriate rules and regulations to implement this bylaw.

PROPOSED MOTION

Move that the article be accepted as written.

FINANCE ADVISORY COMMITTEE RECOMMENDATION Favorable Action (4:2:0)

SELECT BOARD RECOMMENDATION Favorable Action (5:0:0)

DESCRIPTION

The Personnel Board has not been active for a number of years. The changes proposed in this bylaw gives the responsibilities of the Personnel Board to the Select Board. Other proposed changes to the bylaw include language changes to allow for uniform calculation of sick and vacation time and extension of the probationary period for new employees from ninety days to one hundred eighty days.

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

ARTICLE 17, Passed 45-5-2 abstain

ARTICLE 18 CITIZEN'S PETITION – RECALL PROCEDURE FOR ELECTED OFFICIALS

To see if the Town will vote to have the Select Board petition the Great & General Court of the Commonwealth to enable the recall of elected officials consistent with this suggested format and if that legislation is enabled that it be recorded as a special Chapter in the Town of Leicester's Bylaws, as on file in the Town Clerk's office.

PROPOSED MOTION

To see if the Town will vote to have the Select Board petition the Great & General Court of the Commonwealth to enable the recall of elected officials consistent with this suggested format and if that legislation is enabled that it be recorded as a special Chapter in the Town of Leicester's Bylaws, as on file in the Town Clerk's office.

Proposed Legislation: Recall of Elected Officials

SECTION 1.

Any holder of an elected office in the town of Leicester may be recalled, and removed from that office, by the qualified voters of the town as provided in this chapter.

SECTION 2.

Any fifty (50) registered voters may initiate a recall petition by filing with the Town Clerk of the Town of Leicester an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall.

After the Town Clerk has certified the affidavit, the Town clerk shall within four (4) business days, deliver to the voter first named on the affidavit a sufficient number of copies of petition blanks demanding the recall. These blanks shall be issued by the town clerk with the town clerk's signature and official seal attached to them. They shall be dated and addressed to the Select Board of the town, shall contain the name of the person to whom issued, the name of the person sought to be recalled, the office from which recall is sought, the grounds of recall stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

The completed recall petition shall be returned and filed with the Town Clerk on or before 5:00 p.m. of the thirtieth (30th) day after the issuance of the petition to the filers. If the thirtieth day is a Friday, Saturday, Sunday or a holiday, the petition may be filed on the next business day.

The petition shall be signed by at least ten (10) percent of the registered voters or seventy-five percent (75%) of the average number of voters in the Town Elections for the previous three (3) years, whichever is the lesser amount, and every signature shall also include the place of residence with street and number, of the signer.

The Town Clerk shall, within one (1) business day after the date of its filing with the Town Clerk, submit the recall petition to the Board of Registrars of voters of the Town of Leicester, which shall, within five (5)

business days certify in writing the number of Town voter signatures. Upon completion of its certification the Board of Registrars shall return the petition to the Town Clerk.

SECTION 3.

If the petition has a sufficient number of valid signatures and is certified by the Town Clerk and Board of Registrars, the Town Clerk shall submit it to the Select Board within one (1) business day.

The Select Board shall, within three (3) business days, give written notice to the officer subject to the recall that they have received the certification, and if the officer does not resign within five (5) business days after receipt of the notice, order a special election to be held not less than sixty (60) nor more than seventy-five (75) days after the date of the Town Clerk's certificate that a sufficient petition has been filed, but if any other town election is to occur within ninety (90) days after the date of the certificate, the Select Board may, in their discretion, postpone the holding of the removal election to the date of that other election.

If a vacancy occurs in the office subject to recall after the election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4.

Any officer sought to be recalled may be a candidate to succeed to the office, and unless the officer requests otherwise in writing, the Town Clerk shall place that officer's name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the election shall all be in accordance with the law relating to elections, unless otherwise provided in this Chapter.

SECTION 5.

The incumbent shall continue to perform the duties of the office until the recall election. If the recall fails, or if the incumbent is re-elected, the incumbent shall continue in the office for the remainder of the unexpired term, subject to recall as before, except as provided in this chapter, Section 7.

If not re-elected in the recall election, the incumbent shall be considered removed upon certification of the election by the Town Clerk.

If the successor fails to qualify within five (5) working days after receiving notification of his or her election, the office shall thereupon be deemed vacant.

SECTION 6.

Ballots used in a recall election shall submit the following proposition in the order indicated:

For the removal/recall of (*name of Officer*).

Against the removal/recall of (*name of Officer*).

Under the propositions shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as herein before provided.

If the majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If the majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7.

No recall petition shall be filed against an officer within six (6) months after taking office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six (6) months after that election.

SECTION 8.

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him or her shall be appointed to the office from which the person has been removed within one (1) year after such removal by recall or resignation.

PROPOSED MOTION

Motion, if any, to be provided by the petitioner

FINANCE ADVISORY COMMITTEE RECOMMENDATION No Recommendation (6:0:0)

SELECT BOARD RECOMMENDATION No Recommendation (5:0:0)

VOTE REQUIRED FOR PASSAGE Requires a simple majority vote

ARTICLE 18, Failed 12-45-0 abstain

The Moderator Douglas Belanger made a motion to adjourn the Special Town Meeting at 8:35pm with 63 voters present.

Motion passed: 36-7-3 abstain

Respectfully submitted,

**Deborah K. Davis
Town Clerk**

Free Cash Usage

CERTIFIED FREE CASH - June 30, 2020	2,127,848.00
November 17 Special Town Meeting	
Article 1 - Prior Year Bills	\$1,476.79
Article 2 - 3 FY 2021 Budget	\$25,000.00
Article 3 - Police Cruiser	\$48,303.00
Article 4A Capital Improvement Plan (Ariel scope Payment 5 of 5)	\$90,081.00
Article 4B Capital Improvement Plan (Police F150)	\$49,845.00
Article 4C Capital Improvement Plan (Detective Car)	\$43,307.00
Article 4D Capital Improvement Plan (Carport)	\$50,000.00
Article 4E Capital Improvement Plan (Highway Roller)	\$14,975.00

Article 4F Capital Improvement Plan (Phone System)	\$15,000.00
Article 5 - Aerialscope repairs	\$34,698.00
Article 7 - Assessors revaluation	\$57,800.00
Article 8 Open space plan update	\$15,500.00
Article 9 Parc Grant match	\$90,000.00
	-
Subtotal: Free Cash appropriated at STM	\$860,985.79
Subtotal: Remaining Free Cash	\$1,591,862.21