

**WARRANT FOR  
SPECIAL TOWN MEETING  
OCTOBER 5, 2009  
THE COMMONWEALTH OF MASSACHUSETTS**

**Worcester, ss.**

To any Constable of the Town of Lancaster in the County of Worcester,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet at Mary Rowlandson Elementary School Auditorium, **103 Hollywood Drive, in said Lancaster on Monday, the fifth day of October, at 7:00 o'clock in the evening**, then and there to act on the following Articles:

**ARTICLE 1  
Board of Selectmen**

To see if the Town will vote to raise and appropriate \$15,707,998 by taxation, by transfer from Overlay Surplus Funds, from the Water Enterprise Fund, from the Stabilization Fund, transfer from fund balance reserved for school debt, by borrowing, or any combination thereof, to defray the expenses of the Town for the Fiscal Year beginning July 1, 2009, or act in any manner relating thereto.

Funding Sources:

\$13,269,931	Real & Personal Taxes
\$ 1,440,225	Local Receipts
\$ 738,532	Local Aid
\$ 84,310	FB Reserved for School Debt
\$ 175,000	Transfer in from Central Station Capital Project

***Recommendation to be made from the floor.***

**ARTICLE 2  
Board of Selectmen**

To see if the Town will vote to change the name of Hollywood Drive to Patti Linenkemper Lane, or act in any manner relating thereto.

**ARTICLE 3  
Board of Selectmen**

To see if the Town will vote to accept Runaway Brook Road as a public way as heretofor laid out by the Board of Selectmen and shown on plan entitled “Runaway Brook Road Acceptance Plan of Land In Lancaster & Sterling, MA”, Prepared For Fitch Pond Realty Trust II, dated April 4, 2008, prepared by Whitman & Bingham Associates, LLC, and recorded with the Worcester Registry of Deeds in Plan Book 871, Plan 108; together with a certain Parcel B (Open Space) with appurtenant roadway drainage structures and storm water basins, containing 6.36 acres, being more fully described hereinafter; together with a certain Parcel C (Open Space), containing 6.70 acres, being more fully described hereinafter; together with a certain proposed 20 foot-wide walking trail easement located between Parcel B and Parcel C; being more fully described hereinafter; together with a certain parcel of land that is beneath the waters of South Meadow Pond containing 12.3 acres, being more fully described hereinafter; together with a certain Fire Cistern Easement located on Lot 8 Runaway Brook Subdivision, at #29 Runaway Brook Road, Lancaster, Massachusetts, with appurtenant fiberglass tank and fixtures, all as shown on the above referenced plan; and to authorize the Board of Selectmen to acquire said easements and parcels by gift, purchase, eminent domain or otherwise, and to raise and appropriate, transfer or borrow a sum of money for such purposes; or take any other action relating thereto.

**ARTICLE 4**  
**Board of Selectmen**

To see if the Town will vote to amend the Senior Property Tax Work Off Program by deleting therefrom the second sentence of the first paragraph in its entirety and substituting therefore, “the program will abate the allowable state maximum dollar amount”; and to further amend said Senior Property Tax Work Off Program by deleting therefrom the number seven hundred and fifty (750) and substituting therefore “the allowable state maximum dollar amount” or act in any manner relating thereto.

**ARTICLE 5**  
**Board of Selectmen**

To see if the Town will vote to revise the Town By-Law Chapter 30-4 by deleting “Building Inspector” and inserting “Fire Chief” in place thereof, or act in any manner relating thereto.

**ARTICLE 6**  
**Board of Selectmen**

To see if the Town will vote to replace the current personnel bylaw and adopt the Personnel Bylaw as printed in the Warrant, or act in any manner relating thereto:

**ARTICLE I**  
**General Provisions**

**§ 140-1. Equal employment opportunity policy; lie detector tests.**

In compliance with federal and state equal employment laws, equal opportunity will be afforded to all applicants

regardless of race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, ex-offender status, prior psychiatric treatment or military status. It is unlawful in Massachusetts to require or administer a lie detector test as a condition of employment or continued employment. An employer who violates this law shall be subject to criminal penalties and civil liability.

#### **§ 140-2. Authorization; amendment.**

- A. Pursuant to the authority contained in Article LXXXIX of the Constitution of the Commonwealth and MGL c. 41, §§ 108A and 108C, the Town of Lancaster establishes plans, which may be amended from time to time by vote of the Town at a Town Meeting:
  - (1) Authorizing a Classification Plan classifying positions in the service of the Town other than those filled by popular election, those under the jurisdiction of the School Committee, those covered by collective bargaining agreements with the Town, and those in which the incumbent tenders contractual services which are not provided during regularly established working hours, into groups and classes doing substantially similar work or having substantially equal responsibilities;
  - (2) Authorizing a Compensation Plan for positions in the Classification Plan;
  - (3) Providing for the administration of said Classification and Compensation Plans; and
  - (4) Establishing certain working conditions and recommend fringe benefits for employees occupying positions in the Classification Plan.
- B. The Classification Plan and/or Compensation Plan and/or other provisions of this bylaw may be amended by vote of the Town at either an Annual or Special Town Meeting. No amendment shall be considered or voted on by Town Meeting unless the Personnel Board has first considered the proposed amendment.
- C. The Personnel Board, of its own motion, may propose an amendment to the plans or other provisions of this bylaw based on its findings resulting from its investigations.
- D. The Personnel Board shall report its recommendations on any proposed amendment to the Select Board. The Personnel Board shall make its recommendations with regard to any amendment at the Town Meeting at which such amendment is considered.

#### **§ 140-3. Personnel Board.**

- A. Membership.
  - (1) This Personnel Bylaw shall be administered by a Personnel Board, consisting of three voting members appointed by the Select Board. Said Select Board shall have the power to fill all vacancies. Members are appointed for three-year, staggered terms. The Committee shall select a Chairman and Vice Chairman from its membership who shall preside over meetings. The Board shall select a Clerk from its membership who shall be responsible for recording minutes of all committee meetings, in accordance with the Open Meeting Law.<sup>1</sup>
  - (2) Like all Town employees and board/committee members, the Personnel Board is subject to and shall abide by the provisions of the Conflict of Interest Law, MGL c. 268A.
  - (3) At any meeting of the Personnel Board action by a majority of the Board members present shall be binding. At least two members of the Board shall be present in order to constitute a quorum.
  - (4) All members of said Board shall be residents of the Town and shall serve without compensation. Each member of the Personnel Board shall serve for a term of three years. Reappointments or new appointments to full terms will be made to take effect on July 1 of the year of their expiration.
  - (5) Members of the Personnel Board serving upon the effective date of this bylaw shall serve until the expiration of their respective terms. Upon the expiration of such terms the Select Board shall appoint

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1. Editor's Note: See MGL c. 39, § 23A et seq.

or reappoint members for successive three-year terms.

- (6) If a member resigns or his/her office becomes vacant by his/her removal from the Town, or any other cause, the Select Board shall appoint his/her successor for the balance of the unexpired term of such member.
- B. Organization. The Personnel Board shall, organize annually, as soon as possible after July 1 of each year, at the call of the then Chairman, or lacking a Chairman, the Vice Chairman, and shall elect a Chairman and appoint a Secretary from among its members. The Chairman shall hold office until his/her successor has been elected. In the event a vacancy occurs in the office of the Chairman, the Personnel Board shall elect a successor Chairman from among its members, such successor to serve until the next organizational meeting of the Personnel Board and until his/her successor has been elected.
- C. Administration.
- (1) The Personnel Board shall administer the Personnel Bylaw, Classification Plan, and the Compensation Plan and shall establish such procedures as it deems necessary for the proper administration thereof.
  - (2) The Personnel Board shall be responsible for establishing and maintaining personnel records for all employees as may be required by law, and as necessary for effective personnel management. All employees, appointing authorities, and department heads shall comply with and assist in furnishing records, reports and information as may be requested by the Personnel Board or the person or persons assigned responsibility for personnel administration.
  - (3) The Personnel Board shall maintain or cause to be maintained an individual personnel file for each employee which may include, but not be limited to, the following: the employment application or resume; a copy of any documented reference checks and background investigation reports; a copy of any physical examination reports and health reports; a report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff; history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.
  - (4) Personnel records shall be considered confidential and access to records shall be limited to the Personnel Board, persons authorized by the Personnel Board to administer the personnel system, appointing authorities, and department heads. Any employee may upon request to the employee's appointing authority have access to review their personnel file. The employee's review of their employment record shall be in the presence of the employee's department head or appointing authority. Unless written authorization is received from an employee, except to verify employment, no information concerning an employee shall be released.
  - (5) Each department shall maintain records required to be maintained under this bylaw until such time a Personnel Board vote determines that centralization of all records is necessary and appropriate.
  - (6) The Board shall provide sufficient copies of the Personnel Bylaw or a summarization thereof in the form of an employee handbook to each department for distribution to each employee. Each department head will provide each new employee with a copy and have one available for reference at all times. Personnel records of the Town are to be maintained by staff position as designated by the Personnel Board.
- D. Authority.
- (1) The Personnel Board shall have the authority to review, from time to time or at least annually, the work of all positions subject to the provisions of this bylaw. The Personnel Board shall recommend changes in said positions as well as adjustments to salaries as it deems advisable, subject to appropriation of funds. Such reviews shall be made at such intervals, as the Board deems necessary and, to the extent that the Board considers practicable, shall include all occupational groups in the Classification Plan.

- (2) The Board, after meeting with the appropriate department head/supervisor, shall have the authority to adjust individual employee classifications and wages within the context of the bylaw whenever inequities exist.
- (3) On or before January 15 of each year, the Personnel Board shall meet with the Select Board to discuss a change in the Compensation Plan for the forthcoming year.
- (4) In addition, the Personnel Board shall make an annual report in writing to the Select Board on or before the second Wednesday in February of each year, including recommendations on any matters related to the Classification or Compensation Plans, which said Board deems appropriate to be considered by the Town.
- (5) The Board may employ assistance and incur expenses, as it deems necessary, subject to the appropriation of funds therefor.

#### **§ 140-4. Applicability.**

This bylaw shall apply to all Town Departments and to all positions of all employees in the service of the Town, whether full or part-time, temporary, seasonal, special, casual or any other type of employment, other than those positions which are filled by popular election, those under the jurisdiction of the School Committee, or collective bargaining, except that all provisions of this bylaw shall be applicable insofar as any collective bargaining agreement may refer to this bylaw and to the extent applicable by statute or in the absence of any other provisions.

#### **§ 140-5. Definitions.**

As used in the bylaw, the following terms shall have the meaning indicated:

**ABSENCE** — Any time an employee is not at work during a scheduled work period.

**ADMINISTRATIVE AUTHORITY** — The elected or appointed official or board having jurisdiction over a function or activity.

**APPOINTING AUTHORITY** — Any person(s), board, committee, commission, or other agency who has the right to hire or discharge employees.

**CASUAL PART-TIME EMPLOYEE** — Any employee hired for irregular or occasional employment for an hourly rate or a fee. Personnel service rendered by an employee in a position calling for part-time employment which service, although constituting continuous employment is not rendered during prescribed working hour, daily, weekly or annually, but is rendered according to the demands for such service.

**CLASS** — A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity.

**CLASSIFICATION PLAN** — Class specifications and titles approved by the Personnel Board and appearing as Schedule A to these bylaws.<sup>2</sup>

**COMPENSATION GRADE** — A range of salary or wage rates appearing in the Compensation Plan.

**COMPENSATION PLAN** — Specified rates of pay for each job classification included in the Classification Plan, appearing as Schedule B to these bylaws.<sup>3</sup>

**CONTINUOUS SERVICE** — Length of employment with the Town of Lancaster of a regular full-time or regular part-time employee, uninterrupted except for authorized military leave, vacation leave, sick leave, court leave, disability, maternal/paternal leave, or any other authorized leave of absence, if applicable and covered in the terms of this bylaw.

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2. Editor's Note: Schedule A is on file in the Clerk's office.

3. Editor's Note: Schedule B is on file in the Clerk's office.

DEPARTMENT — Any board, committee, commission, other agency or functional unit (or subunit) of the Town.

EMPLOYEE — Any person who is paid by the Town for services rendered to the Town, excluding elected officials, independent contractors, and persons under the direction of the School Committee.

FUNCTIONAL UNITS OF MUNICIPAL GOVERNMENT — A grouping of occupational groups or classes by type of municipal services rendered, i.e., General Government: executive and administrative duties; Public Safety: protection of life and property; Public Utilities: development, operation and maintenance of public property and facilities; Education: instruction and related support and administrative functions; Human Services: health, youths, elders, veterans, etc., functions; Culture and Recreation: library, parks and recreational facilities and functions.

GROUP or OCCUPATIONAL GROUP — A group of classes designated by occupation within one of the major functional units of municipal government.

JOB CLASSIFICATION — A particular job title within the Classification Plan.

MAXIMUM RATE — The highest rate in a compensation grade, which normally is entitled to attain.

MINIMUM RATE — The lowest rate in compensation grade; normally the hiring rate of a new employee.

POSITION — An office or post of employment in Town service with duties and responsibilities calling for full-time, part-time, special, temporary or seasonal employment of one person in the performance and exercise thereof.

RANGE — The dollar difference between minimum and maximum rates for a particular compensation grade.

RATE — A sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.

REGULAR FULL-TIME EMPLOYEE — Any employee who is employed 40 hours per week, 52 weeks per year for the department or position in which that person is employed.

REGULAR PART-TIME EMPLOYEE — Any employee who works at least 20 hours but not more than 39 hours each week for 52 weeks per year, for the department or position in which that person is employed.

REDUCED HOURS EMPLOYEE — Any employee who is employed less than 19 hours for each of the 52 weeks per year for the department or position in which that person is employed.*(added 5/1/08)*

SINGLE RATE — A rate for a special, temporary or seasonal position for which there is no range.

STEP RATE — A rate in a range of a compensation grade.

SPECIAL<sup>*(added 5/1/08)*</sup>, TEMPORARY OR SEASONAL EMPLOYEE — Any employee whose duration of employment with the Town is of a seasonal or emergency nature, or specified limited amount of time (not to exceed six continuous months).

TEMPORARY POSITION; SEASONAL POSITION — Any position in Town service which requires or is likely to require the service of one incumbent for a period not exceeding six calendar months; either on a full-time or part-time basis.

TOWN — The Town of Lancaster, Massachusetts.

## ARTICLE II Classification Plan

### **§ 140-6. Mandatory classification.**

No person shall be appointed, employed or paid as a Town employee in any position under the Classification Plan and Compensation Plan under any title other than that of the class of which position is allocated.

### **§ 140-7. Employee categories.**

A. All positions subject to the provisions of the Personnel Bylaw of the Town shall fall into one of the following

categories:

- (1) Regular full-time.
- (2) Regular part-time.
- (3) Reduced Hours Part time *(added 5/1/08)*
- (4) Casual part-time.
- (5) Special, temporary or seasonal.

B. These categories will determine an employee's eligibility for benefits as specified by this bylaw.

**§ 140-8. Allocation and new positions.**

- A. The Personnel Board may allocate each position subject to the provisions of the Classification and Compensation Plan to its appropriate class and pay grade.
- B. Whenever a new position is established, appointing authorities proposing the creation of new positions shall provide the Personnel Board with a description of the duties, skills, knowledge, abilities, and other work performance requirements of the proposed position in sufficient detail to enable the Personnel Board to appropriately classify the position.
- C. When the duties of an existing position are so changed that, in effect, a new position of a different class is substituted for the old position, and whenever such action appears warranted by reason of error in the allocation then in effect, or as a result of additional duties and changes in the job content of the class, the Personnel Board may allocate such position to an appropriate class and pay grade.
- D. Positions may not be reclassified without a review and approval of the Personnel Board.
- E. The Personnel Board shall afford reasonable opportunity to be heard to any employee or any department head affected by such a new position or change in classification.

**§ 140-9. Hiring and reclassification.**

- A. The following procedure shall be used when hiring employees in filling regular full-time and regular part-time positions covered by this bylaw.
  - (1) A job description agreed to by both the hiring department head or Board Chairman and the Personnel Board must be completed prior to the announcement of the job opening.
  - (2) The hiring rate and pay rate for the job must be in accord with the Classification and Compensation Plans or be developed with and agreed to by the Personnel Board prior to the announcement of the job opening.
  - (3) The job opening must be advertised in appropriate publications for at least two days and must be posted on the Town Hall Bulletin Board at least 10 days prior to the job being filled. The announcement will include:
    - (a) Job title.
    - (b) Pay rate.
    - (c) Summary statement of duties.
    - (d) Direction on where and how applications may be filed.
    - (e) Deadline for filing application must be at least 10 days after the notice of job opening appears.
  - (4) Job applicants will not be discriminated against on the basis of race, veteran, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, ex-offender status, physical and/or mental handicap, prior psychiatric treatment or military status.
  - (5) The Personnel Board must retain records of all job applicants in accordance with the Public Records

Law.<sup>4</sup> The application of the person hired will be filed in his/her personnel file.

- (6) All persons selected for employment shall be notified in writing that the offer is conditional pending a physical certification by the Town's physician. The applicant shall undergo a medical examination and drug test. The examination shall be at the expense of the Town by a physician or medical institution selected by the Personnel Board. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant can perform the essential functions of the job. If deemed unfit to perform the duties of the position for which application has been made the appointing authority shall withdraw the offer of employment.
  - (7) A Payroll Change Authorization with the required approvals will be submitted to the Town Accountant prior to his/her issuance of a voucher for a new employee or a voucher including pay rate change for an incumbent employee.
  - (8) An applicant who accepts an appointment and fails to report to work on the date set by the appointing authority, shall, unless excused by the appointing authority, be deemed to have declined to appointment and the offer of employment shall be withdrawn.
- B. No employee may be reclassified to a position in another group, either higher or lower, until the Personnel Board determines that such a reclassification will be consistent with the provisions of the Compensation Plan.

#### **§ 140-10. Probationary orientation period.**

- A. Performance of all new employees must meet acceptable work standards. The probationary period shall be utilized to help new and promoted employees achieve effective performance levels. To insure that new employees are aware of their duties and responsibilities appointing authorities shall inform new employees of their rights, responsibilities, duties and obligations. The appointing authority will provide the employee with a copy of the Personnel Bylaw. Employee will sign form acknowledging that they have reviewed a copy of the Personnel Bylaw and understand their rights, responsibilities, duties and obligations.
- B. Department heads or boards will provide on-site training and orientations regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.
- C. All newly appointed and promoted employees will be required to successfully complete a probationary period. The probationary period begins immediately upon the employee's starting date or promotion date and to continue for a six-month period. The appointing authority and department head shall observe and evaluate the employee's attitude, conduct and work habits during the probationary period. A job performance review and evaluation form must be completed at 90 days by the department head and reviewed with the employee. Upon completion of the probationary period the appointing authority will complete a one-hundred-eighty-day job performance review and evaluation form. The appointing authority will notify the employee in writing that: Employee's performance meets satisfactory standards and the individual will be considered a regular employee in the position; or that the employee's performance due to extenuating circumstances, requires additional observation and that the probationary period will be extended an additional period of time not to exceed three months; or that the employee's performance, attitude, conduct was unsatisfactory and the termination will occur.
- D. At any time during the probationary period the employee may be terminated by an appointing authority if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. The employee may not appeal the termination.

#### **§ 140-11. Job descriptions and interpretations.**

- A. The Personnel Board shall maintain written descriptions of the jobs or positions in the Classification Plan. These descriptions shall be written by the department's board, department head, or department supervisor and approved by the Personnel Board. The descriptions shall include definitions describing the essential nature of

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4. Editor's Note: See MGL c. 66, § 10 et seq.



the work, distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. The Personnel Board may, upon the request of a department or on their own initiative, along with the department's input, amend such job descriptions.

- B. The heads of departments shall be required to retain copies of the current job descriptions. They shall be responsible for drafting any revisions and submitting them to the Personnel Board for approval.
- C. The description of any position shall be construed solely as a means of identification. It shall not limit the duties and responsibilities of any position or modify, or in any way affect, the power of any administrative authority as otherwise existing to assign duties to, or to direct and control the work of, any employee under the jurisdiction of such authority. The administrative authority, however, must be reasonable and cannot assign tasks that are completely out of the job classification.

#### **§ 140-12. Class title.**

The title of each class, as established by the Classification Plan, shall be the official title of every position allocation to the class and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position. No administrative authority shall fix the salary of any employee in a position in the Classification Plan except in accordance with the Compensation Plan.

#### **§ 140-13. Workweek.**

The normal week for a regular full-time employee shall be forty (40) hours.

The normal work week for a regular part time employee shall be at least 20 hours but less than 39 hours. A Reduced hours part time employee shall be regularly scheduled hours that are less than 19 hours per week. *(added 5/1/08)* The department head, with the approval of the board, committee or commission responsible for the department will establish and post permanently on the department bulletin board the regular working hours for all employees of that department. The normal lunch period will not be a paid period.

#### **§ 140-14. Confidential information.**

- A. When performing their assigned duties, Town employees may come into contact with confidential information.
- B. Confidential Information must be retained in a manner that allows it to remain confidential at all times. It is expected that all Town employees respect the information they are privy to.
- C. Confidential information is as defined by MGL c. 4, § 7.

#### **§ 140-15. Dress code policy.**

It is the policy of the Town of Lancaster that each employee's dress, grooming and personal hygiene be appropriate to the work situation and follow the dress code of the Town or department.

### **ARTICLE III Compensation Plan**

#### **§ 140-16. Appropriated funds.**

The compensation provided for in this article shall be subject to the availability of appropriated funds.

#### **§ 140-17. Pay and salary schedule.**

The Compensation Schedule set forth in this bylaw shall consist of hourly rates as well as salaries, which are on a grade and step schedule. The weekly pay period begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on the following Saturday.

#### **§ 140-18. Pay rate and benefits for new personnel.**

- A. The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired. An appointing authority may assign a new employee, only for the purposes of pay, to a rate higher than the minimum rate, up to Step 3 of the grade in any case where the employee's prior experience in the work warrants such action. Hiring an employee at a rate above Step 3 requires the advance approval of the Personnel Board. The Board may investigate any request for a higher salary step and confer with the immediate supervisor or department head relative to such employment.
- B. The appointing authority may negotiate benefits to permit competitive hiring, subject to appropriation and the prior approval of the Personnel Board.

#### **§ 140-19. Transfers and promotions of employees.**

- A. An employee who receives a promotion shall be compensated at the rate of pay that is closest to but greater than the employee's current rate of pay or at a step rate that the appointing authority, subject to approval of the Personnel Board, believes the employee's qualifications and performance warrants.
- B. If an employee is transferred to a lower rate job, he/she shall enter it at his/her own rate.

#### **§ 140-20. Personal rates above maximum.**

Any salary rate which is above the maximum rate for a job, as established by this plan, shall be deemed to be a personal rate. Should an employee's position be reclassified to a lower grade or rate, that employee will be "grandfathered" in at their current rate. This "personal rate" will not apply to the employee's successor in the position.

#### **§ 140-21. Working from home.**

Employees who have assigned office space are not permitted to work from home. Our goal is to have Town offices open to the public whenever possible. The Select Board must grant permission for any exceptions to this policy.

#### **§ 140-22. Straight time hourly pay.**

The compensation paid an employee per the Compensation Plan for each hour worked during the normal workweek shall be his/her regular straight time hourly pay. In those instances in which the hourly earnings are not specified in the Compensation Plan, the straight time hourly pay is calculated by dividing the weekly rate by the normal workweek hours. For salaried position, straight time hourly pay is calculated by dividing the weekly compensation by the normal workweek hours of that area in which the employee works.

#### **§ 140-23. Overtime.**

- A. In accordance with the Fair Labor Standards Act (FLSA) the Town is establishing a seven-day work period commencing on Sunday at 12:01 a.m.
  - (1) Any hours, or portions thereof, authorized by the department head and worked by an employee in the service of the Town, except salaried personnel, over and above 40 hours for the normal workweek shall be considered overtime. For purposes of calculating overtime, holiday pay and vacation pay shall not be considered as hours worked.
  - (2) Overtime shall be compensated to all employees at 1 1/2 time straight hourly earnings with the exception of salaried personnel.
  - (3) Where an employee in a single workweek works at two or more different types of work for which different straight-time rates have been established, the regular rate for that week is the weighted average of such rates. That is, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs (FLSA).

#### **§ 140-24. Other special pay.**

- A. When all Town employees (i.e., Town Hall, Library, non-union DPW, non-union Police, non-union Dispatchers) except salaried employees are requested to return to work after completing their normal day's

work, they shall be compensated for no less than two hours.

- B. When fire fighters and EMTs report to duty during the hours of 11:00 p.m. and 6:00 a.m. they shall be paid a minimum of two hours.

**§ 140-25. Performance and evaluation review.**

- A. Merit/step raises. Raises will be awarded on an annual basis providing the employee has completed at least one year of employment and only after a satisfactory performance review is received by the Personnel Board, as required in the Performance Review and Evaluation Procedure Manual.
- B. In order for all merit/step raises to be approved, the Personnel Board must receive the annual reviews by 6/30 of each year and mid-year reviews by 12/30. Failure to submit by the appropriate date may result in a withholding of the said merit/step raises until reviews are received and approved by the Personnel Board. Department Heads failure to comply will result in oral and/or written reprimand. Added 10/5/09
- C. Cost of living raises will be voted at the Annual Town Meeting. Recommendations shall be made by Select Board and Personnel Board.

**ARTICLE IV**  
**Disciplinary Action**

**§ 140-26. Disciplinary procedure.**

- A. The Town recognizes that all of its employees have high standards. However, there are times when it may be necessary to discipline individual employees. The Town believes that discipline should be used when necessary. Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee. Cause for disciplinary action shall include, but is not intended to be limited to the following:
  - (1) Incompetence or inefficiency in performing assigned duties.
  - (2) Refusal to perform a reasonable amount of work or violation of any reasonable official order, or failure to carry out any lawful and reasonable directions made by a proper supervisor.
  - (3) Habitual tardiness or absence from duty.
  - (4) Violation of safety rules, practices and policies.
  - (5) Release of confidential information, cognizant or intentional.
  - (6) Engaging in sexual harassment.
  - (7) Insubordination.
  - (8) Fighting on the job; verbal abuse.
  - (9) Punching in or out in an irregular fashion (see policy).<sup>5</sup>
- B. Therefore, the following disciplinary action procedures shall be followed:
  - (1) First warning. The supervisor will give the employee an oral warning that will be recorded in the personnel records.
  - (2) Second warning. The supervisor will issue a written warning to the employee. Warning shall include reasons for the warning and an offer of assistance on the part of the department head in correcting the unsatisfactory situation and carry a specified period in which the behavior shall improve. A copy of the warning will be placed in the personnel file.
  - (3) Third warning. The department head with sufficient cause will suspend an employee without pay for a period of at least three days, not to exceed 20 working days in any twelve-month period. Within 24 hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons for the suspension and the length of the suspension.
  - (4) Fourth warning. Will result in the employee being terminated. The department head will provide the employee with a written notice stating the reason or reasons for the discharge and the effective date of

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5. Editor's Note: See § 140-27B.

the discharge.

- C. After one year following each disciplinary action, if there has been no further disciplinary action, the warning will not be considered current in an employee's record.
- D. At any step in the disciplinary procedure, an employee may, at their discretion, appeal to the Personnel Board.

**§ 140-27. Termination for cause.**

The progressive disciplinary procedure will be bypassed and the employee will be subject to immediate termination for, but not limited to, the following:

- A. Theft of Town or another employee's property.
- B. Falsification of time records or punching another employee's time card.
- C. Use of illegal substance or alcohol on the job.
- D. Fighting while on the job — physical.
- E. Disclosure of confidential matters — intentional.
- F. Misuse or unauthorized use of Town property.
- G. Fraud in securing appointment.
- H. Conviction of a felony.
- I. Violation of safety rules, practices and policies, after appropriate training.
- J. Engaging in sexual harassment, as substantiated by policy.
- K. Unauthorized absences during working hours.
- L. Falsification of Town records.

**ARTICLE V**  
**Grievances and Appeals**

**§ 140-28. Step 1.**

Any employee who believes that they have received inequitable treatment because of some condition of their employment may appeal for relief from that condition. An employee must discuss the grievance initially with their direct supervisor. Then, if the matter is not settled, the employee should submit said grievance in writing to the department head. The department head shall respond in writing, within 14 calendar days. If the employee's department head is also the immediate supervisor, he/she should proceed to Step 2.

**§ 140-29. Step 2.**

If the employee feels that his/her grievance is still unresolved, he/she may appeal to the Personnel Board within 14 calendar days after receiving the decision of the department head. The Personnel Board may require a written statement from the aggrieved employee in such form and containing such information as it may require. The Personnel Board shall hear the grievance at its next regularly scheduled meeting and shall render a decision within 14 calendar days of the hearing. Any decision of the Personnel Board shall be transmitted to the department head/appointing authority and placed in the employee's personnel file.

**ARTICLE VI**  
**Reduction in Force (RIF)**

**§ 140-30. Considerations.**

- A. In the event that, for reasons of economy, it becomes necessary to reduce the number of employees under the Personnel Bylaw, the Town of Lancaster, in determining which of its employees are to be terminated, will take into consideration the qualifications of such employees, the quality of their past performance and their seniority as employees of the Town in their respective departments.
- B. Where, in the opinion of the appointing authority, the qualifications and quality of performance of employees are substantially equal, employees will be terminated in the order of reverse seniority as employees of the department.

### **§ 140-31. Reemployment.**

- A. The Town will consider employees whose employment is so terminated for reemployment in the reverse order of their termination during a period of one year from the effective date of their termination, if they inform the appointing authority in writing of their desire to be considered.
- B. An employee who is reemployed by the Town within said one-year period after termination under the provision of this section shall have restored the unused sick leave accumulated at the time of termination, and shall have restored all previous benefits that he/she would have been entitled to at the time of reduction in force.
- C. An employee who is reemployed by the Town after said one-year period after termination will be hired as a new employee.

### **§ 140-32. Employees with identical employment dates.**

An employee whose employment date with the Town is the same as another employee shall be terminated upon the department head's evaluation of each employee's overall work performance.

## **ARTICLE VII Benefits**

### **§ 140-33. Form of indirect pay.**

Employee benefits provided by the Town are an item of cost to the Town and a form of indirect pay for the employee. Therefore, the policies and procedures for the establishment and maintenance of these benefits are included in this Personnel Bylaw.

### **§ 140-34. Applicability of benefits.**

- A. Regular full-time employees. All of the below-listed employee benefits apply to full-time employees.
- B. Regular part-time employees: Eligible for all employee benefits, in proportion to the ratio that their average weekly hours of work in the preceding 12 months bears to the normal workweek for their job.
- C. Casual, special, temporary or seasonal employees: Not eligible for employee benefits.
- D. Reduced hours part time employees: Eligible for vacation and sick time benefits, in proportion to the ration that their average weekly hours of work in the preceding twelve (12) months bears to the normal work week for their job. Not eligible for health insurance or other benefits. *(added 5/1/08)*

### **§ 140-35. Compensated absence.**

- A. Holidays.
  - (1-a) Each regular full-time employee will be entitled to one day's pay at regular straight time rates for 11 paid holidays per year. If the holiday falls on a Saturday, it will be observed on Friday and if it falls on Sunday, it will be observed on Monday.
  - (1-b) Regular part time employees shall receive holiday pay only if the holiday falls on their regularly scheduled day to work. *Added 10/5/09*
  - (1- c) Reduced hours employees shall receive holiday pay only if the holiday falls on the regularly scheduled day to work. Pay will be pro rated for hours normally worked. **Added 10/5/09**

The designated holidays are:

- (a) New Year's Day.
- (b) Martin Luther King Day.
- (c) Presidents Day.
- (d) Patriots Day.

- (e) Memorial Day.
- (f) Independence Day.
- (g) Labor Day.
- (h) Columbus Day.
- (i) Veterans Day.
- (j) Thanksgiving Day.
- (k) Christmas Day.

(2) To be eligible for holiday pay:

- (a) Employee shall have worked on the employee's last scheduled working day prior to and the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of these regulations, or was appropriately excused.
- (b) When any of the holidays listed in Subsection A(1) above fall within a sick leave period, it shall be granted as a holiday and no charge made to the employee's sick leave credits.
- (c) When any of the holidays listed in Subsection A(1) above fall within a vacation period, it shall be granted as a holiday and an additional day of vacation leave will be granted.

B. Vacation pay.

- (1) The vacation year is from July 1 through June 30. Regular full-time, regular part-time employees and reduced hours part time only, are eligible for vacation as follows:
  - (a) Vacation accrual is based on the employee's anniversary date and is prorated based on the fiscal year.
  - (b) After six (6) months of continuous service and up to 1 year an employee is eligible for 5 days vacation.
  - (c) After 12 months of continuous service and up to a maximum of five years of service, an employee is eligible for two weeks (10 days) vacation.
  - (d) After five years and up to 10 years of service, an employee is eligible for three weeks (15 days) vacation.
  - (e) After 10 years and up to 20 years of service, an employee is eligible for four weeks (20 days) vacation.
  - (f) After 20 years service, the employee is eligible for five weeks (25 days) vacation.
- (2) The vacation pay of a regular part-time employee shall be the average of his/her weekly pay for the 52 weeks worked immediately preceding the vacation.
- (3) Employees are required to take vacation on a regular basis to allow for the proper rest from the rigors of work. Vacation time may not be accrued from year to year.
- (4) Should a paid holiday occur during the employee's regularly scheduled workweek while the employee is on an authorized paid vacation, an additional day of vacation shall be allowed.
- (5) In case of retirement or termination of employment, the employee shall be paid for all accrued, vacation time earned up to the termination date.
- (6) The choice of vacations shall be on the basis of seniority in the department and approved by the department head. Department heads shall post the vacation grants annually.

C. Sick leave.

- (1) Each regular full-time, regular part-time and reduced hour part-time employee shall earn sick leave

credit with pay at the rate of one normal work day's pay for each month of continuous employment in the Town, to a maximum of 13 such days' credit per fiscal year. **Changes 10/5/09**

- (2) This time shall be saved for use when an employee cannot report for work due to sickness, injury or exposure to contagious disease. Use of such accumulated sick leave credit is allowed only after the employee has completed his/her probationary period. The maximum number of such days of sick leave credit that may be accumulated is 240. Employees hired after 7/1/09 shall accumulate a maximum of 120 days. • **Added 10/5/09** The employee's department head must authorize application of sick leave credit
  - (3) An employee may use up to 10 days of accumulated sick leave per year for serious family illness. An employee out sick three (3) continuous days shall be put on family medical leave.
  - (4) Employees returning from a sick leave or disability leave may be required to have a physical examination to determine their capability to perform satisfactorily their regular work without endangering themselves or their fellow employees.
  - (5) The Department head, Town Administrator (**added 10/5/09**) or the Personnel Board may, of its own motion, require a medical examination of any employee who reports his/her inability to report for duty because of illness. This examination shall be at the expense of the Town by a physician appointed by the Personnel Board.
  - (6) Payments made under the provisions of this section shall be limited in the case of an employee who is receiving workers' compensation payments to the difference between the amount paid in workers' compensation and the employee's regular pay. In the event of such payments, the department head or Personnel Board may debit the employee's sick leave accrual by such amounts as it determines to be equitable in relation to such payments.
  - (7) Nothing in this section will be construed to conflict with MGL c. 41, § 100.
- D. Bereavement leave. Regular full-time, regular part-time and reduced hours part-time employees shall be given up to three consecutive working days' leave with a normal day's pay for the purpose of making arrangements and attending the funeral of a member of his/her immediate family, which is defined as mother, father, spouse, mother-in-law, father-in-law, sister, brother, child, grandchild, grandparent or domestic partner of the employee or any live-in family member. Regular full-time, regular part-time and reduced hours part-time employees shall be given one day leave with pay for the purposes of attending the funeral of the employee's aunt, uncle, niece, nephew. **Changes 10/5/09**
- E. Jury duty leave. A regular full-time and regular part-time employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid the employee for a normal working period and the amount paid by the court excluding any allowance for travel and lodging, upon presentation of an affidavit of jury pay granted.
- F. Military leave. Regular full-time employees who are in the Armed Services Reserves or National Guard and are called to temporary military duty not exceeding two weeks in any twelve-month period shall receive the difference in pay between their regular Town pay and their military pay. Such employee may use his/her normal vacation time for his/her military duty if he/she desires. This provision does not include payments to members of the National Guard who may be mobilized during an emergence in the commonwealth. Proof of service shall be submitted to the employee's department head and a copy to the Personnel Board.
- G. Other leave.
- (1) Absence for personal reasons up to three days per year may be granted to full-time employees. These personal days may be taken at any time of the year upon the employee's request with the approval of the department head. Any days not used during the fiscal year in which they are granted shall be forfeited.
  - (2) Personal leave may be granted in increments of not less than 1/2 of a workday.
  - (3) When possible, the employee must request from the employee's immediate supervisor the personal day

leave at least 48 hours in advance. A supervisor may not question the reason for personal leave nor may he/she deny such a request except for scheduling problems.

- (4) Only employees who have completed their probationary period may be compensated for absence for personal reasons under provisions of this subsection.

#### **§ 140-36. Noncompensated absence.**

- A. Disability and parental leave. A leave of absence without pay may be granted an employee with at least six months of continuous service whose illness or disability continues beyond sick leave that has been accrued. Such disability leave shall be for sickness or injury resulting in temporary disability of the employee or a member of his or her immediate family, or for the birth of a child to (or adopted by) the employee and/or the employee's spouse. Duration of the leave shall be for the period a physician says the employee is unable to perform the regular duties of his or her position.
- B. Leave of absence. A leave of absence may be granted by the department head and the Personnel Board but shall be without compensation. A leave of absence of over one month duration, except military leave, shall be considered a break in employment and on return to work the employee shall have the status of a new employee unless an extension of leave beyond one month has been authorized by the Personnel Board in advance.

#### **§ 140-37. Unauthorized leave of absence.**

Any employee absent without authorization for three consecutive working days shall be terminated from the payroll as abandonment of his/her position.

#### **§ 140-38. Educational assistance.**

- A. Full and part-time employees working at least 20 hours per week who have worked for the Town for at least one year are eligible for a reimbursement of tuition, registration fees, and books for work-related courses from state colleges, state universities or other preapproved institution of higher learning which serve to improve their knowledge and skills and increase their performance with the Town.
- B. Approval for the particular course must be requested prior to enrollment in order to be eligible for the reimbursement, and in order to qualify must have the recommendations of the department head and approval of the Personnel Board.
- C. Reimbursement is subject to a separate and distinct appropriation of municipal funds.
- D. Reimbursement will be made upon successful completion of the course or program. "Successful completion" of a course shall mean a minimum of B or equivalent.
- E. The Town may require the employee to sign an agreement to remain with the Town for a period of up to two years after completion of the course, or else be responsible to the Town for reimbursement of the funds.

#### **§ 140-39. Mileage reimbursement.**

- A. When employees have prior approval from their supervisor to use their personal vehicle for Town business, they are reimbursed for business travel at the approved per mile rate, as established by the Internal Revenue Service. **Added 10/5/09** Local travel expenses between the employee's home and assigned work location are not reimbursable. However, if employees are required by business necessity to travel from home directly to a site other than their assigned work location, the Town will reimburse them for the difference between the mileages in their normal commute to their assigned work location and the total miles driven on business.
- B. When using a private vehicle for Town business purposes, the employee assumes liability for the vehicle. All employees who use their personal vehicles for Town business must have a current driver's license and vehicle liability insurance in the minimum amounts required by state law. Otherwise, the vehicle is not authorized for Town business use.

#### **§ 140-40. Insurance coverage.**



- A. Workers' compensation. All paid full-time and each regular part-time employee will be covered by the Town's workers' compensation policy under Massachusetts Worker's Compensation Law.
- B. Group insurance. Each regular full-time and regular part-time employee covered by the bylaw shall be entitled to the Group Insurance Plan (Health and Life Insurance) which has been accepted by the Town in accordance with MGL c. 32B. The Town's contribution thereto may be changed from time to time by amendment of this Personnel Bylaw.
- C. Reduced hours part time employees, although not eligible for Health Insurance through the Town, shall be eligible to enroll in health insurance offered through the Commonwealth Health Connector. **Added 10/5/09**

**§ 140-41. Retirement benefits.**

The Town shall contribute funds as required for each employee in accordance with the procedures formula established by the Worcester Regional Retirement Board and the bylaws of the Town of Lancaster.

**§ 140-42. Civil service law.**

Nothing in this bylaw or in the Classification or Compensation Plans shall be construed to conflict with MGL c. 31.

**§ 140-43. Severability.**

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

## ARTICLE VIII Harassment Policy

**§ 140-44. Introduction.**

- A. It is the goal of the Town of Lancaster to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization.
- B. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the inappropriate conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.
- C. Because the Town of Lancaster takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.
- D. Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**§ 140-45. Definition of sexual harassment.**

- A. In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
  - (1) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decision; or
  - (2) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive

work environment.

- B. Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotion, increased benefits, or continued employment constitutes sexual harassment.
- C. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.
- D. Prohibited conduct also extends to any function or activity that is officially sponsored by the Town of Lancaster.
- E. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:
  - (1) Unwelcome sexual advances, whether they involve physical touching or not.
  - (2) Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sexual activity, deficiencies or prowess.
  - (3) Displaying sexually suggestive objects, pictures, and cartoons.
  - (4) Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
  - (5) Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.
  - (6) Assault or coerced sexual acts.
  - (7) Inquiries into one's sexual experience.
  - (8) Discussion of one's sexual activities.
  - (9) Comments regarding gender stereotypes, which demean, embarrass or humiliate employees.
- F. All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town.

#### **§ 140-46. Complaints of sexual harassment.**

If any of our employees believes that he/she has been subject to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally to the Town Administrator.

#### **§ 140-47. Private counseling option.**

If you believe you are the victim of sexual harassment, in addition to the right to file a complaint, you may also seek advice from the Town Administrator. He/she is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you desire, he/she will work with you to find a way of resolving your concerns in an informal manner acceptable to you and in a manner which would offer you as much privacy and confidentiality as is possible. If this option does not resolve the complaint, you may proceed through our complaint procedure set forth in § 140-48 below.

#### **§ 140-48. Investigation of sexual harassment.**

- A. When the Town Administrator receives the complaint, he will then investigate the allegation in a fair and expeditious manner. The investigation would include a private interview with the person filing the complaint and with witnesses. He/she will also interview the person alleged to have committed sexual harassment. The Town Administrator may, if necessary, request written statements in addition to the private interviews. If the Town Administrator is unable to resolve the complaint, he will report the investigative findings to the appointing authority for disposition.
- B. If the investigation reveals that sexual harassment did occur, the Town would act promptly to eliminate the

offending conduct, and where it is appropriate, will also impose disciplinary action, which could include termination from employment. In addition, when the investigation is completed through formal or informal procedures, we will inform the person filing the complaint and the alleged harasser of the results of that investigation, including allegations that have not been substantiated.

- C. If you would like to file a complaint, you may do so by contacting the Town Administrator.

#### **§ 140-49. Disciplinary action.**

If sexual harassment has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

#### **§ 140-50. State and federal remedies.**

- A. In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below.

- (1) The United States Equal Employment Opportunity Commission ("EEOC").

John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (800)-669-4000

- (2) The Massachusetts Commission Against Discrimination ("MCAD").

##### **Boston Office**

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

##### **Springfield Office**

436 Dwight Street, 2<sup>nd</sup> Floor  
Room 220  
Springfield, MA 01103  
(413) 739-2145

##### **Worcester Office**

Worcester City Hall  
455 Main Street, Room 100  
Worcester, MA 01608  
(508) 799-8010  
(508) 799-8490 - FAX

##### **New Bedford Office**

800 Purchase St., Room 501  
New Bedford, MA 02740  
(508) 990-2390  
(508) 990-4260 - FAX

- B. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC: 300 days; MCAD: 300 days).

### **ARTICLE 7 Board of Selectmen**

To see if the Town will vote to revise the Town By-Law Chapter 17-10 by deleting the word "five" and inserting the word "seven" in place thereof, to increase the membership on the Lancaster Recreation Committee, or to act in any manner relating thereto.

### **ARTICLE 8 Board of Selectmen**

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; such amounts to be raised and appropriated or transferred from available funds, or act in any manner relating thereto. ***The Finance Committee recommends passage of this article.***

a. Police Vehicle Replacement

Amount: \$27,000  
 Funds to be expended by: Police Department  
 Purpose: To purchase a new marked police 4x4 cruiser  
 Funding Source: Stabilization Fund

b. Main Street Water Main Connections

Amount: \$15,000  
 Funds to be expended by: Board of Public Works  
 Purpose: To make connection from the 6-inch water main to the 10-inch water main on Main Street  
 Funding Source: Langen Road Water Project Account

c. Town Hall Foundation Repairs

Amount: \$26,000  
 Funds to be expended by: Board of Selectmen  
 Purpose: To repair and water proof the foundation to Town Hall and remediate mold and associated damage  
 Funding Source: Stabilization Fund

**ARTICLE 9**  
**Board of Selectmen**

To see if the Town will vote to transfer Four Hundred and Forty Eight Dollars and Seventy Six Cents (\$448.76) from available funds to pay an unpaid bill from Fiscal Year 2010 (detail below), or act in a manner relating thereto. ***The Finance Committee recommends passage of this article.***

Department	Vendor	Amount	Date	Purpose
Board of Selectmen	Jasonics Security Corporation	\$420.00	6/29/09	Repair Fire Alarm Panel
Board of Selectmen	Worcester T&G	\$14.38	5/8/09	Legal Notice
Board of Selectmen	Worcester T&G	\$14.38	5/15/09	Legal Notice

**ARTICLE 10**  
**Board of Selectmen**

To see if the Town will vote to accept a permanent easement from PJ Keating Company for Six Thousand Two Hundred and Fifteen Square Feet (6,215 square feet) as shown on the plan entitled “Sewer Extension for Duval Road” dated August 2009 and prepared by Fay, Spofford and Thorndike, said plan on file in the Office of the Town Clerk; or to act in any manner relating thereto.

**ARTICLE 11**  
**Board of Selectmen**

To see if the Town will vote to accept a permanent easement from 33 OHP LLC for (19,853 square feet) as shown on the plan entitled “Sewer Extension for Duval Road” dated August 2009 and prepared by Fay, Spofford and Thorndike, said plan on file in the Office of the Town Clerk; or to act in any manner relating thereto.

**ARTICLE 12**  
**Board of Selectmen**

To see if the Town will vote to accept a permanent easement from Two One Ninety Trust for (3,849 square feet) as shown on the plan entitled “Sewer Extension for Duval Road” dated August 2009 and prepared by Fay, Spofford and Thorndike, said plan on file in the Office of the Town Clerk; or to act in any manner relating thereto.

**ARTICLE 13**  
**Board of Selectmen**

To see if the Town will vote to accept a permanent easement from Derby Farm LLC for (1,648 square feet) as shown on the plan entitled “Sewer Extension for Duval Road” dated August 2009 and prepared by Fay, Spofford and Thorndike, said plan on file in the Office of the Town Clerk; or to act in any manner relating thereto.

**ARTICLE 14**  
**Board of Selectmen**

To see if the Town will vote to accept a permanent easement from New England Power Company for (1,195 square feet) as shown on the plan entitled “Sewer Extension for Duval Road” dated August 2009 and prepared by Fay, Spofford and Thorndike, said plan on file in the Office of the Town Clerk; or to act in any manner relating thereto.

**ARTICLE 15**  
**Board of Selectmen**

To see if the Town will vote to accept a permanent easement from Boston and Maine Rail Road for (1,360 square feet) as shown on the plan entitled “Sewer Extension for Duval Road” dated August

2009 and prepared by Fay, Spofford and Thorndike, said plan on file in the Office of the Town Clerk; or to act in any manner relating thereto.

**ARTICLE 16**  
**Board of Selectmen**

To see if the Town will vote to discontinue and abandon a portion of Old Lunenburg Road, as shown as Parcel E on the plan entitled "Plan of Land in Lancaster, Mass prepared for Daniel J. Warila" by David E. Ross Inc. March 2004, or to act in a manner relating thereto.

**And you are directed to serve this Warrant by posting up attested copies thereof at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House and the Town Hall, in said Town seven days at least before the time for holding said meeting. Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.**

***SELECTMEN OF LANCASTER***

\_\_\_\_\_  
**Jennifer Leone, *Chairwoman***

\_\_\_\_\_  
**John B. Sonia, *Clerk***

\_\_\_\_\_  
**Christopher J. Williams, *Member***

\_\_\_\_\_  
**Date of Execution**

**CONSTABLE'S CERTIFICATION**

*I hereby certify under the pains and penalties of perjury that I posted an attested a copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House, and the Town Hall on the date attested. I further certify that this Warrant was posted in accordance with the By-laws of the Town of Lancaster and the provisions of M.G.L. c.39, §10.*

*Attest:* \_\_\_\_\_  
*Constable*

*Date:* \_\_\_\_\_

**The full text of the Warrant is available in the Town Hall and Thayer Memorial Library.  
The Warrant will also be available at Town Meeting.**